

In Dist Court Fayette County.  
No 2778

THE STATE OF TEXAS,  
VS.

Eph Harper  
Theft of Cattle

**INDICTMENT.**

No. 2778

**STATE OF TEXAS**

vs.

*Eph Harper*

*Theft of Cattle*

Filed *Nov 22<sup>nd</sup>* 188*4*

*Jno B Halloway* Clerk.

**WITNESS:**

*Chas Scallorn*  
*H Berringer (Gonzales Co)*  
*Tom Merkins, Albert*  
*Merkins, Wm Rankin*

*We the jury find  
the defendunt  
guilty & assess  
his punishment  
at 2 years in  
the penitentiary  
B White  
Foreman*



In the Name and by the Authority of the State of Texas.

The Grand Jurors of Fayette County, in said State, at the Fall Term, A. D. 1884, of the District Court of said County, upon their oaths, in said Court, present: That

Eph Harper

in said County and State, on the 6<sup>th</sup> day of August in the year of our Lord eighteen hundred and eighty four did then and there unlawfully and fraudulently take from the possession of Charles Scullorn twelve head of cattle the property of said Scullorn, without the consent of said owner and with the intent on the part of said Harper to deprive said owner of the value of said property and to appropriate the same to his own use and benefit

Letter

<sup>my</sup>  
E. H. Harper

Copy of the  
envelope

Filed Nov 24<sup>th</sup> 1894  
Geo. B. Halliday  
D. E. C.



Dear

24  
E. H. Harper.

Deft head's quality to the  
involvement changing time  
with the dept of next date.

You will so find and  
lessen his punishment by  
improvement in the handwriting  
not less than two years  
or more than four.

Years -  
H. M. W. G.  
K. W. G.

*[Faint, mostly illegible handwriting]*

November 24th 1884

advised at two year confinement in the State Penitentiary  
 by a jury of Haystack County Texas: And expressed his desire  
 to be sentenced at once and he being asked by the Court  
 what reason he had to assign why the sentence of the law  
 should not be pronounced against him and no valid  
 satisfactory reason being given It is therefore the judgment  
 and sentence of this Court that the Defendant Peter  
 Keller be and he is hereby sentenced to two year con-  
 finement in the State Penitentiary at Huntsville in  
 accordance with the finding and verdict of the  
 jury and the judgment of the Court from and after the  
 date of this sentence. It is further ordered that the said  
 Peter Keller be committed to the County Jail by the Sheriff  
 from the County Jail by the Sheriff  
 Sheriff thereina confined and the said  
 Peter Keller be taken to the Defendant-  
 at Huntsville in the State Penitentiary  
 of Texas in penal servitude for a period

Begins here  
 ↓

2778

The State of Texas  
 " Theft of Cattle  
 Eph Harper

On this the 24th day of Nov-  
 1884 this cause came on for trial the State appeared by her  
 District Attorney and the defendant in his own proper  
 person and the parties announced themselves ready for  
 trial when upon came a jury of good and lawful men  
 to wit: C. Neiderauer B White Chas Pomeroy P.B.  
 Haisry W. Kabb, Sam Kennedy, J Kottmann, J Huns-  
 J T Knight Geo Rattiff J R Lewis and C Pomeroy who  
 were elected empanelled and sworn according to law  
 the defendant pleaded guilty, and the jury after hearing  
 the evidence argument of counsel and charge of the Court  
 retired to consider of their verdict and returned into open Court  
 with the following verdict - to wit: We the jury find  
 the defendant - guilty and advise his punishment at (2)  
 two years in the Penitentiary - B White Foreman

It is therefore ordered adjudged and decreed by the Court that  
 the verdict of the jury is approved and that the defendant  
 Eph Harper is guilty of the crime of Theft of Cattle as



November 24<sup>th</sup> 1884

charged in the indictment against him and that he be punished by confinement in the State Penitentiary at Huntsville for a term of ~~three~~<sup>two</sup> years in accordance with the finding and verdict of the jury. It is further ordered by the Court that the State of Texas have and recover of and from said defendant all costs herein incurred for which execution may issue and that said defendant be remanded to the County Jail of Fayette County by the Sheriff and therein confined to await the further order of this Court.

2778 The State of Texas  
vs  
Eph Harper      Theft of Cattle

On this the 24<sup>th</sup> day of Nov 1884 came the District Attorney J. M. Buttram presenting the pleas of the State and the Sheriff by order of the Court brought the defendant Eph Harper into open Court who on the 24<sup>th</sup> day of Nov 1884 had been tried and convicted of the crime of Theft of Cattle and his punishment assessed at two years confinement in the State Penitentiary by a jury of Fayette County Texas. And he expressed his desire to be sentenced at once and being asked by the Court what reason he had to assign why the sentence of the law should not be pronounced against him & no satisfactory reason being given It is therefore the judgment and sentence of this Court that the defendant Eph Harper be and is hereby sentenced to two years confinement in the State Penitentiary at Huntsville in accordance with the finding and verdict of the jury and the judgment of the Court from and after the date of this sentence. It is further ordered that the said Eph Harper be remanded to the County Jail by the Sheriff or the proper Officer from whence he came and therein confined and the said Sheriff or the proper Officer is ordered to take the defendant Eph Harper to the Superintendent of the State Penitentiary at Huntsville then to remain in penal servitude for a period of two years.

2760 The State of Texas  
vs  
Grant Jackson      Theft from the person

On this the 24<sup>th</sup> Nov A.D. 1884 this case came

Filed Jan 19-  
Final No. 3123.

No. 3140.

**The State of Texas**  
vs.  
Eph Harper

**Offence**

Theft of Cattle

**A True Bill,**

Filed 6<sup>th</sup> day of  
January A. D., 1898

E. S. Sycumb

District Clerk.

**STATE WITNESSES:**

Frank Michala  
Cyril Domrok  
Jim Pogue, A. A.  
Pogue, R. Wiseman  
Blair Harrison  
Jno Sackler, Daniel  
James, Meredith  
Wellcome  
Norval Buttop

State process issued Jan 19/98



In the Name and by the Authority of the State of Texas.

THE GRAND JURORS for the County of Gonzales, State aforesaid, duly organized as such at the January term, A. D., 1898, of the District Court for said County, upon their oaths in said Court, present that Eph Harper on the 2<sup>d</sup> day of November, A. D., 1897, in the County and State aforesaid

did then and there fraudulently take two animals of the cattle species from the possession of Frank Michula, the same being then and there the <sup>personal</sup> property of the said Michula, without the consent of the said Michula, and with the intent then and there to deprive the said Michula of the value of the same and to appropriate it to the use and benefit of him the said Harper

Against the Peace and Dignity of the State.

R. P. McCracken.

Foreman of the Grand Jury.

No. 3140.

The State of Texas  
v.

Eph. Harper

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Charge of the Court.

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Filed Jan'y 20<sup>th</sup> 1898

E. J. Slocum

Clerk of the Court



The State of Texas } No. 3140.  
v. }

Eph Harper. }

Gentlemen of the Jury,

The defendant, Eph Harper, is on trial charged with the theft of two cattle, alleged to be the property of Frank Madala, in Garza county, on the 2nd day of November, 1897. The defendant, having been duly warned by the court of the consequences of his plea, has pleaded guilty. You will, therefore, find the defendant guilty of theft of cattle as charged in the indictment, and assess his punishment at confinement in the penitentiary for ~~any~~ any term not less than two years nor more than four years.

M. Kerman,  
Judge.

We the jury find the defendant  
Eph Harper  
guilty of theft of cattle as charged  
in the indictment and assess his  
punishment at three years in the  
state penitentiary  
J. S. Fawcett  
Foreman

NO. 3140

The State of Texas,

vs. } CAPIAS.

*Eph Harper*

Issued the *6<sup>th</sup>* day of *Janu* 189*8*  
*E. D. Pitcomb*

CLERK DISTRICT COURT GONZALES COUNTY.

By *J. D. Pitcomb* Deputy.

Came to hand the *6<sup>th</sup>* day of  
*January* A. D. 189*8*

and executed the *6<sup>th</sup>* day of  
*January* A. D., 189*8*, by

*Arresting the within  
named deferdant  
and confining him  
in jail*

*R. M. Glover*  
Sheriff *Gonzales* County, Texas.

By *T. M. Fly* Deputy.

Fee *.80*

Mileage



25X97

**THE STATE OF TEXAS,**

**TO ANY SHERIFF OF THE STATE OF TEXAS—GREETING:**

You are hereby commanded to take the bod *y* of

*Efik Harper*

and *him* safely keep, so that you have *him* before the Honorable

the District Court of Gonzales County, Texas, *now in session* at the Court House thereof,

in the town of Gonzales, ~~on the~~ *Monday* in

A. D., 189 *8*, then and there to answer the State of Texas, in a charge by Indictment, filed in said court

on the *6th* day of *January* 189 *8*, wherein the said

*Efik Harper*

is charged with the offense of *Theft of Cattle*

HEREIN FAIL NOT, but due service and return hereof make as the law requires.

WITNESS:

*Ed Titcomb*

Clerk of the District Court of Gonzales County aforesaid,

with the seal of the Court hereon impressed, this *6th*

day of *January* A. D., 189 *8*,

Attest: *Ed Titcomb* Clerk.

By *J. L. Titcomb* Deputy.

Bond fixed at \$

THIS COPY OF THIS

File No. 3140

State of Texas

vs. PRECEPT TO SERVE.

Eph Harper

Issued the 6th day of Jan'y 1898

To

Ed Titcomb County Clerk

Dist Court, Gonzales Co.

By Deputy.

Returned January 6th 1898 R. M. Blower, Sheriff  
Gonzales County  
By Wm. G. Stewart

RETURN OF OFFICER.

Came to hand the 6th day of January 1898, by delivering to the within named  
Eph Harper in person the accompanying Certified  
Copy of Indictment in Case No. 3140



THE STATE OF TEXAS,

State of Texas } In District Court  
vs. } Gonzales Co.  
Eph Harper } No. 3140

To the Sheriff or any Constable of Gonzales County, said State, Greeting:

YOU ARE HEREBY COMMANDED that you serve Eph Harper  
a prisoner in your custody

with accompanying certified copy  
of Indictment in Cause No. 3140  
on file in said Court

who resides in the County of Gonzales and the State of Texas.

HEREIN FAIL NOT, but of this Writ make due return as the law directs.

GIVEN UNDER MY HAND and the seal of said Court, this, the 6th day

of July A. D. 1898  
E. J. Schoub Clerk.

By \_\_\_\_\_ D. C.

No. 3140

THE STATE OF TEXAS.

vs. } SUBPENA.

*Eph Harper*

Issued this *6th* day of

*Jan* A. D. 1898

ED. TITCOMB,  
Clerk District Court, Gonzales County.

By *J. H. Titcomb* Deputy

Came to hand the *12th* day of

*Jan* A. D. 1898

and executed the *18th* day of

*Jan* A. D. 1898

by reading the within Subpæna to the

within named

*Witnesses*

By *Ron Blanes Shurt*  
Sheriff of Gonzales County, Texas

By *S. H. Buting* Deputy

Fees ..... \$ *4 00*

Mileage ..... \$ *2 00*

Total ..... \$ *6 00*

*Buting*



# The State of Texas,

To the Sheriff or any Constable of Gonzales County===Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Frank Michula,*

*Cyril Donrak, Jim Pogue, A. A. Pogue,  
R. Wiseman, Ben Harrison, Jno Lackler,  
Daniel James, Meredith Williams and Monroe Bullard  
Seth Dunting*

to be and personally appear before the District Court of Gonzales County now in session at the Court House in the town of Gonzales, then and there, to give evidence in a certain case pending, wherein THE STATE OF TEXAS is Plaintiff, and *Efik Harper* is

~~and~~ *State* Defendant at the instance of the *State* and there remain from day to day, and from term to term, until discharged by the court.

HEREIN FAIL NOT, but have you then and there this writ as the law directs.

Witness, ED. TITCOMB, Clerk of said Court, at office in the town of Gonzales

this *6th* day of *January* 189*8*

Test: *Ed Titcomb*  
Clerk of the District Court of Gonzales County, Texas.

By *J. L. Titcomb* Deputy.

Cause set for *Wednesday Jan 19/98.*

No. 3140

THE STATE OF TEXAS.

vs. } SUBPENA.

Eph Harper

Issued this 11 day of January A. D. 1898

ED. TITCOMB, Clerk District Court, Gonzales County.

By Deputy

Came to hand the 13 day of Jan A. D. 1898

and executed the 16 day of Jan A. D. 1898

by reading the within Subpæna to the within named

Bug Harper

W. H. Lawrence Sheriff of Gonzales County, Texas.

By J. B. Bunting Deputy

Fees \$ 40
Mileage \$ 1 00
Total \$ 1 40



# The State of Texas,

To the Sheriff or any Constable of Gonzales County===Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

*Bug Harper*

to be and personally appear before the District Court of Gonzales County now in session at the Court House in the town of Gonzales, then and there to give evidence in a certain case pending, wherein THE STATE OF TEXAS is Plaintiff, and

*Eph Harper* is

~~and~~ *Deft* Defendant at the instance of the *Deft* and there remain from day to day, and from term to term, until discharged by the court.

HEREIN FAIL NOT, but have you then and there this writ as the law directs.

Witness, ED. TITCOMB, Clerk of said Court, at office in the town of Gonzales

this *11<sup>th</sup>* day of *Jan* 189*8*

Test:

*Ed Titcomb*  
Clerk of the District Court of Gonzales County, Texas.

Cause set for *Wednesday, Jan'y 19<sup>th</sup>* By \_\_\_\_\_ Deputy.

No. 3140

THE STATE OF TEXAS,

vs.

Eph Harper

Witness Attachment.

(Felony—Instanter.)

Issued 29 day of Jan 18 98

Ed Stroub Clerk.

District Court Gonzales County.

Deputy.

SHERIFF'S RETURN.

Came to hand on the 20 day of Jan 18 98, and executed by attaching the body of

the within named witness, and taking into the District Court of

County, on the dates and at the places hereinafter set forth as follows:

Said witness	attached in	[Date]	[Where]	miles	Course	from
"	"	"	"	"	"	"
"	"	"	"	"	"	"
"	"	"	"	"	"	"

I actually and necessarily traveled miles in the service of this attachment, in addition to any other mileage I may have traveled in the service of other attachments in the same case during the same trip.

Fees—Attaching Witnesses \$ 2.25  
 Taking Bonds  
 Mileage miles  
 Expenses Conveying Witnesses  
 Total \$ 2.00

\*Erase according to the facts.

By: R.M. Brown Sheriff.  
 Gonzales Co., Texas.  
 Deputy.



[Willson, §667.]

THE STATE OF TEXAS,

To the Sheriff or any Constable of Gonzales County, said State, Greeting :

YOU ARE HEREBY COMMANDED to take the bodies of Jim Pogue, A.A.

Pogue, Merideth Williams, & Daniel James, Ben Harrison

and bring them before the Honorable District Court of Gonzales County, at the Court House in Gonzales, in Gonzales County,

Texas, FORTHWITH, then and there to testify as a witness in behalf of the State and Defendant, in the case of

THE STATE OF TEXAS, vs. Eph Harper No. 3140

pending before said Court

The Bail Bond required of said witness is fixed at \$.....

Herein Fail Not, and due return make of this writ FORTHWITH.

WITNESS my signature and seal of office, this 20 day of Jan'y 18 98

Ed Titcomb Clerk

District Court, Gonzales Co., Texas.

By ..... Deputy.

3146

State

v/

Eph Harper

Jury



1 R. H. Fitzgerald  
Wm Goebel  
~~Paul Mitchell~~ 8  
2 Thomas Dawe  
3 W. F. Mangum  
4 Larkin Wilkerson  
Green Dewitt  
5 J. M. Gunn  
6 Ben Williams 4  
7 J. M. Biddle  
8 J. W. Cannon  
Henry Fritchard

9 Frank Fawcett  
10 L. F. Tyree  
~~Solomon Joseph~~ 5  
11 Ham Lea  
12 J. A. Waldrip  
Frank Kitchen  
E. R. Cunningham  
J. D. Jones  
W. E. Lath  
Staton Gillett  
R. M. Teas  
Joe Parker