

Throckmorton Co

6,

Court Decree No 207,
the Leon & H. Blum Land Co

vs

The Monroe Cattle Co, & The
Reynolds Cattle Co,

Dated Nov. 20. 1888,

Filed Dec. 15. 1888 -

counter 38076

STATION	BEARING	DISTANCE	LATITUDES		DEPARTURES		CORRECTED		D. M. D.
			North	South	East	West	L.	D.	
1	South	1900		1900					
2	S 75° W	320		83					
3	S 40° W	460		352					
4	S 14° W	1000		970					
5	S 45 1/2° W	2000		1402					
6	South	8587		8587					
7	S 16° E	434		418	120				
8	S 34° E	480		398	268				
9	S 68° E	60		22	56				
10	S 88° E	138		4	138				
11	South	1440		1440					
12	S 30° E	900		779	450				
13	S 36° E	200		162	118				
14	S 47° W	180		123					
15	S 38 1/2° W	400		313					
16	S 17° W	200		191					
17	S 45° E	800		566	566				
18	East	400			400				
19	N 70° E	200			188				
20	N 21° E	130	68		46				
21	East	558	121		558				
22	S 75° E	800		207	773				
23	S 55° E	400		229	328				
24	S 30° E	600		520	300				
25	S 45° E	424		300	300				
26	South	117		117					
27	S 45° E	240		170	170				
28	S 15° E	340		328	88				
29	S 32° E	740		628	392				
30	S 83° E	600		73	596				
31	S 39° E	320		247	201				
32	S 57 1/2° E	2140		1158	1800				
33	East	1200			1200				
34	S 22° E	320		297	120				
35	S 33 1/2° E	600		500	381				
36	S 9 1/2° E	1300		1281	220				
37	S 8 1/2° E	129		127	1				
38	S 54 1/2° W	183	106						
			295	23896	9728	2661			
				295	2861				
				23601	6867				

Lines run from N.W. Co. No 32 B.B. & C. R.R. Co. North of Paint Creek South and East to the S.W. Cor No 99. East Texas R.R. Co. Lines run as above to keep on level ground so that measurement would be correct.

To give room for the Antonio Fernandez Survey the distance South between these Corners should be 24945 yrs. it is only 23601. yrs. making the Brooks & Burleson Surveys Nos 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. Conflict with East Texas R.R. Sdys 799 yrs. The distance East between said Corners should be 7917 yrs. it is only 77 yrs. making the Brooks & Burleson Sdys on the East Conflict 733 yrs.

The State of Texas,)
(
County of Shackelford.) At a term of the District Court, begun
and holden within and for the County of Shackelford, at Albany,
on the 12th day of November, A.D. 1888, and which adjourned on the
21st day of November, A.D. 1888, the Honorable T. H. Conner, Judge
thereof, presiding, the following cause came on for trial, to-wit:

The Leon & H. Blum Land Company,)
(
No. 207, vs.) On the 20th day of
(
The Monroe Cattle Company and) November 1888.
(
The Reynolds Land and Cattle Company.)

This day this cause came on to be heard, the plaintiffs
appear by attorney and the defendants appear in person and by
attorney and announce ready for trial. And a jury being waived,
the matters in controversy, as well of fact as of law, were sub-
mitted to the court, and the court having heard the evidence and
argument of counsel, is of opinion that the law and the facts
are with the defendants, and that Veteran Donation Warrant No.
1194, issued to said Antonio Fernandez by the Commissioner of the
General Land Office, Nov. 21, 1885, was located upon elder patented
surveys, which are the property of the defendants, the Monroe Cat-
tle Company and The Reynolds Land and Cattle Company, to-wit:
Surveys No. 17, 18, 11, 10, 19 and 20, granted to Brooks & Bur-
leson by the State of Texas. Also section No. 1, granted to Ad-
ams, Beatty & Moulton by the State of Texas. And also section
numbers 230, 229, 100, 101, 128, 127, 156, of the lands granted
to the Eastern Texas Railroad Company. All of which are elder ti-
tled surveys and cover the land described in said patent, and are
the property of the defendants.

File 6

Throckmorton Co.

Filed in the Genl Land Office
Decemb. 15th 1888.

R. C. Shullcy
Chief Clerk.

Court Decree, No 207.
The Leon & H Blum Land Co
- vs -

The Monroe Cattle Co, & the
Reynolds Cattle Co
Dated Nov. 20, 1888.

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It is therefore ordered, adjudged and decreed by the court that the defendants: The Monroe Cattle Company and The Reynolds Land and Cattle Company do have and recover of and from the plaintiffs The Leon & H. Blum Land Company, all the land described and included in the following metes and bounds, to-wit:

Beginning at the N. E. corner of section No. 101, E. T. R. R. Co., stone mound, for S. E. corner of this survey. Thence North 5500 varas, the north west corner of survey No. 1, Adams, Beatty & Moulton, Block X. Thence west 317 varas, to the line of survey No. 20, Brooks & Burleson. Thence south 4985 varas, for south east corner of survey No. 10, Brooks & Burleson, a stone mound. Thence west at 6819 varas, bed of Clear Fork, 7599 varas, the easterly north east corner of No. 16, Brooks & Burleson, a stone mound. Thence south 515 varas, to north line of section No. 156, E. T. R. R. Co. Thence east 759 varas, bed of Clear fork, 7916 varas to the beginning.

And it is further ordered, adjudged and decreed that the patent heretofore issued by the State of Texas to Hyman Blum, Assignee of Antonio Fernandez, by virtue of said certificate on the 24th day of December A.D. 1887, No. 542, Vol. 6, be delivered up and the same is hereby canceled, set aside and held for naught, and the Commissioner of the General Land Office of the State of Texas is hereby directed to cancel the same on the records of his office.

It is further ordered that the defendants pay the sum of fifty dollars of the costs incurred, for which the plaintiffs shall have their execution.

And it is further ordered that the defendants do have and recover of the plaintiffs all the remainder of the costs in said

case, except said sum of fifty dollars, and that the defendants have their execution therefor. And that execution issue in favor of the Officers of Court, against each party respectively, for all the costs in this behalf incurred. And that each of said parties are hereby permitted to withdraw their title papers, including the surveyors report, from the file papers in this cause.

And it appearing to the court that the sum of one hundred and fifty dollars is reasonable compensation for the labor necessary to make the survey and report heretofore ordered by this court, it is ordered that such sum of one hundred and fifty dollars be and the same is hereby allowed H. M. Henderson the surveyor appointed as aforesaid, for his said services, and that said sum be taxed as costs in this case.

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I, G. M. Smith, Clerk of the District Court in and for the County of Shackelford County, Texas, do hereby certify that the foregoing is a true and correct copy of the judgment of said court, rendered on the 20th day of November 1888, in cause No. 207, The Leon & H. Blum Land Company vs. The Monroe Cattle Company and The Reynolds Land and Cattle Company, as the same appears of records in the minutes of said court, in Book B, pages 311, 312 and 313.

Given under my hand and seal of office, this
20th day of November 1888.

G. M. Smith

Clerk District Court, Shackelford County, Texas.

By *Sawyer* Deputy.

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shows said B. B. B & C. R.R. The Adams Beaty and
Moulton, Brooks & Buchanan & East Texas R.R.
Surveys also in red ink shows. Ferusday
sur. correctly, also County lines which I
connected on to at mile corner. 3 miles
north of S.W. corner of Throckmorton Co.
By mistake I represent Paint Creek too
near corner of 30 & 31. B. B. B & C. sure it
should be about 300 or so further West.
The bear fork as represented is taken
from another sketch, as I did not pre-
tend to meander it. But from where I
crossed it and saw its bends I think
it is correctly shown.

Hoping the above report together with
Exhibits will give the Court all the
information desired I am Respectfully
H. M. Anderson
Surveyor.

The State of Texas
County of Taylor } Before me the under-
signed authority this day personally
appeared H. M. Anderson to me well
know who being by me duly sworn
says the foregoing report and attached Exhibits
is a true statement and correctly repre-
sents survey as found by him. from
an actual survey on the ground.

Given under my hand and official
seal this 7th day of November 1888.

McLambert, Notary
Public Taylor Co Tex

Having consumed 13 days time on this work
and spent \$45.⁰⁰ doing same I think
\$150.⁰⁰ is reasonable fee and respectfully
ask your Honor to allow same.

H. H. Henderson
Surveyor.

Leone & H. Blyden Land Co.
No. 207 2/3

Monroe Cattle Co.
Reynold Cattle & Land Co.

Report of surveyor

Hockmorton Co.

Sk. File #6

Subscribed
to \$100.00

By James H. Hays
Surveyor

Exhibit B.



Scale 2000 fts to 1 inch

I hereby certify that the above sketch correctly represents the position on the ground of the surveys shown thereon, as found by careful measurement from N.W. Co. 32 B.B.B. & C.R.R. Co. to S.W. Cor. of Survey 99 East Texas R.R. Co.

H.M. Henderson.
 Surveyor appointed by Judge of District Court of Shackelford Co. Texas

counter 38088

Little B.
 Throckmorton Co.

Supposed Cont. 99, Antonio Fernandez Survey

3800 or from said false corner & established
point as corner of No 100 E. T. R. R. Sur (S. S. or begin-
ing corner of said Fernandez Sur, thereby putting
it in conflict as above stated. The balance
of said Fernandez Sur is located on top of
and in conflict with Nos 10, 11, 17, 18, 19 & 20. Brooks
and Burleson Surveys.

In making said Survey I began at the NW Cor
of Survey No 32. B. B. B. & C. R. R. Co. on North side
of Paint Creek near the West line of Throckmorton
County. I failed to find bearing trees as
called for at any corner, but so much of
the old Mesquite timber has been burned
out as to give little chance of finding
trees marked so long ago. The point from
which I ran is marked by an old stone m^t
which I believe to be the original NW Cor of
said Sur No 32. Paint Creek is large stream
at this place, with marked and peculiar
bends, fits the surveys as called for in
field notes of the B. B. B. & C. R. R. Surr. Particu-
larly the Bluff on East bank of Paint Creek
on which the corner of Nos 30 & 31 calls to be,
and the narrow marked bend 2 miles
East of it in which the corner of Surr
Nos 32, 33, 55 & 56. B. B. B. & C. R. R. Co. call to
be. There is no other place on this bank
and no other Creek there which can so fit the Surr.
The corner of 32 from which I ran could
be moved 300 or North and 300 or West

and still conform to creek calls. But it cannot be moved further North, ^{or West} without taking corner of 32. 33. 55. & 56. out of bend called for, no further West ~~out~~ putting corner of 30 & 31. West of Bluff on which they call to corner.

If moved further North and West the surveys would entirely miss the Creek which as represented on accompanying bands West about 300 or North of corner. To move these surveys to the furthest point North and West would not effect the result of this suit, as it would still leave the Brooks & Burleson Sur 499 or in conflict on the South and 383 or on the East.

Assuming said stone mound from which I ran to be the true SW cor of S² 32. for after long and careful search I could find no other. I ran first South and West and then South and East as shown by balance sheet hereto attached marked Exhibit A. the direction of my lines being determined by the smoothest ground, so that measurement would be as near correct as possible.

I measured with a 20 varar steel tape (rear end carried by myself) carefully level and held tight, and not one varar allowed or thrown in, as is usual by Surveyors. So that if measured in the

usual manner the conflict between the Brooks & Burlison & East Texas RR Surveys would be 100 to 200 acres more than I make it.

The Adams, Beatty & Moulton begin on the B. B. B. & C. R. R. South line, and the Brooks & Burlison Survey begins on the A. B. M. Surveys and courses and distances from the B. B. B. & C. R. R. Surveys control their position, as they were plotted or Office Surveys; not calling for streams crossings or bearing trees.

The S.W. cor of 99. East Texas R.R. Sur. calls for a stone m^{ch} at head of a branch from which a long mound bears N 45° E. 2000 or 2 I found old stone m^{ch} at head of a branch from which S² m^{ch} bears as called for. The S.E. cor of 99. calls for stone m^{ch} on side of round mound. I ran East 1900 or so & found it as called for. so that no question can arise as to this corner.

The stone m^{ch} with stone in it marked NW 98 put up by same one as SW cor 99 & NW cor 98 (and which Mr. Echeart accepted as such and ran 3800 or so North from to establish SW cor of No 100 & beginning or S.E. corner of Fernandez Survey. is 183 or so S 54 $\frac{1}{2}$ ° E. from said true corner & from it said long mound bears N 14° E. & 1900 or so East from it would up round mound on side of which S.E. cor of 99 is.

The accompanying map marked Exhibit B.