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Gc Decree

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Alfred Waterhouse

W. C. Corbett et al

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Alfred Waterhouse

Vs

W.C. Corbett et al

Certified Copy of Decree

Alfred Waterhouse No. 33280½ vs W. C. Corbett, et al May 7, 1904.

Be it remembered that upon the 3rd day of May 1904 at a regular term of the District Court in and for Harris County, Texas, being in and for the 61st District Court of Texas, came on to be heard the above numbered and entitled cause of Alfred Waterhouse vs W. C. Corbett et al whereupon came the plaintiff, Alfred Waterhouse by attorneys and announced ready for trial, also came the defendants Alice B. Myer, and her husband Sterling Myer by attorneys and announced ready for trial. Also came the defendant C. Cain by attorney and announced ready for trial and also came the defendants O. C. Perrin, and R. G. Tyler and dismissed their cross-action as to S. W. Glaze, who had been interpleaded as warrantor, and thereupon the said O. C. Perrin and R. G. Tyler, announced ready for trial also came Sue E. Baker interpleaded as warrantor by the defendants O. C. Perrin and R. G. Tyler and announced ready for trial. Also came J. W. Miller and E. Miller interpleaded herein on the cross actions of C. Cain, Alice B. Myer, Sterling Myer, O. C. Perrin and R. G. Tyler and duly entered their appearance herein, filed answer and announced ready for trial, the defendants Julius Leider, Fred Mueller, Herman Mueller, August Baatz and Robert S. McLaren, having

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 by J.H. ( )  
 Blake, )  
 deputy. ( )

each filed a disclaimer herein at the appearance term of this court, came not to the trial, and it appearing to the court that this suit was severed from suit No. 33,280 entitled Alfred Waterhouse vs W. C. Corbett et al and that W. C. Corbett remained as a defendant in said suit No. 33,280 and is not a defendant in this suit under the number of 33,280½ which was agreed to by all parties in open court and thereupon the court proceeded with the trial and the court having heard the pleadings, evidence agreement of counsel and argument of counsel took said cause under advisement and afterwards on this the 7th day of May, 1904 finds that the Charles Bowman survey of land in Harris County, Texas, conflicts with the William Francis survey in said county, to the

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extent hereinafter more particularly set out, and that the said Francis survey has the prior and superior right to the land so in conflict, which land in conflict amounts to 920-3/10 acres as more particularly appears in the map following this decree, marked Exhibit A and made a part hereof.

It is ordered adjudged and decreed by the court that the said Wm. Francis survey, situated in Harris County, Texas, be located and the same is hereby located, as shown by the said map made by A. E. Stimson, marked Exhibit A and made a part of this decree and ordered recorded herewith as follows, to-wit:

Beginning at the southwest corner of the Jones survey as shown on the said map;           thence east 667 varas the southeast corner of the Jones survey;           thence south 340 varas to the southwest corner of the Tyler survey;           thence east 750 varas with Tyler's south boundary line to his southeast corner;           thence south 865 varas;           thence east 266 varas;           thence south 3836 varas;           thence west 4299 varas;           thence north passing the southeast corner of the Brewster survey, to the southwest corner of the Hamblen survey, 4062 varas in all;           thence east 2616 varas with the south line of the Hamblen survey to its southeast corner;           thence north 979 varas to the place of beginning.

It is ordered adjudged and decreed by the court that the plaintiff, Alfred Waterhouse and the defendants J. W. Miller and E. Miller do have and recover of and from the defendants Julius Leider, Fred Mueller, Herman Mueller, August Baatz and Robert S. McLaurin, on their disclaimers the Charles Bowman survey as located and shown on the said map and that the said last named defendants do have and recover of and from the plaintiff, Alfred Waterhouse, all costs of court by them in this behalf incurred for which execution may issue.

It is ordered, adjudged and decreed by the court that the plaintiff Alfred Waterhouse and J. W. Miller and E. Miller do have and recover of and from the defendants C. Cain, Alice B. Myer and her husband Sterling Myer and O. C. Perrin and R. G. Tyler on their disclaimers, the following described tract of land, as shown on the said map to-wit:



Beginning at the southeast corner of the Charles Bowman survey 3714 varas west of the northwest corner of the upper or north Scarborough survey ;                    thence north with the east line of the said Bowman survey, 2888-5/10 varas to the south line of the Francis survey as shown on the said map;                    thence west with the south line of the said Francis survey 3674-5/10 varas to the southwest corner of the Francis survey; thence north with the west line of the Francis survey 1414 varas; thence west 628 varas;                    thence south 4302.5 varas to the southwest corner of the said Bowman survey;                    thence east with the south line of the said Bowman survey 4302.5 varas to the place of beginning being the portion of the Charles Bowman survey which does not conflict with the said Francis survey as shown on the said map and a writ of possession may issue for said land not in conflict with the Francis survey in favor of plaintiff and defendants J. W. and E. Miller, but the rights of the plaintiff Waterhouse against the defendants J. W. and E. Miller are not in any manner affected by this decree.

And it is ordered, adjudged and decreed by the court that the plaintiff Alfred Waterhouse and J. W. Miller and E. Miller, take nothing against the defendants last above named, to-wit: C. Cain, Alice B. Myer, Sterling Myer, O. C. Perrin and R. G. Tyler as to the remainder of the said Charles Bowman survey being the part of the Bowman survey in conflict with the Francis survey as shown on the said map.

It is ordered, adjudged and decreed by the court that the defendant C. Cain on his cross-action, do have and recover of and from the plaintiff, Alfred Waterhouse and J. W. Miller and E. Miller, interpleaded by the said Cain, the following described tract of land to-wit:

Beginning at the southwest corner of the Francis survey as shown on the said map-                    thence north 1253-1/3 varas;                    thence east 1537 varas;                    thence south 1253-1/3 varas to the south line of the Francis survey as shown on the said map;                    thence west with the south line of the Francis survey 1537 varas to the place of beginning containing 348 acres of land and it is ordered adjudged and decreed by the



court that all of the right, title and interest of the plaintiff Alfred Waterhouse and of J. W. Miller and E. Miller in and to the said 348 acre tract be divested out of them and each of them, and vested in the said defendant C. Cain and he may have the writ of possession therefor.

It is further ordered, adjudged and decreed by the court that the defendants O. C. Perrin and R. G. Tyler on their cross-action, do have and recover of and from the plaintiff Alfred Waterhouse and J. W. Miller and E. Miller, interpleaded by said Perrin and Tyler, the following described tract of land to-wit:

Beginning at the northwest corner of the 348 acres above adjudged to C. Cain; thence north with the west line of the Francis survey to the southwest corner of the Hamblen survey; thence east with the south line of the Hamblen survey 1537 varas; thence south parallel with the west line of the Francis survey to the northeast corner of the said 348 acre tract; thence west with the said north line to the place of beginning, being the land described in the deed from Sue E. Baker to S. W. Glaze dated February 20, 1901 and recorded in deed records of Harris County, Texas, in book 127 page 174, and from S. W. Glaze to O. C. Perrin and R. G. Tyler recorded in the deed records of Harris County, Texas, vol. 130 page 177, and

It is ordered, adjudged and decreed by the court that all of the right, title and interest of the plaintiff Alfred Waterhouse and of J. W. Miller and E. Miller, in and to the tract of land last above described be and the same is hereby divested out of them and each of them and vested in the said defendants O. C. Perrin and R. G. Tyler, and they may have a writ of possession therefor.

It is further ordered, adjudged and decreed by the court that the defendant Alice B. Myer joined by her husband Sterling Myer, on their cross-action do have and recover of and from the plaintiff Alfred Waterhouse and J. W. Miller and E. Miller, interpleaded herein by said



Alice B. Myer and Sterling Myer, the following described tract of land to-wit:

Being a part of the Wm. Francis survey in Harris County, Texas, more particularly described as follows, to-wit: Beginning at a point on the south line of the Hamblen survey and the north line of the Francis survey, 1537 varas east of the northwest corner of the Francis survey and the southwest corner of the Hamblen survey and being the northeast corner of the Perrin and Tyler tract above described; thence south to the south line of the Wm. Francis survey as shown on the said map; thence east to the southeast corner of the Francis survey as shown on the said map; thence north 3836 varas; thence west 266 varas; thence north 865 varas; thence west 750 varas; thence north 340 varas; thence west 667 varas thence south 979 varas to the southeast corner of the Hamblen survey; thence west to the place of beginning; save and except from the above described property, however, those particular tracts heretofore conveyed as follows:

(1st) Isabella Francis et al to H. & T. C. R. R. Co. by deed recorded in vol. 1 page 12 of the deed records of Harris County, Texas.

(2nd) Adam Bently et al to Frederick Miller by deed recorded in volume 12 page 4 of the deed records of Harris County, Texas.

(3rd) Jane C. Bently et al to Louis Knigge by deed recorded in vol. 12 page 726 of deed records of Harris County, Texas.

(4th) Isabella Francis et al to G. W. Williford by deed recorded in vol. 25, page 81 of Harris County, Texas, deed records.

(5th) A. Bently et al to Robert McLaren by deed recorded in vol. 24, page 332, Harris County deed records.

(6th) Jane C. Bently et al to J. H. Bavinghouse by deed recorded in vol. 451 page 369 of Harris County deed records, the said property so excepted being the right of way of the H. & T. C. R. R. and the remainder of the property lying north of the said railroad, and



It is ordered, adjudged and decreed by the court that all of the right, title and interest of the plaintiff Alfred Waterhouse and of J. W. Miller and E. Miller in and to the tract of land above adjudged to Alice B. Myer be and the same is hereby divested out of them and each of them and vested in the said Alice B. Myer, joined herein by her husband Sterling Myer, and they may have a writ of possession therefor.

It is ordered, adjudged and decreed by the court, that the defendants O. C. Perrin and R. G. Tyler take nothing as against Sue E. Baker, interpleaded herein on her warranty, and that all costs incurred in so making her a party be taxed against said Perrin and Tyler, as well as the costs incurred in making S. W. Glaze a party, for which execution may issue.

It is ordered, adjudged and decreed that the judgement shall not prejudice any future claims on the warranties of said Sue E. Baker or S. W. Glaze.

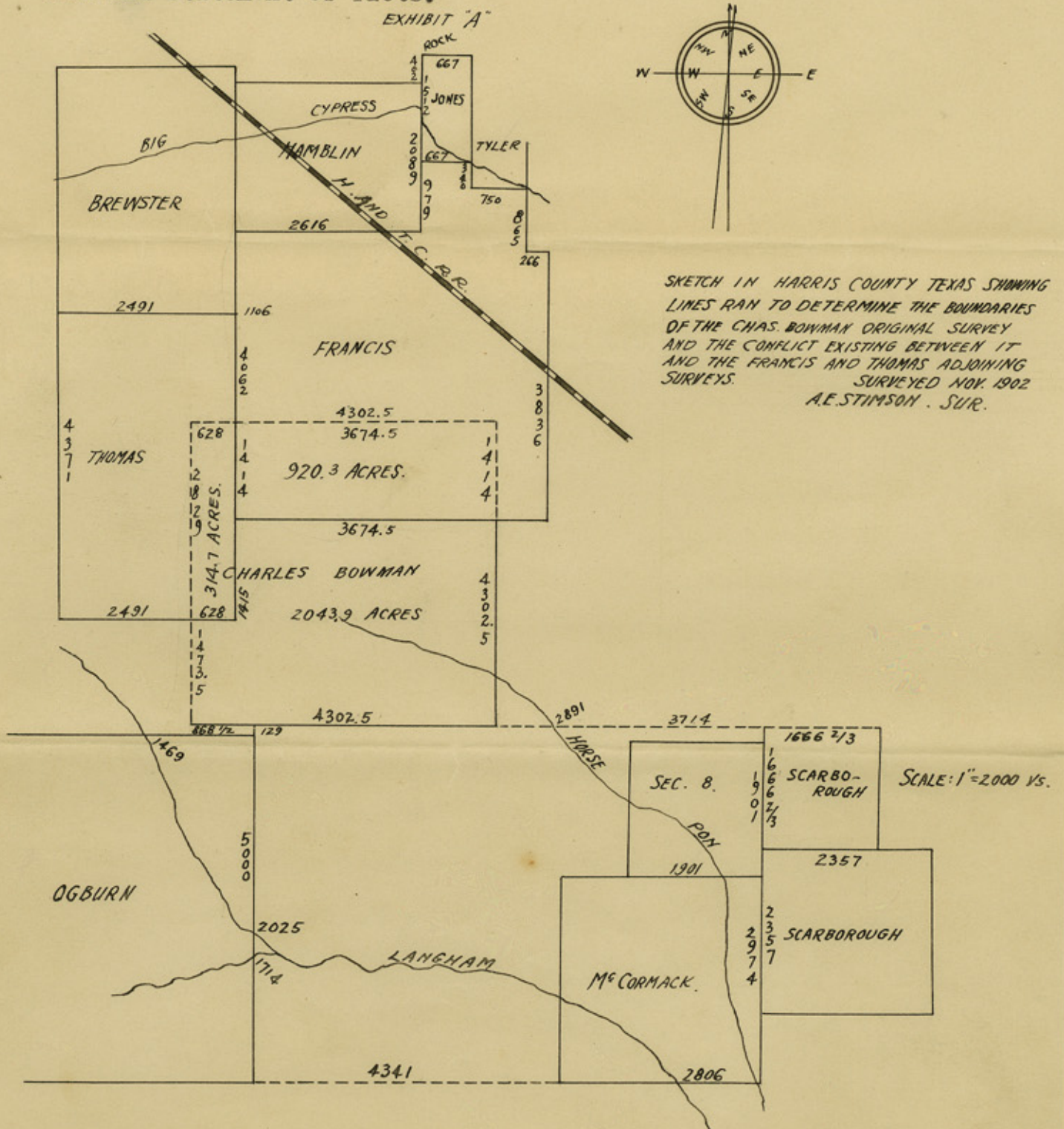
It is ordered, adjudged and decreed by the court that none of the parties hereto take anything upon their claims for damages.

It is ordered, adjudged and decreed by the court that the defendant C. Cain do have and recover of and from the plaintiff and J. W. and E. Miller, all costs by him in this behalf incurred, for which execution may issue, and that the defendants O. C. Perrin and R. G. Tyler do have and recover of and from the plaintiff and J. W. and E. Miller all costs by them in this behalf incurred for which execution may issue and that the defendants Alice B. Myer and Sterling Myer do have and recover of and from the plaintiff and J. W. and E. Miller, all costs by them incurred subsequent to April 6, 1904. for which execution may issue and that costs incurred in their behalf or on their account, prior to said last named date be taxed against said Alice B. Myer and Sterling Myer for which execution may issue against them and all costs not otherwise taxed are hereby taxed against the plaintiff, for which execution may issue.



It appearing to the court that the costs of J. A. Donaldson for making a survey under the order of the court have been paid;

It is ordered that they be not taxed as a party of the costs, such payment having been made by the parties in accordance with an agreement between them. The plaintiff and the defendants J. W. and E. Miller in open court excepted to the above judgement and gave notice of appeal to the court of Civil Appeals in and for the first Supreme Judicial District of Texas, at Galveston, and the conclusions of law and fact were duly excepted to, by said parties giving notice of appeal and twenty days after adjournment of this term of this court are hereby allowed in which to prepare and file bills of exception and statement of facts.



57

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The State of Texas,

County of Harris. No. 33,280 $\frac{1}{2}$ . Alfred Waterhouse

vs

W. C. Corbett et al

I, Henry Albrecht, Clerk of the District Court of Harris County, Texas, do hereby certify that the above and foregoing is a true and correct Copy of Decree in above numbered and entitled cause as the same appears of record in my office in volume 2 page 51 of Minutes of District Court of Harris County, for the 61st Judicial District of Texas.

Given under my hand and seal of said Court at office in Houston, Texas, this the 23rd day of May A. D., 1904.

Henry Albrecht Clerk District  
Court, Harris County, Texas

by T. W. Browne, Deputy. (seal).

Filed for record May 24, 1904 at 11:30 A.M. Recorded June 8, 1904 at 2:30 P.M. E. F. Dupree Clerk County Court, Harris County, Texas.

By J. H. Blake, Deputy.

State of Texas,

County of Harris.

I, Albert Townsend, Clerk County Court, in and for said County and State, do hereby certify that the above and foregoing is a true and correct copy of Certified Copy of Decree from Alfred Waterhouse Vs W. C. Corbett et al dated 23rd day of May, A. D., 1904, as the same appears of record in my office in records of Deeds, volume 161 page 490.

Given under my hand and seal of office at Houston, Texas, this 23rd day of May, A. D., 1931.

Albert Townsend, Clerk  
County Court, Harris County, Texas.

By *F. B. Tamburello* Deputy



No. ---

SKETCH FILES - 63,  
Harris County -

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Decree of Court.

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Filed May 27<sup>th</sup> 1931

J. H. Walker, Court-  
Clark

Alfred Waterhouse,  
- vs -  
W. C. Corbett,

59

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