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Charles S. Walker Jr.

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CONFEDERATE GOVERNMENT IN DOÑA ANA COUNTY

As Shown in the Records of the Probate Court, 1861-62

By CHARLES S. WALKER, JR.

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WHILE it is generally known that in 1861 the southern portion of New Mexico was occupied by Confederate troops, who remained in possession for about a year, it is but little appreciated that the Confederacy set up institutions of civil government which for a short time actually functioned. The purpose of this paper is to describe some features of this government, as revealed in the records of the Probate Court of Doña Ana County, (Confederate) Territory of Arizona, in the years 1861-62.¹ At that time the town of Mesilla was the county seat and the capital of the Territory.

The Confederate invasion of New Mexico began in July, 1861. There were several reasons for this campaign waged in this remote section of the country. First was the dream of a Confederacy stretching from ocean to ocean. Jefferson Davis, in 1853, may have foreseen the future when he advocated the railroad route of the thirty-second parallel from the Mississippi Valley through El Paso and Fort Yuma to the Pacific. The United States certainly would have had greater difficulty in enforcing its blockade had it

1. These records are now in the county courthouse at Las Cruces. Mention of their discovery, accompanied by some comment, was made in the NEW MEXICO HISTORICAL REVIEW, vol. III, p. 347 (October, 1928), in an article by Edward D. Tittmann. This article alludes to several illustrations, apparently intended to be facsimiles of extracts from the records, which unfortunately the REVIEW did not publish.

found it necessary to operate off the California coast in addition to the Atlantic and Gulf of Mexico. Second, there was the desire to cut an important line of communication between California and the rest of the Union and to intercept some of the gold which was providing the North with the financial sinews of war. Third, there was the fact that among the Anglo-American population of southern New Mexico there were many people of Southern descent and sympathies. There is no doubt that the *Mesilla Times* was pro-Confederate. The writer remembers a copy in the possession of Mr. George Griggs, of Mesilla, published *before* the Confederate occupation, on the front page of which is a description of the Confederate flag, a copy of the poem *Dixie*, and another poem glorifying the land south of the Mason and Dixon Line. Twitchell² quotes a letter from W. W. Mills to J. S. Watts, in which is found the phrase, "The *Mesilla Times* is bitterly disunion." This attitude of the *Times* would not have been tolerated while Union troops were still in possession of Fort Fillmore if it had been very distasteful to its readers.

Mesilla was occupied by Confederate troops under Lieut. Col. John R. Baylor on July 25, 1861, and two days later he received the surrender of the Union troops under Major Lynde, which had been stationed at Fort Fillmore. This surrender left the Mesilla Valley entirely in Confederate hands.

Baylor was not long in assuming complete control of this territory so easily captured. A week after the entry into Mesilla he issued a proclamation organizing a provisional government under the jurisdiction of the Confederate States of America. The passage most relevant to the subject of this article follows herewith:

2. R. E. Twitchell. *Leading Facts of New Mexican History*. Vol II, page 359, note 284.

"The social and political condition of Arizona being little short of general anarchy, and the people being literally destitute of law, order, and protection, the said Territory, from the date hereof, is hereby declared temporarily organized as a military government until such time as Congress may otherwise provide.

"The judicial power of this Territory shall be vested in a supreme court, two district courts, two probate courts, and justices of the peace.

"The two district judges shall constitute the supreme court, each of whom shall determine all appeals, exceptions and writs of error removed from the district court wherein the other presides. One of the judges shall be designated as the chief justice of the supreme court.

"The judicial districts of the Territory shall be divided as follows: The first judicial district shall comprise all the portion of Arizona lying east of the Apache Pass, the district and probate courts whereof shall be holden at La Mesilla. The second judicial district shall comprise the remainder of the Territory. The district and probate courts shall be holden at Tucson. The governor shall likewise appoint one probate judge and sheriff and the necessary justices of the peace in and for each judicial district. Each district judge shall appoint his own clerk, who shall be ex-officio clerk of the probate court within such districts.

"The city of Mesilla is hereby designated as the seat of government of the Territory.

"Given under my hand at Mesilla this 1st day of August, 1861.

"J. R. BAYLOR,

"Gov. and Lieut. Col., Comdg.
Mounted Rifles, C. S. Army."³

It was this proclamation which set in motion the court whose records are herein reproduced. The enabling act by the Confederate Congress on January 18, 1862,⁴ made little change except to divide the Territory into three rather than two districts, to provide that appeals could be taken to the

3. War of the Rebellion. Official Records of the Union and Confederate Armies. Series I, Vol. IV, pp. 20, 21.

4. A summary of this Act is given in Farish, *History of Arizona*, Vol. II, pages 94-95.

Supreme Court of the Confederate States in all cases where the amount involved was over one thousand dollars, to assure the protection of the institution of slavery, and to vest the executive power in a governor appointed by the President for a term of six years.

The probate court of Doña Ana county lost no time in organizing under Confederate auspices, since the first entry is on August 8th, only one week after Baylor's proclamation. However, the court was in effect simply a continuation of the court previously held under the Union, since the clerk, Charles A. Hoppin, and the sheriff, John A. Roberts, were simply continued in office. The probate judge, Frank Higgins, was appointed by Baylor in his capacity as acting governor. Nearly all of the cases which came before the first term of the Confederate court, held in September, 1861, were unfinished business of the previous May term, when the Union was still in control. While in attempting to organize a new territory of Arizona, the Confederates were setting up an institution of their own, in the government of Doña Ana county they merely took over the existing governmental machinery.⁵

Although styled a probate court, it attended to many things besides probate business. In fact, C. A. Hoppin's very last entry is to the effect that "this Court is adjourned to the next Regular July term, 1862, for Probate Business and to Regular September term, 1862, for the Trial of Civil Cases." Apparently the jurisdiction of the probate court was more extensive then than now. This was not owing to the lack of a district court, for there is evidence that the district court held at least one session during the Confederate occupation, because the regular term of the probate court, set for the first Monday in November, was adjourned

5. Tittmann, *op. cit.*, p. 348, points out that the oath of allegiance to the Confederacy was apparently not required of county officers.

to the first Monday in December to avoid holding both courts at the same time.⁶

The great majority of the cases coming before the probate court concerned actions for debt, attachments, foreclosures, etc. A number of others are appeals from the justice of the peace courts in the various precincts. There is a certain amount of strictly probate business: proving of wills, and appointment of administrators of estates, guardians of minor children, etc. There is one criminal case, in which the accused, a Mexican charged with an attempt to murder his wife, was held to appear before the district court, bail being fixed at \$2,500⁷ and later reduced to \$1,000. Some light on the criminal justice of the day is also shed by the fact that on one occasion a J. P. makes a claim against fines collected of "constable's fees for whipping a thief." There is one petition for a writ of habeas corpus, in which a man is cited to show cause why he detains a young girl in his custody. Although the court is careful to appoint a jury at the beginning of each term, there are only two cases in which it is recorded that the jury was used.

The probate court actually sat for two regular terms: in September and December, 1861. Several special terms also were held. Frank Higgins acted as judge from August, 1861, to about the end of January, 1862, when he was succeeded by John Peter Deus. The regular term scheduled for May, 1862, was adjourned to June of that year, "in consideration of the disturbed condition of the country," and the adjourned session in June was never held, because the judge had meanwhile resigned.

6. Some account of the session of the district court is given by Tittmann, *op. cit.*, pages 351-355.

Another article by Tittmann in the same issue, "By Order of Richard Campbell," pages 390-398, shows that Frank Higgins had plenty of precedent behind him in assuming wide powers as probate judge. In fact, the P. J. seems to have had the best title to be "the law west of the Pecos."

7. Tittmann says \$25,000 and is sarcastic at Higgins' expense for fixing such unreasonable bail. However, in the record it is clearly "twenty-five hundred"—not in figures, but written out in full.

In addition to its judicial duties, the Court seems to have performed a variety of administrative functions, which one would expect to belong rather to a town council or a board of county commissioners. It forbade certain obnoxious practices, such as the butchering of animals or rendering of lard and tallow in the public streets and plazas and the washing of dirty clothes in acequias. It levied taxes on balls, fandangoes, and theatrical performances, and on the sale of wood, meat, and vegetable produce, and issued business licenses. It appointed various officials, such as pound-keeper, collector of revenues, market overseer, county treasurer and commissioners of roads and bridges. It ordered new roads and streets to be made, old ones to be repaired, or obstructions to be removed. It acted as an election board, registering and declaring elections. And finally, it supervised the work of its appointees. Regulations of the road commissioners were apparently not in effect till the court so declared them. It received the report of the mayor domo of the acequias. It seems to have exercised a careful oversight over the actions of the county treasurer. Evidently the powers and duties of the court were multifarious.

These court records would cause us to believe that the Mesilla of the sixties was a much more bustling town than that of today. From Texas and Mexico came merchants driving carts and wagons of produce even at the expense of a tax on each wagon of from fifty cents to a dollar. Fruit, vegetables, and other produce were sold on the plazas either in booths or open to the sky. Meat venders hawked their products to the populace, sometimes even butchering the animals before the eyes of prospective purchasers who had come to the market from up and down the valley. Soldiers from Fort Fillmore milled around among the crowd, enjoying the brief leave, or after the invasion Confederate troops took their place. Wood sellers drove carts, wagons, or burros heavily loaded, or if they were willing to pay the tax,

deposited their wood on the plaza, paid the city twenty-five cents, and disposed of their wares. Women might be seen kneeling over the irrigation ditches, the Acequia Madre, the California Ditch or others, washing out clothing and soiled articles. For amusement there were balls, fandangoes, theatrical productions, and billiards. In the midst of all the hubbub, in the days prior to the war, the stage of the Butterfield Overland Mail Co., from California or the Mississippi, would swerve into the plaza with a cracking of whips to deposit passengers, luggage, or mail. All this is in contrast to the drowsy little village of the present.

It is amusing to notice the salaries and prices which obtained in the Mesilla Valley seventy years ago. The remuneration of the judge of the probate court was \$20.80 a month, while the clerk of the same court received \$25.00. For jurors \$1.00 a day was standard. A fanega of wheat brought from \$4.00 to \$5.00, barley \$5.00, and corn \$5.63. A horse is recorded as selling for \$42.50, a goat for \$3.00, while the highest sale recorded in all the attachment suits is that of a yoke of oxen at \$51.00. The house rent for the clerk's office was \$10.00 a month.

One suspects that currency was scarce on the Southwestern frontier. There are several reasons for assuming this. A court settlement would frequently provide the alternative of payment in kind instead of in money. Often the sheriff's return shows that the former method was adopted. Perhaps warrants on the county treasurer circulated as currency, because whenever a considerable sum is to be paid, instead of one warrant for the whole amount, the creditor takes several warrants, none exceeding twenty dollars. In one case, the clerk of the court brings back two "twenties" received in part payment of his salary, and changes them for four "tens." Again, the pro-Confederate *Mesilla Times* refused to print court notices without security that the costs of publication would be paid, and important announcements had to be published by posting on

the courthouse door. When a Confederate newspaper under the patriotic stress of war was careful of payment in dealing with a Confederate court, it would seem either that currency was scarce or that the court was in financially straitened circumstances.

The latter assumption is not at all improbable. The total of all the disbursements recorded, including salaries, fees, rent, and supplies, is \$534.13. The sums collected amounted to \$605.11, but of this amount \$245.00 was due the Territory, leaving only \$360.11 for the county. Unless, therefore, the county was allowed to draw on some of the territorial funds, it evidently incurred a deficit of at least \$174.02, perhaps more, since no mention is ever made of the county treasurer's salary. Most of the revenue was collected by John A. Roberts, who acted in the double capacity of sheriff and tax collector; probably this money came chiefly from the amusements and sales taxes.

What was Mesilla College? On the records for September 2, 1861, occurs this suit in attachment: "Gillett & Cochran vs. H. L. Bishop, agent of Mesilla College."⁸ Nothing at all could be discovered concerning this "Mesilla College." The old Las Cruces College, forerunner of the A. and M., was not founded until some twenty years later. Except for this one case, there is no evidence elsewhere in the records, and none could be discovered outside the records. Here is a point in the history of education in New Mexico which might deserve investigation.

Confederate tenure of power in the Mesilla Valley was destined to be brief, and was badly shaken when their army in the northern part of the state began to be defeated. The disaster to their arms at Apache Cañon in March, 1862, is reflected in the court record by the adjournment of the regular session scheduled for May, 1862, to the following June "in consideration of the disturbed condition of the County."

8. In spite of the difficult legibility of some of Mr. Hoppin's handwriting, this is one place where it seems to be clear. Moreover, on reference to the report of the previous May term, it is evident that the word "college" is intended.

On June 2nd Charles A. Hoppin entered the final sentence in the records of the Confederate judiciary in New Mexico:

"The Honl. J. Peter Deus having filed his notice of Resignation of the Judgeship of the Court, this court is adjourned to the next Regular July term 1862 for Probate Business and to September term 1862 for the Trial of Civil Cases."

Those terms were never held. One turns the page on which this entry is written in the court records to be faced with the bold script: UNITED STATES OF AMERICA, TERRITORY OF NEW MEXICO, COUNTY OF DOÑA ANA, APRIL 8TH, 1863.

The dream of empire had received a rude awakening.

* * * * *

A copy of the records of the Probate Court follows herewith:

NOTE: The spelling in these court records is not impeccable and the punctuation is decidedly deficient, but an attempt has been made to reproduce them in print as near as possible to the original.

THE CONFEDERATE STATES OF AMERICA

The Territory of Arizona) August 8th, 1861.
County of Dona Aña)

This day met the Honl. the Probate Court of the above named county. Present Frank Higgins Esqr. Probate Judge, Charles A. Hoppin Clerk of the District Court & Ex Officii Clerk of the Probate Court and John A. Roberts Sheriff. The Judge and Sheriff holding their Commissions from Lt Col John R Baylor Commanding the Military Forces of the Confederate States in said Territory and Acting Governor of the same. The Clerk holding his appointment from the Honl. H C Cook Judge of the first Judicial District Court of the Territory of Arizona

It is ordered that all Collectors, Sheriffs, Clerks, Alcaldes, Constables or other persons chargeable with monies due this County be notified to appear before this Court on Thursday 15th of August A D 1861 and render a full ac-

count of and pay into Court all monies received by or chargeable to them.

Ordered that all Commissioners of Roads & those acting under the Provisions of the Law Relative to Vagrants appointed by the Honl J J Bull late Judge of Probate of this County be and they are hereby continued in Office until further ordered.

Ordered. That the Clerk purchase a suitable set of Books of Registry, Record &c for the use of this Court the cost of which shall be paid from any unappropriated monies in the County Treasury

Ordered that the Tax upon Public Balls or Fandangoes be & is hereby fixed at Three Dollars for each Ball. The same to be collected by the Sheriff of the County.

Adjourned to Thursday August 15, 1861 @ 10 oclock A. M

FRANK HIGGINS
Prob judge

Special Court August 9, 1861

This day met the Honl the Probate Court

Present. F. Higgins Esq. Judge of Probate. J. A. Roberts Sheriff & Charles A. Hoppin Clerk.

In compliance with the Act of the Law of the Territory of New Mexico approved Feb. 2 1860 the following named persons were selected to serve as jurors at the next September term of the Probate Court in and for this County. Viz 1. F DeRyther, 2. Geo A Hayward, 3. John May, 4. W B Clarke, 5. J W Davis, 6. Ramon Nevarres, 7. Ramon Gonzales, 8. Jose Ma Chaves, 9. Nestor Barela, 10. Christian Duper, 11. Henry Grandjean, 12. M Gellat, and venire issued to the Sheriff.

Ordered. That a License Tax of Three Dollars be & is hereby assessed upon a Theatrical Exhibition and Circuses for each representation or exhibition.

FRANK HIGGINS
Probate Judge

Special Court Aug. 15, 1861.

This day met the Honl Court of Probate

Present Honl Judge of Probate Chas. A Hoppin Clerk and J A Roberts Sheriff

This day comes Daniel Fritz, Treasurer of the County and presents his accounts shewing a balance due the County

of Two Dollars and seventy nine cents which after Examination were allowed and approved and the sum of Two Dollars & seventy nine cents ordered to be charged against him.

This day comes Rafael Bermudez late Justice of the Peace of the 4th Precinct and presents his accounts of fines Collected for said County shewing a collection of Six Dollars and fifty cents which account after Examination was approved whereupon the said Bermudez paid into this Court the sum of Six Dollars and fifty cents.

This day comes John A Roberts Sheriff of Doña Ana County and presents his account of monies collected for the Territory of Arizona shewing a balance due the Territory of Eighteen Dollars and thirty seven cents which after Examination was approved and an order upon the said Sheriff ordered to issue in favor of the Treasurer of the Territory of Arizona.

And now comes John A Roberts appointed Collector of the Revenues of the County of Doña Ana, and presents his Bond with Securities, which is approved and ordered to be filed

It is ordered that a Tax of One Hundred per cent for County Purposes be and is hereby assessed upon all property and licenses made taxable by law for Territorial purposes, upon the amounts assessed made payable by law upon said licenses and property for the use of the County, Excepting the Tax upon Billiard Tables upon which a Tax is assessed of 50%. upon the Tax assessed for Territorial purposes.

It is hereby ordered that Daniel Fritz be and he is hereby appointed Treasurer of this County and that he be notified of said appointment and to file his bonds as such.

FRANK HIGGINS

Probate Judge

Special Term. Aug. 20th 1861.

It is ordered that Reymond Duran be and he is hereby appointed Pound Keeper in and for the 5th Precinct with authority to impound any stray animals here and animals which may be found trespassing upon the fields or premises of the Citizens of said 5th Precinct and the same to safely keep until their owners pay all damages done to the owners of said fields and in addition a fine of One Dollar for the use of the County and twenty five cents (25c) for the use of the Pound Keeper.

Aug. 20.

The Territory of Arizona) Assault with intent to kill
 vs) Apolonio Minjares his wife.
 Juan Avalos, or Abalos)

This day is brought before the Honl the Judge of the Probate Court Juan Avalos, Defendant in the above named suit. Where after an Examination of Nestora Minjares Josepha Herrara John A Roberts & Victor Pascal, the Prisoner was held to Bail in the sum of Twenty five Hundred Dollars and he will appear before the District Court of the First Judicial District of Arizona to answer said Complaint.

Aug 27.

For good cause and reasons given the Bail in the above named suit is reduced to the sum of \$1000 Dollars.

Aug 31, 1861

(Order No. 2 on Treasurer) This day comes Joshua S. Sledd & presents his account for 3½ Months Rent for an office and Court Room for Probate Court & Clerk for the sum of Thirty five Dollars which sum is allowed & an order on the County Treasurer directed to be issued.

Order No (3) on Treasurer. This day comes Chas. A Hoppin and presents his account for Nine Dollars for Books of Record Registry &c purchased under order of Court Aug 8, 1861. Account approved & order on the County Treasurer ordered to be issued.

Order No 4—on Treasurer. Ordered that the Sheriff of this County purchase Two Tables and Six Chairs for the use of the County Court and its Clerk.

FRANK HIGGINS.
Probate Judge

Monday 2 Sept, 1861.

The Territory of Arizona) Probate Court
 County of Doña Ana) Regular Term Sept 2, 1861

The Court was opened according to law by Sheriff J A Roberts Esqr. Present The Honl Frank Higgins Judge and Charles A Hoppin Clerk.

The Jurors summoned for this term of the Court being called at the door of the Court House, the following persons answered and took their oath as Jurors Viz. 1. W B Clark, 2 Ramon Nevarres, 3 Ramon Gonzales, 4. Christian Duper, 5. John L May, 6. Frank DeRyther.

Upon request of the following named persons they were excused from Jury duty, Ramon Gonzales & Pedro Chavis.

No 4.) Attachment of 193,50/100
Ancheta & Barela) continued from May term
vs) 1861. This cause has been
Jose Ma Probencio) settled by the parties thereto.

Costs of Court adjudged against Plaintiff—alias attachment Aug 21/61. Execution issued Sept 18, 1861. For Clerks Fees \$2.25

No 5.) Attachment continued from
 John L. May) May term 1861 It appearing
 vs) that the Defendant in this
 Philander Brown) Cause is dead, the Cause is
 dismissed at Plaintiffs cost \$2.75 Execution issued to Sheriff
 Sept 18, 1861, Sheriff return "Settled Dec 8, 1861 by Gold
 Dust" Clerks Fees due.

No 6.) Attachment \$330
 Gillett & Cochran) Continued from May term
 vs) 1861. This cause is settled
 Eugenio Moreno) at Plaintiffs cost. Clerks Fees
 \$3.00 Chd in a/c to G & C

No 7.) Attachment
 Thos. J Martin) Continued from May term
 vs) 1861. This case being called
 C C Callett) Proof of publication being
 made and there being default upon the part of the Defendant
 judgment is ordered against him for the sum of Three
 Hundred and Ninety Dollars and Costs of suit. The proceeds
 of sales of Defendants property to await the decision
 of the District Court as to their distribution.

No. 8.) Attachment suit continued
 Kuhne & Kness) from May term.
 vs) Judgment as above
 Same)

No 9.) Attachment continued from
 Francisco Garcia) May term 1861
 vs) Judgment as above
 Same)

No 10.) Attachment suit continued
 Jose Ma Chavis) from May term 1861
 vs) Judgment as above
 Same)

- No 11.) Attachment suit continued
 Moreau & Marks) from May term 1861.
 vs) Subpoena for Charles Gira-
 C C Callett) haus 26 Aug 1861 Recd Ex-
 ecuted. Taken under advisement by the Court Sept 2 1861.
 Judgment as above
- No 12.) Appeal from Justice Court
 Francisco Salazar) 4th Precinct continued from
 vs) May term 1861.
 Cristoval Mestes) For trial, foot of the Docket,
 continued to November term 1861
- No 13.)
 Francisco Chabori) Attachment continued from
 vs) May term 1861.
 C C Callett) Judgment as in No 7
- No. 14.) Action on debt continued
 Jose Alert) from May term 1861.
 vs)
 Jose Ma Marquez) Subpoena for Bartolo Madrid
 at request of Plaintiff Made special order for Wednesday
 4th day of Sept. present. Wednesday. Execution Sept. 18,
 1861. Return by Sheriff "Sept 17th 1861 Paid to Plaintiff
 \$35.00. Cash on within case, paid"
- No 15.) Attachment
 Rafael Lucero) This cause continued from
 vs) May term 1861
 Demetrio Alvarez) Sheriff's return Sept 2, 1861,
 "No property found & not a resident of the County" At
 Plaintiffs request this case is continued to November term
- No 16.) Macwillie
 Anastacio Varela) Attachment
 vs) Cause continued from May
 Antonio Torres) term 1861
 Continued by Plaintiff to next term.
- No 21.) Replevin
 Anastacio Varela) From May term 1861
 vs) Continued by Plaintiffs Coun-
 Roy Bean and Others) sel to Nov term 1861

No 23.) Action on debt
 Esteban Ochoa) From May term 1861
 vs) Set for trial Sept 2nd. On
 Manuel Chavis) 3rd Sept Subpoena on part of
 Plaintiff issued for Ipefania Aguirre and cause continued to
 Nov term 1861

No 24.) Jones for Plaintiff
 Rafael Armijo) Lucas for Ruelas. Defdt
 vs) Action on debt
 Rafael Ruelas) Cause from May term 1861

On this day the parties appearing by their attorneys judgment in favor of the Plaintiff for the sum of Two Hundred and Ninety One 68/100 Dollars with Interest at the rate of Six per cent and Costs of Suit is entered by consent of the Defendants Counsel. Clerks Fees \$2 75 Execution issued Sept. 18 1861. Interest at 6% from 9th May 1858. Return by Sheriff. Settled by Rect of \$371 72. suit in full. Execution 12th Nov. 1861.

No 25.) Suit in Attachment from May
 Gillett & Cochran) term 1861.
 vs) This day comes the Plaintiffs
 H L Bishop Agent of) in the above entitled cause
 Mesilla College) and the Defendant being duly
 called and not appearing judgment by default is rendered
 against said Defendant for Three Hundred and Forty five
 Dollars and fifty nine cents including Interest and Costs of
 Suit. Clerks Fees \$3 75 Execution issued Sept. 18, 1861 to
 Sheriff.

No. 26.) Appeal from Justice Court
 The Territory (of Arizona)) 5th Precinct taken by De-
 vs) fendant in this Cause and con-
 Petra Chavis) tinued from the May term
 1861 of the P. C.

This Cause being called and the Defendant or Appellant not appearing after being duly called the judgment of the Justice of the Peace of the 5th Precinct is confirmed against said Appellant Petra Chavis and her securities Caspio Jurado & Jose Rafael Jaramillo for the \$25 fines, one half for the use of the Territory and one half for the use of the County with all costs and interest @ 6% for vexatious appeal. Int \$1 25/100. Cost in Justice Court \$2.60 Soto

Aguazil \$17 5/100 Clerks Fees \$2 25. Execution issued Sept 18, 1861 to Sheriff (Recd. 18th Oct this Execution \$33 47/100 C A H Clerk.

No 27.) Appeal from Justice Court
 Martin Lemos) 8th Precinct from May term
 vs) 1861. Subpoena for Pablo
 Jesus Ma Gonzales) Apadaca & Eulalia Carrasco
 issued Aug 23rd. Recd Execd. Subpoena for Guadalupe
 Olivarez & Castolo Apodaca issued

The parties in the above entitled cause being present the Case was settled by them in Court Each Party to pay half the Costs of Suit. Of these costs Jesus Ma Gonzales has paid to Sheriff Roberts \$11.00. Justice 8 Precinct \$2.56, Constable \$2.75, Clerks Fees \$4.75. Execution issued to Sheriff Sept 19/61. Sheriffs Return, "Settled in full Dec 15th 1861"

No 28.) Action on debt of attachment
 Saml. G Bean) (Original) Petition Bond &
 vs) Affidavit filed May 13, 1861
 Chatham Helm) Returnable to Sept term Writ
 of Attachment issued May 13/61 to Sheriff Roberts. It
 appearing to the Court that this Cause has been settled be-
 tween the Parties this Case is dismissed at Plaintiffs Cost.
 Clerks Cost \$1.75. Ap placed in hands of Sheriff

No 31.) Macwillie for Pltff
 Anastacio Varela) Foreclosure of a Mortgage.
 vs) Case continued from May
 Eugenio Moreno) term 1861. This suit is with-
 drawn at Plaintiffs cost by his Attorney. Clerks Fees \$2.00,
 Sheriff 1.50

No 31.) Attachment
 M H McWillie) Bond and Affidavit filed May
 vs) 15, 1861
 Francisco Chabori) Continued by Plaintiff to No-
 vember term 1861

No 32.) Attachment
 Thos. J Martin) Bond and Affidavit filed &
 vs) Writ issued May 16, 1861.
 John E Dusenberry) Subpoena for Thos J Bull as
 Garnishee May 16, 1861. Continued to November term
 1861.

No 34.) Attachment
 H J & J S Gillett) Bond and Affidavit filed &
 vs) Writ issued June 3rd 1861.
 J M Taylor) There being no appearance of
 the Parties the case is dismissed at Plaintiffs Cost. Clerks
 Fees \$8.25 including drawing up papers. Sheriffs Fees
 Attach 1.00. Garnish 1.00

No 35. Attachment
 E Lemart) Petition Bond & Affidavit filed
 vs) & Writ issued June 3rd 1861.
 Thibault & Requier) Retd. No service not being
 able to obtain escort from Commandt

Continued for service to next term of Fort Fillmore.
 Alias Attachment issued Sept 18, 1861. Recd Exec by fur-
 nishing J J Thibault with a copy of Attachment. By re-
 quest of Pltff no further action to be taken until further
 instructions.

No 41.) Attachment
 Lemart & Martin)
 vs) Petition Bond & Affidavit filed
 Marcella Provencia) and Writ issued August 13.
 &) 1861. Retd Executed Sept
 Apolonio Varela) 2nd 1861. The Parties in this
 suit being called & Plaintiff making default this cause is dis-
 missed at Plaintiffs Cost. Sheriff \$2.50 Clerk 1.50

No 40.) Certificate of judgment issued
 Juan Geneste) from the Court of the Justice
 vs) of the Peace of the 4th Pre-
 Adolph Lea) cinct Filed July 10th & Ex-
 ecution issued to Sheriff Roberts Clerks Fees \$1.75

No 46.) Macwillie for Pltff
 Gillett & Cochran) Action for Debt
 vs) Petition filed & sworn to &
 Juan P Abilar) summons issued Aug 19, 1861.
 Recd Exec Aug 21/61. Suit withdrawn and costs paid Sept
 2nd, 1861.

No 47.) Petition for Foreclosure filed
 Henry L Dexter) Aug 19, 1861
 vs) Summons issued with copy of
 Eugenio Moreno) Petition
 Deeds &c &c \$4.68. Sheriff
 1 50 This case is dismissed by consent of Plaintiff at his Cost

No 48.) \$260 Debt
 Gillett & Cochran) Petition filed and summons is-
 vs) sued Aug 19, 1861.
 Cesario Duran Judgment rendered Sept 6th
 for Plaintiff for Two Hundred & Eleven Dollars and fifty
 four cents including Interest, and costs of Suit. Sept 7th
 This day comes the Defendant a credit of Two Hundred
 Dollars upon the above judgment which is allowed
 (Amended Judgment entered, Sept 6th 1861, Friday)

No 49) Attachment
 Hoppin & Appel) Petition Bond & Affidavit filed
 vs) Writ issued Aug 19/61. Writ
 J. G. Ake) not Executed Case dismissed
 at Plaintiffs Cost

No 50.) Attachment
 Elsberg & Amberg) Petition Bond and Affidavit
 vs) filed & Writ issued June 4th
 Saenz & Rohman) 1861 (June 4th 1861) & Writ
 issued Sept 2nd. Continued for service. Alias Attachment
 issued Sept 20th 1861. Alias Execution to Sheriff or Mar-
 shal Swope

No 62.) Attachment
 Buchoz Grandjean & Co) From May term 1861
 vs) Demurrer filed by Plaintiff in
 C C Callett) Interest is overruled Sept 2nd
 from No 21 new docket) 1861. Judgment in this case
 rendered as in other cases vs Callett. Publication made by
 posting notices Sept 24, 1861, the Publisher of the Times
 Newspaper having refused to print the Same without se-
 curity for cost of printing.

No 61.) Petition of Appeal from the
 Pedro Duhalde) Court of the 5th Precinct.
 vs) In this Case it appearing to
 Ignacio Gonzales) the Court upon an examina-
 tion of the Docket of Bartolo Madrid, Justice of the Peace
 in the 4th Precinct in the Year 1860 that an appeal from
 his decision in this Case was taken by the Defendant to the
 District Court, this Cause is dismissed at the Costs of Plain-
 tiff and all proceedings stopped. Execution for Cost issued
 Sept 24, 1861. Clerks \$3.25. Sheriffs Return "Settled by
 Act against Clerk and Sheriff"

And now this day comes Lewis W. Geck Justice of the Peace in and for the 2nd Precinct of the County of Doña Ana, and presents his account of fines collected by him for the use of the County amounting to Thirty 25/100 Dollars from which he claims a deduction of Seven Dollars for Jail Rent Constable fees for Whipping a Thief & for Stationary and which is allowed, and the Balance Viz Twenty Three 25/100 Dollars \$23.25/100 ordered to be paid into Court.

FRANK HIGGINS
Probate Judge

Tuesday Sept 3rd, 1861

M M Gellat has made a sufficient Excuse to the Court for his non appearance as a Juror. The fine entered against him is remitted.

No 18.) Attachment from May term
James A Lucas) as 1861
vs) Now this day comes James A
Ygnacio Orantia) Lucas and produced his Books
of Accounts, and upon his testimony, the Defendant making
default after being duly called Judgment is ordered to be
entered against him for Four Hundred and Fifty Nine Dol-
lars including Interest on Three Hundred and Forty Two
Dollars for two years with costs of suit, and the Inter-
pleader of Dolores Provencia is dismissed, she having made
default. Interest \$41.04. Clerks Fees \$3 00. Cost of Pub-
lication Sheriff Execution issued Sept 18, 1861 to Sheriff.
Sheriffs Return "Settled in Full"

No 19.) Attachment from May term
Charles A Hoppin) 1861
vs) This day comes the Plaintiff
Ygnacio Orantia) in this Cause and producing
his accounts and making the necessary affidavit in the Case
and the Defendant making default, judgment for Ninety
Four 68/100 Dollars (\$94.68/100) with Interest at 6%
from the 16th day of April 1861, and costs of suit. The
Interpleader of Dolores Provencia is dismissed she having
made default. Judgement is also rendered against Demasio
Gutierrez by Garneshee for Ninety Four 68/100 Dollars
\$94.68/100 by default (\$1.20) & Costs of Garnishment.
Clerks cost vs D. Gutierrez \$2.00. Execution against
Demasio Gutierrez issued Sept 18, 1861. Execution against
Orantia issued Sept 18, 1861. Clerks Cost \$4 00.

No 39.) Attachment
 Ammon Barnes) Bond Petition and Affidavit
 vs) filed and Writ issued June 16,
 Manuel Chavis) 1861. No service made. Dis-
 dismissed at Pltffs cost. (Clerks Fees paid)

No 44.) Attachment
 Joshua S. Sledd) Bond & Affidavit filed and
 vs) Writ issued Aug. 9, 1861
 Jacinto Plasencio) Recd executed Sept 2nd, 1861.
 Sept 3rd, 1861 appeared before this Court the Plaintiff &
 Defendant when Defendant confessed his indebtedness to
 Plaintiff in the sum of One Hundred and Twenty Nine
 50/100 Dollars (\$129.50/100) and costs of suit, for which
 amount judgment was ordered to be entered against him the
 Defendant. Charged to J S Sledd private a/c Clerks Fees
 \$3.75/100. Execution issued Sept 18, 1861 to Sheriff.
 Sheriff Return "1st Monday November 1861 By sale of Lot
 and Sundries \$33.00"

FRANK HIGGINS
Probate Judge

Wednesday 4th September 1861

The jury being called and Juan Marolaine and James
 M. Davis not appearing a fine of five dollars (\$5) is ordered
 against each of them.

No 55.) Appeal by the Defendant
 Juan Marolaine) from the judgment of the
 vs) Justice of the Peace of the 5th
 Francisco Maese) Precinct.

The Parties in this Cause being called and the Appellant
 making default, after an examination of the testimony cer-
 tified to this Court by the Justice of the Peace of the said
 5th Precinct, the judgment of the said Justice is sustained
 for \$25.00 & all costs, and appeal dismissed. Costs of J P.
 5th Pct 95 Constable 75 Sept 18, 1861 170 Clerks Fees
 \$2.00. Execution issued to Sheriff. Return of the Sheriff
 "Recd in the Within \$20.00 No other property found."

No 53.) Action of Debt
 Reyes Escontrias Agt of) Petition filed and summons is-
 Rafael Armijo) sued Aug 24th 1861
 vs) Motion for leave to answer
 John L May) made. Granted to answer by

12 oclock, 4th. This day comes the Defendant and confesses judgment for the sum of Three Hundred and Twelve Dollars (\$312.00) with interest on said sum from the 25th day of May A D 1861, upon which judgment is ordered to be entered against said May Defdts for said sum of Three Hundred and Twelve Dollars and Interest from 25th May 1861 at the rate of 6% with costs of suit \$3.25. Execution issued Sept 18, 1861. Sheriffs Return "Settled in full by different payments in cash and script."

No 14.) An action of Debt from May
 Jose Alert) term 1861
 vs) Continued from Monday 2nd
 Jose Ma Marquez) 1861 by Special Order.

This day this cause was called. Affidavit for continuance filed by Defdt. Testimony of Defendant relied upon allowed by Plaintiff's Counsel and Jury called. W B Clark & F DeRyther challenged peremptorily Jury empaneled at noon Viz 1. Ramon Nevarrez 2. S. L. May 3. Jesus Lucero, 4. Cristobal Orosco, 5. Juan Mirabal, 6. Pablo Alvarado 7. Jose Ma Delfin, 8. Jose Lucero, 9. David W. Hamlin, 10. R H Cochran, 11. Antonio Jose Telles, 12. Santos Bermudez.

Samuel G. Bean sworn as interpreter in this case. The jury on this 4th day of Sept 1861 by their foreman returned the verdict that Jose Ma Marquez pays to the Plaintiff Twenty Five Costales of Corn or its value at one dollar for each Costale.

Whereupon judgment is ordered to be entered for said amount and the costs of suit. Clerks Fees \$21.00. Execution issued Sept 18 1861 to Sheriff. Interpreters fee \$5.00.

No 51.) Attachment
 Nestor Varela) Bond and Affidavit filed and
 vs) Writ issued Sept 21, 1861.
 Francisco Membrilla) Writ issued & alias attachment ordered. This Case finally adjusted. See No 57. Saturdays proceedings.

FRANK HIGGINS
Probate Judge

Thursday Sept 5th, 1861

No 30.) Appealed by R P Haas from
 R P Haas) judgment of the Justice of
 vs) the Peace of the 5th Precinct.
 Juan Marolaine) Continued by consent from
 May term 1861.

This day being called the Parties to this suit and the Appellant Haas making default judgment is rendered against him and his securities for the Cost of this suit. Justice's Cost \$1.85 Constable 1.00—\$2.85 Clerks Fees 3.50 Execution issued to Sheriff vs Appellant & D Fritze and R H Cochran securities. Nov 26/61 (see No. 91)

No 38.) Attachment
 A J Buchoz & Co.) Bond Petition & Affidavit filed
 vs) and Writ issued June 13,
 John McGran) 1861. Returned Executed
 June 15th 1861. The Parties in this Cause being called and no appearance or answer being made by the Defendant, judgment by default is rendered against him for Three Hundred and Sixty Nine 11/100 Dollars with interest @ 6% from the 25th day of April A D 1861, and costs of suit and against his securities upon replevin bond. Execution against John McGran issued Sept 24, 1861 to Sheriff.

No 45.) Attachment
 Buchoz Grandjean & Co.) Petition Affidavit and Bond
 vs) filed and Writ issued Aug 13,
 Juan Mirabel Jr.) 1861 Returned executed Aug
 31/61

The Parties in this case being called and the Defendant making default of appearance, judgment is ordered against him for Thirty One Dollars, Damages and Interest @ 6% from March 22/61 and costs of suit. Execution issued Sept 24, 1861 to Sheriff.

No 52.) Attachment
 Rafael Armijo) Petition affidavit and Bond
 vs) filed and Writ issued August
 Francisco Maese) 22, 1861.

This case is continued for service by publication it appearing that the Plaintiff is not a resident of this Territory. Notice by publication made by posting the same Sept 24, 1861, the Proprietor of the Times Newspaper refusing to publish without security for Costs of Publication.

No 56.) Appealant
 R H Cochran) Appeal from the 5th Precinct
 vs) Court
 Pedro Chavis) Judgment of Justice \$3.00 for
 one goat and \$10.00 Dollars Damages & costs of Court.

Subpoena for witnesses Aug 27/61. Subpoena for Ramon Guise, Jose Telles, Jose Delfin, Esubio Chavis Teresa Con-sarines, Marino Martinez Alejandro Maldonado & Jose Domingo Garcia.

This case being called by consent of Appealant it is dismissed at his cost. Costs of Justice Court \$1.00 Clerk P. C. \$9.00 Sheriff \$11.20 Execution issued Sept 24, 1861 to Sheriff. Sheriffs Return "Settled by cash to Sheriff his fees and giving credit to Clerk, J P 5th Prcet.

FRANK HIGGINS

Provate Judge

Friday Sept 6, 1861

No 54.) Appeal by Defendant from
The Territory) Justices Court 5th Precinct.
vs) Sentence of the Court Two
Ramon Guiso) Dollars (\$2 00/00) for the
County and costs of suit. Subpoena for seven witnesses
issued Aug 27/61. Retd Executed upon all but Juan Ger-
rule 31st Aug. Subpo. for Dendino Apodaca. In this case
it being called and no witnesses appearing it was passed,
and an attachment ordered to issue against the witnesses
Sept 9th.

Sept 6th, 1861 On this day judgment is rendered in
this case against the Defendants for the Principal and all
costs of suit. Execution issued Sept 24th, 1861 and Sheriff.
Clerk \$6 50 Retd "Nulla Bona" Nov 13, 1861. Execution
vs A Barela & Jacob Appelzoler securities issued Nov 16,
1861. Clerks Fees in this case Recd of Sheriff. Sheriffs re-
turn "Settled in Full"

No 58.) Debts
Anchenta & Barela) Petition filed April 13, 1861
vs) Summons issued April 19,
Agapito Sedillos) 1861

This case is continued for service to the November term
1861 Alias Writ required by Plaintiff. (See Case No 17 for
Judgment final Saturday 7th Sepr 1861)

No 60.) Petition filed and summons
McKnight & Richardson) issued 24th June 1861. Recd
vs) Executed Sept 2nd 1861.
John N. Zoeller &) Panel for trial. Sept 6th 1861
John L May) This case is dismissed at
Plaintiffs cost. Clerks Fees paid.

No 20) Attachment
 Eugenio Lemart) Continued from May term
 vs) 1861
 Ygnacio Orantia) This day comes the Plaintiff
 in this cause and asks judgment by default against the De-
 fendant. Whereupon the Defendant was called and making
 no appearance judgment is ordered to be entered against
 him for the sum of Fifty Five (\$55.00) Dollars with interest
 @ 6% from the 1st day of November 1860. The Interpleader
 of Dolores Provencia is dismissed she making default of ap-
 pearance. Clerk \$4 00 Execution issued Sept 21st 1861 to
 Sheriff.

No 22.) Attachment
 E Angerstreu) Continued from May term
 vs) 1861. Attachment for Do-
 Ygnacio Orantia) mingo Gutierrez to appear as
 Garnishee issued Aug 26th 1861. Sept 3rd. On this day
 attachment required for Domingo Gutierrez. The Plaintiff
 in this case being called & having produced his Books of Ac-
 count whereupon there being no appearance of the Defend-
 ant he having been publicly called judgment is ordered to
 be entered against him for the sum of Seventy-Two 31/100
 (\$72.31/100) Dollars with interest at 6% from the 25th
 August A D 1861 and Costs of Suit and the Interpleader of
 Dolores Provencia is dismissed she having made default.
 Sept 5th attachment for Domingo Gutierrez issued Sept 5th
 1861

Sept 6th 1861 Judgment is this day ordered to be en-
 tered against Domingo Gutierrez as Garnishee in this case
 for the sum of Seventy Two 31/100 (\$72.31/100) Dollars
 and Costs of Garnishment. Execution vs Domingo
 Gutierrez issued Sept 18/61. Clerks Cost \$2.00. Clerks
 Fees in judgment in favor Angerstreu \$6 0. Exception is-
 sued Sept 21st 1861 to Sheriff. Sheriffs Return "By sale
 of one house and lot on the First Monday in Nov 1861 to
 H Grandjean for being highest bid \$36.00"

No 36.) Attachment
 Rafael Burmudez) Bond Petition & Affidavit filed
 vs) and Writ issued June 7th
 Sofia Henkel) 1861.
 This day the Parties being called and the Defendant not
 appearing judgment is given against said Defendant for

Principal and costs and against securities in replevin. Amount of Principal One Hundred & Forty One 60/100 Dollars & interest @ 6% from June 26, 1861, and Execution issued Sept 21st 1861 to Sheriff. Clerk 3 75. Alias Execution Dec. 7, 1861 \$1 00. Retd settled Jan 15, 1862 by Sheriff Roberts. Clerks Fees paid.

No 37.) Attachment
 Nestor Varela) Bond Affidavit and Petition
 vs) filed and Writ issued June 7th
 Sofia Henkel) 1861.

This day the Parties being called and the Defendant not appearing judgment is given against said Defendant for the sum of Ninety Dollars and Two cents. With interest @ 6% from June 7th 1861 and costs of suit. Execution vs Henkel issued to Sheriff Sept 21st 1861. Alias Execution issued Dec 7th, 1861 Clerk \$4 75

No 43.) Appealant from judgment of
 Lewis Wm Geck) the Justice of the Peace of the
 vs) 2nd Precinct.
 Manuel Chavis.) This day the Parties to the
 above entitled case appearing the case is settled in open
 court by the Appealant & Defendant. The cost of the 2nd
 Prect Court & Sheriffs cost remitted, the Parties each to
 pay one half the remaining cost. Clerks Fees \$7 00. Recd
 of J A Lucas Counsel of Defense \$2 50/100 Dollars on act
 of his 1/2 cost. Due from Defendant \$1 50/100, & from Ap-
 pealant \$3 50/100. Clerks Fees paid to him.

No 48.) Action of debt \$260. note
 Gillett & Cochran) Petition filed and summons is-
 vs) sued Aug 19, 1861
 Cesario Duran) This day comes the Parties to
 this suit when Defendant presents his affidavit in the form
 of a Rect of \$76.41/100 dated Sept 22, 1859 and a further
 claim of One Hundred Dollars paid on said obligation on
 same date with it both of which are allowed and judgment
 given for \$83.59/100 and interest at the rate of 6% per
 annum from Sept 1st 1858, and costs of suit. Principal
 \$83.59 Interest 15 05 Costs of Sheriff 2 25 Clerk 1 50
 \$102.79/100 Appeal claimed Bond filed for appeal to
 District Court Nov term 1861 Sept. 14, 1861. Appeal.
 Withdrawn & Judge and costs satisfied Dec 19th 1861

63 Norman Stewart) Action of Debt and Damages
 vs) \$200- by attachment
 Overland Mail Co.) Affidavit Bond & Petition
) filed and Writ issued May 9th
 1861. Recd Executed same day by J A Roberts Sheriff.
 Subpoena for Saml G Bean on part of Plaintiff issued Sept
 3rd 1861. Sept 6th This Case being this day called &
 hearing the testimony of H L Dexter and Saml G Bean upon
 the part of the Plaintiff and upon a full hearing of the Case
 judgment rendered against the Overland Mail Co for Two
 Hundred Dollars the amount claimed and against G H Gid-
 dings, L Downings and R P Kelly and Saml J Jones securi-
 ties in replevin bond & Costs of Suit by default of Defend-
 ant. Appeal asked & granted Bond for appeal filed Sept 17,
 1861

No 63.) Appeal from Justice Court
 Santiago Truxillo) filed Sept 3rd 1861
 vs) Plaintiff in this Case appeared
 Pelagio Lucero) and declared that the Case is
 settled by the Parties whereupon it is ordered that the Case
 be dismissed at Plaintiffs Cost—Sept 5, 1861 cost paid to
 Clerk for this Court.

FRANK HIGGINS
Probate Judge

Saturday September 7th 1861

No 17.) Attorney J A Lucas
 Ancheta & Varela) Petition in an Action for Debt
 vs) Petition filed April 13, 1861.
 Agapito Sedillos) Summons issued 19th April
 1861 to Sheriff Roberts.

Continued to September term for service & alias writ
 required by Plaintiff. Alias Writ issued July 6th 1861.
 Recd Executed Aug 9th 1861.

And now on this 7th day of September comes the Plaintiff in
 the above entitled Cause and claims a judgment against the
 Defendant by default. The Defendant being duly called ac-
 cording to law and making no appearance judgment is given
 against him for the sum of Two Hundred and Two 23/100
 Dollars with interest @ 6% from April 13th 1861 and Costs
 of Suit. Execution issued Sept 24, 1861 to Sheriff. Recd
 Sept 12th settled by Parties, Defendant paying costs. Clerks
 costs chd to Sheriff \$3.25.

No 29.) Attachment continued from
 John Achora) May term 1861.
 vs) Petition Bond and Affidavit
 F De Ryther & N J Davis) filed and Writ issued May
 11th 1861. Recd Executed May 22, 1861. Subpoena issued
 August 24/61 for S J Jones, J A Lucas, T J Bull, R H Coch-
 ran & E Dickenson. Aug 31st subpoena for W S J Martin &
 Saml G Bean Aug 31, 1861, Case called, Parties appeared
 by their Counsel. Legal Exceptions & Motion filed Sept 2nd
 1861 Answer Sept 7th 1861. Answer filed Sept 5th 1861.
 Demurrer overruled.

This case as to Frank DeRyther is dismissed and at-
 tachment dismissed as to him. Issue was on this 7th day of
 Sept joined by the Parties and by consent a jury was dis-
 pensed with. Upon hearing of the Case judgment is given
 for the Defendant and costs of suit. Execution issued Sept
 24th 1861 to Sheriff. Retd "Nulla Bona" Execution vs
 securities issued Nov 26th 1861 Viz Saml G Bean & J A
 Lucas

No 42.) This a petition for a Writ of
 Agapito Valencia & Others) Certiorora directed to R Bur-
 vs) mudez to send up to this
 Rafael Bermudez) Court the papers in the Case
 of Santos Bermudez vs Antonio Mirabal, Agapito Valencia
 & Others was filed June 9th 1861 and papers returned.
 Sept 2nd 1861 judgment is rendered vs R Bermudez for
 costs of Citation.

Special order for the trial of this cause Thursday 5th
 of Sept. Subpoena for Plaintiff for Simon Garcia, Jose
 Granillo, Remijo Saenz Marcos Lucero & Miguel Chacon.
 Sept 3rd Subpoena issued for Cesario Duran, Santiago
 Truxillo Andreas Romero for Defendant. Andreas Romero
 sworn as to the application for an Appeal. Jose Vianes
 Rafael Bermudez & Bartolo Madrid comes at the cost of
 the Court. Witness for Defendant No answer to the Call.
 Santiago Truxillo & Bartolo Madrid sworn. Motion filed to
 dismiss overruled. Motion of Plaintiff Bermudez to dismiss
 upon the grounds that no Affidavit was filed & that appear
 was taken for vexation & delay overruled. Exception taken
 by Counsel for Bermudez.

A jury being called was empaneled as follows 1. W B
 Clark 2 Ramon Nevarres 3 C Duper 4 John L May 5 F De
 Ryther 6 Jesus Lucero 7 Cristobal Orosco 8 Juan Marolaine

9 J N Davis 10 Jesus Ma Gonzales 11 Nestor Barela 12 Ed Dickenson.

Saml G Bean is sworn as interpreter in this Case. The following witnesses for Bermudez called Isidro Padilla, Francisco Loya & Simon Garcia. Isidro Padilla sworn & questioned for Defendant. Simon Garcia sworn, Santiago Truxillo Cesario Duran and Andreas Romero called and sworn. The Case being submitted to the Jury they returned a verdict for the Defendant there being no cause for action and being polled were of that unanimous verdict. Costs in this case paid to Sheriff Roberts Sept 18, 1861. Clerks costs recd of him the same day.

No 59.)
 W W Black)
 vs)
 John McGran Administra-) See No 3
 tor of the Estate of J C) Continued to next term
 Miller Decd by Pltff Atty)
 MacWillie)

No 51) Attachment
 Nestor Varela) Bond and Affidavit filed and
 vs) Writ issued August 21st 1861.
 Francisco Membrilla) Petition for Order of Sale
 filed Aug 26th 1861. On motion of Counsel for Defendant
 leave granted to answer by 12 oclock on Wednesday 5th
 Sept 1861. Leave to answer extended. Answer filed Sept
 5th 1861 by consent of Court, Motion to dismiss Sept 5 Sept
 6th 1861 Chas A Hoppin Clerk of the Court filed his affidavit
 on the motion to dismiss. Defendant filed his motion to dis-
 miss for reason that there is no endorsement upon the Writ
 setting forth the nature of the suit. This Case is footed and
 alias Writ ordered to issue. Exception to the Ruling by
 Defendant. Alias attachment & copy issued dated 21st day
 of August and delivered to Sheriff. Sept 6th 1861, Eugenio
 Moreno, Sylvester Passas, Benito Varela, sworn. Answer
 made as to grounds of attachment. Upon a full hearing of
 the Case judgment is given in favor of the Plaintiff for the
 sum of Three Hundred Dollars and the cost of the suit—
 Sept 7th 1861—Clerk \$9.40/100 Execution issued Sept 18,
 1861 to Sheriff endorsed. Receipt on the same for \$42
 50/100 Dollars paid into Court by Sheriff as sales of one
 horse.

No 57.) Appeal by Defendant from
 Francisco Barrio) Justice of the 5th Precinct.
 vs) Subpoena for Thos J Bull and
 Juan Ortega) Costos Reas issued Aug 27th
 1861. On this 7th Day of September A D 1861 this case
 having been duly heard judgment is rendered against Juan
 Ortega for five Fanegas of Corn at the rate of Four Dollars
 per Fanega and costs of suit. Thos J Bull sworn in this
 case. Execution issued Sept 24th 1861 to Sheriff.

It is ordered that the Clerk of this Court issue notices
 to N Nevarres, late Justice of the Peace for the 3rd Pre-
 cinct, Vidal Nevarres late Justice of the Peace of the 7th
 Precinct & Cristobal Sanchez Justice of the Precinct of San
 Tomas to be and appear before this Court on Monday the
 24th inst to settle up their accounts & pay into Court such
 monies as they may have in their hands belonging to the
 County for fees & fines collected by them.

It is further ordered that like notices be issued to the
 Sheriff & Collector of this County.

Notices issued under date of 7th of Sept & placed in
 the hands of Sheriff.

This day comes Charles A Hoppin and presents his
 accounts *Nos. 5 & 6* for two months salary as Clerk of the
 Court to Sept 1st 1861 for Fifty Dollars and *No 7* for his ac-
 counts for Fees due to Sept 7th 1861 for Fourteen 63/100
 Dollars all of which after examination were allowed and
 approved and warrants on the Treasurer of the County or-
 dered to be issued.

Now this day comes Joshua S Sledd and presents his
 account for Thirty Five Dollars for House Rent for Clerks
 Office from 15th May to 31st Aug, 1861 @ \$10 per Mo which
 is approved and an order *No 2* ordered to be issued on the
 Treasurer of the County.

This day comes John A Roberts Sheriff & presents his
 account for Furniture for the Court Room & Clerks Office
 purchased under order of Court Aug 31st 1861 for Twenty
 One Dollars. Approved & warrant ordered to be issued
No 4

This day comes Frank Higgins Judge of the Probate
 Court & presents his account for salary to Sept 7th 1861
 for the sum of Twenty 80/100 Dollars. Approved and order
No 8 ordered to be issued on County Treasurer

It is ordered for the benefit of the Public Health and for the purpose of cleaning the Streets and Plazas of the Town of Mesilla that George Ackinback be and he is hereby appointed Overseer of the Markets and Special Road Commissioner in and for said Town and so much of the limits of the 4th & 5th Precincts of the County of Doña Ana as are included within the limits of said town, and he shall have full power to collect such assessments as may be ordered to be levied for the purpose of cleaning said Streets and Plazas from time to time by this Court upon all persons who bring Fruit Vegetables and other Property usually sold in the Public Plaza and Markets of this Town, and he shall make monthly settlements with this Court of monies collected and expended by him.

It is further ordered

That the Market Overseer & Special Road Commissioner shall be authorized to collect the following assessments for cleaning the streets Viz.

On all Carts & Wagons of Produce brought from Texas or Mexico not less than *50c cents* nor more than *One Dollar* Each.

On all "Productos del Pais" not less than *six cents* nor more than *fifty cents* to each individual in accordance and in proportion to the quantity he may sell or bring to sell or be sold.

On every Butcher or Vender of Butchers Meat the sum of Twenty Five Cents (25c) for each Stall or Place of Selling for each day so occupied.

It is further ordered

That hereafter no person shall be allowed to deposit Wood or other Fuel upon the streets or plaza of this Town for sale under the penalty of Twenty Five Cents for each offense. This not to prevent the sale of Wood or other Fuel from Carts Wagons or Burros.

It is further ordered that the practice of butchering Animals upon the streets or plaza of the Town for sale is prohibited and a fine for each breach of this order is assessed at fifty cents.

It is further ordered

That the Rendering or Frying out Tallow and Lard upon the streets and plazas is declared to be a Public Nuisance and a fine of fifty cents shall be collected from each offender against this ordinance for every violation of the same.

No 14.) Replevin
 Pedro Pedregon) Bond Affidavit filed & Writ
 vs) issued May 22nd 1861
 Isidor Armijo & Others) Recd Executed May 23rd by
 Sheriff Roberts demanding and searching for said Horse
 upon the premises, but could not find it. Defendant says
 he had such a Horse but had sold it.

There being no appearance of Parties in this Case
 judgment for Costs is given against Plaintiff & suit dis-
 missed.

No 15.) Suit in Abitration
 Gustave Grandjean) Agreement account and
 vs) award of James A Lucas and
 Lemart & Martin) Wm Peter Deus filed in this
 office Sept 2nd 1861. Amount of award in favor of Gustave
 Grandjean for Nineteen Hundred & Eighty Three 73/100
 Dollars \$1983.73/100 Execution at request of Plaintiff
 issued Nov 15, 1861 to be levied upon property of A Martin
 only.

FRANK HIGGINS
Probate Judge

Probate Court Special Session)
 Monday 23rd Day of Sept, 1861)

Present the Honl F Higgins Judge Charles A Hoppin
 Clerk and J A Roberts Sheriff.

This day comes Manuel Nevarres Esqr late Justice of
 the Peace in the 2nd Precinct in the County of Doña Ana
 and presented his accounts for fines collected for the use of
 the County amounting to the sum of Twenty Six 50/100
 Dollars with a claim as official for Twenty two 81/100 Dol-
 lars for Gastos N Trigado "Jail Rent &c which is allowed,
 and the balance Three 69/100 paid into Court

This day comes Tomasa Barela and makes her affidavit
 & petition for a Writ of Habeus Corpus against Jesus Lujos
 to produce the body of Pociano Lujos & shew Cause why he
 retains her in his custody. Writ issued Sept 23rd 1861.

Adjourned to Tuesday 24th Sept, 1861

Tuesday 24th 1861 Court met pursuant to adjournment

This day appears Jesus Lujos cited to appear by Writ
 of Habeus Corpus. Also appears Tomasa Barela Plaintiff in
 this Case. Upon hearing it appearing that the said
 Jesus Lujos is willing that the said Tomasa Barela or

Herrera shall be the guardian of said child, it is ordered that the said Ponciano Lujos be placed forthwith under charge of the said Tomasa Barela or Herrera as its Guardian. And that the costs of this suit be paid equally by Plaintiff and Defendant. An agreement between Jesus Lujos Defendant in this case and Tomasa Herrera, Grandmother of Ponciano Lujos filed Sept 24, 1861. Sheriffs Cost \$1 50. Clerk 3 00 Costs due on above suit \$2.00

FRANK HIGGINS

Probate Judge

Sept 26, 1861 Thursday

This day comes F DeRyther and presents his account for Six Dollars for Six days services as a Juror on the September term of the Probate Court, 1861. Which is allowed and a warrant ordered to issue. Order No 9 issued Sept 26, 1861

This day comes Christian Duper and presents his account for Six Dollars for services as Juror for Six Days at the September term 1861 of the Probate Court which is allowed and a warrant upon the Treasurer ordered to issue. Order No 10 issued for \$6 00 Sept. 26, 1861

FRANK HIGGINS

Probate Judge

October 5th, 1861 Saturday

This day comes Jesus Lucero and presents his account for Six Dollars for services as Juror for Six Days at the September term of the Probate Court A D 1861 which is allowed and a warrant (No 11) ordered to issue. Order No 11 issued Oct 5th, 1861

FRANK HIGGINS

Probate Judge

October 8th 1861

This day comes George Ackenback one of the Securities upon the Bond of John A Roberts as Collector of the Revenue in & for the Territory of Arizona, 1st Judicial District, and withdraws his name from said Bond. Ordered that the Sheriff Roberts complete the Bond by the Substitution of another name as Security.

FRANK HIGGINS

Probate Judge

Oct 9th, 1861

This day comes Joshua S Sledd and files the last Will and Testament of Ypolita Dominguez Deceased. It is ordered that the Persons interested in the Estate of the said Dominguez be notified to appear before the Probate Court on Wednesday the 16th day of October at 10 oclock A. M. of said day by posting said notices upon the door of the Court House

Special Term Probate Court)

Oct 14, 1861)

On this day appeared Felix G Ake and filed his application to be appointed Administrator of the Estate of William Halstead Deceased and he having also filed his Affidavit and Bond as prescribed by Law He is hereby appointed Administrator of the said Estate and letters are ordered to be issued.

FRANK HIGGINS
Probate Judge

Oct 15th

This day issued notices to Ramon Gonzales of the 5th Precinct, Pablo Alvarado of the 4th Precinct and Luisiana Serna of the 3rd Precinct to attend to the condition and repairs of the Roads and Bridges within the respective Precincts.

At the request of Pablo Alvarado & His representatives of the necessity, Jose Maria Chavis is appointed a Commissioner of the Roads and Bridges between the Plaza of Picacho & the bridge known as the Bridge of the Guerras, and Luisiana Serna is appointed an Associate Commissioner with said Pablo Alvarado to attend to the repairs & the keeping in said order of the Roads and Bridges between the Bridge known as the Guerras & the Plaza of Mesilla.

FRANK HIGGINS
Probate Judge

Special Term)

Oct 19th 1861)

This day appeared Joshua S Sledd and presented the Last Will and Testament of Ypolito Dominguez Deceased and prayed for Letters of Administration on said Estate, there being no Executor named in said Will.

The Will being proved by two of the signing witnesses, and no objection being made, notice having been heretofore

posted for all Persons interested in the Estate of said Dominguez, and the said Sledd having filed his Affidavit and Bond as prescribed by Law He is hereby appointed Administrator with the Will annexed of the Estate of the said Dominguez Deceased, and letters are ordered to be issued.

FRANK HIGGINS

Prob Judge

In Chambers)
Oct 27th, 1861)

In consequence of the Terms of the District Court and Probate Court for the First Judicial District of Arizona being by statute set for the same day—to avoid all inconvenience and trouble it is hereby ordered that the regular term of the Probate Court for the transaction of Civil business be adjourned from the first Monday in November to the first Monday in December and all monies and all process shall be made returnable on said last mentioned day, and all appellants and litigants will take notice accordingly.

Signed FRANK HIGGINS

Oct 27th, 1861 Original on File

Nov 8th, 1861

Ordered that the Clerk of this Court notify the Sheriff to be and appear at the Court House on Monday the 10th inst. Prepared to settle his accounts with the County and that without delay he provide an additional name to his Bond as County Collector in place of George Ackenback withdrawing. Notice issued and served upon Sheriff Roberts November 9th, 1861

FRANK HIGGINS

Probt Judge

CHAS A HOPPIN
Clerk P C

Nov. 10th 1861

This day appeared John A Roberts to make settlement with the Probate as per order of the Judge who not being present the settlement stands adjourned until further orders.

Nov 13.

This day appeared Jose Maria Chavis Commissioner of the Roads and Bridges within the limits of the Precinct of

Picacho and requested the appointment of an assistant. Whereupon Jose Ma Nieto was commissioned as such

FRANK HIGGINS

Probate Judge

Special term P. C.

November 20th 1861

Ordered that notices be issued by the Clerk of the Court to the Justices of the Peace and Sheriff of this County to be and appear before the Court on the first day of the Dec term 1861 to make their returns of Collections & Fines &c &c and make settlement of the same

Pursuant to the above order notices were this day issued to L W Geck 2nd Prect. T G Ward 3rd Prect. Saml G Bean 4th Prect. H L Dexter 5th Prect. Cristobal Sanchez 6th Prect. Theo J. Miller 8th Prect and J A Roberts Sheriff, the latter verbal All others in writing.

CHAS A HOPPIN *Clerk P. C.*

The following named persons were selected in conformity with the Law giving jurisdiction to the Probate Court in Civil Cases &c &c approved 2nd February 1861 to serve as Jurors during the next December term of the said Court. 1. Ammon Barnes, 2. Wm McGrorty, 3. Isador Armijo, 4. Anastacio Barela, 5. Manuel Nevarres, 6. Robt P Kelly, 7. Reyes Escantrillas, 8. Agapito Sedillos, 9. Domingo Salazar, 10. Julian Apodaca, 11. Pinkney R. Tully, 12. F G Ake, and venire issued to Sheriff Roberts the same day

FRANK HIGGINS

Probate Judge

The Territory of Arizona)

County of Doña Ana)

On this the 2nd day of December 1861 was begun and held an adjourned term of the Probate Court in and for the County of Doña Ana in the Court House of said County in the Town of Mesilla. Present Honl F Higgins Judge Chas A Hoppin Clerk & F A Roberts Esqr Sheriff. The Court being duly opened and the Jury called the following named persons appeared & were sworn Viz. 1. Isador Armijo, 2. P R Tully, 3. Anastacio Barela, 4. C Duper, 5. Reyes Escantrillas, of the regular panel. Wm McGrorty, Manuel Nevarres, Ramon Chavis, Cristobal Ascarte, F G Ake and Thos Thompson appeared and were excused. Isidro Chavis, Jesus Pina called as talesmen and sworn.

The Territory of Arizona)
County of Doña Ana)

Be it remembered that on this 2nd day of December an adjourned term of the Probate Court in and for the County of Doña Ana was begun and held at the Court House of said County in the Town of Mesilla. Present Honl Frank Higgins Judge, John A Roberts Esqr Sheriff, and Charles A Hoppin Clerk.

No 1.) Petition for Judgment for
Rafael Armijo) Damages and a Writ of Res-
vs) titution
Yrineo Lujan) Action continued from May to
September term 1861 & again continued to Nov term by
consent.

Monday Dec 2nd 1861 This day the Parties in the above entitled Cause being called and it appearing that the Defendant is not a resident of this Territory and that Service cannot be made upon him this Case is dismissed at Plaintiffs Cost. Clerk 2 50 Sheriff 1 50

No 2. No 3 Sept term) McWillie for Plaintiff
W W Black) Action for recovery of
vs) \$16.25/100
John McGran Admt of) This day comes the Plaintiff
Estate of James C Miller,) in the above Entitled Cause
deceased) and asks judgment for the
amount called. The Defendant being called and making no
appearance judgment for Sixteen Dollars and Twenty Five
Cents is rendered against him with costs of Court. Clerks
Fees \$3 50. Execution returned "Nulla Bona" by Sheriff
Jan 20th 1862.

No 3.) No 12 Sept term
Francisco Salazar) Appeal from Justice Court
vs) 4th Precinct. Continued from
Cristobal Mestes) May to Sept & from Sept to
November term 1861.

The Parties in the above Entitled Cause being publicly called and the Appellant making no appearance judgment is rendered against him and his Securities Doronteo Villa Señor & Miguel Duran for the sum of Eight Dollars and costs of Court.

June 2nd 1862. This day comes Doronteo Villa Señor one of the Securities in the above Entitled Cause & files the

following Receipt in satisfaction of the judgement rendered vs Cristobal Mestes. Viz. J A Roberts Sheriff Rect for Seven Dollars for costs Bartolo Madrid. Rect for his costs as Justice of the Peace \$4.75 Frank Salazar Rect for amount due him from C Mestes.

No 4. No 15 Sept term) Attachment
 Rafael Lucero) Continued from May to Sept
 vs) & from Sept to November
 Demetrio Alvarez) term 1861.

Sheriffs Return. No property found and that the Defendant is not a resident of this County this 24th day of Sept 1861. Judgment. This Case is dismissed at Plaintiffs cost.

This day Ammon Barnes and Robert P Kelly duly summoned to be and appear before the Probate Court at this the adjourned term begun and held at the Court House of the County of Doña Ana in the Town of Mesilla being duly called at the door of the said Court House and failing to respond are fined each in the sum of Five Dollars for the use of the County and the costs of Court.

Pedro Nunes, Antonio Barrio, Montrarillo Gellat, Jack Appelzoeler summoned as Talesmen appeared and were sworn.

No 5.) This action was commenced
Anastacio Barela) by attachment returnable to
vs) May term 1861 Continued
Antonio Torres) from May to Nov term and is
this day dismissed at Plaintiffs cost. Clerk 3 00 Sheriff 1 50

No 6.) Replevin Suit Continued from
Anastacio Barela) May term to Sept term for
vs) Service and again continued
Roy Bean & Others) to November term 1861 and
on this day dismissed at Plaintiffs cost. Clerk \$3.55.
Sheriff \$1 50

No 7.) Action of Debt continued
Esteban Ochoa) from May term. Subpoena
vs) issued for Ipefania Aguirre
Manuel Chavis) for Plaintiff and Case con-
tinued to November term. Now on this day it appearing to
the satisfaction of this Court that the Parties in this Case
are not prepared it is continued for service on Ipefania
Aguirre, witness for Plaintiff.

No 8.) Affidavit for attachment filed
 M H McWillie) May 15, 1861. Continued by
 vs) Plaintiff to Sept term again to
 Francisco Chabori) Nov & again on this 3rd day
 of Dec this suit is continued to next regular May term

No 9.) Suit for attachment.
 Thos J Martin) Writ issued May 16 1861 and
 vs) Subpoena issued for Thos J
 John E Dusenberry) Bull as Garnishee issued same
 day not executed. Continued to November term. This day
 Virgil A Martin Admr of the Estate of Thos J Martin De-
 ceased substituted as Plaintiff and cause continued for
 service on Defendant. Alias attachment issued Jan 10 1862
 to Sheriff.

No 10.) Suit for attachment from
 Elsberg & Amberg) Sept term. Continued for
 vs) service to May term 1862.
 Saenz & Rohman)

No 11.) Suit in attachment.
 Buchoz Grandjean & Co) In this Case judgment is or-
 vs) dered for Plaintiff, for One
 C C Callett) Hundred and Twenty Six
 Dollars & costs of suit subject to decision of District Court
 as to the same.

No. 12.) Attachment
 Rafael Armijo) On Sept 5th Case continued to
 vs) Sept term for service by pub-
 Francisco Maese) lication which was made by
 posting notices. This day the Parties being called and the
 Defendant not appearing judgment was ordered against
 him for Fifty Dollars damages and costs of Court. Execu-
 tion issued Jan 10th 1862 to Sheriff.
 Court adjourned to Tuesday the 3rd.

FRANK HIGGINS
Probate Judge

Dec. 3rd 1861 Court met pursuant to adjournment.

No 14.) Appeal from judgment ren-
 Julian Apodaca) dered by Justice of 6th Pre-
 vs) cinct for \$3.75/100 costs of
 Jacinta Armento) suit against Julian Apodaca.

Upon taking the testimony of Anastacio Castillo Rafael Pro-
vencio and Juan Jose Benavides and in default of appear-
ance of Defendant judgment is rendered for Plaintiff for
Six Fenagas of Wheat at \$4.00 a Fenaga & costs.

No 15.) Appeal from judgement of
Agapito Valencia) Remijo Saenz Esqr Justice of
vs) the Peace for Picacho for Two
Samuel G. Bean) Dollars and Fifty Cents dam-
ages and costs of suit \$4.12/100. Filed Sept 7th 1861 On
2nd Dec the Parties to the suit being called and the Plaintiff
Agapito Valencia not appearing judgement for Appelant
was ordered for all costs

No 16.) Suit in attachment
Anastacio Chavis) In this Case the Parties set-
vs) tled the case by withdrawing
Rumaldo Lara) it at Plaintiffs Costs. Execd
for Costs March 11th 1862. Clerk 3 50 Sheriff 1 50

No 17.) Suit in attachment
Thos J Bull) Filed Sept 23, 1861 for the re-
vs) covery of \$288.00/100 Dol-
Ignacio Gonzales) lars.
On this day appears the Plaintiff and reports the Case
settled. Judgement entered against Plaintiff for costs.

No 18.) Suit in attachment
Thos J Bull) Filed 21st Oct 1861.
vs) Now on this 3rd day of De-
Jose Delfin) cember comes the Plaintiff
and being sworn testified in his own behalf. Judgement is
rendered against Defendant for 37 Fanegas of Barley at
\$5.00/100 a Fanega and costs of suit. Execution issued Jan
10th 1862 to Sheriff.

No 19.) Appeal by Defendant in above
Anchenta & Barela) Entitled Cause from a judge-
vs) ment rendered against him by
Julio Armenta) Ned Dexter Esqr J P. 5th
Precinct. Judgment for \$42.00. Costs of J P. 2 55. Sheriff
Blanchard 2 00. On account of sickness of Defdts attorney
this case is continued to the next May term.

- No 20.) Attachment for \$149.32/100
 Cristobal Ascarete) Filed Oct 9th 1861.
 vs) This case was called and De-
 Augustin Pacheco) fendant made default.

The Plaintiff presented a written contract and his Books of Account and was sworn. Upon full hearing of the case judgment was rendered against the Defendant A. Pacheco for One Hundred and Seventy One 27/100 with interest at 6% from date of judgement and costs of suit. Execution issued Dec 31st 1861. Retd Jan 14th Satisfied by sale of one Yoke of Oxen \$51.00 26 Fanegas of Corn @ \$5.63 \$146.12. Total \$197.12 Cost for keeping Oxen & Corn \$25.00. Clerks Fees \$3.75. Sheriffs Return "Sale 14th Jan, 1862."

- No 21.) Suit in attachment returnable
 Roy Bean) to adjd Dec term continued to
 vs) May term for service by Pub-
 Marcial Padilla) lication

- No 22.) Suit in attachment for \$100
 Roy Bean) This Case is continued for
 vs) service by Publication
 Marcial Padilla)

- No 23.) Suit by attachment for
 Joshua S Sledd) \$140 00
 vs) This suit being called and the
 Felipe Jurada) Plaintiff appearing personally
 and by Counsel and the Defendant making default of ap-
 pearance after being three times publicly called after hear-
 ing testimony of Plaintiff who presented his Books of Ac-
 count judgment is rendered for Plaintiff for 18 Fanegas of
 Wheat and ten Fanegas of Barley at \$5.00 per Fanega or
 \$140 Dollars in money and costs of suit. Execution issued
 Dec 31st 1861.

Adjourned to Friday Dec 6th

FRANK HIGGINS
Probate Judge

Friday Dec 6, 1861

This day met the Court according to adjournment.

| | |
|--------------------|-------------------------------|
| No 24. |) Appeal by Plaintiff from |
| Nevis Truxillo |) Judgement of the Justice of |
| vs |) the Peace at Picacho. |
| Luis Albares |) Cause continued to May term |
| 1862 of this Court | |

This day comes Samuel G Bean Esqr Justice of the Peace for the 4th Precinct and presents his account from August 27th 1861 for settlement shewing a balance due the County in his hands of Thirty Five Dollars which accounts after examination are approved and the balance ordered to be paid into Court.

This day is taken up for examination the accounts of H L Dexter Esqr filed Nov 30, 1861. Ordered that this account lay over for further examination.

This day is taken up for examination the accounts of T. J. Miller Esqr J P 8th Precinct forwarded by him shewing a balance due the County of Seven Dollars, which account is approved and the balance ordered to be paid into this Court. This day is paid to Clerk of this Court the sum of Seven Dollars amount due as above.

This day comes Jose Ma Marquez late Justice of the Peace for the 7th Precinct and presents his account with the County for the Collections of Fines for the use of the County & Expenditures shewing a balance due the County of Ten Dollars & Forty Five Cents which account is approved & the balance ordered to be paid into Court. This day is paid to the Clerk of this Court the sum of Ten 45/100 amount due as above.

This day presents Pedro Nunes a return of an election held in the 7th Precinct, D A County which resulted in the election of the said Pedro Nunes which return was ordered to be filed and registered.

On this day was taken up the report of Ramon Gonzales Commissioner of the Roads &c in the 5th Precinct of this County that Andreas Almeras residing in said County & Precinct had obstructed one of the Public highways of the Precinct by erecting a House & Corral upon it.

It is ordered that the said Report be filed and a summons be issued citing said Almeras to be and appear before this Court at its next regular January term to answer said complaint & state cause why he refuses to remove said obstruction.

The petition of Jose Ma Telles, Thos J Bull, Thos N Massie, Martin Truxillo & Others praying the attention of

the Judge of Probate to "the necessity of opening a street already laid out from a portion of the Town of Mesilla known as California to the street now crossing the ditch or Acequia Madre of the said Town from the main plaza near the Church "&c &c" occupying only the space allotted by Law to the bank of Acequia Madre, Viz. Six Varas or Six Yards" is ordered to be filed, the request of Petitioners granted and Thos J. Bull, Jose Ma Marquez, and Miguel Duran appointed Commissioners to carry into effect the prayer of the Petitioners.

The petition of Cristobal Ascarate, Thos J Bull, J S Sledd, Reyes Escontrias, Anastacia Barela & others setting forth the fact that a County Road surveyed and staked out by the legal authorities of this County several years ago running through the lands of petitioners & crossing the Rio Grande at the Lowed Ford from the Town of Mesilla to Fort Fillmore has been rendered impassable for lack of repairs & destruction of Bridges & that for these causes the road has been changed to run through land of petitioners greatly to inconvenience of the Public & loss of Petitioners and requesting the appointment of Overseers and allow them lands for the purpose of establishing & repairing said road, is considered and the prayer of Petitioners granted, and F De Ryther Joshua S Sledd and Ramon Gonzales are appointed to carry into effect the prayer of the Petitioners.

There being no further business before this Court it is adjourned until the next regular term in January A D 1862.

FRANK HIGGINS

Probate Judge

Special Court Dec 7th 1861

This day comes F Higgins and presents his account for Twenty Dollars and Eighty Cents for One Months salary as Judge of the Probate Court Sept 7th to Oct 7th 1861 which is allowed and warrant ordered to issue upon the County Treasurer. Warrant No 11 for Three 45/100 Dollars and No 17 for Seventeen 25/100 Dollars issued this 7th Dec 1861.

This day comes Charles A Hoppin and presents his account for Fees Stationary &c amounting to Thirteen 75/100 Dollars, and for his salary as Clerk for three Months from the 1st Sept to the 1st Dec 1861 for the sum of Seventy Five Dollars which account being examined is allowed for the aggregate amount claimed, Viz. Eighty eight 75/100

Dollars and warrant ordered to be issued upon the County Treasurer for the same.

In compliance with the above order warrants were issued in favor of Chas A Hoppin as follows No 12 for Twenty Dollars, No 13 for Twenty Dollars, No 14 for Twenty Dollars, No 15 for Seventeen 44/100 Dollars, No 16 for Eleven 31/100 Dollars. Total \$88.75

FRANK HIGGINS
Probate Judge

1861 Dec 7th.

Orders or Warrants on the County Treasurer of Doña Ana County Numbers 12 & 14 each for \$20.00 as recorded above are hereby cancelled and orders Nos 20, 21, 22, 23, each for ten dollars substituted in lieu thereof in favor of Charles A Hoppin.

FRANK HIGGINS
Probate Judge

Special Term Jan 14th 1862.

The report of Thos J Bull Jose Ma Marquez and Miguel Duran Commissioners to lay out and open a street in that part of the Town known as California and running past the house of Thos N Massie & others Petitioners being informed and not satisfactory A second Commission consisting of J S Sledd Danl Fritz H C Dodson were appointed to resurvey the lands through which extension of the Street would pass whose report is this day filed and approved and the Street Commissioner and Sheriff are directed to carry into effect the report of the Commissioners.

Notice to Road Commissioner Pablo Alvarado issued January 16th 1862

FRANK HIGGINS
Probate Judge

January 22nd 1862

This day comes Frank Higgins and presents his account for his salary as Judge of the Probate Court of Doña Ana County from the Second day of October A D 1861 to this date amounting to the sum of Seventy six 40/100 Dollars which account is allowed and order upon the Treasurer of the County directed to be issued.

In compliance with the above order the following orders upon the County Treasurer have been issued, Viz.

| | | |
|-------|--|---------------|
| No 36 | Dated Jan 22nd 1862 for Twenty Dollars | \$20.00 |
| No 37 | " " " " " Twenty Dollars | 20 00 |
| No 38 | " " " " " Thirty Six 40/100 | 36 40 |
| | | <hr/> \$76 40 |

FRANK HIGGINS
Probate Judge

Jan 6, 1861 County of Doña Ana

Be it remembered that on this 6th day of January A D 1861 a Regular Court of Probate for the County of Doña Ana was begun and held at the Court House in and for the said County in the Town of Mesilla. Present Frank Higgins Esqr Judge Charles A Hoppin Clerk J A Roberts Sheriff.

Now this day comes Samuel J Jones and presents his petition and Affidavit relative to the death of Robert P Kelly of the County of Doña Ana and prays to be appointed Executor of the Last Will of said Kelly, deceased, and Administrator of his Estate. Upon due Examination of the Will also this day filed for Probate and the following named witnesses sworn in Open Court, to wit R H Dryden Acct Asst Surgeon C S A Frank Higgins Bredett C Murray G W Putnam Frank De Ryther The Will is admitted to Probate and the prayer of Samuel J Jones is granted and it is ordered that Letters Testamentary and of Administration be issued to him upon his filing the necessary Bond with good securities.

It is further ordered that Edward Dickenson W L Thompson and Samuel B Ford be and they are hereby appointed appraisers of the Estate Goods and Chattels the property of the late R P Kelly. Within this the County of Doña Ana

FRANK HIGGINS
Probate Judge

Jan 18th 1862

This day comes John A Roberts Sheriff of the County & presents his account of monies collected by him as Collector of the County during the months of August September and October & November 1861 amounting to Two Hundred and Fifty two 50/100 Dollars (\$252.50/100) for the County and Two Hundred and Forty five Dollars (\$245.00) for the Territory which account is approved to 1st Novem-

ber 1861 and the several amounts ordered to be paid into the respective Treasuries.

This day comes John A Roberts and presents his account as Sheriff, for Fifty Dollars and seven cents for his fees to November 4th 1862 which is allowed and the Clerk is ordered to issue an order upon the County Treasurer for the same.

FRANK HIGGINS
Probate Judge

Saturday February 8th 1862

Be it remembered that on this day was held a Special Term of the Probate Court in and for the County of Doña Ana. Present the Honl John P Deus Judge of the Probate Court & Charles A Hoppin Clerk.

It is ordered by the Judge presiding that the following named persons be and are hereby appointed Commissioners of Roads and Bridges within their respective Precincts.

| | |
|------------------------------------|---------------------|
| For the Second (Doña Ana) Precinct | Bautisto Montoya |
| " " Third (Las Cruces) | " Ramon Navares |
| " " Fourth (Mesilla) | " Pablo Alvarado |
| " " Fifth (Mesilla) | " F DeRyther |
| " " Precinct of Picacho | Cesario Duran |
| " " Sixth (San Tomas) | " Francisco Salazar |
| " " Seventh (Amoles) | " Juan Jose Garcia |
| " " Eighth (La Mesa) | " Eligio Provencio |

It is hereby ordered that the Rules and Regulations for the Government of the Commissioners of Roads and Bridges approved Sept 15 A D 1861 be and are declared in force and that they be printed for the use of the said Commissioners and information of the inhabitants of the County.

It is ordered. That the Commissioners of the 4th Precinct notify the owner or owners of a Jacal Standing in the Street next North of the Buildings of Blas Duran and known as "Calle de Medanos" to remove the same it being an obstruction of Said Streets.

And that he cause to be opened the Street leading to the Rio Grande declared and marked a Public Road. Which Road is situated immediately north of the line of the Lands of Anastacio Barela

It is further ordered that the Clerk Advertise in the Mesilla Times a Notice to all persons doing business in the County to come forward and take their licenses in Conformity with the Laws.

Mr. Daniel Fritze is hereby appointed Treasurer of the County.

The Report of Anastacio Sisneros, Mayor Domo of the Acequias that the Commissioners appointed on the 6th inst upon the proper point for the Mouth of the Acequia is received and approved.

Approved

J PETER DEUS
Probate Judge

Regular Term of the Probate Court)
March 3rd 1862.)

Present Honl John P Deus Judge John A Roberts Sheriff and Charles A Hoppin Clerk

The Minutes of the Special Term Feb 8th 1862 were read and approved as amended.

The report of Pablo Alvarado Commissioner of Roads and Bridges for the 4th Precinct submitted his report upon the Opening of a Public Road between the Lands of Jose Ma Marquez and Anto Torres in same Precinct and by their Solicitation and Consent which is approved and ordered to be filed.

Upon application of John G Ward to be appointed Guardian of Silverio Apodaca and Augustine Apodaca orphan children of Damasio Apodaca and (Space in record) Apodaca his wife both deceased. It is ordered that upon filing the necessary Bond with securities the Clerk of this Court issue the papers of Guardianship to the said John G Ward.

The petition of Charles A Hoppin to be appointed Administrator in the place of Nathan B Appel upon the Estate of Antonio Torres deceased is considered, and the prayer of the Petitioner granted, He filing his Bond with securities and taking the Oath prescribed by Law.

It is ordered that notice be given to Remijio Saenz late Justice of the Peace at Picacho to be and appear before this Court on Saturday the 8th inst at 10 oclock to make settlements of his accounts for monies collected by him for fines for Violation of the Territorial Laws.

It is ordered that from and after this date all Persons are forbidden to wash their Clothing or other dirty Articles in the Acequias and Water Holes within the limits of the towns in this County, any person violating this order to be fined in the sum of Five Dollars to be collected by the

(Alcalde) Justice of the Peace of the Precinct in which the offense is committed upon information laid before him.

Upon petition of Charles A Hoppin appointed Administrator of the Estate of Anto Padilla Decd Matias Flores Gregorio Montoya and Ponciano Velarde are appointed Commissioners to make the bounds and limits of the Land of said Padilla Decd. situated near the town of Las Cruces.

Now this day comes Joshua S Sledd and presents his account for Fifteen (\$15) Dollars for Rent of Rooms for the Probate Court for the adjourned November term 1861 which account is approved and the Clerk is ordered to draw his Warrant upon the County Treasurer for the amount. Order on Co Treasurer *No 20* issued

Ordered that Ramon Gonzales be and he is hereby appointed Assistant Commissioner of the Roads and Bridges to act with Commissioner F DeRyther within the Limits of the 5th Precinct of this County. (See March 8th.)

Motion of Jose Delfin for the sale of a growing Crop of Grain under Execution issued from this Court in favor of J Bull & Co is dismissed.

Adjourned to Saturday the 8th inst at 10 oclock A M
Approved

J PETER DEUS
Probate Judge

Adjourned Term Probate Court)
Saturday March 8th 1862)

The Court met pursuant to adjournment. The Report of Pablo Alvarado Road Commissioner for the 4th Precinct in relation to the removal of Obstructions in the Road to Picacho is approved and ordered to be filed.

The Bond of Jose Ma Pino as Constable of the 8th Precinct is approved and ordered to be filed.

Upon application of Pablo Alvarado for an assistant Road Commissioner for the 4th Precinct and upon his recommendation Isidro Padilla is appointed to act as Assistant Road Commissioner.

| | |
|-------------|-----------------------------------|
| Thos J Bull |) Motion to set aside a sale of a |
| vs |) Certain Field of Growing crop |
| Jose Delfin |) of grain sold under Execution |

issued from this Court upon a judgment obtained by Thos J Bull & Co at the November term 1862.

Now this day comes Jose Delfin by his attorney and presents his motion whereupon after hearing the testimony

of Sheriff Roberts and the arguments of Thos J Bull. The Motion is Dismissed.

This day comes Pedro Garcia and makes application to be appointed Guardian Apolonio Gallegas aged 13 years, the boy Consenting, upon due investigation the application is approved and Letters of Guardianship ordered to be issued upon filing of a bond in the sum of One Hundred Dollars.

It is hereby ordered that from and after this date the Collector of the Revenues receive no Warrants sworn on the County Treasurer prior to the 12th day of March 1861.

Special Term of the) Tuesday March 25th 1862
 Probate Court)
 County of Doña Ana)

Present Honl J P Deus Judge, Charles A Hoppin Clerk and J A Roberts Sheriff.

In Conformity with the Laws of the Territory and the Act giving jurisdiction in Civil Causes &c approved Feb 2nd 1860, the following named persons were selected and named to serve as Jurors at the next Regular May Term 1862 of this Court and the Clerk is ordered to issue his Venire for said Jurors*

It is ordered that the account of John G Ward Justice of the Peace of the 3rd Precinct D A Co shewing a balance due him on the 12th day of March 1862 of Fifteen 50/100 Dollars be allowed and that the Clerk of the Court issue his Warrant upon the County Treasurer for the same.

Venire issued & delivered to the Sheriff the same day.

J PETER DEUS
Judge of Probate

Special Term Probate Court) Monday April 31st 1862
 County of Doña Ana)

This day comes Charles A Hoppin and presents his account for his salary as Probate Court Clerk from the First Day of Dec, 1861 to the 1st day of March, 1862 3 Mo @ \$25.00 is \$75.00 and also his account for Stationary Fees &c in the sum of Twenty Two Dollars making in all the sum of Ninety Seven Dollars upon which is a credit of One Dollar Recd of Reyucindo Duran pound keeper for fine collected of E Chaves, which account is approved and order for Ninety

*Names of persons selected and ordered to be summoned to serve as Jurors as above specified, Viz. 1. George A Hayward, 2. George Ackenback, 3. Chas Holcomb 4. Manuel Nevarres, 5. Alfred Buchez, 6. Andreas Almiras, 7. Pablo Melendrez Jr, 8. Jose Ma Flores, 9. F G Ake, 10. Jesus Alvarez, 11. W B Clarke, 12. Pedro Garcia.

Six Dollars upon the County Treasurer ordered to be issued by the Clerk of this Court.

In conformity with the above order Warrants were issued in favor of Charles A Hoppin upon the County Treasurer as follows Nine orders for Ten dollars Each and One order for Six Dollars, and bearing date March 31st 1862. Viz Nos 21, 22, 23, 24, 25, 26, 27, 28, & 29 & 30 for \$6.00/100

Attest, CHAS A HOPPIN
Clerk P C.

Territory of Arizona)
County of Doña Ana)

Be it remembered that on this Monday the fifth (5th) day of May 1862 a Regular Court for the County of Dona Ana, Territory of Arizona, was begun and held at the Court House of the said County in the town of Mesilla.

Present Honl J Peter Deus Judge of Probate John A Roberts Sheriff and Chas A Hoppin Clerk.

The following named persons cited to appear as Jurors during this term appeared, Viz. Jose Ma Flores and Pedro Garcia.

It appearing to the Honl the Court that in consideration of the disturbed condition of the County it would be impossible to hold this term of the Court and conduct its business to the satisfaction of the Parties interested in Suits pending herein the Court is Adjourned to Monday the Second (2nd) Day of June 1862.

Attest

CHAS A HOPPIN
Clerk P. C.

Adjourned Term) Monday June 2nd, 1862
Probate Court)

The Honl J Peter Deus having filed his notice of Resignation of the Judgeship of the Court, this Court is adjourned to the next Regular July term 1862 for Probate Business and to Regular Sept term 1862 for the Trial of Civil Cases.

CHAS A HOPPIN
Clerk, & Judge ad interim