

Lampasas County Files. ¹⁶

File Coryell County

vs.

Lampasas County

~~SCHOOL LAND.~~

SOLD TO

Final Judgement of Dist. Court

Establishing County Line Acres.

Survey No.

Filed Sept. 30 1902

Block No.

Charles Rogan,
Comm.

Surveyed for

Humicutt

ACT FEBRUARY 23, 1900.

Mgl.

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1. Application to Surveyor.
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3. Application to Purchase.
4. Treasurer's Receipt.

NO. 2354.

Coryell County # In the District Court
-vs- # Bosque County Texas.
Lampasas County et, al. # January Term A.D. 1901.

On this the 7th. day of February A.D. 1901. the above entitled and numbered cause came on to be heard, and the plaintiff appeared by attorney and the defendant,s by attorney and all parties announced ready for trial upon the law of the case. and thereupon the plaintiff read its 3rd. amended Original petition, and the defendant,s presented their exceptions thereto as contained in their second amended answer, and the Court after hearing the pleadings granted leave to plaintiff to file its 1st. and 2nd. Trial amendments, and thereupon over ruled all the several general and special exceptions of the defendants to the said amended petition of plaintiff, to which action of the Court in overruling said exceptions the defendants then and there excepted. and thereupon the plaintiff and defendants announced ready for trial upon the whole case, and a jury having been waived by both plaintiff and defendants the matters of fact as well as of law were submitted to the Court.

And thereupon the Court after hearing the pleadings of both plaintiff and defendants, the evidence thereon. and the argument of Counsel, the the same being concluded on the 9th. of February 1901 found in favor of the plaintiff, Coryell County. that the injunction sued out in this cause on the 29th day of September A.D. 1899 at the prayer of plaintiff. and served upon each of the defendants be perpetuated, and the true boundary line between plaintiff, Coryell County Texas. and the defendant Lampasas County Texas. is the line as surveyed by D.A. Hammack in the year of 1879. and that the N.W. corner of Coryell County and the N.E. corner of Lampasas County is the corner on the mountain as described in the field notes returned by D.A. Hammack. approved, recorded, and certified to the Commissioners of the General Land office, of the State of Texas. and filed therein on the 15th. day of October 1879 and approved and mapped by said Commissioner, being the same corner made by Geo F. Adams in the year of 1855 for the N.W. corner of Coryell County Texas, and that the true boundary line between plaintiff and defendant

Lampasas County is the line located and surveyed by D.A. Hammack in the year of 1879 running S.30.E. from the above said N.W. corner of plaintiff and N.E. corner of defendant Lampasas County, as same is set out and described in the said field notes of D.A. Hammack attached to and a part of plaintiffs trial amendment, and that said boundary line has been heretofore established according to law but that same should be resurveyed and marked and the S.W. corner of Coryell County so fixed, be marked and established, so as to render the said line more certain and definite.

It is therefore on this the 9th. day of February 1901 orderd, adjudged and decreed by the Court, that the injunction heretofore granted in this cause on the 29th. day of September A.D 1899 against the defendant Lampasas County, John Nichols, and V.N. Zivley, and served upon each of them, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ be and the same is hereby made perpetual, and the said defendants and each of them are forever restrained from surveying or making in any manner whatever any line between Coryell and Lampasas Counties by virtue of and in persuance of the order of the County of Lampasas County Texas, made July 11th. 1899 directing the establishment of a boundary line between plaintiff and defendant County.

It is further orderd , adjudged and decreed by the Court that the true boundary line between plaintiff Coryell County Texas, and the defendant Lampasas County Texas, is the line as surveyed and marked by D.A. Hammack in the year of 1879 as now recognized and mapped in the General Land Office of Texas, and that the true N.W. corner of Coryell County and N.E. corner of Lampasas County is the corner on the mountain described in the field notes made by the said D.A. Hammack hereinafter set out and that the true boundary line between plaintiff and defendant Counties has heretofore been legally established and that the said North West corner of plaintiff and North East corner of defendant County an the said boundary line between plaintiff and defendant Counties is defined and described as follows:-
beginning for the North west corner of Coryell County —

and the North East corner of Lampasas County at a pile of rock on mountain made by Geo F. Adams in the year 1855. for North West corner of plaintiff and being same corner afterwards made by D.A.Hammack in the year 1879 in a survey of said boundary line and said corner and said boundary line described by said Hammack in the field notes made and returned by him and filed in the General Land Office of Texas as follows to wit:-

A pile of rock round a live Oak tree ~~tree~~ chopped on four sides with five choppes from which a live Oak marked X X. bears N. 52. E. 42 1/2 varors , and an other live Oak marked X. bears S. 18 1/2 E. 45 8/10 varors for the North West corner on Mountain . thence S. 30. E. 1600 varas cross the Gatesvill and Brownwood road, 1 mile a stone set in ground in mosquito flat, 1 mile 300 varas strike mountain 2 miles a rock mound on mountain , 3 miles rock mound on mountain, 4 miles rock mound on mountain , 5 miles a mound on mountain , 6 miles a rock mound in a glade, 7 a rock mound on mountain, 8 rock mound, 9 rock mound, 10 miles 400 varas the South East corner of J.J.Burns Pre-emption bears N. 60. E. 35 varas, 11 miles 1400 varas the North East corner of M.A.Burns pre-emption bears East 260 varas , 12 miles T.J. Uptons house , 13 miles a stone monument, 14 miles Ell corner of J.J.Dix survey bears S. 71. E 400 varas, 15 miles a stone monument, 16 miles a stone monument on the west side of a ravine, 16 miles 380 varas crossed a spring branch, 17 miles a Live Oak marked 16 another Live Oak marked with 5 choppes on 4 sides, 18 miles a monument on the East side of a branch of Table Rock creek, 19 miles the Gatesvill and Lampasas road, a small mulberry tree marked X and chopped with 10 choppes on East side and a small Live Oak marked with 5 chopps on East side, 20 miles a stone monument, 20 miles and 300 varas , crossed South prong of Table rock creek, 20 miles and 950 varas a branche of Table rock 21 miles a stone monument, ~~on mountain~~

21 miles & 300 varas the Belton and Hamilton road a stone set in ground marked C.C.F. 22 miles a rock monument on mountain, 22 miles and 1100 varas the Waco & Lampasas road, 23 miles a stone monument, 24 miles a stone monument, 25 miles a stone monument from which the N.E. corner of W.A.Wright's Pre-emption bears N.19 E. 300 varas, 26 miles a stone monument on a high point of a mountain, 29 miles a stone monument on the East side of a mountain, 28 miles 400 varas enters timber, 28 miles 1200 varas a branch runs East, 28 miles and 1300 varas the S.W. corner of A. Clark survey. 29 miles a stone monument. 30 miles the upper or N.W. line of Bell County. A large stone monument in prairie for the S.W. corner of Coryell County. and said boundary line is here now re-established as the true boundary between said Counties.

It is hereby further orderd that the said boundary line between plaintiff and defendant County as above described be resurveyed and marked and the S.W. corner of Coryell County be marked and re-established so as to render the said boundary line more certain and definite, that the said N.W. and S.W. corners of Coryell County shall be designated by post or stone monuments, if posts, they shall be of ~~hard~~ Cedar, Cyprass or Boisdarc, at least 8 inches in diamiter, 5 feet long and set in the ground not less than three feet, if stone monument, they shall not be less than two feet high, that at the end of each mile in said boundary a like post or monument shall be established, the initial corners shall be bescribed on the post or monument established there.

It is further orderd that G.W.Turner of Bosque County, a competent Surveyor, is hereby appointed and orderd to Survey and mark the said above described line and re-establish the above described corners in accordance with this decree and make due report of his said survey of the same, with his field notes and plat thereof, under oath to this Court on or before the 1st. day of July A.D.1901 and the said G.W.Turner is authorized and empowered to secur and employ such assistanc as may be required in and about the surveying and marking of said line and he shall use in such survy the regular ten vara surveyors - chain.

It is further orderd adjudged and decreed by the Court that the costs of this suit and of the survey herein provided be

taxed on half against the plaintiff, Coryell County and one half against the defendant Lampasas County and that said cost be certified to the County. Commissioners Court of each County respectively to be paid in like manner and pro-rated as other claimers.

It is further ordered that the Clerk of this Court shall furnish to G.W. Turner a certified copy of this decree, which shall be his authority for making the survey herein ordered.

To which Judgment and the conclusions of the law and facts found and filed herein the defendant Lampasas County, in open Court excepted and give notice of appeal to the Court of civil appeals for the Second Supreme Judicial District of the State of Texas. And it is further ordered that the parties hereto be allowed ten days from and after the adjournment of this Court to make up, signe and file Statement of facts.

E 503—Certificate of True Copy of Papers Recorded—Class 1*

Clarke & Courts, Stationers, Printers, Lithographers, Galveston.

THE STATE OF TEXAS, }

County of Bosque } I, J. E. Morgan Clerk
of the District Court of Bosque County, Texas, do hereby certify that
the foregoing is a true and correct copy of the original

judgment in
Case No 2254.
as the same appears of record in my office in book page 224, 215, 216, 217 + 218.

Given Under my Hand and the Seal of said Court, at office in Murdan
this 7th day of August 1905

By J. E. Morgan Clerk
Deputy.

5-96-10-633

THE STATE OF TEXAS, }
COUNTY OF LAMPASAS, }

I, J. E. MORGAN, Clerk of the County Court in and for said County, do hereby

certify that the foregoing instrument, dated 7 day of February 1901, with its certifi-

cates of authentication, was filed for Record in my office, the 22 day of August 1905

at 2 o'clock P. M., and duly Recorded the 33 day of August 1905, at 10

o'clock A. M., in County Record of said County in Vol. 106 on pages 101, 102, 103, 104 in
minutes of the Commissioners Court

Witness my hand and the seal of the County Court of said County, at office in Lampasas, Texas, the

day and year last above written.

By J. E. Morgan Deputy.

J. E. Morgan Clerk,

County Court Lampasas County.

counter 56221

Lampasas Co. H. Brady Line 16

Judgment in
Case No 7354 -
Lumell Co

- 175 -

Lampasas Co.

Filed for Record Aug 22^d 1905
At 2:00 Clock P.M.

J. E. Morgan
County Clerk
By W. C. Chamberlain Deputy.

Recorded Aug 23^d 1905.
in the minutes of the
Commissioners Court
Book G. Pages 101, 102, 103, 104.

(8)
Coryell Co. Bd. of.