

No 1

NUECES CO. RLD. SK. NO 36

(FLAT FOLDER 1948)

PADRE ISLAND

THE STATE OF TEXAS

VS

ALBERTO BALLI, ET AL

CAUSE NO 20,707-B.

JAN. 15, 1942. DISTRICT COURT OF NUECES CO.

117 JUDICIAL DIST. OF TEXAS

PHOTOSTATIC COPY OF FIELD NOTES BY J. STUART BOYLES

COPY OF JUDGEMENT

counter 47617



Tract # 1

File # M. A. 33721

38,639 acres

Appl. to lease

By F. P. Dayvault  
Appl. pending

Cameron County

Bounded on the north by the north line of Cameron Co. and the south  
line of Willacy County.  
Bounded on the east by the Gulf of Mexico  
Bounded on the south by Port Isabel Ship Channel  
Bounded on the west by Laguna Madre

Tract # 2

File # M. A. 33722

55417 acres

Appl. to lease  
By F. P. Dayvault  
Appl. Pending

"Being that portion of Padre Island"

Bounded on the north by the north line of Willacy County and the  
south line of Kenedy County  
Bounded on the east by the Gulf of Mexico  
Bounded on the south by the south line of Willacy County and the  
north line of Cameron County.  
Bounded on the west by Laguna Madre

Tract # 3

File # M. A. 33723

44580 acres  
Kleberg County

Appl. to lease  
By F. P. Dayvault  
Appl. pending

"Being that portion of Padre Island"

Bounded on the east by the Gulf of Mexico  
Bounded on the west by the Laguna Madre  
Bounded on the north by the north line of Kleberg County  
and the south line of Mueces County  
Bounded on the south by the south line of Kleberg County and  
the north line of Kenedy County.

Tract # 4

File # M. A. 33724

15957 acres  
Nueces County

Appl. to lease  
By F. P. Dayvault  
Appl. Pending

"Being that portion of Padre Island"

Bounded on the north by Corpus Christi Pass  
Bounded on the east by the Gulf of Mexico  
Bounded on the south by the south line of Nueces County and on the north  
Bounded on the west by Kleberg County,

Tract # 5

File # 33725

187340 acres  
Kenedy County

Appl. to lease  
By F. P. Dayvault  
Appl. Pending

"Being that portion of Padre Island"

Bounded on the north by the north line of Kenedy County and the south  
line of Kleberg County  
Bounded on the east by the Gulf of Mexico  
Bounded on the south by the south line of Kenedy County and the north  
line of Willacy County  
Bounded on the west by Laguna Madre

See certified copy of Answer and Cross Action of  
Hector Crandall (within)

*State vs. Balli, 190 SW 2d 71*

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CAUSE NO. 20707-B

NO. 1  
NAME  
THE STATE OF TEXAS vs ALBERTO BALLI, et al



NO. 20707-3

THE STATE OF TEXAS

vs.

ALBERTO BALLI, ET AL

I

I

I

IN THE 117th DISTRICT COURT

OF

NUECES COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the interveners named in the attached Plea of Intervention, which is attached to and made a part hereof for all purposes, and respectfully requests the Court for permission to file and prosecute this their Plea of Intervention herein.

CLONER, BEZONI AND WILSON  
Tyler, Texas

*Neal Powers*

NEAL POWERS  
Tyler, Texas,  
Attorneys for Intervenors



NO. 20707-3

THE STATE OF TEXAS	§	IN THE 117TH DISTRICT COURT
vs.	§	OF
ALBERTO BALLI, ET AL	§	NUECES COUNTY, TEXAS

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PLEA OF INTERVENTION

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TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES F. P. Dayvault, a resident of the State of Texas, but temporarily sojourning in the State of Louisiana; R. B. Hoover, a resident of the County of Bexar, State of Texas; Emory Wiley, a resident of the County of Dallas, State of Texas; Ben B. Scott, a resident of the County of Hunt, State of Texas, each of whom file this Plea of Intervention for themselves, individually, and for the benefit of their assignees to whom they have assigned various undivided interests; Glenn O. Briscoe, Wright Titus, a resident of Dallas County, Texas, J. A. Bracken, Neal Powers, E. B. James, J. C. Hawkins, M. A. Kline, Sam J. Kline, Arthur Squyres, C. C. Crews, P. H. Lipstate, and K. Hughes, the latter likewise filing this Plea of Intervention and prosecuting this suit individually and in behalf of assignees to whom he has assigned undivided interests, all of whom reside in Smith County, State of Texas; W. M. Smith, S. H. Casteel, and A. M. Hendrickson, all of whom reside in the County of Tarrant, State of Texas, and with leave of the Court, first had and obtained, file this Plea of Intervention and Bill of Complaint and represent to the Court that they are each interested in the subject matter and controversy in the above entitled and numbered suit and have a cause of action against the parties thereto as more particularly hereinafter set out, to-wit:

1.

Interveners admit each and all of the allegations contained in Plaintiff's Original Petition filed in this cause on February 9, 1940, and Plaintiff's First Amended Original Petition subsequently filed herein and in such connection attaches hereto and makes a part hereof a copy of Plaintiff's First Amended Original Petition, adopting the same and particularly that



portion thereof complaining of the acts and trespasses of the defendants therein named as fully and completely to all intents and purposes as if said Plaintiff's First Amended Original Petition was copied verbatim in the body hereof.

Your interveners would further show unto the Court that F. P. Dayvault, one of the interveners hereinabove named did on May 31, 1937, in Nueces County, Texas, and on June 22, 1937, in Kleburg County, Texas, on May 28, 1937, in Kenedy County, Texas, on May 29, 1937, in Willacy County, Texas, and on May 29, 1937, in Cameron County, Texas, apply and file application for survey of vacant lands situated in all of said counties, claiming the same to be a vacancy and known as Padre Island, said vacancy bordered in its entirety as follows:

On the North by Corpus Christi Pass; On the East by the Gulf of Mexico; On the South by Port Isabel Ship Channel; On the West by Laguna Madre, and comprising by estimation in the aggregate of 341,933 acres of land more or less, all situated in the counties above mentioned.

Your interveners would further show unto the Court that all the land described in such applications and in the surveys subsequently filed with the Commissioner of the General Land Office and described in Plaintiff's First Amended Original Petition was and is vacant and unsurveyed school land belonging to the State of Texas and having, under the laws of the State of Texas, been set apart and dedicated to the Permanent School Fund of the State of Texas.

Interveners would further show unto the Court that subsequently to the filing of said applications by the said Dayvault, a survey of said land was made by a licensed State Land Surveyor, and on the \_\_\_\_\_ day of \_\_\_\_\_ 1937, said report of said surveyor was filed with the Commissioner of the General Land Office of the State of Texas in the office of the General Land Office of the said State, together with complete field notes of said land and a map thereof, together with application of the said F. P. Dayvault for the purchase of an oil, gas, and mineral lease on all of said land with a request directed to the Commissioner of the General Land Office and to the State of Texas and the proper offices thereof that an oil, gas and mineral lease be issued to him as the discoverer of said land as vacant



unsurveyed school land within the boundaries of the State of Texas, and in such connection your interveners and each of them allege that each and all acts and things required under the laws of the State of Texas and specified under said laws as necessary to be done as a prerequisite to entitle your interveners and particularly F. P. Dayvault to have issued to him and to his assignee herein an oil, gas and mineral lease covering said land as provided by and according to terms and conditions of the laws of the State of Texas, have been done.

Your interveners would further show unto the Court that thus far no action has been taken by the Commissioner of the General Land Office or by the School Land Board or by the State of Texas on the application of your interveners to purchase an oil, gas and mineral lease on the land herein described and as described in Plaintiff's First Amended Original Petition, except to receive and file said application and field notes, but that as aforesaid on the 9th day of February, 1940, the State of Texas, acting through its duly elected, qualified and acting Attorney General of the State of Texas, and suing for and on behalf of said State and for and in behalf of the Permanent School Fund of the State of Texas, instituted its suit against the defendants in said Plaintiff's First Amended Original Petition named, constituting all the adverse claimants to said land, for the title and possession thereof and is more particularly set out in said Plaintiff's Original Petition and Plaintiff's First Amended Original Petition, both adopted and made a part hereof as aforesaid, and that since said time, there has been and is now pending in the District Court of Hueces County, a suit involving the question of whether the land so described in Plaintiff's Original Petition and Plaintiff's First Amended Original Petition, all of which is covered by your interveners application for an oil, gas and mineral lease thereon, is vacant, and for the purpose of litigating the question of whether or not such land or a part thereof exists as vacant unsurveyed school land, and your interveners here and now join the State of Texas in the prosecution of such suit for the purpose of establishing such facts and in conjunction with the State of Texas and the Permanent School Fund of the State of Texas, alleges that such land is vacant unsurveyed school land belonging to the State of Texas and that the defendants in such suit and each of them unlawfully entered upon said premises and unlawfully withhold said lands and premises from the Plaintiff and from your interveners, and particularly



does your interveners allege that the defendants aforesaid unlawfully withhold from your interveners their oil, gas and other minerals, and particularly that proportion thereof and the rights accruing under the oil, gas and mineral lease, which interveners have made application to purchase from the State of Texas and the Permanent School Fund thereof, and are unlawfully interfering with and preventing interveners from acquiring the title to, and possession of an oil, gas and mineral lease covering said land and premises and this a plea of intervention is filed and is being prosecuted for the purpose of litigating the question of the existence of a vacant unsurveyed area and the question of whether or not the land described in the applications of F. P. Dayvault for survey as above mentioned and described in the field notes filed in the General Land Office in the State of Texas and described in Plaintiff's Original Petition and Plaintiff's First Amended Original Petition constitutes a vacant unsurveyed area and a part of the public school lands of the State of Texas, and for the further purpose of litigating and determining the question of whether or not your interveners are entitled to and should be awarded an oil, gas and mineral lease thereon, and your interveners pray that in addition to the issues raised by the plaintiff herein and any other issues that may be raised by the plaintiff herein that this honorable Court try and determine the issues of boundary, title and ownership to the whole of Padre Island, including that portion thereof described in Plaintiff's Original Petition and Plaintiff's First Amended Original Petition, as well as the issue or issues of the preference right of your interveners to have issued and awarded to them an oil, gas and mineral lease covering said land, a portion of which is located within the County of Nueces and State of Texas.

WHEREFORE, your interveners pray that a certified copy of this, their Plea of Intervention, including the Plaintiff's Original Petition and Plaintiff's First Amended Original Petition, filed herein by plaintiff, together with such other process that may be necessary, be served upon the Attorney General of the State of Texas and upon the Commissioner of the General Land Office of the State of Texas and that upon a hearing hereof the plaintiff, the State of Texas, suing for itself and in behalf of the Permanent School Fund of the State

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have judgment for the title and possession of the said above described land and premises, and for damages as prayed for and writ of possession and restitution and for costs of suit and for such other and further relief, general and special, in law and in equity to which plaintiff may be justly entitled, and that in addition thereto your intervenors have judgment for and be decreed to have the preference right to purchase an oil, gas and mineral lease on said land and for such other orders, judgments, decrees and awards to which your intervenors may be entitled, for costs of suit and for such other and further relief, general and special, in law and in equity, to which intervenors may be entitled.

GLOVER, BEZONI & WILSON  
Tyler, Texas

*Neal Powers*  
NEAL POWERS  
Tyler, Texas,  
Attorneys for Intervenor



THE STATE OF TEXAS		IN THE 117TH DISTRICT COURT
vs.		of
ALBERTO BALLI, ET AL		NUECES COUNTY, TEXAS

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas suing for itself and in behalf of and for the benefit of the Permanent School Fund of the State of Texas, and being represented herein by Gerald C. Mann, the duly elected, qualified and acting Attorney General of the State of Texas, and with leave of Court first had and obtained, files this, its First Amended Original Petition in lieu of its original petition heretofore filed herein on February 9, 1940, complaining of the following named defendants, whose places of residence where known are set forth hereinbelow and whose places of residence where not set forth hereinbelow are unknown to the plaintiff and to its Attorney General as aforesaid, to-wit:

1. Alberto Balli, of Travis County, Texas;
2. D. H. Ainsworth, of Matagorda County, Texas;
3. W. S. Ainsworth of Nueces County, Texas;
4. Antonia Cavazos de Alguin, a feme sole, whose place of residence is to the plaintiff unknown;
5. Eva McCampbell Anderson and husband, T. A. Anderson of Nueces County, Texas;
6. Alice B. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
7. Edwin B. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
8. Richard W. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
9. Elizabeth A. Baldwin, whose place of residence is to the plaintiff unknown;
10. Angela Balli, whose place of residence is to the plaintiff unknown;
11. Antonio Balli, of Bexar County, Texas;
12. Bernardo Balli, Jr., whose place of residence is to the plaintiff unknown;
13. Candida G. Balli, of Cameron County, Texas;
14. Emilio Suarez Balli, of Hidalgo County, Texas;
15. Esteban Balli, of Cameron County, Texas;
16. Federico Balli, of Duval County, Texas;
17. Francisco Balli, whose place of residence is to the plaintiff unknown;
18. Guadalupe Balli, of Travis County, Texas;
19. Guadalupe Balli and husband, Santos Garcia, of Jackson County, Texas;



20. Isabella Balli, of Cameron County, Texas;
21. Isabella Balli, whose place of residence is to the plaintiff unknown;
22. The unknown heirs of Jesus Balli, deceased, and whose places of residence are to the plaintiff unknown;
23. Jesus Balli, whose place of residence is to the plaintiff unknown;
24. John Jose Balli, of Cameron County, Texas;
25. Jose Balli, also known as Jose Joaquin Balli, whose place of residence is to the plaintiff unknown;
26. Josefina Balli and husband, Isidoro Cortez, whose place of residence is to the plaintiff unknown;
27. Jose Maria Balli, of Cameron County, Texas;
28. Leonor Balli, whose place of residence is to the plaintiff unknown;
29. Manuel Balli, whose place of residence is to the plaintiff unknown;
30. Manuela Balli, whose place of residence is to the plaintiff unknown;
31. Maria Concepcion Balli, Harlingen, Texas;
32. Nicolas Balli, who resides somewhere in the State of California, but whose specific place of residence is unknown to the plaintiff;
33. Olivia Balli, of Lavaca County, Texas;
34. Primitive Balli, of Cameron County, Texas;
35. Rosa Balli, whose place of residence is to the plaintiff unknown;
36. Doc Barker, of Aransas County, Texas;
37. Paul L. Bethki and wife, Fannie Griegg Bethki, of Leavenworth County, Kansas;
38. William Robert Bowdoin, of Bexar County, Texas;
39. Unknown heirs of Joseph G. Bowen, deceased, and whose places of residence are to the plaintiff unknown;
40. Mrs. Joseph G. Bowen, of Mobile, Alabama, individually, and as executrix of the estate of Joseph G. Bowen, deceased;
41. Ike Bollack, of Brownsville, Texas;
42. Nellie Rino Brown and husband, Wilbur Brown, whose place of residence is to the plaintiff unknown;
43. Bullman of Aransas County, Texas;
44. M. M. Laffoon Butler and husband, J. S. Butler, of Eastland County, Texas;
45. Raymond Burleson, of Nueces County, Texas;
46. Angela Elisa Grisanti vda de Carrasco, of Piedras Negras, Coahuila, Mexico;
47. Ella Wheeler Carter, a feme sole, of Nueces County, Texas;
48. Francisco Cavazos, whose place of residence is to the plaintiff unknown;
49. Narciso Cavazos, whose place of residence is to the plaintiff unknown;
50. Refugio Cavazos, formerly wife of Amalio Perez, but now a feme sole, whose place of residence is to the plaintiff unknown;
51. Trinidad Cavazos, whose place of residence is to the plaintiff unknown;
52. Victoriana Cavazos, a feme sole, whose place of residence is to the plaintiff unknown;
53. Juana Balli de Castillo and husband, Ambrosio Castillo, of Duval County, Texas;
54. Mrs. Ethel Caywood and husband, H. E. Caywood, of Gregg County, Texas;
55. Maria Suarez de Charles and husband, Jose Charles, of Cameron County, Texas;
56. R. M. Clark of Jasper County, Missouri;
57. Heirs of Thomas B. Clubb, whose places of residence are to the plaintiff unknown;
58. W. E. Callahan of the City of St. Louis and State of Missouri;
59. William John Conaway, of Bexar County, Texas;



60. Dolores Grisanti de Davilla and husband, Rafael Davilla, of Piedras Negras, Coahuila, Mexico;
61. G. C. Dawson, Attorney, Matagorda County, Texas;
62. Estate of A. D. Dickinson, Jr., deceased, Cameron, Texas;
63. P. F. Dornay, Individually and Attorney-in-Fact for Mrs. Elizabeth Havre, of Cameron County, Texas;
64. Burton Dunn of Nueces County, Texas;
65. Burton Dunn and Edward R. Kleberg, individually and as executors of the estate of P. F. Dunn, deceased, Nueces County, Texas;
66. Juana Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
67. Antonia Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
68. Lucinda Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
69. Gregorio Garcia Estrada, a minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
70. Candida Maria Garcia Estrada, of Matamoros, Mexico;
71. Mrs. Nina J. Fauth and husband, Albert Fauth, of Eastland County, Texas;
72. Unknown heirs of J. G. Fernandez, deceased, and whose places of residence are to the plaintiff unknown;
73. Anna McCampbell Fore and husband, Clyde Fore, of Nueces County, Texas;
74. E. R. Fry, of Hidalgo County, Texas;
75. Adelaida Garcia de Garcia and husband, Tomas Garcia, of Matamoros, Mexico;
76. Alberto Garcia, of Matamoros, Mexico;
77. Alberto Garcia, of San Luis Potisi, Mexico;
78. Eduardo Garcia, of San Luis Potisi, Mexico;
79. Elvira Garcia, of Matamoros, Mexico;
80. Eugenia Villareal vda de Garcia, of Cameron County, Texas;
81. Fidela Garcia, of Cameron County, Texas;
82. Fideal de los Santos Garcia de Garcia, a feme sole; both individually and as next friend of her minor daughter, Lucinda Garcia, of Cameron County, Texas;
83. Guadalupe Garcia, of Cameron County, Texas;
84. Ludinda Garcia, of Cameron County, Texas;
85. Lucinda Garcia, a minor, of Cameron County, Texas;
86. Paula Estrada de Garcia, a feme sole, individually and as next friend of her minor children, to-wit, Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada and Gregorio Garcia Estrada, all of Matamoros, Mexico;
87. Petro Garcia, of Matamoros, Mexico;
88. Primitivo Garcia, of Cameron County, Texas;
89. Reynaldo Garcia, of San Luis Potisi, Mexico;
90. Rafael Garcia, of San Luis Potisi, Mexico;
91. Santos Garcia, husband of Guadalupe Balli, of Jackson County, Texas;
92. Frederic N. Gilbert, of New York, New York;
93. Buck Gilland, of Aransas County, Texas;
94. D. Walter Griegg, of Webb County, Texas;
95. Merrill P. Griffith, individually, and as Attorney-in-fact for the heirs of Manuel Trevina de los Santos Coy, Cuyahoga County, Ohio;
96. Nicolas M. Grisanti, Ciudad Juarez, Chihuahua, Mexico;
97. Ignacio A. Grisanti, Matamoros, Tamaulipas, Mexico;
98. Maggie Rino Havins and husband, Thomas Havins; whose place of residence is to the plaintiff unknown;
99. Lizzie (or Elizabeth) Havre, of Cameron County, Texas, a



- feme sole;
100. Elizabeth Snyder Herring and husband, Clarence Herring, of Dallas County, Texas;
  101. Dorothy Snyder Henegar and husband, B. V. Henegar, of Dallas County, Texas;
  102. J. Q. Henry, whose place of residence is to the plaintiff unknown;
  103. W.S. Holman, of Matagorda County, Texas;
  104. Geo. F. Howard, Charles Reinhard and Sanford Schwing, of Harris County, Texas, a co-partnership doing business as Howard & Reinhard.
  105. Concepcion Villanueva Hugonette, a feme sole, of Cameron County, Texas;
  106. Edward Clubb Humphreys of Bexar County, Texas;
  107. Cecilia Villareal via de Hernandez, of Cameron County, Texas;
  108. Emma H. Zane-Cetti Irwin and husband, William H. Irwin, whose place of residence is to the plaintiff unknown;
  109. Mercedes Cavazos de Jaime and husband, Gonzalo Jaime, whose place of residence is to the plaintiff unknown;
  110. F. M. Johnson, whose place of residence is in the City of Lisbon and State of Louisiana;
  111. G. L. Johnson, of Eastland County, Texas;
  112. George Johnson, surviving husband of Minnie Gertrude Rino, of Eastland County, Texas;
  113. Albert R. Jones, of the City of Kansas City and State of Missouri;
  114. Frank E. Jones, of the City of Kansas City and State of Missouri;
  115. S. (Steve) N. Jordan, of Hidalgo County, Texas;
  116. Estate of Robert J. Kleberg, deceased, of Kleberg County, Texas;
  117. John G. Kenedy, of Cameron County, Texas;
  118. Kenedy Pasture Company, a private corporation, with a local agent residing in Cameron County, Texas;
  119. Mifflin Kenedy, deceased, whose heirs are unknown and whose places of residence are also unknown to plaintiff;
  120. Gilbert Kerlin, of New York, New York, Trustee, and Gilbert Kerlin, individually, of New York;
  121. King Ranch, a corporation, of Kleberg County, Texas;
  122. David Labansat, of Matamoros, Mexico;
  123. Guillermo Labansat of Matamoros, Mexico;
  124. Isidoro Labansat, of Matamoros, Mexico;
  125. Rosaura Labansat, of Matamoros, Mexico;
  126. Maria Labansat, of Matamoros, Mexico;
  127. C. E. Lafoon, of Eastland County, Texas;
  128. Andres Leal, of Cameron County, Texas;
  129. Arnulfo Leal, of Cameron County, Texas;
  130. Jesus Leal, of Cameron County, Texas;
  131. Sarah E. Little, of Victoria County, Texas;
  132. Carrie G. Little, of Victoria County, Texas;
  133. Martina Vara de Lourett and husband, Vincente Lourett, of Cameron County, Texas;
  134. Ana Labansat de Lozano and husband, Esteban Lozano, of Matamoros, Mexico;
  135. Atlee McCampbell and wife, Courtney McCampbell, of Nueces County, Texas;
  136. Coleman McCampbell, a single man of Nueces County, Texas;
  137. Mrs. Eddie White McCampbell, a feme sole, of Nueces County, Texas;
  138. Edwin A. McCampbell and wife, Elizabeth C. McCampbell, of Nueces County, Texas;
  139. John S. McCampbell and wife, Mildred C. McCampbell, of Nueces County, Texas;



140. W. B. McCampbell and wife, Violet McCampbell, of  
Nueces County, Texas;
141. Ward McCampbell and wife, Edith McCampbell, of  
Nueces County, Texas;
142. B. F. McKee, of Hidalgo County, Texas;
143. Henrietta A. McKnight and husband, J. F. McKnight of  
Calhoun County, Texas;
144. Geo. P. Moore, of Los Angeles County, California;
145. Sunshine Rino Morgan and husband, Oren Morgan, whose  
place of residence is to the plaintiff unknown;
146. Edgar L. Nesmith, of Dallas County, Texas;
147. Mamie Griegg O'Brien and husband, W. J. O'Brien, of  
Denver County, Colorado;
148. Ocean Side Tool Road Company, of Cameron County, Texas,  
Albert R. Jones, President;
149. Maria de los Dolores Balli de Olvera, a feme sole,  
whose place of residence is to the plaintiff unknown;
150. Padre Island Causeway Company, of Cameron County, Texas,  
with Albert R. Jones as its President;
151. Carrie F. Parker, whose place of residence is to the  
plaintiff unknown;
152. Lula Griegg Peters of Los Angeles County, California,  
and husband, Fred Peters, of Harris County, Texas;
153. A. W. Phillips, Jr., of Cameron County, Texas;
154. Emilio Garcia Pizana, of Cameron County, Texas;
155. Jose Garcia Pizana, of San Luis Potosi, Mexico;
156. A. A. Rainey, deceased, and whose heirs are unknown;
157. Unknown heirs of Charles W. Rainey and whose places of  
residence are to the plaintiff unknown;
158. Unknown heirs of Mattie or Martha C. Rainey, and whose place  
of residence is unknown to plaintiff;
159. Cruz Surez de Ramirez and husband, Sevaro Ramirez, of  
Cameron County, Texas;
160. Estela Balli de Rangel and husband, Martin Rangel, of  
Daval County, Texas;
161. R. B. Renfro, of Cameron County, Texas;
162. Minnie Gertrude Rino, whose heirs are unknown and  
whose place of residence is unknown to the plaintiff;
163. Sidney E. Rino, whose place of residence is to the  
plaintiff unknown;
164. Alfonso Rivera, whose place of residence is some place  
in the Republic of Mexico;
165. Guadalupe Molina Rivera, whose place of residence is  
in the Republic of Mexico, but the exact address is  
unknown to the plaintiff;
166. Lallah R. Roberson, as heir of P. F. Dunn, deceased,  
and whose place of residence is unknown to the plain-  
tiff;
167. Unknown heirs of Sam A. Robertson, deceased, and whose  
places of residence are unknown to the plaintiff;
168. Concepcion Garcia de la Rosa and husband, Ernesto de  
la Rosa of Cameron County, Texas;
169. Margaret Jane Salmon and husband, J. B. Salmon, of  
Harris County, Texas;
170. Eddie McCampbell Schendel and husband, E. R. Schendel,  
of Nueces County, Texas;
171. Scott Schreiner, of Kerr County, Texas;
172. Jennie Griegg Sharland and husband, Chas. Sharland,  
Denver County, Colorado;
173. Sinclair Prairie Oil Co., Tarrant County, Texas;
174. Attie Gertrude Singer, of Matagorda County, Texas;
175. John A. Singer, of Matagorda County, Texas;
- 176.



177. Unknown heirs of John V. Singer, deceased, and whose places of residence are to the plaintiff unknown;
178. Unknown heirs of Johanna Shaw Singer, deceased, and whose places of residence are unknown to the plaintiff;
179. Phillip H. Singer, of Matagorda County, Texas;
180. Robert Singer, of Matagorda County, Texas;
181. Roxie Singer, a feme sole, of Matagorda County, Texas;
182. William Willard Singer, of the City of New Orleans and the State of Louisiana;
183. Mrs. Violet E. Smith and husband, R. E. Smith, of Eastland County, Texas;
184. Chas M. Snyder and wife, Lexie Jean Snyder, of Dallas County, Texas;
185. Elmer A. Snyder and wife, Ella Marie Snyder, of Dallas County, Texas;
186. Eugene H. Snyder and wife, Hazel Snyder, of Dallas County, Texas;
187. Harold L. Snyder and wife, Maude Snyder, of Cook County, Illinois;
188. Maurice Snyder and wife, Bernice Snyder, of Saline County, Kansas;
189. South Padre Island, Inc., c/o W. J. Ehlers, of Cameron County or c/o Lee B. James, of Cameron County, Texas;
190. Merrill W. Staples of the City of Mobile and the State of Alabama;
191. Sun Oil Company, of Dallas County, Texas;
192. Cristobal Suarez, of Cameron County, Texas;
193. Eliza Suarez and husband, Juan Longoria Vara, of Cameron County, Texas;
194. Jose Suarez, of Cameron County, Texas;
195. Esteban Suarez, of Hidalgo County, Texas;
196. Manuela Suarez, of Nueces County, Texas;
197. Mary (Mollie) Virginia Rino Swindle, and husband, C. C. Swindle, whose place of residence is to the plaintiff unknown;
198. Lucinda C. de Tijerina, a feme sole, and whose place of residence is to the plaintiff unknown;
199. Unknown heirs of Mary Thompson, and whose places of residence are unknown to the plaintiff;
200. Dr. Sam Thompson, of Kerr County, Texas;
201. Lazaro Torres, whose place of residence is unknown to the plaintiff;
202. Paula Balli Torres, deceased, whose heirs are unknown to the plaintiff;
203. Thomas Torres, surviving husband of Paula Balli Torres, and whose place of residence is unknown to the plaintiff;
204. Luisa Garcia de Vera, a feme sole, of Cameron County, Texas;
205. Leonardo Garcia Vera, a feme sole, of Cameron County, Texas;
206. Emilio Villareal, Jr., of Cameron County, Texas;
207. Fernando Villareal, of Cameron County, Texas;
208. Luis Villareal, of Cameron County, Texas;
209. Maria Alva Villareal, of Cameron County, Texas;
210. Refugia Villareal, of Cameron County, Texas;
211. George M. Warren of the City of Bristol and the State of Virginia;
212. Unknown heirs of Emilio Villareal, and whose places of residence are to the plaintiff unknown;
213. Ada Wheeler Weil and husband, Moses Weil, of Nueces County, Texas;
214. E. L. R. Wheelock, of Harris County, Texas;
215. Nathaniel White, whose place of residence is to the plaintiff unknown;
216. Maria Crisanta White, deceased, whose heirs are unknown and whose places of residence are to the plaintiff unknown;
217. R. D. Wright, of Cameron County, Texas; also Webb County, Texas;
218. Glenn Woosey, of Aransas County, Texas;



219. C. H. Zane-Cetti, whose place of residence is to the plaintiff unknown;
220. Louise H. Zane-Cetti, whose place of residence is to the plaintiff unknown;
221. Marion E. Zane-Cetti, whose place of residence is to the plaintiff unknown;
222. D. R. Fitch and wife, Mrs. D. R. Fitch, of Lampasas, Texas; and
223. Unknown heirs of Julia Bradbury, and whose places of residences are to the plaintiff unknown.

L.

The Plaintiff, the State of Texas, represents to the Court that on or about the 1st day of January, A. D. 1939, the said State of Texas was lawfully seized and possessed of the following described land and premises situated in the State of Texas and in the Counties of Cameron, Kleburg, Willacy, Kenedy and Nueces, holding and claiming the same in fee simple, to-wit:

All of what is commonly known as Padre Island, the particular portion thereof lying and within the respective counties, being more particularly described by metes and bounds as follows:

IN CAMERON COUNTY:

Being all of that portion of Padre Island within the metes and bounds of Cameron County;

BEGINNING at a post set on the east shore of Padre Island at the high tide water mark of the Gulf of Mexico, same being the northeast corner of Cameron County and the southeast corner of Willacy County, Thence south  $13^{\circ} 15'$  east 2125 varas; Thence south  $13^{\circ}$  east 1640 varas; THENCE South  $12^{\circ}$  east 2125 varas; THENCE south  $12^{\circ} 30'$  east 2400 varas; THENCE south  $14^{\circ}$  east 1830 varas; THENCE south  $14^{\circ} 30'$  east 1850 varas; THENCE south  $13^{\circ} 30'$  east 2300 varas; THENCE south  $13^{\circ}$  east 2200 varas; THENCE south  $9^{\circ}$  east 2275 varas; THENCE south  $10^{\circ} 30'$  east 2425 varas; THENCE south  $7^{\circ} 30'$  east 2225 varas; THENCE south  $7^{\circ} 15'$  east 2725 varas; THENCE south  $7^{\circ} 30'$  east 2750 varas; THENCE south  $6^{\circ}$  east 3075 varas; THENCE south  $8^{\circ} 30'$  east 2925 varas; THENCE south  $5^{\circ} 30'$  east 3250 varas; THENCE south  $5^{\circ}$  east 2100 varas; THENCE south  $0^{\circ} 45'$  west 2225 varas; THENCE south  $9^{\circ} 30'$  east 2050 varas; to the extreme south point of Padre Island at the point where the Brazos Santiago empties into the Gulf of Mexico. THENCE west 600 varas with the south shore line of Padre Island to a stake set for corner; THENCE with the shore line of Laguna Madre at the high tide water line North  $81^{\circ} 15'$  west 550 varas;



THENCE North 49° 30' west 700 varas;  
 THENCE North 75° west 700 varas;  
 THENCE North 22° west 700 varas;  
 THENCE North 28° west 600 varas;  
 THENCE North 22° 30' east 675 varas;  
 THENCE North 36° 30' west 900 varas;  
 THENCE North 7° east 1320 varas;  
 THENCE North 5° 30' east 1140 varas;  
 THENCE North 13° west 1000 varas;  
 THENCE North 77° west 1140 varas;  
 THENCE North 14° 30' east 1150 varas;  
 THENCE North 25° 30' east 1100 varas;  
 THENCE North 8° west 1160 varas;  
 THENCE North 7° 30' east 900 varas;  
 THENCE North 20° west 1375 varas;  
 THENCE North 2° west 975 varas;  
 THENCE North 18° west 1600 varas;  
 THENCE North 46° 30' west 925 varas;  
 THENCE North 31° east 950 varas;  
 THENCE North 9° west 1410 varas;  
 THENCE North 67° west 960 varas;  
 THENCE South 86° W 1350 varas; North 54° west 1150 varas;  
 THENCE North 14° 15' west 1500 varas;  
 THENCE North 3° 30' west 1025 varas;  
 THENCE North 0° 45' west 925 varas;  
 THENCE North 17° 30' west 830 varas;  
 THENCE North 36° west 1200 varas;  
 THENCE North 1° 30' east 1125 varas;  
 THENCE North 17° 30' west 1740 varas;  
 THENCE South 7° 30' west 960 varas;  
 THENCE North 60° 30' west 1050 varas;  
 THENCE South 80° west 1125 varas;  
 THENCE North 75° 15' west 1100 varas;  
 THENCE North 18° 30' east 900 varas;  
 THENCE North 75° 30' east 1025 varas;  
 NORTH 43 east 830 varas; North 18° east 525 varas; north  
 59° west 625 varas;  
 THENCE South 72° west 1625 varas;  
 THENCE South 84° west 675 varas;  
 THENCE North 2° west 700 varas;  
 THENCE North 44° east 1550 varas;  
 THENCE North 20° east 400 varas;  
 THENCE North 77° 30' west 950 varas;  
 THENCE South 69° west 1200 varas;  
 THENCE South 49° 30' west 950 varas;  
 THENCE North 45° west 825 varas;  
 THENCE North 19° east 1350 varas;  
 THENCE North 44° 30' west 1040 varas;  
 THENCE South 86° 30' west 535 varas;  
 THENCE North 44° west 725 varas;  
 THENCE North 17° east 1300 varas;  
 THENCE North 64° 30' west 1225 varas;  
 THENCE North 17° east 1550 varas;  
 THENCE North 35° west 1425 varas;  
 THENCE North 63° west 850 varas;  
 THENCE North 17° west 1450 varas;  
 THENCE North 1° 45' east 2500 varas;  
 THENCE North 15° west 980 varas to a point in the bound-  
 ary line between Willacy and Cameron Counties on the east  
 shore line of Laguna Madre and the west shore line of  
 Padre Island.

THENCE East with the dividing line between Willacy and Cameron  
 Counties 12,675 varas to the place of BEGINNING.

IN KLEBERG COUNTY:

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Being all that portion of Padre Island within the metes and bounds of Kleberg County;

BEGINNING at a point in the Kleberg Kenedy County line where the high tide water line of Laguna Madre intersects same on the west side of Padre Island; THENCE with the meanders of the said high tide water line along the west side of Padre Island and the east shore line of Laguna Madre as follows, to-wit:

North  $25^{\circ}$  east 440 varas;  
THENCE North  $71^{\circ}$  east 1025 varas;  
THENCE North  $34^{\circ}$  west 700 varas;  
THENCE North  $37^{\circ}$  west 1035 varas;  
THENCE North  $53^{\circ}$  east 1075 varas;  
THENCE North  $53^{\circ}$  30' east 935 varas;  
THENCE North  $44^{\circ}$  east 650 varas;  
THENCE North  $50^{\circ}$  west 550 varas;  
THENCE North  $59^{\circ}$  50' west 1000 varas;  
THENCE North  $45^{\circ}$  30' east 915 varas;  
THENCE North  $6^{\circ}$  45' east 675 varas;  
THENCE North  $12^{\circ}$  west 570 varas;  
THENCE North  $33^{\circ}$  east 1200 varas;  
THENCE North  $53^{\circ}$  east 960 varas;  
THENCE North  $56^{\circ}$  45' east 825 varas;  
THENCE North  $33^{\circ}$  east 1070 varas;  
THENCE South  $66^{\circ}$  east 600 varas;  
THENCE North  $25^{\circ}$  west 1075 varas;  
THENCE North  $54^{\circ}$  east 900 varas;  
THENCE North  $29^{\circ}$  east 1435 varas;  
THENCE North  $25^{\circ}$  30' west 1225 varas;  
THENCE North  $24^{\circ}$  east 750 varas;  
THENCE North  $69^{\circ}$  30' east 1375 varas;  
THENCE North  $18^{\circ}$  east 1620 varas;  
THENCE North  $17^{\circ}$  30' west 1980 varas;  
THENCE North  $40^{\circ}$  east 1230 varas;  
THENCE North  $15^{\circ}$  east 1480 varas;  
THENCE North  $5^{\circ}$  east 1650 varas;  
THENCE North  $9^{\circ}$  west 2000 varas;  
THENCE North  $35^{\circ}$  east 930 varas;  
THENCE North  $60^{\circ}$  east 1100 varas;  
THENCE North  $24^{\circ}$  east 1170 varas;  
THENCE North  $9^{\circ}$  15' east 1500 varas;  
THENCE North  $2^{\circ}$  west 2425 varas;  
THENCE North  $50^{\circ}$  east 750 varas;  
THENCE North  $8^{\circ}$  east 865 varas;  
THENCE North  $17^{\circ}$  30' west 1050 varas;  
THENCE North  $7^{\circ}$  east 650 varas;  
THENCE North  $11^{\circ}$  15' east 970 varas;  
THENCE North  $11^{\circ}$  east 2100 varas;  
THENCE North  $26^{\circ}$  east 770 varas;  
THENCE North  $9^{\circ}$  15' east 340 varas to the point where the high tide water line of the Laguna Madre on the west shore of Padre Island intersects the Nueces Kleberg County line;  
THENCE with the said County line North  $74^{\circ}$  east 7500 varas to a corner in the said County line;  
THENCE south  $24^{\circ}$  east 3000 varas to a cedar post set at the high tide water line of the Gulf of Mexico on the east shore of Padre Island;



THENCE with the high tide water line of the Gulf of Mexico along the east shore of said Padre Island with its meanders as follows, to-wit:  
South 26° 30' west 2400 varas;  
THENCE South 28° 30' west 2300 varas;  
THENCE South 25° west 2175 varas;  
THENCE South 24° west 2100 varas;  
THENCE South 24° 30' west 2700 varas;  
THENCE South 24° west 2525 varas;  
THENCE South 25° 15' west 2500 varas;  
THENCE South 21° west 2200 varas;  
THENCE South 19° 30' west 2375 varas;  
THENCE South 19° west 2350 varas;  
THENCE South 20° west 1620 varas;  
THENCE South 17° west 2050 varas;  
THENCE South 15° 30' west 2200 varas;  
THENCE South 17° 30' west 2400 varas;  
THENCE South 14° 45' west 2000 varas;  
THENCE South 15° west 2220 varas;  
THENCE South 13° 45' west 2175 varas;  
THENCE South 14° west 2700 varas to a post set for the south east corner of Kleberg County and the North east corner of Kenedy County at the High tide water line of the Gulf of Mexico on the East shore of Padre Island;  
THENCE West 6900 varas with the said county line to the place of beginning.

IN WILLACY COUNTY:

BEING All that portion of Padre Island within the metes and bounds of said Willacy County as follows:

BEGINNING at a point in the Willacy Cameron County line where the high tide water line intersects same on the west side of Padre Island and the east shore line of Laguna Madre as follows; to-wit:

North 41° west 550 varas;  
THENCE North 88° 30' west 920 varas;  
THENCE North 85° 30' west 735 varas;  
THENCE North 17° west 975 varas;  
THENCE North 34° west 1170 varas;  
THENCE North 11° east 1225 varas;  
THENCE North 33° 30' east 1420 varas;  
THENCE North 20° east 1935 varas;  
THENCE North 80° west 925 varas;  
THENCE North 89° west 1150 varas;  
THENCE South 78° west 1025 varas;  
THENCE North 85° west 1100 varas;  
THENCE North 11° east 1925 varas;  
THENCE North 46° 30' west 1600 varas;  
THENCE North 36° 30' west 1175 varas;  
THENCE North 16° east 980 varas;  
THENCE North 16° west 975 varas;  
THENCE North 35° west 1225 varas;  
THENCE North 17° east 1450 varas;  
THENCE North 11° east 1460 varas;  
THENCE North 10° 45' east 1300 varas;  
THENCE North 14° west 1250 varas;  
THENCE North 7° west 2000 varas;  
THENCE North 32° east 650 varas;  
THENCE North 3° 45' west 1450 varas;  
THENCE North 9° 30' west 1510 varas to a point in the



Kenedy Willacy County Line, said point being set at the high tide water line of Laguna Madre on the west shore line of Padre Island.

THENCE East 12,225 varas with the said Willacy Kenedy County line to a post set in the high tide water line of the Gulf of Mexico on the east shore line of Padre Island for the southeast corner of Kenedy County and the northeast corner of Willacy County; THENCE along the east shore line of Padre Island with the high tide water line of the Gulf of Mexico with its meanders to-wit:  
South  $20^{\circ} 30'$  east 2125 varas;  
THENCE South  $17^{\circ}$  east 2250 varas;  
THENCE South  $17^{\circ} 30'$  east 2025 varas;  
THENCE South  $18^{\circ}$  east 1900 varas;  
THENCE South  $15^{\circ}$  east 2350 varas;  
THENCE South  $17^{\circ} 15'$  east 2575 varas;  
THENCE South  $17^{\circ}$  east 2500 varas;  
THENCE South  $16^{\circ} 30'$  east 2675 varas;  
THENCE South  $17^{\circ} 15'$  east 2575 varas;  
THENCE South  $16^{\circ} 40'$  east 2700 varas;  
THENCE South  $16^{\circ} 15'$  east 2250 varas to a post set on the east shore line of Padre Island at the high tide water mark of the Gulf of Mexico for the South east corner of Willacy County and the North east corner of Cameron County.  
THENCE West 12,675 varas with the said boundary line of Willacy and Cameron Counties to the place of beginning.

IN KENEDY COUNTY:

BEING all of that portion of Padre Island within the notes and bounds of Kenedy County;

BEGINNING at a point in the County line of the Kenedy and Willacy Counties at the high tide line on the west shore of Padre Island and the east high tide line of the Laguna Madre;

THENCE with the high tide line of the Laguna Madre on the shores of Padre Island as follows, to-wit:  
NORTH  $10^{\circ} 15'$  west 2070 varas;  
THENCE North  $48^{\circ} 30'$  west 1950 varas;  
THENCE North  $18^{\circ}$  east 750 varas;  
THENCE North  $41^{\circ}$  west 2325 varas;  
THENCE North  $18^{\circ} 30'$  east 1050 varas;  
NORTH  $22^{\circ}$  west 975 varas;  
THENCE North  $1^{\circ} 30'$  east 1525 varas;  
THENCE North  $39^{\circ}$  west 2325 varas;  
THENCE North  $10^{\circ}$  west 1500 varas;  
THENCE North 1825 varas;  
THENCE North  $23^{\circ}$  west 1870 varas;  
THENCE North  $24^{\circ} 30'$  west 2010 varas;  
THENCE North  $53^{\circ} 30'$  east 1075 varas;  
THENCE North  $41^{\circ}$  west 1360 varas;  
THENCE North  $27^{\circ}$  west 710 varas;  
THENCE North  $22^{\circ}$  west 1200 varas;  
North  $31^{\circ} 30'$  west 1125 varas;  
THENCE North  $31^{\circ} 30'$  east 825 varas;  
THENCE North  $20^{\circ}$  west 1450 varas;  
THENCE North  $56^{\circ}$  west 1100 varas;  
THENCE North  $28^{\circ} 30'$  west 575 varas;  
THENCE North  $43^{\circ}$  east 1250 varas;  
THENCE North  $24^{\circ} 30'$  west 1350 varas; north  $21^{\circ}$  west 1175 varas;



THENCE North 65° west 1975 varas;  
 THENCE North 22° 30' east 830 varas;  
 THENCE North 72° 15' east 2475 varas;  
 THENCE North 33° 30' east 1625 varas;  
 THENCE North 7° 15' west 950 varas;  
 THENCE North 1° east 1575 varas;  
 THENCE North 17° west 1260 varas;  
 THENCE North 14° 30' east 725 varas;  
 THENCE North 4° 30' west 1200 varas;  
 THENCE North 4° 15' west 1150 varas;  
 THENCE North 59° west 850 varas;  
 THENCE North 79° west 1000 varas;  
 THENCE North 7° west 800 varas;  
 THENCE North 38° east 900 varas;  
 THENCE North 35° west 950 varas;  
 THENCE North 77° 30' west;  
 300 varas;  
 THENCE North 71° 30' west 650 varas;  
 THENCE North 29° 30' west 1250 varas;  
 THENCE North 9° 45' east 880 varas;  
 THENCE North 70° 30' east 900 varas;  
 THENCE North 50° east 900 varas;  
 THENCE North 70° east 725 varas;  
 THENCE North 5° 30' east 500 varas;  
 THENCE North 49° east 890 varas;  
 THENCE North 49° 30' east 1100 varas;  
 THENCE North 34° 30' east 675 varas;  
 THENCE North 41° east 1375 varas;  
 THENCE North 8° 15' east 1000 varas;  
 THENCE North 25° east 1050 varas;  
 THENCE North 0° 45' west 1630 varas;  
 THENCE North 26° west 1150 varas;  
 THENCE North 3° west 1375 varas;  
 THENCE North 21° west 1850 varas;  
 THENCE North 10° 30' east 1370 varas;  
 THENCE North 37° 15' east 1550 varas;  
 THENCE North 5° 30' east 1420 varas;  
 THENCE North 11° 30' east 1325 varas;  
 THENCE North 8° east 1825 varas;  
 THENCE North 2° 30' east 1330 varas;  
 THENCE North 5° 30' east 1300 varas;  
 THENCE North 3° east 1080 varas;  
 THENCE North 21° 50 varas; THENCE North 11° east 1325 varas;  
 THENCE North 22° 45' east 1220 varas;  
 THENCE North 28° 30' east 1300 varas;  
 THENCE North 26° east 1000 varas;  
 THENCE North 82° 45' east 1070 varas;  
 THENCE North 55° west 1200 varas;  
 THENCE North 49° east 720 varas;  
 THENCE North 86° east 1300 varas;  
 THENCE North 44° 30' west 1250 varas;  
 THENCE North 40° 30' west 800 varas;  
 THENCE North 23° 20' east 930 varas;  
 THENCE North 13° 45' east 1550 varas;  
 THENCE North 15° west 975 varas;  
 THENCE North 16° 30' east 1150 varas;  
 THENCE North 13° 10' west 1550 varas;  
 THENCE North 13° 30' east 1310 varas;  
 THENCE North 12° west 1325 varas;  
 THENCE North 0° 45' east 1100 varas;  
 THENCE North 14° east 725 varas;  
 THENCE North 25° east 760 varas; to a point in the north  
 boundary line of Kenedy County, and the south boundary  
 line of Kleberg County.



THENCE East 6900 varas with the Kenedy-Kleberg County line to a post set at the high tide line of the Gulf of Mexico on the east side of Padre Island;

THENCE with the shore line of the Gulf of Mexico on the East side of Padre Island as follows, to-wit:

South  $11^{\circ}$  west 1800 varas;

THENCE South  $13^{\circ} 30'$  west 2500 varas;

THENCE South  $11^{\circ} 20'$  west 2725 varas;

THENCE South  $11^{\circ} 30'$  west 2550 varas;

THENCE South  $9^{\circ}$  west 2460 varas;

THENCE South  $7^{\circ} 30'$  west 2350 varas;

THENCE South  $5^{\circ} 35'$  west 2650 varas;

THENCE South  $5^{\circ} 30'$  west 2400 varas;

THENCE South  $3^{\circ} 15'$  west 2875 varas;

THENCE South  $3^{\circ} 45'$  west 2510 varas;

THENCE South  $1^{\circ} 15'$  west 2175 varas;

THENCE South  $1^{\circ} 30'$  west 2780 varas;

THENCE South  $0^{\circ} 50'$  east 2750 varas;

THENCE South  $1^{\circ}$  west 2675 varas;

THENCE South  $3^{\circ} 45'$  east 2700 varas;

THENCE South  $3^{\circ} 30'$  east 2725 varas;

THENCE South  $6^{\circ} 30'$  east 2625 varas;

THENCE South  $6^{\circ}$  east 2550 varas;

THENCE South  $6^{\circ} 15'$  east 2275 varas;

THENCE South  $10^{\circ} 30'$  east 2250 varas;

THENCE South  $7^{\circ} 30'$  east 2425 varas;

THENCE South  $10^{\circ} 15'$  east 2450 varas;

THENCE South  $10^{\circ} 30'$  east 2600 varas;

THENCE South  $11^{\circ} 30'$  east 3050 varas;

THENCE South  $11^{\circ} 30'$  east 2575 varas;

THENCE South  $11^{\circ} 30'$  east 2650 varas;

THENCE South  $12^{\circ} 30'$  east 2050 varas;

THENCE South  $14^{\circ} 15'$  east 2325 varas;

THENCE South  $14^{\circ}$  east 2025 varas;

THENCE South  $18^{\circ} 30'$  east 2100 varas;

THENCE South  $14^{\circ}$  east 2450 varas;

THENCE South  $16^{\circ} 15'$  east 2925 varas;

THENCE  $15^{\circ}$  east 3125 varas;

THENCE South  $19^{\circ}$  east 2950 varas;

THENCE South  $20^{\circ}$  east 3375 varas; to the marker set on the east shore of Padre Island for the southeast corner of Kenedy County and northeast corner of Willacy County;

Thence west with the dividing line between the said Kenedy County and Willacy County 12,225 varas to the place of beginning.

IN NUECES COUNTY:

BEING all that portion of Padre Island within the metes and bounds of said Nueces County;

BEGINNING at a point in the boundary line of Nueces and Kleberg Counties at the high tide water line on the east shore line of Laguna Madre and the west shore line of Padre Island Thence North  $9^{\circ} 15'$  east 750 varas;

THENCE North  $75^{\circ}$  east 1025 varas;

THENCE South  $89^{\circ} 45'$  east 1425 varas;

THENCE North  $26^{\circ}$  east 1370 varas;

THENCE North  $20^{\circ}$  east 3425 varas;

THENCE North  $24^{\circ}$  west 1400 varas;

THENCE North  $15^{\circ} 30'$  east 3050 varas;

THENCE North  $61^{\circ}$  east 2800 varas;



THENCE North 37° 30' east 1250 varas;  
 THENCE North 68° 15' east 675 varas;  
 THENCE North 30° east 870 varas;  
 THENCE North 26° east 1050 varas;  
 THENCE North 73° west 675 varas;  
 THENCE South 66° west 400 varas;  
 THENCE North 64° west 1375 varas;  
 THENCE North 26° west 500 varas;  
 THENCE South 70° east 1600 varas;  
 THENCE South 81° 31' east 1500 varas;  
 THENCE South 87° 30' east 2300 varas;  
 THENCE South 3° west 2475 varas;  
 THENCE North 67° 30' west 1400 varas;  
 THENCE South 1° 30' west 1600 varas;  
 THENCE South 21° east 800 varas;  
 THENCE North 80° east 825 varas;  
 THENCE South 23° east 400 varas;  
 THENCE South 29° east 225 varas;  
 THENCE South 79° east 600 varas;  
 THENCE South 51° east 400 varas;  
 THENCE South 65° east 450 varas;  
 THENCE South 20° east 250 varas this being the mouth of  
 Corpus Christi Pass;  
 THENCE South 22° west 850 varas with the east shore line  
 of Padre Island at the high tide water mark on the Gulf  
 of Mexico;  
 THENCE with the meanders of the high tide water mark of  
 the east shore line of Padre Island, as follows- to-wit:  
  
 THENCE South 31° 30' west 1300 varas;  
 THENCE South 21° 30' west 2075 varas;  
 THENCE South 25° 10' west 2050 varas;  
 THENCE South 22° west 1650 varas;  
 THENCE South 23° west 2600 varas to a large cedar post  
 set on the shores of the Gulf of Mexico at the high  
 tide water mark on Padre Island for a corner of this  
 survey, this being also the County line marker between  
 Nueces County and Kleberg County.  
 THENCE North 24° west 3000 varas with the said County  
 line to a corner;  
 THENCE South 74° east 7500 varas to the place of begin-  
 ning.

THAT ON THE DAY AND YEAR last aforesaid, the defendants and each  
 of them unlawfully entered upon said premises and ejected the plaintiff there-  
 from and unlawfully withhold from the plaintiff said lands and premises to  
 plaintiff's damage in the sum of One Hundred Fifty Thousand (\$150,000)  
 Dollars, that the reasonable annual rental value of said land and premises  
 is One Hundred Thousand (\$100,000) Dollars:

WHEREFORE, the State of Texas, suing for itself and in behalf  
 of the Permanent School Fund of the State of Texas, prays judgment of the  
 Court that the defendants and each of them be cited to appear and answer  
 this petition and that plaintiff, upon trial hereof, have judgment for the

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*...more I should  
...not put*

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title and possession of said above described lands and premises, for damages as aforesaid, for writ of possession and of restitution, for costs of suit, and for such other and further relief general and special, at law and in equity, to which plaintiff may be justly entitled.

Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

James Noel  
D. D. Mahon

---

Robert E. Kepke

ASSISTANT ATTORNEYS GENERAL

Attorneys for Plaintiff,  
The State of Texas.

*counter 47439*

*25.12.19.20 20000*

*21.*



INDORSED: NO. 20707-B. THE STATE OF TEXAS VS ALBERTO BALLI.  
ET AL. PLEA INTV. FILED AUG 12, 1940 BEN A. LIGON CLERK, DISTRICT  
COURT, NUECES COUNTY, TEXAS, BY OMA TALBERT, DEPUTY.

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THE STATE OF TEXAS #  
COUNTY OF NUECES #

I, BEN A. LIGON, Clerk of the District Court, in  
and for Nueces County, TEXAS, do hereby certify that the foregoing  
and attached typewritten matter contains a true and correct copy of  
PLEA OF INTERVENTION AND COPY OF PLAINTIFFS' FIRST AMENDED ORIGINAL  
PETITION, together with indorsement thereon in Cause NO. 20707-B,  
styled The State of Texas vs Alberto Balli, et al, in 117th District  
Court, Nueces County, TEXAS, as same now appears on file in this office.

IN TESTIMONY WHEREOF, WITNESS my hand and seal of said  
Court, at office in the City of Corpus Christi, TEXAS, this the  
12th day of August, A. D. 1940.

BEN A. LIGON, Clerk of the District Court,  
Nueces County, TEXAS.

BY Oma Talbert Deputy.



No. 20707-B.

# THE STATE OF TEXAS

To the Sheriff or any Constable of..... **Travis** ..... County, GREETINGS:

YOU ARE HEREBY COMMANDED TO Summon.....

**Gerald C. Mann, Attorney General of the State of Texas, and  
R. B. Giles, Commissioner of Land Office, of the state of Texas,**

to be and appear before the Honorable District Court of Nueces County, Texas, for the **117th** ..... Judicial District of Texas,

at the next regular term thereof, to be holden at the Court House in Corpus Christi, Texas, on the **First** ..... Monday

~~XXXXXX~~ ..... Monday in **September,** ..... A. D. 19 **40** the same being the **2nd** ..... day

of **September,** ..... A. D. 19 **40** when and there to answer **Plea of Intervention** ~~XXXXXX~~ filed in a suit in

said Court on the **12th** ..... day of **August,** ..... A. D. 19 **40**, wherein

**F. P. Dayvault, R. B. Hoover, Emery Wiley, Ben B. Scott, individually and for the benefit of their assignees to whom they have assigned various undivided interests, Glenn O. Briscoe, Wright Titus, J. A. Bracken, Neal Powers, E. B. James, J. C. Hawkins, M. A. Kline, Sam J. Kline, Arthur Squyres, C. C. Crews, P.H. Lipstate, and R. Hughes, indiv. and in behalf of assignees to whom he has assigned undivided interests, W. M. Smith, S. H. Casteel, and A. M. Hendrickson, are Plaintiff intervenors, and**

**are** ..... Defendant's File Number of said Suit being No. **20707-B.**

The nature of the Plaintiff's demand is as follows, to-wit: .....

**A Certified copy of PLEA OF INTERVENTION OF F. P. DAYVAULT, et al,**

And you will deliver to said Defendant **s,**

**Gerald C. Mann, Attorney General of the State of Texas, and  
R. B. Giles, Commissioner of General Land Office of the State of Texas,  
each in person,**

..... a true copy of this Citation,  
**Plea of Intervention of F.P. Dayvault,**  
together with the accompanying certified copy of Plaintiff's Original Petition.

Herein Fail Not and have you then and there this Writ with your endorsement thereon, showing how you have executed the same.

Witness **BEN A. LIGON**, Clerk of the ..... District Court of Nueces County, Texas. Given under my hand and Seal of said Court, at office in Corpus Christi, Texas this the **12th** ..... day of **August** ..... A. D. 19 **40**

**BEN A. LIGON,**

Clerk ..... District Court Nueces Co., Texas

By **Anna J. Ligon** ..... Deputy

counter 47691 86.



# SHERIFF'S RETURN

Came to hand the ..... day of ..... A. D. 19... at ..... o'clock ..... M.  
 and executed by delivering to the within named Defendant ..... in person, a true copy of this Writ, together with  
 the accompanying certified copy of **Plea of Intervention** at the time and place as below, and that I actually traveled .....  
 ..... miles in service of this Writ.

Date of Service	PARTY SERVED	WHERE SERVED	Time	Miles	Fees	Mileage

*Nueces Co. R.D. St. 36*

**FEES:**  
 Serving ..... Cop. ....  
 Mileage .....  
 Total .....  
 By ..... County, Texas  
 Deputy

*1011-1125*

*counter 47642*

*R.B. Giles*  
 No. **20707-B**  
*(Hant Commr.)*

In **117th** District Court  
 Nueces County, Texas  
 To **September** Term 19**40**

THE STATE OF TEXAS

vs. } **CITATION**

ALBERTO BALLI, ETAL.

Issued **August 12,** 19**40**  
**BEN A. LIGON,** Clerk

By *Anna Jallherl* Deputy

Filed ..... day of ..... 19...  
 ..... Clerk

By ..... Deputy

THE STATE OF TEXAS



1. Alberto Balli, of Travis County, Texas;
2. D. H. Ainsworth, Matagorda County, Texas;
3. W. S. Ainsworth, whose place of residence is to the plaintiff unknown;
4. Antonia Cavazos de Alguin, a feme sole, whose place of residence is to the plaintiff unknown;
5. Eva McCampbell Anderson and husband, T. A. Anderson, Corpus Christi, Texas;
6. Alice B. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
7. Edwin B. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
8. Richard W. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
9. Elizabeth A. Baldwin, whose place of residence is to the plaintiff unknown;
10. Angela Balli, whose place of residence is to the plaintiff unknown;
11. Antonio Balli, of Bexar County, Texas;
12. Bernardo Balli, Jr., whose place of residence is to the plaintiff unknown;
13. Candida G. Balli, of Cameron County, Texas;
14. Emilio Suarez Balli, of Hidalgo County, Texas;
15. Esteban Balli, of Cameron County, Texas;
16. Federico Balli, of Duval County, Texas;
17. Francisco Balli, whose place of residence is to the plaintiff unknown;
18. Guadalupe Balli, of Travis County, Texas;
19. Guadalupe Balli and husband, Santos Garcia, of Jackson County, Texas;



20. Isabella Balli, of Cameron County, Texas;
21. Isabella Balli, whose place of residence is to the plaintiff unknown;
22. The unknown heirs of Jesus Balli, deceased, and whose places of residence are to the plaintiff unknown;
23. Jesus Balli, whose place of residence is to the plaintiff unknown;
24. John Jose Balli, of Cameron County, Texas;
25. Jose Balli, also known as Jose Joaquin Balli, whose place of residence is to the plaintiff unknown;
26. Josefina Balli and husband, Isidoro Cortez, whose place of residence is to the plaintiff unknown;
27. Jose Maria Balli, of Cameron County, Texas;
28. Leonor Balli, whose place of residence is to the plaintiff unknown;
29. Manuel Balli, whose place of residence is to the plaintiff unknown;
30. Manuela Balli, whose place of residence is to the plaintiff unknown;
31. Maria Concepcion Balli, Harlingen, Texas;
32. Nicolas Balli, who resides somewhere in the State of California, but whose specific place of residence is unknown to the plaintiff;
33. Olivia Balli, of Lavaca County, Texas;
34. Primitive Balli, of Cameron County, Texas;
35. Rosa Balli, whose place of residence is to the plaintiff unknown;
36. Doc Barker, of Aransas County, Texas;
37. Paul L. Bethki and wife, Fannie Griegg Bethki, of Leavenworth County, Kansas;
38. William Robert Bowdoin, of Bexar County, Texas;
39. Unknown heirs of Joseph G. Bowen, deceased, and whose places of residence are to the plaintiff unknown;
40. Mrs. Joseph G. Bowen, of Mobile, Alabama, individually, and as executrix of the estate of Joseph G. Bowen, deceased;
41. Ike Bollack, of Brownsville, Texas;
42. Nellie Rino Brown and husband, Wilbur Brown, whose place of residence is to the plaintiff unknown;
43. Bullman of Aransas County, Texas;
44. M. M. Laffoon Butler and husband, J. S. Butler, of Eastland County, Texas;
45. Raymond Burleson, of Nueces County, Texas;
46. Angela Elisa Grisanti vda de Carrasco, of Piedras Negras, Coahuila, Mexico;
47. Ella Wheeler Carter, a feme sole, of Nueces County, Texas;
48. Francisco Cavazos, whose place of residence is to the plaintiff unknown;
49. Narciso Cavazos, whose place of residence is to the plaintiff unknown;
50. Refugio Cavazos, formerly wife of Amalio Perez, but now a feme sole, whose place of residence is to the plaintiff unknown;
51. Trinidad Cavazos, whose place of residence is to the plaintiff unknown;
52. Victoriana Cavazos, a feme sole, whose place of residence is to the plaintiff unknown;
53. Juana Balli de Castillo and husband, Ambrosio Castillo, of Duval County, Texas;
54. Mrs. Ethel Caywood and husband, H. E. Caywood, of Gregg County, Texas;
55. Maria Suarez de Charles and husband, Jose Charles, of Cameron County, Texas;
56. R. M. Clark of Jasper County, Missouri;
57. Heirs of Thomas B. Clubb, whose places of residence are to the plaintiff unknown;
58. W. E. Callahan of the City of St. Louis and State of Missouri;
59. William John Conaway, of Bexar County, Texas;



60. Dolores Grisanti de Davilia and husband Rafael Davilia, of Piedras Negras, Coahuila, Mexico;
61. G. C. Dawson, Attorney, Matagorda County, Texas;
62. Estate of A. D. Dickinson, Jr., Deceased, Cameron, Texas;
63. P. F. Dominy, Individually and Attorney-in-Fact for Mrs. Elizabeth Havre, of Cameron County, Texas;
64. Burton Dunn of Nueces County, Texas;
65. Burton Dunn and Edward R. Kleberg, Individually, *and as* executors of the estate of P. F. Dunn, deceased, Nueces County, Texas;
66. Juana Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
67. Antonia Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
68. Lucinda Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
69. Gregorio Garcia Estrada, a minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
70. Candida Maria Garcia Estrada, of Matamoros, Mexico;
71. Mrs. Nina J. Fauth and husband, Albert Fauth, of Eastland County, Texas;
72. Unknown heirs of J. G. Fernandez, deceased, and whose places of residence are to the plaintiff unknown;
73. Anna McCampbell Fore and husband, Clyde Fore, of Nueces County, Texas;
74. E. R. Fry, of Hidalgo County, Texas;
75. Adelaida Garcia de Garcia and husband, Tomas Garcia, of Matamoros, Mexico;
76. Alberto Garcia, of Matamoros, Mexico;
77. Alberto Garcia, of San Luis Potisi, Mexico;
78. Eduardo Garcia, of San Luis Potisi, Mexico;
79. Elvira Garcia, of Matamoros, Mexico;
80. Eugenia Villareal vda de Garcia, of Cameron County, Texas;
81. Fidela Garcia, of Cameron County, Texas;
82. Fidela de los Santos Garcia de Garcia, a feme sole, both Individually and as next friend of her minor daughter, Lucinda Garcia; of Cameron County, Texas;
83. Guadalupe Garcia, of Cameron County, Texas;
84. Ludinda Garcia, of Cameron County, Texas;
85. Lucinda Garcia, a minor, of Cameron County, Texas;
86. Paula Estrada de Garcia, a feme sole, Individually and as next friend of her minor children, to-wit: Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada and Gregorio Garcia Estrada, all of Matamoros, Mexico;
87. Petro Garcia, of Matamoros, Mexico;
88. Primitivo Garcia, of Cameron County, Texas;
89. Reynaldo Garcia, of San Luis Potisi, Mexico;
90. Rafael Garcia, of San Luis Potisi, Mexico;
91. Santos Garcia, husband of Guadalupe Balli, of Jackson County, Texas;
92. Frederic N. Gilbert, of New York, New York;
93. Buck Gilland, of Aransas County, Texas;
94. D. Walter Griegg, whose address is to the plaintiff unknown;
95. Merrill P. Griffith, Individually, and as attorney-in-Fact for the heirs of Manuel Trevina de los Santos Coy, Cuyahoga County, Ohio;
96. Nicolas M. Grisanti, Ciudad Juarez, Chihuahua, Mexico;
97. Ygnacio A. Grisanti, Matamoros, Tamaulipas, Mexico;
98. Maggie Rino Havins and husband, Thomas Havins, whose place of residence is to the plaintiff unknown;
99. Lizzie (or Elizabeth) Havre, of Cameron County, Texas, a



- feme sole;
100. Elizabeth Snyder Herring and husband, Clarence Herring, of Dallas County, Texas;
  101. Dorothy Snyder Henegar and husband, B. V. Henegar, of Dallas County, Texas;
  102. J. Q. Henry, whose place of residence is to the plaintiff unknown;
  103. W. S. Holman, of Matagorda County, Texas;
  104. Geo. F. Howard, Charles Reinhard and Sanford Schwing, of Harris County, Texas, a co-partnership doing business as Howard & Reinhard.
  105. Concepcion Villanueva Hugonette, a feme sole, of Cameron County, Texas;
  106. Edward Clubb Humphreys of Bexar County, Texas;
  107. Cecilia Villareal vda de Hernandez, of Cameron County, Texas;
  108. Emma H. Zane-Cetti Irwin and husband, William H. Irwin, whose place of residence is to the plaintiff unknown;
  109. Mercedes Cavazos de Jaime and husband, Gonzalo Jaime, whose place of residence is to the plaintiff unknown;
  110. F. M. Johnson, whose place or residence is in the City of Lisbon and State of Louisiana;
  111. G. L. Johnson, of Eastland County, Texas;
  112. George Johnson, surviving husband of Minnie Gertrude Rino, of Eastland County, Texas;
  113. Albert R. Jones, of the City of Kansas City and State of Missouri;
  114. Frank E. Jones, of the City of Kansas City and State of Missouri;
  115. S. (Steve) N. Jordan, of Hidalgo County, Texas;
  116. Estate of Robert J. Kleberg, deceased, of Kleberg County, Texas;
  117. John G. Kenedy, of Cameron County, Texas;
  118. Kenedy Pasture Company, a private corporation, with a local agent residing in Cameron County, Texas;
  119. Mifflin Kenedy, deceased, whose heirs are unknown and whose places of residence are also unknown to plaintiff;
  120. Gilbert Kerlin, of New York, New York, Trustee, and Gilbert Kerlin, Individually, of New York;
  121. King Ranch, a corporation, of Kleberg County, Texas;
  122. David Labansat, of Matamoros, Mexico;
  123. Guillermo Labansat of Matamoros, Mexico;
  124. Isidoro Labansat, of Matamoros, Mexico;
  125. Rosaura Labansat, of Matamoros, Mexico;
  126. Maria Labansat, of Matamoros, Mexico;
  127. C. E. Lafoon, of Eastland County, Texas;
  128. Andres Leal, of Cameron County, Texas;
  129. Arnulfo Leal, of Cameron County, Texas;
  130. Jesus Leal, of Cameron County, Texas;
  131. Sarah E. Little, of Victoria County, Texas;
  132. Carrie G. Little, of Victoria County, Texas;
  133. Martina Vara de Lourett and husband, Vincente Lourett, of Cameron County, Texas;
  134. Ana Labansat de Lozano and husband, Esteban Lozano, of Matamoros, Mexico;
  135. Atlee McCampbell and wife, Courtney McCampbell, of Nueces County, Texas;
  136. Coleman McCampbell, a single man, of Nueces County, Texas;
  137. Mrs. Eddie White McCampbell, a feme sole, of Nueces County, Texas;
  138. Edwin A. McCampbell and wife, Elizabeth C. McCampbell, of Nueces County, Texas;
  139. John S. McCampbell and wife, Mildred C. McCampbell, of Nueces County, Texas;



140. W. B. McCampbell and wife, Violet McCampbell, of Nueces County, Texas;
141. Ward McCampbell and wife, Edith McCampbell, of Nueces County, Texas;
142. B. F. McKee, of Hidalgo County, Texas;
143. Henrietta A. McKnight and husband, J. F. McKnight of Calhoun County, Texas;
144. Geo. P. Moore, of Los Angeles County, California;
145. Sunshine Rino Morgan and husband, Oran Morgan, whose place of residence is to the plaintiff unknown;
146. Edgar L. Nesmith, of Dallas County, Texas;
147. Mamie Griegg O'Brien and husband, W. J. O'Brien, of Denver County, Colorado;
148. Ocean Side Toll Road Company, of Cameron County, Texas, Albert R. Jones, President;
149. Maria de lost Delores Balli de Olvera, a feme sole, whose place of residence is to the plaintiff unknown;
150. Padre Island Causeway Company, of Cameron County, Texas, with Albert R. Jones as its President;
151. Carrie F. Parker, whose place of residence is to the plaintiff unknown;
152. Lula Griegg Peters of Los Angeles County, California, and husband, Fred Peters, of Harris County, Texas;
153. A. W. Phillips, Jr., of Cameron County, Texas;
154. Emilio Garcia Pizana, of Cameron County, Texas;
155. Jose Garcia Pizana, of San Luis Potisi, Mexico;
156. A. A. Rainey, deceased, and whose heirs are unknown;
157. Unknown heirs of Charles W. Rainey and whose places of residence are to the plaintiff unknown;
158. Unknown heirs of Mattie or Martha C. Rainey, and whose place of residence is unknown to plaintiff;
159. Cruz Surez de Ramirez and husband, Sevaro Ramierez, of Cameron County, Texas;
160. Estela Balli de Rangel and husband, Martin Rangel, of Duval County, Texas;
161. R. B. Renfro, of Cameron County, Texas;
162. Minnie Gertrude Rino, whose heirs are unknown and whose place of residence is unknown to the plaintiff;
163. Sidney E. Rino, whose place of residence is to the plaintiff unknown;
164. Alfonso Rivera, whose place of residence is some place in the Republic of Mexico;
165. Guadalupe Molina Rivera, whose place of residence is in the Republic of Mexico, but the exact address is unknown to the plaintiff;
166. Lallah R. Robonson, as heir of P. F. Dunn, deceased, and whose place of residence is unknown to the plaintiff;
167. Unknown heirs of Sam A. Robertson, deceased, and whose places of residence are unknown to the plaintiff;
168. Concepcion Garcia de la Rosa and husband, Ernesto de la Rosa of Cameron County, Texas;
169. Margaret Jane Salmon and husband, J. B. Salmon, of Harris County, Texas;
170. Eddie McCampbell Schendel and husband, E. R. Schendel, of Nueces County, Texas;
171. Scott Schreiner, of Kerr County, Texas;
172. Jennie Griegg Sharland and husband, Chas. Sharland, Denver County, Colorado;
173. Sinclair Prairie Oil Co., Tarrant County, Texas;
174. Attice Gertrude Singer, of Matagorda County, Texas;
175. John A. Singer, of Matagorda County, Texas;
- 176.

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177. Unknown heirs of John V. Singer, deceased, and whose places of residence are to the plaintiff unknown;
178. Unknown heirs of Johonna Shaw Singer, deceased, and whose places of residence are unknown to the plaintiff;
179. Phillip H. Singer, of Matagorda County, Texas;
180. Robert Singer, of Matagorda County, Texas;
181. Roxie Singer, a feme sole, of Matagorda County, Texas;
182. William Willard Singer, of the City of New Orleans and the State of Louisiana;
183. Mrs. Violet E. Smith and husband, R. E. Smith, of Eastland County, Texas;
184. Chas. M. Snyder and wife, Lexie Jean Snyder, of Dallas County, Texas;
185. Elmer A. Snyder and wife, Ella Marie Snyder, of Dallas County, Texas;
186. Eugene H. Snyder and wife, Hazel Snyder, of Dallas County, Texas;
187. Harold L. Snyder and wife, Maude Snyder, of Cook County, Illinois;
188. Maurice Snyder and wife, Bernice Snyder, of Saline County, Kansas;
189. South Padre Island, Inc., c/o W. J. Ehlers, of Cameron County or c/o Lee B. Janes, of Cameron County, Texas;
190. Merrill W. Staples of the City of Mobile and the State of Alabama;
191. Sun Oil Company, of Dallas County, Texas;
192. Cristobal Suarez, of Cameron County, Texas;
193. Eliza Suarez and husband, Juan Longoria Vara, of Cameron County, Texas;
194. Jose Suarez, of Cameron County, Texas;
195. Esteban Suarez, of Hidalgo County, Texas;
196. Manuela Suarez, of Nueces County, Texas;
197. Mary (Mollie) Virginia Rino Swindle, and husband, C. C. Swindle, whose place of residence is to the plaintiff unknown;
198. Lucinda G. de Tijerina, a feme sole, and whose place of residence is to the plaintiff unknown;
199. Unknown heirs of Mary Thompson, and whose places of residence are unknown to the plaintiff;
200. Dr. Sam Thompson, of Kerr County, Texas;
201. Lazaro Torres, whose place of residence is unknown to the plaintiff;
202. Paula Balli Torres, deceased, whose heirs are unknown to the plaintiff;
203. Thomas Torres, surviving husband of Paula Balli Torres, and whose place of residence is unknown to the plaintiff;
204. Luisa Garcia de Vera, a feme sole, of Cameron County, Texas;
205. Leonardo Garcia Vera, a feme sole, of Cameron County, Texas;
206. Emilio Villareal, Jr., of Cameron County, Texas;
207. Frenando Villareal, of Cameron County, Texas;
208. Luis Villareal, of Cameron County, Texas;
209. Maria Alva Villareal, of Cameron County, Texas;
210. Refugia Villareal, of Cameron County, Texas;
211. George M. Warren of the City of Bristol and the State of Virginia;
212. Unknown heirs of Emilio Villareal, and whose places of residence are to the plaintiff unknown;

counter 47648



- 213. Ada Wheeler Weil and husband, Moses Weil, of Nueces County, Texas;
- 214. E. L. R. Wheelock, of Harris County, Texas;
- 215. Nathaniel White, whose place of residence is to the plaintiff unknown;
- 216. Maria Crisanta White, deceased, whose heirs are unknown and whose places of residence are to the plaintiff unknown;
- 217. R. D. Wright, of Cameron County, Texas; also Webb County, Texas;
- 218. Glenn Woosey, of Aransas County, Texas;
- 219. C. H. Zane-Cetti, whose place of residence is to the plaintiff unknown;
- 220. Louise H. Zane-Cetti, whose place of residence is to the plaintiff unknown; and
- 221. Marion E. Zane-Cetti, whose place of residence is to the plaintiff unknown.
- 222. D. R. Fitch and wife, Mrs. D. R. Fitch, of Lampasas, Texas; and
- 223. Unknown heirs of Julia Bradbury, and whose places of residences are to the plaintiff unknown.

counter 47649



NO. 20707-B

THE STATE OF TEXAS : IN THE 117th DISTRICT COURT  
: :  
-vs- : of  
: :  
ALBERTO BALLI, ET AL : NUECES COUNTY, TEXAS.

-----

NOW COMES the defendant, Hector Crandall, in the above styled and numbered cause, and for answer admits that the State of Texas is the owner of the land described in Plaintiff's Second Amended Original Petition and has never parted with title thereto, either in whole or in part.

2. Again comes the defendant, Hector Crandall, and for cross action against the plaintiff, the State of Texas respectfully represents to the Court:-

That he is interested in the subject matter and controversy in the above styled and numbered suit and has a cause of action against the plaintiff, the State of Texas, as is more particularly hereinafter set out:-

I.

The cross plaintiff herein, Hector Crandall, admits each and all the allegations contained in Plaintiff's Original Petition, filed in this cause on February 9, 1940, and in the subsequent Amended Petitions filed herein and he adopts the same and particularly that portion thereof complaining of the acts and trespasses of the numerous defendants therein named as full and complete and to all intents and purposes as if said Plaintiff's Petition was copied verbatim in the body hereof.

II.

Your cross plaintiff further shows to the Court that on or about September 22, 1939, and subsequent to the effective date of H.B. #9 now in force, he filed his application for an oil, gas and sulphur lease, under the terms and provisions of said H.B. #9, with the County Surveyor at Nueces County, Texas, where a portion of said land is located, and that said land is located in the counties of Cameron, Willacy, Kennedy, Kleburg and Nueces in the State of Texas; that in said application he applied for a

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(2)

said lease on the mineral estate thereof, claiming the same to be a vacancy and as belonging to the Permanent School Fund of the State of Texas; that said land is bounded substantially as set forth in Plaintiff's Second Amended Original Petition and contains, by estimate, approximately 300,000 acres or more.

III.

Your cross plaintiff, in due time and in proper form, filed said application with the Commissioner of the General Land Office at Austin, Texas, and that said Commissioner rejected the same and refused to permit your cross plaintiff to proceed further under the rules and regulations provided by law now in force.

IV.

Your cross plaintiff further represents to the Court that the Commissioner of the General Land Office has taken no further action on his said application; that he has refused to make an estimate as to the cost of a survey and notify this cross plaintiff accordingly, and thus enable him to make a deposit and have a survey of said land made on the ground, and thus to better enable him to file herein a proper description thereof by metes and bounds.

V.

That while your cross plaintiff was making the necessary investigation to ascertain the names and addresses of all the claimants to said land, and before he was able to complete said investigation and file the proper suit in the premises, as provided by law, the State of Texas, acting through its duly elected, qualified and acting Attorney General of the State of Texas, brought this suit for and on behalf of the State and in behalf of the Permanent School Fund of the State of Texas, against the defendants named in Plaintiff's Second Amended Original Petition as constituting all of the adverse claimants to said land and in the title and possession thereof, as is more particularly set out in Plaintiff's Second Amended Original Petition, which this cross plaintiff here adopts and makes a part hereof as aforesaid. That since that time this cause has been and is now pending in the District Court of Nueces County, wherein it is sought to determine whether or not the State of Texas is the owner thereof, in whole or in part, and whether or not the

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whole thereof, or a part thereof, constitutes a vacancy as now defined by law, and your cross plaintiff here and now joins the State of Texas in the prosecution of such suit for the purpose of establishing such facts and in conjunction with the State of Texas and the Permanent School Fund of the State of Texas alleges that all of the mineral estate of said land is vacant, unoccupied school land belonging to the Permanent School Fund of the State of Texas, and that the surface estate of said land is unoccupied public domain and belongs to the State of Texas, and that the defendants in this suit, and each of them, unlawfully entered upon said premises and unlawfully withheld said land and premises from your cross plaintiff, and particularly does cross plaintiff allege that the plaintiff and the defendants aforesaid, unlawfully withhold from your cross plaintiff his oil, gas and sulphur and other minerals for the lease of which he has made application, as hereinbefore set forth, and particularly that portion thereof, and the rights accruing to him under the oil, gas and sulphur lease for which he has made application.

VI.

Cross plaintiff says that the plaintiff, the State of Texas, acting by and through the Commissioner of the General Land Office, has prevented him from acquiring the title to and possession of an oil, gas and sulphur lease on said land, in accordance with the terms of the law now in force, and this cross action is now filed and will be prosecuted for the purpose of ascertaining first the existence of a vacancy, as now defined by law in the area described in Plaintiff's Second Amended Original Petition, or any part thereof, and secondly, for the purpose of determining cross plaintiff's right to a priority in obtaining an oil, gas and sulphur lease. Cross plaintiff particularly alleges that said land constitutes, under the law, a surface estate and a mineral estate, the first of which belongs to the State of Texas and the second of which belongs to the Permanent School Fund of the State of Texas, and your cross plaintiff claims and represents to the Court that by virtue of, and in accordance with his application for a lease thereon, he is entitled to a preference to a lease on the mineral estate as applied for in his original application filed with the



County Surveyor of Nueces County, Texas.

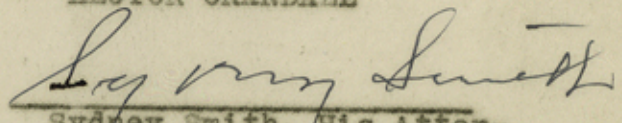
VII.

Cross plaintiff, Hector Grandall, says that there are no "GOOD FAITH CLAIMANTS" who made application for preferential rights on said land, or any part thereof, and that his application is the only application filed for an oil, gas and sulphur lease, in accordance with the terms and provisions of H.B.#9 and that consequently, he is entitled to have issued to him an oil, gas and sulphur lease covering all of said land, or such part thereof as the State of Texas may recover in this cause for itself or for the Permanent School Fund of the State of Texas.

WHEREFORE, cross plaintiff prays that a certified copy of this petition be served upon the Attorney General of the State of Texas and upon the Commissioner of the General Land Office of the State of Texas, and that upon the hearing hereof the plaintiff, the State of Texas, suing for itself and for and on behalf of the Permanent School Fund of the State, have judgment for the title and possession of said described land and premises and for damages as prayed for, and for writ of possession and restitution and general relief, and that your cross plaintiff, Hector Grandall, have judgment over and against the State of Texas and the Permanent School Fund of the State of Texas for an oil, gas and sulphur lease, and that it be adjudged that the mineral estate of said land be and constitute a vacancy, as now defined by law, and that he have judgment against the plaintiff, the State of Texas, granting unto him a priority right to an oil, gas and sulphur lease on said land, together with the right of ingress and egress over the surface estate upon said land, and for such other and further relief, both general and special as he may be entitled to in law or in equity.

HECTOR GRANDALL

By

  
Sydney Smith, His Attorney of Record.

counter 47653

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ENDORSED: NO. 20707-B. IN THE 117th DISTRICT COURT, NUECES  
COUNTY, TEXAS. THE STATE OF TEXAS -vs- ALBERTO BALLI, ET AL.  
ANSWER AND CROSS-ACTION OF HECTOR CRANDALL.  
FILED: JUN. 5, 1941. BEN A. LIGON, CLERK DISTRICT COURT, NUECES  
COUNTY, TEXAS. BY OMA TALBERT, DEPUTY.

\* \* \* \* \*

THE STATE OF TEXAS, <sup>o</sup>  
COUNTY OF NUECES.} I, BEN A. LIGON, Clerk of the District  
Court in and for the County of Nueces and State of Texas, do  
hereby certify that the foregoing and attached pages of typewritten  
matter contain a true and correct copy of ANSWER AND CROSS-ACTION  
OF HECTOR CRANDALL, in Cause No. 20707-B., styled THE STATE OF  
TEXAS -vs- ALBERTO BALLI, ET AL, as the same appears on file  
together with endorsements thereon.

IN TESTIMONY WHEREOF, WITNESS my hand and the seal  
of said Court at office in the City of Corpus Christi, Texas,  
this the 5th day of June, A.D. 1941.

BEN A. LIGON, Clerk District Court,  
Nueces County, Texas.

By OMA TALBERT Deputy.

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NO. 20707-B.

IN THE 117TH DISTRICT COURT,  
NUECES COUNTY, TEXAS

THE STATE OF TEXAS

VS.

ALBERTO BALLI, ET AL

ANSWER AND CROSS-ACTION OF HECTOR  
CRANDALL.

Issued: June 5th, 1941.

counter 47655



THE STATE OF TEXAS

vs.

ALBERTO BALLI, ET AL

No. 20707-B.

SUIT PENDING  
117th DistrictIn the Court,  
of Nueces County, Texas.

THE STATE OF TEXAS,

To the Sheriff or any Constable of TRAVIS County, Greeting:

You are Hereby Commanded, that you serve The Attorney General of the State of Texas and the Commissioner of the General Land Office of the State of TEXAS,

in the above cause, on

Attorney of Record, with the accompanying certified copy of Notice and Interrogatories pro-  
pounded by the defendant in the original petition, filed in said suit, said Attorney General  
and Commissioner, being in the County of Travis in the State of Texas.

Herein Fail Not, but of this Writ, and how you have executed the same, make due return within five days after service.

Given under my hand and seal of said Court, at office in Corpus Christi, Texas,

this the 5th day of June A. D. 1941

BBN A. LIGON,

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Dist. Nueces County, Clerk.

By Oma J. Ligon, Deputy.



# SHERIFF'S RETURN

Came to hand the.....day of.....A. D. 193....., at.....o'clock.....M., and executed by delivering to the within named.....(attorney of record), each, in person, a true copy of the within mentioned Notice and accompanying interrogatories, at the following times and places, to-wit:

NAMES	T I M E						PLACE AND COURSE AND DISTANCE FROM COURT HOUSE	MILEAGE	
	Month	Day	Year	Hour	Min.	M.		Dollars	Cents

I actually and necessarily traveled.....miles in the service of this precept, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

Fees:—Serving.....Notices . . . \$..... Sheriff,

Mileage . . . \$..... County, Texas.

Total . . . \$..... By..... Deputy.

No. 20707-B.

THE STATE OF TEXAS

VS.

ALBERTO BALDI, ET AL.

Precept to Serve Interrogatories

Certified copy of Answer and

Cross Action of Hector Crandall

Issued 5 day of June A. D. 1933

BRN A. DIGNON

Clerk

Deputy.

*Barbara D. Bell*

Muees Co. R.H.D. SK. 36



NO. 20707 - B

THE STATE OF TEXAS     §  
                          V.     §  
ALBERTO BALLI, ET AL     §

JUDGMENT.  
VOL. 13 Pg.  
112 et Seq.

ON THE 15th day of January , A. D. 1942, the same being a regular day of the January Term of the District Court of Nueces County, 117th Judicial District of Texas, the above numbered and entitled cause was reached and called for trial in its regular order upon the docket, and pursuant to setting heretofore made by the Court; when came the plaintiff, intervenors and defendants, and announced themselves ready for trial, that is to say:

The plaintiff, the State of Texas, suing herein for itself and on behalf of and for the benefit of the Permanent School Fund of the State of Texas, by Gerald C. Mann, Attorney General of said State, Glenn R. Lewis and Peter Maniscalco, Assistants Attorney General, and Robert E. Kepke, of Houston, Texas, former Assistant Attorney General;

The intervenors, F. P. Dayvalut, R. B. Hoover, Emery Wiley, Ben B. Scott, Glenn C. Briscoe, Wright Titus, J. A. Bracken, Neal Powers, E. B. James, J. C. Hawkins, M. A. Kline, Sam J. Kline, Arthur Squyres, C. C. Crews, P. H. Kipstate, K. Hughes, W. M. Smith, S. H. Casteel and A. M. Hendrickson, By Potter & Bezoni, of Tyler, and Neal Powers of Tyler, their attorneys of record;

The Intervenor Hector Crandall by Sidney Smith, of El Paso, his attorney of record;

The defendants Albert R. Jones, Ocean Side Toll Road Company, a Texas Corporation, Padre Island Causeway Company, a Texas Corporation, Carrie S. Parker (sued herein as Carrie F. Parker), Burton Dunn and Edward R. Kleberg, as Independent Executors of the Estate of Pat F. Dunn, Deceased, and as Testamentary Trustees for Burton Dunn, May Atlee Chilsen and Lallah R. Robinson, Beneficiaries of said trust, Burton Dunn, individually, and Mrs. Maria Robertson, widow, in her individual capacity and as

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Independent Executrix of the last will and testament of Sam A. Robertson, deceased, by Kleberg, Eckhardt & Lowe, of Corpus Christi, and Davenport & Ransome, of Brownsville, their attorneys of record;

The defendant Sun Oil Company, a corporation, by J. T. Canales and Harbert Davenport, of Brownsville, and T. L. Foster and J. W. Timmins, of Dallas, its attorneys of record;

The defendant Sinclair Prairie Oil Company, a corporation, by Paul A. McDermott, of Fort Worth, and B. D. Tarlton, of Corpus Christi, its attorneys of record;

The defendants Mrs. Eddie White McCampbell, Edward A. McCampbell and Elizabeth C. McCampbell, his wife, Mrs. Eddie McCampbell Schendel, and E. R. Schendel, her husband, John S. McCampbell and Mildred C. McCampbell, his wife, Clyde Fore and Anna McCampbell Fore, his wife, and Coleman McCampbell, by Johns, McCampbell & Moller, of Corpus Christi, and Lawler, Wood and Childress, of Houston their attorneys of record;

The defendant Eva McCampbell Anderson and T. A. Anderson, her husband, Ella Wheeler Carter, Atlee McCampbell and Courtney McCampbell, his wife, W. B. McCampbell and Violet McCampbell, his wife, Ward McCampbell and Edith McCampbell, his wife, Adah Wheeler Weil and Moise Weil, her husband, by McCampbell & McCampbell and Kleberg, Eckhardt & Lowe, all of Corpus Christi, their attorneys of record;

The defendants King Ranch, A Texas Corporation, and the Estate of Robert J. Kleberg, deceased, by Denman, Franklin & Denman, of San Antonio, their attorneys of record;

The defendants Gilbert Kerlin, individually and as trustee, Mrs. Joseph G. Bowen, widow, individually and as executrix of the last will and testament of Joseph G. Bowen, deceased, Frederick N. Gilbert, J. Q. Henry, Alberto Balli, Antonio Balli, Candida G. Balli, Emilia Suarez Balli, Esteban Balli, Federico Balli, Guadalupe Balli, (of Travis County, Texas), Guadalupe Balli and Santos Garcia, her husband (of Jackson County, Texas), Juan Jose Balli, Jose Maria Balli, Nicolas Balli, Olivia Balli, Primitivo Balli, Juana Balli de Castillo and Ambrosio Castillo, her husband, Maria Suarez de Charles and Jose Charles, her husband, Candida Maria Garcia Estrada, Adelaida Garcia de Garcia and Tomas Garcia, her husband, Alberto Garcia, (of Matamoros, Mexico), Alberto Garcia (of San Luis Potosi, Mexico)



Eduardo Garcia, Elvira Garcia, Fidela Garcia, Fidela de los Santos Garcia de Garcia, individually and as next friend of Lucinda Garcia, her minor daughter, Lucinda Garcia, the minor aforesaid, by her said next friend, Guadalupe Garcia, Lucinda Garcia, Paula Estrada de Garcia, individually and as next friend of her minor children, Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada, and Gregorio Garcia Estrada, and the said minors Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada, and Gregorio Garcia Estrada, the aforesaid minors by their aforesaid mother and next friend, Pedro Garcia, Primitivo Garcia, Reynaldo Garcia, Rafael Garcia, David Labanzat, Guillermo Labanzat, Isidoro Labanzat, Rosaura Labanzat, Maria Labanzat, Ana Labanzat, de Lozano and Esteban Lozano, her husband, George P. Moore, Emilio Garcia Pizana, Jose Garcia Pizana, Cruz Suarez de Ramirez and Severo Ramirez, her husband, Estela Balli de Rangel and Martin Rangel, her husband, Alfonso Rivera, Guadalupe Molina Rivera, Individually and as next friend of her minor children, Josefa Suarez, Jose Maria Suarez, and Raul Suarez, Concepcion Garcia de las Rosa and husband, Ernesto de la Rosa, Merrill W. Staples, Cristobal Suarez, Eliza Suarez and Juan Longoria Vera, her husband, Jose Suarez, Esteban Suarez, Manuela Suarez, Lucinda G. de Tijerina, Luisa Garcia de Vera, Leonarda Garcia Vera, A. W. Phillips, Jr., and George M. Warren, by Seabury, Taylor & Wagner of Brownsville, Texas, their attorneys of record;

The defendants Elizabeth Snyder Herring and Clarence Herring, her husband, Harold L. Snyder and Maude Snyder, his wife, Dorothy Snyder Henegar and B. V. Henegar, her husband, Elmer A. Snyder and Ella Marie Snyder, his wife, Maurice Snyder and Bernice Snyder, his wife, Charles M. Snyder and Lexie Jean Snyder, his wife, Eugene H. Snyder and Hazel Snyder, his wife, by B. D. Kimbrough and Howell Ward, of Corpus Christi, their attorneys of record;

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✓  
The defendants Edward Clubb Humphreys, personally and as agent of the heirs of Thomas B. Clubb and Mariah C. Clubb, his wife, sued herein as the Unknown Heirs of Thomas B. Clubb, deceased, and G. C. Dawson, personally and as agent of the heirs of John V. Singer and Johannay Shaw Singer, his wife, and sued herein as the Unknown heirs of John V. Singer, deceased, and the Unknown heirs of Johanna Shaw Singer, deceased, and Phillip H. Singer, John A. Singer, Attice Gertrude Singer, Roxie Singer, W. S. Ainsworth and Robert Singer, and D. Walter Griegg, personally and as agent of the heirs of John V. Singer and Johannah Shaw Singer, his wife, sued herein as the Unknown Heirs of John V. Singer, deceased, and the Unknown Heirs of Johanna Shaw Singer, deceased, and Lula Griegg Peters and Fred Peters, her husband, Mamie Griegg O'Brien and T. J. O'Brien, her husband, Jennie Griegg Sharland and Charles Sharland, her husband, and William Willard Singer and "the heirs and owners of the Clubb Estate as heirs and owners of Estate of Thomas B. Clubb and wife, Mariah C. Clubb, deceased", all by W. C. Douglas and E.S.J. Whitehead, of San Antonio, their attorneys of record; and

The defendants Mary Agnes Clubb Humphreys, Elva Frances Clubb White, Mamie Goodbread, Loula Celia Clubb Bowles and Eve G. Bowles, her husband, Lena Josephine Clubb Fitch and D. R. Fitch, her husband, Minnie Estelle Kelly and Walter Kelly, her husband, William Carr Clubb, non compos mentis, by Guardian Loula Celia Clubb Bowles, Thomas B. Clubb, Jr., Rosebell Lucille Clubb Putnam and Herebert Earle Putnam, her husband, Sarah Matilda McGowan Hutchison and S. H. Hutchison, her husband, John William McGowan, Mary Elva McGowan, Robert Stephen McGowan, Thomas Edward McGowan, Clara Agnes Studer Graves and Lee Wilson Graves, her husband, John Robert Studer, Lessie Mae Studer Finly, Maude Hazel Studer Smith and Thomas Weaver Smith, her husband, Augusta Dorothea Studer Franks and Edwin Stone Franks, her husband, Amanda Elizabeth Humphreys and E. C. Humphreys, her husband, Dr. H. H. Ogilvie, J. B. Wofford, W. A. Johnson and Jessie Niles Johnson, his wife, Byron Hawkins and Norman Hawkins, his wife, J. C. Ivey, G. C. Dawson, L. W. Stieren, Ernest Evans, Lee M. Sommers and Dr. H. M. Missinger, sued herein as the Unknown Heirs of Thomas B. Clubb, deceased, and claiming as the heirs of said Thomas B. Clubb and of Mariah C. Clubb, his wife, both deceased, by James A. Harley and E. S. J. Whitehead, of San Antonio, their attorneys of record;

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The defendant J. Q. Henry, by Seabury, Taylor & Wagner, of Brownsville, his attorneys of record;

And the defendant Frank E. Jones, by M. G. Eckhardt, of Corpus Christi and Harbert Davenport, of Brownsville, his attorneys of record.

And the following named defendants -- who had been theretofore duly cited by publication to be and appear at thisterm and at prior terms of this court and had not appeared by attorneys of their own selection - by Howell Ward and Margaret B. Brown, attorneys practicing as Ward & Brown, and by Frank W. Nesbitt, all of Corpus Christi, who had heretofore been appointed by the court as attorneys ad litem for said defendants and as guardians ad litem for such of them as are minors without lawful guardian in this State, and who, as such, had appeared and answered for these defendants, namely;

The following named persons and corporations: D. H. Ainsworth, Antonia Cavazos de Alguin, Elizabeth A. Baldwin, Bernardo Balli, Jr., Isabella Balli, Jesus Balli, Jose Balli (also known as Jose Joaquin Balli), Leonor Balli, Manuel Balli, Manuela Balli, Rosa Balli, Paul L. Bethki and Fannie Griegg Bethki, his wife, William Robert Bowdoin, R. F. Birch, Angela Elisa Grisanti vda. de Carrasco, Francisco Cavazos, Narciso Cavazos, Refugio Cavazos, Trinidad Cavazos, Victoriana Cavazos, W. E. Callahan, William John Conway, Dolores Grisanti de Davilia and Rafael Davilia, her husband, W. J. Ehlers, American Land & Cattle Company, a foreign corporation, Franklin Oil Company, a foreign corporation, Eugenia Villareal, vda. de Garcia, Merrill P. Griffith, Nicolas M. Grisanti, Ygnacio A. Grisanti, Elizabeth Hendrix, widow, Emma H. Zane-Cetti Irwin and William H. Irwin, her husband, Mercedes Cavazos de Jaime and Gonzalo Jaime, her husband, S. (Steve) N. Jordan, Marie de los Dolores Balli de Olvera, R. L. Parker, Mary A. Quinn, Lazaro Torres, Thomas Torres, J. H. C. White, Glenn Woosey, C. H. Zane-Cetti, Louise H. Zane-Cetti, Marion E. Zane-Cetti, Kathleen Gilbert Hayward McCullough and Central Union Trust Company of New York, executors of will of Kate L. Gilbert, and testamentary trustees for Kathleen Hayward, Frank E. Hayward, Jr., and Catherine Crawford Buchana; also \_\_\_\_\_ McCullough, husband of said Kathleen;

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The following named if living, and the Unknown Heirs of them, or any of them, that may be deceased, and their respective heirs and legal representatives: William Anderson, Thomas B. Agnew, W. R. Beebe, W. A. Brand, W. C. Barrett, W. F. Brink, Josephine L. Cook, Henry Cowing, Jay Cooke, R. E. Carter, W. A. Minter, Sr., John C. Conliff, A. D. Davis (Alias A. B. Davis), Gus F. Davis, L. A. L. Day, J. R. Erwin, Joseph Franklin, Franklin P. Fee, Charles R. Flint, A. Healey, Arthur Holmes, Jesse R. Irwin, F. N. Jinks, Minor H. Keith, S. S. Maple, Agnes Mercer, - - - - Marcus Manly, Charles H. Matthews, William A. Otto, John C. Orrick, Wm. J. Pomeroy, Isabella Powell, Andrew James Park, William M. Ramsay, Luther Redfield, Frost Seastrunk, A. C. Tisdelle, Carlos Wilcox, Rollin E. Wilcox, A. D. Wheedon, Mary O. Wheedon, John S. Wolfe, Charles B. Young, W. H. Yoakum, C. P. Young, Doan (alias Dean) Fish, Manuel Tovar, Carlota Tovar Sayas, Minor C. Keith, Samuel Sayas, Ismael Tovar, George M. Kennedy, Anderson Young, Juanita Morrell, Isabel Morrell, James A. Ware, Bradford S. Manley, Dolores Grisanti, Frank Melvin, B. F. Palmer, Eliza Angelia Grisanti, Tomas Saldana, Cesaria Saldana de Rivera, Bonifacio Rivera, Margarita Doria de Leal, widow, Jesus Leal by Margarita de Leal, next friend, Quinta Leal de Sanchez and Martin Sanchez, her husband, Antonia C. de Olguin widow, Charles H. Wheedon, Katie W. Martin Edgar, Mary Martin, Melville Martin, May B. Wheedon, Eva Carlisle Wheedon, Gracie Wheedon, Eduardo Suarez, Tomas P. Stevens and John H. Harris;

The Unknown Heirs of each of the following named persons (now deceased), and their respective heirs and legal representatives; Isabella Balli, Jesus Balli, J. G. Fernandez, Manuel Trevino de los Santos Coy, Elizabeth (Lizzie) Havre, John A. Jackson, Mifflin Kenedy, Mattie or Martha C. Rainey, Minnie Gertrude Rino, Paula Balli Torres, Emilio Villareal, Nathaniel White, Maria Crisanta White, Julia Bradbury, Paula Balli, Jose Maria Alvarez, Jose Maria Tovar, Pragedies Tovar de Perez, Calixto Tovar, Jesus Garcia, Dolores Garcia, Santiago Morales, Eduardo Suarez, Leonard C. Kelly, William Henry Mercer, Agnes Mercer, C. Hopkins Young, Simeon E. Bradbury, Horace Blakesley, Thomas B. Clubb, Mary Gum (alias Gumm), James Kennedy, Gideon K. Lewis, Julia Pendergraft (alias



Pendergast), Johanna Shaw, Edwin H. Wheedon, T. J. Bashan, Mrs. M. C. Laffoon, John H. Harris and Thomas P. Stevens;

The Unknown Stockholders of Kenedy Pasture Company, of American Land & Cattle Company, and of Franklin Oil Company, respectively, and their respective heirs and legal representatives.

Each and allof the aforesaid announcements of ready for trial by the defendants hereinbefore listed in this judgment were made conditioned upon the observance of the following stipulation, which was consented to and adopted by all of them upon a pre-trial hearing before this court in this cause, to-wit:

STIPULATION:

This case is to be tried purely as a case of the State and interveners claiming under the State against all defendants claiming under the Tamaulipas Grant, and that various parties defendants claiming under that grant waive all right to prosecute cross actions and controversies among themselves in this cause, and nothing done in this case is to be considered as res adjudicata or shall prejudice the rights of said defendants as to any issues between those defendants and that all of said cross actions be dismissed without prejudice.

Which stipulation was approved by the Court and entered in the proceedings of said pre-trial hearing and ordered observed, followed and given effect upon the regular trial of this cause, and the same is now here made an integral and basic part of the adjudication hereinafter made.

Also came the following named defendants by their answers and disclaimers, respectively, heretofore filed in this cause, namely:

Agnes A. Dickinson, Independent Executrix of the last will and testament of A. D. Dickinson, Jr., deceased, by A. K. Black, of Brownsville, her attorney of record;

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Sarah E. Little and Carrie G. Little, by Linebaugh & Guittard, of Victoria, their attorneys of record;

Ike Bollack, by Kent & Brown, of Brownsville, his attorneys of record;

Concepcion Villanueva Hugonette by Carlos G. Watson, of Brownsville, her attorney of record;

M. M. Laffoon Butler and J. S. Butler, her husband, and C. E. Laffoon and the Unknown Heirs of A. A. Rainey, Deceased, by Turner, Seaberry & Speight, of Eastland, their attorneys of record;

George F. Howard, Chas. Reinhard and Sanford Schwing, individually and as partners under the firm name of Howard, Reinhard and Schwing (formerly Howard & Reinhard), by Samuel Schwing, of Houston, their attorney of record;

Andres Leal, Arnulfo Leal and Jesus Leal, by Menton J. Murray, of Harlingen, their attorney of record;

E. R. Fry, by O. V. Bridges, of Mission, his attorney of record;

Raymond Burleson, answer and disclaimer, by Clark T. Smith, his attorney of record;

R. B. Rentfro, disclaimer, in person;

Edgar L. Nesmith, disclaimer, in person;

E. L. R. Wheelock, disclaimer, in person;

Maria Concepcion Balli, by Arthur A. Klein, of Harlingen, her attorney of record;

R. D. Wright, disclaimer, in person;

W. S. Holman, disclaimer, in person;

Margaret Jane Salmon and J. B. Salmon, her husband, by Storey, Saunders, Sherrill and Armstrong, of Dallas, their attorneys of record;

R. M. Clark, Mrs. A. R. Nesbitt, Will H. Wright and George W. Moore, by J. P. Ellis, of San Benito, their attorney of record;

Josefina Balli Cortez and Isidoro Cortez, by Weaver & Weaver, of Donna, their attorneys of record;

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South Padre Island, Inc., a corporation, and Lee B. James, by Noble G. Cofer, of Brownsville, their attorney of record;

Alice B. Atwood, Edwin B. Atwood, and Alice B. Atwood as Conservatrix of the Estate of Richard W. Atwood, Distracted, by Baker, Botts, Andrews & Wharton, of Houston, their attorneys of record;

J. D. Burns, disclaimer, in person;

John G. Kenedy, Jr., the Kenedy Pasture Company, a corporation (sued herein as "The unknown Stockholders of Kenedy Pasture Company and their respective heirs and legal representatives), and Mrs. Sarita K. East and A. L. East, her husband, by Boone, Henderson, Boone & Davis of Corpus Christi, their attorneys of record;

Ed Singer, Mrs. Hattie Singer Fannin and Ernest E. Fannin, her husband, Mrs. Joel A. Phipps, Jr., and Joel A. Phipps, Jr., her husband, Miss Cecil Singer and Miss \_\_\_ Singer, her sister, Mrs. \_\_\_ Weigand, a widow, and Ed Singer (of Cook County, Illinois), for themselves and on behalf of the Heirs of John V. Singer and Johannah Shaw Singer, deceased, and sued herein as the Unknown Heirs of said John V. Singer and of said Johanna \_ Shaw Singer, both deceased, by Albert V. Dirden, their attorney of record;

George Johnson, surviving husband of Minnie Gertrude Rino Johnson, F. M. Johnson, G. L. Johnson, Mrs. Nina J. Fauth and Albert Fauth, her husband, Mrs. Ethel Caywood and H. E. Caywood, her husband, Mrs. Violet Smith and R. E. Smith, her husband, Mrs. Irma Fox and R. E. Fox, her husband, Mrs. Nellie Rino Brown and Wilbur Brown, her husband, Mrs. Maggie Rino Havins and Thomas Havins, her husband, Mrs. Sunshine Morgan (sued herein as Sunshine Rino Morgan) and Oran Morgan, her husband, Sidney E. Rino and Mrs. Mary (Mollie) Virginia Rino Swindell and C. C. Swindell, her husband (surname Swindell sometimes written Swindle), by R. L. Rust, their attorney of record;



Eduardo Vela, Hormecinda V. de Allala, Pedro Vela, Alicia Rodriguez, Alfonso Alamia, Jose E. Alamia, Luis Alamia, Ernesto Vela, Alfredo Vela, Ernestina Vela, Angela Schunior, Sinforiana Chavez, Frank Vasquez, personally and as next friend of Minerva Vasquez, Frank Vasquez, Jr. and Enrique Vasquez, minors, and Eloi Longoria, Alberto Longoria and Flavio Longoria, - all sued herein as the Unknown Heirs of Angela Balli, by J. R. Alamia, of Edinburg, their attorney of record;

William M. Cowen, an intervening defendant, in person; Mrs. Alberta Balli Young, an intervening defendant, by Augustus McCloskey and Theodore E. Simmang, of San Antonio, her attorneys (withdrawal of answer filed January 12, 1942, but no leave granted and answer not actually withdrawn);

Zside Rotge Miller and Fred Miller, her husband, Amelie Rotge Gonzalez, feme sole, and Ramiro J. Gonzalez, Mrs. Adelaide Rotge Costerveen, feme sole, Esperanza Rotge Rodriguez and Francsico Rodriguez, her husband, Eduardo Rotge, Herlinda Rotge Hernandez and Silvino W. Hernandez her husband, Mrs. Hortense Freeman, feme sole, Mrs. Josephine Weiss, feme sole, and A. D. Byington, all sued herein as the Unknown Heirs of Francisco Balli, deceased, by Mike J. Kaine, Jr., of San Antonio, their attorney of record;

Mrs. George Delling and George Delling, her husband, Mrs. Peter Kleid and Peter Kleid, her husband, and J. R. Roberts, disclaimers, each in person; and

Emilio Villareal, Jr., Fernando Villareal, Jr., Luis Villareal, Maria Alva Villareal and Refugio Villareal, by Reynaldo G. Garza, of Brownsville, their attorney of record.

And all pleas in abatement, demurrers and exceptions having been overruled by the Court, and the aforesaid parties plaintiff, intervenor and defendant appearing as aforesaid and announcing themselves ready for trial, waived a jury, and, no jury having been demanded by any of the other parties to this suit, submitted the cause to the court upon the law and the facts. The submission of their evidence thereafter continued from day to day and time to time until the 27th day of February, 1942, when, the trial not being concluded, the court by its order of that date duly made and entered upon the minutes, found it expedient to extend, and did extend, the then



current January term, 1942, of said court to and including March 31, 1942, for the purpose of completing such trial, the entry of judgment, filing of motion for new trial, if necessary, and the entry of judgment thereon, as well as all other things necessary to a full and complete conclusion of said trial in progress as aforesaid; and thereafter on March 17, 1942, and during the term extended as aforesaid, the court announced in open court that it was of opinion that the law and the facts were with the defendants, and that the judgment and decree of the court should be as the same is now here rendered and ordered entered on its minutes:

It is, therefore, now here by the Court considered, found, ordered, adjudged and decreed as follows:

FIRST:

That the tile, both legal and equitable, to the real estate sued for in this suit by the State of Texas, for itself and in behalf of and for the benefit of the Permanent School Fund of the State of Texas, and fully described in the Plaintiff's Third Amended Original Petition filed herein on the 31st day of December, 1941, and all minerals and minerals rights therein and appurtenances thereto, had passed out of the sovereignty long prior to February 9, 1940, on which date this suit was instituted, and was then, and is now, held and Owned by parties defendant to this suit, - the said real estate so sued for being now here described as follows:

All that certain tract of land situated in the State of Texas, and in the Counties of Cameron, Willacy, Kenedy, Kleberg and Nueces, being an island lying East of the mainland of Texas, separated therefrom by the body of water called Laguna Madre, and bounded on the north by the original Corpus Christi Pass, now partly closed but its location easily discernible and today commonly called Old Corpus Christi Pass, on the East by the Gulf of Mexico, on the South by the original Brazo de Santiago Pass, now called Brazos Santiago Pass, and on the west by the said Laguna Madre, which island is commonly known as Padre Island and so designated on the maps of the General Land Office of the State of Texas, at Austin, Texas, and is



the same island in and to which the State of Texas relinquished all its right and interest to and in favor of Nicolas Balli and Juan Jose Balli as the original grantees thereof, their heirs and legal assigns, by an Act of the Legislature approved February 10, 1852, entitled: "An act to relinquish the right of the State to Certain lands therein named", being all the land contained within the following metes and bounds, as per the field notes of a survey of Padre Island made by J. S. Boyles, C. E. a Licensed Land Surveyor, from July 1, 1941 to September 26, 1941, as contained in his Report of Survey which is bodily incorporated in said Plaintiff's Third Amended Original Petition, as follows:

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Here is omitted the field notes of the survey made by J. S. Boyles.

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#### SECOND

That the State of Texas, plaintiff, take nothing by its suit herein, whether for itself or in behalf of, or for the benefit of the Permanent School Fund of the State of Texas; and that of same all the defendants go hence without day and recover of plaintiff all costs of suit, for which they may have their appropriate process and relief.

#### THIRD

That the intervenors, and each of them, take nothing as against the defendants, by their respective interventions, pleas, claims and demands; and that of same the defendants go hence without day and recover of the intervenors, and each of them, all the costs of suit originating or incurred on and after August 12, 1940, being the date of intervention in this suit, for which costs the defendants, and each or any of them, may have their writ or writs of execution against said intervenors, or such of them as may be designated in defendants' applications to the clerk of this court for issuance of such writ or writs.



FOURTH

That each and all of the applications for survey, as vacant public land, of portions of said real estate situated in the Counties of Nueces, Kleberg, Kenedy, Willacy, and Cameron, respectively, the surveys made by licensed State land surveyors thereupon the field notes of such surveys as recorded in the offices of the County Clerks of said Counties, respectively, the reports of such surveys filed with the Commissioner of the General Land Office at Austin, Texas, the applications made to said Commissioner for the purchase of any oil, gas and/or mineral leases upon the lands so surveyed, the orders or other action of said Commissioner made thereon, and any and all other applications, assignments, transfers and other instruments of writing pleaded by the Intervenor, respectively, as basis for the claims asserted by them in this suit, be, and they are hereby, canceled and for naught held, particularly including the applications for survey made and filed by F. P. Dayvault, of Intervenor, on May 31, 1937, in Nueces County, on June 22, 1937, in Kleberg County, on May 28, 1937, in Kenedy County, on May 29, 1937, in Willacy County, and on May 29, 1937 in Cameron County, and the record in those counties of the report and field notes of the surveys made thereunder, and also including the application made by Hector Crandall, of intervenors, on September 22, 1939, under H. B. NO. 9, for an oil, gas and sulphur lease on all or parts, as the case may be, of said real estate, which application was filed with the County Surveyor of Nueces County, Texas, and subsequently filed with the Commissioner of the General Land Office of Texas, and all proceedings thereunder; and the intervenors, and each of them, and all persons claiming or to claim by, through or under them, or any of them, be, and they are hereby, forever enjoined and restrained from setting up or asserting any right, interest or claim in or to the whole or any part of the real estate described in Subdivision First of this judgment and in or to any minerals or mineral rights therein, - such right, interest, or claim existing or asserted prior to the entry of this judgment and decree; and the clerk of this court will, upon application of defendants, or any of them, issue the appropriate writ or writs of injunction so enjoining and restraining them, the intervenors, or any of them, and all persons



claiming or to claim by, through, or under the intervenors or any of them.

FIFTH

That the defendants Gilbert Kerlin and Mrs. Joseph G. Bowen, individually and as executrix of the last will and testament of Joseph G. Bowen, deceased, and Frederick N. Gilbert, and the defendants Albert R. Jones, Ocean Side Toll Road Company, Padre Island Causeway Company, Carrie S. Parker, Burton Dunn and Edward R. Kleberg, as Independent Executors of the Estate of Pat F. Dunn, deceased and as Testamentary Trustees for Burton Dunn, May Atlee Chilsen and Lallah R. Robinson, Burton Dunn, Individually, and Maria Robertson as Independent Executrix of the Will of Sam A. Robertson, deceased, and sole beneficiary under said will, the defendants Mrs. Eddie Whie McCampbell, Edward A. McCampbell and Elizabeth C. McCampbell, his wife, John S. McCampbell and Mildred C. McCampbell, his wife, John S. McCampbell and Mildred C. McCampbell, his wife, Clyde Fore and Anna McCampbell Fore, his wife, and Coleman McCampbell, the defendants Eva McCampbell Anderson and T. A. Anderson, her husband, Ella Wheeler Carter, Atlee McCampbell and Courtney McCampbell, his wife, W. B. McCampbell and Violet McCampbell, his wife, Ward McCampbell and Edith McCampbell, his wife, Adah Wheeler Weil and Moise Weil, her husband, and the defendant Sinclair Prairie Oil Company, Mary Agnes Clubb Humphreys, Elva Frances Clubb White, Mamie Goodbread, Loula Celia Clubb Bowles and Eve G. Bowles, her husband, Lena Josephine Clubb Fitch and D. R. Fitch, her husband, Minnie Estelle Kelly and Walter Kelly, her husband, William Carr Clubb, non compos mentis, by Guardian Loula Celia Clubb Bowles, Thomas B. Clubb, Jr., Rosebell Lucille Clubb Putnam and Herbert Earle Putnam, her husband, Sarah Matilda McGowan Hutchison and S. H. Hutchison, her husband, John William McGowan, Mary Elva McGowan, Robert Stephen McGowan, Thomas Edward McGowan, Clara Agnes Studer Graves and Lee Wilson Graves, her husband, John Robert Studer, Lessie Mae Studer Finly, Maude Hazel Studer Smith and Thomas Weaver Smith, her husband, Augusta Dorothea Studer Franks and Edwin Stone Franks, her husband, Amanda Elizabeth Humphreys and



E. C. Humphreys, her husband, Dr. H. H. Ogilvie, J. B. Wofford, W. A. Johnson, and Jessie Niles Johnson, his wife, Byron Hawkins and Norma Hawkins, his wife, J. C. Ivey, G. C. Dawson, L. W. Stieren, Ernest Evans, Lee M. Sommers and Dr. H. M. Missinger, do have and recover of and from the State of Texas, and of and from the intervenors, and each of them, and upon the said defendants' respective cross-actions, the title and possession of all the real estate contained within the field notes hereinbefore set forth in this judgment, and all accretions thereto, for which they, or any of them, may have their writs of restitution and possession.

Pursuant, however, to stipulation of all the defendants who appeared and announced ready for trial as aforesaid, such stipulation having been made in open Court, and their announcement of ready for trial being conditioned upon such stipulation, the foregoing recovery upon the cross-actions of the defendants above named shall not, either as among themselves, or as between them and their co-defendants so announcing ready, operate as an adjudication of their respective rights or claims in or to the real estate aforesaid, or any part thereof, or any interest therein, or as adjudication among and between the various defendants to this suit, that anyone or more of them have any such right or claim.

#### SIXTH

All of the real estate involved in this suit and all rights and claims in respect of same having been adjudicated and adjudged adversely to the claims of both the plaintiff and the intervenors, no necessity exists for the determination of the mutually adverse claims to same, or parts thereof, by and between the several intervenors; and this judgment is not to be construed as an adjudication among and between the several intervenors, over and above the general adjudication hereinbefore made that none of them have any rights or claims in or to said real estate, or any part thereof or right therein, as against the defendants, or any of them.

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SEVENTH

Pursuant to, and confirmatory of, the order hereinbefore entered in this cause, the attorneys ad litem, Howell Ward and Margaret B. Brown, attorneys, practicing as Ward & Brown, and Frank W. Nesbitt, are hereby allowed, jointly as compensation for their services as attorneys ad litem, \$15.00 for each of the defendants served solely by publication for whom they have appeared and answered herein, aggregating the total sum of \$2520.00, which allowance or compensation is now here charged as part of the costs of this suit, and taxed against the plaintiff and intervenors as hereinbefore provided in the case of costs generally.

EIGHTH.

In compliance with Rule 244 of the Rules of Practice and Procedure in Civil Actions, of this State, the statement of the evidence in this case, approved and signed by the judge presiding, is now here ordered to be filed with the papers of this cause as a part of the record thereof.

To all of which action, rulings, and judgment of the Court the intervenors F. P. Dayvahl, R. B. Hoover, Emery Wiley, Ben B. Scott, Glenn C. Briscoe, Wright Titus, J. A. Bracken, Neal Powers, E. B. James, J. C. Hawkins, M. A. Kline, Sam J. Kpine, Arthur Squyres, C. C. Crews, P. H. Lipstate, K. Hughes, W. M. Smith, S. H. Casteel and A. M. Hendrickson, by their attorneys of record, Potter & Bezoni of Tyler, and Neal Powers of Tyler, in open Court then and there duly excepted and gave notice of appeal to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, at San Antonio, Texas.

28.42.019.2.20007



To all of which action, rulings, and judgment of the Court,  
the intervenor, Hector Crandall, by Sidney Smith, of El Paso, his  
attorney of record, in open Court then and there duly excepted and gave  
notice of appeal to the Court of Civil Appeals of the Fourth Supreme  
Judicial District of Texas, at San Antonio, Texas.

To all of which action, rulings and judgment of the Court,  
the Plaintiff, the State of Texas, by her attorneys of record, in open  
Court then and there duly excepted and gave notice of appeal to the Court  
of Civil Appeals for the Fourth Supreme Judicial District of Texas, at  
San Antonio, Texas.

Ordered entered: 3/30-42      Cullen W. Briggs, Judge Presiding

ENDORSED: #20707-B. IN THE 117TH DISTRICT COURT, NUECES COUNTY, TEXAS.

THE STATE OF TEXAS VS. BALLI, ET AL, JUDGMENT. VOL. 13 pg. 112 et seq.

\*\*\*\*\*



THE STATE OF TEXAS, )

COUNTY OF NUECES )

I, BEN A LIGON, Clerk of the District  
Courts of Nueces County, State of Texas, do hereby certify that  
the foregoing and attached 36 pages of typewritten matter contains a  
true and correct copy of

"JUDGMENT"

in Cause No. 20707-B

Styled The State of Texas vs. Alberto Balli et al

as the same appears of record in Volume 13 Page 112- et seq of minutes  
of the 117th District Court of Nueces County, Texas.

IN TESTIMONY WHEREOF, WITNESS my hand and seal of said Court, at  
office, in the City of Corpus Christi, this the 30th day of  
November A. D. 1946.

BEN A LIGON, CLERK DISTRICT COURTS,  
Nueces County, Texas.

By(Signed) Lola Turner  
Deputy

\*\*\*\*\*

This copy is made from Original Certified Copy, this the 10th day  
of December A.D. 1946.

Jewel Blakley

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NO. 20707-B

THE STATE OF TEXAS

VS.

ALBERTO BALLI, ET AL

IN THE 117th DISTRICT COURT

OF

NUECES COUNTY, TEXAS.

ANSWER AND CROSS-ACTION OF THE HEIRS AND OWNERS OF THE ESTATE OF  
THOMAS B. CLUBB AND MARIAN C. CLUBB

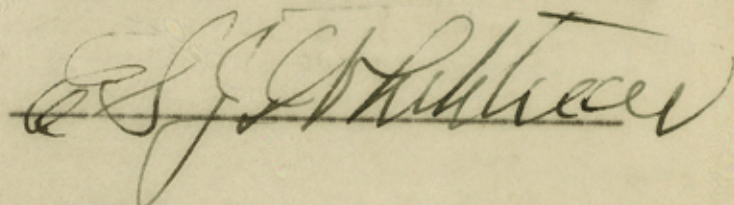
TO THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

Now come the hereinafter named parties who appear first as Defendants answering the Plaintiff's second Amended Original Petition on file herein, and also presenting the plea and cross-action against the Plaintiff and other Defendants named and appear before the court as follows:

Mary Agnes Clubb Humphreys, a feme sole, Elva Frances Clubb White, a feme sole, Mamie Goodbread, a feme sole, Loula Celia Clubb Bowles, joined by her husband, Eve G. Bowles, Lena Josephine Clubb Fitch joined by her husband, D. R. Fitch, Minnie Estelle Kelly, joined by her husband, Walter Kelly, William Carr Clubb, N.C.M. by Guardian, Loula Celia Clubb Bowles, Thomas B. Clubb, Jr., Rosebell Lucille Clubb Putnam, joined by her husband, Herbert Earle Putnam, Sarah Matilda McGowan Hutchison, joined by her husband, S. H. Hutchison, John William McGowan, Mary Elva McGowan, Robert Stephen McGowan, Thomas Edward McGowan, Clara Agnes Studer Graves, joined by her husband, Lee Wilson Graves, John Robert Studer, Lessie Mae Studer Finly, a feme sole, Maude Hazel Studer Smith, joined by her husband, Thomas Weaver Smith, Augusta Dorothea Studer Franks, joined by her husband, Edwin Stone Franks, Amanda Elizabeth Humphreys, joined by her husband, E. C. Humphreys, Dr. H. H. Ogilvie, J. B. Wofford, W. A. Johnson, Jessie Niles Johnson, wife of W. A. Johnson, Byron Hawkins and wife, Norma Hawkins, J. C. Ivey, G. C. Dawson, L. W. Stieren, Earnest Evans, Lee W. Sommers, and Dr. B. M. Missinger.

Now come the defendants in the above entitled and numbered cause, by their attorneys and say that they are not guilty of the injuries complained of in the petition filed by the plaintiff against them, and of this they put themselves upon the country.

WHEREFORE, they pray judgment of the court that they go hence without day, and recover of plaintiff all costs in this behalf incurred.



~~E. S. J. Whitehead~~  
Jas. A. Harley and E. S. J. Whitehead, Attorneys for above named Defendants. San Antonio, Texas.



And the above named Defendants herein acting as Plaintiffs complain of the hereinafter named Defendants in cross-action and say that the following named Defendants in this cross-action whose names and residents are as follows, to-wit:

1. Alberto Balli, of Travis County, Texas;
2. Antonio Cavazos de Alguin, a feme sole, whose place of residence is to the plaintiff unknown;
3. Eva McCampbell Anderson and husband, T.A. Anderson, of Nueces County, Texas;
4. Alice B. Atwood of Kleberg County, Texas, or the City of Chicago and State of Illinois;
5. Edwin B. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
6. Richard W. Atwood, of Kleberg County, Texas, or the City of Chicago and State of Illinois;
7. Elizabeth A. Baldwin, whose place of residence is to the plaintiff unknown;
8. Angela Balli, whose place of residence is to the plaintiff unknown;
9. Antonio Balli, of Bexar County, Texas;
10. Bernardo Balli, Jr., whose place of residence is to the plaintiff unknown;
11. Candida G. Balli, of Cameron County, Texas;
12. Emilio Saurez Balli, of Hidalgo County, Texas;
13. Esteban Balli, of Cameron County, Texas;
14. Federico Balli, of Duval County, Texas;
15. Francisco Balli, whose place of residence is to the plaintiff unknown;
16. Guadalupe Balli, of Travia County, Texas;
17. Guadalupe Balli and husband, Santos Garcia, of Jackson County, Texas.
18. The unknown heirs of Isabella Balli, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
19. Isabella Balli, whose place of residence is to the plaintiff unknown.
20. The unknown heirs of Jesus Balli, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
21. Jesus Balli, whose place of residence is to the plaintiff unknown;
22. John (Juan) Jose Balli of Cameron County, Texas;
23. Jose Balli, also known as Jose Joaquin Balli, whose place of residence is to the plaintiff unknown;
24. Josefina Balli and husband, Isidoro Cortez, whose places of residence are to the plaintiff unknown;
25. Jose Maria Balli, of Cameron County, Texas;
26. Leonor Balli, whose place of residence is to the plaintiff unknown;
27. Manuel Balli, whose place of residence is to the plaintiff unknown;
28. Manuela Balli, whose place of residence is to the plaintiff unknown;
29. Maria Concepcion Balli, of Cameron County, Texas;
30. Nicholas Balli, who resides somewhere in the State of California, but whose exact place of residence is unknown to the plaintiff;
31. Olivia Balli of Lavaca County, Texas;
32. Primitivo Balli of Cameron County, Texas;
33. Rosa Balli, whose place of residence is to the plaintiff unknown;
34. Doc Barker, of Aransas County, Texas;
35. T. F. Basham, of Harris County, Texas;
36. Paul L. Bethki and wife, Fannie Griegg Bethki, of Leavenworth County, Kansas;
37. William Robert Bowdoin, whose place of residence is unknown to the plaintiff;
38. The unknown heirs of Joseph G. Bowen, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;



39. Mrs. Joseph G. Bowen, of Mobile, Alabama, individually and as executrix of the Estate of Joseph G. Bowen, deceased;
40. Ike Bollack of Cameron County, Texas;
41. Nellie Rino Brown and husband, Wilbur Brown, whose places of residence are to the plaintiff unknown;
42. J. B. Bullman of Aransas County, Texas;
43. J. D. Burns, of Hill County, Texas;
44. R. F. Birch, residing in the State of Illinois, but whose exact place of residence is to the plaintiff unknown;
45. M. M. Laffoon Butler and husband, J. S. Butler, of Eastland County Texas;
46. Raymond Burleson of Nueces County, Texas;
47. Angela Elisa Grisanti vda de Carrasco of Piedras Negras, Coahuila, Mexico;
48. Ella Wheeler Carter, a feme sole, of Nueces County, Texas;
49. Francisco Cavazos, whose place of residence is to the plaintiff unknown.
50. Narcisco Cavazos, whose place of residence is to the plaintiff unknown; ~~xxxxxxRefugio Cavazos, formerly wife of Amalio Perez, deceased, whose~~
51. Refugio Cavazos, formerly wife of Amalio Perez, but now a feme sol whose place of residence is to the plaintiff unknown;
52. Trinidad Cavazos, whose place of residence is to the plaintiff unknown;
53. Victoriana Cavazos, a feme sole, whose place of residence is to the plaintiff unknown;
54. Juana Balli de Castillo and husband, Ambrosio Castillo, of Duval County, Texas;
55. Mrs. Ethel Caywood and husband, H. E. Caywood, of Gregg County, Texas;
56. Maria Saurez de Charles and husband, Jose Charles, of Cameron County, Texas;
57. R. M. Clark, of Jasper County, Missouri;
58. The unknown heirs of Thomas B. Clubb, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
59. W. E. Callahan of the City of St. Louis and State of Missouri;
60. William John Conaway, whose place of residence is to the plaintiff unknown;
61. Dolores Grisanti de Davilia and husband Rafael Davilia of Piedras Negras, Coahuila, Mexico;
62. Mrs. George Delling and husband, George Delling, of Webb County, Texas;
63. The unknown heirs of A.D. Dickinson, Jr., of Cameron County, Texas, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
64. P. F. Dominy, of Cameron County, Texas;
65. Burton Dunn of Nueces County, Texas, individually and as executor of the Estate of P. F. Dunn, deceased and also as testamentary trustee for himself, May Atlee Chilsen and Lallah R. Rabinson, beneficiaries of said trust;
66. Juana Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
67. Antonio Garcia Estrada; minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
68. Lucinda Garcia Estrada, minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
69. Gregorio Garcia Estrada, a minor child of Paula Estrada de Garcia, a feme sole, of Matamoros, Mexico;
70. Candida Maria Garcia Estrada, of Matamoros, Mexico;
71. ~~xxxxxx~~ W. J. Ehlers, whose place of residence is to the plaintiff unknown;
72. Mrs. Nina J. Fauth and husband, Albert Fauth, of Eastland County, Texas;
73. The unknown heirs of J. G. Fernandex, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
74. Anna McCampbell Fore and husband, Clyde Fore, of Nueces County, Texas;



75. Mrs. Irma Fox and husband, H. E. Fox, of Eastland County, Texas;
76. American Land & Cattle Company, a New Jersey Corporation, and Franklin Oil Company, a foreign corporation; and the stockholders of said corporations, respectively, if no longer in legal existence, the names and residences of such stockholders being now here alleged to be unknown, and said stockholders being now herein designated and described as the unknown stockholders of said corporations, respectively.
77. E.R. Fry, of Hidalgo County, Texas;
80. Alberto Garcia of San Luis Potosi, Mexico;
81. Eduardo Garcia of San Luis Potosi, Mexico;
82. Elvira Garcia, of Matamoros, Mexico;
83. Eugenia Villareal vda de Garcia, whose place of residence is to the plaintiff unknown;
84. Fidela Garcia of Cameron County, Texas;
85. Fidela de los Santos Garcia de Garcia, a feme sole; both individually and as next friend of her minor daughter, Lucinda Garcia, of Cameron County, Texas;
86. Guadalupe Garcia of Cameron County, Texas;
87. Lucinda Garcia of Cameron County, Texas;
88. Lucinda Garcia, a minor, of Cameron County, Texas;
89. Paula Estrada de Garcia, a feme sole, individually and as next friend of her minor children, to-wit, Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada and Gregorio Garcia Estrada, all of Matamoros, Mexico;
90. Pedro Garcia, of Matamoros, Mexico;
91. Primitivo Garcia of Cameron County, Texas;
92. Reynaldo Garcia, of San Luis Potosi, Mexico;
93. Rafael Garcia of San Luis Potosi, Mexico;
94. The unknown heirs of Manuel Trevina de los Santos Coy, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
95. Frederic N. Gilbert of New York, New York;
96. Buck Gilland of Aransas County, Texas;
97. Merrill P. Griffith of Cuyahoga County, Ohio;
98. Nicholas M. Grisanti, Ciudad Juarez, Chihuahua, Mexico;
99. Ygnacio A. Grisanti, of Matamoros, Tamaulipas, Mexico;
100. Maggie Rino Havins and husband, Thomas Havins, whose places of residence are to the plaintiff unknown;
101. Elizabeth Havre, of Cameron County, Texas;
102. Andrew Havre, of Cameron County, Texas;
103. Frances Havre of Cameron County, Texas;
104. Henry Havre, Jr. of Cameron County, Texas;
105. Mrs. Henry Havre, Sr., a feme sole, of Cameron County, Texas;
106. The unknown heirs of Elizabeth (Lizzie) Havre, a deceased and their heirs and legal representatives, whose places of residence are unknown to the plaintiff;
107. Elizabeth Hendrix, widow, residing in the State of California, but whose exact place of residence is to the plaintiff unknown;
108. Elizabeth Snyder Herring and husband, Clarence Herring, of Dallas County, Texas;
109. Dorothy Snyder Henegar and husband, B. V. Henegar of Dallas County, Texas;
110. J. Q. Henry, whose place of residence is to the plaintiff unknown;
111. W. S. Holman, of Matagorda County, Texas;
112. George F. Howard, Charles Reinhard and Sanford Schwing of Harris County, Texas, a co-partnership doing business as Howard & Reinhard;
113. Concepcion Villanueva Hugonette, a feme sole, of Cameron County, Texas;
114. Cecilia Villareal vda de Hernandez of Cameron County, Texas;
115. Emma H. Zane-Cetti Irwin and husband, William H. Irwin, whose places of residence are to the plaintiff unknown;
116. Mercedes Cavazos de Jaime and husband, Gonzelo Jaime, whose places of residence are to the plaintiff unknown;
117. Leo B. James, of Cameron County, Texas;



118. F. M. Johnson, whose place of residence is in the City of Lisbon and State of Louisiana;
119. The unknown heirs of John A. Jackson, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
120. G. L. Johnson, of Eastland County, Texas;
121. George Johnson, surviving husband of Minnie Gertrude Rino, of Eastland County, Texas;
122. Albert R. Jones, of the City of Kansas City and State of Missouri;
123. Frank E. Jones, of the City of Kansas City and State of Missouri;
124. S. (Steve) N. Jordan, whose place of residence is to the plaintiff unknown;
125. The unknown heirs of Robert J. Kleberg, deceased, of Kleberg County, Texas, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
126. Mrs. Peter Kleid and husband, Peter Kleid, of Val Verde County, Texas;
127. John G. Kenedy, Jr. of Cameron County, Texas;
128. The unknown stockholders of Kenedy Pasture Company, and their respective heirs and legal representatives whose places of residence are to the plaintiff unknown;
129. The unknown heirs of Mifflin Kenedy, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
130. Gilbert Kerlin of New York, New York, Trustee, and Gilbert Kerlin, individually, of New York, New York;
131. King Ranch, a Texas corporation, with its principal place of business in Kleberg County, Texas;
132. David Labanzat, of Matamoros, Mexico;
133. Guillermo Labanzat, of Matamoros, Mexico;
134. Isidoro Labanzat, of Matamoros, Mexico;
135. Rosaura Labanzat, of Matamoros, Mexico;
136. Maria Labanzat of Matamoros, Mexico;
137. C. E. Lafoon, of Eastland County, Texas;
138. Andres Leal, of Cameron County, Texas;
139. Arnulfo Leal, of Cameron County, Texas;
140. Jesus Leal, of Cameron County, Texas;
141. Sarah E. Little of Victoria County, Texas;
142. Carrie G. Little of Victoria County, Texas;
143. Martina Vara de Lourett and husband, Vincente Lourett of Cameron County, Texas;
144. Ana Labanzat de Lozano and husband, Esteban Lozanos and husband, Esteban Lozano of Matamoros, Mexico;
145. Atlee McCampbell and wife, Courtney McCampbell, of Nueces County, Texas;
146. Coleman McCampbell of Nueces County, Texas;
147. Mrs. Eddie White McCampbell, a feme sole, of Nueces County, Texas;
148. Edwin A. McCampbell and wife, Elizabeth C. McCampbell, of Nueces County, Texas;
149. John S. McCampbell and wife, Mildred C. McCampbell, of Nueces County, Texas;
150. W. B. McCampbell and wife, Violet McCampbell, of Nueces County, Texas;
151. Ward McCampbell and wife, Edith McCampbell, of Nueces County, Texas;
152. B. F. McKee, of Hidalgo County, Texas;
153. Henrietta A. McKnight and husband, J. F. McKnight, of Calhoun County, Texas;
154. E. F. McCarty, Sr. of Bexar County, Texas;
155. Geo. P. Moore of Los Angeles County, California;
156. Sunshine Rino Morgan and husband, Oran Morgan, whose places of residence are to the plaintiff unknown;
157. Edgar L. Nosmith, of Dallas County, Texas;
158. Ocean Side Toll Road Company, a Texas corporation; with its principal place of business in Cameron County, Texas;
159. Maria de los Dolores Balli de Olvera, a feme sole, whose place of residence is to the plaintiff unknown;
160. Carrie F. Parker, whose place of residence is to the plaintiff unknown;

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161. R. L. Parker, whose place of residence is to the plaintiff unknown;
162. The unknown stockholders of South Padre Island, Inc. and their respective heirs and legal representatives, whose places of residence are to the plaintiff unknown;
163. A.W. Phillips, Jr. of Dallas County, Texas;
164. Emilio Garcia Pizana of Cameron County, Texas;
165. Jose Garcia Pizana of San Luis Potosi, Mexico;
166. Mary A. Quinn, residing in the State of Illinois, but whose exact place of residence is unknown to the plaintiff;
167. The unknown heirs of A. A. Rainey, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
168. The unknown heirs of Charles W. Rainey, deceased and their heirs and legal representatives, whose places of residence are unknown to plaintiff;
169. The unknown heirs of Mattie or Martha C. Rainey, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
170. Cruz Saurez de Ramirez and husband, Severo Ramirez, of Cameron County, Texas;
171. Estela Balli de Rangel and husband, Martin Rangel, of Duval County, Texas;
172. R. B. Rentfro of Cameron County, Texas;
173. The unknown heirs of Minnie Gertrude Rino, deceased, and their heirs and legal representatives, whose places of residence are unknown to plaintiff;
174. Sidney E. Rino whose place of residence is to the plaintiff unknown;
175. Alfonso Rivera, whose place of residence is some place in the Republic of Mexico, but whose exact place of residence is unknown to the plaintiff;
176. Guadalupe Molina Rivera, individually and as next friend of her minor children, Josefa Suarez, Jose Maria Suarez, and Ruel Suarez, without lawful guardian in this State, residents of the Republic of Mexico, but whose exact place of residence is unknown to the plaintiff;
177. Lallah R. Robinson (Robinson) heir and devisee of P. F. Dunn, deceased, whose place of residence is unknown to the plaintiff;
178. J. R. Roberts of Cameron County, Texas;
179. Mrs. Maria Robertson, a resident of Cameron County, Texas, widow, individually and as community survivor and sole devisee of the last will and testament of Sam A. Robertson, deceased, and in her capacity as independent executrix of the last will and testament of the said Sam A. Robertson, deceased;
180. Concepcion Garcia de la Rosa and husband, Ernesto de la Rosa, of Cameron County, Texas;
181. Margaret Jane Salmon and husband, J. B. Salmon, whose places of residence are to the plaintiff unknown;
182. Eddie McCampbell Schendel and husband, E. R. Schendel, of Nueces County, Texas;
183. Scott Schreiner of Kerr County, Texas;
184. Sinclair Prairie Oil Company, Tarrant County, Texas;
185. Mrs. Violet E. Smith and husband, R. E. Smith of Eastland County, Texas;
186. Chas. M. Snyder and wife, Lexie Jean Snyder, of Dallas County, Texas;
187. Elmer A. Snyder and wife, Ella Marie Snyder, of Dallas County, Texas;
188. Eugene H. Snyder and wife, Hazel Snyder of Dallas County, Texas;
189. Harold L. Snyder and wife, Maude Snyder, of Cook County, Illinois;
190. Maurice Snyder and wife, Bernice Snyder, of Saline County, Kansas;
191. Merrill W. Staples of the City of Mobile and the State of Alabama;
192. Sun Oil Company of Dallas County, Texas;
193. Cristobal Suarez of Cameron County, Texas;
194. Eliza Suarez and husband, Juan Longoria Vera (Vara) of Cameron County, Texas;
195. Jose Suarez of Cameron County, Texas;
196. Esteban Suarez of Hidalgo County, Texas;

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197. Manuela Suarez of Nueces County, Texas;
  198. Mary (Mollie) Virginia Rino Swindell and husband, C.C. Swindell, whose places of residence are to the plaintiff unknown;
  199. Lucinda G. de Tijerina, a feme sole, whose place of residence is to the plaintiff unknown;
  200. The unknown heirs of Mary Thompson, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  201. Dr. Sam Thompson, of Kerr County, Texas;
  202. Lazaro Torres, whose place of residence is unknown to the plaintiff;
  203. The unknown heirs of Paula Balli Torres, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  204. Thomas Torres, surviving husband of Paula Balli Torres, whose place of residence is unknown to the plaintiff.
  205. Luisa Garcia de Vera, a feme sole, of Cameron County, Texas;
  206. Leonarda Garcia Vera, a feme sole, of Cameron County, Texas;
  207. Emilio Villareal, Jr. of Cameron County, Texas;
  208. Frenando Villareal of Cameron County, Texas;
  209. Luis Villareal of Cameron County, Texas;
  210. Maria Alva Villareal of Cameron County, Texas;
  211. Refugio Villareal of Cameron County, Texas;
  212. George M. Warren of the City of Bristol and State of Virginia;
  213. The unknown heirs of Emilio Villareal, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  214. Ada Wheeler Weil and husband, Moise Weil, of Nueces County, Texas;
  215. E. L. R. Wheelock of Cameron County, Texas;
  216. The unknown heirs of Nathaniel White, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  217. The unknown heirs of Maria Crisanta White, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  218. J. H. C. White, whose place of residence is unknown to the plaintiff;
  219. R. D. Wright of Webb County, Texas;
  220. Glenn Woosey whose place of residence is to the plaintiff unknown;
  221. C.H. Zane-Cetti, whose place of residence is to the plaintiff unknown;
  222. Louise H. Zane-Cetti, whose place of residence is to the plaintiff unknown;
  223. Marion E. Zane-Cett, whose place of residence is to the plaintiff unknown;
  224. The unknown heirs of Julia Bradbury, deceased, and their heirs and legal representatives, whose places of residence are to the plaintiff unknown;
  225. William Anderson, Thomas R. Agnew; W. R. Beebe, W. A. Brand, W. C. Barrett, W. F. Brink, Josephine L. Cook, Henry Cowing, Jay Cooke, R. E. Carter, W. A. Minter, Sr. John C. Conliff, A. D. Davis (alias A.B. Davis) Gus F. Davis, L. A. L. Day, J. R. Erwin, Joseph Franklin, Franklin P. Fee, Charles R. Flint, A. Healey, Arthur Holmos, Jesse R. Irwin, F. N. Jinks, Minor H. Keith, S. S. Maple, Agnes Mercer, George W. Moore, Marcus Manly, Charles H. Mathews, William A. Otto, John C. Orrick, William J. Pomeroy, Isabella Powell, Andrew James Park, William M. Ramsey, Luther Rodfield, Frost Seastrunk, A. C. Tisdelle, Carlos Wilcox, Rollin E. Wilcox, A. D. Wheedon, Mary O. Wheedon, John S. Wolfe, Charles B. Young, W. H. Yoakum, C. P. Young, Doan (alias Dean) Fish, Manuel Tovar, Carlota Tovar Sayas, Minor C. Keith, Samuel Sayas, Ismael Tovar, George M. Kennedy, Anderson Young, Juanita Morrell, Isabel Morrell, James A. Ware, Bradford S. Manley; Dolores Crisanti, Frank Molvin, B. F. Palmer (alias B. L. Palmer), Eliza Angelia Crisanti, Tomas Saldana, Cesaria Saldana De Rivera; Bonifacio Rivera, her husband, Margarita Doria de Leal, widow; Jesus Leal by Margarita de Leal, next friend, Quinta Leal de Sanchez and Martin Sanchez, her husband, Antonio C. de Olguin, widow, Charles H. Wheedon, Katie W. Martin Edgar, Mary Martin, Melville Martin, May B. Wheedon, Eva Carlisle Wheedon, Gracie Wheedon, Eduardo Suarez, Thomas P. Stevens, and John H. Harris, whose places of residence are unknown to plaintiff,

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and the unknown heirs of each of those who are now deceased, their respective heirs and legal representatives, whose places of residence are also unknown to plaintiff;

226. Unknown heirs of Paula Balli (daughter of Francisco Balli), Jose Maria Alvarez; Jose Maria Tovar, Pragedies Tovar de Perez, Calixto Tovar; Jesus Garcia (formerly of Matamoras, Mexico), Dolores Garcia (formerly of Valle de la Mota, Nuevo Leon, Mexico); Santiago Morales, Eduardo Suarez, Leonard C. Kelly, William Henry Mercer, Agnes Mercer, C. Hopkins Young, Simeon E. Bradbury, Horace Blakesley; Mary Gum (alias Gumm); James Kennedy; Gideon K. Lewis, Julia Pendergrast (alias Pendergast); Edwin H. Wheedon, T. J. Basham, Mrs. M. C. Laffoon, John H. Harris, Thomas P. Stevens, all deceased, and their respective heirs and legal representatives, whose places of residence are to the plaintiff unknown;

227. Kathleen Gilbert Hayward McCullough and Central Union Trust Company of New York, as executors and testamentary trustees of the last will and testament of Kate L. Gilbert, deceased, residing and domiciled, respectively, in New York City, New York; Kathleen Hayward and Frank E. Hayward, Jr., residents of New York City, New York, and Catherine Crawford Buchanan, a resident of Los Angeles, California, beneficiaries of said trust and \_\_\_\_\_ McCullough, whose first name is unknown to plaintiff, husband of the said Kathleen Gilbert Hayward McCullough, resident of New York, New York.

228. Guy Price, Administrator of the Estate of C. H. Zane-Cetti, a resident of Tarrant County, Texas, also the State of Texas.

The aforesaid named cross-acting defendants ascerting themselves here as plaintiffs represent to the Court that on or about the 1st day of January, A. D. 1939, the said cross-acting defendants were lawfully seized and possessed of the following described land and premises, situated in the State of Texas and in the Counties of Cameron, Willacy, Kenedy, Kleberg, and Nueces, holding and claiming the same in fee simple, to-wit:

Beginning at the extreme east end of the County division line between Kenedy and Kleberg Counties, Texas, where said line touches the Gulf of Mexico at low water mark for the beginning of this description.

Thence in a general southern direction with the low water line of said Island and the Gulf of Mexico 22800 varas or 12 miles to a point at low water mark of said Gulf of Mexico, which point is approximately 75 miles from Brazos Santo Iago Harbor, for the S. E. corner of this tract.

Thence West, parallel with said Kennedy-Kleberg County Line above mentioned, across said Padre Island to the center of the Laguna Madre, for the S. W. corner of this tract.

Thence in a general norther direction with the center of the said Laguna Madre crossing Baffin's Bay and also the aforesaid Kennedy-Kleberg County line at 22800 varas or 12 miles and continuing with said center line of the Laguna Madre an additional 15200 varas or 8 miles making the entire distance of 20 miles from the S.W. corner to a point in the center of said Laguna Madre for the N.W. corner of this tract.



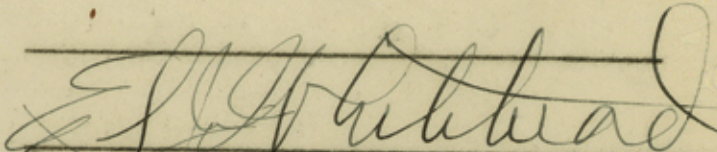
Thence across said Padre Island in an easterly direction parallel with the aforesaid Kennedy-Kleberg County Line to the Gulf of Mexico at low water mark, for the N. E. corner of this tract.

Thence in a general southern direction with the low water line of the Gulf of Mexico and Padre Island to the place of beginning, it being the point where said County Line touches the low water mark of Padre Island and the Gulf of Mexico.

It is the intention of the grantor herein, by adding the first and last calls in the above field notes, to make a distance of 20 miles of said lands fronting on the Gulf of Mexico from the S. E. corner to the N. E. corner of said tract of land.

That on the day and year aforesaid, the defendants and each of them unlawfully entered upon said premises and ejected the plaintiff therefrom and unlawfully withhold from the plaintiff said lands and premises to plaintiff's damage in the sum of TWENTY THOUSAND (20,000.00) DOLLARS; that the reasonable annual rental value of said land and premises is ONE HUNDRED THOUSAND (100,000.00) DOLLARS.

WHEREFORE, cross-acting Defendants pray judgment of the Court that the defendants and each of them be cited to appear and answer this petition and that upon trial hereof they have judgment for the title and possession of the lands and premises described in this petition and that they recover in accordance with the above allegations; and that they recover their damages as aforesaid, for writ of possession and of restitution, for costs of suit, and for such other and further relief, general and special, at law and in equity, to which they may be justly entitled.

  
Jas. A. Harley and E.S.J. Whitehead  
attorneys for cross-acting  
Defendants.  
San Antonio, Texas



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to which they may be justly entitled.

other and further relief, general and special, at law and in equity, writ of possession and of restitution, for costs of suit, and for such allegations; and that they recover their damages as aforesaid, for in this petition and that they recover in accordance with the above for the title and possession of the lands and premises described answer this petition and that upon trial hereof they have judgment Court that the defendants and each of them be cited to appear and WHEREFORE, cross-acting Defendants pray judgment of the DOLLARS.

value of said land and premises is ONE HUNDRED THOUSAND (100,000.00) THOUSAND (20,000.00) DOLLARS; that the reasonable annual rental lands and premises to plaintiff's damage in the sum of TWENTY plaintiff therefrom and unlawfully withhold from the plaintiff said each of them unlawfully entered upon said premises and ejected the That on the day and year aforesaid, the defendants and

land.

S. E. corner to the N. E. corner of said tract of said lands fronting on the Gulf of Mexico from the field notes, to make a distance of 20 miles of by adding the first and last calls in the above It is the intention of the grantor herein,

mark of Padre Island and the Gulf of Mexico.

point where said County line touches the low water Island to the place of beginning, it being the the low water line of the Gulf of Mexico and Padre Thence in a general southern direction with

water mark, for the N. E. corner of this tract.

Kleberg County line to the Gulf of Mexico at low direction parallel with the aforesaid Kennedy- Thence across said Padre Island in an easterly

San Antonio, Texas  
Defendants.  
attorneys for cross-acting  
Gas. A. Harley and E. S. J. Whithead



NO. 20,707-B.

THE STATE OF TEXAS

v.

ALBERTO BALLI, ET AL.

On the 15th day of January, A.D.1942, the same being a regular day of the January term of the District Court of Nueces County, 117th Judicial District of Texas, the above numbered and entitled cause was reached and called for trial in its regular order upon the docket, and pursuant to setting heretofore made by the court; when came the plaintiff, intervenors and defendants, and announced themselves ready for trial, that is to say:

The plaintiff, the State of Texas, suing herein for itself and on behalf of and for the benefit of the Permanent School Fund of the State of Texas, by Gerald C.Mann, Attorney General of said State, Glenn R.Lewis and Peter Maniscalco, Assistants Attorney General, and Robert E.Kepke, of Houston, Texas, former Assistant Attorney General;

The intervenors F.P.Dayvault, R.B.Hoover, Emery Wiley, Ben B.Scott, Glenn C.Briscoe, Wright Titus, J.A.Bracken, Neal Powers, E.B.James, J.C.Hawkins, M.A.Kline, Sam J.Kline, Arthur Squyres, C.C.Crews, P.H.Lipstate, K.Hughes, W.M.Smith, S.H.Casteel and A.M. Hendrickson, by Potter & Bezoni, of Tyler, and Neal Powers, of Tyler, their attorneys of record;

The intervenor Hector Crandall by Sidney Smith, of El Paso, his attorney of record;

NUECES CO. RLD SK. NO 36.

FLAT FOLDER



The defendants Albert R. Jones, Ocean Side Toll Road Company, a Texas corporation, Padre Island Causeway Company, a Texas corporation, Carrie S. Parker (sued herein as Carrie F. Parker), Burton Dunn and Edward R. Kleberg, as Independent Executors of the Estate of Pat F. Dunn, deceased, and as Testamentary Trustees for Burton Dunn, May Atlee Chilsen and Lallah R. Robinson, beneficiaries of said trust, Burton Dunn, individually, and Mrs. Maria Robertson, widow, in her individual capacity and as Independent Executrix of the last will and testament of Sam A. Robertson, deceased, by Kleberg, Eckhardt & Lowe, of Corpus Christi, and Davenport & Ransome, of Brownsville, their attorneys of record;

The defendant Sun Oil Company, a corporation, by J. T. Canales and Harbert Davenport, of Brownsville, and T. L. Foster and J. W. Timmins, of Dallas, its attorneys of record;

The defendant Sinclair Prairie Oil Company, a corporation, by ~~Fred~~ <sup>Paul</sup> A. McDermott, of Fort Worth, and B. D. Tarlton, of Corpus Christi, its attorneys of record;

The defendants Mrs. Eddie White McCampbell, Edward A. McCampbell and Elizabeth C. McCampbell, his wife, Mrs. Eddie McCampbell Schendel and E. R. Schendel, her husband, John S. McCampbell and Mildred C. McCampbell, his wife, Clyde Fore and Anna McCampbell Fore, his wife, and Coleman McCampbell, by Johns, McCampbell & Moller, of Corpus Christi, and Lawler, Wood & Childress, of Houston, their attorneys of record;

The defendant Eva McCampbell Anderson and T. A. Anderson, her husband, Ella Wheeler Carter, Atlee McCampbell and Courtney McCampbell, his wife, W. B. McCampbell and Violet McCampbell, his wife, Ward McCampbell and Edith McCampbell, his wife, Adah Wheeler Weil and Moise Weil, her husband, by McCampbell & McCampbell and Kleberg, Eckhardt & Lowe, all of Corpus Christi, their attorneys of record;

The defendants King Ranch, a Texas corporation, and the Estate of Robert J. Kleberg, deceased, by Denman, Franklin & Denman, of San Antonio, their attorneys of record;



The defendants Gilbert Kerlin, individually and as trustee, Mrs. Joseph G. Bowen, widow, individually and as executrix of the last will and testament of Joseph G. Bowen, deceased, Frederic N. Gilbert, J. Q. Henry, Alberto Balli, Antonio Balli, Candida G. Balli, Emilio Suarez Balli, Esteban Balli, Federico Balli, Guadalupe Balli (of Travis County, Texas), Guadalupe Balli and Santos Garcia, her husband (of Jackson County, Texas), Juan Jose Balli, Jose Maria Balli, Nicolas Balli, Olivia Balli, Primitivo Balli, Juana Balli de Castillo and Ambrosio Castillo, her husband, Maria Suarez de Charles and Jose Charles, her husband, Candida Maria Garcia Estrada, Adelaida Garcia de Garcia and Tomas Garcia, her husband, Alberto Garcia (of Matamoros, Mexico), Alberto Garcia (of San Luis Potosi, Mexico), Eduardo Garcia, Elvira Garcia, Fidela Garcia, Fidela de los Santos Garcia de Garcia, individually and as next friend of Lucinda Garcia, her minor daughter, Lucinda Garcia, the minor aforesaid, by her said next friend, Guadalupe Garcia, Lucinda Garcia, Paula Estrada de Garcia, individually and as next friend of her minor children, Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada, and Gregorio Garcia Estrada, and the said minors Juana Garcia Estrada, Antonia Garcia Estrada, Lucinda Garcia Estrada, and Gregorio Garcia Estrada, the aforesaid minors by their aforesaid mother and next friend, Pedro Garcia, Primitivo Garcia, Reynaldo Garcia, Rafael Garcia, David Labanzat, Guillermo Labanzat, Isidoro Labanzat, Rosaura Labanzat, Maria Labanzat, Ana Labanzat de Lozano and Esteban Lozano, her husband, George P. Moore, Emilio Garcia Pizana, Jose Garcia Pizana, Cruz Suarez de Ramirez and Severo Ramirez, her husband, Estela Balli de Rangel and Martin Rangel, her husband, Alfonso Rivera, Guadalupe Molina Rivera individually and as next friend of her minor children, Josefa Suarez, Jose Maria Suarez, and Raul Suarez, Concepcion Garcia de la Rosa and husband, Ernesto de la Rosa, Merrill W. Staples, Cristobal Suarez, Eliza Suarez and Juan Longoria Vera, her husband, Jose Suarez, Esteban Suarez, Manuela Suarez, Lucinda G. de Tijerina, Luisa Garcia de Vera, Leonarda Garcia A.W. Phillips, Jr., and George M. Warren, by Seabury, Taylor & Wagner of Brownsville, Texas, their attorneys of record;



The defendants Elizabeth Snyder Herring and Clarence Herring, her husband, Harold L. Snyder and Maude Snyder, his wife, Dorothy Snyder Henegar and B.V. Henegar, her husband, Elmer A. Snyder and Ella Marie Snyder, his wife, Maurice Snyder and Bernice Snyder, his wife, Chas. M. Snyder and Lexie Jean Snyder, his wife, Eugene H. Snyder and Hazel Snyder, his wife, by B.D. Kimbrough and Howell Ward, of Corpus Christi, their attorneys of record;

The defendants Edward Clubb Humphreys, personally and as agent of the heirs of Thomas B. Clubb and Mariah C. Clubb, his wife, sued herein as the Unknown heirs of Thomas B. Clubb, deceased, and G.C. Dawson, personally and as agent of the heirs of John V. Singer and Johannah Shaw Singer, his wife, sued herein as the Unknown Heirs of John V. Singer, deceased, and the Unknown Heirs of Johanna Shaw Singer, deceased, and Phillip H. Singer, John A. Singer, Attice Gertrude Singer, Roxie Singer, W.S. Ainsworth and Robert Singer, and D. Walter Griegg, personally and as agent of the heirs of John V. Singer and Johannah Shaw Singer, his wife, sued herein as the Unknown Heirs of John V. Singer, deceased, and the Unknown Heirs of Johanna Shaw Singer, deceased, and Lula Griegg Peters and Fred Peters, her husband, Mamie Griegg O'Brien and T.J. O'Brien, her husband, Jennie Griegg Sharland and Charles Sharland, her husband, and William Willard Singer and "the heirs and owners of the Clubb Estate as heirs and owners of Estate of Thomas B. Clubb and wife, Mariah C. Clubb, deceased," all by their attorneys of record; W.C. Douglas and E.S.J. Whitehead, of San Antonio, and

The defendants Mary Agnes Clubb Humphreys, Elva Frances Clubb White, Mamie Goodbread, Loula Celia Clubb Bowles and Eve G. Bowles, her husband, Lena Josephine Clubb Fitch and D.R. Fitch, her husband, Minnie Estelle Kelly and Walter Kelly, her husband, William Carr Clubb, non compos mentis, by Guardian Loula Celia Clubb Bowles, Thomas B. Clubb, Jr., Rosebell Lucille Clubb Putnam and Herbert Earle Putnam, her husband, Sarah Matilda McGowan Hutchison and S.H. Hutchison, her husband, John William McGowan, Mary Elva McGowan, Robert Stephen McGowan, Thomas Edward McGowan, Clara Agnes Studer Graves and



Lee Wilson Graves, her husband, John Robert Studer, Lessie Mae Studer Finly, Maude Hazel Studer Smith and Thomas Weaver Smith, her husband, Augusta Dorothea Studer Franks and Edwin Stone Franks, her husband, Amanda Elizabeth Humphreys and E.C.Humphreys, her husband, Dr. H.H. Ogilvie, J.B.Wofford, W.A.Johnson and Jessie Niles Johnson, his wife, Byron Hawkins and Norma Hawkins, his wife, J.C.Ivey, G.O. Dawson, L.W.Stieren, Ernest Evans, Lee M.Sommers and Dr.H.M.Missinger, sued herein as the Unknown Heirs of Thomas B.Clubb, deceased, and claiming as the heirs of said Thomas B.Clubb and of Mariah C.Clubb, his wife, both deceased, by James A. Harley and E.S.J.Whitehead, of San Antonio, their attorneys of record;

The defendant J. Q. Henry, by Seabury, Taylor & Wagner, of Brownsville, his attorneys of record;

And the defendant Frank E. Jones, by M. C. Eckhardt, of Corpus Christi, and Harbert Davenport, of Brownsville, his attorneys of record.



And the following named defendants - who had been theretofore duly cited by publication to be and appear at this term and at prior terms of this court and had not appeared by attorneys of their own selection - by Howell Ward and Margaret B. Brown, attorneys practicing as Ward & Brown, and by Frank W. Nesbitt, all of Corpus Christi, who had heretofore been appointed by the court as attorneys ad litem for said defendants and as guardians ad litem for such of them as are minors without lawful guardian in this State, and who, as such, had appeared and answered for these defendants, namely:

The following named persons and corporations: D.H. Ainsworth, Antonia Cavazos de Alguin, Elizabeth A. Baldwin, Bernardo Balli, Jr., Isabella Balli, Jesus Balli, Jose Balli (also known as Jose Joaquin Balli), Leonor Balli, Manuel Balli, Manuela Balli, Rosa Balli, Paul L. Bethki and Fannie Griegg Bethki, his wife, William Robert Bowdoin, R.F. Birch, Angela Elisa Grisanti vda. de Carrasco, Francisco Cavazos, Narciso Cavazos, Refugio Cavazos, Trinidad Cavazos, Victoriana Cavazos, W.E. Callahan, William John Conaway, Dolores Grisanti de Davilia and Rafael Davilia, her husband, W.J. Ehlers, American Land & Cattle Company, a foreign corporation, Franklin Oil Company, a foreign corporation, Eugenia Villareal vda. de Garcia, Merrill P. Griffith, Nicolas M. Grisanti, Ygnacio A. Grisanti, Elizabeth Hendrix, widow, Emma H. Zane-Cetti Irwin and William H. Irwin, her husband, Mercedes Cavazos de Jaime and Gonzalo Jaime, her husband, S. (Steve) N. Jordan, Marie de los Dolores Balli de Olvera, R.L. Parker, Mary A. Quinn, Lazaro Torres, Thomas Torres, J.H.C. White, Glenn Woosey, C.H. Zane-Cetti, Louise H. Zane-Cetti, Marion E. Zane-Cetti, Kathleen Gilbert Hayward McCullough and Central Union Trust Company of New York, executors of will of Kate L. Gilbert, and testamentary trustees for Kathleen Hayward, Frank E. Hayward, Jr., and Catherine Crawford Buchanan; also \_\_\_\_\_ McCullough; husband of said Kathleen;

The following named if living, and the Unknown Heirs of



them, or any of them, that may be deceased, and their respective heirs and legal representatives: William Anderson, Thomas R. Agnew, W.R. Beebe, W.A. Brand, W.C. Barrett, W.F. Brink, Josephine L. Cook, Henry Cowing, Jay Cooke, R.E. Carter, W.A. Minter, Sr., John C. Conliff, A.D. Davis (alias A.B. Davis), Gus F. Davis, L.A.L. Day, J.R. Erwin, Joseph Franklin, Franklin P. Fee, Charles R. Flint, A. Healey, Arthur Holmes, Jesse R. Irwin, F.N. Jinks, Minor H. Keith, S.S. Maple, Agnes Mercer, -----, Marcus Manly, Charles H. Matthews, William A. Otto, John C. Orrick, William J. Pomeroy, Isabella Powell, Andrew James Park, William M. Ramsay, Luther Redfield, Frost Seastrunk, A.C. Tisdelle, Carlos Wilcox, Rollin E. Wilcox, A.D. Wheedon, Mary O. Wheedon, John S. Wolfe, Charles B. Young, W.H. Yoakum, C.P. Young, Doan (alias Dean) Fish, Manuel Tovar, Carlota Tovar Sayas, Minor C. Keith, Samuel Sayas, Ismael Tovar, George M. Kennedy, Anderson Young, Juanita Morrell, Isabel Morrell, James A. Ware, Bradford S. Manley, Dolores Grisanti, Frank Melvin, B.F. Palmer, Eliza Angelia Grisanti, Tomas Saldana, Cesaria Saldana de Rivera, Bonifacio Rivera, Margarita Doria de Leal, widow, Jesus Leal by Margarita de Leal, next friend, Quinta Leal de Sanchez and Martin Sanchez, her husband, Antonia C. de Olguin, widow, Charles H. Wheedon, Katie W. Martin Edgar, Mary Martin, Melville Martin, May B. Wheedon, Eva Carlisle Wheedon, Gracie Wheedon, Eduardo Suarez, Tomas P. Stevens and John H. Harris;

The Unknown Heirs of each of the following named persons (now deceased), and their respective heirs and legal representatives: Isabella Balli, Jesus Balli, J.G. Fernandez, Manuel Trevino de los Santos Coy, Elizabeth (Lizzie) Havre, John A. Jackson, Mifflin Kenedy, Mattie or Martha C. Rainey, Minnie Gertrude Rino, Paula Balli Torres, Emilio Villareal, Nathaniel White, Maria Crisanta White, Julia Bradbury, Paula Balli, Jose Maria Alvarez, Jose Maria Tovar, Pragedies Tovar de Perez, Calixto Tovar, Jesus Garcia, Dolores Garcia, Santiago Morales, Eduardo Suarez, Leonard C. Kelly, William Henry Mercer, Agnes Mercer, C. Hopkins Young, Simeon E. Bradbury, Horace Blakesley, Thomas B. Clubb, Mary Gum (alias Gumm), James Kennedy, Gideon K. Lewis, Julia Pendergrast (alias Pendergast), Johanna Shaw, Edwin H. Wheedon,



T. J. Bashan, Mrs. M. C. Laffoon, John H. Harris and Thomas P. Stevens;

The Unknown Stockholders of Kenedy Pasture Company, of American Land & Cattle Company, and of Franklin Oil Company, respectively, and their respective heirs and legal representatives.

Each and all of the aforesaid announcements of ready for trial by the defendants hereinbefore listed in this judgment were made conditioned upon the observance of the following stipulation, which was consented to and adopted by all of them upon a pre-trial hearing before this Court in this cause, to-wit:

Stipulation:

This case is to be tried purely as a case of the State and interveners claiming under the State against all defendants claiming under the Tamaulipas grant, and that various parties defendants claiming under that grant waive all right to prosecute cross actions and controversies among themselves in this cause, and nothing done in this case is to be considered as res adjudicata or shall prejudice the rights of said defendants as to any issues between those defendants and that all of said cross actions be dismissed without prejudice.

Which stipulation was approved by the Court and entered in the proceedings of said pre-trial hearing and ordered observed, followed and given effect upon the regular trial of this cause, and the same is now here made an integral and basic part of the adjudication hereinafter made.



Also came the following named defendants by their answers and disclaimers, respectively, heretofore filed in this cause, namely:

Agnes A. Dickinson, Independent Executrix of the last will and testament of A.D. Dickinson, Jr., deceased, by A.K. Black, of Brownsville, her attorney of record;

Sarah E. Little and Carrie G. Little, by Linebaugh & Guitard, of Victoria, their attorneys of record;

Ike Bollack, by Kent & Brown, of Brownsville, his attorneys of record;

Concepcion villanueva Hugonette by Carlos G. Watson, of Brownsville, her attorney of record;

M.M. Laffoon Butler and J.S. Butler, her husband, and C.E. Laffoon and the Unknown Heirs of A.A. Rainey, deceased, by Turner, Seaberry & Speight, of Eastland, their attorneys of record;

Geo. F. Howard, Chas. Reinhard and Sanford Schwing, individually and as partners under the firm name of Howard, Reinhard & Schwing (formerly Howard & Reinhard), by Samuel Schwing, of Houston, their attorney of record;

Andres Leal, Arnulfo Leal and Jesus Leal, by Menton J. Murray, of Harlingen, their attorney of record;

E.R. Fry, by O.V. Bridges, of Mission, his attorney of record;

~~Sinclair Prairie Oil & Gas Corporation, by Fred A. McDermott, of Fort Worth, and B. D. Tarlton, of Corpus Christi, its attorneys of record~~

Raymond Burleson, answer and disclaimer, by Clark T. Smith, his attorney of record;

R.B. Rentfro, disclaimer, in person;

Edgar L. Nesmith, disclaimer, in person;

E.L.R. Wheelock, disclaimer, in person;

Maria Concepcion Balli, by Arthur A. Klein, of Harlingen, her attorney of record;

R.D. Wright, disclaimer, in person;

W.S. Holman, disclaimer, in person;



Margaret Jane Salmon and J.B.Salmon, her husband, by Storey, Saunders, Sherrill & Armstrong, of Dallas, their attorneys of record;

R.M.Clark, Mrs.A.R.Nesbitt, Will H.Wright and George W.Moore, by J.P.Ellis, of San Benito, their attorney of record;

Josefina Balli Cortez and Isidoro Cortez, by Weaver & Weaver, of Donna, their attorneys of record;

South Padre Island, Inc., a corporation, and Lee B. James, by Noble G.Cofer, of Brownsville, their attorney of record;

Alice B.Atwood, Edwin B.Atwood, and Alice B.Atwood as Conservatrix of the Estate of Richard W.Atwood, Distracted, by Baker, Botts, Andrews & Wharton, of Houston, their attorneys of record;

J.D.Burns, disclaimer, in person;

John G.Kenedy, Jr., the Kenedy Pasture<sup>Company</sup>, a corporation, (sued herein as "the Unknown Stockholders of Kenedy Pasture Company and their respective heirs and legal representatives), and Mrs.Sarita K.East and A.L.East, her husband, by Boone, Henderson, Boone & Davis, of Corpus Christi, their attorneys of record;

Ed Singer, Mrs.Hattie Singer Fannin and Ernest E.Fannin, her husband, Mrs.Joel A.Phipps, Jr., and Joel A.Phipps, Jr., her husband, Miss Cecil Singer and Miss \_\_\_\_\_ Singer, her sister, Mrs. \_\_\_\_\_ Weigand, a widow, and Ed Singer (of Cook County, Illinois), for themselves and on behalf of the Heirs of John V.Singer and Johannah Shaw Singer, deceased, and sued herein as the Unknown Heirs of said John V.Singer and of said Johanna Shaw Singer, both deceased, by Albert V.Dirden, their attorney of record;

George Johnson, surviving husband of Minnie Gertrude Rino Johnson, F.M.Johnson, G.L.Johnson, Mrs.Nina J.Fauth and Albert Fauth, her husband, Mrs.Ethel Caywood and H.E.Caywood, her husband, Mrs.Violet Smith and R.E.Smith, her husband, Mrs.Irma Fox and R.E.Fox, her husband, Mrs.Nellie Rino Brown and Wilbur Brown, her husband, Mrs.Maggie Rino Havins and Thomas Havins, her husband, Mrs.Sunshine Morgan (sued herein as Sunshine Rino Morgan) and Oran Morgan, her husband, Sidney E.Rino and Mrs.Mary (Mollie) Virginia Rino



Swindell and C.C.Swindell, her husband (surname Swindell sometimes written Swindle), by R.L.Rust, their attorney of record;

Eduardo Vela, Hormecinda V.de Allala, Pedro Vela, Alicia Rodriguez, Alfonso Alamia, Jose R.Alamia, Luis Alamia, Ernesto Vela, Alfredo Vela, Ernestina Vela, Angela Schunior, Sinforiana Chavez, Frank Vasquez, personally and as next friend of Minerva Vasquez, Frank Vasquez, Jr. and Enrique Vasquez, minors, and Eloi Longoria, Alberto Longoria and Flavio Longoria, - all sued herein as the Unknown Heirs of Angela Balli -, by J.R.Alamia, of Edinburg, their attorney of record;

William M.Cowen, an intervening defendant, in person; Mrs.Alberta Balli Young, an intervening defendant, by Augustus McCloskey and Theodore E.Simmang, of San Antonio, her attorneys (withdrawal of answer filed January 12, 1942, but no leave granted and answer not actually withdrawn);

Zaide Rotge Miller and Fred Miller, her husband, Amelie Rotge Gonzalez <sup>feme sole,</sup> and Ramiro J.Gonzalez, Mrs.Adelaide Rotge Oosterveen, feme sole, Esperanza Rotge Rodriguez and Francisco Rodriguez, her husband, Eduardo Rotge, <sup>W.</sup>Merlinda Rotge Hernandez and Silvino Hernandez, her husband, Mrs.Hortense Freeman, feme sole, Mrs.Josephine Weiss, feme sole, and A.D.Byington, - all sued herein as the Unknown Heirs of Francisco Balli, deceased, - by Mike J.Kaine, Jr., of San Antonio, their attorney of record;

Mrs.George Delling and George Delling, her husband, Mrs. Peter Kleid and Peter Kleid, her husband, and J.R.Roberts, disclaimers, each in person; and

Emilio Villareal, Jr., Fernando Villareal, Jr., Luis Villareal, Maria Alva Villareal and Refugio Villareal, by Reynaldo G.Garza, of Brownsville, their attorney of record.

And all pleas in abatement demurrers and exceptions having been overruled by the Court,



and the aforesaid parties plaintiff, intervenor and defendant appearing as aforesaid and announcing themselves ready for trial, waived a jury, and, no jury having been demanded by any of the other parties to this suit, submitted the cause to the court upon the law and the facts. The submission of their evidence thereafter continued from day to day and time to time until the 27th day of February, 1942, when, the trial not being concluded, the court by its order of that date duly made and entered upon the minutes, found it expedient to extend, and did extend, the then current January term, 1942, of said court to and including March 31, 1942, for the purpose of completing such trial, the entry of judgment, filing of motion for new trial, if necessary, and the entry of judgment thereon, as well as all other things necessary to a full and complete conclusion of said trial in progress as aforesaid; and thereafter on March 17, 1942, and during the term extended as aforesaid, the court announced in open court that it was of opinion that the law and the facts were with the defendants, and that the judgment and decree of the court should be as the same is now here rendered and ordered entered on its minutes:

It is, therefore, now here by the court considered, found, ordered, adjudged and decreed as follows:

FIRST.

That the title, both legal and equitable, to the real estate sued for in this suit by the State of Texas, for itself and in behalf of and for the benefit of the Permanent School Fund of the State of Texas, and fully described in the Plaintiff's Third Amended Original Petition filed herein on the 31st day of December, 1941, and all minerals and mineral rights therein and appurtenances thereto, had passed out of the sovereignty long prior to February 9, 1940, on which date this suit was instituted, and was then, and is now, held and owned by parties defendant to this suit, - the said real estate so sued for being now here described as follows:

All that certain tract of land situated in the State of Texas, and in the Counties of Cameron, Willacy, Kenedy, Kleberg and Nueces, being an island lying east of the mainland of Texas, separat-

counter 47697



ed therefrom by the body of water called Laguna Madre, and bounded on the north by the original Corpus Christi Pass, now partly closed but its location easily discernable and today commonly called Old Corpus Christi Pass, on the east by the Gulf of Mexico, on the south by the original Brazo de Santiago Pass, now called Brazos Santiago Pass, and on the west by the said Laguna Madre, which island is commonly known as Padre Island and so designated on the maps of the General Land Office of the State of Texas, at Austin, Texas, and is the same island in and to which the State of Texas relinquished all its right and interest to and in favor of Nicolas Balli and Juan Jose Balli as the original grantees thereof, their heirs and legal assigns, by an Act of its Legislature approved February 10, 1852, entitled : " An Act to relinquish the right of the State to certain lands therein named", being all the land contained within the following metes and bounds, as per the field notes of a survey of Padre Island made by J. S. Boyles, C. E., a Licensed Land Surveyor, from July 1, 1941, to September 26, 1941, as contained in his Report of Survey which is bodily incorporated in said Plaintiff's Third Amended Original Petition, as follows:



FIELD NOTES OF A SURVEY OF PADRE ISLAND LYING IN THE COUNTIES OF NUECES, KLEBERG, KENEDY, WILLACY AND CAMERON COUNTIES, TEXAS, MADE FOR THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS.

BEGINNING at a stake set at the intersection of the Southwest margin of the old Corpus Christi Pass with the shore line of the Gulf of Mexico;

THENCE with the meanders of the shore line of the Gulf of Mexico South 24° 09' West, at 192.28 varas U.S.C. & G. Triangulation Station "FISH" on top of what is locally known as Four Mile Hill - a sand dune about 36.0 ft. high and about 125.0 ft. in diameter, bears South 45° 54' West 167.0 vrs. The latitude of this station "FISH" is 27° 34' 46.276" and the longitude is 97° 13' 14.249"; continuing South 24° 09' West, at 883.28 vrs. a 3" pipe 6' high brs. North 65° 51' West 65.3 vrs., at 917.12 vrs. pass the County line between Nueces and Kleberg Counties, as established by C. M. Blucher in April, 1937; in all 992.28 vrs.;

THENCE continuing with meanders of the shore line of the Gulf of Mexico: South 24° 24' West 1650.0 vrs., South 25° 14' West 3500.0 vrs., South 25° 49' West 2977.0 vrs., South 24° 14' West 1450.0 vrs. whence a 6"x 6" concrete monument on top of a high hill brs. North 73° 12' West 229.3 vrs., South 24° 29' West 2200.0 vrs., South 23° 29' West 2800.0 vrs., South 21° 53' West, at 1094.7 vrs. pass a 3" iron pipe 2.0 ft. high, in all 1500.0 vrs., South 23° 00' West 2000.0 vrs., South 21° 00' West 1200.0 vrs., South 21° 20' West 1850.0 vrs., South 20° 45' West 1900.0 vrs., South 18° 41' West 321.5 vrs., South 20° 02' West 400.0 vrs. to a stake, in all 1100.0 vrs., South 19° 02' West 600.0 vrs., South 16° 52' West 417.5 vrs. to a 3" pipe, South 19° 16' West, at 2200.0 vrs. a 3" pipe brs. South 12° 58' West 177.5 vrs. Continuing South 19° 16' West, in all 2950.0 vrs. whence a navigation marker on a high sand dune brs. South 19° 15' West. Continuing with the meanders of the Gulf of Mexico South 19° 15' West 850.0 vrs., South 16° 00' West 600.0 vrs., South 11° 29' West 427.5 vrs. to a 3" pipe, South 18° 29' West 800.0 vrs. whence U.S.C. & G. Station "SPRINT" whose latitude is 27° 21' 19.946" and the longitude 97° 19' 27.662" brs. South 67° 35' West 148.6 vrs., South 16° 00' West 700.0 vrs., South 16° 20' West 700.0 vrs., South 16° 50' West 1600.0 vrs., South 15° 40' West 1600.0 vrs., South 14° 40' West 1600.0 vrs. to the North edge of a shell reef and from which a Navigation Marker on a sand dune brs. South 17° 05' West, South 14° 55' West 2400.0 vrs. whence U.S.C. & G. Hydrographic Station "LOST" brs. South 30° 02' West 405.6 vrs., South 13° 35' West 3200.0 vrs., South 12° 25' West, at 242.0 vrs. pass a ranch road leading to a small enclosure to the West, at 800.0 vrs. U.S.C. & G. Station "ALONG" whose latitude is 27° 15' 44.382" and longitude 97° 21' 09.566" brs. South 60° 01' West 203.5 vrs. From this monument a small ranch house brs. North 33° 59' West and U.S.C. & G. Station "UNION" whose latitude is 27° 16' 03.594" and longitude is 97° 21' 26.15" brs. North 37° 48' 55" West 882.0 vrs. Continuing with the meanders of the Gulf of Mexico; South 12° 25' West in all 2400.0 vrs. to the South end of a shell reef, South 11° 00' West 5000.0 vrs., South 08° 57' West 881.7 vrs., South 10° 33' West 300.0 vrs. to a stake on the North side of what is known as Yerber or Murdock Pass, a cut dredged by the Game, Fish & Oyster Commission. Continuing with the meanders of the shore line of the Gulf of Mexico: South 10° 33' West 221.0 vrs. to a stake on the South side of said Pass, South 06° 13' West 450.0 vrs., South 08° 28' West, at 450.0 vrs. a U.S.C. & G. Survey tower brs. North 78° 07' West 152.45 vrs. (No monument could be found). Continue South 08° 28' West, in all 1500.0 vrs., South 07° 43' West 1700.0 vrs., South 05° 38' West 700.0 vrs. whence a U.S.C. & G. Survey wooden tower brs. South 05° 48' West.



South 06° 18' West, at 725.0 vrs. the same wooden tower brs. North 83° 42' West 8.44 vrs. (No monument was found), in all 2800.0 vrs., South 04° 48' West, at 2350.0 vrs. enter beds of large shells, in all 3300.0 vrs., South 03° 38' West, at 1500.0 vrs. leave the large shell beds, in all 3700.0 vrs. passing at 2900.0 vrs. a stake from which U.S.C. & G. Station "KEYHO" whose latitude is 27° 06' 05.977" and longitude 97° 22' 39.256" brs. South 86° 53' West 145.4 vrs. Continue with the meanders of the Gulf of Mexico South 02° 23' West 1373.0 vrs. a stake, in all 2400.0 vrs., South 01° 43' West 3200.0 vrs. whence U.S.C. & G. Station "CONE" on what is known as Black Hill and whose latitude is 27° 03' 10.151" and longitude 97° 22' 46.906" brs. South 86° 43' West 109.7 vrs. Continuing with the meanders of the shore line of the Gulf of Mexico: South 00° 28' West, at 570.0 vrs. a line was run South 86° 28' West 117.0 vrs., South 84° 58' West 589.0 vrs. and South 18° 02' East 65.0 vrs. to a 3" pipe U.S.C. & G. Station "DUNN" whose latitude is 27° 02' 51.393" and whose longitude is 97° 23' 04.456", (the said monument is located in a small ranch enclosure). Continuing with the meanders of the shore line of the Gulf of Mexico: South 00° 28' West 2150.0 vrs. in all, whence U.S.C. & G. Station "CONE" brs. North 02° 10' West, South 00° 42' East 3400.0 vrs., at 2700.0 vrs. on this course U.S.C. & G. Station "POST" whose latitude is 27° 06' 05.977" and longitude 97° 22' 39.256" brs. South 41° 26' West 196.9 vrs., South 03° 12' East, at 937.0 vrs. pass an abandoned shack, at 1200.0 vrs. leave large shells, in all 2000.0 vrs., South 02° 32' East 1700.0 vrs., South 03° 57' East 3515.0 vrs., South 05° 32' East, at 345.0 vrs. pass the mouth of a small drain, at 970.0 vrs. pass the mouth of another small drain, at 1500.0 vrs. a line was run South 55° 44' West 1060.0 vrs., South 13° 30' West 200.0 vrs. and South 16° 56' West 77.5 vrs. to U.S.C. & G. Station "CORRAL" whose latitude is 26° 56' 13.276" and longitude 97° 22' 55.721", at 2000.0 vrs. a telephone pole brs. North 36° 45' West 141.2 vrs., at 2480.0 vrs. pass the mouth of a small drain and in all 3000.0 vrs., South 06° 32' East, at 635.0 vrs. pass the mouth of a small drain, at 1458.0 vrs. pass the mouth of a lake cut off from the Gulf by the sand shelf, at 2555.0 vrs. pass the mouth of a small drain, at 3440.0 vrs. pass the mouth of another small drain and in all 3500.0 vrs., South 08° 02' East, at 1197.0 vrs. pass the mouth of probably an old pass, in all 1600.0 vrs., South 07° 22' East, at 344.0 vrs. pass the mouth of a small drain, at 1375.0 vrs. pass the mouth of a small drain, in all 1600.0 vrs., South 09° 27' East, at 930.0 vrs. pass the mouth of a small drain, in all 1500.0 vrs., South 10° 24' East, at 5169.0 vrs. pass the mouth of a small drain, in all 5700.0 vrs. whence a U.S.C. & G. target brs. South 12° 07' East 8.0 vrs., South 12° 07' East, at 1095.0 vrs. pass the mouth of a small drain, in all 1500.0 vrs. whence a target at the Northeast corner of a small house brs. South 12° 07' East 7.5 vrs., South 13° 31' East 550.0 vrs., South 12° 17' East 500.0 vrs., South 12° 49' East 500.0 vrs., South 11° 03' East 600.0 vrs., South 13° 03' East 1800.0 vrs., South 12° 43' East 1000.0 vrs., South 11° 58' East 1200.0 vrs., South 13° 38' East 3200.0 vrs., South 14° 53' East, at 527.0 vrs. pass a small shanty, in all 2000.0 vrs., South 15° 33' East, at 913.0 vrs. pass the mouth of a small drain, at 2950.0 vrs. pass the mouth of another small drain, in all 3400.0 vrs., South 17° 14' East 450.5 vrs., South 15° 19' East, at 1170.0 vrs. a wrecked ship THE NIGERAGUA brs. South 74° 41' West 64.0 vrs. in all 2400.0 vrs., South 16° 18' East, at 600.9 vrs. a stake. Thence continuing with the meanders of the shore line of the Gulf of Mexico: South 16° 18' East, at 371.0 vrs. pass the mouth of a drain, at 1130.0 vrs. pass the mouth of another drain, in all 4300.0 vrs., South 17° 38' East, at 1850.0 vrs. pass the mouth of a drain, in all 2100.0 vrs., South 17° 18' East 700.0 vrs., South 16° 48' East 1350.0 vrs., South 18° 38' East, at 1100.0 vrs. pass J. S. Boyles Camp Site No. 2, in all 3500.0 vrs., South 19° 08' East 600.0 vrs., South 18° 30' East 2400.0 vrs., South 16° 50' East 1567.6 vrs. to a 6" x 6" concrete monument U.S.C. & G. Hydrographic Station "FOO", South 21° 35' East 800.0 vrs., South



19° 29' East 1485.7 vrs., South 20° 13' East 600.0 vrs., South 18° 08' East 2900.0 vrs. whence U.S.C. & G. Station "HARENA" whose latitude is 26° 31' 15.074" and longitude 97° 16' 09.302" brs. North 79° 20' West 1439.3 vrs., South 15° 43' East 1100.0 vrs., South 17° 13' East, at 1800.0 vrs. U.S.C. & G. Hydrographic Station "ORE" brs. South 05° 33' West 65.5 vrs. in all 2400.0 vrs., South 16° 55' East at 367.6 vrs. pass a staked line for a proposed cut across the island by the Game, Fish & Oyster Commission, said proposed cut bearing North 86° 23' West.

At 2700.0 vrs. a U.S.C. & G. tower (no monument found) brs. South 08° 20' West 414.7 vrs., in all 3400.0 vrs., South 14° 15' East 1200.0 vrs., South 18° 01' East 800.0 vrs. whence U.S.C. & G. Station "GULF" whose latitude is 26° 28' 04.889" and longitude 97° 15' 04.444" brs. North 43° 58' West, South 16° 01' East 1800.0 vrs., South 15° 29' East 600.0 vrs., South 15° 00' East 1900.0 vrs., South 14° 03' East 781.4 vrs., South 15° 26' East 809.82 vrs. whence a U.S.C. & G. tower (no monument found) brs. North 44° 00' West 387.5 vrs. and U.S.C. & G. Station "CAMWILL" whose latitude is 26° 24' 34.974" and longitude 97° 14' 20.287" brs. South 88° 21' West, South 15° 26' East 2100.0 vrs., South 14° 10' East 700.0 vrs., South 13° 51' East 1350.0 vrs., South 13° 22' East 1200.0 vrs. U.S.C. & G. Station "EUREKA" whose latitude is 26° 21' 09.707" and longitude 97° 12' 34.773" brs. South 05° 31' East, South 13° 54' East 1600.0 vrs. "EUREKA" brs. South 11° 40' West. South 13° 23' East, at 700.0 vrs. "EUREKA" brs. South 74° 08' West 335.26 vrs., in all 3900.0 vrs. "EUREKA" brs. North 20° 32' West, South 14° 33' East 1600.0 vrs. "EUREKA" brs. North 17° 46' West, South 13° 49' East 700.0 vrs. "EUREKA" brs. North 17° 17' West, South 12° 07' East 700.0 vrs. U.S.C. & G. Station "BURNT" whose latitude is 26° 17' 11.153" and longitude 97° 11' 55.007" brs. South 09° 31' West, South 11° 49' East 700.0 vrs. "BURNT" brs. South 16° 24' West, South 11° 33' East 600.0 vrs., South 11° 20' East, at 980.0 vrs. pass the mouth of a drain, in all 1800.0 vrs., South 11° 31' East 1200.0 vrs. "BURNT" brs. North 41° 35' West. South 10° 39' East 737.3 vrs., South 10° 29' East 400.0 vrs. a stake, in all 2200.0 vrs. whence U.S.C. & G. Station "COAST" whose latitude is 26° 14' 28.196" and longitude 97° 11' 22.383" brs. South 24° 33' West, South 09° 16' East 3500.0 vrs. "COAST" brs. North 36° 03' West, South 08° 37' East 1350.0 vrs., South 07° 10' East 700.0 vrs., South 08° 23' East 700.0 vrs., South 07° 45' East, at 633.0 vrs. pass the mouth of a drain, in all 1800.0 vrs. South 06° 53' East 600.0 vrs., South 06° 13' East 2200.0 vrs., South 05° 45' East, at 980.0 (pass the mouth of a drain, in all 2000.0 vrs., South 02° 53' East 700.0 vrs., South 08° 22' East 700.0 vrs., South 07° 16' East 650.0 vrs., South 05° 02' East, at 116.0 vrs. pass a small wrecked boat, 344.0 vrs. pass the mouth of a small drain, 820.0 vrs. pass the mouth of a small drain, in all 2550.0 vrs., South 06° 04' East 2600.0 vrs., South 07° 02' East 2100.0 vrs., South 12° 05' East 500.0 vrs. a channel buoy brs. South 12° 05' East, the East end of the North Jetty at Brazos De Santiago brs. South 43° 50' East, South 15° 09' East 255.7 vrs. East end of said jetty brs. South 46° 45' East, channel buoy brs. South 11° 50' East, the Northeast corner of a hotel building brs. North 75° 45' West 61.4 vrs., South 16° 46' East 501.3 vrs. to the Northeast/corner of the U. S. Government Reservation, East end of North Jetty brs. South 53° 59' East, channel buoy brs. South 7° 32' East and the knob on top of the lookout tower of the Life Saving Station brs. South 65° 50' West. Continuing with the meanders of the shore line of the Gulf of Mexico: South 16° 11' East 700.0 vrs. whence a steel range tower brs. South 86° 38' West 105.6 vrs., South 21° 24' East 410.0 vrs., South 21° 25' East 114.6 vrs. to a point on the North Jetty of the Brownsville Channel, U. S. Engineering Department Station 1 plus 531.84 P.C. whence U.S.E.D. Station 2 plus 168.49 P.T. brs. South 75° 45' East 216.02 vrs. Said last named point being on the North Jetty. U.S.E.D. Monument in the jetty brs. North 60° 03' West 13.67 vrs.;



THENCE with the meanders of Brazos de Santiago Pass along North Jetty: North 59° 56' West, at 191.46 vrs. pass U.S.E.D. Monument (B-D), center line 1 plus 000 in all 461.46 vrs. to the West end of the North Jetty, South 32° 32' West 330.0 vrs. whence the East end of the South Jetty brs. South 77° 03' East and the West end of the South Jetty brs. South 18° 43' East, South 66° 17' West 140.0 vrs. to the most Southern end of Padre Island whose latitude is 26° 04' 00.26" and longitude 97° 09' 45.837", North 66° 33' West 80.0 vrs., North 17° 58' West 90.0 vrs., North 50° 14' West 93.3 vrs. whence U.S.E.D. Station (North Zero) brs. North 47° 53' East 150.0 vrs., a steel range tower brs. North 33° 31' East 54.8 vrs. and U.S.E.D. Station (PADRE) brs. North 33° 31' East 202.9 vrs., North 75° 48' West 150.0 vrs., North 70° 43' West 40.0 vrs. to the junction of Brazos de Santiago Pass and Laguna Madre. Whence a channel light (A) brs. South 53° 56' West, a channel marker (B) brs. South 61° 02' West, channel marker (C) brs. South 66° 34' West, channel light (D) brs. South 71° 48' West, channel marker (E) brs. South 79° 09' West, channel marker (F) brs. South 78° 40' West and Point Isabel light house (1867 - recovered 1917 - 1939 - 1941) and whose latitude is 26° 04' 18.337" longitude 97° 12' 26.144" brs. North 76° 51' West 5277.01 vrs.;

THENCE with the meanders of Laguna Madre: North 08° 06' West 240.0 vrs. whence (A) brs. South 38° 21' West, (B) brs. South 47° 02' West, (C) South 52° 00' West, (D) brs. South 61° 19' West, (E) brs. South 67° 26' West, (F) brs. South 70° 44' West and Point Isabel light house brs. North 79° 17' West, North 09° 40' West 89.46 vrs. to U.S.E.D. Monument (B-F), North 18° 35' West 260.0 vrs. whence the Southeast corner of the Coast Guard Dry Dock brs. South 87° 45' West 98.0 vrs., North 04° 25' West 180.0 vrs. whence a 6" concrete monument brs. North 58° 49' East 24.34 vrs., a 1-1/2" pipe brs. North 68° 59' West 18.6 vrs. and U.S.C. & G. Station "BRAZOS" whose latitude is 26° 04' 28.997" and longitude is 97° 09' 50.862" brs. North 56° 29' East 132.5 vrs. North 21° 46' West 150.0 vrs. whence a 6" triangular concrete monument on the North line of the U. S. Government Reservation brs. North 03° 51' East 152.53 vrs. North 29° 28' West 174.69 vrs. to the Northwest corner of the said U. S. Government Reservation, the course of the North line of which is North 89° 53' East, and from whence a 3/8" copper rod in a 24" circular concrete monument, marked (USED-6), brs. North 89° 53' East 96.17 vrs. and the triangular concrete monument referred to above brs. North 89° 53' East 132.25 vrs. Continuing with the meanders of Laguna Madre: North 11° 23' East 279.0 vrs., North 02° 07' West 184.0 vrs., North 19° 53' East 205.0 vrs., North 12° 07' West 350.0 vrs. whence Point Isabel Light House brs. South 79° 59' West and the water tank at the Coastal Refinery brs. South 66° 16' West, North 02° 07' West 550.0 vrs. whence said water tank brs. South 62° 15' West and Point Isabel Light House brs. South 72° 49' West, North 00° 37' West 840.0 vrs., North 69° 07' West 250.0 vrs., North 06° 07' West, at 233.0 vrs. cross a small pier, in all 250.0 vrs., North 37° 37' West 153.0 vrs., North 05° 53' East 450.0 vrs. whence said Coastal Water Tank brs. South 50° 00' West, Point Isabel Light House brs. South 55° 12' West, North 28° 07' West 580.0 vrs. whence said Coastal Water Tank brs. South 46° 01' West and Point Isabel Light House brs. South 49° 21' West. North 21° 07' West 233.0 vrs., North 06° 07' West 442.0 vrs., North 22° 07' West 350.0 vrs., North 14° 07' West 225.0 vrs., North 17° 53' East 159.0 vrs. at which point the water tank at the Coastal Refinery and the Point Isabel Light House are in line and br. South 38° 55' West. North 38° 53' East 250.0 vrs., North 00° 07' West 345.0 vrs., North 11° 07' West 504.0 vrs., North 56° 07' West 143.0 vrs., North 31° 00' West 217.0 vrs., North 09° 00' East 390.0 vrs., North 22° 00' West 200.0 vrs. whence U.S.C. & G. Station "SHARK" whose latitude is 26° 07' 48.073" and longitude 97° 10' 09.852" brs. North 89° 34' East 635.6 vrs. North 47° 00' West 250.0 vrs., North 12° 00' West 212.0 vrs., North 821.0 vrs., North 12° 00' West 550.0 vrs.,



North 01° 00' West 276.0 vrs., North 75° 00' West 143.0 vrs.,  
 North 13° 00' West 371.0 vrs., North 05° 00' West, at 639.0 vrs.  
 cross a small pier, in all 700.0 vrs. North 15° 00' West 211.0 vrs.,  
 North 04° 00' West 162.0 vrs., North 09° 00' East 250.0 vrs.,  
 North 14° 00' East 167.0 vrs., North 21° 00' East 400.0 vrs.,  
 North 25° 00' West 743.0 vrs., North 350.0 vrs., North 31° 00' East  
 200.0 vrs., North 17° 00' West 1000.0 vrs., North 24° 00' West  
 1081.0 vrs., North 03° 00' West 377.0 vrs., North 19° 00' West  
 450.0 vrs., North 02° 00' West 508.0 vrs., North 33° 00' East 392.0  
 vrs., North 21° 00' West 1336.0 vrs., North 09° 00' West 470.0 vrs.  
 North 18° 00' West 400.0 vrs., North 12° 00' West 500.0 vrs., North  
 12° 17' West 617.8 vrs., North 14° 15' West 500.0 vrs., North 17°  
 14' West 500.0 vrs., North 04° 06' East 400.0 vrs., North 11° 35'  
 East 500.0 vrs., North 07° 49' West 500.0 vrs. whence U.S.O. & G.  
 Station "COAST" brs. South 83° 40' East 714.1 vrs. North 06° 02'  
 West 500.0 vrs., North 04° 55' West 900.0 vrs., North 21° 10' West  
 500.0 vrs., North 27° 45' West 600.0 vrs., North 25° 18' West  
 500.0 vrs., North 26° 57' West 400.0 vrs., North 23° 32' West  
 400.0 vrs. North 25° 52' West 400.0 vrs., North 22° 57' West  
 500.0 vrs., North 21° 52' West 1000.0 vrs., North 23° 28' West  
 500.0 vrs., North 26° 08' West 500.0 vrs., North 18° 40' West  
 450.0 vrs., North 07° 46' West 300.0 vrs., North 03° 56' West  
 500.0 vrs., North 05° 52' West 500.0 vrs., whence the South end of  
 a large grass covered dune brs. North 63° 08' East 640.0 vrs.,  
 North 23° 37' West 500.0 vrs. whence the North edge of the same  
 dune brs. North 69° 23' East 600.0 vrs., North 19° 26' West 500.0  
 vrs., North 29° 34' West 500.0 vrs., North 30° 51' West 500.0 vrs.,  
 North 48° 42' West 500.0 vrs., North 00° 51' East 600.0 vrs.,  
 North 22° 25' East 531.5 vrs., North 22° 24' East 250.0 vrs.,  
 North 21° 00' West 500.0 vrs., North 11° 00' West 1300.0 vrs.,  
 North 18° 00' West 400.0 vrs., North 09° 00' West 1500.0 vrs.,  
 North 15° 00' East 450.0 vrs., South 51° 00' East 378.0 vrs.,  
 North 19° 30' East 500.0 vrs., North 41° 30' East 950.0 vrs. whence  
 "EUREKA" brs. South 38° 20' East. North 56° 30' East 550.0 vrs.,  
 whence "EUREKA" brs. South 24° 21' East. North 29° 00' West 413.0  
 vrs., North 05° 00' West 400.0 vrs., North 35° 00' West 300.0 vrs.,  
 North 18° 00' West 200.0 vrs., North 38° 00' West 450.0 vrs.,  
 + North 24° 55' West 500.0 vrs., North 11° 30' West 275.0 vrs. whence  
 the South end of the Southmost of three islands brs. South 45° 14'  
 West, the North end of the same brs. South 52° 22' West, the South  
 end of the middle of three islands brs. South 52° 00' West, the  
 North end of the same brs. South 64° 10' West, the South end of  
 the Northmost of three islands brs. South 66° 40' West, the North  
 end of the same brs. South 69° 13' West. North 52° 00' West 550.0  
 vrs. whence the South end of the south island brs. South 35° 01' West,  
 the North end of the south islands brs. South 42° West, the South  
 end of the middle island brs. South 42° 51' West, the North end of  
 the same brs. South 55° 29' West, the South end of the north island  
 brs. South 58° 36' West, the North end of the same brs. South 61° 26'  
 West. North 22° 14' West 750.0 vrs., South 86° 46' West 400.0 vrs.  
 whence "CAMWILL" brs. North 11° 02' West. South 36° 00' West 400.0  
 vrs., North 17° 00' West 800.0 vrs., North 04° 00' West 350.0 vrs.,  
 North 51° 00' West 350.0 vrs., North 05° 00' West 500.0 vrs., North 19°  
 22' East 400.0 vrs., North 18° 38' West 800.0 vrs., North 34° 38' West  
 950.0 vrs., North 23° 38' West 500.0 vrs., South 85° 08' West 150.0  
 vrs., South 01° 48' West 450.0 vrs., South 09° 58' West 315.0 vrs.,  
 South 26° 28' West 208.0 vrs., South 71° 48' West 160.0 vrs., North  
 60° 32' West 138.0 vrs., North 26° 02' West 236.0 vrs., North 13° 39'  
 West 121.0 vrs., North 06° 14' West 775.0 vrs., North 45° 40' East  
 190.0 vrs., North 17° 52' West 350.0 vrs., North 12° 44' East 500.0  
 vrs. whence the center of an island brs. South 57° 16' West. North  
 06° 00' East 500.0 vrs. whence the center of the same island brs.  
 South 55° West and "CAMWILL" brs. South 31° 36' East. North 31° 36'  
 West 600.0 vrs., North 15° 52' West 546.5 vrs., North 04° 22' West  
 554.9 vrs., North 03° 24' West 600.0 vrs., North 23° 12' West 1200.0  
 vrs. whence "GULF" brs. North 60° 17' East. North 20° 26' West  
 400.0 vrs. whence "GULF" brs. North 70° 23' East. North 15° 10' West



500.0 vrs., North 13° 09' West 500.0 vrs., North 09° 10' West 400.0 vrs., North 01° 29' West 400.0 vrs., North 06° 31' East 500.0 vrs., North 14° 11' West 500.0 vrs. whence a U.S.C. & G. tower brs. South 59° 24' East. North 15° 41' West 500.0 vrs., North 22° 48' West 500.0 vrs. to the center line of a proposed cut across the island which brs. South 86° 23' East. North 44° 30' West 459.0 vrs., North 33° 12' West 450.0 vrs., North 04° 49' West 500.0 vrs., North 09° 39' West 400.0 vrs. whence the last mentioned U.S.C. & G. tower brs. South 43° 29' East. North 11° 04' West 300.0 vrs., North 22° 37' West 350.0 vrs., North 27° 53' West 500.0 vrs., North 15° 01' West 400.0 vrs., North 04° 54' West 500.0 vrs., North 06° 30' West 400.0 whence "HARENA" brs. South 84° 47' East 1667.0 vrs., North 13° 39' West 400.0 vrs., North 40° 51' West 400.0 vrs., North 55° 26' West 500.0 vrs., North 51° 37' West 350.0 vrs. whence "HARENA" brs. South 63° 34' East. North 44° 21' West 500.0 vrs., North 33° 41' West 400.0 vrs., North 28° 53' West 300.0 vrs.

North 07° 49' West 500.0 vrs., North 43° 35' West 350.0 vrs., North 27° 44' West 1000.0 vrs., North 32° 13' West 1000.0 vrs., North 29° 18' West 450.0 vrs., North 19° 30' West 1700.0 vrs., North 28° 23' West 700.0 vrs., North 26° 10' West 1000.0 vrs., North 45° 27' West 600.0 vrs., North 37° 34' West 500.0 vrs., North 25° 23' West 300.0 vrs., North 06° 45' West 500.0 vrs., North 16° 53' East 539.7 vrs., North 24° 00' West 500.0 vrs., North 13° 00' West 500.0 vrs., North 18° 00' West 500.0 vrs., North 15° 00' West 500.0 vrs., North 31° 00' West 600.0 vrs., North 03° 00' West 700.0 vrs., North 17° 00' West 500.0 vrs., North 14° 00' West 1000.0 vrs., North 50° 00' West 500.0 vrs., North 21° 00' West 500.0 vrs., North 12° 00' West 1000.0 vrs., North 34° 00' West 1400.0 vrs., North 30° 00' West 500.0 vrs., North 25° 00' West 500.0 vrs., North 22° 00' West 600.0 vrs., North 33° 49' West 900.0 vrs., North 18° 49' West 1000.0 vrs., North 07° 49' West 500.0 vrs., North 18° 49' West 250.0 vrs., North 01° 49' West 550.0 vrs., North 11° 11' East 400.0 vrs., North 02° 49' West 500.0 vrs., North 10° 49' West 500.0 vrs., North 16° 49' West 500.0 vrs., North 19° 49' West 500.0 vrs., North 26° 49' West 500.0 vrs., North 31° 49' West 1000.0 vrs., North 23° 49' West 500.0 vrs., North 21° 49' West 500.0 vrs., North 18° 49' West 1000.0 vrs., North 23° 49' West 900.0 vrs., North 10° 06' West 555.0 vrs., North 22° 46' West 500.0 vrs., North 06° 55' West 450.0 vrs., North 11° 27' West 500.0 vrs., North 06° 24' West 500.0 vrs., North 10° 45' West 600.0 vrs., North 00° 59' West 500.0 vrs., North 14° 49' West 820.0 vrs., North 26° 53' West 500.0 vrs., North 05° 08' West 500.0 vrs., North 18° 39' West 500.0 vrs., North 17° 59' West 500.0 vrs., North 01° 23' West 450.0 vrs., North 12° 10' West 600.0 vrs., North 16° 17' East 600.0 vrs., North 24° 06' West 500.0 vrs., North 27° 04' West 400.0 vrs., North 05° 45' West, at 917.5 vrs. found a 1"x6" Oak stake, in all 1800.0 vrs., North 06° 46' West 600.0 vrs., North 07° 47' West 600.0 vrs., North 09° 06' West 1700.0 vrs., North 14° 07' West 1000.0 vrs., North 00° 52' East 2000.0 vrs., North 11° 23' West 2534.2 vrs., North 12° 00' West 1360.0 vrs., North 13° 00' West 640.0 vrs., North 04° 00' West 1000.0 vrs., North 15° 00' West 960.0 vrs., North 17° 00' West 1040.0 vrs., North 08° 00' West 1000.0 vrs., North 12° 00' West 1000.0 vrs., North 10° 00' West 850.0 vrs., North 05° 00' West 1000.0 vrs. At this point a dry salt flat extends about 1000.0 vrs. further West. North 13° 32' West 1200.0 vrs., North 08° 26' East 800.0 vrs., North 01° 51' West 800.0 vrs., North 16° 18' West, at 1800.0 vrs. a dark object in the bare sand on the side of the hill on the mainland brs. North 57° 58' West 3161.0 vrs. In all 2300.0 vrs. The same object brs. North 65° 48' West and at this point on August 3rd, 1941 Laguna Madre was completely dry and walked across to the mainland dry shod. Continuing with the meanders of Laguna Madre: North 20° 31' West 1000.0 vrs., North 11° 39' East 1000.0 vrs., North 06° 36' West 2000.0 vrs., North 2000.0 vrs., North 10° 00' East 1000.0 vrs., South 66° 36' East 1500.0 vrs., South 87° 41' East 483.1 vrs., North 84° 03' East 1682.2 vrs., North 04° 00' West 500.0 vrs., North 22° 00' East 1050.0 vrs., North 83° 00' East 900.0 vrs., North 07° 00' West 500.0 vrs., North 03° 00' East



500.0 vrs., North 05° 00' West 450.0 vrs., North 03° 00' East 500.0  
 vrs. whence "COMB" brs. South 47° 59' East and a 3" pipe brs. North  
 50° 42' West, North 01° 00' West 300.0 vrs. whence "COMB" brs. South  
 42° 33' East and a 3" pipe brs. North 72° 53' West. North 08° 00'  
 West 500.0 vrs., North 05° 00' West 600.0 vrs., North 08° 00' East  
 450.0 vrs., North 02° 00' West 800.0 vrs., North 46° 00' East 250.0  
 vrs., North 34° 01' East 450.0 vrs., North 02° 54' East 1050.0 vrs.,  
 North 00° 21' West 500.0 vrs., North 04° 56' West 500.0 vrs., North  
 17° 40' East 370.0 vrs., North 72° 20' West 200.0 vrs., North 48° 10'  
 West 210.0 vrs., North 03° 52' East 510.0 vrs., North 73° 06' West  
 310.0 vrs., North 02° 50' West 500.0 vrs., North 21° 13' West 310.0  
 vrs., North 37° 31' West 240.3 vrs. whence "KEYHO" brs. South 42° 50'  
 East. North 19° 12' East 450.0 vrs. whence "KEYHO" brs. South 36°  
 22' East. North 16° 12' East 650.0 vrs., North 06° 12' East 500.0 vrs.,  
 North 12° 48' West 600.0 vrs., North 07° 12' East 400.0 vrs., North  
 07° 48' West 350.0 vrs., North 29° 48' West 300.0 vrs., North 17° 48'  
 West 500.0 vrs., North 07° 48' West 500.0 vrs., North 11° 48' West  
 500.0 vrs., North 03° 48' West 500.0 vrs., North 11° 12' East 500.0  
 vrs., North 37° 48' West 500.0 vrs., North 87° 48' West 500.0 vrs.,  
 South 74° 12' West 500.0 vrs., South 60° 12' West 1000.0 vrs.  
 South 46° 12' West 460.0 vrs., South 56° 12' West 500.0 vrs., South  
 74° 12' West 500.0 vrs., North 76° 48' West 500.0 vrs. to the  
 Western extremity of a long narrow point, the mainland brs. South  
 65° 00' West about 1000.0 vrs. North 40° 12' East 350.0 vrs.,  
 North 75° 12' East 500.0 vrs., North 43° 12' East 500.0 vrs., North  
 47° 11' East 500.0 vrs., North 40° 11' East 350.0 vrs. whence a  
 windmill on the mainland brs. North 57° 19' West. North 62° 10'  
 East 500.0 vrs. whence the same windmill brs. North 62° 53' West.  
 North 67° 08' East 500.0 vrs., North 65° 08' East 500.0 vrs.,  
 North 60° 07' East 500.0 vrs., North 49° 06' East 520.0 vrs.,  
 North 59° 05' East 500.0 vrs., North 18° 04' East 310.0 vrs.,  
 North 24° 03' East 500.0 vrs., North 35° 02' East 450.0 vrs.,  
 North 24° 02' East 350.0 vrs., North 09° 59' West 450.0 vrs.,  
 whence a windmill on the mainland brs. South 81° 14' West.  
 North 27° 59' West 350.0 vrs. whence the same windmill brs. South  
 78° 25' West. North 02° 59' West 180.0 vrs., North 11° 01' East  
 280.0 vrs., North 08° 30' East 500.0 vrs., North 22° 30' West  
 180.0 vrs. to a stake on the North bank of Yerber or Murdock Pass,  
 the course of which is South 88° 51' West or North 88° 51' East.  
 Continuing with the meanders of Laguna Madre: North 00° 32' West  
 250.0 vrs., North 20° 00' West 550.0 vrs., North 38° 22' West  
 400.0 vrs., North 30° 30' West 400.0 vrs., North 17° 40' West  
 405.0 vrs., North 17° 06' East 400.0 vrs. whence a 3" iron pipe  
 brs. North 05° 31' West 213.6 vrs. North 18° 38' East 150.0 vrs.,  
 North 08° 58' East 450.0 vrs., North 28° 31' East 400.0 vrs.,  
 North 03° 48' East 600.0 vrs., North 08° 36' East 450.0 vrs.,  
 North 00° 58' West 600.0 vrs., North 06° 31' West 400.0 vrs.,  
 North 02° 01' East 540.0 vrs., North 07° 14' East 600.0 vrs.,  
 North 00° 35' West 560.0 vrs., North 29° 31' East 600.0 vrs.,  
 North 36° 25' East 500.0 vrs., North 20° 35' East 330.0 vrs.,  
 North 10° 48' West 270.0 vrs., North 01° 25' East 520.0 vrs.,  
 North 09° 50' East 260.0 vrs., North 10° 48' East 700.0 vrs.,  
 North 08° 12' East 300.0 vrs., North 17° 29' East 300.0 vrs.,  
 North 32° 52' East 570.0 vrs., North 18° 30' East 140.0 vrs.,  
 North 01° 14' West 500.0 vrs., North 04° 52' East 550.0 vrs.,  
 North 01° 43' West 500.0 vrs., North 14° 16' East 500.0 vrs.,  
 North 13° 09' East 1654.2 vrs., North 19° 00' East 400.0 vrs.,  
 North 40° 30' East 560.0 vrs., North 55° 30' East 180.0 vrs.,  
 North 04° 00' West 600.0 vrs., North 01° 00' East 500.0 vrs.,  
 North 04° 00' West 450.0 vrs., North 30° 00' West 530.0 vrs.,  
 North 42° 00' East 470.0 vrs., North 63° 00' East 210.0 vrs.,  
 North 06° 00' West 300.0 vrs., North 13° 00' West 500.0 vrs.,  
 North 23° 00' East 320.0 vrs., North 52° 00' East 760.0 vrs.,  
 North 44° 28' East 360.0 vrs., North 41° 28' East 370.0 vrs.,  
 North 13° 00' East 220.0 vrs., North 22° 00' West 210.0 vrs.,  
 North 09° 00' East 240.0 vrs., North 37° 00' East 350.0 vrs.,



North 13° 00' East 270.0 vrs., North 43° 00' East 430.0 vrs.,  
 North 23° 00' East 460.0 vrs., North 42° 00' East 250.0 vrs.,  
 North 26° 00' East 200.0 vrs., North 51° 00' East 250.0 vrs.,  
 North 27° 00' East 290.0 vrs., North 21° 00' East 230.0 vrs.,  
 North 39° 00' East 350.0 vrs., North 22° 00' East 700.0 vrs.,  
 North 06° 00' West 195.0 vrs., North 33° 00' East 460.0 vrs.,  
 North 18° 00' East 260.0 vrs., North 42° 00' East 410.0 vrs.,  
 whence a windmill on the mainland brs. North 63° 39' West.  
 North 26° 00' East 550.0 vrs. whence the same windmill brs.  
 North 68° 11' West. North 44° 00' East 600.0 vrs., North 07°  
 00' East 500.0 vrs., North 29° 00' East 950.0 vrs., North 18°  
 00' East 600.0 vrs., North 08° 18' East 500.0 vrs., North 15°  
 22' West 830.0 vrs., North 10° 38' East 150.0 vrs., North 04°  
 36' West 160.0 vrs., North 18° 07' East 100.0 vrs., North 19°  
 47' East 430.0 vrs., North 08° 14' East 630.0 vrs., whence a  
 2x2" stake brs. North 52° 17' East 31.88 vrs. North 33° 39' East  
 516.0 vrs., North 21° 54' East 610.0 vrs., North 09° 21' East  
 458.0 vrs., North 25° 46' East 450.0 vrs., North 35° 29' East  
 255.0 vrs., North 09° 27' East 450.0 vrs., North 18° 50' East  
 450.0 vrs., North 24° 02' East 220.0 vrs., North 17° 36' East  
 300.0 vrs., North 29° 09' East 350.0 vrs., North 37° 27' East  
 at 326.6 vrs. pass a line of Cedar posts in all 758.6 vrs.  
 North 53° 00' East 210.0 vrs. whence a 15" Pine post marked D  
 on the North and South brs. North 31° 22' East 188.85 vrs.  
 North 27° 00' East 400.0 vrs., North 06° 00' East 400.0 vrs.,  
 North 27° 00' East 300.0 vrs., North 37° 00' East 250.0 vrs.,  
 North 45° 00' East 350.0 vrs., North 43° 00' East, at 39.5 vrs.  
 a 6" Cedar post brs. North 47° 00' West 5.0 vrs., at 126.2 vrs.  
 a 1-1/2" pipe brs. North 47° 00' West 9.5 vrs., in all 450.0 vrs.  
 North 26° 00' East, at 769.0 vrs. a row of old fence posts and  
 a 4x6" Cypress posts brs. North 64° 00' West 2.1 vrs., in all  
 900.0 vrs. North 33° 00' East 600.0 vrs., whence the East end  
 of an island brs. South 79° 30' West, the Northwest edge of the  
 same brs. South 89° 30' West, the Southwest corner of another  
 island brs. North 00° 42' West, the Northeast corner of the same  
 brs. North 03° 52' East. North 26° 00' East 600.0 vrs. The  
 East end of the first island brs. South 60° 36' West, the North-  
 west corner of the same brs. South 73° 12' West, the Southwest  
 end of the second island brs. North 06° 40' West and the North-  
 east corner of the same brs. North 00° 12' West. North 36° 00'  
 East 500.0 vrs., North 26° 00' East 400.0 vrs., North 17° 00' East  
 500.0 vrs., North 29° 00' East 400.0 vrs., North 18° 00' East  
 900.0 vrs. whence a 6" tile filled with concrete brs. South 29°  
 29' East 38.19 vrs. North 20° 00' East 450.0 vrs., North 17° 00'  
 East 450.0 vrs., North 34° 00' East 450.0 vrs., North 49° 00' East  
 300.0 vrs. whence an oil well in Laguna Madre brs. South 81° 24'  
 West, a windmill brs. North 77° 56' West, another windmill brs.  
 North 74° 46' West and another windmill brs. North 67° 56' West  
 and derrick "FOUND" brs. North 72° 11' West. Thence continuing  
 with meanders of Laguna Madre: North 49° 35' East 249.9 vrs.,  
 North 35° 56' East 199.9 vrs., North 49° 59' East 79.9 vrs.,  
 North 24° 29' East 509.8 vrs. whence the oil well in Laguna Madre  
 brs. South 69° 53' West, a windmill brs. South 72° 57' West,  
 another windmill brs. South 74° 28' West, another windmill brs.  
 North 83° 17' West and derrick "FOUND" brs. North 87° 51' West.  
 North 35° 16' East 250.0 vrs., North 01° 30' West 269.8 vrs.,  
 North 25° 30' East 150.0 vrs., North 00° 31' West 150.0 vrs.,  
 North 12° 44' East 699.7 vrs., North 28° 29' West 269.9 vrs.,  
 North 13° 18' East 399.8 vrs., North 25° 48' East 499.8 vrs.,  
 whence the water tower at the U. S. Naval Air Station brs. North  
 01° 45' West. North 29° 59' East 599.8 vrs. whence U.S.C. & G.  
 Station "HAWES" and marked POCO 10/18/37 brs. South 16° 09' East  
 118.3 vrs. North 31° 18' East 349.9 vrs., North 33° 00' East  
 449.9 vrs., North 13° 53' West 519.8 vrs., North 11° 51' East  
 349.9 vrs., North 22° 19' East 449.9 vrs., North 56° 21' East  
 700.2 vrs. whence the water tower at the Naval Air Station brs.



North 07° 30' West. North 42° 40' East 650.3 vrs., North 52° 17' East 470.1 vrs., North 10° 38' West 217.3 vrs., to the County line between Nueces and Kleberg Counties marked by a row of old posts bearing South 70° 03' East. North 26° 49' West 753.9 vrs., North 39° 06' West 700.0 vrs., North 28° 06' West 340.0 vrs., North 01° 54' East 360.0 vrs., North 13° 54' East 550.0 vrs., North 30° 55' East 200.0 vrs., North 46° 56' East 200.0 vrs., North 85° 57' East 390.0 vrs., North 22° 57' East 340.0 vrs., whence U.S.C. & G. Station "FISH" brs. South 38° 19' East, and the water tower at the Naval Air Station brs. North 13° 34' West. North 70° 58' East 200.0 vrs., whence U.S.C. & G. Station "FISH" brs. South 35° 54' East, U. S. Naval Air Station water tower brs. North 14° 32' West. North 09° 58' East 185.0 vrs., North 31° 37' East 420.0 vrs., North 04° 12' West 214.0 vrs., North 08° 58' East 360.0 vrs., North 40° 11' East 435.6 vrs., North 13° 18' East 800.0 vrs., North 62° 55' East 343.0 vrs., whence the U. S. Naval Air Station water tower brs. North 26° 07' West. South 72° 53' East 486.0 vrs., North 49° 55' East 212.1 vrs., North 07° 02' East 200.0 vrs., whence the water tower at the U. S. Naval Air Station brs. North 27° 58' West. North 26° 01' East 341.0 vrs. center line of old causeway brs. North 63° 59' West and an old tarvia road runs off to the East. North 52° 27' East 171.0 vrs., North 69° 52' East 263.0 vrs., South 87° 33' East 125.0 vrs., North 04° 26' East 150.0 vrs., North 42° 34' West 175.0 vrs., to the junction of Laguna Madre with the old Corpus Christi Pass. (Which was partially filled by the 1929 storm). North 63° 07' East 100.0 vrs., South 84° 32' East 175.0 vrs., along the Southwestern margin of the old Corpus Christi Pass. South 54° 25' East 250.0 vrs., South 38° 43' East 450.0 vrs., South 23° 03' East 150.0 vrs., South 13° 28' East 650.0 vrs., South 12° 08' East 365.0 vrs., South 05° 34' West 210.0 vrs., South 26° 22' West 150.0 vrs., South 37° 00' East 300.0 vrs., South 08° 56' East 250.0 vrs., South 01° 20' West 150.0 vrs., South 15° 13' West 250.0 vrs., South 16° 25' West 200.0 vrs., South 26° 13' West 134.1 vrs., South 22° 58' West 287.4 vrs., South 04° 34' West 298.0 vrs., here the water in the old pass plays out. South 30° 08' East 513.0 vrs., South 16° 46' West 822.0 vrs., South 24° 20' West 1085.0 vrs., South 15° 20' East 712.0 vrs. TO THE PLACE OF BEGINNING. Containing One Hundred Thirty Five Thousand Two Hundred Thirteen and Three One Hundredths (135,213.03) acres.

Survey started July 1st, 1941 - Completed September 26th, 1941.

Variation (Three transits used) on K. & E. No. 17976, 9° 05' East. Dietzgen No. 7326, 9° 25' East. Dietzgen No. 14525, 9° 10' East.

W. R. Walker	)	
N. E. Wicklund	)	Instrument Men
R. M. Wetmore	)	

H. C. Parks	)	
J. H. Fletcher	)	Head Chainmen
Noel Fullerton	)	

P. A. House	)	
W. T. Zapp	)	Rear Chainmen
G. H. O'Brien	)	

B. Frazier	)	
R. E. Henry	)	Flagmen
K. Nelson	)	

H. Barrett	)	Truck Driver
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Jewel Childs	)	
Johnnie Harris	)	Cooks



SECOND.

That the State of Texas, plaintiff, take nothing by its suit herein, whether for itself or in behalf of, or for the benefit of the Permanent School Fund of the State of Texas; and that of <sup>all</sup> same the defendants go hence without day and recover of plaintiff all costs of suit, for which they may have their appropriate process and relief.

THIRD.

That the intervenors, and each of them, take nothing, as against the defendants, by their respective interventions, pleas, claims and demands; and that of same the defendants go hence without day and recover of the intervenors, and each of them, all the costs of suit originating or incurred on and after August 12, 1940, being the date of intervention in this suit, for which costs the defendants, and each or any of them, may have their writ or writs of execution against said intervenors, or such of them as may be designated in defendants' applications to the clerk of this court for issuance of such writ or writs.

FOURTH.

That each and all of the applications for survey, as vacant public land, of portions of said real estate situated in the Counties of Nueces, Kleberg, Kenedy, Willacy, and Cameron, respectively, the surveys made by licensed State land surveyors thereupon, the field notes of such surveys as recorded in the offices of the County Clerks of said Counties, respectively, the reports of such surveys filed with the Commissioner of the General Land Office at Austin, Texas, the applications made to said Commissioner for the purchase of any oil, gas, and/or mineral leases upon the lands so surveyed, the orders or other action of said Commissioner made thereon, and any and all other applications, assignments, transfers and other instruments of writing pleaded by the intervenors, respectively, as basis for the claims asserted by them in this suit, be, and they are hereby, canceled and for naught held, - particularly including the applications for survey made and filed by F.P. Dayvault,

Read 23 m.s.

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23



of intervenors, on May 31, 1937, in Nueces County, on June 22, 1937, in Kleberg County, on May 28, 1937, in Kenedy County, on May 29, 1937, in Willacy County, and on May 29, 1937, in Cameron County, and the record in those Counties of the report and field notes of the surveys made thereunder, and also including the application made by Hector Crandall, of intervenors, on September 22, 1939, under H.B.No.9, for an oil, gas and sulphur lease on all or parts, as the case may be, of said real estate, which application was filed with the County Surveyor of Nueces County, Texas, and subsequently filed with the Commissioner of the General Land Office of Texas, and all proceedings thereunder; and the intervenors, and each of them, and all persons claiming or to claim by, through or under them, or any of them, be, and they are hereby, forever enjoined and restrained from setting up or asserting any right, interest, or claim in or to the whole or any part of the real estate described in Subdivision First of this judgment and in or to any minerals or mineral rights therein, - such right, interest, or claim existing or asserted prior to the entry of this judgment and decree; and the clerk of this court will, upon application of defendants, or any of them, issue the appropriate writ or writs of injunction so enjoining and restraining them, the intervenors, or any of them, and all persons claiming or to claim by, through, or under the intervenors or any of them.

FIFTH.

That the defendants Gilbert Kerlin and Mrs. Joseph G. Bowen, individually and as executrix of the last will and testament of Joseph G. Bowen, deceased, and Frederic N. Gilbert, and the defendants Albert R. Jones, Ocean Side Toll Road Company, Padre Island Causeway Company, Carrie S. Parker, Burton Dunn and Edward R. Kleberg, as Independent Executors of the Estate of Pat F. Dunn, deceased, <sup>and as</sup> Testamentary Trustees for Burton Dunn, May Atlee Chilsen and Lallah R. Robinson, Burton Dunn individually, and Maria Robertson as Independent Executrix of the will of Sam A. Robertson, deceased, and sole beneficiary under



said will, the defendants Mrs. Eddie White McCampbell, Edward A. McCampbell and Elizabeth C. McCampbell, his wife, John S. McCampbell and Mildred C. McCampbell, his wife, Clyde Fore and Anna McCampbell Fore, his wife, and Coleman McCampbell, the defendants Eva McCampbell Anderson and T. A. Anderson, her husband, Ella Wheeler Carter, Atlee McCampbell and Courtney McCampbell, his wife, W. B. McCampbell and Violet McCampbell, his wife, Ward McCampbell and Edith McCampbell, his wife, Adah Wheeler Weil and Moise Weil, her husband, and the defendant Sinclair Prairie Oil Company, Mary Agnes Clubb Humphreys, Elva Frances Clubb White, Mamie Goodbread, Loula Celia Clubb Bowles and Eve G. Bowles, her husband, Lena Josephine Clubb Fitch and D. R. Fitch, her husband, Minnie Estelle Kelly and Walter Kelly, her husband, William Carr Clubb, non compos mentis, by Guardian Loula Celia Clubb Bowles, Thomas B. Clubb, Jr., Rosebell Lucille Clubb Putnam and Herbert Earle Putnam, her husband, Sarah Matilda McGowan Hutchison and S. H. Hutchison, her husband, John William McGowan, Mary Elva McGowan, Robert Stephen McGowan, Thomas Edward McGowan, Clara Agnes Studer Graves and Lee Wilson Graves, her husband, John Robert Studer, Lessie Mae Studer Finly, Maude Hazel Studer Smith and Thomas Weaver Smith, her husband, Augusta Dorothea Studer Franks and Edwin Stone Franks, her husband, Amanda Elizabeth Humphreys and E. C. Humphreys, her husband, Dr. H. H. Ogilvie, J. B. Wofford, W. A. Johnson, and Jessie Niles Johnson, his wife, Byron Hawkins and Norma Hawkins, his wife, J. C. Ivey, G. C. Dawson, L. W. Stieren, Ernest Evans, Lee M. Sommers and Dr. H. M. Missinger, do have and recover of and from the State of Texas, and of and from the intervenors, and each of them, and upon the said defendants' respective cross-actions, the title and possession of all the real estate contained within the field notes hereinbefore set forth in this judgment, and all accretions thereto, for which they, or any of them, may have their writs of restitution and possession.

Pursuant, however, to stipulation of all the defendants who appeared and announced ready for trial as aforesaid, such stipulation having been made in open court, and their announcement of ready for trial being conditioned upon such stipulation, the foregoing recovery upon the cross-actions of the defendants above named shall not, either as among themselves, or as between them and their co-defendants so announcing ready, operate as an



adjudication of their respective rights or claims in or to the real estate aforesaid, or any part thereof, or any interest therein, or as adjudication among and between the various defendants to this suit, that anyone or more of them have any such right or claim.

SIXTH.

All of the real estate involved in this suit and all rights and claims in respect of same having been adjudicated and adjudged adversely to the claims of both the plaintiff and the intervenors, no necessity exists for the determination of the mutually adverse claims to same, or parts thereof, by and between the several intervenors; and this judgment is not to be construed as an adjudication among and between the several intervenors, over and above the general adjudication hereinbefore made that none of them have any rights or claims in or to said real estate, or any part thereof or right therein, as against the defendants, or any of them.

SEVENTH.

Pursuant to, and confirmatory of, the order hereinbefore entered in this cause, the attorneys ad litem, Howell Ward and Margaret B. Brown, attorneys practicing as Ward & Brown, and Frank W. Nesbitt, are hereby allowed, jointly as compensation for their services as attorneys ad litem, \$15.00 for each of the defendants served solely by publication for whom they have appeared and answered herein, aggregating the total sum of \$2520.00, which allowance or compensation is now here charged as part of the costs of this suit, and taxed against the plaintiff and intervenors as hereinbefore provided in the case of costs generally.

EIGHTH.

In compliance with Rule 244 of the Rules of Practice and Procedure in Civil Actions, of this State, the statement of the evidence in this case, approved and signed by the judge presiding, is now here ordered to be filed with the papers of this cause as a part of the record thereof.

To all of which action, rulings, and judgment of the court, the intervenors R. P. Dayvault, R. B. Hoover, Emery Wiley, Ben B. Scott, Glenn C. Briscoe, Wright Titus, J. A. Bracken, Neal Powers, E. B. James, J. C. Hawkins, M. A. Kline, Sam J. Kpine, Arthur Squyres, O. C. Crews, P. H. Lipstate, A. Hughes, W. M. Smith, S. H. Casteel and A. M. Hendrickson, by their attorneys of record, Potter & Bezoni, of Tyler, and Neal Powers, of Tyler, in open court then and there duly excepted and gave notice of appeal to the



Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, at San Antonio, Texas.

To all of which action, rulings, and judgment of the court, the intervenor, Hector Crandall by Sidney Smith, of El Paso, his attorney of record, in open court then and there duly excepted and gave notice of appeal to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, at San Antonio, Texas.

To all of which action, rulings, and judgment of the court, the plaintiff, the State of Texas, by her attorneys of record, in open court then and there duly excepted and gave notice of appeal to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, at San Antonio, Texas.

*order entered*

*3/30/42*

*Will W. Bragg  
Judge President*



#20707-B  
In the 117th District Court  
Meeker County, Texas

The State of Texas  
vs  
Balli, et al

Judgment

Copied & Proctored

3/17/42

14.00  
28.00

Vol 13 pg 112 day



# CERTIFICATE

THE STATE OF TEXAS {  
COUNTY OF NUECES }

I, BEN A. LIGON, Clerk of the District Courts of Nueces County, State of Texas,  
do hereby certify that the foregoing and attached.....<sup>29</sup>.....pages of typewritten  
matter contains a true and correct <sup>Photostatic</sup> copy of

"JUDGMENT"

In Cause No. 20707-B  
Styled THE STATE OF TEXAS VS. ALBERTO BALLI, ET AL

as the same appears of record in Volume ..13..... page .112..... of Minutes of  
the ..117th... District Court of Nueces County, Texas.

IN TESTIMONY WHEREOF, WITNESS my hand and seal of said Court, at office,  
in the City of Corpus Christi, this the ...8th day of ...December.....A.D. 19.48.....

BEN A. LIGON, Clerk, District  
Courts, Nueces County, Texas

By: *Lola Turner*  
Deputy

*counter 17714*

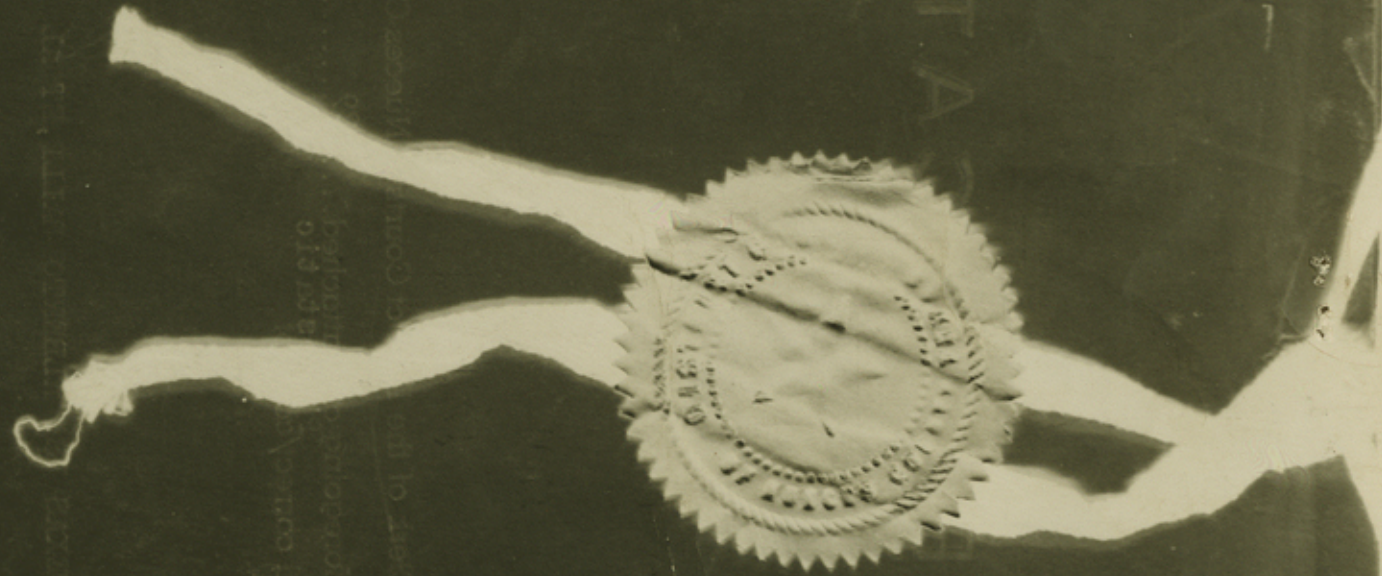


No. 20707-B

IN THE 117th DISTRICT COURT,  
NUECES COUNTY, TEXAS

THE STATE OF TEXAS  
VS.

ALBERTO BALLI ET AL



CERTIFIED PHOTOSTATIC COPY  
OF JUDGMENT  
ISSUED DEC. 8th A. D. 1948