

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

Case Number 635

Dallas Genealogical Society
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635

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500 407

E. K. Stevens
vs
Summons
Stephen Mann

Open August 30/89

came to lands some days ago
and presented by subpoena to
Stephen Mann a certified copy
of the plaintiffs petition and
also a certified copy of the
writ of habeas corpus
August 1889
at the Court of the County
of Suffolk

Shuff Fee \$1.00

Mass.

C. A. Stearns & Associates
vs
Stephen Mann

have examined the 8-18-89 & 89,
& for reasons to Dept. examined & find that the
copy of the Mann vs Stevens petition & writ of habeas corpus
contained in copies sent to Dept. is incorrect & the
Department hereby
Respectfully
Requesting the
Dept. to
be left

Stevens vs Mann
Special Charge asked by Dept
The patent being issued to someone
assigned of E. K. Stevens by the proper authority, of
the Government, vested the legal title to the land, in
J. A. Downs, - and such legal title would have
relation back to the date of the sale to this
Dept. And if this Dept. did not have notice
of the claim of W. H. or his vendor, Arnold, at
the time of his (Dept's) purchase, then this Dept. is
an innocent purchaser for a valuable con-
sideration ^{without} notice - And it is
given you in charge that an innocent purchaser
for a valuable consideration, & without notice
from one who has the legal title, is entitled to
the land thus conveyed -
Dated Oct 27th 1889 -
Refused
John Brown Esq. vs
16th Dist. Twp.

THE STATE OF TEXAS.

TO THE SHERIFF OF *Tarrant* COUNTY, Greeting—
YOU ARE HEREBY COMMANDED to summon *Stephen Mann*
to be and appear before the District Court of Dallas County, on the 1st day of the next Term
thereof, to be held at the Court-house, in the town of Dallas, on the *19th* Monday after
the *3rd* Monday in *September*, 18*57*. Then and there to answer the
plaintiff's petition, now filed in a cause pending in said Court, in which *E. N. Sherry* is

plaintiff, and *Said Mann* is

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

WITNESS, Ed. C. Browder, Clerk of the District Court
of Dallas County, and the impress of the seal thereof here-
on made, this *3rd* day of *August* 18*57*.

Ed. C. Browder
Clerk, District Court, Dallas County, Texas.

4-57
Sherry & Browder
Attorneys at Law
Dallas
Filed Oct 26 1856
Wm. B. Berry
Att.

200057
Ed. C. Browder
at
Stephen Mann
Special Director
cases by Dept.

(N^o 45)
E. B. Stephens
vs
Stephen Mann

In the District Court,
Fall Term 1866.

And now comes E. B. Stephens Represents to the Court that he is the husband of Miss E. B. Stephens, & asks that he be made party defendant in this suit & that the suit proceed in the name of E. B. Stephens joined by J. E. Stephens her husband.

J. W. Crickitt
for Plaintiff

The State of Texas }
County of Dallas }

District Court
Winter Term 1867

In case Nicholas & Lewis attorneys
of Record in the case of Stephens vs Mann
Will take notice that I will read in
evidence on the trial of this cause a Patent
from the State of Texas to John A. Lewis assignee
of J. B. Eastart. Filed and marked ~~of~~ and
a bond from J. A. Lewis to Stephen Mann
marked A and now on file, and on file
also in the papers of the case of J. A. Lewis
vs Stephen Mann

B. Mann Stone
atty for Def^e

White Oct. 27/59

James Barnes
from Barnes

J. B. Conner's Trans-
fer to J. A. Barnes

C. B. Stevens ^{Said Bank's}
J. B. Stevens ^{Bank}
V.S. ^{Dallas Co.}

Stephen Mann

Depositor of J. D. Barnant.

To the
District Clerk
James Barnes Sec

The State of Texas } In District Court
County of Dallas } Dallas County Texas

E. B. Stevens

J. G. Stevens his husband

No 457-04

Stephen Mann

It is agreed by and between
the parties plaintiff and defendant to the
above entitled ^{cause}, that this cause be and
the same is hereby dismissed from the
Docket, of the District Court of Dallas County
Texas. Each party paying one half of the
Costs of Court. And the Clerk of said
Court is hereby directed to enter upon
the Docket, an Order dismissing the above
entitled cause from the Docket, in accordance
with this agreement. It is further agreed
between the parties that each party may
withdraw their respective title papers -
The suit having been in all things settled
& compromised between the parties unto
Dallas Texas from 9th Oct 1875

J. G. Stevens }
E. B. Stevens } attys

Stephen Mann }
By Stephen S. Mann }
Agent & attorney in fact

CV# 457

E. B. Stevens &
J. S. Stevens
vs
Stephen Mann

In the District Court
Fall Term 4th 1868

And now comes the Off. J. S. Stevens & States
on oath that he cannot safely go to trial in this case at this
Term of the Court for want of the testimony of W. S. Brown who
resides in Hopkins County, Texas, & whose testimony J. S. believes
to be material to the prosecution of his suit - that he did not
know that the testimony of said Brown was essential until the
present Term of this Court - that he had taken the testimony of witness
Arnold, which it was agreed might be read in evidence in this case
& in the case of E. B. Stevens vs. Bourdier - that J. S. understood
said agreement as a waiver of exceptions to said testimony; but
he is now informed that the Defendant does not regard said agreement
as a waiver of exceptions to the testimony, but objects to said testimony
on account of said Arnold being an interested witness - that it
therefore makes it essential to have the testimony of said Brown, which
he had reason to believe from said agreement he would not need
until this Term of the Court, too late to take his deposition -
- He expects to prove by said Brown that the Transfer in Blank
from Earlhart of his certificate for 540 acres, described in petition,
was filed up with the name of J. S. Stephens & by said Stephens
was for a valuable consideration sold & transferred to John A. Brown
& H. S. Arnold before the land was surveyed & patented - that he knows
of no one, except ~~Arnold~~ him by whom he can prove the same
facts, & that the testimony cannot now be obtained from any other
source known to off. - and he states that this continuance

N^o 2157X

E. B. Stevens &
vs J. S. Stevens &
Dismiss case
Stephen Mann

Filed June 9th 1868
Wm Long
By W. S. Stevens
Deputy

is not sought for delay but that justice may be done. -
wherefore he moves for a continuance.
Done to & subscribed before me } J. L. Stevens
this 26 day of October 1866.
Wm. C. Kung }
Clerk

No. 457

E. B. Stevens

vs }

Stephen M. Case

App. Court for Arkansas

Filed, Oct 26/66

Wm. C. Kung

Clerk

007457

G. B. Stephens
vs
Stephen Mann

In the District Court
Hall Term A.D. 1866.

And now comes the deff. joined by her
husband ^{J. S. Stephens} and ~~states~~ amending his petition by leave of the court
says, that the transfer in blank from Joseph B. Eckhart
mentioned in the original petition, was filled up with the
name of J. S. Stephens and afterwards the said Stephens
for a valuable consideration transferred said certificate to
said downes & said Eckhart jointly &c

The Plaintiff states that John A. Downes was never the owner
of only one half of said certificate issued to Joseph B. Eckhart
on 24th Aug & ~~states~~ that John A. Downes was not the
assignee of Joseph B. Eckhart as stated in the patent app file
in this case by Defendant - and Plaintiff states that if there
is any assignment or transfer from Joseph B. Eckhart to John
A. Downes, from said Eckhart 24th Aug certificate above said
the same will be a forgery - And they pray as in the original
petition.

Jerry, Brockert & Hendrick
attys: for deff:

The State of Texas }
County of Dallas }

Subscribed and sworn to before the undersigned
authority, J. S. Stephens and made oath that the allegations and
statements made in the foregoing amended petition are true, as
he verily believes.

J. S. Stevens

Subscribed before me
this 26th day of Oct A.D. 1866

Wm. C. Leamy
Clerk

C. B. Stephens
 vs
 Stephen Mann
 Plaintiff of the one part
 vs
 Title & Partition
 Defendant of the other part

The issuance of a patent for
 land by the Commissioner of the Land Office
 to an Applicant is prima facie evidence that the Cer-
 tificate upon which such patent issued was duly
 transferred from the grantee of the Certificate to
 the grantee of the patent but this is only a dis-
 tinct presumption of law (that is such a presump-
 tion as may be disproved by evidence that the
 fact is to the contrary) and this presumption may
 be disproved by satisfactory evidence
 If you find from the evidence that said claims
 to land in controversy by virtue of a patent to
 J. A. Sowers as Applicant of Eastport and deeds
 from Sowers to him this will authorize you to
 find for the Defendant in the absence of a super-
 ior legal or equitable title in the Plaintiff

But if you find from the evidence that
 Sowers acquired an interest of only one half
 of the Eastport Certificate or if you find from the
 evidence that said Certificate was sold and trans-
 ferred to Sowers and Arnold ^{and} that Arnold
 did not transfer his interest therein to Sow-
 ers or to some other person by means whereof
 the same became the property of Sowers and for-
 then that said Arnold sold and transferred his
 interest to DeLoys then the Plaintiff's title to one
 half of the land located by virtue of such

W. 4-57

C. B. Stephens

No 3

Stephen Mann

Amended petition

Filed Oct 26 1866
 J. B. Kearny

CK

Rec'd. Dec 1st by Clerk of the
 Court on 1866

Certificate is superior to Defendants and you
will find for the Deffs

John Wood Swager
16th Dist of Texas

70457

E. B. Stephens

no

Stephens Mason

Chg of the Court

Filed Oct 27 1866

Wm. C. Henry

Dist Ct

And to the Confusion of
the Deffs complete to the

Dist Ct 1866

CV# 427

E. B. Stephens

vs

Stephen Mann

In the District Court, Dallas Co Texas

It is agreed in this case that the land described in Plaintiff's petition was surveyed by the proper officers by virtue of letters bearing certificate No. 3, issued to Joseph, B. Carhart by the County Court of Tarrant County for 640 acres of land - and that the field notes & said certificate were properly returned to the General Land Office of Texas at expense of defendant Carhart -

It is also agreed that the deposition of Joseph B. Carhart, taken in the case of E. B. Stephens vs Margaret Alexander, No. 424, in this court, may be used by defendant as evidence, as if the same had been taken in this case, subject only to objections as to the sufficiency of the evidence

This Oct. 25th 1866.

David Crockett of Hendricks

Att'y for Deft

B. & me G. R. for

Deft.

It is agreed that the Deft may read as evidence papers on file in Dist Court of Dallas in case of Summers vs Mann - This Jan 24th 1867 - Dallas
 to manager of the Deft's Wells Fargo
 City of Dallas

C. B. Stevens & Husband

No 457 vs

Stephen Mann



Suit pending in the District

Court of Texas County Texas

Examiner of B. C. Beach

who resides in the County of Wise to the accompan-
ying interrogatories propounded to him in the
above entitled cause taken before J. L. Starfield
Notary Public of Wise County Texas in
accordance with the accompanying commission -
Answers of the witness of B. C. Beach -

To the first Interrogatory -

I did not -

To the 2nd

I do - I know said Watch and remember making
said acknowledgment -

To the 3rd

I never did -

To the 4th Interrogatory the answers

It was made to some other person
in blank -

J. B. Eubank

The State of Texas

County of Wise

J. L. Starfield Notary Public
do hereby certify that the foregoing answers of
of J. B. Eubank the witness before named were
made before me and sworn to and subscribed.

#

457

C. B. Stephens

vs

Stephen Mann

agreement as to
evidence

Filed Oct 26 1866

CLK

No 457

E B Stevens & Huskins

vs ^{Com} ~~Com~~ Assessors of
Philadelphia

Stephen Mann

11/19/67

Ms. A. 9. 1. 1. 1.

Att'y public

of Philadelphia

November 18th 1867

Before me by the writing of the contract -
I have received my name and
I have read the same and
I have read the same and
I have read the same and

W.S. 4 57.

Stevens, et al

vs

Mann

}
}
}

In the Dist Court,

Spring Term 1881.

And now come the Plaintiffs and move the court to set aside the judgment rendered in the above case & grant them a new trial for the following reasons to wit:

- 1st The court erred in charging the jury that "the defendant is not affected by any equities existing between Sellers & Mrs Stephens unless he had notice of such equities" as applicable to the facts of this case.
- 2nd The court erred in giving charge 1881 asked by depts.
- 3rd The court erred in giving to the jury charges 1882, 1883 and 1884, asked by the defendant.
- 4th The finding of the jury is contrary to & against the law & the evidence.
- 5th The verdict of the jury is unsupported by the evidence.
- 6th We come upon another trial because proven by G. W. S. Mann who resides in ^{Houston} ~~Harris~~ County, Texas, the same facts proved by witnesses shown whose testimony was indirectly impeached by the defendant;

J. M. Morris
Sept 1881

457
E. B. Stephens
Stephen Mann

Restatement of the Jury

There are instructions that the issuance of a patent to the assignee of a certificate is not conclusive evidence that the certificate on which it issued has been duly and regularly transferred from the grantee to the patentee but prima facie only and may be disproved by satisfactory evidence that such certificate has not been so transferred.

If Mrs A Sowers was at the date of his sale to Defendant Mann the sole and exclusive owner of the D. B. Cabot Certificate then such sale was legal and you will find for the Defendant.

If he has not been owner but Mrs Stephens was jointly in trust with him in the certificate then upon the issuance of patent to Sowers as assignee of Cabot he became to the extent of Mrs Stephens in trust a trustee to her use and the same confidence remains such in trust in the hands of Sowers or of any one who bought from him with notice.

The Defendant is not affected by any equities existing between Sowers and Mrs Stephens unless he has notice of such equities. If he bought and paid Sowers for the land without a knowledge of Mrs Stephens in trust then he was an innocent purchaser without notice and courts of equity will protect him in his purchase having Mrs Stephens to her remedy against Sowers for the fraud perpetrated by him. No doubt can you will find for Defendant.

#

W. 457.

E. B. Stevens et al

vs

Stephen Mann

Motion for a new trial

Filed June 28 1887

W. C. Kearsy Clerk

W. C. Kearsy

If Defendant had not paid covers the whole
of the purchase money agreed upon before
notice of Mrs Stephens rights but has paid a
considerable portion of the same and the por-
tion cannot be restored fully to them rights than
Mrs Stephens can recover of the Defendant the
balance of the purchase money not paid
and recover of losing damages for the fraud
upon her

If before the payment by Deft he had notice
of Mrs Stephens interest then he was a purchaser
and made fraud or is bare fair the and though
he may have paid any dollar of the purchase
money this is not a bill of law or equity will pro-
tect his purchase he said can you will
find for the Plaintiff and the extent of her
interest

John D Good Suagator
5th Dist of Texas

Received
of the sum
of \$1000
for the
purchase
of the
land
of the
estate
of
Mrs
Stephens
the
sum
of
\$1000
being
the
balance
of
the
purchase
money
due
to
her
by
the
Deft
John
D
Good
Suagator
5th
Dist
of
Texas
1857

005417

Stevens et al

vs

Mann

In the District Court.

Spring Term 1847.

Personally appeared before the undersigned authority J. S. Stevens and made oath that he is satisfied that he can prove upon another trial by William P. Mann who resides in Hopkins Co. Texas, that the blank transfer from Cabot of his certificate was filled up with the name of J. S. Stevens, at the request of James S. Caldwell - and that a separate transfer was made from J. S. Stevens to James S. Caldwell, and that he was called upon to witness it - that he had had said witness present at one or two previous terms of the court before the date now, when the case was continued - that upon viewing the same facts upon an agreement between the attys. by Caldwell, he did think said corroborating evidence absolutely essential, until the trial, when said testimony was indirectly impeached.

Done to & subscribed before me

this 28 day of June 1847

Wm. G. Hamrick Clerk

J. S. Stevens

Stevens + Husband

vs.

Mann

right asks the court to
change the jury that in the transfer of land
or a land certificate to a married woman,
the property so conveyed is presumed by
law to belong to the Community.

When the husband joins the wife to recover
property, which is said for as the wife's
property, it is not sufficient to prove
that the property belongs to the Community,
or to the husband; in order to recover it
must be proven that the property said for
is the separate property of the wife.

In this case the Plaintiff cannot recover
unless it has been proved to your satisfac-
tion that the land here said for is the sep-
arate property of the wife Mrs. C. B. Stevens.

Given as asked

John Ross Judge
5th Dist of Texas

457

W. 457

C. B. Stevens et al

vs

Stephen Mann

Applicant

Filed June 28/1902
Wm. L. Conroy clerk

Starn
in
Mass

Special Charge

W. L. - The Court is asked to charge the jury that the Affidavit of J. G. Starns in relation to the Transfer from E. B. Earhart, is not sworn in this case and cannot be considered by the jury -

W. L. McCoy
for Deft.

W. S.

That the jpts must measure, if they are entitled, at all, upon the strength of their own title - and not upon the weakness of Defts claim to the Land

W. S. That a transcript duly certified from the Genl Land office of the State is legal testimony -

That
Gion as asked
John Cross Magee

W. S. McCoy
for Deft

No 457 ✓
Stephens
in
Mass

Chy asked by Reifer
Filed June 26 1862
W. L. McCoy Clerk

W. L.

C. B. Stephens

Stephen Mann

Cost Bill

Summons 50¢ copy petition \$ 1.25	\$ 1.75
Deed. 15¢ filing, \$ 1	1.15
Ent. appar. 20¢ & cont. 20¢	1.15
W. cont. \$ 1 Cont. 50¢	4.50
Sheriff (Gas & Supplies)	1.00
Copy ent. to Comm.	1.45
Motion 50¢ cont. \$ 1, filing, 10¢	1.60
Sub. mot. 10¢ Order 50¢ & app. 50¢ Order 50¢	1.40
Cont. July 20¢ Ord. 50¢ Cont. 15¢	1.15
Tax Cont. 50¢ & app. 10¢	1.60
Jury Fee	5.00
Ret. Order	1.00
Comp. Jury 75¢ Cont. Judge 75¢	1.50
Motion for New Trial	1.00
Entry Cont.	1.15
Comm. to take depositions. Copy Ent.	1.50
do do	1.25
Filing	1.15
Copy Ent. \$1.50 Comm. 75¢ Cont. & Seal 75¢	3.00
Filing, depositions	1.15
App. 25¢ Cont. Continuance 25¢	1.50
Ord. decm. 75¢ fil. ag. 15¢ Tax Bill 50¢	1.40

\$ 29.30
 2.15
 \$ 27.15

By Error

Costs due to Mann & Wall to Gooding

No 457

Stephens

Mann

By abstract by Dejeu

Filed June 26 1867

W. B. Kamm clerk

Pages 2, 3 & 4

John A. Sowers
 Bond 13th
 Stephen Mann

The State of Texas
 County of Dallas

Know all men by these presents that I John A. Sowers of the County of State of said an bill & finally bound said Stephen Mann of the County of Dallas & State of Texas in the full sum of Ten thousand dollars lawful money of said state to be paid to him his heirs, administrators or Administrators. The payment of which will & truly to be made I bind myself my heirs, executors or administrators jointly, severally & finally by these presents. Witness my hand & seal this 1st day of February 1858.

The condition of this obligation is such that whenever I the said Stephen Mann full and in satisfaction of the sum of ten thousand dollars of which five hundred dollars of which have been paid by the said Stephen Mann in advance and the other five hundred dollars to be paid whenever the said John A. Sowers can obtain a patent from the Land office and make the said Stephen Mann a good & valid title to the following described tract or parcel of land lying and being in the County of Dallas & State of

of Acres to wit The North Half of
 Section No 7 in Township No 33
 South in Range No 10 West lying
 upon the West part of Smith's
 as surveyed by the surveyors of the
 Texas Colony for said John A. Brown
 by virtue of Joseph & Co. Deeds & Texas
 Colony Certificate No. 1000 issued by
 the County Court of Tarrant County
 on the 27th day of April 1852
 for Six hundred & forty acres begin-
 ning at the NE corner of a 320
 acre survey made in the name of
 Wm D. Reynolds at a stake in timber
 from which an Elm bears N 74 5/8
 then West 1710 5/8, varies with the North
 boundary of said survey to the North
 corner of the same, to a stake in the
 timber from which an oak bears South
 14 6 5/8 varies then N 28 0 5/8 varies to the SW
 corner of 320 acre survey made in the
 name of Benjamin Ruffin a stake from
 which a Hickory 6 inches in diameter
 bears N 14 5/8 E 4 varies an oak 4 inches in
 diameter bears S 72 2 varies then East 1900 5/8
 varies with the South boundary of
 said survey to the SE corner of the
 same from which a Cherry 6 inches
 in diameter marked with 9 Sticks & 4
 crosses then South 25 4 5/8 varies to
 the place of beginning containing
 by survey 320 acres. Now the said
 John A. Brown his heirs or Ad-
 ministrators shall well & truly make
 or cause to be made unto the said

Stephen Mann his heirs and assigns
 a general Warranty and to the after
 said tract or parcel of land when
 a patent therefor shall issue from
 the General Land Office of the State
 of Texas to the said John A. Sowers
 and the said John A. Sowers shall
 make the said Stephen Mann a good
 Warranty and to the said tract of
 land. Thus this obligation to be null
 and void and of no effect in law
 otherwise to remain in full force
 and effect in law. Signed, sealed & deliv-
 ered on any and date above written
 Affiant John A. Sowers

I B Henderson
 The State of Texas
 County of Dallas
 do hereby certify that
 who is personally well known to me
 and acknowledged the signing, sealing
 & delivering the foregoing instrument
 in writing for the purposes & con-
 tentions therein specified

In testimony whereof I have
 hereunto set my hand and official
 seal at office in Dallas
 Texas this 1st day of March A.D. 1856
 W. R. Merton Clerk
 at 12 o'clock P.M. By his Deputy Geo. W. Lewis
 W. R. Merton Clerk
 By Geo. W. Lewis D.H.

The State of Texas
 County of Tarrant
 I, the undersigned Clerk
 of the County Court for said County
 State hereby certify that the foregoing is a true
 & correct copy of the original bond as
 appears of record in my office.
 In testimony whereof I have
 set my hand and office seal
 of said Office, this the 27th day
 of January 1859

J. H. Masten C. C. C. C.

John A. Brown

W. A. C.

W. H. Brown

Confidential

Filed May 4, 1859

Geo. P. Brown

(9)

The State of Texas }
 County of Dallas }

District Court
 Winter Term 1869

Stephens } And at this Term of the court,
 vs } comes defendant, and excepts to
 Mann } the sufficiency of the Plaintiffs
 petitions and says: it is not sufficient
 in its allegations for him to have and maintain
 this suit and of this he prays the judgement of
 the Court
 B. Mann Storm
 atty for Deft.

And for answer defendant denies all
 and singular the averments of Plaintiffs
 petitions

And further answering defendant says
 he is not guilty as charged in Plaintiffs
 petitions

And further answering defendant says
 that that he was a purchaser in good faith
 of three hundred and twenty acres of land located
 by virtue of the headright certificate of one

Earhart from Geo A. Sowers and (has given
 his obligations to sd Sowers to pay for sd land
 whenever he can make a title direct to him
 after a patent for sd land has been obtained
 from the government.) He states that he is
 an innocent purchaser of sd land and had
 no knowledge whatever of any other person being
 under any claim of the word interest in sd
 land equitably or otherwise. And that he
 has thus paid or bound himself to pay to sd
 Sowers the sum of one thousand dollars and
 all legal interest thereon for the space of three

years
 went preceding the filing of this suit, and says
 that this plaintiff is entitled to recover by this
 suit a judgement against him for the land
 by him claimed, should pay to this defendant
 the full sum of five thousand dollars and
 all legal interest thereon for the space of time
 last aforesaid or in that proportion for whatever
 land he may be able to gain on this trial.
 Defendant, says by reason of his innocence in
 sa purchase and the financial and intimate
 business associations of his bank or loans and
 this plaintiff he has been deceived & and
 prays that he may be acquitted with his costs
 And as in duty??

B. M. Mammott
 atty for Def^d

And further answering Defendant says
 he is the ^{vested} owner of ad land described in
 Plaintiff's petition. And prays that he be granted
 and quieted in his title & for costs.

B. M. Mammott
 atty for Pl^f

The State of Texas, Answers of J. B. Earhart
 Jack County, to Interrogatories propounded
 in Suit of J. B. Stevens vs Margaret Lavenor
 now pending in Dallas County Tex taken under
 commission from said County dated October 8th
 1857

Ans 1st. I received a Colonial Headright certifi-
 cate for Six Hundred and Forty acres of
 Land as a settler in Peter's Colony, Issued
 by the County Court of Grayson County.

Ans 2nd. I sold my Headright certificate to one
 David Hall but executed no transfer to him
 he sold to Samuel Gooding and requested
 me to transfer to Gooding. Gooding afterward
 informed me that he had sold the certifi-
 cate to James Stevens and, I think requested
 me to transfer to said Stevens. I executed
 a blank transfer and delivered the same to
 Stevens according to the above named arrange-
 ment. This I think was in the year 1856
 or 1857

Ans 3rd. I have no acquaintance with John A
 Lewis. I never sold him my certificate.

Answers to Corp Interrogatories

Ans 1st. The transfer was made in blank; no name
 being mentioned in the body of the transfer
 I have no recollection of acknowledging the same
 before any officer

Stephens
 vs
 Mann

Answer

Filed Feb 27 1860
 James B. Browder
 Clerk

Ans 2nd. I do not know with whose name the blank was filled or whether ever filled. It was understood that it might be filled with any name the purchaser might choose.

Ans 3rd I can both write, and read writing.

Ans 4th. I remember no farther than that the Transfer was made at my mill in Grayson County Tex, I think in 1856 or 1857. I have no recollection of any one being present, nor of acknowledging the Transfer before any officer.

Ans 5th. I received in payment for said certificate, of David Hall, property valued at Six Hundred and Forty Dollars. The sale to him and payment in full from him to me was about the year 1850.

A. B. Cashart

The State of Texas
Jack County

Before me the undersigned a Notary Public in and for the State and County aforesaid, personally appeared Joseph B. Cashart to me well known, who being first duly sworn, did this day depose as written in the above and foregoing answers, and signed the same in my presence.

In testimony whereof I hereunto set my hand and affix my official seal at Jack Co this 26th day of October A.D. 1859

J. R. Hornell

Not. Public
Jack Co. Tex.

Notary Public

1167 - 113100

E. B. Stephens } Suit pending in
21 } District Court Dallas Co
Stephen Man } Fall Term 1866

An Amoyatorius to be propounded to
H. G. Brown who resides in the County
of Stephens in the State of Texas to be read
in evidence in the above entitled case

1st Do you acquainted with the parties
to the above entitled case or either of
them, if you state when you have known
them.

1st Do you know a man by the name
of J. G. Stephens, one by the name of
John A. Lewis & one by the name of
H. E. Arnold; if you please state when
& when you have known & seen them?

2^d Do you know any thing of a trade
or transaction between them about a
land Certificate; if you state when & when
that transaction took place, when made
right Certificate it was they were trading
about; how much land it was for & all
they said & did in relation to it as near
as you can?

Int 3^d State which of the parties sold the certificate who bought it & what kind of a transfer was made?

4th If you shall state that Stephens sold the certificate to Towns & Arnold, please state as fully as you can what kind of bill Stephens ^{had} to the certificate & what kind of a bill ^{was} made to said Towns & Arnold State whether or not he passed over to said Towns & Arnold a blank transfer of some other person or made a transfer himself to said Towns & Arnold; state particularly, where the transfer was made?

J. M. Crockett

Ally

Cross Interrogatory 1.

Is not the Plaintiff in this suit, Mrs. C. B. Stevens, the wife of J. B. Stevens mentioned in 1st direct interrogatory? State how long you have known them as Mrs. Stevens.

Cross Interrogatory 2nd

For what purpose did Towns take the certificate from Stevens? If to locate; was he to locate it for Mrs. Stevens?

Cross Int. 3. Whose name if any, was put into the blank transfer? Was the transfer not delivered to Towns without any name being filled in?

Cross Int. 4. Was Towns to act on the name of Mrs. Stevens in locating the certificate? J. M. Crockett for Plaintiff.

457

G. B. Stephen
vs G. Interrogation
Stephen Mann

Filed Oct 19 1866

Wm C. Manning
Sct. Clk

Commission + copy of
Interrogation issued
Oct 1867

Accepted
I accept & agree to receive all amount of
for this notice or bond. Oct. 19th 1866
Geo. H. King
copy for copy

me, my heirs or assigns.

And I hereby authorize the Commissioner of the General Land Office to issue the Patent for the lands located by virtue of said entry in the name of the said heirs or assigns

Witness my hand and seal (using a second for seal) this 8th day of October A.D. 1856.

Attest

J. W. Carhart (Seal)

W^m D. Fitch

State of Texas }
 County of Grayson } Before the undersigned
 Notary Public, in and for
 said County, personally appeared Joseph W. Carhart with whom I am personally acquainted, and in my presence signed sealed and delivered the foregoing deed of transfer acknowledging it to be his act and deed for the consideration and purposes therein expressed.

L. S.

To certify which I hereunto set my hand and Notarial seal, this the eighth day of October A.D. 1856

W^m D. Fitch

Notary Public C. C.

General Land Office

Austin July 8th 1857

J. Robt. Dr. Elgin Chief Clerk and acting Commissioner of the General Land Office

of the State of Texas, do hereby certify that
foregoing is a true copy of the original now
on file in this Office.

In testimony whereof I hereunto
set my hand, and affix the
Seal of said Office, this and
date above written.



John M. Elgin
Clerk
Leg. Comm.

J. B. Stephens & her husband

No. 457

vs.

Stephen Mann

Suit pending in
the District Court of Dallas County
Texas.

Answers and depositions of
Wm. D. Fitch a resident of Grayson
County Texas to the accompanying
interrogatories - propounded to him
in the above entitled cause
taken before W. L. Taylor, Clerk of
the District Court of Grayson
County Texas, in accordance with
the accompanying commission

Answers of Witness Wm. D. Fitch

Dec. 16 July 1847

I am acquainted with J. B. Earheart
I have known him ever since 1847.
For several years he lived in this County
and now resides in Wise County Texas,
I think.

Dec. 16 July 48

I was. I am the same Wm. D. Fitch.
I do not remember the circumstances of
taking the acknowledgment - but
recognize ^{the} Transfer and Certificate to
the same together with my signatures
all to be in ^{my} own hand writing -
except the name "John A. Lowers" -

Shirley copy of
transfer
from Earheart
to J. B. Stephens
Mann

Filed July 31, 1848

Ed. C. Brown
Clerk

Dated 8th Oct 1856

I know that it was signed and acknowledged by him at the time stated - or I would not have given my official signature to the fact

Ans. to Strg 3^d

We did.

Ans. to Strg 4th

I do not remember having lost my notarial register, during the war, I cannot tell

Ans. to Strg 6th.

I kept a notarial docket - but it was lost as before stated - and therefore cannot append a copy of the entry

State of Texas
County of Grayson } I W. L. Taylor, Clerk of
the District Court of Grayson County, do hereby certify that the foregoing answers of H. D. Fitch the witness before named, were made before me, and were sworn to and subscribed before me, by the said witness.

Given under my hand and official Seal - this 11th day of November, A. D. 1867.

W. L. Taylor, Clerk,
D. C. G. C. T.

Stephen Mann

Suit printing

No 457
E. B. Stephens & her Husband
vs.
Stephen Mann

Suit pending
in the District Court of Dallas County Texas
Answers and depositions of Hon. S. A. Carveth
to the accompanying interrogatories
propounded to him in the above entitled
cause, taken before, W. L. Taylor, Clerk
of the District Court of Grayson Co.
in accordance with the accompanying
commission.

Answers of Witness, G. A. Carveth.

To the first Interrogatory, he answers,

1st. I have been acquainted with J. B. Carveth
for more than twenty years, from his
residence at the station.

2nd. I am acquainted with the handwriting
of J. B. Carveth, have seen him write,
have conversed with him frequently,
the signature to the transfer shows me to be
acquainted with his signature, and in the
writing of the said J. B. Carveth.

G. A. Carveth.

State of Texas
County of Grayson
I, W. L. Taylor, Clerk of the
District Court of Grayson County, do hereby
certify that the foregoing answers of Hon.
G. A. Carveth, the witness before named, were made

before me, and were sworn to and
subscribed before me, by the said
witness.

Given under my hand and official
seal, this the 12th day of November

A. D. 1867

Wm. L. Taylor, Clerk
D. C. C. C.

11-12-1867

The State of Texas

To the Chief Justice, Clerk of the District or County Court, or any Notary Public in and for Grayson County State of Texas, Greeting.

You are hereby authorized and empowered to cause W. D. Fitch and Hon G. A. Everts residents of your County and state aforesaid, their answers to take to the accompanying interrogatories propounded to W. D. Fitch and Hon G. A. Everts in a certain cause now pending in the District Court of Dallas County wherein E. B. Stephens & her husband are plaintiffs and Stephen Mann is Defendant, and having reduced the said answers to writing, you will cause the said interrogatories to answer to and subscribe ^{them} before you, to which you will certify officially, after which you will seal up said answers and interrogatories, together with this commission in a package, directed to the Clerk of the District Court aforesaid, conforming in all respects to the requisitions of the Statute in such cases made and provided.

Witness my hand and seal of the District Court of Dallas County and the seal of said Court at office in the town of Dallas this the 2nd day of Nov 1867. Wm G. Young Clerk
 R. O. Carter Notary

No 257

C.P. Stephens & her Husband } Suit pending in
25 } the District Court
Stephen Mann } Dallas County Texas.

You will take notice that five days after the service hereof, we shall apply to the Clerk of the District Court in and for Dallas County Texas, for a commission to take the depositions of William D. Fitch and Hon. G. A. Evans who reside in Grayson County Texas in answer to the following interrogatories to be read as evidence in behalf of the Defendant on the trial of said cause.

McCoy & Cress
Atty for Deft.

To
C.P. Stephens & her Husband
of W. Harris & J. M. Crockett
their Atty. of Record

Interrogatories to be propounded
to William D. Fitch a witness for the Defendant.

Int 1st Are you acquainted with one J. B. Garheart, whose name appears to a transfer here shown to you marked Exhibit X and dated on the 8th day of Oct 1856, and acknowledged before William D. Fitch Notary Public for Grayson County Texas on the 8th day of Oct 1856. if so state when where & how long you have known him?

Int 2

State whether or not you were acting as Notary public in & for Grayson County on the said 8th day of Oct 1856, and are you the same William D. Fitch who took the acknowledgment of the said Earhart to said transfer, and whose name is signed to the certificate of said transfer; if so state all you remember about its being signed by the said Earhart in your presence & acknowledged by him before you.

Int 3rd

Did said Earhart sign said transfer in your presence, and acknowledge it before you?

Int 4th

Did said Earhart ever sign and acknowledge any other transfer to his own Peter's Colony Head Right certificate for 640 acres before you, except the one now shown to you and marked Exhibit "C"?

Int 5th

Write your name across the back of said transfer marked Exhibit "C" to identify it.

Int 6th

Did you keep a Notarial Docket on the said 8th day of Oct 1856 when you took the acknowledgment of the said Earhart to said transfer, if so, did ^{you} make a note of the acknowledgment of said Earhart to said transfer in said Docket, if you made such note append a copy of it to your answer.

Interrogatories to be propounded to G. A. Everts a witness for Defendant.

Int 1st

Are you acquainted with J. B. Earhart whose name is signed to a transfer herewith

It to your answer.

Interrogatories to be propounded to G. A. Everts a witness for Defendant

Int 1st Are you acquainted with J. B. Earhart whose name is signed to a transfer herewith shown to you, and marked exhibit "X", if so state when where and how long you have known him.

Int 2nd Do you know the hand writing & signature of the said J. B. Earhart, if so state whether or not the signature signed to the transfer herewith shown to you marked exhibit "X" is the signature of the said J. B. Earhart.

Int 3rd Write your name across the back of the transfer marked exhibit "X" to identify it.

M. Leon & Guess

The State of Texas.

COUNTY OF DALLAS.

I, Wm. C. Young, Clerk of the District Court within and for the County of Dallas and State of Texas, do hereby certify, that the above and foregoing is a true and correct copy of the original Interrogatories propounded to W. D. H. Tolch & Son G. A. Everts in case No 457 E. B. Stephens & her Husband vs Stephen Mann

As the same appears of record in my office, now on file

Witness, Wm. C. Young Clerk of the Court aforesaid. Given under my hand and the seal of said Court, at my office in Dallas, Texas, on this 2nd day of November A. D. 1867.

Wm. C. Young, Clerk. By R. B. Carter, Deputy.

it to your answer -

Interrogatories to be propounded to G.
A. Everts a witness for Defendant.

Int 1st Are you acquainted with J. B. Earhart
whose name is signed to a transfer herewith
shown to you, and marked Exhibit "X", if so
state when where and how long you have known
him.

Int 2nd Do you know the hand writing & signature of
the said J. B. Earhart, if so state whether or not
the signature signed to the transfer herewith shown
to you marked Exhibit "X" is the signature of
the said J. B. Earhart.

Int 3rd Write your name across the back of the trans-
fer marked exhibit "X" to identify it.

M. C. Hoop & Guess
Atty for Def't

We hereby waive service of prompt copy of the
within interrogatories, and also the five days time,
and all irregularities and informalities in the
taking & returning the answers & depositions
provided they are taken before some officer
authorized to take depositions & sealed up
by him & returned to the clerk of said Court
This 26th Dec 1867.

Jno M. Crockett
Atty for Plff

E. B. Stearns & husband } Suit Pending in Dis-
ct 457 07 } trict Court of Dallas
Stephen Mann } County.

To Messrs *E. B. Stearns & J. H. Stearns her husband*
 or Messrs *Ferris & Brackett* their attorneys
 of Record: -

You will take notice that five
 days after the service hereof, we shall ap-
 ply to the Clerk of the District Court of
 Dallas County, for a commission to take
 the depositions of *D. B. Hudson*, who resides
 in the County of *Johnson* & State of *Texas*, in
 answer to the following Interrogatories to be
 read as evidence in behalf of the Deft. on the
 trial of said cause.

Guess & Record
 Attys for Deft.

Int 1st Are you acquainted with the parties
 to this suit? If you know the Deft. *Stephen
 Mann*, state when, where and how long you
 knew him

Int 2nd In this cause Plff brings suit for one half
 of 320 acres of land, located in Dallas
 County, by virtue of *Joseph B. Earhart's
 Peter Colony* certificate. State if you
 know anything about Deft. *Mann's* purcha-

No. 457

E. B. Stearns & her husband
Interrogatories
vs to Mr Fitch &
3 Non P. A. Everts
Stephen Mann

Copy -

ing one half of said certificate. If you do, state from whom Deft purchased said certificate, also how many acres there was in the original certificate if you know; how many acres of said certificate was purchased by said Deft Mann, from whom he purchased it, about what time and how much he gave for it, and state particularly how much money you know Deft has paid for said certificate if any; and when and to whom he paid it.

Int. 3rd State if you know what connection one John A. Sowers had with said certificate. Do you know anything of said Sowers having sold any portion of said certificate. If so, state to whom he sold any portion of it; when he sold it; how much he got for it; and all the facts and circumstances that you may know about said Sowers having holding and disposing of said certificate or any portion of it.

Int. 4th Did you ever see a transfer to said certificate, purporting to be signed & acknowledged by said Earhart. If so, who had said transfer in possession when you first saw it, and was said transfer in blank or filled up. If filled out, with whose name was it so filled.

Int. 5th Do you know how said Sowers came into the possession of said Earhart's certificate?

edged by said Carhart? If so, who had
said transfer in possession when you first
saw it, and was said transfer in blank
or filled up. If filled out, with whose
name was it so filled

Qnt 5th Do you know how said Sowers came into
the possession of said Carhart certificate?
and whether or not said transfer was in
blank after he came into possession of cer-
tificate and transfer? If so, state all
you know about it:

Qnt 6th Have you any interest of any kind in
the ~~subject~~ of this suit. If so, state how
you are interested:
Guess & Record
Atty for Deft

Cross Interrogatories

1st If you state that you saw said certificate
& the transfer therein; state the first, last,
& all the times you saw it - the day & year
as near as you can, of each time, & the
place or places.

J. H. Ferris &

Jr. in Court

For Deft

274457

Wm. S. - New York

Interrogatories to
J. B. Gardner

John Adams

June 23 1867

Wm. S. Gardner

OK

Declarations & copy of in-
terrogatories received
Nov 10 1867

We waive the receipt of issuance of precept and copy
of Interrogatories and also the five days notice, also all
irregularities and informalities in the manner and
form of taking and returning the answers to the
within interrogatories so that the same are ~~admitted~~
to be before some officer authorized to administer
oath. The ~~copy~~ copy of ~~depositions~~ depositions taken before
a proper officer & returned by him to the Clerk
of said Court in any ~~order~~ order ~~of~~ of the ~~mode~~ mode ~~permitted~~ permitted by
law. This 24th day of Oct 1867

J. H. Ferris & J. M. Corbett
For Plffs

Fitch, Notary Public for Grayson County Texas on the 8th day of Oct 1856. & do state when when & how long you have known him.

Q² State whether or not you were acting as Notary Public in & for Grayson County on the said 8th day of Oct 1856, and are you the same William H. Fitch who took the acknowledgment of the said Eckhart to said Transfer, and whose name is signed to the certificate of said Transfer, if so state all you remember about its being signed by the said Eckhart in your presence & acknowledged by him before you.

Q³ Did said Eckhart sign said Transfer in your presence and acknowledged it before you.

Q⁴ Did said Eckhart ever sign and acknowledge any other Transfer to his own Peter Colony Head Right Certificate for 640 acres before you except the one now shown to you and marked exhibit "C".

Q⁵ Write your name across the back of said Transfer marked exhibit "C" to identify it.

Q⁶ Did you keep a Notarial Docket on the said 8th day of Oct 1856 when you took the acknowledgment of the said Eckhart to said Transfer, if so did you make a note of the acknowl-

adjudgment of said Carhart to said transfer in said Docket. If you make such note append a copy of it to your answer.

Interrogatories to be propounded to G. A. Coates, a witness for Defendant

Int 1st Are you acquainted with L. B. Carhart whose name is signed to a transfer inclosed shown to you, and marked exhibit "C" if so state when, where, and how long you have known him

Int 2nd Do you know the handwriting & signature of the said L. B. Carhart. if so, state whether or not the signature signed to the transfer inclosed shown to you marked exhibit "C" is the signature of the said L. B. Carhart.

Int 3rd Write your name across the back of the transfer marked exhibit "C" to identify it

M. Coy & Sons
Attys for Deft

C. B. Stephens & her husband
vs
Stephen Meaux
Suit pending
in the District
Court Dallas
County Texas

You will take notice that five
days after the service hereof I shall
apply to the Clerk of the District Court
in & for Dallas County, Texas for a Commission
to take the depositions of William D.
Fitch and Hon. G. A. Courts who reside
in Grayson County Texas in answer to
the following interrogatories to be read
as evidence in behalf of the Defendant
on the trial of said cause.

W. Coyt & Jones
Atty for Defs

To
C. B. Stephens & her husband
or L. H. Jones & L. M. Gochen
their Atty of Record

Interrogatories to be propounded to
William D. Fitch a witness for the
Defendant

Interrogatory 1st Are you acquainted with one J. B.
Earhart whose name appears to a trans-
fer. This shown to you marked exhibit K
and dated on the 8th day of Oct 1886
and acknowledged before William D.

The hereby waive service of precept & copy
of the within interrogatories, and also the
five days time, and all irregularities and
informalities in taking & returning the answers
& depositions, provided they are taken &
before some officer authorized to administer
oath & take depositions & sealed up by
him on the day of the taking, and returned
to the clerk of said court, this 26th Oct
1867
Jno. M. Crockett
Att. for Def.

Oct 4-57.

E. B. Giffen & Son, Auctioneers

Interrogatories to
H. A. Crockett &
J. M. Crockett.

Stephen H. Mann

Filed Oct 25 1867

Jno. M. Crockett

Commission & Copy Interrogatory
taken & sealed for 25/10/67.

The State of Texas } J. G. Matthews County Clerk
 County of Hopkins } of said County of Hopkins by virtue
 of a commission to me directed from
 the District Court of Dallas County in a suit now in said Court
 pending wherein E. B. Stevens & Husband are Plaintiffs and
 Stephen Adams the Defendant have caused William G. Brown
 the witness in said commission to appear before me
 and after being duly sworn true answers to make to the interroga-
 -tories accompanying said commission the said witness answering
 thereto says as under To Interrogatory 1st

I am acquainted with E. B. Stevens and have been acquainted
 with John A. Brown and Henry E. Arnold I have known J. G. Stevens
 ever since the summer of 1854 I have seen him since that time
 the greater portion of the time in Greenville the rest County Texas
 occasionally in other counties and once a time in Stamford La
 I became acquainted with Henry E. Arnold in Hunt County Texas in
 the Spring of 1858 and was acquainted with him until about the
 beginning of 1861 I have never seen him since I became acquainted
 with John A. Brown in the fall of 1856 at Lancaster in Dallas County
 Texas I afterwards saw him in Dallas and several times in Greenville
 Hunt County Texas

Answer to Interrogatory 2^d

I know but little at present about the particulars of the
 transaction alluded to I know that John A. Brown and H. E. Arnold
 procured from J. G. Stevens the husband of Mrs E. B. Stevens a certificate
 issued to A. B. Easthart I am not certain that I know the date of said
 the transaction took place in Greenville I believe some time in 1857 or '8
 I was not interested in the transaction and recollect but little about it
 Answer to Interrogatory the 3rd

It was not my understanding that the certificate was
 sold the recollection I have was that Brown and Arnold
 was to locate the certificate for a part of the land

Mrs E. B. Stephens was the owner of the certificate she was in possession of a blank transfer the blank was filled in the name of E. B. Stevens and a transfer from E. B. Stevens to Lewis & Arnold was made
 Answer to Interrogatory 4th

I have no recollection that the certificate was sold to Lewis & Arnold, Stevens had a blank transfer to the certificate the blank was filled in the name of E. B. Stevens and the transfer to Lewis & Arnold was from E. B. Stevens
 Answer to cross Interrogatory 1st

Mrs E. B. Stevens, the Plaintiff in this suit is the wife of J. G. Stevens I have known them as man and wife for nearly thirty years
 Answer to Interrogatory 2nd

The book the certificate according to my understanding is kept for Mrs E. B. Stevens for a part of the land

Answer to cross Inter 3rd The name of E. B. Stevens was put in the blank, in the transfer that Mrs E. B. Stevens was in possession of and the names of Lewis and Arnold in the transfer from Mrs E. B. Stevens
 Answer to cross Inter 4th

I have answered this question as fully as I can that my understanding was that the certificate was to be located for a part of the land W. G. Brown

The State of Texas }
 County of Hopkins } J. G. Matthews County Clerk
 do hereby certify that the facts by me stated as aforesaid are true and that the said entries were by the said witness W. G. Brown sworn to and subscribed before me given under my hand officially and seal of office in said county this 29th day of Oct 1869
 J. G. Matthews
 County Clerk

The State of Texas
 To the Chief Justice Clerk of the District or County Court
 or any Notary Public, in and for the County of
 This State of Texas Greeting:

We hereby require you to cause Joseph B. Barhart
 a resident of your
 County to come before you at such time and place
 as by you may be named, and that you then and there
 carefully examine him upon his oath or affirmation first
 taken before, touching the annexed interrogatories, which ev-
 idence so taken, is to be read on the trial of a suit now
 pending in the District Court of Dallas County in
 this State, in which E. B. Stevens & husband
 are Plaintiffs and

Stephen Mann Defendant, and you will
 cause the answers so taken, to be committed to writing,
 to be signed and sworn to before yourself and certify
 under your hand and seal of Office that the answers
 were signed and sworn to before you, and you will seal
 the same, together with these presents in an envelope and
 write your name across the seals, and direct the same to
 the Clerk of the District Court of Dallas County, of
 the State of Texas, endorsing on the envelope the names
 of the parties to the suit and the name of the witness.
 If you send the same by mail, you will hand it to
 some Post Master or his Deputy, requesting him to endorse
 on the same that he received the package from yourself
 and sign his name thereon officially. Or if you entrust it to

private conveyance as provided by the Statute, you will
apprize the person who receives it, that it must be
delivered to the Clerk of this Court by himself in person.
This you will please do, on or before the 16th Mon-
day after the 2nd Monday in August AD eighteen
hundred and sixty seven

Witness Myself Wm C Young Clerk of the
District Court of Dallas County and
his seal of office at Dallas. This the
12th day of October AD 1867

Wm C Young
Clerk of the District Court
of Dallas County Texas
Per R. O. Carter Deputy

No 457 E. B. Stevens & husband } Suit pending in the
45 } Dist Court of Dallas Co
Stephen Mann ? }
To Mrs E. B. Stevens & G. Stevens
her husband or John M. Crockett and J. W.

No 457

E. B. Stevens & husband
vs
Stephen Mann

Suit pending in the
Dist Court of Dallas Co

To Mrs E. B. Stevens & G. Stevens
her husband or John M Crockett and J. W
Stoviss their attorneys of record,

You will take notice that five days after the
service hereof, we shall apply to the Clerk
of the Dist Court of Dallas County for a
commission to take depositions of Joseph B
Earhart who resides in Wise County Texas
in answer to the following interrogatories,
to be read as evidence in behalf of the Deft
on the trial of said cause

Chief & Record & M. Carey
Attys for Deft.

Interrogatories to be propounded to Jos. B. Ear-
hart, a witness for the Deft.

Interrogatory 1st

In your depositions taken heretofore in
this cause on the 26th day of October 1857 before
J. L. Marshall Notary Public of Jack County
Texas, you state that you sold your Colonial
Head Right Certificate for 640 acres of land as
a settler in Peter's Colony to David Wall in 1850
and executed a blank transfer for the same in
the year 1856 or 1857. State positively if you
can, whether or not you ever executed said the

one transfer to said certificate or authorizes
any other person to execute a transfer to it
for you?

Interrogatory 2nd The following purports to be a
copy of your acknowledgement to said transfer
to wit:

State of Texas } Before the undersigned
County of Grayson } Notary Public in and for
said County personally appeared Joseph B
Earhart with whom I am personally acquaint-
ed, and in my presence signed, sealed and
delivered the foregoing deed of transfer, ac-
knowledging it to be his act and deed for
the consideration and purposes therein expressed

To certify which I hereunto set my
hand and Notarial seal this the ninth
day of Oct 1866

Wm D. Fitch
Notary Public S.C.

Do you remember acknowledging the transfer
before the said Fitch? Do you know said Fitch
Try and remember and state, if you can re-
member making said acknowledgement?

Interrogatory 3rd

Did you or not ever acknowledge
more than the one transfer of said certificate
before said Wm D. Fitch?

Geop & Record & McCoy
Atty's for Dept.

The ninth receipt of service of precept and
copy of the within interrogatories and also the time.
No further waive all informalities in the

Sub Record + McCoy
Atlys for Dept.

We waive the necessity of service of precept and
copy of the within interrogatories and also the time.
We further waive all informalities in the
manner and form of taking & returning the
depositions so that the same be sworn to before
some officer authorized to administer oath.

This 11th day of October A.D. 1867

Jos M. Corroette
For Aff

Copy Interrogatories.

Was the transfer of said certificate
made to David Wall or to some other person.

COUNTY OF DALLAS.

I, Wm C Young Clerk of the District Court within and for the
County of Dallas and State of Texas, do hereby certify, that the above and foregoing is
a true and correct copy of the Original Interrogatories
& Copy Interrogatories propounded to Joseph
P. Carter

As the same appears ~~as~~ recorded in my office, on file

Witness, Wm C Young Clerk
of the Court aforesaid. Given under my hand and the
seal of said Court, at my office in Dallas, Texas, on this
19th day of October A. D. 1867.

Wm C Young Clerk
P. R. Carter deposed by

Atty's for Resp't

We waive the necessity of service of precept and
copy of the within interrogatories and also the time.
We further waive all informalities in the
manner and form of taking & returning the
depositions so that the same be sworn to before
some officer authorized to administer oath.
This 11th day of October AD 1869

Jno M. Corbett
For Atty

Cross Interrogatories.

Was the transfer of said certificate
made to David Wall or to some other person,
if to some other person, state to whom or for
whom it was made if made in blank;

J. W. Ferris &
Jno M. Corbett
For Atty

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

No 457
E. B. Stevens & husband
to Z. L. Stevens & family
Stephen Mason
Copy
Mason
\$100 paid

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

cto 457
 E. B. Stevens & husband
 Stephen Mann
 Sent Pending in the
 Dist Court of Dallas Co.

To Mrs E. B. Stevens, J. G. Stevens, her husband or John
 M. Crockett and J. W. Ferris, their attorneys of record
 You will take notice, that five days after the
 service hereof we shall apply to the Clerk of
 the Dist Court of Dallas County for a commission
 to take the depositions of Joseph B. Carhart, who
 resides in Wise County Texas, in answer to the
 following interrogatories, to be read as evidence
 in behalf of the Deft. on the trial of said
 cause
 Guesse & Record McCoy
 Atty for Deft.

Interrogatories to be propounded to Joseph B. Carhart, a witness for the Defendant

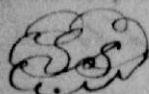
Interrogatory 1st - In your depositions taken heretofore in this case on the 26th day of October 1857 before J. A. Horace, Notary Public of Jack County Texas you state that you sold your colonial Head Right Certificate for 640 acres of land as a settler in Peter's Colony to David Hall in 1850, and executed a blank transfer for the same in the year 1856 or 1857 - State positively if you can, whether or not you ever executed but the one transfer to said certificate or authorized any other person to execute a transfer to it for you.

Interrogatory 2^d - The following purports to be a

copy of your acknowledgement to said laws
for town.

State of Texas }
County of Grayson } Before the undersigned

Notary Public in and
for said County personally appeared Jo-
seph B. Carhart with whom I am
personally acquainted and in my pres-
ence signed, sealed and delivered the
foregoing deed of transfer, acknowledg-
ing it to be his act and deed for the
consideration and purposes ^{expressed}
~~purposes and consideration~~ therein specified



To certify which I hereunto set my
hand and Notarial Seal this the
eighth day of October 1856

W. D. Fitch
Notary Public G. Co."

Do you remember acknowledging the transfer
before said Fitch? Do you know said Fitch?
Try and remember and state if you can re-
member making said acknowledgment

Interrogatory 3rd = Did you or not ever ac-
knowledge more than the one transfer of said
certificate before said W. D. Fitch?

Guess & Record & all by
W. D. Fitch

We waive the necessity ^{of present} of services and copies of the written interrogatories and also the time. We further waive all informalities in the manner ^{& form} of taking ^{& returning} depositions, so that the same be sworn to before some officer authorized to administer oaths this 11th day of October A.D. 1867.

Jr. M. Crockett

Jur. Off.

Oct 11 1867

J. D. Stevens
or
John W. Crockett

Stephen Chapman

Wm. C. Crockett 12th 1867

Wm. C. Crockett
R. H. Crockett

Original

Commission to David Hall Oct 12th 1867

Cross Interrogatories.

Was the transfer of said Certificate made to David Hall or to some other person
If to some other person state to whom or for whom it was made if made in blank?

J. W. Ferris &
Jr. M. Crockett
Jur. Off.

THE STATE OF TEXAS.

To the Chief Justice, Clerk of the District or County Court, or any Notary Public, in and for the County of Hopkins, State of Texas, Greeting:

We Hereby require you to cause W. L. Brown

a resident of your County

to come before you at such time and place as by you may be named, and that you then and there carefully examine him, upon his oath or affirmation first taken before you, touching the annexed interrogatories, which evidence so taken, is to be read on the trial of a suit now pending in the District Court of Dallas County, in this State, in which

C. B. Stephens is

Plaintiff, and Stephen Mann is

Defendant; and you will cause the answers so taken, to be committed to writing, to be signed and sworn to before yourself; and certify under your hand and seal of office that the answers were signed and sworn to before you; and you will seal the same together with these presents in an envelope, and write your name across the seals, and direct the same to the Clerk of the District Court of Dallas County, of the State of Texas, endorsing on the envelope the names of the parties to the suit, and the name of the witness.

If you send the same by mail, you will hand it to some Post Master or his Deputy, requesting him to endorse on the same that he received the package from yourself, and sign his name thereto officially; or if you entrust it to private conveyance as provided by the Statute, you will apprise the person who receives it, that it must be delivered to the Clerk of this Court, by himself in person. This you will please do, on or before the 10th Monday after the 2nd Monday in August, A. D. eighteen hundred and 67. sixty seven

Witness, Wm. C. Young, Clerk of the District Court of Dallas County, and his Seal of Office, at Dallas, this the 10th day of October A. D. 1867.

Wm. C. Young
Clerk of the District Court of Dallas County, Texas.
By R. C. Carter Deputy

E. B. Stephens } Suit pending in District
vs } Court Dallas County
Stephen Mann } Fall Term 1866.

Interrogatories to be propounded to J. G. Brown, who resides in the County of Hopkins in the State of Texas, to be made as evidence in the above entitled cause.

1st Do you know a man by the name of J. S. Stephens, one by the name of John A. Sowers & one by the name of H. E. Arnold, if you please state when and where you have known and seen them?

2nd Do you know any thing of a trade or transaction between them about a land certificate, if you state when and where that transaction took place, what Head right Certificate they were trading about, how much land it was for, and all they said & did in relation to it as near as you can?

3rd State which of the parties sold the certificate, who bought it & what kind of a transfer was made?

4th If you shall state that Stephens sold the certificate to Sowers & Arnold, please state as fully as you can, what kind of title Stephens

had to the Certificate, and what kind of title
was made to said Sowers + Arnold, state
whether or not he passed over to said Sowers
+ Arnold a blank transfer of some other
person or made a transfer himself to
said Sowers + Arnold, state particularly,
exactly how the transfer was made?

Geo M. Crockett
atly

Prop Interrogatory 1st Is not the Plaintiff in this
suit Mrs E D Stevens, the wife of J G Stevens
mentioned in 1st direct interrogatory? State how
long you have known them as man + wife?

Prop Interrogatory 2nd

For what purpose did Sowers take
the certificate? If to locate, was he to locate it for
Mrs Stevens?

Prop Int 3rd Where some if any was put into
the blank transfer from Carhart, was the trans-
fer not delivered to Sowers without any
name being filled in?

Prop Int 4th

Was Sowers to act as the agent of
Mrs Stevens in locating the certificate?

Geo W. Guep

atly for Deft.

I accept service herein + waive all necessity
of further notice or summons. Oct 19th 1866

Geo W. Guep
atly for Deft.

The State of Texas, }

COUNTY OF DALLAS.

I, Mr C Young Clerk of the District Court within and for the County of Dallas and State of Texas, do hereby certify, that the above and foregoing is a true and correct copy of The Original Interrogatories & Cross Interrogatories propounded to W. G. Brown a resident of Hopkins County State of Texas

As the same appears of record in my office, now on file

Witness, M. C. Young Clerk of the Court aforesaid. Given under my hand and the seal of said Court, at my office in Dallas, Texas, on this 10th day of October A. D. 1867.

Mr C Young Clerk
In R. C. Carter's depty

"Dallas Herald" Print, Dallas, Texas.

In State of Texas
 County of Grayson
 Know all men by these presents that I Joseph B. Cashner of said County for and in consideration of the sum of Dollars the receipt whereof is hereby acknowledged have bargained sold released and conveyed and by these presents do bargain sell release and convey unto John A. Jones All my right title and interest in and to my own Colony headright Certificate for six hundred and forty acres of Land issued to me as a settler in Peter's Colony By Order of the County Court of Grayson County on the 27th day of April A.D. 1859 - Numbered Three (3) to have and to hold unto the said heirs or assigns forever the foregoing described Certificate and the Lands located by virtue of the same together with all and singular the rights privileges and appurtenances therunto belonging or in any way incident or appertaining to the same And I the said Cashner do further covenant and agree to warrant and forever defend the title to said Certificate and the Lands located by virtue of the same unto the said heirs and assigns

No 4157

E. B. Stearns + husband

vs Intergatoris

Stephen Mann

H. G. Brown

Copy

Against myself my heirs or assigns, or
Against the Claim or Claims of All and
Every Other Person or Persons Lawfully Claiming
or to Claim the Same or any part thereof
by Through or under me my heirs or assigns
And I hereby authorize the Commissioner
of the General Land Office to issue the Patent
for the Lands located by virtue of said Certificate
in the name of the said
heirs or assigns

Witness my hand and seal using
a Scrawl for seal) this 8th day of
October A.D. 1856

Attest
J. B. Earhart

J. B. Earhart Seal

The State of Texas
County of Grayson)
Before the Undersigned
Notary Public in and for said County Personally
appeared Joseph B. Earhart with whom I am
personally acquainted and in my presence signed
sealed and delivered the foregoing Deed of Transfer
Acknowledging it to be his Act and Deed for
the Consideration and purposes therein expressed
In Certainty which I herewith set
My hand and Notarial Seal
this the Eighth day of October
A.D. 1856

J. B. Earhart
Notary Public &c.

7

No 3039
Robertson & Clay
J. B. Carhart
To E. Conynan
J. A. Somers.
Thurs! Apr 2 / 57

Exhibit X.

1857
Moulton & Davis
1857
1857

J. B. Carhart
To E. Conynan
J. A. Somers

E. B. Stevens }
J. G. Stevens } Suit pending in the Dist
W. } Court of Dallas County State of
Stephen Meams } Texas.

Sir: you will take notice that five days
after notice the Service hereof, I shall
apply to the Clerk of the District Court
of Dallas County Tex for a Commission to
take the depositions of J. M. Camant
who resides in in County, in
answer to the following Interrogatories to be
Read as evidence in behalf of the plaintiffs
on the trial of said cause.

To Stephen Meams,
or J. C. Mc Coy,
his Attorney.

E. B. Stevens
J. G. Stevens

Interrogatories to be propounded to John D.
McCamant a witness for plaintiffs -

Art. 1st are you acquainted with the
parties to this suit, or with John Somers
formerly of Dallas County Tex -

Art. 2^d If you say you are acquainted with
any or all of the parties to this suit, please
state if you know of the said J. G. Stevens
having at any time sold to John Somers and
Henry Abbott, the Peter Colony tract eight conts
- more or less for 640 acres of land issued to
Joseph B. Earhart, on the day of
1857

Art. 3^d Please state if you remember of said
Somers at any time during 1857, or 1858 having

Made a proposition to J. G. Stevens (one of the pliffs to this Suit,) in the Town of Dallas to give him a certain Mule for his or E. B. Stevens' interest in said Certificate, which he (Sowers) had Located in two Surveys (320) three hundred and twenty acres each in the County of Dallas, and the Reply of the Said J. G. Stevens to said proposition, what the mule was worth at that time in specie.

Int. 4th

If you Remember please state the Conversation between the Said J. G. Stevens and Sowers at that time in regard to his Interest or the Interest of the Said E. B. Stevens in said Land Certificate, and state generally all you may in regard to the transaction between the parties in regard to said Certificate. please state time & place of conversation -

E. B. Stevens
J. G. Stevens

He depk. by Attorney, saving and answering all exceptions - ~~and~~ service having, and waives the necessity of a Controversy -
J. A. McCoy
Attorney for Meane

O. B. Stevens } Suit pending
J. G. Stevens } In the District Court
U.S. } of Dallas County State of Texas
Stephen Mann }

Deposition of Geo. D. M. Camant.
Taken in answer to the annexed Interrogatories
propounded to him as a witness ^{to Plaintiff} in the above en-
titled suit. Said witness first being duly sworn
answers to the Interrogatories as follows:

My answers to Interrogatory

1st

I am acquainted with one of the Parties, J. G. Stevens, & O. B. Stevens, have an imperfect recollection of being introduced to ~~the~~ ^{John A. Stevens} ~~the~~ ^{George} ~~the~~ ^{Stevens}, but would not recognize him as Plaintiff.
Answers to Interrogatory 1st

2nd

I do not know of Plaintiff having ever sued said O. B. Stevens or John A. Stevens.
Answers to Interrogatory 2nd

3rd

I recollect in the winter of 1857 or '58 that while in the town of Dallas at the "Crabapple House" that I was introduced by one of the Parties, J. G. Stevens to a gentleman, who wanted to trade for a certificate or an interest in one and my recollection now is that his name was "Stevens" he desired to trade a number of mules for the certificate or interest in this same run in dispute to wit "Joseph B. Earhart, the offer made for said interest or certificate cannot be recalled, I am fully of the belief, whatever it was, the same was rejected by one of the Parties, J. G. Stevens. The matter being of no particular importance to me, it is impossible to state anything like all that did take place, between said Parties (Stevens & Stevens)

Answer Interrogatory

1st The commission a man or can be remembered is stated in Answer to Interrogatory. I think this was a good deal said that I cannot now recollect, one of the Defts. J. H. Stearns talks to me afterwards, about the certificate or the location of it, It is my recollection from seeing them take place in the Court of Defts, and from what one of Defts. J. H. Stearns, told to me afterwards that he had made out bonds with the certificate to any one, this occurred in the winter of 1857 & 1858.

The interest claimed by the several Parties cannot be recollected.

J. D. M. Camant

State of Texas J. D. M. Camant, Clerk
County of Parker 3 of the County Court of Parker
County, Texas, do hereby certify that the foregoing
answers of J. D. M. Camant the witness before named
were made before me this 10th day of May, A. D. 1867.
Sworn to and subscribed before me, by said
witness in the above entitled suit.

Given under my hand and the Seal
of the County Court of Parker Co.
Texas, this 10th day of A. D. 1867.

R. W. Duke, Clerk Co. Court
Parker Co. Tex.

Clerks fees \$1

FILED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

Filed May 1st A. D. 1867, and an-
swers & Interrogatories taken May
11. A. D. 1867. R. W. Duke, Clerk of the
Court.

SOCIETY - 1977