

ELLIS, WILLIS L. -- In Headright Certificate No. 118 issued to Mr. Ellis September 5, 1839 for one-third of a league of land by the Board of Land Commissioners for Washington County it is stated that he came to Texas before March 2, 1836. He probably arrived in January 1836. On page 115 of the army rolls in the General Land Office it is stated that he enlisted in the Volunteer Auxillary Corps at Nacogdoches January 14, 1836 and he is shown as having been born in Tennessee in about 1818.

Mr. Ellis was a member of Captain James Gillaspie's Company at San Jacinto and on August 6, 1838 was issued Donation Certificate No. 496 for 640 acres of land for having participated in the battle. On \_\_\_\_\_ he was issued Bounty Certificate No. 4165 for 320 acres for having served in the army from March 1 to May 30, 1836.

The Probate Records of Brazos County show that Mr. Ellis died in that county in September 1843. On August 4, 1844 his widow Elizabeth Jane Ellis and Stephen H. Evetts were appointed administrators of his estate. On June 6, 1854 Mr. Evetts sold at auction at Boonville, the county seat, 221 acres of the donation land to satisfy a debt against the estate. The land was purchased by Harvey Mitchell.

Mr. Ellis had one child, a daughter, Mary Jane Ellis, who was married to James W. Millican in Brazos County, December 21, 1854.

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District Court

Fall term 1845

To \*\*\* honorable R E B Baylor Judge of the district court for the third judicial district your petitioner James H Everetts administrator of estate of Willis F Ellis State of the county of Brazos deceased intestate having been duly appointed to that office by the judge of Probate for said county and qualified as such administrators all of which will appear by reference (sic) to the letters (sic) of administration duly issued to your petitioner in court to be produced, Complains against John H Millican of Said county and respectfully Shewth unto your honor that the said Willis L Ellis therefore to wit in the Sumer (sic) of the year 1843 in the county aforesaid duly possessed as of his own property of the following described personal prop (sic) to wit twenty five head of neat cattle of the value of one hundred and twenty five dollars and of one bay horse a getling of the value of seventy five dolers (sic) that of the decease of the said Willis F Ellis to wit in the month of September A D 1843 the said defendant at & in the county of Brazos Afrere-said did wrongfully obtain possession of all and singular the property afforesaid (sic) and then and there found converted the same to his own use and he has ever since held and retrieved the same without title and in bad faith and continuŕng so to do refuses to delever the same property or any part thereof to your petitioner to whom by reason of said office and for the purpose thereof the right of immedia<sub>t</sub>e possession of & to the said property is justly appertained whereof

and at the premesis the said defendant is fully conservant where  
 your petitioner prays that he be cited to appear at the next term  
 of the District Court to be held at & in the county aforesaid to  
 answer the premesis also that your petitioner may have judgement for  
 the recovery and possession of property for the purpose of administra-  
 tion pursuant to his authority aforesaid or in the evint that said  
 recovery of property cannot be had that he value of the same be adjudged  
 to him and that the judgement in this respect be in the alternati-  
 nation also that youe (sic) recover the further sum fo one hundred  
 dolors (sic) as damages for the wrongul (sic) detention of said  
 property together with cost of suit and that he have such other and  
 further relief in the premesis as the nature and circumstance of  
 theis case may require and to your honor may seem just and as duty  
 bound see

indorsed

W.W.D.Pendegast

Atty (sic)

James H. Evetts

Vs petition

John H. Millican

Filed September 15th 1845 Har Michelle dep (sic)

Clk (sic) filed in court Sept 29 1846.

James H Evetts admn

of Ellis vs John H Millican

Brazos district court comes the defendant by his attorney and without confessing or denying the mater (sic) as charged in the plaintiff petition says that he is not bound in law to answer the same wherefore wherefore (sic) he demurss (sic) and prays the judge of court whether he should be compelled to answer further and that he be dismissed with his reasonable cost in his behalf expended and as duty blund will ever pray

White pro Deft

and for further answer in this behalf provided the above demurss is overruled he says that he is not guilty in maner (sic) and form as charged in plff (sic) petition and of this he puts himself upon the country

White pro Deft

And for further pleas and answer in this behalf def (sic) denies having ever taken any property in his possession that rightfully (sic) belonged to Willis L Ellis but alleges most unrevovable (sic) that said Ellis was not possed of any property at all at his death of his own right so far as this defendant is informed Deft admits that he has certain property in his possession which was never the rightful property of said Ellis (sic) but which was nevertheless the property of Said Ellis but which was the property of Nancy Elis (sic) the wife of said Elis (sic) and which the defendant holds as the property of Mary Jane Ellis the only surviving child of said Nancy Ellis and her sole heir and to whom the defendant is Guardian legally appointed

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according to law and he brings his authority of guardianship into court defendant that after the division of the estate of James D Millican the father of said Nancy Ellis (sic) that said Ellis ever rightfully (sic) held possession of any portion of the property which the said Nancy inherited from the said estate of James D Millican (sic) and the Deft furthermore most irrevocably denies that he became possessed of said property in bad faith but on the contrary he holds the Same by authority of the Probate court of the County of Brazos as the guardian of the said minor Mary Jane Ellis for the perpercare and management of which property he has executed with good & sufficient Security in terms of the law all of which he is ready to verify and provise Sworn in open court White pro Deft (in) Oct 9th 1846 J D Overton Clk (sic) answer of the Deft (sic) Filed this 16th day of Oct 1845 J D Overton Clk (sic)

James H Evetts admn

of W L Ellis

vs

John H Millican

This day came in to gen (sic) court  
J M Horn and E M Millican who acknowledge thenself (sic)  
security for the payment of the cost of this suit

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James H Evetts Adm of Willis L Ellis

VS

John H Millican

This \*\*\* came the parties by their attorneys (sic) and thereupon came a jury of twelve good and lawful men to wit Willian C. Bagne and an Eleven others who having been elected treed (sic) and sworn to try the issue (sic) between the parties returned the following verdict to wit We the jury find a verdecit (sic) for the plaintiff (sic) for two cows and claves three one year cattle (sic) mentioned in plaintiffs (sic) petition or their value (sic) twenty five dolers (sic) It is therefore considered by the court that said plaintiff recover from said defendant the said two cows and claves and three one year old of cow kind in case of failure on the part of the defendant to deliver the same that the Said plaintiff recover the said sum fo twenty five dolors (sic) together with the cost of this suit for all of which execution may issue

"Final Record of the District Court of Brazos County "

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