

In the Circuit Court of the United States,
in and for the Western District of Texas, at San
Antonio. Friday, November 20th A.D. 1897

No. 519

James H. Pratt + John Hays, Trustees
vs.

Frank Fragier et al.

Thursday, November 19th 1896

On this date the above numbered and
styled Cause coming on for trial came the
plaintiffs and defendants by their attorneys
of record, and announced ready for trial.

Thereupon the plaintiffs in open Court said
that they would dismiss and not further prosecute
this suit as to the defendants James Fragier, W.V.
Bell, John Bell, Ed. English and William English,
wherefore ought said defendants to go hence without
day, and recover of and from the defendants herein,
James H. Pratt and John Hays, Trustees, all
costs by them incurred, for which let execution issue.

That thereupon the other parties defendant
having herein first disclaimed any right, title
or interest in and to any other portions of the
Francisco Pereyra Grant than that covered by the
Joseph Mencke survey, proceeded to trial; and there-
upon came a jury of good and lawful men, con-
sisting of Lee Kilgore and eleven others, who,
being duly empanelled and sworn to try this
Cause, and having heard the evidence and argu-
ment of Counsel herein, retired to consider of their
verdict, and thereupon returned the following
verdict to-wit:

We, the jury, find for the plaintiff, and further
find that the land claimed by the defendants Fragier
et al., is covered by and embraced within the
boundary lines described by the Surveyor's written
report and map showing said lines, filed in this case,

and claimed by the plaintiff.

(Signed) Lee Kilgore, Foreman.

Wherefore ought the plaintiffs to recover of the defendants the property hereinafter described.

It is, therefore, ordered, adjudged and decreed by the Court the plaintiffs, James H. Pratt and John Hays, Trustees for John Hays, The Carlyle Deposit Bank, a Corporation organized under the laws of Pennsylvania, Christian Lange, James H. Pratt and John F. Coas, do recover of and from the defendants Frank Frazier, James Frazier, W. W. Barker, M. W. C. Frazier, Meta Granaw and her husband H. F. Granaw, Charlotte Mencke, Theodore Mencke, Mary L. Hoak, Amelia Mencke, Sophia Mencke, Emma Raensch and her husband Fritz Raensch, Henry Mencke, Bertha Sanders and her husband C. J. Sanders, August Schenck, L. Schenk, Lisetta Schenk Rosenberg and her husband Otto V. Rosenberg, Martha Sabbath and her husband August Sabbath, Joel Bettis, Jim Bettis, John Bettis, Henry Bettis, and C. A. Mencke, the premises described in the verdict of jury as the land covered and embraced by the Joseph Mencke Survey and known as the Francisco Pereyra Eleven league Grant, to-wit:

Beginning at the crossing of the Mucos River where the road from Bejar to Presidio crosses, and on the right (or west) margin of said River.

Set stake on right margin of said River from which stake a Live Oak 36" dia. bears N. 36 1/2 degrees W. 39 varas. An Elm 24" dia bears S. 75 1/2 degrees W. 31 1/2 varas. An Elm 18 dia. bears S. 35 degrees W. 8 varas, all of which are marked X Thence S. 30 degrees 30' W. (with a variation of 9 degrees 03' E) at 90 varas top of Piney bank, at 306 varas Live Oak Lake, at 564 1/2 vrs. Carrizo Creek.

520 W

at 8909³ vrs. Cotulla Road. at 9693 vrs. McCaleb's pasture
fence 105 vrs. N. 19 $\frac{1}{2}$ degrees W. from Corner set by O. H. Hector
in A.D. 1880, for S.W. Cor. of this grant. at 9900 vrs. branch
10,000 vrs. set mes. Stake for South-West Corner of this grant
from which Stake a 5 pronged mesq. 10" dia. brs. N. 0 $\frac{1}{2}$ degree
E. 4 $\frac{4}{5}$ vrs. a 2 pronged mesq. 10" dia. brs. N. 3 $\frac{1}{2}$ degrees E.
12 $\frac{2}{5}$ vrs. a 3 pronged mesq. 6" dia. brs. S. 8 $\frac{1}{2}$ degrees E.
4 $\frac{1}{2}$ vrs. —

Thence N 19 degrees 35' W. at 153 vrs. branch, at
722 $\frac{1}{2}$ vrs. centre of Cotulla road, at 2546 $\frac{1}{2}$ vrs. the
South-West Corner of John Moreland Sur. No. 6,
bears N 42 degrees E. 85 $\frac{3}{5}$ vrs. (the original Cor. of
this J. Moreland Sur. found and identified by
its bearings) at 2897 $\frac{1}{2}$ vrs. Cross Carrizo Creek, at 3637 $\frac{1}{2}$
vrs. Carrizo Springs and Noalde Road, at 4002 $\frac{1}{2}$ vrs.
the North line of John Moreland Sur. No. 6. 330 vrs.
from its N.W. Cor. (identified by its bearings),
at 4500 varas Salt Creek, at 5687 varas edge of
Lake Spencita, at 5719 varas across lake, at 5897 $\frac{1}{2}$
vrs. the North line of the Joseph Mencke Senr. Sur.
No. 260 $\frac{1}{4}$, 62 $\frac{3}{4}$ varas N. 70 E. of its North-West Corner,
said Corner established by running the lines
from the original N.W. and S.E. Corners of
the J.M. Conti Survey, both of said Corners
being found on the ground and identified by
their bearings. — At 15189 vrs. E. boundary
line of Dimmit and Zavalla Counties —
at 18,832 vrs. South edge of "Commanche" Lake,
at 18,941 vrs. North side of "Commanche" Lake,
at 27388 vrs. "Pato" Creek, at 27,500 vrs. set a
Stake for N.W. Corner of this grant from which
a 3 pronged mesq. 12" dia. brs. N 52 degrees W.
19 $\frac{1}{2}$ vrs. a 4 pronged mesq. 12" dia. brs. S. 51 $\frac{3}{4}$
degrees W. 24 varas. a 2 pronged mesq. 12" dia. brs.
S. 24 degrees E. 19 $\frac{1}{5}$ vrs. Said Corner being 254

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varas N. $19\frac{1}{2}$ degrees W. and 143 varas E. $46\frac{1}{4}$ degrees W.
from the N.E. Cor. of W. D. Thompson Sur. no. 15 and
South-East Cor. of L. J. Blair Sur. no. 14. —

Thence N. 46 degrees 30' E. at 143 varas "Pato" Creek
at 9080 varas well at Windmill.

10,000 varas North-west bank of Nueces River, a Live
Oak 30" dia. for N.E. Corner marked $\overline{\text{AXFP}}$ from which
a leaning Live Oak 10" dia. bns. S. $15\frac{1}{4}$ degrees E. 7 vrs.
a forked Live Oak 15" dia. bns $34\frac{3}{4}$ degrees E. 20 varas.
And especially that part of the Joseph Mencke Survey
shown by said report to be in conflict with said
grant and described as follows:

Beginning at a point N. 70 degrees E. $62\frac{3}{4}$
vrs. from its N.W. Cor. —

Thence N. 70 degrees E. 16814 vrs. to its N.E.
Cor. set stake from which a 3 pronged mesq.
10" dia. bns. S 44 degrees E 4 vrs. A 4 pronged
mesq. 10" dia. bns. N. $6\frac{1}{2}$ degrees W. $9\frac{3}{5}$ varas.

Thence S. 20 degrees E. 2070 vrs. set stake for
its South-East Corner from which a mesq. 12" dia.
bns. N. $42\frac{1}{4}$ degrees E. $2\frac{1}{5}$ vrs. A mesq. 9" dia.
bns. S $52\frac{1}{2}$ degrees W. $8\frac{3}{5}$ vrs. MKd. $\overline{\text{X}}$.

Thence S. 70 degrees W. 1699 vrs. Grant line.

Thence N. 19 degrees 35' W. 2070 vrs. to beginning.

For which the plaintiffs, James N. Pratt and
John Hays, may have their writ of Possession.

It is further ordered, adjudged and decreed
by the Court that the plaintiffs recover all costs
in this behalf expended, for which let execution issue.

United States of America)

Western District of Texas)

O, D. H. Hart, Clerk of the Circuit Court
of the United States, in and for the Western
District of Texas, at San Antonio, hereby
certify that the above and foregoing on one

Should be preserved with grant line is N 30° 30' E (var. 9° 3' E)

page and a fraction of a page contains a true and correct copy of the decree in Cause No. 579, James H. Pratt and John Hay, Trustees, vs Frank Frazier et al., as the same appears of record in my office.

Witness my hand and the seal of the Circuit Court at Office, in the City of San Antonio, Texas, this the 28th day of October A.D. 1897

Seal

D. H. Hart, Clerk,

By A. Grossbacher, Deputy.

Endorsed - No 579. In the Circuit of the United States, in and for the Western District of Texas, at San Antonio. James H. Pratt and John Hay, Trustees vs Frank Frazier et al - Certified Copy of Decree. Issued October 28th, 1897. D. H. Hart, Clerk

THE STATE OF TEXAS,

County of Dimmit } I, J. B. Gibson Clerk
of the District Court of Dimmit County, Texas, do hereby certify that
the foregoing is a true and correct copy of the original copy now on file
in this office

now on file in said Court.

Given Under my Hand and the seal of said Court, at office in Carrizo Springs
this 13th day of July 1901

J. B. Gibson Clerk,
By _____ Deputy.

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counter 71361

Mrs. Goanau } In the District Court
vs } No 184 } of Summit County Texas
Prall & Hays Trustees } Tuesday Nov 16 1897

On this day the above numbered and styled cause coming on for trial cause the parties by their attorneys of record and announced ready for trial - and thereupon came on to be heard the defendants exceptions to the Plaintiffs first amended original petition filed herein on the 3rd day of Oct 1897 and the court having heard the argument of counsel thereon and fully understanding same is of the opinion that the law is with the defendants and that the same ought to be and the said exceptions is hereby sustained and the Plaintiffs having declared to amend the Court is of the opinion that the Plaintiffs ought not to recover against the defendants herein. It is therefore ordered adjudged and decreed that the Plaintiffs Mrs. Goanau, Charlotte Muencke, Theodor Muencke, Mary & Hoak, Amelia Muencke, Sophia Muencke, Emma Romsch, Fritz Roensch, Harry Muencke, Bertha Saunders, August Schenk, & Jakob, Corretta Schenk Rosenberg, Otto Rosenberg, Martha Sabath, Aug Sabath, Joe Bettis, Jim Bettis, John Bettis, Harry Bettis, C. A. Muencke, take nothing by their suit against the defendants James H. Prall and John Hays as trustees, and that said defendants James H. Prall and John Hays as trustees, go hence without day and recover of and from the Plaintiffs Mrs. Goanau, Charlotte Muencke, Theodore Muencke

Mary L Hoak, Amelia Menckr, Sophia Mencke,
Fritz Rorusch, Arny Menckr, C J Sanders,
August Schenck, J L Schenck, Otto Rosenberg
August Sabath, Joe Bettis, Jim Bettis
John Bettis, Arny Bettis, C A Menckr,
all costs in this behalf incurred for
which let execution issue. It is
further ordered that no execution
issue against Emma Raesche, Bertha Saunde,
and Letitia Schenck Rosenberg and Martha
Sabath they being married women

The State of Texas
County of Dimmit } I, J. B. Gibson, Clerk of
the District Court in and for Dimmit
County, Texas, do hereby certify the foregoing
one page and part of a page to be a true and correct
copy of a decree as appears on the minutes of the
District Court in this office, Book 2 pages 262 + 263.
Witness my hand and seal of office at Carrizo
Springs, this 13th day of July, A.D. 1901

J. B. Gibson
Clerk Dist. Court Dimmit
County, Texas.

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Zavalla Sketch File
Box 1 18,

SF 1633
3-7084
5-8748

Decree Circuit
Court U.S. in Wes-
tern Dist San Anto
Defining boundaries
of Francisco Poreyra
11 Sea Grant -

Filed in Genl. Land
Office 7/19/1901
Charles Rogan
Comm. Genl. Land Office

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