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IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT
OF TEXAS.

No. 421.

THE MATADOR LAND & CATTLE COMPANY, LIMITED,

VS

R. M. H A M B Y, et al.

This suit was brought by the plaintiff against R. M. Hamby, J. R. Rogers, Lee Taylor and Lucy Taylor, J. W. Edwards, W. G. McCarty, R. D. C. Stephens, J. C. Stephens, M. L. Blakely and W. C. Benson, on the 24th day of September, 1906, in the Abilene division of this court, in form of trespass to try title, to certain lands in Dickens County, Texas, the true and correct location and boundaries of which were in dispute. In substance the case involved the correct ascertainment of the boundary lines, as the means of determining the title to the disputed land. The plaintiff alleged title in it to the lands in dispute and that defendants were each claiming certain parts thereof by virtue of being the owners of certain contiguous surveys to plaintiffs', and that the right and title as to each tract depended upon the ascertainment of the boundaries to the entire system of surveys in which the lands are situated, and of which they are a part.

Defendants all answered by exception on the ground of misjoinder, general denial and plea of not guilty. Some of the defendants also answered by plea to the jurisdiction on the ground that the land in controversy claimed by the particular defendant urging the plea was not of the value of two thousand dollars. Defendant Benson also pleaded the ten years statute of limitation. The exceptions for misjoinder were overruled and the case went to trial before a jury, and during the progress of the trial the parties by written stipulation withdrew the case from the jury and submitted the same.

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to the court upon the law and the facts, and upon consideration of same the court announced that it would hold that as a basis for establishing the boundaries of the surveys in question, the corners of the surveys should be 412 varas South and 207 varas East of the base line corners put in by the resurvey of R. M. Kenney State Surveyor, and that the entire system of surveys made about that time by Jasper Hays should be located by course and distance from those points, according to the original field notes, regardless of conflicts with older surveys on the East; and that the plea to the jurisdiction and misjoinder should be overruled; and that a severance should be had as to that part of the case which is against W. C. Benson, and that he should recover the 320 acres claimed by him by virtue of the ten years statute of limitation. Thereupon the attorneys for all parties in open court agreed to transfer the case to the Fort Worth division of this court for entry of judgment, findings, exceptions, motions for new trial, writ of error and such other proceedings as are lawful, and an order was entered accordingly transferring the case, and it now appears upon this docket, and upon the _____ day of November, 1907, came on for further hearing and entry of judgment.

Both plaintiff and defendants requested findings of fact and law by the court, and the court therefore finds:

- 1: The plaintiff is a foreign corporation, not incorporated under the laws of Texas. The land in controversy is situated in Dickens County, Texas, and the value of that part in controversy claimed respectively by each of the defendants is of value more than two thousand dollars, and the title and right of possession as to ~~ix~~ that claimed by each is all dependent on the one fact of correct boundary which is determinable from precisely the same facts in each case. The defendants are all inhabitants and citizens of Dickens County, Texas, in the Northern District of Texas. The court has jurisdiction of the parties and the subject matter.
- 2: The lands in controversy were located and surveyed by virtue of land certificates issued by the State of Texas, upon the

public domain and patented by the State of Texas, and the plaintiff by regular chain of transfer from the patentees is the owner of the surveys of land which it claims, and the defendants are each by regular chain of transfers from the sovereignty of the soil the owners of the surveys of land claimed by them, there being no conflict of title when once the true boundaries are established, between plaintiff and each of the defendants, except that W. C. Benson asserts ownership by the 10 years statute of limitation, and the boundaries of his land as shown by his deed falls upon the titled land belonging to the plaintiff as hereinafter shown.

3: That in May, 1876, Jasper N. Hays, a land locator and private surveyor in company with a number of parties owning land certificates, went upon the land in controversy and located the same in connection with a large number of other surveys, which are shown in the plat hereto annexed, marked "Exhibit A" to the findings, and surveyed a part of the lines for the purpose of locating the same upon the ground, and located a part by course and distance called for in field notes, made up in the office of the District Surveyor of the Young Land District of Texas, and by the Surveyor of the District, to-wit: Geo. Spiller, returned to and filed in the General Land Office of Texas, and made the field notes of the patents.

That the surveying of the land and the making up and ~~XXXXX~~ returning the field notes was all one transaction applicable alike to each and all of the surveys belonging to the system or plat making up the locations then made and calling one for the other.

That it was the intention of the said Hays and the said District Surveyor that each of said surveys should lie contiguous to the other as shown by the field notes so returned to the General Land Office, and in the plat which he returned to the District Surveyor's office, and that the lines and corners which said Hays marked upon the ground as the lines and corners of a part of said surveys should serve to locate the same upon the ground and these

and those not having marked corners or lines upon the ground should be located as shown in the field notes, the course and distance called for from such located lines and corners taking the said field notes of all the system of surveys as a whole.

4: That in making said surveys said Hays took a connection in Cottle County from the Jonathan Burleson surveys and first located certain sections of land lying immediately West of John H. Gibson surveys 13, 14, 15 and 16, on or West of the head of Buford's Creek, and from there ran South locating other surveys on what appeared to be vacant land on the map which had been furnished to him by the General land office of Texas, but which locations were not approved because of prior locations. That said Hays continued his survey down to the North boundary of a set of surveys called and known as the Armstrong work, the most northern survey being 218 B. S. & F., and believed that he reached and connected with the same, because according to the map which he was using he had run the course and distance from his said connections on the head of Buford's Creek which should place him at the Northwest corner of said survey 218.

That just previous to the time of making the said surveys said Hays applied to the General Land Office of Texas for a map showing the vacant land in the Young Land District in the vicinity of the lands in question, and in accordance with that request the General Land office furnished to him a map upon which was shown the relative location of surveys previously located and showing blank spaces for the vacant land, which said map was made upon a known scale, indicating the distance between the previously located land, and which showed that between the said Armstrong work Survey 211 B. S. & F. surveys, on the east, and Sur. 406, Block 1 H. & G.N. Ry. Co. Survey, on the West there was a distance of 8-1/2 miles, vacant and unlocated land, and that all of the land West of the Armstrong work surveys 224, 223 in the name of Arenbeck, and 212, 211, 220 and 209, and East and North of said Block 1 and the Elizabeth Herring survey, being a league and labor, and the Silliman survey

being $1/3$ of a league was vacant; and that said Silliman survey was situated North and adjoining surveys Nos. 396 and 395, having for its Southeast corner the N. E. corner of survey 396 Block 1 in a square 2880 varas on each line, and that the Elizabeth Herring survey was situated North and adjoining surveys 378, 377 and 376 said Block 1, and had for its S. E. corner the N. E. corner of said survey 378, lying in a square 5100 varas for each side. That in locating the system or block of surveys in which the land in controversy is situated, said Hays located and returned field notes to fill the vacancy as shown by the plat thereof on the original map, copy of which is in evidence, herein filed and marked "Young District", believing that he was at the Western line of said Armstrong work, as called for in the original field notes which was so returned to the General Land Office and that the surveys so located connected with the said Armstrong work as called for, to-wit: that the S. E. corner of Survey 3, Cert. 50, I. & G. N. Ry. Co. survey, and the S. W. corner of Survey 211 B. S. & F. of the Armstrong work was a common corner, and that the surveys located by said Hays lying North of said No. 3 Cert. 50 and around the Armstrong work further North were contiguous to the western and northern boundary of the Armstrong surveys 212, 223, 224 and 218, as called for in the field notes of said Hays' surveys. Likewise said Hays believed at the time of making his said surveys that the location of the certificates and surveys thereof which appear on said map to connect with and be contiguous to the surveys in Block 1 and the Herring and Silliman surveys were contiguous thereto as called for in the said field notes of such surveys by Hays which was so returned to the General Land Office. But the real location of said Block 1 and the Herring and Silliman surveys was about 4 miles further west. That in truth and in fact the Armstrong work was locatable upon the ground by course and distance from a well defined and established corner now known as the Post Oak corner, being the Southwest corner of Sur. 207 Adams, Beaty & Moulton surveys commonly designated A.B. & M. and the other lines and corners of said Armstrong work locatable by course

and distance from the Post Oak corner. That said Hays did not know of the Post Oak corner or any other corner of the Armstrong work upon the ground when he made the surveys in question, and when the field notes were returned to the General Land Office, or the relative position thereof on the ground, to the lines and corners upon the ground, which he made for the surveys so made and returned by him; nor did he know the actual relative positions of said Armstrong work upon the ground relative to the Jonothan Burleson survey or other fixed corners made therefrom on Buford's Creek from which he ran his lines to reach the Armstrong work, but depended upon the appearances from the said map which he was using which had been furnished him by the General Land Office, by taking course and distance from the said Burleson survey.

That it was the intention of ~~the~~ said Hays and the District surveyor to locate the said surveys so made and returned by the said Hays upon the ground as called for in the field notes thereof returned to the General Land Office, but believing that the same would fall on the ground contiguous to the Armstrong work as called for in said field notes. That in truth and in fact there is an excess in the distances of the surveys between the Harrison Ables survey from which the Jonothan Burleson survey was located and the surveys on Buford's Creek upon which said Hays based his work on the ground, over what appeared by said map, so that the Armstrong work was upon the ground really further West from the Ables survey from which it was located, by about 500 varas than was indicated by said map, and still somewhat further West of the surveys on Buford's creek known as the Gibson surveys from which said Hays ran South to reach the Armstrong work, and that on that account while ^{he} said Hays believed he was at the lines and corners of the Armstrong work, in consequence the field notes were made out to call for the said Armstrong work, he was really surveying the Eastern boundary lines of the said Hays block or system of surveys east of the west line of the said Armstrong work, and in conflict

with it.

5 That believing that he was at a point South one mile from the southwest corner of survey 211 B.S. & F. in the Armstrong work, said Hays ran a line west one mile, north one mile, west three miles, north 1400 varas, and west 4 miles, as a trial line for connections on the ground by which to locate said land, reaching the immediate vicinity of a Peak or prominent projection of the hills to the west, rising two or three hundred feet above the ground immediately to the east and north, which he named Abby's Peak, in honor of the name of the wife of one of the locators, Abby Tarrant. That this Peak has been repeatedly identified by said Hays and by W. H. Middleton who was along with him on the original surveys, and its identity is not open to dispute. It is the one indisputable and unmisakable object from which the land was located upon the ~~ground~~^{ground} by the original field notes carried into the patents, the peak being repeatedly called for in the field notes from numerous directions. This peak is not a sharp round peak but is oblong extending from the point on the east westerly for a distance generally estimated by the witnesses at 100 to 150 varas, then breaking away leaving lower land between it and the hills or table land to the West of which it once formed a part; it is covered with stone ~~by~~^{by} which ~~process~~^{process} of disintegration from natural causes has fallen down the sides, only a small portion of it near the summit is abrupt, the remainder sloping gradually in all directions from the peak; the width from north to south is not clearly shown but it is much narrower than from east to west. The size and character of the Peak renders the calls for bearings somewhat indefinite because the exact point of observation is not given, nor is any distance given from actual measurement; the distances are mere estimates. Its exact location upon the ground relative to the corners of the original surveys is not shown, but its approximate location is to be ascertained by fairly harmonizing all the calls of the original field notes. R. M. Kenney in reserving the land around the peak accurately, furnished a map in evidence made on a large scale, by which he shows the exact location of the peak relative to his surveys, within the margin of a few varas of the point of observation used by him on the most prominent and eastern part of the peak, from which it is shown that it is about 650 varas about

S. 22 W from the N. W. corner of I. & G.N. Survey No. 1, Cert. 126, as made by Mr. Kenney, and west approximately 225 varas from his west line of said I. & G. N. Survey; said sketch is filed as Exhibit hereto marked "Exhibit C to findings". Having thus located approximately the peak upon the ground relative to his surveys, which are well marked with iron pipes set in the ground with bearings on the ground to verify the same, and entered in a book of corrected field notes on file in the county surveyor's office of Dickens County and in the General Land Office of Texas, the location of the corners of the original surveys as shown in the field notes of the patents to said surveys, when fixed relative to Kenney's corners, may all be thereby determined upon the ground. The Original field notes of the S.W. corner of Sur 1 C.E.P.I. & M.Co., Cert. 97, and the N.W. corner of I.& G.N.Ry.Co. Sur. No. ___ Cert. 123, call for each other and from that corner the field notes of the I.& G.N.Ry. Co. Sur. call for Abby's peak to bear N 60 W 3/4 mile; the N.W. corner of I.& G.N.Sur. No. 1, Cert.126 calls for the corner to be 300 varas S.48 W. from Abby's Peak, but this call is evidently a clerical error and should be reversed so that the field notes should show the Peak to be S.48 W. 300 varas from the corner, and it will be so regarded by these findings.

The original field notes of Sur. 5 Cert. 0/29 T.W.N.G. calls for Abby's peak to be S 10 E. 2-1/4 miles. The original field notes of I & G. N. Ry.Co. sur. Cert. 264 calls for Abby's Peak to be S.70 W. 2300 varas from the S.E.corner of said survey, which would place the Peak entirely out of position, and therefore when considered in connection with the other calls and the evidence before the court the degrees of the bearing should be disregarded and only the general direction and the estimated distance considered. The field notes for C.E.P.I.& M. Co. Sur. Cert.98 calls for Abby's Peak to bear S.E. about 1/2 mile, and S.W. about 1/2 mi. from its S.E.corner. These calls are evidently mere estimated calls and not taken on the ground, and indicate the general directions only. The original field notes of C.E.P.I.& M. Co.Sur.Cert.97 calls for Abby's Peak to bear N.W. 3/4 miles from the S.W.corner of said survey, but the bearing is shown in I.& G.N.RyCo. survey having the common corner Cert.123 calls for the peak to bear N 60 W. as above shown. The original field notes

of said I. & G.N.Sur. Cert. 123 calls for Abby's Peak to bear N. 78 W. ~~mk~~ about 1-3/4 miles from its N.E. corner, which is the S.E. corner of C.E. P.I. & M. Sur.Cert.97. The original field notes of John H.Gibson Sur.No. 1, Cert. 148, calls for Abby's Peak to bear N.W. from the S.E. corner of said survey about 2-3/4 miles. This call for N.W. and other calls where the degree is not given are merely for general direction and do not mean the bearing is an exact northwest course - the degree is simply blank. From all these calls the court finds that Abby's Peak is west of the west boundary of I.& G.N.Sur. No.1, Cert. 126, and South of the South line of C.E.P.I.& M. Co.Sur.Cert.98, and that the distance of the Peak from the South line of said Survey Cert. 98 shown in Mr.Kenney's field notes for his survey is too great by about 400 varas, and that the distance of the Peak from the West line of said I.& G.N.Sur.Cert.126, as surveyed by Kenney, is less than shown by the original field notes by about 200 varas.

It is further found that the exact locality of the lines and corners cannot be determined from the Peak because the calls for distance in the original field notes are mere estimates, and because of the size and shape of the Peak, but it is found that the approximate locality of the land ~~cannot~~ be determined by the calls for Abby's Peak and the land can be so located as to harmonize the most definite calls for the Peak; and that any lines and corners of these surveys so placed as not to fairly harmonize the most definite calls of the original field notes for Abby's Peak as they are found to be and to mean as above set out, would be erroneous.

That in making the surveys for the location of said land, Jasper Hays ran a line south where he supposed was the west line of surveys 212 211 and 220, 3 miles south from his supposed N.W.corner of Sur.212, and at the third mile south, as shown in said Hays' original field book, calls for a hackberry tree in a small creek, as being 400 varas S. 84 E. from said point, and after putting in some surveys to the south and east, returned to the said point which he called the third mile south, and from that point ran a line west 1 mile, north 1 mile, west 3 miles, north 1400 varas and west 4 miles, being in all 8 miles west and 3300 varas

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north of said third mile south with the said hackberry bearing tree. That in making said run the said Hays kept a field book on which was noted the creek crossings and topography, and that from this field book R.M. Kenney retraced almost exactly the line as indicated and constructed his corners and system of lines of said block of surveys therefrom. But it is found that said Hays did not make his corners on the ground on this line and locate the surveys thereon as returned in the original field notes thereof to the General Land Office, but moved further south and east from the western terminus of said 8 mile run indicated on his field book, and then ran a line back east 3 miles, at which point he put in a corner and marked a hackberry bearing tree, for the S.W. corner of B.S. & F. Sur. No. 1, Cert. 1/357, which is also the S.E. corner of Sur. No. 5 B.S. & F. Cert. 1/360, and returned to the General Land Office original field notes for said survey 1, Cert. 1/357, which call for a hackberry tree to bear S. 38 vrs. from the S.W. Cor. of said survey. The original field notes of Sur. No. 5 B.S. & F. Cert. 1/360, calls for the same corner to be a mound but does not call for a hackberry tree. Said Hays did not run back further east, but surveyed some distance north, then returned to the S.W. cor. of C.E.P.I. & M. sur. Cert. 97, and from that point ran a base line north putting ~~in~~ corners, which cannot now be identified, and ran out some other lines from said base line and from all his surveying and by calculation and platting, the field notes were made up and returned to the General Land Office, as elsewhere in these findings shown.

7: Many years ago, John A. Green, a surveyor, now county surveyor of Dickens County, found at this place a ^{large} hackberry tree marked with surveyor's mark thus \bar{X} and near it to the north 102 varas (being exactly N. 8.W. 102- $\frac{2}{3}$ varas), an old stone mound, which he then took to be the original corner of said surveys, so calling for a mound, and hackberry bearing tree, although the exact ~~distance~~ distance did not conform to the original field notes, and from that corner made a number of surveys.

8: The court finds that when these surveys were made in 1876 by Jasper Hays the country was unoccupied, the land of little value, there was scarcity of water and danger of Indians, and there was little effort

at exactitude. Jasper Hays reported his survey and data concerning the same to the District Surveyor's office, and there clerks and assistants aided in making up and returning the original field notes, from all of which errors would naturally creep in, particularly as to calls for bearings. Jasper Hays turned in a plat to the District Surveyor's office of his surveys, from which the field notes were made up, each survey calling for a connection with each contiguous survey, as shown in said map marked "Young District" on file herein, and in the field notes, but in manner of making up the field notes often the bearings and calls at a common corner were not called for in the field notes of each of the surveys, having the common corner, and that may account for the fact that the hackberry tree was not called for in field notes of said survey 5 B.S. & F. nor the mound called for in its field notes of said survey 1.

The field notes show the surveys next to the Armstrong work to have been made May 1, 1876, and build up from there west covering dates in the field notes up to May 11, 1876, possibly a few days later.

X In the original field notes of Sur. 3, A.B. & M. Cert. 324, made at the same time by Jasper Hays as part of the same work, there is a call for a hackberry in a creek for N. E. corner, in the S. line of Sur. 2, I. & G. N. Cert. 122. While the call is for an I. & G. N. Ry. Co. survey, the court finds that it meant said sur. 2. This the court finds to be the hackberry shown in the original field book as bearing S. 84 E. from the third mile south above mentioned. To bring this in the S. line of said Sur. 2, said Hays must have run his lines and placed his corners beginning South 412 to 414 varas South of the end of his trial line at the point 8 miles west and 3300 varas N. of said third mile south and far enough east to cover more than 400 varas between the said third mile south and the hackberry bearings S. 84 E. 400 varas. The field notes of said Sur. 3, A.B. & M. recite that the survey was made May 3, 1876, and the field notes of said Sur. 2 Cert. 122, recite the survey was made May 1, 1876.

9: By taking the old rock mound found by John A. Green some 15 years ago as the S.W. corner of said survey 1 B.S. & F. Cert. 1/357, as

the true corner and running the lines of contiguous surveys as shown in the original field notes returned to the General Land Office to the S.E. cor. of Sur. 2 I. & G.N. Cert. 122, said hackberry tree called for in the original field book of Hays and called for in the original field notes of Sur. 3, A.B. & M. Cert. 324, is found to be on the ground in the south line of said survey 2 I. & G.N. 238 vrs. W. of its S.E. corner. If a point N. 38 varas from the hackberry at the S.W. of said Sur. 1, B.S. & F. should be taken it would throw the S. line of said I. & G.N. Sur. about 65 varas too far south for the hackberry, the N.E. of A.B. & M. No. 3 called to be in the S. line of said Sur. 2.

If from the stone mound found by John A. Green a line be run west for the S.W. corner of C.E.P.I. & M. Sur. Cert. 97, a point will be reached at 3 miles from which Abby's Peak bears N. 60 W. as called for in original field notes, but if run from a point North 38 varas, of said hackberry, at the S.W. of said Sur. 1, B.S. & F. it will reach a point from which the said Peak will bear too far to the North and a line N. 60 W. would fall to the south of the Peak 60 to 100 varas.

According to the system of surveys projected from the stone mound found by John A. Green, N. 8 W. 102-2/3 varas from said hackberry at S.W. corner of said Survey 1 B.S. & F. Abby's Peak will fall about 200 varas south of the south line of C.E.P.I. & M. Sur. Cert. 98 and about S. 48 W. about 300 varas from the N.W. corner of I. & G.N. Sur. 1, Cert. 126 and S. 10 E. about 2-1/4 miles from the S. E. corner of Sur. 5, Cert. 0/29, T.W.N.G. and about 2300 varas from the S.E. corner of I. & G.N. Sur. Cert. 264, all substantially as called for in the original field notes.

Thus to most nearly harmonize all these calls and bearings the call for the hackberry at the S.W. corner of said survey 1 B.S. & F., S. 38 vrs. from the corner must be disregarded, as to the distance of the corner from the hackberry, and substitute the stone mound found by John A. Green for the true corner, and this the court does.

10. The survey of R. M. Kenney is shown to be correct and accurate from his base and the field notes thereof were returned to the General Land Office and filed in the County Surveyor's office of Dickens County, a plat of which is filed herein; but his corners for the Southwest of said

survey 1, B.S.& F. and southeast of said survey 5 B.S.&F. are west 207 varas and north 412 varas from said stone mound, and likewise the same courses and distances at the other corners of said Kenney's ^{survey for} surveys C.E.P. I. & M. Cert. 97 and 98 and contiguous surveys, from where the corners would fall if surveyed from said stone mound the S.W. cor. of said Sur. 1, B.S.& F.

Said Kenney used as his base line the line and corners which he put in, East from the S.W. cor. of said C.E.P.I.& M. Cert. 97 and North from the same point, surveying and calling for course and distance therefrom according to the original field notes.

The court finds the true corners and lines to be South 412 varas and east 207 varas of the corners put in by said Kenney for the surveys in controversy, and that said lines, corners and locations of said system of surveys so made by said Hays were in fact originally so located upon the ground.

The court therefore finds that the calls for the corners and lines of the said Armstrong work and for the corners of surveys in Block 1 H. & G.N.Ry.Co. surveys and the Elizabeth Herring survey, should be disregarded, as corners or lines of the land in controversy.

11. The court further finds that the true location of the land in controversy cannot be determined by the post oak corner above referred to because the actual survey thereof was not based upon the post oak corner, and that the calls for the corners and lines of surveys in the Armstrong work by the original field notes of said Hays work was an error. That the original field notes of said Sur. Cert. 50, I. & G.N.Ry.Co. first returned to the General Land Office called to begin for the S.E. corner of said Sur. 1, Cert. 50, about 200 varas N. and about 3300 vrs. W. of ~~the~~ the S.W. cor. of Sur. 207, A.B.& M., but before patent was issued the field notes were corrected so that the said survey 1, Cert. 50, I. & G.N. Ry. Co. called to begin for its S.E. corner at the S.W. Cor. of Sur. 211, B.S.& F., calling for cottonwood trees as bearings. The court finds that the cotton wood bearings mentioned in the original field notes were intended to apply to the S.W. Cor. of Sur. 207, and when the field notes were changed by the correction of the call for the place of beginning to

be the S.W. cor. of Sur. 211, instead of point 200 varas North and 3300 varas West of the Post Oak corner, the cotton woods were by clerical error of the ^{General} Land Office inserted as a bearing for the corner of 211.

12. The court finds that the true location of the S.W. corner of said survey No. 1 Cert. 50, I. & G.N. Ry. Co. Sur. instead of being at the S.W. corner of said Sur. 211, B.S. & F. as is called for in the original field notes thereof, is to be ascertained by course and distance according to the calls of the original field notes of the surveys eastward from the stone mound 102 varas N. from the hackberry at the S.W. corner of Sur. 1, B.S. & F. Cert. 1/357, which according to the evidence before the court will place the S. E. Corner of said Sur. 1, Cert. 50, I. & G.N. Ry. Co. North 718 varas and E. 984 varas from the S.W. corner of said Sur. 211; and the court further finds that surveys No. 2 I. & G.N. Ry. Co. Cert. 50, lies immediately South of and adjoining said Sur. 1, Cert. 50, and that Sur. No 1, T.W.N.G. Cert. 0/24 lies immediately north of and adjoining said Sur. 1, Cert. 50, and that Sur. No. 2 T.W.N.G. Cert. 0/24 lies immediately to the West of said Sur. 1, T.W.N.G. Cert. 0/24, and that Sur. No. 3, T.W.N.G. Cert. 0/25 lies immediately West of and adjoining said Sur. No. 1, Cert. 50, I. & G.N. Ry. Co.

13. The court therefore finds that the ownership, right of possession and true location of the lands in controversy and the boundaries thereof upon the ground, as follows:

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(A)

The court finds that the plaintiff is the owner and entitled to the possession of Sur. No. 9, Cert. O/31, T.W.N.G.Co.Survey, the original field notes of which as shown by the patents are as follows:

Beginning at a mound the S. E. Cor. of Sur. No. 5 made by virtue of Scrip No. O/29, issued to T. W. N.G.RR.Co. thence East 1900 varas to md.; thence north 1900 varas to Md. S.E.Cor. of Sur. No. 7; thence West 1900 varas to mound; thence South 1900 varas to the place of beginning/

The field notes of said survey as corrected and resurveyed by R. M. Kenney, state surveyor, are as follows:

Beginning at an iron pipe the N.E. Cor. of Sur. 3, Cert. 264, I. & G.N.R.R.Co. in the W. line of No. 2, Cert. 270 A.B.& M. the S.E.Cor. of this survey; thence N. with W. line of #2 at 986 vrs. pass N.W.Cor. of same at 1000 vrs. cross branch C.S.E. at 1900 vsr. an iron pipe mkd. N.E. 9 T.W.N. the N.E. Cor. of this survey; thence West 1900 vrs. an iron pipe mkd. N.W. 9 T.W.N.G. the N.W. Cor. of this survey, from which a mesquite 3' diam. brs. S. 87 E. 13 vrs. West Abbie's Peak brs. S.6-1/2 E., and East Abbie's Peak S. 12 E.; thence South 1900 vrs. a stake the N.W. Cor. #3, Cert. 264, I.& G.N. and the S.W. cor of this survey; thence East 1900 vrs. to the beginning. (Surveyor's record of corrected field notes, page 80.)

That the defendant J. W. Edwards is the owner of Sec. No.10, same script as above, the original field notes being as follows:

Beginning at a mound in the East line of survey No. 9, the same being 986 vrs. N. from the S.E. cor. of said survey No. 9, made by virtue of scrip No. 31; thence East 1900 varas to mound; thence North 1900 varas to mound; thence West 1900 varas to mound; thence South at 986 varas passing the N.E. corner of survey No. 9, in all 1900 varas to the place of beginning.

The field notes of the corrected or resurvey by R. M. Kenney being as follows:

Beginning at a stake in the East line #9, same Cert. and Co. for the S.W.cor. of this survey; thence N. with the E. line #9, at 914 varas pass an iron pipe its N.E. Cor. at 1900 varas an iron-pipe marked N.W. 10, the N.W. cor. of this survey. on top of high-hill in shinnery; thence East 1900 vrs. an iron pipe marked N.E. 10, the N.E.Cor. of this sur. from which a chin oak tree 5 in. diam. brs. N. 3. W. 48 vrs. This is also the N. W. cor. #4 Cert. 67 C.& M.R.R.Co.; thence South with the W. line of No. 4 1900 vrs. to a stake, its S.W. cor. and the S.E. cor of this survey; thence W. 1900 vrs. to the place of beginning. (Surveyor's record of corrected field notes page 81).

The court further finds that the true location of said surveys Nos. 9 and 10 T.W.N.G.R.R.Co. is 207 vrs. East and 412 vrs. South of R.M.Kenney's resurvey and corners as herein set out and described, and that said true location conforms to the said original field notes of said surveys as called for in the original field notes thereof.

(B)

The court finds that plaintiff owns Surveys 1 T.W.N.G. Cert. 0/32, and Sur. 4, I. & G.N.Cert. 49, the original field notes in patent being as follows:

Sur. No. 1: Beginning at a mound the N.^W cor. of survey in name of I & G.N.R.R.Co. made by virtue of scrip No. 49; thence south 1900 vrs. to the S.W. corner of said I.& G.N.R.R.Co. survey; thence West 1900 vrs. to mound; thence North 1900 vrs. to mound; thence East 1900 varas to the place of beginning.

Sur. No. 4: Beginning at a mound, the same being 914 vrs. North and 1900 vrs. West from the S.W. Cor. of Sur. No. 1, made by virtue of Script No. 1270 issued to Adams, Beaty & Moulton; thence North 1900 varas to mound; thence West 1900 varas to mound; thence South 1900 varas to mound; thence East 1900 varas to the place of beginning.

Said Survey No. 1, Cert. 0/32 is located upon the ground by R. M. Kenney state surveyor in a corrected survey or resurvey as follows:

Beginning at an iron pipe marked S.E. 1 T.W.N.G., being S.W. Cor. Cert. 49, I.& G.N.R.R.Co. for S.E.Cor. of this survey; thence with
the line

115
b

the W. line #4 1900 vrs. a stake in its N.W. Cor. and the N.E. Cor. of this survey; thence W. 1900 vrs. a stake the N.W. Cor. of this Sur; thence S. 1900 vrs. an iron pipe the S.W. Cor. of this survey; thence 1900 varas East to the beginning. (Record of field notes, page 82).

The corrected or resurvey of said Sur. No. 4, I. & G.N. Cert. 49 as surveyed upon the ground by said Kenney is as follows:

Beginning at a stake the S.W. cor. #3, same Co., Cert. 264, thence N. With the West line of No. 3 1900 varas. a stake, its N.W. Cor. and the N.E. Cor. of this survey; thence W. Crossing 2 prongs of little Croton Creek 1900 varas. the N.E. Cor. of #1, T.W.N.G. and the N.W. Cor. of this survey; thence S. with the east line of No. 1, 1900 vrs. to an ~~xx~~ iron pipe mrk S.E. 1 T.W.N. G. for the S.W. Cor. of this survey; thence East at 950 vrs. pass an iron pipe mkd. N.W. 2 I. & G.N. at 1900 vrs. to the beginning. (Surveyors Record Dickens Co., page 43.)

That defendant R. M. Hamby is the owner of Sur. 3 Cert. 0/28 and Sur. 5 Cert. 0/29, T.W.N.G.R.R.Co. as described in the patents as follows:

Survey No. 3: Beginning at a mound the N.E. Cor. of Sur. No. 1, by virtue of Scrip No. 32 issued to T.W.N.G.R.R.Co. and N.W. Cor. of survey in name of I. & G.N.R.R.Co.; thence North 1900 vrs. to mound; thence West 1900 vrs. to mound; thence South 1900 varas to mound the N.W. Cor. of Sur. No. 1; thence East 1900 varas to the place of beginning.

Survey No. 5; Beginning at a mound S.E. cor of surbey No. 3 made by virtue of scrip No. 28, issued to T.W.N.G.R.R.Co. and N.W. Cor. of I. & G.N.R.R.Co. Sur; thence East 1900 varas to N.E. Cor. of said I. & G. N. R.R.Co. Sur. from which Abbie's Peak brs. S. 10 E. 2-1/4 miles; thence N. 1900 varas to mound; thence ^{West} ~~West~~ 1900 varas to mound N.E. Corner of Survey No. 3, thence South 1900 varas to the place of beginning.

The corrected field notes of its location upon the ground by said R. M. Kenney being as follows:

Survey No. 3, Cert. 0/28; Beginning at a stake the N.E. Cor. of #1 Cert. 0/32, Same Co.; thence North 1900 vrs. an iron pipe mkd. N.W. 5 T.W.N.G. the N.E. cor. of this survey; thence W. 1900 varas an iron pipe

b¹¹⁶

marked N.W., 3, T.W.N.G. for the N.W. Cor. of this survey; thence South 1900 vrs. a stake the N.W. Cor. #1 Cert. 0/32 T.W.N.G. for the S.W. Cor. of this survey; thence East 1900 vrs. the beginning. (Record of Field Notes page 74)

The corrected field notes of No. 5 Cert. 0/29 T.W.N.G. as located upon the ground by R. M. Kenney is as follows:

Beginning at a stake the N.W. Cor. No. 3, Cert. 264 I. & G.N. for the S. E. Cor. of this survey, which is also the S W Cor. of No. 9 Cert. 0/31 T.W.N.G.; thence N. with the W. line of No. 9, 1900 varas an iron pipe mkd. N.W. 9 T.W.N.G. for the N.E. Cor. of this survey; thence West at 680 cross a branch C.S.E. at 882 vrs. cross a road C.S.E. at 1900 vrs. an iron pipe mkd. N.W.5 T.W.N.G. the N.W. Cor. of this survey; thence South 1900 vrs. a stake the S.E. Cor. of No. 3, Cert. 0/28, and the S.W. Cor. of this survey; thence East 1900 vrs. the beginning. (Record of Field Notes p. 76)

The court finds that the true location of the lands herein described, being surveys No. 1, Cert. 0/32 T.W.N.G., Sur 4 I. & G.N. Cert. 49; Surs. 3 and 5 Certs. 0/28 and 0/29 T.W.N.G. is 207 vrs. East and 412 vrs. South of the said survey, and the corners made by R. M. Kenney as herein set out and described, and that said true location conforms to the said original field notes of said surveys as called for in the patents thereof.

(6)

The court finds that plaintiff owns Sur. No. 5, A.C.H. & B. Cert No. 91, the original field notes in the patent is as follows:

Beginning at a mound the S.E. Cor. of Sur. No. 1 made by virtue of Scrip No. 64 issued to Alexander, Crain, Harris & Brook and S.W. Cor. of Sur. No. 3; thence E. 1900 varas to S.E. Cor. of Sur. No. 3; thence South 1900 vrs. to mound; thence West 1900 varas to N.E. Corner of survey No. 1 in name of Adams, Beaty & Moulton; thence North 1900 vrs. to the place of beginning.

The defendant W. G. McCarty owns the W. 1/2 of Sec. No. 4, A.C.H. & B. Cert. No. 65, the patent as follows:

Beginning at a mound the N. E. corner of Sur. No. 3 made by virtue of Scrip No. 65; thence East 1900 vrs; to mound; thence South 1900 vrs. to mound; thence West 1900 vrs. to S. E. Corner of Sur. No. 3; thence North 1900 vrs. to the place of beginning.

Located upon the ground by R. M. Kenney, state surveyor, in a corrected resurvey of Sec. No. 5, Cert. No. 61, as follows:

Beginning at an iron pipe mkd. S.E.5, A.C.H.& B., the S. E. corner of this survey and the N.W. #8 T.W.N.G.R.R.Co. Cert. 0/30, which also is the S. W. corner #2, Cert. 1074, A.B.& M.; thence with the West line #2 North 1900 vrs. a stake the N.E. corner of this survey; thence West 1900 vrs. to an iron pipe mkd. N.E. 2 A.C.H.& B. and the N.W. corner of this survey; thence with the East line of No. 2 South 1900 vrs. an iron pipe its SE cor. and S.W. cor of this survey; thence East 1900 vrs. to the place of beginning. (Record of Field Notes page 29)

The corrected field notes and location upon the ground by said Kenney resurvey of said Sur. No. 4, Cert. No. 65 is as follows:

Beginning at an iron pipe mkd N.E. 3 AC.H.& B., the N.W. cor. of this survey; thence East 1900 vrs. an iron mkd N.E.No. 4 A.C.H.& B. the N.E. cor of this survey, and the N.W. cor of a survey Cert. 521, I. & G.N.R.R.Co.; thence with the West line of said company, south 1900 vrs. a stake the N.E. cor of #2 Cert. 1074 for S.E.cor. of this survey; thence West with the North line of No. 2, 1900 vrs. a stake its N.W. Cor. and the S. E. Cor of No. 3 this Cert. for the S.W. Cor of this survey; thence North 1900 varas to the place of beginning. (See Records of Field Notes Dickens Co., p. 28.)

The Court finds that the true location of the lands herein described being Surs. 4 and 5, Certs. 65 and 91, A.C.H.& B. are 207 vrs. East and 412 varas South of the surveys made by R.M. Kenney as herein set out and described, and that the true location conforms to the said original field notes of said surveys.

(D)

The Court finds that plaintiff owns Sur. No. 7 A.B.&M., Cert. No. 328, the original field notes in the Patent is as follows:

Beginning at a Mound the N.E. Cor. of Sur. No. 3 made by virtue of Scrip No. 326 issued to Adams, Beaty & Moulton; thence W. 1900 vrs. to N.W. Cor. of survey No. 3; thence North 1900 vrs. to mound; thence E. 1900 vrs. to mound; thence S. 1900 vrs. to the place of beginning. And the defendants R. D. C. Stephens, J. C. Stephens and M. L. Blakely are the owners of a survey in the name of I. & G.N.R.R.Co. Cert. 544, the original field notes thereof being as follows:

Beginning at a mound the N.E. cor. of survey No. 7 made by virtue of land scrip 328 issued to Adams, Beaty & Moulton; thence West 1900 vrs. to N. W. corner of said survey No. 7, thence N. 1900 vrs. to mound; thence East 1900 vrs. to mound; thence South 1900 vrs. to the place of beginning.

Located upon the ground by R. M. Kenney state surveyor in a corrected or resurvey of said Sur. No. 7, as follows:

Beginning at an iron pipe mkd. S.W. 2 A.C.H.& B. for S. E. Cor. of this survey; thence with the West line of No. 2 N. 1900 vrs. a stake its N.W. Cor. and the N.E. Cor. of this survey which is also the S.E. Cor of I. & G.N.R.R. Co. Cert. 544; thence W. with the S. line of said I. & G.N. 1900 vrs., a stake its S.W. Cor; and the N.W. Cor. of this Sur; thence S. 1900 vrs. an iron pipe mkd. S.W.7 A.B.& M. the S. W. Cor of this survey; thence E. 1900 vrs. to the beginning. (See record of Field Notes page 13.)

The corrected field notes by said Kenney of Survey in name of I. & G.N.R.R.Co. Cert. 544 is as follows.

Beginning at an iron pipe mkd. N.W. 1, A.C.H.& B. Cert. 64; thence W. 1900 vrs. an iron pipe makd. N.E.9 A.B.& M., for the N. W. Cor. of this survey; thence with the East line of #9 South 1900 vrs. a stake the S.E. 9 A.B.& M. for the S.W.Cor. of this Sur; thence East with the N. line of #7 Cert. 328, 1900 vrs. a stake its N.E.Cor. and the S.E.Cor. of this survey; thence N. 1900 vrs. to the place of beginning. (See Record Field Notes Dickens Co., p. 53.)

The Court finds the true location of the lands herein, being surveys 7 A.B. & M. Cert. 328 and a survey made for the I. & G.N. Co. Cert. 544 to be 207 vrs. East and 412 varas South of the corrected surveys made by R. M. Kenney as herein set out and described, and that the true location~~x~~ conforms to the said original field notes of said surveys.

(E)

The court finds that plaintiff owns Survey No. 3, Cert. 0/25 T.W.N.G.; Sur. No. 2, Cert. 0/24 T.W.N.G., and Sur. No. 2, I. & G.N. Co. Cert. 122, the original field notes respectively as shown in the patents as follows:

Sur. No. 3: Beginning at a mound the S.W. Cor of Survey No. 1, made by virtue of Scrip No. 24, issued ^W to T.W.N.G.R.R.Co. and the N. W. Cor of Survey No. 1 in name of I. & G.N.R.R.Co.; thence West 1900 vrs. to mound; thence South 1900 vrs. to mound; thence East 1900 vrs. to mound; the S.W. cor. of said survey No. 1 in name of I. & G.N.R.R.Co; thence North 1900 vrs. to place of beginning.

Sur. No. 2, Cert. 0/24: Beginning at a mound the N.W. Cor. of survey No. 1 made by virtue of same scrip; thence S. 1900 varas to S.W. Cor. of survey No. 1, thence West 1900 vrs. to mound; thence North 1900 varas to mound; thence East 1900 vrs. to the place of beginning.

Sur. No. 2, Cert. 122: Beginning at a mound the S.W. Cor. of a survey in name of Beaty, Seale & ~~For~~ward and at the S.E. Cor. of Sur. No. 1 made by virtue of I. & G.N.R.R.Co. scrip No. 50; thence South 1900 varas to a mound; thence West 1900 varas to mound; thence North 1900 varas to a mound; thence East 1900 varas to the place of beginning.

The defendant Lee Taylor owns an undivided three-fourths of the South half of Sur. No. 1, I. & G.N. Cert. 50, and the defendant J. R. Rogers owns the North half of said survey No. 1, Cert. 50, and said Rogers owns all of Sur. 1 Cert. 0/24 T.W.N.G.Co.

The original field notes of said surveys as shown in the patents are as follows:

Sur. No. 1, Cert. 50: Beginning at a mound the S.W. Corner of survey in name of Beaty, Seale & Forwood, No 211, from which a large cotton wood tree bears S _____ vrs. also another forked cotton wood tree brs. _____ vs; thence N. 1900 vrs. to a mound; thence West 1900 vrs. a mound; thence S. 1900 vrs. a mound; thence E. 1900 vrs. to the place of beginning:

Sur. No. 1, Cert. 0/24: Beginning at a mound the S.E. Cor. of survey No. 5 made by virtue of land scrip No. 27 issued to T.W.N.G.R.R. Co.; thence S. 1900 vrs. to N.W. Cor. of Sur. No. 211 in name of Beaty, Seale & Forwood; thence W. 1900 vrs. to mound; thence N. 1900 vrs. to mound the S.W. corner of said survey No. 5; thence E. 1900 varas to place of beginning.

Said Sur. No. 3, Cert. 0/25 T.W.N.G. is located upon the ground by R. M. Kenney resurvey as follows:

Beginning at the S.W. Cor. of Sur. No. 1, Cert. No. 0/24 T.W.N.G. Co. and the N.W. Cor #1 Cert. 50, I. & G.N.; thence W. 1900 vrs. an iron pipe mkd. N.W. 3 T.W.N.G. in the east line of Sur. No. 4, same Cert.; thence S. with E. line No. 4 at 914 vrs. pass an iron pipe the S.E. Cor. #4 at 1900 vrs. a stake, the N.W. Cor. No. 7, Cert. 0/26 T.W.N.G. for the S.W. Cor this survey; thence E. with the N. line of No. 7 1900 vrs. a stake its N.E. Cor. and the S.W. Cor. #1, Cert. 50, for the S.E. Cor. of this Sur; thence N. with the W. line of #1, Cert. 50, 1900 vrs. to the beginning. (Surveyors record of field notes p. 68)

Sur. No. 2, Cert. 0/24 T.W.N.G. is located upon the ground by said R.M. Kenney resurvey as follows:

Beginning at S.W. Cor. of No. 1 same Cert. the S.E. Cor. of this Sur. being the N.E. Cor. #3 same Co., Cert. 0/25; thence W. 1900 vrs. an iron pipe the N.W. Cor. of #3 and S.W. Cor. of this survey; thence N. 1900 vrs. an iron pipe the N.W. Cor. of this survey; thence E. 1900 vrs. the N.W. Cor. of No. 1 this Cert. the N.E. Cor. of this survey; thence S. 1900 vrs the place of beginning. (Record Field Notes Dickens Co. p. 67)

The Court finds that R. M. Kenney did not survey upon the ground the lines of said surveys Nos. 1 Cert. 50 I. & G.N.Ry.Co. and No. 1 T.W.N.G. Cert. 0/24, and give to them the quantity of land called for in the original field notes, but placed them upon the ground according to their conflict with said surveys 211 and 212. The location thereof by said Kenney's resurvey is to be found by projecting the lines thereof according to the original field notes, course and distance from the corners established by said Kenney for the S. E. and N. E. corners of survey 2 T.W.N.G. Cert. 0/24 and Sur. 3, Cert. 0/25 T.W.N.G.

The Court finds that the true location of said surveys upon the ground for Survey 2 Cert. 0/24 T.W.N.G., and survey 3 Cert. 0/25 T.W.N.G. is 412 vrs. south and 207 vrs. East from the location shown by the said corners theretofore made by said Kenney; and that the true location of said survey 1 Cert. 50 I. & G.N.Ry.Co. and Sur. 1 T.W.N.G. Cert. 0/24 upon the ground is to be ascertained by course and distance called for in the original field notes from the true corners and location of said surveys 3 Cert. 0/25 T.W.N.G. and Sur. 2 Cert. 0/24 T.W.N.G. So that Sur. 1 T.W.N.G. Cert. 0/24 will fall immediately east of and adjoining said Sur. 2 Cert. 0/24 T.W.N.G., and said Sur. 1 Cert. 50 I. & G.N.Ry.Co. will fall immediately east of and adjoining said Sur. 3, T.W.N.G. Cert. 0/25, and the N.W. Cor. of said Sur. 1 Cert. 50 and the S.E. Cor of Sur. 1 T.W.N.G. Cert. 0/24 will be in Sur. No. 212, B.S. & F. 718 vrs. N. and 984 vrs. E. of the S.W. Cor. of said Sur. 212 and N.W. Cor. of said Sur. 211.

It is therefore the judgment of the Court, entered in said cause at Fort Worth on this the _____ day of November, 1907, that in accordance with the foregoing findings the boundary lines of the respective surveys of the plaintiff and of each of the defendants be and the same are hereby established upon the ground, taking the true and correct corners 207 varas east and 412 varas South of the corners for each of said respective surveys in controversy, established by the said Kenney resurvey, as described in the field notes thereof, recorded in the county

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surveyor's office of Dickens county, Texas, and on file in the General Land Office of Texas, except that for surveys 1 Cert. 50 I. & G.N.Ry.Co. Sur. 2, Cert. 122 I. & G.N.Ry. Co. and Sur. 1, Cert. 0/24 T.W.N.G., the same to be established from the corners of said Kenney surveys of T.W.N. G. surveys 2 Cert. 0/24, and Sur. 3, Cert. 0/25, course and distance beginning 207 varas east and 412 varas South of said Kenney corners, then following the original field notes; and that the plaintiff have and recover of and from the defendants ^{each} respectively as follows:

(1)

That plaintiff the Matador Land & Cattle Company, Limited, recover of and from R. M. Hamby the title and possession of survey 1, Cert. ~~50~~^{0/32}, T.W.N.G.Co. and survey 4, I.& G.N.Ry.Co. Cert. 49, Sur. 3 Cert. 264 I.& G.N.Ry.Co., and Sur. 9, Cert. 0/31 T.W.N.G.Co., within the boundaries thereof as aforesaid, and have said boundaries fixed as aforesaid.

(2)

That plaintiff Matador Land & Cattle Company, Limited, have and recover of and from J. W. Edwards, the title and possession of survey No. 9, Cert. 0/31, T.W.N.G. and survey No. 3 Cert. 264 I.& G.N.Ry.Co. within the boundaries thereof, and to have said boundaries fixed as aforesaid.

(3)

That the plaintiff Matador Land & Cattle Company, Limited, have and recover of J. C. Stephens, R.D.C.Stephens, and M.L. Blakely the title and possession of Survey 7, A.B.& M. Cert. 328, within the boundaries thereof as aforesaid, and to have the said boundaries fixed as aforesaid.

(4)

That the plaintiff Matador Land & Cattle Company, Limited, have and recover of and from W. G. McCarty, the title and possession of said survey No. 5 A.C.H.& B., Cert. 91, within the boundaries thereof as aforesaid, and to have the said boundaries fixed as aforesaid.

(5)

That the plaintiff Matador Land & Cattle Company, Limited, have and recover of and from Lee Taylor and Lucy Taylor, the title and possession of said survey 3 Cert. O/25 T.W.N.G., Sur. 2, Cert. O/24 T. W.N.G., and Sur. 2, Cert. 122, I. & G.N.Ry.Co., within the boundaries thereof as aforesaid, and to have the said boundaries fixed as aforesaid.

(6)

That the plaintiff Matador Land & Cattle Company, Limited, have and recover of and from J. R. Rogers, the title and possession of said surveys 3, Cert. O/25, T.W.N.G., No. 2, Cert. O/24 T. W. N. G. and Sur. 2 Cert 122, I. & G.N.Ry.Co., within the boundaries as aforesaid, and to have the boundaries fixed as aforesaid.

And that plaintiff have its writ of possession.

It is further adjudged by the Court that all costs of suit herein, except as incurred as to defendant W. C. Benson, be and the same is hereby adjudged one-half against the defendants, and one-half against the plaintiff, for which let execution issue.

It is further adjudged by the Court that plaintiff take nothing on its claim for damages, and that the defendants each take nothing upon their claim for improvements in good faith.

To which judgment of the Court the Defts. W. G. McCarty, J. R. Rogers and Lee and Lucy Taylor, in open court except, said Defts. W. G. McCarty, J. R. Rogers and Lee and Lucy Taylor, except to each and all the conclusions of fact and law therein set out, and 90 days are hereby given to the defendants to prepare and file their bill of exceptions herein.

Endorsed: No. 421 Matador Land & Cattle Co., Ltd., vs. R. M. Hamby, et al. Final Judgment. Filed 31 day of Decr. 1907, at _____ o'clock _____ m. Louis C. Maynard, Clerk. By E. C. VanDuson, Deputy.

... IN THE ...

United States Circuit Court,

FOR THE NORTHERN DISTRICT OF TEXAS, AT FORT WORTH.

LOUIS C. MAYNARD,

I. J. H. FINKS, Clerk of the United States Circuit Court for the Northern District of Texas, at Fort Worth, do hereby certify that the foregoing is a full, true and correct Transcript and copy of the ~~original petition of plaintiff~~ final judgment, entered December 31, 1907,

in Case No. 421, and styled

The Matador Land & Cattle Company, Limited,

vs.

R. M. Hamby, et al.,

all of which appears from the Records of said Court now in the Clerk's office, at

Fort Worth, Texas, in Minute Book 3, pages 189 et seq.,

IN TESTIMONY WHEREOF, I hereunto affix the seal of said Court

at Fort Worth, Texas, and sign the

name of the Clerk thereof, this 6th day of

March, A. D. 189 1908.

Louis Maynard
Clerk of said Circuit Court.

By *E. W. Dusen*
Deputy Clerk.

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The State of Texas,

County of Dickens

J. W. Davis County Clerk

in and for said County, do hereby certify that the foregoing instrument dated

the 6 day of March A.D. 1908, together with its certificates of authentication,

was filed for record in my office the 10 day of March A.D. 1908, at 5 o'clock P.M.,

and duly recorded on the 13 day of March A.D. 1908, in Book 247 to 249 records

of Dickens County, in volume 14 pages 247 to 249

WITNESS MY HAND AND OFFICIAL SEAL, At my office in Dickens County, Texas,

By Capthine Hagan Deputy

RETURN IN FIVE DAYS TO
COWAN, BURNEY & GOREE
LAWYERS
FORT WORTH, TEXAS

Received Aug 7/1908.
G.L.O.

File "^MM. 37

Dickens Co. Sketches
Transcript of final judgment
entered December 31/1907
in Case No. 421
The Matador Land & Cattle
Co. Limited

vs
R. M. Hamby, et al.
United States Circuit Court
Northern Dist. of Texas at
Fort Worth, Texas.
Boundary line of lands in
Dickens County, recorded
in Co. Clerk office of Dickens
Co. in Vol. 14 pages 247 to 261
The several corners are
207 vs East and 412 vs
South of the corners as established
by (State Survey) R. M. Kenney
re survey and of record in
County Survey Office of Dickens
Co. Texas.

Filed August 7th 1908
John J. Dorel
Clerk

M. L. Coleman
Clerk

See Dickens Co.
Rolled SK. H for correct
construction
See letter book 933 page 165
Instructive by M. Williams
State Surveyor at Espada, Dickens
Co. Texas. Dec. 24/09. P. 100

No. 421

United States Circuit Court,

NORTHERN DISTRICT OF TEXAS.

AT Fort Worth

Matador Land & Cattle
Co. Ltd.

Versus

R. M. Hamby
et al.

The enclosed copies of Citation and Petition
must be delivered by the Marshal to

of _____ County,
in person.

JAN. WILKINSON & CO., PRINTERS, DALLAS.

Filed for record this 10
day of Mar. 1908. at 5 P.M.
J. Davis County Clerk
Dickens Co Texas