

No. 1491

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| JOHN W. HARRIS<br>VS.<br>DANIEL RODRIQUEZ, ET AL. | <br> <br> <br> <br> | IN THE 83RD JUDICIAL<br>DISTRICT COURT OF<br><i>Brewster</i><br>HARRIS COUNTY, TEXAS. |
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This day in the above entitled and numbered cause came the plaintiff, John W. Harris, and the defendant, Great Southern Life Insurance Company, by their respective attorneys of record, and all defendants and cross-defendants cited by publication, by Roy R. Priest, attorney heretofore appointed by the court to represent said defendants and cross-defendants, and neither party having demanded a jury, all matters in controversy of law as well as of fact were submitted to the court sitting without a jury; and the pleading, evidence, and the report of the surveyor heretofore appointed by the court, and the agreement of counsel having been heard and fully understood, and it appearing to the court that cross-defendants, J. F. Tubbs, Mrs. E. M. Hammer, a feme sole, and M. U. Lively, and W. E. Conway, were duly served with citation, and filed an answer herein but otherwise failed to appear, and it further appearing that cross-defendants, Austin F. Anderson, J. F. Tubbs, Fred Wolf, and Clyde Griffith, have respectively filed disclaimers herein;

And it further appearing that defendants and cross-defendants:

A. Madison; Mrs. Ed Smith, a widow;  
 Mrs. E. A. Furman, a widow; Mrs. Elizabeth  
 M. Watkins, a widow; Milton Smith; Ed Smith;  
 Alfred Rosendall; V. H. Bruce; Mrs. Alice



R. Burkett, a widow; F. E. Wolf,  
Receiver for Lloyd Oil Company; C. D.  
DeWitt; W. U. Lively; Ed C. Smith;  
and Edwin Smith, Ed C. Daniel,

although duly served with citation in the manner and  
for the length of time required by law, failed to  
appear and wholly made default herein;

And it further appearing that the following  
named defendants were duly cited by publication in  
the manner and for the length of time required by law:

Daniel Rodriguez; W. S. Simkins;  
Webster Snyder; A. W. Stearns; T. P.  
Barry; Sanger Brothers, a partnership  
or corporation; D. H. Morrow; P. G.  
Peters; Ed Smith; Harry Goode; Scott  
Montgomery; Florence Glatter; Joseph  
S. McCartney; Anthony Cardamone; Amon  
Wetzel; F. H. Hartzog; Edwin Wagley;  
L. W. S. Montgomery; J. H. Elder;  
Mack Taylor; Joseph H. Elder; Bertha  
M. Elder; Great Southern Life Insurance  
Company, a corporation; Austin F.  
Anderson; Oliver Hampersley; Oliver  
Hamersley; E. Wakeley; J. B. Watkins;  
Mrs. Elizabeth M. Watkins; Mary F.  
Shepherd; Helen Capen; Margaret Capen;  
Kathryne Hartwick; J. W. Adams; Norman  
Smith; B. Newt Tidwell; F. W. Newell;  
Harry P. Hartman; F. W. Nowell; William  
Braun; Lloyd Oil Corporation; W. H.  
Perkins; Tom Eite; Seminole Chief Royalty  
Company, a partnership, association, or  
corporation; Watkins Land Company, a  
partnership, association, or corporation;  
the unknown wife or wives of the parties  
above named, and the unknown heirs and  
legal representatives of the unknown  
husband or husbands of each of the parties  
hereto, such husband or husbands have not  
been so designated and the unknown heirs  
or legal representatives of each and all  
of said parties, and the legal beneficiaries,  
assigns, and trustees thereof, and the un-  
known heirs, beneficiaries and legal repre-  
sentatives of each and all of them and  
their unknown stockholders, partners, members,  
directors, and assigns, and each and all of  
them named as corporations, associations, or  
partnerships;

And it further appearing that the following  
named cross-defendants were duly cited by publication



in the manner and for the length of time required  
by law;

W. H. McDonald; Rosa McDonald;  
Nelson T. White; Mrs. J. L. Tatum;  
Mrs. J. B. Garrett, a feme sole;  
Geo. M. Myers; Mrs. C. M. Segur, a  
feme sole; Mrs. M. E. Smith, a feme  
sole; J. F. Bowling; Maude E. Johnson;  
a feme sole; Minnie L. Pope, a feme  
sole; J. P. Davis; J. M. Houston;  
W. W. Booth; J. M. Jemison; Mae Leslie,  
a feme sole; C. D. Coolidge; J. R.  
Bills; J. H. Ryan; J. E. Addington;  
J. T. Adams, L. J. Douglas; Louis  
Kretsinger; Will B. Kelly; Ben S.  
Griffin; J. F. Woolten; F. B. O'Rourke;  
A. P. Muckels; A. S. Thold; A. K.  
Nannie; J. W. Edgar; J. G. Kimbrough;  
J. W. McReynolds; G. F. Bills; C. W.  
Bills; A. E. Fuller; Frank I. Shriver;  
T. L. Colwell; A. G. McNeese; W. E.  
Townsend; Eli Spayd; Jessie M. Bryan;  
J. A. Mitchell; J. L. Trowbridge; H. C.  
Stinnett; R. A. Eaton; J. J. Riley;  
G. A. Callahan; Arthur McDanell; R. M.  
Fletcher; M. W. Dean; W. C. Morris;  
E. P. Locke; J. W. Brazil; S. D. Banford;  
Jno. May, Jr.; T. F. Chandler; J. W.  
Gallagher; G. F. Carr; G. W. Garner;  
H. M. Knight; J. H. Clark; E. T. Gilham;  
Mrs. Woodie Lacy; T. J. Sloan; Harry  
Higbee; S. A. Moore; J. T. Bymaster;  
H. E. Kelso; Nelston T. White; Jno. P.  
Braun; Wm. Braun, Jr.; Tom Fite; Katherine  
Hartwick, a feme sole; Helen Capen, a  
feme sole; Margaret Capen, a feme sole,  
if living, but if any of said defendants  
are dead, then the heirs and unknown heirs  
of each and all of said defendants, their  
heirs and legal representatives;

And it further appearing to the court that  
H. R. Gard, County Surveyor of Brewster County, was  
heretofore, on May 27, 1935, appointed by this court  
to survey the property involved in this suit and that  
said survey has been made and completed in accordance  
with the application for such survey filed herein by  
plaintiff, John W. Harris, and defendant, Great Southern  
Life Insurance Company, and that the report of such  
survey is on file herein, and it appearing that the



surveyor began his survey at a rock mound 3 feet high on the northwest bank of the Rio Grande River on a high bluff above the mouth of San Francisco Creek, being the rock mound 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 in the General Land Office of Texas in an instrument endorsed "Pecos County proceedings in surveying, establishing, and properly marking the county line between Pecos and Presidio Counties, which rock mound was also used by John T. Gano as the north corner of Survey 95, Block G-18, T. C. Ry Co. Survey in 1882, and designated by the said John T. Gano as the Presidio-Pecos line corner, and it further appearing that the surveyor found the original markings on a large rock in said rock mound "B C Pr Company" at which point the longitude is 102 degrees 20 minutes 8 seconds and the latitude is 29 degrees 52 minutes 48 seconds, at which point the variation is 10 degrees 45 minutes east and from which point a rock mound on the north bank of the Rio Grande on top of a high bluff "W line 63 Block D-10 W C R S Dob" 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 one-half way up bears south 18 degrees 30 minutes east; cut on bluff near trail ladder on east side of San Francisco Creek bears north 73 degrees 7 minutes east, and it further appearing that the surveyor, beginning at this rock mound 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



THE STATE OF TEXAS,  
COUNTY OF BREWSTER. I, J. W. FRAZER, Clerk of the Dis-  
trict Court in and for Brewster County, Texas, hereby certify  
that the above and foregoing is a true and correct copy of  
the judgment rendered in Cause No. 1491 in said Court on the  
31st day of August, A. D. 1936, said cause being styled John  
W. Harris vs. Daniel Rodriguez et al, recorded in Volume 2  
Page 92 et seq., Minutes of the District Court of Brewster  
County, Texas.

GIVEN under my hand and seal of office, this the 5th  
day of November, A. D. 1936.

*J. W. Frazer*  
District Clerk, Brewster County,  
Texas  
*By Carl Johnson*  
Deputy



THE STATE OF TEXAS }  
COUNTY OF BREWSTER }  
I, J. W. FRAZER, Clerk of the County Court of  
said County, do hereby certify that the foregoing  
statement of writing dated on the 5 day of Nov A. D. 1936, with its  
Certificate of Authentication, was filed for record in my office the 5  
day of Nov A. D. 1936 at 10 o'clock P. m. and duly recorded this 5  
day of Nov A. D. 1936 at 11 o'clock A. m. in the 2  
Records of said County, in Volume 2, Page 92 et seq.  
Witness my hand and Seal of the County Court at office in Alpine, Texas, the day  
and year last above written.

*J. W. Frazer*  
Clerk County Court, Brewster County, Texas.  
*By Carl Johnson*  
Deputy

REFERRED TO MAP  
APR 6 - 1939  
RECEIVED

Counter 12217      Counter # 78954      7-50



a rock mound marked "S E 94 G-18 Gard"; Thence west 1900 varas rock mound marked 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 rock mound marked "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 rock mound 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 with San Francisco Creek bears North 10 degrees west 200 varas; Thence west 1900 varas out 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 rock mound marked "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 (1) mile distant. X on a bluff, which bears north 67 deg. 55 minutes east 285 varas; A on a large flat rock which bears South 69 East 4.2 varas; Z on a large flat rock which bears south 43 degrees 43 minutes west 4.2 varas; X on a large rock on a bluff which bears North 48 degrees 9 minutes west 55 varas; Thence south at 1167 varas crossing road which coursed north 10 degrees east at the point of crossing at which place a small rock mound on each side of the road on its north and south lines. Cross Javalina Canyon at 1775 varas, continuing at 1900 varas a rock mound on the east slope of Javalina 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 rock mound marked "S E

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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; A on a flat rock which bears north 39 degrees 45 minutes east, O on a flat rock which bears south 61 degrees 30 minutes east, X on a flat rock which bears south 62 degrees 15 minutes west; a rock mound bears south 71 degrees 25 minutes west 329 varas. This point is the southeast 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 a rock mound 6 varas north of a road at 1316 varas a rock mound marked "C C 5" from whence a small coneshaped white mountain bears north 25 degrees 40 minutes west, a cedar tree bears south 12 degrees 45 minutes west at 1900 varas a rock mound, marked "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 a rock mound for the southwest corner of Survey 114, Block G-18, T. C. Ry Co., and the southeast corner of Survey 5, W. J. Wilson, Block G-21, marked "S W 114 G-18 Gard" from whence an "A" out on a flat rock bears south 18 degrees 45 minutes west 3 varas and an "X" out on a flat rock bears North 32 degrees 45 minutes west 3-1/2 varas a small coneshaped 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 a rock mound and marked "H S L"; at 2346 varas cross a woven wire fence, course south 15 degrees east; at 2757 varas 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 shaped bluff in Mexico bears south 16 degrees 3 minutes east; Thence south 45 degrees west at 1619 varas a rock mound north of the Schupback Road to the Rio Grande, marked "W C T L" an "X" on solid rock ledge under said rock mound; from said rock mound said 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; Thence down the Rio Grande as follows: South 84 degrees 15 minutes east 142 varas to the southeast corner of Survey 14, Block M-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 southeast corner  
of Survey 16 Block M-2 S.E. Moore; North 34 degrees  
East 400 varas, passing Schupback 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  
southeast 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 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 163 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 southeast 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 southeast 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 northeast 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 northeast corner of Survey 28, Block M-2, Mary E. Crosby, and the southeast corner of Survey 1, Block G-21, E. J. Birmingham, said point being in the mouth of a canyon; North 14 deg.

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45 minutes east 291 varas; North 30 degrees east 254 varas to the northeast corner of Survey 1, Block G-21, E. J. Birmingham and the southeast 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 northeast 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 Northeast 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 Northeast 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 northeast 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 northeast  
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 Northeast 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 northeast corner of Survey 95,  
Block G-18 T.C. Ry Co., as shown on plat prepared and  
signed by H. R. Gard showing the result of his survey  
made between May 8th and 25th, 1935, and attached to  
his report of said survey herein filed;

And it further appearing that the northeast  
corner of Section 95, Block G-18 as called for in  
Gano's original survey notes and recorded in the office  
of the County Surveyor of Brewster County, in Block 3,



Buchel page 425, is S. 63 degrees 50 minutes west  
585 varas from a rock mound 3 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 northeast corner of Survey 83 and the  
southwest corner of Survey 87 all in Block D-10 T C  
Ry Co. 1375 varas west and 427 varas south of the  
said Northeast corner of Survey 95, Block G-18 T C  
Ry Co.; Thence west 1900 varas a rock mound marked  
"S E 106 D-10 Gard"; Thence west 3800 varas a rock  
mound in the head of a short draw for southwest  
corner of Section 111, Block D-10 T C Ry Co. Survey,  
cap rock marked "S W 111 D-10 Gard" from whence a  
rock mound 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;

And it further appearing that according to  
Archer's ties on various sections in Block D-10 from  
the mouth of San Francisco Creek that it does not  
conflict but in tying to Dod's resurvey of Block 10,  
Sections 90 and 82, Block G-18 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 con-  
flict with D-10 and are, therefore, conflicted out;  
that sections 90, 82, 86, 76, 120, 118, and 68 are  
full sections of 640 acres each and that the field  
notes of same are filed in the office of the County  
Surveyor of Brewster County and in the General Land  
Office, and are correct; and it further appearing  
that Sections 92, 110, 116 in Block G-18 T C Ry Co  
Survey are full sections of 640 acres each and should



not be changed;

And it further appearing that the southeast corner of said Section 92 is a rock mound on the northwest 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 southwest corner 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 northeast corner of said Section 110 is a 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 northwest 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 northeast 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 northeast corner of said Section 116, course north 10 degrees east, a road crosses; a rock mound on the north and south sides of said road for line markers. At 1775 varas south of said northeast 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;

And it further appearing that Section 5 W. J. Wilson and Section 7, W. J. Springer, Block G-21 T C Ry Co. contained 1280 acres each and that the field notes of same in the office of the County Surveyor of Brewster County and in the General Land Office are correct;

And it further appearing that the field notes of Section 98, Block G-18, T C Ry Co. Certificate 1687 containing 640 acres and the field notes to Section 100, Block G-18 G C & S F Ry Co. Survey, Certificate 24, containing 640 acres and the field notes to Section 102, Block G-18 G C & S F Ry Co. Survey, Certificate 4237 and the field notes to Section 1, E. J. Birmingham, Block G-21, containing 460 acres instead of 1280 acres and the field notes to Section 3, Thos. Dugan, Block G-21, containing 666.7 acres instead of 1280 acres, should be corrected in accordance with this decree;

And it further appearing to the court that plaintiff, John W. Harris, should have and recover of and from the defendants Sections 5, W. J. Wilson, Section 7, W. J. Springer, Block G-21 T C Ry Co Surveys, Section 1, E. J. Birmingham, and Section 3, Thos. Dugan, Block G-21, and that the defendant, Great Southern Life Insurance Company should have and recover of and from the plaintiff and cross-defendants, the west one-half and the southeast one-quarter of Section



68, also Sections 76, 98, 100, 110, 116, 118, and 120;

It is, therefore, ordered, adjudged, and decreed by the court that the plaintiff, John W. Harris, do have and recover of and from:

Daniel Rodriguez; W. S. Simkins; Webster Snyder; A. W. Stearns; T. P. Barry; Sanger Bros., a partnership or corporation; D. H. Morrow; P. G. Peters; Ed Smith; Harry Goode; Scott Montgomery; Florence Glatter; Joseph S. McCartney; Anthony Cardamone; Amon Wetzel; F. H. Hartzog; Edwin Wagley; L. B. W. Montgomery; J. H. Elder; Mack Taylor; Joseph H. Elder; Bertha M. Elder; Great Southern Life Insurance Company, a corporation; Austin F. Anderson; Oliver Hamersley; Oliver Hamersley; E. Wakeley; J. B. Watkins; Mrs. Elizabeth M. Watkins; Mary F. Shepherd; Helen Capen; Margaret Capen; Kathryne Hartwick; J. M. Adams; Norman Smith; B. Newt Tidwell; F. W. Newell; Harry P. Hartman; F. W. Nowell; William Braun; Lloyd Oil Corporation; W. K. Perkins; Tom Fite; Seminole Chief Royalty Co., a partnership, association, or corporation; Watkins Land Company, a partnership, association, or corporation; the unknown wife or wives of the parties above named, and the unknown heirs and legal representatives of the unknown husband or husbands of each of the parties hereto, such husband or husbands have not been so designated and the unknown heirs or legal representatives of each and all of said parties, and the legal beneficiaries assigns, and trustees thereof, and the unknown heirs, beneficiaries, and legal representatives of each and all of them and their unknown stockholders, partners, members, directors, and assigns, and each and all of them named as corporations, associations, or partnerships,

the following described land in Brewster County, Texas:

(1) Section 5, W. J. Wilson, Block G-21, containing 1280 acres, described as follows, to-wit: Situated on the waters of the Rio Grande River, about 7-1/2 miles south 70 west from the mouth of the San Francisco Creek; Beginning at a stake and mound, the southwest corner of Survey No. 114, Block G-18, and in the north line of and 1987 varas west of the northeast corner of Survey No. 3 this block; Thence North 3800 varas to stake and mound the southeast corner of Survey 115, Block G-18; Thence west 1900 varas to stake and mound; Thence south 3800 varas to stake and mound in the north line of Survey No. 3 this block; Thence east 1900 varas to the place of beginning;

(2) Section 7, W. J. Springer, Block G-21, containing 1280 acres, described as follows: Situated on the waters of the Rio Grande River about 8-1/2 miles south 70 west from the mouth of the San Francisco Creek; Beginning at a stake and mound, the northwest corner of Survey No. 5, this block and the southeast corner of Survey No. 118, Block G-18, for the northeast corner of this survey; Thence west 1900 varas to stake and mound, for northwest corner of this survey; Thence south 3800 varas to stake and mound for southwest corner of this survey; Thence east 1900 varas to stake and mound for southeast corner of this survey; thence north 3800 varas to the place of beginning;



(3) Section 1, E. J. Bermingham, Block G-21, containing 460 acres of land, described 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 1987 varas East of the southwest corner of Section 114, Block G-18, T. C. Ry. Co. and the southeast 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 Bermingham Survey also being 4 miles and 182 varas south, and 8 miles and 1092 varas west of the original northeast corner of survey 95, Block G-18, T. C. Ry. Co. which is a rock mound 3 feet high on the northwest bank of the Rio Grande River on a high bluff and above the mouth of San Francisco Creek, and also set for the southeast corner of Presidio (now Brewster) and the southwest corner of Pecos (now Terrell) County; Thence south 591-1/2 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 Northeast 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 southeast corner of Block G-18, T. C. Ry. Co.; Thence west 5361 varas to the place of beginning and containing 460 acres of land;

(4) Section 3, Thos. Dugan, Block G-21, containing 666.7 acres of land, described as follows: Beginning at a rock mound set for the southwest corner of Survey 114, Block G-18, T. C. Ry. Co., and the southeast 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 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 northeast corner of Survey 95, Block G-18, T. C. Ry Co., which is a rock mound 3 feet high on the northwest bank of the Rio Grande River on a high bluff and above the mouth of San Francisco Creek, and also set for the southeast corner of Presidio (now Brewster) County and the southwest corner of Pecos (now Terrell) County; Thence west 3398 varas to a point for the northwest corner of this survey; Thence south 751-1/2 varas to a point for the southwest corner of this survey; Thence east 1344 varas to a point; Thence north 12 varas to a point; Thence east 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 southeast corner of this survey; Thence north 501-1/2 varas to a point, which is the northeast corner of this survey; Thence west 1987 varas to the place of beginning and containing 666.7 acres.

It is further ordered, adjudged, and decreed by the court that the defendant, Great Southern Life Insurance Company, do have and recover of and from

Jno. W. Harris; J. F. Tubbs; Mrs. E. M. Hammer, a feme sole; M. U. Lively; W. E. Conway; Austin F. Anderson; Fred Wolf, Clyde Griffith; A. Madison; Mrs. Ed Smith, a widow; Mrs. E. A. Furman; a widow; Mrs. Elizabeth M. Watkins, a widow; Milton Smith; Ed Smith; Alfred Rosendall; V. H. Bruce; Mrs. Alice R. Burkett, a widow; F. E. Wolf, receiver for Lloyd Oil Company; C. B. DeWitt; Ed C. Smith; W. U. Lively, and Edwin Smith; W. H. McDonald; Rosa McDonald; Nelson T. White; Mrs. J. L. Tatum; Mrs. J. B. Garrett, a feme sole; Geo. M. Myers; Mrs. C. M. Segur, a feme sole; Mrs. M. E. Smith, a feme sole; J. F. Bowling; Maude E. Johnson; a feme sole; Minnie L. Pope, a feme sole; J. P. Davis; J. M. Houston; W. W. Booth; J. M. Jemison; Mae Leslie; a feme sole; C. D. Coalidge; J. R. Bills; J. H. Ryan; J. E. Addington; J. T. Adams; L. J. Douglas; Louis Kretsinger; Will B. Kelly; Ben S. Griffin; J. F. Woolten; F. B. O'Rourke; A. P. Muckels; A. S. Thold; A. K. Nannie; J. W. Edgar; J. G. Kimbrough; J. W. McReynolds; G. F. Bills; C. W. Bills; A. E. Fuller; Frank I. Shriver; T. L. Colwell; A. G. McNeese; W. E. Townsend; Eli Spayd; Jessie M. Bryan; J. A. Mitchell; J. L. Trowbridge; H. C. Stinnett; R. A. Eaton; J. J. Ailey; G. A. Callahan; Arthur McDonell; Ed C. Daniel;



R. M. Fletcher; M. W. Dean; W. C. Morris; E. P. Locke; J. W. Brazil; S. B. Banford; Jno. May, Jr.; T. F. Chandler; J. W. Gallagher; G. F. Carr; G. W. Garner; H. M. Knight; J. H. Clark; E. T. Gilham; Mrs. Woodie Lacy; T. J. Sloan; Harry Higbee; S. A. Moore; J. T. Bymaster; H. E. Kelsop Nelston T. White; Jno. P. Braum; Wm. Braum, Jr.; Tom Fite; Katherine Hartwick, a feme sole; Helen Capen, a feme sole; Margaret Capen, a feme sole; if living, but if any of said defendants are dead, then the heirs and unknown heirs of each and all of said defendants, their heirs and legal representatives,

the following described land out of Block G-18 T. C. Ry Co., situated in Brewster County, Texas:

(1) The west one-half and the southeast one-quarter, containing 480 acres, of Section 68, Block G-18 T.C.Ry Co. Survey, described as follows: Beginning at a stk and md the SW corner of Survey No. 67, and the NE corner of Survey 61, this block for the NW corner of this survey; Thence south 1900 varas to stk and md for SW corner of this survey; Thence east 1900 varas to stk and md for SE corner of this survey; Thence north 1900 varas to stk and md for NE corner of this survey; Thence west 1900 varas to the place of beginning;

(2) Section 76, Block G-18, containing 640 acres of land, described as follows: Beginning at a stk and md the SW corner of Survey 75, and the NE corner of Survey 69, this block for the NW corner of this survey; Thence south 1900 varas to stk and md for SW corner of this survey; Thence east 1900 varas to stk and md for SE corner of this survey; Thence north 1900 vrs. to stk and md for NE corner of this survey; Thence west 1900 varas to the place of beginning;

(3) Section 98, Block G-18 T.C.Ry Co. Survey, Certificate 1687, containing 640 acres, described as follows: Beginning at a point which is 2 miles and 1530 varas east of the southeast corner of Section 115, block G-18, T.C.Ry Co., and the northeast corner of Section 5, Block G-21, W. J. Wilson, and which is also north 2 miles and 182 varas and west 3 miles and 1550 varas from the original northeast corner of Section 95, Block G-18 T.C. Ry Co.; Thence from said beginning point; which is also the southwest 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 northeast corner of this section; Thence west 4102 varas to a point for the northwest corner of this section; Thence South 950 varas to the place of beginning;

(4) Section 100 Block G-18, containing 640 acres, described as follows: Beginning at a point which is 2 miles and 320 varas east of a rock mound set for the northwest 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 northeast 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 southeast 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 northeast corner of this survey; Thence west 3698 varas to a point for the northwest corner of this section; Thence south 950 varas to the place of beginning;

(5) Section 110, Block G-18 T. C. Ry Co. Survey, containing 640 acres, described as follows: Beginning at a stk and md the NE corner of Survey No. 109, and in W line of Survey No. 105, this block for the SE corner of this survey; Thence North 1900 varas to stk and md the SE corner of Survey No. 85, this block for the NE corner of this survey; Thence West 1900 varas to stk and md for the NW corner of this survey; Thence south 1900 varas to stk and md for the SW corner of this survey; Thence east 1900 varas to the place of beginning;

(6) Section 116, Block G-18, containing 640 acres, described as follows: Beginning at a stk and md the NE corner of Survey No. 115, this block for the SE corner of this survey; Thence North 1900 varas to stk and md for the NE corner of this survey; Thence West 1900 varas to stk and md for the NW corner of this survey; Thence south 1900 varas to stk and md for the SW corner of this survey; Thence east 1900 varas to the place of beginning;

(7) Section 118, Block G-18 T.C. Ry Co., containing 640 acres, described as follows: Beginning at a stake and md the SE corner of Survey No. 117, and the NW corner of Survey No. 115, this block for the NE corner of this survey; Thence west 1900 varas to stk and md for NW corner of this survey; Thence south 1900 varas to stk and md for SW corner of this survey; Thence east 1900 varas to stk and md for SE corner of this survey; Thence North 1900 varas to place of beginning;

(8) Section 120, Block G-18, containing 640 acres, described as follows: Beginning at a stk and md the NE corner of Survey No. 119, this block for the SE corner of this survey; Thence north 1900 varas to stk and md the SE corner of Survey No. 69, this block for the NE corner of this Survey; Thence west 1900 varas to stk and md for the NW corner of this survey; Thence south 1900 varas to stk and md for the SW corner of this survey; Thence East 1900 varas to the place of beginning;



It is ordered that cross-defendants, Tom Marino, Trustee for Alabama Oil Syndicate, Eureka College, Orient Development Company, and McNeer Nash Company be and the same are hereby dismissed from this cause;

It is further ordered that plaintiff, John W. Harris and cross-plaintiff, Great Southern Life Insurance Company, recover nothing herein as against the other parties to this suit, for their respective claims for damages;

It is further ordered that H. R. Gard, having heretofore been appointed by this court to survey said property, and having filed his report herein, be and he is hereby allowed a fee of ~~\$750.00~~ <sup>\$800.00</sup> to be paid one-half by plaintiff John W. Harris, and one-half by defendant, Great Southern Life Insurance Company;

It is further ordered that Roy R. Priest be and he is hereby allowed a fee of \$50.00 for representing the defendants and cross-defendants cited by publication, the same to be taxes as costs herein;

It is further ordered that all costs incurred by plaintiff, John W. Harris, be and the same are hereby assessed by him and that all costs incurred by defendant and cross-plaintiff, Great Southern Life Insurance Company, be and the same are hereby assessed by it and that all other costs including attorney's fees, be taxes equally against plaintiff, John W. Harris and the Great Southern Life Insurance Company, for which let execution issue.

C. R. Sutton  
Judge

Entered this 21st  
Day of August, 1936. -20-

Counter 15796

*Ok. Roy R. Priest, Attorney for defendants cited by publication  
Ok. A. E. Owens, Atty for John W. Harris  
Ok. Urison, Eekins, Swanton & Wearn, Atty for the  
Great Southern Life Insurance Company.*



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 above and foregoing is a true and correct copy of the judgment rendered in Cause No. 1491 in said Court on the 21st day of August, A. D. 1936, said cause being styled John W. Harris vs. Daniel Rodriguez et al, recorded in Volume 5, Page 95 et seq., Minutes of the District Court of Brewster County, Texas.

GIVEN under my hand and seal of office, this the 5th day of November, A. D. 1936.

*J. W. Frazer*  
District Clerk, Brewster County,  
Texas  
By *Edith Hopson*  
Deputy.

|   |   |   |
|---|---|---|
| THE STATE OF TEXAS  | } | I, J. W. FRAZER, Clerk of the County Court of     |
| COUNTY OF BREWSTER  |   | said County, do hereby certify that the foregoing |
| instrument of writing dated on the <u>5</u> day of <u>Nov</u> A. D. 19 <u>36</u> , with its     |   |   |
| Certificate of Authentication, was filed for record in my office the <u>5</u> day of            |   |   |
| <u>Nov</u> A. D. 19 <u>36</u> at <u>2:10</u> clock <u>P.</u> m. and duly recorded this <u>9</u> |   |   |
| day of <u>Nov</u> A. D. 19 <u>36</u> at <u>11:45</u> clock <u>A.</u> m. in the <u>Deed</u>      |   |   |
| Records of said County, in Volume <u>85</u> , Page <u>73 to 83</u> due                          |   |   |
| Witness my hand and Seal of the County Court at office in Alpine, Texas, the day                |   |   |
| and year last above written.  |   |   |
| <i>J. W. Frazer</i>   |   |   |
| Clerk County Court, Brewster County, Texas.   |   |   |
| By <i>Edith Hopson</i> Deputy   |   |   |

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CAUSE NO 1491  
JUDGEMENT. AUG. 21-1936

FILED Apr. 6<sup>th</sup> 1939  
William Phiniff  
CLK.

BAENSTER Co. SK. FILE.

See Sk. file 15

Filed  
Nov 5-1936 at 2:40 P.M.  
J. W. Frazer Co. Clerk  
By Edith Hopson  
Deputy.

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85-73-  
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9-

ARTHUR E. OWENS  
LAWYER  
223.7 FULLER BUILDING  
ALPINE, TEXAS

Counter 15798

A. E. Owens

2-CC  
1100