

Territory of Florida  
vs  
Rachael Dvall

Adultery  
True Bill  
R. Brown, Foreman

Territory of Florida  
vs  
Stephen Williamsen

Adultery  
True Bill

The G<sup>a</sup> and Jury again came into court and presented the following bills--

The Territory  
vs  
James Vehaines ?

Murder  
True Bill  
Robert Brown, Foreman

We the Grand Jury of the counties of Alachua and Columbia beg leave to tender, to his Hon: Judge Reid, and to the district attorney Thomas Douglas, esq. their sincere thanks for the prompt able and efficient manner in which they have discharged the duties appertaining to their respective officers.

Robert Brown, Foreman

The G<sup>a</sup> and Jury present as an aggrievance and all papers. F b. 10, 1832 imposing a tax on hawkers and peddlers.

Robert Brown, Foreman

Personally appeared in open court Robert Johnson Ezeikiel Stafford, and Daniel Simmons and acknowledged themselves to owe and stand indebted to the United States of America in the sum of three hundred dollars each, subject to the following, Viz: The condition of the above obligation is such that if the above bound Robert Johnson shall be and appear at the next term of this court, to be holden at Newmansville in Columbia County on the 3rd Monday in April next to answer to a charge of procuring and enticing one John Gormand a soldier of the United States Army, to desert from the said army, and for aiding and assisting him to do so, whereby he stands indicted as appears of record to abide the judgment and order of the court and not depart therefrom without leave of the court. Then the above recognizance is to be null and void also to be and remain in full form and virtue.

Ordered that a writ of capias be issued on all indictments now pending in this court upon which the defendants are not now in custody or bail. That the marshal take of each defendant, bail, with sufficient security in cases of misdemeanor of one hundred dollars-- and in cases of felony, not capital, in the sum of two hundred dollars. That subpoenas be issued for all witnesses, the names of whom are endorsed, or have been entered on indictments, or who have not been recognized to the next term of court.

Ordered that all actions, pleas, complaints, recognizances, and motions now pending and not determined or otherwise ordered, to ~~the~~ be continued to the next term.

Ordered this court adjourn, sine die.

Robert R. Reid, Judge

SUPERIOR COURT OF COLUMBIA AND ALACHUA COUNTIES  
MARCH TERM. 1833

Monday the first day of the term and 25th day of the month. This court was convened according to law on the 4th day Monday of March at Newnansville in Columbia County.

Present the Honorable R.R.Reid, Judge

The Grand Jury in and for this county and for the district of East Florida were then duly empanelled and sworn viz- Morgan Revatt-- Jessie Carter-- Wilson Brooks-- Powell Revatt-- Timothy Miller-- Michael Clements-- Samuel Giger-- Abraham Colson-- Allen Parish-- Henry Hearn-- Isaac Garrison-- Simeon Dell-- Benjamin Hearn-- Henry Bellows-- Langley Bryant-- James Fairles-- Benjamin Miller-- William Lacklair-- William Cason-- Solomon Warren-- Noah Daniel-- Tyra Parish-- Elijah Colson.

Ordered the court adjourn until tomorrow at 10 o'clock.

Robert R. Reid, Judge

TUESDAY MARCH 1833

The court met according to adjournment

Present the Honorable R.R.Reid, Judge

David Cook  
vs  
Reuben Charles

Debt

It being shown to the court that the plaintiffs are now residents of the Territory. It is ordered, a motion that the said plaintiffs do on or before the 1st day of June give security for costs in terms of law and that upon notice thereof to the defendant or his attorney, the said defendant do file his plea to the action in the clerk's office within sixty days after notice has been served.

Ab. Gamble & others  
vs  
Reuben Charles

Debt

It being shown to the court that the plaintiffs are now residents of the Territory. It is ordered, a motion that the said plaintiffs do on or before the 1st day of June give security for costs in terms of the law and that upon notice thereof to the defendant to his attorney, the said defendant do file his plea to the action in clerk's office within sixty days after said notice has been served.

The ~~firm~~ following cases were continued by order of the court.

James Boyles alias Wm. Boyle      Trespassing  
vs  
J.T. McIntosh

Isaac Mott      Debt  
vs  
Mary alias Maxcey Dences

Territory of Florida      Larceny  
vs  
~~Elizabeth Brophy~~  
Thomas Jones

Territory of Florida      Horse stealing  
vs  
Elizabeth Brophy

Stephen V. Walker      Trespassing  
vs  
Antonio Ponce

Refusing to prosecute the same by order of the court the case is dropped at the costs of said plaintiff.

Territory of Florida

Fornication

Stephen V. Walker

Now came the defendant and being ready for trial and Mr. Deputy District Attorney Levy prosecuting in behalf of the Territory, being ready the case was submitted to the following jury composed of citizens duly summoned to attend the court as petit jurors to wit: Joseph Kane-- David Kane-- Thomas Underwood-- Nathaniel Jones-- John Matthews-- Ephriam Morgan-- Thomas J. Revatt-- Thomas Barron-- Charles McKinney-- Joel Niblack-- Benjamin Moon-- Arnold Thigpin.

The parties having been heard and the case duly ordered the jury, by their foreman returned the following verdict; "We, the jury find the defendant not guilty." Thomas J. Revatt, foreman

Ordered that the court do adjourn to ten o'clock tomorrow morning.

R.R.Reid, Judge

WEDNESDAY MARCH 27, 1833

Court met according to adjournment

Present the Honorable Robert R. Reid, Judge

The following cases were continued:

William Frink, Adm.                      assumpsit

vs  
Enoch Daniel

Ezekiel Stafford                      Trespassing on the case

vs  
Chloe Knight

Charles Knight                      Attachment

vs  
Margaret E. and James Mattair

James L. Colborn                      assumpsit

vs  
Thomas A. Holliday

James Fairbanks                      Debt

vs  
F.R.Sanches



William Williams  
vs  
F.R. Sanches

Debt

William M. Reill  
vs  
John Delany

Trespassing on the case

Territory of Florida  
vs  
Lucy Ward

Fornication

Territory of Florida  
vs  
Mary Miller

Fornication

Territory of Florida  
vs  
Walliam Warton

Adultery & fornication

Territory of Florida  
vs  
Catherine Turner

Adultery

Territory of Florida  
vs  
John Delany

Assault & battery

The United States  
vs  
Robert Johnson

Anticiping a soldier to  
desert

Territory of Florida  
vs  
Rachael Dyal

Adultery

In the case of the Territory vs James Verhaines indictment for murder, it is ordered that the defendant do enter into recognizance with two securities in the sum of five hundred dollars each for the appearance of the said James during the court, die in diem, which recognizance was entered into as follows:

Territory of Florida  
vs  
James Verhaine

Indicted for murder

James Verhains, the defendant in the above indictment acknowledges himself to be indebted to the Territory of Florida in the sum of five hundred dollars and George Downs and Britton Knight do also acknowledge themselves to be indebted to the said Territory of Florida in the sum of five hundred dollars, each, but the said debt or recognizances to be void if the said James Verhains shall be and appear at the present session of the Superior Court for the counties of Alachua and Columbia from day to day and shall not depart without leave of the said court. Otherwise the said recognizance to be and remain of full force and virtue.

In the case of R. & H.H. Fanen (?) vs Elias Knight William Heard and William Hogan, the writ of Certiorari is ordered to be set aside and squashed for informality.

The grand jury returned the following bills:

Territory of Florida	Selling spirituous liquor
vs	to Indians
Charles Waldron	true bill
	Wilson Brooks, foreman
 Territory of Florida	 Selling spirituous liquor
vs	to Indians
Richard Crum	true bill
	Wilson Brooks, foreman
 Territory of Florida	 Selling spirituous liquor
vs	to Indians
Carlos ?	true bill.
	Wilson Brooks, foreman

Ordered that the court do adjourn to ten o'clock tomorrow Morning

R.R.Reid, Judge

THURSDAY MARCH 28, 1833

Court met according to adjournment

Present Honorable Robert R. Reid, Judge

The following cases were returned:

Thomas Doughty	Verdict and Issue
vs	
J.S.McIntosh	
 Charles Wanton	 Trespassing
vs	
William Hogans	

John Paulk  
vs  
Daniel Simmons

Assumpsit

Now came the plaintiff and the defendant and being ready for trial their case was submitted to the jury: John Roberts-- Abraham Daniel-- James Sparkman-- Henry Dell-- James Colding-- F.R. Sanchez-- Joseph Holden-- Samuel Harrison-- Robert Lanier-- Sylvester Bryant-- James Cason-- Joseph Cane.

The said jury returned by their foreman the following verdict: " We the jury find for the plaintiff two hundred dollars damages and costs of the court".  
Roberts, foreman

It is agreed and understood between the parties in the case of Charles Wanton vs William Hogan that the plaintiff may have or continuance at this term of this court cause, upon the express argument and understanding that the defendant may at next term or the court claim preemptorially a trial or continuance at his option.

March 28, 1833  
W.H. Allen Plaintiff's Atty  
B. Lancaster, att of def.

Thomas Doughty  
vs  
J.S. McIntosh

Indictment for plaintiff  
Motion for judgment  
Nuncprotere

The plaintiff's counsel in this case moving for the judgment of the court it is suggested to the court by defendant's counsel that the defendant was dead at and before the verdict in the said case was rendered which fact being disputed by plaintiff's counsel it is ordered by the court that an issue be made up to try the same a -----?

The grand jury returned into court the followings:

Territory of Florida  
vs  
William Ellis

misdemeanor  
no bill  
William Brooks, foreman

Territory of Florida  
vs  
Thomas Holliday

Buying a slave without ticket  
true bill  
William Brooks, foreman

Ordered that the court do adjourn to ten o'clock tomorrow morning.

Robert Raymond Reid. Judge

William Peck & wife

vs

Lewellyn Williams

Lewellyn Gilleland

vs

Thomas A. Holliday

Certiorari

United States of America

vs

Reuben ?

Indictment

Territory of Florida

vs

James Verhains

Murder

John Paulk

vs

Daniel Simmons

Motion for new trial

It is ordered that the motion for a new trial do operate as a supseadeas in this case, and by consent the agreement thereon be had at St. Augustine upon seven days notice from defendants and plaintiffs counsel. The judgment should the motion be overruled to be entered nunc pro tunc .

Lewellyn Gilliland

vs

Thomas A. Holliday

Certiorari

The defendant in certiorari comes and suggest a dimunition of the record in teh above case and in motion of said defendant by his attorney. It is ordered that the justice before whom said case was decided-- do return to this court a full and complete record of the proceedings therein.

J & C Lanton

vs

John Phagan

On motion of plaintiff's counsel it is ordered that the writ in the case be on ---- ? service of the same not having been effected upon the defendant until after the court to which said amount was returnable.

Territory of Florida  
vs  
James Verhains

Indictment for murder

James Verhains the defendant in the above indictment acknowledges himself to be indebted to the Territory of Florida in the sum of \$500.00 and George Downs and Britton Knight do also acknowledge themselves to be indebted to the said Territory of Fla. in the sum of \$500.00 each, but the said debtors on recognizances to be void of the said James Verhains shall be and appear at the next session of the Superior Court for the counties of Alachua and Columbia then and there to win the said recognizances to be and remain of full force and virtue.

Ezekiel Stafford  
vs  
George Downs

Verdict and motion for judgment

It is ordered by and with the consent of parties that the questions arising in this case be reserved for argument before the judge at chambers in St. Augustine the said argument to be had upon seven days notice from plaintiffs and defendants counsel.

Ordered that the court do adjourn to ten o'clock tomorrow morning.

Robert R. Reid, Judge

SATURDAY MARCH 31, 1833

Court met according to adjournement

Present the Honorable Robert R. Reid

Territory of Florida  
vs  
Thomas A. Holliday

Buying from a slave without  
ticket from master  
no bill

Territory of Florida  
vs  
Augustine Steele

Malepractice  
true bill  
Wilson Brooks, foreman

Williams Williams  
vs  
Francis R. Sanchez

It being shown the court that the plaintiff is a non-resident of the territory. It is ordered on motion that

that the said plaintiff do on or before the first day of the next term give security for costs in terms of law and the notice of this order be served upon plaintiff's attorney within 90 days.

Robert R. Reid, Judge

And the court adjourned sine die

At a Superior Court for the Eastern district of Florida being held at Newnansville for the counties of Alachua and Columbia on Thursday the 24th day of December 1833 being the time appointed by law for the commencement of the December term of said court in the for said counties.

His honor Robert Raymond Reid, judge of the court not being present at 4 o'clock p.m. the panel of jurors summoned to attend at this term was called over by the marshal and the court by operation of law adjourned by said marshal until tomorrow morning at 10 o'clock.

Joseph L. Black Dept. Clk.

WEDNESDAY DECEMBER 25th, 1833

The court having been adjourned according to law to 10 o'clock this day and the judge of said court not attending the said court was further adjourned according to the order and directions of the judge thereof received through the marshal to 10 o'clock tomorrow morning.

Joseph L. Black, Dept. Clk.

THURSDAY DECEMBER 26th 1833

Court met pursuant to adjournment.

Present the Honorable Robert Raymond Reid, Judge

The writ of Venire Facia having issued erroneously and no jury having been lawfully summoned to attend the court, ordered that venire facia do issue to the sheriff instantly and the 47 seven persons be summoned attend the court immediately, to serve as grand and petit jurors according to the law in each case made and provided. The sheriff returned the writ of venire facia and it appearing to have been duly executed and 47 persons being in attendance as jurors the following persons were selected according to law to serve as grand jurors.

James Burnett-- Abraham Giger-- Asa Roberts-- John Cason-- Blanchard Blackenberry-- John Pierce-- James Cason-- Abraham Colson-- James Stanley-- James E. Pierce-- Giles Ellis-- Levi Pierce-- Joshua Miller-- Cotton Rawls-- Daniel Coulton-- Moses

Edwards-- Steven V. Walker--Fernando Lowe--Henry  
Sistrunk--John E. O'Steen-- Jesse H. Thomas-- Isaac  
Garrison, foreman.

Territory of Florida                      Malpractice  
vs  
Augustine Steel

In the following case the defendants on thier  
arrignment pleaded not guilty and the cases were  
continued.

Territory of Florida                      Selling liquor to the  
vs    Indians  
Charles Walden

Territory of Florida                      Selling liquor to the  
vs    Indians  
Richard Crum

The following cases were continued by order of  
the court.

ThomasvBoughty                              An agreed issue  
vs  
James McIntosh

Charles Wanton                              Trespass on the case  
vs  
William Hogan

Territory of Florida                      Selling liquor to the  
vs    Indians  
Charles "aldron

Defendant appeard and entered into a recognizance  
of the sum of 500 with Sad Humphrey and Bennett M.  
Dell as his sureties in the sum of #250 each condition-  
ed for the appearance of defendant at the next Sup-  
erior Court to answer the charge against him and  
abide by order of the court.

Territory of Florida                      Selling liquor to the  
vs    Indians  
Richard Crum

Defendant appeared and entered into recognizance  
in the sum of \$1000 with Sylvanus Ellis and Bennet M.  
Dell as his sureties in the sum of #500 each and  
conditioned for appearance of defendant at the next  
superior Court to answer the charge against him and  
abide by the terms of the court.



Territory of Florida  
vs  
Augustine Steel

Malpractice

Defendant appeared and entered into recognizance in the sum of \$1000 and 2 sureties to wit: Joshua Stafford and Bennett M. Dell in the sum of \$500 each and those for the appearance of defendant at the next Superior Court to answer the charge against him and abide by order of the court.

William Boyle  
vs  
J.L. McIntosh

Trespassing

On motion and by consent of parties given to the plaintiff's attorney to withdraw the bond for costs in order to perfect the same.

Ordered that the court be adjourned until 10 o'clock tomorrow morning. Examined

Robt. Raymond Reid, Judge

FRIDAY DECEMBER 26, 1833

Court met pursuant to adjournment.

Present The Honorable Robert Raymond Reid, Judge

The following cases were dismissed by order of the court.

Issac Mott  
vs  
Mary Dewee

Debt

Charles Wanton  
vs  
Riffin R. Tarver

Trespassing

William Ellis  
vs  
Robert Johnson

Trespass on the case

The following cases were continued by order of court.

Joseph Munsey  
vs  
John Stafford

Trespass on the case

**Robert Johnson**                      **Trespass**  
**vs**  
**William Ellis and Henry Benner**

James L. Colburn                      Assumpsit  
vs  
Thomas A. Holliday

**Samuel Fairbanks**                      **Debt**  
vs  
**Francis R. Sanchez**

**William Williams**                      **Debt**  
**vs**  
**Francis R. Sanchez**

Ordered that the rule for security for costs be extended 60 days from this day.

United States  
vs  
Robert Johnson

Enticing and persuading a  
soldier to desert

On motion of the district attorney, ordered that a Nolle Prosequi be entered in this case

The grand jury returned the following bills:

United States  
vs  
Robert Johnson

United States vs Robert Johnson      Enticing a soldier to desert  
A True Bill

Charles Thompson Attachment  
vs  
Margaret E. & James Mattair

On motion ordered that this attachment be dismissed.

United States vs Robert Johnson      Enticing a soldier to desert

Defendant appeared and entered into a recognizance in the sum of \$300 with Daniel Simmons and John Mizell as his sureties in the sum of \$300 each conditioned for the appearance of defendant from day to day at the present term of Superior Court to answer the charge against him and abide the order of the court.

The United States  
vs  
Robert Johnson

Purchasing from soldier  
in United States service  
his uniform clothing  
A True Bill

Defendant appeared and entered into a recognizance in the sum of \$300 with Daniel Simmons and John Mizell as his sureties in the sum of \$300 each conditioned for the appearance of defendant from day to day at the present term of the Superior Court to answer the charge against him and abide the order of court.

Stephen ???  
vs  
Reuben Charles

Ordered that the defendant have leave to answer his plea in this case.

Ordered that the court do adjourn to ten o'clock tomorrow morning.

Robert R. Reid, Judge

SATURDAY DECEMBER 28, 1833

Court met pursuant to adjournment

Present The Honorable Robert Raymond Reid,

The court ordered the following proceeding to be recorded.

On this 27th day of December 1833 personally appeared before the Superior Court of the Eastern district of Florida, William Gay, a resident of the county aforesaid in the Territory aforesaid, aged 74 years five months and seventeen days, who being first duly sworn according to law doth on the oath make the following declaration in order to obtain the benefits of the provision made by the act of Congress passed June 1833. That he enlisted in the army of the United States in the year 1862 and a recruiting officer named Armstrong (he thinks) and served in the second regiment as well as he can now recollect of the North Carolina Line, under the following named officers

to wit; General Green, Col Archibald Lyttle, Major McRae believe his first name was Bert, and Capt. Pete Drecote, 1st Lieu John Ford, 2nd Lieu was Bell and orderly sergeant Charles Stutevant as company officers, that he left the service, he believes in the year 1783, that he resided in the county of Edgecombe in the state of North Carolina when he entered the service, that he marched through North Carolina on to South Carolina to head quarters on Ashby River, that while stationed at that point he was engaged in several skirmishes while on reconnoitering expeditions to the British Lines, in one of which the party to which he was attached lost three men and killed four of the enemy. In another of which he was engaged against a party of mounted armed men (blacks) of whom ten were killed and as many taken prisoners.

He hereby relinquishes every claim whatever to a pension or an annuity, except the present and he declares that his name is not on the pension roll of any agency in any state. Sworn to and subscribed the day aforesaid, the deponent being and making his mark.

Robert Raymond Reid  
his

William X Gay

District of East Florida mark

and the said court does hereby declare its opinion that the above named applicant was a Revolutionary soldier and served as he states

Robert Raymond Reid  
Judge Superior Court  
District of East Florida

Territory of Florida

vs

Thomas A. Holliday

The Defendant entered into recognizance in the sum of two hundred dollars and two sureties in the sum of one hundred dollars each conditioned for the appearance of the said defendant to answer the charge against him and not depart without leave of the court.

And then the grand jury returned the following bill:

Larceny

The Territory

vs

A. G. Andersson  
alias Green Andersson

The court adjourned to ten o'clock on Monday next.

Robert R. Reid  
MONDAY DEC. 31, 1833

The court met pursuant to adjournment

Present Robert R. Reid

The following cases were continued:

Stephen Wolf  
vs  
Reuben Charles

William Bird  
vs  
John Delany

Trespassing

S. Sanchez  
vs  
Theodore

Attachment

Nehemiah Brush  
vs  
John Warren

Assumpsit

Nehemiah Brush  
vs  
Lewellyn Williams

Attachment

The United States  
vs  
Robert Johnson

Purchasing from a soldier  
in U.S. service his clothing

The United States  
vs  
Robert Johnson

Enticing a soldier to desert

The cases were called and the following witnesses  
recognized in the sum of \$1.00 each to appear and testify  
at the next term of the court;

Witnesses;

1. William M. Graham
3. Thomas Swords
5. Henry Bevins
7. Augustus Steel
9. Joseph Griffin

2. Laburn Burnett
4. Cornelius Conway
6. Joshua Stafford
8. William Ellers ---?

## Witnesses for defendant

1. Lewis Holmes
2. Joseph Griffin
3. Henry Troutman

4. ? Stafford
5. John J. Firth

The Grand Jury returned the following bills:

The Territory of Florida

vs

Lutitia Bagley

adultery & fornication  
a true bill

The Territory of Florida

vs

Benjamin Rillins

adultery & fornication  
a true bill

Territory of Florida

vs

Spencer Price

Territory of Florida

vs

Thomas A Holliday

larceny  
a true bill

Robert Raymond Reid, Judge

Ordered that the court do adjourn to tomorrow morning ten o'clock.

TUESDAY DEC. 31, 1833

Court met pursuant to adjournment

Present the Hon. R.R. Reid, Judge

Territory of Florida

vs

James Verhaines

trial. The jury returned a verdict of not guilty

Murder

Defendant pleaded not guilty

Defendant was put on his

oath.

Geo. Humphrey

An affidavit having being presented to the court on motion ordered that a certiorari do go to Mr. Justice Stafford in the case of Augustus Steel is Robert Johnson.

On motion ordered that process so issue upon all indictments where the defendants are not under recognizances and that writ of subpoena do issue to all witnesses not under recognizances where ??? are endorsed upon the indictments found to be true by the G and Jury.

William Gibbons the surety for the appearance of Spencer Price having presented his principal in open court and prayed to be discharged from further

responsibility.

Ordered that the said Spencer Price be placed in the custody of the marshal and that an exoneration be entered on the recognizances of the said Williams.

Territory of Florida

Larceny

vs

Allen G. Andreson

The defendant appeared and entered into a recognizance in the sum of \$400.00 with William Gibbons and Michael Garrison in the sum of \$400.00 each conditioned for the appearance of the defendant at the next term to adjourn the charge against him and to abide the order of the court.

In the same case Ephriam Garrison, a witness on the part of the prosecution was recognized, himself in 100.00 and his surety James Geiger also in the sum of \$100.00 for the appearance of the said Ephriam Garrison at the next term of this court to testify in the above case and not to depart without leave of the court.

Ezekiel Stafford

Trover

vs

Chloe Knight

In this case ordered that the demurrer to the plea of the defendant be overruled.

William Thomas

Vs Stephen V. Walker

Bennett M. Dell

vs

The Same

Ordered that judgment be for the plaintiff upon the demurrer to the pleas of abatement in this case and that the said defendant have leave to plead to the action on or before the first day of the next term.

Territory of Florida

Killing animals

vs

Spencer Price

The defendant in this case entered into recognizance in the sum of \$200.00 with F.D. Colding his surety in the sum of \$100.00 conditioned for the appearance of the said Spencer Price at the next term of this court to answer the charge against him and not to depart without leave of the court and to abide the judgment of the court.



Cook and Wife  
Reuben Charles

Gamble and others  
vs  
The Same

In this case it is ordered that the plaintiff have leave to amend his declaration giving reasonable notice of the same to the defendant and also that defendant have leave to amend his pleas.

The Grand Jury came into court and offered certain presentments which were received and read in open court after which— Ordered that the said presentments be published in the Floridan at Tallahassee and that copies of said presentments be transmitted to the Honorable, the member of the Legislative Council from the counties of Alachua and Columbia and to the Honorable the delegate from the Territory in the Congress of the United States.

United States                      Purchasing from soldier-----  
vs  
Robert Johnson

United States                      Enticing a soldier-----  
vs  
Robert Johnson

It is ordered by the court that these cases be continued and the recognizance be continued.

Theophilus Weeks  
vs  
George W. Roberts  
Adm. of Abm. J. Roberts, Dec'd

In the above entitled cause I do cons----- to be----- to the said plaintiff the sum of one hundred seventeen dollars and eighty cents and do agree that judgment be entered up in the Superior Court of said counties in behalf of said plaintiff for said amount with costs of suit and do hereby waive all objections and exemptions that ----- to the writ of pleadings and to all the proceeding that is to be had in said cause. It being understood that a stay of execution upon half of said amount for which judgment is so herein acknowledged until the first day of January 1835 be allowed by said plaintiff.

Witness my hand this 24th day of Dec. 1833  
 signed, G.W.Robarts, Adm. of A. J. Robarts, dec'd

Whereupon it is considered by the court that the said Theophilus do recover of the George W. Robarts Adm. of A.J. Robarts as aforesaid the said sum of one hundred and seventeen dollars and eighty cents, the same to be levied of the goods and chattels of the said Abraham J. Robarts dec'd in the hands of the said George W. Robarts and also the sum of ----- dollars for costs and charges by the said Theophilus Weeks in this suit expended and be the said George W. Robarts, adm. as a ----- in mercy and so forth.

Stephen Sparkman

vs

George W. Robarts adm. of Abr. J. Robarts, dec'd.

In the above entitled cause I do confess to be due and owing to the plaintiff the sum of one hundred and twenty dollars and do agree that a confession of judgment be entered of said plaintiff with costs of suit and do hereby waive all objections and exceptions ----- to the writ and pleadings and to all the proceedings had or to be had in said cause. It being understood that a stay of execution be allowed by said plaintiff on the half of said judgment, so herein acknowledged until the first day of January 1833. Witness my hand this 24th day of Dec. 1833.

G.W.Robarts, adm. A.J. Robarts

Whereupon it is considered by the court that the said Astephen Walker do recover of the said George W. Robarts, adm of A.J. Robarts the sum ofn \$120.00 to be levied of the goods and chattels of the said Abram J. Robarts, dec'd in the hands of his adm. and also the sum of ---- dollars by the said Stephen Walker in this behalf expended and be the said George W. adm. as aforesaid in mercy and so forth.

It is ordered by the court that all cases, pleas issues, recognizance and other proceedings not herein mentioned be continued to the next term. Ordered that the court adjourn sine die.

Robert Raymond K'id, Judge.

MONDAY MARCH 31, 1834

This being the day for the session of the Superior court, according to law, for the counties of Alachua and Columbia and the judge of the court not being present, the court stood adjourned to tomorrow at ten o'clock.

Joseph L. Clark, Clk.

The court met pursuant to adjournment.

Present the Honorable Robert Raymond Reid, Judge

The Judge announded the following rules as of force in addition to the rules adopted by the court of appeals at its annual session of 1833.

#### RULES

1. When a bill in chancery shall have been dismissed, the defendant shall be entitled to have a copy of the bill taxed in the costs, provided the said defendant had been furnished with the said copy of the clerk.

2. No defendant in a criminal case shall be tried in his absence.

3. In all motions and rules to shew cause the party taking the rule and making the motion shall commence and conclude the argument.

N.B.

It is recommended to the members of the bar, that all pleadings and documents prepared by the attorneys in each case, be engraved in a fair hand, and without interlineation, upon expanded sheet, of foolscap paper, leaving a margin of two inches in width on the left of each sheet and at the top thereof; and so engraving the said pleadings and documents, that all the papers in the cause may be fastened or connected together through their said top margins.

The marshal having made due return of his Venire Facia and the jurors therein named having been called as the law direct-- the following persons were drawn as grand jurors (and having withdrawn and recommended Gad Humphries, Esq. as their foreman, the said Gad Humphries, Esq. was accordingly appointed foreman of the grand jury by the court, viz: Gad Humphries--Elias knight-- Solomon Priest-- Fernando Lowe-- Thomas Hearn-- Lewis Mattair-- James Burnett-- John Cason-- Gideon Heck-- John W. Lowe-- Godfrey Sherehouse-- James Heck-- Abraham Geiger-- James Cason-- Cornelius Barber-- Aaron Tison-- Benjamin Miller-- William Gibbons-- John Hope-- Jesse Heckman-- Samuel Harrison-- William Scott-- William Hope--

And the said grand jury having been duly sworn and having received the charge from the court retired.

The following persons appeared as petit jurors, viz;

Thomas Doughty  
vs  
James McIntosh

Trespassing

Charles Wanton                      Trespassing  
vs  
William Hogens

William Frink  
vs  
Enoch Daniels

James, Alias William Doyle      Debt      10  
vs  
James L. McIntosh

Exekiel Stafford                      Trespassing  
vs  
Chloe Knight

William Reid  
vs  
John Delaney

Joseph Manuey  
vs  
George Stafford

James S. Colburn  
vs  
Thomas A. Holliday

Edward M. Wanton  
VS  
Jacob Summerlan

R.B.-----?

vs

John Phagan

Frederick -----?

vs

John Phagan

Kline and Waugh

vs

Augustus Fleet

Debt

Benjamin "earn

vs

Henry -----?

Edwin W. Dorsey

vs

John Phagan and  
Heston Flotard

David G. Raney

vs

John Phagan

Lewellyn Gilliland

vs

Thomas A Holliday

Territory of Florida

vs

Thomas Jones

Larceny

The same

vs

Elizabeth Brophy

Horse stealing

TUESDAY APRIL 1, 1834

Territory of Florida

vs

Absolon nowden

fornication &amp; adultery

The same

vs

Mary Miller

fornication &amp; adultery

Territory of Florida  
vs  
William Wapton

Adultery & fornication

Territory of Florida  
vs  
Catherine Turner

Adultery

Territory of Florida  
vs  
Stephen Williamson

Adultery

Territory of Florida  
vs  
Rachael Fine

Adultery

Territory of Florida  
vs  
Letitia Bagley

Adultery

Territory of Florida  
vs  
Benjamin Rollins

In the following case , viz;

Alexander Gamble & others  
vs  
Reuben Charles

Debt

David Cook et al  
vs  
Reuben Charles

Debt

William Williams  
vs  
Francis R. Sanchez

Debt

On motion of the attorneys for the plaintiff leave was given to amend the declaration in the several cases.

In the following cases, viz;

Bennett M. Dell  
vs  
Stephen V. Walker

Debt

William Thomas  
vs  
Stephen V. Walker

Debt

On motion of defendant's counsel, ordered that the defendant have leave to file his pleas on or before Thursday Morning next.

Ezekiel Stafford  
vs  
George Downs

Trotter

and

James Fairbanks  
vs  
Francis R. Sanchez

Suggestion was made of the death of the plaintiffs in the last case and the defendant in the first which was ordered to be noted of record.

Robert T. Gale  
vs  
Francis L. Ross

Trespassing

On motion of plaintiff's attorney it is ordered that this case be entered and settled at the plaintiff's cost.

Ordered that the court be adjourned to ten o'clock tomorrow morning/

Robert Raymond Reid, Judge

WEDNESDAY APRIL 2, 1834

The court met pursuant to adjournment

Present Robert Raymond Reid, Judge

The following cases were continued:

Alexander Gamble & others  
vs  
Reuben Charles

Debt

David Cook  
vs  
Reuben Charles

Debt



On motion of District Attorney and with leave of the court a Nolle Prosequere was entered.

United States  
vs  
Robert Johnson

Purchasing from a soldier in U.S.  
service his uniform containing

The defendant pleaded not guilty and now came a jury, Davis Higginbotham-- Timothy G. Miller-- William Spiers-- Langley Bryant-- Francis R. Sanchez-- George U. Roberts-- Samuel Worthington-- Joshua Miller-- James Stanley-- Benjamin Hearn-- Giles U. Ellis-- Oader Hancock.

This case having been duly submitted the said jury returned a verdict of "NOT GUILTY".

Witnesses sworn in behalf of the territory:  
William Graham-- William Bulaney-- Laben Burnett-- Thomas ---- Cornelius Conway-- Henry Burnett-- Joshua Stafford-- Augustus Steel-- William Ellis-- Joseph Griffin.

United States                      Anticipating a soldier to desert  
vs  
Robert Johnson

Defendant pleaded "not guilty" and this cause having been gone into, but the court not having time to conclude the trial, the investigation of said cause was postponed until tomorrow.

Robert Raymond Reid, Judge

THURSDAY APRIL 3, 1894

The court met pursuant to adjournment

Present the Hon. Robert Raymond Reid, Judge

Stephen Wolfe  
vs  
Reuben Charles

On motion of defendants attorney it is ordered that the surveyor of Alachua County do survey the premises in dispute between the parties and make return of this survey to this court at the next term thereof.

The court proceeded in the investigation and trial of the case of the United States vs Robert Johnson and the jury to wit; John G. Richard-- Jacob ~~Summerlin~~ Summerlin-- Samuel Unger-- Archibald Miller-- William Reid-- Francis R. Sanchez-- James Hearn-- Henry Hearn-- David Higginbotham-- Timothy G. Miller-- William Spiers-- Langley Bryant-- , retired, charged with the said cause.

Witnesses for the prosecution sworn: Henry Burnett-- Cornelius Conway-- Augustus Steel-- William Ellis-- B.M. Dell-- Joshus Stafford.

witnesses sworn in behalf of the defendant; Henry Troutman--Lewis Ho,mes-- John L. Furth-- Gad Humphreys-- Jacob Summerlin-- Samuel Brunrtt-- Lewellen Williams-- William Gibbons-- Aaron Tison.

Ordered that the court be adjourned to ten O'clock tomorrow morning.

Robert Raymond Reid, Judge

FRIDAY APRIL 5, 1834

The court met pursuant to adjournment.

Present the Honorable Robert Raymond Reid, Judge.

The United States  
vs  
Robert Johnson

Procuring and enticint a soldier  
to desert from the U.S. Service

The jury returned a verdict of "not Guilty".

John Richardson, foreman

Territory of Florida  
vs  
Spencer Price

Malicious Mischief

And now a jury to wit; George M. Roberts-- Samuel Worthington-- James Stanley-- Benjamin Harn-- Giles M. Ellis-- Cader Hancock-- Gabriel Priest-- Samuel Burnett-- Spencer Tison-- L.L. Townsend-- Jonas Ellis-- Simeon Dell.

Witnesses sworn in behalf of the prosecution  
Thomas A. Holliday-- John Hope-- James Burnett-- Aaron Tison-- William -----?

The jury returned the verdict of "not Guilty".

Territory of Florida  
vs  
A.G. Anderson

Larceny

The defendant pleaded not guilty and now came a jury to wit: and the Territory and the defendant submitted their case to their decision: Jacob Summerlin-- William M. Reed-- Langley Bryant-- John C. Richards-- Benjamin Harn-- Samuel Worthington-- James Harn-- James Stanley-- Cader Hancock-- Henry Harn-- Joshus Miller-- George W. Roberts--

The court not having time to go through with the trial, the case was continued until tomorrow.

The indictment in the case of the Territory vs Augustus Steel having been lost in the custody of the law the Deputy Clerk of this court is fined twenty dollars for the loss thereof and it is ordered that the marshal do collect said fine and remit the same to the public treasury.

Ordered that the court be adjourned to ten o'clock tomorrow.

Robert Raymod Reid, Judge

SATURDAY APRIL 5, 1834

Territory of Florida                      Larceny  
vs  
J.G. (alias) G. Anderson

The jury in this case returned a verdict of "not guilty"

The grand jury returned the following bills:

Territory of Florida                      Malpractice  
vs    no bill  
Augustus Price

Territory of Florida                      Assault and battery  
vs    true bill  
John J. Firth & others

Territory of Florida                      perjury  
vs    a true bill  
John Delaney

John Delaney the defendant acknowledged himself indebted to the Territory of Florida in the sum of \$1000.00 and Francis R. Sanchez and James Hague his securities in the sum of \$500.00 each to be void if the said John Delaney shall appear at the next Superior Court for the counties of Alachua, Columbia and Hillsborough this term to answer to a charge of perjury and not to depart himself without leave of the court.

The following witnesses were sworn in the case of The Territory vs J. G. (alias) Green Anderson.

Witnesses in behalf of the prosecution: Margaret Helvenston-- George Helvenston-- Ann Helveston-- Genaan Ephriam-- Lewellen Williams-- Samuel Fitzpatrick-- Thomas Barron.

Ordered that all cases not specially continued be hereby continued and that writs of capias do issue in all cases of indictment where the parties are not recognized. It is ordered that the presentment of the grand jury be placed on file in the clerks office and a copy be transmitted to the Hon. the Delegate from the Territory in the Congress of the U.S.

The attachment in the case of  
 Charels Edmnbston & Co.

vs

Sylvanus Ellis

was dismissed because of informality in the bond.

John Stanley

vs

Aaron Tison

Ordered that the rules of the court be made by the  
 clerk in fonformity with the order of the court of Appeals.

And the court adjourned Sine Die.

Rob't Raymond, R. id, Judge

**RULES ADOPTED BY THE COURT OF APPEALS FOR THE  
 GOVERNMENT OF THE PRACTICE IN THE SUPERIOR  
 COURTS IN FLORIDA JANUARY TERM 1833**

**LAW DEPARTMENT**

- I. All inquisitions and recognizances shall be re-  
 turned as soon as practicable after they are  
 taken, to the clerk of the Superior Court, where  
 they property returnable; and the clerk of the  
 court shall transmit the same by the safe convey-  
 ance the ( mail excepted) to the district attorney.
- II. All recognizances by order of court, shall be taken  
 and entered of record by the clerk, under the  
 direction of the District Attorney.
- III. The usual forms of receiving bill and arraigning  
 prisoners shall be observed in the court.
- IV. The right of including a criminal case belongs to  
 the District Attorney, but cannot be delegated by  
 him to another person.
- V. If defendants under recognizances fail to appear  
 when the criminal docket under consideration and  
 their cases called in order; their recognizances  
 shall be estreated and forfeited.

**ATTORNEYS AT LAW**

- VI. Persons making application for admission to the  
 bar, shall apply by petition to one of the Judges  
 of the Superior Court, presenting with the said  
 petition, evidence of having attained the age of  
 twenty-one years, and of good moral character;  
 if the application be made in vacation the said  
 Judge shall at a convenient season thoroughly  
 examine at his chambers the said application.

and if found qualified the Judge shall cause him to be duly sworn in, and shall issue to him a license in the following form:

" Atchambers----- day of --- 18--- to -----  
Esq. These and to permit you to practice as an attorney, counselor, and solicitor in the several courts of the Territory of Florida, which said license shall be recorded by the clerk upon minutes of the court and then delivered to the attorney, and the said clerk may, if required, issue to said attorney at law the following commission for which he may charge and receive the sum of five dollars."

Territory of Florida:

"Know all men by these present, that A. B. Esq. having made application to plead and practice in the several courts of this territory and the said A.B. Esq. having given satisfactory evidence of good and moral character as the law directs and having been duly ~~examined~~ examined touching his knowledge of the law and found well qualified and skilled therein. He was admitted to all privileges of an attorney, solicitor, and counselor at law in the several courts of the territory."

In witness whereof the presiding Judge, hath hereunto set his hand, with the seal of the court, this ----- day of ---- 18-----.

Judge-----  
East Florida Territory  
Clerk-----

If the application be in term, the court shall appoint two members of the bar to examine the applicant, and shall administer to them the foregoing oath; "You and each of you, do solemnly swear that you will well and truly examine A.B. touching his qualifications as an attorney and counsellor at law and solicitor in equity, and that you will faithfully report the result of such examination to the court so help you God." The said examination may proceed in open court, or be conducted in probate, at the election of the examining committee. If the report of the committee be favorable to the applicant, the license and commission shall issue, as aforesaid-- Though the above shall be the usual course of proceeding, nothing herein contained, shall prevent the judge from alone conducting the examination in open court, or appointing a committee to examine in vacation, should the judge think proper to do so.

- VII. A license such as is described in the foregoing rule or a certificate under the hand and seal of the clerk of one of the circuit courts of the United States, of admission to practice in said circuit court, shall be sufficient to admit the party applying to appear in any Superior Court of the Territory of Florida, as attorney or solicitor, but the license for certificate must be first recorded as the law directs.
- VIII. The oath of the applicant for admission to the bar shall be as follows; "I, A.B. do solemnly swear that I will support the constitution of the United States. I do further swear that I will honestly demean myself in my profession and exercise the duties thereof to the best of my skill and abilities, so help my God."
- IX. No attorney or officer of the court shall be taken as bail in criminal case or security in any appeal, writ, of error, or any proceeding.
- X. It shall be the duty of every attorney to address the court from the place at the bar.
- XI. No consent between counsel can be enforced by the court, unless produced in writing and signed by the parties to be concerned.
- XII. There shall be but one attorney on record for each party in a cause ( except in case of a law partnership ), but there be as many associate counsel as the party may see fit to employ. The attorney on record shall in all the pleadings and proceedings sign his name to the same or authorize some person to sign it for him. The rules for the admission of attorneys have no relation to applications of attorneys from Alabama and Georgia, under the Act of November 20, 1839.

#### CLERKS

- XIII. Every Clerk shall keep a separate book to be called "THE MEMORANDUM BOOK " in which he shall carefully transcribe every memorandum or other direction to issue process or writ of attachment.
- XIV. The clerk shall keep the following dockets, full copies of the first eight of which shall be furnished by him to the bar which shall be called "BAR DOCKETS" in contradiction to "BENCH DOCKETS" and the bench dockets shall not be subject to the inspection of the members of the bar, or other persons while the court is in session, viz:



1. The common law Appearance Docket containing the cases brought in each term.
2. The common law Trial Docket containing all the cases standing for trial and the entrees made therein upon the appearance docket.
3. A motion docket upon which shall be placed all motions which are not of course, and which are litigated and no such motion shall be heard, unless ~~fixtix~~ in its order upon said docket.
4. A sheriffs report docket, containing all illegalities and claims.
5. A criminal docket
6. A docket of appeal and writs of certiorari
7. An equity docket
8. A docket of land claim
9. A subpoena docket
10. A judgment and execution docket
11. A dead docket; on which shall be placed all cases wherein the plaintiff or defendant or both are dead.
12. The clerk shall keep a book of fines in which he shall enter the amount of fines, the time at which it was imposed, the amount paid and when, and the disbursement of the same.
13. The clerk shall strictly observe the regulations contained in the 59th section of the act regulating practical proceedings, approved 23rd Nov. 1828; and in addition the provisions of the said 59th section, it shall be the duty of the clerk on receipt of any deposition to be read in evidence to be read on the trial of any cause whether said deposition have been taken under a commission or otherwise immediately. Deposited in due form to break the seal of the envelope and endorse on said envelope, the title of the cause, the name of the witnesses whose depositions have been taken together with the case of the time, when the commissioners issued and when it was returned to the clerk's office. It shall then be the duty of the clerk to place on file among the pleadings of the case.



Roman numerals XV and XVI are missing

XVII. The clerk shall make upon his minutes, a note or statement of all documentary evidence read on any trial, if and or their instruments of writing - the names of the parties and date, if depositions, the names of the deponents and date of their depositions and shall endorse upon every plea or exhibit (?) in a cause, the time of filing the same.

#### INTERROGATORIES

XVIII. All objections to the execution of the commission for taking interrogatories or to the manner in which depositions are taken, shall be made and disposed of before the parties go into trial of the cause.

XLX. All objections to interrogatories or the form in which they are conceived must be assigned in writing by the cross examination before the depositions are taken.

#### MOTIONS AND NOTICES

XL. All notices required by the law or by the rules shall be in writing (unless then otherwise directed) and affidavit of the service thereof will be required by the court if said service be desired by the opposite part and not otherwise.

XLI. All motions arising in case upon the appearance docket, and all ---- shall be argued when the cases are called on the said docket, but the court may in its discretion continued said motions and demurrers for a ---- and order them to be placed on the motion docket.

XLII. The first hour of the session of the court on each day after the first day of the term shall be occupied in the consideration of the motion docket unless the court shall think fit to direct otherwise.

XLIII. Notice to produce books and papers must be given ten days at least before the case is called for trial; but the court must be satisfied that such books and papers are material in the cause; and that the notice was not given for delay. If a non suit be offered because the planning does not so comply with the notice or after argument by default be entered

in case of non-comply and be defendant, the said non-suit may be set aside and the case reinstated in the event of the production of said books or papers during the term and the said judgment by default may be set aside, at any time during the trial; provided, the defendant has during the trial, complied with the motion. All such notices shall be made known to the court and insisted upon before the parties into the trial of the court, otherwise, they shall be considered as waived and dispensed with.

XXIV. Upon all motions and rules to show cause the party showing cause or objection to the motion shall commence and conclude and not motion, not in the motion-----, except for those made for the continuance of the cause when called for trial shall be made in any cause without reasonable notice served on the attorney for the opposite party.

#### NEW TRIAL

XXV. If not motion be made for a new trial or an arrest of -----? within four days after a verdict final for argument then shall be entered, but if the court should be about to adjourn before the expiration of the said four days, such motion must be made and submitted for argument before the adjournment of the court. When the court shall adjourn after any trial before the lapse of said four days, the judgment shall be entered as of the said term at which the cause was tried, and in no case, unless for special reason, delayed until the next term.

XXVI. No motion for a new trial be made, unless due notice thereof shall be served on the opposite party with a statement of the grounds on which it is intended to make the motion.

XXVII. The court will grant new trials in all cases tried by a jury, wherein the verdict is against law or evidence, or against the manifest weight of the evidence or where there has been any material mistake or misconduct of the jury; or where the damages awarded by the jury is grossly excessive, and in the opinion of the court are unreasonable or where the party applying for a new trial, alleges, and shows by affidavit, the discovery of new and material evidence, which he was not aware of and could not produce at the trial.

**XXVIII.** In all cases of new trials granted, except where the verdict is against law or evidence the cost of the former trial shall be paid instantly by the party obtaining the new trial.

**ORDER OF BUSINESS\*\* PLEADING\*\* PLEADING PRACTICE**

**XXIX.** The court shall call its docket of cases for trial twice at each term if the time allowed thereof.

**XXX.** When a case is called in its order the same must be tried, continued or dismissed, but by consent, the cause may be placed at the foot of the docket to be again called, if there be time for the second calling of the docket, and if not, to be continued. The second calling must be preemptory.

**XXXI.** Parties must be prepared to proceed within five minutes after the case is called in its order, otherwise, the court may dismiss the case, or rule the defendant to a trial, as sound discretion may direct.

**XXXII.** In all cases where application is made for continuance, (unless on the ground of a sudden and unsuspected emergence) the party making the application must have his affidavit prepared and ready to be read, on the calling of the case.

**XXXIII.** The plaintiff shall in no case, be compelled to submit to a non suit if he be in a condition to demand and proceed to trial, but if he desire to submit to a non suit he must do so before the jury retires or commences their deliberations on their verdict.

**XXXIV.** The plaintiff may at any time discontinue his cause on entering such discontinuance in the clerk's office and paying all costs.

**XXXV.** The time for calling the criminal docket shall be announced at the opening of the court on the second day of the term, and the said docket shall be called at the time appointed in the same manner and order as the civil trial docket is called.

**XXXVI.** All declarations must be filed on or before the first day of the term and all pleas, answers or demurrers on or before the calling of the appearance docket on the first day of the term.

XXXVII. All issues may be made up when the cases are called for trial, but when a demurrer is filed, notice must be given in time for ---- therein before the appearance docket shall be called.

XXXVIII. The new entry of the name of the attorney for the defendant, shall be equivalent to the filing of the general issue, at the first term, but if no plea be filed on or before the first day of the second term with notice thereof of the plaintiff's attorney, the plaintiff may enter his judgment by default, for want of a pleas.

XXXIX. If the plaintiff fails to file his declaration on or before the first day of the term, the ----? shall be considered the appearance term and if the declaration be not filed on or before the first day of the second term, the case shall on the calling of the appearance docket, be dismissed.

40. No default shall be opened without the payment of all costs that have accrued, and pleadings instanter to the merits of the action.

41. No amendments of the pleadings shall be allowed after the case has been submitted to the jury. The cause shall be considered as submitted after the plaintiff shall have read the declaration in the cause.

42. All amendments of mere form shall be ordered instanter and without prejudice to either party. Amendments affecting the merits of the cause may be ordered at the discretion of the court, upon payment of costs and such terms as the court may think proper to impose, but where a substantial amendment is made the opposite party may continue on motion.

43. In all actions where the general issue may be pleaded and the defendant thinks proper to plead the same, he may, instead of additional pleas, give notice in writing of any special matter which he intends to give in evidence on the trial, adjoining such notice in the plea of the general issue, and to which notice no disposition shall be necessary and the said notice shall form a part of the record in the cause, but the defendant in all cases may plead as many special pleas though inconsistent with each other, as he may deem fit.

44. If a demurrer to any declaration or any count in a declaration be ruled-- or the ---? for case to plead further by the defendant such leave will be granted, only on payment of costs, and on terms of pleading issuable instanter, and on going to trial or the same term of the court, of the cause by due course of law be ---? at that time, if not, at the ensuing term.

If the demurrer be sustained the plaintiff shall have leave to amend, on payment of all costs, but in that case, the defendant shall not be compelled to go to trial until the next term of the court. In the case of a demurrer to any other pleading in a cause on the decision thereof the court will make such order or given suit judgment as law and justice shall require.

45. Suits may be brought by the plaintiff for the use of another person named in the process or pleadings.

46. Where documentary evidence is introduced in a cause it shall be forthwith filed with the clerk and considered in the custody of the clerk, such papers as being of right to the party, may be withdrawn upon cause shown in the progress of the suit or after the case if at an end, on motion and by order of the court, upon such terms as the court may present.

47. In an examination of witness the party introducing the witness shall at first examine him and after the cross examination by him the opposite party and a reverse examination by him taking the witness, the examination shall cease, unless ~~him~~ by special permission of the court, only one counsel on each side, shall conduct the examination of witnesses, but the court on application may allow counsel to question each other, in the case of protracted examination.

48. Only one counsel shall be heard in conclusion, When the defendant introduces no evidence he is entitled to the conclusion. In case of claim, the plaintiff in execution is entitled to the commencement and conclusion except where the claimant introduces no evidence.

49. When a party appeals for a continuance on the grounds of the absence of a witness must be shown by the affidavits, that the witness has been duly served with a subpoena or a satisfactory reason assigned for the omission; that he is absent without the consent of the party directly or indirectly given; that he resides in the county, good cause must be shown for not taking his deposition; that the testimony is material; that the applicant expects to produce said testimony at the next term; that the application is not made for delay only; and the party must further state the facts expected to be proved by said witness.

50. The court will in all cases, in its discretion for good cause shown on a trial, order a juror to be withdrawn-- and in such a case the cause shall be continued until next term unless the parties agree with consent of the court, to a trial at the same term.



51. The counsel on either side may except to any decision made by the court during the trial on admission or rejection of evidence or on any point of law and may also except to any opinion given in Judge's charge to the jury, and may require the judge to charge the jury in any particular manner on a point of law, and if request be refused or neglected, no exception may also be taken to each refusal or neglect.

52. When any exception is taken any decision made or opinion given by the Judge, or to his refusal or neglect to charge the jury as required, the counsel taking the exception shall hand to the judge a note thereof, and pray the same to be entered on the minutes, after which before the adjournment of the court, if there be time, the bill of exception shall be drawn up in form, and the original or a copy- party who shall have a reasonable time to suggest, amendments suggested, both the bill and the amendment shall be submitted to the Judge for his correction and when completed, it will be signed and sealed by the Judge and delivered to the party obtaining it, and by him filed in the clerk's office, where it shall form a part of the record in the case, in the event of error or appeal; but no bill of exception shall be filed if not drawn up, completed and signed within thirty days after adjournment of the court.

53. Previous to the entry of final judgment in any error the clerk shall make, but a bill of costs, of the attorney for the party entitled to judgment, make out the bill, with the aid of the clerk and the bill or a copy, shall be shown to the attorney for the opposite party and any objection to it made, it shall be submitted to the court for correction, and be finally -----?. When the amount of it shall be entered of judgment either as forming a part of the judgment in the cause or for the costs as the case may require.

54. Whenever costs are awarded on any proceeding in a case whether setting aside, default, over ruling, demurrer, or motion, or granting continuances, they shall be paid instanter or if not paid, judgment shall be entered for them, on motion and execution may issue on each judgment as in other cases.

55. Whenever any case is discontinued by order of the court, for want of due prosecution, judgment thereon as in case of non-suit, non-pros as the case may require, shall be immediately entered by the clerk of the costs after being taxed.

The judges of the court of appeals have accepted the foregoing rules for the Government of the practice, in the several districts of Florida. They do not believe the system presented to this bretheren of the bar, is a perfect one, but they entertain the opinion notwithstanding that it is better than no system at all.

It will be their duty hereafter to revise these rules, to expunge such as may prove inconvenient in practice, and to add others which their experience and the learning and intelligence of the bar may from time to time suggest.

# RULES OF PRACTICE FOR THE COURT OF APPEALS OF THE TERRITORY OF FLORIDA

1. It shall be required of an application for asmission as an attorney and counselor in this court, that the should have practiced as such in a Superior Court of this Territory and have sustained a fair private and professional character.
2. The practice of the Superior Court of the United States, so far as the same is consistnet with the Organic Law, and with the acts of the Legislative Council, shall be the outline of the practice of the court, to be altered from time to time as circumstances may render the same necessary.
3. Previous to the argument of any cause in this court it will be expected that the counsel engaged in such cause furnish the court with the material points in writing.
4. No-----? of the court shall be suffered by the clerk, to be taken out of his office but by consent of court.
5. In every cause in which the defendant shall fail to appear the plaintiff may proceed "ese Porte".
6. If the defendant shall refuse to plead to issue, and the cause shall be called for trial., the court may proceed to hear an argument on the part of the plaintiff and give judgment according to the rights of the cause.
7. Where it shall be made to appear to this court that an appeal has been prayed and allowed in a court below, and that the same has been brought up and placed upon the docket as the law requires, the same shall be annulled on motion, and the judgment of the court below shall proceed to execution as if no such appeal had been made.



8. Whenever pending a suit in the court either party shall die, the proper representatives in the personalty or realty of the party decedent, may voluntarily come in and be made party to the suit, and thereupon such suit shall be determined as other suits; and if such representatives shall not voluntarily become party then the other party, ay suggest the death on record. Thereupon on motion in writing, he may obtain an order that unless such representative shall become party within the first three days of the ensuing term, he shall, if defendant be admitted to have the suit dismissed and if the plaintiff ( a hearing be had) to have the judgment revised, if erroneous, provided that a copy of every such order shall be printed in some newspaper at the seat of Government, for three successive weeks, beginning at least sixty days before the first day of the term of the court of appeals then the next ensuing.

9. No cases shall be made until a complete record shall be filed with the clerk of this court, containing in itself without reference "alende " all the papers Exhibits, deposition and other proceedings which are necessary to a hearing in this court.

10. In all cases in which a writ of error, or appeal, shall appear to have been ruled out merely for delay, damages shall be awarded under the statute, not exceeding twenty per cent, but in case there exists a real controversy the damages shall be only at the legal rate of interest.

11. All parties in this court not being residents of the territory shall give security for the costs accruing in this court to be entered to record.

12. If the clerk of the court shall produce satisfactory evidence by affidavit, or the acknowledgment of the parties or their securities of his having served a copy of the bill of costs and by them respectively in this court, on which parties or their securities in court, on which parties or their securities an attachment may issue against such parties or their securities to complete payment of such costs.

13. Whenever it shall be necessary or proper in the opinion of any Judge of a Superior Court that original papers of any kind should be inspected by this court on appeal such Judge may make such rule or order for the safe keeping, transporting or returning of such original writs as to him may seem proper and this court will receive and consider such original writ in connection with the transcript of the proceedings.

14. No certiorari upon a suggestion of a ----- of the record, shall be ordered in any cause, unless a motion shall be made thereto fore in writing, setting forth the facts upon which the same is founded which if not admitted by the other party shall be verified by affidavit, and all such motions shall be made at the terms at which the cause is sent up to this court otherwise they shall not be granted unless upon special cause shown to the court accounting for the delay.

15. In all causes brought up by this court it shall be the duty of the plaintiff's counsel to assign error or file exception as the case may be and he shall not be permitted in argument to discuss any other matter on reexception filed.

16. Immediately after the opening of court on each day and before argument the court will entertain motions.

Joseph L. Black

WEDNESDAY NOVEMBER 19, 1834

This being the regular day appointed by law for the session of this court and the Judge having ordered its adjournment to the last Monday in December next the court stands adjourned to that day.

MONDAY DECEMBER 29, 1834

Being the last Monday in December, this being the day to which the November term of this was adjourned the court accordingly opened at ten o'clock. Persons summoned to attend as petit and grand jurors were discharged by order of the Judge and the court by the like order. Adjourned till Friday next January 1835.

FRIDAY JANUARY 2, 1835

The court opened pursuant to adjournment and the Judge not attending it was in conformity with his directions, adjourned till tomorrow morning at 10 o'clock.

SATURDAY JAN 3, 1835

The court opened pursuant to adjournment and the Judge not attending it was in conformity to his directions, adjourned till tomorrow morning.

SATURDAY JAN. 10, 1835

The court met this day pursuant to adjournment. Present the Honorable Robert R. Reid, Judge.

Peter Franham  
vs  
Gad Humphreys

Assumpsit

This day came the said plaintiff Peter Franham by his attorney Joseph L. Smith and filed the following confession of Judgment herein to wit:

Superior Court, East Florida  
March Term 1834

Peter Farnham  
vs  
Gad Humphreys

I confess this action and that the plaintiff in the above case has sustained damages to the amount of three hundred and eighty dollars besides his costs, to be taxed and that judgment in this case may be entered up for the said sum of \$386.00 and do said costs to be taxed aforesaid and I hereby agree to dispose with issuing of a writ and also with the declaration in this case and that execution may be issued in his judgment as if there had been a writ of error nor file and bill in equity. witness my hand this 5th day of April 1834.

I also agree that judgment may herein be entered in vacation to be considered as a judgment of March term by said court.

signed, Gad Humphreys

It is therefore considered by the court that the said Plaintiff do recover against the said defendant the said Gad Humphreys the said sum of \$381.00 his damages aforesaid in form aforesaid confessed with interest thereon to be computed from the date hereof or the rate of eight per cent per annum till paid together with the sum of ---- costs of the said plaintiff in this behalf expended---- This judgment to be considered as of the term of March 1834 and entered now for them at Newnansville April 6, 1834

John Stanley  
vs  
Stephen W. Walton  
Gad Humphreys  
George Clark

Assumpsit

This day came the said plaintiff by his attorney and the said defendant having failed to make appearance or pleas in behalf of said cause and bring three times solemnly called without coming, but making default.

It is considered by the court that the said plaintiff do recover of the said defendant to wit: Stephen W. Walker, Gad Humphreys, and George Carter the sum of \$327.00 the damages he hath sustained in the ----- with interest thereon at the rate of eight per cent per annum, to be computed from the date thereof till paid, together with the sum of --- dollars and --- cents, the costs of the said plaintiff by him about his suit in this behalf expended.

Ralph King and William King  
merchants trading under the firm of R&W King  
vs

Henry Jones

This day same the said plaintiff of Douglas & Levy their attorneys and filed the following confession of judgment herein, to wit;

Superior Court  
Counties of Columbia, Alachua, and Hillsboro Counties  
Eastern District of Florida

Ralph King and William King  
merchants under the name of R&W King  
vs

Henry Jones

And now came the defendant in the above cause, and defends the wrong and says that he does not gainsay or deny the cause of action in the above declaration of the said plaintiff alledged and doth therefore acknowledge that the said defendants indebtedness to the said plaintiff in the just and full sum of \$581.00 with interest at the rate of seven per cent from this date thereof and agrees that judgment be entered up in the said court for the said sum with interest as aforesaid. The said defendant hereby further waives the issuing of a writ in this behalf and all objections to the entering up and conclusiveness of the judgment hereby and herein confessed, whether an appeal writ of error or otherwise.

Witness his hand this ninth day of April 1834.

It is therefore considered by the court that the said plaintiffs do recover against the said defendant the sum of \$611.74 his damages aforesaid in from aforesaid confessed, with interest thereon at the rate of eight per cent per annum to be computed from the date hereof till paid together with the of --- and --- cents the costs of the said plaintiff of him about this suit in this behalf expended.

John R. Wilson  
vs  
Francis R. Sanchez.

In assumpsit

This day came the said plaintiff by Douglas & Levy his attorneys and filed the following confession of judgment herein, to wit;

Superior Court of Columbia Co.  
District of E. Fla. Nov. term 1834

John R. Wilson  
vs  
Francis R. Sanchez

In assumpsit

The said defendant came now in his proper person and defends the wrong etc. and says that he cannot gain say or deny the allegations of the said plaintiff in his said declaration mentioned, but that the said plaintiff hath sustained damages by reason of the said defendant breach of his promise in said declaration set forth in the sum of \$270.65, besides his costs and the said defendants therefore as to justice belongs, consents, and agrees that judgment be entered up by this court against him in favor of said plaintiff for the said sum of \$270.65, and costs of suit and the said defendant hereby waives all rights and benefits of appeal in this behalf, and agrees to institute no writ of ----- not to demand any bill of exceptions nor otherwise to employ and proceedings or take any step whatsoever nature whereby the conclusiveness and final effect of the judgment herein and hereby agreed to be allowed shall in any case be delayed or affected.

And the said plaintiff----- agrees and consents that execution in this behalf may be stayed until the first day of January 1836.

Francis R. Sanchez  
Douglas-- att. for -----

And it is therefore considered by the court that the said plaintiff do record against the said defendant the sum of \$270.65 his damages aforesaid in form aforesaid confessed with interest thereon at the rate of 8 per cent per annum to be computed from the date hereof till paid together with the sum of --- dollars ---- cents, the costs of the said plaintiff by him about this suit in this behalf expended, and that execution in this behalf and stay ed until the first day of Jan. 1836

Ordered that writ of capias be issued wherever necessary that all suits, complaints, causes and recognizances be continued to the next term.

Troutman in certiorari  
vs  
Joshua Stafford

It being suggested to the court that the record returned to this court in said cause is imperfect and incomplete, on motion of defendant's attorney it is ordered that a writ of certiorari be issued to the court from which said proceedings came commanding it to send up a more perfect and complete record of the proceedings in said cause.

Reuben Charles  
vs ~~Moses~~  
Moses Levy

**Braddock  
vs  
Reuben Charles**

On motion of the attorney for plaintiff in the above causes, it is ordered that alias writs of capias ad correspondum be issued returnable to the next term of this court.

Ordered that the court be adjourned Sine Die.  
Robert R. Reid, Judge.

APRIL TERM 1835  
WEDNESDAY APRIL 22

This being the day appointed by law for holding Superior Court for the counties of Alachua and Columbia and Hillsborough.

The court met at 3 o'clock p.m.

present the Honorable Robert Raymond Reid, Judge. The sheriff have returned his writ of Venire Facias the following persons were drawn as grand jurors according to the provisions of the law in each case made and provided;

Jacob Summerlin, foreman-- Abram Geiger-- Theophilus Weeks-- Robert Becan-- Jamer Turnerpp Elias O'Steen-- John M. Prevatt-- Abram Mott-- Fernando Lowe-- James Brooks-- hadrack O'Steen-- William Piles-- Britton Knight-- James L. Townsend-- Samuel Piles-- Jesse Thomas-- James Burnett-- Benjamin Moore-- Abram Golson-- Timothy Miller-- James Standley-- John F. Miller-- Simeon Dell.



and the said persons were duly empanelled and sworn as Grand Jurors.

WEDNESDAY APRIL 22, 1835

The Grand Jury received a charge from the court and retired. Asa Clarke was sworn to attend the Grand Jury as bailiff during the present term. The following persons attended as Petit Jurors and answered to their names Cotton Rawls-- James O'Steen-- Solomon Warren-- Allen Parish-- William Hope-- John Hope-- William Ward-- Thomas R. Prevatt-- William Scott-- David Higginbotham-- Frances R. Sanchez-- James Harn-- James Niblack-- William Abbons-- Samuel Burnett-- Samule Worthington-- Morgan Prevatt-- Willima N. Reed-- John W. Lowe-- James B. Colding-- Moses Cason--

Ordered that the court be adjourned to 10 o'clock tomorrow morning.

Robert R. Reid, Judge.

THURSDAY APRIL 23, 1835

The court met pursuant to adjournment.

Present the Hon. Robert R. Reid, Judge

The following cases were continued by the order of the court.

The territory of Florida

vs

Thomas Jones

Arceeny

The same

vs

Elizabeth Brophy

Horse stealing

The Territory of Florida

vs

Absalon Snowden

Fornication & Adultery

The Territory of Florida

vs

Mary Miller

Fornication & Adultery

The Same

vs

William Wanton

Fornication & Adultery

The territory of Florida

vs

Catherine Turner

Fornication & Adultery



Territory of Florida  
vs  
Carlos-----

Selling spirituous liquor to  
the Indians

THURSDAY APRIL 23, 1835

The Territory of Florida  
vs  
Letitia Bagley

Adultery & fornication

Thomas Doughty  
vs

James H. McIntosh

James Alias Wm. Boyles  
vs  
J.L. McIntosh

Trespassing

The Territory of Florida  
vs  
Thomas A. Holliday

Selling to a slave

In this case the territory by W. District Attorney and the defendant in proper person and the said W. District Attorney declines further to prosecute the said defendant and it is ordered that a Nol Prosey be accordingly entered in the said case.

William Frink  
vs  
Enoch Daniels

Assumpsit

In this case the plaintiff comes into court by his attorneys and suggests that the defendant is dead, which suggestion is ordered to be entered of record by the party.

Robert Johnson  
vs  
William Ellis and  
Henry Bennett

Trespassing

In this case come the plaintiff by his attorney and suggested the death of William Ellis one of the defendants, which suggestion is ordered to be entered of record by the court.

James Fairbanks  
vs  
Francis R. Sanchez

Debt

In this case came the defendant by his counsel and suggesting the death of the plaintiff the same was ordered to be entered of record by the court.

The following cases were ordered to be dismissed.

Robert F. Gay

On the case

vs

Francis & L. Ropp

Theodore F. ???

Debt

vs

John Warren

William Ellis & Henry Brenner

vs

Robert Johnson

Moses E. Levy

vs

Charles Waldron

In this case came the parties by their attorneys and shew and admit here to and before the court, that they have settled the matter in controversy between them, whereupon the court ordered the said settlement to be entered of record.

The Grand Jury came into court and returned the following bills and verdicts.

The Territory of Florida

Adultery & fornication

vs

A true bill

Robert Gay

Jacob Summerlin, foreman

The same

Adultery & fornication

vs

A true bill

Martha Weeks

Jacob Summerling, foreman

The same

Larceny

vs

No bill

Thomas A. Holliday

Jacob Summerlin, foreman

Ordered that the court be adjourned to ten o'clock tomorrow.

Robert Raymond Reid, Judge

FRIDAY APRIL 24, 1835

The court met according to adjournment.

Present the Honorable Robert Raymond Reid, Judge

Joseph Mannly  
vs  
John Stafford

Trover

In this case the plaintiff came not and by order of the court it is adjudged that he be non suit and that the defendant do recover --- dollars the same being costs by him expended.

J.G. Anderson  
vs  
John Hope

Appeal from justice court

By consent and agreement of the parties it is ordered by the court that his case be entered of record as settled between the parties upon the payment of costs by the plaintiff.

The Territory of Florida  
vs  
John Delaney

Perjury

The parties being before the court by order of court upon motion of Mr. District Attorney a Nol Prosequi is entered in the said court.

The Territory of Florida  
vs  
Charles Waldron

Selling spirits to Indians

It is ordered by the court on motion of Mr. District Attorney that a Nol Prosequi be entered in this case.

The following cases were ordered by the court to be continued:

Territory of Florida  
vs  
Benjamin ?????

Adultery

Territory of Florida  
vs  
Robert Gay

Adultery

Territory of Florida  
vs  
Martha Weeks

Adultery

Territory of Florida  
vs  
Stephen Williamson

Adultery & fornication

Territory of Florida  
vs  
Rachael Dial

It appearing to the satisfaction of the court that a marriage hath been legally solemnized between those defendant. It is ordered that a Not Proseque be entered of record in each of these cases.

The Grand Jury came into court and made presentments as follows:

Territory of Florida  
vs  
Jon Delaney

Indictment  
prejury  
true bill  
Jacob Summerlin, foreman

Territory of Florida  
vs  
Richard Crum

Indictment  
selling spirits to Indians

Now came the said Territory by Mr. District Attorney and the said defendant being personally present a jury was called for the trial of the said case to wit:  
Morgan Prevatt-- W.M. Reid-- Abram Cason-- James O'Steen--  
Solomon Warren-- Wm. Hope-- John Hope-- William Ward--  
Thomas J. Prevatt-- William Scott-- David Higginbotham--

Whereupon the trial proceeded and the several parties were heard and the said jury returned into court the following verdict "WE find the defendant Richard K. Crum not guilty," William M. Reid, foreman. Whereupon it is ordered by this court that the said Richard K. Crum be forthwith discharged.

Witness in the above case for the territory;  
Francis R. Sanchez-- William Horne

Ordered that the court be adjourned to ten o'clock tomorrow morning.

Robert Raymond Reid, Judge

Saturday April 25, 1835

The court met according to adjournment  
Present Honorable Robert Raymond Reid, Judge

Charles Wanton  
vs  
William Hogan

Stephen Wolf  
vs  
Reuben Charles