

Citation by Publication

Jno. B. Chilton v. Unknown Heirs of Samuel Heath and Melvina Roberts — Comanche County District Court, Cause No. 2772 (1909)

(The opening lines of the scan are garbled beyond recovery — scrambled OCR noise from what was likely printed citation boilerplate/letterhead. The substantive text begins below.)

THE STATE OF TEXAS

To the Sheriff or any Constable of Comanche County, GREETING:—

You are hereby commanded to summon, by causing this citation to be published once each week for eight (8) continuous and successive weeks prior to the return day hereof, in a weekly newspaper published once each week in Comanche County, Texas, the unknown heirs of Samuel Heath, deceased, their heirs and legal representatives, and the unknown heirs of Melvina Roberts, deceased, their heirs and legal representatives, to be and appear before the Honorable District Court of Comanche County, Texas, at its next regular term, to be begun and held in the Courthouse in the City of Comanche, Comanche County, Texas, on the 19th day of April, A.D. 1909, then and there to answer the suit and petition of the plaintiff Jno. B. Chilton, filed in said Court on February 10th, A.D. 1909, in cause number 2772, wherein Jno. B. Chilton is the plaintiff, and the unknown heirs of Samuel Heath, deceased, their heirs and legal representatives, and the unknown heirs of Melvina Roberts, deceased, their heirs and legal representatives, are the defendants.

The nature of the plaintiff's demand is as follows, to-wit: Suit by the plaintiff Jno. B. Chilton against the defendants, the unknown heirs of Samuel Heath, deceased, their heirs and legal representatives, and the unknown heirs of Melvina Roberts, deceased, their heirs and legal representatives, in trespass to try title, for the recovery of the title and possession of 20 acres of land in Comanche County, Texas, out of a survey patented to the heirs of Samuel Heath by patent No. 1817, Vol. 11, on July 22, 1854, Abst. #420, and beginning at the S.W. corner of the Randolph survey. Thence North with the line of the Randolph survey 270 varas to Jimmie's Creek. Thence up said creek with its meanderings 950 varas in a southwesterly direction to the south line of the Saml. Heath survey. Thence East 473 varas to the place of beginning.

In said petition, the plaintiff alleges that he and those whose estates he holds claim title to said premises in that they have been in the peaceable and adverse possession of said premises, cultivating, using and enjoying the same, and paying all the taxes due thereon for more than five years and for more than ten years next after the cause of action of the defendants for the recovery of said premises had accrued to them against plaintiff; and that such possession, claim, and the performance of said acts during all of said times have been under deeds of conveyance to said premises, which were duly registered upon the deed records of Comanche County, Texas, and which fix the boundaries of the plaintiff's claim to the premises sued for, whereby the plaintiff has become the owner of said premises above described, both under the five and ten years statute of

limitation against all the defendants, and which title so acquired under said statutes he now here specially pleads as against all the defendants.

The plaintiff alleges that the claim of the defendants, so far as the same is known to him, is that their claim, if any they have, consists in said land having been patented to the heirs of Samuel Heath, deceased, and their heirship under the said Samuel Heath, and to whom said land would have descended and who would have been the owners of said land, but for the rights of plaintiff that have accrued to him as above stated.

Plaintiff prays for a judgment against all the defendants for the recovery of the title and possession of the above described premises, for a writ of possession, and costs.

HEREIN FAIL NOT, but due service and return make of this writ on or before the return day hereof, as is above directed.

Given under my hand and seal this February 20th, A.D. 1909.

[Strick Burt?], Comanche County, Texas.

(likely the County/District Clerk — title line partially lost in the scan)

Spell-corrected transcription prepared from OCR scan. Obvious OCR errors corrected; punctuation and spacing normalized; original wording and content otherwise preserved.