

Republic of Texas } October 24th. 1841.

852

County of Austin } This day personally appeared before me, Maria  
Alguazil from the Republic & County aforesaid and made oath, &  
saw the following statement: - Mr. Max Amster & myself  
have rented from Mr. Charles Amster from the Republic & County  
aforesaid, five acres of land, in his field near his house. Last  
Thursday, when I was gathering the corn, that we have raised on  
the said land, I went with a sledges & horse from my house  
towards the field for the purpose of getting a load of corn.  
About 60 or eighty yards from the corner of the field, the said  
Charles Amster met me in the road with a rifle on his  
shoulder and a large cowhide in his hand, & asked me: Why  
don't you go with your corn through the regular gate, &  
have laid down the fences. I replied that I had put the  
fences in the same order in which they had been before, when  
upon he answered: "No you damned boy!" and struck  
me three or four times with his large cowhide.  
As I had stepped back a few paces, he commanded me  
to stop & not to move from that place, and then to  
go with him to the fence and to put it in the same  
order it was before, otherwise he would certainly ~~kill~~  
~~shoot~~ me, pointing his rifle, which appeared to be  
primed and cocked, towards me. As he appeared to be  
in a great passion & as I was defenceless I was firm  
under the belief that he would have executed his  
threats, if I had not obeyed him; consequently I  
went with him to the fence. Arrived here at the  
place in question I commenced to put up the rails  
& riders that were missing, whereupon he ordered  
me to lay down both paunels & to put them up  
again in better order, and as I refused to do this  
saying, that it was in as good order as I had  
found it, he struck me again with his whip  
and forced me to obey him. After I had repaired  
an other place in the fence according to his order, I  
asked him to lay down his rifle and his whip  
and to give me satisfaction. He agreed to do this &  
we went both to his house. Arrived here he told me  
in the presence of his wife, that I might go to the door  
my bloody head would be witness enough, that he had  
conquered me, if I dared to sue him, - that he would  
not go with me, because I might have secret arms  
with

with me & could kill him. Though nobody was present <sup>(at the affray)</sup>  
said Charles Amster has acknowledged the above facts in  
presence of his wife and his brother John Amster, as  
I have reason to believe, wherefore I pray to punish  
these persons as witnesses & to act against them  
according to law. Ulrich Algauer

Signed and sworn to.

Robert Klingberg Justice of the Peace.  
a warrant was issued against Charles Amster and  
supplicants for John Amster & Mrs. Charles Amster  
to a trial on the 20th of this month, October 25th 1881.  
Republic of Texas }  
County of Austin }. This day the constable Louis Klingberg  
appeared with the accused Charles Amster before the  
undersigned Justice of the peace. The accused, after  
the prosecution of Ulrich Algauer had been read  
to him, declared: I have not sought Mr. Ulrich  
Algauer neither have I threatened to shoot him. I  
had went out to hunt my oxen carrying, as I ge-  
nerally do, my rifle with me, to kill game occasionally  
and my cowchip for to drive my oxen with, on the  
25th of October last, and passing my field, I saw that the  
fences had been laid down at several places. Shortly  
afterwards I met Ulrich Algauer, who had done so,  
and I made them put them up again.

Charles Amster.

From the witnesses summoned, only John Amster  
made his appearance. Mr. Charles Amster excused  
his wife with inability to appear she having been  
sitting in confinement and not being able yet to  
leave her house at such a rainy day as this.

John Amster after having been duly sworn, deposed  
as follows: All I know about the affair in  
question, is, that Mr. Charles Amster, on the morning  
of the 25th of this month, when I returned  
from hunting, told me, that he had a  
quarrel with Mr. Ulrich Algauer, who had laid  
down his fences.

Question: Has Mr. Charles Amster, when he told  
you, that he had had a quarrel with Mr. Ulrich  
Algauer, not told you the particulars of it?  
Answer: Not at all.

Question by the prosecutor: Did or did you not  
tell

Tell me on the morning of the 24th of this Month that it was very sorry that Charles Amster treated me in that manner.

Answer: I did not. I only said that it was not good that you always were quarreling together.

Johannes Amster.  
The prosecutor Ulrich Algauer hereupon asked to summon William Allen, living close by the Courtstable was immediately sent for him. William Allen, after having been duly sworn deposed as follows:

Shorte time ago, I believe it was in the fore part of this week, Charles Amster told me occasionally, that Ulrich Algauer had driven his into his field, that he had whipped him, and that he would do it again if he could not leave his fences alone.

Question: Did or did not Charles Amster tell you in what manner he had struck Algauer & at what time?

Answer: He did not, though Mr. Algauer told me some time in the past week, that Charles Amster had whipped him the day before, & I remarked a bloody mark on his left ear & several scars at his neck.

Wm Allen.

At instance of the prosecutor, Louis Huber, was sworn as a witness. He stated:

When I served the warrant to Charles Amster in this case, he told me after I had read the warrant to him: "that Ulrich Algauer had deserved a whipping and that he had forewarned him before."

Louis Huber.

Ulrich Algauer declared that at present he had no further evidence.

Charles Amster, after the evidence taken, was read to him, said:

It is true that I told to William Allen, that I had whipped Ulrich Algauer, but I have

done

this for found. I never whipt him.

Whencouron the court, after having consi.  
dered the case, ordered:

"That Charles Amster shall give bail  
"in the sum of five hundred dollars, to  
"appear before the next court in this district  
"in San Felipe, to answer to the crime charge  
"or in the case to be unable or unwilling  
"to give this bail, to be committed to  
"jail.

given in my office October 30th. 1841.

Robert McCoy <sup>CB</sup>  
J. of the Peace

Republic of Texas }  
County of Austin }  
I do hereby certify that the above is  
a true copy of my records in the case  
of the Republic of Texas versus Charles  
Amster.

Witness November 1st 1841

Robert McCoy <sup>CB</sup>  
Justice of the Peace.

|                    |         |
|--------------------|---------|
| Warrant            | \$ 1.00 |
| Two Sycamoras      | ..50    |
| Judgment           | .75     |
| Copies             | 2.50    |
| Carrying out costs | 25      |