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4-106-1

E-2

THE STATE OF TEXAS

VS. NO. 12,293

THE LEON & H. BLUM LAND COMPANY
ET AL

JUDGMENT.

DATED: December 23rd, 1898.
FILED: January 21st, 1908.
RECORDED: In Vol. 4, Page 108
DEED RECORDS,
YOAKUM COUNTY, TEXAS.
FILE NO. 62

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IN DISTRICT COURT, TRAVIS COUNTY, TEXAS, DEC. 23RD, 1898.

In The above entitled and numbered cause the Defendants saving and reserving to themselves all and every benefit and advantage of exception on appeal or otherwise to the Judgment final herein rendered by the above named court hereby under the order and direction of the Court that they be allowed to select and retain two hundred and forty six (246) Sections of land out of the whole number of odd numbered sections located upon the public domain of the State of Texas, by virtue of Certificates issued on account of work done on the San Bernard River, now here designate and select the 246 sections of land indicated in the draft of the final decree in said cause hereunto annexed as being the 246 sections of land adjudged to said defendants and ask that Judgement be rendered for them accordingly without prejudice to the rights of these defendants an appeal as on error to cause said judgement final to be revised in respect of the other claims made by said defendants in this cause.

Henry Sayles
Moye Wicks
J. J. H. Scott
Counsel for Defendants

---oOo---

IN DISTRICT COURT TRAVIS COUNTY TEXAS, DEC. 23, 1898.

THE STATE OF TEXAS,

VS. 12,293

THE LEON & H. BLUM LAND
COMPANY ET AL

In the above entitled and numbered cause the parties plaintiff and defendant having on a former day of the present term of court appeared by their attorneys and announced themselves ready for

counter 40820

trial and in open court agreed to waive a jury and submit the matters in controversy as well of fact as of law to the court for determination and the court having thereupon heard the pleadings, the evidence and the argument of counsel thereupon and after due consideration thereof having found and filed herein written conclusions of fact and of law upon matters in controversy and directions as to the judgement final herein to be entered when the defendants should have exercised the privilege allowed them by the court of selecting and retaining two hundred and forty six Sections (246) of land out of the whole number of odd numbered sections located upon the public domane of the State of Texas by virtue of the Certificates issued on account of work done on the San Barnard River and the said defendants now here within the time allowed them for that purpose having selected and designated said Two Hundred and forty six (246) sections of land to be by them so retained as follows to-wit:

Located in Yoakum Co.

<u>CERTIFICATE NO.</u>	<u>SURVEY NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>
155	893	120	792	357	361
156	895	121	801	358	363
157	897	122	803	359	365
158	899	123	805	360	367
159	901	124	807	361	369
160	903	125	809	362	371
161	905	99	757	363	373
143	853	100	759	364	375
144	855	101	761	270	401
145	857	102	763	375	399
146	859	103	765	374	397
147	861	104	767	373	295
148	863	154	769	372	393
149	865	106	771	371	301
127	821	107	773	370	309
130	827	108	775	369	387
131	829	109	777	368	385
132	831	88	727	367	383
133	833	89	729	105	3
134	835	90	731	390	433
135	837	91	733	389	431
136	839	92	735	388	429
137	841	93	737	387	427
115	789	94	739	386	425
116	791	95	741	385	423
117	793	96	743	384	421
118	795	97	745	383	419
119	797	356	359	382	417

counter 40821

<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>
381	415	345	337	262	185
400	453	346	339	263	187
399	451	347	341	264	189
398	449	348	343	265	191
397	447	349	345	266	193
396	445	328	299	268	197
395	443	329	301	267	195
394	441	330	303	241	151
393	439	331	305	242	153
392	437	332	307	244	155
391	435	333	309	245	157
417	487	334	311	246	159
416	485	335	313	247	161
415	483	336	315	248	163
414	481	337	317	249	165
413	479	314	271	226	119
412	477	338	319	227	121
411	475	315	273	228	123
410	473	316	275	229	125
409	471	317	277	230	127
406	469	318	279	231	129
407	467	319	281	232	131
429	521	320	283	233	133
428	519	321	285	213	93
427	517	295	239	214	95
426	515	296	241	215	97
425	513	297	243	216	99
424	511	298	245	217	101
423	509	299	247	218	103
422	507	300	249	219	105
421	505	306	351	198	59
420	503	307	253	199	61
416	555	308	255	200	63
415	553	309	257	201	65
414	551	275	211	202	67
413	549	310	259	203	69
412	547	279	213	204	71
411	545	280	215	205	73
410	543	282	217	5	33
439	541	284	219	6	35
438	539	285	221	7	37
437	537	286	223	8	39
436	535	287	225	9	41
342	331	259	179	10	43
343	333	260	181	11	45
344	335	261	183	238	147

<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>
239	149	365	377	44	499
273	207	366	379	45	557
274	209	19	5	43	497
312	267	21	9	47	561
313	269	41	493	49	621
340	327	42	495	48	619
341	329	40	491		

IN YOAKUM AND TERRY COUNTY

<u>CERT. NO.</u>	<u>SUR. NO.</u>
126	819
98	755
418	489
419	501

IT IS, THEREFORE, considered, ordered, adjudged and decreed by the Court, that the said two hundred and forty six sections of land so selected by said defendants as aforesaid, and described above, are the property of the said defendants The Leon and H. Blum Land Company and The Island City Savings Bank and Leopold Fellman and Edward Randall and that the plaintiff, The State of Texas, take nothing by its suit therefor.

IT IS FURTHER ordered, adjudged and decreed that the said Plaintiff, The State of Texas, do have and recover of and from the said defendants, The Leon & H. Blum Land Company, The Island City Saving Bank and Leopold Fellman and Edward Randall

1. All the even numbered or school sections of land described in plaintiff's petition; and

2. All the lands located by virtue of Certificates Nos. 447 to 556, both inclusive, issued for work done on the 13-3/4 miles on Caney Creek, which said certificates are hereby cancelled, and,

3. All the odd numbered sections of land located in Yoakum and Terry Counties, in the State of Texas, by virtue of certificates issued to John H. Gibson for work done on the San Bernard River, other than the said two hundred and forty six odd numbered sections so as aforesaid, selected by said defendants and herein adjudged to them and the land certificates located upon the lands so recovered by the State of Texas are hereby cancelled.

GENERAL LAND OFFICE

counter 70823

The lands herein adjudged to plaintiff being described as follows, to-wit:

EVEN NUMBERED SECTIONS

LOCATED ALL IN YOAKUM COUNTY, TEXAS

<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>
26	134	248	360	452
28	136	250	362	454
30	138	252	364	466
32	146	254	366	468
34	148	256	368	470
36	150	258	370	472
38	152	266	372	474
40	154	268	374	476
42	156	270	376	478
44	158	272	378	480
46	160	274	384	482
60	162	276	386	484
62	164	278	388	486
64	166	280	390	488
66	180	282	392	502
68	182	284	394	504
70	184	286	396	506
72	186	300	398	508
74	188	302	400	510
76	190	304	402	512
78	192	306	414	514
86	194	308	416	516
88	196	310	418	518
90	198	312	420	520
92	206	314	422	522
94	208	316	424	534
96	210	318	426	536
98	212	326	428	538
100	214	328	430	540
102	216	330	432	542
104	218	332	434	544
106	220	334	436	546
120	222	336	438	548
122	224	338	440	550
124	226	340	442	552
126	240	342	444	554
128	242	344	446	564
130	244	346	448	566
132	246	358	450	568

SECTION NO. SECTION NO. SECTION NO. SECTION NO. SECTION NO.

570	702	634
572	704	826
574	706	838
576	708	840
578	710	852
580	712	854
582	724	856
584	726	858
596	728	860
598	730	862
500	732	864
602	734	868
604	736	870
606	738	872
608	740	884
610	742	886
612	744	888
614	756	890
616	758	892
628	760	894
630	762	896
632	764	898
634	766	900
636	768	902
638	770	904
640	772	2
642	774	
644	776	
646	788	
648	790	6
660	792	8
662	794	10
664	796	12
666	798	14
668	800	16
670	802	18
672	804	20
674	806	22
676	808	24
678	820	82
680	822	84
692	824	142
694	826	144
696	828	202
698	830	204
700	832	262

LOCATED ALL IN TERRY COUNTY, TEXAS.

264	686
322	688
324	690
382	748
492	750
494	752
496	754
498	812
500	814
550	816
560	818
562	876
620	878
622	830
624	882
626	
684	

LOCATED IN YOAKUM & TERRY COUNTIES, TEXAS

<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>
80	380	682
140	4	746
200	490	810
260	556	874
320	618	

LOCATED IN YOAKUM COUNTY, TEXAS.

<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>
58	232	530
118	234	532
178	236	586
238	288	588
298	290	590
714	292	592
778	294	594
842	296	650
906	348	652
48	350	654
50	352	656
52	354	658
54	356	716
56	404	718
106	406	720
110	408	722
112	410	780
114	412	784
116	456	786
168	458	814
170	460	816
172	462	818
174	464	850
176	524	908
228	526	910
230	528	

ODD NUM SECTIONS IN YOAKUM COUNTY

<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>
2	27	207	77	212	91
3	29	208	79	234	135
4	31	210	87	235	137
206	75	211	89	236	139

counter 70826

<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>	<u>CERT. NO.</u>	<u>SUR. NO.</u>
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142	851	379	411	520	43
459	587	380	413	521	45
460	589	402	457	522	47
461	591	403	459	523	49
462	593	404	461	524	51
463	595	405	463	525	53
488	651	406	465	526	55
489	653	431	525	528	57
490	655	432	527	534	59
491	657	433	529	535	61
545	715	434	531	536	63
546	717	435	533	538	65
547	719	110	779	548	67
537	721	111	781	550	69
193	49	112	783	551	71
194	51	113	785	552	73
197	57	139	845	553	75
196	55	138	843	554	77
195	53	141	849	555	79
221	109	140	847	257	81
222	111	162	907	258	83
223	113	163	909	518	85
224	115			519	87
225	117			500	89
251	169			527	91
252	171				

IN BLOCK DD TERRY CO.
TEXAS

EVEN NUMBERED SECS.

253	173	240	1	
255	175	243	3	
256	177	254	5	
290	229	276	7	2
291	231	277	9	4
292	233	278	11	6
293	235	281	13	8
294	237	283	15	10
323	289	289	17	12
324	291	501	19	14
327	297	502	21	16
326	295	503	23	18
325	293	504	25	20
351	349	505	27	22
352	351	510	29	24
353	353	512	31	26
354	355	513	33	28
355	357	514	35	30
376	405	515	37	32
377	407	516	39	34
378	409	517	41	36
				38

counter 70827

EVEN NUMBERED SECTIONS, CONTINUED.

<u>SECTION NO.</u>	<u>SECTION NO.</u>	<u>SECTION NO.</u>
40	58	76
42	60	78
44	62	80
46	64	82
48	66	84
50	68	86
52	70	88
54	72	90
56	74	92

IT IS FURTHER ordered that all land certificates described in Plaintiffs petition other than those located upon land herein adjudged to defendants be and are hereby cancelled and held for naught;

IT IS FURTHER ordered that said plaintiff have a writ of possession for the lands heretofore adjudged to it, and have and recover of said defendants all costs in and about this suit incurred or expended, and that execution issue therefor as also in favor of the officers of court for all costs incurred and unpaid by said defendants.

And the motion of the Plaintiff having been heard and duly considered by the Court,

IT IS ORDERED that the same be, and is hereby, overruled, and to this ruling said plaintiff in open court excepts

And to the judgment final in this cause, as also to the written conclusions of fact and of law, made and filed by the Court, all parties, both plaintiff and defendants, in open court except and give notice of appeal.

And upon application of all the parties:

It is ordered that the statement of facts for appeal may be made up, signed and filed in vacation at any time before the expiration of ten days after the adjournment of court.

IT IS FURTHER ordered that nothing herein contained shall be held to determine or affect the rights or equities of the defendants, as between themselves concerning which they or any of them may proceed when where and how they may be advised.

Section 40 24 74 10

counter 40829

THE STATE OF TEXAS

COUNTY OF TRAVIS.

I, Jas. P. Hart, Clerk of the District Court within and for the county and State aforesaid do hereby certify that the within and foregoing is a true and correct copy of the Judgment in Cause No. 12,293, of the State of Texas Vs. The Leon and H. Blum Land Company, et al, as the same appears of record in this office in Minute Book 5 on Pages 511 to 550, both inclusive.

GIVEN under my hand and seal of office, at Austin, Texas, this the 18th day of January A. D. 1900.

(SEAL)

Jas. P. Hart.
Clerk District Court, Travis County, Texas.

THE STATE OF TEXAS

COUNTY OF MARTIN.

I, Richard Crosby, County Clerk in and for said County do hereby certify that the foregoing certified copy of Judgment dated the 18th day of January, 1900 was filed for record in my office on the 22nd day of January, A. D. 1900 at 9 o'clock A. M. and duly recorded the 30th day of January, A. D. 1900 at 6 o'clock P. M. in the Deed Records of Yoakum County, Vol. One on pages 10 to 49 both inclusive.

WITNESS my hand and the seal of the County Court of said County at office in Stanton, Texas, the day and year last above written.

(SEAL)

Richard Crosby
Clerk County Court, Martin County,
By Paul Konz, Deputy Co. Clerk

THE STATE OF TEXAS,

COUNTY OF MARTIN.

I, RICHARD CROSBY, County Clerk in and for said County do hereby certify that the foregoing certified copy of Judgment dated the 18th day of January 1900 was filed for record in my office on the 22nd day of January, A. D. 1900 at nine o'clock A. M. and duly recorded the seventh (7th) day of February, A. D. 1900 at 5 o'clock P. M. in the Deed Records of Terry County in Vol. 2 on pages 35 to 74, both inclusive.

WITNESS my hand and the seal of the County Court of said County at office in Stanton, Texas, the day and year last above written.

(SEAL)

Richard Crosby
Clerk County Court Martin County,
By Paul Konz, Deputy Co. Clerk.

counter 40830

(SEAL)

By Paul Konz, Deputy Co. Clerk,
Clerk County Court Martin County,
Richard Crosby

RECEIVED
GENERAL LAND OFFICE
SEP 28 1898

County at office in Stanton, Texas, and year last above writ-
ten.
WITNESSES my hand and the seal of the County Court of said
County at office on the 23rd day of January, 1900.

Vol. 5 on pages 32 to 34, in the Deed Records of Terry County, in
Book A. D. 1900 at 2 o'clock P. M., in the Deed Records of Terry County,
Book A. M. and duly filed for record in my office on the
18th day of January, 1900 was filed for re-
cord in my office on the 23rd day of January, 1900.

COUNTY OF MARTIN.

THE STATE OF TEXAS.

I, RICHARD CROSBY, County Clerk in and for

(SEAL)

By Paul Konz, Deputy Co. Clerk,
Clerk County Court, Martin County,
Richard Crosby

County at office in Stanton, Texas, the day and year last above
written.

WITNESSES my hand and the seal of the County Court of
County of Martin, Texas, on the 23rd day of January, A. D.
1900, and duly filed for record in my office on the 23rd day of
January, 1900.

To akum County
Sketch File 18
Judgement # 12,293
The State of Texas
Vs.

The Leon and H. Blum Land Co.
District Court of Travis County
December 23, 1898

Filed September 28, 1948
Bascom Giles, Com'r.
W. Uva Sanders
File Clerk

District Court, Travis County, Texas.
I, Jas. P. Hart.

County at office in Stanton, Texas, the day and year last above
written.
WITNESSES my hand and the seal of the County Court of
County of Martin, Texas, on the 23rd day of January, A. D.
1900, and duly filed for record in my office on the 23rd day of
January, 1900.

THE STATE OF TEXAS.