



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON  
ATTORNEY GENERAL**

December 7, 1962

✓ D34  
①

Mr. Jack Giberson  
Chief Clerk  
General Land Office  
Austin, Texas

Re: No. 4947, J. W. Stegall v.  
Jerry Sadler, Commissioner  
General Land Office, et al  
In the District Court of  
Newton County, Texas

Dear Mr. Giberson:

Enclosed is a copy of the judgment that  
was entered in the above styled cause on December  
5, 1962, in the District Court of Newton County,  
Texas.

Very truly yours,

*Milton Richardson*

Milton Richardson  
Assistant Attorney General

MR/gs  
Enclosure

**RECEIVED**  
**DEC 8 1962**  
General Land Office



DEC 8 1962

General Land Office

NO. 4947

J. W. STEGALL

VS.

JERRY SADLER, COMMISSIONER  
OF THE GENERAL LAND OFFICE,  
ET AL

IN THE DISTRICT COURT

OF

NEWTON COUNTY, TEXAS

JUDGMENT OF THE COURT

On the 1st day of October, 1962, came on for trial the above entitled and numbered cause and came the plaintiff, J. W. STEGALL, by his attorney of record, and plaintiff having heretofore~~heretofore~~ dismissed as party defendant Edsel Baker of Orange County, Texas, and plaintiff having, in open court, further dismissed as party defendants Fred LaBar and George LaBar.

It is ordered that such defendants be, and they hereby are, dismissed from this cause with their costs.

And each of the following named persons, though duly served with process, failed to appear and answer but wholly made default, to-wit: Arthur Richmond, M. D. McCullough, J. N. Biscamp, E. L. Weaver, J. S. Harrelson, Wanda Smith and husband, Don Smith, Lola Sarton Mitchell, Mary Ethlyn Watkins and husband, H. E. Watkins, and Nelda Gay Bonnette and husband, James Bonnette; and plaintiff, through his attorney of record, having moved that Judgment by Default be entered and rendered in favor of plaintiff against such parties.

It is therefore ORDERED that Judgment against such said defendants, Arthur Richmond, M. D. McCullough, J. N. Biscamp, E. L. Weaver, J. S. Harrelson, Wanda Smith and husband, Don Smith, Lola Sarton Mitchell, Mary Ethlyn Watkins and husband, H. E. Watkins, and Nelda Gay Bonnette and husband, James Bonnette; be, and the same hereby is entered against each of said defendants.

And, came the defendants, Southern Pine Lumber Company, C. S. Jones, Will Wilson, the Attorney General of the State of Texas,

Newton Co. 257.16.45

county 32452



and Jerry Sadler, the Commissioner of the General Land Office of the State of Texas, B. H. Hall, Sr., Executor of the Last Will and Testament of H. S. Hall, Deceased, and sole beneficiary under said will, and Estle Verna Bush, such defendants appearing by and through their attorneys of record:

And the court having determined and found that it has jurisdiction over the matter in controversy and over the parties, and that all persons who own or claim any interest in, or lease of any character upon, the two tracts of land hereinafter described and any land adjoining or over-lapping either of said two tracts of land, having been duly and legally cited to appear herein in the manner and for the time required by law, thereupon such cause was called by the court in its regular order on the docket of the said court and the parties in open court each announced ready for trial and each of said parties, in open court, having waived the intervention of a jury, and the court having considered the pleadings of the plaintiff and each of the defendants herein, the testimony offered in open court, the exhibits offered in evidence, the stipulations agreed to by and between each of the parties in open court, and the argument of counsel, the court FINDS, ADJUDGES, and DECREES as follows:

That the North Boundary Line of the Jesse Terry Survey, Abstract Number 423, in Newton County, Texas, is as follows, to-wit:

BEGINNING at a pine knot in the East Boundary Line of the T. Hickman Survey, Abstract Number 143, in Newton County, Texas, 2,733 varas North from the Southwest corner of the Jesse Terry Survey, from which said point a 10 inch Post Oak stump bears S. 86 W. 5-9/10 varas and an 18 inch Red Oak marked "X" bears S. 27 W. 6-1/10 varas; the same being the Southwest corner of the Mary Davlin Survey, Abstract Number 93, in Newton County, Texas:

THENCE due East, at 4,082 varas the Southwest corner of a tract of 69.89 acres of land designated S.F. 16039, from which a



Pin Oak 24 inches bears N. 37 W. 3 varas, a Pin Oak 12 inches bears N. 83 E. 5-2/10 varas, and a Maple 6 inches bears N. 37 E. 3-6/10 varas, continuing same course at 5,105 varas to a point in the East Boundary Line of the G. W. Smyth Survey, Abstract Number A-366, in Newton County, Texas, said point being South 386 varas from the Northwest corner of the <sup>said</sup> G. W. Smyth Survey, Abstract Number A-366, and North 115 varas from the Southwest corner of the said G. W. Smyth Survey, Abstract Number A-366, from which said point a Sweet Gum 15 inches bears S. 87 W. 10-4/10 varas and a Post Oak 6 inches bears S. 17 E. 6-9/10 varas;

THENCE S. 115 varas along the East Boundary Line of the G. W. Smyth Survey, A-366, to the S.W. corner of said G. W. Smyth Survey from which a Water Oak 9 inches in diameter bears North 88 deg. West 2.1 varas; a Pine 20 inches bears South 28 East 4.6 varas; a Pine 12 inches bears S. 82 West 8.8 varas;

THENCE E. with the South Boundary Line of the said G.W. Smyth Survey 2,386 varas to the S.E. corner of the said G. W. Smyth Survey, a stake for corner on the West bank of the Sabine River under the bridge on Texas Highway Number 6.

The Court also finds, and it is hereby adjudged and decreed, that the most Southern Boundary Line of the Mary Davlin Survey, A-93, in Newton County, Texas, is as follows, to-wit:

BEGINNING at a pine knot in the East Boundary Line of the T. Hickman Survey, Abstract Number 143, lying and situated in Newton County, Texas, said point being 2,733 varas due North from the S.W. corner of the Jesse Terry Survey, Abstract Number A-423, from which said point a 10 inch Post Oak stump bears S. 86 W. 5-9/10 varas and an 18 inch Red Oak marked "X" bears S. 27 W. 6-1/10 varas, and said point also being the Northwest corner of the Jesse Terry Survey, A-423, as above found;



THENCE due East along the most Northern Boundary Line of the Jesse Terry Survey, A-423, as above set out and described, 4,082 varas to a point 386 varas due South from the Southwest corner of the John Droddy Survey, Abstract Number 89, in Newton County, Texas, and said point being the Southwest corner of a tract of 69.89 acres designated as S. F. 16039 hereinafter described, from which said point a Pin Oak 24" bears N. 37 W. 3 varas; a Pin Oak 12 inches bears N. 83 E. 5-2/10 varas; and a Maple 6 inches bears N. 37 E. 3-6/10 varas.

And the Court further finds, adjudges, and decrees, and declares the hereinafter described tract of land to be vacant, unsurveyed land belonging to the Public School Fund of the State of Texas, such tract of land being described as follows, to-wit:

All that certain tract or parcel of land lying and situated in Newton County, Texas, being described by metes and bounds as follows:

BEGINNING at the Northwest corner of the survey made for M. Martin, assignee of G. W. Smyth, Abstract No. 366, on the South Boundary Line of the John Droddy Survey, Abstract No. 89, a 24" W. O. is S. 38 E. 2-8/10 varas, and a 14" W.O. is N. 84 E. 5 varas;

THENCE West with the South Boundary Line of said Droddy Survey 1,023 varas to the Southwest corner of said Droddy Survey, and 8" Maple is N. 19 E. 6-4/10 varas, a 14" B.G. is N. 55 E. 8 varas, a 20" B.G. is N. 67 E. 3-5/10 varas, a 5" Hickory is S. 85 E. 2-2/10 varas and a R.O. stump is S. 9 E 15-4/10 varas;

THENCE South at 386 varas to a stake for corner a 24" Pin Oak is N. 37 W 3 varas, a 12" Pin Oak is N. 83 E. 5-2/10 varas and a 6" Maple is N. 37 E. 3-6/10 varas;

THENCE East at 1,023 varas to a stake in the West Boundary Line of the survey made for M. Martin, assignee of G. W. Smyth, from which a 15" S.G. is S. 87 W. 10-4/10 varas, and a 6" P.O. is S. 17 E. 6-9/10 varas;

THENCE North 386 varas with the West Boundary Line of the survey made for M. Martin, assignee of G.W. Smyth, to the beginning, containing 69.89 acres of land by actual survey.



And the Court orders and directs the Commissioner of the General Land Office of the State of Texas to sell such above described tract of land and the Court further finds that plaintiff herein, having done all the things necessary in the premise, is entitled to preference to purchase such land, and such preference is hereby awarded to plaintiff, subject, however, to the superior rights of any good faith claimant.

And the Court further finds, adjudges, decrees, and declares that the hereinafter described tract of land, to-wit:

All that certain tract or parcel of land lying and situated in Newton County, Texas, being described by metes and bounds as follows:

BEGINNING at the Southwest corner of the G. W. Smyth Survey, Abstract No. 366, a stake for corner from which a Water Oak 9" bears N. 88 W. 2.1 varas; a Pine 20" bears S. 28 E. 4.6 varas; a Pine 12" bears S. 82 W. 8.8 varas;

THENCE East with the South Boundary Line of said G. W. Smyth Survey, 2,386 varas to the Southeast corner of said G. W. Smyth Survey, a stake for corner on the West bank of the Sabine River under the bridge on Texas Highway No. 6, no bearing trees available;

THENCE down the said River with its meanders as follows: S. 6 E. 310 varas, and S. 19 W. 240 varas to a stake for corner at from which an Elm 24" bears S. 64 W. 2 varas, a Gum Stump bears S. 1.2 varas;

THENCE West 2,352 varas to a stake from which a Sweet Gum 5" bears S. 62 E. 4.6 varas; a Hickory 4" bears N. 82 E. 7/10 of a vara;

THENCE North 501 varas to the place of beginning, the Southwest corner of the G. W. Smyth Survey, and containing 212.4 acres of land,

is, and at all previous times has been, a part of the Jesse Terry Survey, Abstract Number 423, in Newton County, Texas, and was included in that tract of land which was duly and lawfully so patented to the said Jesse Terry on the 31st day of January, 1852, by the State of Texas by Patent on record in the office of the County Clerk of Newton County, Texas, in Book DB "D", on Page 138, of the Deed



Records of Newton County, Texas, and that title to such immediately above described tract of land was, by said Patent, legally and properly divested from and out of the State of Texas.

It is further ORDERED, ADJUDGED, and DECREED that all cost in this suit be, and the same hereby are, charged against plaintiff herein for which execution may issue.

ENTERED this the 5th day of December, 1962.

APPROVED AS TO FORM:

s/ O'Neal Bacon  
Judge Presiding

s/ William Drew Perkins  
William Drew Perkins,  
Attorney for Plaintiff

COMMISSIONER OF THE GENERAL  
LAND OFFICE

By s/ Milton Richardson  
Assistant Attorney General

WILL WILSON, ATTORNEY GENERAL  
OF THE STATE OF TEXAS

By s/ Milton Richardson  
Assistant Attorney General

s/ Ward R. Burke  
Ward R. Burke, Attorney for  
Southern Pine Lumber Company

s/ B. F. Whitworth  
B. F. Whitworth, Attorney for  
Southern Pine Lumber Company and C. S.  
Jones

s/ Wendell Forse  
Wendell Forse, Attorney  
for Estle Verna Bush and B. H.  
Hall, Sr., Executor of the Last  
Will and Testament of H. S. Hall,  
Deceased, and sole beneficiary of  
said will.



THE STATE OF TEXAS            I  
COUNTY OF NEWTON            I

I, Nathion L. Clark, Clerk of the District Court in and for Newton County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the JUDGMENT OF THE COURT in the case of J. W. Stegall vs. Jerry Sadler, Commissioner of the General Land Office, et al, No. 4947, on the docket of said Court, as same was filed in my office on the 5<sup>th</sup> day of December, 1962, and is recorded in Volume M, page 276 of the Civil Minutes of the District Court of Newton County, Texas.

TO CERTIFY WHICH, witness my hand and seal of said Court at office in Newton, Texas, this 5<sup>th</sup> day of December, 1962.

*Nathion Lee Clark*  
Clerk of the District Court,  
Newton County, Texas.





File No. 46

Newton County

Sketch File

Filed Dec. 8 19 62

JERRY B. BAKER, Com'r

By V. E. Hays

*Ct. Decree*

*Case 4947*

*Re: SF-16039.40*

*Jas. 1-140*

*" 1-41*

*" 1-135*

*counter 32459*