

# CLERK'S OFFICE

DE WITT COUNTY, TEXAS.

J. P. BAKER,  
County Clerk.

T. J. BROWNSON,  
Deputy.

Cuero, Texas, July 5<sup>th</sup> 1883

Hon. W. C. Walsh  
Com<sup>r</sup> Gen Land  
Office - Austin

Dr Sir

In compliance with  
an order of the Co Court Court of De Witt County  
I herewith forward you Report of C. G. Hartman  
made to said Court. also certified copy of order app-  
roving same & please acknowledge receipt upon  
Postal Card enclosed herewith

Very respectfully

J. P. Baker  
Co Clerk De Witt Co



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Jun 9. 83  
Crown

Dewitt Co. Bdry. File #2

Counted 52,499



In County Commissioners Court  
Call Session July 5 1883

On this day the  
Court examined the Report of C. G. Hartmann  
Special Surveyor appointed at the July term  
1883 of this Court, to run and establish the  
lines between De Witt and Karnes Counties,  
and the same is approved and ordered to  
be recorded in the minutes of this Court  
and the Clerk is ordered to transmit  
by mail said Report to the Commissioner of  
the General Land Office at Austin

The State of Texas  
County of De Witt } I J. P. Baker Clerk of  
the County Court in and for said  
County do hereby certify that the above  
is a true copy of an order made by  
the County Commissioners Court, and entered  
in the minutes of said Court on the 5<sup>th</sup> day  
of July, A. D. 1883

Given under my hand and the seal  
of said Court at Office in Course July 5<sup>th</sup>  
A. D. 1883  
J. P. Baker  
C. Clerk De Witt Co Texas



The State of Texas )  
 County of De Witt )

To the Hon. County Commissioners Court of De  
 Witt County, State of Texas, Call Term June 1883.  
 At the regular Febr. Term of the Hon. County Com<sup>rs</sup>  
 Court the following order was entered upon the  
 minutes of said Hon. Court and a certified copy handed  
 to the undersigned.

" In C<sup>o</sup> Com<sup>rs</sup> Court Febr. 16<sup>th</sup> 1883.

De Witt and Karnes C<sup>o</sup>s lines.

Order to ascertain the boundary lines between De  
 Witt and Karnes Counties.

Whereas: on the 14<sup>th</sup> day of August 1879 this Court  
 made an order to more definitely establish the line  
 between De Witt and Karnes Counties and a copy of  
 said order transmitted Aug: 22<sup>nd</sup> 1879 to the authorities  
 of Karnes County and that this Court duly appointed  
 a competent person, who proceeded to establish said  
 line, and it appearing to this Court, that the authorities  
 of Karnes C<sup>o</sup> refusing to recognize the action of this  
 County in the premises, claiming, that no legal notice  
 of the action of this Court had been given, and it  
 further appearing to the Court, that great inconvenience  
 and dissatisfaction exist, to parties owning land on  
 said line: It is therefore ordered by the Court, that  
 C. G. Hartmann, a competent surveyor, who after  
 entering into bond of one thousand dollars, and  
 taking the oath of office prescribed by law, for  
 County Surveyors, shall proceed to the place  
 designated in this order and ascertain by actual



survey, the boundary lines between De Witt and Karnes Co<sup>s</sup>, and establish the corner of De Witt County, and place posts, mounds or monuments of stone, and describe the initial corners on the post or monuments, established there; and also at the end of each mile in said lines boundary a like post, mound or stone monuments, shall be established. It is further ordered by the Court, that the day for the commencement of said establishment, shall be the 28<sup>th</sup> day of May 1883. and the place to begin, shall be at the point, where the boundary line between De Witt and Gonzales Co<sup>s</sup> intersects the south west line of the Fr. Gonzales survey, and that the Clerk of this Court transmit a certified copy of this order to the County Judge of Karnes Co<sup>s</sup> and one copy to the County Com<sup>rs</sup> Court of said County in registered Envelope. The undersigner, appointed in the aforesaid order, duly qualified as special County Surveyor.

The State of Texas )

County of Karnes ) County Com<sup>rs</sup> Court in session  
14<sup>th</sup> day of May 1883, when among other matters  
the following proceedings were had:

Order N<sup>o</sup> 536.

Whereas: the Com<sup>rs</sup> Court of De Witt Co<sup>s</sup> have notified this Court, that they have appointed a surveyor to ascertain by actual survey the boundary between De Witt & Karnes Co<sup>s</sup> & to establish & mark the same - beginning between Gonzales & De Witt Co<sup>s</sup> intersects the S. W. line



of the - Gonzales surv. on the 28<sup>th</sup> May 1883.

And whereas, the boundary line between the said two Counties of Karnes & De Witt is well known, having been run and established in the year 1854. (29 years ago) by the two Counties acting in concert in the matter prescribed by law and report having been made by the surveyors to their resp. Courts & approved by said Courts & ordered to be recorded & at the same time the line having been designated by marks & monuments, which remain to this date. It deemed by this Court great presumption on the part of the Com<sup>rs</sup> Court of De Witt C<sup>o</sup> to reopen the question of boundaries, without the consent of Karnes C<sup>o</sup> after said line has been established & recognized for so long a time.

But that there may be no grounds for dispute hereafter, this Court deemed it expressed and proper, that the said boundary line established in 1854 should be designated and marked by posts & monuments as the law at this time requires.

And for that purpose it is hereby ordered, that the County Surveyor W. J. Seale proceed to the point of meeting fixed by De Witt County on the 28<sup>th</sup> day of May 1883. & that he set up posts & monuments as required by law on the line established by the joint action of the two Counties in the year 1854. & that he invite the Surveyor of De Witt C<sup>o</sup> to cooperate with him in the work and make report of his proceedings to this Court without unnecessary delay and that the Clerk



furnish copy of this order to the County Judge of De Witt County.

An Act to define more correctly the boundaries of De Witt County, Approved Febr. 26, 1848, roads in substantial as follows:

Be it enacted by the Legislature of the State of Texas, that all the territory comprised within the limits hereinafter prescribed shall form and compose the County of De Witt, "To Wit"

Beginning at the lower corner of  $\frac{1}{4}$  of a League of land granted to Jesse M<sup>c</sup> Coy, standing on the north east bank of the Guadalupe river in Gonzales County, Thence running N. 51° E. 7,300 varas, Thence running S. 39° E. 47,000 varas, Thence running S. 51° W. to the intersection of the Coleta Creek, Thence up the Coleta to the intersection thereof by the District line of Gonzales District, Thence S. 51° W. to a point, that will be S. 51° W. 82,000 varas from the north east boundary line of said County, Thence N. 39° W. to the intersection of a line running S. 51° W. from the  $\frac{1}{4}$  of a League of land granted to Jesse M<sup>c</sup> Coy, Thence N. 51° E. to the place of beginning.

Act passed Febr. 4, 1854 took 5000 varas width from the south western boundary of De Witt C<sup>o</sup> and added the territory to Karnes C<sup>o</sup>, leaving in all for De Witt C<sup>o</sup> leaving in all for De Witt County 47,000 varas for her N. W. boundary, or in other words: the present western corner of De Witt C<sup>o</sup> must stand:



S.  $51^{\circ}$  W. 77,000 varas from her northeast corner.

In 1847. James N. Smith from De Witt County completed running the first boundaries of De Witt C<sup>o</sup> = S.  $39^{\circ}$  E. 47,000 varas, S.  $51^{\circ}$  W. 72,000 varas, N.  $39^{\circ}$  W. 47,000 varas and N.  $51^{\circ}$  E. 72,000 varas.

In the year 1848. James N. Smith from De Witt C<sup>o</sup> and J. H. Bernard from Goliad C<sup>o</sup> running, so they say in their report, the boundaries in accordance with the act of the Legislature of the State of Texas" approved Febr. 26<sup>th</sup> 1848.

In the year 1854. John P. Hamilton, surveyor from De Witt C<sup>o</sup> in conjunction with the Commissioner from Karnes C<sup>o</sup> running the boundaries between De Witt & Karnes C<sup>os</sup> and the said John P. Hamilton made his report to the County Court of De Witt C<sup>o</sup> at the Aug. Term 1854.

" Minutes of the County Court of De Witt County Book B. page 91.

August Term 1854.

The undersigned being appointed by the Hon. County Court of De Witt C<sup>o</sup> at the July Term 1854. to run and mark the County line between the Counties of De Witt & Karnes beg leave to report to your Hon. Body now in session at the August Term of said County Court 1854, that your Commissioner met the Commissioner of Karnes C<sup>o</sup> according to previous notice by the Clerk of the County Court of said County at the most southerly corner of De Witt C<sup>o</sup> made by James N. Smith of De Witt & J. H. Bernard of Goliad. Thence N.  $51^{\circ}$  E. 5000. varas



with the line of De Witt & Goliad to a post and mound, from which a Live Oak 28 inch. in diam<sup>t</sup>. bears S. 60° E. 4 varas, marked K & D. another Live Oak mh<sup>d</sup> C. 24 inch in diam<sup>t</sup> bears N. 10° E. 9 varas, another Live Oak 10 inch. in diam<sup>t</sup> mh<sup>d</sup> K bears S. 85° W. 18 varas, Thence N. 39° W. at 2613 varas crossed a branch runs south, at 3587 varas a Live Oak 30 inch in diam<sup>t</sup> mh<sup>d</sup> K. at 4771 varas a branch, course south, at 11351 varas crossed the Cabeza course south, at 15461 varas a Hackberry mott mh<sup>d</sup> a Hackberry D. K. at 16411 a branch of the Cabeza, course north, at 19023 varas crossed a road from Horton to Yorktown, at 20805 varas crossed a road from Mayfield to Yorktown, at 21755 varas a Live Oak on head of Salt branch mh<sup>d</sup> D. K. at 27812 varas crossed the head of a branch running in to the dry fork of the Cleto or Mustang Creek, at 30948 varas crossed Mustang Creek a Musquit tree mh<sup>d</sup> D. K. at 3284 varas crossed a branch, course south, also road from Helena to Yorktown, a Musquit N. W. of road mh<sup>d</sup> K. a Live Oak S. E. of road mh<sup>d</sup> D at 35871 varas made the corner of De Witt & Karnes Counties, a mound and post on it, from which a Live Oak 16 inch in diam<sup>t</sup> bears N. 69½° E. 34 varas mh<sup>d</sup> D. at the point he intersects the N. W. boundary line of De Witt C<sup>o</sup>: John P. Hamilton

Surveyor.

On the 28<sup>th</sup> day of May 1883 and at the place designated in the order of De Witt & Karnes C<sup>o</sup>., the Surveyor of Karnes C<sup>o</sup>: W. J. Seale and



the undersigned, Surveyor of De Witt C<sup>o</sup> met and commencing to run the boundaries between De Witt & Karnes C<sup>os</sup> and after following the well marked line between De Witt & Karnes C<sup>os</sup>, course S. 51° W. variation 9° 45' E. ten miles, setting post at every mile and note intersections of surveys, the Surveyor of Karnes C<sup>o</sup> deemed in his opinion the distance far enough for the western corner of De Witt County and eastern corner of Karnes County.

In the field notes of a survey of 160 acres of land made the 20<sup>th</sup> April 1855 for W. H. Davis, by Ch<sup>s</sup> Russell, Surveyor of Karnes C<sup>o</sup>, it calls for crossing the boundaries of De Witt & Karnes C<sup>os</sup> South 450 varas from the beginning corner of said survey; after having ascertained the point of the aforesaid call, the Surveyor of Karnes C<sup>o</sup> run a trial line N. 39° W. Vari. 9° E. to the north west boundary of De Witt C<sup>o</sup> and intersected about 680 varas S. 51° W. of the 10 miles post, marks was found on the trial line some 10 varas to the right, but about 300 varas before arriving at the old north west boundary, no marks were visible - on both side, close to the trial line, before reaching the old north west boundary, are large Live Oaks -; at the said intersection no marks and monuments, as claimed in the order of the Hon. Com<sup>rs</sup> Court of Karnes C<sup>o</sup> "which remains to this date" could be found, also no bearing tree could be found as designated in the report of John R. Hamilton "To Wit" "at 35, 871 varas made the corner of De Witt and



Harnes Co<sup>os</sup>, a mound and post on it, from which a Live Oak 16 inch. in diam<sup>t</sup> bears N. 69 $\frac{1}{2}$ ° E. 34 varas, m<sup>h</sup>° D. at the point he intersects the N. W. boundary of De Witt Co<sup>o</sup>; But after search a Live Oak about 2 feet in diam<sup>t</sup> marked D. was found and taking the bearing given in said report, the point is nearly 210 varas N. 39° W. from the old north west boundary of De Witt Co<sup>o</sup> and about <sup>105 varas</sup> N. 51° E. of the trial line. In July 1875 when I. G. Harman, Surveyor of Harnes Co<sup>o</sup> and myself corrected on the ground the Green De Witt v Tr. Seal surveys, the Surveyor of Harnes Co<sup>o</sup> pointed out to me the above described line as the boundary between De Witt & Harnes Co<sup>os</sup>. but proved now to be a false one, even the surveyor of Harnes Co<sup>o</sup> hesitate to claim the said trial line as part of the true boundary between De Witt & Harnes Co<sup>os</sup>.

On the first day of June cr. the undersigned went home with the understanding of the Surveyor of Harnes Co<sup>o</sup> to meet again on the 4<sup>th</sup> day of June cr. at W<sup>m</sup> Tilly's ranche near the Cabeza to search for the corner described in the report of John R. Hamilton. June the 4<sup>th</sup> cr. the undersigned met the surveyor of Harnes Co<sup>o</sup> at the place agreed upon; search was made on the well marked County line between De Witt & Goliad Co<sup>os</sup>. for the beginning point of the line between De Witt & Harnes Co<sup>os</sup>, as claimed by Harnes Co<sup>o</sup>. but all in vain, nothing being discovered and the Surveyor of Harnes Co<sup>o</sup> went back to the point of the call in the field notes of a survey of 160 acres of land, made for W. H. Davis on the 20<sup>th</sup>



of April 1855. by Ch<sup>r</sup> Russell, surveyor of Karnes C<sup>o</sup> and trying to retrace the boundary line reported in Aug. 1854 by John W. Hamilton and claimed in the order of the Hon. Com<sup>rs</sup> Court of Karnes C<sup>o</sup> "established and recognized for so long a time and having been designated by marks & monuments, which remains to this date; the trial line run by the surveyor of Karnes - S. 39° E. Var. 9° E. crossing the Cabeza three times and thence running partly through a well timbered country and at last intersecting the boundaries of De Witt & Goliad C<sup>os</sup> nothing has been found to lead to the presumption, that there has been any such boundary line run as claimed by Karnes C<sup>o</sup>. and on the 8<sup>th</sup> day of June ex. in camp near the boundaries between De Witt & Goliad, about 2 miles N 51° E. from the Cabeza, the Surveyor of Karnes C<sup>o</sup> made the confession to the undersigned, Surveyor of De Witt C<sup>o</sup>, that he was not able to find the boundary line as claimed by his County, but would report, what he did find.

The surveyor of Karnes C<sup>o</sup> fail to find and point out the boundary line between De Witt and Karnes C<sup>os</sup>, which is claimed in the order of the Hon. Com<sup>rs</sup> Court of Karnes C<sup>o</sup>, "being designated by marks & monuments, which remains to this date and recognized for so long a time,, to the undersigned, surveyor of De Witt C<sup>o</sup>, to form a judgment, of that line, when pointed out to him, been the true and correct boundary between De Witt & Karnes C<sup>os</sup>,



D. W. H. Co. Edm. #2

The question at issue between De Witt & Karnes Co<sup>s</sup> is now: how to ascertain by actual survey the boundary lines between De Witt and Karnes Co<sup>s</sup> and where is the proper beginning point.

The answer of this question is in the description of the boundaries of De Witt Co<sup>s</sup> as laid down in the Statutes: that is to say: beginning at the lower corner of a survey of  $\frac{1}{4}$  of a League of land granted to Jesse M<sup>c</sup> Coy, standing on the north east bank of the Guadalupe river & Thence S.  $51^{\circ}$  W. so far = 69,700 varas, Thence S.  $39^{\circ}$  E. to the intersection of the well established boundary line between De Witt & Goliad Counties. The undersigned, surveyor of De Witt Co<sup>s</sup> put the said main question now at issue and how to solve the same to the surveyor of Karnes Co<sup>s</sup> several times before they parted, but he declined to give any positive answer, regarding the question at issue, but says; that he would report, what he did find and leave it to the authorities to decide the question at issue.

Sect. 8. of „An Act, establishing and prescribing the manner of ascertaining the boundaries of Counties, approved April 22<sup>d</sup> 1879. provided:

„ That should the surveyors above provided for, fail to agree to the true boundary line between their resp. counties, the fact of such disagreement with a full statement of the question at issue between them, shall be by them reported to the commissioner of the general land office, whose



duly it shall be, to examine the disputed matter &c &c.

The undersigned submits the foregoing statement and resp. report to the Hon. County Commissioners Court of De Witt C<sup>o</sup> for approval and <sup>prays to</sup> forward the same to the Hon. W. C. Walsh, Commissioner of the General Land Office for the State of Texas, and request his Hon. to decide the foregoing stated main question at issue between De Witt & Karnes Counties.

Very Respectfully  
C. G. Hartmann  
Special Surveyor of  
De Witt C<sup>o</sup> Texas.

Sworn to and subscribed to before me this 29<sup>th</sup> day of June 1883

J P Baker come,  
By J J Brinson depy

The State of Texas In addition to the foregoing report, the undersigned further states to the Hon. County of De Witt C<sup>o</sup> Com<sup>rs</sup> Court: the surveyor of Karnes County having declined to give any positive answer to main question at issue and how to solve the same, I hereby adopt the survey made in Decbr 1879 establishing by actual survey the boundary lines between De Witt & Karnes Counties, said survey, plat and field notes being approved by the Hon. C<sup>o</sup> Com<sup>rs</sup> Court on the 15<sup>th</sup> day of January 1880 and recorded in Book D. pages 499 & 506. Record & Minutes of the Hon. Court and a certified copy send to the Hon. Commissioner of the General Land Office, which I believe is on file in his office.

Very Respectfully  
C. G. Hartmann  
Sp. C. S. D. W. C<sup>o</sup> Texas.

Sworn to and subscribed before me this the 29<sup>th</sup> day of June 1883

J P Baker come,  
By J J Brinson depy



~~4/~~ Karnes Co. ~~Bdry. line~~  
Statement & Report.

Boundaries between  
De Witt & Karnes Cos.

De Witt Co Bdry File No 2

Report approved  
July 5th 1883 and  
ordered of record  
J. D. Terry J.  
Ed. Koenig Com. P. No 1  
W. J. McManis Com. P. No 2  
L. McMan. Com. P. No 3

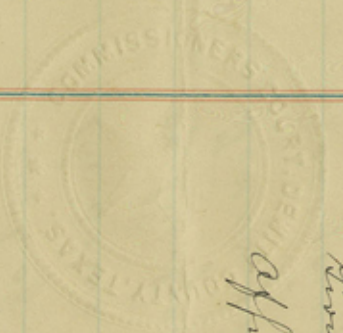
The County Clerk  
is ordered to trans-  
mit this report  
to the Commission-  
ers of the Land Office  
Austin Texas  
J. D. Terry

The State of Texas

County of De Witt J. D. Terry Clerk of the County Court do hereby certify  
that the foregoing report of Ed. Koenig and others was read and approved in  
the Minutes of the above County Court Book 8. page 278. 1883 in  
an Act 5<sup>th</sup> day of July 1883.

Witness my hand and the seal of said court at  
Office in De Witt July 5<sup>th</sup> 1883

J. D. Terry  
Clerk of De Witt Co Texas



County 52512

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