

File *Sketch File #20*

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No. 1—Application and Obligation.

San Patricio County

Copy of Decree in re.
 of the Partillo Grant
 San Patricio Co.
 May 3 1910 H.

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Welder v Carroll

29 Tex. 332

34 Tex. 44

No. 453

Wilkin's Hunt

vs

John Welder et al

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To the County Surveyor of San Patricio count
Greeting:

By Order of the Hon District Court of Victoria County at the Spring
Term, A. D. 1868:

You are hereby authorized to survey the lands in controversy in this suit, in accordance with the Field Notes furnished you by the respective parties; And you will proceed to ascertain the dividing boundary line between the Portillo Grant and the Power and Hewetson Grant/ This you can do, 1st by a survey following the calls in the title and map forming a part of it, and the ancient marks made for its identity by the Original surveyor, or if its locality can be proved by witnesses who can from their personal knowledge or on information derived from general representation, or from its having been pointed out to them by them by the surveyor by whom it was run, or others who were present at the time or cognizant of the fact; this will fix and mark its position. Although there may be a discrepancy between its position, this ascertained and that given it by the Calls of Plat in the grant. But if it cannot be thus established it must be must be fixed where it is placed by a survey of the land made in conformity with the well known rules by which a survey in such cases must be controlled, as now herein stated. That is to say: The two grants call for thirteen and one half leagues, Power and Hewetson, 5 1/2 and Portillo 7 1/2. The external lines, including these two grants being known and there is sufficient to satisfy both; the line is to be drawn dividing the ^{two} ~~two~~ grants, giving to each his quantity called for and running said dividing line in such manner as may seem most to conform to the mode of survey usual at the time, the original survey was made, if known; or if not known according to the usual practice of competent surveyors in such localities. If there is any deficiency of land, each grant loses in proportion to its quantity called for, and if there is an excess of land, each grant gains in proportion to its quantity call for.

This is sent as a copy in Substance from the Mandate of the Supreme Court, on the subject of the Portillo Grant, in which Welder,

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Hunt, Carroll, and others are parties.

Witness J. H. Mullins, Clerk of the District Court in and for
the County of Victoria.

(SEAL)

And the Seal of said Court at office in Victoria this the 27th
day of July, A. D. 1868.

J. H. Mullins,

Clk D.C.V.C.

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The State of Texas |
San Patricio County |

In conformity with an order of the Hon. District Court of Victoria county issued at the

Spring Term A.D. 1868, and which is hereunto annexed, I proceeded on the 28th day of January 1869 to survey the lands now in litigation between John Welder, Wilkins Hunt, Rufus J. Carroll et al, having previously notified those parties of the time &c, - - - - -

- - - - - In order to find the North West corner of the upper or Portillo grant of seven and a half leagues, I commenced at the North corner of Robert Carlisle's league situated and fronting on the Popalote creek, ⁺ which was shown to me by his son Lawrence Carlisle and from which point I have been informed that surveys^{rs} heretofore started in making connections and surveys.

Beginning at said corner I ran N 80 E magnetic or due East 6775 varas, across the fronts of the Bridget Quinn league, the Patrick and William Quinn one half league, the James O'Connor one fourth league and the Arnand Victor Loupy league to its North East corner in the mouth of a gully or bayou emptying into the Aransas river below the mouth of the said Popalote Creek and known in the neighborhood as Reeves Hollow.

The plaintiff John Welder showed to me a Hackberry tree about twenty inches in diameter marked with a "V" on the side towards the ~~next~~ north of said Reeves' Hollow and bearing therefrom S 78 E distant 305 varas. From the mouth of said Reeves Hollow I ran S 10 E magnetic or due south along the Eastern line of the Loupy league which is the western boundary of the Portillo grants as aforesaid, to its south East corner and from thence same course to the Chiltipin Creek. On this line in

Aransas timber chops or hacks were discernible on some of the trees, the age of which I can give no exact opinion.

The Southern end of this line strikes the Chiltipin at a point on John Poland's league between the houses in which Richard Harris and Jasper Poland formerly lived, from which Harris' house as aforesaid bears N 49 1/2 W magnetic, distant 270 varas, also two Willow trees on the opposite bank, one marked "M" bears S 54 1/2 E magnetic distant sixteen varas, the other also marked with an "M" bears S 58 1/2 distant sixteen and a half varas also a live oak tree about twenty four inches in diameter also on the other side of the creek, marked "W" bears S 11 1/2 W

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magnetic distant 34 varas.

From this point I carefully meandered the Chiltipin Creek to the South corner of the Edwin Cameron survey of 704 ~~xxx~~ acres of Patented land and knowing the country near and at the confluence of the two streams as aforesaid to be low and marshy, I assumed the meanders of both of said streams in this survey which I made for John H. Wood, October 5th 1867, and swore to before the county Judge according to the late laws as being correct. From the North West corner of this survey I continued my meanders up the Aransas river to the place of beginning, the mouth of Reeves' Hollow as aforesaid.

Mr. John Welder showed to me between his house and the mouth of the Cherino Creek, the stumps of pickets visible a few inches above ground and a mound of stone which he informed me were the tracts of the old jacal and chimney of the Portillos of which I took the bearing and have correctly represented it on map. He also showed to me a gully a little below the Cherino, running into the Aransas and directed me to mark it down on the map as the upper side of its mouth had been pointed out to him as the lower corner of the seven and a half league grant or its north east corner all of which has been carefully done as desired.

After a careful calculation by latitude and departure, of this survey or of the land lying between the upper line and the two streams I found the area to be 50092 acres and 31 perches leaving a deficiency of 7471 acres 3 roods and 9 perches, which I divided between the two grants, agreeably to the words of mandate "If there is any deficiency each grant loses in proportion to its quantity called for" by running magnetically a North and South line parallel to the one run by Doctor Bernard, giving 3161 acres and 24 perches of the lap or conflict to the 7 1/2 league grant and the remainder 4310 acres 2 rods and 25 perches to the 5 1/2 league grant.

The division line strikes the Aransas river at a point in Michael Luques's field, S 10 1/4 E 102 varas below and from the N. W. Corner of said field from which a Hackberry tree about 10 inches in diameter marked "V" bears S 19 1/2 W 186 varas distant.

The southern end strikes the Chiltipin Creek a little above the Rockport road crossing, a stake from which a Hackberry tree marked "K"

about 10 inches in diameter, bears N 87 1/2 E 65 varas distant.

The bearings in this survey are all magnetic; the variation of the needle I ascertained by observation of North star &c to be N 10, 4' 15" E.

The annexed map was compiled from my survey and upon it I correctly placed all objects of any note.

M. T. Gaffney, Dis. Sur. S.P.Co.
pr James O. Gaffney, Deputy.

State of Texas

San Patricio County

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I James O. Gaffney, Deputy Surveyor in and for the State and County as aforesaid, do solemnly swear that the matters and things set forth in the forgoing report of survey are true to best of my knowledge and belief, so help me God.

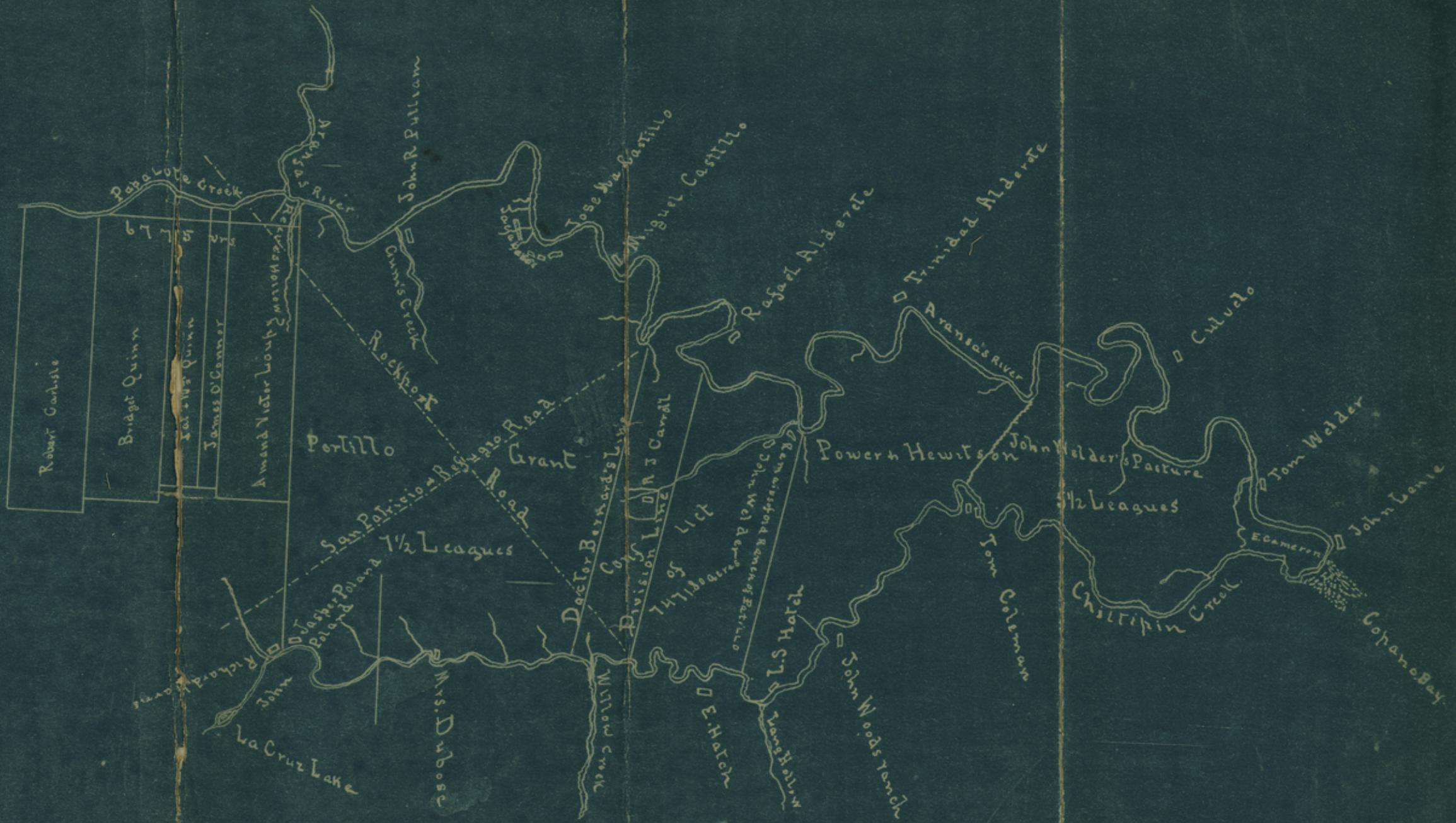
James O. Gaffney,
Dept. Sur. S. P. Co.

Sworn to and subscribed before me on the 20th day of April A.D. 1869.

Witness my hand and Seal of the County Court at Office in San Patricio the day and date above written.

John Gaffney, Clk. C.S.P.Co.

N
 Var. 10° E
 S



Scale 4000 varas to 1 inch

1850