

F. M. ROARK, ET AL

VS.

H. D. SMITH, ET AL

IN THE 83RD DISTRICT COURT OF  
BREWSTER COUNTY, TEXAS, SPECIAL  
OCTOBER 1947 TERM.

In the above entitled and numbered cause the court heretofore, on the 1st day of September, A. D., 1947, as is in the Minutes of this court of record manifest, made and entered an order setting this cause down for trial at a special term to begin on the 27th day of October A. D. 1947, and, contemporaneously with the entry of said order, the court made and entered another order, severing all issues made by any and all pleadings at that time filed therein and confining the case to be tried to the issue of true and correct location on the ground of the boundaries of blocks of surveys and individual surveys as specified in the Third Amended Original Plea of Intervention filed herein by the State of Texas, as intervener, and directed that this cause should proceed to trial alone on the issues of true location and boundaries of the lands involved as made by said plea in intervention and the pleadings of the several parties in reply thereto, the State of Texas to be designated as plaintiff and all other parties as defendants, which said order was made without prejudice to any and all pleadings, right, interests, estates or causes of action alleged by the several parties pleading, answering or impleaded in said cause; and said order further provided that all issues then pending other than that of true location and boundary of the lands described in the pleadings of the State of Texas, should by said order of severance be set apart and designated for trial as a separate suit styled as hereinabove appears, and hereafter to be numbered as 1934-A.

And the court, on the 27th day of October A. D., 1947, did make and enter an order in conformity with the statutory provisions authorizing the same, convening this the Special October, A. D. 1947, Term of the District Court of Brewster County, Texas, and the court having been duly opened in the manner and form provided by law, this cause was called for trial.

Thereupon came the intervener, The State of Texas, hereinafter styled plaintiff, by its Attorney General, and also came the following Defendants who appeared either in person or by answer on file herein: J. T. ADAMS; AETNA LIFE INSURANCE COMPANY, a corporation; JOHN W. ALMOND and wife, MABEL MADISON ALMOND; MRS. EDNA WINN MADISON, a feme sole; AMERICAN NATIONAL INSURANCE COMPANY, a corporation; NEIL BUTLER, Trustee, E. M. BISLAND, W. R. CARTLEDGE; ROXANA GAGE CATTO, and husband JOHN CATTO, JR.; E. B. CHANDLER & CO., a partnership composed of GUS J. GROOS, E. C. TARRANT and GUY S. McFARLAND; GUY S. COMBS; DAVID S. COMBS, Trustee; DOROTHY GAGE FORKER, and husband, DONALD E. FORKER; M. L. HOPSON; JAMES & CONNER, a partnership composed of THOMAS R. JAMES and GEORGE M. CONNER; ASA A. JONES; J. M. LEA; MORRIS U. LIVELY; NANA D NEWTON, a feme sole; PRESIDIO COUNTY TEXAS, a municipal corporation; F. M. ROARK; I. C. ROARK, SR.; J. C. ROAD; SID SLAUGHTER; DR. H. G. TOWLE; FRED G. TURNER; MRS. T. D. McKINNEY, individually and as Agent; UNA IHN HARRISON and husband, ELDEN HARRISON; IDA MAE THURMAN; IVAN D. McKINNEY; PARKER McKINNEY; MRS. JOHNNIE GRIGSBY and husband, LEROY GRIGSBY; J. T. McKINNEY; GERTRUDE ELLEN SMITH; LEWIS MILTON SMITH; W. R. MORGAN, Independent Executor of the Estate of H. D. SMITH, Deceased; FRED BASLER; BLANCHE MARTIN and E. R. COX, Agent of BLANCHE MARTIN; PETE BLAZIN and wife, MARY BLAZIN; C. J. DOMNICK and F. J. DOMNICK; EARL F. LIMBERT; JEANETTE EMPOR MAY, a feme sole; McNEAR NASH COMPANY, a partnership composed of HARRY McNEAR and E. BRAUM; MRS. LILLIE RASSIEUR and husband, LOUIS RASSIEUR; D. H. BLACK; A. C. HERZBERG; L. AUSTIN FONTENOT; MRS. A. A. FIELDING, Individually, joined pro forma by her husband, A. A. FIELDING; C. A. BRAZZIL; MRS. J. P. DUNCAN, joined pro forma by her husband, J. P. DUNCAN; GEORGIA BRAZZIL, a feme sole; MRS. W. C. LEWIS, joined pro forma by her husband, W. C. LEWIS; J. W. BRAZZIL, being all the heirs at law of J. W. BRAZZIL, Deceased; G. F. NOONAN, Individually and as Trustee, T. J. NOONAN; N. NOONAN; J. I. NOONAN; EARL STIRMAN; S. L. STUMBERG; and

EUGENE M. LOCKE;

THEREUPON the State announced that it would take a non-suit against the defendants, MILTON GILMER AND H. M. KNIGHT, and it is accordingly ORDERED that this cause, as against said two defendants, be and the same hereby is dismissed and that said defendants recover their costs herein.

The pleadings of F. M. ROARK and J. C. ROARK having suggested to the court the death of I. C. ROARK, JR., and the settlement of his estate and of their having succeeded to all of the right, title, interest and estate of the said I. C. ROARK, JR., in and to any of the lands involved in this suit, IT IS ORDERED that this cause be dismissed as against the said I. C. ROARK, JR., and the said F. M. ROARK and J. C. ROARK be substituted in lieu of the said I. C. Roark, Jr., deceased.

An inspection of the process issued in this cause having disclosed that the following persons named as defendants in plaintiff's said Third Amended Original Petition were not served with process herein, IT IS ACCORDINGLY ORDERED that the defendants, E. C. TOWNSEND, C. W. CUNNINGHAM, MRS. HELEN CAPEN, MRS. KATHERINE HARTWICK, GEORGE M. MYERS (MEYERS), MRS. J. L. TATUM, HENRY C. HINES and CELESTINE R. YOUNG, be and they are hereby dismissed from this cause.

It appears to the court that the following named defendants, residents of the State of Texas, have been cited for the time and in the manner provided by law to have required them to appear and answer herein at the regular August A. D., 1947, term of this court, but that said defendants appeared neither in person nor by answer on file herein: W. W. BOOTHE; E. H. BRUCE and wife, E. J. BRUCE; ED. C. DANIEL; MRS. E. A. FARNUM, a feme sole; TOM FITE; FRANKLIN LIFE INSURANCE COMPANY; B. G. HARRISON, TRUSTEE; MRS. ELIZABETH MARCELLE HAMER, a feme sole; JOHN HARRIS; CLYDE HIGGINS; MRS. M. H. JONES; TOM PARSONS, MISS MINNIE L. POPE, a feme sole; HOMER ROCHELLE; E. C. PHILLIPS, individually and as agent of C. W. Cunningham; S. M. McANELLY; R. J. TURNER; E. E. TOWNSEND; ULICE J. ADAMS; PRESTON ELLA ADAMS; P. E. ADAMS; E. R. COX, Agent of FRED BASLER; L. J. CARROLL; E. R. COX, Agent of L. J. CARROLL; E. R. COX, Agent of WILLIAM E. COOK; E. R. COX, Agent of ROSELLA HELMS; E. R. COX, Agent of BLANCHE MARTIN; E. R. COX, Agent of W. R. MOORE; E. R. COX, Agent of JOHN VONDERBECK; and CORA L. ADCOCK, individually and as community survivor of the Estate of herself and W. R. Adcock, deceased.

And it also appears to the court that the following named defendants, non-residents of the State of Texas, have been served with notice for service of non-resident defendants for the time and in the manner prescribed by law to require them and each of them to appear and answer herein at the regular August A. D., 1947, term of this court, but that they neither appeared in person nor by answer on file herein, to-wit: BIG BEND REALTY & DEVELOPMENT COMPANY, a corporation; JOHN P. BRAMM; HAL H. CLINKENBEARD; ATTA V. CRAIG, a feme sole; EUREKA COLLEGE, a corporation of the State of Illinois; MRS. W. F. HALL, a feme sole; ANDREW HANSON; WILL B. KELLY; MAE LESLIE, a feme sole; O. EL LINDQUIST; CLARA L. MASSMAN, a feme sole; MARY McHAFFIE, a feme sole; GEORGE NOONAN, Trustee of the Estates of TOM, GEORGE, JOE and LENORA NOONAN; J. O. PORTER; ORAN A. PROVINCE; THE ROCK REALTY COMPANY, a corporation; MRS. CARRIE M. SEGUR, a feme sole; ELY SPAYD; H. L. TROWBRIDGE; F. R. VAN LANDINGHAM; E. R. VAN LANDYHAM; ELIZABETH M. WATKINS, ESTATE; VENNIE LYTTLE and wife, ETHEL C. LYTTLE; FRANCES A. CHANEY; W. L. ODETT; MRS. MABEL ANDRUS LOWE; MIKE PRILBOVSKY and J. T. STOREY.

It further appearing to the court that the following named defendants have each filed disclaimers herein, to-wit: C. E. PATTERSON; GREAT SOUTHERN LIFE INSURANCE COMPANY; W. H. HOLCOMBE; DR. J. MARVIN RAPE; W. L. COUNCIL; R. N. GRESHAM, Guardian of the Estate of E. W. BACON, non compos mentis; CORA L. DAVENPORT, a feme sole; THE DEL RIO WOOL & MOHAIR COMPANY; ALFRED ROSENOW; CLYDE YOUNG; CHARLES E. DAVIDSON, and TOM NOLEN.

IT IS, THEREFORE, ORDERED that said defendants and each of them be and they hereby are

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dismissed from this cause and that they recover all costs in this behalf expended.

It further appearing to the court that the defendants next hereinafter named have been served with process on the State's Third Amended Plea in Intervention by publication, which said citation was issued and published for the time and in the manner prescribed by law to require said defendants and each of them to appear and answer herein at the regular August A. D., 1947, term of this court, but that said defendants, except as hereinabove more fully shown, neither appeared in person nor by answer on file herein; the court thereupon inquired into the sufficiency of the diligence exercised in attempting to ascertain the residence or whereabouts of each of said defendants, or to obtain service of non-resident notice upon said defendants and each of them, and the court having heard proof thereon and having been fully satisfied that great diligence was exercised in behalf of the State of Texas in attempting to ascertain the residents or whereabouts of such defendants and that, notwithstanding such diligence their residence or whereabouts was wholly unknown, the court does not here find that the citation by publication issued herein against all of said defendants was the only means by which said defendants could have been served with process herein and brought into court and now here fully approves of the manner and form of the issuance and service of said citation by publication. All of said defendants, except such as are shown hereinabove as having answered herein, being without representation in this cause, the court thereupon appointed THE HONORABLE ALLEN R. FRASER, a practicing attorney of this court, to represent each and all of the defendants so cited by publication, and thereafter the said Honorable Alan R. Fraser, for and in behalf of all of said defendants so cited by publication, filed an answer and entered the appearance in this cause of all of said defendants so cited by publication, said defendants being as follows:

(a)

F. J. Affhauser; Harry C. Allen; Byron N. Amm; Lee J. Amm; Jackson B. Armstrong; E. N. Atkinson; Mittie and Jane Avery; John B. Bacon; A. C. Badders; Lyman Barkman; W. B. Barrett, Receiver; J. W. Bates; Mrs. Dora Baugham; Mrs. Emma L. Baxter; C. P. Baxton; Walter E. Bayliss; George Beal; John C. Bigham; Clyde C. Bitler; Margareta Benchea; Charles Edwin Bloom, Sr.; Claude Bock; Vincent W. Borden; Bernard Borst; R. A. Boston; Chas. H. Bowlus; Thos. H. Bowlus; B. E. Boyd; Dr. L. E. Bracken; A. R. Bradshaw; W. F. Brandt; Mrs. Marle J. Brennan; Brewster Oil Company; Wm. S. Brooks; Paul H. Brown; M. T. Brown; Robert Brown; T. M. Brown; Mrs. Ernest F. Bultemeyer; Arthur F. Bundy; A. W. Burpee; I. M. Burt; Mrs. Nina D. Bushnell; H. B. Cagle; W. A. Campbell; John Carroll; J. P. Cartwright; O. R. Cassell; Val Castleman; Charles A. Chambers; John J. Chambers; Minnie M. Chambers; Jonas Chatburn; F. W. Cherryhomes; B. F. Childers; Mrs. Lena Christy; Mrs. A. R. Church; Andrew Clydesdale; Arthur A. Cochran; Harry D. Cofield; E. C. Comfort; Commercial Land Company; Mrs. A. B. Compton; M. D. Copenhaver; H. G. Cottar; Dr. Sam C. Cowan and wife, Polly F. Cowan; James Cox and wife, Emma E. Cox; Forest B. Cook; Lorena Crawford; Jannie P. Cross; Harry W. Crouch; E. M. Cummings; Willie J. Cunningham; T. E. Dale; Late B. Davidson; A. B. Davis; Walter S. Davis; Armanda R. Dean; Pryor H. Dean; Del Pecos Land Corporation; Frank E. Dennis; Vance E. Denny; E. J. Deu Pree; Effie Dickinson; J. W. Dickerson; Miss Lorraine Dickson; Louis Dionigi; Rex W. Dixson; Ed Dobbins; J. C. Douthitt; Ernest C. Dowell; J. W. Dunlap; Mrs. J. W. Dunlap; George A. Earnhardt; M. E. Eberle; Miss M. Eddie; Leo R. Elikan; Luella Ellis; Luella M. Ellis; Oren E. Elwell; Adolph A. Engel; Mrs. Sarah Engle; Sarah Engel; William P. Esslinger; Mary J. Farnsworth; G. C. Farrish; Chas. R. Fisher; John E. Fletcher; Charles W. Foltz; Lottie Fooshee; The Freeman Corporation; Henry Frohnapfle; Ellen Frye; Susan Frye; Jacob Ganz and wife, Florance Ganz; Milton F. Gardner; Chas. L. Gaylor; William P. Glenn; B. S. Godfrey; E. R. Goode; Jesse A. Goodman; Henry C. Grabner; Harry Graham; George R. Grant; Margaret J. Green; J. R. Greenlee; Will B. Griffin; R. Louie Guintini; Margaret A. Haines; V. H. Haglund; Dr. J. S. Hall; John F. Hamilton and

wife, Elizabeth Hamilton; Henry F. Hammons; Alfred Harris; Mrs. Thelma Harris; R. J. Harvey; N. D. Haseman; N. E. Haseman; Wm. Hatcher; John H. Healy; Edward E. Heinlein; James Henderson; Geo. Hendricks; Geo. H. Herrman; Geo. H. Hermann and wife, Ruth M. Herman; Mrs. Agnes W. Hesse; Fred Hesse; Mima Hesse; Dr. Paul G. Hill; Paul G. Hill; John T. Hinesley; Ethel Houser; D. Hoyach; Major Will Hubbell; Jeff Hutchinson; Seth Irwin; Jesse Jackson and wife; John A. Jamison; John H. Jefferies; Arthur M. Johnson; Candus M. Johnson; Velma Johnson; J. G. Johnston; Katherine Johnston; Maurice L. Jones; Mrs. Parthenia Jones; Mrs. S. Z. Kalodzaike; J. H. Kaufmann; J. L. Keistler; W. B. Kidd; William G. Kinder; Alice M. King; Leon Kirpatrick; Charl A. Kopf; Ralph Kroot and wife, Mignon Kroot; James F. Laferty; Mrs. E. B. Lamont; Roy Lamont; Hanley Lane and wife, Eva L. Hester Lane; Vallie Lane; W. A. Langley; Robert Larke; Joseph Larocco; Mattie Ruth Lawson; Mrs. C. W. Lewis; P. K. Lewis; Oscar Linderkamp; L. Lichtig; Levi Lichtig; Andrew L. Logan; Paul R. Long; Lotus Oil Company; Jesse F. and Masie M. Love; N. L. Lowry; N. R. Lowrey; Hans A. Lundquist; Alice MacFarlin; Dr. James D. Macon; Mrs. Lizzie Macklin; Mrs. E. J. Magruder; Dr. J. W. Matthews; Hollace F. Mayfield; W. G. McClain; McCroba Wilson Motor Co.; M. E. McCurdey and wife; Floyd E. McGahan; Z. E. McGee; Wm. K. McHenry; Marguerite H. McGinnis; Mark R. McGinnis; Dr. Maurice McIntyre and wife, Luella McIntyre; F. E. McKee; Mrs. E. P. McKeon; Donald B. McMillan and wife, Agnes McMillan; J. D. Mercer; Otho S. Merchant; Pearl Vaupel Metcalf; Dr. L. T. Miller; Lawrence R. and Bess E. Miller; Homer E. Minor; Frank Mitchell; Frank Mitchell, Trustee; M. F. Mitchell; William A. Mohn; B. H. Molner; J. E. Moorehouse; C. W. Morgan; Carrie Morris; Geo. D. Morris; Mrs. Pearl Morris; W. B. Morris; Winifred Morrisey; Newell H. Motsinger and wife, Regna Motsinger; Roy Nash; Mrs. Christiana Nelson; N. V. Nelson; William L. Odett; Howard C. Oglesby; Willie Katherine O'Quin; E. J. Pallissard; George E. Parr; F. J. Pearl; Frank Joseph Pearl; Frank O. Peterson; J. C. Pfalzgraf; John C. Pfalzgraf; Arazio Pica; Mrs. L. C. Pierce; W. H. Pope; M. F. Powers; T. W. Pratt; A. D. Price; Henry G. Rabe; Dr. C. W. Rain; Mrs. Fred W. Rassieur; J. H. Rayburn; Mike Rebich; John Rhynard; P. H. Robb; D. O. Robertson; D. O. Robinson; Mrs. Mabel I. Robinson; Dora Rodenberger; James M. Rodgers; Nell K. Rodgers; Avery Ruppe; Elmer Russell; Arthur Rust; Lelia Rust; Sophia Rust; J. A. Salley; Mervin Samuelson; W. F. Samuel; Joseph Savelsberg; Nellie D. Schell; E. J. Schroder; Wm. Schutte; E. M. Scott; Fred A. Scott; Freda Scott; Jno. M. Scott; Sidney M. Segal; Mrs. Sadie Seigel; Chas. R. Sengewalt; Ernest Sewell; Ray W. Shanks and wife, Irene Shanks; Dr. Sam R. Shanlever; Earnest A. Simmons and wife, Artie B. Simmons; John Wesley Slife; Mrs. A. U. Smith; John W. Smith; Dr. Oscar B. Smith; James A. Spencer; Wm. Springer; W. M. Springfield; Adolph Steindler; Joseph J. Steingler; Miss Betty Ann Stern; Hattie K. Stern; H. K. and B. A. Stern; Clarence A. Stevens; Frank M. Stites; Nora Story; H. J. Struck; Charles S. L. A. Taylor; Chas. T. Taylor; Chas. H. Thomas; Rev. Francis J. Thomas; Henry C. Tix; Helen S. Trinkle; Dr. Kesler E. Truelove and wife, Josephone E. Truelove; George W. Tyree; W. A. Verdier, Jr.; Mrs. Viola Vick; Elizabeth Vittoe; Pauline Mary Vogel; Alice W. Walker; I. F. Wallace; Laura Wallace; W. A. Wallace; Fred Wehmiller; Herman R. White; W. M. Whitnel; John Wikowsky; Fred Wilk; Wade O. Wilkinson; Walter F. Wilkinson; Mrs. M. Williams; Mrs. Manola Williams; Robert C. Williams; H. B. Williamson; T. M. Wills; Dr. J. H. White; B. M. Wilson Estate; J. W. A. Wilson; Mike Wolk and wife, Pauline Wolk; Samuel D. Wood; J. Paul Woodruff; John E. Woodward; Ida E. Woolf; Harry R. Wright; David C. Wyatt; J. R. Wyatt; Orson Young; Constantine M. Zotos; Fred Basler; L. J. Carroll; William E. Cook; Rosella Helms; Blanche Martin; W. R. Moore; John Vonderbeck; Carl Vestal; C. D. Coolidge; Ben S. Griffin; W. E. Townsend; Dr. D. E. Price; Vennie Lytle; and Ethel C. Lytle.

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J. E. Addington, Hattie Addler, William Braun, Jr., Mrs. Alice H. Burkett, J. T. Bymaster, Margaret Capen, Louis Chasseur, C. D. Coolidge, Glen G. Craig, Andrew W. Crawford, F. J.

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Domnick, Ben S. Griffin, Ruby A. Hardgrove, W. E. Townsend, E. R. Van Laneyham, Nelson Tracy White, Henrietta A. Adams, W. R. Adcock, Everett F. Agnew, C. E. Armstead, Chas. E. Ashby and wife, Florence A. Ashby, C. E. Ashby, Wilbert W. Anderson, Dr. Robert L. Ames, Mrs. Elizabeth Alexander, Martin Anderson, Mrs. M. C. Adams, J. F. Bowling, Mack W. Bean, G. F. and C. W. Bills, Marguerite Berwick, S. B. Banford, Wendell R. Bosworth, J. R. Bills, Oliver D. Bowen, Alfred Bosenow, Jessie M. Bryan, J. M. Brown, William Bloomhart, E. W. Becker, Charles W. Bragg, C. Berry, Regina Brand, E. W. Bacon, A. L. Blaque, Lena Browman, John T. Brandner, John T. Brandenen, H. M. Bratt, Howace Bruce and wife, Sue Bruce, Horace F. Bruce, Ernest R. Brocking and wife, Minnie A. Brocking, David Burt, Ella V. Bennett, J. W. Brazil, G. W. Baker Effie Lou Bennett, J. F. Bolling, P. A. Burnett, Jane C. Buehler, H. H. Bruns and wife, Mrs. H. H. Bruns, Thomas H. Bruce, Samuel R. Braden, William Brown, John W. Burcham, Joseph Brownlow, Ida W. Barnes, Luther Black, Gene Bourland, J. W. Bailey, R. S. Bell, C. S. Bell, Mrs. E. Bishop, E. E. Bray, J. V. Boid, N. A. Brown, Lee Berlin, L. H. Brown, Thomas H. Bence, T. F. Chandler, Sam D. Cook, F. H. Clark, Herman F. Craig, C. F. Carr, G. F. Carr, Lewis W. Chandler, C. A. Callahan, J. W. Caustic, J. B. Catlett, T. W. Catlett, Roscoe Chamblee, Frank H. Colony, Anthony Cardemone, T. L. Colwell, Caltex Oil Company, a corporation, Ed Christensen, W. J. Cockin, M. A. Clark, Crowell Realty Co., Jessie Collins, J. W. Cassell, H. Chambers, John R. Culmer and wife, Judith A. Culmer, C. E. Cook, Daisy Clifford, Emma Eugenia Colby, J. L. Cummings, Harriet B. Foye Cartee, A. W. Clarke, Bert V. Chance and wife, Addie E. Chance, Dr. B. V. Chance and wife, Mrs. B. V. Chance, George B. Cunningham, Wm. H. Cottell, Wm. H. Cottrell, Teresa H. Cohen, W. A. Cory, J. H. Clarke, W. L. Council, Margaret Clark, T. D. Cobbs, Albert F. Chadwick, John J. Cullen, G. S. Combs, Mrs. J. B. Chambers, W. A. Chandler, W. E. Conway, J. P. Davis, G. C. Dawson, Charles E. Davidson, L. J. Douglas, E. J. Davied and wife, Julia T. Davied, E. J. Davies and wife, Julia T. Davies, C. D. DeWitt, W. E. Doane, Collier P. Dodson, H. H. Duke, Paul R. Dietzen and wife, Donna Dietzen, James Duffy, M. A. de Cruz, Laura Doolittle, W. L. Day, Robert Dwyer and wife, Estella Dwyer, Carl A. Deahl and wife, Myrtle Deahl, S. J. Davis, J. S. Douglass, Glenn F. Dunkin, and wife, Ruth M. Dunkin, J. W. Edgar, C. E. Effinger, J. M. Houston, Mrs. Woodie Lacy, S. A. Moore, Tom Morino, Estate of W. C. Morris, J. J. Riley, Fhnie & Bros., Robert H. Ellsworth, D. R. Elliott, R. A. Eaton, Jeanette Emkorb, Dr. J. C. Edwards and wife, Bertha Edwards, B. F. Fletcher, A. E. Fuller, R. M. Fletcher, Christ Freedmann, Roy T. Fricks, Charles Foster and wife, Winnifred Foster, Mary C. Faul, Ben S. Griffin, J. W. Galleghar, Joe Gilley, Mrs. J. B. Garrett, a feme sole, Aurilla Green, I. C. Gault, Frank Gold, G. W. Garner, J. B. Grimes, E. T. Gilham, C. M. Griswald, E. L. Gage, Mrs. S. J. Harlan, Jesus Gonzales, M. E. Hawkins, Harry Higbee, Charles Hermann, Mrs. L. K. Howe, a feme sole, Harry F. Haze, Charles D. Haskell, Reuben C. Hanson, L. S. Hill, H. T. Hull, Roll Hoss, Edward Hohensee, Timothy Hunt, Andy Harago, Jacob D. Hess, and wife, Clara A. Hess, Andrew Hanson and wife, Agnes Hanson, E. C. Henderson, Harvey P. Hartman, Harry F. Hage, R. L. Hale, M. E. Hill, J. W. Howard, Arthur Huyett, Henry W. Irwin, and wife, Charlotte Conner Irwin, Mrs. Maude Johnson, Reginald H. Johnson, William Johnson, J. M. Jemison, Charles M. Jacobs, A. W. Jaeger, Jessie A. Jones, Mrs. M. E. Jones, Della B. Jenkins, Mrs. Maude E. Johnson, a feme sole, James C. Johnson, Eli Jones, Harry E. Kelso, R. S. Kuhns, Haldon C. Kraft, A. M. Kane, Arthur M. Kane, A. J. Kriedler, Edward T. Kileen, J. M. Kimbrough, B. E. Kirk, B. E. Kirk, Mrs. Louise Kelsinger, a feme sole, Mrs. Louise Kretsinger, a feme sole, Mary D. Kessler, Harry E. Kelson, Dr. H. F. Kugus, Dr. H. S. Kuhns, D. W. Killinger and wife, Madeline Killinger, J. F. Knox, Clarence G. Lewis, Florence G. Lewis, H. E. Lemen, H. E. Lemens, Frank Latta, John Latta, Lawrence Latta and wife, Helen Latta, Lloyd Oil Corporation, J. Linroth, J. Linisth, Fred W. Leavell, Elmer G. Lee, Dan H. Lloyd, and wife, Stella G. Lloyd, Wm. H. Long, J. Frank Lively, Fritz Langkrahr, E. P. Locke, in-

dividually and as trustee, Otto Lehman, W. W. Lang, W. W. Long, C. S. Lidders, C. W. Lidders, Thomas H. Lynch, Frank Lloyd and wife, Stella G. Lloyd, J. E. Luirotte, Robert A. Leavitt, G. M. Langdon, Mrs. J. P. Lacy, C. A. Landstrom, H. J. McMullen, John May, Jr., William McDonald, Wm. McDonald, H. Mankowitz, H. Maukowitz, Arthur McDonald, Raymond P. McCabe, Mrs. Eva M. Meyer, J. Macard, T. C. McKee, F. C. McKee, W. H. McDonald, and wife, Rosa McDonald, Arch McKay, Frank McCreary, (Rosemond McCreary, Rosa McKim, Roy T. McMinn, Hugh C. McDonald, Blanche L. Martin, E. S. Murrell, Wm. F. Meller, S. C. Melton, H. A. Moore, Patrick F. McGuire, J. W. McReynolds, Ethel M. McKenzie, J. L. Mares, Thomas J. McInerney and wife, Mary K. McInerney, A. G. McNeese, Jr., Mrs. Oscar McFarland, Mattie Fielder, C. B. Millikan and wife, Denzel Millikan, G. Anderson Martin, George H. Massey, A. Madison, George W. Mulcady, J. Marcet, C. B. McDonald, George E. Meyers, Harols Meyers, Marlborough Land Co., Elbert S. Mead, A. P. Mickels, Mrs. E. M. Manchester, J. A. Mitchell, C. W. Middleton, W. T. Mitchell, W. H. McGenty, John Moore, A. K. Nannie, John Noonan, Harry T. Norton and wife, Helen E. Norton, Emil Nelson, R. S. Norwood, Ralph S. Norwood, Tom Nolan, Russell W. Nelson, G. F. Norman, F. W. Nowell, J. E. Norwood, Clellan C. Norton, Peter Nelson and wife, Martha E. Nelson, Otto Gifenbacker, Fred S. O'Neill, Edward M. Ostertag, Orient Development Company, a corporation, Andrew O'Rourke, F. B. O'Rourke, Clara P. Oyen, Clara P. Oyer, Helen Owens, a feme sole, W. R. Paisley, James Peacha, C. H. Rill, Louise Polfuss, J. V. Perry, Joseph H. Pope, Dr. D.E. Price, James A. Pope, M. R. Poth, Clara Poyer, P. Perry, Joseph R. Peterson, John J. Pogson, Henry P. Peterson, O. A. Porter, Elsie A. Porter, Charles B. Peters, Fred Peterson, D. B. Pierce, E. E. Pierce, Dr. D. E. Peirce and wife, K. F. Peirce, Dr. E. E. Peacock, Michael Pascuccio, Arthur Phillips, C. A. Phillips, Clarence Preston, Ray N. Peterson and wife, Mary Ruth Peterson, Frank Reiger, J. W. Rowe, J. M. Rinehart, J. M. Rhinehart, G. H. Rhoades, John E. Ryan, Alfred Rosenaw, Mary Julia Ruter, a feme sole, H. V. Ruter, Leo N. Roberts, Frank S. Rodkey, Cora R. Ruhl, Lee Russell, Hans B. Rasmussen and wife, Laura Rasmussen, J. H. Ryan, J. H. Rawe, J. H. Rowl, Carrie M. Seguin, A. C. Stewart, W. M. Self, Fr. Stalters, F. R. Stalters, San Francisco Oil Land Exchange, A. W. Sunter, F. Spilmer, F. S. Spilmer, A. J. Silva, Guiseppa Sicciardello, John A. Schalick, J. R. Sims, Steve Strumberg, M. W. Sutton, Frank L. Spear, Frank L. Speas, R. Shoemaker, H. C. Stinnett, W. L. Shepherd, Charles E. Schauer, J. T. Stovall, G. D. Smith, M. Schwab, B. C. Smith, S. Schwab, Oscar B. Specht, Minna Clark Smith, Frank I. Shriver, C. Perry Stewart, Victor M. Suresus and wife, Anna D. Suresus, A. C. Smith, T. J. Sloan, Marguerite M. Sullivan, Jack Smith, M. F. Smith, A. Stewart, M. E. Smith, M. W. Sutton, W. M. Sutton, W. J. Slay, J. C. Smith, H. D. Smith, and wife, Mary Ella Smith, H. E. Smith, Mrs. M. E. Smith, a feme sole, Clarence E. Strouse and wife, Lula L. Strouse, Santa Fe Land Trust & Title Co., a corporation, Irene Stotts, Mrs. Agnes Schrader, Mary F. Sheppard, J. W. Shull, Frank Smith and wife, Ruby Smith, J. Louis Smith, T. J. Sloan, Ernest A. Simmon, and wife, Artie B. Simmon, Mrs. Alwine C. Stewart, George W. Topping, Sam Talkind, Walter G. Todd, A. S. Thold, Dr. E. R. Timmons, B. Newt Tidwell, Dr. G. T. Tubb, W. E. Townsend, C. B. Turner, Julia A. Thomas, Fred G. Turner, J. F. Tubbs, Thomas Usherwood, Timan Thompson, Grace R. Violante, Oren Vucinich, Jean Victor, C. M. Valve, E. R. Van Laneyham, Walter H. Vance and wife, Dorothy Vance, Mrs. Dora L. Vance, Joseph W. Vance, Jr., Miriam Vance, Jennie H. Vance, Morris Vaughan, J. C. Vernor, J. F. Woolton, Mills P. Walker, Annie Wason, Mrs. Margaret Windall, George W. Watson, Morris Wolf, M. A. Walker, Everett E. White, J. F. Wooten, Chas. Wachsetetter, C. Carlton Walsh, Kenneth P. Williams, M. A. Walker, M. C. Walker, Dr. C. M. Wells, Emery Wiley, Gertrude C. Young, Clyde Young, W. H. Young, Joseph Zalkind, Emma Ziegler, May A. Zollner, Karl A. Zimmer and wife, Lorena H. Zimmer and Karl Zimmerman. J. M. Houston, Mrs. Woodie Lacy, S. A. Moore, Individually and as Trustee,

(e)

Tom Morino, Trustee for Alabama Oil Syndicate, Estate of W. C. Morris and J. J. Riley

Thereupon, all parties being before the court and no jury having been demanded, the several matters of fact as well as of law, were submitted to the court who, having read the pleadings and heard the evidence adduced in support thereof from day to day during the progress of the trial of this cause, on the 1st day of November A. D., 1947, rendered the following judgment, to-wit:

It appearing to the Court that this suit, after the severance of issues aforesaid, involves the location and boundaries of each of the following sections of land in Brewster County, Texas, to-wit: Sections 1-200 inclusive, of Block G-1, D. & W. Ry. Co.; Sections 1-54, inclusive, of Block G-15, G. C. & S. F. Ry. Co.; Sections 1-120, inclusive, of Block G-18, T. C. Ry. Co.; Sections 1-46, inclusive, of Block G-14, G. C. & S. F. Ry. Co.; Sections 1-20, inclusive, of Block G-20, Sections 1-7, inclusive, and odd numbered Sections 9-27, inclusive, of Block G-21 (there being no even numbered sections in said Block G-21, except Nos. 2, 4, and 6); Sections 1-12, inclusive, of Block G-24; Sections 1-28, inclusive, of Block M-2; Sections 8-28, inclusive, (all having even numbers), of Block G-22; Sections 1-44, inclusive, of Block B-1; Sections 1, 2, 12 and 13 and 20 of Block G-9; Sections 1-32, inclusive, of Block G-13; H. E. & W. T. Railway Co., together with the matter of priorities between such sections of land in so far as they conflict with one another when properly located on the ground.

And the Court having heard and considered the testimony and the evidence, including the field notes of each of the surveys in the aforesaid blocks, as same were offered from the files of the General Land Office of the State of Texas, and/or the records of the Office of the County Surveyor of Brewster County, Texas, and having considered the various exhibits, including maps and plats, and all of the evidence, finds that the surveys in the blocks aforesaid can be located on the ground in accordance with the original and corrected field notes thereof now on file in the General Land Office of the State of Texas and the judgment of this Court in Cause No. 2006, styled Dick Williams, et al, v. Asa Jones, et al, in the manner hereinafter ordered.

The Court further finds that when such surveys are so located, some conflicts are found to exist, and that such conflicts arise because the original surveyor of all sections (except Sections 1-20 of Block B-1), one John T. Gano, was mistaken as to the relation of the corner he established for the southwest corner of Survey 1, Block G-1, D. & W. Ry. Co., with reference to the Rio Grande River, and because much of said Gano's work was by office survey, based on this mistaken relationship.

The Court further finds that the aforesaid blocks of surveys, though made by the same surveyor (except for the first twenty sections of Block B-1), do not constitute a system of blocks of surveys, but each block must be located independently and the surveys therein laid on the ground in the manner hereinafter set out.

The Court finds that the direction taken as true north by John T. Gano for his work in such surveys and by Archibald Bogle for his work in Block B-1 was one degree and eight minutes (1° 8') west of true north.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

I.

1. The aforesaid sections of land comprising Block G-1, D. & W. Ry. Co.; G-15, G. C. & S. F. Ry. Co.; G-18, T. C. Ry. Co.; G-14, G. C. & S. F. Ry. Co.; G-20, T. C. Ry. Co.; G-21; G-24; M-2; G-22; G-9; G-13, H. E. & W. T. Ry. Co., Block G-23 and B-1; all in Brewster County, Texas, be located on the ground in accordance with this judgment.

2. Each of the surveys be located by using as the north call of the field notes and of this judgment a course one degree and eight minutes (1° 8') west of true north, and with all



other courses consistent therewith.

## II

With respect to Sections 1-200, inclusive, of Block G-1, D. & W. Ry. Co.;

1. The southwest corner of Section 1, said Block G-1, D. & W. Ry. Co., being also the southwest corner of such block, is located on the ground at a point 3198.4 varas east and 3396 varas south of what is known as the R. S. Hunnicutt corner (which latter corner is evidenced by a pile of rock in which there is a stone marked "SW-G-1" and located on the ground at a point latitude  $29^{\circ}33' 51.951''$ , longitude  $102^{\circ}57' 56.238''$ , and from which stone mound the highest point on the north end of Stairway Mountain bears south  $19^{\circ}30'$  west 1230 varas, and from which "X" mark on top of embedded boulder  $12\frac{1}{2}$  feet across the top and about 5 feet high bears south  $34^{\circ}51'$  east 32 varas; this being the location established for such southwest corner of Block G-1 by the judgment of this Court in Cause No. 2006, styled Dick Williams, et al v. Asa Jones, et al, which was affirmed by the Court of Civil Appeals in 184 S. W. (2) 510, with writ refused by the Supreme Court.

2. The northwest corner of said Block G-1, being the northwest corner of survey 200 of said Block is a point on the ground 92.3 varas west and 78.7 varas north of the W. L. Rider corner for the northwest corner of Section 200, said block which latter corner is located on the ground at latitude  $29^{\circ}49' 42.458''$ , longitude  $102^{\circ}56' 37.873''$  and is further defined as follows: Beginning at a fence corner and a large flat rock, from which a N. W. peak, a double mountain, bears south  $77^{\circ}19'$  west, the west peak of Bullis Mountain brs. south  $4^{\circ}54'$  west, sharp peak between two mountains bears north  $30^{\circ}15'$  west, the south point of Horseshoe Mountain bears N.  $72^{\circ}54'$  east, and a dagger palm tree bears south  $8^{\circ}50'$  west 24 vrs.; this being the location for the true northwest corner of Block G-1, established by this Court in the above styled and numbered cause, and affirmed as aforesaid.

3. The west line of said Block G-1 and of the western tier of sections therein is a line on the ground between the southwest corner of Survey 1 and the northwest corner of Survey 200, as hereinabove located, and such line has its proper variation of  $1^{\circ}8'$  west of true north, this being the line established for the west line of Block G-1, in the above styled and numbered cause.

4. The sections in said Block G-1, being numbered 1 to 200, inclusive, are located on the ground by beginning at the point heretofore defined for the southwest corner of Survey 1, Block G-1, locating each of said surveys in numerical order and in accordance with the original field notes prepared by John T. Gano and filed in the General Land Office, giving to each survey a distance east and west of 1900 varas and north and south 1900 varas, with the variation heretofore set out, so that the boundaries of Block G-1 and each of the surveys therein will be consistent with the west line of such block as heretofore defined.

5. The south line of said Block G-1 and of the southern tier of surveys therein, being surveys 1-7, inclusive, forms an extension of the south line of Block 237, T. & S. L. Ry. Co. and is the north line of Surveys 1, 2, 12, 13 and 20 of Block G-9, as well as the north line of Surveys 38 and 41, Block G-23, C. T. & M. C. Ry. Co., as said surveys are hereinafter located on the ground.

## III.

With respect to Sections 1-54, inclusive, of Block G-15, G. C. & S. F. Ry. Co.:

1. The south line of said Block G-15, G. C. & S. F. Ry. Co., being the south line of Sections 1-13, inclusive, thereof, is coincident with the north line of Block G-1, as hereinbefore located.

2. The southwest corner of Survey 1, Block G-15, is located on the ground coincident with the northwest corner of Survey 200, Block G-1, as such northwest corner has been located on

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the ground by this judgment.

3. The southeast corner of Survey 13, Block G-15, is coincident with the northeast corner of Survey 188, Block G-1, which corner is located at a point on the ground N.  $88^{\circ}52'$  E., 24,700 vrs. from the northwest corner of Survey 200, Block G-1.

4. The surveys in the south line of Block 334, T. C. R. Co. which block lies to the north of the aforesaid Block G-15, for the most part call for adjoiner to the north tier of surveys in said Block G-15.

5. The 54 surveys in Block G-15 are located on the ground by beginning at the southwest corner of Survey 1 of said block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such surveys, filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variation hereinbefore established.

#### IV.

With respect to Sections 1-120, inclusive, of Block G-18, T. C. Ry. Co.:

1. The northwest corner of Survey 1, Block G-18, T. C. Ry. Co., is located on the ground at a point 7600 vrs. N.  $1^{\circ}8'$  west from the point hereinbefore fixed as the northeast corner of Section 188, Block G-1, and at a point on the ground coincident with the northeast corner of Survey 40, Block G-15, when such Survey 40 is located in accordance with Paragraph III of this judgment.

2. The surveys in Block G-18 from 1 through 68, are located on the ground by beginning with the northwest corner of Survey 1 as above fixed, and giving each survey the distance called for in its original field notes, as filed in the General Land Office by John T. Gano, and using the variation hereinbefore set out, constructing such surveys in numerical order from Survey 1 through Survey 68.

3. The west line of Block G-18, being the west lines of Surveys 1, 2, 3 and 4 of said block when located as above ordered, is coincident with the east line of Block G-15, being the east lines of Surveys 13, 14, 39 and 40, of said Block G-15.

4. The southwest corner of Block G-18, being the southwest corner of Section 4, of said block, is coincident with the northeast corner of Section 188, Block G-1, as such latter corner has been hereinbefore fixed on the ground.

5. Sections 69 to 120, inclusive, of Block G-18, are properly located on the ground from the point at the mouth of the San Francisco Creek called for in the original field notes of Section 95, of such block, said point being at a rock mound on the northwest bank of the Rio Grande River and on a high bluff just above the mouth of San Francisco Creek, set for the southeast corner of Presidio County and southwest corner of Pecos County (now, respectively, Brewster County and Terrell County).

6. Sections 69 to 95, inclusive, of said Block G-18, are located on the ground from the point at the mouth of San Francisco Creek by beginning with Section 95 and locating such sections in inverse numerical order, giving each survey the distance called for in its original field notes, as filed in the General Land Office by John T. Gano, and using the original courses with the variation herein ordered, giving effect to the calls in Surveys 69-95, inclusive, for adjoiner to each other.

7. Sections 96 through 120, inclusive, are located on the ground from the point at the mouth of San Francisco Creek called for in said Survey 95 by locating Section 96 in its proper relationship to Survey 95 as called for in the original field notes of said Section 96 as filed in the General Land Office by John T. Gano, and locating Surveys 96-120 in numerical order according to such original field notes with variation as hereinbefore ordered, giving effect to the called-for adjoiner, one to the other, of these Surveys 96 through 120, in-

clusive, but giving no effect to adjoinder calls to any surveys in any other block, nor to the calls in the original field notes for Surveys 69, 70, 71, 72 and 120 for adjoinder to Surveys 65 to 68, inclusive.

8. The Court finds that Sections 1 through 68, inclusive, of Block G-18 are prior in time to Sections 69 through 120 of said block, and Sections 1 through 68 shall take precedence over Sections 69 through 120 to the extent of any conflict, when such sections are located on the ground in accordance herewith.

V.

With respect to Sections 1-20, inclusive, of Block G-20, T. C. Ry. Co.:

1. Section 1 of said Block G-20, T. C. Ry. Co., is located on the ground with its northeast corner, being also the northeast corner of said block, coincident with the southeast corner of Survey 68, Block G-18, as such survey has been heretofore located and at a point 32,300 vrs. N.  $88^{\circ}52'$  east of the northeast corner of Section 188, Block G-1, as such latter corner is hereinbefore fixed.

2. Sections 1-20, inclusive, of Block G-20 are located on the ground by beginning at such northeast corner of Survey 1 and locating each of the surveys in numerical order in accordance with the original field notes thereof filed by John T. Gano in the General Land Office of the State of Texas, using the variation heretofore ordered.

3. The north line of Block G-20, being the north lines of Surveys 1 through 10 of said block, is coincident with the south line of Sections 29, 36, 37, 44, 45, 52, 53, 60, 61 and 68 of Block G-18 as heretofore established.

4. The northwest corner of Section 10, Block G-20, being also the northwest corner of said block, is coincident with the southeast corner of Section 28, and the southwest corner of Section 29, Block G-18, and with the northeast corner of Survey 46, Block G-14, as such latter corner is located on the ground in the next succeeding section of this judgment.

VI.

With respect to Sections 1-46, inclusive, of Block G-14:

1. The southwest corner of Section 1 of said Block G-14, being also the southwest corner of said block, is located on the ground at a point coincident with the southeast corner of Section 83, Block G-1, as such section has been hereinbefore located, which point is 19,000 varas north and 24,700 varas east, according to the variation hereinbefore established, from the point heretofore defined as the southwest corner of Section 1, Block G-1.

2. The sections 1-46, inclusive, of Block G-14, are located on the ground by beginning at the point above fixed as the southwest corner of Section 1, said Block G-14, and locating each of such 46 sections in numerical order in accordance with the original field notes of such sections, giving each section its field note distance and using the courses prescribed in such field notes with the variation ordered in this judgment.

3. The west lines of Sections 1-10, inclusive, of Block G-14, being the west line of such block, are coincident with the east line of the most eastern tier of Sections in Block G-1.

4. The northwest corner of Survey 10, Block G-14, is located on the ground coincident with the northeast corner of Survey 188, Block G-1, as such corner is hereinbefore fixed, and said northwest corner of Section 10, Block G-14, is coincident with the southeastern corner of Section 13, Block G-15, and with the Southwestern corner of Section 4, Block G-18, as both sections are hereinbefore located.

5. The north lines of Sections 10, 11, 30, 31, 40, 41, and 46 of said Block G-14, being the north line of said block, are coincident with the south lines of Sections 4, 5, 12, 13,

20, 21 and 28, respectively, in Block G-18.

6. The northeast corner of Section 46, Block G-14, is located on the ground coincident with the northwest corner of Section 10, Block G-20, as hereinbefore established, and the east line of Sections 45 and 46, Block G-14, is coincident with the west lines of Sections 11 and 10, respectively, Block G-20.

#### VII.

With respect to Sections 1-7, inclusive, and odd-numbered Sections 9-27, inclusive, of Block G-21 (there being no even-numbered sections in said Block G-21, except Nos. 2, 4 and 6):

1. The northwest corner of Section 27, said Block G-21, is located on the ground at a point coincident with the southwest corner of Section 11, Block G-20, and coincident with the northeast and southeast corners of Sections 44 and 45, respectively, of Block G-14, said point being 13,300 varas N.  $88^{\circ}52'$  E. and 3800 varas S.  $1^{\circ}08'$  E. of the point heretofore decreed as the northeast corner of Survey 188, Block G-1.

2. The Sections 1-7, inclusive, and odd numbered Sections 9-27, inclusive, of Block G-21, are located on the ground by beginning at the point above fixed as the northwest corner of Section 27 and locating each of such sections in inverse numerical order, according to the course and distance calls found in the original field notes of such sections filed in the General Land Office by John T. Gano, and with the variation decreed by this judgment.

3. The west line of Section 27, said Block G-21, is for part of its distance coincident with the east line of Section 44, Block G-14, as such section is located in accordance herewith.

4. The north lines of Sections 13, 15, 17, 19, 21, 23, 25, 27 and part of the north line of Section 11, said Block G-21, are coincident with the south lines of Sections 11-20, inclusive, of Block G-20.

5. The sections comprising this Block G-21 are properly located without reference to Block M-2, or the sections therein, or the Rio Grande River, and those sections in Block G-21 which fall across the Rio Grande River in whole or in part when located in accordance herewith are decreed ineffective in so far as, and only in so far as, they extend across said river and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary in lieu of the boundaries which are found to lie on the Mexican side of such river.

#### VIII.

With respect to Sections 1-28, inclusive, of Block M-2:

1. The southwest corner of Section 1, said Block M-2, is at a point on the ground having a latitude of  $29^{\circ}43'45.378''$  and a longitude of  $102^{\circ}40'56.698''$ , said point being known as Reagan Canyon Corner and further described as follows:

An angle iron mkd. "N.E. 1 B-1 S and S. W. 1 M-2 C", set in concrete in an old stone mound on a rocky point on the bank of the Rio Grande River, on the lower side of the mouth of a canyon and 5 varas below a calvary watering trail which enters the Rio Grande Valley from a deep canyon, from which a bluff bears S.  $30^{\circ}50'$  W., Peak bears N.  $65^{\circ}45'$  W., Peak bears N.  $14^{\circ}59'$  W., and a 4"x 4" concrete post marked "S. W. 1 M-2" bears N.  $14^{\circ}37'$  E. 497.0 varas.

2. The northeast corner of Section 28, said block M-2, is located on the ground at a point coincident with the southeast corner of Section 102, Block G-18, when said Section 102 is located from the point at the mouth of San Francisco Creek, as hereinbefore directed.

3. The Northeast corner of Section 26, Block M-2, is located at a point on the Rio Grande River at a point which is concident with the southeast corner of Survey No. 28 of the same block, and which point aforesaid is located west 375 varas and south 1344 varas from the

northeast corner of Survey 28 of Block M-2 which is coincident with the southeast corner of Survey No. 102, Block G-18 when same is located on the ground as hereinabove provided. Said Survey 26, is then constructed by beginning at the northeast corner as above established; thence south 88 degrees 52' west 2021 varas to a rock mound in the east line of Survey No. 24, Block M-2; thence south 1 degree 8' E. 5395 varas, more or less, to the Rio Grande River for its southwest corner and being a point coincident with the southeast corner of Survey No. 24, Block M-2, which point is 7162 varas west and 14590 varas south of the rock mound for the northeast corner of Sur. No. 95; Block G-18, or the mouth of San Francisco Creek; thence down the Rio Grande River with its meanders to the place of beginning.

4. The ground distance between the southwest corner of Survey No. 1, Block M-2 (same being also the northeast corner of Survey No. 1 in Block B-1), as said corner is located in subdivision 1 of this section, and the southwest corner of Survey No. 26, Block M-2, as said corner is located in subdivision 3 of this section, is 33,834 varas and the field note distance between said two corners, as disclosed by the original field notes for Surveys Nos. 1 to 25, inclusive, and Survey No. 27, filed in the General Land Office by John T. Gano (the field notes for all of which said surveys call for a distance of 1344 varas for the north line) is 34,494 varas. There is, therefore, a deficiency in distance east between said two corners (the southwest corner of Survey No. 1, Block M-2 and the southwest corner of Survey No. 26, Block M-2) of 1110 varas, or when prorated equitably between said twenty-six sections of land a deficiency of 42.7 varas in the north line of each of said surveys Nos. 1 to 25, inclusive, and Survey No. 27, thereby leaving under the equitable proration here made, the north line of each of said surveys to be distant 1301.3 varas instead of the 1344 varas called for in the original Gano field notes hereinabove referred to.

5. Sections 1 to 25, inclusive, and Section 27 of said Block M-2, with the exception of Survey 2, are located as follows: BEGINNING at the point hereinbefore located for the southwest corner of Section 1, Block M-2, in subdivision 1 of this paragraph, and using the original field notes of such sections as filed in the General Land Office by John T. Gano and the variation hereinbefore decreed, locate the sections in the order called for in such original field notes, beginning each section on the Rio Grande River at the southeast corner of the preceding section, giving each section its field note distance north for its west line, thereby locating the northwest corner of each of said sections; thence on a course north 88 degrees 52' E. a distance of 1301.3 varas to a point which this judgment now here establishes as the northeast corner of each of said surveys respectively. The east line of each of said surveys respectively is then located on the ground by running a line from said northeast corner of each of said surveys located as aforesaid on a course south 1 degree 8' E. for the distance (more or less) called for in the original Gano field notes for the east line of each of said surveys, respectively, to the intersection of said line with the Rio Grande River. From that point of intersection of said east line of each of said surveys, respectively, with the Rio Grande River, the south line of each of said surveys, respectively, is located by following up said Rio Grande River with its meanders to the place of beginning for each of said surveys, respectively.

6. Survey 2 is located by beginning at a point on the Rio Grande river at its southwest corner which corner is coincident with the southeast corner of Survey 27 of this block when the latter is located as hereinabove provided; thence north 1 degree 8' west with the east line of Survey 27, passing its northeast corner for a distance of 6800 varas to a point for the northwest corner of this survey; thence north 88 degrees 52' E. a distance of 1301.3 varas for its northeast corner, which point is in the west line of Survey 4 of this block; thence south 1 degree 8' E. to the Rio Grande River; thence up the Rio Grande River with its

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meanders to a point south 1 degree 8' E. from the beginning point of this call; thence S. 1 degree 8' E. to the bank of the Rio Grande River for the S. E. corner of this survey; thence up the Rio Grande River with its meanders to the place of beginning.

7. The odd-numbered sections in Block M-2 are located consecutively, beginning at the southwest corner of section 1, said block as required by the original field notes thereof. The even-numbered sections of said block, from Sections 2 through 24, are located as required by their original field notes, consecutively, beginning Section 2, at the southeast corner of Section 27, said block, when Section 27 is located in accordance herewith, and the southeast corner of Section 24, said block, being coincident with the southwest corner of Section 26, as hereinbefore located.

8. Section 28 of said block is located by beginning at a point heretofore established for the northeast corner thereof, which point is coincident with the southeast corner of Survey 102, Block G-18, as aforesaid; thence South 88 degrees 52' west with the South line of Surveys 102 and 107 and a portion of the south line of Survey 114 of Block G-18, 5895 varas to the northwest corner of said survey 28; thence south 1 degree 8' E. 795.5 varas, more or less, to a rock mound in the north line of survey No. 20 of this block M-2; thence in an easterly direction with the north line of Survey 20 to the northeast corner thereof; thence in a southerly direction with the east line of Survey 20 to the northwest corner of Survey 22 of this block; thence in an easterly direction with the north line of Survey 22 to the northeast corner of said survey 22; thence in a northerly direction with the west line of survey 24 of this block to the northeast corner thereof; thence in an easterly direction with the north line of survey 24 to the northeast corner thereof; thence in a southerly direction with the east line of survey 24 to the northwest corner of survey 26 of this block; thence with the north line of survey 26 in an easterly direction to the Rio Grande River; thence down the river with its meanders to the place of beginning.

9. That area located between the east line of the lower part of Survey 2 and the Rio Grande River is not included within the boundaries of any survey of said Block M-2 and is, therefore, unsurveyed Public Domain.

10. No evidence having been offered in support of the contention of the State of Texas for the adoption of the location of certain surveys in Block M-2 as the same were located by D. B. Scott, such contention on the part of the State of Texas, is, therefore, hereby in all things refused and denied.

#### IX.

With respect to Sections 1-12, inclusive, of Block G-24, being all of the surveys in said Block:

1. The northeast corner of Section 1, Block G-24, is located on the ground at a point coincident with the southeast corner of Section 44, Block G-14, as said section is hereinabove located, said point being 13,300 varas north 88 degrees 52' E. and 5700 varas S. 1 degree 08' E. from the point hereinbefore decreed as the northeast corner of Survey 188, Block G-1. The north line of said Section 1, Block G-24, is coincident with the south lines of Sections 43 and 44, Block G-14, and the west line of said Section 1 is coincident with the east line of Section 37, Block G-14.

2. Sections 1-12, inclusive, of Block G-24, are located on the ground by beginning at the point above fixed as the northeast corner of Section 1, said block, and locating each of the twelve sections in numerical order in accordance with the original field notes thereof, filed in the General Land Office by John T. Gano, giving each section its field note distance and

3. The sections comprising this Block G-24 are properly located without reference to Block M-2, or the sections therein, or the Rio Grande River, and those sections in Block G-24 which fall across the Rio Grande River in whole or in part when located in accordance herewith are decreed ineffective in so far and only in so far as they extend across said river, and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary thereof in lieu of the boundaries which are found to be on the Mexican side of such river.

X.

With respect to Sections 1-33, inclusive, of Block B-1:

1. The northeast corner of Section 1, Block B-1, is located on the ground at a point coincident with the southwest corner of Survey 1, Block M-2, as such corner has been hereinbefore located.

2. Sections 1-20, inclusive, are located on the ground by beginning at such northeast corner of Section 1, Block B-1, and using the original field notes of Archibald Bogle and the corrected field notes of John T. Gano, as filed in the General Land Office, locating such surveys in numerical order, giving each survey its called for distance for its north line and on the course called for, with the variation herein decreed, to establish the northwest corner of each survey; thence S. 1 degree 08' E. for the field note distance plus 112.7 varas, being a 1/20th part of excess southing between the northeast corner of Survey 1, Block B-1, as hereinbefore located, and the stone mound on the bank of the Rio Grande River, about 300 varas below the mouth of Maravillas Creek, which is the southeast corner of Survey 20, this block, and the northeast corner of Survey 21, this block; said Maravillas Creek corner being described as follows: an angle iron mkd. S. E. 21 and N. E. 22 S. set in concrete, in an old stone mound, about 300 varas below and N. E. of the mouth of Maravillas Creek, from which a Peak brs. S. 27 degrees 38' E. another Peak brs. N. 20 degrees 30' E. and South side of bluff brs. N. 85 degrees 15' W.; thence on course N. 88 degrees 52' E. to the Rio Grande River; thence down said river with its meanders to the place of beginning for each section; the southeast corner of Section 20 being located at the stone mound aforesaid.

3. Sections 21-33, inclusive, are located in similar manner by beginning at the stone mound aforesaid, locating such surveys in numerical order, giving each of said surveys its full distance called for as its north line in the original and corrected field notes filed in the General Land Office by John T. Gano, and thereby establishing the northwest corner of each survey in turn; thence S. 1 degree 08' E. for the field note distance plus 23.2 varas, being a 1/13th part of the excess southing between the northeast corner of Survey 21, this block, and the point at the mouth of Irwin's Canyon, which is the southeast corner of Section 33, which is more particularly described as follows: an angle iron mkd. S. E. 33 and N. E. 34 S. set in concrete, at the mouth of Irwin's Canyon, thereby establishing the southwest corner of each section; thence N. 88 degrees 52' E. to the Rio Grande River; thence down said river to the place of beginning for each section; the southeast corner of Section 33, being located at the point at the mouth of Irwin's Canyon aforesaid.

4. The evidence before the Court is insufficient to locate the true position on the ground of Sections 34-44, inclusive, of Block B-1.

XI.

With respect to Sections Nos. 1 to 32, inclusive, of Block G-13, H. E. & W. T. Ry. Original Grantee:

1. The Southwest corner of Block G-13, being also the Southwest corner of Section 1, said Block G-13, is located at a point on the ground 13,300 varas north 88 degrees 52' E. of the

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southwest corner of Survey 1 in Block G-1 as said latter corner is hereinabove located on the ground. Said southwest corner of Block G-13 is a point coincident with the southeast corner of survey No. 7, Block G-1, when located on the ground as hereinabove directed.

2. The West line of said Block G-13, and of the Western tier of surveys in said block, to-wit: Surveys 1, 4, 5, 8, 9, 12, 13, 14, 15 and 16, is a line on the ground, beginning at the south east corner of said Survey No. 7, Block G-1, and coincides with the lower East line of said Block G-1 and the lower East tier of Surveys in said block, to-wit: Surveys Nos. 7, 8, 21, 22, 35, 36, 49, 50, 63 and 64, when said line is located on the ground in the manner and with the variations hereinabove established.

3. The northwest corner of Survey No. 16, which is also the northwest corner of this Block No. G-13 is coincident with the northeast corner of Survey No. 64, the southeast corner of Survey No. 77, and the southwest corner of Survey No. 78, all in said Block G-1, when said point is located on the ground in the manner and with the variations hereinabove established.

4. The north line of Block G-13 and the north tier of surveys in said block, to-wit: Surveys Nos. 16, 17, 24, 25 and 32, is coincident with a part of the upper south line of said Block G-1, said line being the south line of Surveys Nos. 78 to 82, inclusive, of said Block G-1, and the northeast corner of Survey No. 32, being the northeast corner of said Block G-13, is coincident with the southeast corner of Survey No. 82 and the southwest corner of Survey No. 83, said Block G-1.

5. The 32 surveys in said Block G-13 are located on the ground by beginning at the southwest corner of Survey No. 1 of said Block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such survey as filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variations hereinbefore established.

6. With respect to Survey No. 2 and Survey No. 29, said Block G-13, part of each of which surveys falls across the Rio Grande River when located in accordance herewith, those parts are hereby decreed ineffective respectively in so far as, and only in so far as, said sections extend across said river, and said two surveys which are thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary for said two surveys in lieu of that part of the boundaries of said two surveys which is found to lie on the Mexican side of said river.

## XII.

With respect to Block G-22:

1. The said Block contains eleven surveys only, being even numbered sections 8 to 28, inclusive (there being no odd numbered surveys in said block).

2. The northwest corner of Survey No. 8, said Block G-22, which is the northwest corner of said block, is located on the ground at the northeast corner of Block G-13, H. E. & W. T. Ry. Co., and is a point coincident with the northeast corner of Survey No. 32 in said Block G-13, the southeast corner of Survey No. 82 and the southwest corner of Survey No. 83, both in Block G-1, when said surveys No. 32 in Block G-13, and 82 and 83 in Block G-1, are located on the ground in accordance with the provisions of this judgment hereinabove appearing.

3. The upper north line of said Block G-22, being the north lines of Surveys Nos. 8, 10 and 12 in said block is coincident with the south line of Survey No. 83, Block G-1, and the south line of Survey No. 1, Block G-14, and with a portion of the south line of Survey No. 20, Block G-14.

4. The west line of said Survey No. 8, Block G-22, is coincident with the east line of Surveys Nos. 32 and 31, Block G-13, H. E. & W. T. Ry. Co., when said Block G-13 is located



in accordance with the provisions of this decree hereinabove appearing.

5. The northwest corner of Survey No. 22, said Block G-22, which is also the lower northwest corner of said Block G-22, is coincident with the northeast corner of Survey No. 11 and the southeast corner of Survey No. 20 and the southwest corner of Survey No. 21, all in Block G-13, and the west line of said Survey No. 22, Block G-22, is coincident with the east lines of Surveys Nos. 11 and 10 in Block G-13, and the north line of said Survey No. 22, Block G-22, is coincident with the south line of Survey No. 21, Block G-13, when said surveys are located in accordance with the provisions of this judgment, hereinabove appearing.

6. The eleven surveys in said Block G-22 are located on the ground by beginning at the northwest corner of Survey No. 8 of said Block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such surveys filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variation hereinabove established, without reference to the Rio Grande River and without reference to any calls for adjoinder to Block B-1, G. C. & S. F. Ry. Co., Original Grantee, and all parts of those sections in said Block G-22 which fall across the Rio Grande River, when located in accordance herewith, are decreed ineffective in so far as, and only in so far as, they extend across said river, and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande river shall form the boundary in lieu of the boundaries which are found to lie on the Mexico side of such river.

#### XIII.

With reference to Surveys 1 to 44, inclusive, in Block G-23, C. T. & M. C. Ry. Co., Grantee, being all of the surveys in said Block:

1. The northwest corner of Survey No. 38, said Block G-23 is at a point on the ground 9500 varas north 88 degrees 52' E. from the southwest corner of Survey No. 1, Block G-1, when said latter corner is located on the ground in conformity with the provisions of this judgment hereinabove appearing, and said point is coincident with the southeast corner of Survey No. 5 and the southwest corner of Survey No. 6, said Block G-1, and the northeast corner of Survey No. 2, Block G-9, H. E. & W. T. Ry. Co. The upper north line of said Block G-23, being the north line of Surveys Nos. 38, 41, 42 and 44, in said block, is a line coincident with the south lines of Surveys 6 and 7, Block G-1, and Surveys 1 and 2, of Block G-13 when the latter lines are located in accordance with the provisions of this judgment hereinabove contained.

2. The west lines of Surveys 38, 37, 36 and 35 of said Block G-23 is a line coincident with the East lines of Surveys 2, 3, 6, and 7 of Block G-9, H. E. & W. T. Ry. Co. Original Grantee, when said lines are located on the ground in conformity with the provisions of this judgment herein contained, and using the course hereinabove established.

3. The north lines of Surveys 32, 19, 18 and 1, of said Block G-23 is a line coincident with the south lines of Surveys 7, 8, 9 and 16, respectively, of Block G-9, H. E. & W. T. Ry. Co. when said lines are placed on the ground in conformity with the provisions of this judgment herein contained, and using the course and variations hereinabove established.

4. All other surveys in said block G-23 are to be constructed off of said surveys in said block as hereinabove located in their original relative positions and in accordance with the field notes for said surveys as filed by John T. Gano in the General Land Office of the State of Texas, giving each survey its calls for distance and using the course called for in said field notes with the variations hereinabove established.

5. The sections comprising this Block G-23 are properly located without reference to Block B-1, Block B-2 and Block M-1 or the sections in said blocks respectively, or without reference to the Rio Grande River; and those parts of Sections Nos. 43 and 44 of said Block

G-23 which fall across the Rio Grande River, when located in accordance herewith, are decreed ineffective in so far as, and only in so far as, said sections extend across the said river, and said two surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary for said two surveys, in lieu of that part of the boundaries of said two surveys which is found to lie on the Mexican side of said river.

XIV.

With respect to the location on the ground of the several blocks and surveys, respectively, involved in this suit, IT IS ORDERED THAT:

1. Blocks D-10 and D-11, respectively, T. C. Ry. Co. Grantee, shall take precedence over and be prior in location to all lands in Block G-18 in conflict therewith.
2. Blocks G-15 and G-18, T. C. Ry. Co., respectively, shall take precedence over and be prior in location to all lands in Blocks 334, 336 and 343, T. C. Ry. Co., Grantee, respectively, and Presidio County School land in conflict therewith.
3. With respect to Block G-1, when same is located as hereinabove described, Surveys Nos. 83 and 84 in said Block G-1, will conflict to a certain extent with Surveys Nos. 4 and 5 in Block B-1, and to the extent of such conflict Surveys Nos. 83 and 84 in Block G-1 prevail.
4. With respect to Block G-18, when same is located as hereinabove directed, i. e., Surveys Nos. 1 to 68, inclusive, beginning at the N. E. corner of Survey No. 40 in Block G-15 and Surveys Nos. 69 to 120, both inclusive, when located in relation to the stone mound at the mouth of San Francisco Creek, as hereinabove directed, there will be certain conflicts within said Block, and to the extent of any such conflict said Surveys Nos. 1 to 68, both inclusive, prevail over Surveys Nos. 69 to 120, both inclusive,
5. With respect to Block G-20, when same is located as hereinabove directed, said Block will conflict to a certain extent with Surveys Nos. 2 to 16, both inclusive, in Block M-2, and to the extent of such conflict, said Block G-20 prevails in accordance with the provisions of the injunction hereinafter decreed in Paragraph XVI hereof.
6. With respect to Block G-14, when same is located as hereinabove directed, there will be conflicts in certain surveys in said block, with certain surveys in Blocks B-1 and M-2. Such conflicts shall be resolved as follows:
  - (a) To the extent of any conflicts in the boundaries of Surveys Nos. 3, 18 and 23, in Block G-14, with Survey No. 1, Block B-1, said Survey No. 1 in Block B-1, prevails.
  - (b) To the extent of any conflicts in the boundaries of Surveys Nos. 2, 3, 18, 19, 22 and 23, all in Block G-14, with Survey No. 2, Block B-1, said Surveys Nos. 2, 3, 18, 19, 22 and 23 in Block G-14 prevails in accordance with the provisions of the injunction hereinafter decreed in Paragraph XVI hereof.
  - (c) To the extent of any conflicts in the boundaries of Surveys Nos. 2, 19 and 22 in Block G-14, with Survey No. 3 in Block B-1, said Survey No. 3 in Block B-1 prevails.
  - (d) To the extent of any conflicts in the boundaries of Surveys Nos. 1, 2, 19, 20, 21 and 22, in said Block G-14 with Survey No. 4 in Block B-1, Surveys Nos. 2 and 20, said Block G-14, prevail, and Survey No. 4, said Block B-1, prevails as against Surveys Nos. 1, 19 and 21 and 22, Block G-14.
  - (e) To the extent of any conflict in the boundaries of Surveys Nos. 1 and 20, Block G-14, with Survey No. 5, Block B-1, said Survey No. 5, Block B-1, prevails.
  - (f) To the extent of any conflicts in the boundaries of Surveys Nos. 23, 24, 25, 26, 27, 34, 35 and 36 of Block G-14 with Surveys Nos. 1, 3, 5, and 7, in said Block M-2, said Surveys Nos. 23, 24, 25, 26, 27, 34, 35 and 36 in said Block G-14 prevail.

7. With respect to Block G-21, when same is located as hereinabove directed, there will be conflicts in certain surveys in said blocks with certain surveys in Block M-2. Such conflicts are resolved as follows:

(a) To the extent of any conflict in the boundaries of Surveys Nos. 27, 25, 23, 21, 19 and 17 in said Block G-21, with parts of Surveys Nos. 13, 15, 17, 19, 21, 23, 25 and 27 in Block M-2, the aforesaid sections in said Block M-2, prevail.

(b) To the extent of any conflict in the boundaries of Surveys Nos. 17, 15, 13, 11, 9, 7, 5 and 3, in said Block G-21, with even numbered Surveys Nos. 2 to 28, inclusive, in said Block M-2, the aforesaid Surveys in said Block G-21 prevail in accordance with the provisions of the injunction hereinafter decreed in Paragraph XVI hereof.

8. With respect to Block G-24, when same is located as hereinabove directed, said Block will conflict, to a certain extent, with odd numbered Surveys Nos. 1 to 25, inclusive, in Block M-2, and to the extent of such conflict the aforesaid odd numbered surveys in Block M-2 prevail.

9. With respect to Block M-2, when same is located as hereinabove directed. The Surveys in said Block M-2 will conflict to a certain extent with various Surveys in Blocks G-20, G-14, G-21 and G-24, and to the extent of such conflicts, same are resolved as particularly provided in the foregoing paragraphs 8, 5, 6 and 7 of this section.

10. With respect to Block G-13, when same is located as hereinabove directed, Surveys Nos. 1 to 8, both inclusive, and Surveys Nos. 21, 27 to Survey No. 31, both inclusive, in said Block G-13, will conflict to a certain extent with Surveys Nos. 24, 23, 22, 21, 20, 19, 18, 17, 13, 12, 11, 10 and 9 in Block B-1, and to the extent of such conflict the aforesaid surveys in Block B-1 prevail.

11. With respect to Block G-22, when same is located as hereinabove directed, there will be conflicts in certain surveys in said Block with certain surveys in Block B-1, and to the extent of such conflicts, said Block B-1 prevails.

12. With respect to Block G-23, when same is located as hereinabove directed, Surveys Nos. 24 to 44, both inclusive, of said Block G-23, with the exception of Sur. No. 32, said Block, there will be conflicts to a certain extent with Surveys Nos. 24 to 44, both inclusive, in Block B-1, and to the extent of such conflict, the aforesaid Surveys in Block B-1 prevail.

13. With respect to Block B-1, when same is located as hereinabove directed, certain surveys in said Block B-1 will conflict to a certain extent with certain surveys in Blocks G-14, G-1, G-13, G-22 and G-23, and to the extent of such conflicts same are resolved as particularly provided in the foregoing paragraphs 6, 3, 10, 11 and 12 of this section.

XV.

In view of the conflicts between certain blocks and surveys when placed on the ground as hereinabove provided and giving effect to priority of surveys and resolving such conflicts as hereinabove ordered, the court further finds:

1. As to Block M-2, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

S. E. pt. Sect. 1.....	223 acres
South pt. Sect. 3.....	725 "
South pt. Sect. 5.....	844 "
South 2/3 and E. pt. of N. 1/3 Sect. 7.....	1045 "
Sect. 9.....	1240 "
Sect. 11.....	1240 "

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Sect. 13.....	1240 acres
Sect. 15.....	1240 "
Sect. 17.....	1240 "
Sect. 19.....	1240 "
Sect. 21.....	1240 "
Sect. 23.....	1240 "
Sect. 25.....	1240 "
Sect. 27.....	1240 "
South part Sect. 2 .....	548 "
Section 4.....	Gone
Section 6.....	Gone
South part Sect. 8.....	311 "
South part Sect. 10.....	515 "
South part Sect. 12.....	407 "
South and West part of South part of Sect. 14.....	381 "
N. E. pt. Sect. 16.....	90 "
N. pt. and S. E. Pt . Sect. 18.....	283 "
N. pt. and S. W. Pt., and S. E. Pt. Sect. 20.....	98 "
South part Sect. 2.....	139 "
N. pt. of E. pt. and South pt. of Sect. 24.....	189 "
N. pt. and S. W. part Sect. 26.....	1046 "
All of E. pt. and N. pt. of W. pt. Sect. 28.....	1145 "

2. As to Block G-21, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Survey 1.....	Gone
Survey 2.....	"
W. pt. Survey 3.....	1034
Survey 4.....	Gone
Survey 5.....	1280
Survey 6.....	Gone
Survey 7.....	1280
N. Pt. Survey 9.....	1247
Survey 11.....	1280
Survey 13.....	1280
N. Pt. 15.....	1155
N. Pt. 17.....	1205
N. Pt. 19.....	654
N. Pt. 21.....	666
N. Pt. 23.....	158
N. Pt. 25.....	538
N. Pt. 27.....	778

3. As to Block G-24, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

W. 1/2 and N. Pt. E. 1/2 of Section 1.....	1024
N. Pt. of W. 1/2 of Section 2.....	92
Sections Nos. 3 to 12.....	Gone

4. As to Block G-14, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Survey 1.....	Gone
N. pt. and W. pt. and S. pt. Section 2.....	301 acres
W. pt. and N. pt. of E. pt., S. Pt. of E. Pt. of Section 3.....	442 "
No. pt. and So. pt. of Sec. 18.....	283 "
N. pt. Sec. 19.....	238 "
N. pt. Sec. 20.....	316 "
Section 21.....	Gone
N. W. pt. Section 22.....	20 "
N. pt. and S. pt. Sec. 23.....	126 "
N. W. pt. Sec. 24.....	592 "

5. As to Block G-22, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acres:

N. W. pt. Section 8.....	566 acres
Section 10.....	Gone
Section 12.....	"
Section 14.....	"
Section 16.....	"
N. W. Pt. Section 20.....	17 "
W. Pt. Section 22.....	1220 acres
W. Pt. of N. Pt. Section 24.....	110 "
Section 26.....	Gone
Section 28.....	"
Section 18.....	"

6. As to Block G-13, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

West pt. Section 1.....	322 acres
Section 2.....	Gone
Section 3.....	Gone
W. Pt. Section 4.....	320 "
N. Pt. and W. Pt. Section 5.....	576 "
N. W. Pt. Section 6.....	285 "
N. Pt. and S. W. Pt. Section 7.....	181 "
N. Pt. and S. Pt. and W. Mid. Pt. Section 21.....	579 "
N. W. Pt. Section 27.....	616 "
N. W. Pt. and S. W. Pt. Section 28.....	197 "
Section 29.....	Gone
N. W. Pt. Section 30.....	185 "
N. W. Pt. Section 31.....	559 "
Section 32.....	640 "
N. Pt. and S. Pt. and W. Mid. Pt. 8.....	478 "

7. As to Block G-23, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its

*Counter 16172*

full complement of field note acreage:

Surveys Nos. 1 to 23, inclusive with full complement of acreage;

N. Pt. S. Pt., W. Mid. Pt. Section 24.....	587 acres
Section 25 in State Park	
Section 26 in State Park	
N. W. Pt. and S. W. Pt. Section 27.....	159 "
N. Pt., S. Pt., and W. Mid. Pt. Section 28.....	382 "
W. Pt. Section 29.....	68 "
W. Pt. Section 30.....	350 "
N. W. Pt. Section 31.....	460 "
Section 32 - full complement of acreage	
N. W. Pt. Section 33.....	121 "
N. W. Pt. Section 34.....	7 "
W. Pt. Section 35.....	458 "
W. Pt. Section 36.....	478 "
W. Pt. Section 37.....	505 "
N. W. Pt. Section 38.....	639 "
Section 39.....	Gone
Section 40.....	Gone
N. W. Pt. Section 41.....	513 "
Section 42.....	Gone
Section 43.....	Gone
Section 44.....	Gone

8. As to Block B-1, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Section 2.....	Gone
S. E. Pt. of W. Pt. and N. E. Pt. of E. Pt. of Section 4.....	365 acres
E. Pt. of Section 5.....	515 "

XVI.

With respect to the injunctive relief herein sought by the defendants, F. M. Roark, J.C. Roark, I. C. Roark, Sr., and by the defendant, Asa A. Jones, in his trial amendment, the court finds that all the even numbered sections in Block M-2, being Sections Nos. 2 to 28, inclusive, and Section No. 2 in Block B-1, are unsold lands belonging to the Public Free School Fund of the State of Texas, and all or certain parts of said surveys have been, by other provisions of this judgment, decreed to be in conflict with other surveys, all of which specifically and particularly is set forth in preceding sections hereof. In view of such adjudication of conflict, the court is of the opinion that said defendants are entitled to the equitable relief prayed for in so far, and only in so far, as by the provisions of this judgment all or parts or portions of said surveys have hereinabove been adjudged in conflict with other surveys of land.

IT IS, THEREFORE, FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff-intervener, the State of Texas, its officers, agents and employees, - be and each of them are hereby perpetually enjoined from selling or offering to sell any and all parts or portions of said even numbered surveys Nos. 2 to 28, inclusive, in said Block M-2, and Survey No. 2 in Block B-1, which by said other sections of this judgment have been adjudged and decreed in conflict with other surveys of land. This injunction does not apply and is not intended to

apply to the State of Texas, its officers, agents or employees, selling or offering for sale any or all of said surveys or parts or portions of said even numbered surveys Nos. 2 to 28, inclusive, in Block M-2, and said Survey No. 2 in Block B-1, which by said other sections of this judgment have been found or established as not being in conflict with other surveys of land.

XVII.

IT IS FURTHER ORDERED that the Honorable Alan R. Fraser be and he hereby is allowed a fee of \$250.00 for representing the defendants cited in this cause by publication, the same to be taxed as costs of this case.

XVIII.

IT IS FURTHER ORDERED that all relief prayed for by any party hereto which is not hereinabove specifically granted, be and it hereby is in all things denied, and any and all defendants in this cause who have not hereinabove been specifically disposed of be and they are hereby dismissed with their costs.

XIX.

IT IS FURTHER ORDERED that \$1,000.00 of the costs of court incurred herein be and it is hereby taxed against the State of Texas, but said costs have been paid to the Clerk of this Court by the State. All other costs shall be and are hereby taxed as follows: one-third jointly against the defendants, F. M. Roark, J. C. Roark, and I. C. Roark, Sr., one-third against the defendant, Asa A. Jones, and one-third against the defendant, J. M. Lea, for the collection of which let execution issue; to which judgment/<sup>defendant</sup>J. M. Lea excepted & gave notice of appeal.

H. O. Metcalfe,  
Judge Presiding.

O.K. C. W. Trueheart  
Atty. for Asa Jones  
& Guy & David Combs

W. P. Wallace, Jr.,

Brian Montague

J. C. Epperson  
Attys. for I. C. Roark, Sr.,

F. M. Roark & J. C. Roark

Approved as to form:

The Attorney General of Texas

By Ben H. Rice, III,

Assistant.

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A true and correct copy I do hereby certify.

Date 11-14-85

SHIRLEY A. SCHOLL

District Clerk, Brewster County, Texas

By: Shirley Scholl Deputy

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apply to the State of Texas, its officers, agents or employees, selling or offering for sale any or all of said surveys or parts or portions of said even numbered surveys Nos. 2 to 28, inclusive, in Block M-2, and said Survey No. 2 in Block B-1, which by said other sections of this judgment have been found or established as not being in conflict with other surveys of land.

XVII.

IT IS FURTHER ORDERED that the Honorable Alan R. Fraser be and he hereby is allowed a fee of \$250.00 for representing the defendants cited in this cause by publication, the same to be taxed as costs of this case.

XVIII.

IT IS FURTHER ORDERED that all relief prayed for by any party hereto which is not hereinabove specifically granted, be and it hereby is in all things denied, and any and all defendants in this cause who have not hereinabove been specifically disposed of be and they are hereby dismissed with their costs.

IT IS FURTHER ORDERED that \$1,000.00 of costs incurred herein be and it is hereby taxed against the State of Texas, but said costs shall be and are hereby paid to the Clerk of this Court by the State. All other costs shall be and are hereby paid by the one-third jointly against the defendants, F. M. Roark, J. C. Roark, and I. C. Roark, for the defendant, Ann A. Jones, and one-third against the defendant, to which judgment notice of appeal.

*File No. NS-10, Sketch File*  
*Brewster County*  
*Certified copy of No. 1934, 23rd Dist. Ct.*  
*of Brewster Co. Special Sec. 1947 TEXAS*  
*Filed Nov. 16 19 25*  
*By Douglas Howland*  
*GARRY MAURO, Com'r*

H. O. McCallie,  
Judge Presiding.

O.K. C. W. Truesdell  
Atty. for Ann Jones  
& Guy & David Combs

W. P. Wallace, Jr.,

Ernan Montague

J. C. Esperson  
Atty. for I. C. Roark, Sr.,

F. M. Roark & J. C. Roark

Approved as to form:

The Attorney General of Texas

By Ben H. Rice, III,  
Assistant.

SHIRLEY A. SCHOLL  
Deputy Clerk, Brewster County, Texas  
Date: Nov 16 1925  
By: [Signature]

Counter 16175



NO. 1934.

F. M. ROARK ET AL : IN THE 83RD DISTRICT COURT OF  
VS. : BREWSTER COUNTY, TEXAS, SPECIAL  
H. D. SMITH ET AL : OCTOBER 1947 TERM.

In the above entitled and numbered cause the court heretofore, on the 1st day of September A. D., 1947, as is in the Minutes of this court of record manifest, made and entered an order setting this cause down for trial at a special term to begin on the 27th day of October A. D., 1947, and, contemporaneously with the entry of said order, the court made and entered another order, severing all issues made by any and all pleadings at that time filed therein and confining the case to be tried to the issue of true and correct location on ~~the~~ ground of the boundaries of blocks of surveys and individual surveys as specified in the Third Amended Original Plea of Intervention filed herein by the State of Texas, as intervener, and directed that this cause should proceed to trial alone on the issues of true location and boundaries of the lands involved as made by said plea in intervention and the pleadings of the several parties in reply thereto, the State of Texas to be designated as plaintiff and all other parties as defendants, which said order was made without prejudice to any and all pleadings, right, interests, estates or causes of action alleged by the several parties pleading, answering or impleaded in said cause; and said order further provided that all issues then pending other than that of true location and boundary of the lands described in the pleadings of the State of Texas should by said order of severance be set apart and designated for trial as a separate suit styled as hereinabove appears, and hereafter to be numbered as 1934-A.

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And the court, on the 27th day of October A. D., 1947, did make and enter an order in conformity with the statutory provisions authorizing the same, convening this the Special October, A. D., 1947, Term of the District Court of Brewster County, Texas, <sup>and</sup> the court having been duly opened in the manner and form provided by law, this cause was called for trial.

Thereupon came the intervener, The State of Texas, herein-  
after styled plaintiff, by ~~XXXXXXXXXXXX~~ <sup>its Attorney General</sup> ~~XXXXXXXXXXXX~~ <sup>Assistant Attorney General</sup> ~~XXXX~~, and also came the following defendants who appeared either in person or by answer on file herein: J. T. ADAMS; AETNA LIFE INSURANCE COMPANY, a corporation; JOHN W. ALMOND and wife, MABEL MADISON ALMOND; MRS. EDNA WINN MADISON, a feme sole; AMERICAN NATIONAL INSURANCE COMPANY, a corporation; NEIL BUTLER, Trustee, E. M. BISLAND, W. R. CARTLEDGE; ROXANA GAGE CATTO, and husband JOHN CATTO, JR.; E. B. CHANDLER & CO., a partnership composed of GUS J. GROOS, E. C. TARRANT AND GUY S. McFARLAND; GUY S. COMBS; DAVID S. COMBS, Trustee; DOROTHY GAGE FORKER, and husband, DONALD E. FORKER; M. L. HOPSON; JAMES & CONNER, a partnership composed of THOMAS R. JAMES and GEORGE M. CONNER; ASA A. JONES; J. M. LEA; MORRIS U. LIVELY; NANA D. NEWTON, a feme sole; PRESIDIO COUNTY TEXAS, a municipal corporation; F. M. ROARK; I. C. ROARK, SR.; J. C. ROAD; SID SLAUGHTER; DR. H. G. TOWLE; FRED G. TURNER; MRS. T. D. MCKINNEY, individually and as Agent; UNA IHN HARRISON and husband, ELDEN HARRISON; IDA MAE THURMAN; IVAN D. MCKINNEY; PARKER MCKINNEY; MRS. JOHNNIE GRIGSBY and husband, LEROY GRIGSBY; J. T. MCKINNEY; GERTRUDE ELLEN SMITH; LEWIS MILTON SMITH; W. R. MORGAN, Independent Executor of the Estate of H. D. SMITH, Deceased; FRED BASLER; BLANCHE MARTIN and E. R. COX, Agent of BLANCHE MARTIN; PETE BLAZIN and wife, MARY BLAZIN; C. J. DOMNICK and F. J. DOMNICK; EARL F. LIMBERT; JEANETTE EMPORT MAY, a feme sole; McNEAR NASH COMPANY, a partnership composed of HARRY McNEAR and E. BRAUM; MRS. LILLIE RASSIEUR and husband, LOUIS RASSIEUR; D. H. BLACK; A. C. HERZBERG; L. AUSTIN FONTENOT; MRS. A. A. FIELDING, Individually, joined pro forma by her husband, A. A. FIELDING; C. A. BRAZZIL; MRS. J. P. DUNCAN, joined pro forma by her husband, J. P. DUNCAN; GEORGIA BRAZZIL, a feme sole; MRS. W. C. LEWIS, joined pro forma her husband, W. C. LEWIS; J. W. L., being all the heirs at law of J. W. BRAZZIL, Deceased; P2

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G. F. NOONAN, Individually and as Trustee, T. J. NOONAN; N. NOONAN;  
J. I. NOONAN; EARL STIRMAN; S. L. STUMBERG; and EUGENE M. LOCKE;

THEREUPON the State announced that it would take a non-suit against the defendants, MILTON GILMER AND H. M. KNIGHT, and it is accordingly ORDERED that this cause, as against said two defendants, be and the same hereby is dismissed and that said defendants recover their costs herein.

The pleadings of F. M. ROARK and J. C. ROARK having suggested to the court the death of I. C. ROARK, JR. and the settlement of his estate and of their having succeeded to all of the right, title, interest and estate of the said I. C. ROARK, Jr., in and to any of the lands involved in this suit, IT IS ORDERED that this cause be dismissed as against the said I. C. ROARK, JR., and the said F. M. ROARK and J. C. ROARK be substituted in lieu of the said I. C. Roark, Jr., deceased.

An inspection of the processes issued in this cause having disclosed that the following persons named as defendants in plaintiff's said Third Amended Original Petition were not served with process here-  
ing IT IS ACCORDINGLY ORDERED that the defendants, E. C. TOWNSEND, C. W. CUNNINGHAM, MRS. HELEN CAPEN, MRS. KATHERINE HARTWICK, GEORGE M. MYERS (MEYERS), MRS. J. L. TATUM, HENRY C. HINES and CELESTINE R. YOUNG, be and they are hereby dismissed from this cause.

It appears to the court that the following named defendants, residents of the State of Texas, have been cited for the time and in the manner provided by law to have required them to appear and answer herein at the regular August A. D., 1947, term of this court, but that said defendants appeared neither in person nor by answer on file herein: W. W. BOOTHE; E. H. BRUCE and wife, E. J. BRUCE,

ED. C. DANIEL; MRS. E. A. FARNUM, a feme sole; TOM FITE; FRANKLIN LIFE INSURANCE COMPANY; B. G. HARRISON, TRUSTEE; MRS. ELIZABETH MARCELLE HAMER, a feme sole; JOHN HARRIS; CLYDE HIGGINS; MRS. M. H. JONES; TOM PARSONS, MISS MINNIE L. POPE, a feme sole; HOMER ROCHELLE; E. C. PHILLIPS, individually and as agent of G. W. Cunningham; S. M. McANELLY; R. J. TURNER; E. E. TOWNSEND; ULICE J. ADAMS; PRESTON ELLA ADAMS; P. E. ADAMS; E. R. COX, Agent of FRED BASLER; L. J. CARROLL; E. R. COX, Agent of L. J. CARROLL; E. R. COX, Agent of WILLIAM E. COOK; E. R. COX, Agent of ROSELLA HELMS; E. R. COX, Agent of BLANCHE MARTIN; E. R. COX, Agent of W. R. MOORE; E. R. COX, Agent of JOHN VONDERBECK; and CORA L. ADCOCK, individually and as community survivor of the Estate of herself and W. R. Adcock, deceased

And it also further appears to the court that the following named defendants, non-residents of the State of Texas, have been served with notice for service of non-resident defendants for the time and in the manner prescribed by law to require them and each of them to appear and answer herein at the regular August A. D., 1947, term of this court, but that they neither appeared in person nor by answer on file herein, to-wit: BIG BEND REALTY & DEVELOPMENT COMPANY, a corporation; JOHN P. BRAMM; HAL H. CLINKENBEARD; ATTA V. CRAIG, a feme sole; EHREKA COLLEGE, a corporation of the State of Illinois; MRS. W. F. HALL, a feme sole; ANDREW HANSON; WILL B. KELLY; MAE LESLIE, a feme sole; O. E. LINDQUIST; CLARA L. MASSMAN, a feme sole; MARY McHAFPIE, a feme sole; GEORGE NOONAN, Trustee of the Estates of TOM, GEORGE, JOE and LENORA NOONAN; J. O. PORTER; ORAN A. PROVINCE; THE ROCK REALTY COMPANY, a corporation; MRS. CARRIE M. SEGUR, a feme sole; ELY SPAYD; J. L. TROWBRIDGE; F. R. VAN LANDINGHAM; E. R. VAN LANDYHAM; ELIZABETH M. WATKINS, ESTATE; VENNIE LYTTLE and wife, ETHEL C. LYTTLE; FRANCES A. CHANEY; W. L. ODETT; MRS. MABEL ANDRES LOWE; MIKE PRILBOVSKY; and J. T. STOREY.

It further appearing to the court that the following named defendants have each filed disclaimers herein, to-wit: C. E. PATTERSON; GREAT SOUTHERN LIFE INSURANCE COMPANY; W. H. HOLCOMBE; DR. J. MARVIN RAPE; W. L. COUNCIL; R. N. GRESHAM, Guardian of the Estate of E. W. BACON, non compos mentis; CORA L. DAVENPORT, a feme sole; THE DEL. RIO WOOL & MOHAIR COMPANY; ALFRED ROSENOW; GLYDE YOUNG; CHARLES E. DAVIDSON, and TOM NOLEN.

IT IS, THEREFORE, ORDERED that said defendants and each of them be and they hereby are dismissed from this cause and that they recover all costs in this behalf expended.

It further appearing to the court that the defendants next hereinafter named have been served with process on the State's Third Amended Plea in Intervention by publication, which said citation was issued and published for the time and in the manner prescribed by law to require said defendants and each of them to appear and answer herein at the regular August A. D., 1947, term of this court, but that said defendants, except as hereinabove more fully shown, neither appeared in person nor by answer on file herein; the court thereupon inquired into the sufficiency of the diligence exercised in attempting to ascertain the residence or whereabouts of each of said defendants, or to obtain service of non-resident notice upon said defendants and each of them, and the court having heard proof thereon and having been fully satisfied that great diligence was exercised in behalf of the State of Texas in attempting to ascertain the residents <sup>ce</sup> or whereabouts of such defendants and that, notwithstanding such diligence their residence or whereabouts was wholly unknown, the court does <sup>now</sup> not here find that the citation by publication issued herein against all of said defendants was the only means by which said defendants could have been served with process herein and brought into court and now here fully approves of the manner and form of the issuance and service of said citation by publication. All of said defendants, except such as are shown hereinabove as having been answered herein, being without representation in this cause, the court thereupon appointed THE HONORABLE ALLEN R. FRASER, a prac-

ting attorney of this court, to represent each and all of the defendants so cited by publication, and thereafter the said Honorable Alan R. Fraser, for and in behalf of all of said defendants so cited by publication, filed an answer and entered the appearance in this cause of all of said defendants so cited by publication, said defendants being as follows:

(a)

F. J. Affhauser; Harry C. Allen; Byron N. Amm; Lee J. Amm;

Jackson B. Armstrong; E. N. Atkinson; Mittie and Jane

Avery; John B. Bacon; A. C. Badders; Lyman Barkman; W. B. Barrett, Receiver; J. W. Bates; Mrs. Dora Baugham; Mrs. Emma L. Baxter; C. P. Baxton; Walter E. Bayliss; George Beal; John C. Bigham; Clyde C. Bitler; Margareta Benchea; Charles Edwin Bloom, Sr.; Claude Bock; Vincent W. Borden; Bernard Borst; R. A. Boston; Chas. H. Bowlus; Thos. H. Bowlus; B. E. Boyd; Dr. L. E. Bracken; A. R. Bradshaw; W. F. Brandt; Mrs. Marle J. Brennan; Brewster Oil Company; Wm. S. Brooks; Paul H. Brown; M. T. Brown; Robert Brown; T. M. Brown; Mrs. Ernest F. Bultemeyer; Arthur F. Bundy; A. W. Burpee; I. M. Burt; Mrs. Nina D. Bushnell; H. B. Cagle; W. A. Campbell; John Carroll; J. P. Cartwright; O. E. Cassell; Val Castleman; Charles A. Chambers; John J. Chambers; Minnie M. Chambers; Jonas Chatburn; F. W. Cherryhomes; B. F. Childers; Mrs. Lena Christy; Mrs. A. R. Church; Andrew Clydesdale; Arthur A. Cochran; Harry D. Cofield; E. C. Comfort; Commercial Land Company; Mrs. A. B. Compton; M. D. Copenhaver; H. G. Cottar; Dr. Sam C. Cowan and wife, Polly F. Cowan; James Cox and wife, Emma E. Cox; Forest B. Cook; Lorena Crawford; Jannie P. Cross; Harry W. Crouch; E. M. Cummings; Willie J. Cunningham; T. E. Dale; Late B. Davidson; A. B. Davis; Walter S. Davis; Armanda R. Dean; Pryor H. Dean; Del Pecos Land Corporation; Frank E. Dennis; Vance E. Denny; E. J. Deu Pree; Effie Dickinson; J. W. Dickerson; Miss Lorraine Dickson; Louis Dionigi; Rex W. Dixson; Ed Dobbins; J. C. Douthitt; Ernest C. Dowell; J. W. Dunlap; Mrs. J. W. Dunlap; George A. Earnhardt; M. E. Eberle; Miss M. Eddie; Leo R. Elikan; Luella Ellis; Luella M. Ellis; Oren E. Elwell; Adolph A. Engel; Mrs. Sarah Engle; Sarah Engel; William P. Esslinger; Mary J. Farnsworth; G. C. Farrish; Chas. R. Fisher; John E. Fletcher; Charles W. Foltz; Lottie Fooshee; The Freeman Corporation; Henry Frohnapple; Ellen Frye; Susan Frye; Jacob Ganz and wife, Florance Ganz; Milton F. Gardner; Chas. L. Gaylor; William P. Glenn; B. S. Godfrey; E. R. Goode; Jesse A. Goodman; Henry C. Grabner; Harry Graham; George R. Grant; Margaret J. Green; J. R. Greenlee; Will B. Griffin; R. Louie Guintini; Margaret A. Haines; V. H. Haglund; Dr. J. S. Hall; John F. Hamilton and wife, Elizabeth Hamilton; Henry F. Hammons; Alfred Harris; Mrs. Thelma Harris; R. J. Harvey; N. D. Haseman; N. E. Haseman; Wm. Hatcher; John H. Healy; Edward E. Heinlein; James Henderson; Geo. Hendricks; Geo. H. Herrman; Geo. H. Hermann and wife, Ruth M. Herman; Mrs. Agnes W. Hesse; Fred Hesse; Mima Hesse; Dr. Paul G. Hill; Paul G. Hill; John T. Hinesley; Ethel Houser; D. Hoyach; Major Will Hubbell; Jeff Hutchinson; Seth Irwin; Jesse Jackson and wife; John A. Jamison; John H. Jefferies; Arthur M. Johnson; Candus M. Johnson; Velma Johnson; J. G. Johnston; Katherine Johnston; Maurice L. Jones; Mrs. Parthenia Jones; Mrs. S. Z. Kalodzaike; J. H. Kaufmann; J. L. Keistler; W. B. Kidd; William G. Kinder; Alice M. King; Leon Kirpatrick; Charl A. Kopf; Ralph Kroot and wife, Mignon Kroot; James F. Laferty; Mrs. E. B. Lamont; Roy Lamont; Hanley Lane and wife, Eva L. Hester Lane; Vallie Lane; W. A. Langley; Robert Larke; Joseph Larocco; Mattie Ruth Lawson; Mrs. C. W. Lewis; P. K. Lewis; Oscar Linder-camp; L. Litchtig; Levi Lichtig; Andrew L. Logan; Paul R. Long; Lotus Oil Company; Jesse F. and Masie M. Love;

(b)

N. L. Lowry; N. R. Lowrey; Hans A. Lundquist; Alice MacFarlin; Dr. James D. Macon; Mrs. Lizzie Macklin; Mrs. E. J. Magruder; Dr. J. W. Matthews; Hollace F. Mayfield; W. G. McClain; McCroba Wilson Motor Co.; M. E. McCurdey and wife; Floyd E. McGahan; Z. E. McGee; Wm. K. McHenry; Marguerite H. McGinnis; Mark R. McGinnis; Dr. Maurice McIntyre and wife, Luella McIntyre; F. E. McKee; Mrs. E. P. McKeon; Donald B. McMillan and wife, Agnes McMillan; J. D. Mercer; Otho S. Merchant; Pearl Vaupel Metcalf; Dr. L. T. Miller; Lawrence R. and Bess E. Miller; Homer E. Minor; Frank Mitchell; Frank Mitchell, Trustee; M. F. Mitchell; William A. Mohn; B. H. Molner; J. E. Moorehouse; C. W. Morgan; Carrie Morris; Geo. D. Morris; Mrs. Pearl Morris; W. B. Morris; Winifred Morrisey; Newell H. Motsinger and wife, Regna Motsinger; Roy Nash; Mrs. Christiana Nelson; N. V. Nelson; William L. Odett; Howard C. Oglesby; Willie Katherine O'Quin; E. J. Pallissard; George E. Parr; F. J. Pearl; Frank Joseph Pearl; Frank O. Peterson; J. C. Pfalzgraf; John C. Pfalzgraf; Arazio Pica; Mrs. L. C. Pierce; W. H. Pope; M. F. Powers; T. W. Pratt; A. D. Price; Henry G. Rabe; Dr. C. W. Rain; Mrs. Fred W. Rassieur; J. H. Rayburn; Mike Rebich; John Rhynard; P. H. Robb; D. O. Robertson; D. O. Robinson; Mrs. Mabel I. Robinson; Dora Rodenberger; James M. Rodgers; Nell K. Rodgers; Avery Ruppe; Elmer Russell; Arthur Rust; Lelia Rust; Sophia Rust; J. A. Salley; Mervin Samuelson; W. F. Samuel; Joseph Savelsberg; Nellie D. Schell; E. J. Schroder; Wm. Schutte; E. M. Scott; Fred A. Scott; Freda Scott; Jno. M. Scott; Sidney M. Segal; Mrs. Sadie Seigel; Chas. R. Sengewalt; Ernest Sewell; Ray W. Shanks and wife, Irene Shanks; Dr. Sam R. Shanlever; Earnest A. Simmons and wife, Artie B. Simmons; John Wesley Slife; Mrs. A. U. Smith; John W. Smith; Dr. Oscar B. Smith; James A. Spencer; Wm. Springer; W. M. Springfield; Adolph Steindler; Joseph J. Steingler; Miss Betty Ann Stern; Hattie K. Stern; H. K. and B. A. Stern; Clarence A. Stevens; Frank M. Stites; Nora Story; H. J. Struck; Charles S. L. A. Taylor; Chas. T. Taylor; Chas. H. Thomas; Rev. Francis J. Thomas; Henry C. Tix; Helen S. Trinkle; Dr. Kesler E. Truelove and wife, Josephone E. Truelove; George W. Tyree; W. A. Verdier, Jr.; Mrs. Viola Vick; Elizabeth Vittitoe; Pauline Mary Vogel; Alice W. Walker; I. F. Wallace; Laura Wallace; W. A. Wallace; Fred Wehmiller; Herman R. White; W. M. Whitnel; John Wikowsky; Fred Wilk; Wade O. Wilkinson; Walter F. Wilkinson; Mrs. M. Williams; Mrs. Manola Williams; Robert C. Williams; H. B. Williamson; T. M. Wills; Dr. J. H. White; B. M. Wilson Estate; J. W. A. Wilson; Mike Wolk and wife, Pauline Wolk; Samuel D. Wood; J. Paul Woodruff; John E. Woodward; Ida E. Woolf; Harry R. Wright; David C. Wyatt; J. R. Wyatt; Orson Young; Constantine M. Zotos; Fred Basler; L. J. Carroll; William E. Cook; Rosella Helms; Blanche Martin; W. R. Moore; John Vonderbeck; Carl Vestal; C. D. Coolidge; Ben S. Griffin; W. E. Townsend; Dr. D. E. Price; Vennie Lytle; and Ethel C. Lytle.



J. E. Addington, Hattie Addler, William Braun, Jr., Mrs. Alice H. Burkett, J. T. Bymaster, Margaret Capen, Louis Chasseur, C. D. Coolidge, Glen G. Craig, Andrew W. Crawford, F. J. ~~Domnick~~, Ben S. Griffin, Ruby A. Hardgrove, W. E. Townsend, E. R. Van Laneyham, Nelson Tracy White, Henrietta A. Adams, W. R. Adcock, Everett F. Agnew, C. E. Armstead, Chas. E. Ashby, and wife, Florence A. Ashby, C. E. Ashby, Wilburt W. Anderson, Dr. Robert L. Ames, Mrs. Elizabeth Alexander, Martin Anderson, Mrs. M. C. Adams, J. F. Bowling, Mack W. Bean, G. F. and C. W. Bills, Marguerite Berwick, S. B. Banford, Wendell R. Bosworth, J. R. Bills, Oliver D. Bowen, Alfred Bosenow, Jessie M. Bryan, J. M. Brown, William Bloomhart, E. W. Becker, Charles W. Bragg, C. Berry, Regina Brand, E. W. Bacon, A.L. Blanque, Lena Browman, John T. Brandner, John T. Brandenen, H. M. Bratt, Howace Bruce and wife, Sue Bruce, Horace F. Bruce, Ernest R. Brocking and wife, Minnie A. Brocking, David Burt, Ella V. Bennett, J. W. Brazil, G. W. Baker, Effie Lou Bennett, J. F. Bolling, P. A. Burnett, Jane C. Beuhler, H. H. Bruns and wife, Mrs. H. H. Bruns, Thomas H. Bruce, Samuel R. Braden, William Brown, John W. Burcham, Joseph Brownlow, Ida W. Barnes, Luther Black, Gene Bourland, J. W. Bailey, R. S. Bell, C. S. Bell, Mrs. E. Bishop, E. E. Bray, J. V. Boid, N. A. Brown, Lee Berlin, L. H. Brown, Thomas H. Bence, T. F. Chandler, Sam D. Cook, F. H. Clark, Herman F. Craig, C. F. Carr, G. F. Carr, Lewis W. Chandler, C. A. Callahan, J. W. Caustic, J. B. Catlett, T. W. Catlett, Roscoe Chamblee, Frank H. Colony, Anthony Cardemone, T. L. Colwell, Caltex Oil Company, a corporation, Ed Christensen, W. J. Cockin, M. A. Clark, Crowell Realty Co., Jessie Collins, J. W. Cassell, H. Chambers, John R. Culmer and wife, Judith A. Culmer, C. E. Cook, Daisy Clifford, Emma Eugenia Colby, J. L. Cummings, Harriet B. Foye Cartee, A. W. Clarke, Bert V. Chance and wife, Addie E. Chance, Dr. B. V. Chance and wife, Mrs. B. V. Chance, George B. Cunningham, Wm. H. Cottell, Wm. H. Cottrell, Teresa H. Cohen, W. A. Cory, J. H. Clarke, W. L. Council, Margaret Clark, T. D. Cobbs, Albert F. Chadwick, John J. ~~Challen~~, G. S. Combs, Mrs. J. B. Chambers, W. A. Chandler, W. E. Conway, J. P. Davis, G. C. Dawson, Charles E. Davidson, L. J. Douglas, E. J. Davied and wife, Julia T. Davied, E. J. Davies and wife, Julia T. Davies, C. D. DeWitt, W. E. Doane, Collier P. Dodson, H. H. Duke, Paul R. Dietzen and wife, Donna Dietzen, James Duffy, M. A. deCruz, Laura Doolittle, W. L. Day, Robert Dwyer and wife, Estella Dwyer, Carl A. Deahl and wife, Myrtle Deahl, S. J. Davis, J. S. Douglass, ~~xxxjxx Domnick~~, Glenn F. Dunkin, and wife, Ruth M. Dunkin, J. W. Edgar, C. E. Effinger, J. M. Houston, Mrs. Woodie Lacy, S. A. Moore, Tom Morino, Estate of W. C. ~~Morris~~, J. J. Riley, Fhnie & Bros., Robert H. Ellsworth, D. R. Elliott, R. A. Eaton, Jeanette Emkorb, Dr. J. C. Edwards and wife, Bertha Edwards, B. F. Fletcher, A. E. Fuller, R. M. Fletcher, Christ Freedmann, Roy T. Fricks, Charles Foster and wife, Winnifred Foster, Mary C. Faul,

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Ben S. Griffin, J. W. Galleghar, Joe Gilley, Mrs. J. B. Garrett, a feme sole, Aurilla Green, I. C. Gault, Frank Gold, G. W. Garner, J. B. Grimes, E. T. Gilham, C. M. Griswald, E. L. Gage, Mrs. S. J. Harlan, Jesus Gonzales, M. E. Hawkins, Harry Higbee, Charles Hermann, Mrs. L.K. Howe, a feme sole, Harry F. Haze, Charles D. Haskell, Reuben C. Hanson, L. S. Hill, H. T. Hull, Roll Hoss, Edward Hohensee, Timothy Hunt, Andy Harago, Jacob D. Hess, and wife, Clara A. Hess, Andrew Hanson and wife, Agnes Hanson, E. C. Henderson, Harvey P. Hartman, Harry F. Hage, R. L. Hale, M. E. Hill, J. W. Howard, Arthur Huyett, Henry W. Irwin and wife, Charlotte Conner Irwin, Mrs. Maude Johnson, Reginald H. Johnson, William Johnson, J. M. Jemison, Charles M. Jacobs, A. W. Jaeger, Jessie A. Jones, Mrs. M. E. Jones, Della B. Jenkins, Mrs. Maude E. Johnson, a feme sole, James C. Johnson, Eli Jones, Harry E. Kelso, R. S. Kuhns, Haldon C. Kraft, A. M. Kane, Arthur M. Kane, A. J. Kriedler, Edward T. Kileen, J. M. Kimbrough, B. E. Kirk, D. E. Kirk, Mrs. Louise Kelsinger, a feme sole, Mrs. Louise Kretsinger, a feme sole, Mary D. Kessler, Harry E. Kelson, Dr. H. F. Kugus, Dr. H. S. Kuhns, D. W. Killinger and wife, Madeline Kiilinger, J. F. Knox, Clarence G. Lewis, Florence G. Lewis, H. E. Lemen, H. E. Lemens, Frank Latta, John Latta, Lawrence Latta and wife, Helen Latta, Lloyd Oil Corporation, J. Linroth, J. Linisth, Fred W. Leavell, Elmer G. Lee, Dan H. Lloyd, and wife, Stella G. Lloyd, Wm. H. Long, J. Frank Lively, Fritz Langkrohr, E. P. Locke, individually and as trustee, Otto Lehman, W. W. Lang, W. W. Long, C. S. Lidders, C. W. Lidders, Thomas H. Lynch, Frank Lloyd and wife, Stella G. Lloyd, J. E. Luirotte, Robert A. Leavitt, G. M. Langdon, Mrs. J. P. Lacy, C. A. Landstrom, H. J. McMullen, John May, Jr., William McDonald, Wm. McDonald, H. Mankowitz, H. Maukowitz, Arthur McDonald, Raymond P. McCabe, Mrs. Eva M. Meyer, J. Macard, T. C. McKee, F. C. McKee, W. H. McDonald, and wife, Rosa McDonald, Arch McKay, Frank McCreary, Rosemond McCreary, Rosa McKim, Roy T. McMinn, Hugh C. McDonald, Blanche L. Martin, E. S. Murrell, Wm. F. Meller, S. C. Melton, H. A. Moore, Patrick F. McGuire, J. W. McReynolds, Ethel M. McKenzie, J. L. Mares, Thomas J. McInerney and wife, Mary K. McInerney, A. G. McNeese, Jr., Mrs. Oscar McFarland, Mattie Fielder, C. B. Millikan and wife, Denzel Millikan, G. Anderson Martin, George H. Massey, A. Madison, George W. Mulcady, J. Macaret, C. B. McDonald, George E. Meyers, Harols Meyers, Marlborough Land Co., Elbert S. Mead, A. P. Mickels, Mrs. E. M. Manchester, J. A. Mitchell, C. W. Middleton, W. T. Mitchell, W. H. McGenty, John Moore, A. K. Nannie, John Noonan, Harry T. Norton and wife, Helen E. Norton, Emil Nelson, R. S. Norwood, Ralph S. Norwood, Tom Nolan, Russell W. Nelson, G. F. Norman, F. W. Nowell, J. E. Norwood, Clellan C. Norton, Peter Nelson and wife, Martha E. Nelson, Otto Offenbacker, Fred S. O'Neill, Edward M. Ostertag, Orient Development Company, a corporation, Andrew O'Rourke, F. B. O'Rourke, Clara P. Oyen, Clara P. Oyer, Helen Owens, a feme sole, W. R. Paisley, James Peacha, C. H. Rill, Louise Polfuss, J. V. Perry, Joseph H. Pope, Dr. D. E. Price, James A. Pope, M. R. Poth, Clara Poyer, P. Perry, Joseph R. Peterson, John J. Peggson, Henry P. Peterson, O. A. Porter, Elsie A. Porter, Charles B. Peters, Fred

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Peterson, D? B. Pierce, E. E. Pierce, Dr. D. E. Peirce and wife, K. F. Peirce, Dr. E. E. Peacock, Michael Pascuccio, Arthur Phillips, C. A. Phillips, Clarence Preston, Ray N. Peterson and wife, Mary Ruth Peterson, Frank Reiger, J. W. Rowe, J. M. Rinehart, J. M. Rhinehart, G. H. Rhoades, John E. Ryan, Alfred Rosenaw, Mary Julia Ruter, a feme sole, H. V. Ruter, Leo N. Roberts, Frank S. Rodkey, Cora R. Ruhl, Lee Russell, Hans B. Rasmussen and wife, Laura Rasmussen, J. H. Ryan, J. H. Bawe, J. H. Rowl, Carrie M. Seguin, A. C. Stewart, W. M. Self, Dr. Stalters, F. R. Stalters, San Francisco Oil Land Exchange, A. W. Sunter, F. Spilmer, F. S. Spilmer, A. J. Silva, Guisepe Siccirdello, John A. Schalick, J. R. Sims, Steve Strumberg, M. W. Sutton, Frank L. Spear, Frank L. Speas, R. Shoemaker, H. C. Stinnett, W. L. Shepherd, Charles E. Schauer, J. T. Stovall, G. D. Smith, M. Schwab, B. C. Smith, S. Schwab, Oscar G. Specht, Minna Clark Smith, Frank I. Shriver, G. Perry Stewart, Victor M. Suresus and wife, Anna D. Suresus, A. C. Smith, T. J. Sloan, Marguerite M. Sullivan, Jack Smith, M. F. Smith, A. Stewart, M. E. Smith, M. W. Sutton, W. M. Sutton, W. J. Slay, J. C. Smith, H. D. Smith, and wife, Mary Ella Smith, H. E. Smith, Mrs. M. E. Smith, a feme sole, Clarence E. Strouse and wife, Lula L. Strouse, Santa Fe Land Trust & Title Co., a corporation, Irene Stotts, Mrs. Agnes Schrader, Mary F. Sheppard, J. W. Shull, Frank Smith and wife, Ruby Smith, J. Louis Smith, T. J. Sloan, Ernest A. Simmon and wife, Artie B. Simmon, Mrs. Alwine C. Stewart, George W. Topping, Sam Talkind, Walter G. Todd, A. S. Thold, Dr. E. R. Timmons, B. Newt Tidwell, Dr. G. T. Tubb, W. E. Townsend, C. B. Turner, Julia A. Thomas, Fred G. Turner, J. F. Tubbs, Thomas Usherwood, Timan Thompson, Grace R. Violante, Oren Vucinich, Jean Victor, C. M. Valve, E. R. Van Laneyham, Walter H. Vance and wife, Dorothy Vance, Mrs. Dora L. Vance, Joseph W. Vance, Jr., Miriam Vance, Jennie H. Vance, Morris Vaughan, J. C. Vernor, J. F. Woolton, Mills P. Walker, Annie Wason, Mrs. Margaret Windall, George W. Watson, Morris Wolf, M. A. Walker, Everett E. White, J. F. Wooten, Chas. Wachsetetter, C. Carlton Walsh, Kenneth P. Williams, M. A. Walker, M. C. Walker, Dr. C. M. Wells, Emery Wiley, Gertrude C. Young, Clyde Young, W. H. Young, Joseph Zal-kind, Emma Ziegler, May A. Zollner, Karl A. Zimmer and wife, Lorena H. Zimmer and Karl Zimmerman.

*J. M. Houston, - Mrs. Woodie Lacy, - S. A. Moore, Individually, and  
as Trustee, - Tom Morino, Trustee For Alabama Oil Syndicate, -  
Estate of W. C. Morris, and J. J. Riley.*

Thereupon, all parties being before the court and no jury having been demanded, the several matters of fact as well as of law, were submitted to the court who, having read the pleadings and heard the evidence adduced in support thereof from day to day during the progress of the trial of this cause, on the 1st day of November A. D., 1947, rendered the following judgment, to-wit:

It appearing to the Court that this suit, after the severance of issues aforesaid, involves the location and boundaries of each of the following sections of land in Brewster County, Texas, towit: Sections 1-200, inclusive, of Block G-1, D. & W. Ry. Co.; Sections 1-54, inclusive, of Block G-15, G.C. & S.F. Ry. Co.; Sections 1-120, inclusive, of Block G-18, T. C. Ry. Co.; Sections 1-46, inclusive, of Block G-14, G.C. & S.F. Ry. Co.; Sections 1-20, inclusive, of Block G-20, ~~XXXXXXXXXX~~; Sections 1-7, inclusive, and odd numbered, Sections 9-27, inclusive, of Block G-21 (there being no even numbered sections in said Block G-21, (except Nos. 2, 4 and 6)); Sections 1-12, inclusive, of Block G-24; Sections 1-28, inclusive, of Block M-2; Sections 8-28, inclusive, (all having even numbers), of Block G-22; Sections 1-44, inclusive, of Block B-1; Sections 1, 2, 12 and 13/<sup>and 20</sup> of Block G-9; Sections 1-32, inclusive, of Block G-13; H.E. & W.T. Railway Co., together with the matter of priorities between such sections of land in so far as they conflict with one another when properly located on the ground.

And the Court having heard and considered the testimony and the evidence, including the field notes of each of the surveys in the aforesaid blocks, as same were offered from the files of the General Land Office of the State of Texas and/or the records of the Office of the County Surveyor of Brewster County, Texas, and having considered the various exhibits, including maps and plats, and all of the evidence, finds that the surveys in the blocks aforesaid can be located on the ground in accordance with the original and corrected field notes thereof now on file in the General Land Office of the State of Texas and the judgment of this Court in Cause No. 2006, styled Dick Williams, et al, v. Asa Jones, et al, in the manner hereinafter ordered.

The Court further finds that when such surveys are so located, some conflicts are found to exist, and that such conflicts arise because the original surveyor of all sections (except Sections 1-20 of Block B-1), one John T. Gano, was mistaken as to the relation of the corner he established for the southwest corner

of survey 1, Block G-1, D. & W. Ry. Co., with reference to the Rio Grande River, and because much of said Gano's work was by office survey, based on this mistaken relationship.

The Court further finds that the aforesaid blocks of surveys, though made by the same surveyor (except for the first twenty sections of Block B-1), do not constitute a system of blocks of surveys, but each block must be located independently and the surveys therein laid on the ground in the manner hereinafter set out.

The Court finds that the direction taken as true north by John T. Gano for his work in such surveys and by Archibald Bogle for his work in Block B-1 was one degree and eight minutes ( $1^{\circ}8'$ ) west of true north.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

I

1. The aforesaid sections of land comprising Blocks G-1, D. & W. Ry. Co.; G-15, G.C. & S.F. Ry. Co.; G-18, T.C. Ry. Co.; G-14, G.C. & S.F. Ry. Co.; G-20, T. C. Ry. Co.; G-21; G-24; M-2; G-22; G-9; G-13, H. E. & W. T. Ry. Co.,<sup>block G-23</sup> and B-1; all in Brewster County, Texas, be located on the ground in accordance with this judgment.

2. Each of the surveys be located by using as the north call of the field notes and of this judgment a course one degree and eight minutes ( $1^{\circ}8'$ ) west of true north, and with all other courses consistent therewith.

II

With respect to Sections 1-200, inclusive, of Block G-1, D. & W. Ry. Co.:

1. The southwest corner of Section 1, said Block G-1, D. & W. Ry. Co., being also the southwest corner of such block, is located on the ground at a point 3198.4 varas east and 3396 varas south of what is known as the R. S. Hunnicutt corner (which latter corner is evidenced by a pile of rock in which there is a stone marked "SW-G-1" and located on the ground at a point latitude

29°33'51.951", longitude 102°57'56.238", and from which stone mound the highest point on the north end of Stairway Mountain bears south 19°30' west 1230 varas, and from which "X" mark on top of embedded boulder 12½ feet across the top and about 5 feet high bears south 34°51' east 32 varas) this being the location established for such southwest corner of Block G-1 by the judgment of this Court in Cause No. 2006, styled Dick Williams, et al v. Asa Jones, et al, which was affirmed by the Court of Civil Appeals in 184 S.W.(2) 510, with writ refused by the Supreme Court.

2. The northwest corner of said Block G-1, being the northwest corner of survey 200 of said Block, is a point on the ground 92.3 varas west and 78.7 varas north of the W. L. Rider corner for the northwest corner of Section 200, said block, which is located on the ground at latitude 29°49'42.458", longitude 102° latter corner/ defined as follows: Beginning at a fence corner and a large flat rock, from which a N.W. peak, a double mountain, bears south 77°19' west, the west peak of Bullis Mountain brs. south 4°54' west, sharp peak between two mountains bears north 30°15' west, the south point of Horseshoe Mountain bears N. 72°54' east, and a dagger palm tree bears south 8°50' west 24 vrs.; this being the location for the true northwest corner of Block G-1 established by this Court in the above styled and numbered cause, and affirmed as aforesaid.

3. The west line of said Block G-1 and of the western tier of sections therein is a line on the ground between the southwest corner of Survey 1 and the northwest corner of Survey 200, as hereinabove located, and such line has its proper variation of 1°8' west of true north, this being the line established for the west line of Block G-1, in the above styled and numbered cause.

4. The sections in said Block G-1, being numbered 1 to 200, inclusive, are located on the ground by beginning at the point heretofore defined for the southwest corner of Survey 1, Block G-1, locating each of said surveys in numerical order and in accordance with the original field notes prepared by John T. Gano and filed in the General Land Office, giving to each survey a distance east and west of 1900 varas and north and south 1900 varas, with the

56'37.873" and is further

variation heretofore set out, so that the boundaries of Block G-1 and each of the surveys therein will be consistent with the west line of such block as heretofore defined.

5. The south line of said Block G-1 and of the southern tier of surveys therein, being surveys 1-7, inclusive, forms an extension of the south line of Block 237, T. & S. L. Ry. Co. and is the north line of Surveys 1, 2, 12, 13 and 20 of Block G-9, as well as the north line of Surveys 38 and 41, Block G-23, C. T. & M. G. Ry. Co., as said surveys are hereinafter located on the ground.

### III

With respect to Sections 1-54, inclusive, of Block G-15, G. C. & S. F. Ry. Co.:

1. The south line of said Block G-15, G. C. & S. F. Ry. Co., being the south line of Sections 1-13, inclusive, thereof, is coincident with the north line of Block G-1, as hereinbefore located.

2. The southwest corner of Survey 1, Block G-15, is located on the ground coincident with the northwest corner of Survey 200, Block G-1, as such northwest corner has been located on the ground by this judgment.

3. The southeast corner of Survey 13, Block G-15, is coincident with the northeast corner of Survey 188, Block G-1, which corner is located at a point on the ground N.  $88^{\circ}52'$  E., 24,700 vrs. from the northwest corner of Survey 200, Block G-1.

4. The surveys in the south line of Block 334, T. C. R. Co. which block lies to the north of the aforesaid Block G-15, for the most part call for adjoinder to the north tier of surveys in said Block G-15.

5. The 54 surveys in Block G-15 are located on the ground by beginning at the southwest corner of Survey 1 of said block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such surveys, filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variation hereinbefore established.



IV

With respect to Sections 1-120, inclusive, of Block G-18, T.C. Ry.Co.:

1. The northwest corner of Survey 1, Block G-18, T.C. Ry. Co., is located on the ground at a point 7600 vrs. N. 1°8' west from the point hereinbefore fixed as the northeast corner of Section 188, Block G-1, and at a point on the ground coincident with the northeast corner of Survey 40, Block G-15, when such Survey 40 is located in accordance with Paragraph III of this judgment.

2. The surveys in Block G-18 from 1 through 68, are located on the ground by beginning with the northwest corner of Survey 1 as above fixed, and giving each survey the distance called for in its original field notes, as filed in the General Land Office by John T. Gano, and using the variation hereinbefore set out, constructing such surveys in numerical order from Survey 1 through Survey 68.

3. The west line of Block G-18, being the west lines of Surveys 1, 2, 3 and 4 of said block when located as above ordered, is coincident with the east line of Block G-15, being the east lines of Surveys 13, 14, 39 and 40 of said Block G-15.

4. The southwest corner of Block G-18, being the southwest corner of Section 4 of said block, is coincident with the northeast corner of Section 188, Block G-1, as such latter corner has been hereinbefore fixed on the ground.

5. Sections 69 to 120, inclusive, of Block G-18, are properly located on the ground from the point at the mouth of the San Francisco Creek called for in the original field notes of Section 95, of such block, said point being at a rock mound on the northwest bank of the Rio Grande River and on a high bluff just above the mouth of San Francisco Creek, set for the southeast corner of Presidio County and southwest corner of Pecos County (now, respectively, Brewster County and Terrell County).

6. Sections 69 to 95, inclusive, of said Block G-18, are located on the ground from the point at the mouth of San Francisco Creek by beginning with Section 95 and locating such sections in

inverse numerical order, giving each survey the distance called for in its original field notes, as filed in the General Land Office by John T. Gano, and using the original courses with the variation herein ordered, giving effect to the calls in Surveys 69-95, inclusive, for adjoinder to each other.

7. Sections 96 through 120, inclusive, are located on the ground from the point at the mouth of San Francisco Creek called for in said Survey 95 by locating Section 96 in its proper relationship to Survey 95 as called for in the original field notes of said Section 96 as filed in the General Land Office by John T. Gano, and locating Surveys 96-120 in numerical order according to such original field notes with variation as hereinbefore ordered, giving effect to the called-for adjoinder, one to the other, of these Surveys 96 through 120, inclusive, but giving no effect to adjoinder calls to any surveys in any other block, nor to the calls in the original field notes for Surveys 69, 70, 71, 72 and 120 for adjoinder to Surveys 65 to 68, inclusive.

8. The Court finds that Sections 1 through 68, inclusive, of Block G-18 are prior in time to Sections 69 through 120 of said block, and Sections 1 through 68 shall take precedence over Sections 69 through 120 to the extent of any conflict, when such sections are located on the ground in accordance herewith.

V

With respect to Sections 1-20, inclusive, of Block G-20, T.C.Ry. Co.:

1. Section 1 of said Block G-20, T.C. Ry.Co., is located on the ground with its northeast corner, being also the northeast corner of said block, coincident with the southeast corner of Survey 68, Block G-18, as such survey has been heretofore located and at a point 32,300 vrs. N. 88°52' east of the northeast corner of Section 188, Block G-1, as such latter corner is hereinbefore fixed.

2. Sections 1-20, inclusive, of Block G-20 are located on the ground by beginning at such northeast corner of Survey 1 and locating each of the surveys in numerical order in accordance with

01-27 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

the original field notes thereof filed by John T. Gano in the General Land Office of the State of Texas, using the variations heretofore ordered.

3. The north line of Block G-20, being the north lines of Surveys 1 through 10 of said block, is coincident with the south line of Sections 29, 36, 37, 44, 45, 52, 53, 60, 61 and 68 of Block G-18 as heretofore established.

4. The northwest corner of Section 10, Block G-20, being also the northwest corner of said block, is coincident with the southeast corner of Section 28, and the southwest corner of Section 29, Block G-18, and with the northeast corner of Survey 46, Block G-14, as such latter corner is located on the ground in the next succeeding section of this judgment.

## VI

With respect to Sections 1-46, inclusive, of Block G-14:

1. The southwest corner of Section 1 of said Block G-14, being also the southwest corner of said block, is located on the ground at a point coincident with the southeast corner of Section 83, Block G-1, as such section has been hereinbefore located, which point is 19,000 varas north and 24,700 varas east, according to the variation hereinbefore established, from the point heretofore defined as the southwest corner of Section 1, Block G-1.

2. The Sections 1-46, inclusive, of Block G-14, are located on the ground by beginning at the point above fixed as the southwest corner of Section 1, said Block G-14, and locating each of such 46 sections in numerical order in accordance with the original field notes of such sections, giving each section its field note distance and using the courses prescribed in such field notes with the variation ordered in this judgment.

3. The west lines of Sections 1-10, inclusive, of Block G-14, being the west line of such block, are coincident with the east line of the most eastern tier of Sections in Block G-1.

4. The northwest corner of Survey 10, Block G-14, is

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located on the ground coincident with the northeast corner of Survey 188, Block G-1, as such corner is hereinbefore fixed, and said northwest corner of Section 10, Block G-14, is coincident with the southeastern corner of Section 13, Block G-15, and with the Southwestern corner of Section 4, Block G-18, as both sections are hereinbefore located.

5. The north lines of Sections 10, 11, 30, 31, 40, 41 and 46 of said Block G-14, being the north line of said block, are coincident with the south lines of Sections 4, 5, 12, 13, 20, 21 and 28, respectively, in Block G-18.

6. The northeast corner of Section 46, Block G-14, is located on the ground coincident with the northwest corner of Section 10, Block G-20, as hereinbefore established, and the east line of Sections 45 and 46, Block G-14, is coincident with the west lines of Sections 11 and 10, respectively, Block G-20.

#### VII.

With respect to Sections 1-7, inclusive, and odd-numbered Sections 9-27, inclusive, of Block G-21 (there being no even-numbered sections in said Block G-21, except Nos. 2, 4 and 6):

1. The northwest corner of Section 27, said Block G-21, is located on the ground at a point coincident with the southwest corner of Section 11, Block G-20, and coincident with the northeast and southeast corners of Sections 44 and 45, respectively, of Block G-14, said point being 13,300 varas N.  $88^{\circ}52'$  E. and 3800 varas S.  $1^{\circ}08'$  E. of the point heretofore decreed as the northeast corner of Survey 188, Block G-1.

2. The Sections 1-7, inclusive, and odd numbered Sections 9-27, inclusive, of Block G-21, are located on the ground by beginning at the point above fixed as the northwest corner of Section 27 and locating each of such sections in inverse numerical order, according to the course and distance calls found in the original field notes of such sections filed in the General Land Office by John T. Gano, and with the variation decreed by this judgment.

3. The west line of Section 27, said Block G-21, is for part of its distance coincident with the east line of Section 44, Block G-14, as such section is located in accordance herewith.

4. The north lines of Sections 13, 15, 17, 19, 21, 23, 25, 27 and part of the north line of Section 11, said Block G-21, are coincident with the south lines of Sections 11-20, inclusive, of Block G-20.

5. The sections comprising this Block G-21 are properly located without reference to Block M-2, or the sections therein, or the Rio Grande River, and those sections in Block G-21 which fall across the Rio Grande River in whole or in part when located in accordance herewith are decreed ineffective in so far as, and only in so far as, they extend across said river and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary in lieu of the boundaries which are found to lie on the Mexican side of such river.

#### VIII

With respect to Sections 1-28, inclusive, of Block M-2:

1. The southwest corner of Section 1, said Block M-2, is at a point on the ground having a latitude of  $29^{\circ}43'45.378''$  and a longitude of  $102^{\circ}40'56.698''$ , said point being known as Reagan Canyon Corner and further described as follows:

An angle iron mkd. "N.E. 1 B-1 S and S.W. 1 M-2 C", set in concrete in an old stone mound on a rocky point on the bank of the Rio Grande River, on the lower side of the mouth of a canyon and 5 varas below a calvary watering trail which enters the Rio Grande Valley from a deep canyon, from which a bluff bears S.  $30^{\circ}50'$  W., Peak bears N.  $65^{\circ}45'$  W., Peak bears N.  $14^{\circ}59'$  W., and a 4"X4" concrete post marked "S.W. 1 M-2" bears N.  $14^{\circ}37'$  E. 497.0 varas.

2. The northeast corner of Section 28, said block M-2, is located on the ground at a point coincident with the southeast corner of Section 102, Block G-18, when said Section 102 is located from the point at the mouth of San Francisco Creek, as hereinbefore directed.

3. The Northeast corner of Section 26, Block M-2 is located at a point on the Rio Grande River at a point which is coincident with the southeast corner of Survey No. 28 of the same block, and which point aforesaid is located ~~XXXXXXXXXXXX~~ <sup>1344</sup> ~~XXXX~~ west 375 varas and south ~~XXXXXXXXXXXX~~ <sup>1344</sup> ~~XXXX~~ varas from the northeast corner of Survey 28 of Block M-2 which is coincident with the southeast corner of Survey No. 102, Block G-18 when same is located on the ground as hereinabove provided. Said Survey 26 is then constructed by beginning at the northeast corner as above established; thence south 89 degrees 52' west 2021 varas to a rock mound in the east line of Survey No. 24, Block M-2; thence south 1 degree 8' E. 5395 varas, more or less, to the Rio Grande River for its southwest corner and being a point coincident with the southeast corner of Survey No. 24, Block M-2, which point is 7162 varas west and 14590 varas south of the rock mound for the northeast corner of Sur. No. 95, Block G-18, or the mouth of San Francisco Creek; thence down the Rio Grande River with its meanders to the place of beginning.

4. The ground distance between the southwest corner of Survey No. 1, Block M-2 (same being also the northeast corner of Survey No. 1 in Block B-1), as said corner is located in subdivision 1 of this section, and the southwest corner of Survey No. 26, Block M-2 as said corner is located in subdivision 3 of this section, is 33,834 varas and that the field note distance between said two corners, as disclosed by the original field notes for Surveys Nos. 1 to 25, inclusive, and Survey No. 27, filed in the General Land Office by John T. Cano (the field notes for all of which said surveys call for a distance of 1344 varas for the north line) is 34,494 varas. There is, therefore, a deficiency in distance east between said two corners (the southwest corner of Survey No. 1, Block M-2 and the southwest corner of Survey No. 26, Block M-2) of 1110 varas, or when prorated equitably between said twenty-six sections of land a deficiency of 42.7 varas in the north line of each of said surveys Nos. 1 to 25, inclusive, and Survey No. 27, thereby leaving under the equitable proration here made, the north line of each of said surveys

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to be distant 1301.3 varas instead of the 1344 varas called for in the original Gano field notes hereinabove referred to,

5. Sections 1 to 25, inclusive, and Section 27 of said Block M-2, with the exception of Survey 2, are located as follows: BEGINNING at the point hereinbefore located for the southwest corner of Section 1, Block M-2, in subdivision 1 of this paragraph, and using the original field notes of such sections as filed in the General Land Office by John T. Gano and the variation hereinbefore decreed, locate the sections in the order called for in such original field notes, beginning each section on the Rio Grande River at the southeast corner of the preceding section, giving each section its field note distance north for its west line, thereby locating the northwest corner of each of said sections; thence on a course north 88 degrees 52' E. a distance of 1301.3 varas to a point which this judgment now here establishes as the northeast corner of each of said surveys respectively. The east line of each of said surveys respectively is then located on the ground by running a line from said northeast corner of each of said surveys located as aforesaid on a course south 1 degree 8' E. for the distance (more or less) called for in the original Gano field notes for the east line of each of said surveys, respectively, to the intersection of said line with the Rio Grande River. From that point of intersection of said east line of each of said surveys, respectively, with the Rio Grande River, the south line of each of said surveys, respectively, is located by following up said Rio Grande River with its meanders to the place of beginning for each of said surveys, respectively.

6. Survey 2 is located by beginning at a point on the Rio Grande river at its southwest corner which corner is coincident with the southeast corner of Survey 27 of this block when the latter is located as hereinabove provided; thence north 1 degree 8' west with the east line of Survey 27, passing its northeast corner for a distance of 6800 varas to a point for the northwest corner of this survey; thence north 88 degrees 52' E. a distance of 1301.3 varas

for its northeast corner, which point is in the west line of Survey 4 of this block; thence south 1 degree 8' E. to the Rio Grande River; thence up the Rio Grande River with its meanders to a point south 1 degree 8' E. from the beginning point of this call; thence S. 1 degree 8' E. to the bank of the Rio Grande River for the S. E. corner of this survey; thence up the Rio Grande River with its meanders to the place of beginning.

7. The odd-numbered sections in Block M-2 are located consecutively, beginning at the southwest corner of section 1, said block, as required by the original field notes thereof. The even-numbered sections of said block, from Sections 2 through 24, are located as required by their original field notes, consecutively, beginning Section 2 at the southeast corner of Section 27, said block, when Section 27 is located in accordance herewith, and the southeast corner of Section 24, said block, being coincident with the southwest corner of Section 26, as hereinbefore located.

8. Section 28 of said block is located by beginning at a point heretofore established for the northeast corner thereof, which point is coincident with the southeast corner of Survey 102, Block G-18, as aforesaid; thence South 88 degrees 52' west with the South line of Surveys 102 and 107 and a portion of the south line of Survey 114 of Block G-18, 5895 varas to the northwest corner of said survey 28; thence south 1 degree 8' E. 795.5 varas, more or less, to a rock mound in the north line of survey No. 20 of this block M-2; thence in an easterly direction with the north line of Survey 20 to the northeast corner thereof; thence in a southerly direction with the east line of Survey 20 to the northwest corner of Survey 22 of this block; thence in an easterly direction with the north line of Survey 22 to the northeast corner of said survey 22; thence in a northerly direction with the west line of survey 24 of this block to the northeast corner thereof; thence in an easterly direction with the north line of survey 24 to the northeast corner thereof; thence in a southerly direction with the east line of survey



24 to the northwest corner of survey 26 of this block; thence with the north line of survey 26 in an easterly direction to the Rio Grande River; thence down the river with its meanders to the place of beginning.

9. That area located between the east line of the lower part of Survey 2 and the Rio Grande River is not included within the boundaries of any survey of said Block M-2 and is, therefore, unsurveyed, ~~unappropriated~~ Public Domain.

10. No evidence having been offered in support of the contention of the State of Texas for the adoption of the location of certain surveys in Block M-2 as the same were located by D. B. Scott, such contention on the part of the State of Texas is, therefore, hereby in all things refused and denied.

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IX.

With respect to Sections 1-12, inclusive, of Block G-24, being all of the surveys in said Block:

1. The northeast corner of Section 1, Block G-24, is located on the ground at a point coincident with the southeast corner of Section 44, Block G-14, as said section is hereinafter located, said point being 13,300 varas north 88 degrees 52' E. and 5700 varas S. 1 degree 08' E. from the point hereinbefore decreed as the northeast corner of Survey 188, Block G-1. The north line of said Section 1, Block G-24, is coincident with the south lines of Sections 43 and 44, Block G-14, and the west line of said Section 1 is coincident with the east line of Section 37, Block G-14.

2. Sections 1-12, inclusive, of Block G-24, are located on the ground by beginning at the point above fixed as the northeast corner of Section 1, said block, and locating each of the twelve sections in numerical order in accordance with the original field notes thereof, filed in the General Land Office by John T. Gano, giving each section its field note distance and using the courses given in such field notes with the variation ordered in this judgment.

3. The sections comprising this Block G-24 are properly located without reference to Block M-2, or the sections therein, or the Rio Grande River, and those sections in Block G-24 which fall across the Rio Grande River in whole or in part when located in accordance herewith are decreed ineffective in so far and only in so far as they extend across said river, and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary thereof in lieu of the boundaries which are found to be on the Mexican side of such river.

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X.

With respect to Sections 1-33, inclusive, of Block B-1:

1. The northeast corner of Section 1, Block B-1, is located on the ground at a point coincident with the southwest corner of Survey 1, Block M-2, as such corner has been hereinbefore located.

2. Sections 1-20, inclusive, are located on the ground by beginning at such northeast corner of Section 1, Block B-1, and using the original field notes of Archibald Bogle and the corrected field notes of John T. Gano, as filed in the General Land Office, locating such surveys in numerical order, giving each survey its called for distance for its north line and on the course called for, with the variation herein decreed, to establish the northwest corner of each survey; thence S. 1 degree 08' E. for the field note distance plus 112.7 varas, being a 1/20th part of excess southing between the northeast corner of Survey 1, Block B-1, as hereinbefore located, and the stone mound on the bank of the Rio Grande River, about 300 varas below the mouth of Maravillas Creek, which is the southeast corner of Survey 20, this block, and the northeast corner of Survey 21, this block; said Maravillas Creek corner being described as follows: an angle iron mkd. S. E. 21 and N. E. 22 S. set in concrete, in an old stone mound, about 300 varas below and N. E. of the mouth of Maravillas Creek, from which a Peak brs. S. 27 degrees 38' E. another Peak brs. N. 20 degrees 30' E. and South side of bluff brs. N. 85 degrees 15' W.; thence on course N. 88 degrees 52' E. to the Rio Grande River; thence down said river with its meanders to the place of beginning for each section; the southeast corner of Section 20 being located at the stone mound aforesaid.

3. Sections 21-33, inclusive, are located in similar manner by beginning at the stone mound aforesaid, locating such surveys in numerical order, giving each of said surveys its full distance called for as its north line in the original and corrected field notes filed in the General Land Office by John T. Gano, and thereby establishing the northwest corner of each survey in turn; thence S. 1 degree 08' E. for the field note distance plus 23.2 varas,

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being a 1/13th part of the excess southing between the northeast corner of Survey 21, this block, and the point at the mouth of Irwin's Canyon, which is the southeast corner of Section 33, which is more particularly described as follows: an angle iron mkd. S. E. 33 and N. E. 34 S. set in concrete, at the mouth of Irwins Canyon, thereby establishing the southwest corner of each section; thence N. 88 degrees 52' E. to the Rio Grande River; thence down said river to the place of beginning for each section; the southeast corner of Section 33, being located at the point at the mouth of Irwin's Canyon aforesaid.

4. The evidence before the Court is insufficient to locate the true position on the ground of Sections 34-44, inclusive, of Block B-1/

#### XI.

With respect to Sections Nos. 1 to 32, inclusive, of Block G-13, H. E. & W. T. Ry. Original Grantee:

1. The Southwest corner of Block G-13, being also the Southwest corner of Section 1, said Block G-13, is located at a point on the ground 13,300 varas <sup>North</sup> ~~XXXXX~~ 88 degrees 52' E. of the southwest corner of Survey 1 in Block G-1 as said latter corner is hereinabove located on the ground. Said southwest corner of Block G-13 is a point coincident with the southeast corner of survey No. 7, Block G-1, when located on the ground as hereinabove directed.

2. The West line of said Block G-13 and of the Western tier of surveys in said block, to-wit: Surveys 1, 4, 5, 8, 9, 12, 13, 14, 15 and 16, is a line on the ground, beginning at the south east corner of said Survey No. 7, Block G-1, and coincides with the lower East line of said Block G-1 and the lower East tier of Surveys in said block, to-wit: Surveys Nos. 7, 8, 21, 22, 35, 36, 49, 50, 63 and 64, when said line is located on the ground in the manner and with the variations hereinabove established.

3. The northwest corner of Survey No. 16, which is also the northwest corner of this Block No. G-13 is coincident with the northeast corner of Survey No. 64, the southeast corner of Survey No. 77, and the southwest corner of Survey No. 78, all in said Block G-1, when said point is located on the ground in the manner and with the variations hereinabove established.

4. The north line of Block G-13 and the north tier of surveys in said block, to-wit: Surveys Nos. 16, 17, 24, 25 and 32, is coincident with a part of the upper south line of said Block G-1, said line being the south line of Surveys Nos. 78 to 82, inclusive, and of said Block G-1, the northeast corner of Survey No. 32, being the northeast corner of said Block G-13, is coincident with the southeast corner of Survey No. 82 and the southwest corner of Survey No. 83, said Block G-1.

5. The 32 surveys in said Block G-13 are located on the ground by beginning at the southwest corner of Survey No. 1 of said Block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such survey as filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variations hereinbefore established.

6. With respect to Survey No. 2 and Survey No. 29, said Block G-13, part of each of which surveys falls across the Rio Grande River when located in accordance herewith, those parts are hereby decreed ineffective respectively in so far as, and only in so far as, said sections extend across said river, and said two surveys which are thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande river shall form the boundary for said two surveys in lieu of that part of the boundaries of said two surveys which is found to lie on the Mexican side of said river.

Survey No. 29

XII.

With respect to Block G-22, 11-13-14:

1. That said Block contains eleven surveys only, being even numbered sections 8 to 28, inclusive (there being no odd numbered surveys in said block).

2. The northwest corner of Survey No. 8, said Block G-22, which is the northwest corner of said block, is located on the ground at the northeast corner of Block G-13, H. E. & W. T. Ry. Co. and is a point coincident with the northeast corner of Survey No. 32 in said Block G-13, the southeast corner of Survey No. 82 and the southwest corner of Survey No. 83, both in Block G-1, when said surveys No. 32 in Block G-13, and 82 and 83 in Block G-1, are located on the ground in accordance with the provisions of this judgment hereinabove appearing.

3. The upper north line of said Block G-22, being the north lines of Surveys Nos. 8, 10 and 12 in said block is coincident with the south line of Survey No. 83, Block G-1, and the south line of Survey No. 1, Block G-14, and with <sup>a portion of</sup> the south line of Survey No. 20, ~~Block G-14, to the point of intersection of said line with~~ ~~said Surveys Nos. 83, Block G-1 and Nos. 1 and 20, Block G-14, are~~ ~~located on the ground in accordance with the provisions of this~~ ~~judgment hereinabove appearing.~~

4. The west line of said Survey No. 8, Block G-22, is coincident with the east line of Surveys Nos. 32 and 31, Block G-13, H. E. & W. T. Ry. Co., when said Block G-13 is located in accordance with the provisions of this decree hereinabove appearing.

5. The northwest corner of Survey No. 22, said Block G-22, which is also the lower northwest corner of said Block G-22, is coincident with the northeast corner of Survey No. 11 and the southeast corner of Survey No. 20 and the southwest corner of Survey No. 21, all in Block G-13, and the west line of said Survey No. 22, Block G-22, is coincident with the east lines of Surveys Nos. 11 and 10 in Block G-13, and the north line of said Survey No. 22, Block G-22 is coincident with the south line of Survey No. 21, Block G-13, when

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said surveys are located in accordance with the provisions of this judgment, hereinabove appearing.

6. The eleven surveys in said Block G-22 are located on the ground by beginning at the northwest corner of Survey No. 8 of said Block as such corner is hereinabove fixed, locating each survey in numerical order, giving each survey its field note distance as called for in the field notes of such surveys filed by John T. Gano in the General Land Office of the State of Texas, using the course of such field notes with the variation hereinabove established, without reference to the Rio Grande River and without reference to any calls for adjoinder to Block B-1, G. C. & S. F. Ry. Co. Original Grantee, and all parts of those sections in said Block G-22 which fall across the Rio Grande River, when located in accordance herewith, are decreed ineffective in so far as, and only in so far as, they extend across said river, and the surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande river shall form the boundary in lieu of the boundaries which are found to lie on the Mexico side of such river.

### XIII.

With reference to Surveys 1 to 44, inclusive, in Block G-23, C. T. & M. C. Ry. Co. Grantee, being all of the surveys in said Block:

1. The northwest corner of Survey No. 38, said Block G-23 is at a point on the ground 9500 varas north 88 degrees 52' E. from the southwest corner of Survey No. 1, Block G-1, when said latter corner is located on the ground in conformity with the provisions of this judgment hereinabove appearing, and said point is coincident with the southeast corner of Survey No. 5 and the southwest corner of Survey No. 6, said Block G-1, and the northeast corner of Survey No. 2, Block G-9, H. E. & W. T. Ry. Co. The upper north line of said Block G-23 being the north line of Surveys Nos. 38, 41, 42 and 44, <sup>in said block</sup> is a line coincident with the south lines of Surveys 6 and 7, Block G-1, and Surveys 1 and 2,

of Block G-13 when the latter lines are located in accordance with the provisions of this judgment hereinabove contained.

2. The west lines of Surveys 38, 37, 36 and 35 of said Block G-23 is a line coincident with the East lines of Surveys 2, 3, 6, and 7 of Block G-9, H. E. & W. T. Ry. Co. Original Grantee, when said lines are located on the grounds in conformity with the provisions of this judgment herein contained, and using the course hereinabove established.

3. The north lines of Surveys 32, 19, 18 and 1, of said Block G-23 is a line coincident with the south lines of Surveys 7, 8, 9 and 16, respectively, of Block G-9, H. E. & W. T. Ry. Co. when said lines are placed on the ground in conformity with the provisions of this judgment herein contained, and using the course and variations hereinabove established.

4. All other surveys in said Block G-23 are to be constructed off of said surveys in said block as hereinabove located in their original relative positions and in accordance with the field notes for said surveys as filed by John T. Gano in the General Land Office of the State of Texas, giving each survey its call for distance and using the course called for in said field notes with the variations hereinabove established.

5. The sections comprising this Block G-23 are properly located without reference to Block B-1, Block B-2 and Block M-1 or the sections in said blocks respectively, or without reference to the Rio Grande River; and those parts of Sections Nos. 43 and 44 of said Block G-23 which fall across the Rio Grande river, when located in accordance herewith, are decreed ineffective in so far as, and only in so far as, said sections extend across the said river, and said two surveys thereby made partially ineffective are hereby decreed to be valid surveys to the full extent remaining, and the Rio Grande River shall form the boundary for said two surveys, in lieu of that part of the boundaries of said two surveys which is found to lie on the Mexican side of said river.



XIV.

With respect to the location on the ground of the several blocks and surveys, respectively, involved in this suit, IT IS ORDERED THAT;

1. Blocks D-10 and D-11, respectively, T. C. Ry. Co. Grantee, shall take precedence over and be prior in location to all lands in Block G-18 in conflict therewith.

2. Blocks G-15 and G-18, T. C. Ry. Co., respectively, shall take precedence over and be prior in location to all lands in Blocks 334, 336 and 343, T. C. Ry. Co., Grantee, respectively, and Presidio County School land in conflict therewith.

3. With respect to Block G-1, when same is located as hereinabove described, Surveys Nos. 83 and 84 in said Block G-1, will conflict to a certain extent with Surveys Nos. 4 and 5 in Block E-1, and to the extent of such conflict Surveys Nos. 83 and 84 in Block G-1 prevail.

4. With respect to Block G-18, when same is located as hereinabove directed, i. e., Surveys Nos. 1 to 68, inclusive, beginning at the N. E. corner of Survey No. 40 in Block G-15 and Surveys Nos. 69 to 120, both inclusive, when located in relation to the stone mound at the mouth of San Francisco Creek, as hereinabove directed, there will be certain conflicts within said Block, and to the extent of any such conflict said Surveys Nos. 1 to 68, both inclusive, prevail over Surveys Nos. 69 to 120, both inclusive.

5. With respect to Block G-20, when same is located as hereinabove directed, said Block will conflict to a certain extent with Surveys Nos. 2 to 16, both inclusive, in Block M-2, and to the extent of such conflict, said Block G-20 prevails in accordance with the provisions of injunction hereinafter decreed in Paragraph XVI hereof.

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6. With respect to Block G-14, when same is located as hereinabove directed, there will be conflicts in certain surveys in said block, with certain surveys in Blocks B-1 and M-2. Such conflicts shall be resolved as follows:

(a) To the extent of any conflicts in the boundaries of Surveys Nos. 3, 18 and 23, in Block G-14, with Survey No. 1, Block B-1, said Survey No. 1 in Block B-1 prevails.

(b) To the extent of any conflicts in the boundaries of Surveys Nos. 2, 3, 18, 19, 22 and 23, all in Block G-14, with Survey No. 2, Block B-1, said Surveys Nos. 2, 3, 18, 19, 22 and 23 in Block G-14 prevail in accordance with the provisions of the injunction hereinafter decreed in Para. XVI hereof.

(c) To the extent of any conflicts in the boundaries of Surveys Nos. 2, 19 and 22 in Block G-14 with Survey No. 3 in Block B-1, said Survey No. 3 in Block B-1 prevails.

(d) To the extent of any conflicts in the boundaries of Surveys Nos. 1, 2, 19, 20, 21 and 22, in said Block G-14 with Survey No. 4 in Block B-1, Surveys Nos. 2 and 20, said Block G-14 prevail, and Survey No. 4, said Block B-1, prevails as against Surveys Nos. 1, 19 and 21 and 22, Block G-14.

(e) To the extent of any conflict in the boundaries of Surveys Nos. 1 and 20, Block G-14 with Survey No. 5, Block B-1, said Survey No. 5, Block B-1, prevails.

(f) To the extent of any conflicts in the boundaries of Surveys Nos. 23, 24, 25, 26, 27, 34, 35 and 36 of Block G-14 with Surveys Nos. 1, 3, 5 and 7 in said Block M-2, said Surveys Nos. 23, 24, 25, 26, 27, 34, 35 and 36 in said Block G-14, prevail

7. With respect to Block G-21, when same is located as hereinabove directed, there will be conflicts in certain surveys in said Blocks with certain surveys in Block M-2. Such conflicts are resolved as follows:

(a) To the extent of any conflict in the boundaries of Surveys Nos. 27, 25, 23, 21, 19 and 17 in said Block G-21, with parts of Surveys Nos. 13, 15, 17, 19, 21, 23, 25 and 27 in Block M-2, the aforesaid sections in said Block M-2, prevail.

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(b) To the extent of any conflict in the boundaries of Surveys Nos. 17, 15, 13, 11, 9, 7, 5 and 3, in said Block G-21, with even numbered Surveys Nos. 2 to 28, inclusive, in said Block M-2, the aforesaid Surveys in said Block G-21 prevail in accordance with the provisions of injunction hereinafter decreed in Para. XVI hereof.

8. With respect to Block G-24, when same is located as hereinabove directed, said Block will conflict, to a certain extent, with <sup>odd numbered</sup> Surveys Nos. 1 to 25, inclusive, in Block M-2, and to the extent of such conflict the aforesaid odd numbered surveys in Block M-2 prevail.

9. With respect to Block M-2, when same is located as hereinabove directed, <sup>The</sup> Surveys in said Block M-2 will conflict to a certain extent with various Surveys in Blocks G-20, G-14, G-21 and G-24, and to the extent of such conflicts, same are resolved as particularly provided in the foregoing paragraphs 8, 5, 6 and 7 of this section.

10. With respect to Block G-13, when same is located as hereinabove directed, Surveys Nos. 1 to 8, both inclusive, and Surveys Nos. 21, 27 and <sup>both inclusive</sup> Survey No. 31, in said Block G-13, will conflict to a certain extent with Surveys Nos. 24, 23, 22, 21, 20, 19, 18, 17, 13, 12, 11, 10 and 9 in Block B-1, and to the extent of such conflict the aforesaid surveys in Block B-1 prevail.

11. With respect to Block G-22, when same is located as hereinabove directed, there will be conflicts in certain surveys in said Block with certain surveys in Block B-1, and to the extent of such conflicts, said Block B-1 prevails.

12. With respect to Block G-23, when same is located as hereinabove directed, Surveys Nos. 24 to 44, both inclusive, of said Block G-23, with the exception of Sur. No. 32, said Block, there will be conflicts to a certain extent with Surveys Nos. 24 to 44, both inclusive, in Block B-1, and to the extent of such conflict, the aforesaid Surveys in Block B-1 prevail.

13. With respect to Block B-1, when same is located as hereinabove directed, certain surveys in said Block B-1 will conflict to a certain extent with certain surveys in Blocks G-14, G-1, G-13, G-22 and G-23, and to the extent of such conflicts same are resolved as particularly provided in the foregoing paragraphs 6, 3, 10, 11 and 12 of this section.

XV.

In view of the conflicts between certain blocks and surveys when placed on the ground as hereinabove provided and giving effect to priority of surveys and resolving such conflicts as hereinabove ordered, the court further finds:

1. As to Block M-2, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

S. E. pt. Sect. 1. . . . .	223	acres
South pt. Sect. 3. . . . .	725	"
South pt. Sect. 5. . . . .	844	"
South 2/3 and E. pt. of N. 1/3 Sect. 7 . . . . .	.1045	"
Sect. 9. . . . .	.1240	"
Sect. 11 . . . . .	.1240	"
Sect. 13 . . . . .	.1240	"
Sect. 15 . . . . .	.1240	"
Sect. 17 . . . . .	.1240	"
Sect. 19 . . . . .	.1240	"
Sect. 21 . . . . .	.1240	"
Sect. 23 . . . . .	.1240	"
Sect. 25 . . . . .	.1240	"
Sect. 27 . . . . .	.1240	"
South part Sect. 2 . . . . .	548	"
Section 4. . . . .	Gone	"
Section 6. . . . .	Gone	"
South part Sect. 8 . . . . .	311	"
South part Sect. 10. . . . .	515	"
South part Sect. 12. . . . .	407	"
South and West part of South part of Sect. 14. . . . .	381	"
N. E. pt. Sect. 16. . . . .	90	"
N. pt. and S. E. Pt. Sect. 18 . . . . .	283	"
N. Pt., S. W. Pt. and S. E. Pt. Sect. 20. . . . .	98	"
South part Sect. 22. . . . .	139	"
N. pt. of E. pt. and South pt. of Sect. 24. . . . .	189	"
N. pt. and S. W. part Sect. 26 . . . . .	.1046	"
All of E. pt. and N. pt. of W. pt. Sect. 28. . . . .	.1145	"

2. As to Block G-21, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

*Block M-2*

*36*

Survey 1 . . . . .	Gone
Survey 2 . . . . .	"
W. pt. Survey 3. . . . .	1034
Survey 4 . . . . .	Gone
Survey 5 . . . . .	1280
Survey 6 . . . . .	Gone
Survey 7 . . . . .	1280
N. Pt. Survey 9. . . . .	1247
Survey 11. . . . .	1280
Survey 13. . . . .	1280
N. Pt. 15. . . . .	1155
N. Pt. 17. . . . .	1205
N. Pt. 19. . . . .	654
N. pt. 21. . . . .	666
N. Pt. 23. . . . .	158
N. Pt. 25. . . . .	538
N. Pt. 27. . . . .	778

3. As to Block G-24, the acreage in the several surveys remaining but of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

W. 1/2 and N. Pt. E. 1/2 of Section 1. . . . .	1024
N. Pt. of W. 1/2 of Section 2. . . . .	92
Sections Nos. 3 to 12. . . . .	Gone

4. As to Block G-14, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Survey 1. . . . .	Gone
N. pt. and W. pt. and S. pt. Section 2. . . . .	301 acres
W. pt. and N. Pt. of <del>xxxxxxx</del> E. pt., S. Pt. of E. pt. of Section 3. . . . .	"
No. pt. and So. pt. of Sec. 18. . . . .	442 "
N. pt. Sec. 19. . . . .	283 "
N. pt. Sec. 20. . . . .	238 "
Section 21. . . . .	316 "
N. W. Pt. Section 22. . . . .	Gone 29 "
N. pt. and S. pt. Sec. 23 . . . . .	126 "
N. W. pt. Sec. 24. . . . .	592 "

5. As to Block G-22, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acres:

N. W. pt. Section 8. . . . .	566 acres
Section 10. . . . .	Gone
Section 12. . . . .	"
Section 14. . . . .	"
Section 16. . . . .	"
N. W. Pt. Section 20. . . . .	" 17 "
W. Pt. Section 22 . . . . .	1220 acres
W. Pt. of N. Pt. Section 24 . . . . .	110 "
Section 26. . . . .	Gone
Section 28. . . . .	"
Section 18. . . . .	"

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6. As to Block G-13, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

West pt. Section 1. . . . .	322 acres	
Section 2. . . . .	Gone	X
Section 3. . . . .	Gone	
W. Pt. Section 4 / . . . . .	320 "	
N. Pt. and W. Pt. Section 5. . . . .	576 "	
N. W. Pt. Section 6. . . . .	285 "	
N. Pt. and S. W. Pt. Section 7 . . . . .	181 "	
N. Pt. and S. Pt. and W. Mid. Pt. Section 21 . . . . .	579 "	
N. W. Pt. Section 27. . . . .	616 "	
N. W. Pt. and S. W. Pt. Section 28. . . . .	197 "	
Section 29. . . . .	Gone	
N. W. Pt. Section 30. . . . .	185 "	
N. W. Pt. Section 31. . . . .	559 "	
Section 32. . . . .	640 "	
N. pt. and S. pt. and W. mid. pt. 8. . . . .	478 "	

7. As to Block G-23, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Surveys Nos. 1 to 23, inclusive with full complement of acreage;		
N. Pt. S. Pt., W. Mid. Pt. Section 24. . . . .	587 acres	
Section 25 in State Park		
Section 26 in State Park		
N. W. Pt. and S. W. Pt. Section 27. . . . .	159 "	
N. Pt., S. Pt. and W. Mid. Pt. Section 28. . . . .	382 "	
W. Pt. Section 29. . . . .	68 "	
W. Pt. Section 30 . . . . .	350 "	
N. W. Pt. Section 31 . . . . .	460 "	
Section 32 - full complement of acreage		
N. W. Pt. Section 33. . . . .	121 "	
N. W. Pt. Section 34. . . . .	7 "	
W. Pt. Section 35. . . . .	458 "	
W. Pt. Section 36. . . . .	478 "	
W. Pt. Section 37 . . . . .	505 "	
N.W. Pt. Section 38 . . . . .	639 "	
Section 39. . . . .	Gone	
Section 40. . . . .	Gone	
N.W. Pt. Section 41 . . . . .	513 "	
Section 42. . . . .	Gone	
Section 43. . . . .	Gone	
Section 44. . . . .	Gone	

Approx 20 acres clear  
11-2/19/51

8. As to Block E-1, the acreage in the several surveys remaining out of the conflict is shown immediately hereunder, and any section in said block not hereinafter listed retains its full complement of field note acreage:

Section 2. . . . .	Gone
S. E. Pt. of W. Pt. and N. E. Pt. of E. Pt. of Section 4. . . . .	365 acres
E. Pt. of Section 5. . . . .	515 "

01-24 27 42 28 28 28

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XVI.

With respect to the injunctive relief herein sought by the defendants, F. M. Roark, J. C. Roark, I. C. Roark, Sr., and by the defendant, Asa A. Jones, in his trial amendment, the court finds that all the even numbered sections in Block M-2, being Sections Nos. 2 to 28, inclusive, and Section No. 2 in Block B-1, are unsold lands belonging to the Public Free School Fund of the State of Texas, and all or certain parts of said surveys have been, by other provisions of this judgment, decreed to be in conflict with other surveys, all of which specifically and particularly is set forth in preceding sections hereof. In view of such adjudication of conflict, the court is of the opinion that said defendants are entitled to the equitable relief prayed for in so far, and only in so far, as by the provisions of this judgment all or parts or portions of said surveys have hereinabove been adjudged in conflict with other surveys of land.

IT IS, THEREFORE, FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff - intervener, the State of Texas, its officers, agents and employees, - be and each of them are hereby perpetually enjoined from selling or offering to sell any and all parts or portions of said even numbered surveys Nos. 2 to 28, inclusive, in said Block M-2, and Survey No. 2 in Block B-1, which by said other sections of this judgment have been adjudged and decreed in conflict with other surveys of land. This injunction does not apply and is not intended to apply to the State of Texas, its officers, agents or employees, selling or offering for sale any or all of said surveys or parts or portions of said even numbered surveys Nos 2 to 28, inclusive, and in Block M-2, /said survey No. 2 in Block B-1, which by said other sections of this judgment have been found or established as not being in conflict with other surveys of land.

XVII.

IT IS FURTHER ORDERED that the Honorable Alan R. Fraser be and he hereby is allowed a fee of \$250.00 for representing the defendants cited in this cause by publication, the same to be taxed as costs of this case.

01-20-27 22 22-22-22

XVIII.

IT IS FURTHER ORDERED that all relief prayed for by any party hereto which is not hereinabove specifically granted, be and it hereby is in all things denied, and any and all defendants in this cause who have not hereinabove been specifically disposed of be and they are hereby dismissed with their costs.

XIX.

IT IS FURTHER ORDERED that \$1,000.00 of the costs of court incurred herein be and it is hereby taxed against the State of Texas, but said costs have been paid to the Clerk of this Court by the State. All other costs shall be and are hereby taxed as follows: one-third jointly against the defendants, F. M. Roark, J. C. Roark, and I. C. Roark, Sr., one-third against the defendant, Asa A. Jones, and one-third against the defendant, J. M. Lea, for the collection of which let execution issue, to which judgment defendant J. M. Lea excepted & gave notice of appeal.

H. O. Metcalfe  
Judge Presiding.

O.K.  
C. W. Trueheart  
Atty. for Asa Jones  
& Guy & David Combs

W. P. Wallace, Jr.  
Brian Montague  
J. C. Epperson  
Attys. for I. C. Roark, Sr.,  
F. M. Roark & J. C. Roark

Approved as to form

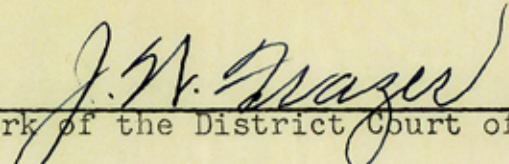
The Attorney General of Texas  
By Ben H. Rice, III  
Assistant.



THE STATE OF TEXAS, )  
COUNTY OF BREWSTER. )

I, J. W. Frazer, Clerk of the District Court of Brewster County, Texas, do hereby certify that the foregoing instrument of writing is a true and correct copy of Judgment in Cause No. 1934, styled F. M. Roark, et al, vs. H. D. Smith, et al, as same appears of record in Volume 7, Page 1, et seq., Minutes of the District Court of Brewster County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 21st day of January, A. D. 1948.

  
Clerk of the District Court of Brewster  
County, Texas.

(North and South)

SK. NS 10

Brewster

83<sup>rd</sup> District Court of Brewster Co  
cause #1934, F.M. Roark et al vs.  
H.D. Smith et al.

February 11 48  
Bascom Gites

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See States Exhibit 8  
in Brewster Rolled  
Sketch 89

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