

THE TEXAS & PACIFIC RAILWAY CO.

G. S. O.

Keut Station, May 17th 1890

To the Commissioner of the General Land Office, Austin Texas.

We, the undersigned surveyors representing El Paso, Reeves and Jeff Davis Counties, respectively, met at Keut Station on the Texas and Pacific Railway in accordance with the order of Court of our respective Counties to establish the County lines between El Paso and Jeff Davis Counties and Reeves and Jeff Davis Counties and in diagram as follows:

1st As to the true beginning point at San Martin Spring in the Apache Mountains, A. M. Randolph Surveyor for Reeves County and S. Heldt Surveyor for El Paso County both claiming that San Martin Spring or the S. E. corner of El Paso County the West corner of Reeves & North corner of Jeff Davis County is located on Section No 13 Block 39 Twp 5 as now shown by the official map issued by the General Land Office. Also that said point and the boundary

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Station,

189

lines have heretofore been established.

S. M. Patterson, Surveyor for Jeff Davis County, claiming that San Martin Spring is located about 25 miles West & North from the Spring claimed by Randolph and Hildt and is located on section N 12 R 15 E 59 T 2 S on Saldito Creek.

Each of the parties hereto reserves and has the right and privilege to file an itemized full statement of the defenses and his reasons therefor to the Commissioner of the General Land Office, on or before June 30th 1890 together with such affidavits and other evidences as he may deem fit and proper to sustain his claims.

Each of the parties hereto is to furnish the other parties hereto a copy of any and all statements, affidavits and other evidences which he may wish to present to the Commissioner of the General Land Office on or before June 30th 1890 and no such documents shall be presented to said Commissioner

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Station,

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unless a copy thereof has been furnished as herein provided and acknowledgement thereof in writing filed with the Commissioner.

These differences are to be submitted to the Commissioner provided it is agreeable to him on July 1st 1890 and if such time is not agreeable to him, ^{then at such time as he shall name} each of the parties desiring to appear before him are to have timely notice when the said differences will be heard and considered by him.

Ludwig Heldt

Attorney for El Paso Co
 A. W. Wood
 to the Texas Co. Tex
 N. M. Patterson
 Secy for Jeff Davis Co. Tex.

El Paso Co. Bdry line

~~30~~ 30

~~13~~ 13

Disagreement as to com
mencing point by the
Surveyors of El Paso,
Reeves and Jeff Davis
Counties.

517-1890

El Paso Co Bdry.

(29)

THE TEXAS & PACIFIC RAILWAY CO.

Stent Station, May 17 " 1890

To, the Commissioner of the General Land Office, Austin Texas.

We, the undersigned surveyors representing El Paso, Reeves and Jeff Davis Counties respectively, met at Stent Station on the Texas and Pacific Railway, in accordance with the order of ~~our~~ court of our respective Counties to establish the County lines between El Paso and Jeff Davis Counties and Reeves and Jeff Davis Counties, and we disagree as follows:

1st As to the true beginning point or San Martin Spring in the Apache Mountains, A. M. Randolph, Surveyor for Reeves County and L. Heldt surveyor for El Paso County, ^{both} claiming that San Martin Spring is the S. E. corner of El Paso County, The west corner of Reeves County and North corner of Jeff Davis County is located on section N 13 Block N 59 Twp 8 as now shown by the official map issued

THE TEXAS & PACIFIC RAILWAY CO.

also that said point and the boundary ^{lines} ~~has~~ ^{Station} heretofore been established¹⁸⁹
 by the General Land Office, N. M. Patterson
 Surveyor for Jeff Davis County, claiming that
 San Martin Spring is located about 28 miles
 West of North from the spring claimed by Randolph
 and Heldt and is located on section N 12 (10)
 B. 59 Twp. 5 on Saldito Creek.

Disagreement - Each of the parties hereto reserve and have
 the right and privilege to file an itemized full
 statement of the differences and his reasons
 therefor to the Commissioner of the General
 Land Office on or before June 30th 1890
 together with such affidavits and other evi-
 dence as he may deem fit and proper
 to sustain ^{his} claim.

Each of the parties hereto is to furnish
 the other parties hereto a copy of any and all
 statements affidavits and other evidence which
 he may wish to present to the Commis-
 sioner of the General Land Office on or before
 June 20th 1890 and no such documents shall
 be presented to said Commissioner, unless
 a copy thereof has been furnished as

THE TEXAS & PACIFIC RAILWAY CO.

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Station, _____

189_____

he has provided and acknowledged thereof
in writing filed with the Commissioner.

These Differencers are to be submitted
to the Commissioner, provided it is
agreeable to him, on July 1st 1890, and if
such time is not agreeable to him, ^{then at such time as he shall name} Each
of the parties desiring to appear before him
are to have timely notice when the said
differencers will be heard and considered
by him.

Disagreement

Ludwig Heldt

Superior for El Paso Co.

A. M. Randolph

Superior for Texas

N. M. Patterson

Superior for Jeff Davis Co. Tex.

V
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31

1/3

El Paso Co. Bdry line

~~7042~~

5-17-1890

(30)

Counter 53108



EL PASO COUNTY COURT HOUSE.

Office of
J. E. TOWNSEND
 COUNTY JUDGE.
 EL PASO COUNTY

Find for 27#
El Paso, Texas. Sept 5th 1898

Hon R. M. Hall,
 Austin, Texas.

Dear Sir: Enclosed find affidavits and statements of differences in the matter of the establishment of the boundary line between El Paso, Reeves and Jeff Davis Counties. The surveyors have agreed to submit it to you for your decision on July 1st if it was agreeable to you. Judge Frazier and myself have been instructed by our respective County Courts to appear before you on the trial of the submission of the matter as it is of great importance to us, will you, therefore, kindly inform us if you will hear the matter on July 1st and if not at what time it will be convenient for you to do so. An early reply will oblige -

Yours truly
 J. E. Townsend

IN the matter of the establishment of the boundary
line between Jeff Davis, Reeves and El Paso
Counties.

BEFORE Hon. R.M.Hall Commissioner of the General Land Office
of the State of Texas.

This is a proceeding on the part of the County Court of Jeff Davis County to establish the boundary line in accordance with the Statutes, between the above named Counties.

The Surveyors met at the time and Place named by the County Court of Jeff Davis County on May 17th 1890, and being unable to agree as to the starting point of the survey, viz: "San Martin Springs in the Apache Mountains", do hereby certify their differences to the Commissioner of the Land Office for his determination and direction. The Surveyors of Reeves and El Paso Counties, each claim this point to be on Sec. 13 T P 8- Block For more particular statement see original agreement signed by the said respective surveyors.

The "San Martin Springs in the Apache mountains" is a Call first referred to in Art. 872, Code 1879, Act of May 2nd 1871, in describing the boundary of El Paso County.

It is also used in Art. 880, giving boundaries of Presidio County; again in Art 877 giving the boundaries of Pecos County. The Act of May 14th 1883 providing for the organization of Reeves County and defining its boundaries gives San Martin Springs in the Apache Mountains.

The first proposition to which the authorities of El Paso and Reeves Counties would call the attention of the Hon. Commissioner is, that the corner of Reeves and El Paso Counties- named in the Act of Mch 15th 1887, creating Jeff Davis County as the corner of Jeff Davis County, has already been thrice established according to law. First this corner was established in at the in-

stance of the County Court of Pecos County, proceeding according to the law and the line so established between said Counties has ever since been so recognized by the Courts, County Assessors and Collectors of ~~Texas~~, and Commissioner Courts of said Respective Counties.

In this connection reference is made to the affidavit of Judge G.M.Frazer, as to the establishment of said boundary line.

SECOND: The San Martin Springs was a second time located and established as the corner of Presidio, Pecos and El Paso Counties, at the instance of El Paso County, and a field record thereof is now on file in the Land Commissioners Office. It is hereby referred to as a part of the objections made by El Paso and Reeves Counties. While it may be true that this record does not show a strict compliance with all the provisions of the Statutes relating to the establishment of disputed boundary lines yet the surveys were made as appears from the records and for all practical purposes definitely located and settled beyond any question. A third time at the instance of Reeves County, in 1887 The San Martin Springs in the Apache mountains having been three times designated and established on the ground at the place where the Surveyors of Reeves and El Paso Counties now claim, in each case at the instance of a different County, it appears to us that there is no such dispute as is contemplated by the Statute to authorize any proceedings on the part of the County Court of Jeff Davis County for the establishment of a boundary line.

The Surveyors of Jeff Davis County seeks to have San Martin Springs in the Apache Mountains located on Soñile or Salt Creek, about twenty-five miles North of the Place where it has heretofore been established and so recognized as the corners of these Counties for the past fifteen years.

What is known as the Apache mountains is a well defined range of mountains and the Spring claimed by the Surveyor from Jeff Davis

-3-

County is not within twenty-five miles of the Apache mountains. Gomez Peak is known and recognized as the North end of the Apache mountains, and the San Martin Springs are located between Gomez Peak and the line of the Texas and Pacific Railroad. This Spring is quite large and the waters thereof have been for a number of years used by the Texas and Pacific Railroad in supplying its locomotives. The monument heretofore erected in the surveys made in 1878 and 1885 and 1887 is easily seen and in a fair state of preservation.

It is with much confidence, we refer to the affidavits presented herewith showing the absolute correctness of the position taken by the Surveyor of Reeves and El Paso Counties. These affidavits and special attention is called to those of Judge G. M. Frazer, Hon. G. W. Baylor and Captain G. Ygnacio Garcia, all gentlemen who have resided in this country for many years, and know whereof they speak. For the above reasons the surveyors of Reeves and El Paso Counties claim that the starting point of the survey is as claimed by them, and ask, that the Land Commissioner direct.

The San Martin Spring in the Apache mountains, claimed by Reeves and El Paso Counties has been for many years well known as a watering place for travelers and no doubt it was owing to this fact that it was made the corner of these three Counties by the Legislature.

We wish to present this further objection to the proceeding. Can the County Court of Jeff Davis County question the location of the corner of Reeves and El Paso Counties? The Act of Mch 15th 1887 creating Jeff Davis County, calls for the corner of Reeves and El Paso Counties. Now the corner of these counties having been twice established by the respective Counties, so recognized by each at the time of the creation of Jeff Davis County, Can it be said that the Legislature did not so intend and mean that the corner of Jeff Davis County, should be this recognized and acknowledged point?

T²
County Surveyor
County 53173
El Paso Co Tex

A. M. Randolph
Co Sur. Reeves Co Tex

El Paso Co. Bdry line 29

Box 2

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Statement by County
Surveyors of Reeves &
El Paso Co. as to dis-
agreement for starting
Point for County
Boundary

5-17-1890

Counter 53174

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Copied

In the matter of the establishment of the
boundary line between Jeff Davis, Reeves and
El Paso Counties .

BEFORE Hon. R.M Hall, Commissioner of the General Land Office of
the State of Texas.

This is a proceeding on the part of the County Court of Jeff Davis County to establish the boundary line in accordance with the Statutes, between the above named Counties.

The Surveyors met at the time and place named by the County Court of Jeff Davis County on May 17th 1890, and being unable to agree as to the starting point of the Survey viz: "San Martin Springs in the Apache mountains", do hereby certify their differences to the Commissioner of the Land Office for his determination and direction. The Surveyors of Reeves and El Paso Counties each claim this point to be on Sec. 13th T P 8- Block f- For more particular statement see original agreement signed by the said respective surveyors.

The "San Martin Springs in the Apache mountains" is a Call first referred to in Art. 872, Code 1879 Act of May 2nd 1871, in describing the boundaries of El Paso County.

It is also used in Art. 880 giving boundaries of Presidio County: Again in Art. 877 giving the boundaries of Pecos County. The Act of May 14th 1883 providing for the organization of Reeves County and defining its boundaries gives San Martin Springs in the Apache Mountains.

The first proposition to which the authorities of El Paso and Reeves Counties would call the attention of the Hon. Commissioner is, that the corner of Reeves and El Paso Counties- named in the Act of March 15th 1887- creating Jeff Davis County as the corner of Jeff Davis County, has already been thrice established according to

V El Paso Co Bdry Line 13

County 53175

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law. First this corner was established in _____ at the instance of the County Court of Pecos County, proceeding according to law and the line so established between said Counties has ever since been so, recognized by the Courts, County Assessors and Collectors of Texas, and Commissioner Courts of said respective Counties.

In this connection reference is made to the affidavit of Judge G. M. Frazer, as to the establishment of said boundary line.

SECOND: The San Martin Springs was a second time located and established as the corner of Presidio, Reeves and El Paso Counties, at the instance of El Paso County, and a field record thereof is now on file in the Land Commissioners Office. It is hereby referred to as a part of the objections made by El Paso and Reeves Counties. While it may be true, that this record does not show a strict compliance with all the provisions of the Statutes relating to the establishment of disputed boundary lines, yet, the surveys were made as appears from the records and for all practical purposes, definitely located and settled beyond any question.

A third time at the instance of Reeves County in 1887. The San Martin Springs in the Apache mountains having been three times designated and established on the ground at the place where the surveyors of Reeves and El Paso Counties now claim, in each case, at the instance of a different County it appears to us that there is no such dispute as is contemplated by the Statute to authorize any proceedings on the part of the County Court of Jeff Davis County for the establishment of a boundary line.

The surveyors of Jeff Davis County seeks to have San Martin Springs in the Apache mountains, located on Soldado or Salt Creek about twenty-five miles North of the place where it has heretofore been established and so recognized as the corner of these Counties for the past fifteen years.

What is known as the Apache mountains is a well defined range of mountains and the Springs claimed by the Surveyor from Jeff Davis

-3-

County is not within twenty-five miles of the Apache mountains. Gomez Peak is known and recognized as the North end of the Apache Mountains, and the San Martin Springs are located between Gomez Peak and the line of the Texas and Pacific Railroad, this Spring is quite large and the waters thereof have been for a number of years used by the Texas and Pacific Railroad in supplying its locomotives. The monument heretofore erected in the surveys made in 1878 and 1885 and 1887 is easily seen and in a fair state of preservation. It is with much confidence that we refer to the affidavits presented herewith showing the absolute correctness of the position taken by the surveyors of Reeves and El Paso Counties. These affidavits and special attention is called to those of Judge G.M. Frazer, Hon. G.W. Baylor and Capt. G. Ygnacio Garcia all gentlemen who have resided in this country for many years and know whereof they speak. For the above reasons the Surveyors of Reeves and El Paso Counties claim that the starting point of the survey is as claimed by them, and ask that the Land Commissioner so direct.

The San Martin Springs in the Apache Mountains claimed by Reeves and El Paso Counties has been for many years well known as a watering place for travelers, and no doubt it was owing to this fact, that it was made the corner of these Counties by the Legislature.

We wish to present this further objection to this proceeding— Can the County Court of Jeff Davis County question the location of the corner of Reeves and El Paso Counties? The Act of March 15th 1887 creating Jeff Davis County, calls for the corner of Reeves and El Paso Counties, now the corner of these counties having been twice established by the respective Counties, so recognized by each at the time of the creation of Jeff Davis County— Can it be said that the Legislature did not so intend and mean that the corner of Jeff Davis County should be this recognized and acknowledged point?

Ludwig Halar Alvin Randolph
 Surveyor of El Paso County Surveyor of Reeves County

El Paso Co. Bdry line ~~14~~
Bapt

13 1/2

Disagreement as to
the true San Martin
Springs by the Surveyors
of El Paso and Reeves
1890

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Counter 53178

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