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The Republic of Texas } District court for Liberty
Liberty County } County for Spt. Term for 1844
To the honorable the district Judge of the 6th Judicial District The petitions of James Davis a citizen
of the county of Liberty and Republic of Texas
and Chas Taylor a citizen of the county of
Liberty and Republic of Texas
sheweth that William Fitzgerald who is
a citizen of the county of Liberty and Republic
of Texas and the defendant in in this action
on the 1st day of January 1840 and at various
other days and times between that time and the
commencement of this action with force and arms
broke and entered into a certain close of your pe-
titioner situated in the county of Liberty and Re-
public aforesaid bounded and described as follows
situated on the western Bank of the Trinity
almost one mile below the fields of King Long
Coushatta beginning at a cotton wood 20 inches
diameter on the bank of said river from which
a cotton wood 30 inches diameter bears north
29 degrees 30 Minutes east 9 Varas and a pecan
30 inches diameter north 43 degrees 30 Minutes west
3 Varas which is the first corner thence west 990
Varas to a stake from which a Red Oak 30 in-
ches diameter bears south 30 degrees east 7 1/2 Varas
and an ash 6 inches diameter bears ^{north 32} south 32
degrees east 9 1/2 Varas which is the second cor-
ner thence south 2500 Varas to a gum from
which an ash 8 inches diameter bears south 48
degrees west 6 1/4 and a Lym tree 8 inches dia-
meter south 30 degrees East which is the third
corner thence east 93 1/2 Varas to a live oak 42
inches diameter bear north 41 degrees 30 Minutes

East $11\frac{1}{4}$ Varas and a live oak 12 inches diameter
bears south 78 degrees west 17 Varas which is
the fourth and last corner thence following
the meander of said river upward to the
first corner completing an League of land which
is number five. That the said defendant
~~has cut out and destroyed the trees~~
and in a wood of your petitioner of great
value to wit the value of $\$500$ and trampled
upon and destroyed the grass of your petitioner
of great value to wit the value of $\$100$ then and
there growing and being. That on the said
first day of January 1880 the said defendant
put out and removed your petitioner from the
possession use and occupation of said close
and kept them put out and removed for a
long space of time to wit thence hitherto and
during that time to have and receive to the
use of him the said defendant all the issues
and profits of said close being of great value
to wit the value ^{thereof} of the yearly value of $\$500$
whereby your petitioner during all the time
aforesaid not only lost the issues and profits
of said close but were deprived of the use
and means of cultivating the same and other
wrongs to your petitioner then and there due
against the peace of the Republic and the
damage of your petitioner $\$1000$. and that the said
defendant is still in the use and unlawful
occupation and possession of said close wherefore
your petitioner pray that the usual citation
may issue the said defendant returnable to the
next term of the district court to be holden for
the County of Liberty on the second Monday

in September instant (1844). at the court house
in the town of Liberty, that this honorable
Court may then and there deem its judg-
ment against said defendant as well for
the damages appraised as the recovery
of the close therein before described and
by such decree to deliver the possession of
said close to your petitioner and to pay
all the cost and damages sustained by
them in the premises. and your petition
merit.

(Signed)

A. Washington

I certify the foregoing to be a true copy
of the original now on file in this Office

Chas. C. Lund
Clerk

Oct 24th 1844

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Davis & Taylor
W. L. O'Brien
William Fitzgerald
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