

The State of Texas of Jas. G. Heard
Washington County as Pleasant Mellican

To the Honl. M. E. B. Baylor
judge of the Third judicial district.

Your petitioner James G.
Heard of the County & State aforesaid
would respectfully represent unto your
Honor that on the 19th December A. D.
1830 one John Grant drew an order
or draft upon your petitioner for fifty
dollars in favor of one Pleasant Mel-
lican which was presented and accept-
ed by your petitioner on the same day,
to be paid on the 1st day of June
A. D. 1831. petitioner would further
represent that before the said 1st
day of June 1831. The said John Grant
legally notified your petitioner not
to pay the said order or draft as the
same had been obtained from him
while in a state of intoxication
and further that the consideration
~~was~~ of the said order was illegal.
Petitioner would further represent
that on the 22nd Jan'y. A. D. 1832 The
said Pleasant Mellican instituted
suit upon the aforesaid order or draft
before one C. M. Emmons a justice of
the peace in and for the County aforesaid
and the cause was tried by the said
Emmons justice as aforesaid and on the
28th Feb'y A. D. 1832 and a judgment
rendered vs your petitioner for the aforesaid
sum of fifty dollars interest & costs,
in favor of the said Pleasant Mellican

and ~~less than ninety days~~ ~~not~~ ~~prior~~
to this application.

The said justice not regarding the notice
of the said Grant to your petitioner
not to pay the said draft or order, nor
would the said Commons allow the con-
sideration of the said draft to be pro-
cessed. Petitioner would now represent that
this application is made before the
expiration of ninety days from
the rendition of the aforesaid jud-
gment. Petitioner would further
represent that he is now ready
to pay the said fifty dollars as
soon as it is determined to whom
it properly belongs.

Petitioner therefore
prays that your Honor, grant him
the writ of certiorari to remove the
proceedings in the aforesaid cause from
the magistrate's court aforesaid, to
the District Court, there to be seen and
investigated and as in duty bound
will ever pray &c.

Learey D. Vinson
attys. for Petitioner.

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State of Texas
County of Washington } Before me William Gould a
Notary Public in and for said County duly Commissioned
and qualified. Personally Came James G. Heard
who after being duly qualified upon his Oath
says the foregoing petition is true and correct
to the best of his knowledge and belief

James G. Heard
I Certify which I hereto sign my
Name and affix my Notarial seal
This 6th day of March A.D. 1852

W. Gould
Notary Public
Washington Co

The Clerk of the District Court holden
in and for the County of Washington
will issue the certiorari as prayed
for in the foregoing petition upon
the petitioner first entering into bond
with two good securities in double
the amount of the judgment in the
Court below, made payable and
conditioned as the law requires
given under my hand this the
5th day of April A.D. 1852

R. E. B. Baylor
Judge

Record in Book I. from Jan 205 to
214

No 743

Pleasant Mellican

33 Feb
3

J. H. Heard

Gile 7th Apr 1852

W. H. Humphreys
Done

Cadrona Dec 13th Apr 52

Worth & Copy Apr 5
Early 1852

Painted Jan 2.50

S. J. 1853

Henry & Vinson