

Testimony of Anson Mills.

"Anson Mills being produced and sworn on behalf of defendants, testified as follows, to wit:-

I came to this place in 1858, and resided here in 1859; was dept. dist. surveyor of El Paso and Presidio dist. In 1859 I made a survey of the Ponce tract - witness is here shown plat and field notes made by himself and heretofore introduced in evidence, and identifies them marked No. 8 - I made survey at the instance of Wm. J. Smith, who was the owner. When I was called upon to make the survey, Judge Crosby called with copy of the act of 1858, and copy of original grant, and asked me to make a survey according to them. I notified Judge Hart on the N. by his agent, and all the proprietors of the town, most of whom accompanied me, among them, Merritt, Morton, Gilletts and two Mexicans from across the river, and Ben Dowell who said he was present when Diffendorfer survey was run. There were 15 or 20 of us. We couldnt find the monuments, at least they said the marks of the beginning corner were gone. In 1859 Franklin had 600 or 1000 inhabitants, of whom about 50 were Americans; about 15 of those present

when I surveyed the line were Americans, and claimed to be interested. I was in the act of laying out the town of El Paso. Before we went to the river several of the men claimed that they could show me the beginning corner. Among them was Mr. Dowell, who had lived here a good many years. Two prominent Mexicans from the other side of the river came over at the request of the parties interested. They were old men and lived just across the river. Dowell lived on this side, and owned property on El Paso street; was an old citizen and is now dead. I made the survey - didn't find the beginning corner, because it was obliterated. There was evidence of a recent change in the river. I don't know, of my own knowledge, that any monument ever existed. After looking around and being unable to find the beginning corner, we adjourned to wait until we could get Mr. Diffendorfer, who had previously made a survey of the line. In a few days he came and, with nearly the same parties, we went again, he stating that he could find the monument or beginning corner. Diffendorfer is now dead. Plff. here objects to declarations of Diffendorfer, for the reason that his survey was made for the Ponce grant, and including a supposed grant of 1830, and depts must show before such declarations are admissible that Diffendorfer had knowledge of the lines of the Ponce grant,

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without reference to the additional grant of 1830; which objection was by the court overruled, to which action of the court the plaintiff objected, and excepted at the time. Duffendorfer stated that original corner had been destroyed, and all the marks of his (D's) beginning corner were gone. He claimed that he had seen the beginning corner of the Ponce tract. After making examinations he found the second corner of the survey by him in 1853 near Giddings' grave, and I put my instrument there where there was a pile of stones, and ran back to the river 1104 varas, and established my initial point. I had Act of 1858 and the original grant with me. Crosby and the two Mexicans translated the Spanish instrument. I couldn't understand the original grant. I commenced at the initial point and ran E. 1104 varas, then changed our direction and ran north 53° E. 1861 varas, and established N. E. corner of the Ponce tract. I then ran on toward the river S 26° E. After running 750 varas from the N. E. corner, we came to what appeared to be an old river, where we found a monument of lime and stone. Most all of the parties were still with me. I waded river to place of beginning, After running from the pile of stones to the river as I then found it, 675 varas, I changed my course at the end of the first 1104 varas in order to take in all the land that could be cultivated, and to follow the foot of the hills. x x x x x x x x x There was some

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difference of opinion among those with me as to the starting point. At first they were unanimous that they could indicate the starting point; but it had been washed away, and was not so readily identified; but after prolonging the line from the second station near Giddings' grave back toward the river to find the starting point, we found another monument on this line which all present said was a true monument of the first line running from the river at initial point. x x x x x x x x Diffendoffer and myself agreed in our surveys. I knew that course would strike the monument on the river. I followed a ridge and crossed two arroyos - one near the river - the other higher up. I ran along the northern edge of the low land so as to include all the land that could be cultivated; then taking the southerly course, ran down a ridge 2/3ds of the way, and crossed the low land from there to the river."

Clerk's Office, Supreme Court,

I, Chas S. Morse, clerk of the Supreme Court of Texas at Austin hereby certify that the above, and foregoing three pages contain a true and correct copy of so much of the evidence of Anson Mills, as appears of record - beginning at line 25 page 84, to line 3 inclusive page 87, and from line 5 to line 14 on page 93, and from line 10 to line 18 on page 95 in the transcript in cause no 5534, entitled Thomas C. Clark vs. William S. Hills and Josiah F. Crosby now on appeal from El Paso County.

Witness my hand and the seal of said court
this the 4th day of January, A.D. 1886.

Chas. S. Morse,

counter 21961

Clerk &c.

6.
El Paso Co
Testimony

of
Anson Mills

filed January 4th 86.

L. W. Puffer.
D. N. Robinson

Chief Clerk.

Puffer
Jan 4/86
with Puffer
in El Paso
... Wadell

Counter 21962

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X



El Paso, Tex., February 1887

To, Commissioner of Land Office
Austin Texas

Sir,

This is to certify you that
John P. Randolph, was on the
First day of January 1887, duly
appointed Deputy Surveyor of El Paso
County, Texas. To certify which
I hereunto sign my name
officially this February 7th 1887.
J. W. Eubank

63.000 ac. Mkt. L. Thence S 45 N. 26.88.
ore. Thence South 3000.00. Thence
East 443.00. Thence S 45 E 20.250.00
Thence West 2000.00 to the Upper River
corner of Survey No. 11. Blk. No. 2 made for
T. P. Ry. a stk and mound from which a

591
126
031

1 State of Texas
 2 El Paso County ~~of~~ I. J. Randolph,
 3 Special Surveyor appointed and duly
 4 qualified by the Commissioners Court
 5 of El Paso County Texas to survey and
 6 establish the county line between
 7 El Paso and Pecos Counties, do
 8 certify that the following connections
 9 were made by me preparatory to
 10 running said county line, by actual
 11 survey on the ground.

12 Beginning at the S.E. corner of Section
 13 36. Twp. 9. Blk. 66. a mound made by
 14 Paul. McCombs. Thence North 1900 ors. To
 15 N.E. cor of said Section 36.

16 Thence West ¹¹⁷⁷⁹ 11408. ors. Thence South
 17 5700. ors. to a mound made by McCombs
 18 for S.W. cor. of Sec. 43. Twp. 9. Blk. 66.

19 Thence South at 5908. ors. a mound
 20 made by McCombs for N.E. corner of Section
 21 24. Twp. 10. Blk 67. — Thence South

22 2810. ors. Thence West. at 6730. ors
 23 a pile of Rock, the N.E. corner of John
 24 Anderson's survey from which, a cedar

25 5 in dia ors. N 74 W. 40 ors. another 10. in dia
 26 ors. N 74 W. 130. ors. another 8. in dia ors. N 87. E
 27 63. ors. all mkd. X. Thence S 45 W. 2688.

28 ors. Thence South 3000. ors. Thence
 29 East. 443 ors. Thence, S 5 E 20,200 ors.
 30 Thence West 2000 ors. to the Upper River

31 corner of Survey N^o 4. Blk. N^o 3. made for
 32 T & P Ry. a stk and mound from which a

1 Cottonwood 48. in dia mtd \bar{R} or. S 81 E
2 13 $\frac{3}{4}$ or. - From thence I ran down the
3 Rio Grande. S 20 E 570. or. S 1 E. 50. or. the
4 mouth of Gleener crk. 450. or. pine. S 17 N.
5 230. or. a pile of Rock. The Lower River corner
6 of Survey No. 4. Blk 3. T & P Ry Survey. from
7 which a Cottonwood 40. in dia mtd \bar{R} .
8 or. N 17 $\frac{1}{4}$ E. 190. another 46 in dia mtd
9 \bar{X} or. N 17 $\frac{1}{4}$ E 201 or. -

10 Beginning again at the Upper River
11 corner of said Survey No. 4. Blk 3. of T & P Ry
12 survey. I re-surveyed all my connections
13 lines from said corner of said Survey No. 4
14 Blk. 3. to the S.E. corner of Sec. 36. Twp 9
15 Blk. 66. and found no error in the
16 work. To all of which I hereby certify
17 at El Paso Texas this 28th day of January
18 1887. Jno. O. Randolph.
19 Spl. Surveyor. El Paso Co

20 c2

WASCHNETZKO & CO.
Land & Mineral Agents
El Paso, Texas

1 To. W. C. Walsh.

2 Commissioner Genl. Land Office.

3 In the matter of John Henderson
4 and other surveys made in El Paso
5 County Texas, below the Texas & Pacific
6 Ry. Reservoir. I do certify that I
7 found and identified the N.W. corner
8 and the N.E. corner of the John Henderson
9 survey, by their bearings which are
10 still standing, and that beginning
11 at said N.W. corner which is a pile of
12 Rock on the North slope of a hill, 12 or
13 South of a branch, and from which a
14 Cedar 10 in dia mkd \bar{x} brs N 82 E 241. ors
15 a catclaw 4 in dia mkd \bar{x} brs. N 27 E 16. ors
16 I ran South # 901. ors. Thence East # 43 ors
17 Thence S 5 E. 20.200. ors Thence West
18 2000. ors. to a stake and pile of stones made
19 by Manny Harris for the Upper corner of
20 Survey N^o 4. Block 3. T & P. Ry survey,
21 from which a Cottonwood 48. in dia mkd. \bar{R} brs
22 S 81 E 13 1/4 ors — Thence I ran down the
23 River. S 20 E 510. ors. — S 1 E at 50 ors. pass
24 mouth of Glenns crk. # 50. ors — S 17 W 230. ors
25 to a pile of Rock from which a Cottonwood
26 mkd \bar{R} brs N 17 1/4 E 190. another # 6 in dia
27 mkd \bar{x} brs. N 17 1/4 E 201. ors. This is the lower
28 corner of said Survey N^o 4. Blk 3. made
29 for T. & P. Ry.

30 Beginning again at the Upper
31 River corner of said Survey N^o 4. Blk 3
32 made for T. & P. Ry. I ran. S 40 E 1700. ors

63

N 50 E 4800. vrs. N 28 E 19200 vrs. N 80 1/4 E
9950 vrs. S 77 3/4 E 2130. vrs. - N 45 E 860. vrs.

to a mound of Earth made by me. in
April 1886. for the S. E. corner of Survey N^o 11
Block. N^o 1. of Gulf Colorado & Santa Fe. Ry
surveys. Thence I ran North 1900. vrs.
to a pile of Rock. Thence West 1900 vrs
to a Cedar stake, from which a large
Rock. 4 x 5 feet and 3 feet high mkd
H. vrs. N 13 E 14 vrs. This is the N W corner
of said Survey N^o 11. as made by Kings
From thence I ran North 9310. vrs and
West. 1870. vrs to the old. adobe. Stage stand
known as Van Horns well. From
thence I ran. North. 5873 vrs. and
West. 2468. vrs to the S. E. corner of Section
36. Twp. 9. Blk 66. made by. Paul.
McCombs. from which the Station house
at Haskell vrs. N 41 3/5 W

I then began at the S. E. corner of
Survey N^o 12 of Confederate Block. N^o 1
made by virtue of Scrip N^o 1525. - a large
Rock. mkd. From thence I
ran. N 75 E 14200. - East. 4000. S 69 1/4 E
6240. vrs. to the N. W. corner of John
Henderson. survey. Thence N 65 E
9525. Thence North 685 vrs. Thence
West 1900. vrs. to a pile of stone built
by. McCombs. for S. E. corner Sec. 11. Blk.
67. Twp. 10. Thence North 4000. vrs
Thence East. at ¹⁶²¹ 1900. pass McCombs S. W.
corner of Sec. 43 Blk. 66. Twp. 9.

c3/2

1 at ³⁵⁵⁶ 3800. McLeombs. S.W. cor. of. Sec. 44

2 at ⁵⁵⁰⁹ 5700. McLeombs. S.W. of 45.

3 Thence N 45 E 2688. on Thence East

4 ³⁷⁶⁰ 3800. on. Thence N 45 E 2688. ^{thence E 131} on. To

5 the S.E. corner of. Sec. 36. Twp 9. Rk.

6 66 To all of which I do hereby

7 certify officially, at El Paso. Texas

8 this 17 day of July - 1886.

9 Recorded in Book. R. No 7. Pgs. 80. & 81.

10 Jno. P. Randolph.

11 State of Texas

12 El Paso County J. John P. Randolph

13 Deputy Surveyor of El Paso County Tex

14 do certify that the above and foregoing

15 two pages and two lines, is a true

16 and correct copy of a certificate

17 of Records in the Surveyor's office in

18 Book. R. No 7. pages - 80 & 81.

19 Witness my hands at El Paso Texas

20 this 28th day of January 1887.

21 Jno. P. Randolph.

22 Dep. Sur. El Paso Co. Tex

24 CH

El Paso
sk file # 6
Sketch File No. 6

Culberson Co

County

Filed 1-28-87 193

J. H. Walker, Comm.

File Clerk

Descriptive:

C5

Filed July 1897

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