

D-489

5-1099

TO THE HONORABLE DISTRICT JUDGE
36th JUDICIAL DISTRICT:

Pursuant to an order of your honorable court dated Sept. 9th 1902, together with supplemental order of _____ 1902, ordering a survey of all the land North and West of Surveys, Nos., 298 and 300, Atascosa County School Land for the purpose of determining the North and West boundary lines of the said surveys Nos., 298 and 300, I beg to report as Follows:

On January 27th 1903 I went on the ground and begun work with a magnetic variation of 9 degrees 15' E, with chain properly tested and chainmen duly sworn according to law, taking the following notes as illustrated by the sketch hereunto attached and marked "Exhibit" A".

I begun at the NE corner of Sur. No. 10, B W Wheeler—a stake whence ~~most~~ mkd-X 10" dia brs S42W4vrs, a stump 12" dia on bank of Live Oak Creek brs S 76½ E 12½ vrs.

Thence South with old marked East line of sur. No. 10- B W Wheeler at 40 vrs cross said Live Oak creek at 180 vrs cross same creek at 1538 vrs a stake in said east line of Sur. No 10- B W Wheeler for a corner of Sur No 16 F.&N.O.R.R.Co.

Thence East with body line of said Sur. No 16 T.&N.O. R.R.Co., from which a ~~west~~ ^{most} stump 12" dia brs N 19 W 43 vrs. and a ~~west~~ stump 12" dia brs N 65 W 40½/2/5 vrs.

Thence South along and with the old marked East body ~~of~~ line of said Sur. No 16 T.&N.O.R.R.Co., at 1891 vrs a stake set SE cor. of Sur No 16 T&NOR.R.Co, the same being the NE cor of Sur. No 300 Atascosa County School Land from which a ~~West~~ tree 12" dia brs S 11 E 11¼ vrs mkd X and a ~~most~~ tree 11" dia mkd X brs N 17 E 6 vrs.

Thence West along and with the south boundary line of Sur No 16 T.&N.O.R.R.Co, the same being the North boundary line of said Sur. No. 300 Atascosa County School Land at 211 vrs cross Atascosa County pasture fence at 587 vrs cross Live Oak creek at 1288 vrs again cross said fence at 1863 vrs set a stake for the S W corner of Sur. No. 16 T.&N.O.R.R.Co., same being the S E cor.

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of Sur. No. 15 T.&N.O. R.R.Co., from which a mest stump 14" dia mkd = brs S $32\frac{1}{4}$ W $3\frac{3}{4}$ vrs a mest stump 13" dia brs N $65\frac{3}{4}$ W $7\frac{1}{5}$ vrs, said stk being set 19 vrs north of the Atscosa County fence. I found no old marks on this line but some on either side.

Thence S 86 degrs 45' W along and with the south body-line of Sur. No. 15 T.&N.O.R.R.Co., same being the North line of Sur. No. 300 Atscosa County School Land at 55 vrs cross the said rail road at $92\frac{4}{5}$ vrs cross fence into Mc Innis' pasture $212\frac{3}{5}$ vrs N $15\frac{1}{2}$ E from its corner which is also corner of Atscosa County pasture, at 1478 vrs east bank of creek at 1597 vrs cross same creek at 1778 vrs to stake set in pile of ashes for SW cor said Sur. No.15 T.&N.O.R.R.Co., the same being the common corner of Surs Nos 17 & 18 M Alexander and 300 Atscosa County School Land, from which stake a pile of ashes brs S 80 W 10 vrs a stump brs S 48 W $20\frac{1}{5}$ vrs. (From this corner a stake bears N 0 degrees-- 45' E 102 vrs and West $150\frac{3}{5}$ vrs from which said stake a mest 16" dia mkd = on south and west sides and A on north east side brs N 4 degrees 30' W 7vrs. No old marks this line.

Thence from said common corner of Surs 17 & 18 M Alexander, 15 T & N O R R Co., and 300 Atscosa County School Land S $0^{\circ}45'$ W at 108 vrs cross Mc Innis fence, being the present north boundary line of Atscosa County pasture at 184 vrs cross creek at 260 vrs again cross creek at 1160 vrs to cor of Aldermans new pasture fence at 1303 vrs, continuing on common body line for Sur No 17 M Alexander, and 300 Atscosa County School Land about 2 vrs east of Alderman's new fence, found an old marked ^{line}/tree, the only one on this line at 1998 vrs a point where new line comes in from the west, said point being 182 vrs east of old cor of --- Atscosa County pasture at 2317 vrs the S E cor. of said Sur. -- No.17 M Alexander and an L cor. of Sur. No.300-Atscosa County -- School Land, a mest 8" dia brs N $56\frac{1}{4}$ W $21\frac{1}{2}$ vrs mkd X a forked mest 17" dia brs S 87 E $12\frac{1}{5}$ vrs. All said trees dead.

Thence S $89^{\circ}45'$ W along and with the south body line of Sur No 17 M Alexander same being the north body line of Sur No300- Atscosa County School Land at 190 vrs cross creek at 414 vrs e cross creek at 1643 vrs cross creek at 1663 vrs pass sur.No 17--

X7'

M Alexander and S E Cor Sur No 19 Wm Alexander at 1853 vrs stk for new Cor of Sur No. 300 Atscosa County School Land same being N E Cor of Sur No 21 T & N O R R Co., from which a mest 14" dia mkd--
X brs 42 E 2 $\frac{1}{4}$ vrs. From this corner a point in the old fence line of Atscosa County pasture brs S 89 $\frac{3}{4}$ W 224 vrs and its corner bears N 1 $^{\circ}$ 10' W 407-2/5 vrs from said point. From the corner of the old pasture fence a mest 8" dia mkd A on N E side and ≡ on north side brs S 43 W 9-2/5 vrs. At 37 vrs 587 $\frac{1}{2}$ E from this cor of the old pasture fence a point on the old pasture fence line is 3 vrs north of a 10" mest X on the south side.

Thence from the N E cor of Sur No 21 S 0 $^{\circ}$ 35' W along and with the east body line of said Sur No 21 T & N O R R Co., same being west line of said Sur No 300 Atscosa County School Land at 2105 vrs stk on open hill whence mest 9" mkd X brs S 75 E 102 vrs a mest 6" dia brs S 77 $\frac{1}{2}$ E 106-1/5 vrs said stake having been set for S E Cor of Sur No 21 and N E Cor No 22 T & N O R R Co., continuing, on same course at 2370 vrs cross drain at 2659 vrs a point on east line said sur No 22 whence post brs S 89 $\frac{1}{2}$ W 180 vrs from whic post a mest 24" brs S 11 $\frac{1}{4}$ W 10-2/5 vrs mkd X which post was set for S W Cor of Sur No 300 Atscosa Co nty School Land, at 3947- vrs a stake set for S E Cor of ~~said~~ Sur No 22 T & N O R R Co., the same being an L corner of Sur No 298 Atscosa School Land from which a forked mest X brs N 16 $\frac{1}{2}$ W 25 vrs and a mest 14" forked mkd X brs S 20 $\frac{1}{2}$ W 11-3/5 vrs. On this line I found old line trees.

Thence N 89 $^{\circ}$ 10' W at 1854-4/5 vrs stk for Cor whence Mest 6" brs N 53 $\frac{1}{2}$ E 12-1/5 vrs -Do 10" brs S 24 $\frac{1}{4}$ E 37-2/5 vrs Do 5" brs N 67 $\frac{1}{4}$ E 11-7/10 vrs. Said stake being set for com cor Surs Nos 22, 25 & 26 T & N O R R Co., and 298 Atscosa School Land. On this line I found but very few old linemarks. From this corner the old corner of Atscosa Co nty pasture fence brs N 89 $\frac{1}{2}$ W 230-2/5 vrs and north 633-1/5 vrs.

Thence S 0 $^{\circ}$ 30' W along and with the east boundary line of Sur No 26 T & N O R R Co., at 1284 vrs a point in the line 183-2/5 vrs east corner of old pasture fence from which said corner fence post brs S 10 $\frac{1}{2}$ W 175 vrs whence mest 6" dia mkd A brs N 26 E 6-2/5 vrs at 1513 2/5 vrs at original course from N E Cor Sur No 26 T & N

O R R Co., a turn in the fence at 1901-3/5 v s stk for S E Cor Sur No 26 about 5 vrs North of Coma and Brazil Mott.

Thence N $89\frac{1}{2}$ W with old marked south boundary line of said Sur No 26 at 1966-1/5 vrs to stk for Cor. whence 4" dead mest mkd = brs S $74\frac{1}{4}$ E 15 vrs. The said stake for S W Cor of Sur No 26 T & N O R R Co., being set S $0^{\circ}30'$ W 1901-3/5 vrs from original N E Cor of Sur No 26 from which said N E Cor a mes 15" $\overline{\overline{\overline{X}}}$ brs East 7-2/5 vrs a mest 17" $\overline{\overline{\overline{X}}}$ brs S $21\frac{1}{4}$ W 23-3/5 vrs.

Thence N $0^{\circ}30'$ E along and with the west line of Sur No 26 T & N O R R Co., at 431-2/5 vrs stk for a cor of Atscosa County School Land No 298.

Thence S $89\frac{1}{2}$ W 190-3/5 vrs pst for a cor of Sur 298 from which mes 10" $\overline{\overline{\overline{A}}}$ brs S $73\frac{1}{2}$ E 22-2/5 vrs mes 8" $\overline{\overline{\overline{A}}}$ brs S $78\frac{1}{2}$ E 27-1/5 vrs.

Thence S $6^{\circ}10'$ W at 820 2/5 vrs to extreme S W Cor Sur No.298 from which mes 10" mkd $\overline{\overline{\overline{A}}}$ brs N $49\frac{1}{2}$ E 12-3/10 vrs a mest 7" dia mkd $\overline{\overline{\overline{A}}}$ brs N 59 E 10-1/5 vrs.

/s/ Jno. M. Daniel.

CHAS SHOEMAKER Chain Carriers
BRUCE POWELL

Sworn to & subscribed before me the undersigned authority this the 23rd day of Feby A D 1903.


/s/ G H Knagss
Clerk Dist Ct.
La Salle County Texas.

THE STATE OF TEXAS
COUNTY OF LA SALLE :

I, R.O.Gouger, Clerk of the District Court in and for La Salle County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a certain instrument as the original appears among the papers in said cause-styled-- and numbered-No 775-County of Atscosa vs E W Alderman.

In TESTIMONY WHEREOF, I hereto set my hand and affix the Seal of Office, this the 31st day of March A.D.1948.

R.O.Gouger
Clerk of the District Court
in and for La Salle County, Texas.

By 
Deputy.

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Sketch file

#46

CERTIFIED COPY

No. 775

COUNTY OF ATSCOSA

VS

E. W. ALDERMAN

IN THE DISTRICT

COURT OF LA SALLE

COUNTY.

counter 29607

see 918 W 846

CERTIFIED COPY OF JUDGMENT

A-449

NO. 775

THE COUNTY OF ATASCOSA	*	IN THE DISTRICT COURT
VS	*	OF
E.W.ALDERMAN	*	LA SALLE COUNTY, TEXAS

On this the first day of March A.D.1905, came on regularly to be heard the above styled and numbered cause, where the parties thereto by their Counsel, respectively in open Court announced ready for trial; And coming on to be heard the pleas of privilege and exceptions of the defendants, Mrs. Tirsa Y de Martin and --- M.A.Hirsh, and the Court being of the opinion, that the law is with said pleas and exceptions, it is ordered adjudged and decreed, by the Court that said pleas of privilege and exceptions be and the same are hereby sustained in all things, and that said defendants, Mrs Tirsa Y de Martin, and M.A.Hirsh, be discharged and dismissed, and go hence without day and recover of the defendant, E.W.Alderman their costs, for which execution may issue: to which judgment of the Court the defendant E.W.Alderman, excepted in open court and gave notice of appeal to the Court of Civil Appeals for the 4th-Supreme Judicial District of Texas, sitting at San Antonio, Texas.

The defendant E.W.Alderman, having moved to dismiss this cause as to the defendant W.McInnis, it is accordingly so done, and it is ordred adjudged and decreed, by the Court that said J.W.McInnis, be discharged and dismissed and go hence without day and recover of said E.W.Alderman his costs for which let execution issue; and t--- therupon came a Jury of twelve good and lawful men, to-wit:

Wiley Pease and eleven others, who having been duly ~~XXXXX~~ selected impannaled and sworn; after hearing the evidence and argument of Counsel and the charge of the Court, had said cause submitted to them on the 3rd day of March A.D.1905, by the Court at the request of the Party Plaintiff, on special issues as follows, to-wit:

1st. Do you find from the evidence that a conflict exists between Atascosa County School Land Survey No. 300, and the ----- M Alexander Survey No.17 and T.&.N.O.Ry Co., survey No. 21 and M Martin Survey No. 22 on the West and North boundary line of said Survey No.300-where the surveys above named meet or join?

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2nd. If you answer question No.1, in the affirmative then you will say whether or not from the evidence Atascosa County held the peaceable and adverse possession of said strip of land in ---- controversy for a period of more than three years prior to the entry of the defendant, E.W.Alderman, upon the same.

3rd. Do you find from the evidence that a conflict exists between the Atascosa County School Land Survey No.298, and the --- T.&N.O.RY.CO., survey No. 21, the ^M/Martin survey No. 22, the M Martin survey No.26 and the T.&N.O.RY.CO., survey No.25, where the above named surveys meet or join said survey no 298?

4th. If you answer the the third question in the affirmative then you will say whether or not from the evidence the County of Atascosa held the peaceable and adverse possession of said strip of land in controversy for a period of more than three years prior to the entry of the defendant, E.W.Alderman, upon the same.

5th. How much is Plaintiff damaged by the entry of the defendant upon the land claimed by the Plaintiff, if any?

6th. What is the reasonable rental value of the strip of land in controversy per acre per year?

7th. Do you find from the evidence any agreement by and between J.W.McInnes and Atascosa County as to the boundary lines--- between the M Alexander survey No.17 and the Atascosa County school land survey No. 300?

8th. Do you or not find from the evidence any agreement between Raymond Martin and Atascosa County as to the boundary lines between said surveys, Nos., 298 and 300, and Surveys, Nos., 21, 22, 25, and 26?

And the Jury having retired in charge of the proper officer to consider their verdict thereafter on the same day, March, 3rd., 1905, returned into open Court the following verdict, to-wit:

We the Jury, find as follows upon the special issues----- submitted;

To the 1st special issue we answer "No!"

To the 3rd. special issue we answer-"No".

To the 7th. special issue we answer "No!"

To the 8th. special issue we answer "No" counter 29609

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/s/ Wiley Pease--Foreman.

Whereupon the defendant moved the Court to render-----
judgment in accordance with said verdict which motion was sustained
by the Court and the Court proceeded to render such judgment.

It is therefore considered, ordered, adjudged and decreed,
by the Court that the Plaintiff, Atscosa County, take nothing by
this suit, and that the defendant, E.W.Alderman, be discharged and
dismissed and go hence without day and that the said Defendant,
E.W.Alderman, do have and recover of and from the said Atscosa ---
County, a political sub-division of the State of Texas. Plaintiff,
herein-all costs of suit and this judgment for ocsts be certified
by the Clerk of this Court to the Commissioners Court of said ---
Atscosa County for payment.

Approved/s/s E.A.Stevens.

ENDORSEMENTS: No. 775

In the District Court of La Salle County, Texas.

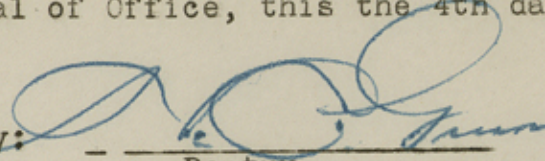
Atscosa County
vs
E.W.Alderman, et al.

DECREE

Filed March 3rd. 1905.
/s/ G.H.Knaggs
Clerk Dist. Court. La Salle Co. Texas.

The State of Texas
County of La Salle: I, R.O.Gouger, Clerk of the District Court
in and for La Salle County, Texas, do hereby certify that the above
and foregoing is a true and correct copy of a ceratin judgment-
in Cause No 775 and styled-Atscosca County vs E.W.Alderman, et al
as the original appears among the papers in said cause and said
judgment being recorded in Minute No.4-on pages-144,145&146-of the
District Court Records of La Salle County, Texas.

In TESTIMONY WHEREOF, I hereto set my hand and affix the
Seal of Office, this the 4th day of May, A.D.1948.

By:  R.O.Gouger
Deputy. Clerk of the District Court
of La Salle County, Texas.

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NOTE OF INFORMATION

HON. BASCOM GILES,
COMMISSONER OF THE GENERAL LAND OFFICE
AUSTIN, TEXAS.

Dear Sir:

Relative to your letter to Mr. Frank J Schorp, Surveyor, Pearsall, Texas, regarding certain records of Cause No. 775- styled Atscosca County vs E W Alderman et al- in the District Court of La Salle County, Texas; beg to advise as follows:

We have made diligent search for MANDATE covering this suit and same cannot be found. We did find Brief for Appellee- in book form No. 3349- in this cause as appealed to the Court of Civil Appeals- Fourth Supreme Judicial District of Texas- sitting at San Antonio, Texas.

Our County Attorney- the Hon. Charles D Bates Jr., has furnished us with the information- that Judgment was affirmed- Atscosa Cou ty vs E W Alderman---to be found 91 S.W. 846.

Respectfully yours-

R.O. Gouger
District Clerk.

By: 

Dpty.

RECEIVED
MAY 7 1948
REFERRED TO LAW

File No. 46

#46

LA SALLE County

Sketch File

Filed Aug. 2 1948

Bascom Giles Com'r

W.E. Stegling
File Clerk

(over)

CERTIFIED COPY

JUDGMENT

No. 775

ATSCOSCA COUNTY

VS

E.W.ALDERMAN et al

IN THE DISTRICT COURT
OF
LA SALLE COUNTY, TEXAS

Redorded Book- 4-
Pages-144,145 & 146
Minutes District Court
of La Salle, County, Texas.

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