

State of Texas
County of Jack

To Hon. R. M. Hall

Commissioner of the General
Land Office

The undersigned, F. D. Jones, respectfully represents that, under the provisions of an Act of the Legislature of the State of Texas, approved April 22, 1879, Chapter 129 page 137 acts of 1879. He was duly appointed by the Commissioners Court of Jack County as will appear by "Exhibit A" hereto attached and R. W. Watkins was appointed by the Commissioners Court of Clay County, as ~~surveyor~~ will appear by Exhibit B. hereto attached, as surveyors for their respective Counties, to survey and establish the South Boundary Line of Clay County, which is the North Boundary line of Jack County, Texas, on the 25th of August 1890.

That in pursuance of said above mentioned orders said Watkins and the undersigned met on the 25 Aug 1890 and after a conference found that they could not agree upon the line to be run, or as to the legal and proper mode of ascertaining the true boundary line between said Counties. The undersigned proposed to survey the line heretofore ^{previously} legally established by Samuel Green, a surveyor appointed by the Commissioners Court of Clay County, and Wesley Balloway, a surveyor appointed by the Commissioners Court of Jack County for that purpose, as will appear by Exhibits C, D, & E hereto attached; and to

remark the same by suitable monuments where necessary.
But said R. W. Watkins refused to run said line and
insisted that the line should be run without reference
to said Calloway & Green's survey as follows; 'Beginning
at a point 4 miles due west of the N. W. corner of Wise
County as now established thence due west, with
the true variation, to the E. B. line of Archer or N. W.
corner of Jack County. While claiming that he could
and would recognize no other line than that established
by said Green and Calloway, the undersigned further
insisted that, inasmuch as Clay County called for
and recognized the north line of Jack County, that
it was clearly the intention of the Legislature that
the N. B. line of Jack County should be surveyed and
that the S. B. of ~~Young~~ Clay County should be determined
thereby and that Jack County's N. B. line should be
determined as follows; 'Beginning at the S. W. corner
of Wise County as originally established, thence
West to the E. B. line of Young County, thence
North 30 miles with said E. B. line of Young County
thence East to N. W. corner of Wise County, or to
its W. B. line or an extension of same, and
that the variation to be used should
be determined from and should be
the same as that upon which said
West Boundary line of Wise County
was originally run and should not
be the true variation unless said line was
originally run upon that variation.' It appears that
there are two North West
corners claimed by for Wise
County, one made by the
original or first survey
of the lines of said County,

of L. C. Camp in 1856, and one of later date claimed by Montague and denied by Wise County; and, probably, settled in favor of Montague County (as I am informed) because Wise did not have a surveyor present at the time said south line of Montague County was run. Mr. Watkins and myself agreed to submit for your ^{Honors} decision under said Act of 1879, each separately, the points of disagreement as follows;

1st. Is ^{it} not the line between Clay and Jack Counties already fixed and established by the said above described survey, made by Samuel Green and Wesley Calloway as aforesaid and should not said ~~line~~ ^{Boundary line between Clay & Jack Counties} be run by the field notes of said survey?

2nd. If said survey by Calloway and Green has not established said line, should not said line be established by beginning at the S.W. corner of Wise County, Thence West to E. B. line of Young County Thence North with said line 30 miles Thence East to the ^{W. B.} line of Wise County or an extension of the same, using such a variation of the needle as will set Jack County square ^{at right angles} off from said W. B. line of Wise County.

3rd. Whether the variation to be used

in running said North line should be the true variation or whether said variation should be determined from lines run on the ground (of Wise or Jack Counties) and, if so, what lines?; provided said Calloway and Green line surveyed as aforesaid is not the true boundary?

4th In How shall the N.W. or S.W. Corner of Wise County, as a beginning point for ^{the survey of} said North line of Jack County be located? Shall the corners of Wise Co as originally surveyed, or as recently run, be regarded as the true beginning point from which to survey said boundary of Clay & Jack Counties?

5th. Are these County lines to be surveyed as lines of Platting or office survey, whose calls are to be found in the Statutes; or as lines of surveys made on the ground whose field notes have been returned to the General Land Office.

I submit that, under the statute, that after Clay and Jack Counties had duly and legally appointed surveyors for that purpose, and the surveyors so appointed had met and agreed on and established the line between said counties, that said line became then and there the true line between said counties.

and could not thereafter be changed except by the Legislature.

And the assent or dissent of the Commissioners Court of Clay County, thereafter, could have no bearing or effect, whatever, on said line to change or invalidate it. The Statute does not require any action on the part of said Court, after survey to validate or legalize said line so established. Where one surveyor, on the failure of the other to attend, makes the survey, the Statute provides for the approval of the Commissioners Court.

These Counties must either be regarded as office or Platted surveys, or as surveys made on the ground.

If platted surveys, they should be governed, as to variation of needle &c, by the ^{lines of} older Counties, which they adjoin, unless the Statute specially ~~so~~ directs, as it does in some County boundaries, that the line shall be run due North, West, &c. The general direction of the Statute is that surveys be made square, and this cannot be done, unless a regard is had to the true course of lines which such survey adjoins. In defining the North boundary line of Archer County, the statute directs ~~that it~~ ~~run~~ due south &c; but it directs

that the North line of Jack County run east to North West corner of Wise County: leaving out the word due; an omission very significant of the true intention of the Legislature as to the course of said line.

If these Counties are to be treated as surveys made on the ground, then the original lines, or first lines run, are the true lines and surveyors now can do no more than to find and ~~re~~ mark those old lines.

And, in this connection, I submit that the corners of Wise County, having been marked on the ground, and the lines of Jack County having been surveyed from those corners, a change, subsequently, in the corners of Wise County, does not and ought not to work a change in the lines of Jack County. I respectfully request that your ^{Honor} procure from the proper authorities of Wise County an official statement of all surveys that have been made of the N.W. & S.W. corners and W.B. line of Wise County, and the circumstances attending such survey, which are not now on file in your office, and that your ^{Honor} ascertain ^{thoroughly} whether or not the Commissioners Court of Clay County did duly approve of said survey made by Calloway and Green: or that your

Honor grant me an opportunity
to present to you an official statement
from the proper authorities, of the
facts concerning these matters
before you render your decisions.

I request this because I have
barely time under ~~my~~ the agreement
insisted upon by Mr. Watkins to
get this statement before you.

Respectfully Submitted
this 27th August 1890

T. D. Jones
Surveyor for Jack County.

1890

2/

(X)

8-27-1890
Jack Co. Bdry. lines

Page

Exhibit A.

In Re }
N. B. line }
Jack Co. }

Thursday August 14th 1890

Be it remembered that on this day came on to be considered the question of the North boundary line of Jack County. And it appearing to the satisfaction of the Commissioners Court of Jack County, the the Commissioners Court of Clay County did on the 20th day of June 1890 pass an order of said Court which is recorded in the minutes of said Court in Vol No 3 page 293 which orders one R. W. Watkins a practical surveyor be appointed in behalf of Clay Co., to ascertain by actual survey the South boundary line of Clay County which is the North boundary line of Jack County. And whereas a Copy of said order was served upon said Commissioners Court of Jack County on the 11th day of Aug. 1890 the date of the Convening of this term of the Commissioners Court of Jack County. And whereas said order of said Court requires the said R. W. Watkins to Commence said survey of said line on the 25th day of August 1890. It is therefore ordered adjudged decreed and Considered by this Commissioners Court that this Court does here enter its solemn protest against the said contemplated survey of the South boundary line of Clay County. (which is the North boundary line of Jack County) for the reasons. 1st That here tofore to wit on the day of May 1876. The Commissioners Court of Jack County entered an order which is recorded in the minutes of said Court in book B³ page 130 appointing W. Callaway. a practical & competent surveyor in behalf of Jack Co., to ascertain by actual survey the North boundary line of Jack Co., and a Certified Copy of said order was duly served

on the Commissioners Court of Clay County. And whereas it further appearing to the Court that in pursuance of said last named order the said W. Callaway on behalf of Jack County and one Samuel Green, a practical & competent surveyor Appointed by and on behalf of Clay County did jointly on the 8th 9th & 10th days of June 1876 by an actual survey & the placing of mile stones & posts establish the true North boundary line of Jack County and the south boundary line of Clay County as shown by their said report which is signed by the said Samuel Green surveyor of Clay County and by the said W. Callaway surveyor of Jack County and is recorded in the Minutes of the Commissioners Court in book B3 page 147 & 148 by which said joint survey the North boundary line of Jack County and the South boundary line of Clay County was duly established which said report was duly received and confirmed by the Commissioners Court of Jack County. 2nd That in the said order of said Courts Court of Clay County they require the said R. W. Watkins to begin said sur at the south East Corner of Clay Co., the same being the south west Cor of Montague County and run from thence West to the south West Corner of said Clay County while said order should command the said R. W. Watkins to establish said South boundary line of Clay County by first establishing the North boundary line of Jack County And that the north boundary line of Jack County should be established by beginning at the south west corner of Wise County

running Thence west to the East boundary line of Young County. Thence North with the East boundary line of Young County thirty miles. Thence East to the North West Cor of Wise County.

It is further ordered by the Court that T. D. Jones, a practical & competent surveyor appointed on behalf of Jack County who is now the duly elected qualified & acting County surveyor of Jack County shall meet the said R. W. Watkins on the said 25th of August 1890 at the place mentioned in said order to assist in running surveying and establishing of said South boundary line of Clay County Texas which is the North boundary line of Jack County.

It is further ordered by the Court that a Certified Copy of this order be mailed at once by register made to the County Judge of Clay County Texas as presiding officer of the Commissioners Court of said Clay Co., Texas, and that a Certified Copy of this order be served on the said T. D. Jones County surveyor

The State of Texas

County of Jack I D. B. Gilliland County Clerk of Jack County do hereby certify that the above and foregoing is a true and correct copy of an order of the Commissioners Court as the same appears of record in the minutes of said Court in Book No 5 at page 520 ect.

Given under my hand and seal of office
this 14 day of Aug 1890 D. B. Gilliland
Co clerk J. C. F
By J. S. Curing Deputy

Exhibit B.

June 26th 1890

In Re ³ It is considered by the Commissioners
South Boundary line Court of Clay County that the South
of Clay County }
Boundary Line of Clay County is not sufficiently
definite and well defined.

It is therefore ordered by the Court that R. W. Watkins
and experienced and competent practical surveyor
be appointed on behalf of Clay County to ascertain
by actual survey the South Boundary line of said
County and to mark said boundary line by setting
up ~~boards~~ posts 8 inches square and five feet
long and set three feet in the ground at the end of
each mile in said boundary line; and that said
Watkins establish the South East Corner and the
South West Corner of said County and mark said
corners with boards as above described.
It is further ordered that the said R. W. Watkins
shall begin survey on the 25th day of August A. D. 1890.
and that he begin said survey at the South East corner
of Clay County, the same being the South West corner
of Montague County and run from thence West to South
West corner of said Clay County, and it further
appearing to the said Court that said South South
Boundary line of Clay County is the North
boundary line of Jack County and that Jack
County is interested in the establishment of
said boundary line.

It is ordered that a copy of this order be sent to
the County Commissioners Court of Jack
County, and served on them in the time and
manner prescribed by law,

Jack Co. Bdry. line #1

The State of Texas
County of Clay I, G. W. Ford Clerk of the
County Court of Clay County Texas, do hereby certify
that the foregoing is a true and correct copy of an
order made by the Commissioners Court of said
County at its June Call Term as the same appears
in the Minutes of said Court in Volume No 3
page 293

To certify which witness my hand
{ L S } and seal of said Court at office in
Newietta this June 30 AD 1890
G. W. Ford

County Clerk Clay Co.
Filed Aug 11. 1890 D. B. Gilliland Clerk
By C. C. Bullock D. C.

The State of Texas
County of Jack I, D. B. Gilliland Co. Clerk
Jack County, Texas, do here by certify that the
above and foregoing is a true and correct copy
of an order of the Commissioners Court of Clay
County together with the certificate of said Clerk
of Clay County as the same appears of record
in the minutes of the Commissioners Court
of Jack County in Volume No 5 pages 522 & 3

In Witness whereof I herewith set my
hand and seal of office this the 26th
day of Aug AD 1890

D. B. Gilliland Co. Clerk
Jack Co Texas
By J. S. Ewing Deputy

Exhibit C.

Be it remembered that on the 29th day of April A.D. 1876 there was begun and held a full Term of the Hon. Commissioners Court of Clay County Texas at Henrietta. Present and presiding the Hon. W. B. Plemons County Judge, A Metzger Commissioner precinct N^o 3 and A Dawson Commissioner precinct N^o 4 G. W. Alexander Clerk and J. W. Gee Sheriff when the following proceedings were had to wit

Order No 6. Ordered by the Court that Sam Green County surveyor of Clay County Tex. be and he is hereby appointed to run the dividing line between Clay and Jack Counties commencing said line at the South East Corner of Clay County and the North East corner of Jack County on the 1st Monday of June A.D. 1876 and that the County Commissioners Court of Jack County be notified to appoint some competent person to assist in the running of said line & that the Clerk of this Court be requested to send a certified Copy of this order to the presiding officer of the Commissioners Court of Jack County Tex. immediately.

The State of Texas

County of Clay, G. W. Alexander Clerk of the County Court, do hereby certify that the above and foregoing is a true and correct Copy and transcript of Order No 6 passed at the April Term of the Commissioners Court of said County and State as full and complete as the same remains of record in my office.

Witness my hand and seal at

L.S.

Office in Henrietta this 1st day of May
A.D. 1876
G. W. Alexander
Clk. Co. Court Clay Co. Tex.
By W. D. Granger Deputy

The State of Texas
County of Jack I, D. B. Gilliland Clerk of the
County Court of Jack County, Texas, do hereby
certify that the above and foregoing is a true
and correct ^{of a copy} copy of an order of the Commissioners
Court of Clay County as the same appears on
file in this office

Given under my hand and seal of
office this 26 day of Aug A.D. 1898
D. B. Gilliland Clerk
Jack Co Texas
By J. S. Ewing Deputy

Copy of Order
Filed May 16th 1876
Ed. Wolfarth
C. C. J. C.

Exhibit D.

Monday May 29th 1876

Be it remembered that on this day there came and was held a regular Term of the Hon Commissioners Court of Jack Co. present and presiding ~~Hon Israel~~ Israel Stoddard County Judge of Jack County Jas A. Dean Commissioner Prec No 4. Chas Henderson Comr Prec No 1 John H Brown " " " J A Shook " " " 2 Ed Walfarth Clerk L S Crutchfield Sheriff the following proceedings were had.

X X X X X X X X X X X X

It is ordered by the Court that Wesley Calloway Surveyor of Jack County is ordered to meet the Surveyor of Clay County on the 1st Monday in June for the purpose of running & Establishing the County line of Clay County.

I hereby certify that the above and foregoing is true and correct Copy of an order of the Commissioners Court as the same appears of record in Book No 3 page 130 minutes of said Court.

Given under my hand and seal of office this 26 day of Aug AD 1890
 D. B. Hilliland Clerk
 By J. S. Cwing Deputy

Jack Co. Bary Line #1

Exhibit E

State of Texas Field notes of the North bound
County of Jack dary line of Jack Co.

Beginning at the N.W. Cor of Wise County
a pile of stones in a Creek Valley One stone marked
N.W. cor W. Coty. Thence West at 73 rods a Creek Course N.
at 105 rods a P.O. 8 in dia bro W. marked X at 4 miles
a stake whence a P.O. 12 in dia bro S marked X do same
size bro N. 72 $\frac{1}{2}$ W 11 rods dist marked $\bar{\square}$ 4 miles 660 rods cross
O. B. line of Freestone Co. School land 1140 rods N from
its S.E. cor. at 4 Mile 860 rods enter Prairie at 5 Miles a
stone set in ground marked on S side 5 M. whence a
triple P.O. each prong 15 in dia bro O 25 rods dist marked
5 M at 6 miles a stone set in ground in prairie marked
on S side VI at 7 Miles a stone set in ground in prairie
marked on S side 7 at 8 3 a stone set in ground in
prairie marked VIII. on S side at 9 a stone set in ground
in prairie marked IX at 9 $\frac{1}{2}$ 1400 rods cross a prairie branch
Course S. at 10 $\frac{1}{2}$ a stone set in ground in prairie marked X
at 11 $\frac{1}{2}$ a stone set in ground on prairie marked XI at 12 $\frac{1}{2}$ a
stone set in ground on prairie marked XII at 12 $\frac{1}{2}$ 1200 rods
cross Telegraph line from Fort Richardson to Ft. Sill at
which set stone in ground marked on S side Jack Co.
& on N side marked Clay at 13 $\frac{1}{2}$ set stone in ground
marked XIII at 14 $\frac{1}{2}$ set stone in ground marked XIV. at 15 $\frac{1}{2}$
set stone in ground marked XV at 16 $\frac{1}{2}$ set stone in
ground marked XVI at 16 $\frac{1}{2}$ 1200 rods Turkey Creek Course S.
at 17 $\frac{1}{2}$ set stone in ground marked XVII at 18 $\frac{1}{2}$ set a stone
in ground marked XVIII at
19 Miles set a stone in ground marked XIX. at
19 " 10 rods cross Buffalo Spring & Ft Belknap road at
20 " set stone in ground marked XX at
20 " 1770 rods cross lodge creek Course S.E. at

Jack Co. Bdry. line 41

Miles

- 21 " set a stone in ground marked XXI at
- 21 " 460 vrs enters large Prairie at
- 22 " set stone in ground on prairie marked XXII
- 23 " set stone in ground on prairie marked XXIII
- 24 " st stone in ground on prairie marked XXIV at
- 24 " 1700 vrs cross Flat creek course S.E. at
- 25 " set stone in ground marked XXV at
- 26 " set stone in ground on prairie marked XXVI at
- 27 " set stone in ground marked XXVII at
- 27 " 12450 cross a creek in timber at
- 28 " set a stone in ground marked XXVIII at
- 28 " 1160 vrs set stone in ground. whence P.O. 8 in dia
brs S. 50 E. 16 vrs. dist marked J do 15 in dia brs N. 28 E. 40
vrs dist marked B do 4 in dia brs S. 75 1/2 W. 4 vrs dist
marked A which stone is Four (4) miles and 1350 vrs N.
of the N.E. corner of Young County & is hereby established
as the N.W. cor of Jack County & the S.W. cor. of Clay
County

Josiah Penn
J.S. Simpson Chain Carrier

Surveyed on the 8th 9th & 10th days of June A.D. 1876.

By Samuel Green
Surveyor of Clay Co

(Variation 10⁰⁰ East)

Filed Nov 2nd 1876

Ed Wolfford Clerk

Wesley Ballaway
Surveyor Jack Co

The State of Texas
County of Jack J D. Phillisand Clerk Colcourt
in and for Jack Co. Texas, do hereby certify that the above
foregoing is a true & correct copy of a report to the
Commissioners Court of said County by Samuel
Green Surveyor Clay Co & Wesley Ballaway Surveyor
Jack Co. as the same appears of record in Book No 3
pages 147 & 148 minutes of said Court
Given under my hand and Seal of
office this 26th day of Aug. 1870
D. Phillisand Clerk
Colcourt Jack Co. Texas

Miles

- 21 " set a stone in ground marked XXI at
- 21 " 460 vrs enters large Prairie at
- 22 " set stone in ground on prairie marked XXII
- 23 " set stone in ground on prairie marked XXIII
- 24 " st stone in ground on prairie marked XXIV at
- 24 " 1700 vrs cross Flat creek course S.E. at
- 25 " set stone in ground marked XXV at
- 26 " set stone in ground on prairie marked XXVI at
- 27 " set stone in ground marked XXVII at
- 27 " 1750 cross a creek in timber at
- 28 " set a stone in ground marked XXVIII at
- 28 " 1160 vrs set stone in ground. whence P.O. 8 in dia
brs S. 50 E. 16 vrs. dist marked J do 15 in dia brs N. 28 E. 40
vrs dist marked B do 4 in dia brs S. 75 1/2 W. 4 vrs dist
marked A which stone is Four (4) miles and 1350 vrs N.
of the N.E. corner of Young County & is hereby established
as the N.W. cor of Jack County & the S.W. cor. of Blay
County

Josiah Penn
J.S. Simpson Blain Carriers

Surveyed on the 8th 9th & 10th days of June A.D. 1876.
By Samuel Green
Surveyor of Blay Co

(Variation 10⁰⁰ East)
Filed Nov 2^d 1876

Wesley Callaway

Witness my hand and seal of office & the
26 day of Aug A.D. 1890 D. B. Gilliland
Co. Clerk Jack Co. Texas
By J. S. Ewing Dpty

Jack Co Bdry Line 1

Copy of Order

Filed Nov 2 - 1876

Ed. Wolffarth clk

Ordered to be recorded
by the County Court

Exhibit F.

September 11th 1884

This day came on to be heard and considered the order of County Commissioners Court of Clay County, Texas, (No. 36) ordering C. B. Patterson County surveyor of Clay County to proceed and ascertain, survey and mark the dividing line between the Counties of Clay and Jack on the 22nd day of September 1884 which said order is as follows:

Order 36

It appearing to the satisfaction of this Court that the dividing line between Clay County and Jack County is not sufficiently specified It is hereby ordered that C. B. Patterson County Surveyor of Clay County be appointed to proceed and ascertain survey and mark such line. Beginning at the S.W. Corner of Montague County and South East Corner of Clay County and it is hereby ordered that the 22nd day of September 1884 be the time set for surveying said line, and it is further ordered that the County Clerk of Clay County cause a certified copy of this order to be presented to the Commissioners of Jack County at least ten days before the time set for surveying said line.

And it appearing to the Court that heretofore to wit: on the 29th day of April 1876 the Hon County Commissioners Court of Clay County, Texas, made an order appointing Sam Green County Surveyor of Clay County to run the dividing line between Clay and Jack Counties commencing at the South East Corner of Clay County and the North East Corner of Jack County. And it further appearing that the Hon County Commissioners Court of

Jack Co. B. B. W. v. C. B. P. 41

Jack County, Texas, in pursuance of their Notification of order did on the 29th day of May 1876 appointed W Callaway Surveyor of Jack County Texas to meet said Sam Green at the time and place named in said order to assist in running and establishing the line between said Counties of Clay and Jack.

And it further appearing that said Sam Green Co Surveyor of Clay County and the said W Callaway Co Surveyor of Jack County did in pursuance of the orders of their respective County Commissioners Courts and according to the Statute in such cases made and provided proceed to survey mark designate and establish said line between Clay and Jack Counties which work was done on the 8th 9th and 10th days of June A.D. 1876 and the report and field notes thereof signed by both said Sam Green and W Callaway and filed in the County Clerks office of Jack County on the 2nd day of November 1876 and properly recorded on the minutes of said Co Comrs, Court (Mkd) Journal pages 147 and 148. It is therefore ordered by the Court that J M Hughes County surveyor of Jack County, Texas do on the 22nd day of September A.D. 1884. Meet C. B. Patterson County surveyor of Clay County at South East Corner of said County and assist him in running the dividing line between the Counties of Clay and Jack and it is further ordered that he run the line established by said Sam Green County Surveyor of Clay County and said W. Callaway County surveyor of Jack County as the same is described in their report of the same to their respective County Courts

The State of Texas

County of Jack } I, D. B. Mizell Clerk of the County Court
of Jack County, Texas, do hereby certify that the foregoing
is a true and correct copy of an order of the County
Commissioners Court of Jack County, Texas

Given under my hand and seal of office
in Jacksboro, Texas this 20th day of Sept A.D. 1884

L. S. Mizell

D. B. Mizell Clerk
Court Jack County, Texas
By C. M. Whipp Deputy

The State of Texas

County of Jack } I, D. B. Billiland Clerk County Court
of Jack County, Texas, do hereby certify that the above
and foregoing is a true and correct copy of a
copy of an order of the Commissioners Court
of Jack County as the same appears on file
in this office

Given under my hand and seal of
office this 2^d day of Aug A.D. 1890

D. B. Billiland Clerk
Jack Co Texas
By J. S. Ewing Deputy

Jack Co. Bdry. Cms #1

2/ Clay v Jack

~~2~~

Jack Co. Bdry. lines



filed aug 28, 1890