

Sk. ^{NS} 8 North & South

Brewster County
Court Decree - Cause #4331
State of Texas et al vs Asa A. Jones et al

Filed February 25 1946
Bascom Giles Com'r

W. U. von Rosenberg
File Clerk

SEE RELATED PAPERS IN
LARGE FLAT FOLDER IN
BREWSTER COUNTY ROLLED
SKETCH DRAWER.

Counter 16000

Brewster NS-8

Court of Civil Appeals

A-293

El Paso

THE STATE OF TEXAS, ET AL,

Appellants,

v.

ASA A. JONES, ET AL,

Appellees.

No. 4331

Appeal from the District Court
of Brewster County, Texas.

This is an appeal from the judgment of the District Court of Brewster County.

The suit was instituted by Dick Williams and two others as Independent Executors of the Estate of Elizabeth M. Watkins, deceased, against Asa A. Jones and some two hundred and fifty other defendants in trespass to try title and sought the recovery of some thirty sections of land in Block G-1, D. & W. R.R. Co., in Brewster County. M.L. Hopson, named originally as a defendant, on the trial aligned himself with the plaintiff and sought the recovery of certain sections of land in the same block. The State intervened, brought in a large number of additional defendants and owners of lands in the T. & St. L. Blocks to the west, because of an alleged conflict and vacancy in the area. The State sought to establish three separate vacancies in the vicinity.

The trial was to the court without a jury. Judgment was rendered in favor of the defendants and against the plaintiffs and the intervener, the State, on all phases of the case, from which this appeal was prosecuted.

We take it the asserted claim to the vacancies has been abandoned, because there have been no assignments brought forward concerning them, nor any brief made thereon. In fact, the appellees asserted a waiver and abandonment and no question has been raised. In all events, our view of the case eliminates any question of vacancies.

The plaintiffs sought to recover on the basis of certain corrected field notes pleaded by them and based upon what is known in the case as the "Hunnicut Corner." The position of that corner and the west line of Block G-1 as contended for by the plaintiffs and the State is indicated in red on the plat inserted hereafter.

A-293

No. 4331

In Court of Civil Appeals
EIGHTH SUPREME JUDICIAL DISTRICT OF TEXAS
EL PASO

The State of Texas, et al.,

Appellants,

VS.

Asa A. Jones, et al.,

Appellees.

Copy of Opinion

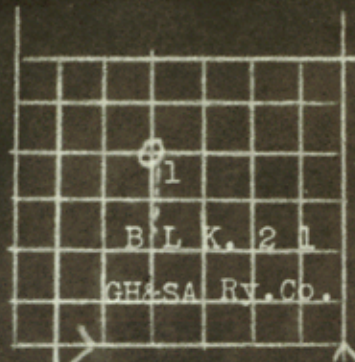
FILED
IN SUPREME COURT
OF TEXAS

JUL 31 1944

GEO. H. TEMPLIN, CLERK

By *Carl B. Lyda,*
DEPUTY

J. I. DRISCOLL, CLERK



N.

Powell & Gage File No. 2

Filed March 7, 1881

(Now embraced in T. & St. L. Ry. Co. Blocks
Surveyed by S.A. Thompson)

R.M. Gano & Sons

File No. 1

Filed April 23, 1881

(Now Block G-1

Surveyed by Jno.T. Gano)

E.

"Hunnicutt

Corner"

S.

W.

-1a-

El Paso

Court of Civil Appeals

Court of Civil Appeals

El Paso

At the times the files were laid, Powell & Gage File No. 2 and R.M. Gano & Sons, File No. 1, much of the southern part of the County was vacant, including nearly all the area touching the two files. As indicated on our plat, Powell & Gage No. 2 was filed March 7, 1881, Gano & Sons, April 23, 1881. File No. 2 was described as follows:

"Beginning 7600 varas South and 7600 varas East of the Northwest corner of Survey No. 1, Block No. 21, G.H. & S.A. R.R., made by virtue of Certificate No. 1995 issued to the Galveston Harrisburg and San Antonio Railway Co.

Thence North 11,400 varas (6 miles) Thence East 11400 varas (6 miles)

Thence South 11400 varas (6 miles) Thence East 22800 varas (12 miles)

Thence South 45600 varas (24 miles) Thence West 34200 varas (18 miles)

Thence South 11400 varas (6 miles) Thence West 11400 varas (6 miles)

Thence North 57000 varas (30 miles) Thence East 11400 varas (6 miles) to the place of beginning."

File No. 1 above was described:

"Beginning at a rock mound set for the S.E. corner of File No. 2 made by Powell & Gage March 7th, 1881, and recorded in Book A, page 168, file of Presidio County-- said corner being 53200 vrs. (28 miles) south and 41800 vrs. (22 miles) East of the N.W. corner of Survey No. 1, Block 21 of G.H. & S.A. R.R. Co.'s surveys made by virtue of Certificate No. 1995 issued to said company;

Thence East 13300 vrs. (7 miles)

Thence North 19000 vrs. (10 miles)

Thence East 11400 vrs. (6 miles)

Thence North 19000 vrs. (10 miles)

Thence West 24700 vrs. (13 miles)

Thence South 38000 vrs. (20 miles) to the place of beginning containing Two Hundred Sections of land."

The rough plat in black is thought to represent approximately the locations of the preempted areas embraced in Files 2 and 1 according to their respective calls and Block 21 GH&SA Ry. Co. at the times the filings were made. As heretofore indicated, the red lines represent

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approximately the position Block G-1 takes under the contentions made by the plaintiffs and the State laid out from the Hunnicut Corner.

The area embraced in File No. 1 was surveyed by John T. Gano in May and June, 1881. That embraced in File No. 2 was surveyed by S.A. Thompson in September, 1881. They each worked out of the same office under E.G. Gleim, the County Surveyor. Gano began his surveying with Section No. 1, Block G-1 at the southwest corner of the area and block, and the field notes for Survey One, which survey was the only one in the block surveyed on the ground and the only one that ^{has} calls for a marked corner, are as follows:

"Beginning at a rock mound on the N.E. slope of the Rio Grande Range of mountains. The S.E. corner of File No. 2 made by Powell & Gage on March 7, 1881, and recorded in Application Book B, page 168, of Presidio County, Texas, from which Stairway Peak, the highest visible point of said Rio Grande Range bears S. $19\frac{1}{2}$ deg. W. 950 vrs. and the top of Iron Mountain bears N. $1\frac{1}{2}$ deg. E. about two miles. The N.W. corner of Survey No. 1, Block 21, by virtue of Certificate No. 1995 issued to the G.H. & S.A. Ry. Co., bears N. $38-1/6$ W. 67,657 varas, and the mouth of Maravillas Creek bears S. $89-3/4$ East 21,065 varas; Thence North 1900 varas" etc.

S.A. Thompson surveyed Section 36, Block 237, which section lies in the extreme southeast corner of the block and the area embraced in File No. 2 and the field notes for that survey read, in part:

"Beginning at a rock mound the NE corner of Survey No. 35 & SW corner of Survey No. 25 in this block for the NW corner of this survey;

Thence S. etc.

Thence East 1900 vrs. to a rock mound established by J.T. Gano for the SW corner of Survey No. 1 in his block G-1, for the SE corner of this survey & block from whence Stairway Peak brs. S. $19\frac{1}{2}$ Deg. W. 950 vrs.; and the top of Iron Mountain brs. N $1\frac{1}{2}$ deg. E. about 2 miles; this corner is situated on the NE slope of the Rio Grande Range;

Thence N." etc.

There arose early some question about the exact location of the Gano Corner for his S.W. 1, Block G-1. Gano and Maddox Bros. & Anderson had some correspondence as early as the 5th day of December, 1888 with John T. Gano and with S.A. Thompson February 16, 1889, wherein Gano expressed a doubt as to Thompson having been to his corner.

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Thompson wrote the corner was well marked on the ground, indicating he was there.

In 1908 the Land Commissioner directed R.S. Hunnicutt, a licensed land surveyor, to go into the area and locate the original Gano Corner, mark it and destroy all other monuments and evidences of corners in the vicinity. He went, but there is no evidence he ran the Gano traverse from the N.W. corner of 1, Block 21, G.H. & S.A. Ry. Co. There is evidence in the record a Mexican pointed out to him the corner now known as the Hunnicutt Corner in this suit. He marked it, and it has since been known as the Hunnicutt Corner. There has heretofore been considerable controversy over the identity of the Gano Corner and as to whether or not the Hunnicutt Corner is the same as the Gano original.

Plaintiffs and intervener assert and undertake to establish as a fact and as a matter of law that the Hunnicutt Corner is coincident with the original corner made by John T. Gano for the southwest corner of his Block G-1. For the identification thereof they rely upon the bearing calls found in the field notes. The plaintiffs in addition thereto rely upon certain ties and connections with subsequently surveyed G blocks made by the same surveyor for the same locators, R.M. Gano & Sons, which will be hereafter noticed. In this the State does not join.

In response to the request therefor the trial court filed findings and conclusions.

The suit is generally described as a boundary suit, but it more exactly involves the location of a point, to-wit, the Southeast Corner of File No. 2, Powell & Gage--the Southwest Corner of Block G-1, from which the boundaries may be laid out.

The trial court found contrary to the contentions of the plaintiffs and the State, and found the Southeast corner of File No. 2, now the Southeast Corner of Block 237, T. & St. L. Ry. Co., and the Southeast Corner of Survey 36 in said block, to be coincident with the

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Southwest Corner of Block G-1, and located "3198.4 varas E and 3396 varas S of what is known as the Hunnicutt Corner." The trial court found Gano did no actual ground work other than to run a traverse from the N.W. Corner of Survey 1, Block 21, G.H. & S.A. Ry. Co. to ascertain the location on the ground of the S.E. Corner of File No. 2 and mark the spot as he did in his field notes for Survey 1, Block G-1. The court further found a construction of G-1 from the Hunnicutt Corner conflicts with the T. & St. L. Blocks substantially as indicated by the red lines on our sketch. He finds Stairway Mountain to be a long mountain, running generally northwest and southeast, and takes its name from a stairway formation at the extreme southeast end above which is a high point identified by the only old resident testifying on the question as "Stairway Peak"; that plaintiffs and the State take another point at the North end of the mountain as "Stairway Peak." This latter he finds visible from the Hunnicutt Corner and that at the other end visible from the point the court fixes for the SW Corner of G-1. He finds there are many iron colored mountains in the vicinity and no particular one known to the inhabitants as "Iron Mountain," and that the Iron Mountain bearing in the Gano field notes does not substantially fit the Hunnicutt Corner.

The court found Gano established his corner without reference to the call for the mouth of Maravillas Creek, because that traverse was subsequently run by Surveyor Glenn (this is the testimony of Gano found in his correspondence), and that the Maravillas call is impossible to run on the ground, a fact which we find to be established by most, if not all, of the testimony of the engineers testifying in the case.

The court found two evident errors in Gano's 18th traverse run from the N.W. Corner Survey 1, Block 21 for the purpose of locating the S.E. Corner of File No. 2, the call for 70 varas instead of 5470 and S. 51 E instead of S. 57 E., which he finds necessary to give effect to the overall call for the S.W. Corner of 1, Block G-1. (These errors are evident and apparent and are indicated by other evidence

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in the record and have been recognized by engineers testifying in this case as well as those who have previously surveyed in the area).

File No. 2 segregated the area embraced therein from the public domain for twelve months from the date of its filing, which was perpetuated by the survey and return of the field notes made within the twelve month period. Any subsequent location or attempted location thereon was of no force and effect. Nothing Gano did or could do affected the rights of the locators of File No. 2. Arts. 3897, 3902, R.S. 1879; Cassin v. O'Sullivan, 61 Tex. 594, and cases cited.

The survey made by Thompson of File No. 2 was required to be "made by a copy of the entry or application, and strictly in accordance with the same," Art. 3896, R.S. 1879. The file is merged in the survey, Forbes v. Withers, 71 Tex. 302 at page 306; and in the absence of evidence to the contrary, the survey is presumed to be made in accordance with the file. T. & P. Ry. Co. v. Thompson, 65 Tex. 186, at page 191. It may be said, therefore, the S.E. Corner of Survey 36, Block 237, T. & St. L. Ry. Co., the S.E. Corner of said block, is coincident with the S.E. Corner of File No. 2.

Gano was under the necessity when he went out to lay out the junior location No. 1 to respect No. 2 and to lay it out in such way as not to encroach upon No. 2. It is evident from his calls he did this and undertook to survey No. 1 outside No. 2 and it must be presumed he did his duty and thus surveyed Block G-1. The call for the S.E. Corner of No. 2 is locative and fixes the S.W. Corner of G-1 if that point was properly located.

The contention of plaintiffs and the State is the Hunnicutt Corner is the original Gano Corner for S.W. G-1 and accepted by Thompson as the S.E. Corner of his Block 237 and Survey 36 of that block. This on the part of the State, and on the part of the plaintiffs for the most part and aside from their "system theory" is based upon the bearing calls

El Paso
Court of Civil Appeals

El Paso

in the field notes of Survey 1, Block G-1. The trial court found against these calls. He found the call for Maravillas Creek to be a mistaken call and run by Glenn after Gano had established his S.W. G-1 and that it could not be run on the ground. The testimony amply supports this finding. Mr. Ball reversed the calls and by triangulation missed the Hunnicutt Corner by some 500 varas.

The record is neither of the Engineers testifying in this case knew or had pointed out to him any mountain known as Iron Mountain. As recited by the court in his findings, there are many black or iron colored mountains in this immediate area and the only witness testifying on that subject was Tom Shackelford, 60 years of age and who had lived and ranched in the vicinity since 1901. He knew of no one mountain known as Iron Mountain. The engineers merely took a reading on a black mountain that fit the calls in Gano's field notes.

The same old-time resident, Tom Shackelford, and the engineer witnesses testify Stairway Mountain is from two and a half to three miles long. Shackelford, Ball and Simpson testify there is a stair-step formation at the south end of the mountain. Shackelford says that is known as Stairway Peak. Stovell testified this peak, nor the highest peak on the mountain, cannot be seen from the Hunnicutt Corner, but only the rim-rock and a crag on the rim-rock, and that he took his reading on the highest visible peak from the Hunnicutt Corner. The record thus supports the trial court's finding of the uncertainty of the Stairway Peak call.

If these be eliminated, as the trial court did eliminate them, then there is left the course and distance call from the N.W. Corner of Survey 1, Block 21, G.H. & S.A. Ry. Co. The trial court found that Gano ran on the ground the 18th traverse pictured on his map filed January 2, 1882, from the N.W. Corner of 1, Block 21. This is, we think, evident. The record is if the traverse be retraced according to the calls thereon, or according to the so-called self-correcting errors (and the corrections have many times been made and seem to be necessary to reach the overall

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call "N. 38-1/6 W. 67,657 varas"), the Hunnicutt Corner will not be reached.

It is conceded, we take it, this traverse, as found by the court, can be run on the ground. Stovell ran part of it. Simpson undertook to pick it up at what is described as the "Isolated Hill" and ran it to its southern extremity, and arrived at a point 312.3 varas distant from the corner fixed by the trial court. The testifying engineers are in substantial, if not complete, agreement as to the location of the S.E. Corner of Block 237, T. & St. L., located from ground work done by Thompson and corners identified by both Stovell and Simpson which still stand. It would serve no purpose to set out here at any considerable length the evidence upon which the location is based. It is proved in this case that Thompson began his work at the N.W. Corner of Survey 1, Block 21, G.H. & S.A. Ry. Co. His footsteps are followed on the ground from that point of beginning to a point known in this record as the "Cat Claw Corner" and shown on the several maps of the Surveyors as the N.W. Corner of Survey 1, Block 234, T. & St. L. Ry. Co. It is almost exactly 12 miles North and 13 miles West of the point fixed by the trial court as the S.W. Corner G-1 and S.E. Corner of 237. There are a number of interior Thompson Corners found and identified and much evidence of his footsteps. From Cat Claw Corner the engineers locate the S.E. Corner of 237 at about the exact spot the trial court fixes it. We, therefore, conclude if the trial court is not compelled to locate the common corner of G-1 and 237 (File No. 2) as he did, he was fully justified in so doing.

Courts are not in all situations under the necessity of giving preference to calls in the order of dignity. In some circumstances those of less dignity will be preferred. *Stafford v. King*, 30 Tex. 272. The rule laid down is repeated in *Huff v. Crawford*, 89 Tex. at page 223. To the same effect is *Goodson v. Fitzgerald*, 90 S.W. 898, also *Lockett v. Scruggs*, 73 Tex. 519. Based upon texts and authorities of similar import, Judge Lewis in his *Lectures on Real Estate*, page 113, states

Court of Civil Appeals

El Paso

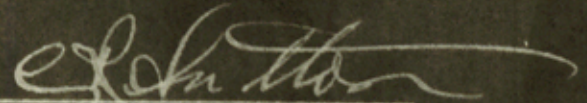
the rule thus:

"Courts will usually give preference to the calls in order of dignity and reliability, yet they will not do so when, in the light of all the evidence, to do so would be to sacrifice to a rule the actual location of the land."

The record in this case is such as to justify the application of this rule, if not to compel it.

The plaintiffs take the position all the G Blocks and M-2 surveyed by John T. Gano between May, 1881 and May, 1882, constitute a system and that the calls in the junior blocks apply to the senior block G-1, and may be looked to for its location. This cannot be sustained. The claim of a system is based upon the claim they constitute one continuous piece of work. G-1 was surveyed in May and June, 1881, and the field notes returned and filed in September of that year. The next blocks in point of time are G-13, 14 and 15. These were surveyed in November, 1881, and different chain carriers used than those that carried them for G-1. As said in one of the cases cited by the plaintiffs, *Brooks v. Slaughter*, 218 S.W. 632, at page 635, quoting from another cited case, it is not necessary to constitute a block of surveys a system that the work be done on the same date, but it is sufficient if it be continuous from day to day, and continued for many days, weeks or months. In *Ham v. San Jacinto Rice Co.*, 229 S.W. 1008, at page 1013 (3), it was held that surveys made by the same surveyor in the same month and that most of them call for each other, did not constitute a system. This is based in part at least upon a lack of continuity of work. When Gano made the survey of G-1, he could have hardly known he would be called upon to survey the junior blocks, because the applications and files were not laid on the first of them, G-13, 14 and 15, until September, 1881, the month Gano returned and filed his field notes for G-1.

We are of the opinion there is no error in the judgment of the trial court and it is affirmed.


Associate Justice.

D-522

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TELEPHONE 5325

LAW OFFICE
FAGAN DICKSON
CAPITAL NATIONAL BANK BLDG.
AUSTIN 16, TEXAS

April 27, 1946

RECEIVED

APR 29 1946

RECEIVED TO MAP

REFERRED TO MAP

Honorable Bascom Giles, Commissioner
General Land Office
Austin, Texas

Attention: Mr. Von Rosenberg

Dear Sir:

I enclose here copies of two letter dated April 18
and April 25, respectively, between C. W. Trueheart
and myself, regarding Mr. Simpson's work in the
G Blocks in Brewster County.

I thought that you would like to have this for your
records.

Yours very truly,

Fagan Dickson
Fagan Dickson

FD/rb
cc Honorable Grover Sellers

A' 24 27 12 1000000

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D-522

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TRUEHEART, MCMILLAN & RUSSEL
National Bank of Commerce Building
SAN ANTONIO, TEXAS

C
O
P
Y

April 18, 1946

RECEIVED

APR 29 1946

Mr. Fagan Dickson
Norwood Building
Austin, Texas

REFERRED TO MAP

Re: Roark vs. Smith

Dear Fagan:

I have just had from Mr. Jones an answer, as a matter of his own knowledge, to the question you asked me to ask Mr. Simpson. His answer is, as follows:

"I do know though that he (Simpson) set the cement corner of N W G-1 on the ground 92.3 varas west and 78.7 varas north of the Ryder N W corner of Survey 200, Block G-1. He set his instrument up on the Ryder corner and checked its bearings, then ran out and set his corner, course and distance, from the Ryder corner."

Thus, it is seen that Von Rosenberg is wrong in assuming that N W G-1, as described in the judgment in the Williams case, is a different point from N W G-1 as marked by J. A. Simpson and reported by him to the Land Office under date of July 24, 1945.

Mr. Jones and I want to be as cooperative as possible, in line with our contract of January 23, 1946, but, in passing, I would suggest to you and Von Rosenberg that it is not fair to assume that everything that Ball did is right and everything the Simpson did is wrong. The judgment in the Williams case discards Ball all together and is based upon Simpson's ground work, as corroborated in great part to the west by Stovell.

I readily concede that the judgment in the Williams case should have shown that all the lines of G-1, as well as the lines of dependent Gano blocks to the east, are to be run upon the S. A. Thompson variation 1 degree 8 minutes west of north. It makes no difference whose fault it was that the judgment did not so show. The Land Office, it seems to me, is entitled, if it so desires, to have a correction of that judgment made in the new judgment so as to take care of that. Suppose you get a definite expression from the Land Office on this matter and then let me submit the idea to Mr. Jones.

A8-21 207 22 202018

Counter 16013

As things stand between us, it is understood that the proposed judgment -

1. Will locate the surveys in Blocks G-18, G-20, G-21 and M-2 in accordance with the judgment in the Williams case, except only that surveys 95-120 of G-18 will plot contrary-wise, course and distance, from east to west as based upon the mouth of San Francisco creek, losing on conflict with the sections plotting the other way.

2. Will locate Block G-21 south of Block G-20.

3. Will close up the gap indicated on Von Rosenberg's map between the north lines of Block G-15 and G-18 to the south and blocks 334, 336 and 343 on the north.

4. Will locate Block M-2 on full call Distances beginning with Survey 1.

5. Will locate G-20 in call relationship to Block G-18.

6. Will, if possible, give priority to G-21 over the unsold school surveys in M-2.

I think that Von Rosenberg's map should pictorially apply the above mentioned things, and of course the petition of the intervention for the State, as you draft it, should indicate such construction, in conformity with our contract. If there are any variances, I would like to have them called to my attention and the reason for them explained.

In Simpson's report, the following is stated.:

"All of my work in this area and in connection with the suit was done using S. A. Thompson's variation which is approximately 1 degree 8 minutes heavier than true north. This variation also was the same as found by running the Gano traverse."

Consequently all the lines in G-1, G-13, G-14, G-18, G-20, G-21 and possibly M-2, G-22, G-23 and G-24, should be run on this same variation, in order to accord with the footsteps of the original surveyer.

Mr. Jones tells me that dry weather, lambing and shearing are keeping him so busy that he can not at this time give much attention to the suit. I am certain though that he will cooperate in any way he can and afford facilities, as previously understood, on procuring the names of owners to be made parties to the suit on down to date of filing. After we get the substance of the intervention ironed out among us all, then we can check the names with Mr. Jones' abstract company.

Very truly yours,

C. W. Trueheart

cc--Mr. Asa Jones

Counter 16014

COPY

COPY

April 25, 1946

RECEIVED

APR 29 1946

REFERRED TO MAP

Mr. Charles W. Trueheart
7th Floor National Bank of Commerce Building
San Antonio, Texas

In Re: Roark vs. Smith

Dear CharHe:

I acknowledge redeipt of your letter of April 18, 1946. I enclose here a draft of a petition for intervention for the State of Texas in the above case with the names of the cross defendants omitted. I will insert all of these names in the final draft after you and Wallace have given my your suggestions.

In your letter of the 18th you say:

"I have just had from Mr. Jones an answer, as a matter of his own knowledge, to the question you asked me to ask Mr. Simpson. His answer is as follows:

"I do know though that he (Simpson) set the cement corner of N W G-1 on the ground 92.3 varas west and 78.7 varas north of the Ryder N W corner of Survey 200, Block G-1. He set his instrument up on the Ryder corner and checked its bearings, then ran out and set his corner, course and distance, from the Ryder corner".

If this is correct I suggest that you and Mr. Jones have Mr. Simpson file an amended report in the Land Office showing that the N W corner of G-1, as located b Simpson on the ground is "92.3 varas west and 78.7 varas north of what is known as the W. L. Ryder N W corner of Survey 200, Block G-1." This is what the findings of fact and the judgment in Williams vs. Jones calls for and the Land Office should have a record from Mr. Simpson that shows that he actually complied with the Williams vs. Jones judgment in locating the N W corner of Block G-1. His last report does not show this.

I do not agree with your suggestion that the balance of G-1 and the other G blocks should be run out of some course other than the one called for in the field notes. The judgment in Williams vs. Jones found that Gano did no ground work except to locate the S W corner of G-1 coincident with the S E corner of File No. 2. The judgment in Williams vs. Jones provides for the location of Block G-1 by course and distance from the S. W corner of Block G-1 and the N W corner of Block G-1 as fixed in the judgment. Any

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Counter 16015

Mr. C. W. Trueheart

-2-

April 25, 1946

variance from this would, in my opinion, cause endless confusion and would result in no other surveyor being able to locate any of the other sections in the G blocks without each time surveying out the block lines; furthermore, Mr. Roark cannot agree to it because he has contracted in paragraph 1V of his contract with Mr. Jones of date January 23, 1946 "that the south line of G-18 shall be located with reference to the Simpson corner for the S W corner of Block G-1 as fixed in the case of Dick Williams, et al vs. Asa Jones, et al, instead of the Ryder corner which is now provided for in the judgment entered in the case of D. W. Light, et al vs. I. C. Roark, Jr., et al." If Mr. Simpson comes along now at Mr. Jones' direction and runs the north line of Block G-1 1 degree and 8 minutes north of east, the N E corner of G-1, as fixed by Simpson, will be approximately 100 varas N of the true N E corner of G-1, as fixed in the Williams vs. Jones judgment. If Mr. Roark moves his fence for the south line of G-18 100 varas north of the true south line of G-18, he will lose over a section of land because this fence is approximately 10 miles long. You can see that some times these little variances are much more important than they seem on the surface.

Yours very truly,

Fagan Dickson

FD/rb

COPY

Brewster Co file W-2-8 A⁵

Counter 16016

No. 2006

DICK WILLIAMS, ET AL	I	IN THE DISTRICT COURT
VS.	I	OF
ASA JONES, ET AL	I	BREWSTER COUNTY, TEXAS

CROSS INTERROGATORIES TO BE PROPOUNDED BY
W. E. POPE AND ALBERT CHAMBERS TO WITNESS
ENSIGN M. P. BALL

Cross Interrogatory No. 1: Does the General Land Office at Austin permit the United States Coast & Geodetic Survey made in 1927 to supersede, influence and control the location of the surveys and corners made by H. A. Thompson in 1881 and John Gano in 1881, as relates to the boundary line between said Block G-1 and said T. & St. L. Ry. Company Surveys in Brewster County, Texas?

Cross Interrogatory No. 2: If you have answered in substance that the United States Coast & Geodetic Survey made in 1927 does not control the Land Office of Texas in identifying and locating or even changing surveys and corners established by the said H. A. Thompson and John Gano in 1881, for what reason do you give that the United States Coast & Geodetic Survey should now be the basis upon which you now fix the corners and boundary lines as made by the said H. A. Thompson and John Gano in 1881?

Cross Interrogatory No. 3: When you made your report to the Land Office dated July 1, 1942, and when you made the survey referred to in said report, did you have before you or have access to the letter or directions given by the Land Office or had you read such letter addressed to R. S. Hunicutt to locate new corners and new lines and to destroy all corners that he found?

Cross Interrogatory No. 4: If you have dodged answering the above interrogatory because not sufficiently explicit as to said letter, then you state what the contents of the letter were or attach the copy thereof to your interrogatories and state if in fact R. S. Hunicutt was instructed to locate

Counter 16017

new corners and destroy all old ones that he found in relation to the survey he was directed to make?

Cross Interrogatory No. 5: When you left the Land Office to make said survey referred to in your said report dated July 1, 1942, did you know then that you would accept the R. S. Hunicutt corners because he had reported that he had followed instructions to destroy all corners set in conflict with his survey?

Cross Interrogatory No. 6: If R. S. Hunicutt had destroyed all corners in conflict with his survey as directed in the letter from the Land Office to him, did you understand when you left the Land Office to make said survey that the only corners you would ever locate would be those R. S. Hunicutt made unless you would locate some corners made by H. A. Thompson or John Gano that Hunicutt did not find and destroy?

Cross Interrogatory No. 7: Then, as a matter of fact, when you left the Land Office to make your said survey referred to in your report dated July 1, 1942, you knew then that you would have to adopt the Hunicutt survey made in 1908 and not the survey made by Thompson and Gano, or either, because Hunicutt reported that he had followed instructions of the Land Office to destroy all corners and his duty had been performed?

Cross Interrogatory No. 8: Can you state now for what reason you proceeded to Brewster County to make said survey and locate corners when you knew Hunicutt had destroyed all corners except the ones he made?

Cross Interrogatory No. 9: If the old true corner made by John Gano for the Northwest corner of Section 200, Block G-1 is on the ground 393.6 varas North and 444.2 varas East of the W. L. Rider corner and that such corner was made by John Gano on the ground and that said corner was recognized by H. A. Thompson, but not located by Hunicutt and therefore not destroyed by Hunicutt and not found by you or W. L. Rider, would said corner nevertheless be the correct John Gano North-

west corner of said Section 200 whether Hunicutt found it or whether you found it?

Cross Interrogatory No. 9a: From the maps and records in the State Land Office, is the Northwest corner of Block G-1 the common corner with the Southwest corner of Block G-15, G.C. & S.F. Ry. Company and the Southeast corner of Albert Chambers Section 24, Block 228, T. & St. L. Ry. Company Surveys, and the Northeast corner of the H. M. Mills Section 25, said Block 228?

Cross Interrogatory No. 9b: Did you make any search on the ground for said common corner?

Cross Interrogatory No. 9c: Did you make any search on the ground for section corners of said Block 228 north of said common corner or northwest corner of said Block G-1?

Cross Interrogatory No. 9d: Did you make any search on the ground for section corners of said Block G-15 north of said common corner or northwest corner of said Block G-1?

Cross Interrogatory No. 9e: If you have answered that you made such a search on the ground, why did you make such a search in the face of the fact that Hunicutt was instructed to destroy such corners and he reported that he had done as directed?

Cross Interrogatory No. 9f: Did you make any search for the southwest corner of said Section 200, Block G-1 on the ground?

Cross Interrogatory No. 9g: If you have answered the last question that you made such a search of the southwest corner of said Section 200, why did you search for said corner when you knew that Hunicutt had been instructed to destroy said corner and had reported to the Land Office that he had followed the Land Office instruction?

Cross Interrogatory No. 9h: Did you search for any of the common corners on the ground made between said T. & St. L. Ry. Company Blocks and G-1 made by Gano and recognized by H. A.

Thompson and recognized by the Land Office?

Cross Interrogatory No. 9i: Is it not a fact that you made no such search because you knew that Hunicutt had destroyed all corners that he could find and that your only worry was to look for Hunicutt corners?

- Cross Interrogatory No. 9j: Did you see the big marked corner designated as the southeast corner said Block 228 and designated the northeast corner of said block 229 and designated the northwest corner of section 174 said block G-1?

Cross Interrogatory No. 9k: If you did see such corner on the ground, what were you looking for, you knew such corner was supposed to have been destroyed by Hunicutt and you were copying the Hunicutt report and looking only for Hunicutt corners?

Cross Interrogatory No. 9l: Did you look for or see any corner along the east line of the T. & St. L. Ry. Company blocks and west line of said block G-1 and said Block G-15?

Cross Interrogatory No. 9m: Is it a fact that the old Gano and Thompson corners as set by John Gano in 1881 and recognized by Thompson and recognized by the land office are still on said west line of said Block G-1 and G-15 and were not found by Hunicutt and not destroyed by Hunicutt and not found by you and not looked for by you?

Cross Interrogatory No. 9n: It is a fact, is it not, that if this line on which said old corners and markers are located were run out that all conditions would be met and recognized and that it would not be necessary to disturb every line and survey in that part of Brewster County and turn the state land office records upside down?

Cross Interrogatory No. 9o: If you run this line out as said old corners and markers on the ground indicate, it is a fact, is it not, that there will be ample acreage to fill up the T. & St. L. Ry. Company sections and fill up the G-1 sections and leave no vacancies and leave no lappings and let the State collect for the excess in each section and let the State keep on recognizing the integrity of its acts and records?

Cross Interrogatory No. 9p: What effort did you make to reconcile the records of the land office as heretofore recognized and fixed instead of putting in a lot of vacancies and lappings?

Cross Interrogatory No. 9q: How do you explain that all surveyors and engineers have been wrong except you and Hunicutt and that in fact only Hunicutt is right because you copied Hunicutt's report as he destroyed all he could find that would lead to the true corners and lines?

Cross Interrogatory No. 10: If the true southwest corner of said Section 200, Block G-1 located on the ground by John Gano and recognized by H. A. Thompson and not found by Hunicutt and therefore not destroyed by Hunicutt and not found by you or W. L. Rider, would said corner nevertheless be the true southwest corner of said Section 200, Block G-1?

Cross Interrogatory No. 11: If the true southwest corner of Section 175 said Block G-1 be actually on the ground as located by John Gano and recognized by H. A. Thompson as the southeast corner of Block 228, T. & St. L. Ry. Company Surveys and the northeast corner of Block 229, T. & St. L. Ry. Company Surveys, as recognized by H. A. Thompson in the west boundary line of said Block G-1, and so recognized by the State Land Office, but not found by Hunicutt and not destroyed by him and not found by Rider and not found by you, would said corner nevertheless be the correct and true corner as made by John Gano?

Cross Interrogatory No. 12: If the Southwest corner of Section 174 as made by John Gano on the ground and recognized by H. A. Thompson as the northeast corner of section 12, said block 229, and as being in the east boundary line of said block 229 and 5728.9 varas from the northwest corner of said section 200 as referred to in previous interrogatories, would said true corner nevertheless, even though not destroyed by Hunicutt and not located by you, be the true John Gano corner?

Cross Interrogatory No. 12a: Did you search for any of these corners on the ground?

Cross Interrogatory No. 13: If said boundary line between said block G-1 and said T. & St. L. Ry. Company blocks 228, 229, 236 and 237 be actually located on the ground by the corners established by John Gano and recognized by H. A. Thompson and the State Land Office and said boundary lines and corners not found by H. S. Hunicutt and therefore not destroyed by him because not found, and not found by you, would said boundary line nevertheless be the true boundary line between said Block G-1 and said T. & St. L. Ry. Company blocks.

Cross Interrogatory No. 14: Regardless of your visits to Dryden or to Maxan, or to some mountain, or to the funny looking chimney, or the use of the said North American Datum by you that you used as a basis of your location and regardless of Hunicutt's survey and report, could you have proceeded safely and correctly without your having access to or knowing the locations of the corners as destroyed by Hunicutt under the Land Office's directions or know what corners Hunicutt did destroy or what corners he failed to find and that you didn't find or even look for?

Cross Interrogatory No. 15: If Hunicutt did actually perform his duty as directed by the then Land Office and destroyed all the original corners in conflict with his survey in said rough and rugged terrain, and thereby blotted out the footsteps of the first surveyors Gano and Thompson, what need was there for you to go into the field and make your survey and report, if it were your purpose to be governed by what Hunicutt erected himself and not base your report upon what Gano and Thompson located and recognized on the ground?

Cross Interrogatory No. 16: Would you not have done a greater service to the State if you had recognized the Hunicutt survey only to the extent that you pointed out the places where the corners that Hunicutt destroyed were located or the location

of the corners that he did not find?

Cross Interrogatory No. 17: In accordance with the Hunicutt Survey and your Survey, is there not between five and six thousand acres excess in Block G-1 and still leave the West boundary line of G-1 as recognized and presently fenced and located by owners and claimants?

Cross Interrogatory No. 18: According to your survey and Hunicutt's survey you leave a vacancy on the east side of Block G-1 and lap the west line of G.-1 over onto the T. & St. L. Ry. Company surveys: Describe these vacancies, excesses and lappings?

Cross Interrogatory No. 19: According to your survey and the Hunicutt survey you leave a vacancy on the South side of G-1 and make a lapping over off the north line of block G-1 onto the blocks on the north side of G-1 as now located and recognized? Describe these vacancies, excesses and lappings.

Cross Interrogatory No. 20: Does the survey copied by you from the Hunicutt survey gain or seek to recover any acreage that was not already available to the state?

Cross Interrogatory No. 21: Is it not a fact that the only effect that the survey and report copied by you from the Hunicutt survey is to take area from one and give it to another and create state land vacancies and make the state pay back some money for land it sold and is now taking away from the true owners?

Cross Interrogatory No. 22: According to the data that you had from the Land Office, as a matter of fact the T. & St. L. Ry. Company Surveys were sold by the Land Office and delineated on the maps and records of the Land Office before Block G-1 was sold and delineated on the records and maps of the Land Office. Give these respective dates.

Cross Interrogatory No. 23: If you state that the survey by Gano of G-1 was made before the Surveys of the T. & St. L. Ry. Company were made by H. A. Thompson, is it not a fact

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that the T. & St. L. Ry. Company Surveys were designated as sold from the records or the maps of the Land Office before Block G-1 was designated as sold from the records or the maps of the Land Office, or from other records?

Gano
Cross Interrogatory No. 24: If John Gano, when he surveyed the West line of G-1, actually went on the ground and located the northwest corner of said Block G-1 and made various other section corners and locations and that H. A. Thompson recognized said corners and said boundary line, would these not be the footsteps of the first surveyor in designating the boundary line between said G-1 and said T. & St. L. Ry. Company Surveys?

Cross Interrogatory No. 25: If the terrain in that vicinity in Brewster County referred to in your said report, is as rough as your report says it is, and the original boundary line as located by Gano and recognized by Thompson and recognized by the Land Office and its records and meeting all the conditions as to area of all blocks, would there be any good reason for your not trying to locate the Gano line instead of just taking the Hunicutt report as you found it in the Land Office?

Cross Interrogatory No. 25a: On account of the fact that the terrain in that part of Brewster County is very broken and rough and in many places almost inaccessible as indicated in your report, is it not a fact that it would be easy for even Hunicutt not to be able to find the footsteps of the surveyors who had made the first surveys and particularly John Gano and H. A. Thompson and all subsequent surveyors who have help make the maps and records of the Land Office by virtue of which lands from said locations have been sold, taxes paid, interest collect and improvements made and possessions taken?

Wine
Cross Interrogatory No. 26: From your report you seek to move the southeast corner of section 237 approximately one and a quarter miles west and two and a half miles north: Does

such new location of said block 237 mean that the whole south boundary line of block 237 and the other T. & St. L. Ry. Company blocks should be moved north two and a half miles and west one and a quarter miles and adjacent blocks be accordingly moved or do you produce a vacancy all along the south boundary line of said blocks of the T. & St. L. Ry. Company surveys and automatically change the location of every section in the T. & St. L. Ry. Company blocks? If you say this is not correct, then tell the true effect of your and Hunicutt's removal of this southeast corner one and a quarter miles west and two and a half miles north?

Cross Interrogatory No. 27: When location has been made according to your and Hunicutt's surveying, where would the southwest corner of section 30, block 229 be? Where would the southwest corner of section 34, block 232 be?

Cross Interrogatory No. 28: If you say there is no change in it, then I will ask you where would the W. E. Pope fences be that are presently on the west and south boundary lines of said section 34, block 232 based upon the location of said section 34, and where would the fences on the east side of block 229, T. & St. L. Ry. Company surveys be if W. E. Pope continued to own said sections along the side of said T. & St. L. Ry. Company surveys.

Cross Interrogatory No. 28a: If W. E. Pope and Albert Chambers have the lands owned by them or what they thought they owned fenced according to what the corners showed thirty-five to forty-five years ago and they predecessors in title, built their fences and improvements in about 1879 recognizing what was then called the Gano and Thompson corners and so recognized by the Land Office, what will your new fangle changes do with these old recognized corners and lines and improvements and possessions?

Cross Interrogatory No. 28b: Much of these lands have been patented by the Land Office and these old Gano and Thompson corners and lines and surveys recognized and fixed, what does your and Hunicutt's new fangle lines and corners do to these

Land Office Records and Maps?

Cross Interrogatory No. 28c: If those who bought lands from the State and have taken possession under the fixed corners before you and Hunicutt started destroying corners and paid interest and taxes and now you move such owner one and a half miles west and two and a half miles north of his ownership and possession and the new location has not paid the state for such new area or paid interest to the State or paid taxes to the State, County or School District or other tax-subdivison, how do you propose to reconcile this situation?

Cross Interrogatory No. 28d: In cases as indicated in next cross interrogatory, what becomes of the mortgage holders indebtedness?

Cross Interrogatory No. 29: If W. E. Pope's fences located on the boundary line between said Block G-1 and Block 229 or approximately so, and he is required to follow your survey of moving all the Pope Sections West one and a quarter miles and North two and a half miles, would he likewise have to move each and all of his sections West one and a quarter miles and north two and one half miles in order to get his regular area in each section?

Cross Interrogatory No. 29a: Would Chambers and Pope be required to move each of their sections one and one quarter miles west and two and one half miles north because the land office field notes call for common corners of blocks and sections in each block, do they not?

Cross Interrogatory No. 29b: Is it not a fact that you and Hunicutt's surveys contemplate that the blocks of T. & St. L. Ry. Company Surveys that are laid one against the other would be moved by the block one and a quarter miles west and two and a half miles north and that all subsequent land office surveys that call for these T. & St. L. Ry. Company surveys would also be accordingly moved one and a quarter miles west and

two and one half miles north if there be sufficient area for such block to be moved or squeezed in?

Cross Interrogatory No. 29c: If not sufficient area, what would your and Hunicutt's survey do about the situation set out in the next above cross interrogatory?

Cross Interrogatory No. 29d: If the patented lands from the land office lying north and west of the T. & St. L. Ry. Company blocks are older and settled as to the corners and lines what does your and Hunicutt's surveys contemplate doing about moving these T. & St. L. Ry. Company blocks west and north when there is no state area or junior surveys on to which move can be made?

Cross Interrogatory No. 30: Blocks 242 and 243, T. & St. L. Ry. Company are junior to said block 227, according to survey made by Hunicutt and copied by you: Would W. E. Pope be permitted to move over west his block 227 one and a quarter miles and north two and a half miles onto said Block 242 and 243 owned by the Gage Estate?

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Cross Interrogatory No. 31: Do you know of any reason why all the locations of lands in the T. & St. L. Ry. Company surveys and Block G-1 and adjacent blocks and these vacancies created and these lappings created just because you and Hunicutt and Rider didn't find the true corners on the ground as made by John Gano and recognized by H. A. Thompson in 1881 and as recognized in the land office even as late as 1943, be avoided and that the present situation generally left as is?

Cross Interrogatory No. 32: Did those making the United States Geological Survey and the United States Coast and Geodetic Maps, if you know, make any actual surveys on the ground or were said surveys or maps made by the engineers from original County maps and that no surveys and measurements were actually made on the ground or checks made of land titles and surveys and identified in any way said land corners and land lines?

Cross Interrogatory No. 33: Is it not a fact that the

monuments established by such United States Engineers are not reliable as land corners or markers and do not purport to have any connection with boundary lines or corners and are not authorized by the Government Engineers as binding on owners of private property or as identifying ownership of private property?

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Cross Interrogatory No. 34: Is it not a fact that the locations and surveys of these state lands were made in 1881 and subsequent years long before there was a United States Geological survey or United States Coast and Geodetic survey of that part of Brewster County and long before any United States Geological Survey topographic quadrangle sheets that you say that you used as a base were available and that said locations and surveys of 1881 and later years could not have been influenced by or any way control said original locations, corners or surveys?

Cross Interrogatory No. 35: Please state fully what you mean by the following quoted part of Paragraph 5, Page 1 of your report dated July 1st, 1942, to-wit: "From this information it is evident that many inconsistencies exist between the results obtained by the original surveyors and even between the results obtained by all of the recent resurveys using modern equipment and methods".

Cross Interrogatory No. 36: Please state fully what you mean by the following quoted part of Paragraph 6, Page 1 and 2 of your report dated July 1st, 1942, to-wit: "From these results, I deducted that these inconsistencies were brought about by the difficult terrain and ever changing topography which makes it very impracticable to attempt extensive traversing in this locality. I confirmed this deduction by a reconnaissance survey over the area involved which required several days to merely view the more assessable points in question when escorted by those schooled in ranch life and accustomed to that type of terrain and who are familiar with each and every trail in the entire area."

Attorney for W. E. Pope and Albert Chambers.

409 Texas Bldg.,
Corpus Christi, Texas.

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Dick Williams et als.,

Vs.

Asa A Jones et als.

In the District Court

Brewster County, Texas.

Cross interrogatories to be propounded by plaintiff to the witness for intervenor, The State of Texas, said witness being Ensign M. P. Ball, and these cross-interrogatories being propounded by Gordon Griffin, one of the attorneys for plaintiffs.

CROSS-INTERROGATORIES

- 1: If you have answered YES to direct interrogatories 7 and 11, then please answer the following questions (a) to (g), both inclusive:

- (a) While doing your surveying in Brewster County, did you go to the following places, to wit: the mouth of Maravillas Creek?
(b) Mouth of Ragan Canyon ?; (c) Mouth of San Francisco Creek?; (d) To the natural object call at Horseshoe bend on the Rio Grande mentioned in the field notes of Survey 19, Block M-2, made by Jno. T. Gano, and on file in the General Land Office; (e) Stairway Peak; (f) Iron Mountain; (g) the Southwest corner of Block G-1, as shown on your map attached to your answer to direct interrogatory No. 12?

- 2: The field notes of John T. Gano, dated May 5, 1881, covering Survey 1 in Block G-1, examined and approved and found correct by E. G. Gleim, Surveyor of Presidio County, Texas, on August 24, 1881, and filed in the General Land Office, Sept., 30, 1881, describe the beginning corner of said Survey 1, as follows:

"Beginning at a Rock Mound on the N.E. slope of the Rio Grande Range of Mountains, the S. E. corner of File No. 2, made by Powell & Gage, Mch. 7, 1881 and recorded in Application Book B, page 168 of Presidio County, Texas, from which "Stairway Peak" the highest visible point of said Rio Grande Range brs. S. 19½ degrees, W. 950 vrs., and the top of Iron Mountain brs. N. 1½ degrees E. about 2 miles, the N. W. corner of Survey No. 1, Block No. 21 by virtue of Cert. No. 1995 issued to the G. H. & S. A. R. R. Co. brs. N. 38½ degrees W. 67657 vrs., and the Mouth of Maravillas Creek brs. S. 89 & 3/4th degrees E. 21065 vrs."

With the above field notes in mind, please answer the following questions (a) to (g), both inclusive:

- (a) Had you made a study of the foregoing field notes of Survey 1, Block G-1, at the time you did your surveying in Brewster County, and when you made your map attached to your answer to Direct interrogatory 12?
(b) Please state how the bearings and distance in said field notes reading as follows; "Stairway Peak the highest visible point of said Rio Grande Range brs. S. 19½ degrees W. 950 vrs." compare with your survey, bearings, distance and location of said Southwest corner of Survey 1, Block G-1 and "Stairway Peak"?
(c) (b) Are you certain that "Stairway Peak" mentioned in (b) above is the same "Stairway Peak" to which you said you went in your answer to question (e) of cross-interrogatory 1, above? Give your reason for your answer to this (c) question.
(d) How do the bearing calls in said original Gano field notes reading as follows; "And the top of Iron Mountain brs. N. 1½

- degrees E. about two miles" compare with your survey, bearings, distance and location of said Southwest corner of Block G-1 and the top of Iron Mountain? ^{To}
- (e) Are you certain the "top of Iron Mountain" referred in the field notes in the preceeding (d) question is the same point and Iron mountain used by you in taking your bearings, distance and locating the Southwest corner of ~~Survey~~ ^{Block} 1 in Block G-1, as shown by your map attached to your answer to direct interrogatory No. 12?
- Please give your reason for you answer to this (e) question.
- (f) How do the bearings in said original field notes of Survey No. 1 in Block G-1, reading as follows; "The mouth of Maravillas Creek brs. S. 89 & 3/4th degrees E. 21065 Vrs", compare with your survey, bearings, distance and location of the Southwest corner of Survey 1, Block G-1 and the mouth of Maravillas Creek?
- (3) Are you certain that the mouth of Maravillas Creek as shown on your map and the Southwest corner of Survey 1, Block G-1, as shown on your map are correct as the mouth of said creek and said corner are actually located on the ground.
- (4) Please mark in ink with the letter "I" the point on your map attached to your answer to direct interrogatory 12, showing the "top of Iron Mountain" and with the letters "SP" the point on said map ^{showing Stairway Peak} where you took your bearings, with respect to said two places and the Southwest corner of Survey 1 in Block G-1.
- (5) Is it not a fact that you actually located on the ground the Southwest corner of Block G-1 in Brewster County, at the same point as Jno T. Gano originally located it, according to his original field notes, ~~dated~~ ^{of} Survey No. 1, of said Block ~~dated~~ ^{dated} September 30, 1881, filed in the General Land Office on September 31, 1881, his map of Block G-1 filed in the Land Office February 1, 1882, and his subsequent map showing Blocks G-1; G-13; G-14; G-15, and G-18 filed in the General Land Office on April 19, 1882?
- (6) Is it not also a fact that in locating the Southwest corner of Block G-1, same being the Southwest corner of Survey 1 of said Block G-1, you used the same point on the same Iron Mountain; the same highest visable point on the same Stairway Peak and the same point on the mouth of the same Maravillas Creek in locating said Southwest corner that was used by Jno T. Gano in locating said corner, as disclosed by his field notes and maps on file in the General Land Office?
- (7) As an engineer and Licensed Land Surveyor in Texas, in your opinion, does your map attached to your answer to direct interrogatory No. 12, correctly show the Southwest corner of Block G-1, on the ground as originally located by Jno. T. Gano in 1881, taking in consideration "Stairway Peak the highest visable point of said Rio Grande Range of Mountains", the "top of Iron Mountain" and the "mouth of Maravillas Creek" as those locations are referred to and described in the Gano ~~field~~ ^{field} notes of Survey 1 in Block G-1, in the office of the Commissioner of the General Land Office at Austin?
- (8) What is the difference, if any, of the location on the ground of the South line of Block G-1, in Brewster County as ~~determined~~ ^{determined} by you and shown on your map attached to your answer to direct interrogatory 12 and the South line of said Block G-1 as shown by original field notes and map of said block G-1, on file in the office of the Commissioner of the General Land Office at Austin. The field notes referred to herein as well as the map are the field notes of Survey 1, Block G-1 and the maps referred to in cross-interrogatory 3, above, all made by Jno. T. Gano?
- (9) What is the difference, if any, of the location on the ground, of the West boundary line of Block G-1, as determined by you and shown on your said map and the West line of said Block G-1, as shown by Gano's field notes and maps referred to in (8) above?

- (10) Did you find a rock mound or marker of any description ^{the survey of Block G-1} on the ground at the point designated on your map attached to your answer to direct interrogatory 12? If your answer to this cross-interrogatory is "yes", then please describe such mound or marker in detail.
- (11) Is it true that in the construction of Block G-1 in Brewster County on your map referred to in the preceeding cross-interrogatory, you did so by course and distance only, beginning at the Southwest corner of Survey No. 1, in the Southwest corner of said Block G-1, and constructing said Block of 200 surveys, so as to give each survey exactly 640 acres, and so as to make the West boundary line exactly twenty miles from South to North?
- (12) Is it not true that on the Gano maps filed in the General Land Office on February 1, 1882 and April 19, 1882, respectively, that the north line of Block G-1 in Brewster County is shown to be on a line, beginning at the Mouth of San Francisco Creek, and at the Northeast corner of Survey 95, Block G-18, and extending almost due West a distance sufficient to reach the Northwest corner of said Block G-1?
- (13) Assuming that the Gano Maps referred to in cross-interrogatory 12 above correctly shows the lands of Block G-1 on the ground, then please state how much land is actually located within the boundaries of each of the surveys 1 to 70 both inclusive; and surveys 71 to 100 both inclusive?
- (14) What is the actual difference in the length of the West boundary line of Block G-1, as shown by the Gano Maps referred to in cross-interrogatory 12 above and the same line shown by your map referred to in cross-interrogatory 10 above?
- (15) Bearing in mind that the South lines of Surveys 71 to 83, both inclusive, of Block G-1, as shown by the Gano maps referred to in cross-interrogatory 12 above is on a line beginning at a point at the mouth of Ragan Canyon and at the Southwest corner of Survey 1 in Block No. M-2 and the Northeast corner of Survey 1 in Block No. B-1, and at the Southeast corner of Survey 12 in Block No. G-24 and extending almost due West from such beginning point, will you please tell us just exactly how far South you have fixed the South boundary lines of said Surveys 71 to 83, both inclusive, on your map, from said line as same is shown on said Gano maps?
- (16) In constructing your map of ~~Surveys~~ the Gano system of surveys, including Blocks G-1; G-13; G-14; G-15-G-18 and M-2, what consideration, if any, did you give to the natural object calls at the Northeast corner of Survey 95, Block G-1; ~~of Survey 19, Block M-2~~ and at the mouth of San Francisco Creek and the marker at the common corner of Brewster and Pecos Counties; survey 19 in Block M-2; the common corners of Survey 1, Block M-2, Survey 1, Block B-1 and the Southeast corner of Survey 12, Block 24, at the mouth of Ragan Canyon?
- (17) Your map referred to in cross-interrogatory 10 above contains certain notations to the effect that Block G-1 was surveyed by Jno. T. Gano in May 1881; G-13 in November 1881; G-14 in November 1881; G-15 in November 1881; G-18 in January 1882; G-20 in April 1882; G-24 in July 1882 and M-2 in April 1882. Do such notations correctly state the respective months and years in which said respective surveys were made, according to the records in the General Land Office at the time you made your map referred to in cross-interrogatory 10 above?
- (18) In your opinion as an expert did Jno. T. Gano lay out his work, do his surveying and construct his maps of the Blocks mentioned in Cross-interrogatory 17 above, as one survey or system of surveys?

- (19) As a matter of fact, have you not treated all the Gano Blocks referred to in cross-interrogatory 17 above, as one big survey, or one system of surveys, in doing your work of surveying and making your map referred to in cross-interrogatory 10 above?
- (20) The original gano field notes on file in the General Land office show, among other things, the following facts: (a); that the Northwest corner of Survey 4, Block G-18 is tied to the Northeast corner of Survey 13, Block G-15; (b); its Southwest corner tied to the Northeast corner of Survey 188 in Block G-1; (c) also to the Northwest corner of Survey 10 in Block G-14; (d) its Southeast corner to the Northeast corner of Survey 10, Block G-14.

Said field notes further show that the tier of Surveys in Block G-18, consisting of Surveys 4, 5, 12, 13, 20, 21, 28, 29, 36, 37, 44, 45, 52, 53, 60, 61, 68, 69, 76, 77, 84, 85, 92, 91 and 94 are tied together, that is each of said Surveys is tied to the adjoining Surveys on its East and West sides.

Said field notes also show that said Survey 94 in Block G-18, is tied at its Southeast corner to the Northwest corner of Survey 95, Block G-18; the Northeast corner of said Survey 95 begins at a rock mound on the Northeast bank of the Rio Grande River, and on a high bluff just above the mouth of the San Frisco Creek, said mound having been set for the common Southeast corner of Presidio County and the common Southwest corner of Pecos County, and appears to be the same corner used by you on your map for the Northeast corner of said Survey 95 in Block G-18.

The original Gano maps on file in the General Land Office referred to in cross-interrogatory 12 above, shows the South boundary lines of the tier of Surveys mentioned in the second paragraph above of this (20th) cross-interrogatory, to be on a line extended almost due West from the marker and common corner ~~and marker~~ mentioned in the preceding paragraph of this (20th) cross-interrogatory.

Your map attached to your answer to direct interrogatory 12 of this your deposition, shows the south boundary line of said tier of Surveys mentioned in the second paragraph of this (20th) cross-interrogatory above, to be two miles or more South of a line extended West from the common corner and marker mentioned in paragraph 3 of this cross-interrogatory.

In view of the foregoing field notes mentioned in paragraphs 1, 2 and 3 of this (20th) cross-interrogatory, and especially of the tie in of the Surveys of land above mentioned to the common corner and natural marker referred to in paragraph 3, of this (20th) cross-interrogatory, please explain the theory upon which you moved the South lines of said Surveys mentioned in paragraph 2 of this cross-interrogatory two miles or more South of said South lines as established by the field notes referred to herein and as shown, according to said field notes ~~of~~ Gano's maps referred to in cross-interrogatory No. 3, above?

- (21) In locating Block G-24 on your map, what consideration, if any, did you give to the field notes of Survey 12 of said ~~Block~~, which tie the Southeast corner thereof to a mound at the mouth of Ragan Canyon, and to the Southwest corner of Survey 1, in Block No. M-2 and to the Southeast corner of Survey No. 1, in Block No. B-1?
- (22) According to the Gano field notes on file in the Land Office, Surveys 9 and 11 in Block G-24 contain 1280 of land each. The State issued Patents to these two Surveys of land in 1882 according to said field notes, and received the full considera-

tion therefor. What effect does your survey as constructed on your map referred to in cross-interrogatory 10 have on these two surveys? Explain fully, and tell how much land is left in each of these two surveys, and what became of the acres not shown by your map to be left.

(23) Please place before you your own map which you have attached to your answer to direct interrogatory 12 and Gano's map on file in the General Land Office, both showing Blocks G-1; G-13; G-14; G-15; G-18; G-20; G-22; G-24 and M-2, and showing also Block B-1, and answer the following questions, to wit:

- (a) Is it not true that your map causes a conflict with Surveys 93 and 95 and 96 all in Block G-18?
- (b) Makes Survey 94 in Block G-18 conflict with Survey 96 in the same Block and also with Old Mexico?
- (c) Makes Survey 91 in G-18 conflict with 96 in G-18?
- (d) Makes Survey 92 in G-18 conflict with 97 and 98 in G-18?
- (e) Makes Survey 103 in G-18 conflict with 98 in G-18 and Mexico?
- (f) Makes Survey 104 in G-18 conflict with 98, 99, 100, 101 in G-18, and Old Mexico?
- (g) Makes Survey 105 in G-18 conflict with 98, 99, 100 & 101 in G-18?
- (h) Makes Survey 110 in G-18 conflict with 98, 99 & 100 in G-18?
- (i) Makes Survey 109 in G-18 conflict with 100, 101 & 102 in G-18?
- (j) Makes Survey 108 in G-18 conflict with 102 in G-18 and with Block No. m-2?
- (k) Makes Survey 112 in G-18 conflict with 102 in G-18?
- (l) Makes Survey 85 in G-18 conflict with 98 in G-18?

(24) Is it not true that by your construction of your said map showing the South lines of ~~Blocks G-1, G-15~~ and G-18 and the North lines of Blocks G-14, and G-20, moved South approximately two miles from where such respective lines are shown on the Gano map on file in the Land Office, that you have caused conflicts as follows:

- (a) Between Blocks G-22 and B-1?
- (b) Between Blocks G-14 and B-1?
- (c) Between G-24 and Block B-1?
- (d) Between Blocks G-24 and M-2?
- (e) Between Blocks G-21 and M-2?
- (f) Between G-18 and Block M-2?

(25) The field notes on file in the Land Office covering Surveys No. 1, Block M-2; 1 in Block B-1; 12 in Block G-24; 12 in Block G-22; 10 in Block G-22; 8 in Block G-22; 21 in Block G-14; 20 in Block G-14 and 1 in Block G-14, definitely tie Blocks M-2; G-24; G-22; G-14 and G-1 into a rock mound at the mouth of Ragan Canyon. In constructing your map, what consideration, if any, did you give to these field notes?

(26) If in answer to cross-interrogatory 25, you have said that you gave no consideration to the field notes therein referred to in the construction of your map under your survey, then please state why you did not consider said field notes in your work and in building your map?

(27) Prior to your making of your map, and the moving of the North lines of G-1, G-14 and G-20 and the South lines of G-15 and G-18 South from a line extended West from the mouth of San Francisco Creek, did you ever know of any of the conflicts mentioned in cross-interrogatories 23 and 24 above?

(28) Is it not true that if the North lines of ~~SB~~ Blocks G-1, G-14 and G-20, and the South lines of Blocks G-15 and G-18, are left undisturbed as they are shown on the Gano map on file in the General Land Office, that there is no conflict between the northern tier of surveys in Blocks G-15 and G-18 and the Southern tier of Surveys in Block G-1, and that between those two Northern and Southern tiers of Surveys there is ample lands to give every survey in that entire territory the amount of acres called for in the respective field notes of the respective Surveys and Blocks? and that the only conflicts that would then exist would be ~~between~~ in lands lying North of the North lines of Blocks ~~15~~ G-15 and G-18, and possibly a conflict between a few section in the Northeastern part of Block G-18 and Block D-10?

(29) At the time you did your surveying and made your map enquired about in direct interrogatories 7 and 11 you were, and for some time, had been an engineer and employee in the office of the Commissioner of the General Land Office, had you not?

(30) From your knowledge of the Gano field notes and maps on file in the General Land Office as well as other records in said Office of the work done by Jno. T. Gano in the Southeastern part of what is now Brewster County, and in your opinion as an expert, is there any doubt in your mind, that John T. Gano, while he was doing his work in that locality, and mapping and plating the area into sections and blocks, ~~that he~~ actually went to the point where you locate the Southwest corner of Block G-1?

(31) Is there any doubt ^{in your mind} that Mr. Gano went to the mouth of Maravillas Creek; to the mouth of Ragan Canyon; to the mouth of San Francisco Creek, and to the point at Horse-shoe Bend designated in the field notes of Survey 19 in Block No. M-2?

(32) From your study of Gano's filed notes of Blocks G-1; G-13; G-14; G-15; G-20; G-22; G-24; G-18, and M-2, and of Gano's maps showing said Blocks, all on file in the General Land Office, and also from your knowledge and experience as an engineer and surveyor, would you say that Gano intended that the North line of Block G-1, the North lines of Blocks G-14 and G-20, and the South lines of G-15 and G-18 should be located on the ground almost due West from the mouth of San Francisco Creek, as said lines are shown on his map on file in the General Land Office?

(33) Would you say that Jno. T. Gano intended that the South lines of Sections 71 to 83, both inclusive of Block G-1, should be located on the ground at a point almost directly West of the mouth of Ragan Canyon, as shown by his said maps on file in the General Land Office?

(34) Is it not your opinion, as an expert, that before Jno. T. Gano made any of his maps, that he first familiarized himself with the natural objects on the ground, to wit, Iron Mountain, Stairway Peak, the mouth of Maravillas Creek, the mouth of Ragan Canyon, Horse-shoe Bend, the Mouth of San Francisco Creek and the monument at the Southeast corner of Presidio County and the Southwest corner of Pecos County, and that he then constructed his maps with the view of building up his different Blocks or Surveys, so as to tie them into said objects, and so as to take up all the lands in the area between said objects, no matter what the actual distances between said objects, or any of them might be?

(35) Bearing in mind cross-interrogatory No. 34, above, and bearing in mind also, that all the lands between all the objects mentioned in said cross-interrogatory No. 34, and shown in Blocks G-1, G-13, G-14, G-15, G-18, G-20, G-22, G-24 and M-2, were at the time Mr. Gano did his work, vacant and unappropriated lands, is it not your opinion as an expert, that Mr. Gano intended to include in his different Blocks of Surveys all such vacant and unappropriated lands in said area, and that the lines or boundaries of his various Blocks in said area, as shown by his maps on file in the General Land Office, including the four boundary lines of Block G-1, are shown on said maps at the respective locations that Mr. Gano intended them to be located on the ground, regardless of whether or not the actual distances between any of such lines, should be actually more or less, than he thought they were at the time?

(36) You know do you not, that the defendants Asa A. Jones and Dr. Towle, and perhaps others, are asserting that the Southwest corner of Block G-1, is located quite some distance (perhaps 2 miles or more) South and some distance (perhaps a mile) East of the point where you have shown said corner to be located, on your map?

(37) While you were doing your surveying in Brewster County as enquired about in direct interrogatory No. 7, you were then possessed of knowledge that said defendants claimed said Southwest corner of Block G-1 was located in the vicinity mentioned in cross-interrogatory No 36 above, were you not?

(38) Being possessed of the knowledge mentioned in the preceding cross-interrogatory, did you while doing your work enquired about in direct interrogatory No. 7, make any examination or investigation of the area where the defendants Asa A. Jones and Dr. Towle then and now claim the Southwest corner of G-1, is located?

(39) If you have answered the preceding interrogatory in the affirmative, then state just what examination you made of the area, what work you did, and what markers or monuments, if any you found, and describe them?

(40) Did you find any mound or marker of any kind in the area enquired about in cross-interrogatories 36, 37, 38 and 39, that that would fit the bearing calls of Jno. T. Gano, in the field notes of Survey 1, Block G-1, on file in the General Land Office, especially with reference to Iron Mountain, Stairway Peak and the mouth of Maravillas Creek?

(41) Was the construction of your map attached to your answer to direct interrogatory 12, showing the various Block lines, other than the South and West lines of Block G-1, made by you in accordance with your own, personal, idea, uninfluenced by any other person, or did you construct said map, at the suggestion, or under the direction of any other person, or persons?

(42) If in answer to the preceding cross-interrogatory you have said that your map, or any part thereof, was constructed by you, from suggestions or directions from any other person, or persons, then please give the name or names of such person or persons and their post office address or addresses.

(43) Tell was was said to you, what suggestions were made, and what instructions were given to you, by any of the parties enquired about in the proceeding interrogatory?

(44) Did you at any time while you were doing the work on your Survey in Brewster County and while you were preparing your map enquired about in direct interrogatories 7 and 11, or since said work and map was finished, ~~have any letters~~ receive any letters, from any person or persons concerning said work or said map?

(45) Attach all letters enquired about in the preceding interrogatory to this your deposition and mark same "L" hereto, and let your answer to this question show that you have attached all such letters and marked them exhibit "L".

(46) If you personally did not receive any letters addressed to you of the nature enquired about in cross-interrogatory 44 above, were any such letters shown to you, or were you permitted to read any such letters by any other person? Answer fully, giving the name or names of such person or persons and their address or addresses?

Gordon Griffin
Attorney for plaintiffs

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Car
RECEIVED

21 June 1946

JUN 24 1946

Mr. Chester E. Ollison
Ass't. Attorney General
Austin, Texas

REFERRED TO MAP

HE File No. 4450
Re: Roark Vs. Smith,
Brewster County, Texas

Dear Mr. Ollison:

Yours of the 13th. found me tied up in the trial of a case. Naturally, I will be glad to help in any way I can.

As I understand it, you and Mr. Fanning construe the judgment in the Williams-Jones case to put the West line of Block G-1 on the ground so that it will run somewhat West of North, at a course which Mr. Simpson now says is 1° and 8 minutes West of North. At the same time you construe the other quoted part of the judgment to require that all other lines in the block be run East and West and North and South.

I emphatically do not agree with your construction of this judgment, which I assisted in drafting.

I am frank to say that we then did not know the true course of this dividing line between the T. & St. L. blocks and Block G-1, but it was nevertheless fixed by the call to go through the points indicated. On the other hand, the other part of the judgment quoted by you was intended to mean no more nor less than just this: That all lines of these sections were just 1900 varas, the contention having been made both by the plaintiff and the State, that there should be a variance from these distance calls. t

Any other construction of this last language would render the judgment inconsistent within itself, for the western tier of surveys in the block are included in this East-West, North-South description.

You say that the court nowhere says anything about all these lines being at right angles and that if the court intended that they should be run at right angles, it would have said so.

Art. 5302 requires that "all surveys not made upon navigable water courses shall be in a square, so far as lines previously surveyed will permit." All angles in a square are right angles, and the meaning of this requirement is illustrated in Bernard Vs. Good, 44 Texas 638, 641; and Brooks Vs. Slaughter, 218 S.W. 632, 635. Furthermore, all sections in a block must be construed as one unit, 7 Tex. Jur. 152-5.

Furthermore, it is elementary that one should follow the footsteps of the original surveyor by taking for North what he calls North, rather than what we now call North, and "this

Mr. Chester E. Ollison
21 June, 1946
Page 2

same divergence should be used in constructing the other lines of the block." Brooks Vs. Slaughter, 218 S.W. 635.

Although the G blocks were not ground surveys throughout, the whole theory of the judgment in the Williams-Jones case is that Gano's senior work is witnessed and therefore controlled by the junior Thompson ground work to the West.

Simpson says in his report to the Land Office that Thompson's North was 1° 8 minutes West, and he so located the lines in both Thompsons T. & St. L. blocks, and also in G-1, with the dividing line between them. I believe that what he did as the surveyor upon whose work the judgment was based throws some light on the construction of the judgment.

I may be coming over to Austin with Mr. Jones next week, and I will be glad to discuss the matter with you and Mr. Fanning and the Land Commissioner.

Very truly yours,

Charles W. Trueheart

CWT/tjh/whr

cc: Mr. Fagan Dickson
Capitol Nat'l Bank Bldg.
Austin, Texas

Hon. Bascom Giles
Commissioner, Gen'l Land Office
Austin, Texas

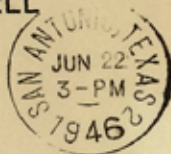
Mr. Asa A. Jones
Alpine, Texas

TRUEHEART, McMILLAN & RUSSELL

ATTORNEYS AT LAW

7TH FLOOR NAT'L BANK OF COMMERCE

SAN ANTONIO, TEXAS



Hon. Bascom Giles
Commissioner, Gen'l Land Office
Austin, Texas

Counter 16038

August 6, 1942

Mr. Tarlton Morrow
c/o Vinson, Elkins, Weems & Francis
Niels Esperson Building
Houston, Texas

Dear Mr. Morrow:

The answers to the questions in your letter of August 1st, are as follows:

1. The S.E. corner of Section 36, T. & St. L. Ry. Co., Block 237 bears S $27^{\circ} 59' 15''$ E. 4592.2 varas from the S.W. Corner of Block G-1.

2. The N-S distance from the South line of Block G-1 to the S.E. corner of Section 36, Blk. 237 is 4055.2 varas.

3. The E-W distance from the East line of Block 237 to the West line of Block G-1 is 2155.0 varas.

The S-W corner of Block G-1 as located by M. P. Ball on the ground is a stone mound about two feet high standing in the west edge of a small ravine that heads on the slopes of Stairway Mountain. This mound is more definitely described in his report and can easily be relocated from the calls given therein. The other bearing calls given in the report are the true bearings taken from this stone mound to the more definite peaks of these mountains as seen at the present time.

If we can be of further service in this matter, please call on us.

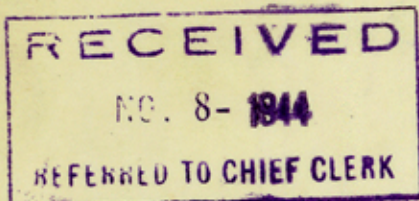
Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

MPB:vkn

Center 16039

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BRUCE W. TEAGARDEN
ATTORNEY AT LAW
SUITE 1424 MILAM BUILDING
SAN ANTONIO, TEXAS

November 3, 1944

Honorable Bascom Giles
Land Commissioner
Austin, Texas

IN RE: BLOCK G-18 - Southeast Brewster
County.

Dear Sir:

You will recall that when I was in your office a few days ago, it was understood that I would write you with reference to the above matter when the Supreme Court finally acted on the case styled, State of Texas vs. Asa Jones, et al, pending on Writ of Error from the El Paso Court of Civil Appeals, from District Court, Brewster County. I note from the paper yesterday, that the Supreme Court refused the Motion for Rehearing on the Application for Writ of Error, and I suppose that the judgment in that case is now final. You will recall that I discussed a case now pending in Brewster County, Roark vs. Smith, having to do with certain surveys in G-18. This suit was originally brought to maintain status quo and to protect the Plaintiff's rights whatever the proper location of G-18 might be. There are also two other similar suits pending in District Court in Brewster County, having to do with position and title as to certain surveys in G-18.

In this connection, I wish to call your attention to the matter at issue as to the location of the surveys in Block G-18. You most, if not all, the sections of ^{on the ground} will recall that these G Surveys were not located by Mr. Gano and that there has been a dispute as to the exact location on the ground as to his starting point at the Southwest corner of Block G-1. As I recall, most of the G Blocks tie to G-1 by course and distance. This is particularly true with reference to G-15 to the North of G-1; G-14; G-13, and possibly others of the G. Blocks. Survey No. 1 of G-18 ties to a survey in G-15, which Block G-15 ties to the North line of G-1. In Mr. Gano's original filing as to G-18, he shows that he intended to locate it in a solid block, tying it to the mouth of the San Francisco Creek. It seems that Mr. Gano never made a survey on the ground of the various sections of the G Blocks, unless possibly some of G-18. It appears that he projected G-1 and G-15 northward from his starting corner and mistakenly assumed that the north line of G-1 and the south line of G-15 would be practically due west of the mouth of San Francisco Creek. This assumption was incorrect, whether the southwest corner of G-1 be located at what is called the Hunicutt Corner, or at what the Defendants contended in the case of State vs. Asa Jones, was the actual starting corner of G-1. In drawing up his field notes of G-18, Mr. Gano starts with Survey No. 1 of G-18, tied to the Northeast corner of Block G-15 (Survey 40, ^{certain of} G-15). He then tied his field notes of the various surveys one to another eastward in Block G-18 from that supposed starting point. Then he ties Surveys from 94? to 120, G-18 to the mouth of San Francisco Creek and shows that ~~in~~ Survey 120, G-18, at its Northwest corners with Southeast corner of Survey 68, G-18. It was his

intention to make this block one survey, tied regularly together and to put it in the area as set forth in his filing in the land office with reference thereto. Since Surveys 94? to 120 are absolutely tied to the mouth of San Francisco Creek, it would appear that they could not well be moved. If the other Surveys of G-18 must be located from the Northeast corner of G-15, whether that corner be located by course and distance from the Hunicutt Corner of G-1 or whether it be located by course and distance from the Southwest Corner of G-1, as contended by the Defendants in the case of State of Texas vs. Asa Jones (Williams vs. Jones), this would tear loose the surveys located in G-18 from the Northeast corner of G-15 from the surveys in Block G-18 located from the mouth of San Francisco Creek, and would cause the pushing down of some of these surveys located from the West so as to conflict them in the same block with the surveys located in that block ^{from} ~~with~~ the mouth of San Francisco Creek. Since the North line of G-1, and the North line of G-15 were imaginary lines, never put on the ground by Mr. Gano, and since it appears that he was in error as to where they were located, and since it appears that G-18 should be a solid block, there is the contention supported by ample authorities, that it should be constructed from its own natural calls on the ground, San Francisco Creek, and the calls on the river to the East so as to join all surveys in G-18 in a solid block, and so as not to make any of them conflict with, or overlap, any of the others. It was clearly his intention to make G-18 a solid block. The beginning point of his field notes of Survey 1 in G-18 was purely an imaginary point, and

he did not know where it was on the ground, and all evidence shows that he was mistaken as to where it was located when he located G-1 on the ground. So there is the contention, amply supported by law and logic, that G-18, with all of its surveys, must be treated as one survey, properly locatable from the mouth of the San Francisco Creek only. To do this would pull it away from its starting at the Northeast corner of G-15, which he had erroneously assumed to be at another location than where it would actually be located by course and distance from the Southwest corner of G-1. At the time when Mr. Gano made his filing on the territory for G-18, and at the time he actually located it where he supposed he located it, there was ample unsurveyed territory, and Blocks 343, 336, and 334 had not been surveyed or located. As for Blocks D-10 and D-11 to the Northward, coming in from locations in another County, he had made his filings in the County where G-18 was located and the filing as to Block D-10 and maybe D-11 were made in another County. (Note Mr. Gano's protest filed in the 80's in your files against pushing D-10 and D-11 on territory he had already appropriated.) But whatever that may be, Mr. Gano's position was, and there is authority, both in law and logic, that G-18 can only be located properly from the mouth of the San Francisco Creek and put in a solid block of contiguous surveys instead of splitting it in two and making surveys which will override each other, if you assume that you are to construct some of the surveys from the west. Treating Block G-18 as one survey of contiguous, joining, tracts, none of which conflicts with the other surveys, - a conflict ^{arises} with the northern surveys of G-18 with Block D-10, D-11, 343, 336, and 334. Tearing it apart and locating it

from both the East and West, brings about a conflict with many of the Surveys in G-18 itself. Either of the dilemmas you take, there is a serious conflict. If the Western Surveys of G-18 are pushed down and located by G-15 only, many of them will also conflict with G-20 and G-21, and possibly with Block G-24. If the entire Block G-18 is left in a solid body, to begin at the mouth of San Francisco Creek, none of its surveys will conflict with Block 20, 21, or 24, but the only conflicts will be along the northern line or northern surveys of G-18. As you so pertinently remarked, there is not sufficient land in the area to take care of outstanding surveys. That by someone, and somewhere, there must be a loss, is apparent. Speaking from the standpoint of expediency, the best solution of the whole matter would have been to have conflicted out the outer surveys in the Blocks of this area, leaving the ones inside undisturbed. There is still pending the suits referred to putting in issue the proper location of G-18 and its effect. These suits put in issue that G-18 is a solid block of contiguous surveys, none of which conflict with the others in the block, locatable only from the only mark on the ground (San Francisco Creek) for the corner of said block. This also would create a vacancy between the Northern Surveys of G-14 and the South Surveys of G-18, if Block G-14 is to be located by course and distance either from the Hunicut Southwest corner of G-1 or the Defendant's corner of Block G-1 in the case of the State of Texas vs. Asa Jones. I might

H. B. G.

-6-

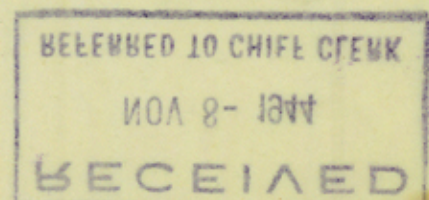
also call your attention to the fact, that if the Western Surveys of G-18 are pushed down and pulled away from the Eastern ones, that will cause a push down, which as the maps show, would push down into M-2 to conflict with the greater portion of that block also. And this would wipe out Block G-24 and parts of G-21.

I hope that this makes clear that there is sound logic and lawful authority to support the proposition that G-18 is a solid block of contiguous surveys, none of which conflicts with the other, locatable only from the mouth of the San Francisco Creek and with the South line of its western lowest tier of surveys running practically due West from the mouth of the San Francisco Creek.

Yours very truly,

Bruce W. Teagarden
BRUCE W. TEAGARDEN

BWT:mb



WILLIAM H. RUSSELL, SR.
DECEASED
CHAS. W. TRUEHEART
WM. B. McMILLAN
WM. H. RUSSELL, JR.

TRUEHEART, McMILLAN & RUSSELL
ATTORNEYS AT LAW

7TH FLOOR NAT'L BANK OF COMMERCE

SAN ANTONIO, TEXAS

February 8, 1945

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

Attention: Mr. Von Rosenberg

Dear Sir: Re: Williams, et al, vs. Jones,
et al - Brewster County

In compliance with the suggestion made by me in conversation with you yesterday, I am enclosing excerpts from the Findings of the trial Court pertinent to the location of S.W. G-1 in identity with the southeast corner of the T.&St.L.Blocks, and also excerpts from the supporting testimony of J. A. Simpson and the corroborating testimony of John Stovell on cross-examination.

I am sending it to you in this fashion because I find my copy of the Statement of Facts, as well as my copy of the Transcript, to be uncertified, and I suggest that if you will forward the enclosed excerpts to the Clerk of the Court of Civil Appeals at El Paso, referring to his Cause No. 4331, the State of Texas, et al, Appellants, vs. Asa A. Jones, et al, Appellees, he will certify to the correctness of such enclosed excerpts.

You will note from the trial Court's Findings and Conclusions that, though the point determined by the judgment to be the southwest corner of G-1 is recited as being 3198.4 varas east and 3396 varas south of the Hunnicutt corner, and the related northwest corner of G-1, as per the judgment, is recited as being 92.3 varas west and 78.7 varas north of the Rider northwest corner, S.W. G-1 - S.E. T.&St. L. Blocks are determined as being 24,700 varas east of the established Cat Claw corner (N.W. 1, Block 234) and the west line of G-1 is run thence north

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FEB 10 1945

REFERRED TO MAP

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Hon. Bascom Giles
2-8-45

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38,000 varas to a point that would be the northwest corner of the block.

In order to fully understand the excerpts made from the testimony of Simpson, you will probably need a copy of the map Exhibit referred to in the testimony as D-90. I happen to know that Mr. Gordon Griffin, of Brownwood, had the only extra copy of this exhibit and I am writing him to ask him to send it to you, at least as a loan. If Mr. Griffin will let you keep this map, I would suggest that you might get the Clerk of the Court at El Paso to certify to it also as being a correct copy of the original there on file.

You will note on said D-90 that Point "A" is shown graphically as being 3198.4 varas east and 3396 varas south from the Hunnicutt corner.

In explanation of the excerpts from the testimony, will state that you will likely not need D-93, which was a map exhibit also made by Simpson, showing a detail of the various identified monuments in the general vicinity of S.W. G-1, such, for instance, as Barker's corner and several other points.

D-2 as referred to in the testimony is nothing but a course and distance map drawn by Mr. Stovell some years ago for Mr. Jones. Both it and P-56, the main Stovell map, are drawn upon U.S. Geodetic Survey backgrounds. His P-56 was unfortunately lost by his counsel during the briefing of the case, and has never been replaced. It, of course, would serve to show graphically the number of original Thompson corners, including the Cat Claw corner, as identified by Stovell on cross-examination by Mr. Tarlton Morrow.

Unfortunately, the reporter of this case was none too accurate, but I think you can get the gist of what is meant by the rather confused questions and answers that are shown.

RECEIVED

FEB 10 1945

REFERRED TO MAP

F²

Counter 16047

Hon. Bascom Giles
2-8-45

-3-

Point "A", the common Thompson and Gano corner, is definitely based on Thompson's reconstructed footsteps at S.E. 237, being 13 miles east and 12 miles, plus the extended excess of 123 varas, south of Cat Claw corner, which is in accord in general manner of construction with both the Ball and the Stovell maps.

I mentioned to you that I thought I had something in my brief construing Ball's map so as to sustain the location for S.E. 237. Looking now to his map, copy of which we had before us at the time of our conversation the other day, counting over east from N.W. 1 in 234 (Cat Claw), there are 13 sections or miles, 24,700 varas. Counting south from the same point, the call distance of 12 miles, there is pictured on Ball's map in southings from that corner the following excesses above 1900 varas per section: 30, 15, 13, 4, 13, 10; (then following along the west line of 237): 10, 8, 8, 0, 0, 0. These add to 111 varas excess. Thus, there is a difference between the judgment and Ball of exactly 12 varas in 12 miles - just one vara or one step to the mile.

In the light of this, I cannot imagine why there should need to be any further surveying done to justify issuance of patents in G-1 and dependent blocks to the north and east, as a basis for issuance of patents. The only thing that I am fearful of at all is that there could be some character of error in Simpson's related distances south and east of the Hunnicutt corner and north and west of the Rider corner. I expect to see Mr. Asa Jones in a few days and I will give him a copy of this letter and ask him to check the matter carefully with Mr. Simpson as promptly as possible.

In compliance with your request, I am writing Mr. C. E. Patterson, of Alpine, to see if he can get from Mr. John Stovell a statement of his geographic positions in latitude and longitude for

RECEIVED

FEB 10 1945

REFERRED TO MAP

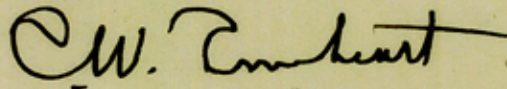
Hon. Bascom Giles
2-8-45

-4-

the Hunnicutt corner and for the Rider northwest corner and also, if you please, for the Cat Claw corner.

If I can do anything more to aid in working out your problems in applying the judgment in this case to the ground, I shall be glad for you to call upon me.

Very truly yours,



C. W. Trueheart

CWT:mh
encls.

RECEIVED

FEB 10 1945

REFERRED TO MAP

F 4

Center 16049

C
O
P
Y

May 28, 1946

Mr. Charles W. Trueheart
National Bank of Commerce Building
San Antonio, Texas

Dear Charlie:

I acknowledge receipt of your letter of May 6, 1946, regarding the rough draft for a proposed petition of intervention for the State in the case of Roark vs. Smith. You also replied to my letter of April 25, 1946. Understand, of course, that I do not represent the State of Texas and in drafting this petition I am merely trying to help the matter along for you client as well as for Mr. Roark. So far as Mr. Roark is concerned, he will stand on the judgment as written in the Jones vs. Williams case and on his contract with Mr. Jones dated January 23, 1946. If Mr. Jones wants to reform the judgment in Jones vs. Williams so as to provide for constructing Block G-1 other than is called for in the Gano field notes he will have to take the initiative in the matter. I do not think that it is up to Mr. Roark to do this and I do not believe that the State will ask for such relief; however, I am not advising them or undertaking to speak for them in the matter.

The balance of the suggestions made in your letter have been noted and the draft of the State's intervention corrected accordingly. I enclose a copy which I have turned over to the Attorney General and the Land Office. The names of the defendants who are to be cited by publication are omitted as I do not have a complete list.

So far as Mr. Roark is concerned the principal problem which we have is to get this matter in such shape that it can be acted on at the next session of this Court, and this will require the cooperation of all of us. Mr. Jones, of course, can raise whatever issue he wants to by his answer but it seems to me that he and Mr. Roark should cooperate in getting the matter before the Court and in having the issues disposed of in accordance with their agreement of January 23.

G'

Counter 16050

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Mr. C. W. Trueheart

-2-

May 28, 1946

I never have received from either you or Mr. Jones any information regarding the list of names which I sent you. It is of primary importance, as you know, that we get these owners cited properly and I would certainly appreciate your cooperation in giving me the benefit of your information as to their names and addresses.

Yours very truly,

(s)

Fagan Dickson

FD/rb
Enc.

CC Mr. W. P. Wallace, Jr.

G²

8-24 207 X2 700008

Center 16051

Austin, Texas
February 14, 1945

RECEIVED OF M. C. FORRESTER one brown line print of
map of Re-survey of Blocks 227, 228, 229, 230, 235, 236, 237,
and 238, T. and St. L. Ry. Co., and Block G-1, D. & W. Ry. Co.,
Brewster County, Texas, survey made in Aug. & Oct. 1942 and
Jan. 1943 by J. A. Simpson, Licensed State Land Surveyor.

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

BY

H. U. von Rosenberg

January 29, 1945

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

Dear Mr. Gard:

Your letter of January 22 regarding corners in T. & St. L. Ry. Co. blocks lying west of Block G-1, D. & W. Ry. Co., Brewster County, Texas, has been received.

I have examined the District Court Judgment in Cause 2006, Dick Williams et al vs. Asa A. Jones et al. We will hold a conference with the attorneys within the near future regarding the effect of this judgment on the blocks in question; and will notify you of our interpretation of the judgment.

From the enclosed carbon copy of letter, you will see that I have charged your account with \$8.00 in order to expedite the issuance of the Certificate of Facts. Your Account No. 90 had a balance of \$33.25 before this charge was made.

I am surely glad that you made the trip in good shape and hope that you will soon be able to get back into the field.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

Encl.

G⁴
Counter 16053

D-571
x V.R.

763

H. R. GARD

COUNTY SURVEYOR, BREWSTER COUNTY

ALPINE, TEXAS

Jan 22, 1945.

Hon. Bascom Giles, Comm.
General Land Office
Austin, T e x a s

Attention: Mr. Von Rosenberg

Dear Mr. Von Rosenberg:

I arrived home last Friday p.m. and am feeling pretty good and think that I will soon be able to get into the harness again, for which I am very thankful.

Today I was looking over some old maps and I ran across a working sketch I got from the G.L. O. a number of years ago. Title working sketch in Brewster County, General Land Office, Austin, Texas. 11-26-07, which shows a number of Rock Mounds East of the Persimmon gap row of corners N and S, and I have from time to time found quite a number of these old mounds which were evidently made by Thompson, on account of the course and distance fitting up so well. Some of these mounds were evidently destroyed by Mr. Hunnicut but not all of them as it would have been quite a job for him to have found them without re-running the Thompson work, which I am satisfied he didnt do. I am just simply calling your attention to this sketch thinking that it might be of some benefit in getting things adjusted in the Texas and St. Louis Blocks in question as per letter and map to Mr. Lew Spencer of Dec. 18, 1944. As a rule I have been able to find the Thompson rock mounds where he called for same, but not so with Gano, and I have heard several surveyors that have passed on say that they could find the Thompson mounds but not the Gano mounds as called for in the field notes. I am sure that a number of the old timers here will bear me out in this statement; so if this information will be of any benefit to you in the final adjustment of the surveys in question all well and good, ~~if not and if not~~ I hope no harm done.

Respectfully,

H.R. Gard

H. R. Gard
County Surveyor, Brewster Co

HRG:mg

RECEIVED

JAN 23 1945

REFERRED TO MAP

G⁵

Counter 16054

April 25, 1945

Mr. J. I. Driscoll
Clerk of Court of Civil Appeals
Eighth Supreme Judicial District of Texas
El Paso, Texas

Dear Mr. Driscoll:

I am mailing you under separate cover an ozalid print made from J. A. Simpson's map of the resurvey of Blocks 227, 228, 229, 230, 235, 236, 237, 238, T. & St. L. Ry. Co., Block G-1, D. & W. Ry. Co., Brewster County, Texas, based on a survey made by him in October 1942 and January 1943 in Cause 4331, State of Texas et al, Appellants, vs. Asa A. Jones, Appellee.

This print was made after the tracing had been corrected to conform with the ozalid print on file in your office. Please certify to the correctness of the print and return it to me at your earliest convenience.

Your bill should be submitted in quadruplicate on the enclosed forms.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

Encl.

G⁶

Counter 16055

April 25, 1945

Mr. Gordon Griffin
Attorney at Law
Citizens National Bank Building
Brownwood, Texas

Dear Mr. Griffin:

Your print of J. A. Simpson's map of his resurvey of T. & St. L. Blocks and Block G-1 in Brewster County has been mailed to you under separate cover.

I was able to secure another copy of this map from Mr. Simpson, and have mailed it to the Clerk of the Court of Civil Appeals at El Paso for his certificate.

Your generosity in offering to give us this print is appreciated.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

G⁷

Counter 16056

D-998
HUR

107

T. C. WILKINSON, JR.
J. EDWARD JOHNSON
GORDON GRIFFIN
ROSS BOHANNON
SAM CONNALLY

WILKINSON, JOHNSON, GRIFFIN & BOHANNON

ATTORNEYS AND COUNSELORS AT LAW

CITIZENS NATL. BANK BLDG.

BROWNWOOD, TEXAS

February 28, 1945

Mr. Bascom Giles
Commissioner
General Land Office
Austin, Texas

Dear Bascom:

I am in receipt of your letter of February 22nd inquiring if it will be agreeable with me for you to file the copy of J. A. Simpson's map of a resurvey of Blocks 227, 228, 229, 230, 235, 236, 237 & 238, T.&St. L. Ry. Co., and Block G-1, D.&W.Ry. Co., Brewster County, Texas, such copy being my property.

You are advised that it is perfectly agreeable with me for you to have this copy certified and file it as a permanent record in your office.

Yours very truly,

WILKINSON, JOHNSON, GRIFFIN & BOHANNON

By Gordon Griffin
Gordon Griffin

GG:jt

RECEIVED

MAR 1 1945

REFERRED TO MAP

2-7-45
Write - Refer to my letter of 1
Simpson about map
March 10th if we have not
heard from him
3-5-45
mmt

G⁸

Counter 16057

March 5, 1945

Mr. Gordon Griffin
Attorney at Law
Citizens National Bank Bldg.
Brownwood, Texas

Dear Mr. Griffin:

I appreciate your generosity in allowing me to file your copy of J. A. Simpson's map of his resurvey of Blocks 227, 228, 229, 230, 235, 236, 237 & 238, T. & St. L. Ry. Co., and Block G-1, D. & W. Ry. Co., Brewster County, Texas.

With kindest regards, I am

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

Riders NW Cor. G.1 - $29^{\circ}49'42.458$ - $102^{\circ}56'37.873$
 NE Cor. Sec. 95 Blk. G.18 - $29^{\circ}52'46.321$ - $102^{\circ}19'21.129$
 $37'16.744''$

Page 29 - U.S.G.S. Bul. 650

88.06 feet per second of longitude = 31.7 varas

$37'16.744'' = 2236.744 \text{ seconds} \times 31.7 \text{ varas} = 70,904.8 \text{ varas}$

$70,904.8 + 92.3 = 70,997.1 \text{ varas}$ east-west distance

NW cor. G.1 as fixed by the court and NE Cor. Section 95, Blk. G.18

Original Field Note east-west distance is $1900 \times 38 + 3080 = 75280 \text{ varas}$

$75280 - 70997 = 4283 \text{ varas shortage}$

NE cor. Sec. 95 Blk. G.18 $29^{\circ}52'46.321$

Riders NW. Cor. G.1 $29^{\circ}49'42.458$

$3'03.863''$

Page 29 - U.S.G.S. Bul. 650

101.01 feet per second of latitude = 36.3 varas

$3'03.863'' = 183.863 \text{ seconds} \times 36.3 \text{ varas} = 6,674.2 \text{ varas}$

$6,674.2 - 78.7 = 6,595.5 \text{ varas}$ north-south

distance NW cor. G.1 as fixed by court and NE Cor. Section 95 B G.18

Original Field Note north-south distance is 182 varas

$6595.5 - 182 = 6413.5 \text{ varas}$

February 19, 1945

Mr. J. I. Driscoll
Clerk of Court of Civil Appeals
Eighth Supreme Judicial District of Texas
El Paso, Texas

Dear Mr. Driscoll:

I understand that the original tracing by Mr. J. A. Simpson, Licensed State Land Surveyor, of his map of resurvey of Blocks 227, 228, 229, 230, 235, 236, 237, and 238, T. & St. L. Ry. Co., Block G-1, Dallas and Wichita Railway Company, Brewster County, Texas, based on a survey made by him in August and October 1942 and January 1943 in Cause #4331, the State of Texas et al, Appellants, vs. Asa A. Jones, Appellees, is on file in your office.

I would like to have a certified copy of this map and prefer an ozalid print. This print may be made by the R. M. Metcalfe Company, 718 Myrtle Avenue, El Paso, Texas, or any other blue print firm equipped to make such a print.

Please submit your bill in quadruplicate on the enclosed forms.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

CC - Mr. C. W. Trueheart, Attorney
7th Floor National Bank of Commerce Bldg.
San Antonio, Texas

CC - Mr. Philip R. Overton
Norwood Building
Austin, Texas

February 19, 1945

Mr. C. W. Trueheart, Attorney
7th Floor National Bank of Commerce
San Antonio, Texas

Dear Mr. Trueheart:

Excerpts from the findings of trial court pertinent to the location of the Southwest corner of Block G-1 in identity with the T. & St. L. Ry. Co. blocks, and excerpts from the testimony of J. A. Simpson and John Stovell, have been received.

The copy of Mr. Simpson's map was also received from Mr. Philip Overton. I appreciate receiving this information.

As soon as the certified copy of Mr. Simpson's map is received, the print belonging to Mr. Griffin will be returned to him.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

Enclosure- 1

G"

Counter 16061

74108
2
Corrected
No. 1934.

F. M. ROARK, ET AL

IN THE DISTRICT COURT OF

VS.

BREWSTER COUNTY, TEXAS.

H. D. SMITH, ET AL.

AUGUST TERM, A. D. 1941.

TO THE HONORABLE JUDGE OF SAID COURT:

Come now F. M. Roark and I. C. Roark, Jr., residents of Brewster County, Texas, hereinafter styled plaintiffs, and without waiving, but still insisting upon, their Plea in Abatement and Motion to dismiss the cross action of defendants H. D. Smith and Homer (Shorty) Rochelle, and with leave of court first had, file this their Second Amended Petition, complaining of H. D. Smith and his wife, Mary Ella Smith, Homer (Shorty) Rochelle, W. H. Holcombe, Mr. J. Marvin Rape, Charles E. Davison, Charles E. Schauer, Tom Nolan, M. E. Smith, Lawrence Latta and his wife, Helen Latta, Del Rio Wool & Mohair Co., a corporation, E. W. Bacon, R. N. Gresham, Guardian of E. W. Bacon, H. C. M., Alfred Rosenow, John Latta, Frank Latta, Clyde Young and H. E. Smith and Jack Smith, and for cause of action plaintiffs respectfully show:

I.

That they are and have been for many years the owners in fee simple of the following surveys of land containing 640 acres each, more or less, in Brewster County, Texas, to-wit:

Surveys Nos. 30, 33, 34, 35, 38, 39, 40, 41, 42;

the North 1/2 of Survey No. 36 and the North 1/2 of Survey No 44;

Surveys Nos. 46 ~~and 48~~, in Block G-18, T. C. Ry. Co. (Texas Central Railway Company), in Brewster County, Texas.

These plaintiffs show that said surveys are substantially described as follows and lie approximately as described as follows:

1. Survey No. 30:

BEGINNING at the N. E. Cor. of this sec. 30, Blk. G-18, T. C. Ry. Co., at the N. W. Cor. of Sec. 35, this blk - 3619.6 vrs. North and 34004.8 vrs. West of the County Line Monument and the N. E. Cor. of Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs. for corner of this section, at the S. W. cor. of Section 35, this blk.;

8 H
Brewster
Coenter 16062

THENCE West 1826.2 vrs. for the S. W. Cor. of this section and the N. W. Corner of Section 29, this block;

THENCE North 1900.8 vrs. for the N. W. corner of this Section and the S. W. corner of Section 31, this block;

THENCE East 1826.2 vrs. to the place of BEGINNING.

2. Survey No. 33:

BEGINNING at the N. E. Cor. of this Sec. 33, Blk. G-18, T. U. Ry. Co., at the N. W. Cor. Sec. 40, this blk, 7421.2 vrs. North and 32,178.6 vrs. West of the County Line Monument and N. E. Cor. Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs. to the S. E. Cor. of this Sec. 33 at the N. W. Cor. Sec. 39 this Blk.;

THENCE West 1826.2 vrs to S. W. Cor. of this Sec. 33 at the N. W. Cor. Sec. 34, this blk.;

THENCE North 1900.8 vrs to the N. W. Cor of this Sec. 33 at the N. E. Cor. Sec. 32, this blk.;

THENCE East 1826.2 vrs. to the place of BEGINNING.

3. Survey No. 34:

BEGINNING at the N. E. Cor. of this Sec. 34, Block G-18, T. U. Ry. Co., at the S. E. Cor. of Sec. 33, this blk. - 5520.4 vrs. North and 32,178.6 vrs. west of the County Line Monument and the N. E. Cor. of Sec. 95, this Blk., at the mouth of the San Francisco creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18.;

THENCE South 1900.8 vrs. to S. E. Cor. of this Sec. 34 at S. W. Cor. Sec. 39, this blk.;

THENCE West 1826.2 vrs to the S. W. Cor. of this Sec. at the N. W. Cor. Sec. 35, this blk.;

THENCE North 1900.8 vrs. to the N. W. Cor. of this Sec. 34 at the S. W. Cor. Sec. 33,- this block;

THENCE East 1826.2 vrs to the place of BEGINNING.

4. Section No. 35:

BEGINNING at the N. W. Cor. of this Sec. 35, Blk. G-18, T. U. Ry. Co. at the N. E. Cor. of Sec. 30, this blk. - 3619.6 vrs. North and 34004.8 vrs. West of the County Line Monument and the N. E. Cor. of Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs to the S. W. Cor. of this Sec. 35, at the N. W. Cor of Sec. 36, this blk.;

THENCE East 1826.2 vrs. to the S. E. Cor of this Sec. 35 at the S. W. Cor. of Sec. 38, this blk.;

THENCE North 1900.8 vrs to the N. E. Cor. of this Sec. 35 at the S. W. Cor. of Sec. 39, this blk.;

H²
Bureau of Land Management

Counter 16063

THENCE West 1826.2 vrs to place of BEGINNING.

5. Survey No. 38:

BEGINNING at the N. W. Cor. of this Sec. 38, Blk. G-18, T. C. Ry. Co., at the S. W. Cor. of Sec. 39, this blk. - 3619.6 vrs. North and 32,178.6 vrs. West of the County Line Monument and the N. E. Cor. of Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs to the S. W. Cor. of this Sec. 38, at the N. W. Cor. of Sec. 37, this blk.;

THENCE East 1826.2 vrs. to the S. E. Cor. of this Sec. 38, at S. W. Cor. of Sec. 43, this blk.;

THENCE North 1900.8 vrs to the N. E. Cor. of this Sec. 38 at the N. W. Cor. Sec. 43, this blk.;

THENCE West 1826.2 vrs. to the place of BEGINNING.

6. Survey No. 39:

BEGINNING at the N. W. Cor. of this Sec. 39, Blk. G-18, T. C. Ry. Co. at the N. E. Cor. Sec. 34 - this blk. - 5520.4 vrs. North and 32,178.6 vrs. West of the County Line Monument and the N. E. Cor. Sec. 95, this blk. at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, - Blk. G-18;

THENCE South 1900.8 vrs. to the S. W. Cor. of this Sec. at the N. W. Cor. of Sec. 38 - this blk.;

THENCE East 1826.2 vrs to the S. E. Cor. of this Sec. 39, at the N. E. Cor. Sec. 38, this blk.;

THENCE North 1900.8 vrs to N. E. Cor. of this Sec. 39, at S. W. Cor. Sec. 41, this blk.;

THENCE West 1826.2 vrs. to place of BEGINNING.

7. Survey No. 40:

BEGINNING at the N. W. Corner of this Sec. 40, Blk. G-18, T. C. Ry. Co., at N. E. Cor. Sec. 33, this blk., 7421.2 vrs. North and 32,178.6 vrs west of the County Line Monument and N. E. Cor. Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side, and on the north bank of the Rio Grande, Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs to the S. W. Cor. of this Section at N. W. Cor. Sec. 39, this blk.;

THENCE East 1826.2 vrs. in all to S. E. Cor. of this Sec. 40 at S. W. Cor. Sec. 41, this blk.;

THENCE North 1900.8 vrs to the N. E. Cor. of this Sec. 40, at the N. W. Cor. Sec. 41 this blk.;

THENCE West 1826.2 vrs to place of BEGINNING.

8. Survey No. 41:

BEGINNING at the N. W. Cor. of this Sec. 41, Blk. G-18, T. C. Ry. Co. at the N. E. Cor. Sec. 40, this blk. - 7421.2 vrs. North and 30352.4 vrs. West of the County Line Monument and N. E. Cor. Sec. 95, this Blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande, - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs to the S. W. Cor. of this Sec. 41 at N. W. Cor. Sec. 42, this blk.;

THENCE East 1826.2 vrs. to the S. E. Cor. this Sec. 41, at S. W. Cor. of Sec. 48, this blk.;

THENCE North 1900.8 vrs to the N. E. Cor of this Sec. 41 at the N. W. Cor. of Sec. 48, this blk.;

THENCE West 1826.2 vrs. to place of BEGINNING.

9. Survey No. 42:

BEGINNING at the N. W. Cor. of this Section 42, Blk. G-18, T. C. Ry. Co., at the S. W. Cor. of Sec. 41, this blk - 5520.4 vrs. north and 30,352.4 vrs. West of the County Line Monument and the N. E. Cor. of Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE South 1900.8 vrs to the S. W. Cor. of this Sec. 42 at the N. W. Cor. of Sec. 43, this blk.;

THENCE East 1826.2 vrs. to the S. E. Cor. of this Sec. 42, ~~xxxxxx~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

THENCE North 1900.8 vrs to the N. E. Cor. of this Sec. 42, at the S. E. Cor. Sec. 41, this blk.;

THENCE West 1826.2 vrs to place of BEGINNING.

10. Survey North 1/2 of Survey No. 36:

(Said Survey No. 36 being described as follows;)

BEGINNING at the N. E. Cor. of this Sec. 36, Blk. G-18, T. C. Ry Co., at the S. E. Cor. of Sec. 35, this Blk. - 1718.8 vrs. north and 32,178.6 vrs. West of the County Line Monument and N. E. Cor. of Sec. 95, this blk. at the mouth of San Francisco Creek on the West side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk G-18;

THENCE West 1826.2 vrs to the N. W. Cor. of this Sec. 36 at the S. W. Cor. Sec. 35, this blk.;

THENCE South 1900.8 vrs. to the S. W. Cor. of this Sec. 36 at the S. E. Cor. of Sec. 29, this blk.;

THENCE East 1826.2 vrs to the S. E. Cor. of this Sec. 36 at the S. W. Cor. of Sec. 37, this blk.;

THENCE North 1900.8 vrs. to place of BEGINNING.

11. Survey, the North 1/2 of Survey No. 44:

BEGINNING at the N. E. Cor. of this Sec. 44, Blk. G-18, T. C. Ry. Co., - 1718.8 vrs. North and 23,526.2 vrs. West of the County Line Monument and N. E. Cor. of Sec. 95, this blk., at the mouth of San Francisco Creek, on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE West 1826.2 vrs. to the N. W. Cor. of this Sec. 44 at the N. E. Cor. of Sec. 37, this blk.;

THENCE South 950.4 vrs to the S. W. Cor. of the N. 1/2 of this Sec. 44, Blk G-18;

THENCE East 1826.2 vrs. to the S. E. Cor. of the N. 1/2 of this Sec. 44;

THENCE North 950.4 vrs. to place of BEGINNING.

12. Survey No. 46:

BEGINNING at the N. E. Cor. of this Sec. 46, Blk. G-18, T. C. Ry. Co., this Blk. - 3619.6 vrs. North and 26,700.0 vrs. West of the County Line Monument and the N. E. Cor. of Sec. 95, this blk., at the mouth of the San Francisco Creek on the west side and on the north bank of the Rio Grande - Gano Original N. E. Cor. of Sec. 95, Blk. G-18;

THENCE West 1826.2 vrs to the N. W. Cor. of this Sec. 46 at the N. E. Cor. of Sec. 43, this blk.;

THENCE South 1900.8 vrs to the S. W. Cor. of this Sec. 46 at the N. E. Cor. of Sec. 44, this blk.;

THENCE East 1826.2 vrs. to the S. E. Cor. of this Sec. 46;

THENCE North 1900.8 vrs. to place of BEGINNING.

Counter 16066

In a description of the foregoing surveys there has been taken into consideration that there is an approximate shortage of 1761 varas in the easting and westing of the surveys in said Block G-18, and, taking this into consideration, the shortage in the distance east and west between the known corner at San Francisco Creek and Reagan Canyon, known also as the Cavalry Trail Corner, on the Rio Grande river, being the starting corner for the Southeast corner of Survey 1, Block M-2 and the northeast corner of Survey No. 1, Block B-1, in Brewster County, Texas, has been proportioned in the foregoing descriptions through and against each section east and west of Block G-18, except the west three tiers of sections, as shown by the map of said Block G-18; but, in the event that this proportion of the shortage should not be proper and correct, and, in the event it should be proper that such shortage should be held to extend through the west three tiers of said block, then, and in that event, each section east of the west three tiers of sections (all of the affected sections being east thereof) would increase in size east and west approximately 8.4 varas and in area approximately 2.83 acres per section. The width then of each section in Block G-18 in size east and west would be approximately 1834.6 varas and each section would contain approximately 617.71 acres and, accordingly, the east line of Sections ~~42 and 44~~ 46 would move west approximately 122.7 varas and the east lines of sections 41, 42 and 44 would move west approximately 131.1 varas, and the east lines of sections 40, 39 and 38 would move west approximately 139.6 varas and the east lines of sections 33, 34 and 35 and 36 would move west approximately 148 varas and the east line of Section 30 would move west approximately 156.4 varas and each of said surveys, instead of being approximately 1826.2 varas wide east and west, would be approximately 1834.6 varas wide east and west.

Plaintiffs further allege that said surveys are located approximately as set forth in this paragraph, but, in the alternative, that if they be mistaken as to this, said surveys are located in their east and west lines approximately within 100 varas of the places hereinbefore set out and in their north and south lines within like distance, and plaintiffs expect to show that said surveys are located as set out in detail aforesaid, but, in the event that they be mistaken, they expect to show that they are located within the approximation aforesaid and will show such facts of location with exact proof, alleging, however, that the said surveys are located on the ground as hereinbefore set forth.

II.

That plaintiffs were in possession of the premises aforesaid and entitled to such possession; that the defendants, and each of them, on or about September 1st, 1938, unlawfully entered upon and dispossessed plaintiffs of such premises, and withhold from them the possession thereof.

III.

That by virtue of the unlawful withholding of the possession of the said premises and the use of same by the defendants, and each of them, from the date aforesaid, the plaintiffs, the owners of said lands in fee simple, having been deprived of the use and profits therefrom by the defendants, and each of them, are entitled to have and recover the rental value of said property from the date of dispossession, and that on account thereof the defendants and each of them, have become bound and liable to pay, by way of damages and otherwise, the reasonable rental value of the said property since the time of dispossession aforesaid; that the reasonable rental value of said property is twenty-five (25¢) cents per acre per year, which defendants, and each of them, have failed to pay to plaintiffs, all to plaintiffs' damage in the sum of Five Thousand (\$5,000.00) Dollars, and plaintiffs show that they are entitled to

recover of and from each of said defendants the said rents and damages aforesaid.

IV.

Plaintiffs further show that the defendants claim to own the following alleged surveys in Brewster County, Texas, to-wit:

Surveys 46, 48 and 50 in Block 336, T. C. Ry. Co., (Texas Central Railway Company), and surveys 47 and 49, in Block 336, T. C. Ry. Co., (Texas Central Railway Company) and Survey 32 in Block 343, G.C. & S.F. Ry. Co., (Gulf, Colorado and Santa Fe Railway Company) and Surveys 54 and 56 in Block 343, T. M. Ry. Co. (Tex Mex Railway Company); that without admitting that any of said surveys are valid or lawful, but expressly insisting that said surveys are void, and specially denying that defendants own any of them or have any valid or lawful title to said alleged surveys, plaintiffs allege that each and all of said alleged surveys last named are junior in time and right and subordinate to the surveys hereinbefore referred to in paragraph I hereof; that defendants claim that the last mentioned alleged surveys cover an area in whole and/or in part covered by the surveys before mentioned in paragraph I hereof, all of which alleged claims constitute a cloud upon the title of plaintiffs to the lands and surveys referred to in Paragraph I hereof.

Premises considered, plaintiffs pray that plaintiffs do have and recover of and from the defendants and each of them full and complete title in fee simple, and full and complete possession to all of the tracts and surveys set forth and referred to in Paragraph I hereof, and that they be awarded judgment as against the defendants, and each of them, fixing in the plaintiffs full and complete fee simple title to each of said tracts of land, and parts thereof, as against each and all of the defendants, and that they be awarded full and complete possession as against each and all of the defendants of each and all of said tracts of land aforesaid,

H7
8-2V 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Counter 16069

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and they further pray that they recover the damages aforesaid in the sum of Five Thousand (\$5,000.00) Dollars against each and all of the defendants, and they further pray that they be quieted in their title to said lands, and each of them, as against the defendants, and each of them; that they recover all costs of suit, and that they be awarded writ or writs of possession as against the defendants, and each of them, and that they be awarded such other and further relief as the law and the facts and equity may entitle them to, and particularly do they pray for all general and special relief that they may be entitled to under the law and the facts and the principles of equity.

6666
Attorneys for plaintiffs, F. M.
Roark and I. C. Roark, Jr.

This action is brought as well to try title as for damages.

Attorneys for Plaintiffs.

WILLIAM H. RUSSELL, SR.
DECEASED
CHAS. W. TRUEHEART
WM. B. McMILLAN
WM. H. RUSSELL, JR.

TRUEHEART, McMILLAN & RUSSELL
ATTORNEYS AT LAW

7TH FLOOR NAT'L BANK OF COMMERCE

~~XX~~

SAN ANTONIO, TEXAS

January 31, 1945

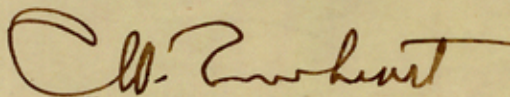
Mr. Bascom Giles, Commissioner
General Land Office
Austin, Texas

Attention: Mr. Von Rosenberg

Dear Sir:

Referring to your letter of the 27th inst., beg to advise that I expect to be in Austin on other business on Wednesday, February 7, and I shall be glad to call by the Land Office and give you such information as I can concerning the corners referred to in Cause No. 2006, Dick Williams vs. Asa A. Jones.

Very truly yours,



C. W. Trueheart

CWT:mh

RECEIVED

FEB 2 1945

REFERRED TO MAP

Counter 16071

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D-597

WILLIAM H. RUSSELL, SR.
DECEASED
CHAS. W. TRUEHEART
WM. B. McMILLAN
WM. H. RUSSELL, JR.

TRUEHEART, McMILLAN & RUSSELL
ATTORNEYS AT LAW

7TH FLOOR NAT'L BANK OF COMMERCE

SAN ANTONIO, TEXAS

January 26, 1945

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RECEIVED

JAN 27 1945

REFERRED TO MAP

Mr. Bascom Giles
Commissioner of the General Land Office
Austin, Texas

Attention: Mr. Von Rosenberg

Dear Sir:

I am just in receipt of your letter of the 25th, stating that you now have a certified copy of the judgment in the Williams-Jones case, but that you could not "reconcile the northwest corner of Block G-1 as fixed by the judgment."

Since I have been representing Mr. Jones and Dr. Towle, and will probably be called upon by the Gages in connection with this matter, I will be very much obliged to you if you will let me know what you mean by your statement - reconcile it with what? It does not accord exactly with the Rider northwest corner of the block, but the judgment shows exactly where, with reference to that Rider marker on the ground, the true northwest corner of Block G-1 falls. The evidence of Mr. Simpson directly sustains its position as being in true alignment with the common S.W. G-1, S.E. Thompson blocks.

In this connection too, I understand that the Land Office is strongly persuaded that the said last mentioned corner is not in true easting course and distance with reference to the Cat Claw corner and other Thompson corners on the west. Simpson's evidence, Stovell's evidence, and the evidence of a number of others who have actually run out the lines between, show that S.W. G-1, S.E. Thompson blocks, and the Cat Claw corner on the west are in true course and distance relation in easting.

As for the southing, there is some slight excess prorated out upon the same ratio as the excesses between Cat Claw corner and the other Thompson corners on the north.

Counter 16072

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G.L.O.
1-26-45

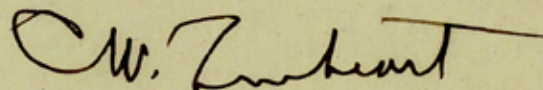
-2-

I understood the Commissioner to say very clearly that he expected to follow the consistent judgment of the three Courts in this case, and was only concerned with an interpretation of the terms of the judgment as applied to the ground. It is, of course, the normal thing that the State, equally with all other parties to this suit, is bound by a judgment, whatever it means.

I had a rather important hand in the trial of the case, the preparation of the judgment, and the appeal, and I shall be glad to lend any assistance I can on the interpretation of the judgment.

I shall appreciate hearing from you about this matter, particularly since my clients will probably be concerned both east and west of the G-1 west line.

Very truly yours,



C. W. Trueheart

CWT:mh

RECEIVED

REFERRED TO MAP

Counter 16073

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J. W. FRAZER

COUNTY AND DISTRICT CLERK

BREWSTER COUNTY

ALPINE, TEXAS

January 15th 1945.

Mr Dennis Wallace
Chief Clerk,
General Land Office
Austin, Texas.

Dear Mr Wallace:

Enclosed please find a certified copy
of the Judgment and Mandate, in Cause No.2006
styled Dick Williams et al vs Asa A. Jones et al.

Mr Asa A. Jones who lives at Sanderson, Texas
ordered this copy sent to you.

Yours truly,

J. W. Frazer

District Clerk.

RECEIVED

JAN 17 1945

REFERRED TO CHIEF CLERK

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January 27, 1945

Messrs. Trueheart, McMillan & Russell
Attorneys at Law
7th Floor National Bank of Commerce
San Antonio, Texas

Attention: Mr. C. W. Trueheart

Dear Mr. Trueheart:

Your letter of January 26, 1945 regarding the interpretation of the judgment in Cause No. 2006, styled Dick Williams et al vs. Asa A. Jones et al, has been received.

The Court fixes the NW corner of Block G-1 from two points, namely, the SW corner of G-1 and Rider's NW corner of G-1. From all available information in this office, the NW corner of G-1 as located 38000 varas north of the SW corner of G-1 will be approximately 800 varas east of its position as located from Rider's NW corner of G-1.

Realizing that you are thoroughly familiar with the facts in the case and the resulting judgment, I will appreciate discussing this question with you in Austin at your convenience.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUVR:IB

Counter 16075

January 25, 1945

Mr. C. W. Truehart
Attorney-at-Law
7th Floor National Bank of Commerce Bldg.
San Antonio, Texas

Dear Mr. Truehart:

A certified copy of the Judgment and Mandate in Cause #2006, styled Dick Williams et al vs. Asa A. Jones et al, was received January 17 from Mr. J. W. Frazier, District Clerk of Brewster County. This judgment was sent at the request of Mr. Asa A. Jones.

I have examined this instrument and cannot reconcile the Northwest corner of Block G-1 as fixed by the judgment.

With kindest regards, I am

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

cc - Mr. Asa A. Jones
Sanderson, Texas

cc - Mr. Guy S. Combes
125 West Summit Avenue
San Antonio, Texas

Counter 16076

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commission have been
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no more*

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*Williams
Jones*

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CROSS INTERROGATORIES PROPOUNDED TO THE WITNESS M. F. BALL BY THE DEFENDANT
GREAT SOUTHERN LIFE INSURANCE COMPANY

CROSS INTERROGATORY NO. 1:

(a) Please state in detail all work you did in undertaking to relocate the northwest corner of Survey 1, Block 21, GH&SA Ry. Co., and if you have not already done so, please state in detail each and every object you found on the ground. If you have already given this information, then state in what answer you have given this information.

(b) Please state the relation between the point you took to be the northwest corner of Survey 1, Block 21, GH&SA, to bench mark 3343, shown on the topographical map; *if you know from actual ground work.*

CROSS INTERROGATORY NO. 2: *(c) With such relation based on your use of U.S. Topo. maps in making your map.*

(a) After you located, as a basis for your work, what you took to be the northwest corner of Survey 1, Block 21, GH&SA, did you or did you not run any of the traverse calls shown in the report of traverse lines and connections certified by John T. Gano and W. J. Gleims, Deputy Surveyors of Presidio County, and in turn certified by E. G. Gleim, County Surveyor of Presidio County, Texas, on September 7, 1881, which report appears to be filed in the General Land Office as Brewster County Roll Sketch No. 19-A?

(b) If you say you did run any of said traverse lines, either in whole or in part, please state in detail which ones you ran and what you found on your run, and, if you have a field book, attach a copy of the field book dealing with this run, and if you ran the entire traverse please state where you fell when you completed the traverse.

(c) If you ran such traverse, your attention is directed to the 18th traverse line on the report of Gano and Gleim above mentioned and the 8th call, which is S 51 deg. E 7360. Did you run upon this course? Did you run a course S 57 E 7360 vrs.?

(d) In connection with said report and the running of such traverse line your attention is directed to the 9th call, S 61 deg. 70 vrs. Did you run a traverse line for such a distance of 70 vrs., or did you run a distance of 5470 vrs., either or both, and, if so, state which you ran and what you found at the end of your traverse line.

CROSS INTERROGATORY No. 5:

(a) Referring now to the report of John T. Gano and W. J. Gano, being Presidio County Roll Sketch 19-A, and to the 18th traverse line thereon, it will be observed that the 8th and 9th calls are as follows:

"S 51 E 7360 vrs; S 61 E 70 vrs."

It will further be found that it is said that the terminus of this traverse line is S 38-1/6 deg. E 67,657 vrs. from the beginning point. Will you please calculate and advise whether if you ran the course and distance shown in said report, adopting the 8th and 9th calls as above set out, you will reach a point S 38-1/6 deg. E 67,657 vrs. from the beginning point.

(b) If you have said, "No," to subdivision (a) of this question, then if you change said calls to read as follows:

"S 57 deg. E. 7360 vrs; S 61 deg. E 5470 vrs."

and use the other calls in the report, state whether or not you will reach a point S 38-1/8 deg. E 67,657 vrs. from the beginning point?

(c) If you do not reach the point inquired about in either of the above calculations, then state to what extent, if any, there is an error and just how far distant the several corners will be, running the traverse with the 8th and 9th calls as set out in said report and running the traverse with the 8th and 9th calls as corrected as here-^{from} in set out. ^{030/6 F} ^{67,657}

CROSS INTERROGATORY NO. 6:

As a surveyor and engineer, will you please give the course and distance through between the following points:

BEGIN and THENCE run S 4 miles and THENCE E 22 miles and THENCE S 24 miles to the end.

In other words, calculate the distance and course through from the beginning point to the ending point based upon the above distances.

CROSS INTERROGATORY No. 7:

(a) Are you the same M. F. Ball who filed a report in the General Land Office and accompanied same by a map as follows:

"A Map showing Reconstruction of Conflicted Area in Northeastern Part, Brewster County, Based on Connections by M. F. Ball in December, 1941, and January, 1942. -- Scale 1 in. equal 2000 vrs."

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(b) If you are the same man who filed said report, state what the facts are with respect to whether you went on the ground adjacent to what you show on your report as the surveys hereinafter mentioned for the purpose of seeing whether or not you could discover on the ground any original bounds called for in the field notes of said surveys, or any of them, and if you say that you did in any instance, please state in what instances and what, if anything, you found. The surveys in question are all out of the T&SL Blocks and are as follows:

Block 225, Surveys 1, 12, 13 and 24.
Block 226, Surveys 30 and 32.
Block 231, Surveys 4, 10, 14, 24, 25 and 36.
Block 234, Surveys 2, 11, 14, 23, 26 and 35.
Block 239, Surveys 2, 10, 15, 22, 26 and 30.

CROSS INTERROGATORY No. 8:

On the map showing RECONSTRUCTION OF CONFLICTED AREA IN NORTHEASTERN PART, BREWSTER COUNTY, BASED ON CONNECTIONS BY M. F. BALL IN DECEMBER, 1941, and JANUARY, 1942, hereinabove referred to, it is observed that running north and south along a line which begins at the northwest corner of Survey 1, Block 226, T&SL, to the southwest corner of Section 36, Block 234, and continuing on south on a line parallel to the above from the northwest corner of Section 6, ^{Block 237} to the southwest corner of Section 18, Block 237, T&SL, there are placed varying distances as the south and north distances of the surveys shown on said map ad-

jaacent to the lines aforesaid. In this connection will you please explain in detail how you obtained such distances, stating in this connection whether you went on the ground and surveyed these distances, and, if you did not, why you took these distances, and if you say you took these distances upon the information of anyone, please state from whom you received such information, when and where you received the same, and state fully and in detail who was present and what was said and by whom. Please give the full facts as to these distances along these lines.

CROSS INTERROGATORY No. 9:

(a) State what the facts are with respect to whether you have examined certified copy of field notes filed in the General Land Office purported to have been made by S. A. Thompson, covering T&SL Ry Co. Blocks, and in this connection state whether you examined all or any part of said field notes, and, if a part, what part, if you know, in the following blocks:

226	229	235	238	232
227	231	236	239	233
228	234	237	240	

(b) State whether or not you examined the field notes so returned by S. A. Thompson as shown by certified copies in the General Land Office along the east line of Blocks 228, 229, 236 and 237, and say whether you examined all or a part thereof, *and if so, what part*

(c) State whether or not you examined certified copies of the field notes so returned by the said S. A. Thompson on T & S L Ry Blocks lying east of a line running from the northwest corner of Section 1, Block 226, and thence running south to the south line of T&SL Ry Co Block, *and if only in part, what part*

(d) If you say that you have examined the field notes along the east line of Blocks 228, 229, 236 and 237, please state whether you found any natural or artificial objections other than stake and mound or rock and mound called for in said field notes, and in this connection state whether any of the corners of said field notes other than the south-east corner of Section 36, Block 237, calls for bearings on distant objects such as mountains or creeks, and, if so, which ones.

(e) State what the facts are with respect to whether these field notes in the eastern tier of Section 36, T&SL Ry Co Blocks 228, 229, 236 and 237 from the northeast corner of Section 1, Block 228, to the southeast corner Section 36, Block 237, did or did not call to adjoin certain surveys in what is known as Block G-1, D&W Ry Co. ²⁵

(f) If you have not already so identified a map showing such, is it not a fact that you have prepared and filed in the General Land Office a map showing how the T&SL Ry Co Blocks 228, 229, 236 and 237 will join Block G-1, D&W Ry Co, based upon calls for adjoiner, and if you have not already done so and now have such map, will you please attach the same to this deposition, having same properly marked for identification.

(g) Is it not a fact that the calls for adjoiner in the field notes of T&SL Ry Co Blocks 228, 229, 236 and 237 do not call to adjoin Block G-1 aforesaid in the manner shown on the map heretofore referred to as having been made by you based on connections made in December, 1941, and January, 1942?

CROSS INTERROGATORY No. 10:

If you have found, in examining the field notes of the various and sundry T&SL Ry Co Blocks lying east of the line mentioned in Subdivision A-#9 hereof, any calls other than for mounds or stake and mounds or rocks, then please identify the particular section in the particular block where such exists, or if you found any calls lying east of said line calling for distant objects, then please identify the survey and block in which you found such to exist.

CROSS INTERROGATORY No. 11:

(a) In the map heretofore referred to prepared by you based on connections made by you in December, 1941, and January, 1942, do you or do you not show Blocks 239 and 240, T&SL Ry Co Survey?

EY
W.
(b) If you do not, is it not a fact that same may be platted in according to your construction of their location by extending westwardly the several lines in Block 237 and by extending southerly for substantially six miles the various lines running north and south in 234 and 233, so that there would thereby be platted Block 239, lying immediately south of Block 234, and Block 240, lying immediately south of Block 233?

(c) At what point on the map heretofore referred to as having been prepared by you based on connections run in December, 1941, and January 1942, will a point two miles south and 15 miles east of the southwest corner of Section 22, Block 239, ^{as you would fix same} fall with respect to what you show to be on the map referred to the southeast corner of Section 36, Block 237?

(d) Where on the map inquired about in Subdivision (c) hereof will a point fall which is three miles south and nineteen miles east of the southwest corner of Section 13, Block 240, T&SL, ^{on your map} with respect to the point you fix as the southeast corner of Section 36, Block 237, T&SL?

CROSS INTERROGATORY No. 12:

As fixed by you
(a) Did you ever go on the ground to what is known as the Cat Claw corner located in the T&SL Ry Co Blocks lying to the west of Block G-1, D&W?

(b) If you did please state how you identified same, if you identified same, and state where said Cat Claw corner is located with respect to what you show on your map based upon the connections run by you in December, 1941, and January 1942, hereinabove referred to, as the southwest corner of Section 36, Block 231, T&SL.

CROSS INTERROGATORY No. 13:

Referring to the map prepared by you based upon connections run in December, 1941, and January, 1942, aforesaid, and assuming that Block G-1, D&W, should have its beginning point, not at the point shown by you, but at the southeast corner of Section 36, Block 237, T&SL, as shown by you on said map, please state whether calls running from west to east from the points hereinafter mentioned would or would not intersect (substantially) the several calls for Block G-1, hereinafter mentioned, based upon the location of Block G-1 assumed in this question, rather than as shown on your map: *as shown by you*

(a) Begin at the SW corner of Section 36, Block 231, T&SL, and run thence E 13 miles, will you not intersect the NW corner of Section 96,

Block G-1?

(b) Begin at the SW corner of Section 35, Block 234, T&SL Ry Co, and run thence E 14 miles, will you not intersect the NW corner of Section 42, Block G-1?

(c) Begin at a point 2 miles S of the SW corner of Section 22, Block 239 (as you would plat the same in on the above mentioned map), thence run S 2 miles and thence run E 15 miles, will you not intersect the SW corner of Section 1, Block G-1, as the same would be located on the assumption set forth in this question?

(d) Begin at a point as representative of the SW corner of Section 33, Block 236, shown on your map, and run thence E 18 miles, will you not reach a point which will intersect the NW corner of Section 174, Block G-1, based upon the location as assumed in this question?

(e) Begin at a point shown on your map hereinabove referred to as the SE corner of Section 24, Block 235, being also the SW corner of Section 19, Block 236, and run a distance thence E 18 miles, will you not intersect a point which will be the NW corner of Block G-1, being also the NW corner of Section 200 Block G-1, as the same would be located based upon the location of G-1 as assumed in this question?

CROSS INTERROGATORY No. 14:

If you are not already familiar with the calls thereof, will you not examine and state whether Section 13 or 24 of Block 228, T&SL Ry Co, calls for Block G-1, and if either calls for G-1 then state which corner of the two surveys out of Block 228, T&SL, referred to, calls for G-1.

CROSS INTERROGATORY No. 15:

(a) Did you undertake to run all or any part of the traverse shown on what is known as Brewster County Roll Sketch No. 19-A and under Subdivision 19 thereof, from the SW corner, File No. 1, Gano & Son, to the mouth of Maravillas Creek?

(b) If you ran any part thereof, please state what part thereof you ran, what courses and distances you ran and what objects you found along the run and whether you were in the valley, on a creek, or on mountains as you ran, giving in detail just exactly what your footsteps showed as you undertook to retrace this line, if you did undertake to retrace the same, either in whole or in part, and from what point or points you started.

CROSS INTERROGATORY No. 16:

(a) Did you ever survey up the east line of T&SL Ry Co Block located north from the point shown on the map prepared by you, based on your connections run in December, 1941, and January, 1942, as the SE corner of Section 36, Block 237?

(b) If you did run up this line, state what object or objects, if any, you found and at what distances. State also how far you ran the line, whether you did so while surveying, or whether you walked up the line, and state generally what, if anything, you know as to the nature of the ground location of this line and objects found along the same.

D-767 39

PORTIONS OF THE FINDINGS OF THE TRIAL COURT

"I. * * * The original footsteps of Thompson are now found on the ground, particularly at what is known as the Cat Claw Corner, being the N.W. corner of Survey 1, T. & St. L. Block 234, and other corners to the N. and S. thereof, which definitely fix on the ground the N. and S. lines of T.&St. L. Ry. Co. Blocks. The S.E. corner of said Block is 3198.4 varas E. and 3396 varas S. of what is known as the Hunnicutt Corner, hereinafter referred to. So located they bear their exact east and west field note relation to the N.W. corner of Survey 1, Block 21. There is a small ground excess north and south.

"II. * * * (i) I find said true S.W. corner (of G-1) to be coincident with the S.E. corner of T. & St. L. Blocks located under File No. 2, namely, the S.E. of Section 36, Block 237, which point is 3198.4 varas E. and 3396 varas S. of the so-called Hunnicutt Corner. It is also on a line which is 24,700 varas E. of the N.W. corner of Survey 1, Block 234, the intervening surveys in the T&SL Blocks were actually run on the ground by S. A. Thompson only a few months after Gano located the S.W. corner of Block G-1." (Tr. 264, 266-7).

A PORTION OF THE CONCLUSIONS OF LAW
BY THE TRIAL COURT

"3. As a matter of law, there is no conflict between Block G-1 and the T&SL Ry. Co. Blocks, and the true dividing line between those blocks is fixed as running north from their before mentioned common corner (SW G-1 and SE T&SL) 38,000 varas northwardly on a course that will run through a point 92.3 varas west and 78.7 varas north of what is known as the W. L. Rider NW corner of Survey 200, Block G-1, which Rider Corner is identified by undisputed bearings called for in his field notes." (Tr. 267).

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PORTIONS OF THE TESTIMONY OF J. A. SIMPSON

"Q. Then what did you do when you came in October of 1942?

"A. I ran the connections from the Cat Claw corner and then the N.E. corner of survey - Block 234, and I ran the traverse from there. * * * I then ran a traverse northeasterly from that corner to the Rider corner, the northwest corner of G-1.

"Q. And the northwest corner also of Survey 200 in Block G-1?

"A. Yes, sir.

"Q. Did you identify that northwest corner, the Rider corner, by its - by the bearings given in the field notes that are in evidence here?

"A. Yes, sir.

* * *

"Q. You were about to testify about your identification of the Cat Claw corner?

"A. I identified it from the Cat Claw corner that is called for in the Thompson field notes and also three mound bearings talked about by him." (S.F. 789-91).

"Q. Then before we go on to something else let's give a little more attention to your defendant's Exhibit No. 90 and its method of construction. That, you say, has got this Cat Claw corner spot on it and these other Thompson corners to the west, and the distances with reference to them are given east across the Texas and St. Louis Blocks. Is that right?

"A. Yes, that's right." (S.F. 801).

"Q. Complete your description, please, of how you laid out that Thompson Block. You have indicated the manner you laid them out east and west - laid them out east and west - now how did you lay them out north and south?

"A. I laid them out in the same manner, except giving them the north and south and east and west both between the Thompson blocks - the Thompson corner to the west.

"Q. Have you indicated on your map the Texas & St. Louis line along there (indicating) which you give here?

"A. Yes.

"Q. Now those are not constant - one is 1900 and one 1907 and one 1913, and so on?

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"A. That is right.

"Q. On the other end then, where is the southwest corner of G-1 on this map?

"A. I put the southwest corner of G-1 identical with the southeast corner of Block 237, Texas & St. Louis.

* * *

"Q. That is also the northeast corner of Survey 1, Block 245?

"A. Yes, sir.

"Q. And the northwest corner of Survey 20, Block G-9?

"A. That is right.

"Q. And then in what manner did you construct the surveys in Block G-1?

"A. I constructed them according to their field note calls.

* * *

"Q. And reaching finally the north end of the Rider northwest corner?

"A. Yes, close to it. I didn't check out exactly with his position, but very close.

"Q. How much would you say you were off of that position?

"A. I was 92.3 varas west, 78.7 varas north of the Rider corner." (S.F. 802-6).

"Q. With respect to the point down here at the bottom of this Ex. D-93 marked "A" in pencil, what does that point represent?

"A. That is the course and distance east and south from the Cat Claw corner.

"Q. Well, where is your related point @ the same point shown on your Exhibit D-90, the A on this too?

"A. It shows in the southeast corner of Section 36, Block 237, and the southwest corner of Section 1, Block G-1.

"Q. The point marked "A" on these two maps, D-90 and D-93, are the same points on the ground, are they?

"A. Yes, on the ground the same points." (S.F. 829,830).

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"Q. A southeasterly course to a point in the southwest corner of Survey 36, Block 237, is what you interpret to be the Gano traverse through that area?

"A. Yes, possibly. With the exception of the far end of that traverse. I had to extend it on further southeast in order to reach the course and distance point off of the Cat Claw corner south and east.

"Q. That is what you represent as the southeast corner of Survey 36, Block 237, you had to extend it from what you understood to be Gano's calls?

"A. Yes, sir." (S.F. 879-80).

"Q. State whether or not this map, D-90, shows your interpretation of Gano's traverse beginning with the sixth call, with the exception as you have previously mentioned in the last call.

"A. Yes, sir." (S.F. 900).

PORTION OF SIMPSON'S TESTIMONY
ABOUT RUNNING THE COMMON LINE OF
G-1 AND THE THOMPSON BLOCKS

"Q. What course did that line run, north and south like?

"A. Yes, sir.

"Q. On what variation? Is it the same identical line with the line in Thompson's Block?

"A. Yes, sir.

"Q. Did you run the line through from north to south or simply project it?

"A. I ran it through.

"Q. All the way from the north to the south?

"A. Yes, sir." (S.F. 900-1).

EXCERPTS FROM CORROBORATING EVIDENCE
OF JOHN STOVELL

"Q. Now have you ever done any work on the ground north of the Cat Claw corner?

"A. Yes, sir.

"Q. And in the neighborhood of Survey 2, Block 225?

"A. Yes, sir.

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"Q. Do you know whether you found that "F" corner or not?

"A. I found an old corner.

"Q. Did you take that to be the old Thompson corner?

"A. I did." (S.F. 230-1).

"Q. Now the field notes of No. 1, 244, show the southeast corner to be an "E" corner. Then that is the corner you found. That is correct, isn't it? You see here on this map (indicating).

"A. This corner up here, that is the one.

"Q. That is the "E" corner?

"A. That is right.

"Q. And that was set up by S. A. Thompson and not by H. A. Thomson?

"A. Yes.

"Q. For the beginning corner - I mean for the beginning corner of his Block 244?

"A. Yes, sir.

"Q. Now I see in your map here, on the map marked Exhibit 2, a round figure, the northeast corner of Section 2, Block 234 under the southwest corner of Section 36, Block 231, which is the point you have designated on your map, P-56, as the Cat Claw corner?

"A. That is right.

"Q. Let's mark it here. Cat Claw, please, sir. Mark in the Cat Claw. That is correct, isn't it?

"A. Yes, sir.

"Q. Now then on this corner and on this Exhibit No. 2, Defendants' No. 2, I see at the northeast corner of Section 22, Block 234, another mark there (indicating) - there is Block 14, Section 234 Thompson. Did you accept that from the field notes and from those calls as being an original monument set up by S. A. Thompson?

"A. That is right.

"Q. Immediately south of that (indicating) one mile is another you mark as the Thompson corner, that being the southwest corner of 23, and the northeast corner of 27, Block 234. We put a red mark on that?

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Counter 16084

"A. Yes, sir.

"Q. And immediately a mile south of that, 1933 varas and the northeast corner of 34 and the southwest corner of 26, Block 234, I find another point you have marked as Thompson corner?

"A. Yes, sir.

"Q. You identified that from original bearing?

"A. Yes.

"Q. Then two miles south, or a little over, I find that the northeast corner of 10 and the southwest corner of 2 in Block 234, I find another mark - another Thompson corner?

"A. Yes.

"Q. You identified that ?

"A. Yes." (S.F. 239-41).

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CROSS-INTERROGATORIES TO BE PROPOUNDED
TO THE WITNESS, M. P. BALL, BY THE
DEFENDANTS, GUY S. COMBS AND H. G. TOWLE.

X INTERROGATORY ONE:

When were you first licensed as a land surveyor?

X INTERROGATORY TWO:

How long have you been actually engaged in surveying land in Texas? Or elsewhere?

X INTERROGATORY THREE:

Please state where you were born and how long you have lived in Texas, and what part of Texas you have lived in.

X INTERROGATORY FOUR:

How long have you been surveying land in the western part of Texas?

X INTERROGATORY FIVE:

How many times have you done surveying work in Brewster or Presidio Counties, Texas, stating the approximate duration of your work each time?

X INTERROGATORY SIX:

Exactly how much time did you spend in actual surveying in the field in connection with this case?

X INTERROGATORY SEVEN:

Please state fully the extent of your experience in identifying rock monuments of the nature of those found in the vicinity of the land involved in this case.

X INTERROGATORY EIGHT:

When was the first time that you went to Brewster County for the purpose of doing any surveying?

X INTERROGATORY NINE:

I notice it appears in your report that some of the work was in the neighborhood of a mountain called Stairway Peak. Please locate this peak with relation to Black Gap, giving course and distance.

X INTERROGATORY TEN:

Please describe the appearance of the mountain, Stairway Peak.

X INTERROGATORY ELEVEN:

Is there more than one mountain in this neighborhood to which the name of Stairway Peak is applied? If your answer is Yes, locate the two mountains with respect to each other.

X INTERROGATORY TWELVE:

Please locate by course and distance what is called the Hunnicutt corner with relation to Black Gap.

X INTERROGATORY THIRTEEN:

Did you ever survey, by chaining or by stadia, from the Hunnicutt corner to the mouth of Maravillas Creek?

X INTERROGATORY FOURTEEN:

Please locate by course and distance the Hunnicutt corner and the spot selected by you as the SW corner of Survey 1, Block G-1, D. & W. Ry. Co., as related to each other, giving this relation with exactness.

X INTERROGATORY FIFTEEN:

Does the traverse from the mouth of Maravillas Creek to the SW corner of Block G-1 as called for in Gano's field notes of that block on file in the Land Office run from the mouth of the Maravillas and through Black Gap? If your answer to this is No, please explain fully and describe the course of that traverse as related to Black Gap.

X INTERROGATORY SIXTEEN:

Have you ever surveyed, by chaining or by use of stadia, from the NW corner of Survey No. 1, Block 21, GH & SA Ry. Co., in Brewster County, Texas, to the spot indicated by you on your map on file in the Land Office as the SW corner of Block G-1, D&W Ry. Co.?

X INTERROGATORY SEVENTEEN:

Have you ever surveyed from the beginning ~~of~~ point above mentioned to the corner known as the Hunnicutt corner, concerning which you have heretofore testified?

X INTERROGATORY EIGHTEEN:

It is noted about the middle of the second page of your report of July 1, 1942, to the Land Office, that you state as follows:

"A definite ledge on top of Iron Mountain bears N 0 deg. 48' E some 3 miles 'X' chiseled in flat top of embedded boulder 12-1/2 feet across top and about 5 feet high, bears S 34 de 51' E 32 varas."

Did you chisel this "X" in the boulder or did you find it already chiseled in the boulder?

X INTERROGATORY NINETEEN:

Does the traverse from the mouth of the Marravaillas to the SW corner of Block G-1, D&W Ry. Co., as found in Gano's field notes of that block, if platted on the ground, and at the spot indicated by you as the SW corner of that block in your report, and if not, please, by course and distance, state how far it is between the two points?

X INTERROGATORY TWENTY:

Does the traverse from the NW corner of Survey No. 1, Block 21, GH & SA Ry. Co., to the SW corner of Block G-1, D&W Ry. Co., as found in Gano's field notes of the last mentioned block, coincide with the point indicated by you as the SW corner of G-1 in your report to the Land Office mentioned above, and if not, please indicate by course and distance how far apart the two points are? In answering this question, please go into details if there is more than one reading of the calls of this traverse.

X INTERROGATORY TWENTY-ONE:

In your report to the Land Office and accompanying map above referred to you have given the latitude and longitude of the NW corner of Survey 1, Block 21, GH & SA Ry. Co. Is this latitude and longitude shown as for said Survey 1 according to Miner's field notes or Mabry's ~~field~~ corrected field notes of that survey?

Hal Browne

Attorney for Defendant, Guy S. Combs

Phil Overton - Ralph Yosbony

W. Trueheart

Attorneys for Defendant, H.G. Towle

Counter 16090

TRUEHEART, MCMILLAN & RUSSELL

San Antonio, Texas

May 6, 1946

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P

Y

Mr. Fagan Dickson
Norwood Building
Austin, Texas

Dear Fagan:

I duly received your letter of the 25th ult. enclosing draft of petition of intervention for the state; also yours of the 3rd instant enclosing list of names of proposed defendants. I note you sent a list to Mr. Jones as well.

I have been busy or I would before this have written about the first mentioned matter.

There is no need for an "amended report" by Simpson, for he has nothing in the previous report to amend, change or retract. You simply choose to assume that when he ran N. 1 degree 8 minutes west 38,000 vrs. from the judgment S. W. G-1, he would arrive at a different N. W. corner than what is described in the judgment by reference to the Ryder N. W. corner. The contrary is true. I should be glad to recommend that Simpson write a letter to the Land Office, stating that when he ran northward, as previously reported, from the judgment S. W. G-1 corner 1 degree 8 minutes west 38,000 vrs. he arrived at a point for N.W. G-1 that is 92.3 vrs. west and 78.7 vrs. N. of said Ryder corner.

You apparently argue in your letter that to run the west line of G-1 north 1 degree 8 minutes west, and to run all other lines through the dependant G blocks consistently with this course violates (1) the judgment in Williams vs. Jones, (2) the agreement between Jones and the Roarks, and (3) the field notes themselves. The truth about the matter is exactly the opposite, and I might add that unless my ideas are respected in this matter, I see a definite parting of the way.

Supporting the contrary are:

1. Finding of fact IV in the Williams case calls for a dividing line between G-1 and the T&STL blocks to run from their common corner 38,000 vrs. "northwardly on a course that will run through a point 92.3 vrs. W. and 78.7 vrs. N. "of the Ryder N. W. corner. In the light of what is said above about

Simpson's line, this means that this dividing line runs from the common corner north 1 degree 8 minutes west, 38,000 vrs. Similarly at the top of Page 14 of the judgment it is said that from their common corner the dividing line between these blocks runs "north for an aggregate of 38,000 vrs. to a point for G-1's N. W. corner, which is 92.3 vrs. W. and 78.7 vrs. N." of Rider N. W. corner. Even your own second paragraph of division IV of the intervention says substantially the same thing as this, except that it should add that the line through these two points runs N. 1 degree 8 minutes W. 38,000 vrs. from said S. W. corner of G1, and all other lines in G-1 and the dependent G- blocks to the east (not including, if you please, surveys 68-120 of G-18) being run on courses consistent therewith.

2. Paragraph 1, Division I of the agreement calls for "locating the surveys in blocks G-18, G-20, G-21 and M-2 in accordance with the judgment of the District Court in the case of Dick Williams et al v. Asa Jones et al, except that Block G-18 will be broken, etc." If this is going to hurt Mr. Roark, as you say, then he should have thought of it before he signed the agreement.

3. Whether such location violates the field notes of these surveys is rather beside the point for you to argue, either as representing the State of Texas or the Roarks, for they were both parties to this judgment and are bound by it. However, it is worthy of note that Simpson says in his report that he ascertained Thompson's true variation to be 1 degree 8 minutes W. and so located the lines in both the T&StL blocks and in G-1, with a common dividing line between them. In locating surveys I believe it to be elementary to follow the footsteps of the original surveyor by taking for north what he calls north, rather than what we call north, determining the former by his footsteps. Of course the G blocks are not ground surveys, but the whole theory of the judgment in the Williams case is that Gano's senior work is witnessed and therefore controlled by the junior Thompson ground work to the west. As for the "endless confusion" you speak of, it can only be avoided by running all the lines in G-1 at right angles to one another, and so throughout all of the Gano blocks, maintaining a consistency with the west line of G-1, as established by the judgment in the Williams case.

I think you should make corrections in line with the above with reference to all other Gano blocks with the exception above named.

Please be sure and let me hear from you in line with the above, for if the intervention is filed in any such shape as it

presently takes, I think you can count on active resistance on our part, since it violates the agreement and can be blocked by res judicata or judicial estoppel as concerns the State of Texas, if not the Roarks. On the other hand, please be assured that we will readily cooperate with you along the lines of our agreement consistently with the judgment in the Willaims case.

Yours very truly,

(s)

C. W. Trueheart

CWT/fm

3047

No. 2006

DICK WILLIAMS ET AL E IN THE DISTRICT COURT
VS. : OF
ASA A. JONES ET AL : BREWSTER COUNTY, TEXAS

At the request of the Intervenor, The State of Texas, for the filing of Findings of Fact and Conclusions of Law, the following are here made and filed:

FINDINGS OF FACT

I.

This case involves, among other things, the location of certain blocks known as T&SL RR Co Blocks 225 to 240 (but particularly the SE and NE corners thereof and the E line thereof), surveyed under what is known as File No. 2 (being a file senior to that under which Block G-1, hereinafter referred to, was located. In fact, G-1 has its beginning corner at the SE Corner of File No. 2), File No 2 took its beginning point from the NW of Survey 1, Block 21, GH&SA. The field notes on these T&SL Blocks were returned by S. A. Thompson and are dated after May of 1881 and prior to January, 1882. The original footsteps of Thompson are now found on the ground, particularly at what is known as the Cat Claw Corner, being the NW corner of Survey 1, T & SL Block 234, and at other corners to the N and S thereof, which definitely fix on the ground the N and S line of T & SL Ry Co Blocks. The SE corner of said Block is 3198.4 varas E and 3396 varas S of what is known as the Hunnicutt corner, hereinafter referred to. So located they bear their exact east and west field note relation to the NW corner of Survey 1, Block 21. There is a small ground excess north and south.

II.

This case involves the true location of what is known as Block G-1, D & W R R Co, containing 200 sections, surveyed by John T. Gano, in May of 1881. In locating said Block G-1, Gano did no actual ground surveying aside from the location of the

proof

SW corner thereof (SW of Section 1). The only ground work done by him in this connection was to ascertain the SE corner of Powell & Gage File No. 2, called for in the file covering Block G-1, and in the field notes of Survey 1, Block G-1, by actually running on the ground a traverse from the NW of Survey 1, Block 21, GH&SA. The location of this latter corner is fixed by all the surveyors at the same point on the ground. This traverse is pictured on the State's Exhibit 12 and is shown as the 18th traverse on State's Exhibit 11.

(a) Having reached the SE corner of said File No. 2, Gano, in the field notes he returned in September of 1881, characterized the corner to be at:

"A rock mound on the NE slope of the Rio Grande Range of mountains, the SE corner of File #2 made by Powell & Gage March 7, 1881 - - - from which Stairway Peak, the highest visible point of the Rio Grande Range bears S $19\frac{1}{2}$ W 950 varas and the top of Iron Mountain bears N $1\frac{1}{2}$ deg. E. about 2 miles, and also NW corner of Survey No.1, Block 21, by virtue of Cert. 1995 issued to GH&SA Ry Co bears N $38-1/6$ deg. W 67657 vrs., and the mouth of Maravillas Creek bears S $89-3/4$ deg. E 21065 varas."

(b) The so-called Hunnicutt corner, relied upon by the State and Plaintiffs, if the true SW corner of said Block G-1, puts G-1 in conflict with the T&SL RR Co Surveys mentioned and moves the SW of G-1 nearly 2 miles N of the S line of T&SL Ry Co Block as same must be located by the footsteps of Thompson now recognizable on the ground. Same is located also more than one mile N and more than one mile W from the end of the traverse of Gano from the NW corner of Survey 1, Block 21, GH&SA. It is located on the N—not the NE—slope of what is known as Stairway Mountain. This is a long mountain running in a generally NW-SE direction with a blunt north end. The mountain takes its name from a stairstep formation at the extreme SE end, above which there

is a high point which the only witness testifying on the question says is known in the community as Stairway Peak, and I find that it is "Stairway Peak." This is nearly 2 miles SE of the Hannicutt corner. Near the N end of the mountain is a high point which the State and the plaintiffs seek to call Stairway Peak. Neither of said two points on Stairway Mountain is the highest point in the Rio Grande Range. From the Hannicutt Corner the said high point on the N end of Stairway Mountain is the highest point there visible. From the point I fix as the true corner, the peak over the Stairway is the highest visible point in the Rio Grande Range.

(c) There are many iron colored mountains in the area, but no one mountain is known as "Iron Mountain." Many bearings much more definite in quality could have been taken from the Hannicutt Corner than the so-called "Iron Mountain" bearing relied upon by the State and plaintiffs.

(d) The "Iron Mountain" bearing from the Hannicutt Corner does not substantially fit Gano's call for "The top of Iron Mountain bears N $1\frac{1}{2}$ E about 2 miles."

(e) At the time Gano established the SW corner of G-1, he did not know or consider its true relation to the mouth of Maravillas Creek or to the Rio Grande River. The traverse (19th on State's Exhibit 11) shown as having been run from this corner to the mouth of Maravillas Creek was not run by Gano but by W. J. Glenn. This traverse as reported cannot be run through on the ground. On the other hand, the traverse from the NW corner of Survey 1, Block 21, run by Gano, is physically capable of being run through on the ground and was the controlling fact which located the SW of Survey 1, Block G-1.

(f) Gano's call in his field notes of Survey 1, Block G-1, for the mouth of the Maravillas Creek to bear S $89-3/4$ deg. E 21,065 varas, from his SW corner of that survey and

block was a false and mistaken call, and for this reason G-1 cannot be located with reference to the mouth of Maravillas Creek, and the various Cano maps in evidence are in error in their showing of the relationship of SW G-1 and the mouth of Maravillas Creek.

(g) The memorandum of the traverse run from the NW of Survey 1, Block 21, CHASA, to the SW corner of File No. 1 and being referred to as the 18th memorandum of traverse on State's Exhibit 11, has in it two evident errors. One error is a call for 70 varas as opposed to a call for 5470 varas, and the other a call of S $51\frac{1}{2}$ E instead of $37\frac{1}{2}$ E. A correction of these is compelled in order to give effect to the overall call (in field notes of Survey 1, Block G-1, and in State's Exhibit 11 and pictured in State's Exhibit 12) for course and distance from the SW corner of Survey 1, Block G-1, to said NW of Survey 1, Block 21, of N $38-1/8$ deg. W 67,657 varas. These errors are shown also by other evidence.

(h) Without having undertaken to relate all the evidence on the subject, but based thereon, I find that the Hunnicutt corner is not the true SW corner of Survey 1, Block G-1.

(i) I find said true SW corner to be coincident with the SE corner of T&SL Block located under File No. 2, namely, the SE of Section 36, Block 237, which point is 3198.4 varas E and 3396 varas S of the so-called Hunnicutt Corner. It is also on a line which is 24,700 varas E of the NW corner of Survey 1, Block 234, T&SL, known as the Cat Claw corner, from which the intervening surveys in the T&SL Blocks were actually run on the ground by E. A. Thompson only a few months after Cano located the SW corner of Block G-1.

III.

As heretofore stated, Cano, when he surveyed Block G-1, did not know its relation to the Rio Grande River and, among other things, to the mouths of what are now known as Reagan

Canon and San Francisco Creek. The entire area to the north, east and south was at that time unappropriated, and there was nothing to control the location of the surveys in Block G-1, as they ran from its original SW corner, except course and distance as set forth in the field notes of that Block.

IV.

As a matter of fact, there is no conflict between G-1 and the T&SL Ry Co Blocks, and the true dividing line between these blocks is fixed as running north from their beforementioned common corner (SW G-1 and SE T&SL) 58,000 varas northwardly on a course that will run through a point 92.3 varas W and 78.7 varas N of what is known as the W.L. Rider NW Corner of Survey 200, Block G-1, which Rider Corner is now identified by undisputed bearings called for in his field notes.

V.

There is also involved in this case three alleged vacancies, known as Tracts 1, 2 and 3, as described in the State's Amended Plea of Intervention. These in turn involve, among other things, the location of what is known as Block B-1, surveyed on the Rio Grande River by A. Bogel in August of 1881 as far South as the mouth of Maravillas creek, and from there on south by John T. Cano in 1882. Cano later filed corrected field notes on a portion of the Surveys located by Bogel.

(a) Bogel in his field notes called for his beginning corner of Survey 1, Block B-1, to be at a canon, and Cano called for a canon in his field notes of Survey 1, Block M-2. Both called for the same point at the mouth of Reagan Canon (not the mouth of Big Canon).

(b) Bogel, in August, 1881, surveyed Surveys 1 to 20 in Block B-1, and then, beginning with Survey 21 and thence up the River (south) in January, 1882, Cano surveyed the balance of the surveys in said Block B-1, Survey 21 calling for adjointer to Survey 20. In his field notes of Survey 21,

Bogel called for a "Stone Mound on the River bank," but did not relate same to the mouth of Maravillas Creek. Gano in his original field notes on Survey 21 calls as follows:

"At a rock mound, the SE and upper corner of the Survey 20, this Block, about 300 varas below and northeast of the mouth of Maravillas Creek."

Later in 1883 Gano filed corrected field notes on Surveys 20 and 21, Block B-1. He called Survey 20 to adjoin Survey 19 and called for 20 and 21 to adjoin and gave the identical meander calls found in the original field notes of Surveys 20 and 21, but changed the distances back from the River.

(c) None of the intermediate corners between Reagan Canon and Maravillas Creek are now identified.

(d) The distance shown by Gano on his maps made after his work on G-1 and after the return of his map showing G-1 shows the distance and direction from Maravillas Creek to Bullis File (Reagan Canon) to be N 30 deg. 56 Min. E 22,260 vrs. The correct distance and direction is N 26 deg. 21 min. 35 sec. E 24,302.7 varas. The original map showing G-1 did not undertake to show any relation between these two points.

VI.

There is also involved on this question of vacancy the location of what is known as Block G-2, made by Gano in September of 1881. This Block called for the S line of the T&SL Blocks, for the SE corner thereof and for the S line of Block G-1 to be an extension eastwardly of the S line of the T&SL Blocks.

VII.

None of the three tracts claimed by the State to be vacant are in fact vacant, but the whole of Tracts 1, 2 and 3 described in the State's amended Plea of Intervention herein were in fact previously appropriated land.

VIII.

There is no dispute in the evidence as to the present ground position of the following:

- (a) The NW corner of Survey 1, Block 21, CHASA.
- (b) The SW corner of Survey 1, Block 20, CHASA.
- (c) Maxons Spring Corner from which Block G, DEAT, and the other surveys tying into it take their positions.
- (d) The mouth of San Francisco Creek, of Reagan Canon and Maravillas Creek.
- (e) What is known as the Indian Springs Corner.
- (f) What is known as the Cat Claw Corner.

CONCLUSIONS OF LAW

1. The surveys in Block G-1 are located by beginning at the SW corner of that block, as above fixed, each survey in the block being a 1900 vara Square, and the surveys being constructed in a series.

2. Block G-1 was surveyed without reference to its relation to Reagan Canon or the mouth of Maravillas Creek or the Rio Grande River, and on the other hand, it was located with necessary reference to and in direct relation and joinder with the Powell & Gage File No. 2.

3. As a matter of law, there is no conflict between Block G-1 and the T&SL Ry Co Blocks, and the true dividing line between those blocks is fixed as running north from their before mentioned common corner (SW G-1 and SE T&SL) 38,000 varas northwardly on a course that will run through a point 92.3 varas west and 76.7 varas north of what is known as the W. L. Rider NW corner of Survey 200, Block G-1, which Rider corner is identified by undisputed bearings called for in his field notes.

4. Block G-9, surveyed by John T. Gano a few months after his survey of Block G-1 and calling for adjoiinder thereto and with the south line of T&SL Blocks, is located with its north line coincident with the south line of said Block G-1

-267-

and the south line of said T&SL Blocks.

5. There being nothing but excess distances to break the calls for adjinder as between Bogel's work in Block B-1 and Cano's work in the same block, such excess distances must be prorated as between the whole sequence of surveys, which build one upon another in said Block B-1.

6. As a matter of law, the vacancies claimed by Intervenor, the State of Texas, as Tracts Nos. 1, 2 and 3, respectively, do not exist.

7. There is no system of surveys as between Block G-1 and the various junior Cano blocks to the east and north thereof, though Block G-15 to the north and G-13 to the southeast of Block G-1 are properly located by course and distance construction with reference to their ties to the senior Block G-1, made by the same surveyor shortly before.

8. There being no necessity for it, no findings of fact or conclusions of law are made as to adverse possession, improvements in good faith, or seniority of title as between surveys in Block G-1 and the T&SL HY Co Blocks.

Made and filed this the Second day of April, A.D. 1943.

H. O. Metcalfe

Judge Presiding.

Endorsed:
#2006
FILED Apr 2,
1943.

J. W. Fraser,
District
Clerk Brewster
County, Texas.

Blk. B. 1 - ^{Sec.} 1-20 - 1062⁷ varas

" " " 21-33 - 973² varas
according to Simpson's Survey

SE cor of 33 at mouth of Irwins
canyon S.P.

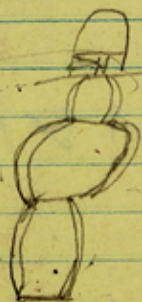
Gano
46874 varas

N 65° 51' E.

from Section 1 Blk. B1 to
at Reagan Canyon

Section 95 Blk. G18
at San Francisco Creek

Scaled: Det. Exhibit 3
N. 64° 29' 30" E 45,619 varas



S.P. R.R. Co. No 4

62

675
5729

6404
6272

232

Counter 16102

N'

Pelham Humphries

T. Feb. 14, 1835

JAV 33

B 22 P 307

Spanish Archives = \$4²⁰

\$2⁰⁰

6²⁰

W. H. Shields,

Copper Hill,

Tenn.

Scaled on Def. Exhibit 3B = 11,590va

NE 1 Blk. B1 to SE 4 Blk G14

N 45° 39' E. 11,629.9 varas

by Byron Simpson

3800

617

31831

193

1937

1301

3800

3238

562

1900

1932

200

193,400

617

562

13300

1710

55

11590

323,500

193,400

1301,000

Scaled on Def. Exhibit No 3

684

617

1932

1301

3233

1301

1932

3238

3183

55

N 45° 39'

44° 39'

6

1301

100

1301,000

400

Def

Exhibit

No 3

380000

1932

1301

1301

667

3800

38

1301

684

617

14535

4285

18820

$$\begin{array}{r} 38000 \\ 2 \overline{) 1375} \\ \underline{6875} \end{array}$$

$$\begin{array}{r} 675 \\ 10 \\ \hline 775 \\ \hline 3875 \end{array}$$

$$\begin{array}{r} 1615 \\ 845 \\ \hline 2460 \end{array}$$

$$\begin{array}{r} 675 \\ 685 \\ \hline 1360 \\ \hline 680 \end{array}$$

$$\begin{array}{r} 285 \\ 190 \\ \hline 475 \\ \hline 2375 \end{array}$$

$$\begin{array}{r} 1319 \\ 855 \\ \hline 454 \end{array}$$

$$\begin{array}{r} 950 \\ 520 \\ \hline 1470 \\ \hline 735 \end{array}$$

$$\begin{array}{r} 1900 \\ 475 \\ \hline 1425 \end{array}$$

$$\begin{array}{r} 271 \\ 700 \\ \hline 189700 \end{array}$$

EN
Bas 11:16

12:55

Flümm 2191

300

1700

1672

2600

6272

190

950

2157

2000

1270

1672

1610

2600

300

5337

6272

7600

190

1375

5475

5700

425

52

14440

2025

420

1205

2.

2595

6240

51

190

45

14440

5700

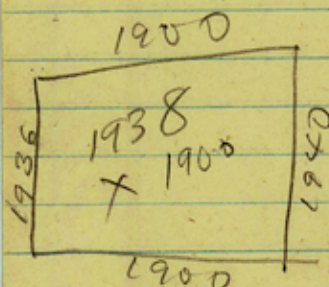
517

20657

17710

18947

19671



380

95

475

42

517

1937.9 x 1900

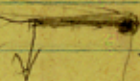
4)652.2

FN

~~5128~~
400 000
5185

5

3200 East
3400 South



6, 7, 11

3200
2850
—
350

5185.7

1"

Counter 16107

1140

$$\begin{array}{r} 1615 \\ 45 \\ \hline 1660 \end{array}$$

$$\begin{array}{r} 950 \\ 6650 \\ 1140 \\ \hline 77905 \\ 1375 \\ \hline 5225 \\ 14390 \end{array}$$

$$\begin{array}{r} 37.71 \\ 2.84 \\ \hline 15085 \\ 30168 \\ 7542 \\ \hline 70965 \\ 107760 \\ 1520 \\ \hline 6080 \\ 8510 \\ \hline 14590 \end{array}$$

$$\begin{array}{r} 19 \\ 5 \\ \hline 9500 \\ 990 \\ \hline 8510 \end{array}$$

$$\begin{array}{r} 5700 \\ 475 \\ \hline 5225 \end{array}$$

$$\begin{array}{r} 15200 \\ 1660 \\ \hline 13540 \\ 6080 \\ \hline 19620 \\ 6080 \\ \hline 13540 \end{array}$$

$$\begin{array}{r} 7269 \\ 107 \\ \hline 7162 \end{array}$$

$$\begin{array}{r} 1240 \\ 396 \\ \hline 844 \text{ Am} \end{array}$$

Southern by Geographic 19671

$$\begin{array}{r} 1710 \\ 1301 \\ \hline 1710 \\ 5230 \\ \hline 1710 \\ 223471 \end{array}$$

$$1710 \times 1301$$

3396

$$\begin{array}{r} 5645 \overline{) 2234710} \\ 16935 \\ \hline 54121 \\ 50805 \\ \hline 33160 \\ 33870 \end{array}$$

$S. 64^{\circ} 30' W.$ $47^{\circ} 30'$
 $S. 64^{\circ} 29' 30'' W$ 43051 90259 1.7 8 19 586.7
 $29' 30'' W$ 43064 90253
 Latitude

NE Cr. 95-618 $29^{\circ} 52'$ 46.321

Wdr. 1-MZ 29 $43'$ 45.378

$9'$ 00.943

$60 \times 9' + 00.943'' = 540.943''$

$29^{\circ} 47' 30'' = 107.013 \times 540.943 = 54,642.3 \text{ feet}$

South $= 19,671 \text{ varas}$

$S. 64^{\circ} 29' 30'' W 45,619 = 19,665 \text{ varas}$

$19,671 \frac{1}{2} = \left. \begin{array}{l} 2,076,404,850 \\ 41,103 \frac{1}{2} \end{array} \right\} \text{ } \frac{6}{\text{varas}}$
 $- 45631 -$

$24 \text{ miles} - 285 \text{ varas}$
 $- 45,619 -$
 285
 $- 45,334 -$

Longitude

SWar. 1-MZ $102^{\circ} 40'$ 56.698

NE Cr 95-618 $102^{\circ} 19'$ $21.129''$

S $21'$ $35.569''$

$60 \times 21 + 35.569'' = 1295.569''$

$29^{\circ} 47' 30'' = 88.128$
 $1295.569 \times 88.128 = 114,175.9 \text{ feet}$

$= 41,103 \text{ varas}$

$S. 64^{\circ} 29' 30'' W 45,619 \text{ var} = 41,117 \text{ varas}$

$45,619 \text{ varas}$ from Mouth of
 San Francisco to Mouth of Reagan Canyon

1834
 2425
 221
 6469

$21 \text{ m } \times 32^{\circ} W$
 Counter 16109 N^5

Titus Co. Sch.
Breuster SK FL MS 8
~~1-760~~
~~3-3144~~
B-556
B-924

Titus County Sch. Ld. - June, 7, 1855

Jas. Edwards - Nov. 26, 1856

Sam'l L. Brown - Sept. 5, 1855

Thos. R. Hill, Mt. Pleasant,
June 12, 1856
22-154

Riders "B" N. W. corner of
Section 32, Blk 343
Lat. $29^{\circ} 56' 01.116''$
Long. $102^{\circ} 36' 30.686''$

R.S. Dod's "B" N. W. corner of
Section 32 Blk. 343
Lat. $29^{\circ} 56' 07.024''$
Long. $102^{\circ} 36' 35.658''$

Riders N W corner of Blk G 1
Lat. $29^{\circ} 49' 42.458''$
Long. $102^{\circ} 56' 37.873''$

Holland

Richmond
Ave,

Houston, Texas

100
320
580

1500

2.777775

Latitude

Riders Bcr. $29^{\circ} 56' 01.116''$ " NW ^{G-1} Bk $29^{\circ} 49' 42.458''$ $06' 18.658''$

$$60 \times 6' + 18.658'' = 378.658''$$

$$29^{\circ} 52' 27.787 = 101.019 \times 378.658 = 38,251.75$$

$$= 13,770.6 \text{ v.}$$

$$7 \text{ miles } 13,305.6$$

Longitude

$$7 \text{ miles } + 465.0 \text{ v.}$$

Riders NW G1 $102^{\circ} 56' 37.873$ " Bcr. $102^{\circ} 36' 30.686$

$$20' 07.187''$$

$$60 \times 20 + 07.187 = 1207.187''$$

$$\text{mid Lat } 29^{\circ} 52' 27.787 = 88.048$$

$$1207.187 \times 88.048 = 106,290.401 \text{ ft.}$$

$$= 38,264.5 \text{ v.}$$

$$20 \text{ miles } 7,160$$

60.2

$$1200$$

$$07.$$

$$20 \text{ miles } + 2485 \text{ v.}$$

N $84^{\circ} 26' W$ 612 v.

09900

99528

W

6091

N

594 v.

$$\begin{array}{r} 5 \\ 620 \\ 594 \\ \hline 9 \end{array}$$

95 through 102 G18
M2 26 and 28

2.184

190/5.3.95
3800
1595

~~S-40891-90~~

3771
2. S-39000

T.C. Ry Co. G18

S-39658-9-60-1-2 140107-8
S-39600-7

1918

W	Blk. G. 18	E
3080 } -	Sec. 9.5	3230 -
330 } -		
4369 -	96	1918 -
4125 -	97	3718 -
4206 -	98	3020 -
4076.5 -	99	3744 -
3762. -	100	3911 -
3699. -	101	3778.5 -
4019. -	102	3473. -
5895. -	Blk. M2	812. -
	Sec. 28	1344 -
37,561		1344 -

30,292

7269

Westing from NE 95 Blk G18
to NW 26 Blk M2.

41,103

30,292

7,269

Westing from NE 95 G18 to SW. 1 M2.

from West Lin Sec. 1
to " " " 26

Blk M2

33,834

26

= 1301

LIST OF PARTIES INTERESTED IN RECEIVING COPIES OF MAP OF BREWSTER
COUNTY AREA * LAW SUIT

J.H. Elder
706 Grand Ave.
Brady, Texas

A.S. Justice,
Box 134,
Alpine, Texas

Brewster Co. File 16114

Coenter 16114

N⁹

Return & A.S.

No. 2006

DICK WILLIAMS, ET AL

IN THE DISTRICT COURT

vs.

of

ASA A. JONES, ET AL

BREWSTER COUNTY, TEXAS.

On the 23rd day of February, 1943 came on to be heard the above entitled and numbered cause, and came plaintiffs, Dick Williams, Hugh Means and R. F. Rice, Independent Executors and Trustees of the Estate of Elizabeth M. Watkins, deceased, and their co-plaintiff, M. L. Hopson, in person and by attorneys, and came the following named defendants by attorneys: Clyde Higgins, Dorothy Gage Forker and husband Donald Forker, Roxanna Gage Catto and husband, John Catto, Jr., Tom Parsons, Sid E. Slaughter, Peyton Powers, William M. Light, W. E. Sims, John E. Eaton, Administrator of the Estate of Evelyn Wilcox, deceased, Big Bend Realty & Development Co., H. G. Towle, H. M. Mills, Roy Stillwell, C. B. Billington, Asa A. Jones, W. L. Council, Carl Steiner, Louis Rassieur and wife, Mrs. Louis Rassieur, Albert Chambers, Carrie M. Cegur, Rock Realty Co., Wendell R. Bosworth, Oliver D. Bowen, E. E. Shriver, representing the estate of Frank L. Shriver, deceased, Estate of Samuel Schwab, deceased, Reginald H. Johnson, Charles C. Schrimmer and wife, Ruth Schrimmer, John D. Woodfin and wife, Ruth Woodfin, Rena Lee Poague, Trustee and Executrix of the Estate of B. T. Barkley, deceased, Mrs. Florence Lewis, Otto Walker, Great Southern Life Insurance Company, John O'Brien, Anna L. Bird, Mittie Bird Rice, R. H. Gresham, Guardian of the Estate of E. M. Bacon, NCM, W. E. Pope, A. P. Powers, J. W. Gilmer, Elmer Gilmer, Blanche Martin, J. M. Lea, Maurice M. Brill, Aetna Life Insurance Company, E. T. Rose, S. G. Sample, and Guy S. Combs, Great American Life Insurance Company and Franklin Life Insurance Company.

And came the Intervenor, the State of Texas, appearing through the Attorney General; and came likewise all defendants cited by publication, except those who filed answers herein or disclaimers herein, who were made parties defendant on the intervention of the State of Texas, and who were made parties defendant by the plaintiffs, all of whom were duly served in the manner and form and for the length of time required by law, and for all of whom Alan R. Fraser, a practising attorney of this bar, was duly appointed by the Court as attorney and who, as such attorney, filed an answer for said defendants, and made their appearance herein. That the said defendants so made parties and for whom said attorney appeared, upon intervention of the State of Texas, are as follows:

~~22. Guy S. Combs, a resident of Bexar County, Texas.~~

~~23. And the following persons who are non-residents of the State of Texas: Reginald Johnson, Charles G. Schirnnner and Ruth Schirnnner, husband and wife; John D. Woodfin and Ruth H. Woodfin, husband and wife, all residents of the State of Massachusetts; H. W. Karnes and L. H. Vermillion, residents of the State of West Virginia; Charles H. Buttrick, Mrs. Charles H. Buttrick, husband and wife, and D. Wm. Good, residents of the State of Virginia; Dick Williams, Hugh Means and Raymond F. Rice, Independent Executors of the Estate of Elizabeth M. Watkins, deceased, residents of the State of Kansas; William S. Speed and Mrs. Ollie S. Sackett, a widow, residents of the State of Kentucky; The Land Title Bank & Trust Company of Philadelphia, Pennsylvania, an Executor and Trustee of the Estate of Henry Whelen, deceased, a resident of the State of Pennsylvania; G. B. Billington, a resident of Oklahoma; James C. Buehler, a resident of Indiana; J. H. Stark, or if dead, his unknown heirs, a resident of Illinois; John Wikowsky, a resident of Kansas; F. M. and H. McWilliams, residents of New York; C. J. Cross, a resident of Illinois; J. W. Dickinson, a resident of Massachusetts; A. S. Hickok, a resident of Ohio; F. W. Cherryhomes, a resident of Oklahoma; G. F. Collins, a resident of Oklahoma; Eureka College, a resident of Oklahoma; Frank H. Colony, a resident of Massachusetts; S. J. Harlan, a resident of California; M. D. Coperhaver, a resident of Virginia; W. O. Trenor, a resident of Virginia; Ethel Norris Howell, a resident of Virginia; L. W. Thandler, a resident of California, ~~W. S. Sings, a resident of Kentucky.~~~~

~~24. And the following persons whose residence is unknown: Walter Stansell; J. M. Lee; F. M. Roark; I. C. Roark, Jr.; I. C. Roark, Sr., individually and as attorney in fact for Clifton Roark; W. L. Council; J. B. Catlett; Tom Persons; Fred G. Turner; Glyde Higgins; Mrs. Mabel Madison~~

Almond and her unknown husband; Ed C. Daniel; Neal Butler, trustee; Nora D. Newton; H. D. Smith and wife, Mary Ella Smith; Homer (Shorty) Rachelle; W. H. Halcombe; Dr. J. Marvin Rape; Charles E. Davidson; Charles E. Schauer; Tom Nolen; M. E. Smith; Lawrence Lotta and wife, Helen Lotta; E. W. Bacon; Alfred Bosenow; John Lotta and Frank Lotta; Clyde Young; H. E. Smith; ~~Sid E. Slaughter~~; W. D. Adcock; E. K. Smith; the unknown heirs of Frank L. Shriver, deceased; Albert Spurlock; Carl Steiner; McLauren & McDonald; John Noonan; Teresa H. Cohen; Jesus Gonzalez; Roscoe Chandler; Mrs. E. A. Farnum; Anthony Cardamona; Florence G. Lewis; Frank H. Colony; Harry Higbee; Mrs. S. J. Harland; Lena M. Dawson; Nelson White; J. P. Braum; R. H. Johnson; Vincent W. Borden; J. M. Jamison; Otho Eddleman; A. D. Roach; R. H. Darsey; West Texas Land Company; A. J. Henthorne; Clifton Roark; Freeman Corporation; Del Pecos Land Corporation; S. H. Campbell; ~~Big Bend Realty & Developing Company~~; Roscoe Chamblee; Callie M. Osborn; Daniel Rodriguez; V. L. Kiper; A. H. Taylor; the unknown heirs of Joe Kerr, deceased; T. W. Carr; J. B. Grimes; G. W. Dickey; George W. Stowe; Eugene Ashe; J. E. Dinsmore; P. A. Burnet; Ella McCracken; ~~William M. Light~~; ~~J. W. Gilmer~~; ~~Milton Gilmer~~; ~~E. T. Rose and S. G. Sample~~; J. E. McDowell; Fred Wehmiller; ~~Louis Rassieur and Mrs. Louis Rassieur, husband and wife~~, A. J. Henthorn; Ida Wilson; Parthenia Jones; Vennie Lytle and wife, Mrs. Vennie Lytle; Noah T. Hollinsworth and wife, Mrs. Noah T. Hollinsworth; William Pierce Eslinger; and Mrs. William Pierce Eslinger, husband and wife; C. B. Johnson; Mrs. Jane Smith Ferguson, and her unknown husband; Dr. James D. Macon; Paul R. Long; John D. Wagoner; Alleen Fish Evans; Robert S. Buntain and Jessie E. Buntain; Newell H. Motsigner and Mrs. Newell H. Motsigner, husband and wife; Earl D. Roundbush; P. T. White and Harry Graham; Henry A. Tisler; Mrs. C. L. Bushnell and husband, C. L. Bushnell; Dr. Kyle C. Copenhaver;

J. Blaine Long and wife, Mrs. J. Blaine Long; Donald B. McMillan and Mrs. Donald B. McMillan, husband and wife; Leon L. Soloman; Mrs. Nina G. Bushnell and her unknown husband; Ray W. Doud; Pauline Mary Vogel; Mrs. Thelma Harris and her unknown husband; John H. Jefferies; Mrs. Mamie D. Powe and her unknown husband; Dr. Charles E. Thorne; W. C. Iverson; E. C. Barnekow, Jr.; John Vonderbeck; Jacob Weinberg; Earnest A. Simmons and wife, Mrs. Earnest A. Simmons; G. C. McClure; Mrs. Margaret J. Green and her unknown husband; Dr. John H. Kincaid; Dr. Charles B. Wickham; Dr. C. W. Rain; A. Brown Davis; H. A. Dammyer; G. E. Newcomb; A. H. Bohn; H. A. Palmer; Ivan J. Babb; F. R. Defenbaugh; L. B. Bullock; E. L. Alford; A. T. Dudley; H. N. Fry; Ed Sawyer; S. A. Anderson; ~~Peyton Powers~~; A. C. Smith; Egiste Tezzi; W. L. Halbert; S. W. Roberts; L. F. Predmore; L. P. Jones; Edwin Wilcox; John A. Duffey; G. C. Wisdom; A. J. Wisdom, Trustee; Charles A. Baggett; or C. A. Baggett; P. E. Montgomery or Paul E. Montgomery; C. D. Finley; E. E. Rutledge; J. N. Heard; H. S. Anthony; J. A. Scarbrough; N. A. Brown; C. W. Middleton; J. B. Riley; J. L. Chapman; F. A. Crawford; O. H. Ridgeway; John C. Hale; E. A. Sterling; C. W. Andrews; M. H. Jones; J. F. Head; L. L. Lyles; C. R. Brice; H. M. McLeod; R. A. McLeod; J. L. Abarnathy; D. W. Schuech, Trustee; Fred W. Schawe, Trustee; F. X. Joerger, Trustee; J. T. Strickland; H. P. Compton; Mildred Harrington; Josephine Pouget; L. L. McHugh; J. H. Bush; T. J. May and Jessie McRae; J. B. Leshiker; Charles Orsak; Mrs. Nona Dyer and her unknown husband; Jennie Francis; W. N. Connell; Lela Mae Wilkins; C. P. Alford; Dr. J. M. Stephens; Bert Michel; C. Weaver; Alexander Sutherland; Lottie Sutherland; G. S. Bryan; R. H. Dorsey; I. V. Brandon; Sallie Caton; Caton McKee; H. Beaty, R.E. Nugent; Mrs. J. B. Zirk and her unknown husband; E. Harpster; John C. F. Kyger; August Kubala; W. E. McGuinn; J. M. Heoy; Mrs. Wilima Vorhes and her unknown husband; H. F. (Frank) Atkinson; Emma A. Anderson; W. E. Hogue; C. F. Harrison; B. W.

Hill; Mrs. W. P. Seymour and her unknown husband; Guido Mann; E. W. Whitney; Lou King; Chester E. Carlton; J. Welborn Poe; F. J. Dill; Mrs. M. M. Peyton and her unknown husband; Bettie Gunn; J. L. Thomas; W. C. Fish; C. L. Guinn; Charlie Jeffress; J. C. Overcash; J. M. Hellaman; J. W. Garner; J. C. Harris; H. H. Maxwell; L. G. Brown; Leonard Cook; Myrtle M. Graham; C. K. Lemons; J. K. McCoy; J. K. Lambert; C. E. Cassady; W. H. Headley; S. P. Birkett; J. W. Coleman; R. S. Jones; S. W. Shumate; Jack Hansen; D. H. Thornton; N. C. Price; C. E. Goode; J. H. Ratcliff; Maude C. Dameron; K. M. Jarrell; D. B. Jarrell; Fred Myers; W. B. Kerr; J. B. Foller; H. R. Atkins; Trigg T. Parrish; J. A. Fishburn; C. H. Meadows; C. M. Taylor; H. C. Kelsey; J. O. Freeman; Jack X. Lewis; W. H. Burt; Mattie E. Webber; W. A. Daneron; J. H. Webb; C. W. McCory; Wm. H. Craig; E. J. Evers; E. W. Merdith; F. K. Hodges; M.S. Wood; C. T. Law; H. W. Mertzger; M. Wasielski; D. E. Hamblen; J. T. Estes; Lottie Manchester and H. H. Champlin; Brewster Oil Company; Guaranty State Bank & Trust Co.; Baird Development Company; Commercial State Bank; W. F. Hallam & Co.; Lotus Oil Company; E. E. Schriver; Max Schwab & Samuel Schwab; Florence G. Lewis; Anna L. Bery and Millie Bery Rice; Mrs. Harry Higby; Blanche Martin, Carl Steiner; Dr. F. N. McLauren; ~~Gerrie M. Segar~~; J. B. Garrett; Bosworth & Bowen; Mrs. Mabel I. Robinson; ~~Morris M. Brill~~; the unknown heirs of W. E. Barkley, deceased; ~~W. E. Simms~~; O. R. Adcock; Ella Bennett; Mrs. Dora L. Vance; Marian B. Vance; Albert Dammyer, Administrator of H. A. Dammyer Estate and the unknown heirs of J. B. Speed, deceased; ~~Dorothy Gage Forker and husband, Donald E. Forker~~; ~~Roxana Gage Catto and husband, John Catto, Jr.~~; ~~W. E. Pope~~; H. W. Mills; ~~Albert Chambers~~; H. D. Wilcox; ~~C. B. Billington~~; Otto Walker; D. L. Fincher; Sidney M. Segal; S. M. McAnelly; J. T. Story; Alfonso Gallucci; Philips & Cunningham; Paul R. Dietzen; Henry W. Irwin; R. W. Tilney,

(Mrs. Garnett C. Hord); L. A. Fox; N. O. Anderson; H. D. Wilcox; Mabel Madison Ammons; Mrs. M. E. Smith; ~~Tom Parsons~~; A. B. Daniels; Ed. C. Daniel; Earl Stirman; ~~J. B. Catlett~~; Capt. M. N. Lively; A. Madison; J. P. Bamm; the unknown heirs of B. M. Wilson, deceased, (J. M. Haynes); Mana D. Newton; Victoria Pernyat; ~~J. M. Lee~~; Henry W. Irwin; Commercial Land Company; Ulice J. Adams; Chambers Baird; ~~W. L. Council~~; P. A. Burnett; W. R. Adcock; L. W. Thandler; J. W. Caustic; E. K. Smith; James Conners; C. P. Baxter; D. H. Black; H. J. Struck; I. M. Burt; E. W. Moore; the unknown heirs of T. E. Dale, deceased; Thos. H. Bowles; J. G. Kirk; Martha Thomas; Carrie S. Parkin; Minnie M. Chambers; F. A. Mitchell; J. B. Kirk; Arthur A. Cockran; Jonas Chadburn; J. Fields Smathers; M. R. Dick; Guy O. Gardner; John W. Smith; S. S. Seyffer; T. H. Murphy; D. A. Smith; H. W. Metzger; John J. Chambers; J. H. Bugler; Chas. Bowles; J. R. Brady; J. W. Bogue; Frank Sheedy; Mrs. Mable I. Robinson; John E. Woodward; R. H. Johnson; ~~John O'Brien~~; James C. Buehler; Joe Zeni; Ida Wolff; Chas. Stern; Otis Turner; David Stern; Jack Smith; Ida W. Simpson; L. Latta; W. A. Scott; M. D. Polonius; H. E. Fees; A. J. Roach; Wayne Davis; Otho or Bessie Eddleman; Willie Lois Oliver; E. W. Whitney; ~~Morris M. Brill~~; Chas. Gaudio; Lenore Wiley; O. C. Zimmerman; L. M. Autrey; Otis Turner; Anna Berz; Watt R. Matthews; the unknown heirs of H. H. Hoffman, deceased; Jim Featherston.

And that the parties so made parties defendant upon the cause of action asserted by the plaintiffs for whom said attorney appeared, are as follows:

J. E. McDowell; Fred Wehmiller; A. J. Hawthorn; Ida Wilson; Parthenia Jones; Vennie Lytle and Mrs. Vennie Lytle; husband and wife; Noah T. Hollinsworth and wife, Mrs. Noah T. Hollinsworth; William Pierce Kelinger and Mrs. William Pierce Kelinger, husband and wife; C. B. Johnson; Mrs. Jane Smith Ferguson and her unknown husband; Dr. James D. Mason; Paul R. Long; John D. Wagoner; Aileen Fish Evans; Robert S. Buntain and Jessie E. Buntain; Howell H. Motesigner and Mrs. Howell H. Motesigner, husband and wife; Earl D. Roundbush; P. T. White; Harry Graham; Henry A. Tisler; Mrs. C. L. Bushnell and her husband, C. L. Bushnell; Dr. Kyle C. Copenhagen; J. Blaine Long and Mrs. J. Blaine Long, husband and wife; Donald B. McMillan and Mrs. Donald B. McMillan, husband and wife; Leon L. Solomon; Mrs. Hane G. Bushnell and her unknown husband; Ray W. Doud; Pauline Mary Vogel; Mrs. Thelma Harris and her unknown husband; John H. Jefferies; Mrs. Mamie B. Fove and her unknown husband; Dr. Charles E. Thorne; W. C. Iverson; W. C. Barnackow, Jr.; John Vonderbeck; Jacob Weinberg; Ernest A. Simmons and wife, Mrs. Ernest A. Simmons; G. C. McClure; Mrs. Margaret J. Green and her unknown husband; Dr. John H. Kincaid; Dr. Charles B. Wickham; Dr. C. W. Rain; A. Brown Davis; H. A. Dammeyer; G. E. Newcomb; A. H. Bohn; H. A. Palmer; Ivan J. Rabb; F. A. Deffenbaugh; L. B. Bullock; E. L. Alford; A. T. Dudney; H. H. Fry; Ed Sawyer; S. A. Anderson; Peyton Powers; A. C. Smith; Egiste Texsi; E. L. Halbert; S. W. Roberts; L. F. Fredmore; L. F. James; Edwin Wilcox; Mildred Harrington; Josephine Pouget; L. L. McHugh; J. H. Bush; T. J. May and Jessie McRae; J. B. Leahikar, Charles Greak; Mrs. Hena Dyer and unknown husband; Jennie Francis; Lela Mae Wilkins; W. H. Connell; C. P. Alford; Dr. J. M. Stephens; Bert Michel; C. Weaver; Alexander Sutherland; Lottie Sutherland; G. B. Bryan; R. H. Dorsey; E. V. Branden; Sallie Caten; Caten McKee; E. Beatty; R. E. Nugent; Mrs. J. B. Zirk and unknown husband; E. Harpeter; John C. F. Kyger; August Kubala; W. E. McGuinn; J. M. Heoy; Mrs. Wilma Vorhes and her unknown husband; H. F. (Frank) Atkinson; Emma A. Anderson; W. E. Hogue; C. F. Harrison; E. W. Hill;

Mrs. W. P. Seymour and her unknown husband; Guido Mann; E. W. Whitney; Lou King; Chester E. Carlton; J. Welborn Poe; F. J. Dill; Mrs. M. M. Peyton and her unknown husband; Bettie Gunn; J. L. Thomas; W. C. Fish; C. L. Guinne Charlie Jeffress; J. C. Ovenshew; J. M. Hallaman; J. W. Garner; J. C. Harris; H. H. Maxwell; L. G. Brown; Leonard Cook; Myrtle M. Graham; C. K. Lemons; J. K. McCoy; J. K. Lambert; C. E. Cassady; W. H. Headley; S. P. Birkett; J. W. Coleman; R. S. Jones; S. W. Shigate; Jack Hanson; D. H. Thornton; H. C. Price; C. E. Goode; J. H. Ratcliff; Maude C. Dameron; K.M. Jarrell; D. B. Jarrell; Fred Myers; W. B. Kerr; J. B. Feller; H. R. Atkins; Trigg T. Parrish; J. A. Fishburn; C. H. Meadows; C. M. Taylor; H. C. Kelsey; J. C. Freeman; Jack X. Lewis; W. H. Burt; Mattie E. Wabber; W. A. Dameron; J. H. Webb; C. W. McGory, Wmxxix McGory, Wm. H. Craig; E. J. Evers; E. W. Merdith; F. K. Hodges; M. S. Wood; C. T. Law; H. W. Mortager; M. Wasielecki; D. E. Hamblen; J. T. Estes; Lottie Manchester and M. H. Champlin; John A. Duffey; C. C. Wisdom; A. J. Wisdom, Trustee; Charles A. Baggett or C. A. Baggett; P. R. Montgomery or Paul E. Montgomery; C. D. Pinley; E. E. Rutledge; J. H. Heard; H. B. Anthony; J. A. Seabroagh; H. A. Brown; C. W. Middleton; J. B. Riley; J. L. Chapman; P. A. Crawford; O. H. Ridgeway; John C. Hale; E. A. Sterling; C. W. Andrews; M. H. Jones; J. F. Head; L. L. Lyles; C. R. Brice; H. M. McLeod; R. A. McLeod; J. L. Abernathy; D. W. Schaeck, Trustee; Fred W. Schawe, Trustee; P. X. Joerger, Trustee; J. T. Strickland and H. P. Compton, if living and if dead, to their, and each of their, unknown heirs, executors, administrators and legal representatives; Brewster Oil Company, Santa Fe Land, Trust & Title Company; Baird development Company; Guaranty State Bank & Trust Company; Commercial State Bank; W. F. Hallam & Company and Lotus Oil Company; and if individually or partnership owned to their and each of their unknown owners, heirs, executors, administrators, legal representatives; and if corporations to their and each of their unknown owners, stockholders, officers and directors.

And thereupon the case came on for trial and all parties, in open court, waived a jury and announced ready for trial, and thereupon the case came on for trial before the Court. And the Court heard the pleadings and evidence, the taking of which continued until the 4th day of March, 1943, and thereupon heard the argument of

counsel, which continued until this the 5th day of March, 1943, and thereupon, *and thereafter, on March 17, 1943, a day during the extended term of this court* ORDERS, ADJUDGES AND DECREES as hereinafter set out.

It appearing to the Court that this suit involves, among other things, the true location on the ground of the Southwest corner, of what is known as Block G-1, D & W. Ry. Co. survey, Brewster County, Texas, and the location of the several surveys therein from 1 to 200, and particularly those designated pleadings filed herein. And it further appearing to the Court that there is likewise involved herein the true location on the ground of the southeast corner of Section 36, Block 237, Texas & St. Louis Railway Company Survey, Brewster County, Texas, said corner being the southeast corner of what is known as the S. A. Thompson blocks, located in Powell & Gage File No. 2, known as Blocks 225 to 242, inclusive. And it further appearing to the Court that the plaintiffs and their co-plaintiff, M. L. Hopson, and the Intervenor, the State of Texas, contended that the true Southwest corner of said Block G-1 is located at what is known as the R. S. Hunnitt corner, evidenced by a pile of rock in which there is a stone marked SW-G1, and located on the ground at a point latitude $29^{\circ}33' 51.951$ sec., longitude $102^{\circ} 57' 56.238$ sec., and from which stone mound, the highest point on the north end of Stairway Mountain bears S. $19^{\circ} 30'$ W. 1230 varas; and from which X mark on top of imbedded boulder $12\frac{1}{2}$ feet across the top and about 5 feet high bears S. $34^{\circ} 51'$ E. 32 varas, and based upon said contention sued for certain sections of land in said

said Block G-1, based upon the assumption that same are each located on the ground from said Hunnicutt corner as the true Southwest corner of said Block G-1. And the Court having heard evidence upon such finds that such corner is not the true Southwest corner of Block G-1, but finds that the true southwest corner of Block G-1 is located on the ground coincident with the S.E. corner of said Survey 36, Block 237, T. & St. L. Ry. Co. survey, which point is located 3198.4 varas East and 3396 varas south of said Hunnicutt corner. And it further appearing to the Court that in locating the several surveys within said Block G-1, the proper method of locating same is to give to each survey therein a distance east and west of 1900 varas and north and south of 1900 varas, based upon the beginning point as here fixed for the true location on the ground of the Southwest corner of said Block G-1 and to construct them numerically in the same manner as shown in the field notes of John T. Gano, each being tied into the preceding one in the manner set out in said field notes of said Gano.

And it further appearing to the Court that the plaintiffs Dick Williams, et al, and their co-plaintiff, M. L. Hopson, have in the pleadings set out so-called corrected field notes of the several surveys for which they sue, based upon survey made by John Stovell, under which an attempt is made to change the size of the surveys in said Block G-1, but that said attempted method of location was erroneous.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the plaintiffs Dick Williams, Hugh Means and Raymond F. Rice, Independent Executors and Trustees of the Estate

of Elizabeth M. Watkins, deceased, and the said co-plaintiff M. L. Hopson be and are hereby denied any right of recovery, based upon said corrected field notes; and that said plaintiffs and said co-plaintiff Hopson, and the State of Texas are denied any right of recovery to surveys in said Block G-1 based upon the location contended by them from the said Hurnicutt corner.

It further appearing to the Court that all the surveys so located in said Block G-1 sued for by plaintiffs and their co-plaintiff Hopson are not patented, some being school sections on which there is a ^{balance} ~~balance~~ of the purchase price still due the State; and it further appearing that certain of the lands claimed by the defendants herein are unpatented; and it further appearing that all parties in open court agreed that as between the State of Texas and any party hereto as to any unpatented land, no attempt should be made to adjudicate the respective rights of the parties under any awards made to said respective unpatented surveys or parts thereof, except that this judgment shall be binding upon the questions of boundaries and locations.

IT IS, THEREFORE, ORDERED that as to the said respective rights of the State and the awarders, their heirs and assigns, of any of said unpatented lands, or the respective rights of lessor or lessee where the State has made surface leases shall not be affected by this judgment except as to locations and boundaries. And it is further ordered, adjudged and decreed by the Court that the plaintiffs, Dick Williams, Hugh Means and Raymond F. Rice, in their representative capacities aforesaid, and the co-plaintiff, M. L. Hopson, or the Intervenor, the State of Texas, are the record owners of the patented and unpatented surveys out of Block G-1 aforesaid, numbers of which are set out in the pleadings of said respective parties, and are entitled to recover said surveys, or

portions thereof, described in said pleadings, (except the W 1/2 of the SW 1/4 of Section 129, Block G-1) based upon the construction of said surveys *in accord with the Banco field notes* here made and the location thereof from the true beginning point, namely, the S. W. corner of Section 1, Block G-1, as here fixed without adjudicating between themselves as to any patented or surface leased sections, the respective rights of said parties under the exceptions set out in the proceedings hereabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas take nothing as against any party hereto, as to the three tracts of land described in the Second Amended Plea of Intervention and Cross-action of the State of Texas alleged to be vacant, the first tract containing 12,820 acres, more or less, the second tract containing 112 acres, and the third tract containing 48.24 acres, provided, however, as between the defendants herein, no adjudication as to title is made. The Court in this connection finds and adjudges that none of said alleged vacant land is in fact vacant, but, on the contrary, finds and adjudges that the same is appropriated land, but does not undertake to find the particular section or sections covering the respective alleged vacant tracts.

And it further appearing to the Court that there has been filed in the General Land Office of the State of Texas a "Map showing reconstruction of conflicting areas in the northern part of Brewster County, Texas, based on connections made by M. P. Ball in December 1941 and January 1942", which purports to show a conflict between a portion of the surveys in Block G-1, D. & W. Ry. Co., with certain surveys out of the T & ST L Ry Co. Blocks 228, 229, 236 and 237; and it further appearing that the defendant, the Great Southern Life Insurance Company, is the owner of the odd numbered sections of land in said Block 237, T & St. L. Ry. Co. and that the defendants, W. E. Pope and Albert Chambers, are the owners of certain sections in the T & St. L. Blocks, and that the filing of such map showing such conflict operates to cloud the title of said defendants to said sections of land and particularly those so

so shown to be in conflict, and renders essential to fix the true dividing line between said D & W Ry. Co. Block G-1 and said T & St. L. Ry. Co. blocks; it is, therefore, ordered, adjudged, and decreed by the Court that said map of said Ball which undertakes to show a conflict between said blocks of land is erroneous and that no conflict exists in fact, and that the true dividing line between said blocks is fixed by beginning at the point on the ground here established as the southeast corner of Section 36, Block 237, being coincident with the southwest corner of Section 1, Block G 1, thence extending north for an aggregate of 38,000 varas to a point for G-1's NW corner, which is 92.3 varas west and 78.7 varas north of W.L. Rider's NW corner of Survey 200, Block G-1, which Rider corner is defined as follows: Beginning at a fence corner and a large flat rock from which an NW peak, a double mountain bears S 77° 19' W, the W. pk. of Bullis Mt. brs. S 4° 54' W, sharp pk. between two mountains brs. N. 30° 15' W. the S. point of Horseshoe Mt. brs. N. 72° 54' E. and a dagger palm tree brs. S. 8° 50' W. 24 vrs.

It further appearing to the Court that certain pleas of title by adverse possession were set up by some of the defendants herein, but that by agreement of all parties the question of boundary and title based upon the boundary was agreed to be tried and determined and the question of title by adverse possession left in abeyance for determination if necessary; and it further appearing to the Court that it is unnecessary to adjudicate titles by adverse possession and this judgment shall not operate as an adjudication upon such issue, and shall not operate as res adjudicata upon such issue. It is further ordered that as to the question of improvements in good faith, this judgment shall not operate as an adjudication, the Court finding that an adjudication thereon is unnecessary since boundaries have been fixed in the manner in which they are fixed in this judgment.

It appearing to the Court that certain cross-actions were filed herein by certain defendants upon matters other than those herein adjudicated, but that as to each of such

asserted by each such defendant, such defendant took a non-suit and based upon such non-suit, no adjudication of such cross-actions is made; and said non-suits were allowed.

It further appearing to the Court that defendants, I.C. Roark, Sr., I.C. Roark, Jr., F.M. Roark, Clifton Roark and J.B. Catlett, filed herein a disclaimer as to the Second Amended Plea of Intervention and Cross-action of the State of Texas, that the Court on February 22, 1943, before the commencement of trial upon taking the testimony had said disclaimer called to its attention and sustained the same, and gave the same effect and ordered that no judgment of costs be adjudged against them, and that they be dismissed from this suit; accordingly, in accordance with said orders, it is decreed that each of said defendants be dismissed from this suit with their costs. And it is further decreed that no costs shall be collected against them or either of them.

And it further appearing that the First National Bank in Pleasanton, and Jim Featherstone each filed a disclaimer as to the relief prayed for by the State of Texas and by the plaintiffs, and that Del Rio Wool and Mohair Company, Rosenberg State Bank, Mae M. Ament, Trustee for M.A. Baumgardner, filed disclaimers as to the relief prayed for by the State of Texas and the plaintiffs. It is ordered that each of said parties be discharged upon his disclaimer with his costs.

A description of the three tracts of land sued for by the State as vacant land is as follows:

(b) On or about the 15th day of October, A.D. 1941, intervenor was seized and possessed of the title in fee simple and was, and is now entitled to the possession of the following described tracts of land, situated in the northeast portion of Brewster County, Texas, to-wit:

TRACT NO. 1:

BEGINNING at a point on the bank of the Rio Grande River about 300 varas below and N. E. of the mouth of Maravillas Creek; same being the N. E. and lower corner of Survey 21, Block B-1, G. C. & S. F. Ry. Co.

THENCE down the river with its meanders to the S. E. and upper corner of Survey 20, Block B-1.

THENCE West with south line survey 20, Block B-1 4200 varas to a point in an east line, Survey 28, Block G-22.

THENCE south with east line survey 28, Block G-22, 270 varas to its most southern S. E. corner.

THENCE west with south line survey 28, Block G-22, 1296 varas to a point in east line survey 3, Block G-13, H. E. & W. T. Ry. Co.

THENCE south with east line survey 3 and 2, Block G-13, to S. E. corner, survey 2 and most southern S. E. corner, Block G-13; H. E. & W. T. Ry. Co.

THENCE west with south line of Blocks G-13, H.E. & W. T. Ry. Co. and G-1, D. & W. Ry. Co. 15 022 varas to a point in east line survey 24, Block 237, T. & St. Ry. Co.

THENCE south with east line of Block 237, 4050 varas to S. E. corner, Block 237; T. & St. L. Ry. Co.

THENCE east with north line, Block G-9, H. E. & W. T. Ry. Co. and north line, Block G-23, C. T. & M. C. Ry. Co. 13,950 varas to a point in west line of Survey 25, Block B-1.

THENCE north with west line Survey 25, 300 varas to its N. W. corner and in south line survey 24, Block B-1.

THENCE west with south line survey 24, 1250 varas to its S. W. corner.

THENCE north with west line survey 24, 950 varas to its N. W. corner.

THENCE east with north line survey 24, 2800 varas to the S. W. corner survey 23, Block B-1, G. C. & S. F. Ry. Co.

THENCE north with west line survey 23, 950 varas to its N. W. corner.

THENCE east with north line survey 23, 120 varas to S. W. corner survey 22, Block B-1, G. C. & S. F. Ry. Co.

THENCE north with west line survey 22, 950 varas to its N. W. corner.

THENCE east with north line Survey 22, 200 varas to S. W. corner, Survey 21, Block B-1, G. C. & S.F. Ry. Co.

THENCE north with west line Survey 21, 950 varas to its N. W. corner.

THENCE east with north line survey 21, 3900 varas to the place of beginning.

Containing 12,828 acres of land (more or less).

TRACT NO. 2:

BEGINNING at the N. W. corner Survey 18, Block B-1, G. C. & S. F. Ry. Co. and in the south line survey 17, Block B-1.

THENCE west with south line survey 17, 650 varas to a point in the east line survey 28, Block G-22.

THENCE south with east line Survey 28, 680 varas to an L-corner.

THENCE west with a south line of Survey 28, 55 varas to an L-corner.

THENCE south with an east line survey 28, 270 varas to a point in north line survey 19, Block B-1.

THENCE east with north line survey 19, 705 varas to S. W. corner, survey 18, Block B-1.

THENCE north 950 varas to the place of beginning, and containing 112 acres of land.

TRACT NO. 3:

BEGINNING at the S. W. corner of Survey 16, Block B-1, G. C. & S. F. Ry. Co.

THENCE north with west line Survey 16, 950 varas to its N. W. corner.

THENCE east with north line Survey 16, 100 varas to S. W. corner Survey 15, Block B-1.

THENCE north with west line survey 15, 270 varas to a point in west line survey 15, and also a corner in Survey 26, Block G-13, H. E. & W. T. Ry. Co.

THENCE west with a south line survey 26, 220 varas to a point in an east line survey 26.

THENCE south with east line Survey 26, 950 varas to an L-corner survey 26.

THENCE west with a south line Survey 26, 370 varas to another L-corner of Survey 26.

THENCE south with an east line Survey 26, 270 varas to the north line Survey 17, Block G-1.

THENCE East with north line Survey 17, 490 varas to the place of beginning, containing 48.4 acres of land.

That the numbered sections claimed by the State of Texas, or claimed by said State as covered only by awards or surface leases, are numbered as follows: the following even-numbered surveys in Block G-1, Dallas and Wichita Ry. Co. grantees in Brewster County, Texas, to-wit:

"Unpatented surveys Numbers 2, 4, 6, 8, 12, 14, 16, 18, 24, 26, 28, 30, 32, 34, 38, 40, 42, 44, 46, 48, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 80, 82, 84, 86, 88, 92, 100, 102, 108, 110, 112, 114, 116, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200."

That the numbered sections of said Block G-1 claimed by the plaintiffs, Dick Williams, Hugh Means and Raymond F. Rice, in their ^{representative} respective capacities, are numbered as follows: Sections 81, 83, 85, 87, 105, 107, 109, 111, 113, 115, 129, (except the W 1/2 of the SW 1/4) 131, 133, 135, 137, 139, 141, 155, 157, 159, 161, 163, 165, 167, 181, 183, 185, 191 and 193.

That the numbered sections of said Block G-1 claimed by the plaintiff, M. L. Hopson, are numbered as follows:

NE 1/4 136, 132, 192, 162, 184, 164, 166, 154, 138, 160, 138, 130, 132, 114, 116, 106, 80, 82 and 86.

And it further appearing to the Court that the following named persons were duly served with personal citation on the Intervenor's Second Amended Plea of Intervention and Cross-actions and have wholly made default, to-wit: John Almond, Mrs. Mabel Madison Almond, Ed C. Daniel, H. D. Wilcox, Sanderson Wool Commission Company, a corporation, Walter Stannell, Clyde Young, Santa Fe Land

Trust & Title Co., a corporation, Effie Lou Bennett, Independent Executrix and sole beneficiary under the last will and testament of F. C. Bennett, deceased, Vincent W. Borden, John M. Mefner, a resident of Dallas County, Texas, as agent for E. E. Shriver, Max Schwab, Samuel Schwab, Florence G. Lewis, Anna L. Bery, Willie Bery Rice and Mrs. Harry Higby, Mrs. Irene Peters, a resident of Brewster County, Texas, temporarily residing in Yazapai County, Prescott, Arizona, individually and as agent for Blanche Martin, Carl Steiner, Dr. F. H. McLauren, Carrie M. Segur, J. B. Garrett, Basworth & Bowen, F. M. and H. McWilliams, Mrs. Mabel I. Robinson, ~~Morris M. Brill~~, H. H. Hoffman and W. E. Barkley Estate, Otis Turner, a resident of Brewster County, Texas, as agent for O. R. Adcock, Ella Bennett, Mrs. Dora L. Vance, Marian E. Vance, Albert Dammyer, Administrator of the Estate of H. A. Dammyer Estate, and J. B. Speed, Estate, the Land Title Bank and Trust Company, as executor and trustee of the Estate of Henry Whelen, deceased, William S. Speed and Mrs. Ollie S. Sackett, a widow, and it appearing to the Court that all other parties named as parties defendant in any pleading herein other than those who appeared by answer or disclaimer were duly served with citation in the manner and form and for the length of time required by law, but wholly made default, and it is ordered as to said defendants that they be bound by this judgment.

The said Alan R. Fraser, Attorney for the defendants for whom he appeared herein, is here allowed a fee of \$250.00, one-half thereof to be taxed against the plaintiffs and the co-plaintiff, and one-half thereof against the State of Texas. It is further ordered that all costs herein incurred by plaintiffs and co-plaintiff are adjudged against them respectively, and all costs incurred herein by Intervenor, the State of Texas, are adjudged against it, and in addition all other costs herein incurred shall be taxed against the plaintiffs and co-plaintiff to the extent of one-half thereof and the balance thereof to be taxed against the Intervenor, the State of Texas.

~~Text.~~

All parties and all issues not hereinbefore disposed of are hereby dismissed.

To all of which judgment hereinbefore shown, the plaintiffs, Dick Williams, Hugh Means and Raymond F. Rice, in their representative capacities, and the co-plaintiff, M. L. Hopson, and the Intervenor, the State of Texas, each separately, in open court, duly excepted and gave notice of appeal to the Court of Civil Appeals for the Eighth Supreme Judicial District of Texas, in El Paso, Texas. ^{Intervenor State of Texas,} ~~Each of said parties~~ thereupon duly requested that the Court file Findings of Fact and Conclusions of law herein.

H. O. Mitcalfe
Judge Presiding

Entered March 17, 1943

OK AS TO FORM:

815
Brewster St. File 15-8
Corpus Christi, Texas.
400 Texas Ave.

County 10058

Chambers.
Affirmed for W. E. Jones and Albert

County # 78973

lier with each and every trail in the entire area."
French title and accretions to that type of terrain and who are family-
unassailable points in question when escorted by those schooled in
involved which redlined novel data to merely view the more
confirmed this deduction by a reconnaissance survey over the area
impracticable to attempt extensive traversing in this locality. I
difficult certain and ever changing topography which makes it very
I deduced that these inconsistencies were brought about by the
of your report dated July 1st, 1943, to-wit: "From these results"
mean by the following quoted part of paragraph G, page 1 and 2
Cross Interrogatory No. 20: Please state fully what you
and methods."

obtained by all of the recent traverses using modern equipment
furnished by the original surveys and even between the results ob-
evident that many inconsistencies exist between the results ob-
report dated July 1st, 1943, to-wit: "From this information it is
mean by the following quoted part of paragraph G, page 1 of your
Cross Interrogatory No. 20: Please state fully what you
by or any way control said original locations, corners or surveyed
surveys of 1881 and later years could not have been influenced
you used as a base were available and that said locations and
geological survey topographic quadrangles shows that you say that
of that part of Brewster County and long before any United States
geological survey or United States Coast and Geodetic survey
and antecedent years long before there was a United States
locations and surveys of these state lands were made in 1881
Cross Interrogatory No. 24: Is it not a fact that the
property or an identifying ownership of private property?
faced by the Government Engineers as planning on owners of private
any connection with boundary lines or corners and are not support-
reliefs as land corners or markers and do not doubt to have
monuments established by such United States Engineers are not

C W Trenchard
Copy

Counter # 78987

N⁷

Counter # 78986

N⁶

"A. Yes, sir.

"Q. And immediately a mile south of that, 1933
varies and the northeast corner of 34 and the southwest
corner of 36, Block 334, I find another point you have
marked as Thompson corner?

"A. Yes, sir.

"Q. You identified that from original bearings?

"A. Yes.

"Q. Then two miles south, or a little over,
I find that the northeast corner of 10 and the south-
west corner of 8 in Block 334, I find another mark -
another Thompson corner?

"A. Yes.

"Q. You identified that?

"A. Yes." (S.T. 339-41).

RECEIVED

FEB 10 1945

REFERRED TO MAP

Counter # 78985

Brewster Sk File NS-8

Q. Do you know whether you found that "E" corner or not?

A. I found an old corner.

Q. Did you take that to be the old Thompson corner?

A. I did. (S.F. 830-1).

Q. Now the field notes of No. 1, 244, show the southeast corner to be an "E" corner. Then that is the corner you found. That is correct, isn't it? You see here on this map (indicating).

A. This corner up here, that is the one.

Q. That is the "E" corner?

A. That is right.

Q. And that was set up by S. A. Thompson and not by H. A. Thompson?

A. Yes.

Q. For the beginning corner - I mean for the beginning corner of his Block 244?

A. Yes, sir.

Q. Now I see in your map here, on the map marked Exhibit 2, a round figure, the northeast corner of Section 2, Block 234 under the southwest corner of Section 26, Block 231, which is the point you have designated on your map, P-26, as the Cat Claw corner?

A. That is right.

Q. Let's mark it here. Cat Claw, please. Mark it the Cat Claw. That is correct, isn't it?

A. Yes, sir.

Q. Now then on this corner and on this Exhibit No. 2, Defendant's No. 2, I see at the northeast corner of Section 23, Block 234, another mark there (indicating) - there is Block 14, Section 234 Thompson. Did you accept that from the field notes and from those calls as being an original monument set up by S. A. Thompson?

A. That is right.

Q. Immediately south of that (indicating) one mile is another you mark as the Thompson corner, that being the southwest corner of 23, and the north-east corner of 27, Block 234. We put a red mark on that?

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"Q. A southeasterly course to a point in the southwest corner of Survey 36, Block 237, is what you interpret to be the Gano traverse through that area?

"A. Yes, possibly. With the exception of the far end of that traverse. I had to extend it on further southeast in order to reach the course and distance point off of the Cat Claw corner south and east.

"Q. That is what you represent as the southeast corner of Survey 36, Block 237, you had to extend it from what you indicated to be Gano's call?

"A. Yes, sir. (S.F. 900-80).

"Q. State whether or not this map, D-90, shows your interpretation of Gano's traverse beginning with the sixth call, with the exception as you have previously mentioned in the last call.

"A. Yes, sir. (S.F. 900).

POSITION OF SIMPSON'S TESTIMONY
ABOUT RUNNING THE COMMON LINE OF
G-1 AND THE THOMPSON BLOCKS

"Q. What course did that line run, north and south like?

"A. Yes, sir.

"Q. On what variation? Is it the same identical line with the line in Thompson's Block?

"A. Yes, sir.

"Q. Did you run the line through from north to south or simply project it?

"A. I ran it through.

"Q. All the way from the north to the south?

"A. Yes, sir. (S.F. 900-1).

EXCERPTS FROM CORROBORATING EVIDENCE
OF JOHN STOVALL

"Q. Now have you ever done any work on the ground north of the Cat Claw corner?

"A. Yes, sir.

"Q. And in the neighborhood of Survey 3, Block 237?

"A. Yes, sir.

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PORTIONS OF THE TESTIMONY OF J. A. SIMPSON

"Q. Then what did you do when you came in October of 1942?

"A. I ran the connections from the Cat Claw corner and then the N.E. corner of survey - Block 234, and I ran the traverse from there. * * * I then ran a traverse northwesterly from that corner to the Rider corner, the northwest corner of G-1.

"Q. And the northwest corner also of Survey 200 in Block G-1?

"A. Yes, sir.

"Q. Did you identify that northwest corner, the Rider corner, by its - by the bearings given in the field notes that are in evidence here?

"A. Yes, sir.

* * *

"Q. You were about to testify about your identification of the Cat Claw corner?

"A. I identified it from the Cat Claw corner that is called for in the Thompson field notes and also three mound bearings talked about by him." (S.F. 782-91).

"Q. Then before we go on to something else let's give a little more attention to your defendant's Exhibit No. 90 and its method of construction. That, you say, has got this Cat Claw corner spot on it and these other Thompson corners to the west, and the distances with reference to them are given across the Texas and St. Louis Blocks. Is that right?

"A. Yes, that's right." (S.F. 801).

"Q. Complete your description, please, of how you laid out that Thompson Block. You have indicated the manner you laid them out east and west - laid them out east and west - now how did you lay them out north and south?

"A. I laid them out in the same manner, except giving them the north and south and east and west both between the Thompson blocks - the Thompson corner to the west.

"Q. Have you indicated on your map the Texas & St. Louis line along there (indicating) which you give here?

"A. Yes.

"Q. Now those are not constant - one is 1900 and one 1907 and one 1913, and so on?

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PORTIONS OF THE FINDINGS OF THE TRIAL COURT

"I. * * * The original footprints of Thompson are now found on the ground, particularly at what is known as the Cat Claw Corner, being the N.W. corner of Survey 1, T. & St. L. Block 234, and other corners to the W. and S. thereof, which definitely fix on the ground the N. and S. lines of T. & St. L. Ry. Co. Blocks. The S.E. corner of said Block is 3198.4 varas E. and 3398 varas S. of what is known as the Huntcut Corner, hereinafter referred to. So located they bear their exact east and west field note relation to the N.W. corner of Survey 1, Block 21. There is a small ground excess north and south.

"II. * * * (1) I find said true S.W. corner (of G-1) to be coincident with the S.E. corner of T. & St. L. Blocks located under Life No. 8, namely, the S.E. of Section 36, Block 237, which point is 3198.4 varas E. and 3398 varas S. of the so-called Huntcut Corner. It is also on a line which is 24,700 varas E. of the N.W. corner of Survey 1, Block 234, the intervening surveys in the T&SL Blocks were actually run on the ground by S. A. Thompson only a few months after Gano located the S.W. corner of Block G-1." (Tr. 264, 265-7).

A PORTION OF THE CONCLUSIONS OF LAW
BY THE TRIAL COURT

"3. As a matter of law, there is no conflict between Block G-1 and the T&SL Ry. Co. Blocks, and the true dividing line between those blocks is fixed as running north from their before mentioned common corner (SW G-1 and SE T&SL) 36,000 varas northwardly on a course that will run through a point 92.3 varas west and 78.7 varas north of what is known as the W. L. Rider NW corner of Survey 200, Block G-1, which Rider Corner is identified by undisturbed bearings called for in his field notes." (Tr. 267).

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I understood the Commission to be
very of the fact that the Commission
was not expected to follow the course
of the Commission in this case, and
that the Commission was not to be
bound by the Commission's decision.
The Commission's decision is not
binding on the Commission, and the
Commission is not bound by the
Commission's decision. The Commission
is not bound by the Commission's
decision, and the Commission is not
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and they further pray that they recover the damages aforesaid in the sum of Five thousand (\$5,000.00) Dollars against each and all of the defendants, and they further pray that they be ordered in their title to said lands, and each of them, as against the defendants, and each of them; that they recover all costs of suit, and that they be awarded writ or writs of possession as against the defendants, and each of them, and that they be awarded such other and further relief as the law and the facts and equity may entitle them to, and particularly do they pray for all general and special relief that they may be entitled to under the law and the facts and the principles of equity.

 Attorneys for Plaintiff, P. M.
 Hoark and I. O. Hoark, Jr.

This action is brought as well to try title as for damages.

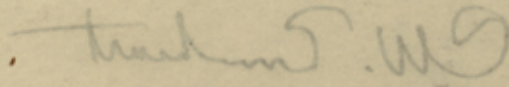
 Attorneys for Plaintiff.

Hon. Bascom Giles
2-8-45

the Huntcutt corner and for the Rider northwest
corner and also, if you please, for the Cat Claw
corner.

If I can do anything more to aid in working
out your problem in applying the judgment in this
case to the ground, I shall be glad for you to call
upon me.

Very truly yours,



C. W. Trueheart

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Brewster Sk File NS-8

Point "A", the common Thompson and Gano corner, is definitely based on Thompson's reconstruction of footings at S.E. 237, being 12 miles east and 12 miles, plus the extended excess of 123 varas, south of Cat Claw corner, which is in record in general manner of construction with both the Ball and the Stovell maps.

I mentioned to you that I thought I had something in my brief concerning Ball's map as to sustain the location for S.E. 237. Looking now to his map, copy of which we had before us at the time of our conversation the other day, counting over east from N.W. 1 in 234 (Cat Claw), there are 12 sections of miles, 24,700 varas. Counting south from the same point, the call distance of 12 miles, there is pictured on Ball's map in something from that corner the following excesses above 1200 varas per section: 30, 12, 12, 4, 12, 10; (then following along the west line of 237): 10, 8, 0, 0, 0. These add to 111 varas excess. Thus, there is a difference between the judgment and Ball of exactly 12 varas in 12 miles - just one var or one step to the mile.

In the light of this, I cannot imagine why there should need to be any further surveying done to justify issuance of patents in G-1 and dependent blocks to the north and east, as a basis for issuance of patents. The only thing that I am fearful of at all is that there could be some character of error in Simpson's related distances south and east of the Hancock corner and north and west of the Rider corner. I expect to see Mr. Asa Jones in a few days and I will give him a copy of this letter and ask him to check the matter carefully with Mr. Simpson as promptly as possible.

In compliance with your request, I am writing Mr. C. E. Patterson, of Alpine, to see if he can get from Mr. John Stovell a statement of his geographic positions in latitude and longitude for

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Brewster SK File NS-8

38,000 varies to a point that would be the northwest corner of the block.

In order to fully understand the excerpts made from the testimony of Simpson, you will probably need a copy of the map Exhibit referred to in the testimony as D-90. I happen to know that Mr. Gordon Griffin, of Brownwood, had the only extra copy of this exhibit and I am writing him to ask him to send it to you, at least as a loan. If Mr. Griffin will let you keep this map, I would suggest that you might get the Clerk of the Court at El Paso to certify to it also as being a correct copy of the original there on file.

You will note on said D-90 that Point "A" is shown graphically as being 3198.4 yards east and 3398 yards south from the Huntsville corner.

In explanation of the excerpts from the testimony, will state that you will likely not need D-93, which was a map exhibit also made by Simpson, showing a detail of the various identified monuments in the general vicinity of S.W. 1/4, such, for instance, as Barker's corner and several other points.

D-2 as referred to in the testimony is nothing but a course and distance map drawn by Mr. Stovell some years ago for Mr. Jones. Both it and F-26, the main Stovell map, are drawn upon U.S. Geologic Survey backgrounds. His F-26 was unfortunately lost by his counsel during the briefing of the case, and has never been replaced. It, of course, would serve to show graphically the number of original Thompson corners including the Get Glaw corner, as identified by Stovell on cross-examination by Mr. Tarrion Morrow.

Unfortunately, the reporter of this case was none too accurate, but I think you can get the gist of what is meant by the rather confused questions and answers that are shown.

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+ Map -

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BRUCE M. LEVY

Don't let it slip

CLERK

During the past few months of the San Francisco and with the other time of the western coast of the United States only from the month of the San Francisco Clerk and with the other time of the western coast of the United States only from the month of the San Francisco Clerk and with the other time of the western coast of the United States only from the month of the San Francisco Clerk

I hope that this makes clear that there is some logic and this would be the block G-24 and the block of G-27.

into H-2 to conflict with the general position of that block also. With some a plan down, which is the same as the plan down G-24 and the plan down and the plan down from the general ones, that also call your attention to the fact that in the western states of

H. B. G.

-e-

Counter # 78974

8N

138030

130861

~~845-96630~~

Counter # 178988