

Sketch File 15  
Brewster Co.

JOHN W. HARRIS

IN THE DISTRICT COURT OF

VS

NO. 1491

BREWSTER COUNTY, TEXAS

DANIEL RODRIQUEZ ET AL

83RD JUDICIAL DISTRICT.

To the Honorable C. R. Sutton, Judge of said Court:

Pursuant to motion filed herein by John W. Harris, plaintiff, and Great Southern Life Insurance Company, defendant, and your order thereon dated May 7th, A.D. 1935, directed to me as County Surveyor of Brewster County, Texas, to survey the land involved in this cause and report the result thereof under oath, I beg to advise that I made such survey on the ground, beginning May 8th, A.D. 1935, and ending May 25th, A. D. 1935, using six men, besides working in my office for twenty days preparing maps, field notes, etc., making one trip to Marfa in Presidio County to consult original field notes not in my office and making one trip to Austin to consult maps and original field notes in the General Land Office.

To carry out your instructions in said order, I began my survey at a rock mound 3 ft. high on the North-west bank of the Rio Grande River and on a high bluff just above the mouth of San Francisco Creek, which rock mound was established in 1879 as the Southeast corner of Presidio County (now Brewster County) and the Southwest corner of Pecos County (now Terrell County), as is shown by pages 11 and 12 of an instrument endorsed "Pecos County, Proceedings in Surveying, Establishing and Properly Marking the County Line between Pecos and Presidio Counties, 1879, Exhibit 'A', as found in the Pecos County Sketch Files" in the General Land Office of Texas. This rock mound was also used by John T. Gano as the Northeast corner of Survey 95, Block G-18, T. C. Ry. Co., in January, 1882, and designated by him as the Presidio-Pecos County line corner, as shown by his original field notes on file in my office. I found the original markings on a large rock in the mound, "B C P Pr Co." which tallies exactly with the original markings as shown in said pages

11-Q 118 03 118 03

T.C.R. CO.  
BLK D-10

RECEIVED  
APR 6 - 1939  
REFERRED TO MAP

T.C.R. CO.  
BLK G-18

BLK  
G-20

BLK G-21

BLK M-2

163

SK. File 15  
Brewster Co.

2 of 2

COUNTER # 18953

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11 and 12 above referred to. I remarked these with a miner's pick. At this county line corner the longitude is 102 degrees, 20 minutes, 8 seconds, and the latitude is 29 degrees, 52 minutes and 48 seconds. I also took an observation on Polaris and established my cardinal lines North and South, East and West, from this point, which gave me a variation of 10 degrees, 45 minutes East. I took bearings from this point as follows: A rock mound on North bank of Rio Grande on the top of a high bluff marked "W line 63 Blk D-10 W C R S Dod" bears North 63 degrees 50 minutes East 585 varas; "T" cut on top of bluff bears North 18 degrees West 5.6 varas; "A" cut on top of bluff bears South 66 degrees 45 minutes West 2.8 varas; center of square hole in river bluff about half way up bears South 81 degrees 30 minutes East; *HR* cut on bluff near trail ladder on East side of San Francisco bears North 73 degrees 7 minutes east.

BEGINNING at this rock mound, for my traverse line, I then ran West 3,080 varas to a point in the East line of Section 94, Block G-18, T. C. Ry. Co., as called for in John T. Gano's original field notes on file in my office.

THENCE South 182 varas, I made a rock mound, marking it "S E 94 G-18 GARD."

THENCE West 1900 varas, I made a rock mound, marking it "S E 91 G-18 GARD," said mound being located on a small flat on the West side of the nose of a ridge.

THENCE West 1900 varas, I made a rock mound, marking it "S E 92 G-18 GARD," said mound being located on the Northwest slope of a low ridge, from whence a yellow earth tank bears North 40 degrees East about 800 varas.

THENCE West 1900 varas, I made a rock mound, marking it "S E 85 G-18 GARD," from whence a round hill bears South 75 degrees East about 100 varas, and the junction of Javalina canyon with San Francisco Creek bears North 10 degrees West 200 varas.

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Brewster Co.

degrees 45 minutes West 3/4 varies, an "X" cut on a flat  
look bears North 32 degrees 45 minutes West 3-1/2 varies,  
a small cone shaped peak bears North 74 degrees 35  
minutes West, a cedar tree at the corner of a fence  
bears South 65 degrees 5 minutes West, and a Government  
triangulation station bears South 27 degrees 37 minutes  
West, said station established in 1934, said beginning  
point also being 6 miles and 1180 varies West and 4  
miles and 182 varies South of the original north east  
corner of survey 95, Block G-18, T.C.R.V. Co.,  
which is a rock mound 3 feet high on the North west  
bank of the Rio Grande River on a high bluff and  
above the mouth of San Francisco Creek, and also east  
for the South east corner of Residio (now Brewster)  
County and the South west corner of Leese (now  
Terrell) County;

THENCE West 3308 varies to a point for the North-  
west corner of this survey;

THENCE South 751-1/2 varies to a point for the  
South west corner of this survey;

THENCE East 1344 varies to a point;

THENCE North 12 varies to a point;

THENCE <sup>East</sup> 1344 varies to a point;

THENCE South 65 varies to a point;

THENCE East 1344 varies to a point;

THENCE North 303 varies to a point;

THENCE East 1353 varies to a point, which is the  
South east corner of this survey;

THENCE North 501-1/2 varies to a point, which is  
the North east corner of this survey;

THENCE West 1987 varies to the place of BEGINNING  
and containing 666.7 acres.

I did this work, both office and field, at a total  
expense of \$800.00, and respectfully ask the Court that such  
an amount be allowed me as costs in this case.  
Respectfully submitted,

*H.R. Gard*  
H. R. GARD, County Surveyor,  
Brewster County, Texas.

REFERRED TO MAP

APR 6 - 1939

RECEIVED

Counter 12712

Counter # 78951

518

Sketch File 15  
Brewster Co.

THENCE West 1900 varas, I cut a cross (X) on a slick rock on the West side of a short ravine, placing a ring of rocks around the cross (X). This is the Southeast corner of Survey 84, Block G-18, T. C. Ry. Co.

THENCE West 1900 varas, I made a rock mound, marking it "N E 116 G-18 GARD," from whence the West edge of projecting rim rock on mountain bears North 6 degrees 27 minutes West, about one mile distant. I cut an X on a bluff, which bears North 67 degrees 55 minutes East 285 varas. I cut an A on a large flat rock, which bears South 69 East 4.2 varas. I cut a Z on a large flat rock, which bears South 43 degrees 43 minutes West 4.2 varas. I cut an X on a large rock on a bluff, which bears North 48 degrees 9 minutes West 55 varas.

THENCE South at 1167 varas I crossed a road, which coursed North 10 degrees East at the point of crossing, at which place I made a small rock mound on each side of the road on its North and South lines. I crossed Javaline canyon at 1775 varas. Continuing, at 1900 varas I made a rock mound on the East slope of Javaline canyon and the South slope of a small draw, same being about 80 varas North 10 degrees East from an Indian cave.

THENCE South 1900 varas, I made a rock mound, marking it "S E 115 G-18 GARD," on the West slope of a ridge, from whence the North face of a flat topped mountain bears North 85 degrees 35 minutes West. I cut an A on a flat rock, which bears North 39 degrees 45 minutes East. I cut an O on a flat rock, which bears South 61 degrees 30 minutes East. I cut an X on a flat rock, which bears South 62 degrees 15 minutes West. I failed to record the distances on the last three calls, but the marks are within a very few varas of the rock mound. A rock mound bears South 71 degrees 25 minutes West 329 varas. This point is the South east corner of Section 115, Block G-18, T. C. Ry. Co., and the Northeast corner of Section 5, W. J. Wilson, Block G-21.

THENCE South, at 1075 varas I made a rock mound 6 varas North of a road; at 1316 varas I made a rock mound, marking it "W C 5," from whence a small cone-shaped white mountain bears North 25 degrees 40 minutes West, a cedar tree bears South 12 degrees 45 minutes West; at 1900 varas I made a rock mound, marking it "N W 114 G-18 GARD."

THENCE South at 7 varas, cross an East and West woven wire fence, which point is 625 varas East of a gate on a main road; at 744 varas cross an old abandoned road; at 1200 varas cross a canyon; at 1900 varas I made a rock mound for the South-west corner of Survey 114, Block G-18, T C Ry. Co., and the South east corner of Survey 5, W. J. Wilson, Block G-21, marking it "S W 114 G-18 GARD," from whence an "A" cut on a flat rock bears South 18 degrees 45 minutes West 3 varas and an "X" cut on a flat rock bears North 32 degrees 45 minutes West 3-1/2 varas, a small cone-shaped peak bears North 74 degrees 35 minutes West, a cedar tree at the corner of a fence bears South 68 degrees 5 minutes West, and a Government triangulation station bears South 27 degrees 33 minutes West, said station having been established in 1934.

THENCE South, at 545 varas the center of a road, from which point a rock mound bears North 34 degrees 55 minutes West 291 varas; a cedar tree bears North 68 degrees 15 minutes West, said tree being at a fence corner; an "X" cut on a flat rock bears North 7 varas; an "X" cut on a flat rock bears South 11 varas; at 1352-1/2 varas I made a rock mound and marked it "H S L;" at 2346 varas cross a woven wire fence, course South 15 degrees East; at 2757 varas I made a rock mound, marking it "W C T L", which is 10 varas North of a road coursing East and West, and from whence a gate in said fence bears South 88 degrees East 140 varas, the corner of a fence bears North 32 degrees 40 minutes East 165 varas, said Government triangulation station bears South 80 degrees 20 minutes West, a high peak in Mexico

bears South 19 degrees 17 minutes West, a  $\wedge$  shaped bluff in Mexico bears South 16 degrees 3 minutes East.

THENCE South 45 degrees West, at 1619 varas I made a rock mound north of the Schupbach road to the Rio Grande, marking it "W C T L." I cut an "X" on solid rock ledge under said rock mound. From said rock mound said  $\wedge$  shaped bluff in Mexico bears South 32 degrees 13 minutes East and the center of a cave in Mexico bears South 6 degrees 34 minutes West.

THENCE South 2155 varas to a rock mound on the Rio Grande River bluff.

THENCE North 79 degrees 45 minutes West 1090 varas to a point on the North bank of the Rio Grande River, from whence an "X" cut on a bluff bears North 12 varas. From this point I ran meanders up the River 1552 varas for platting purposes, which is shown on the map accompanying this report. Also, from this point I began meandering the left bank of the River and down stream, which is in a deep canyon, the entire distance to the mouth of San Francisco Creek, as follows:

THENCE down the Rio Grande as follows:

South 84 degrees 15 minutes East 142 varas to the South east corner of Survey 14, Block W-2, W. T. Blakeway;

South 84 degrees 15 minutes East 493 varas;

South 49 degrees 20 minutes East 675 varas;

South 68 degrees East 111 varas;

South 84 degrees 30 minutes East 111 varas;

North 51 degrees 45 minutes East 163 varas to the South east corner of Survey 16, Block M-2, S E Moore;

North 34 degrees East 400 varas, passing Schupbach Trail at 250 varas;

South 87 degrees 45 minutes East 280 varas;

South 47 degrees 30 minutes East 238 varas;

South 62 degrees 30 minutes East 400 varas to Water Hole Canyon and steep trail;



South 57 degrees East 370 varas to the South east corner of Survey 18, Block M-2, J. N. Stout;

South 57 degrees East 191 varas;

South 24 degrees 45 minutes East 228 varas;

South 68 degrees 30 minutes East 393 varas;

North 79 East 103 varas to the Bootlegger's Trail, crossing a short fence at 60 varas;

North 81 East 315 varas;

South 72 East 326-1/2 varas to the South east corner of Survey 20, Block M-2, H. M. E. Saxon;

South 72 East 40 varas;

South 74 degrees 30 minutes East 290 varas;

South 40 degrees 30 minutes East 225 varas;

South 14 degrees 45 minutes East 205 varas;

South 50 degrees 30 minutes East 168 varas;

South 66 degrees 30 minutes East 138 varas;

South 82 degrees 45 minutes East 94 varas;

North 62 degrees East 249 varas;

North 77 degrees East 120 varas;

North 59 degrees 45 minutes East 165 varas to the South East corner of Survey 22, Block M-2, J. B. Puryear;

North 59 degrees 45 minutes East 146 varas;

North 34 degrees 45 minutes East 292 varas;

North 57 degrees 15 minutes East 445 varas, crossing trail and mouth of canyon at 300 varas;

South 74 degrees 30 minutes East 379 varas;

South 38 degrees 30 minutes East 501 varas to the South-east corner of Survey 24, Block M-2, Mrs. S. F. Baxter;

South 38 degrees 30 minutes East 40 varas;

South 19 degrees 30 minutes East 639 varas;

South 86 degrees 30 minutes East 230 varas;

North 60 degrees East 104 varas;

North 27 degrees 30 minutes East 101 varas;

North 22 degrees 30 minutes West 125 varas;  
 North 3 degrees 30 minutes West 192 varas;  
 North 11 degrees 30 minutes East 222 varas, passing  
 rapids in River at 50 varas;  
 North 22 degrees 15 minutes East 259 varas;  
 North 11 degrees 30 minutes East 545 varas;  
 North 18 degrees 30 minutes West 341 varas;  
 North 14 degrees 15 minutes West 219 varas;  
 North 31 degrees 45 minutes West 244 varas;  
 North 33 degrees West 244 varas;  
 North 34 degrees 30 minutes West 406 varas to the mouth  
 of a canyon, passing a warm spring at 85 varas;  
 North 49 degrees East 202 varas;  
 North 50 degrees 15 minutes East 361 varas;  
 North 56 degrees 45 minutes East 424 varas, passing the  
 Madison pump at 400 varas;  
 East 105 varas;  
 North 69 degrees East 531 varas;  
 North 12 degrees East 321 varas;  
 North 2 degrees 45 minutes East 484 varas;  
 North 8 degrees West 561 varas, passing rock slide in  
 River at 385 varas and a spring at 415 varas;  
 North 19 degrees 45 minutes East 621 varas;  
 North 24 degrees 15 minutes East 705 varas to the mouth  
 of a canyon;  
 North 24 degrees 30 minutes East 100 varas;  
 North 9 degrees East 313 varas to the North east corner  
 of Survey 26, Block M-2, John McLain;  
 North 9 degrees East 418 varas;  
 North 23 degrees 45 minutes East 549 varas;  
 North 14 degrees 45 minutes East 101 varas to the North  
 east corner of Survey 28, Block M-2, Mary E. Crosby, and the South  
 east corner of Survey 1, Block G-21, E. J. Birmingham, said  
 point being in the mouth of a canyon;

North 14 degrees 45 minutes East 291 varas;

North 30 degrees East 254 varas to the North east corner of Survey 1, Block G-21, E. J. Birmingham and the South-east corner of Survey 102, Block G-18, T. C. Ry. Co., G. C. & S.F.Ry. Co. Grantee; whence an X cut on a large flat rock bears North 30 degrees East 297 varas;

North 30 degrees East 297 varas to an X cut on a large flat rock;

North 31 degrees East 323 varas;

North 18 degrees East 437 varas to the North-east corner of survey 102, Block G-18, T.C. Ry. Co.; G.C.& S.F.Ry. Co. Grantee;

North 18 degrees East 308 varas;

North 42 degrees 15 minutes East 194 varas;

North 505 varas;

North 1 degree 30 minutes West 9 varas to the North-east corner of Survey 101, Block G-18, T.C.Ry. Co.; G.C.& S.F.Ry.Co. Grantee;

North 1 degree 30 minutes West 81 varas;

North 14 degrees West 645 varas to a rock mound on a rock ledge on Jesus Trail, passing Panther Gulch at 625 varas;

North 15 degrees West 152 varas;

North 4 degrees 45 minutes West 97 varas to the North-east corner of Survey 100, Block G-18, T.C Ry. Co., from whence a rock mound on top of a rock ledge bears North 4 degrees 45 minutes West 388 varas;

North 4 degrees 45 minutes West 388 varas to a rock mound on top of a rock ledge;

North 40 degrees 30 minutes East 741 varas to the North-east corner of Survey 99, Block G-18, T.C.Ry. Co., passing a spring at 725 varas;

North 40 degrees 30 minutes East 24 varas;

North 73 degrees 45 minutes East 615 varas;

North 64 degrees 45 minutes East 352 varas;

North 28 degrees 30 minutes East 435 varas;  
 North 8 degrees 15 minutes East 229-1/2 varas to the  
 Northeast corner of Survey 98, Block G-18, T C Ry. Co.;  
 North 8 degrees 15 minutes East 121-1/2 varas;  
 North 3 degrees 30 minutes West 495 varas;  
 North 33 degrees East 285 varas to a rock mound on  
 top of a high ledge on Spring Creek trail;  
 North 71 degrees 45 minutes East 352 varas to the  
 North-east corner of Survey 97, Block G-18, T C Ry. Co.;  
 North 71 degrees 45 minutes East 137 varas;  
 North 53 degrees East 439 varas;  
 North 16 degrees 30 minutes West 244 varas to Tom  
 Parsons' pump platform;  
 North 42 degrees 30 minutes East 220 varas;  
 South 83 degrees 40 minutes East 442 varas;  
 South 71 degrees 30 minutes East 547 varas;  
 South 5 degrees 30 minutes East 573 varas;  
 South 64 degrees 30 minutes East 105 varas;  
 South 85 degrees 30 minutes East 726 varas;  
 North 54 degrees 15 minutes East 314 varas;  
 North 1 degree 45 minutes West 164 varas;  
 North 15 degrees East 56 varas;  
 North 4 degrees 30 minutes West 330 varas;  
 North 38 degrees 30 minutes West 210 varas;  
 North 4 degrees 20 minutes West 234 varas to the North-  
 east corner of Survey 96, Block G-18, T.C.Ry. Co.;  
 North 4 degrees 20 minutes West 130 varas;  
 North 10 minutes East 226 varas;  
 North 52 degrees 30 minutes East 233 varas;  
 North 4 degrees 15 minutes East 641 varas to the North-  
 east corner of Survey 95, Block G-18, T.C.Ry. Co. and the  
 BEGINNING of this traverse line.

I then proceeded to tie the original North east corner of Survey 95, Block G-18, T. C. Ry. Co., as above described, to R. S. Dod's resurvey of certain portions of Block D-10, T.C.Ry. Co., at the mouth of San Francisco Creek, according to a photostatic copy of a sketch map made by Dod in January, 1909, and furnished to me by the General Land Office, along with a letter addressed, to Vinson, Elkins, Sweeton & Weems, attorneys of Houston, Texas, dated April 2nd, 1935, and signed by the Honorable J. H. Walker, Land Commissioner, which letter is herewith copied in full:

April 2, 1935

Vinson, Elkins, Sweeton & Weems,  
Niels Esperson Bldg.,  
Houston, Texas.

Gentlemen:

This is in regard to a resurvey of the eastern part of Block G-18 in Brewster County discussed with your Mr. McClendon yesterday. You appear to have practically all the facts disclosed by the records of this office touching the original surveying done in this area.

In respect to the D blocks and those lying to the east and along the Rio Grande surveyed by Charles Archer, the calls of the field notes would indicate ground work on his part. The writer knew Captain Archer well, and on different occasions discussed with him his survey of these blocks, and gained from him the information that from the mouth of San Francisco Creek downward he himself meandered the Rio Grande, and trusted the north and south distances to a survey made by a lieutenant discharged from the army. Captain Archer informed me that some years after he made the startling discovery that the lieutenant had not made the measurement with any degree of accuracy, and that the distance given him on the northward connection was three miles too long. With the report of the lieutenant he platted in the D blocks and the blocks along the river, which on the ground now conflict with his own blocks, squeezing out some surveys and telescoping others. The D blocks are paper work and rest on their northern connections.

I am enclosing copies of the sketch of a survey made by Captain R. S. Dod in 1909 and a copy of a sketch of a survey made by W. D. Hunter in 1907. These sketches may be accepted as correct, and as showing the relation of Block D-10 to the mouth of San Francisco Creek. Your surveyor should reconstruct that part of D-10 as fixed by the corner at the mouth of San Francisco Creek that would conflict with Block G-18. Thus he could fix the mouth of San Francisco Creek

as it would lie within the limits of Section 82, D-10, and then fix the west boundaries of 83 and 84 as they would lie on the ground from that point, and the south boundaries of 87, 106 and 111 as they would lie on the ground from that point. 83 and 84 appear from the Hunter sketch to lie south of the river as projected. Of course it would be unnecessary in that event for the surveyor to run that line upon the ground, but it would be necessary for him to run all that part of the line lying south of 87, 106 and 111 which may not be touched by the river.

When he determines the position of Block D-10 in its relation to the corner at the mouth of San Francisco Creek he should run out the Sections in G-18 in accordance with the calls of the original field notes for the mouth of San Francisco Creek. This means, of course, that those sections in conflict with D-10 would lose, and those not in conflict with that block would hold their original positions.

The westward extension of the block I think for your purposes might be placed on course and distance from its controlling call for the mound at the mouth of San Francisco Creek. The indications are that there is sufficient if not more than sufficient land east and west to satisfy the calls of the field notes.

Block G-18 appears to be superior to the blocks to the south, and will therefore take its southern position in accordance with its distance from a cardinal line running west from the mouth of San Francisco Creek, that is a line running west from the most western northwest corner of 95.

In point of superiority the D blocks take life from July 15, 1881, Block G-18 from December 2, 1881, Block G-21 from April 17, 1882, and Block M-2 from March 29, 1882. It appears, therefore, that G-18 must respect D-11, and then take its position for the full quantity of its calls, and that M-2 will take its position from its calls for the river northward. G-21 would have to be content with the space lying between G-18 and M-2, if any there is. I am speaking, of course, of the eastern part of these blocks.

The sales of school land may to some extent affect the rights of those claiming such land, but it is doubtful whether the rule that priority of a purchase would control over priority of survey in this area as the surveys were not made on the ground.

This letter is not intended as instructions to a surveyor, but rather as our view of the proper construction of these surveys. The Land Office would be disposed to approve corrected field notes in accordance with this view. By accepting Dod's and Hunter's sketches your surveyor will be relieved of running a good many miles, and his work for that reason will conform to that already done and accepted in the territory north.

Very truly yours,

J. H. WALKER, Commissioner.

I carried out the suggestions of the Commissioner and show the same on the map accompanying this report, with additional sections of Block D-10 platted in to show the conflict

with Block G-18, T. C. Ry. Co.

The said North east corner of Section 95, Block G-18, as called for in Gano's original survey notes, and recorded in my office in Book 3, Buchel, page 425, and used as the beginning point of my survey is South 63 degrees 50 minutes West 585 varas from a rock mound three feet high on the North bank of the Rio Grande River on a high bluff, marked "W LINE 63 BLK D-10 W C R S DOD" and said rock mound is 1215 varas south of a rock mound marked "N W 63 D-10" and which would make the Southeast corner of Survey 82 and the North east corner of Survey 83 and the South west corner of Survey 87 all in Block D-10 T.C. Ry. Co. 1375 varas West and 427 varas South of the said North east corner of Survey 95, G-18, T.C.Ry. Co., at which place I built a rock mound, cap rock marked "S W 82 D-10" from whence an X cut on a solid flat rock bears North 33 degrees East 1.4 varas, an "A" cut on a solid flat rock bears South 50 degrees East 2.8 varas.

THENCE West 1900 varas I set a rock mound marked "S E 106 D-10 GARD."

THENCE West 3800 varas I set a rock mound in the head of a short draw for the South west corner of Section 111, Block D-10, T.C.Ry. Co., marking the cap rock thereof "S W 111 D-10 GARD." from whence a rock mound set by me on my traverse line and marked "S E 92 G-18" bears North 245 varas and East 195 varas and from which rock mound a yellow earth tank bears North 40 degrees East about 800 varas.

Section 83, Block D-10, T.C.Ry. Co., is a fractional section bounded on the South and East by the Rio Grande River, and Section 84, Block D-10, T.C.Ry. Co., would therefore fall entirely in Mexico.

Inasmuch as my instructions were to determine whether or not Survey 90, Block G-18, T.C.Ry. Co., conflicted with Block D-10, or not, I find that, according to Archer's ties from

various sections in G-10 to the mouth of San Francisco Creek, that it does not conflict; but, in tying to Dod's resurvey of Block D-10, I find that Sections 90 and 82, Block G-18, are entirely conflicted out by Block D-10, and that 82.46 acres in Section 86 and 65.63 acres in Section 92, Block G-18, are in conflict with Block D-10 and are therefore conflicted out. These are the sections which I was instructed to locate with reference to Block D-10 as belonging to the Great Southern Life Insurance Company. Other Sections in Block G-18 would also be in conflict with Block D-10, according to the Ddd resurvey, and as shown on the map hereto attached.

Upon examination of Archer's original field notes of Block D-10, T. C. Ry. Co., in my office, in the County Surveyor's office of Presidio County and in the General Land Office, I find that he tied alternate sections to the mouth of San Francisco Creek and Meyers Spring by approximate course and distance, as stated in Commissioner Walker's letter hereinabove quoted; that Captain Archer himself meandered the Rio Grande downward from the mouth of San Francisco Creek and trusted the North and South distances to a survey made by a lieutenant discharged from the Army; that the measurements so made by the lieutenant were three miles too long; that the "D" blocks were based upon such erroneous survey, are paper work strictly and not made upon the ground.

I find that Captain Archer's ties to the mouth of San Francisco Creek should hold over the Meyers Spring tie, for the reason that he had actual knowledge of the location of the mouth of San Francisco Creek on the ground; and that Gano evidently had knowledge of the position of Archer's survey of Block D-10 with reference to the mouth of San Francisco Creek and laid out Block G-18 accordingly, leaving a strip between the two blocks and not even tying to Block D-10, but practically paralleling it.

I had made two maps, which I attached to this report.



No. 1 shows the relative positions of the Eastern portion of Block G-18, T. C. Ry. Co., Block G-21 and Block M-2 with Block D-10, T. C. Ry. Co., according to Captain Dod's survey of Block D-9 and part of D-10 in Terrall County in January, 1909. No. 2 shows the Eastern portions of Block G-18, T. C. Ry. Co., Block M-2 and Block G-21 in Brewster County, and their relative positions to Captain Archer's original field notes of Block D-10, T. C. Ry. Co., with reference to his ties to the mouth of San Francisco Creek, as called for in his field notes. Map No. 2 is in accordance with my findings upon the ground and from records I have had access to, and reflects the true positions of Block G-18, T. C. Ry. Co., Block M-2 and Block G-21 as they actually lay on the ground.

I find that Sections 90, 82, 86, 76, 120, 118 and 68, Block G-18, T.C. Ry. Co., are full sections of 640 acres each, and that the field notes of same on record in my office and in the General Land Office should not be changed.

I find that Sections 92, 110 and 116, Block G-18, T. C. Ry. Co., are full sections of 640 acres each and hold their original positions, and that the field notes on record in my office and in the General Land Office should not be changed. However, in making my traverse, I established certain markings and bearings, towit:

The South east corner of said Section 92 is a rock mound on the North west slope of a low ridge, the cap rock marked "S E 92 G-18 GARD," from whence a yellow earth tank bears North 40 degrees East about 800 varas; and

The South-westcorner of said Section 92 is a rock mound, the cap rock marked "S E 85 G-18 GARD," from whence a round hill bears South 75 degrees East about 100 varas and the junction of Javalina Canyon and San Francisco Creek bears North 10 degrees West 200 varas.

The North east corner of said Section 110 is a rock mound, the cap rock marked "S E 85 G-18 GARD," from whence a round hill bears South 75 degrees East about 100 varas and the junction of Javalina Canyon and San Francisco Creek bears North 10 degrees West 200 varas; and

The North west corner of said Section 110 is an "X" cut on a slick rock, with a ring of rock placed around it, on the West side of a short draw.

The North east corner of said Section 116 is a rock mound, the cap rock marked "N E 116 G-18 GARD," from whence the West edge of the projecting rim on a mountain bears North 6 degrees 27 minutes West about one mile distant, an "X" cut on a bluff bears North 67 degrees 55 minutes East 285 varas, an "A" cut on a large flat rock bears South 69 degrees East 4.2 varas, a "Z" cut on a large flat rock bears South 43 degrees 43 minutes West 4.2 varas and an "X" cut on a large rock on a bluff bears North 48 degrees 9 minutes West 55 varas.

At 1167 varas South of the North-east corner of said Section 116, course North 10 degrees East, a road crosses. I established small rock mounds on the North and South sides of said road for line markers. At 1775 varas South of said North east corner of said Section 116, cross Javalina Canyon.

The South east corner of said Section 116 is a rock mound on the East slope of Javalina Canyon and on the South slope of a small draw, same being about 80 varas North 10 degrees East from an Indian cave.

I find that Section 5, W. J. Wilson, and Section 7, W. J. Springer, Block G-21, T. C. Ry. Co., contain 1280 acres each, and that the field notes to same on record in my office and in the General Land Office should not be changed.

I find that Section 98, Block G-18, T.C. Ry. Co., Certificate No. 1687, contains a full 640 acres, but that the field notes to same should read as follows:

BEGINNING at a point which is 2 miles and 1530 varas East of the South east corner of Section 115, Block G-18, T. C. Ry. Co., and the North east corner of Section 5, Block G-21, W. J. Wilson, and which is also South 2 miles and 182 varas and West 3 miles and 1550 varas from the original North east corner of Section 95, Block G-18, T. C. Ry. Co.;

THENCE from said beginning point, which is also the South west corner of this section, East 2937 varas to a point on the West bank of the Rio Grande River, from whence a spring bears South 40 degrees 30 minutes West 16 varas;

THENCE down said River with its meanders as follows: North 40 degrees 30 minutes East 24 varas, North 73 degrees 45 minutes East 615 varas, North 64 degrees 45 minutes East 352 varas, North 28 degrees 30 minutes East 435 varas, North 8 degrees 15 minutes East 229-1/2 varas to a point on the West bank of said Rio Grande River for the North east corner of this section;

THENCE West 4102 varas to a point for the North-west corner of this section;

THENCE South 950 varas to the place of BEGINNING.

I find that Section 100, Block G-18, G. C. & S. F. Ry. Co., Certificate No. 2044, contains a full 640 acres, but that the field notes to same should read as follows:

BEGINNING at a point which is 2 miles and 320 varas East of a rock mound set for the North west corner of Survey 114, Block G-18, T. C. Ry. Co., and on the East line of Survey 5, Block G-21, W. J. Wilson, and is also South 3 miles and 182 varas and West 4 miles and 860 varas from the original North east corner of Section 95, Block G-18, T. C. Ry. Co.;

THENCE from said beginning corner East 3903-1/2 varas to a point on the West bank of the Rio Grande River for the South east corner of this section;

THENCE down said River with its meanders as follows: North 1 degree 30 minutes West 81 varas, North 14 degrees West 645 varas to a rock mound on a ledge on Jesus trail, North 15 degrees West 152 varas, North 4 degrees 45 minutes West 97 varas to a point on the West bank of said River for the North east corner of this survey;

THENCE West 3698 varas to a point for the North-west corner of this section;

THENCE South 950 varas to the place of BEGINNING.

I find that Section 102, Block G-18, G. C. & S. F. Ry. Co., Certificate No. 4237, contains a full 640 acres, but that the field notes to same should read as follows:

BEGINNING at a point which is 2 miles East of a rock mound set for the South west corner of Section 14, Block G-18, T. C. Ry. Co., and the South east corner of Section 5, Block G-21, W. J. Wilson, and which is also 4 miles and 182 varas South and 4 miles and 1180 varas West of the North east corner of Section 95, Block G-18, T. C. Ry. Co., for the Southwest corner of this section;

THENCE East 3548 varas to a point on the West bank of the Rio Grande River for the South east corner of this section, it being also the Southeast corner of Block G-18, T. C. Ry. Co., from whence an "X" cut on a large flat rock bears North 30 degrees East 297 varas;

THENCE down said River with its meanders as follows: North 30 degrees East 297 varas, to an "X" cut on a large flat rock, North 31 degrees East 323 varas, North 18 degrees East 437 varas to a point on the West bank of said River for the North-east corner of this section;

THENCE West 3998 varas to a point for the North-west corner of this section;

THENCE South 950 varas to the place of BEGINNING.

I find that Section 1, E. J. Birmingham, Block G-21, contains only 460 acres, instead of 1280, and that the field notes to same should read as follows:

BEGINNING at a point on the South boundary line of Section 107, Block G-18, T. C. Ry. Co., and on the South boundary line of said Block G-18, which point is 1967 varas East of the South west corner of Section 114, Block G-18, T. C. Ry. Co., and the South-east corner of Survey 5, W. J. Wilson, Block G-21, said corners of Sections 114 and 5 being a rock mound marked "S W 114 G-18 GARD," from whence an "A" cut on a flat rock bears South 18 degrees 45 minutes West 3 varas, an "X" cut on a flat rock bears North 32 degrees 45 minutes West 3-1/2 varas, a small cone shaped peak bears North 74 degrees 35 minutes West, a cedar tree at the corner of a fence bears South 68 degrees 5 minutes West, and a Government triangulation station bears South 27 degrees 33 minutes West, said triangulation station having been established in 1934; said beginning point of this Birmingham Survey also being 4 miles and 182 varas South, and 5 miles and 1092 varas West of the original North east corner of Survey 95, Block G-18, T. C. Ry. Co., which is a rock mound 3 feet high on the North west bank of the Rio Grande River on a high bluff and above the mouth of San Francisco Creek, and also set for the South east corner of Presidio (now Brewster) and the South west corner of Pecos (now Terrell) County;

THENCE South 501-1/2 varas to a point;

THENCE East 5120-1/2 varas to a point on the West bank of the Rio Grande River in the mouth of a canyon;

THENCE North, following the meanders of the Rio Grande River, 14 degrees 45 minutes East, 291 varas;

THENCE North 30 degrees East 254 varas to a point on the West bank of the Rio Grande River for the North east corner of this survey, from which an "X" cut on a large flat rock bears North 30 degrees East 297 varas; said point being also the South east corner of Block G-18, T. C. Ry. Co.;

THENCE West 5361 varas to the place of BEGINNING and containing 460 acres of land.

I find that Section 3, Thomas Dugan, Block G-21, contains only 666.7 acres, instead of 1280, and that the field notes to same should read as follows:

BEGINNING at a rock mound set for the South west corner of Survey 114, Block G-18, T.C.Ry. Co., and the South east corner of Survey 5, Block G-21, W. J. Wilson, and in the North line of this survey, said beginning corner being a rock mound marked "S W 114 G-18 GARD," from whence an "A" cut on a flat rock bears South 18

Z<sup>17</sup>

Brewster  
Sketch File 12

degrees 45 minutes West 3 varas, an "X" cut on a flat rock bears North 32 degrees 45 minutes West 3-1/2 varas, a small cone shaped peak bears North 74 degrees 35 minutes West, a cedar tree at the corner of a fence bears South 68 degrees 5 minutes West, and a Government triangulation station bears South 27 degrees 33 minutes West, said station established in 1934, said beginning point also being 6 miles and 1180 varas West and 4 miles and 182 varas South of the original north east corner of Survey 95, Block G-18, T.C.Ry. Co., which is a rock mound 3 feet high on the North west bank of the Rio Grande River on a high bluff and above the mouth of San Francisco Creek, and also set for the South east corner of Presidio (now Brewster) County and the South west corner of Pecos (now Terrell) County;

Brewster  
Sketch File 12

THENCE West 3398 varas to a point for the North-west corner of this Survey;

THENCE South 751-1/2 varas to a point for the South west corner of this Survey;

THENCE East 1344 varas to a point;

THENCE North 12 varas to a point;

THENCE <sup>East</sup> 1344 varas to a point;

THENCE South 65 varas to a point;

THENCE East 1344 varas to a point;

THENCE North 303 varas to a point;

THENCE East 1353 varas to a point, which is the South east corner of this survey;

THENCE North 501-1/2 varas to a point, which is the North east corner of this survey;

THENCE West 1987 varas to the place of BEGINNING and containing 666.7 acres.

I did this work, both office and field, at a total expense of \$800.00, and respectfully ask the Court that such an amount be allowed me as costs in this case.

Respectfully submitted,

*H.R. Gard*

H. R. GARD, County Surveyor,  
Brewster County, Texas.

RECEIVED TO WVB

APR 6 - 1938

RECEIVED

Counter 15775

15

BREWSTER Co. SK. FILE

CAUSE NO 1491

JOHN W. HARRIS VS  
D. RODRIGUIS ET. AL.  
83<sup>RD</sup> JUDICIAL DIST.  
COURT OF BREWSTER  
Co.

REPORT

BY H. R. GARD Co. SUR.  
MAY 26<sup>TH</sup> 1935

FILED APR 6 - 1939

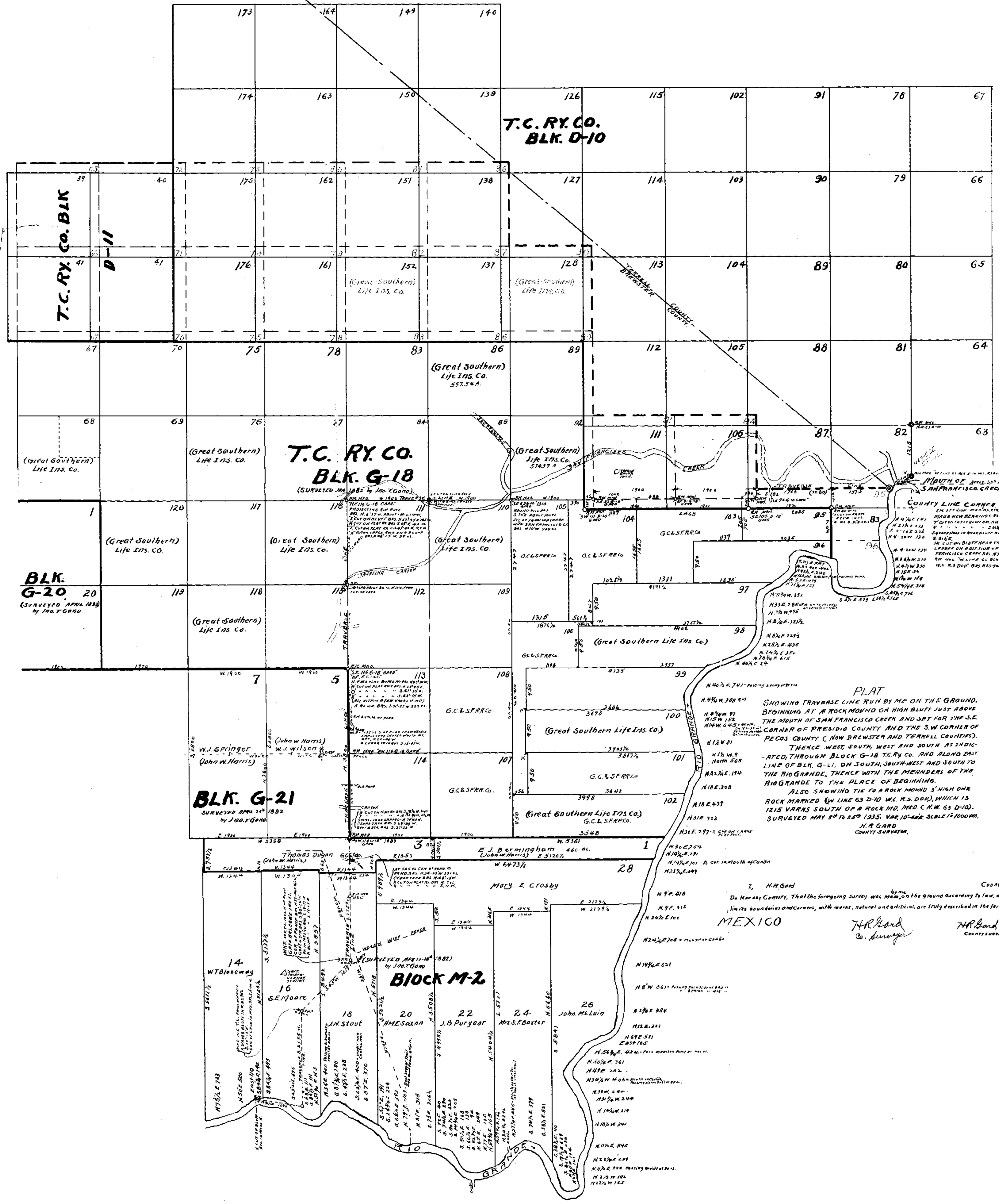
William J. Shiff  
CLK.

51

See Sk. file 16

VINSON, ELKINS, SWEETON & WEEMS  
ATTORNEYS AT LAW  
NIELS ESPERSON BUILDING  
HOUSTON, TEXAS

counter 15776



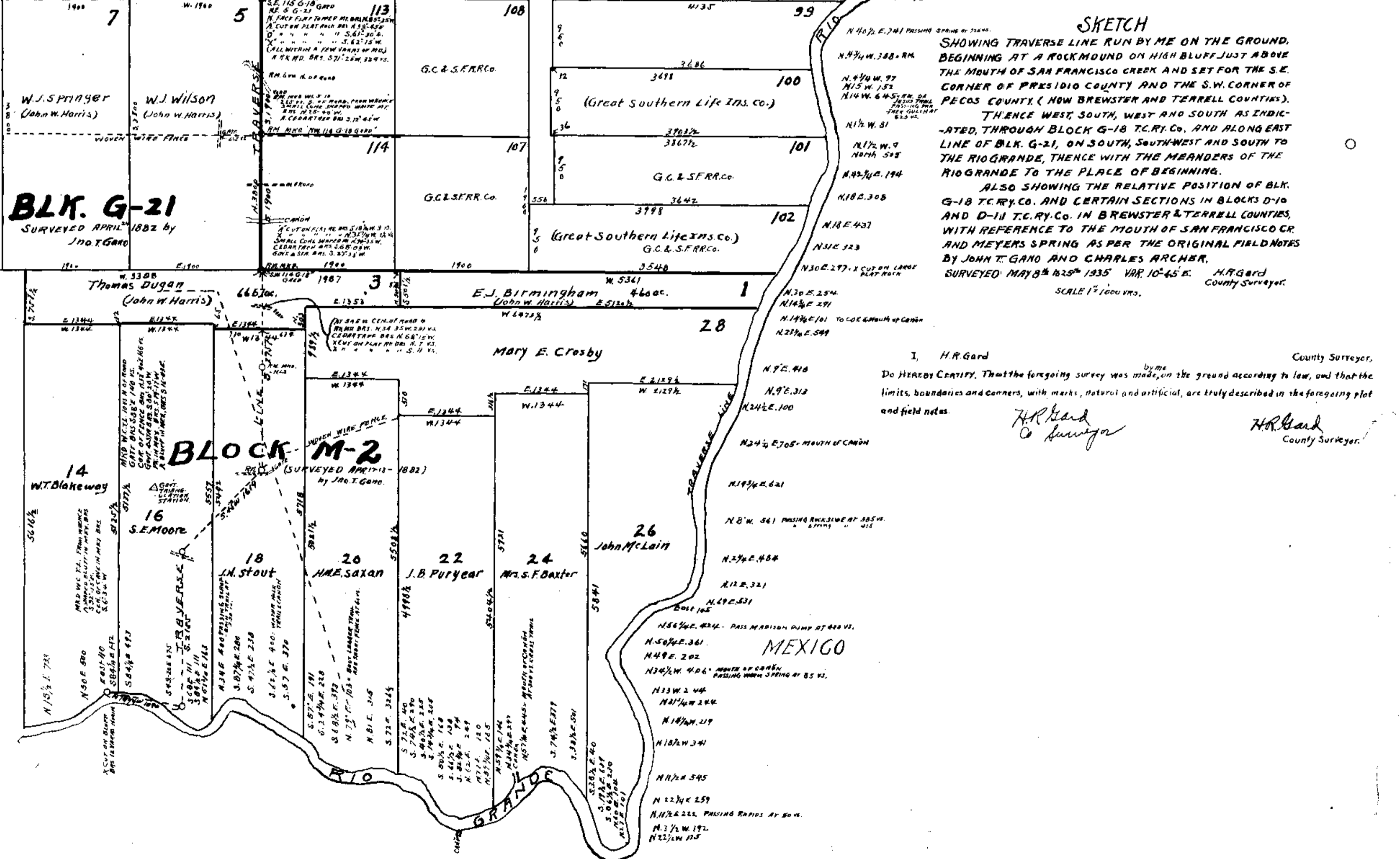
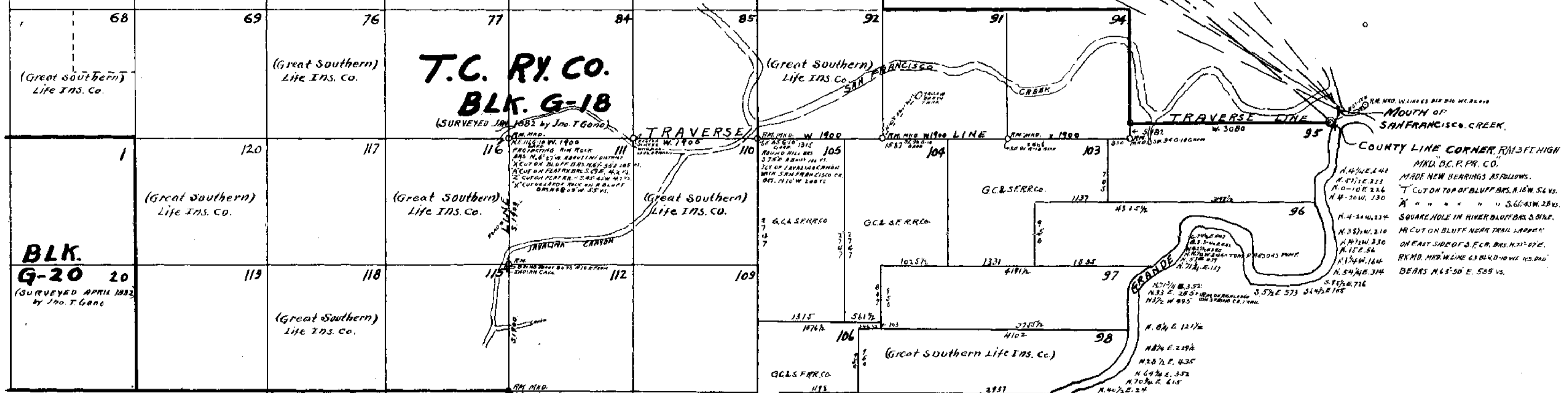
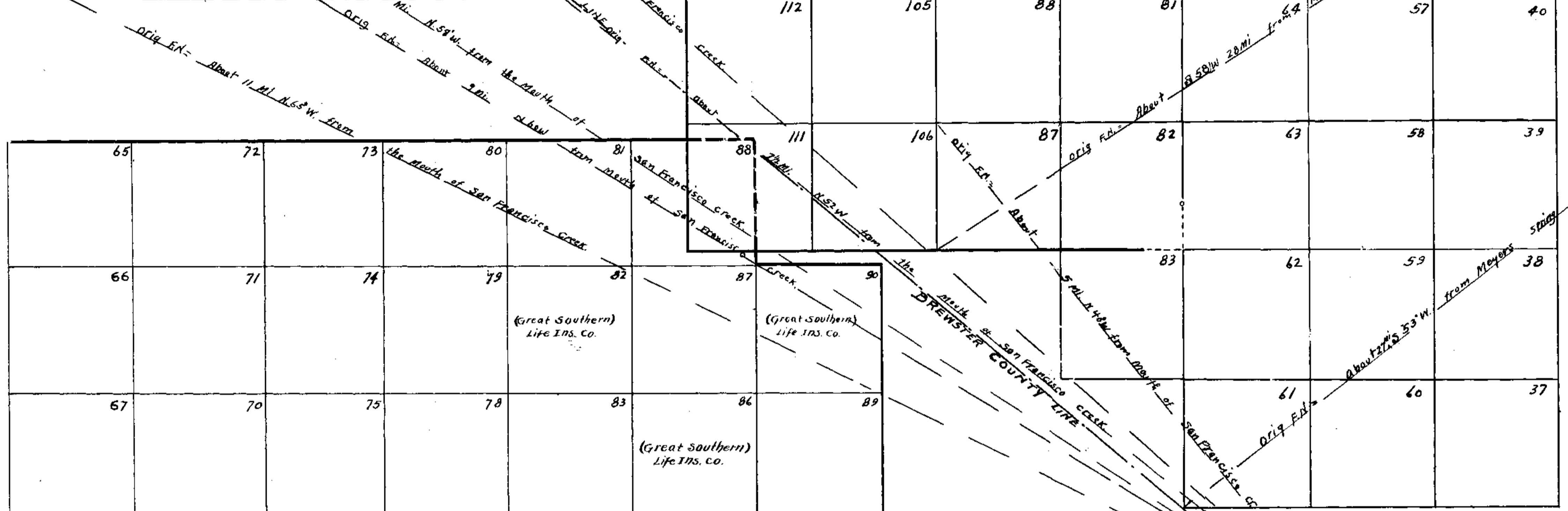
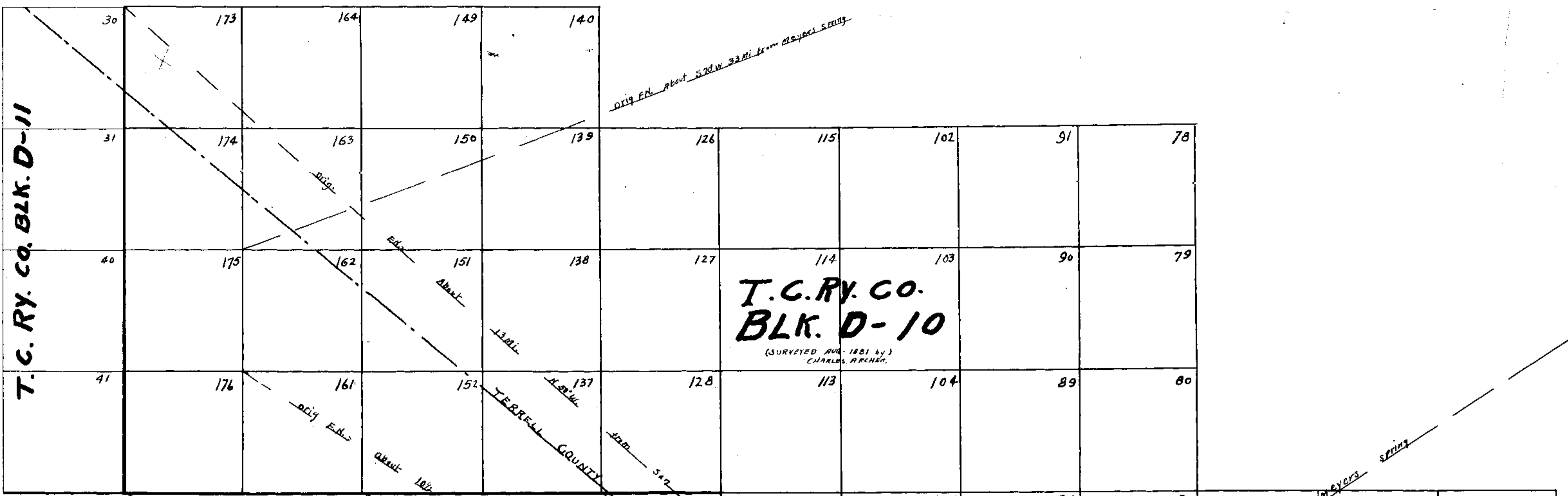
**PLAT**  
 SHOWING TRAVERSE LINE RUN BY ME ON THE GROUND, BEGINNING AT A ROCK MOUND ON HIGH BLUFF JUST ABOVE THE MOUTH OF SAN FRANCISCO CREEK AND SET FOR THE S.E. CORNER OF PRESIDIO COUNTY AND THE S.W. CORNER OF PECOS COUNTY (NOW BREWSTER AND TERRELL COUNTIES). THENCE WEST, SOUTH, WEST AND SOUTH AS INDICATED, THROUGH BLOCK G-18 T.C. RY. CO. AND ALONG EAST LINE OF BLK. G-21, ON SOUTH, SOUTH WEST AND SOUTH TO THE RIO GRANDE, THENCE WITH THE MEANDERS OF THE RIO GRANDE TO THE PLACE OF BEGINNING. ALSO SHOWING TIE TO A ROCK MOUND 3' HIGH ONE 1215 VARAS SOUTH OF A ROCK MD. MD. C.M. 63 D-10. SURVEYED MAY 29<sup>th</sup> TO 31<sup>st</sup> 1935. V.M. 10-422. SCALE 1/10000.

H. A. GARD  
 COUNTY SURVEYOR.

I, H. A. Gard, County Surveyor, do hereby certify that the foregoing survey was made on the ground according to law, and that the limits, boundaries and corners, with means, natural and artificial, are truly described in the foregoing plat and field notes.

MEXICO

H. A. Gard  
 County Surveyor.



SKETCH FILE NO. 425 (GARD)  
COUNTY OF TERRELL