

STEPHENS & MILLER
LAWYERS
FORT WORTH, TEXAS

I. W. STEPHENS
GEO. E. MILLER

August 12, 1911.

310. 313. WESTERN NATIONAL
BANK BUILDING
PHONE 879

E. von Rosenberg, Esq.,
% General Land Office,
Austin, Texas.

Dear Sir:-

We have the following papers for use in the boundary cases in Concho County, concerning which the writer consulted you on Thursday, to-wit:

- (1) Copy of field notes of Survey No. 19, Block 9, by J. W. Ratchford, dated April 1, 1887;
- (2) Copy of field notes of Survey 13, Block 8, made by M. J. Doyle, dated January 13, 1873;
- (3) Copy of field notes of Survey No. 37, Block No. 8, surveyed by M. J. Doyle, dated January 13, 1873;
- (4) Copy of field notes of Survey 21, Block 8, surveyed by M. J. Doyle January 13, 1873;
- (5) Copy of field notes of Survey No. 28, Block 8, surveyed by M. J. Doyle January 13, 1873;
- (6) Copy of field notes of Survey 29, Block 8, surveyed by M. J. Doyle January 13, 1873;
- (7) Copy of field notes of Survey 36, Block 8, surveyed by M. J. Doyle January 13, 1873;
- (8) Copy of field notes of Survey 17, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (9) Copy of field notes of Survey No. 18, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (10) Copy of field notes of Survey No. 31, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (11) Copy of field notes Survey No. 32, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (12) Copy of field notes Survey No. 45, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (13) Copy of field notes of Survey No. 46, Block 9, surveyed by M. J. Doyle January 13, 1873;
- (14) Certified copy of Patent No. 427, Vol. 18, Samuel A. Maverick, Assignee of Leonard Freit, dated February 7, 1859;
- (15) Patent No. 433, Vol. 77, H. & T. C. Ry. Co. Survey 19, Block 9, dated July 28, 1884;
- (16) Patent No. 439, Vol. 77, H. & T. C. Ry. Co. survey 11, Block 9, dated July 28, 1884;
- (17) Certified copy of Patent No. 263, Vol. 29, Alexander Ferguson, assignee of Christian Freiderick Wetzel, dated March 14, 1860;
- (18) Certified copy of Patent No. 230, Vol. 106, H. & T. C. Ry. Co. survey No. 37, Block 8, dated August 8, 1887;
- (19) Certified copy of Patent No. 447, Vol. 77, H. & T. C. Ry. Co. survey No. 45, Block 9, dated July 31, 1884;
- (20) Certified copy of Patent No. 442, Vol. 77, H. & T. C. Ry. Co. survey 17, Block 9, dated July 29, 1884;
- (21) Certified copy of Patent No. 431, Vol. 77, H. & T. C. Ry. Co. survey 31, Block 9, dated July 28, 1884;
- (22) Certified copy of Patent No. 311, Vol. 8, Mary A. Crenshaw, assignee of James Hughes, 480 acres, being three-quarters of Sec. No. 32, Block 8, dated June 29, 1888;

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Mr. Jesse P. Cross
at 706 1/2 Main St., Fort Worth

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E.v.R.#2.

- (23) Certified copy of Patent No.606, Vol.17, to F.M.Ellis, assignee of Wendrow Payne, Sec.No.8, G.C. & S.F.Ry.Co.Certificate No.4/827, dated August 1,1899;
- (24) Certified copy of field notes survey 32,Block 9,made by J.W.Ratchford April 1,1887;
- (25) Certified copy of letter dated March 11,1887,from J.W.Ratchford to R.M.Hall, Commissioner,General Land Office;
- (26) Certified copy of letter dated March 21,1887,from J.W.Ratchford to R.M.Hall, Commissioner,General Land Office;
- (27) Certified copy of field notes of 3/4 survey 32,Block 9,made by R.H.Looney, dated 10th day of December,1880;

In addition to these papers and those the writer ordered of you when in the Land Office on Thursday,we will need certified copies of the replies of R.M.Hall, Commissioner,General Land Office,to the Ratchford letters above noted.

You will note that in the letter from J.W.Ratchford to R.M.Hall dated March 21,1887, he says, speaking of the Kickapoo Spring survey and the beginning of the work in H. & T.C.Blocks 8 and 9, the following, to-wit:

"Mr. Doyle, who was the surveyor, sends me a copy of his original notes, and in it says: 'This L.O.(that is, the beginning point of said Block 8), blazed on four sides, was about one-fourth of a mile East of the spring.'"

Do you suppose it would be possible for us to get hold of these original notes made by Mr. Doyle? When and where did Mr. Doyle die? If you could assist us in getting Mr. Doyle's original field notes of this work, it would be very beneficial to us in this litigation in Concho County, and we think, would go far towards settling the vexed question. *Capt. M. J. Doyle died*

We feel sure that you will be interested to note that upon the return home of the writer to the office, he found upon his desk the report of H.M. Garden, who surveyed the 480, three-quarters of survey 32, according to the field notes in the Crenshaw patent, and that he found upon the ground the marked corners and bearings called for by R.H.Looney in his field notes; and according to Looney's survey, on which the patent issued, the West line of this 480 acres is 226 1/2 varas East of the West line of Survey 32, according to the Ratchford field notes, and the survey according to Ratchford's field

in Crenshaw's Home -
October 11-1898

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E. v. R. #3.

notes is 678 varas East of the West line of the same survey according to Guion's field notes. In Mr. Garden's report he says:

"I herewith hand you sketch of survey made on the ground showing location of Crenshaw patent for 480 acres, part of survey 32, Blk. 9, H. & T.C.R. R.Co., in its relation to said survey 32 as located by Ratchford; also to the Guion survey. I think both yourself and Mr. Miller will be more than pleased to notice that the location is more favorable to Mr. Henderson than we might have expected, and I consider it a matter of good fortune finding it at all.

"The Southwest corner of this 480 acres is well defined, being a large stone mound with the bearing clearly marked, and right course and distance from the corner, and there can be no doubt about this point, which is 226½ varas East and 25½ varas South of Ratchford's location for same corner, and 904½ varas East and 354½ varas South from Guion's location, all three points being well defined. The South East corner of the South West 1/4 of sur #32, Crenshaw pat. could not be found, for certain, since there is a residence close to this point and there are 8 to 10 stone mounds in this vicinity evidently built up by children playing.

"I found nothing for S.E. corner of #32, according to Looney, but at 1043 varas North found large stone mound without doubt the South East corner of the North 1/2 survey #32; also found for N.E. corner #32 (Crenshaw pat.) 969 varas North of this other stone mound, 3 large rocks for corner, with two witness trees which fit the corner exactly for course or bearing but find the following differences in measurement; the field notes for this corner call for a Live Oak 40 inches in diameter South 80 West 21 varas, the distance to this tree is 26½ varas, also the other calls for Live Oak 18 inches North 50 East, 18 varas, the distance to this tree is 16½ varas, but there can be no doubt about this being the original N.E. corner of Crenshaw Patent, since both are marked as the field notes call X and the larger tree is the only one in this vicinity that could answer the description.

"This corner is 219 varas East and 73 varas North of Ratchford's stone mound for N.E. sur. 32.

"Trusting that this explanation together with the sketch will make everything clear."

We hesitate to ask you for information inquired about at this time, because we are afraid we will be interfering with your vacation, but, obviously, we are quite much interested in these points at this time.

Very truly yours,

Stephens Miller

Dist GEN

Have your copy of Bouche's map dated Sept. 1897 now in use covering Blk 8 & 9 in correct position.

Rosenberg

Counter 19177

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STEPHENS & MILLER
LAWYERS
FORT WORTH, TEXAS

I.W. STEPHENS
GEO.E. MILLER

310.313. WESTERN NATIONAL
BANK BUILDING
PHONE 879

August 22, 1911.

Ernst von Rosenberg, Esq.,
204 West Sixteenth St.,
Austin, Texas.

Dear Sir:-

Yours of the 20th was received by us yesterday. We have read it with great interest, and have to thank you for the very full information therein contained.

As you have doubtless been advised by Mr. W.B. Garrett, of your city, by this time, the Concho County cases wherein we desired your testimony have been continued for the September term, 1911, at the instance of the plaintiffs. They will be regularly reached at the spring term, 1912, and at that time we will desire your personal attendance if it can be secured, because the personal presence of a witness is always more effective than his written testimony taken by deposition.

The surveying done by Mr. Garden, retracing the lines of the North half and the Southwest quarter, 480 acres, Section 32, Block 9, H. & T.C. Ry. Co. in Concho County, according to the field notes as contained in the patent, has absolutely demonstrated that the plaintiff has no ~~case~~ so far as this survey is concerned. In addition to having Mr. Garden resurvey this land, we have arranged with Mr. R.H. Looney, who wrote the field notes contained in the patent, to go over the lines to see if he can identify the bearing trees called for in his field notes. Mr. Looney will do this next Monday, the 28th, and we have no doubt whatever but that he will readily identify the bearings which he made.

We have already received from the Land Office sundry copies of papers ordered by the writer when he was there, but we have not yet received copies of the patents of even numbered sections in Block 9, which contain in them the Ratchford field notes of such sections. The writer kept no memorandum of the copies ordered of you when in Austin on the 10th. He intended

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E.V.R.#2.

to order copies of all patents of even numbered surveys in Block 9 which contain the Ratchford field notes. You will recall that you went through all of the files of patented even numbered sections in that block, and according to the recollection of the writer you ascertained from your examination that all of such patents contain the Ratchford field notes except the Linum patents.

If the memorandum furnished to you does not show our order for these certified copies of patents, then we wish you to consider this letter as an order for them.

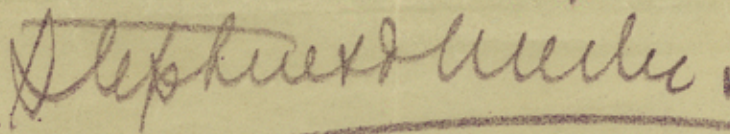
We have not a certified copy of the map of Concho County compiled and drawn by you, dated September, 1897, but we have what purports to be a lithograph copy of the present official map now in use, which, however, not being properly certified and proven by the seal of the Land Office, would not be admissible in evidence. We will need a certified copy of that part of the map of Concho County compiled and drawn by you and now in use in the Land Office which is material to the location of Block 9, and we would be glad for you to addit to our order.

Inasmuch as the Henderson cases have been continued for the September term, there is no present hurry about the copies we desire, and we do not want you to allow this matter to interfere with your vacation.

With regards and best wishes, and with thanks for your intelligent interest in these cases, we are

Very truly yours,

Dict GEM



Austin Texas August 20/1911
Messrs Stephens & Miller
Fort Worth, Texas.

Gentleman:

Your favor of 12th inst. recd.,
giving list of certified copies of documents you
have in the boundary cases in Comcho County.

I do not find any replies to J. W. Ratchford
letters of March 11 & 21-1887, but find a letter
of instructions written to J. P. Surratt, State
School agent representing the State Land Board,
at that time composed of the Governor, State Treas.
Comr. G. L. O. and Atty. Genl. as you will
see from certd. copies of the minutes of said
board where Mr. Surratt was appointed to look
after the State School lands. Surratt has been
dead some time; his brother is Judge Surratt
of Waco.

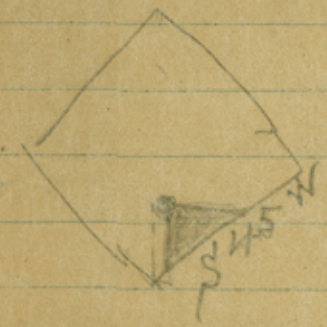
I remember distinctly when Comr. R. M. Hall
and Chief draftsman B. W. Prosser spoke to Mr. Doyle
then a draftsman (working in the same room with
me, there were some eight or ten draftsmen working
in the large room with us) as to what corners he
first saw he simply stated that he marked or
intended to mark a L. O. tree standing some
500 or 600 yds. easterly from Kickapoo Spring,
after they had ~~talked~~ ^{discussed} the matter with Doyle
he admitted that the Wetzel survey was the
controlling or governing point in locating



9092
 8.11.191.8
 7775
 850 N. W. 7
 m/s m/s

8280
 7791
 489
 84
 573

576 South
 95 West



29.38
 20.49
 8.89

29.38
 8.89
 38.27
 20.49
 58.76

8.15
 8.15
 4075
 8.15
 6520
 664.22 of 117.4
 5645
 9972
 5645
 43275
 90515
 27600
 22500
 5020

117.40
 58.70

Blocks 8 and 9 that his outfit camped at Kickapoo Springs about six or eight weeks writing up the field notes, they were returning from Fort Concho, where he had made up field notes for four or five hundred sections there in Bexar Territory, afterward Tom Green County, now portion of Dorian and Tom Green Co.

On examining the field notes of the odd or uneven numbered sections Patchford's re-surveyed the school or even numbered section only, returning corrected field notes for same under the direction of Mr. Surratt who was representing the State School fund.

Mr. Jesse F. Cross of your City * 70 1/2 Main St. could give you some information in regard to the surveying, as he, at that time, I think was working with Mr. Patchford and if I remember was a partner of Patchford. R was representing the I.B. & T.C. Ry Co. and Surratt the State.

Mr. Doyle worked in the G. L. O. under J. J. Gross from Jan'y 20/74 to Sept. 30/75 and was let out by Gross, he again entered the G. L. O. under Commr. Walshe in Jan'y 1881, working under Walshe and Hall's administration until some time in Jan'y 1891 the expiration of Commr. Hall's administration. Commr. McFarley making almost a clean sweep in the force.

employee of the G. L. O., he Doyle as
draftsman examined all the surveys
as to their correctness on the maps in
1875.

Have you a certified copy of the map of
Concho Co. compiled by me dated Sept.
1897 being the present map now in use
representing Blocks 8 and 9 in the same
position as the maps in use when Mr. Doyle
made or put in Blocks 8 & 9. In fact Blocks
8 & 9 were never changed or corrected by
Ratchford from the position given by
Doyle, he only corrected the surveys conflicting
with the two surveys S. W. of Kickapoo
Spring survey and the Spring survey.

I am taking my vacation by jerks,
if there is anything else you desire
cert'd. copies of, please let me know.
Certified plats will be mailed in a few
days.

204 West 16 St.

Yours very truly
C. von Rosenberg

P. S.

I received \$25⁰⁰ expense money from
Mr. S. H. Henderson of San Angelo.

Mr. Doyle died in the Confederate Home at Austin October 11th 1898, he had no field books, never kept any. If you desire you can ask Judge Guinn on the witness stand if Doyle ever showed him his field books, I know positively that he had no books, for I remember distinctly he always consulted the field notes and the maps of Concho Co. to refresh his memory as to the position of Blocks 8 & 9 and admitted to Hall & Poresler that the Wetzel survey was the key to Blocks 8 & 9.

If you will investigate the cert'd. copies of the Doyle field notes on which the patents issued to the R. R. Co. you will find the notes surveyed November 28th 1872 erased or marked out, and January 13th 1873 written above the word November, he did this on account of the Land Scrip not having been issued by the Commr. to said R. R. until January 8th 1873, hence the survey could not be made prior to the issue of the Land Scrip, or the locations would have been void, having been made without the certificate in hands of the surveyor, they were then returned or filed in the G. L. O. in January 1873, the date of month not given, I find however a few with the date in red January 25th 1873, evidently written by Doyle after he became an

In Brides Co - as follows
H x T. C. R. R. Co.
Block no. 8. Surveys 1 to 76 by virtue
of Scrip no. 41/5155 to 41/5192 issued by Commr.
G. L. O. Jan'y 8th 1873, Surveyed Nov 28/72
Jan'y 13th 1873, M. J. Doyle, Deputy Sur.
Rechar Dist. B. F. Hoffman and E. S.
Randall chain carriers Filed in
G. L. O. January (25) 1873.

Block 9. Surveys 1 to 52 by virtue
of Scrip no. 41/5193 to 41/5218 issued
Jan'y 8/1873 Surveyed Nov. 30/1872
Jan'y 13th 1873, Filed in G. L. O. Jan'y 1873
same chain carriers as above.

Block 10 Survey 1 to 24 by virtue of
Scrip no. 41/5219 to 41/5230 issued Jan'y 8/73
Surveyed Nov 30/72 Jan'y 13th 1873, Filed
in G. L. O. January 1873, same chain men.

Block 11 Surveys 1 to 8 by Scrip
no. 41/5231 to 41/5234. issued Jan'y 8th 1873
Surv'd. Nov. 30/72 Jan'y 13th 1873. Filed G. L. O. Jan'y 1873
same chain men.

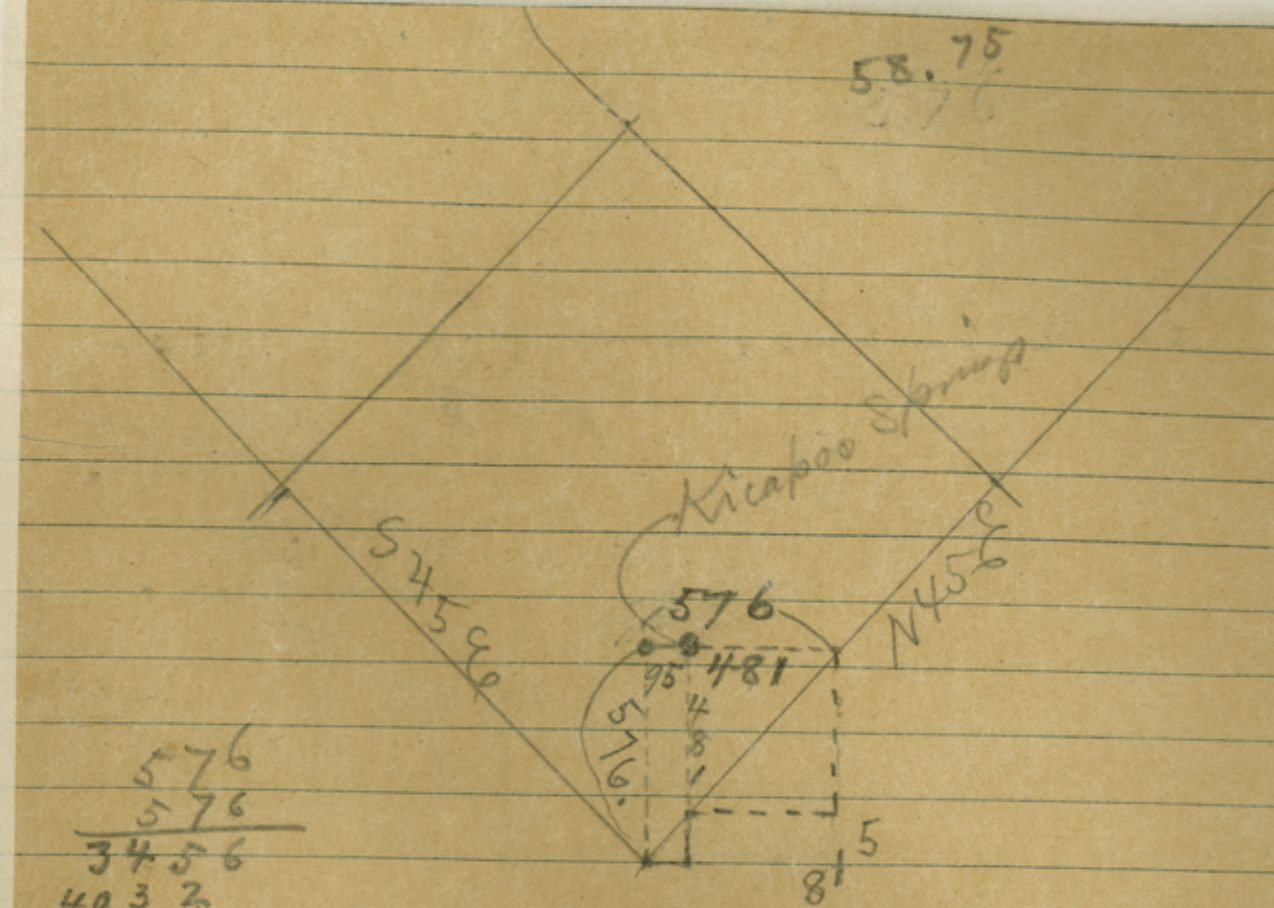
Count 1918

Count 1918

Count 1918

March 1918

counter 1918



576
 576

 3456
 4032
 2880

331776
 165888 | 5648

 11290 (29.38 ab)
 52988
 50805

 21730.
 16935

 47950
 45160

 29.38
 20.49

 8.89

29.38
 20.49

 8.89

29.38
 8.89

 38.27 ✓
 20.49

 58.75

481
 481

 481
 3848
 1924

 231361
 115681 (20.49 ab)

 11290
 77810

 22580
 52300
 50805

 1495

counter 1918

counter 19185

SKETCH FILE 31

Couche Co
Block 8 & 9

S & M

Henderson Co

Counter 19186

2811 1/2 1/2 1/2

1/2 1/2 1/2