

File "E" "L" 29

Dickens Co. Sketchs.

Copy of Final Judgment
Glasgow, Green & Davis, et al

vs
S. C. Loyd, et al.

No. 283 July 3^d 1907

District Court Dickens County

Said corners are 207 vrs.
East and 412 vrs South
of the (State Survey) R. M.
Kenny resurvey corners
in Dickens County

Filed May 23^d 1908

J. T. Robison
Acting Commr.

W. L. Coleman
Clerk.

South

See letter book Vol. 933 page 165
Instructing Geo. M. Williams
State Surveyor at Soperella,
Dickens Co. Dec. 24/09

Geo. M. Williams

Counter 20903

VS

FINAL JUDGMENT

S. C. LOYD, ET AL

This day this cause came on to be heard and the parties plaintiff appeared in person and by attorney. And all the parties defendant having been duly cited, appeared in person and by attorney, and J. M. Harlow appeared as next friend for Edna Harlow and Charlie Harlow and for himself, and he filed an answer for them. And it further appearing that all other defendants including the ones above mentioned have been duly cited. And all of the parties, plaintiff and defendant, having appeared in court in person and by attorney and announced ready for trial, and Jury being waived, all issues of law and fact were submitted to the court and the court after hearing the evidence for both sides and the argument of the counsel is of the opinion that the law is for the plaintiff upon the question of title and boundary: That the survey sued for by plaintiff takes its connection from what is known as Abbey's Peak and connections also calling from Abbey's Peak: The court finds that the original surveyor, Jasper Hays, of the section of land in question, surveyed the land out from Abbey's Peak as called for in its original field notes; and further finds that the plaintiffs and the defendants hereinafter mentioned and those represented by J. M. Harlow have title to the land in question and according to the field notes as hereinafter stated; it further appearing that the defendants under their plea of limitation who so plead have not shown adverse possession for a period of 10 years or for a period of five years or for a period of three years as therein plead and the evidence showing that the land has not been in adverse possession against the true owners the plaintiffs and the defendants and those represented by J. M. Harlow as hereinbefore stated.

The court finds that the land was patented to Simeon Saturlee, now dead, Oct. 16, 1876 by Pat. No. 216, Vol. 26, Abst. No. 4, and contained 640 acres; that Simeon Saturlee departed this life on Aug. 31st, 1879, intestate; that the certificate by virtue of which the land was patented was acquired by the said Saturlee by regular transfers, July 31st, 1876, during his marriage with his wife Elizabeth A. Saturlee, afterwards and now Elizabeth A. Evans and she was his wife when the same was patented and the land was the community property of the said Simeon and Elizabeth A. Saturlee, and Evans, upon the death of Simeon Saturlee, and an undivided one half interest in same belonged to her when he died, she surviving him. Simeon Saturlee left surviving him as his only heirs at law, his said widow and one daughter Lula Saturlee, afterwards and now Lula Kinser, these being his widow and daughter by his second marriage to Elizabeth A. Saturlee, and the heirs by his first marriage being as follows:- Daughters, Phronia Ann Saturlee, afterwards and now Phronia Ann Taylor, Elmira Saturlee, afterwards and now Elmira Taylor, sons:- Clark Saturlee, Henry Saturlee and Alfred Saturlee.

That upon the death of the said Simeon Saturlee, the land in controversy descended to and was inherited from him by the said heirs in the following interests; to Elizabeth A. Evans an undivided one half or 320 acre interest and to each of the said children, Lula Kinser, Elmira Taylor, Phronia Ann Taylor, Clark Saturlee, Henry Saturlee and Alfred Saturlee each an undivided one sixth interest in and to an undivided one half interest or a 53-1/3 acre interest each.

The one half interest of Elizabeth A. Evans and 1/12 interest belonging to Lula Kinser, has passed to B. D. Glasgow, John A. Green and L. W. Davis, plaintiffs, by regular chain of title and they now own it, making in the said Glasgow, Green and Davis ~~and~~

an undivided $373\frac{1}{3}$ acre interest in the land. Said interest, however, is held, as between the said Glasgow, Green and Davis as follows:- B. D. Glasgow an undivided 145 acre interest, John A. Green and undivided 145 acre interest and L. W. Davis and undivided $83\frac{1}{3}$ acre interest and these three owners agree to take in partition in common and as coparceners, together the said $373\frac{1}{3}$ acres as one share in partition.

The three $\frac{1}{12}$ interest each of Henry Saturlee, Clark Saturlee and Elmira Taylor passed by regular chain of transfers to plaintiff R. S. Holman, the same in the whole tract being an undivided 160 acre interest to which he is decreed title.

The $\frac{1}{12}$ interest of Phronia Ann Taylor, $53\frac{1}{3}$ a. interest passed by regular chain of title to plaintiff, J. M. Harlow, and he is decreed to be the legal and equitable owner of $53\frac{1}{3}$ acre undivided interest in the land by virtue of such transfer: Also the $\frac{1}{10}$ interest he has in the Alfred Saturlee interest as is hereinafter shown, which is $5\frac{1}{3}$ acres and which makes him the legal and equitable owner of $58\frac{2}{3}$ acre undivided interest in the whole and to which he is entitled an partition.

That the $\frac{1}{12}$ or $53\frac{1}{3}$ a. interest of Alfred Saturlee, has passed by regular chain of title to J. M. Harlow, who died on or about 18th of March, 1889, intestate, leaving surviving him as his only heirs at law, J. M. Harlow, plaintiff and next friend to Edna and Charlie Harlow, daughter Viola Harlow now Viola Mardick and wife of J. W. Mardick, Edna Harlow daughter, Charlie Harlow son of Louis F. Harlow a son of J. M. Harlow, decd, Thos H. Harlow, son, Jesse H. Harlow, son; Josie Harlow, now Josie Elliott, daughter, Ollie Harlow, son, who sold and conveyed his interest to Fred L. Twichans, plaintiff; A. L. Harlow, a son and Josie Roberts who is a daughter of Mary Cunningham, who was a daughter of J.M.

Harlow, decd, and the children above named were and are the only heirs at law of their parents, Kate Harlow, widow of J. M. Harlow, decd, and who has answered disclaiming any title to the land because same was the separate property of J. M. Harlow, decd, and she has heretofore relinquished it because of property granted her in the State of Missouri. Therefore it is found that each of the above named heirs are the legal and equitable owners of 5-1/3 acre undivided interest in the whole, except Kate Harlow who disclaims. And that they agree to and will take in partition theirs in common and coparceny together except J. M. Harlow, who will take his 5-1/3 acres with his other share.

The land is valued at \$8. per acre and that the plaintiffs and defendants Viola Mardick, Thos H. Harlow, Jesse H. Harlow, A. L. Harlow, Josie Roberts and Josie Elliott are the sole owners of and by law entitled to partition and division in the shares as above set out.

It is also found by the court that the land in controversy is the prior survey to those of ~~defendants~~, except those who have title with plaintiffs.

It is therefore ordered, adjudged and decreed by the court that plaintiffs, B. D. Glasgow, John A. Green L. W. Davis, R. S. Holman, J. M. Harlow, Edna Harlow, Charlie Harlow, Thos H. Harlow, Jesse H. Harlow, A. L. Harlow, Josie Elliott, Josie Roberts, Viola Mardick and Fred L. Ewichans, do have and recover of and from defendants S. C. Loyd, Mrs. M. B. Haile, T. S. Boucher, John Young, R. D. C. Stephens, J. C. Stephens and Kate Harlow, the land and premises described and bounded as follows:- 640 acres, situated in Dickens County, Texas, survey No. 1, by virtue of land Scrip No. 64, issued to Alexander, Crain, Harris & Brooks by the Commissioner of the General Land Office, Jany. 22nd, 1875 and transferred to Simeon Saturlee by a regular chain of transfers July 31st, 1876, patented Oct. 16, 1876, Pat. No. 216, Vol. 26,

(S-10635)

(S. 10675)

X

Abst. No. 4, containing 640 acres described by the original field notes and patent as beginning at a mound the same being 1900 vrs North from the N E corner of Sur. No. 1, made by virtue of Scrip No. 325, A.B. & M.; thence North 1900 vrs to mound; thence West 1900 vrs to md; thence South 1900 vrs to mound; thence East 1900 vrs to the beginning. Said land is more particularly described by physical objects on the ground and metes and bounds as follows:-

Beginning 6 miles and 914 vrs North and two miles West from the N. W. Cor. of I & G.N. Sur. Cert. 123, which last named corner is on the West side of Croton Creek and from which Abbies Peak brs N 60 W about 3/4 mile being the Peak^{de} signated by R. M. Kinney as West Abbies Peak, and which cor is 3 miles West of the S W cor of Sec. 1, B.S. & F. Cert. 1/357 on the West side of Beef Hollow and described in the original field notes as made by Jasper Hays the locator, as having the hackberry tree bearing being 207 vrs East and 412 vrs South of the R. M. Kinney resurvey for the S E cor of this survey; thence North 1900 vrs. the N E cor of this sur; thence West 1900 vrs the N W cor of this sur and N. E. cor I & G. N. Sur. Cert. 544; thence South 1900 vrs the S W cor of this sur and N W cor of Sur. 2, A.C.H. & B. and thence East 1900 vrs to the beginning. The said Abbies Peak being about 3-1/4 miles East and 2-1/4 miles North of the town of Dickens; and recover all costs in this behalf expended for which writ of restitution may issue as to the land and execution for the costs, except incurred by R.D.C. and J. C. Stephens and Kate Harlow, which is here taxed against plaintiffs and for which said three defendants may have execution.

The costs aboe referred to do not include costs of partition, which will be taxed against the cotenants proportionally.

It is further ordered and decreed by the court that the said premises and land be and is hereby ordered and directed, partitioned

and distributed between the plaintiffs, B. D. Glasgow, John A. Green, L. W. Davis, R. S. Holman, Fred L. Twichans, J. M. Harlow, Edna Harlow, Charlie Harlow, and defendants, Viola Mardick, Thos. H. Harlow, Jesse H. Harlow and Josie Elliott, and Josie Roberts and A. L. Harlow in shares as follows:- 373-1/3 acre share to B. D. Glasgow, John A. Green and L. W. Davis, an undivided interest as hereinbefore set out; a 160 acre share to R. S. Holman; 58-2/3 acre share to J. M. Harlow and a 48 a. share in equal parts to Fred L. Twichans, Viola Mardick, Josie Elliott, Josie Roberts, and Edna, Charlie; Thos H., Jesse H., and A. L. Harlow.

It also appearing to the court that J. D. Harkey, H. T. Garner and J. C. Stephens are residents of Dickens County, Texas, and competent and disinterested persons, it is further ordered that they be and are hereby appointed commissioners to make a fair, equal, just and impartial partition of said land and premises above described, share and share as above set out, between the plaintiffs and the defendants named as owning an interest in the land in accordance with this decree and the law, and when complete report the same in writing and under oath to the July term 1907 of this court, describing the real estate divided, giving these several tracts or parts into which same was divided, describing particularly each of said tracts or number of shares and the land which constitute each share, and the estimated value and allotment of each share, accompanied by such field notes as may be necessary to make the same intelligible. If in the opinion of the said Commissioners a fair and equitable division of said real estate or any part thereof cannot be made, they shall report the fact to the court in writing under oath, stating their reason for such opinion.

It is further ordered, adjudged and decreed by the court that any and all claims of defendants, S. C. Loyd, Mrs. M. B.

Haile, T. S. Boucher, John Young, R. D. C. Stephens and J. C. Stephens to the land herein described and especially any arising by virtue of a patent to J. B. Zinn and deeds to him and deeds to Mrs. M. B. Haile from J. T. Haile and deeds to S. C. Loyd from Geo. Loyd and deeds to Boucher and Young from patentees to the Garner Preemption or from Garners vendees, be and the same is hereby for naught held as to this land, and the owners herein, is declared cancelled, and held to be of no effect.

The State of Texas

County of Dickens | I, L. W. Davis, Clerk District Court in and
for Dickens County, Texas, hereby certify that the above and
foregoing is a full, true and correct copy of Judgment, rendered
in District Court, Dickens County, Texas, at July Term, 1907,
styled Glasgow, Green & Davis, et al vs S. C. Loyd, etal, No. 283,
as the same appears of record in the Minutes of District Court of
said County in Vol. 1 on pages 521 to 525. And I further certify
that there was no appeal taken from said judgment.
Witness my hand and seal of said Court, at Dickens this 31st
day of July, A. D. 1908.

L. W. Davis, Clerk District Court,
Dickens County, Texas.

By Leffrus Hogan Deputy.