

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

E. P. SWENSON, et al, Plaintiffs, }
NO. 751-LAW, --vs-- }
MATADOR LAND & CATTLE CO., Limited, }
Defendant, }

Wednesday, November 28, 1917.

FINAL JUDGMENT

ON THIS day the above styled and numbered cause was regularly reached and called for trial, and thereupon came the plaintiffs and the defendant by their Counsel and announced ready for trial, and a jury of twelve good and lawful men, to-wit, Sterling P. Clark and eleven others, was duly elected, impanelled and sworn, who, after having heard the evidence, the argument, the peremptory charge of the Court concerning the Statute of Limitations as to all of the land in controversy described in plaintiffs' petition lying East of the division fence between plaintiffs's lands and defendants's lands except those of such lands to which defendant had disclaimed title and to find for the plaintiffs all the lands to which defendant had disclaimed title, and the charge of the Court upon the issue of boundary, retired, in charge of the proper officer, to consider their verdict, and afterwards, to-wit, on the same day, returned into Court the following verdict which was received and approved by the Court and is here now entered upon the minutes of the Court, to-wit:

"We, the Jury, find:

First. For plaintiffs all the lands to which the defendant disclaims title.

Second. We find for defendant upon plaintiffs' Second Original petition as to the lands East of the fence mentioned in said Petition except the lands to which defendant disclaims title.

Third. We find for plaintiffs upon defendants Plea in

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Reconvention. Sterling P. Clark, Foreman"

It is further Ordered, Adjudged and Decreed by the Court that the plaintiffs, E.P. Swenson, S.A. Swenson, Guard Trust Co., Trust Co., Trustees, Agnes Heustadt, Casimir I. Stralem and Mortimer L. Schiff, Trustees, do have and recover of and from the defendant, Matador Land & Cattle Co. Ltd., upon its disclaimer of Title the title to and the possession of all those certain tracts of land lying and being situated in Dickens County, Texas, and being parts of Surveys 307, 308, 273, 271, and 235, in Block No. 1, in the name of Houston & Great Northern Railroad Company, described by field notes as follows, to-wit:

Beginning at the S. W. corner of Survey No. 1, Block A S in the name of J.S. Callaway, a stone mound in large open valley from whence the bunch of bushes on top of knoll bears South 58 E. about one mile, and end of red bluff bears S. 86-0 E. about 1800 vrs. thence N. 0-0 47' W with the W lines of surveys 1 and 6 in said block A S in the name of J.S. Callaway 3878.6 vrs. to the N.W. corner of said survey 6 in block A S which is the S W corner of survey 15 and the S. E. corner of survey 16 in the same block; thence S 89-0 13' W 1952.3 vrs. to the S W corner of survey 16 in said Block A S in the name of J.S. Callaway a stone mound from which cedar on high knoll bears S. 65-0 E 900 vrs. hackberry bears S 14-0 W., South end of Croton Peak bears North 60-0 W. end of red bluff bears North 75-0 W. thence N 1 0-0 47' W. 1955.9 vrs. to the N.W. corner of said survey 16 in said J.S. Callaway Block A S which is the S. W. corner of survey 18 and the S.E. corner of survey 17 in said block; thence S. 89-0 13' W. 1062 vrs. crossing the East line of survey 207, ^{367?} block 1, Houston & Great Northern Railroad Co., as established by running North from the N.W. and S.W. corners of survey 25 in said H. & G. N. R. R. Co. Block 1 in all 1436 vrs. to the fence between the Matador lands and the lands belonging to the plaintiffs; thence S. 2-0 5' W. 51.8 vrs. with said fence South 33-0 35' E. 187 vrs, S. 77-0 40' E. at 281 vrs. crosses East line of Section 307 and West line of 308 in said block 1, H & G N R R Co. established by running North from the N. W. and S.W. corners of said survey 25 in

same Block 1360.6 vrs. N. 0-0. 25' W. from S. E. corner 307 and S.W. corner 308, in all 342.6 vrs. S. 43-0 5' E. 163 vrs. S. 18-0 55' E. 945 vrs. S. 33-0 20' W. at 399.5 vrs. crosses South line of Section 308 and North line of 273, 239.3 vrs. N. 89-0 35' E. from N.W. corner 273 and S. W. corner 308 in all 454.5 vrs. S. 32-0 48' E. at 2315.5 vrs. to South line of Section 273 and North line of 270, 515.1 vrs. S. 89-0 35' W. of N. E. corner of 270 and S.E. corner of 273; thence South 37-0 31' E. at 853.8 vrs. crosses East line of Section 270, 681 vrs. S. 25' E. from N. E. corner of said Section 270 and N.W. corner of Section 271, in all 1296.5 vrs. Thence S. 40' E. 874.4 vrs. to South line of Section 271, 270.4 vrs. N. 89-0 35' E from S. W. corner of 271, Thence N. 89-0 35' E. 950.4 vrs. to a stone marked $\frac{1}{2}$ N L 235 at middle of N. line 235 and S. line 271; thence S. 25' E 206 vrs; Thence N. 89-0 35' E 65 vrs; Thence S. 49 $\frac{1}{2}$ E 186 v rs. to place of beginning.

And a part of surveys 197 and 198 and 161 in said Block 1 H & G N R R Co. lying West of survey No. 7 and south of survey No. 3 in Block A B in the name of R.M. Thomson and survey No. 14 in the name of W. Ahrenbeck and brother and East @ the fence between the lands of the plaintiffs and the lands of the defendant, described by field notes as follows, to-wit:

Beginning at the common corner of surveys 3, 6 and 7 in the name of R.M. Thomson, Block A B, which is the S. E. corner of said survey 3, the S. W. corner of said survey 6 and the N.W. corner of survey 7, thence S. 0-0 47' E. at 1529.1 vrs. crossing the S. line of survey No. 198 and the N. line of survey No. 161 in said Block 1, H & G.N.R.R. Cor., continuing in all 1691.4 vrs. to the said Matador Land & Cattle Co. fence; Thence N. 39-0 25' W 122 vrs; thence with fence N. 54-0 5' W. at 114.4 vrs. crossing the said North line of said survey 161 and the South line of said survey 198, 721.8 vrs. S 89-0 35' W. from N. E. corner of 161, in all 216.8 vrs. North 30-0 25'

#4.

W. 95 vrs. N. 60-o 25' W. 381 vrs. North 34-o 30' W. 274.7 vrs. N. 52-o 45' W. 460 vrs. N. 77-o 10' W. 152.6 vrs. N. 55-o 25' W. at 65 vrs. crosses West line of Section 198, 914 vrs. N. Co, 25' W. from S. W. corner of Section 198, in all 144 vrs. N. 70-o 40' W. 121.6 vrs. N. 48-o 40' W. 204.4 vrs. N. 52-o 40' W. 179.4 vrs. North 63-o 55' W. 166 vrs. N. 35' W. 201 vrs. to the S. W. corner of said survey 3 in Block A B in the name of R.M. Thomson; thence N. 89-o 19' E. East 620.1 vrs. crossing the W. line of said survey 198, which is the East line of survey 197 in said block 1, H & G N R. R. Co., in all 1958.1 vrs. to the place of beginning.

It is further ordered, adjudged and decreed by the court that the said plaintiffs, E.P. Swenson, S.A. Swenson, Girard Trust Co. Trustees Agnes Neustadt, Casimir I. Stralem and Mortimer L. Schiff, Trustees, take nothing as against the defendant, Matador Land & Cattle Co., as to those lands herein in controversy contained within the limits of surveys 3, 6 and 7 in Block A B in the name of R.M. Thomson, described by field notes as follows, to-wit:

Beginning at a point on the East line of Section 198, Block 1 H & G N R. R. Co. where the Matador Land & Cattle Co., fence crosses the same, 75.5 vrs. North 25' W from the S.E. corner Section 198; thence with said fence S. $82\frac{1}{4}$ ' W. 187.3 vrs; thence S. with fence 10' W. 51.5 vrs. to South line of Section 198 and North line of Section 161, 185.5 vrs. S. 89-o 35' W. from S. E. corner 198 and N.E. corner 161; thence with fence S. 0-o 10' W. 267.5 vrs. S. 85-o 35' W. 82 vrs. S. 77-o 10' W. 169 vrs. N. 39-o 25' 189 vrs. to the W. line of said survey 7, in Block A B in the name of R.M. Thomson where the said fence crosses same; thence N. 0-o 47' W. with West line of said survey 7 162.3 vrs. crossing the N. line of survey 161 and the S. line of survey 198 in Block 1 H & G N R. R. Co in all 1691.4 vrs. to the N.W. corner of said survey No. 7, which is also the S.W. corner of survey 6 and the S.E. corner survey 3 in said R.M. Thomson Block A B; thence S. 89-o 19'

W. 1338 vrs. crossing the East line of survey 197 in said block 1 in all 1958.1 vrs. to the S.W. corner of said survey 3 in the R.M Thomson Block A B; thence N. 47° W. with the West line of said survey 3, 380.9 vrs. to the N. line of survey 197 in said block 1 H & G N RR. Co. which is the S. line of the W. Ahrenbeck & Brother survey No. 14. Thence N. 89-0 35° E. with the North line of said survey 197, 622.4 vrs. passing its N. E. corner 1958 vrs. passing the E. line of said survey 3 in block A B in the name of R.M. Thomson, which is the West line of survey 6 in the same Block, in all 2523.3 vrs. to the N.E. corner of said survey 198 in the name of H G & N. R. R. Co. Thence S. 0-0 25° E. 1924.3 vrs. to the place of beginning; and those parts of Sections 1, 6, 15, 16, 17, 18, 30 and 31, described as follows, to-wit: In Block A S in the name of J.S. Callaway, described by field notes as follows, to-wit: Beginning at the S. W. corner of survey 1, Block A S a stone mound in large open valley, bunch of bushes on top of knoll bears S. 58-0 E. about $\frac{1}{2}$ mile S. end of red bluff bears S. 86 E. about 1800 vrs; Thence E. 746 vrs. the East line of survey 235 in block 1, H & G N. R. R. Co. Thence N. 0-0 25° W. 391.1 vrs. passing the N.E. corner of said survey 135, 2291 vrs, passing the N.E. corner of survey 271 in said Block 1, H & G N. R. R. Co. in all 4192.5 vrs. to the N.E. corner survey 272 in said block 1, which is 313.9 vrs. N. of the point where the E. line of said survey 272 crosses the N. line of survey 6 in said J.S. Callaway Block A S; thence S. 89-0 35° W. 773.8 vrs. crossing the W. line of survey 15, which is the E. line of survey 16 in the said J.S. Callaway Block A S in all 1900.8 vrs. to the N.W. corner of survey 272 in said block 1, H & G. N. R. R. Co. thence N. 0-0 25° W. 1628.8 vrs. crossing the N. line of survey 16, which is the S. line of survey 18 in said J.S. Callaway Block A S in all 1900.8 vrs. to the N.W. corner of survey 308 in said Block 1 H & G N. R. R. Co; Thence S. 89-0 35° W. 837.4 vrs. crossing the W. line of survey 18, which is the E line of survey 17 in said J.S. Callaway Block A. S in all 1900.8 vrs. to the N.W. corner of said survey 308, which is the N.E. corner of survey 307 Block

1, H. & G. N. R. R. Co; Thence N.0-o 25° W. 5661.4 vrs. to where the Matador Land & Cattle Co. fence crosses the E. line of survey 345, Block 1 H & G. N. R. R. Co; Thence S. 89-o 45° W. with said fence 872.6 vrs. Thence S. with fence 55° E 1373 vrs. S. 24-o 40° E. 390 vrs. S. 22-o 40° E at 138 vrs. crosses N. line of 344 and S. line of 345 in Block 1, H & G. N. R. R. Co. 649 vrs. S. 89-o 55° W from the N.E. corner of 344, in all 319 vrs; Thence S. with fence 20-o 50° W. 323 vrs. S. 7-o 35° W. 427 vrs. S. 35-o 25° E. 288 vrs. S. 31-o 25° E 140 vrs. S. 38-o 25° E. 110 vrs. S. 22-o 25° E. 56 vrs. S. 62-o 35° W. 120 vrs. S. 3-o W. 123 vrs. S. 31-o 55° E 133 vrs. S. 32-o 50° W 248.5 vrs. S. 1-o 35° W. 17 vrs. to the S. line of 344 and N line of 309 Block 1, 615 vrs. S. 89-o 55° W. from N.E. corner 309 in all 523 vrs. S with fence 19-o 358 W 416 vrs. S. 10-o 25° E. 209 vrs. S. 27-o 25° E. 20 vrs. S. 45-o 55° E. 130 vrs. S. 50-o 25° E. 30 vrs. S. 18-o 10° E 119.5 vrs. S. 60 vrs. S. 2-o 40° W. 257 vrs. S. 50-o 10° E 303 vrs. S. 2-o 5° W. 42 vrs. to the N. line of 307 and S. line of Section 309, Block 1 H & G N R.R.Co. 361.5 vrs. S. 89-o 55° W. from N.E. corner Section 307 and S.E. corner 309; Thence S. 2-o 5° W. 285.2 vrs. where the said Matador Land & Cattle Co. fence crosses the S. line of survey 17 in said Block A S in the name of J.S. Callaway. Thence N. 89-o 13° E. with South line of said survey 17, 374 vrs. crossing the E. line of survey 307 in said Block 1 H & G. N. R. R. Co., in all 1436 vrs. to the S.E. corner of said survey 17, which is the S.W. corner of survey 18 and the N.W. corner of survey 16 in the said J.S. Callaway Block A S; Thence S. with West line of said survey 16, S 0-o 47° E. 1624.7 vrs. crossing the N. line of survey 273 in said Block 1, H & G.N.R.R.Co., in all 1955.9 vrs. to the S.W. corner of Section 16 in said J.S. Callaway Block A S, a stone mound from which cedar on high knoll bears S. 65-o E. 900 vrs., hackberry bears S. 14-o W.S. end of Croton Peak bears N.60-o W., end of red bluff bears N. 75-o W. Thence E. at 823.3 vrs. crossing the E. line of said survey 273 in H & G.N.R.R Co. Block 1, in all 1952.3 vrs. to the S.E. corner of said survey 16, which is the S.W.

corner of survey 15 and the N.W. corner of survey 6 in said J.S. Callaway Block A S; thence S. 0-0 47° E. 1582. vrs, crossing the S. line of survey 272, which is the N. line of survey 271 in the said H. & G. N. R. R. Co. block 1, 1939.3 vrs, passing the S.W. corner of said survey 6, which is the N. W. corner of survey 1 in said J.S. Callaway Block A S 3482.8 vrs. crossing the S line of survey 271 which is the N. line of survey 235 in the said H & G N.R.R.Co. block 1 in all 3878.6 vrs. to place of beginning, and that as to the two said tracts of land the defendant, Matador Land & Cattle Co.Ltd, go hence without day.

It is further ordered, and adjudged and decreed by the Court that the E. lines of surveys 307, 309, 344, 345 in Houston & Great Northern Railroad Company Block No. 1, in Dickens County, Texas, in accordance with the other finding of the Jury in its verdict, be established by running North from the S.W. and N.W. corners of Section 25, Block 1, in the name of H. & G.N.R.R.Co. in Kent County, Texas, according to the original Wm.Nelson field notes of the surveys in said Block, and that the defendant, Matador Land & Cattle Co., Ltd, take nothing as against the plaintiffs, E.P. Swenson, S.A. Swenson, Girard Trust Co., Trustees, Agnes Neustadt, Casimir I. Stralem and Mortimer L. Schiff, Trustees, on their Plea in Reconvention, for those portions of surveys 307, 309, 344 and 345, described by field notes as follows, to-wit:

Beginning at a point 42.4 vrs. S. of the N. line of Section 345, Block 1, H & G. N.R.R.Co. at the N.W. corner of the Matador Land & Cattle Co. fence, which is 872.6 vrs. S. 89-0 49° W. of a point in the E. line of said Section 345, 41 vrs. S. of its N.E. corner p Thence S. with fence 55° E. 1373 vrs. S. 24-0 40° E. 390 vrs. S. 22-0 40° E. at 138 vrs. crosses N. line of Section 344 and S. line

of Section 345 in said H & G. N. R. R. Co., Block 1, 649 vrs. S. 89-0 55' W. from the N. E. corner of said Sec. 344, in all 319 vrs. Thence S. with fence 20-0 50' W. 323 vrs. S 7-0 35' W. 427 vrs. S. 35-0 25' E. 288 vrs. S. 31-0 25' E. 140 vrs. S. 38-0 25' E. 110 vrs. S. 22-0 25' E. 56 vrs. S. 62-0 35' W. 120 vrs. S. 3-0 W. 123 vrs. S. 31-0 55' E. 133 vrs. S. 32-0 50' W. 248.5 vrs. S. 1-0 35' W. 17 vrs. to the S. line of 344 and N. line of 309 in said Block 1 H & G. N. R. R. Co 615 vrs. S. 89-0 55' W. from N.E. corner 309, in all 523 vrs. S. 19-0 35' W. 416 vrs. S. with fence 10-0 25' E. 209 vrs. S. 27-0 25' E. 20 vrs S. 45-0 55' E. 130 vrs. S. 50-0 25' E. 30 vrs. S. 18-0 10' E. 119.5 vrs. S. 60 vrs. S. 2-0 40' W. 257 vrs. S. 50-0 10' E. 303 vrs. S. 2-0 5' W 42 vrs. to the S. line of 309 and N. line S. 307, Block 1 H & G N R.R Cor 361.5 vrs. S. 89-0 55' W from N.E. corner Sec. 307 and S.E. corner Sec. 309. Thence S. with fence 2-0 5' W. 285.2 vrs. to the S. line of survey 17 in J.S. Callaway Block A S at a point 374 vrs. from a point in the E. line of said survey 307, which is 281.3 vrs. S of its N.E. corner. Thence S. 89-0 13' W. 515.4 vrs. to the S.W. corner of said survey 17, a stone mound of gypsum from which a cottonwood bears N. 25 E. 125 vrs red bluff bears N. 18½ W. Thence N. 0-0 42' W. at 291 vrs. crossing the N. line of said survey 307 and S. line of said survey 309, 2002.8 vrs. passing the N.W. corner of said survey 17 in J.S. Callaway Block A S which is the S.W. corner of survey 30 in the same block a stone mound from which cedar bears S. 37-0 W. about one mile, point of red bluff bears S. 27-0 W. Thence North at 189 vrs. crossing the N. line of said survey 309 in block 1, H & G. N. R. R. Co. which is the S. line of survey 344 in said Block, at 1973.5 vrs. passing the N.W. corner of survey 30, which is the S.W. corner of survey 31 in the said J. S. Callaway block A.S, at 2089.8 vrs, crossing the N. line of survey 344, which is the S. line of survey 345, in Block 1, in the name of H & G. N. R. R. Co., in all 3947.3 vrs, to place of beginning, and also that certain parcel of land out of the N.E. ¼ of survey 161 in Block 1, H & G. N. R. R. Co.,

described by field notes as follows, to-wit: Beginning at the N.E. corner of said survey 161, which is the S.E. corner of survey 198, in Block 1, H & G.N.R.R.Co, thence W. 187.3 vrs. to where the Matador Land & Cattle Co. fence crosses the N. line of said survey ¹⁶¹ 16, which is the S. line of said survey 198; thence S. 0-o 10' W. 267.5 vrs. S.85-o 35' W. 82 vrs. S. 77-o 10' W. 169 vrs. N. 39-o 25' W. to a point in the W. line of survey 7, in Block A B in the name of R.M.Thomson, where the Matador Land & Cattle Co. fence crosses same. Thence S. 0-o 47' E. 208.6 vrs. to the S.W. corner of said survey 7 in Block A B in the name of R.M. Thomson. Thence N. 89-o 20' E. 550.6 vrs. to a point in the E line of said survey 161, H & G. N.R.R.Co. Block 1, where the South line of said survey 7 in the R.M. Thomson Block A B crosses same. Thence N. 0-o 25' W. 368.5 vrs. to the place of beginning, and that as to the said two tracts of land herein last described the plaintiffs, E.P.Swenson S.A. Swenson, Girard Trust Co, Trustees, Agnes Neustadt, Casimir I. Stralem and Mortimer L.Schiff, Trustees, go hence without day.

It is further ordered, adjudged and decreed by the Court that the costs of this case be assessed against the plaintiffs and the defendant equally, that is to say, that one-half of such cost be assessed against the plaintiffs, jointly and severally, and one-half thereof be assessed against the defendant.

It is further ordered that execution issue in behalf of the officers of the Court against each party respectively for all costs herein incurred.

From Vol. 5, Page 101, Minutes of U.S.District Court.

United States of America } ss:
NORTHERN DISTRICT OF TEXAS

I, GEO. W. PARKER, Clerk of the District Court of the United States in
and for the Northern District of Texas, do hereby certify the foregoing to be a true and correct copy of the
Final Judgment

in cause No. 751-Law, entitled
E. P. SWENSON, et al,
Plaintiff s,
against MATADOR LAND & CATTLE CO., Limited,
Defendant .

as fully as the same remains on file and of record in said cause, in my office at Fort Worth, Texas.

IN WITNESS WHEREOF, I hereunto subscribe my name, and affix the seal
of said Court, at my office in the city of Fort Worth, Texas,
in said District, this 3rd day of February
thirty-seven, in the year of our Lord one thousand nine hundred and
thirty-seven, and of American Independence the 161st
year.

GEO. W. PARKER,
Clerk of said Court.

By Anna H. Powers, Deputy.



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Sketch File No. 57 28

Dickens County
Dec. of U.S. Dist. Ct.
(along E. line Bk. 1-H. & G.N. Ry. Co.)

Filed Feb. 26th 1937
WM. H. McDONALD, Com'r

Adler
File Clerk

11 pages

No. 751-Law

United States District Court

Northern District of Texas, at Fort Worth

E. P. SWENSON, et al,

AGAINST

MATADOR LAND & CATTLE CO.,
Limited,

Certified copy of Final Judgment



MATADOR LAND & CATTLE CO., Limited

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FEB 26 1937
REFERRED TO MAP

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