

Field notes of a run made to determine the south boundary line of the J. H. Stephens B.L.K. in Cottle County, on the waters of Tongue river.

Begin at a rock and the original S.E. corner of sec. 20 B.L.K. E. Matador Cattle Company - va. 931 E. - Thence West at 1900 vs. a point. Thence <sup>West</sup> 1900 vs. a point, Thence West at 798 vs. a point from which a chinquapine tree on north edge of a round lake vs. North 10 vs. as called for in original notes on south line of sec. 18. B.L.K. E. at 1888 vs. a point for S.W. corner of sec. 18. Thence West 1900 vs. a check st. for S.W. corner 17. Thence West a check st for S.W. corner 16. Thence West 1900 vs. a point, Thence S. 70 1/4 W. 88 1/2 vs. to a stone <sup>set</sup> ~~vs.~~ the original S.E. corner of sec. 1. J. H. Stephens, and S.W. corner of 15 - B.L.K. E. Thence West 3800 vs. a mound of round cobble stone, which I take to be the original S.W. corner of 16. J. H. Stephens Thence West 1994 vs. a point for S.W. corner of 17, - 1913 vs. due S. of the original N.W. corner of 17. and 13 vs. E. of an iron pipe marked S.W. 17. Thence West at 13 vs pass iron pipe marked S.W. 17. - at 1933 vs. a mound of round cobble stone the original S.W. corner of #32.

Counter 19422

Cottle Co St. F. L. #4

6

700 vs. South of the South bank of Tongue river ②  
as called for in the original field notes - and is  
27 vs. E. and 1913 vs. S. of the original N. W. corner  
#32 - Thence West 1000 vs a point at the foot  
of a high bluff west of river, the S. W. corner 33.  
Thence West a pile of gyp stone the original S. W. corner  
#48 - Thence West 985 vs. a gyp md. and one  
large round cobble stone, which we take for  
the Original N. E. corner 83. on the South line #49.  
We run to west boundary line of the B.L.K. but  
fail to find any further original corners -  
Previous to making the above run, in Dec. 1900  
I went in company with Sam. Chalk. - and  
the late Judge Plummer - (said Plummer  
helped to locate the Stephens B.L.K.) to the N. E.  
corner of 13. + N. W. of 14. A. B. + W. a rock md.  
one of the bearing trees still standing, the other  
is gone, Chalk. and Plummer both stated that  
they had seen both bearings while standing,  
and that this is the original corner - From  
this corner I ran north 1924 vs. to an old  
rock md. marked N. W. 184. Thence E. I  
found the distance places the N. E. corner of  
#184, in the river bed - I found the N. E. 1.  
a R.K. md. - one rock md. N. E. 1. also an  
old R.K. md. at N. E. 2. at N. E. 3. and S. E.  
84. we found an old md. - made of cobble  
stone - Judge Plummer said he helped to build  
this corner, <sup>for S. E. 84</sup> and before we got to it described it to be  
a md. of round cobble stone on east slope  
of hill, near an old trail or road, which

we found to be correct. The distance between <sup>(3)</sup> these old corners average to be about 1930 vs. I ran the east line of 84. and the distance puts its N.E. corner in the bed of the river. Sec. 84. calls for S.E. + S.W. corner of the R.H. Payne preemption survey. The Payne field notes give N.W. bearings at its S.E. and S.W. corners, but I did not find them. - From my runs I find the S.E. corner of 84. is West 8770 vs. and S. 3870 vs. of the original S.E. corner #17. - From the N.E. corner of 83. we ran West 6814 vs. and S. 2797 vs. and find an old road made of gyp rock, being N. + W. of the N.W. corner of # 84. as shown on sketch. Mr. J. W. Carolee takes the position that this is the S.W. corner of # 86. and moves 84. 85. + 86 north whatever distance may be required to make them fit their calls for the S. lines and corners of 81. 82 + 83. - Now I have no knowledge of the south lines and corners of 84. 85. + 86. except from the parties that did the original work on the ground, and they point out these corners from which I made my run - and with this proof which I have neither right nor any reason to reject, I leave these sections 84. 85. + 86. as indicated by the sketch, and as there <sup>are</sup> no old corners found on the north lines of 84. 85 + 86. and S. lines of 81. 82 + 83. these surveys calling for and tying to each other I treat this space as excess. Whatever construction may be placed on this surplus of land, I do not know

of any law that would move 84, 85 & 86. (4)  
from their original location, as shown by  
their corners still on the ground, as  
As to old corner found and shown on sketch  
near S.W. corner of 86, it hardly possible that  
it is the S.W. corner #84, if anything it is N.W. 86.  
but from the appearances I am under the  
impression that it is the S.E. 136 - B&K. W.  
Matador Cattle Co. as located by Sam. Chasck.  
I will make further investigation from this old corner.

I find the original and now abandoned N.E.  
corner of #1. T. W. N. C. 4062 vs. N. + 3830 vs. E. of S.E.  
84. J. H. Stephens - Its corrected notes place it 900 vs.  
South, and the sketch shows it as corrected, also  
the position of the original N.E. corner. Mr. J. W. Caswell  
Sur. of Cattle was with me, and we agree on and  
mark the line from S.E. corner of B&K. E. to the  
N.E. corner 83 J. H. Stephens, The District Court of  
Cattle County passed on and confirms our  
report - Corrected field notes will have to be made  
of those surveys indicated on sketch as in con-  
flict with older surveys.

August 9, 1902 - R. W. Kenney State Sur.

Pat Murphy } chain  
Richard Kenney } men

I J. W. Canoll County Surveyor of  
Cottle County Texas do hereby certify  
that the foregoing report of connecting  
lines was filed for record in my  
office on the 15<sup>th</sup> day of August 1902  
and duly recorded the 20<sup>th</sup> day of Aug.  
1902 in Vol. 8 on pages 419, 420 & 421  
record of field notes of Cottle County  
Grown under my hand at Paducah  
Texas this 20 day of August 1902

J. W. Canoll County  
Surveyor Cottle County Texas

Cottle Co. 'A'

Filed for record this  
15<sup>th</sup> day of Aug. 1902 at  
6 O'clock P.M.

J. W. Canoll Co.  
Surveyor

Filed in Genl. Land  
Office 9/19/02  
L. C. Wick

- see his sketch filed  
same date mk'd. A

See sketch & connecting  
line mk'd "C" also  
explaining in S.F. 5576.  
D. van Rouben

Counter 19427



General Land Office.

State of Texas.

Austin.

JOHN J. TERRELL, COMMISSIONER.  
J. T. ROBISON, CHIEF CLERK.

RMK.#2.

April 15, 1905; however, I am merely making this as a suggestion as in the absence of a full statement of facts and the findings of law as found by the trial court in the case above referred to, this department cannot give you any definite advice in the premises.

Respectfully,

Commissioner.

E. von R. - Hutch-  
Cap. -



General Land Office.

State of Texas.

Austin.

October 4, 1905.

JOHN J. TERRELL, COMMISSIONER.  
J. T. ROBISON, CHIEF CLERK.

R. M. Kenney, State Surveyor,  
Childress, Texas.

Dear Sir:

Your favor of August 28th, was duly received, but owing to the immense amount of work which has accumulated in this department since September 1st, I am just at this time able to reach that letter and give it the required attention. In this letter you ask for instructions regarding the resurvey and reconstruction of the J. H. Stephens block on the West line of Cottle county situated on Middle Pease and Tongue River embracing sections 1 to 86 inclusive, and also block E. East of same. In going over this matter with the view of giving you the necessary instructions requested in your letter regarding the resurvey and reconstruction of this block I find that it is almost impracticable to give you any definite instructions in the premises, in view of the fact that the decree of court, which is on file in this office, filed here February 27, 1904, being the decree of the United States Circuit Court at Ft. Worth rendered at its March term, A. D. 1901, this department cannot advise you fully, because this decree does not show the facts upon which the judgment was rendered, and, therefore, it will be necessary that this department have a full and complete statement of the findings of fact and law as made by the trial judge in that case to be filed in this office in order that all the facts may be thoroughly investigated to ascertain upon what facts the court rendered its decision in that case. That case was the Matador Land & Cattle Company Ltd. vs. S. H. Golston and R. F. Randal, No. 183. In this connection I would also be pleased to have you submit a rough sketch of your construction of the block referred to above with distances and course of lines, etc., as you are familiar probably with all the several corners identified on the ground with reference to the interior and exterior corners in said block and the calls for corners in said block, and also of adjacent senior surveys. I would be glad also to have your construction of the North boundary line of said block with reference to the call on section No. 73 for the S. E. corner of No. 3, now No. 4, T. T. Ry. Co. East to the common N. W. and N. E. corner of sections 9 and 24 near Pease River. Now, as to the excess in sections 82, 83, 84, 85, and 86, which seems to be the primary advice asked for in your letter, I would say that from the decree of court on file here, as above recited, survey No. 84 is held intact by reason of the calls for the old R. H. Payne pre-emption and Nos. 85 and 86 calling for at 616 vrs. to pass the N. E. corner of No. 184, I. R. R. Co. and the crossings of Tongue or Pease River, thereby holding the said three surveys intact according to their bounds and the decree. Now, by constructing sections 81, 82 and 83 by reversing from 84 and 85 and the R. H. Payne North course and distance it is probable that this theory would place the proper boundaries of the sections referred to and thereby create the vacancy between the North boundary line of sections 81, 82, 83 and the South boundary line of 80, 65, 64 and 49. If the owners would desire to reconstruct these surveys in line with these suggestions, then a vacancy would be admitted upon the surrender and return of the patents, and the vacancy could be purchased by the owner of the enclosure under section 8 of the Act of

Counter 19429



Sketches ~~18~~ & C

Filed Feb. 11, 1904,

COTTLE

A&C

WM. H. McDONALD

COMMISSIONER

GENERAL LAND OFFICE

AUSTIN, TEXAS



Counter 19430

360

Childress, Texas, 8, 28, 1905.

Hon. J.J. Terrell, Comr.

Austin, Texas.

Dear Sir:-

On Feb. 13th. 1904, I filed in your office a report of a survey made by me, showing the relative positions of the J.H. Stephens Block and A, and M, belonging to the M.L. and C.Co., also their relative positions to older surveys on the South. This survey and report was made to settle the conflicting claims of the M.L. & C. Co. and Simpson & Duffer, who had located a strip between the Stephens Block on the East and Blocks A, and M, on the West.

On Feb. 24th. 1904, I made another report, dealing more particularly with the locations of surveys 83-84-85- & 86 J.H. Stephens. This survey and report were made on account of a location made by one J.W. Williams, who undertakes to appropriate the above named surveys, and covering the identical lands filed on and claimed by S.H. Goldston. This case was, you will remember, was tried in th Federal Court at Ft. Worth and judgement given in favor of the M.L. & C.Co. Vs. S.H. Goldston, a copy of the judgement I sent you with my report of Feb. 24th. 1904. I will in a few days be ready to take up the J.H. Stephens Block, and compile the map and make out corrected fieldnotes of the surveys in that Block. I will be obliged if you will pass on the reports refered to, and give me instructions as to the compilation of the notes refered to, which are covered by the said Williams surveys.

Very truly yours,

R. M. Keeney  
State Surveyor.

S.F. 5576

counter 19431

Matador Tex. Jany. 20 -1904.

Hon. Jno. J. Terrell- Comr.)  
Austin Tex. )

Dear Sir:

I hand you herewith report of Survey made by me in Motley and Cottle Counties, showing the relative positions of the Jno. H. Stephens Block- in Cottle Co.- and those Blocks adjoining it on the S. and W. In the first place I will call your attention to the location of the Stephens Blk. By reference to the map filed herewith and made a part of this report, you will observe original corners found at S.E. of #1 S.E. #17 N.E. - N.W. - & S.W. #32- S.W. #48- S.E. #84. all in the Stephens Blk. besides the two original corners at the N.E. and N.W. of #2 Blk. B.- J.H. Stephens, on the S. line of #84 and #85 There are other old corners in the Stephens Blk. to which I will call your attention further on. I have never been able to find any original corners on the W. line of this Blk. and as far as I can learn none have been found- The only way that I can locate this W. line and follow, as it appears to me, in the foot steps of the original locator, is by the calls on the N. line of #73 which are as follows. "Begin at N.W. corner of #72 Thence W. 500vs. cross Middle Pease River- C. N.E. at 844vs. pass S.E. #3 Tyler Tap Ry. Co." There is a discrepancy in this call- as to the No. of the Sec. of the T.T.- The Surveyor seems to have the Nos. 3 & 4 reversed- as to their location- and puts #3- on the S. next to the river and #4 immediately N. of it- As conclusive proof- that he did have these Surveys reversed on the ground- I will call your attention to the field notes of Sur. #15 Blk. M.-M.C.Co. located by the same Surveyor, only a short while after the location of the Stephens Blk.- which are as follows.- "Beginning at a point 152vs. W. from the N.E. corner of Sur. #6 G.R.R.Co. cert. #161, a stone Md. on gravel hill, the S.E. corner of #14 Matador Cattle Co. a Cott. brs. N.55 E. 150vs. and N. 22W. 100vs. Thence E. at 830vs. a Md. on W. line of Sur. #1 T.T. R.R.Co. Cott. N.62.3/4E. 1/2 mile. Thence N. 749vs. a stone Md. in valley, a cott. brs. N.22 E. 7vs. Thence E. crossing Middle Pease (dry) 1344vs. a stone md. on slope to W. on W. line of #4 " Here you will see he had #4 where #3 is . ----- By this call of #73- for the Tyler Tap- it places its N.W. corner 1056vs. W. of the S.E. #4 and here is where I locate the corner.- Two different runs from S.E. #33 to N.W. #73- located as shown above- and with practically same result makes N.W. of 73 N. 15255 and W. 11693vs. from S.E. #33- This would give an excess of 293vs. in E. & W. and 55vs. in N. & S. or about 50vs. to Sec.- E. & W. -----

The field notes of #44 J.H. Stephens call at its N.E. corner for a pile of stone- 1090vs. S. of Pease River and 510vs. E. of Salt Creek. About that distance as well as I could tell- (the river is subject to great changes) South of the river- I found an old rock md. on W. slope of hill. I ran from this md. W. at 530vs. high bluff on E. bank of Salt Creek- at 600vs. E. bank Salt creek- at 1900vs. point. Thence S. 40.1/2 W. 77vs. to a rock md. on W. hill side- Thence N. 1928vs. Thence E. 9vs. to an old rock md. on N. hill side near road. Thence W. 4 miles (7600vs.) to a check peg- Thence N. 3727vs. to a point. Thence

After examining files in the Gen. Co. Office, I find the Surveys Nos. of 3 and 4, then changed - this explains the discrepancy referred to. R.W. Kerney State Sur.



Counter 19432

M

W. 160vs. to N.W.#73- I found no <sup>inter</sup>mediate corners on the last 4 miles W. you will observe from N.E. to N.W. #44 there is an excess of 50vs. The last 4 miles showed 40vs. excess to reach the W. line of the Blk. and this excess about tallies with what we find E. & W. from S.E. #33 to N.W. #73 The above are the reasons I have for locating the N.W. of #73 - from its call for the S.E. of #4 Tyler Tap - which is found now on the ground

I give here several connecting lines-

① - From S.W. #130 Blk. M M.C.Co. to S.E. #33 J.H.Stephens E. 16986vs. & N. 2619vs. --- 16986 less 5700vs. to S.E. #136 leaves 11286vs. making Blk. M. conflict 114vs. with Stephens Blk. allowing no excess in the Stephens Blk.

② -- From S.W. #130- Blk. M. M.C.Co. N. 17874vs. and E. 5293vs. to N.W. #73 J.H.Stephens- as located from S.E.#4 T.T.R.R.Co. This makes Blk. M. conflict 407 vs. with the J.H.Stephens.

③ -- From N.E. corner #3 cert. 1)75 to N.W. corner of #73 J.H. Stephens is N. 4602vs. and E. 5534vs. From N.E. corner of the said #3 to the E. line of #8 Blk. A. M.C.Co. is 5610vs. -- 5610vs. less 5534 leaves 76vs. consequently Sec. #8 and in fact all of Blk. A. along its E. line is in conflict 76vs. with Stephens Blk.

④ -- The N.W. corner #73 J.H.Stephens is 897vs. N. and 4223vs. E. of N.E. #5 cert. 1)161 Georgetown R.R.Co. The E. line #2 Blk. A. M. C.Co. as its field notes show is 4256vs. E. of N.E. of said #5 which is found on the ground. Hence #2 is in conflict 33vs. with 73 and 74 J.H.Stephens- The above connecting lines are the result of careful work on the ground and I feel confident that they are correct. It must be borne in mind that the Stephens Lands and Blk. A. was done by D.H.Jones. That he first located the Stephens- in which he calls for the Tyler Tap Surveys- and then continueing on into Blk. A. he calls for and ties to the same surveys - We find he puts in Nos. 2,8,9. and 10. Blk. A. and at S.E. corner of 10 calls for a rock md. in the W. line of Survey made for J.H.Stephens- showing that he brought his work S. from the Tyler Tap Surveys along the E. line of the Stephens Blk. though as stated above I find a slight conflict- at S.E. corner of #10 Blk. A.----- The lithograph map of Cottle Co. issued by Gen. Land Office- in 1891. W.L.McGaughey- Comr. - Shows a vacancy between the Stephens Blk. and Blocks. A. & M. M.C.Co. and I am informed that files have been made on this supposed vacancy- According to my survey there is no land there, but a conflict. In a former report to the Gen. Land Office of runs made in the Stephens Blk. Aug. 2-1902. I called attention to an old Gyp rock md. found and claimed by J.W.Carroll- Co. Sur. Cottle - as the S.W. corner of #86 J.H.Stephens. I give here the location of this old md. as shown by my field book- Begin at S.W. 32 J.H.S. Thence W. 11601 Thence S. 2747vs. to the said md. --- On my run on the W. line of the Stephens Blk. I found a large rock md. one large Gyp rock Mkd. N.W. 78 J.H.S. I found also rock md. at S.W. 78- These corners were put here by Sam Chalk. A connecting line run by me shows this N.W. corner 78 to be N. 5757vs. and W. 11589vs. from the S.W. corner #32- J.H.S.- you will notice that the westing in the N.W. #78 and the old md.

M'

claimed by Mr. Carrol for S.W. 86- is practically the same- only 16vs. difference - and there is no doubt but this md. was put by Chalk for the S.W. of 81- If you will refer to the Chalk map of the Matador Co's Ranch Lands on file in your office, you will see that he puts about 1/2 mile excess N. & S. in the tier of sections from #1- W. to W. line #80 and then 81. 82. & 83. he gives 1900- this explains clearly that old corner found by Mr. Carrol was put by Mr. Chalk for the S.W. #81-

I give here connecting line from S.W. #130 Blk. M. M.C.Co. Begin at an old stone md. S.W. 130 Blk. M. Thence S. at 456vs. a point from which a stone md. the original N.W. corner 196- H. & G.N. brs. W. 18vs. Ced. S. 55.1/2 W. 53vs.- Begin new count from point 18vs. E. of this old corner- Thence S. at 1534vs. a point. Thence W. 25vs. to a stone md. on E. slope hill, original S.W. of #196- Thence E. 2465vs. a point. Thence S. 2vs. a rock md. 65vs. S. of large br. the original S.E. corner of #196 Thence S. 1053vs. a rock md. Thence E. 1469vs. a point, Thence S. 84 E. 108vs. to a rock md. the original N.E. #13 and N.W. #14 A.B. & M. cert 522. Thence N. 1878vs. a point Thence E. 7701vs. to an old pebble stone md. the original S.E. corner of #84

J.H. Stephens, I am not ready to report on the N. line of the Stephens Blk. but will later. See sketch filed herewith and made part of this report. R. M. Kennedy State Sur.

3934  
104  
5002

See connecting line in S.F. 81 and 6254.

Sketch "C"  
Cottle Co. Sketches

Report of State Surveyor  
R. M. Kenney on line  
of Cottle & Motley Cos.

See sketch -

Filed February 11<sup>th</sup> 1904

John J. Tenille  
Commissioner

Hg vu (7)

2/13/04

See decree of court  
in SF. 5576 - 3/17/04  
S. v. R.

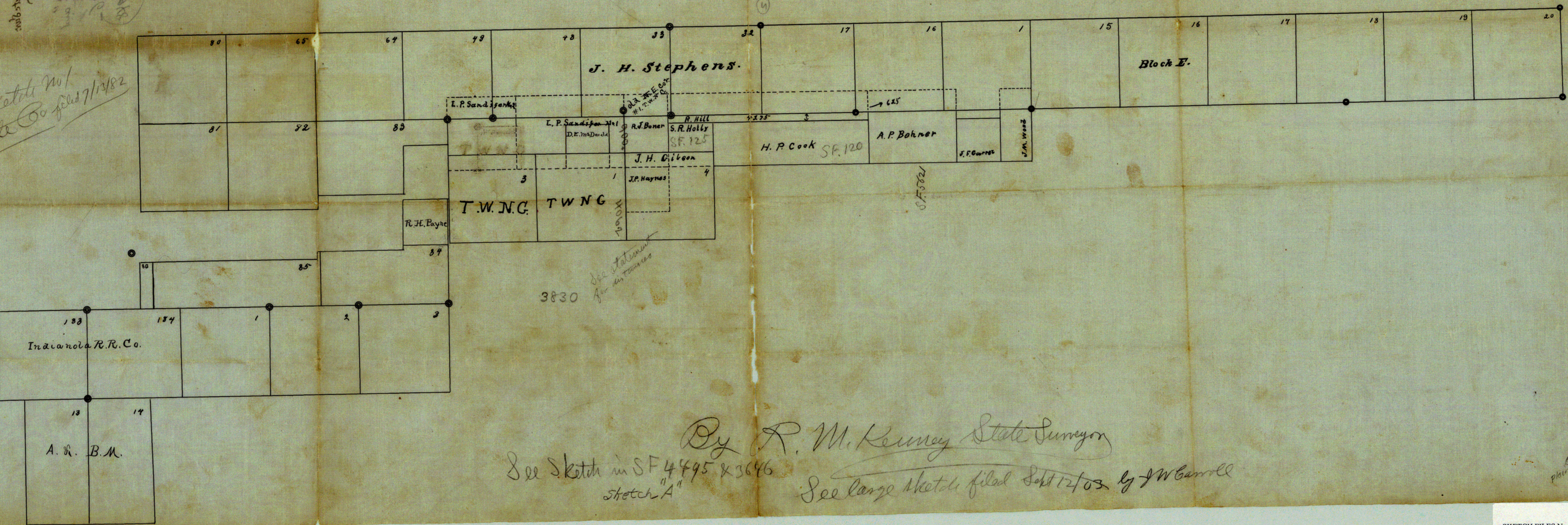
See connecting line in  
SF. 6254. L. H. Lewis.  
SF. 81 N. S. Frost. and  
in SF. 5576 by State Surveyor  
R. M. Kenney. S. v. Roseboro

See Sketch E

COLLEGE CO  
2K E 1/2 1/4 C

See sketch in SF 4495 & 3646  
Sketch "A"  
See large sketch filed Sept 12/03 by J.W. Carroll

See sketch in  
Cottle Co filed 7/13/82



3830  
See statement  
for distances

S.F. 5024

By R. M. Kenney State Surveyor

See sketch in SF 4495 & 3646  
Sketch "A"

See large sketch filed Sept 12/03 by J.W. Carroll

MOTLEY CO.

COTTLE CO.

Sketch "C" Cottle Co. Sketch file

For position of J.H. Stephens Block of surveys See Sketch file "F", Cottle Co.

(See Sketch in p. 15948) for correct position as approved. Mand. 16/06 E. von Rosenberg Draughtsman



General Land Office  
Austin Texas Feb. 12<sup>th</sup> 1904.

Upon a full investigation of the field notes of the several patented surveys, together with State surveyor R.M. Kenney's field notes of connecting line and explanation, I find that there is no vacancy for the surveys made under act of Feby. 23<sup>rd</sup> 1900 for D.W. Simson and L.W. Duffer.

In reality there is a conflict between the J.H. Stephens sections no. 73 to 81 inclusive, and East boundary line of Blocks A & M made for the Matador Cattle Co. on the line of Cottle and Motley Cos.

E. von Rosenberg  
Examining Draughtsman

Approved 2/13/1904  
John J. Ferrell  
Comm.

I hereby certify that the above sketch truly represents the location of The J.H. Stephens Block in Cottle County and its relative position to the surveys on the south and west, from actual survey made by me from original corners found on the ground. See report filed herewith.

R. M. Kenney State Sur.

Jan. - 20. 1904.

Filed February 11<sup>th</sup> 1904

John J. Ferrell  
Commissioner