

W. J. WILLIAMS
LICENSED LAND SURVEYOR
P. O. Box 1272
PLAINVIEW, TEXAS

1922

Plainview, Texas.
Dec. 12th 1936.

Briscoe Co. sk. File 15

Mr. J. H. Walker,
Commissioner G. L. O.
Austin, Texas.

Dear Sir:-

I am handing you herewith PLAT, Certificate and certified copy of Judgement all of which have been made to correct the conditions of conflict in the Blk. A-1900 surveys lying between the San Jacinto School Land Leagues and Blk. M-10; same being in the NW part of Briscoe and NE part of Swisher counties.

This matter has been brought to the attention of the G. L. O. in the past, but the more recent evidence dealing with the position of the original Summerfield corners on Sec's 7 and 25 Blk. M-10 has not been presented prior to this time.

We hope by the filing of, and acceptance by your office of this information to correct the abstracts and accounts of the several tracts affected.

Very respectfully,

W. J. Williams

*Part of Briscoe Co. Rolloed Sketch
No "W-L" Transferred to Briscoe Co. sk. File 15
9-19-1939 dh*

RECEIVED

DEC 12 1936

REFERRED TO MAP

Counter 16522

I, W.J. Williams, a Licensed State Land Surveyor of Texas, do hereby certify that aboutt the 25th day of April, 1921, in the Case of F.M. Hyatt vs B.B. Bridges et al; Case No. 2651 in the District Ct. of Potter county; the Judgement in which is recorded in Vol. 18 Pages 8, 9 and 10 of the Deed Records of Briscoe county, Texas, I testified that " beginning at a 1½" black pipe mkd 95 - 96 set by W.B. 136 Blk. M-10 Hutchinson, Co. Surveyor of Swisher Co. Tex., for the SE corner of Sec. No. 95 Blk. M-10; I ran North 6 miles, less 50.4 vrs, and West 945 vrs to a point from which a very old pile of stones, consisting of 5 stones embedded in the ground, 5 loose stones and one stone embedded in the ground about one ft. SE of the pile of stones, bore N. 18° 15' W. 611 vrs.

By this I identified this point as the original SE corner of Sec. No. 25 Blk. M-10, as located by J. Summerfield, Depty. Surveyor, Jack Land Dist., and from this point I ran North two miles and East one mile to search for the Rock Mont. called for as the bearing to the original SE corner of Sec. No. 7 Blk. M-10 as located by said Summerfield and called to be N. 59° E. 391 vs."

I found an old pile of stone with an old Cedar stake which was all rotted except the heart wood, sharpened and set in the ground in the middle of the old pile of stones. I found it on a flat area in Happy Canyon 17.7 vrs S. and 96 vrs W. of course and distance position as called for in the original field notes.

I thus identified it as the original Rock Mont. called for in the field notes as the bearing called for SE corner Sec. No. 7 Blk. M-10."

I then made search for the Rock Mont. called for as a bearing to the SW corner of said Sec. No. 7. I found three large conglomerate stones placed together on the West bank of a Canyon which appeared to be at about the right ~~point~~ point

Briscoe co. Sk. File 15

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Page No.2:

but it was necessary to measure across the Canyon to complete the connection and a heavy rain storm occurred before we had time to do so and the connection was not made."

From this data I concluded that I had identified the SE corner of said Sec.No.7 and the SE corner of said Sec.No.25, Blk. M - 10."

Using the one nearest the land in controversy, the SE corner Sec.25 Blk.M-10, I found ~~that~~ the Hutchinson iron pipe location to be 955 vs West and 50.4 vs North of the original or Summerfield location"

Since no contradictory evidence was offered the trial Judge instructed the Jury to find for the Defendants, who were holding under the Hutchinson construction as projected from Swisher county.

A certified copy of this Judgement, with the accompanying PLAT illustrates the relative positions of the Summerfield location compared with the Hutchinson construction and the position of Blk.M-10 as claimed when surveyed course and distance from the SW corner of Blk.6, I. & G.N. Randall county, from which Blk.A-1900 surveys, calling to be along the South line of Blk.M-10, were located.

WITNESS my hand and SEAL of Office this 11th day of December A.D.1936.

W. Williams

A Licensed State Land Surveyor

of Texas.

*Briscoe Rotted 5K "W-L." of Texas.
Received and filed in General Land
Office on December 12th, 1936. J. H. Walker, Comm.
C. F. Blucher, CLK*

*See accompanying Judgement
and sketch.*

Counter 16529

on the ground, as follows:

Beginning at a 2 inch galvanized iron pipe set by H. P. Jones and W. H. Tilson for the N. W. Corner of said Survey No. 98, marked 98-80 in the edge of lot and field 126 vrs. North and 5 vrs East of a 2X6 inch pine stake; thence South 1900 Vrs to a 2 inch galvanized iron pipe, marked 98-138 and four pits from which a windmill bears North 4 degrees 48 min, east, another windmill bears North 53 degrees 34 $\frac{1}{2}$ ' East, another windmill bears South 50 degrees 37 $\frac{1}{2}$ ' East; another windmill bears South 3 degrees 1 $\frac{1}{2}$ ' East; another windmill bears South 62 degrees 9' West, another windmill bears South 82 degrees 28' West, another windmill bears North 73 degrees 13' West, and Frank Lowrey's windmill bears north 6 degrees 55' West; Said pipe and four pits being the Southwest corner of said Survey No. 98; thence West 474 varas to a galvanized iron pipe 2 inches in diameter marked N. W. 138 and four pits, the Northwest corner of said survey No. 138; thence West 3014 vrs. for the N. W. Corner of said Survey No. 137; thence South 1201 varas to the S. W. Corner of said Survey No. 137; thence East 3014 vrs. to a 2 inch galvanized iron pipe marked M 10 138, the S. E. corner of said Survey No. 137, and the S. W. Corner of said Survey No. 138; thence East at 782.4 Vrs pass an iron pipe marked S. L. 138 and four pits in all 3014 varas, the S. E. Corner of said Survey No. 138; thence North 1201 Varas to the N. E. Corner of said Survey No. 138, thence west---- the S. E. Corner of said Survey 98; thence North 1900 varas; thence West 1900 vrs. to the place of beginning.

2. And it further appearing to the

Court that the defendants B. B. Bridges and Hugh D. Burrus disclaimed as to all lands described in plaintiff's said First Amended Original Petition, and herein next above described, except the following described lands, to-wit:

Beginning at a two inch iron pipe set by Capt. W. B. Hutchison for the S. W. corner of Section 96, Block M. 10 marked 95, 96, 136 Blk. M. 10, under old barbed wire fence; thence East along said fence at 315.9 Vrs pass iron pipe set by Capt W. B. Hutchinson for N. W. corner of Section 137, Block M 10, and N. E. corner of 136, Block M 10, said pipe marked 136, 137 96 M 10, 1917 Vrs to a point; thence North 950 Vrs; thence East 958 Vrs; thence South 950 Vrs; thence East 958 varas; thence North 950 Vrs; thence West 958 varas; thence North 950 varas; thence East 958 varas; along an old fence erected about 20 years ago as the south boundary line of Section 80 Block M. 10 and North boundary line of Section 97, Block M 10, same being South fence of an old field on the W. H. Lemmon home section to the corner of said fence; thence North 1917 varas to point; thence West 1917 varas; thence south 1917 varas; thence West 1917 varas; to iron pipe set by Capt. W. B. Hutchinson for N. W. corner of Section 96, and S. W. corner of Section 81, Block M 10, said pipe marked 81, 82, 95, 96 Blk. M 10; thence South along an old fence 1917 varas to place of beginning; it is therefore ordered, adjudged and decreed that the plaintiff take nothing as against the defendants B. B. Bridges and H. D. Burrus, as to said tract of land herein next above described, and not

disclaimed by them in their answer, and that as to said land the defendants B. B. Bridges and H. D. Burrus be quited in their right, title and possession of the same; and that the plaintiff recover of and from the said defendants B. B. Bridges and H. D. Burrus all land described in his First Amended Original Petition, and first described herein in paragraph (1) hereof, save and except the land not disclaimed by said defendants and herein next above described.

3. And it further appearing to the court that the defendant, Wallace Kelley disclaimed as to all lands described in plaintiff's First Amended Original Petition and described in Paragraph (1) hereof, except the following described lands, towit:

Beginning at the S. W. corner of Survey No. 97, Block M 10 as per the W. B. Hutchinson pipe corner location of Block M 10, said point being 1900 varas East of the S. W. corner of Survey No. 96, in Block M 10, as located by W. B. Hutchinson and marked by iron pipe 95, 96, 136 M 10;

Thence East 950 varas to a point for corner, same being a point midway between the S. W. corner and the S. E. corner of Survey 97, as per the W. B. Hutchinson Pipe Corner location of Block M 10; Thence North 950 varas to a point for corner; Thence West 950 varas to a point for corner; Thence South 950 varas to the place of beginning.

It is therefore ordered, adjudged and decreed by the Court that the plaintiff take nothing as against the defendant, Wallace Kelley as to said tract of land herein next above described, and not disclaimed

by him in his answer, and that as to said land, the defendant, Wallace Kelley be quieted in his right, title and possession of same; and that the plaintiff recover of and from the defendant, Wallace Kelley, all land described in his First Amended Original Petition, and first described herein in Paragraph (1) hereof save and except the land not disclaimed by said defendant and herein next above described.

4. And it further appearing to the court that the defendant E. Lee Dye disclaimed as to all lands described in plaintiff's First Amended Original Petition and described in Paragraph (1) hereof, except the following described lands, to-wit:

Beginning at a point 4784 Vrs due East of a two inch iron pipe set by Capt. W. B. Hutchinson about the year 1892 for the common corners of Sections 81, 82, 95, and 96, in Block M 10, said pipe being set by him for the S. W. corners of said Section 82, S. E. corner of Section 81, N. W. corner of Section 96 and N. E. corner of Section 95, and marked 81, 82, 95, 96 Blk M 10; the beginning corner of this tract being a point 950 vrs. due East of a fence corner, same being the S. E. corner of an old field in the S. E. corner of Section 80, Blk M 10, said field being known as the old W. H. Lemmon field.

Thence East 950 Vrs; thence North 950 vrs; thence West 950 vrs; thence South 950 vrs to the place of beginning.

It is therefore, ordered, adjudged and decreed by the court that the plaintiff take nothing as against the defendant E. Lee Dye as to said tract of

land herein next above described, and nor disclaimed by him in his answer, and that as to said land, the defendant E. Lee Dye be quieted in his right, title and possession of the same; and that the plaintiff recover of and from the defendant, ~~Wallace Kelley~~^{E. LEE DYE}, all land described in his First Amended Original Petition, and first described herein in paragraph (1) hereof save and except the land not disclaimed by said defendant and herein next above described.

It is further ordered, adjudged and decreed by the court that the South and East boundary lines of the tracts not disclaimed by said defendants Bridges, Kelley and Dye, and fully described by metes and bounds in their answers, and in Paragraphs (2), (3) and (4) hereof constitute and shall hereafter be the boundary lines between the lands owned by the plaintiff and the respective defendants.

It further appearing to the court that the plaintiff has recovered herein only such lands as have been heretofore disclaimed by the defendants B. B. Bridges, Hugh D. Burrus, E. Lee Dye and Wallace Kelley, and that the defendants W. A. Byars, W. J. Quinlan and S. O. Maddox are non-residents and no personal judgment can be taken against them, that all costs herein should be and the same are hereby taxed against the plaintiff F. M. Hyatt, and J. M. Tucker and R. T. Bishop, sureties on plaintiff's costs bond, for all of which the defendants B. B. Bridges, Hugh D. Burrus, E. Lee Dye, and Wallace Kelley and the officers of the court may have their respective executions.

The State of Texas
County of Potter

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I, J. C. Skillman, Clerk of the District Court in and for said County and State do hereby certify that the above and foregoing is a true and correct copy of the Judgment rendered in case No. 2651, Styled F. M. Hyatt Vs. B. B. Bridges et al as the same appears of record in Minute Book No. 9 Page 458-460 of the Minutes of said Court.

GIVEN UNDER MY HAND AND SEAL OF OFFICE at Amarillo, Texas, this the 6th day of February A. D. 1923.

J. C. Skillman
Clerk, District Court, Potter Co., Tex.

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The State of Texas, County of Brown, J. L. Anderson, Clerk of the County Court of said County do hereby certify that the above instrument of writing dated on the 28th day of April A. D. 1921 with its Certificate of Authentication, was filed for record in my office this 9th day of July A. D. 1923 at 5 o'clock P. M., and duly recorded the 10th day of July A. D. 1923 at 10 o'clock A. M. in the records of said County in Volume 18 on Page 8-9-10. Witness my hand and the seal of the County Court of said County at office in Brown, Texas, the day and year last above written.
J. L. Anderson,
Clerk County Court, Brown County, Texas.
Tommye Hegner, Deputy

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The State of Texas

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County of Potter

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I, J. C. Skillman, Clerk of the District Court in and for Potter County, Texas, hereby certify that the foregoing is a true and correct copy of the original judgment rendered and entered in cause No. 2651 styled F. M. Hyatt -Vs- B. B. Bridges et al, as the same appears of record in Minute Book No. 9 pages 458-460, of the minutes of said Court, and I further certify that the same is a final judgment in said cause, as no appeal has been taken ~~has been taken~~ in said cause.

Given under my hand and seal of said Court, at office in Amarillo, Texas, this the 16th day of October, A. D. 1924.

J. C. Skillman

District Clerk, Potter County, Texas.

Judgment

F. M. Hyatt

vs.

B. B. Bridges et al

File No. Sketch File 15 County Briscoe
 Correspondence Report Judgment Concerning conflict in the
 Blk. 4-1900 surveys lying between the San Jacinto School
 Land Leagues and Blk. M-16.
 Filed ca. DEC. 1936
 By GARRY MAURO, Com'r

PROOF READ

18-8-

FILED FOR
 9 day of July
 A. D. 1936
 o'clock P.
J. L. Anderson County Clerk
 Briscoe County, Silverton, Tex.

Counter 16533

This judgment does not show to be final. The facts upon which it is based are not shown. It is not in line with former decisions of higher Courts which hold that BLK M10 & the other ^{adjoining} M BLKs in Jewish Co are properly relocated by course & distance from the SW cor. BLK 6 in Randall Co & that the Hutchinson iron pipe corners are not in conformity with orig. work in these BLKs.

See cases as follows:

138 SW Rep - pg. 1128
19 " " " 1079
206 " " " 549

Following these decisions the State does not recognize the Hutchinson S. P. corners in the

patenting of school sections in BLK M10 but issues patents on the orig. plates which are supposed to be located course & distance from BLK 6 in Randall Co.

This is the theory of construction & plan of location of south line of BLK M10 that was used in the location of the survey of BLK A1900.

In view of this & the line of decisions sustaining such location this office would not feel authorized to accept & approve the connections herewith.

Same are therefore ret'd.

9/25/24 JWH