

A. T. Caperton, and,
J. J. Donegan.
(1816)
No. (1869.) Consolidated.

vs.

J. M. Miller, et. al.

Judgment.

Dated November 28th, 1868.

Recorded in Minute Book E. pages
447, 448, 449, and 460.

In office of the District Court Clerk
of Guadalupe County, Texas .

Description and remarks:-

The cases of A. T. Caperton vs. J. M. Miller, administrator, and J. J. Donegan vs. J. M. Miller, administrator, were consolidated and an agreed judgment entered. The judgment sets aside to James R. Sheffield 150 acres formerly sold by Michael Erskine to James M. Miller, individually, the tract formerly sold him by Michael Erskine, and a homestead of 200 acres including the improvements excepted from the judgment. It is ordered that A. T. Caperton have and recover the sum of \$32000.00 from James M. Miller, administrator and that the following described lands are liable for said amount. Among other lands the following: "Situated and being in the Counties of Guadalupe and Gonzales in the State of Texas on the S. side of the Guadalupe river, about 12 or 15 miles below the town of Seguin, known as the Capote 6 leagues originally granted to Jose de La Baume by the Mexican Government by her Commissioner Jose Antonio Navarro, the 1st day of July 1832 and being the same conveyed to me by the heirs of Jose de La Baume, deceased, by their deeds which are of record in the Counties of Gonzales and Guadalupe where the land lies and also the same on which I, the said Michael Erskine now live, less about 520 acres heretofore sold and conveyed". The judgment further provides the following. "That the children and heirs of Mrs. Agnes D. Erskine, to wit: John P. Erskine, Catherine H. Ehringhaus, Margaret J. Miller, Ellen P. Anderson, A. M. Erskine, Mary M. Manly, M. H. Erskine, Agnes Erskine and the minor children of Andrew H. Erskine, deceased, to wit: Blucher H. Erskine, Edwin Erskine, Joseph Erskine, Robert J. Erskine, John H. Erskine and Agnatus Erskine do have and recover one undivided 1/4 of a league of land to be taken out of the property heretofore mortgaged to Alexander T. "Erskine" and James J. Donegan as herein after set out, that the said heirs do have and recover a further undivided one-ninth interest in and to 16940 acres which said one-ninth interest shall be sold to the highest bidder for cash and the proceeds divided between said heirs". "It is further ordered that James J. Donegan have and recover from the said Miller, administrator the sum of \$9945.00 and it is further decreed that the following described tract of land was mortgaged to secure the payment of said debt, situated, lying and being part in the County of Guadalupe and part in the County of Gonzales in the State of Texas, on the S. W. side of the Guadalupe river, being part of the well known tract called the Capote 6 leagues about 15 miles East and below the town of Seguin, off of the lower or Eastern side. The said 6 leagues being the same which was granted to Jose de La Baume, deceased, on July 1st, 1832, by the Commissioner Anotio Navarro and afterwards conveyed to me by the heirs of the said de La Baume by deeds which are recorded in the Counties of Gonzales and Guadalupe, to commence 3/4 of a mile by the meanders of the river Guadalupe and above the mouth of the mill tail race and running sue. S. so as to include the mills, cotton-gins and other improvements and running back on that line S/ sufficiently for to include 2 entire leagues say 6856 acres; thence E. to the lower line of said survey; thence with the lower line to where it comes with Sheffield a small tract sold him off of the said 6 leagues; thence with Sheffield's line to the said Guadalupe river; thence up the river with its meanders to the place of beginning. And it is ordered that so much of said land as is not included in the mortgage to Henry Erskine be sold to ratify said aforesaid debt, save and except the undivided one-fourth league heretofore assigned to

the heirs of Agnes D. Erskine, deceased".

"It is further ordered that Samuel Price, Mason Mathews and Thomas Mathews, executors of the estate of Henry Erskine, deceased, do have and recover of James M. Miller, administrator of Michael Erskine, deceased, the sum of \$9075.00 and that the mortgage to secure the same be foreclosed upon the following described land. Situated and lying part in the County of Gonzales and part in the County of Guadalupe on the Guadalupe river South side on the lower corner of the tract of land that I now live upon, called the Capote 6 leagues, to commence at a point upon the Guadalupe river 1/2 mile above the mouth of the spring Branch between where Boon lives and the mill, etc. - - to run due S. until it will include 1 league of land over and above about 150 acres sold Sheffield which is at the extreme lower corner, the said League to include the farm now occupied by Boone at or near the mouth of Spring Branch, the same being part of the League sold and conveyed to me by the heirs of Jose de La Baume. It is further ordered that the said land be sold to pay said debt. But in case said land should not bring enough to pay said debt the said estate of Henry Erskine release the estate of Michael Erskine and Agnes D. Erskine, deceased, from ~~any~~ any further liability of the unpaid balance".

W. K. Makemson,

Special Judge".

Further remark:-

On the Margin of the judgment is the following:

"Received of James M. Miller, administrator of the estate of Michael Erskine, deceased, the sum of \$1383.00 on the within judgment in favor of Caperton and others this 13th day of April 1870.

John P. Erskine, attorney in fact for
A. T. Caperton.".

