

Hill
7/27/07.



VY-25-

Where



Sketch No. 57
#20 1/2



See sketch
20 1/2 without
Dunlap Co
Johnnie

Sundry sketches, Letters,
Reports, etc From 2-10-98
to 10-4-'13

For Charles Rogyan
Cornia G. W. Land 04

J. DERVOORT,
LAWYER,
ARRIZO SPRINGS, - - - TEXAS.

Counter 21109

F. VANDERVOORT,
LAWYER.

329

CARRIZO SPRINGS, TEXAS, JULY 22, 1901.

Bexar Scrip 61993.

Hon. Charles Rogan,
Austin, Texas.

Dear Sir:-

Yours of July 15th is rec'd and contents duly noted.

I respectfully ask a reconsideration of your decision that the claimed vacancy does not in fact exist, and will state my grounds as briefly as possible.

To assist my explanation I enclose a rough sketch of a portion of Blocks 1 & 3 both made by Jacob Kenechler at about the same time, and and have indicated marked corners with a red circle, all of which are now in existence and undisputed.

Mr. Kenechler, it is believed here, began his work by running S. 20 W. 10000 varas from the Presidio crossing of the Nueces River, and established the one corner of survey 9. He should have run this line "by the needle" and in not doing so got in conflict with the Blas Rays, constructing as he went the irregular surveys of 9-4 and 21, and establishing the N. E. Cor. of survey 1 Block 1. It was undoubtedly his intention to construct square surveys of 640 each to the westward of the west line of Surveys 9-4-21 and 22 and downward through Blocks 1 & 2, so far as he could consistent with any older surveys he might encounter. He evidently ran a line through Blocks 1 & 2 and marked corners thereon and reentered Block 3 on west line of survey 26 T. & N. O. and marked its N. W. corner on a prolongation of the N & S line through Blocks 1 & 2. This corner was recently found and identified although one of the bearing trees is cut away in building a fence. The irregular survey 27 was established and bearing trees still found as called for. Thence Mr. Kenechler seems to have run eastward, but in some unexplainable way seems to have lost his bearings because survey 26 is only about 1550 varas wide and survey 25 is also short in width. The trees called for at N. E. 26 & N. W. 25 are not satisfactory as one only can be found and while it is on the right line, distance each way does not correspond. At the N. E. of 25 and N. W. of 55 and also

which is immaterial to this question. It is no more proposed to have from 2558 one who at her work to be the W. line of the Blas Rays

F. VANDERVOORT,
LAWYER.

CARRIZO SPRINGS, TEXAS,

~~and also~~ at N. E. 55 and N. W. 1 trees found and identified. Then Mr. Kenchler seems to have turned north and made the corner at N. W. 2 and 5 the distance between 2 and 5 being short as stated in field notes of the connecting line heretofore sent you.

As a legal proposition applicable to this question, I quote the language of this court in Robinson vs. Moon~~x~~ 21 S. W. 143, as follows " It is laid down in this state that the rule that a call for a marked line or corner of an older survey will prevail over a call for course and distance is not applicable to an unmarked line or corner which can only be found by running course and distance from some other marked line or corner or well known object." I respectfully call your attention to this case and to the cases therein cited, in one instance 10 acres only, was held to be a vacancy and in another a strip 280 varas in width was held to be a vacancy both under conditions similar to this question.

It is clear that surveys 6 and 7 are dependant on 5 and 8 for their respective locations and not having marked corners of their own can only be constructed by running course and distance after 5 and 8 ^{have been so run from} for their respective corners. 9 having a marked corner and only one, ^{is} constructed by running course and distance therefrom. Applying the above legal proposition, if 9 can be deemed the older survey, 6 & 7 cannot prolong their lines to it because the west line of 9 is unmarked, and " can only be found by running course and distance from some other marked line or ^{corner} ~~course~~ " to wit its own corner on the opposite side of the survey. Should 6 & 7 be deemed the older, the lines of 9 cannot be prolonged ^{to them} for the same reason.

It is equally clear that 3 Block 3 and 5 & 6 Block 1 not having marked corners depend for their location on survey 1 block 1 and must accordingly be run by course and distance from N. E. corner 1 block 1, and the same legal proposition and argument will apply to the vacancy shown on sketch between 2 & 3 and 1 & 5, the latter covered by two preemptions claimed by clients of mine and in whose behalf I also make this argument.

F. VANDERVOORT,
LAWYER.

CARRIZO SPRINGS, TEXAS, JULY 22, 1901.

I also respectfully call your attention to the fact that 9 calls for the east line of 3, the North line of 7 and for a corner of 10; if 6 & 7 were to move up against 9, 9 would not touch 3, nor the North line of 7 nor the corner of 10, ~~nor the corner of 10.~~ Surveys made on the ground which Mr. Kenschler called for but did not make have demonstrated that he is mistaken in all three of these calls.

Under art 4134 R. S. the owner of 9 might lift so much thereof as shall be effected by the conflict, and relocate on vacant public domain, unless prevented by provisions of next article 4135, but if allowed to relocate, he cannot do so on land already located as in this case.

If there was any law for it, this land aggregating about ⁴⁸⁰~~451~~ acres should be given to owners of surveys 17-19-25 & 26 which are short about this quantity and occasioned by the same error that creates these vacancies, but they being about three miles away, this cannot be done.

I therefore ^{submit} that both surveys 17 & 18 are valid, but that field notes of both should be corrected to locate 18 west instead of east of 3. Please investigate at your leisure, and inform me of your decision when reached.

Very truly yours,

F. Vandervoort

J. O. ROUSE

ATTORNEY-AT-LAW AND COUNTY JUDGE
DIMMIT COUNTY, TEXAS
CARRIZO SPRINGS,
TEXAS

2244

J. J. Robinson Care
Austin Tex

Dear Sir

Mr Childers Surveyor mail all of

The Jesus Cardines Grant in this County
and LaSalle and he has filed an application
for a survey of 80000 acres that may be between
this Grant and other surveys. Now I want to
know just how to locate the Jesus Cardines
Grant. I have got the ruling on the Blas Reyes
Grant and thought your ruling on the Cardines
Grant would be the same. I think your ruling on the
Blas Reyes was to run out from the River
10000 rods and no more. and thence down the
River ^{27500 rods} to a point just 10000 rods from the River
to be parallel with the 1st line. Now please give
me what you think will be the proper way
to locate the Cardines Grant and I will proceed
to follow your instructions

Hoping to hear from you soon

RECEIVED

AUG 23 1913

Referred to Map

Mailed him blank F/N. 10-3-1913
County 21108

Yours Truly

Willis W Barber Co Surveyor

Dimmit Co Texas

Aug 10-3-1913

Barber

J. O. ROUSE

ATTORNEY-AT-LAW AND COUNTY JUDGE

DIMMIT COUNTY, TEXAS

CARRIZO SPRINGS

TEXAS

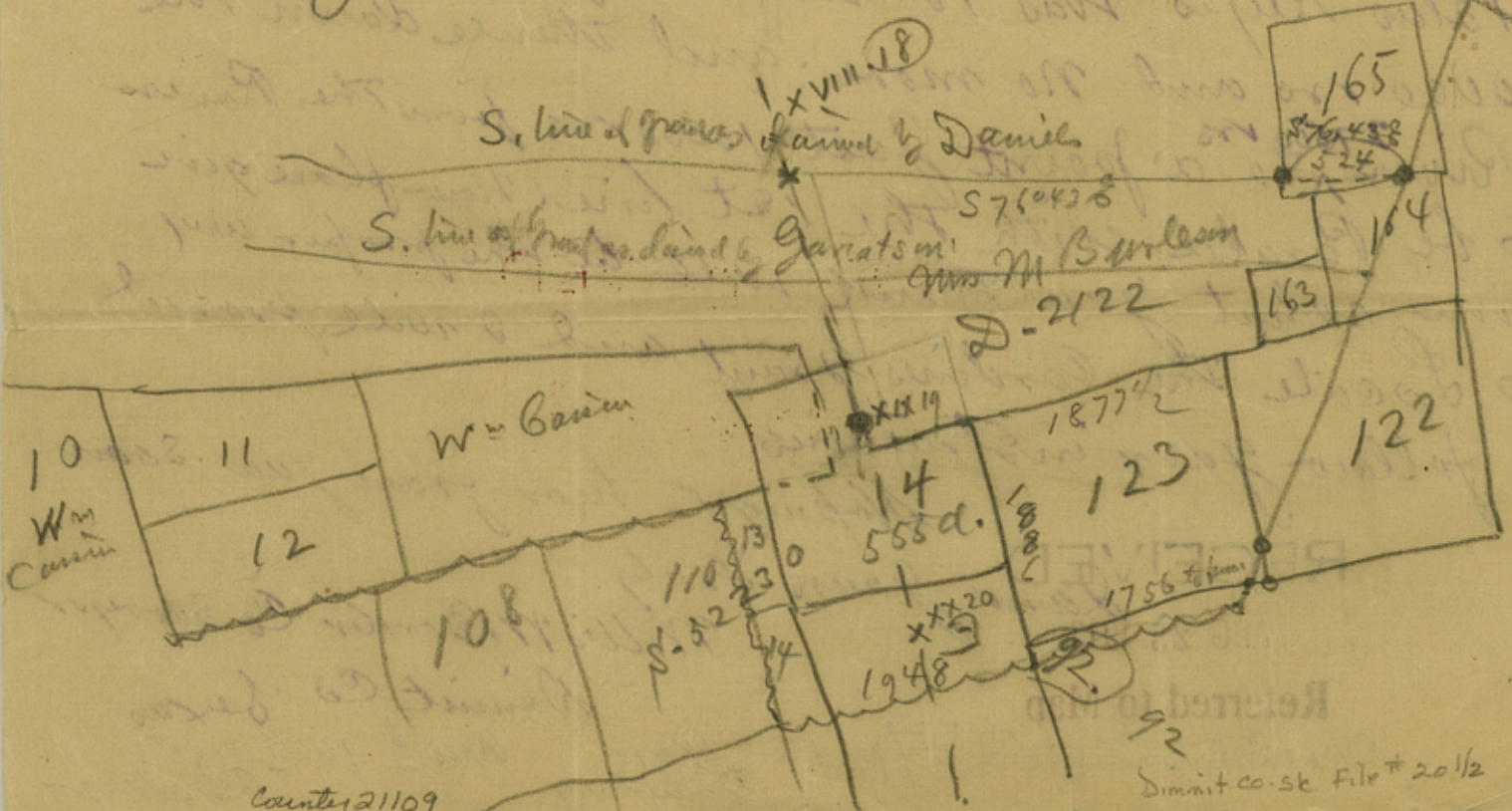
May 31 1913

Wm J. Childers,
Temple Texas.
(Cochina Ranch in
La Salle County)
J. G. Childers, Gen. Mgr.
Temple Texas.

(Childers & Seals, owners) 10-11-1913

Letter from
J. G. Childers
to
J. O. Rouse
20th
Dimmit Co. 1913

Jesus Cardenas



Count 121109

Dimmit Co. sk File # 20 1/2

In Summit County



Block No 3

Block No 1

Blas Rays

W Eardley Homestead

W Eardley Homestead

vacancy

vacancy

Counter 21110

1467 03

1467 03

350 vs

15 00

350 w

350 vs

55

96 729 285

11 3 2 4

3095

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18

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20 1/2

Abstract of Title

to of the following
survey in Dimmit Co., Tex.:

Abstract No.
Original Grantee
Certificate No
Patentee
Quantity
Class
Date of Patent
Patent No Vol
Survey No
Remarks

FURNISHED BY

HAZELRIGG & VANDERVOORT,
LAWYERS AND LAND AGENTS,
Carrizo Springs, Dimmit Co., Texas.

..... A. D. 18.....

Dimmit co. s.e. F. 1 v # 20 1/2

Counter 21111

F. VANDERVOORT,
LAWYER.

346

CARRIZO SPRINGS, TEXAS, Aug. 5th, 1901.

Hon. Charles Rogan,
Austin, Texas.

Dear Sir:-

The usual periodical attempt to establish a vacancy between the C. Mencke and S. P. R.R. Co. surveys about four miles north-easterly from the town, is now being made, and I understand that a party will soon call upon you in person to advocate it.

There is no question, as I understand it, but that the witness trees for the N. W. Corner of the Mencke, the N. E. Cor. of the S. P. & the S.W. Cor. of the Contis, and the S. E. Cor. of the Newell as called for in their field notes, are in position and easily identified on the ground but the alleged vacancy is claimed on other grounds of which I am not sufficiently informed to specify.

The matter is now in litigation, and my client, the owner, desires me to protest against any ruling that might be made in favor of such vacancy.

Very truly yours,



General Land Office.

State of Texas.

Austin. Oct. 4, 1913.

J. T. ROBISON, COMMISSIONER.
J. H. WALKER, CHIEF CLERK.

Mr. Willis W. Barker,
Co. Sur. Dimmit Co.,
Carrizo Springs, Texas,
Dear Sir;

Your favors of Aug. 21st. and Sept. 16th. were duly received. Delay in answering same could not be avoided in consequence of crowded condition of the Drafting Department.

I have investigated the matter of establishing the back of S. W. boundary line of the Jesus Cardenas, eleven league grant in Dimmit and LaSalle Counties.

According to our records and patented survey No. 9, Mrs. Marilda Burleson of 811 acres in La Salle Co., the S. E. Corner of said grant is 524 varas S 76, 43 E from the northern N. E. corner of said Burleson survey in the west boundary line of I & G. N. Ry. Co. survey No. 165, a line thence N 76 43 W. to the common corner of Blas Reyes and J. Cardenas, the vacancy or unsurveyed land terminating in the east line of (confederate school) survey No. 83 Albert M. Fore. You should survey this supposed vacancy in tracts of 640 acres each. The last tract or survey could contain 700 or 800 acres. This office recognizes the Daniel line of the Cardenas survey. For your information see memorandums herewith enclosed.

Yours truly,

E. von R/SCT.

Actg. Commissioner.

GUS JEFFREY
DISTRICT AND COUNTY CLERK
DIMMIT COUNTY
TEXAS

2444

CARRIZO SPRINGS, TEXAS, Sept 16th 1913

Hon. J. J. Robison Com. Genl. Land Office
Austin Texas

Dear Sir

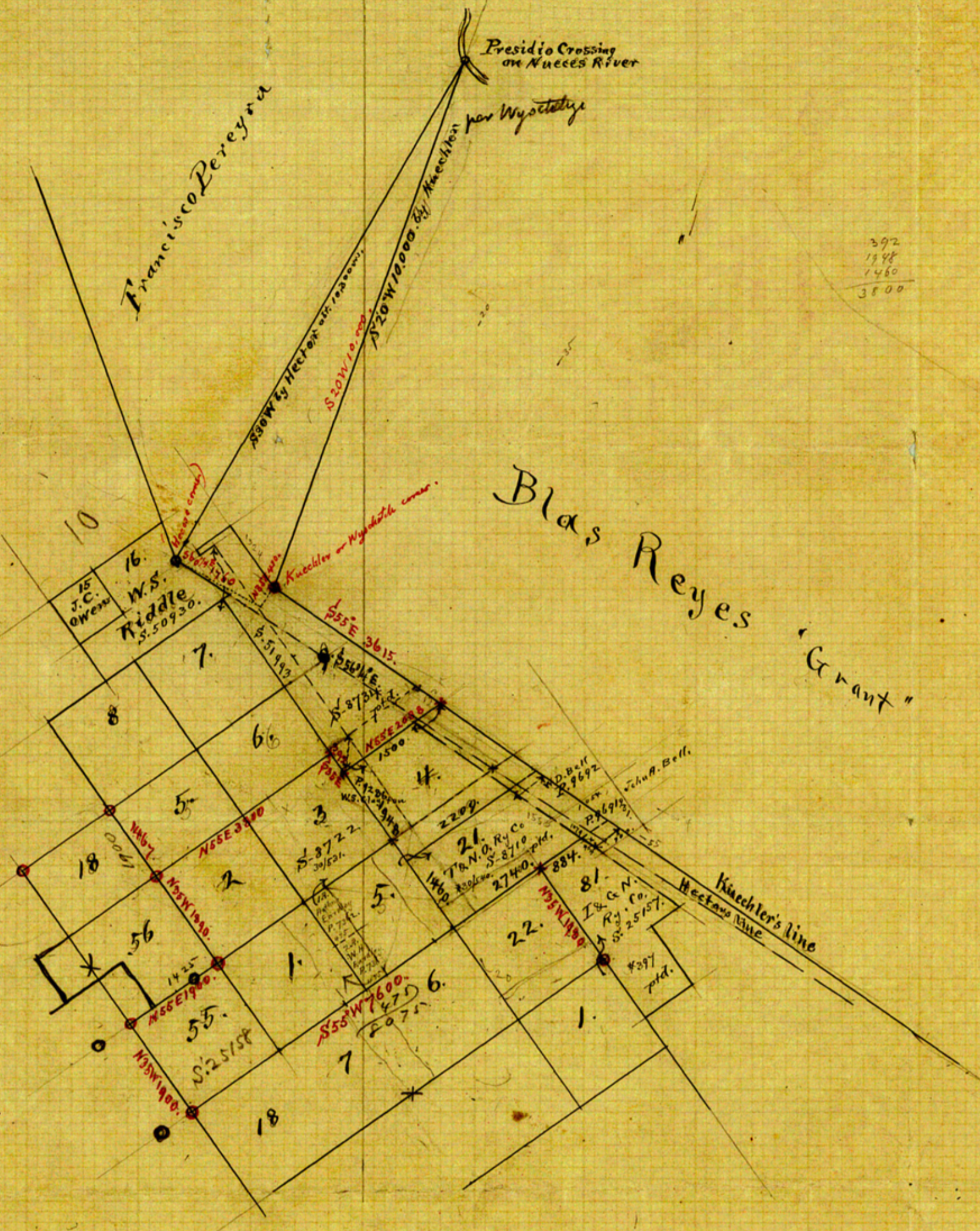
I wrote you sometime ago in regard to
an application I have for a survey of scrap land supposed
to be south of the Jesus Cardines Grant in this County
and I wanted to know just how to determine the
S. N. line of said Grant I wish you would give
me the information I ask for as soon as possible
as the time to make the survey is getting short.
So please answer me as soon as possible
and oblige

Yours Truly
Willis W. Barker
County Surveyor
N. C. Texas

Awd 10-3-1913
D. W. Prentiss

RECEIVED

SEP 19 1913



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11 Basin Grant
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(mk'd. thus 0 indicates corner found)

See letter from Surgeon M. J. Dammann
dated Feb 15/98. & sketch
and connections in letter file 461839.
See letter in P. 9286 - S-50930 & 51993.
See letter in P. 9286 and in Best.
See letter & sketch from W. W. Barker Co. Sur. in
P-7363 - dated Nov 22/95 -

(connection from Station Blas Reyes corner
to Kuechler is by J. A. Barker in S-50930)

By E. von Rosenberg copy for Dr. M. A. Taylor
Feb 10/98.

Paid 50¢