

(Partition Deed between the Heirs of Martin Allen decd. No. 257)

Republic of Texas } In probate Court January Term A D 1842
County of Austin } Whereas at the last December term of the Probate Court for the County & Republic aforesaid an order was made by said Court on the partition of Archibald T. McCorcle for partition of the lands belonging to the heirs of Martin Allen decd. other than the widow of said Martin deceased, which lands lie in the Counties of Austin aforesaid & the County of Ward in said Republic, and whereas Jesse Burdett, James Somervell & James Cooper citizens of the said county of Austin were appointed commissioners to partition the lands belonging as aforesaid & lying in the county last aforesaid into seven equal parts having regard to quantity & whereas the said commissioners proceeded to partition the same under and by authority of a writ issued to them from the Probate Court aforesaid of date San Felipe December 27th A D 1841 & whereas the said Jesse Burdett & James Cooper did proceed to partition the lands aforesaid & due returns thereof make to this Court on the 29th day of January A D 1842 that the same might be drawn for by the parties interested therein and whereas upon calling the names of the parties James Allen, John C. Whitaker & Archibald T. McCorcle only answered and the other parties appeared not nor answered but wholly made default, Whereupon the Court appointed James Somervell Curator for Benjamin Allen, I Harris Catlin Curator for James W. & Elizabeth Allen, Isaac L. Hill Curator for Martin A. & Elizabeth Lynch & James Hillyard Curator for Andrew M. Robinson to draw for them and attend to their interest in said partition their natural & proper Guardians having failed to appear though duly notified of the partition as appears by the returns of the Citations on file in the said Probate Court the said Catlin & Hillyard not being attorneys were duly sworn to attend to the interest of the parties they respectively represent and the parties in interest being James Allen son of said Martin Allen deceased as natural guardian of Sarah Jane Whitaker infant Daughter of said John & Sarah, James W. & Elizabeth Allen minor children of Miles N. Allen decd. son of said Martin decd. by their Mother & natural Guardian Mary F. Evitts with her husband Samuel Evitts, Martin A. & Elizabeth Lynch children of Anna C. Lynch decd. daughter of said Martin decd. by James Lynch their father & natural Guardian, Andrew M. Robinson son of Mary Robinson deceased daughter of said Martin decd. by his parent & natural Guardian Andrew M. Robinson - And Archibald T. McCorcle with & in right of his wife Caroline & M. C. McCorcle daughter of said Martin decd. each of the parties in person or representation, being children or representatives and decendants of of children of the said Martin deceased being entitled to one share or one seventh of the lands aforesaid, and the case having been called up for partition at the first aforesaid Term of our Probate Court aforesaid & the parties being present in person or represented as aforesaid, numbers one, two, three, four, five, six & seven corresponding with the numbers on the plots & field notes of the Commissioners & surveyor were part in a lot held by the Judge of Probate for said County & duly covered whereupon James Somerville drew for Benjamin Allen lot number seven. I Harris Catlin drew for James W. & Elizabeth Allen number one, Isaac L. Hill drew for Martin A. & Elizabeth Lynch lot number six James Hillyard drew for Andrew M. Robinson number five James B. Allen drew lots numbers four John C. Whitaker for Sarah Jane Whitaker drew lot number three & Archibald T. McCorcle for & in right of his wife Caroline McCorcle drew lot number two all of which lots or portions are more fully described by their limits & boundaries hereafter. Now therefore it is ordered adjudged & decreed that Benjamin Allen aforesaid have & hold in severalty lot number seven being labor number nine on the River Brazos on the west side below the Town of San Felipe & that he have hold, use & enjoy the same free and unmolested by the other parties hereto forever , to himself his heirs & assigns forever, and it is further ordered adjudged & decreed that James W. Allen & Elizabeth Allen parties as aforesaid have & hold in coparcenary lot number one beginning at the S W corner of the quarter of a league of land granted to Miles Allen on eight mile creek below the Town of San Felipe in the prairie thence N 45 E 921 vrs to a stake set for the division line of said quarter, thence S 45 E with the said divisional line 3500 vs set a stake from whence a pin oak 30 inches in di bears N 86° E 14 vrs marked 5 thence S 45° W at 921 vs intersected the S W line of the qr set a stake in the prairie thence N 45° W 3500 vs with the S W line of the quarter to the place of beginning containing five hundred & seventy & nine tenths acres, more or less to have hold use & enjoy the same to themselves their heirs & assigns forever, And it

is further ordered adjudged & decreed that Martin A Lynch & Elizabeth Lynch parties as aforesaid have & hold in coparcenary lot number six beginning at a stake set in eight mile Creek for the corner of Richinson third of a league a pin oak 30 inches in diameter bears N 54° E 6 vrs thence N 54 E with the S W line of said Richinson at 1600 vs the corner of the division of the two third thence N 45° W with the divisional line 720 vrs to the N E corner of number five, Thence S 45° W with the S E line of number 5, 1050 vrs to the bank of eight mile Creed set a stake a cotton wood 14 in in diameter bears N 44° W 14 vs an ash 14 inches in dia. marked P bears N 18 vs distant thence down the creek with the meanders thereof to the place of beginning containing one hundred & thirty five & six tenths acres more or less to have hold use & enjoy the same to themselves their heirs and assigns forever., And it is further ordered adjudged & decreed that Andrew M. Robinson party as aforesaid have & hold in severalty lot number five beginning at the N E corner of lot number four on the divisional line thence S 45° W with the S E line of number five at 1130 vs set a stake on the east bank of eight mile Creek an ash 12 in in diameter bears N 85° W 6 vrs thence down the creek with the meanders on a course of S 45° E 600 vs to the N W line of number six set a stake in the creek a cotton wood 14 inches in diameter bears N 44° W 14 vrs an ash 14 inches in diameter marked P bears N 18 vrs thence N 45° E 1050 vrs to the divisional line on a N W corner of number six thence N 45° W 600 vrs to the place of beginning containing on hundred & ten and five tenths acres more or less to have hold Use & enjoy the same to himself his heirs and assigns forever. And it is further ordered adjudged & decreed that James B. Allen party as aforesaid have & hold in severalty lot number four beginning at the S W corner of the Miles Allen quarter of a league thence N 45° E with the S E line of number three 1419 vrs to the divisional line set a stake in the prairie thence S 45° E with the divisional lie 700 vrs thence S 45° W at 1130 vrs set a stake on the east side of eight mile Creek an ash 12 inches in diameter bears N 85° W 6 vrs marked W, thence N 45° W 40 vrs to the mouth of a small branch where stands a pin oak 12 in in diameter marked x (cross) thence S 59° W with the branch at 800 vrs intersects the S W boundary of the two thirds of a league at the S W corner thence N 600 on to the place of beginning containing one hundred & nine two acres more or less to have hold use & enjoy the same to himself his heirs & assigns forever. And it is further ordered, adjudged & decreed that Sarah Jane Whitaker party aforesaid have & hold in severalty lot number three beginning at the S W corner of the Martin Allen quarter of a league of land thence N 45° E at 1419 vs intercepted the divisional line of two thirds thence N 45° W with the said divisional line 600 vs sets a stake for the N E corner of lot number two thence S 45 W. with the S E line of number two 1419 vrs to the S E line of the quarter of a league & S E corner of Number two thence S 45 E 600 vrs to the place of beginning containing one hundred & fifty & eight tenths acres more or less to have hold use & enjoy the same to herself her heirs & assigns forever. And it is further ordered, adjudged & decreed that Caroline E McCorcle party as aforesaid have & hold in severalty lot number two beginning at the S W corner of lot number one on the S W line of the Martin Allen quarter of a league thence N 45 E 921 vrs with the S E line of number of to the divisional line a pin oak 30 inches in diameter bears North 86° E 14 vrs marked 5. thence S 45° E 380 vrs to the divisional corner or the S E line of the quarter of a league thence North 705 varas to the corner of the division of the two thirds thence S 45° E 840 vs to the N W corner of number three thence S 45° W at 819 vrs crossed the west line of the two thirds & east line of the quarter of a league at 1419 vrs intersects the S W line of the qr thence N 45° W 600 vrs to the place of beginning containing one hundred & forty nine & sixth tenths acres more or less to have hold use & enjoy the same to herself her heirs & assigns forever. It being well understood that the land aforesaid except the above mentioned labor number nine is all situated on eight mile creek below the Town of San Felipe on the Columbia road that the land above partitioned was the part of the lands belonging to the succession of the above named Martin Allen deceased lying in said County of Austin and allotted & deeded to the heirs other than the widow of said Martin decd. on file in the Probate office of said County of Austin & dated 30th Novr A D 1840; that the divisional lines above mentioned are those made in the last mentioned & the other heirs set forth in the partition deed last before mentioned & mentioned in the field notes above set forth refer to the different parts or lots drawn for & assigned in this deed of partition as will more full appear by reference to the original field notes plots & return of the said commissioners all on file into he Probate Office for the said County of Austin. All of which is ordered adjudged & decreed at the January Term of the Probate Court for the County of Austin aforesaid in the Republic aforesaid by the Probate Court of said County this first day of February A D in the years of our lord one thousand eight hundred & forty witness my hand & the seal of said Court the same having

been signed in open Court i the Town of San Felipe day & date above written but it is further considered that the words more or less after the setting forth the number of acres shall be struck out & considered as if not inserted in any place where inserted as above.

J. H. Money J.P.A.C.