Hays & Guadalupe Co's 12/23/01 E. von R.

File 2776

Hays County

SCHOOL LAND.

SOLD TO

581 Acres.

Rej - Not surveyed in 60 days from date of filing app with sur. 23

Survey No.

Block No. Jno Gurrell

Protest inside.

Surveyed for Comm

B. J. Waugh

Buda

ACT FEBRUARY 23, 1900.

Appears to be No vacancy for this Dec 23/01 E. von Rosenberg

Field notes not approved nor recorded by Guadalupe Co. Sur.

Mgl.

12-12-01 - Field notes do not close - Error in Lat 34 vs Error in Lep 5 vs MR

10-1-01 Ragsdale

687

CONTENTS.

1. Application to Surveyor.
2. Field Notes.
2½ Protest 3-02.
3. Application to Purchase.
4. Treasurer's Receipt.

Application for a Survey to be Made Under Chapter XI, Page 29, Act of the First Called Session of the 26th Legislature Approved February 23, 1900.

To C. M. Carpenter Esq., County Surveyor of Hays County, Texas, ~~or to~~ ~~Esq., District Surveyor of~~ ~~land district~~:

You will please survey for me, and at my expense, under Chapter XI, page 29, Act of the First Called Session of the Twenty-sixth Legislature, approved February 23, 1900, the following described land, to-wit:

Situated in Hays & Guadalupe Counties, Texas, about Six to Six and ½ miles South of ~~East~~ West from the County site of Hays County. Said tract is bounded as follows: ~~On the North by the John Owens~~ by the Old Bursary Mataroni, On the East by the Charles Henderson, On the South by the South fork of Panete or York's Creek On the West by the Antonio Maria Esnaurrizar Surveys + Thos A McTahl + Jno Owens

I solemnly swear that I reside in Hays County, Texas; that my postoffice address is Buda, Texas; that I desire said land surveyed with the intention of purchasing the same, and that I am not [illegible]g in collusion with, or attempting to acquire said land for any other person. I further swear that I have a preference right to purchase said land, for the following reasons: (Affiant will state specifically, using the exact language of the Statute, under which preference he bases his right, if any he claims)

I further swear that no other person has a preference right over me, either under section five (5) or seven (7) of the Act approved February 23, 1900, to purchase the above described tract of land.

B. J. Waugh Applicant.

(N. B. Write name and P. O. distinctly.)

P. O. Buda, Texas.

Subscribed and sworn to before me, this 29th day of April 1901, and I hereby officially certify that with the exception of the field notes, I carefully read aloud to said applicant and for his benefit, the contents of the foregoing application and affidavit.

W. W. Slack Justice of the Peace Ex Officio Notary Public

(Note. The above application may be sworn to before any officer authorized to administer oaths. SEAL MUST NOT BE OMITTED.)

I, C M Carpenter County Surveyor of Hays County, Texas, ~~or Surveyor for~~ ~~Land District~~, hereby certify that the above and foregoing application was filed for record on the 30th day of April 1901, at 6 o'clock P M. and recorded in Vol. D, page 467, in my office in Hays County, Texas.

C M Carpenter County Surveyor of Hays County Texas

File No. _____

_____ County,
School Land.

Filed _____ 190

CHARLES ROGAN,
Com'r.

File Clerk.

Survey No. _____

APPLICATION

OF

B. J. Waugh

FOR A SURVEY OF LAND.

Act of 1900.

In Hays County.

Received and filed this 30th day of April 190[illegible]

at 6 o'clock P M.

Colo Carpenter
County Surveyor. of
Hays County Texas

Received and filed in General Land Office,

this _____ day of _____ 190__

at _____ o'clock _____ M.

_____
Commissioner.

MAVERICK-CLARKE LITHO CO., SAN ANTONIO

(1)

SF

File No. 2776

Hays County,
School Land.

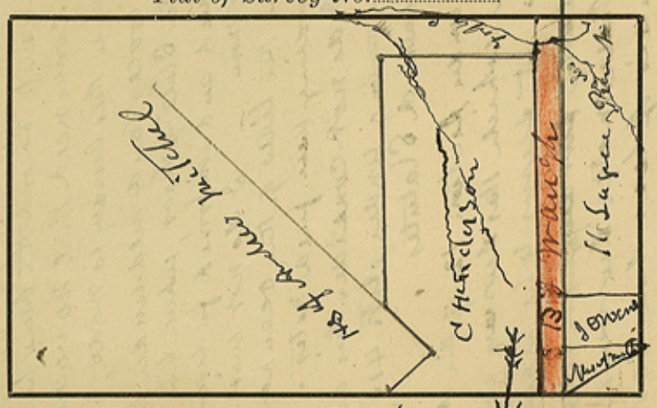
B. J. Waugh
Appt to Surveyor

Filed 9-23 1901

CHARLES ROGAN,
Com'r.

R D Ragsdal
File Clerk.

Plat of Survey No. .....



Variation 8° 24'

The State of Texas,

Hays County,

~~or~~ ..... District.

Survey No. 23

Blk. .....

FIELD NOTES of a survey of 581 acres of land made for Benj J Waugh

by virtue of his affidavit and application made before W W Slack Justice of the Peace & Notary Public on the 29 day of April 1901, and filed with the Surveyor of Hays County ~~or Land District~~, on the 30th day of April 1901, under Act of First Called Session of the Twenty-Sixth Legislature, approved February 23, 1900, providing for the sale of unsurveyed land. Said land is situated in Hays & Gardaloup Counties about 6 or 7 miles South of ~~West~~ from County site, of Hays and known as survey No. ..... in block No. ..... BEGINNING AT at the North Corner of the Mrs A Mitchel survey No 54 a stone Set in the ground for corner Thence south with the East lines of the said Mitchel and the Jno Owens and the East line of Esmeurrizar 11 Sagee Grant 7990 Varras to Yocks Creek Thence down said Creek N 69 E 464 Varras a stake in center of said Yocks Creek from which an Elm 16 in in diameter bis S 80° W 22 varras So 13 in in diameter bis N 76° E 6 2/5 varras Thence North 140 varras the S W Corner of Henderson by measurement from the West Corner of Andrew Mitchel No 62 Thence on a true line North 7650 varras to N W cor of said Henderson Sagee Thence West 428 varras to the place of beginning.

Bearings marked M

Surveyed August 22 1901

Dan Patton
John Power } Chain Carriers

I, C M Carpenter County, Surveyor of Hays County Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and that they are recorded in my office in Book D, Page 468

This 30th day of August 1901

C M Carpenter
County Surveyor of Hays County Texas.

I, ..., Deputy Surveyor of ..... Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground.

This ..... day of ..... 190...

.....

Deputy Surveyor of ..... Texas.

These field notes were sent to me by the County Surveyor of Hays County to record & return to him.

I refuse to record the same unless ordered by Authority because I am convinced that no vacancy exist when this survey is made, but it embraces land held under patent from the State of Texas, which has been occupied and improved for twenty years or more. I do not wish to cloud the titles of the occupants by recording these field notes.

I do not consider this as a case coming under Art. 4159 of the Revised Statutes.

But under Section 12 of the Act under which this survey was made, it seems to be required that each surveyor upon application shall make survey of vacancies of less than 640 acres in his own County, after the vacancies have been ascertained by the Commissioner of the Genl. L.O. and the surveyors of the different Counties notified of the same and the price fixed on the land according to Sectn 5 of the same Act.

September 13th 1901

A. M. Erskine
County Surveyor
Guadalupe Co Texas

FIELD NOTES.

Survey No. ....., ...

Hays County.

Made for Benj J Waugh

I, ...

Surveyor of

do solemnly swear that the land included within the limits of the within field notes is properly and correctly classified as follows, viz:

Black rich Gravely Soil.
(State Character.)

Dry Agricultural.
(Dry or Watered.)

..... Grazing
(Dry or Watered.)

..... Timber.
(Dry or Watered, and Kind of Timber.)

And that said land is reasonably worth $..... per acre, and that the timber on said land is reasonably worth $..... per acre.

C. M. Carpenter County Surveyor.
of Hays County

Sworn to and subscribed before me this the ..... day of ..... 190.....

Approved and filed ..... 190.....

FILING FEE PAID,
SEP 25 1901
JNO. P. HARRIS, Receiver.
GENERAL LAND OFFICE.

Commissioner.

WAVERICK-CLARKE LITHO CO., SAN ANTONIO.

12-12-01 - Field notes do not close - Error in Lab - 34 ds 2 ans in dep 5-ds MG

(2)

SF 2776

File No. Hays County, School Land.

B. J. Waugh
Field Notes

Filed 9-23-1901

CHARLES ROGAN, Com'r.

C. S. Ragsdale
File Clerk.

I, ..., Surveyor of .....

Texas, do hereby certify that I have examined the foregoing Plat and Field Notes and find them correct and that they were made on the ground as stated in the above certificate, and that they are recorded in my office in Book ....., Page .....

This ..... day of ..... 190.....

Surveyor of ..... Texas.

585

Hafor? 2776

York Creek Guadalupe Co. Tex
Dec. 30st 1901

The
General Land Commissioner
Austin

The undersigned citizens and freeholders of Guadalupe and Hays Co. beg leave to present to Your Honor a protest against the claims filed No. 2776 of B. J. Waugh for 581 acres of land situated between the Charles Henderson L. & L and the A. M. Esnauriza Grant for the following reasons

Relative to the supposed strip of public land between the mentioned leagues, we will state that there can be none, because the Charles Henderson after running South 2200 varas from its N. W. corner call after N. E. corner of Esnauriza's Eleven league grant and thence runs with the West line of said grant for 5450 varas to Henderson's S. W. corner. The Ch. Henderson and John Jones' surveys have a common corner just a little N. W. of York's creek (S. W. corner of Henderson

and N. W. corner of Jones and the Jones also calls for coming on the Esnaurizor grant both at its N. W and S. W. corners.

Hence the Henderson and Jones surveys cannot be separated from the Esnaurizor grant. The lines of these surveys are in length a little in excess of the length given in the original field notes, but this can not affect their connection with the Esnaurizor grant. They are on the ground practically, as called for in their respective field notes and connecting with this grant.

The land claimed as public land has been patented and has been occupied and improved for twenty years and upwards.

Furthermore the undersigned wish to state their willingness according to the landlaw to pay for the land in case the question should be decided against us.

Very respectfully
M. Fuermann
W. Braune.
E. Dietert
F. Randow
J. C. Lepmann

Gust. Dietert

Henry Bauerschlag

Mrs. Louise Scholl.

Willie Scholl

McInerney

Received in General Land Office

JAN 2 1902

Inclosures .....

Amt. Inclosed $.....

51

File 12776 2½

Hays County.

School Land.

B. J. Haugh

Protest

Filed Jan 31 1902

Charles Rogan,

Comm'r.

By Ja Hutchins

Clerk.

BURSEY PTG. CO. DALLAS.

212

THE STATE OF TEXAS.

Hays County

COUNTY OFFICERS:

ED. R. KONE, County Judge.
JAS. G. STOREY, County Clerk.
T. J. PEEL, District Clerk.
B. G. NEIGHBORS, County Attorney.
W. T. JACKMAN, Sheriff.
W. E. MOORE, Tax Collector.
A. Y. OLDHAM, Tax Assessor.
W. J. JOYCE, Treasurer.
MILTON CARPENTER, Surveyor.
J. M. TURNER, Public Weigher.

COMMISSIONERS:

J. H. BALES, - - - Precinct No. 1.
T. J. EVERETT, - - Precinct No. 2.
J. G. HORNE, - - - Precinct No. 3.
B. F. STEPHENSON, - Precinct No. 4.

Received as stated $1.00
SEP 25 1901
JNO. P. HARRIS,
Receiver.

San Marcos, Texas, Sept 21st 1901

Hon Chas Roagan Com Gen Land Office of Tx
Austin Texas

Dear Sir Encosed Find Application Field notes and note of explanation in a survey made for B J Waugh in Hays & Guadaloupe Counties on the 22d day of August 1901

Also find P.O. No for One Dollar Fill Fees in the same Please and Receipt to Mr Waugh at Buda Hays County

I also return to you herewith the field notes of a Resurvey in School file No 1038 Hays County Hope you will find it correct

Your Obligd
C M Carpenter C S Hays Co

Hons & Coupon new

Received in General Land Office
SEP 23 1901
Inclosures 4
Amt. Inclosed $ 1

(3) SF 2776

1425-802 3m.

General Land Office

CHARLES ROGAN, Commissioner.
JOHN J. TERRELL, Chief Clerk.

State of Texas

Austin, April 29, 1903.

Mr. B. J. Waugh,

Buda, Texas.

Dear Sir:

Your application to the County Surveyor of Hays County, covering the survey of a tract of land under the act of 1900, together with the field notes rendered in accordance therewith, calling for Survey No. 23, Blk , 581 acres, has been received, examined and not approved, for the following reasons:

Not surveyed within 60 days from date of filing application with surveyor as required by law, hence illegal.

When corresponding with this office in regard to the matter hereto, please refer to School File No. 2776-Hays Co.

Very respectfully,

Ewing
S. F. No. 2776-Hays Co.

John J. Terrell
Commissioner.

Hon. John W. Robbins,

Austin, Texas.

Carbon Copy of this is for your information and authority to refund any money you may have on hand in the matter of the above claim under the act of 1900.

④ SF 2776

Note of Explanation

Survey No 28 made for B. J. Waugh in Hays & Guadaloupe Counties Texas by Cal Carpenter County Surveyor of Hays County on the 22d day of August 1901

I in making the above named survey the field notes of which accompany this note of explanation I began at the ~~[illegible]~~ west corner of the League Patented to the heirs of Andrew Mitchel No 62 which is an old and well recognized point ~~[illegible]~~ is the begining corner of the Chas Henderson League Thence I ran with the Mitchel N W line 1200 varras for corner of Henderson League Thence I ran west at 875 varras found a grove of Elm & Hackberry trees (old trees) about 60 varras north of this line At 3387 varras a point 428 varras East of the recognized cor of the Mrs A Mitchel survey I continued west to the said corner I then ran south at 1000 varras found what is claimed for the N E corner of the Jno Owens & S E of Mrs Mitchel at 2200 varras what is known as the N E cor of the 11 League Grant in name of Esnaurizar continued south to Yorks creek crossing a branch of Yorks creek 310 varras north of the main creek

I then went to the west corner of the Andrew Mitchel Legue & ran the calls of the Henderson back 1st S 40° E 1650 varras 2d South 5670 for S E corner of the Henderson League Nearly all the old timber has been cut away at this point but found many large mezquite stump From this point I ran west at 930 crossed a branch or creek about 15 varras wide dry where I crossed it known as long branch course S E At 3560 the point named in the field notes as the S W cor of Henderson by measurement this point is in Elm timber most of it dead did not find the bearings called for in Henderson nor could I find them on the 1st line ran

(5) SF 2776

Neither did I find the crossings called for for yorks creek the creek named being the only one of any size that this line crosses at 860 varras west from the S E cor of Henderson as I located it we crossed a small branch that runs in wet weather to cross yorks creek as called for in the field notes if it can be done at all the lines of the Henderson would have to be moved south at least 500 varras and East of the point named for S E corner of the Waugh Survey 400 varras

I find the calls of the 11 League grant to be very well verifyed on the ground and the only calls of the Henderson verifyed is the one for the grove of timber on north line & the creek or branch on the south line which is only 10 varras from where it is called for in the Henderson field notes

There is evident by an excess of 428 varras by the length of the west line of the Henderson lying between the Henderson by measurement & the East line of the 11 League Grant or a vacancy The Land office & the Courts must say which

You will see that Mr. Erskin C S of Guadaloupe County refused to record field notes I have already recorded them in my office and on the demand of the party filing return them with this explanation of how I did my work

I certify that the facts set forth in this note of explanation are true to the best of my ability to to determine & assertain them

Witness my Hand this 20th day of September 1901

C M Carpenter C S Hays County Texas