File 762 (762)

Travis Donation.

Abst - 169

Gregorio Esparza.

525

~~560~~ acres

See Decree of Court within

Relor. from 1183. Bexar Don.

I Donat. Certificate No. 572.

According to Decree of Court the corrected survey of 525 Acres correct on map of Hays County. Octob. 26/76

Wrnkd. ptd. C. W. Pressler.

patent 525 acres to the original. Oct 26/76.

J. Spooz Cur

Patented 27th Oct 1876

No. 86 Vol. 4 10/21/02 R.V.B.

~~No. 6 Vol. 2~~ Alexander

Cor Sur 525 acres

Oct 26/76 Enoons

Express

return to Spooz

Mgl. 12245

C. C. Octob. 26/76

C. W. Pr.

Contents.

No. 1. Certificate.

No. 2. Field Notes.

No. 3 Copy of Cor field notes

No. ~~4~~ October 21/76 D.N.R.

July 19/75

Cook

4. Copy of Decree of Court

Oct 23/76 D.N.R.

Frachen

G. B. Wheeler

A. B. Vol. P.

No. 572 ~~1280~~ 640 Acres.

STATE OF TEXAS.

Know all men to whom these presents shall come:

That Trigono Esparza having fallen at the Alamo

IS ENTITLED TO

SIX HUNDRED AND FORTY ACRES OF

DONATION LAND,

In accordance with an Act of Congress of the Republic of Texas, passed December 21, 1837.

Said Trigono Esparza

his Heirs, Executors, Administrators, or their Assigns, are entitled to hold said Lands, and exercise all rights of ownership over it.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at Austin, this 24th day of April 1854

James S. Gillett

Adjutant General.

Registered as Recorded in Vol. 1 Page 1 March 1854 Stand Appointed Engrossed Sam Bowers

From Bond of Appointment as Engrossed Sam Bowers Ordered May 23rd 1850 Signed Jas. Hamilton Secretary of State Comm. of Claims

Sent Thirteen Dollars Ordered May 23rd 1850 Signed Jas. Hamilton Secretary of State Comm. of Claims

5 Dec 1876 Sent Dollars Ordered Dec 27 76 Signed Jas. Bowers

SOUTH-WESTERN AMERICAN PRINT.

File ~~1185~~ 762 Ans

~~Bexar~~ donation

Travis Donation
Warrant 640 acres
Gregorio Espárza

Filed 23rd Aug. /55.

Reg

Rondeau

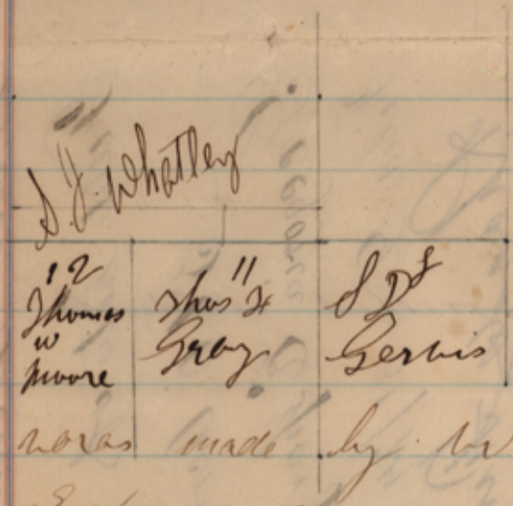
Refiled Decr., 31/74.
Rhoads Fisher,
Chief Clk

R. P. Kelley &
A. F. Kercheval

filed by
Jno A. Green

May 25. 1858.

Bd 89 88



S. J. Whatley			State of Texas. County of Hays plat and field notes of Survey No
12 Thomas W Moore	11 Thos F Gray	S D Gervis	Containing 3161800 Square vs or 560 (12400 3542957 + acres =

varas made by virture of the Grigzno Espanya 640 acres Cert No 572 Class Donation issued by James S. Gillett Adjutant Genl. Registred and rejected March 16, 1857, by J. C. Wilson, Comr. of Claims = and approved, May 23, 1860, by W. J. Hotchkiss Comr. of Claims =

The land herein described contains 3161800 Squr varas, located in Hay County on waters of Anion Creek about miles from San Marcos and beginning at a stake and mound for the S. W. Corner of Survey No - Containing 246 acres name of John A Miller. On the North line of the Thomas F. Gray Lg. No 11 and West 1983 varas from N. E. Corner of No 11 Thence West 4517 vrs to Stake and Mound. Thence N 700 vrs to Stake and Mound.

Thence E 6500 vrs to Stake and Mound for the N. W. Corner of No. Containing 246 acres for John A Miller; cert.

Thence S 700 vrs to beginning Chainmen George Cox + W. G. Carpenter,

where with Certify that the above described survey was made by me and addapted according to law, Field notes Correctly set forth and duly Recorded in Book C. page 24 Record of Field notes

Witness my official Signature this November 1874.

Witness my official Signature
B. C. Hardin
Surveyor of Hays
County Texas

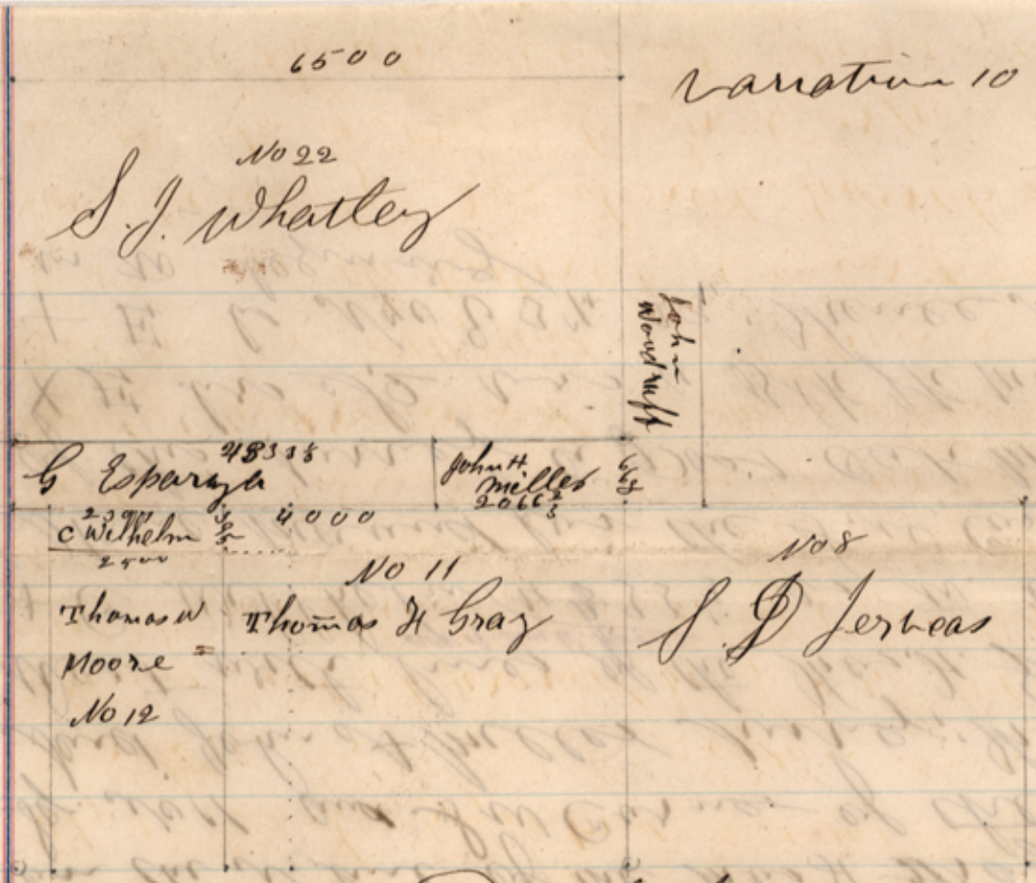
Mandamus, Suit Bending to test vallidity of the above surveys Stile of Suit 613. C. M. Carpenter vs. B C Hardin Surveyor of Hays County Et al. In District Court of Hays Co —
B. C. Hardin
Surveyor of Hays
County Texas

2 File 762 No. 2
One field note relative new for signature &c
Travis Donation

Field notes of
360 Acres
Gregoria Esparza
Filed Dec 31/74
Rhoads Fisher,
Chief Clk.

Cancelled by corrected field notes.

If the 1st call is 4517 varas the survey does not close by 1983 vs, If the 1st call is 6500, by adding the 1983 vs and 4517 vs together, the survey closes but contains too much.
R. P. W. M. Sept 23/75



State of Texas County of Hays
plat and Field notes of survey No
containing 525 acres; made for C. M. Carpenter. by virtue of the Gresnor Esparza 640 acres cert No 572 Class Donation issued by James S Gillett Adget Genl. Registred and rejected March 18, 1857 by J C Wilson Comr. of Claims; and approved May 23, 1860 by W. S. Hotchkiss Comr. of Claims; This survey and return of Field notes made in Lieu of Field notes previously made; and returned on the 28 day of December 1874; and in obedience to a Decree of the District Court of Hays County rendered March 27, 1875 in the Suit No 618 C. M. Carpenter vs. B C Hardin County surveyor of Hays County Etals.

C

A Certified Copy of which is here to attached as exhibit "A". The land herein described is located in Hays County on the waters of Onion Creek and about 16 3/4 miles North from San Marcos and beginning at a stone mound 3846 varas South from the point Designated in said District Court Decree as the Dugup Corner. ~~Stone marked 3846 vs from the Dugup Corner~~ a post oak marked X E. brs S 57 E 16 vrs; a do marked X E. bs S 13 E 17 vs Thence East 44 33 1/3 to a stone mound for the N.E. Corner of this survey and N.W. Corner of the John A Miller a line oak marked X M brs S 7 1/2 E 11 1/2 vs a do marked X M brs S 15 1/2 W 16 vs Thence S 668 1/2 vs to a stone mound on the N. line of the Thos F Gray Sq. No 11 and S W Corner of the said John A Miller survey; Thence West with lines of the Thos. F. Gray & C Wilhelm assee of Thos W. Moore 44 33 1/3 vs to a stone mound for the S.W. Corner of this survey a post oak marked X E brs S 2 vrs a Blk Jk marked + E bs N 70 E 37 vs; Thence N 668 1/2 vs to beginning

5° West

C1

Chainmen George Cox & W. G. Carpenter
Surveyed by B C Hardin

I. herewith certify that the above described survey on pages 260 & 261 was made by me as above set forth and that it ~~was~~ is a correct Record of the original Field notes as made by me

witness my official Signature this May 10, 1875

B C Hardin

Surveyor of Hays County Texas

I. here with certify that the above is a correct copy of the original survey as Recorded by me in Book C page 260 & 261, Record of Field notes

witness my official Signature this August 2, 1876

B. C. Hardin

Surveyor of Hays Co Texas

C2

C3

No Copy

3

File 762

Travis Donation

G. Esparza

Field notes

Gregorio Esparza
525 acres
Copy of Corrected field notes

Filed October 21st 1876

[signature] Commr

Patented 27 Oct 1876
Alexander

C.C. Octob. 26/76
C.A.F.

C. M. Carpenter
613 v.
B. C. Harding, County Surveyor of Hays County et al.

March 27. 1875.

In this cause it is ordered that the Surveyor have leave to amend his report: ..... Thereupon came the parties by their attorneys and announced themselves ready for trial, thereupon came on to be heard the exceptions to the surveyors report, which being argued by counsel and understood by the Court, it is ordered that the same be and is hereby overruled - to which ruling the Plffs. by attorney excepted: And the said Plaintiff having filed in this cause his disclaimer of any right or interest in the land claimed by defendant C. Wilhelm, said land so claimed being comprised within the following lines and boundaries to wit: Beginning at the north west corner of the Thomas F. Gray league No 11. Thence south 390 varas to the north line of the Thomas W. Moore League No 13. Thence west with the north line of said Moore League 3547 varas. Thence North 390 varas. Thence East to the place of beginning: It is therefore ordered by the Court that said defendant Wilhelm, recover from the plaintiff the land included in said boundaries, and that Plaintiff pay the costs which have accrued by reason of making said Wilhelm a party to this suit. And defendants C. R. Johns, F. Everett and Wm Von Rosenberg, under their firm name and style of C. R. Johns & Co. having filed in this cause, their disclaimer of any right or interest in the land

D

claimed by the plaintiff in his petition, to be vacant land, either in themselves or in the heirs of Weaver. It is therefore ordered by the Court that the suit be dismissed as to said C. R. Johns & Co. and also as to the heirs of said Weaver. And that the plaintiff pay all the costs, which have accrued in this cause by reason of the said Johns & Co. and the heirs of Weaver being made parties, to this suit. And thereupon came a jury, to wit: Daniel McKie and eleven others, twelve good and lawful men of Hays County who being duly elected, empanelled and sworn according to law. And it being admitted by the parties in open Court, and to the jury that the plaintiffs is the legal owner of the land certificates described in his petition, that said certificates are genuine and valid claims for land against the State of Texas, and that said plaintiff on the 23d day of June 1874, filed said certificates which defendant Hardin as County Surveyor of Hays County, with plaintiffs application in writing for the location and survey of the land described in his petition, and that said defendant Hardin refused to locate said certificates, on said land, and to survey said land under such location, And it being further admitted by the parties that the defendants, other than defendant Hardin, are the owners in fee, of all the land embraced within the limits of the S. J. Whatley League No. 22. under a regular chain of transfer from the Sovereignty of the soil, the jury after hearing said admissions and evidence introduced

D1

retired under the charge of the Court, to consider of their verdict, and after due deliberation returned into Court the following verdict, in response to the issues submitted to them, by the Court in the charge given, to wit: ..... "1st We the Jury find the corner called by the Wit- "nesses "The dug up corner" the true north west corner" "of the S. J. Whatley Survey." ..... " "2nd. We the Jury find that there is a vacancy be- "tween the South line of the S. J. Whatley Survey, and" "the north line of the T. W. Moore Survey, and the" "J. F. Gray Survey of the following dimensions. Six" "hundred and fifty (650) varas wide, more or less, Six" "thousand five hundred (6500) varas in length." ..... " ..... "Daniel McKie Foreman"

It is therefore ordered, adjudged and decreed by the Court that the corner Known and called the "Dug up Corner", be and the same is here declared to be the true north west corner of the S. J. Whatley League No. 22. and that the land comprised within the following lines and boundaries, be and the same is here, adjudged and decreed, to be the land covered by and included and embraced within the lines and boundaries of the said S. J. Whatley League, grant No. 22, to wit: Beginning at said corner, known and designated as the "Dug up Corner" for the north west corner of the same, Thence South 3846 varas for the South West corner, Thence East 6500 varas for the South East corner, Thence North 3846 varas for the North East corner, Thence West 6500

D2

varas to the place of beginning. And it is further ordered, adjudged and decreed by the Court, that all the land lying South of the South boundary line of said Whatley league No. 22, as herein defined, and lying north of a line running due west, from the north East corner of the Thomas F. Gray League No. 11, and from the north west corner of the S. D. Gervis League No. 8, be and the same is hereby adjudged and decreed to be vacant and unappropriated public domain, and that said plaintiff is entitled to have the same surveyed under his location, by virtue of the certificates described in his petition; and the field notes duly certified returned to the General Land Office of the State of Texas, to the end that Patents issue therefor, said vacancy being 6500 varas in length, extending East and West, and 650 varas in width, more or less. And it is further ordered and adjudged that defendant Hardin as County Survey of Hays County, proceed without unnecessary delay to the ground, and that he run out the lines and establish the corners of said vacancy, and in making such Survey the said defendant Hardin shall begin at the South East corner of said Whatley League No. 22, as herein defined, and run thence South to the north line of the Thomas F. Gray League No. 11 for corner. Thence West 6500 varas for corner. Thence North to the South West corner of the said Whatley league as herein defined for corner. Thence East 6500 varas with the South boundary of said Whatley League, as herein defined to the place of beginning; and that said Hardin immediately after

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making said Survey, shall make out and return to the General Land Office, duly certified by him officially, the field notes of the land herein decreed to be vacant, said field notes to be substituted in said Land Office, for the field notes heretofore returned by said Hardin to said Land Office with said certificates to be patented.

And it is further ordered, adjudged and decreed by the Court that said defendants be, and they and each of them are perpetually, and forever enjoined and restrained from cutting down, removing or destroying any of the timber, now upon said land, herein decreed to be vacant. And, it is further ordered, that the plaintiff do have and recover of and from the defendants (except C. R. Johns & Co., C. Wilhelm, and the heirs of Weaver) all the costs incurred in this cause (except such costs as is herein adjudged against said plaintiff) for which execution shall issue. It is further ordered that execution issue in favor of the officers of Court against each party respectively, for the costs by him in this behalf incurred.

The State of Texas }
County of Hays } I, ~~D. Ed~~ J. L. Green, clerk of the District Court, of Hays County, Texas, do hereby certify the foregoing five pages to be a true, correct and full copy of the Judgment rendered by said Court at its March term A.D. 1875, in cause No. 613, Styled "C. M. Carpenter vs. B. C. Hardin County

Surveyor of Hays County et al", as the same appears on the minutes of said Court, book C. pages 168, 169, 170, 171 and 172,

In testimony whereof

Witness my hand and the seal of said Court, at San Marcos, this the 7th day of July A.D. 1876,

Ed. J. L. Green

Clerk D. C. Hays Co. Texas

No. 613.

C. M. Carpenter

vs.

B. C. Hardin
Co. Surveyor of
Hays County

Certified Copy of
Decree

Iss- July 7. 1876
Ed. J. L. Green
Clk. D. C. Hays Co.

4 File 762
Travis Donation

Certified Copy
of a
Decree of Court

Filed Oct. 23d 1876

J. Moore
Comm