

File No. SK File 19
SWISHER County

Filed 2-28 1914
J. EARL RUDDER, Com'r.

By _____

*It's, plat, report on
B.K. M6*

J. EARL RUDDER
COMMISSIONER
GENERAL LAND OFFICE
AUSTIN 14, TEXAS

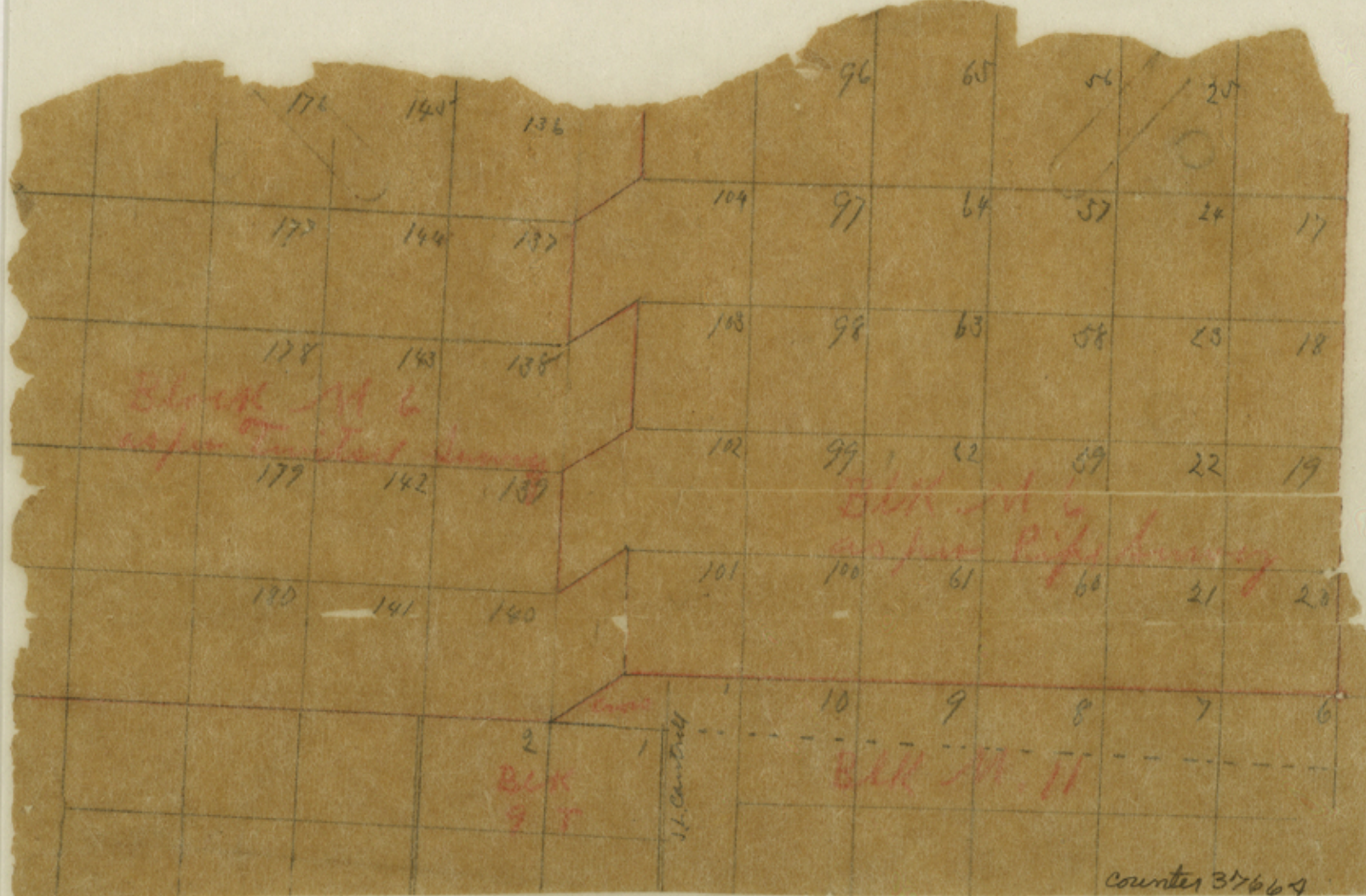


counter 37662



this is as it is on the ground 10760 is at South and 5580 is 14 miles north
 how well it do to put school sections in this shape it will suit our people
 if it will work W.B.H. just an idea

counter 37663



To the thirteenth interrogatory he answers:

I herewith hand you a copy from my original field notes of the lines run by me in the year 1876, which would show any corners adopted in making out the field notes in the blocks mentioned. The earth monument established on the evening of May 30, 1876, was afterwards adopted as the southwest corner of survey No. 347, Block M-6:

"In 1876, I came to Texas to take charge of the locating party of Jot Gunter, and W. B. Munson, of Sherman Texas. I left Sherman Texas in the early part of May 1876, going by the way of Ft. Sell to what is now known as Ft. Elliott Texas, and there I was joined by T. S. McClelland, who had done some surveying in connection with W. B. Munson in the year 1875, and also by Col. Jot Gunter and a scout by the name of Pedrick. We also had a German in the party who claimed to be a surveyor, but I have forgotten his name. We proceeded from our camp on Sweetwater which is now in Wheeler County, westerly along the south side of the Canadian, retracing the line run by T. S. McClelland and W. B. Munson in 1875, to their monument as established by them in that year on Aroya Bonita Creek in Potter County. From that point we also proceeded in a westerly direction to a large earth monument they also established on what we then called Lodgkin Creek in Potter County, on the south side of said river, and this earth monument I think was afterwards adopted as the southwest corner of survey 153 B S F, block 9. From this monument I started my survey in the year 1876 on the 21st day of May. I then ran southwest 678 chains and 36 links and there put up a large earth monument which would be diagonally across six sections. I then ran west five miles and put up a large earth monument. I thence ran northwest 565 chains and 30 links, where I established a rock monument. I thence ran west 26 miles and established a rock monument on what we called then El Toro Creek. This rock monument was established on the west bank of the creek on solid rock and a large hill with three points bears southwest about a half mile. This was on May 24, 1876. I then continued in a north-westerly direction up the Canadian River to a point which I assumed was the west line of the state, and established a monument on the south bank of the Canadian River, from which a double cottonwood bears north 24 east on north side of river, the center one of three cottonwoods on the north bears north $58\frac{1}{2}$ east a lone cottonwood on large sandhill on north side of river about three chains from the bank bears north 24 west. I then went back to the large monument on the bank of El Toro Creek and started from there on the morning of May 28, 1876. I ran south from that rock monument eleven miles and put up a large earth monument. I then turned and ran a line south 63 degrees and 26 minutes

east for 22 miles and $27\frac{1}{2}$ chains, which made 20 miles of easting and 10 of southing. On this line at 1247 chains and 50 links I crossed the Paladora Creek, at 1430 I established a large earth monument which I think was afterwards adopted as the southeast corner of survey 35, block K-7. At the end of 22 miles $27\frac{1}{2}$ chains I established another large earth monument which I think was afterwards adopted as the southwest corner of survey No. 83, block K-4. I then ran south for 12 miles, continuing south on the 13th mile, at 24 chains I crossed a road bearing northeast and northwest; at 67 chains I crossed the Terra Blanco creek; at 72 chains I crossed it again; at 80 chains I put a mound and two pits on the north bank of same. I continued on south on the 14th mile, at 1 chain 20 links I crossed Terra Blanco creek, at 80 chains I established a large earth monument which was afterwards adopted as the southeast corner of 124, block M-7. On May 30, 1876, I ran south 45 east, at 113 chains 6 links a mound on prairie, this was diagonal across one section; thence south 45 east at 113 chains, 6 links, a diagonal across another section; thence south 45 east across a third section, at 61 chains I crossed the Arroya, at 113 chains 6 links a mound, which was diagonal across the third section; continuing south 45 east I crossed the fourth section, at 60 chains I crossed a drain, course north, at 113 chains 6 links a mound, which was the diagonal across the fourth section; continuing south 45 east I crossed the fifth section, at 54 chains a lake ten chains wide bears north and south, at 113 chains 6 links a mound, a lake is two chains to the north of ~~xxxx~~ us, this is the diagonal across fifth section; continuing south 45 east crossed sixth section, at 113 chains 6 links a mound, this is diagonal across sixth section. Continuing south 45 east crossed seventh section 113 chains 6 links a mound, a lake 20 chains to the northwest, this is diagonal across seventh section; continuing south 45 east cross eighth section; continuing south 45 east crossed ninth section, at 113 chains 6 links to a mound, this is diagonal across ninth section; continuing south 45 east across tenth section, at 113 chains 6 links to a mound, this is diagonal across tenth section; continuing south 45 east crossed eleventh section, at 3 chains a road north and south, at 113 chains 6 links a mound which was diagonal across eleventh section; continuing south 45 east crossed twelfth section, at 112 chains crossed a small creek which is the head of Tule creek, at 113 chains 6 links established a large earth monument which was afterwards adopted as the southwest corner of survey 347, block M-6 Castro County.

On May 31, 1876, we all rested and camped. On June 1, 1876, the parties divided.

Mr. Jot Gunter with T. S. McClelland and the German Surveyor and Dedrick, the scout, started from this monument and ran a mile east and was intersected, I think about three days later, but owing to the fact that they had been chasing

wild horses and had some colts in their possession, they could not connect with us and we assumed they had made some errors in the excitement; and afterwards in platting their line, I think Col. H. C. Hedrick, who was the deputy surveyor at that time, under whom this work was being done, who was not in the field nor was a practical engineer, adopted about ten miles of their line, commencing at the southwest corner of survey 347, block M-6 and running eastward from that point. On June 1, 1876, I started from the aforesaid monument and ran south at 80 chains, the end of the first mile, a mound; on the second mile continuing south at 63 chains a road, northwest and southeast at 80 chains a mound; continuing south on the third mile at 80 chains a mound; continuing south on the fourth mile at 58 chains enter lake bearing east and west, at 78 chains leave same, at 80 chains a mound; continuing south on the fifth mile at 80 chains a mound; continuing south on the fifth mile at 80 chains a mound; continuing south on the sixth mile at 80 chains a mound; continuing south on the seventh mile at 80 chains a mound; continuing south on the eighth mile at 80 chains a mound; continuing south on the ninth mile at 80 chains a mound; continuing south on the tenth mile at 80 chains a mound; continuing south on the eleventh mile at 80 chains a mound; continuing south on the twelfth mile at 80 chains a mound; continuing south on the 13th mile at 80 chains a mound; continuing south on the 14th mile at 80 chains a mound; continuing south on the 15th mile at 80 chains a mound.

From that point I turned and ran south 45 east at 113 chains 6 links a mound, a diagonal across first section; continuing south 45 east I crossed second section, at 28 chains 30 links a road, north and south, at 113 chains 6 links a mound, a diagonal across second section; continuing south 45 east crossed third section, at 113 chains 6 links a mound, a diagonal across third section; continuing south 45 east crossed fourth section, at 113 chains 6 links a mound, diagonal across fourth section; continuing south 45 east crossed fifth section, at 113 chains 6 links a mound, a diagonal across fifth section, continuing south 45 east, crossed sixth section at 113 chains and 6 links a mound diagonal across sixth section; continuing south 45 east crossed seventh section, at 80 chains a drain or small dry creek, general course northeast, at 113 chains 6 links a mound, diagonal across seventh section. Here my men played out and refused to go further on account of water, at 10 p. m. I found water 12 miles further down the creek at 7 a. m. next morning and filled the canteens.

On June 2nd, we continued the line south 45 east across eighth section at 113 chains 6 links a mound; continuing south 45 east crossed ninth section at 113 chains 6 links a mound; continuing south 45 east crossed tenth section, at 113 chains 6 links established a monument on level prairie. Thence I ran east for ten miles where I established a small mound and two pits; continuing east on eleventh miles at 38 chains crossed a creek which was afterwards known as Running Water, at 80 chains established a large earth monument, which was afterwards adopted as the northeast corner of survey 9, block J-K. I then ran east seven miles; thence north four miles, 53 chains and 22 links and intercepted Gunter's party. During the remainder of 1876, 1877, 1878 and 1879 I partially surveyed lands in northwest Texas for the firm of Gunter & Munson; also in 1878 and 1879 made arrangements and started a cattle ranch on the terra blanca and Paladero canons, our headquarters being close to where Canyon City is now.

~~File X~~
200 ft
100 ft
50 ft
25 ft
12 1/2 ft
6 1/4 ft
3 1/8 ft
1 5/8 ft
3/8 ft
1/4 ft
1/8 ft
1/16 ft

MARTIN & ZIMMERMANN,
ATTORNEYS AT LAW,
TULIA, TEXAS.

1817

December 26, 1913.

Mr. J. T. Robison,
Austin, Texas.

Dear Sir:-

We are enclosing you herewith that part of the answer of John Summerfield upon which the work of W. D. Twitchel, block M-6, Castro and Swisher Counties, is based. You may have seen this before, but on my recent trip to Austin, if you remember, I told you I would forward this, together with such a statement of the condition of this matter as would enable you to have some basis for official action in the matter. We also enclose you herewith a small sketch showing the extent of the conflict between the Twitchel line projected east through Swisher County and block M-11 Swisher County, as now recognized by the Land Office.

The condition of M-6 is briefly as follows: Its N E corner calls to begin five miles south of the S W corner of survey 208, block 6, I. & G. N. Ry. Co. Randall and this is the present N E corner as established on the ground of said M-6. This S W corner is established on the ground according to run made by John Summerfield in 1876, a copy of which we enclose you herewith. The S W corner of 208, block 6, Randall County is a well identified corner, and we have thus established on the ground the N E and S W corners of this block. Castro County has accepted Twitchel's work, copies of which you probably have in the Land Office. The Land Office thus far has accepted the work of W. B. Hutchison in Swisher County, and to now recognize any other survey would cloud the title of hundred of homes of bona fide settlers, without corresponding advantage to the State. Besides, to recognize the Twitchel work and project same over into Swisher County would cover up a good part of block M-11, which has been recognized as being correctly located on the ground.

What the settlers desire is, to follow the Castro County work and the Swisher County work both to stand and apportion the excess of this block among the respective owners of the surveys in this block. This throws most of the excess on the Castro-Swisher County line, as shown by the field notes heretofore forwarded by W. B. Hutchison. The block being tied on the ground at two of its diagonal corners, our contention is that the proper method of preserving this money to the school fund, is to distribute the excess as above indicated, selling it as excess school land. There are as many facts to support our theory as any other and it would very probably be accepted as correct by a jury, and our position certainly comports with justice and fair dealing.

If anything further is desired, or can be done, we would be glad to have you suggest it either to us or to W. B. Hutchison. It might be well to have some disinterested Surveyor, whose work meets the approval of the Land Office, to do this work; and if you desire it, we will take up this matter with the settlers.

Very truly yours,

Martin & Zimmermann

By

M. B. Martin

ABM/h
Encs.

RECEIVED

JAN 3 1914

Referred to Map

counter 37669