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#1801.

D. W. LIGHT, ET AL		IN THE DISTRICT COURT,
VS.		BREWSTER COUNTY, TEXAS,
I. C. ROARK, JR., ET AL.		AUGUST TERM, 1938.

On this, the 18th day of August, A.D. 1938, at a regular term of this court, came on to be heard the above entitled and numbered cause, wherein D. W. Light, Asa Jones, and William M. Light are plaintiffs, and I. C. Roark, Jr., F.M. Roark, Gus J. Groos, Trustee, Aetna Life Insurance Company a corporation, W. F. Boggess, Julian LaCrosse, Grady Lowrey, Mrs. Lillion F. Manning Cox, Federal Land Bank of Houston, and A. C. Williams, Trustee, are defendants, and came plaintiffs in person and by their attorney of record, and the defendants, W. F. Boggess, Julian La Crosse, and Grady Lowrey having executed and filed their waiver of the issuance and service of process herein, and the said defendant, Mrs. Lillion F. Manning Cox having been duly served with process, failed to appear or answer in this behalf, but wholly made default; and, came I. C. Roark, Jr., F. M. Roark, Gus J. Groos, Trustee, and A. C. Williams, Trustee, by their attorneys of record herein; and, came Aetna Life Insurance Company, a corporation, and Federal Land Bank of Houston, through its duly authorized officers and attorneys of record, and the court finding that all parties are properly before the court, the matters in controversy, as well of fact as of law, having been submitted to the Court, without the intervention of a jury, and the pleadings, the evidence, and the argument of counsel having been heard and fully understood, the court finds the law and facts to be for the plaintiffs:

It is, therefore, considered, adjudged, and ordered, by the court, that plaintiffs, D. W. Light, Asa Jones, and William M. Light, recover of the defendants, I. C. Roark, Jr.,

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F. M. Roark, Gus J. Groos, Trustee, Aetna Life Insurance Company, a corporation, W. F. Boggess, Julian La Crosse, Grady Lowrey, Mrs. Lillion F. Manning Cox, Federal Land Bank of Houston, and A. C. Williams, Trustee, the title and possession of the premises, described as follows, to wit:

<u>SURVEY:</u>	<u>CERT:</u>	<u>BLOCK:</u>	<u>ORIGINAL GRANTEE:</u>	<u>ACRES:</u>
20	1647	G-18	T. C. Ry. Co.	640
22	1649	G-18	"	640
28	1652	G-18	"	640
47	1662	G-18	"	640
40	3495	G-14	G. C. & S. F. Ry.	640
42	3495	G-14	"	640
1 (W640 a)	1222	G-24	W. A. Green	640
37 (N $\frac{1}{2}$ )	3493	G-14	G. C. & S. F. Ry.	320

That to better locate and identify said lands, on the ground, the same are described, by courses and distances, as follows, to wit:

SURVEY 20, BLOCK G-18, T. C. RY. CO: Beginning at the NE corner of Section 188, Block G-1, D & W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked "N.E. 188, G-1, W. L. R." at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings, South Point of Horseshoe Mountain, N. 70, 05' W; Yellow Mountain S. 88, 41' W; a balanced rock at west end of cliff, N. 28, 47' W.; a notch in ridge, N. 13. 31' E.; a rock knob and crevice, top of small mt., S. 12, 15' W;

THENCE East along the North line of Block G-14, and the South line of Block G-18, four miles, 7600 varas to the SW corner of Sec. 20, Block G-18 for the BEGINNING CORNER of this survey, at the NW corner of Sec. 40, Block G-14;

THENCE East 1900 varas to the SE corner of this survey at the NE corner of Sec. 40, Block G-14;

THENCE North 1900 varas to the NE corner of this survey at the SW corner of Sec. 22, this blk;

THENCE West 1900 varas to the NW corner of this survey;

THENCE South to the place of beginning.

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SURVEY 22, BLOCK G-18, T. C. RY. CO.: Beginning at the NE corner of Sect. 188, Block G-1, D&W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked "N. E. 188, G-1, W. L. R" at the common corner of Blks. G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain N. 70, 5' West; Yellowhouse Mountain, S. 88, 41' W; A balanced rock at west end of cliff, N. 28, 47' W.; a notch in ridge N. 13, 31' E; a rock knob and crevice, top of small mountain, S. 12, 15' W;

THENCE East along the north line of Block G-14 and the South line of Block G-18, five miles, 9500 varas to the SE corner of Section 20, Block G-18 and NE corner Section 40, Blk. G-14;

THENCE North 1900 varas to the NE corner of Sec. 20 and the SW corner of Sec. 22, this block, for the BEGINNING CORNER of this survey;

THENCE East 1900 varas to the SE corner of this survey at the NW corner of Sec. 28, this blk;

THENCE North 1900 varas to the NE corner of this survey at the NW corner of Sec. 27, this blk;

THENCE West 1900 varas to the NW corner of this survey at the NE corner of Sec. 19, this blk;

THENCE South 1900 varas to the place of beginning.

SURVEY 28, BLOCK G-18, T. C. Ry. Co; Beginning at the NE corner of Section 188, Blk. G-1, D & W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked "N. E." 188 G-1, W. L. R." at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain, N. 70, 05' W; Yellowhouse Mountain, S88, 41' W; A balanced rock at West end of cliff, N. 28, 47' W; a notch in ridge, N. 13, 31' E; a rock knob and crevice, top of small mountain, S. 12, 15' W;

THENCE East along the North line of Block G-14 and the South line of Block G-18, six miles, 11400 varas to the SW corner of Section 28 and the BEGINNING CORNER of this Survey at the NE corner of Sect. 41, Block G-14;

THENCE East 1900 varas to the SE corner of this survey at the NW corner of Sect. 10, Block G-20;

THENCE North 1900 varas to the NE corner of this survey at the SE corner of Section 27, this block;

THENCE West 1900 varas to the NW corner of this survey at the SE corner of Sec. 22, this blk;

THENCE South 1900 varas to the place of beginning.

SURVEY 47, BLOCK G-18, T. C. RY. Co: Beginning at the NE corner of Sect. 188, Block G-1, D & W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked, "N. E. 188, G-1, W. L. R." at a

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at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain, N. 70, 05' W; Yellowhouse Mountain, S. 88, 41' W; A balanced rock at west end of cliff, N. 28, 47' W; a notch in ridge, N. 13, 31' E; a rock knob and crevice, top of small mountain, S 12, 15' W;

THENCE East at 10 miles, 19000 varas pass the NW corner of Section 7, Block G-20, as established by Licensed Land Surveyor, W. L. Rider, July 16, 1930, and recorded in Book 1 (Brewster County), page 409;

THENCE<sup>2</sup> East 1900 varas to the SE corner of Section 44, Block G-18 and the NE corner of Sec. 7, Block G-20;

THENCE North 2 miles, 3800 varas, to the SW corner of Sect. 47, Block G-18 at the SE corner of Section 42, this block, for the BEGINNING CORNER of this survey;

THENCE North 1900 varas to the NW corner of this survey at the SW corner of Section 48, this block;

THENCE East 1900 varas to the NE corner of this survey at the NW corner of Section 50, this block;

THENCE South 1900 varas to the SE corner of this survey at the NE corner of Section 46, this block;

THENCE West to the beginning, 1900 varas.

SECTION 40, BLOCK G-14, G. C. & S. F. Ry. Co.:

Beginning at the NE corner of Sec. 188, Block G-1, D & W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked "N.E. 188, G-1, W. L.R" at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain, N. 70, 05' West; Yellowhouse Mountain, S. 88, 41' W; a balanced rock at the west end of cliff, N. 28, 47' W; A notch in ridge, N. 13, 31' E. A rock knob and crevice, top of small mtn. S. 12, 15' W;

THENCE East four miles, 7600 varas along the N. line of Block G-14 and the S. line of Block G-18 to the NW corner of this Section at the SW corner of Section 20, Blk. G-18;

THENCE<sup>1</sup> South 1900 varas to the SW corner of this section at the NW corner of Section 39, this blk;

THENCE<sup>2</sup> East 1900 varas to the SE corner of this section at the NW corner of Section 42, this blk;

THENCE North 1900 varas to the NE corner of this section, at the SE corner of Sec. 20, Block G-18;

THENCE<sup>3</sup> West 1900 varas to the place of beginning.

SURVEY 42, BLOCK G-14, GC&SF RY. Co: Beginning at the NE corner of Sect. 188, Blk. G-1, D & W Ry. Co., as established by W. L. Rider, Licensed Land Surveyor, July 11, 1930. A large round mound marked "N.E. 188, G-1 W. L. R." at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain North 70, 05' W; Yellowhouse Mtn.

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S 88, 41' W; a balanced rock at west end of cliff, N. 28, 47' W; a notch in ridge, N. 13, 31' East; a rock knob and crevice top of small mtn. S. 12, 15' W;

THENCE E 5 miles, 9500 varas to the NE corner of Sect. 40, Blk. G-14 and the SE corner of Sec. 20, Blk. G-18;

THENCE S. 1900 varas to the NW corner of Sec. 42 at the SE corner of Sect. 40, this blk. for the BEGINNING CORNER of this survey;

THENCE S. 1900 varas to the SW corner of this Section at the NE corner of Section 28, this Blk;

THENCE East 1900 varas to the SE corner of Sec. 42 at the SW corner of Sec. 45, this blk;

THENCE N 1900 varas to the NE corner of this Section at the SW corner of Sec. 46, this blk;

THENCE W 1900 varas to the place of beginning.

SURVEY 1, BLK.G-24, W. A. GREEN: Beginning at the NE corner of Section 188, Blk. G-1, D & W Ry. Co., as established by Licensed Land Surveyor, W. L. Rider, July 11, 1930. A large rock mound marked "N. E. 188, G-1, W. L. R" at the common corner of Blocks G-1, G-15, G-18, and G-14. Bearings South Point of Horseshoe Mountain, North 70, 05' W; Yellowhouse Mtn. S. 88, 41' W; a balanced rock at west end of cliff, N. 28, 47' W; a notch in ridge, N. 13, 31' E; a rock knob and crevice, top of small mountain, S. 12, 15' W;

THENCE E. 5 miles, 9500 varas and S. three miles, 5700 varas, to the NW corner of this Survey at the NE corner of Sec. 37, Blk. G-14, for the BEGINNING CORNER OF this survey;

THENCE S. 1900 varas to the SW corner of this survey at the SE corner of Sec. 37, Blk. G-14;

THENCE E. 1900 varas to a point in the S. line of this Section for the SE corner of this survey;

THENCE N. 1900 varas to a point in the N. line of this Section at the SE corner of Section 43, Blk. G-14, for the NE corner of this Survey;

THENCE W. 1900 varas to the place of beginning.

SURVEY 37 (N<sup>1</sup>), Blk. G-14, GC&SF RY. CO: Beginning at the NE corner of Sec. 188, Block G-1, D & W Ry. Co., as established by W. L. Rider, Licensed Land Surveyor, July 11, 1930. A large rock mound marked "N. E. 188, G-1, W.L. R. " at the common corner of Blocks G-1, G-15, G-18 and G-14. Bearings South Point of Horseshoe Mountain, N. 70, 05' W; Yellowhouse Mtn. S. 88, 41' W; a balanced rock at west end of Cliff, N. 28, 47' W; a notch in ridge N. 13, 31' East; a rock knob and crevice, top of small mountain, S. 12, 15' W;

THENCE East 5 miles, 9500 varas, and South three miles, 5700 varas, to the NE corner of this survey at the NW corner of Section 1, Block G-24, for the BEGINNING CORNER OF this survey;

THENCE W 1900 varas to the NW corner of this survey at the SE corner of Section 33, this blk;

THENCE S 950 varas to a point in the W. line of this section for the SW corner of this survey;

THENCE E. 1900 varas to a point in the East line of this survey for the SE corner of this section;

THENCE N. 950 varas to the place of beginning.

for which said plaintiffs, D. W. Light, Asa Jones, and William M. Light, may have their writ of possession.

It is further considered, adjudged and ordered that plaintiffs pay all costs in this behalf, for which the defendants may have their execution.

C.R.Sutton, Judge of the 83rd

Judicial District of Texas.

THE STATE OF TEXAS,

COUNTY OF BREWSTER. I, J. W. Frazer, Clerk of the District Court in and for Brewster County, Texas, hereby certify that the foregoing is a true and correct copy of Judgment in Cause No. 1801 on the docket of said Court, styled D. W. Light, et al vs. I. C. Roark, Jr., et al, as the same appears from the minutes of said Court in Volume 5, page 245, et seq., of the Minutes of the District Court of Brewster County, Texas.

Given under my hand and seal of office, this the 23rd day of March, 1939.

*J. W. Frazer*  
District Clerk, Brewster County, Texas.

RECEIVED TO REEVES

MAR 28 1939

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Counter 15634

14. (NORTH.)

BRENTSTER CO. SK. FILE.

JUDGEMENT.

CAUSE # 1801 DISTRICT  
COURT. BRENTSTER CO.

FILED APR. 26<sup>th</sup> 1939.

*Walter J. Herring*

SURVEYS BEGINNING FROM  
NO 100. BLOCK 9.1.

Counter 15635

17

1966  
201

232  
March 21, 1936

Mr. H. R. Gard,  
County surveyor,  
Alpine, Texas

Correcting letter of March 21st, 1936

Dear Sir:

On December 11, 1935 your letter and proposed report and sketches to the Brewster county district court in Cause #1491 John W Harris VS Daniel Rodrigues et al, was received in this department. I regret that press of business has made it impossible to write you sooner in reference to this matter.

your

The above information was brought to this department by yourself and Mr McClendon, Jr of the firm of Vinson, Elkins, Sweeton & Weems of Houston. At the request I agreed to go into this matter and offer such suggestions concerning your construction as I thought might be of assistance to you in connection with your location of the surveys under consideration. I had hoped to get some outside information, which I could use as a check against your work, in order that I might advise you as to the correctness of your surveying. The several attempts which I have made to get such data have been unsuccessful and I have therefore, concluded to write you at this time, particularly following the request from Mr McClendon dated March 14th.

I note what you have to say in reference to the location of blk D-10 as constructed from the two rock mounds at the extremity of the West line of section 63 in that block, as compared with the construction you have in mind of sections in that block from the approximate calls for position, as recited in the field notes.

from

Captain Dod's work in locating the corners of section 63 above mentioned ran back to Myers Springs, in which the "D" blocks take their positions, course and distance. As I see it, this is the proper construction to give blk D-10. It is true that in field notes by Archer, he gives the course and distance position in the

Counter 15636

Y'



*This* foreword to the field notes from the mouth of San Francisco Creek. *approximate* Your description, however, I think, should be considered only approximately or generic and without locative value, except in a very general sense. I know of one survey in Brewster county, made many years ago, in which the course and distance from the court house in San Antonio are recited.

AS to blk G-18, I believe you have properly constructed that block as far as the line running West from the monument at the mouth of San Francisco creek is concerned, as well as the line forming the East boundary of sections 107-108-109-110-85, etc is affected. This applies also to the surveys North and West of those two lines. In your report you do not state how you determined the courses and distances of the river surveys in this block. My conclusion is that survey 95 should begin at the above mentioned monument on San Francisco Creek, going West and South course and distance; thence East to the river.

*from* Section 96 should begin at the SE corner of 95, go West and South, course and distance; thence East to the river, and so on, down thru section 102, giving the first call to the beginning corner West, and the second call South the distances mentioned in the field notes, and then in each case, running East to the river.

I have examined the field notes of the surveys in blk M-2 and find that Gano, in beginning work at the SW corner of section 1 in this block, called for a rock mound on the river with certain bearings at 45 varas below Cavalry Watering Trail, which enters the Rio Grande Valley from a deep canyon.

*desired* At the SE corner of survey 13 a bearing to a large spring is recited. At the SE corner of section 19 a rock mound is mentioned at the head of a fall, at the mouth of an arroyo, which falls into a basin resembling a horse shoe, course given as S 65 W 585 varas. At the SE corner of survey 27, a rock mound is called for above the mouth of the ~~small~~ arroyo, bears N 13<sup>10</sup> E 2516 varas. The desired bend in the river along the South lines of surveys 19 and 21 should also have important locative value in checking the correct positions to be given these survey corners. From what I have been told, a survey made in this vicinity of more or less recent date, developed the fact that this trail at the old Cavalry Watering place can now be determined, and that Gano's meander line will fit the above bend on surveys 19 and 21 very closely.

It occurs to me that it may be necessary to check on such point by triangulation or otherwise, to be certain that you have given these surveys in blk M-2 their correct position East and West. If that is done, the procedure of locating the back lines would be the same as that mentioned above for the river surveys in blk G-18. Having located these surveys, as mentioned above, the Thos Duggan, Mary E Crosby and E J Birmingham surveys would take up the vacancy between blk M-2 on the South, and blk G-18 and G-21 on the North.

*for* In view of the fact that this matter is before the district court <sup>for</sup> adjudication, what I have said above is purely in the way of suggestions for your consideration in connection with the proper construction of the surveys referred to.

I am sending a carbon copy of this letter to Mr S S McClendon, Jr., c/o Vinson, Elkins, Sweeton & Weems, Niels-Esperson Bldg., Houston, for his information.

I also return your surveyor's report and the two blue print sketches, which you brought to this department on December 11, 1935.

Let me suggest that if at a future date it is desired to file field notes of any of these surveys above mentioned, that you not only furnish a complete report of the work done, but that you submit with it a map showing your work on vellum or tracing cloth. It is now a ruling of this department that maps and sketches, to be filed in this office as archives, must be of as permanent a nature as can be consistently done without too heavy expenses. Therefore, tracing cloth sketches are desired.

Very truly yours,

Commissioner

Blucher:eb  
enc

BREWSTER COUNTY

List of letters pertaining to the area embracing blocks G. 15 and G. 18 South to the River from North of San Francisco Creek up River to Mouth Marayillas Creek embracing on the North block G 1.

Letter G. L. O. to B. R. A. Scott  
Book 715 - page 527

Letter G. L. O. to B. R. A. Scott  
Book 727 - page 590

Letter G. L. O. to B. R. A. Scott  
Book 763 - page 295

Letter G. L. O. to Vinson Elkins  
Book 1781 - page 84

Letter G. L. O. to Asa Jones  
Book 1777 - page 449

Letter G. L. O. to Vinson Elkins  
Book 1798 - page 107

LAW OFFICES  
FRANK O. RAY  
ALPINE, TEXAS

FRANK O. RAY  
JOE SEGURA

GENERAL PRACTICE  
NO COLLECTIONS UNDER \$5000

April 24, 1939

RECEIVED

APR 26 1939

REFERRED TO FILES

H.

Hon. Bascom Giles, Comm.,  
General Land Office,  
Austin, Texas

My dear Sir:

Herewith enclosed I hand you certified copy of a judgment of the District Court, Brewster County, Texas, in cause #1801, entitled D. W. Light, et. al. v I. C. Roark, et. al., which I shall thank you to file for record and advise me the amount of your charges therefor.

Assuring you of my best interest, and with much respect, I am,

FOR:S  
1 enclos.

Yours very truly,

Frank O. Ray

Counter 15640

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