

REGISTRY RECEIPT.

Post Office at **Fort Davis, Texas.**



Registered Letter Parcel } No. *132* Rec'd _____, 18__
of *H M Patterson*

addressed to *L Heldt*
El Paso Tex

Otis M. Keeseey, P. M. _____, P. M.

Counter 53125

REGISTRY RECEIPT.

Post Office at

Fort Davis, Texas.



Registered Letter Parcel

No. 133 . Rec'd

JUN 16 1891

of

A M Patterson

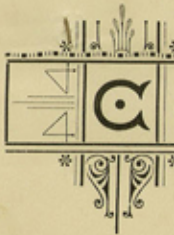
addressed to

H. M. Randolph Peew

city Reese Co Tex

Otis M. Keesey, P. M.

, P. M.


 County Surveyor,

Jeff. Davis County.

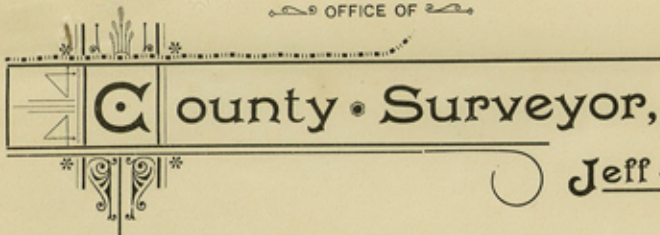
H. M. PATTERSON, Surveyor.

Fort Davis, Texas, June 16 1890

Received of H. M. Patterson, a package
 addressed to S. Heldt, El Paso, Tex. containing
 copy of affidavit of S. R. Miller, Geo. Brigg,
 David Murphy, J. R. Marmon, J. W. Ford,
 Robert Lyles, John W. Spencer, C. W. Prosser
 & J. A. Wadel. Said package is registered
 this day.

P. M. Post

 Otis M. Keesey P. M.
 Postmaster Fort Davis Tex.



H. M. PATTERSON, Surveyor.

Fort Davis, Texas, June 16 1890

Received of H. M. Patterson one package
 addressed to A. M. Randolph, Pecos Tex.
 containing copy of affidavit of S. B. Miller,
 J. W. Brigggo, Daniel Murphy, J. R. Marneian
 J. W. S. Ford, Robert Lykes, John W. Spencer,
 C. W. Pressler & J. A. Wadel. said package is regis-
 tered this day

O. M. Keeney, P. M.

P. P. Post Post Master Fort Davis Tex.

Copy of this wanted
by 5/12/11
Blanchard

State of Texas }
Bexar County } San Antonio, July 30, 1889.

Personally appeared before me,
the undersigned authority, John S. Ford, to me well
known, who after being sworn, according to law,
deposes and says: "That during the spring of 1849
he accompanied Major Robert S. Neighbors, then
Indian Agent, on duty in Texas, to El Paso, Texas, with
the object of ascertaining whether in the territory of Texas
there could be had a good road leading in the direction
of California.

"On their way to El Paso they were conducted by a
Comanche guide to a point below El Paso. They moved
up the Rio Grande, and reached the town of San
Elizario, where they encamped. They visited El Paso.

"On their return to the interior of Texas they
employed the services of an elderly gentleman, of Mexican
birth, to guide them to the Pecos River. He carried ^{them} by what
was afterwards known as "The upper route." It passed just ^{below}
the point of the Guadalupe Mountains. They encamped at
the San Martin Spring - El Ojo de San Martin - which
the deponent distinctly remembers was ten or fifteen miles
East or South-east of the point of the Guadalupe Mountains.
He remembers the place vividly. Maj. Neighbors was looking
at the mountain with a spy glass. The deponent was
standing by him, and observed: - "There are bushes on
that mountain". The Major laughed, and handed the
deponent the spy-glass. On looking through the glass

Affidavit of Jno. S. Ford.

your deponent was astonished to see large and high trees on the mountain. Our guide was a very sensible and truthful man. He gave the names of all the points we passed, and we adhered to the names in our reports. Maj. Neighbors reported to the United States military commander of Texas, and his report went to Washington City. I reported to the citizens of Austin. A gentleman at Austin, an engineer of considerable ability, uses my notes in constructing a map of the western part of Texas. He had a book accompanying the map - a small one - giving a description of the country represented. He has a brother-in-law living at Austin, named Kirk. He can give the name of the gentleman who made the map.

"Your deponent is confident there is no other spring known as the San Martin Spring west of the Pecos river upon what is called the "upper route" between El Paso and the interior of Texas."

The words "them" and
"below" interlined before signed.

John S. Ford.

Subscribed and sworn to before me this
The 31st day of July A.D. 1889

W. H. Lanning Notary
Public for Pecos County, Tex.

R²
1

El Paso Co. Bdry line

~~Box 2~~

(26)

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~~27~~

Affidavit of
John S. Ford,
1889

Houston

Counter 53130

Affidavit of Saml. R. Millar

The State of Texas } Before me the undersigned Authority
 County of Presidio } personally appeared Samuel R
 Millar to me well known, and who
 after having by me, been duly sworn according to law -
 Deposes and Says, "I am 48 years of age, am a citizen
 of the United States, and of this State for more than 40
 years, I scouted nearly all over the country between El
 Paso and Fort Davis, through El Paso, Presidio and Pecos Cos
 during the year 1862, and since that time, having in the
 year 1862 an old Indian guide with me, I am well
 acquainted with Gomez Peak, with Mescalero Spring
 with Peach Spring (ajo de durasno) with Tascate or San
 Martin Springs, with the Springs at the head of the
 Delaware Creek, at the foot of the Guadalupe Mts
 Peach Spring was a very small spring and lies about
 a mile or less from San Martin Station on the Texas
 Pacific Rail Road & now supplies that station with
 water, the Tascate or San Martin Springs (there is two)
 lies about 35 Miles in a Northwesterly direction from
 Peach Spring, near San Martin Station, ^{which is} not far from
 Gomez Peak; and from the Tascate or San Martin
 Springs it is about 30 to 35 Miles to the head of the
 Delaware, at the foot of the Guadalupe Mts, I took up
 a piece of land in March 1871 at Mescalero Spring, and
 moved on to it in January 1872, and lived there for
 several years, about the years 1873 or 4, Surveyors Heard
 and Comley were running a line between Presidio
 and Pecos Counties, and they placed the West Corner
 of Pecos County, at the Tascate or San Martin Springs

about 57. Miles in a North Westely direction from where I then lived, I recognize the location of the line they then run, and the San Martin Springs on the Map now before me. (Speights Official Map of Texas 1882) to be very correctly laid down; and I believe it is the true location of the Springs, the Tascate or San-Martin Springs lie in the Apache hills, and the Creek runs around toward the Pecos river,

I never heard Peach, Soap or Spring, Called San Martin until about the year 1873 or 1874.

I did not move away from that part of the Country until 1885. The Spring I lived on was first called Mescalero then San Solomon, then Toya. and is now known as Victoria. and the original Name of Creek that flows from it was "Acatsoy", now called "Toya". The San Martin Springs or Tascate. Some times called Mud Creek Springs as known by me since 1862 must lie about 35 Miles in a north westely direction from the Spring near San Martin Station on the T. & P. Ry, as near as I can judge at the distance.

Witnesses

J. R. Marrison
Jno. D. Gillespie

S. R. Meiles
Sworn to & subscribed
before this 17th day of April
1890

W. J. Kempert
Clerk of St. Priscilla Co. Tex

S. R. Miller
Affidavit.

Affidavit of John Briggs

State of Texas }
 County of Presidio } Before me the undersigned authority
 on this day personally appeared John Briggs known
 to me, who after being by me duly sworn depose
 and says that he scouted through the Guadalupe
 Mountains and as far south as the Goney Mountains
 that he was then living in New Mexico and was well
 acquainted with all waters and prominent
 points, that about 1869 and 1870 he scouted through
 this same country that he has frequently been at
 what was then known as San Martin Spring
 that it is a big Spring located in hills about
 30 to 35 miles west of North of Goney Mountain
 that it had big cottonwoods growing around it,
 that it is very deep, and furnishes a large amount
 of water, that the Spring now called San Martin
 Spring was named by Maj. Herd in 1873, who
 was surveying through that country, and when
 he came to this Spring he thought he was at San
 Martin Spring, and so put it on his maps, that
 said Spring was known as Peach Spring or Peach
 tree Spring, before said Herd came there, and it
 was never known by any other name except by
 an Indian name which I now forget, that said
 Herd had a map showing a Spring called San
 Martin Spring and did not have a guide at
 that time and when he found this Spring
 at foot of Goney peak, he thought he had found
 the right Spring, it was known generally

throughout the Country that the Spring at foot
of Soney Mountain was called Peach Spring
or Peach tree Spring. that about 1849 a large
body of soldiers camped at San Martin Spring
that the first time he came to San Martin
Spring there was trails coming into it from
every direction, that the spring then known as
Peach Spring is a small spring and is barely
enough water for saddle horses of a company of
soldiers, that it would take from four to six
hours to water said horses, that the first time I
saw said spring a peach tree was growing
about 50 feet below it, that the stump of said tree
remained there till the Spring of 1850.

That the spring under the Guadalupe Peak
was also called San Martin Spring and that
Maj. Bend changed its name to Guadalupe Spring
that said Bend named a number of springs.

That he never heard any other name for Soney
Mountain, ^{before or since} the hills surrounding San Martin
Spring had no special name that he knew of.

John Briggs

Sworn to and subscribed before me this
27 day of Mar 1890

W. W. Kempert
608 6th St

✓
Jeff Davis
Presidio Co.

El Paso Co. Bdry.

Affidavit of
John Briggs

Several affidavits
concerning location
of San Martin Springs

March, April + June
1890

Affidavit of J. R. Marmion

The State of Texas } Before me The undersigned Authority
 County of Presidio } personally appeared J. R. Marmion to
 me well known, and who after having
 been by me duly sworn according to law deposed and Says
 as follows, - I am 58 years of age, am a citizen of the United
 States, I have resided in Texas for more than thirty five
 years, am a Surveyor by profession, I have had for
 many years in my possession a map made by Robt Creutzba-
 aur in 1849, of a Survey from the City of Austin Texas
 to El Paso, Texas, made by Dr Jno. S. Ford, (now known as Col
 Jno S. Ford) who was connected with Major Robert S. Neighbors
 Command in 1849, and had that Map in my possession up to
 the year 1887, when I loaned it then to Col Ford, with a view
 of assisting his memory, in some historical work he was engaged
 in writing. - Upon that Map was located a Spring or Springs
 called San Martin, lying in the Apache hills and these
 Springs were more than thirty miles N.W. of what is called
 Gomer Mountain also what is now called San Martin Spring
 The creek at San Martin Springs trends N.W. and was represented
 to have a large supply of water, Also upon the first official Map
 got up by Mr Prosser of the land office, called "Prossers Map of
 Texas" the San Martin Springs were represented in the Apache
 hills more than 30 miles in a N.W. direction from ^{what} is called
 Gomer Mountain, and also San Martin, I find that the official
 Map of 1882, has the San Martin Springs located where they
 are upon the ground, A similar error was caused to myself
 in reference to Van Horn's Station & Van Horn Stage Stand, in 1885
 I was directed from Fort Davis to the former when I
 wished to go to the latter, Travelling twenty miles out

out of my way to get to Van Horns Stage Stand, a place
my informant had never heard of before. -

I had a conversation with Col Jno S. Ford and others, in
reference to the location of San Martin Springs, and I am
fully satisfied, that they are correctly located by Col
Fords Map, on Presslers Map of Texas, also upon the official
Map of the State, gotten up in 1882 by A. W. Spaight

J. R. Morrison

Sworn to & subscribed before me this 4th
day of April 1890.

W. A. Lempert
J. R. Morrison

J. R. Marrison

Counter 53139

El Paso Co. Bdry. Line 11

John W. Spencer says, in the fall of 1849
myself and about 18 companions followed the
Indians who had stolen horses from Presidio del
Sorte. we went by what was then known
as "Alamo de San Juan" (now Fort Davis) then
we went down Limpia Canon a short distance
then turned to the North and crossed the Mountains
and came to a Lake. did not hear the name of the Lake
we then went round Gomey Mountain and came
to a spring which had a Peach tree growing by it
this spring runs in a Northwesterly direction
and is only a short distance from what was
then known as Gomey Mountain. this mountain
was named after an old Indian chief known
as Gomey, and this mountain was never
known as anything but Gomey Mountain
this spring was called at that time Peach tree
Spring or the "Spring of the Peach tree". we then
went round the mountain to El Muesto Spring
and then down to Smiths run, then to the
Catacates and from there home.

John W. Spencer

Sworn to & subscribed before me this 27th day
of March 1890.

W. J. Sargent

656 P 67

Affidavit of John Spencer

El Paso Co. Bdry 28
line ~~2~~ 2

11

El Paso Co. Bdry

27

Jeff Davis
vs Co.
Presidio, Co.

Affidavit of
J. M. Spencer

3-27-1890
4-4-1890
4-17-1890
6-2-1890

Affidavit of J. A. Wedel

The State of Texas I Before me the undersigned
County of Presidio I Authority personally appeared
this day ~~Adam Wedel~~ ^{J. A. Wedel}; who -
after having been by me, duly sworn according to
law, deposes and Says, as follows, - I am now 49
years of age, am a citizen of the United States,
and of this State, In the year 1871 I was living
at the Mescalero Springs the source of the "Rio de la
Flor" now called "Tolla" Creek, At this time Lt Scott
of the U.S. Army was camped at Seven Springs when during
a rain storm Thos Nelson came unto the Camp, and in
Conversation with Lieut Scott the question of the County
line of Pecos Co. was brot up. Lieut Scott asked Mr Nelson
how he (Nelson) was running the line, and when Mr
Nelson told the Lieut, - He Lieut Scott told Mr Nelson
it was not right, "your line is wrong" - Mr Nelson replied
saying, "I dont care a damn", "The County Commissioners
ordered me to run the line this way", "That's what they are
paying me for" This is the substance of what he said and
as near his words as I can recollect.

J. A. Wedel.

Sworn to & subscribed before me this
2nd day of June 1890

W. S. Lempert
C C C P O O T

El Paso Co Edry Linell

J. A. Wedel



Counter 53143

Affidavit of Dan. Murphy -

State of Texas }
County of Jeff Davis } Before me the undersigned
authority on this day personally appeared
Daniel Murphy known to me, who after
being by me duly sworn, deposes and says
I am 60 years of age, am a citizen of the
United States, and of the State of Texas, I first
came to Fort Davis in the year 1857 and have
been here nearly my time since.

I am acquainted with the prominent
watering places and Mountains between
Pecos River and El Paso.

In the year 1858 I was Cooper an agent
for the Butterfield Mail route informed me
that there was a spring near said route
in the Guadalupe Mountains, called San Martin.

About the year 1871 the Indians stole
some cattle from me from my ranch at
Victoria Creek and in company with
Sext Gaddis of the U.S.A. we followed the
Indians into the Sierra Mountains and
after losing the trail we came to a spring
just North of Goney Peak said Spring
is now called San Martin, we camped at
said Spring and while there I noticed
what a natural pass for a Railroad there
was. On my return to Fort Davis I
spoke to Col. Bliss of the U.S.A. of said
spring and pass and he told me that in
the year 1854 he was out as a scout and
camped at the same place and that there
was at that time a lone Peach tree growing
there and that they on that trip named it

Peach Spring Also an old Guide, ^{named Jesus Agalar} who told
Counter 53144

me of a great many springs among which are "Meccalero", "The Livery" and others which I afterwards located, this guide was well posted as to all springs in this Country at that time he also told me that the Spring just North of Gorney Mountain was Peach Spring (ajide Jurasuo.)

About the year 1873 I made an agreement with L. E. Edwards to locate a Land Certificate on Peach Spring, telling him of its advantage of being in a natural pass for a Railroad. I was to have one-third & Gov. Throckmorton (who was interested in the Certificate) to have one-third and L. E. Edwards one-third Edwards filed the Certificate there in El Paso Land District copy of file should be preserved in El Paso County, this Spring was then known as Peach Spring.

Major Heard who was Chief engineer for the Texas & Pacific Railroad in looking for a pass for the Railroad. asked me while stopping at my house in Fort Davis when he could get a pass when I told him of this pass by Peach Spring and Heard and Lieut Leich of the U. S. A. went from Fort Davis and found the pass and on their return I asked Heard "if he had found the pass" and he answered "yes we found ^{it} at San Moster's Spring." I told him that "it was not San Moster but Peach Spring in the pass" that Cal Bliss told me that when he was there in 1854 ~~and~~ ^{they} called it Peach Spring."

Daniel Murphy

Sworn to & subscribed before me this 27th day of May 1880

Jas Steuart, Clerk

C. of J. D. Co. Tex

By Wm Patterson, Deputy.

State of Texas

County of Jefferson Before me the undersigned authority on this day personally appeared N. M. Patterson, known to me, who after being by me deposed and says that he asked every citizen he knew had lived in this country prior to 1870, about San Martin Spring, and that he did not find a single man who knew anything about San Martin Spring at all that did not claim that the spring about 25 to 30 miles N. W. of Gorney Mountain was San Martin Spring, and that the spring on Saldito Creek is described to him as being very large and affording a large amount of water, and that by reading a letter written by Surt Madder U.S.A. dated San Martin Springs published in John Henry Brown's History of Texas, I fully believe that the spring on Saldito Creek is the proper San Martin Spring because it would require a large amount of water to supply the stock the companies must have had when that letter was written, when I know of my personal knowledge that each spring now called San Martin affords a very small supply.

N. M. Patterson

Sworn to & subscribed before me this 23rd day of June 1890.

Geo. Stewart Clerk
J. C. J. D. Co., Tex

69
Jeff Davis Co.

vs

El Paso Co

David Murphy
Affidavit

El Paso Co. Bdry #2
line ~~1000~~

11

Contraveny as
to Boundary line
between
Jeff Davis Co-

El Paso Co. and
Reeves Co-

6-23-1890

W. H. Sherry

Counter 53148

1 State of Texas }
2 County of Brews } Before me the undersigned
3 authority on this day personally appeared
4 Robert Taylor, who after being sworn accord-
5 ing to law deposes and says, I am 35 years
6 old and a citizen of the United States and
7 of the State of Texas, was born at Fort Smith
8 now in El Paso County Texas, moved from
9 Fort Smith to San Antonio in 1866, and
10 afterwards in 1871, I moved to Victoria, when
11 I now live, and have lived since that time

12 I scouted through El Paso, Presidio and
13 Pecos Counties, I am acquainted with
14 all the prominent waters of this County

15 Peach Spring now known as San
16 Martin Spring lies just North of Gomez
17 Peak, and furnishes water to Railroad
18 it is about one half mile from the
19 Texas and Pacific Railroad there is and
20 always has been very little water in
21 this Spring.

22 The Cascate (or San Martin Springs)
23 are more than Thirty miles from
24 from Gomez Peak. I think about Thirty
25 five miles North West or West of North
26 from Gomez Peak. There are two water
27 holes in Creek one very large and there
28 was always an Indian Camp there it
29 seemed to be a stopping place for
30 the Indians on raids from the Guadalupe
31 South and South East to Presidio and Victoria
32 I am now living on the land my
33 father filed on in 1871.

Affidavit of Robt. Taylor

County of Brews

1 Juan Ramirez a man who had been
2 employed in scouting parties under Lieut.
3 Col. Ignacio Rouquillo, told Sam Miller
4 and myself ~~that~~ in the presence of others
5 that the Spring now called San Martin
6 on the Texas & Pacific Railway was not
7 San Martin Springs that San Martin
8 Springs was more than thirty miles in
9 a North Westerly direction from said
10 Spring on the Railroad, It was in 1873
11 that ~~that~~ Juan Ramirez told us this.

12 Robert E. Lyles

13 Sworn to & subscribed before me this 23rd
14 day of May 1890

15 Jas. Stewart Clerk
16 Co. Court J D & P,
17 By N. M. Patterson Deputy.

18
19
20 Jeff Davis Co.

21 Vs.

22 El Paso Co.

23 Appellant

24 Robert E. Lyles

25 Original
26 El Paso Co. Bdry Line
27
28
29
30
31
32
33



General Land Office.

Rustin, Texas, June 2, 1890. 188

The State of Texas.

County of Travis. Before me the undersigned authority this day personally appeared C.W. Pressler, known to me, who after being by me duly sworn deposes and says, that he is ^{at} present employed as Chief Draftsman in the General Land Office of the State of Texas, that with the exception of a few years, he has been employed in said office in the capacities of compiling and chief draftsman since 1850, that in 1858, he compiled a map of the State of Texas, that at that time no surveying of any extent had been done in the ~~maxima~~ section of country embracing old Presidio and El Paso Counties, and that he was therefore entirely dependent on private information, that in the compilation of the State map, he used a sketch furnished him by a United States officer, stationed at Fort Davis, who knew the country from scouting after indians, that said sketch represented a spring called Muscalero Spring about 28 miles North of Fort Davis, that another spring called Apache Spring was represented 12 miles N.W. of Muscalero Spring and about 27 miles in a North-western direction from Apache Spring, a third spring called San Martin Spring, that on the maps now in the General Land Office, Muscalero Spring corresponds with the spring at the head of Toyah Creek-Apache Spring with the spring called ^{now} San Martin Spring and San Martin Spring with a spring on section 10, Township 5, block 60, T & P. R'y Co surveys, that the lines of El Paso, Presidio and Pecos Counties, passed May, 2, 1871, were based upon my map of the State of Texas in use at that time and that I think the position of the San Martin Spring as given by the S.P.R'y Co surveys is erroneous.

C. W. Pressler

Sworn to and subscribed before me this 4th
day of June 1890

R. C. Shelly
Notary Public Travis Co Texas

Affidavit of C. W. Pressler

2000



General Land Office

Austin, Texas, June 2, 1860.

The State of Texas,

County of Travis. Before me the undersigned authority this day personally appeared C. W. Pressler, known to me, who after being by me duly sworn deposes and says that he is present employed as Chief Draftsman in the General Land Office of the State of Texas, that with the exception of a few years, he has been employed in said office in the capacities of compiling and chief draftsman since 1850, that in 1858, he compiled a map of the State of Texas, that at that time no surveying of any extent had been done in the northern section of country embracing old Presidio and El Paso Counties, and that he was therefore entirely dependent on private information, that in the compilation of the State map, he used a sketch furnished him by a United States officer, stationed at Fort Davis, who knew the country from scouting after Indians, that said sketch represented a spring called Muscalero Spring about 28 miles North of Fort Davis, that another spring called Apache Spring was represented 12 miles N. W. of Muscalero Spring and about 27 miles in a North-western direction from Apache Spring, a third spring called San Martin Spring, that on the maps now in the General Land Office, Muscalero Spring corresponds with the spring at the head of Toyah Creek Apache Spring with the spring called San Martin Spring and San Martin Spring a spring on section 10, Township 5, Block 60, T & P. R. V. Co surveys, that the lines of El Paso, Presidio and Pecos Counties, passed May 2, 1857, were based upon my map of the State of Texas in use at that time and that I think the position of the San Martin Spring as given by the S. P. R. V. Co surveys is erroneous.

Case No 53152

El Paso to Polk Line
 6-1-1860
 38

W. B. Pugh
 Survey to well beds under Polk in Travis
 day of June 1860
 Henry D. Baker, Surveyor