

Matador Tex. Aug. 8-1904.

1097

Hon. J.J. Terrell Comr. of Gen. Land Office

Austin Tex.

Dear Sir:-

At the request of Mr. A.G. Boyce manager of the **X I T** Land Co. and Mr. Murdo MacKenzie manager of the Matador Land and Cattle Co. - We the undersigned surveyors- ransome connecting lines in Oldham Co. Tex. to determine if there is a vacancy existing between the E. line of League 327 and the **W.** line of Sec. 40. T.T.R.R. Co. blk. H.1. It appears from the records on file in your office that in Sept. 1886- Mr. W.S. Mabry, then surveyor of Oldham Co. made a correction on the ground of quite a number of the Capitol Syndicate Leagues, among which were **323** and **327** and patents were issued on these corrected notes- The **X I T** Co. built their fence on the ^{original} E. line of **327** and S. line of **323** as shown by sketch filed ~~her~~ herewith. In correcting the field notes of **327** Mr. Mabry begins at a point 780 vs. S. of a md. and 3 pits the **N.W.** corner of Sec. 41 blk. H.1. By examining the corrected field notes of League **327** this beginning corner is **780** vs. **S.** of the corrected ^{Ell} ~~E~~ corner of League **323**; so beginning at the corner of the fence the ^{original} ~~E~~ **E.N.E.** corner of League **327** - we ran N. 780 vs. and found a stone and **2** pits (old) ^{two} one had been filled up where fence had been built. and **455** vs. **W.** of this old corner- we found a 3 pits and a stone mkd. **N.W.** **41** intended for **N.W.** 41 blk. H.1. We then ran **E.** from this ^L ~~E~~ corner of League 323 and at ~~1445 vs.~~ found stone md. mkd. **N.E.** **41** ~~Thence~~ ^{at 3805} **E.** 1905 vs. a large stone md. in deep cañon - on its E. side - the

(Corrections in ^{pale} red ink by A.S. Howren)
deep red retouched by E. von Rosenberg

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N.E. 42 T.T. Thence E. 1920 vs. a point Thence S. 10 vs. a stone set in ground the original S.E. corner 43 blk. H.1. from which Ct. Wd. on branch brs. N. 78 W. 930 vs. It appears from the evidence of his work on the ground that Mr. Twichell recognized these corners and places sections 41-42-43- blk. H.1. as we find them and as shown by our sketch- but when he comes to construct the rest of the blk. he slides Sur. 40 & 39 E. about 762 vs. thereby opening up a vacancy between League 327 and Sec. 40. We claim first that this is not the proper construction of the blk. there being no old corners to slide the remainder of the blk. E. and in the second place if this is the proper construction- then as Leagues 323 & 327 are in conflict with 41 there would be a conflict of 455 between the Sur. he locates and League 327. Will you please give this matter your attention -

Very Respectfully Yours

R. M. Kenney, State Surveyor
 A. S. Howren.
 E. J. Bette Spel Dep Sur Oldham Co

Handwritten notes:
 Referring to the above I wish to say that the only question involved is whether capital league 327 can be separated from Survey 40 so as to create a vacancy.
 A. S. Howren

See letter to Birrington & Co 9/20/04

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LE'

See letter book Vol 711 pages 140 & 451 also (W. D. Twichell) instruction given him in person & c

16
Oldham Co.,
Sketch files

Statement and field
notes of connecting
line in Oldham
Co. affecting Capital
Leagues # 323 & 327
signed by R. M. Kenny
and H. S. Howner
State Surveyors and
Ex. P. Battle Spel. Dep.
Sun Oldham Co.

Filed Aug 26/04
John J. Powell
Coursor,
by C. von Rosenberg
Draftsman

Very respectfully yours

This matter your attention -

between the sur. he locates and League 327. Will you please give
323 & 327 are in conflict with it there would be a conflict of the
second place if this is the proper construction- then as League
no old corners to slide the remainder of the blk. 2. and in the
first that this is not the proper construction of the blk. there being
opening up a vacancy between League 327 and Sec. 40. We claim
West of the blk. he slides sur. 40 & 39 & east sec 39 vs. District
and he shows by our sketch- but when he comes to construct the
corners and places sections 41-42-43- blk. N. 1. as we find them
evidence of his work on the ground that Mr. Mitchell recognized these
Gt. No. on branch prs. N. 28 W. 330 vs. It appears from the
set in ground the original S.E. corner of blk. N. 1. from which
N. 1. & T. T. Thence S. 1280 vs. a point Thence S. 10 vs. a stone

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LE 2