

Frank Brown
County Clerk
"Annals of Travis Co."



Division "E". -- In 1850, the legislature enacted a law requiring the comptroller to survey and plat most of the territory bordering on the west, north, north-east, and east, and south of the original inner lots. Prior to this time it had not been cut up into lots or blocks, and was a common, though not so designated.

In accordance with this law, Comptroller Shaw employed James R. Pace, then county surveyor, to perform the work. C. C. Browning was one of the chairman. The survey was made, platted, and designated division "E". It embraced all the ground west of west Avenue to Shoal creek north of Sixth street to Nineteenth street; all of the territory ^(NORTH) of Fifteenth street to Nineteenth street; a small portion east of East Avenue, in old Sixth ward; a small portion east of East Avenue, in the old tenth ward; including also all that part of the original river walk south of First street and east of Congress Avenue. The territory was laid off into blocks the size of ordinary blocks in the town, except those lots bordering Shoal creek, which varied in quantity from about three acres to ten acres. These blockswere sold by the state to many persons.

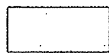
At one time the question was raised as to whether or not the river walk could be conveyed to private parties in derogation of the rights of previous purchasers of property



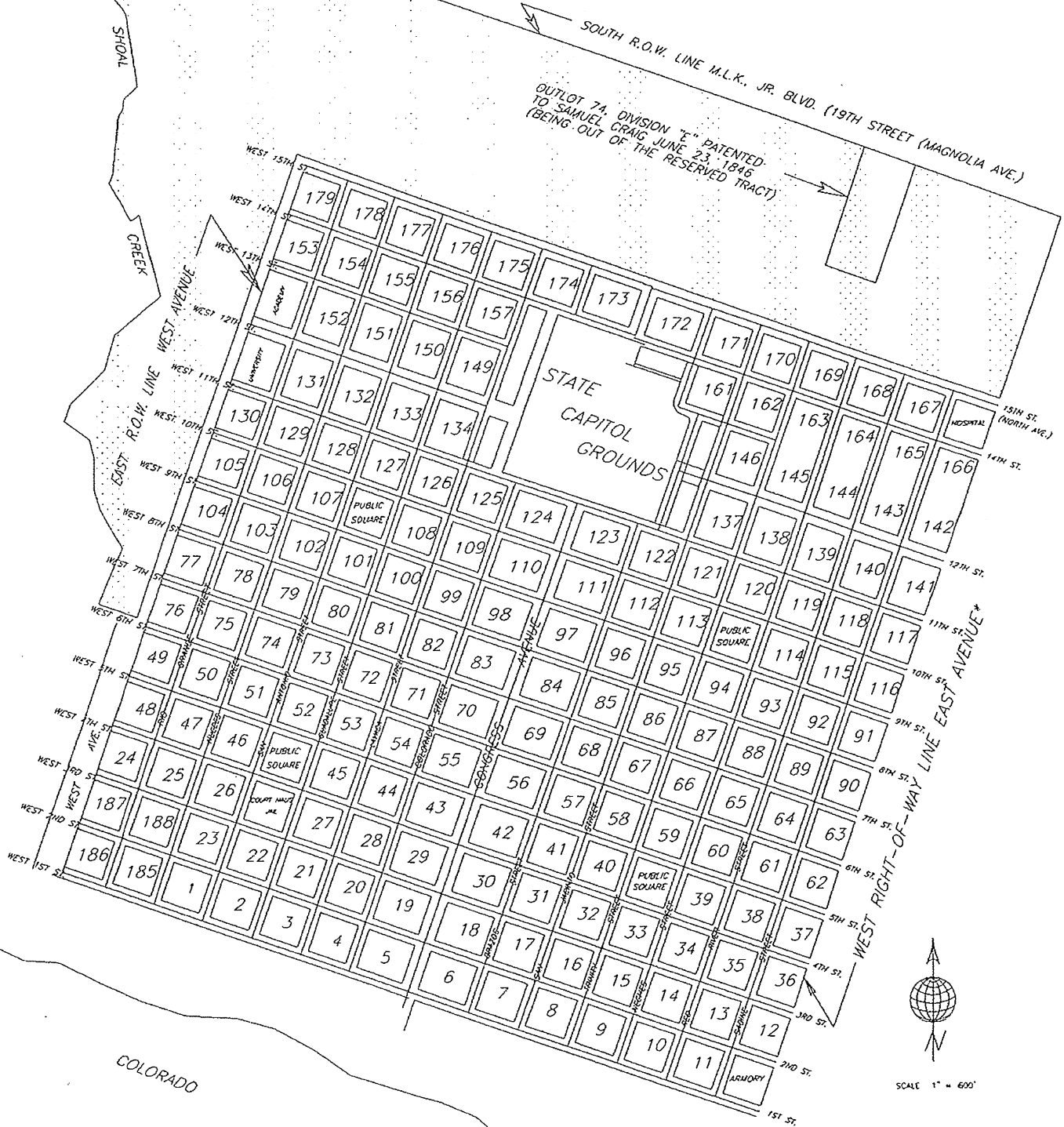
fronting on First street, who had bought with reference to the walk being a common. No action, however, was taken, the conveyances were made, and, if parties interested had a legal right to object, they forfeited it by not asserting it at the proper time.

Designations.— Austin was located and the lots sold under conditions differing from other cities and towns in Texas. All other town sites were located upon ground belonging to private parties, or corporations, formed for the purpose. In the case of Austin, the ground originally belonged to several owners who had located their certificates at the place. In order to locate the capital, the land was condemned and the owners paid the price as per valuation placed by appraisers. It thus became the property of the Republic. In the original survey, certain blocks and parts of blocks were designated for specific purposes. These included the square, set aside for the capital, blocks for the departments of government, river walk, schools, college, university, courthouse, jail, churches, etc., and four public squares for the use of the people at large. (In 1899 the Legislature donated one of these squares—between East Eighth and Ninth Streets— to the city of Austin for a high school.)

Mr. R. R. Lockett, ex-Assistant Attorney General, rendered an opinion in 1897, giving his view of the law covering cases where blocks and other divisions set aside for particular purposes, had been diverted therefrom. As regards old courthouse and jail square, the courts have declared that this property belongs to the State.



PART OF THE 400 ACRE RESERVED TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN AS REQUIRED BY SECTION 7, JOINT RESOLUTION FOR THE SURVEY AND SALE OF THE AUSTIN TOWN TRACT APPROVED JANUARY 5, 1840. (SEE LAWS OF TEXAS, GAMMEL, II, PG. 203) SEE ALSO "AN ACT TO AUTHORIZE THE SALE OF AUSTIN CITY LOTS AND RESERVED TRACT ADJOINING", APPROVED SEPTEMBER 5, 1850.
SEE ALSO FIELD NOTES DESCRIPTIONS OF PATENT TO SAMUEL CRAIG, FILED NOTES BY JAMES R. PACE, THE MEANDERS OF SHOAL CREEK, GLO, TRAVIS COUNTY ROLL SKETCHES



CHAPTER VII.

An Act to authorise the Sale of Austin City Lots and reserved Tract adjoining.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and required to cause the reserved tract of land adjoining the City of Austin, and belonging to the State, to be laid off in lots of convenient size, and after giving at least ninety days previous notice of the time, place and terms of sale, by weekly advertisements until the day of sale, in the newspapers published in said city, and in three other newspapers published in the State, to offer for sale at public auction, to the highest bidder, at the Comptroller's office in Austin, said lots so laid off, together with the unsold forfeited lots in said city, except lot No. 4, in block 98, belonging to James O. Rice, and such of the reserved lots therein, as he may think it expedient to sell, not exceeding half of said lots and tract adjoining, upon the following terms, to wit: one-third of the purchase money to be paid in cash, at the time of sale, and the balance in two equal semi-annual instalments; the first to be paid in six months, and the second in twelve months from the day of sale; the postponed payments to be secured by bonds with approved security, made payable to the Comptroller, whose duty it shall be to pay into the Treasury of the State all the money arising from such sales, after deducting enough to defray the necessary expenses thereof.

Sec. 2. The Comptroller may adjourn the sale from day to day for six days, or discontinue the sale, when he shall believe the interest of the State may require it; provided that no other postponement shall be made for a shorter time than sixty days; and the Comptroller shall cause weekly notice to be given in the newspapers printed at Austin during the time of such postponement, of the time, place and terms of the resumed sale.

Sec. 3. The Comptroller shall deliver to the purchaser a certificate describing the property by him purchased, and setting forth the price for which such purchase was made, which certificate shall be sufficient authority for the purchaser to enter upon, hold and occupy the property by him purchased, unless the same shall become forfeited by the non-payment of any of the instalments as herein provided. Upon the presentment of any certificate with the Comptroller's receipt in full thereon, the Commissioner of the General Land Office shall issue a patent to the

owners for the lot or tract therein described; provided, that in no case shall a patent issue until full payment is made.

Sec. 4. That citizens who have erected houses upon, or fences around the reserved lots, in the City of Austin, shall be and are hereby authorized to remove the same therefrom.

Sec. 5. That in the event any purchaser or owner of any lot or tract of land shall fail to pay any of the instalments as the same shall become due, it shall be the duty of the Comptroller to proceed forthwith to sell, after giving thirty days notice in some newspaper published in the City of Austin, such forfeited lot or tract of land; which sale shall be made on the same terms, and the patent shall issue under the same restrictions, as herein provided in the first instance.

Sec. 6. Be it further enacted, That if any person or persons shall fail to make payment of the several instalments in conformity with this act, as they become due, he or they shall forfeit all such sums as may have been previously paid, and the ground and improvements situated thereon shall by such default revert to the State, and the Comptroller shall immediately thereupon proceed to resell said property, as though no such forfeiture had taken place, according to the provisions of this act.

Sec. 7. The purchaser or owner of lots No. 10, in Division B, and Nos. 23 and 23½ in Division A, of the Government tract adjoining the City of Austin, shall have power to close up the street between the two said divisions, to the extent of said lots lying on both sides of said street; and that this act take effect from its passage.

Approved, September 3, 1850.