

Sutton Co

36A

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No. -

No. -

File

Class

County

Certificate No.

Mgl.

See Letter Book # 1787 P. 123

" Letter to R. A. Halbert, Sonora, Pinar
dated 4/2/31 -

(36-A)
Sutton CO.

K.

See Litter Book

counter 37474

Photostat copy Working Sk
Crockett Co - dated 5/2/23
(Reduced so as to get it in one shot)

B/P. copy Sk E. by Friend - Crockett Co -
#1⁰⁰

1 Sk. 2.50
1 B/P. 1.00

3.50

1-25-31.

B. R. H.

For Mr. J. A. Simpson -
San Angelo, Tex -

Will Call

1/23/32
e

OK N.S.

counter 37475

5645

JAMES CORNELL
ATTORNEY AT LAW
SAN ANGELO, TEXAS

April 13, 1931

Mr. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

My dear Sir:

I have copy of your letter of November 21, 1930, addressed to Mr. R. A. Halbert, at Sonora, Texas, and your letter of April 4, 1931, addressed to him also, having reference to a resurvey made by Mr. J. A. Simpson which you say was made under an agreement of date January 28, 1930, signed by Mrs. J. A. Wood (should be Ward), J. A. Wood, Jr. (should be J. A. Ward, Jr.); R. F. Halbert and others; the lands, the subject of the survey, are thirteen sections and one half section in Sutton County, lying west and southwest of Sonora in Sutton County, Texas, which survey, as your letter states, was to begin at the southwest corner of Section 91, being the northwest part of Section 92, Block B, H. & W. T. Ry. Co.

I will thank you to send me a certified copy of the agreement referred to.

Mr. R. F. Halbert signed the agreement under a misapprehension; has since its date conveyed the lands and is certain, as I am, that the location assumed by Mr. Simpson for the true location of the Southwest of Section 91 and Northwest corner of Section 92 is erroneous. The Wards are demanding that the Halbert fence be removed westward to accomodate its location to that fixed by Mr. Simpson. This Mr. Halbert, and his grantee, R. F. Halbert, are unwilling to do unless required by a judgment of the court.

I am sending a carbon of this letter to Mr. J. A. Ward, Jr., one to Mrs. J. A. Ward and one to Mr. R. A. Halbert, all at Sonora.

Your prompt attention will be appreciated.

Very truly yours,

James Cornell

JC/fmt

RECEIVED
APR 22 1931

REFERRAL map

counter 37476

I

C O P Y

November 21, 1930.

Mr. R. A. Halbert,
Sonora, Texas.

Dear Sir:

This is in reference to the action of the department in approving field notes made by Mr. J. A. Simpson and issuance of patents to lands on his field notes.

It appears that for many years the department declined to issue patents on field notes that might effect hereafter the true position of the surveys as there was some question about the location. Under date of February 11, 1930, there was filed in this office what purports to be an agreement between Mrs. J. A. Ward, J. A. Ward, Jr., Fred and Joe Berger, B. M. Halbert, Arthur Simmons, R. P. Halbert and B. R. Halbert. In accordance with this agreement the signers express themselves as being satisfied with the work of Mr. Simpson and asked for its acceptance and approval by this office.

Mr. Simpson's resurvey is based on the SE corner of section 91 which is the NE corner of section 92, A resurvey by course and distance from this corner gives the position to the surveys according to the agreement mentioned. It appears that the corner in question as established by McNichols may not be where it ought to be in accordance with the original survey. As I understand it, this Block B is an office survey and is tied only to a corner at or near Ft. Torrett. Mr. McNichols simply made a resurvey and his corner would depend on whether he put it in the right place as he had no authority himself to establish a corner, as no surveyor would have accepted under an order of court.

In making a resurvey, the surveyor must follow the foot prints of the original surveyor, and in a survey of this, where there are no foot prints on the ground, the position of the sections composing the block must depend on the correctness of the course and the measurements.

The owner of a block, of course, can enter into an agreement and as between themselves fix such boundaries, but such boundaries would not be binding on the State nor on owners in the block who were not parties to the agreement. Thus, if the parties to the purported agreement should be satisfied with the survey made by Mr. Simpson it would stand as between them, but it would affect the rights of any other persons, or the true and correct position of other surveys. *would not*

The agreement was not acknowledged and is not recorded, but I cannot undertake to pass on the extent of its binding force on those who are parties to it.

Very truly yours,
J. H. WALKER
Commissioner.

JHW/t

counter 37477

C O P Y

GENERAL LAND OFFICE

State of Texas

Austin

April 4, 1931.

Mr. R. A. Halbert,
Sonora, Texas.

Dear Sir:

Answering your letter of March 6th, in the nature of a protest against the resurvey of corrected field notes of a number of surveys made by J. A. Simpson for Mrs. J. A. Wood and J. A. Wood, Jr., which you say have been recently recorded in the county surveyor's records of Sutton county, beg to advise that on March 23rd, this department received from Mr. Simpson, licensed land surveyor, corrected field notes of 13 whole sections and 1 half section of land, made for the persons named above and located in that part of Block B HE&WT Ry. Co., lying West of the town of Sonora in Sutton County.

If these are the field notes you refer to, will say that they appear to be in accordance with a resurvey of that part of said block under an agreement on file in this office dated Jan. 28, 1930, signed by Mrs. J. A. Wood, J. A. Wood, Jr., R. F. Halbert and others, claiming to be the owners of the several sections set opposite their names respectively, which includes the surveys covered by the above mentioned corrected field notes.

In view of this agreement, I can see no reason why these corrected field notes may not be filed. However, inasmuch as you say that you have proposed to Mrs. Wood the institution of a friendly suit to fix the corners and boundaries, the filing of these field notes will be deferred for a reasonable time in order to give all parties concerned an opportunity to be heard.

Very truly yours,

(Signed) J. H. WALKER

Commissioner

SCC:emb

cc: J A Simpson, San Angelo
J A Wood, Jr., Sonora
Mrs. J A Wood, Sonora.

RECEIVED

SEP 3 - 1935

REFERRED TO MAP

J D Fields

No 361

In the District Court of

vs

Sutton County, Texas.

Geo S Allison.

March Term A D 1915.

On this day the 31st day of March A D 1915, this cause being regularly reached and called for trial came the plaintiff J D Fields in person and by attorney and came the defendant G S Allison in person and by attorneys and the parties, plaintiff and defendant, in open court stated to the court that they had agreed upon the following boundaries in dispute, towit:

It is agreed that the lines hereinafter stated shall be the boundary lines between the plaintiff J D Fields and G S Allison.

BEGINNING at the South west corner of Section 10, Blk B, HE&WT RR Co, said corner of section being the corner of the East and West and North and South line of the woven wire wolf proof fence of the defendant, G S Allison.

THENCE North with the line of said South and North fence about 7600 vrs to the point on said fence $138\frac{1}{2}$ vrs South of the four wire fence of J D Fields now standing which was erected more than twenty years ago.

THENCE due West about 5700 vrs to the North West corner of Survey 59, Block B, HE&WT Ry Co.

It is therefore ordered adjudged and decreed by the Court that the lines above set out and agreed upon by and between plaintiff and defendant here in are the boundary lines between the plaintiff and defendant as to Sections 11-26-46 and 61 owned by plaintiff and Sections 62-45-27 and 10 owned by defendant, all in Block B, HE&WT RR Co, and the boundary lines between Sections 61-60-59 owned by plaintiff and sections 7-8-10 owned by defendant and said lines are and have been declared to be the true and correct boundary lines between the plaintiff and defendant as herein set out. It is further ordered adjudged and decreed by the court that the plaintiff J D Fields pay all costs in this behalf incurred for which execution may issue.

Recorded in Vol 2, page 22, District Court Minutes,
Sutton County, Texas.

counter 37979

OFFICIAL DIRECTORY

G. F. JONES, COUNTY JUDGE
O. C. FISHER COUNTY ATTORNEY
J. R. HEWITT, SHERIFF
JESSE T. COUCH, DISTRICT CLERK
R. M. HANKS, TAX COLLECTOR
SQUIRE BOONE, TAX ASSESSOR
J. M. HARPER, TREASURER
J. A. SIMPSON, CO. SURVEYOR
T. W. PARKER, CO. SUPERINTENDENT
JAS. B. KEATING, COUNTY CLERK
R. L. ARMSTRONG, COUNTY AUDITOR

TOM GREEN COUNTY



SAN ANGELO, TEXAS

TERMS OF COUNTY COURT
FIRST MONDAY IN JANUARY, APRIL,
JULY AND OCTOBER

COUNTY COMMISSIONERS

H. C. DANIEL, PRECINCT No. 1
P. O. SAN ANGELO
J. S. JOHNSON, PRECINCT No. 2
P. O. VERIBEST
JAKE Z. HARPER, PRECINCT No. 3
P. O. WATER VALLEY
E. E. FOSTER, PRECINCT No. 4
P. O. KNICKERBOCKER

6580

April 19, 1931

General Land Office
Austin, Texas.

Gentlemen:- Please advise me if the corrected field notes that I sent you some time back for Mrs. J. A. Ward and J. A. Ward, Jr. have been filed.

Mr. and Mrs. Ward do not intend to enter into any friendly suit with Mr. Halbert to settle the boundary line between them and Mr. J. A. Ward, Jr. informs me that he has written you to that effect.

You failed to send me a blue print of Mr. Saunders survey of Blk. B. Sutton County. Please send me this at once.

Respect. yours,
J. A. Simpson

4-23-31

APR 22 1931

REFERRED TO MAP

counter 37481

C

OFFICIAL DIRECTORY

G. F. JONES, COUNTY JUDGE
O. C. FISHER COUNTY ATTORNEY
J. R. HEWITT, SHERIFF
JESSE T. COUCH, DISTRICT CLERK
R. M. HANKS, TAX COLLECTOR
SQUIRE BOONE, TAX ASSESSOR
J. M. HARPER, TREASURER
J. A. SIMPSON, Co. SURVEYOR
T. W. PARKER, Co. SUPERINTENDENT
JAS. B. KEATING, COUNTY CLERK
R. L. ARMSTRONG, COUNTY AUDITOR

RECEIVED AS STAM GREEN COUNTY
MAR 23 1931
J. D. HEDICK, Receiver
GENERAL LAND OFFICE
SAN ANGELO, TEXAS



TERMS OF COUNTY COURT
FIRST MONDAY IN JANUARY, APRIL,
JULY AND OCTOBER

COUNTY COMMISSIONERS

H. C. DANIEL, PRECINCT No. 1
P. O. SAN ANGELO
J. S. JOHNSON, PRECINCT No. 2
P. O. VERIBEST
JAKE Z. HARPER, PRECINCT No. 3
P. O. WATER VALLEY
E. E. FOSTER, PRECINCT No. 4
P. O. KNICKERBOCKER

\$14.00
only ch net

March 20, 1931

General Land Com.

Austin, Texas

Dear Sir:- I am enclosing 14 sets of corrected field notes made for Mrs J. A. Hays and her son J. A. Jr. Please file these. I am also enclosing her check for \$14⁰⁰/_{xx} to cover the filing fee.

This land as was B. M. Halberts run out from the N.W. corner of Sec. 85 which is the N.W. corner of the town of Sonora. All of the land owners in Blk. B, West of Sonora signed a statement accepting this survey with the exception of F. Baker who owns surveys 144, 129, 128, 113, 112 & 97 Blk. B, he has not been asked to sign, however his fences conform to my survey and not Mr. Saunders. The Frisco R.R. Co. owns Sec. 94, their fences conforms to my survey and E. Shursey who owns Secs. 96, 95, 98, 111, 110 & 99 Blk. B I understood he said he would sign such an agreement, his fences conform with my survey.

F Within this whole area there is only counter 37482

RECEIVED TO
MAR 23 1931
REMITTANCE CORP.

6390

OFFICIAL DIRECTORY

G. F. JONES, COUNTY JUDGE
 O. C. FISHER COUNTY ATTORNEY
 J. R. HEWITT, SHERIFF
 JESSE T. COUCH, DISTRICT CLERK
 R. M. HANKS, TAX COLLECTOR
 SQUIRE BOONE, TAX ASSESSOR
 J. M. HARPER, TREASURER
 J. A. SIMPSON, Co. SURVEYOR
 T. W. PARKER, Co. SUPERINTENDENT
 JAS. B. KEATING, COUNTY CLERK
 R. L. ARMSTRONG, COUNTY AUDITOR

TOM GREEN COUNTY



SAN ANGELO, TEXAS

Br

TERMS OF COUNTY COURT
 FIRST MONDAY IN JANUARY, APRIL,
 JULY AND OCTOBER

COUNTY COMMISSIONERS

H. C. DANIEL, PRECINCT NO. 1
 P. O. SAN ANGELO
 J. S. JOHNSON, PRECINCT NO. 2
 P. O. VERIBEST
 JAKE Z. HARPER, PRECINCT NO. 3
 P. O. WATER VALLEY
 E. E. FOSTER, PRECINCT NO. 4
 P. O. KNICKERBOCKER

three miles of fence which does in anyway conform to Mr. Saunders survey and that is the East line of R. F. Halbert Secs. 132, 131 & 130 same being the West line of Mrs. J. A. Ward Secs 125, 126 & 127 Blk. B.

Mr R. F. Halbert agreed to accept my survey and says he is still willing to do so but his son Robt. is not.

Please send me a blue print of Mr. Saunders survey of Blk. B. I looked it over when I was in the land last and it showed a conflict between Blk. B lying East of Sonora and adjoining Blk. on East.

Respect. yours,

J. A. Simpson
 P. O. Box 559

OFFICIAL DIRECTORY

ALVIS JOHNSON, COUNTY JUDGE
J. D. LOWREY, COUNTY AND DISTRICT CLERK
B. W. HUTCHERSON, SHERIFF AND TAX COLLECTOR
GEO. J. TRAINER, TAX ASSESSOR
MRS. A. J. SMITH, COUNTY TREASURER
E. C. SAUNDERS, COUNTY SURVEYOR
H. P. STOCKTON, JR., COUNTY HIGHWAY ENGINEER
S. H. STOKES, JUSTICE OF THE PEACE, PREC. NO. 1
JOE F. LOGAN, COMMISSIONER, PREC. NO. 1
ROY HUDSPETH, COMMISSIONER, PREC. NO. 2
THOS. A. BOND, COMMISSIONER, PREC. NO. 3
C. T. JONES, COMMISSIONER, PREC. NO. 4



SONORA, TEXAS

Jan 28, 1930.

Mr J H Walker, Land Commissioner,
Austin, Texas.

Dear Sir:

Mr J A Simpson has been doing some surveying for us in Block B, H E & W T Ry Co in Sutton County, west of Sonora, as per Mr Robinson's and your instructions to Mr E C Saunders, and B M Halbert on their visit to the land office in October 1928.

Viz: To commence at the Northwest corner of Section 85, and the Northeast corner of Section 92, in said Block, made by John McNicol and run our lands out.

We know and believe the work of Mr Simpson is correct and satisfactory to all of us, and we ask for its acceptance and approval. Each of us owning the lands in Block B set opposite our respective names:

Respectfully,

71
Wm J. A. Ward Sections 92^{E $\frac{1}{2}$} , 101, 93, 100, 109, 116, 125, 126, 115, 127, and 114.

J. A. Ward Jr. Sections W $\frac{1}{2}$ 101, 108, 117, 118, 107.

Fred & Joe Berger Sections 102, 91, Part 86.

B. M. Halbert Sections 122, 123, 124, 133, 134, 135, 138, 139, 140.

Arthur Simpson Sections 121, 136, 137,

R. F. Halbert Sections 132, 141, 142, 131, 143, ~~150~~ 130 130

B. M. Halbert Sections 119, 106, 103, & 90.

Hold under contract to purchase from H.P. Cooper Estate subject to approval of title and Probate Court

RECEIVED

FEB 1 1 1930

REFERRED TO
counter 37484

L

1802
212

28

JAMES CORNELL
ATTORNEY AT LAW
SAN ANGELO, TEXAS

May 5, 1931

Hon. J. H. Walker,
Land Commissioner,
Austin, Texas.

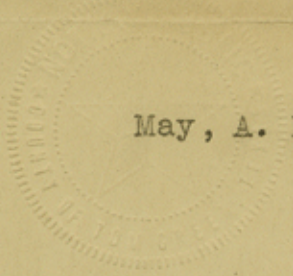
Dear Sir:

In looking over copy of the letter written to you by Mr. Simpson, of March 20, 1931, I notice that Mr. Simpson states that all the owners of the land had approved and agreed to accept his work except R. A. Halbert, my son. This is incorrect. I never have agreed to the work that has been done, except with the understanding that it is correct. Mr. Frank Baker also does not agree and we would be pleased to have you suggest some surveyor, other than Mr. Simpson, to do that work.

The surveyor should commence at Fort Terrett and run out the lines of Block B and Block C, and I further wish that you would withdraw my name from the article that I signed, which is in the form of a letter sent to you on January 28th, 1930. I signed this with the understanding that the work was correct.

Yours respectfully, *R. F. Halbert*

Subscribed and sworn to before me this 5th day of
May, A. D. 1931.



Flora Tegart
Notary Public, Tom Green County, Texas.

MAY 6 - 1931

REFERRED TO MAP

counter 37485

ack'd
5-15-31
m D.C.C.

1836

TOM GREEN COUNTY

OFFICIAL DIRECTORY

G. F. JONES, COUNTY JUDGE
 O. C. FISHER, COUNTY ATTORNEY
 FRANK VAN COURT, SHERIFF
 JESSE T. COUCH, DISTRICT CLERK
 R. M. HANKS, TAX COLLECTOR
 F. E. PARKER, TAX ASSESSOR
 J. M. HARPER, TREASURER
 J. A. SIMPSON, Co. SURVEYOR
 T. W. PARKER, Co. SUPERINTENDENT
 JAS. B. KEATING, COUNTY CLERK
 R. L. ARMSTRONG, COUNTY AUDITOR



TERMS OF COUNTY COURT

FIRST MONDAY IN JANUARY, APRIL
 JULY AND OCTOBER

COUNTY COMMISSIONERS

COKE WESTBROOK, PRECINCT No. 1
 P. O. SAN ANGELO
 J. S. JOHNSON, PRECINCT No. 2
 P. O. VERIBEST
 JAKE Z. HARPER, PRECINCT No. 3
 P. O. WATER VALLEY
 E. E. FOSTER, PRECINCT No. 4
 P. O. KNICKERBOCKER

SAN ANGELO, TEXAS

615W(2nd) 162

May 19, 1934

Flw/101+108 returned

Blk B

Secs - 93-100-101-107-108-109-114-115
 116-117-118-125-126-127

Mr. J. H. Walker
 Austin, Texas.

Dear Sir:- In the case of R. F. Halbert et al vs Mrs. J. A. Ward et al. I am enclosing a certified copy of District Court judgment and the Mandate from the Supreme Court.

As I remember you are holding several sets of corrected field notes made by me on Mrs. J. A. Ward and John Ward land in Blk. B. Sutton County. you would not file these field notes until this case was settled in the Courts. I think Mr. R. F. Halbert protested the filing of them at that time and you wrote Mrs. Ward or myself that you would hold them until the case was settled.

Please notify me when they are approved and filed.

RECEIVED

MAY 21 1934

Respect yours,

J. A. Simpson
 County Surveyor

REFERRED TO MAP

counters 37486

E

THE STATE OF TEXAS

TO THE DISTRICT COURT OF SUTTON COUNTY, GREETING:

Before our Court of Civil Appeals for the Seventh Supreme Judicial District of Texas, on the 24th day of May A D 1933, the cause upon error, to revise or reverse your judgment between R F Halbert et al, Plaintiffs in Error, No 4036, and Mrs J A Ward et al, Defendants in Error, was determined; and therein our said Court made its order in these words:

"This cause came on to be heard on the transcript of the record, and the same being inspected because it is the opinion of the court that there was no error in the Judgment, it is therefore considered, adjudged and ordered that the Judgment of the Court below be in all things affirmed; that the plaintiffs in error R F Halbert and R A Halbert and their sureties Dan Cauthorn and O L Richardson, pay all costs in this behalf expended, for which let execution issue, and this decision be certified below for observance."

WHEREFORE, we command you to observe the order of our said Court of Civil Appeals for the Seventh Supreme Judicial District of Texas, in this behalf, and in all things to have it duly recognized, obeyed and executed.

WITNESS THE Honorable R W Hall, Chief Justice of our said Court, with the seal thereof annexed, at the City of Amarillo, this the 16th day of April A D 1934.

/Seal/

J M Oakes, Clerk
Nell Loy Stone, Deputy.

ENDORSEMENTS:

No 4036.

MANDATE
Court of Civil Appeals
For the Seventh Supreme
District of Texas, Amarillo.

R F Halbert et al
vs
Mrs J A Ward et al

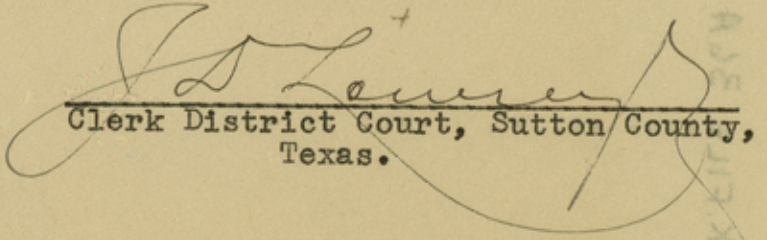
Issue April 16, 1934.
J M Oakes, Clerk,
Nell Loy Stone, Deputy.
To Sutton County.
Your No 776.

The State of Texas

County of Sutton

I, J D Lowrey, Clerk of the District Court in and for Sutton County, Texas, do hereby certify that the above and foregoing is a true and correct copy of MANDATE, styled R F Halbert et al, Plaintiff in Error, No 4036 vs Mrs J A Ward et al, defendants, in Error, as the same now appears on file in my office among the papers of said Cause.

Given under my hand and seal of office this 17 day of May
A D 1934.


Clerk District Court, Sutton County,
Texas.



MONARCH, A. A. G. B. A. No. 88428

RAISED AND OWNED BY
J. A. WARD & SON

J. A. WARD & SON

RANCHO BLANCO

SONORA, TEXAS

6 3770

1798
534
4/4/31

Sonora, Texas
April 7, 1931.

RECEIVED

APR 8 - 1931

REFERRED TO MAP

Mr. J. H. Walker,
Austin, Texas.

Dear Sir:-

I have copy of your letter to Mr. R. A. Halbert dated April 4th 1931 to hand.

In behalf of my mother Mrs. J. A. Ward and myself I ask you to please accept the field notes made by Mr. J. A. Simpson for us on our lands in Block B Sutton Co. west of Sonora. This survey conforms with the work of John M. Mical by whose work our town and ranches

c

counter 37489



MONARCH, A. A. G. B. A. No. 88428

RAISED AND OWNED BY
J. A. WARD & SON

J. A. WARD & SON

RANCHO BLANCO

SONORA, TEXAS

En

were laid out, including that of R. F. Halbert, also journey made by Mr. J. A. Dimpson in January 1930 for Mr. R. F. Halbert and B. M. Halbert whose lands adjoin ours.

I do not understand the attitude of Mr. R. A. Halbert in trying to induce his father R. F. Halbert to withdraw from and ignore the agreement which they had us to join them in, Jan. 28, 1930.

We are not going to have any friendly suit to fix the boundaries of our lands. We wish them to stand by the work of John McNeil

counter 37490

63



J. A. WARD & SON

RANCHO BLANCO
SONORA, TEXAS

MONARCH, A. A. G. B. A. No. 88428

RAISED AND OWNED BY
J. A. WARD & SON

and for a long time as they have
stood in the past and by our
agreement which was satisfactory
to all parties concerned and submitted
to your office for file on Jan. 28
1930. Please let me know if you
desire any further information
on this matter. Thanking you
we beg to remain

yours truly.
J. A. Ward, Jr.
Mrs J. A. Ward, Sr

c2

counter 37491

H

4798

334

4991

R. A. HALBERT

BREEDER OF

POLLED HEREFORD CATTLE, ANGORA GOATS AND RAMBOUILLET SHEEP

APR 13 1931

REFERRED TO

SONORA, TEXAS. April 11 1931

Mr. J. H. Walker
Austin Tex

Dear Sir:

I just returned from a trip out of the state, and find your letter of the 4inst here in which you say that you are willing to give me a reasonable amount of time to be heard from.

I have this much to say, if the Wards do not care to settle this in a friendly way it will have to be settled the other way.

I have not seen any of the Wards since I got home, I phoned out there this morning but they were not at home or at the house I should say.

If these lands are moved west as Mr. Simpson survey moves them then naturally the lands south and ^{counter} 37992

H₂

R. A. HALBERT

BREEDER OF
POLLED HEREFORD CATTLE, ANGORA
GOATS AND RAMBOUILLET SHEEP

SONORA, TEXAS. _____ 192 _____

North should move as the section corners should check. I don't think that you can skip the sections with out moving my neighbors land that is south of me and if it is moved it will take a large part of Mr. Pucketts home stead.

In my conversation with Mr. Ward several days ago he said that he did not want to go to Court with this because if the line moved east instead of west he did not want to disturb his neighbors or that he was afraid that they would not give up the land.

I want to get this settled in the right way, we can get the line as it should be between us and that is all I am concerned about, I am not interested in how much land he gets off of his neighbors.

Do you have a surveyor that you can recomend to do this work? I would ^{counter} 37993

H3

R. A. HALBERT

BREEDER OF

POLLED HEREFORD CATTLE, ANGORA
GOATS AND RAMBOUILLET SHEEP

SONORA, TEXAS, _____ 192_____

likes to have a man that you know
will do the work so that there will
be no here after to the work.

I will send your letter to my
father at San Angelo who signed
the agreement and at that time was the
owner of the land which joins Ward
land on the west, at present I own 1/2 interest
in the land.

I understood you to say and also
understand by your letter of Nov. 21, 1930
that this agreement did not have any
thing to do with the true corner that
it was only to say that we were satis-
fied with Mr. Simpsons work so far
as B. M. Halberts land was concerned.

Of course if he is satisfied to give up his
land and move west that is his business
but as I understand you that does not effect the
location of the other lands.

M² I will see a lawyer and the Ward's room. very truly yours
R. A. Halbert 37999

R F HALBERT, ET AL

No. 776.

IN THE DISTRICT COURT

VS

SUTTON COUNTY, TEXAS

MRS J A WARD, ET AL

MARCH TERM, 1932.

JUDGMENT

FILED MAR.
26, 1932

On the 26th day of March A D 1932, the same being a day of a regular term of this court, came on in due order to be heard and considered the above styled and numbered cause, and came the parties plaintiff in person and by attorney, and also came the defendants in person and by attorneys, and all parties having announced ready, a jury to-wit: T W Sandherr and eleven others were duly selected, empannelled and sworn to try this case, thereupon the pleadings were read, and the evidence introduced, the court recessing from day to day until this the 29th day of March, A D 1932, when all parties having announced in open court that they had concluded the introduction of testimony, and closed the case, then came on to be heard and considered the motion of the defendants that the court instruct the jury to return a verdict herein in their favor, and the court being of the opinion that said motion was well taken, the same was thereupon granted.

Whereupon in pursuance of the instructions of the court, the jury then and there returned into court their verdict as follows, to-wit:

"We the jury find for the defendants, Mrs. J A Ward, and J A Ward, Jr.

T W Sandherr
Foreman

It is therefore considered, ordered and adjudged and decreed by the court that the plaintiffs, R F Halbert and R A Halbert, take nothing by their suit herein, and that the temporary injunction heretofore granted in this cause be, and the same is hereby dissolved and plaintiffs prayer that said injunction be made permanent be and the same hereby is denied.

It is further ordered, adjudged and decreed by the court that the defendant, Mrs. J A Ward, do have and recover of and from the plaintiffs, R. F. Halbert and R. A. Halbert.

Nos 125, 126, and 127 located by virtue of certificates Nos. 165, 166 in Block B, H E & W T Ry Co lands in Sutton County, Texas, described by metes and bounds as follows:

Beginning at a point set for the N E Corner of section 125, Block B, and the SE corner of section 124, Block B, said point being located 1900 varas south and 7600 varas west of the NW corner of section 85, Block B, H E & W T Ry Co lands as established by J. S. McNicol, which said beginning point is at a rock mound marked SE 124-S, whence a 6" live oak marked \bar{x} bears N $51\frac{1}{4}^{\circ}$ E 8.4 vrs and a live oak marked \bar{y} (16") bears N 37° W 52.2 vrs, and an 18" live oak marked \bar{z} bears N $38^{\circ} 20'$ W 53.2 vrs. Thence west 1900 vrs to a point marked by a set rock in a rock mound whence a 12" live oak bears S $60^{\circ} 13'$ W 125 vrs and a fixed rock bears N $83\frac{3}{4}^{\circ}$ E $4\frac{1}{2}$ vrs, the same being the northwest corner of survey No 125, Block B, and the northeast corner of survey No 132, Block B, thence S 1900 vrs to a rock mound marked NW 126-S whence a 10" live oak bears S $53\frac{3}{4}^{\circ}$ W 88 vrs, and a fixed rock bears S $83^{\circ} 1/8$ E 11.4 vrs. Thence East 1900 vrs, to a rock mound for the southeast corner of survey No 125, thence North 1900 vrs to the place of beginning, containing 640 acres of land and being Survey No. 125, said block B, H E & W T Ry Co, original grantee.

Beginning at a point a rock md marked NW 126-S whence a 10" live oak bears S $53\frac{3}{4}^{\circ}$ W 88 vrs, and a fixed rock bears S $83^{\circ} 1/8$ E 11.4 vrs, set for the Northwest corner of survey No. 126, and the southwest corner of sur. No. 125, thence S 1900 varas to a rock md mkd SW 126-S for the southwest corner of this survey, whence a 6" live oak bears S $33^{\circ} 40'$ E $19\frac{1}{2}$ vrs, and a 6" live oak bears N 67° E 26.8 vrs; thence East 1900 vrs to a point for the southeast corner of this survey; thence north 1900 varas to a point, the southeast corner of survey No 125, this block, for the northeast corner of this survey; thence west 1900 varas to the place of beginning, containing 640 acres of land, and being survey No 126, said Block B, H E & W T Ry Co.

original grantee.

Beginning at a rock md marked SW 126-S the southwest corner of survey No 126, Block B, for the northwest corner of this survey, whence a 6" live oak bears S 33° 40' E 19 1/2 vrs, and a 6" live oak bears N 67° E 26.8 vrs, thence South 1900 varas to a rock mound marked 127-S whence an 8" live oak bears N 78 3/4 E, 42.4 vrs, and a 14" live oak bears S 60 1/2° E 67 1/2 vrs. Thence East 1900 varas to a rock md marked SE 127-S for the southeast corner of this survey from which a fixed rock bears S 18 3/4° E 10.1 vrs and a fixed rock bears N 65 1/2° E, 10.2 vrs; thence North 1900 vrs to a point for the northeast corner of this survey, same being the southwest corner of survey No. 126, block B, thence West 1900 varas to the place of beginning, containing 640 acres of land and being survey No. 127, Block B H E & W T Ry Co., Original Grantee.

For all of which the said Mrs J A Ward may have her writ of possession.

It is further ordered, adjudged and decreed by the court that the said Mrs. J. A. Ward do have and recover of and from the plaintiffs R. F. Halbert and R. A. Halbert, jointly and severally the sum of \$46.00 with interest thereon from this date at the rate of 6% per annum as a reasonable rental for the 338 acres of land unlawfully held and used since Jan 28, 1930.

It is further ordered, adjudged and decreed by the court that the defendant John A Ward, Jr., take nothing.

It is further ordered by the court that the defendants, Mrs. J. A. Ward and J. A. Ward, Jr., do have and recover of and from the plaintiffs, R. A. Halbert and R. F. Halbert, all costs in this behalf expended for which they may have their execution.

It is further ordered by the court that execution may issue in favor of the officers of the court against each of the parties for all costs by them respectively incurred.

To all or which the plaintiffs then and there in open court excepted and gave notice of appeal to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, sitting at San Antonio, Bexar County, Texas.

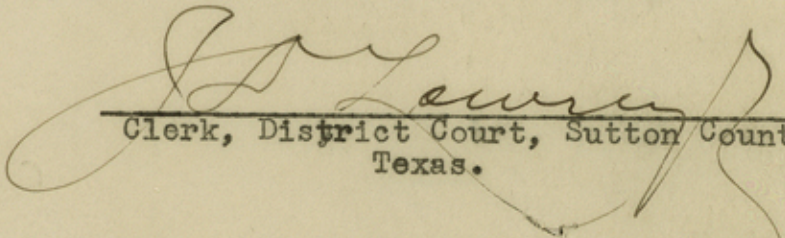
Joe G. Montague, Judge Presiding.

The State of Texas

County of Sutton

I, J D Lowrey, Clerk of the District Court in and for Sutton County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Judgment in Cause No 776, R F Halbert et al vs Mrs J A Ward et al, as the same now appears of record in my office in Vol 3, page 447, District Court Minutes of Sutton County, Texas, and now on file in my office among the papers of said cause.

Given under my hand and seal of office this 17th day of May A D 1934.


Clerk, District Court, Sutton County,
Texas.

(36A)
SK. FILE 36A

A

Copy of Judgement
Cause No 776 Sutton
Co. Dist. Ct.
Mch. term 1932.

counter 37499

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The Devil's River News

Published in Sonora, Texas --- "The Capital of the Stockman's Paradise"

VOLUME XLI

SONORA, SUTTON COUNTY, TEXAS, FRIDAY, APRIL 1, 1932

NUMBER 22

Court Instructs Verdict for Wards in Boundary Suit

Meckel Wins in Road Case; Both Are Appealed

An instructed verdict in favor of Mrs. J. A. Ward and John Ward, jr. in a suit to determine ownership was returned by a jury in 112th district court here Thursday. The case was styled R. F. Halbert et al, vs. Mrs. J. A. Ward et al, and its purpose was to determine ownership of a strip of land 3 miles long and comprising about 350 acres, lying between the two ranches west of Sonora.

Title of the land affected, which is now in the Halbert pasture, was in doubt because of discrepancy in former surveys establishing original section corners. The McNichol survey, completed in the early 90's was run by the county surveyor to locate the section corners on which Sonora was built. Later, the line was re-surveyed by E. C. Saunders, present county surveyor. According to the Saunders survey, the corner was several hundred varas east of the McNichols corner. The land was later surveyed by J. A. Simpson, San Angelo, based on the McNichols corner.

In the case of W. L. Davis et al vs. Ben F. Meckel in which the plaintiffs sought to prevent the

(Continued on page 4)

County Is Ready for Road Project to Begin at Once

Right-of-Way Agreements Satis-

Boosts Garner



Silliman Evans of Fort Worth, who has been named national director of publicity for the John N. Garner campaign for the presidency. Evans was named last week because of his long experience as a publicist and will direct the campaign from Dallas, the city selected for state headquarters.

Sonora Nine Trims Eldorado; Locals Shine at Barnhart

Baseball Game Ends in 5-3 Victory for Broncs; Friess Wins 420-yard Dash

Sonora athletes did right well by themselves last week-end in their engagements in baseball at Eldora-

City Clean-up Begins Monday

Lowrey & Wilson Ranch Traded for Pecos Co. Tract

Contracts Signed with J. T. Sellman, Who will Move to Ranch in This County

The Lowrey & Wilson ranch of 8,320 acres in the eastern part of Sutton county has been traded for 31,303 acres of Pecos county land belonging to J. T. Sellman of San Saba. Contracts have been signed and the completion of the deal awaits approval of titles.

In the trade, Mr. Sellman bought all of the stock now on the ranch in this county at an unannounced figure. He will move to the ranch here, and plans to build a modern home and otherwise improve the property. Mr. Sellman at present operates a ranch near Cherokee in San Saba county.

The Pecos county ranch, 20 miles northwest of Sheffield, is under lease for three and a half more years to G. R. White of Brady and J. T. Baker of Fort Stockton. At the end of that time Lowrey and Wilson expect to stock the place.

Mr. Sellman secured the Pecos county ranch several years ago in a trade whereby Mr. White got a portion of the original Dick Sellman ranch in San Saba and McCulloch counties. For the last several years White & Baker have operated it under lease.

Mr. Sellman will likely sell his San Saba county ranch and transfer all of his interests to the ranch in this county. He is married and has two small children.

Elections Mark

PROCLAMATION

The week of April 3 to 9, inclusive, has been designated as **SPRING CLEAN-UP WEEK.**

There are many reasons why the Spring Clean-up Campaign this year should receive the enthusiastic support of every man, woman and child. **FIRST**, because a city that is clean and beautiful creates cheer and banishes gloom. Cheer produces courage and confidence, and no doubt, most of us are badly in need of both of these attributes at this particular time. **SECOND**, because every dollar in property destroyed by fire, which so frequently is the result of "careless" house-keeping in the home and in the average place of business, is a serious drain upon our present economic condition. **THIRD**, because every job created in connection with a clean-up campaign not only develops better fire protection, but supplies better sanitation and public health. It creates an atmosphere of encouragement.

Now, therefore, I, Roy E. Aldwell, mayor of the city of Sonora, do hereby designate the week of April 3 to 9, inclusive, as Spring Clean-up Week and most respectfully call upon all departments of the city, the civic clubs, patriotic clubs and our people in general, to take an active part in this clean-up campaign.

I further designate the fire marshal and fire chief as a committee of two to work with the city officials in promulgating active committees to carry on this campaign and as the co-operation of all of our people in this enterprising campaign for a clean city.

In testimony whereof, I hereto sign my name and seal of office, this the 29th day of March, 1932.

ROY E. ALDWELL, Mayor,
Sonora, Texas.

ATTEST:
George E. Smith, City Manager.

Five Additions to Church Result of Pre-Easter Revival

Methodist Special Services Ended Sunday with Gratifying Results; Pastor Preached

Five additions to the membership and revival of interest on the part of the congregation resulted from

EVALUATION WORK WILL BE FINISHED NEXT WEEK

George H. Ehrenborg and his staff of engineers will likely complete the evaluation survey of Sonora property next week, Mr. Ehrenborg announced Thursday. All that remains to be done is completion of the block map of the city and compilation of evaluation data.

All property has been surveyed dimensions taken and evalu-

Sonora Joins Nation-Wide Campaign Beginning Monday

A clean-up drive to be waged in Sonora in conjunction with a nation-wide movement from the 4th until the 9th of April has been announced. Mayor Roy E. Aldwell issued a proclamation this week designating the period a clean-up week in Sonora, and asking the co-operation of all Sonora citizens in cleaning and fixing up the town.

The movement has been given the endorsement of the various civic organizations and clubs, including the Lions Club, the Sutton County Board of Health, the Adult Health Club, the Women's Club, the Parent-Teachers' Association, and other organizations.

The school will co-operate in spreading publicity on the event impressing on the town the week's importance.

The city commission has made plans to provide trucks on the last two days of next week to haul away all rubbish and trash which cannot be burned. George E. Smith, city manager, has requested that all residents of the town have their premises cleaned early in the week, burning as much of the trash as possible, stacking the remainder, preferably in old sacks or other containers, where it can be readily secured by the truck drivers.

Mohair Men Wait Action Till 10th of April on Pool

Co-op Representatives Attend Par-

counter 37500

The Devil's River News

GEORGE BAKER - - - - Editor and Owner
 W. E. James - - - - - Associate Editor

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Any erroneous reflection upon the character, standing or reputation of any person, firm or corporation will be cheerfully corrected upon being brought to the attention of the editor.

WHERE IS GARNER NOW?

Now that Roosevelt has 24 delegates in Minnesota, 8 in New Hampshire, 9 in North Dakota, 16 in Washington, 6 in Alaska, and 28 in Georgia, or a total of 91, where does all this leave John Garner?

On the face of things it indicates that he is far the rear and that Roosevelt is sweeping up the rest of the country, carrying all before him.

However, nothing has happened contrary to the schedule in the Roosevelt program, but the same is true of Garner. For that matter, California is promised to Garner with what appears some likelihood of his getting it. If that be so, and if we grant that he gets Texas, they will total 90 votes, or one less than Roosevelt's 91.

Roosevelt is going into the convention with more delegates than Garner will have. In fact, Roosevelt will have pretty nearly half, if not fully half of the delegates at the convention. Roosevelt will have to be "stopped" before Garner becomes really a candidate at all. Garner is no stop-Roosevelt man and must not be put in that position by his friends.

All this merely comes to this: Garner is in a better position than when his name was first mentioned. His conduct in Congress has not diminished his prestige in the least and his failure to hold Congress to the details of the bi-partisan tax bill is not in any sense to his discredit. On all points at issue between the two parties, where party responsibility can be fixed, Garner has held the Democrats in line. The narrowness of his margin of control over the Republican minority is such as to make his success so far as he has succeeded, remarkable through—Dallas News.

Court—

(Continued from page 1)

closing of a road running through the Meckel pastures, a second instructed verdict was returned in favor of the defendant. This case was originally tried here, with the decision favoring the plaintiff. It was appealed to the Court of Civil Appeals and the decision reversed. The case was returned for re-trial.

Notice of exception and appeal to the Court of Civil Appeals of the 4th Supreme Judicial District, sitting in San Antonio, was filed in both the land case and the road suit.

The Davis-Meckel case was first tried here in September, 1930. The Halbert-Ward case was filed for the September term of court, 1921, but was continued to the present term.

Hearing in the two cases was started last Friday, and they were tried concurrently, with time allowed the lawyers in both to prepare their evidence.

The case of Mamie E. Clarkson et al vs. the Wool Growers' Central Storage Company, trespass to try title, as well as for damages, was continued until the next term.

In the suit of the United States Acceptance Corporation vs. Mrs. Birdie Rutledge for judgment on a chattel mortgage, the court's judgment was returned in favor of the defendant, with plaintiff recovering personal property and paying costs of the court.

A hearing of plea of privilege filed by the Security Trust Company of Austin was set for September 5, 1932. Sutton county is suing the trust company for \$3,500 forfeit money allegedly due because of failure of the defendant to complete a contract with the county.

Hearing was started Thursday in the case of W. H. Hill et al vs. American Angora Goat Breeders' Association et al, suit for damages.

Cases of the state against Jerry Moore, charged with forgery, were changed to read State of Texas vs. Joe Fields. Two charges were continued and the defendant was released on \$500 bond.

Tol Rutledge, West Texas Pioneer, Dead

Father of the Late Hugh Rutledge Buried in Sherwood Sunday

Funeral services for Tol R. Rutledge, 75, long-time resident of Sherwood, Texas, and father of the late Hugh Rutledge, Sonora, were held from the home in Sherwood at 3:30 o'clock Sunday afternoon. Mrs. Birdie Rutledge, accompanied by her son-in-law and daughter, Mr. and Mrs. Jack Wardlaw, attended the funeral.

Coming to Coleman County in 1875, when West Texas was still the home of the Indian, bad man, and buffalo, Mr. Rutledge operated a ranch at Brady Creek in McCulloch County from 1876 to 1884. He came to Tom Green County and settled eight miles from Sherwood, on the Middle Concho in 1884. In 1891 he established his Irion County ranch which he operated until his retirement in 1925. Until 1913 he ran cattle exclusively, and thereafter he entered the sheep business.

In his youth, Mr. Rutledge made two trips up the cattle trail to Elgin, Kansas. For four years he served as sheriff of Irion County.

The son of W. P. Rutledge, who served as a captain under Sam Houston during the Mexican War, Tol Rutledge was born in Washington County, Texas, September 21, 1856.

Survivors include the widow; four sons, W. P. Rutledge, former county judge of Irion; T. C. Rutledge, former San Angelo; out now of Loving County, W. B. Rutledge of Irion County and Rolly Rutledge; and four daughters, Mrs. Leslie Lake of Los Angeles; Mrs. Henry Clark of Sherwood, Mrs. Arthur Tolson of Resford, N. Y., and Miss Irene Rutledge of Sherwood.

Allison Gets Aberdeen Bulls
 George S. Allison recently bought five Aberdeen-Angus bulls from Sam Hill, Tierra Alta. The bulls were hauled to Sonora Tuesday and placed on the Allison ranch east of Sonora.

Bronchos—

(Continued from page 1)

plate, showing good form in turning to Fields, who was on the at second and caught several trying to steal.

The Kerr boys, Billy and did the catching of pitching Eldorado. Luther Barber was umpire.

Saturday the Bronchos entered the Barnhart meet against a petition of strong Class A high school points, and placed fifth in points, leading all of the other high schools including Eldorado, Ozona, Big Lake and Sherwood.

Harold Friess did a great when he out-stepped the far-Tack Dennis, high point man meet and Big Spring mainst a thrilling 440-yard race. event was the only one in Dennis entered without coming first place.

Big Spring led in total points with 52½, with Ballinger, Sargelo and Midland trailing. Sargelo scored 13 points, compared Ozona's 12½, Eldorado 7, Big 4 and Sherwood 2.

Other points were won by S in the following events: by Cl Pharis, third in the 120-yard hurdles; by Kring who won second in the 220-yard dash and third the 100-yard dash.

Troy White won second in 100-yard dash in the junior event.

P.-T. A. Easter Sale Successful

The Easter sale of Easter and cakes and candies held by Parent-Teacher Association Saturday at the Gilmore Hardware Company's store, resulted in an addition of about \$10 to the organization treasury, it was announced.

Firemen to Meet Wednesday

The Sonora Fire Department members will meet Wednesday evening of next week at 7 o'clock in the offices of George Smith, city manager, in regular monthly business meeting, for aiding in the city-wide cleanup drive will be discussed.

Favor Humans—Manpower Is Cheapest Now

counter 37501