

T.M. Cox, et al
No. 190. vs.
Ed C. Lasater.

In the District Court
Judicial District
Brooks County, Texas.

This cause this day coming on to be heard, came the plaintiffs and defendant by their attorneys and all parties having waived a jury and submitted the matter to the court announced ready for trial and the Court having heard the pleadings read, the evidence adduced and argument of counsel thereon, is of the opinion that the filing, entry and location on August 31st, 1881, by W.W. Hungerford, Agent, of certain land certificates issued to the Texas Mexican Railway Company by the State of Texas, on certain public lands in Starr and Hidalgo County, Texas, filed and recorded in the District Surveyors Office of Starr County, Texas, September 5, 1881, and recorded in Book "B" of Applications, pages 7-11 and filed in the General Land Office of the State of Texas, September 23, 1882, and the filing, entry and location by Geo. W. Lowe of certain land certificates issued by the State of Texas, to the Houston, East and West Texas Railway Company of certain public lands in Starr County, Texas on July 30, 1881, filed and recorded in Starr County, August 8, 1881 in Book "B" of Applications, Page 112 and filed in the General Land Office of the State of Texas, August 8, 1882, and the following survey made by virtue thereof, to wit:

Survey	Certificate	Original Grantee
661	551	H.E. & W.T. Ry. Co.
647	279	T. & M. Ry. Co.
657		"
659	284	"

in Starr and Hidalgo Counties, and field notes, of said surveys and under which defendant asserts title, are senior and superior to the filing, entry and location and surveys made and field notes returned by John J. Dix, Agent for McCampbell and Givens by virtue of a filing and entry made by him as such agent on June 24, 1882, upon part of said lands embraced in said Surveys in Starr and Hidalgo Counties and which location was filed in the District Surveyor's Office of Hidalgo County, Texas, on June 24, 1882, recorded in Book "A" of Applications, Page 43, and filed in the General Land Office of the State of Texas, May 9, 1883, and under which plaintiff claims and deraign title, and that said Hungerford and said Lowe files location as to the said described surveys made thereunder to wit: 647, 657, 659 and 661, and more particularly described, duly and legally appropriated the land embraced therein, and withdrew the same from public domain and the Court as to said filing, entry and location of certain certificates, made by Jno. J. Dix, Agent, recorded in Book A of Applications, page 21, Hidalgo County, Texas, on June 24, 1881, did not legally appropriate the lands embraced within its bounds and is declared to be of no force and effect.

It is therefore ordered, adjudged and decreed that the said W.W. Rungerford filing of August 1, 1881, and the said George W. Lowe filing of July 30, 1881, in so far as same effects the seniority, superiority and validity of Surveys 647, 657, 659 and 661 made and returned thereon are senior surveys, locations and appropriations of the public domain embraced within the boundaries and the field notes thereof and are senior, superior in all respects to the filing, entry and location made on June 24, 1881, and June 24, 1882 by said John J Dix Agent and the Surveys made in accordance with said filing on June 24, 1882, and the field notes returned to the General Land Office on or about May 9th, 1883 and the subsequent corrected field notes of said surveys in accordance therewith, made on or about April 17, 18th and 19th, 1906, by J.J. Maddox, Deputy Surveyor of Hidalgo District and under which plaintiffs claimed and asserted title to part of the land envolved in this said suit, and that the corrected surveys made By F.M. Maddox on or about April 18, 1906 of Surveys 647, 657 and 661

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are null and void and same are cancelled.

It is further ordered, adjudged and decreed that the plaintiffs take nothing against defendant and that defendant be forever quieted in his title and possession of the above surveys more particularly described as follows, to wit:

647
First. Six hundred forty (640) acres of land known as Survey 647, formerly in Starr and Hidalgo Counties, Texas, being now in Brooks County, Texas, about sixty-two (62) miles North 39 East from Rio Grande City, Texas, surveyed by J.C. Eivet, District Surveyor of Starr County, Texas, April 27, 1882, by virtue of land Script 279, issued to Surveyor of Starr County, Texas, April 27, 1882, by virtue of land Script 279, issued to Texas, Mex. Railway Company by W.C. Walsh, Commissioner of General Land Office, on July 22 1881, particularly described by metes and bounds as follows:

Beginning at a L.O. post from whence a L.O. marked XII bears S. 26 deg. W. 120 vrs. from the N.E. corner of this survey;

Thence West through scattering Live Oak at 860 vrs. cross the Hidalgo and Starr Counties Division lines South 25 deg. West 705 varas from the 62nd mile post on said line at 1900 vrs. a set post for N.W. corner hereof from whence a forked L.O. on line bears E. 100 vrs.

Thence South 1900 vrs. to S.W. corner;

Thence East 1900 varas to post for S.E. corner 400 varas from edge of prairie.

Thence N. 1900 vrs. to the place of beginning, and patented to the Tex. Mex. Ru. Co., on same field notes by the State of Texas on May 8, 1885, by Patent 149, Vol. 76.

657-
Second. Six hundred forty (640) acres of land known as Survey 657, formerly in Starr and Hidalgo Counties, Texas, being now in Brooks County, Texas, about sixty-two (62) miles North 39 East from Rio Grande City, surveyed by J.C. Eivet, District Surveyor of Starr County, Texas, May 2, 1882 by virtue of land Script 283, issued to Tex. Mex. Railway Co., by W.C. Walsh, Commissioner of General Land Office on May 8, 1885, in Vol. 146, page 76, particularly described by metes and bounds as follows:

Beginning at an oak post set for S.E. corner of Survey 649, by Script 280, T.M. R.R. Co., the N.E. Corner of Sur. 656, by Script 560, H.E. & W.T. R.R. Co. for the N.W. Cor. of this survey;

Thence South with East boundary of Survey 656, 1900 vrs. to a post its S.E. Cor. and S.W. corner hereof;

Thence East at 1167 vrs. cross boundary line between Starr and Hidalgo Counties S. 25 deg. W. 1098 vrs. from its 60th mile post and at 1900 vrs. set post on west edge of prairie for the S.E. corner of this survey;

Thence North at 1569 vrs. cross county line and at 1900 vrs. to post the S.W. cor. of Survey 647 by Scrip 279, T.M. R.R. Co. for the N.E. corner hereof;

Thence West 1900 vrs. to the place of beginning and patented to the Tex. Mex. R.R. Co. on same field notes by the State of Texas, on May 8, 1885, by Patent 146, Vol. 76.

659 -
Third: Six hundred forty (640) acres of land known as Survey 659, formerly in Starr and Hidalgo Counties, Texas, being now in Brooks County, Texas, about 59 miles North 40 East from Rio Grande City, Texas, surveyed by J.C. Eivet, District Surveyor of Starr County, Texas, May 3, 1882, more particularly described by metes and bounds as follows:

Beginning at an oak post the S.W. corner of Survey 660, by this Scrip for the N.W. corner of this survey;

Thence South at 603 vrs. cross Starr and Hidalgo County line S. 25 deg. 61 vrs. from the 58th mile post and at 1900 vrs. to a post the S.W. corner hereof;

Thence East 1900 vrs. to post for S.E. corner from whence an oak marked X bears S. 65 vrs.

Thence North 1900 vrs. to a post for N.E. corner from whence an oak marked X bears S. 37 vrs;

Thence West on S. boundary of Survey 660 at 1619 vrs. cross County line and at 1900 varas to place of beginning and conveyed by

same field notes by the State of Texas.

661 —
Fourth. Six hundred forty (640) acres of land known as Survey 661 in Starr County, Texas, about 59 miles N. 39 deg. East from Rio Grande City, Texas, surveyed by J.C. Eivet, District Surveyor of Starr County, Texas, May 4, 1882, by virtue of Land Script 551 issued to H.E. AND W.T. R.R. Co. by Rhoads Fisher, Acting Commissioner of the General Land Office on May 31, 1878, more particularly described as follows:

Beginning at a L.O. Post the S.E. corner of Survey 655 by Script 560 H.E. & W.T. R.R. Co., for the N.W. Corner of this survey;

Thence South through open bushes 1900 vrs. to a post to mark S.W. corner hereof;

Thence East 1900 vrs. to a post the S.E. corner of this survey and also the N.W. Corner of Survey 659, by scrip 284, Tex. Mexican R R. Co.;

Thence North with West boundary of said Survey 660, 1900 vrs. to a post the S.W. Corner of Survey 657, by Scrip 283, T.M. R.R. Co. for the N.E. Corner of this survey;

Thence West on South boundary of Survey 656, 1900 vrs. to the place of beginning and patented to Geo. W. Lowe, assigned H.E. & W.T Ry. Co. on same field notes by the State of Texas, on September 13, 1883, by Patent 448, Vol. 58.

It is further ordered, adjudged and decreed that in so far as the metes and bounds or the descriptions or boundaries of the land heretofore awarded by the State of Texas, on or about June 6, 1912 to L.B. Choate or any other person or persons whomsoever and now claimed by the plaintiffs conflicts with the land embraced with the description of the metes and bounds of above field notes of said surveys 647, 657, 659 and 661, that said conflicts be and the same are hereby cancelled, held for naught and removed as a cloud upon the title of the defendant herein and that the conflicts heretofore existing between any part of the land embraced within the limits and boundaries of said original field notes of Surveys 647, 657, 659 and 661 and the lands of the plaintiff be determined in favor of the defendant and against the plaintiff.

And it further appearing to the Court that defendant having disclaimed and right title or interest to the following described property, to-wit:

118233
Six hundred fifty two and one half (652 1/2) acres of land formerly in Hidalgo County, but now located in Brooks County, Texas, known and described as Survey 22, Block 1, by virtue of Certificate 1139, issued to C.C.S.D. & R.G.N.G. R.R. Co., the original field notes of said survey being made by _____ on day of _____ 1882, and corrected field notes of said survey made April 24, 1906, by F.M. Maddox, Deputy Surveyor of Hidalgo District said survey being more particularly described as follows:

About 64 miles N. 6 deg. E. from Hidalgo and known as Survey 22, Block 1.

Beginning at a stake the N.E. Corner of Survey 18;

Thence West with its North line 1932.9 vrs. its N.W. corner and the S.E. corner of Survey 21.

Thence North with the East line of said Survey 21, at 1906.1 vrs. its N.E. corner and the S.W. corner of Survey 25;

Thence East with the South line of said Survey 25 at 1932.9 vrs its S.E. corner on the West line of Survey 23;

~~Thence East with the South line of said Survey 25 at 1932.9 vrs. its S.E. corner.~~

Thence South with the west line of said survey 23, at 1429.7 vrs. its S.W. Cor. and the N.W. corner of Survey 17, at 1906.7 vrs. the place of beginning.

118231
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Second: Six hundred forty-two and twenty-five hundredths (642.25) acres of land formerly in Hidalgo County, but now located in Brooks County, Texas, known and described as Survey 20, Block 1, by virtue of certificate 1138 issued to the C.C.S.D. & R.G.N.G. R.R. Co. by the original field notes of said survey being made by _____

on day of and corrected field notes of
said Survey made April 16, 1906, by F.M. Maccox, Deputy Surveyor of
Hidalgo District, said Survey being more particularly described as
follows:

About 62 1/2 miles N. 4 1/2 degrees E. from Hidalgo and known
as Survey 20 in Block 1.

Beginning at a stake the N.E. Corner of Survey 14, same being
the N.E. corner of Survey 13;

Thence West with the North line of said Survey 13, at 1177.7
vrs. cross the Starr and Hidalgo County line 849.5 vrs. S. 25 deg.
W. from the 58 miles post thereon at 849.5 vrs. the N.W. corner of
Survey 13, on the east line of Survey 672;

Thence North with said East line at 1176.4 vrs. pass its N.E.
corner and the S.E. corner of Survey 661, at 1906.1 vrs. a stake for
the N.W. corner hereof same being an ell corner of said survey 661;

Thence East with the South line of said Survey 661, at 972.2
vrs. pass its S.E. corner and the S.W. corner of Survey 660 at 1610.4
vrs. cross the Starr and Hidalgo County, line at 1899.3 vrs. the S.E.
Corner of said Survey of 660 and the N.W. corner of Survey 19.

Thence South with the west line of said Survey 19, 1906.1 vrs.
to the place of beginning.

Except: (a) -125.58 acres thereof and out of same held to be
in conflict with Survey 661, Certificate 551, O.G. H.E. & W.E. Ry. Co.
said 125.58 acres so in conflict being described by metes and bounds
as follows:

Beginning at S.E. corner of Survey 661, according to field notes
thereof made by J.C. Eivet, May 4, 1882, which is also the N.E. corner
of original Survey 672, Original Grantee, T. & Mex. Ry. Co.;

Thence north along E. line of said Survey 661, 727.27 varas to
a point;

Thence at right angles South on a line parallel with West line
of Survey 661, 729.7 varas to a point on South line of Survey 661;

Thence at right angles East on S. line of Survey 661, to place
of beginning.

(b) and 193.10 acres thereof are held to be in conflict
with said Survey 659, Cert. 284, Original Grantee, Tex. Mex. Ry. Co.
said 193.10 acres so in conflict being described by metes and bounds
as follows:

Beginning at N.W. corner of Original Survey 659 according to
field notes made by J.C. Eivet May 3, 1882;

Thence at right angles along N. line of Survey 659, 925.41 varas
to a point;

Thence at right angles S. on a line parallel with E. line of
Survey 659, 922.63 varas to W. line of Survey 659;

Thence N. along W. line of Survey 659 to the place of beginning.

118232
Third. Six hundred forty-three and five tenths (643.5) of land
formerly in Starr and Hidalgo Counties, Texas, but now in Brooks
County, Texas, known as Survey 26, Block 1, by virtue of Certificate
1146, issued to C.C.S.D & R.G.N.G. R.R. Co., said survey made April
18, 1906, by F.M. Maddox, Deputy Surveyor, Hidalgo District, the field
notes of said survey being as follows:

About 65 miles N. 6 deg. E. from Hidalgo.

Beginning at a stake the S.W. corner of Survey 25, same being
the N.E. corner of Survey 21;

Thence West (crossing county line) with the North line of said
21, at 1906.7 vrs. its N.W. corner on the East line of Survey 657,
made for the Texas Mexican Railway Company.

Thence North with said East line at 1191.2 varas its N.E. corner
and an S.E. corner of Survey 648, at 1906.1 vrs. an ell corner of said
survey 648;

Thence East with the South line of said 648 at 964.2 vrs. its
S.E. corner and the S.W. Corner of Survey 647, of the Tex-Mexican Rail-
way Company continuing East (crossing county line) with the South line
of said Survey 647 at 1906.7 vrs. its S.E. corner and the N.W. corner
of Survey 25;

Thence South with the West line of said Survey 25, at 1906.1 varas to the place of beginning.

Except: (a) Two hundred and twenty-five hundredths (204.25) acres thereof held to be in conflict with said Survey 658, Cert. 283, Original Grantee, Texas Mexican Ry. Co. described as follows:

Beginning at the N.E. corner of said Original Survey 657 according to field notes thereof made by J.C. Eivet May 2, 1882;

Thence West along the N. line of said Survey 657, 985.86 varas to a point;

Thence at right angles East along a line parallel with the west line of Survey 657, to a point;

Thence at right angles East along a line parallel with the South line of Survey 657, 968.67 varas to a point on East line of Survey 657;

Thence N. along the East line of Survey 657, 1193.25 varas to the place of beginning.

(b) One Hundred eighteen and Seventy-three hundredths (118.73) acres thereof held to be in conflict with said original survey 647, Cert. 279, Original Grantee, Texas* Mexican Ry. Co. describe as follows:

Beginning at the S.W. Corner of said Original Survey 647, according to field notes thereof made by J.C. Eivet, April 27th, 1882;

Thence N. along the West line of said Survey 647, 712.89 acres to a point;

Thence East at right angles on a line parallel with the North line of Survey 647 942.5 varas to a point;

Thence South at right angles along a line parallel with the East line of Survey 647, 710.73 varas to a point on the S. line of Survey 647, the place of beginning.

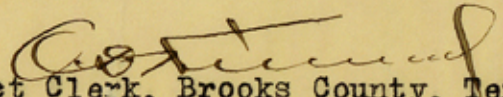
The word plaintiffs as herein used shall be held to mean and include T.M. Cox, T.A. Anderson, T.A. Andersons, Trustee, Era Anderson and husband, T.A. Anderson, Malcolm Henderson, Corsie Snyder and husband S.C. Snyder, Mrs. Ada Weil and husband, Maize Weil, Ella Carter and husband Harry Carter, all said parties having answered herein and being before the court.

It is therefore, ordered, adjudged and decreed that as to all of the lands embraced in said surveys 20, 22 and 26, O.G. C.C.S.D. N.G. R.R. Co. except the parts thereof in conflict with Surveys 647, 657, 659 and 661, as above described that plaintiffs have judgment against defendant for the title and possession thereof.

It is further ordered, adjudged and decreed that each part have his writ of possession to the lands so decreed to him and that plaintiffs and defendants each pay one-half of the costs herein accrued.

The State of Texas, (County of Brooks.) I, O.D. Kirkland, Clerk of the District Court of Brooks County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Final Decree, T.M. Cox, et al, vs. Ed C. Lasater, No. 190, as the same appears on record in Vol. 2, Civil Minutes, District Court, Brooks County, Texas on page 164-169.

Witness my hand and official seal of said court this 2nd day of April, A.D. 1923.


District Clerk, Brooks County, Texas.

① Brooks County
 Court Decree ①
 File May 27-1925
 J. J. Robinson, Commissioner
 H. F. McDonald, Clerk

Decree of Court, 16M. 510-W
 from Falfurrias, 5-27-25.

*John
 McDonald*

plaintiffs and defendants each pay one-half of the costs herein accrued.
 It is further ordered, adjudged and decreed that each party have his writ of possession to the lands so decreed to him and that against defendant for the title and possession thereof.
 It is therefore, ordered, adjudged and decreed that as to all herein and being before the court,
 Carter and husband Harry Carter, all said parties having answered husband B. C. Snyder, Mrs. Ada Well and husband, Mable Well, Ella son and husband, T. A. Anderson, Malcolm Henderson, Corale Snyder and include T. M. Cox, T. A. Anderson, T. A. Anderson, Trustee, Mrs. Under- the word plaintiffs as herein used shall be held to mean and

2nd day of April, A.D. 1925.
 Witness my hand and official seal of said court this
 Texas on page 184-185.
 record in Vol. 8, Civil Minutes, District Court, Brooks County,
 Cox, et al. vs. B. C. Sawyer, No. 190, as the same appears on
 and foregoing is a true and correct copy of final Decree, T. M.
 Court of Brooks County, Texas; do hereby certify that the above
 County of Brooks,
 The State of Texas,
 I, O. D. Kirkling, Clerk of the District

District Clerk, Brooks County, Texas.

According to field
 883 Original Grant
 notes thereof held
 Except: (a) 1
 There is no place



386 varies to
 1888;
 varies 884
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 Cert.
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