

EL PASO CO. RS. #19

CORRESPONDENCE RELATED TO EL PASO CO.
ROLLED SKETCH NO. 19

counter #4476

State of Texas
County of El Paso

A. L. Loomis et al
vs

The University of Texas et al.
To the Hon Commissioner of the General Land
Office of the State of Texas.

Your Petitioners A.
L. Loomis R. L. Myers, A. Krobauer and
C. S. Babbitt respectfully represent that they
are all residents of El Paso County Texas
and are owners of lands in said El Paso County
included in the boundaries of what is commonly
known as the "San Elizario Grant."

That they and each of them acquired their said
lands from the Pueblo of San Elizario deriving
title through various mesne conveyances.

That the said San Elizario Grant was patented to
the inhabitants of the Pueblo de San Elizario
by patent dated March 8th 1853 a copy of which
said patent is hereto attached marked Exhibit
'B' and made a part hereof.

That the lands of Petitioners are ^{situated} included in the
aforesaid Grant and are a portion of the tract granted
by the State of Texas by the Patent aforesaid to
the inhabitants of San Elizario.

That the University of the State of Texas by virtue of
an act entitled: "An Act to provide for the permanent
endowment in lands or its proceeds of the University
of Texas" approved April 10th 1883, have
caused Thirty Six sections of land to be surveyed

within the limits of the aforesaid tract known as the Don Eligiano Grant. which said sections numbered from 1 to 36 are designated on the map attached hereto marked 'Exhibit "A"' and made a part thereof.

That J. P. Randolph by virtue of some location, presumption file or certificate has caused to be surveyed within the limits of the grant aforesaid a tract of land designated on the map aforesaid as J.P.R.

That some of the aforesaid surveys of the University of Texas aforesaid cover the lands aforesaid owned by Petitioners but that Petitioners do not at present know which of said surveys cover and conflict with the lands so owned by them for the reason that they have only within the ten days just learned that the said University had caused said surveys to be made and they have not yet had time to cause a survey to be made showing what sections surveyed for the said University cover lands in the said grant owned by Petitioners.

That the survey aforesaid made for J. P. Randolph covers lands owned by Petitioners in the Don Eligiano Grant.

That Petitioners have been informed and so believe that the said University and the said Randolph are now seeking to obtain patents for their surveys aforesaid. That on account of the fact that Petitioners have only recently learned of the surveys and adverse claims of the said University and the said Randolph they have not had time to cause

all the necessary surveys and maps to be made or
to procure the testimony and affidavits showing
that the surveys of the said University and the
said Randolph or the greater part thereof conflict
with the San Elizario Grant and cover lands owned
by Petitioners.

That the affidavit hereto attached hereto
attached marked Exhibit 'C' of Gregorio Garcia
and others shows that the said surveys made for
the said University and the said Randolph were
no doubt caused by ignorance of the fact
that the present junction of the Rio Viejo with
the Rio Grande is at a different place from
the point of junction in the year 1853 and
prior thereto.

That if time be allowed Petitioners to
procure the testimony they will show that the
greater part of each survey aforesaid made for
the University aforesaid and J. P. Randolph
aforesaid is in conflict with the San Elizario
Grant.

Wherefore Petitioners pray that no Patent or
Patents be issued to the said Randolph or to
the said University for any of their said surveys
or for any part of any of them until three
months after the day of the date hereof, during
which time Petitioners will present testimony
showing that the greater part of each of said surveys
is in conflict with the San Elizario Grant.

Witness our hands this 6th of November 1886

A. J. Loomis, R. L. Myers, A. Hawbaker and
C. S. Bobbitt by their attorney
W. M. Caldwell

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Correspondence out of rolled sk. 19 El Paso Co.
Keep in flat folder

counters 11100

M 542 (Exhibit "B")

Vol 10

In the name of the State of Texas
Do all to whom these presents shall
come Know ye — I D H Bell
Governor of the State aforesaid by
Virtue of the Power vested in me by Law
do in accordance with the laws of said
State in such case made & provided
do by these Presents grant to the
The Inhabitants of (San Elizario) the
town of Presidio de San Elizario their
heirs or assigns forever Four League
more or less of Land situated &
described as follows: In El Paso County
in accordance with the provisions
of an act, for the Relief of the In-
habitants of Presidio de San Elizario
in El Paso County & Approved Dec 5/1853

Beginning On the Rio Grande
at a point where the Established
Line of division between the towns of
Jocorro & San Elizario strikes said
River for the Northern boundary and
following said Line to the hills bordering
On the Eastern bank of the River Viejo

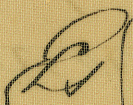
Thence running South East
along with said hills down the River
Viejo to the Point at which said
Rio Viejo empties into the Rio Grande

counter 44481

Thence up said Rio Grande from
the mouth of the Rio Viejo to the
Place of beginning — Thereby re-
linquishing to them the said
Inhabitants of Presidio de San Elvador
and their Heirs & assigns forever
all the Right title in & to said
Land heretofore held & possessed
by said State & I do hereby give
this letter patent for the same —

In testimony whereof
I have caused the Seal of the State
to be affixed as well as the Seal
of the General Land Office

Done at the City of Austin
of the 8th day of March A.D. 1853

for by  P. H. Bell
Commissioner
of the G. L. Office Governor

Rec in Book of pp 492/493
Rec E. P. Co Aug 22 A.D. 1877 7th Aug
J. W. Hall
C. H.

State of Texas
County of El Paso
Gregorio Garcia being
duly sworn deposes and says that I was
born in San Elizario El Paso County Texas
in the year 1818 and have lived in that
town all my life. I was justice of the
Peace in San Elizario most of the time
from the year 1850 until 1860, I was
County Commissioner for Precinct #1. # of
El Paso County for the years 1883 and 1884.
I am well acquainted with the present
course of that portion of the Rio Grande that
borders on El Paso County Texas and
have known the course or channel of that
part of the Rio Grande for the last fifty
years. I know of ~~at~~ my own knowledge
and distinctly remember that from
my earliest recollection including the years
1851, 1852, 1853, 1854 down to the
year 1857 the Rio Grande ran in the
channel designated (on the map attached
hereto, marked Exhibit "A", made by B. P.
Embanks, Deputy Surveyor of El Paso County,
as the main channel of the Rio Grande in the
year of 1852. I also know of my own
knowledge that in the year 1863 and for
many years prior thereto the Rio Grande

Exhibit
"C"

formed a junction with the Rio Viejo at a point
about three miles from the town of Guadalupe
Mexico. ~~at~~ and at no other place, which said point
of junction is marked on Exhibit 'H' aforesaid
"Junction of Rio Viejo with Rio Grande in 1852."

In the year 1857 the Rio Grande changed its chan-
nel to its present course as indicated on the exhibit
aforesaid and formed a junction with the Rio Viejo
at the point indicated on said exhibit many miles
above its former junction.

Gregorio Garcia

Sworn to and subscribed before me the undersigned
authority this November 1st 1884. Don testimony of which
I here set my hand and official seal this 1st
of November 1884. The affidavit was interpreted by
J. W. Campbell sworn interpreter.

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Wm Hamilton

Notary Public

me Cipriano Alcarate, Gregorio Albillar and Jose
Angel Bernal and each of us solemnly swear that the
statements made in the foregoing affidavit of Gregorio
Garcia are true.

Cipriano Alcarate

Jose Angel Bernal

Gregorio Albillar

sworn to and subscribed before me this 1st November 1884
The above affidavit was interpreted by J. W. Campbell
sworn interpreter.

Wm Hamilton

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Notary Public

In and for El Paso Co Texas
counter 44484

Mano J. Pico
to
Presidio de
San Diego



MAP of
 of S
 Showing
 on by
 B.

El Paso Co. rolled sk. 19
sk. on the Rio Grande River.

counter # 82265

El Paso Co. rolled sk. 19
sk. on the Rio Grande River

ROLLED SKETCH NO. 19 "keep with"
COUNTY El Paso



I, John W. Mubank, County Surveyor, do hereby certify that this is a true and correct representation of the relative position of the I. & P. Ry. Co. surveys in Twp. 31 N. R. 6 E. and the San Elizario Grant; and that this map is correctly compiled from an actual survey on the ground made by myself.

J. W. Mubank

El Paso, Tex.
Sept. 30. 1886

Co. Sur. El Paso Co.

Filed in the General Land Office
October 11th 1886.

Chief Clerk.

See Sketch 13.

Counter # 82226

Keep with El Paso Co. rolled sk. 19