

San Antonio, Texas, Nov. 18th, 1892

Hon. W. L. McGaughey,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:-

In accordance and in conformity with your favor of the 13th of August, 1891, in reply to our letter of August 11th, 1891 (copies of both of which letters are herewith enclosed marked "Exhibit A."): We most respectfully represent that from the various data which we have been able to collect in reference to the "El Sordo" grant, and the locations surrounding the same, we believe that certain tracts of land, viz: Sections 301 and 302 upon which we have been paying rent are not properly represented upon the maps of Zapata County in your office, and that the grant of "El Sordo" lies and is situated as represented by the accompanying sketch, and data herewith submitted, with reference to the old grants of land that have been recognized by the General Land Office as valid grants and in their proper positions, and in proof of which we submit the following propositions, that there **never** was any vacant land upon which Sections Nos. 301 and 302 could be located.

FIRST.- That by Exhibit "B" herewith submitted, being the field notes of "Las Vivoritas" grant for Fco. Montalbo, it is conclusively shown that the southwest corner of "Vivoritas" which is also the northwest corner of "Palitos Blancos" is an old well known corner on the east line of "El Sordo" grant, which is proved by a line run from the southeast corner of "Palitos Blancos", a well defined and undisputed corner in the prairie of very ancient appearance being well marked by two large stones and near the point designated ~~and~~

and called "Laguna Tres Granjenas."

That in the survey for Francisco Montalvo of the grants "Las Vivoritas", the fifth call of boundary recites: "Thence south at 3897 varas the northeast corner of a survey in the name of Luis Vela and called "El Sordo" and with the west boundary of the said Vela survey (El Sordo) 13,298 varas to the northwest corner of the surveys in the name of Rafael Garza and called "Palitos Blancos" a post in stone mound for the southwest corner of this survey," making this corner a common corner of these surveys.

SECOND.- By Exhibit "C", the corrected survey of "Palitos Blancos" Rafael Garza Sais, we show that the post and stone mound called for as the southwest corner of "Las Vivoritas" is the identical corner as called for in the survey of "Palitos Blancos" as the northwest corner of the same on the east boundary of a grant called "El Sordo" and always recognized as said corner "Chapparros Prietos", which are also mentioned in the call for the northeast corner of the resurvey of five sitios of land for Antonio Silvas, known as "Las Noñas de San Domingo", which corner is a square stone bearing south 5940 varas from a corner on east line of "El Sordo" grant the northwest corner of "Palitos Blancos" and known as "Chapparrés Prietos"

THIRD.- Exhibit "D", J.J. Dix's sketch and survey sworn to shows that the said corner known as "Chapparros Prietos" and heretofore designated as (1) the southwest corner of "Las Vivoritas" and (2) the northwest corner of "Palitos Blancos" is west 10,435 varas and north 11,650 varas and west 6,236 varas from the northwest corner of "Las Animas", being also the northeast corner of "Agua Nueva de Arriba", which corner is marked by a monument of stone and mortar, being the Mojenera originally placed marking the common corner of the grants mentioned, and of a construction demanding cognizance as being of the

material recited in the calls for the said corners; the above distance of 6,236 varas being short 264 varas of the actual distance required in westing between the northwest corner of "Las Animas" and the east line of "El Sordo" grant, as per intermediate grants- thus conclusively proving that the "El Sordo" grant cannot be placed farther east from this point.

2 FOURTH.- Exhibit "E" shows the point "a pile of stones" called for as being on the east boundary line of "El Sordo" in the field notes of "Palitos Blancos" a common corner of the grants "Las Vivoritas" and "Palitos Blancos" is conclusively proved to be the point known as "Chapparros Prætos" by the field notes of the grant of "La Noria de San Domingo" in the third call of said survey these words; leaving the southwest corner of "Palitos Blancos" "thence north with the west line of said "Palitos Blancos" survey 5*760 varas to a square stone for northeast corner hereof, bearing south 5940 varas from a corner on east line of "El Sordo" grant northwest corner of "Palitos Blancos" said corner being known as "El Chapparro Prieto". Again there being an old stone at the northeast corner of "El Sordo" grant as claimed by us 9400 varas due north of this point ("Chapparro Prieto") by the Montalvo field notes undoubtedly places this ^{point} "Chapparro Prieto" beyond dispute.

Exhibit "F" shows that

FIFTH.- In the location of "El Sordo" grant, ⁱⁿ the survey of the grant to Juan Manuel Zapata, by L. Haynes, surveyor of Zapata County made on the 29-31 of October 1879, we find the first call to read: "Beginning at the northeast corner of grant El Peyote: thence east with line of tract called "Alberca Ajajo" at 3395 varas passed southeast corner of "Alberca" at 8642 varas put post on line of "El Sordo", from which a double mesquite $\equiv \equiv \equiv \equiv \equiv$ bears north 26 varas" (making the distance from southeast corner of "Alberca" grant to

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"El Sordo's" ^{west} boundary equal 5247 varas, thence south with line of "El Sordo" 8810 varas crossed "El Rendado" road 9000 varas passed corner of "El Sordo" - thus showing conclusively that the west line of the grant was fully recognized at this distance from the Southeast corner of aforesaid "Alberca" grant by Haynes.

SIXTH.- Exhibit "G" shows that on October 1, 1891 Luciano Navarro, the surveyor of Zapata County, makes a survey for connection as follows: "Field notes of a connection line XXX from the southeast corner of the "Alberca de Aajo" XXX to the west line of "El Sordo": Beginning at the southeast corner of said grant called "Alberca de Aajo" at a large stone (a good monument) being also the northeast corner of survey Number 293: thence east, with 93° degrees variation. east, At 5200 varas intersect the west line of "El Sordo" pasture fence at 5292 varas set stake. Thence north at 46 varas a mesquite tree marked \equiv (this tree shows to have been a forked tree, west branch having been cut off near the ground)"

Showing that this tree was identically the same tree as found by Haynes twelve years previously and establishing certainly the west line of "El Sordo" grant.

SEVENTH.- As to connections of "El Sordo" grant with that of "Noriacitas", there are no two connections that agree, even if made by the same surveyor, and but little dependence can be placed upon these connections as to locating "El Sordo" grant. Furthermore it is to be considered that the grant "El Sordo" was the first to be resurveyed and patented by the State, and should really be considered the initial point of that vicinity. Should "Noriacitas" be located correctly by Haynes from the northwest corner of "Vivoritas", then his connection to the southwest corner of "El Sordo" is in error, and would place "El Sordo" still further west than it now is. Should

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"Noriacitas" be correctly located by J.C. ^{Civst}~~Butt~~ from the northwest corner of "Viboritas", the error would be still greater and place "El Sordo" still further west. "Noriacitas" is a survey in no way connected with "El Sordo" or "Viboritas", or in fact with any other survey of all the numerous grants in that vicinity, and in fact has no connection with any grant, nor does it call for any other Grant excepting perhaps the grant of "El Mesquite" on the north, and the connections made at different times of "Noriacitas" with "El Sordo" do not agree and must necessarily give way to more direct connections made with adjoining tracts. The connection made by Haynes in the "Chancaca" survey (See Exhibit "F") and that made by Navarro (See Exhibit "G") twelve (12) years afterward are the same with only a discrepancy of 45 varas in distance, that can readily be accounted for in the difference of chaining by different parties, and should be considered definite as to the west boundary line of "El Sordo" grant. The Locations or Scrip surveys should not be taken as initial points from which, or by which to locate Grants, as Grants being of superior value as points of location, and of more ancient date, depend upon each other for their own locations, and Locations of Scrip, or subsequent surveys, must be governed by the locations of grants and not conflict with them.

Nov 18 "1892

Yours Respectfully
Francis Smith Co

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Original in map

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of claims and not conflict with them.
to claim, or any subsequent surveys, made or governed by the locations
made, dependent upon each other for their own locations, and locations
being of superior value as being of location, and of more recent
title being from which, only which to locate claims, as claims
claim. The locations of said surveys should not be taken as
be considered definite as to the west boundary line of the lands.

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to the west boundary line of the lands, and the location
discovered of the line in distance, and the line of the location
EXHIBIT (1) and (2) and (3) and (4) and (5) and (6) and (7) and (8)
claims, and the location of the line of the location
made with reference to the location of the line of the location
do not agree and the necessary evidence to show direct connections
connections between the claims of the location, with the location
existing between the claims of the location, on the north, and the
no connection with the location, but the location of the location

Sketch File No 20
Starr Co.

Connections filed in the
General Land Office
November 21st 1892

Wm Braullette
Chief Clerk

*See Box sketch filed
same date in Zapata Sk files*

See Zapata County Sketch
File No. 4 R.C.W.

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