

[Report No. 1186.]

IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1905.

Mr. STEPHENS introduced the following bill; which was referred to the Committee on the Judiciary and ordered to be printed.

FEBRUARY 13, 1906.

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A BILL

To authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas.

Whereas the west boundary of the Panhandle of Texas and the east boundary line of New Mexico is fixed by law on the one hundred and third meridian and said line is three hundred and ten miles long; and

Whereas only seventy miles at the south end and one hundred and eighty-four miles at the north end of said line were surveyed and marked with monuments (in the year eighteen hundred and fifty-nine, by John H. Clark, the commissioner on the part of the United States); and

Whereas the remainder of said line, fifty-six miles in length, has never been run or marked on the ground; and

Whereas it is necessary that said lines be re-marked on the ground, and the fifty-six miles not marked be established; and

Whereas said Clark survey was made under a joint commission by the United States and the State of Texas, authorized by Act of Congress approved June fifth, eighteen hundred and fifty-eight, and said survey has been approved by the United States and the legislature of the State of Texas, and conformed to by the surveyors of the State of Texas; and

Whereas a part of the south and east lines of New Mexico bordering on Texas, and all that part of the boundary line of the Texas Panhandle now bordering on Oklahoma, as run by said Clark, can not now be found and identified; and

Whereas Congress, by Act approved January fifteenth, nineteen hundred and one, provided for fixing a monument on Red River at the intersection of the true one hundredth meridian with said river; and

Whereas said monument has been duly fixed under said law by Arthur D. Kidder, United States examiner of surveys, and a report thereon made, in House Document Numbered Thirty-three, Fifty-seventh Congress, second session, and in Bulletin Numbered One hundred and ninety-four, Series F, of the Geological Survey, by Marcus Baker, on the northwest boundary of Texas; and

Whereas the fixing of the said Kidder monument on the one hundredth meridian properly marks that boundary, the same having been fixed under said Act of January fifteenth, nineteen hundred and one, and the fixing of said monument and meridian requires the resurvey of said lines between Texas and Oklahoma; and

Whereas that part of said Clark line not now known and established should be fixed on the ground by monuments erected along said line, and that part not now known should be resurveyed, established, and marked: Therefore

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States be, and he is hereby,
4 authorized and empowered to appoint a commissioner, who,
5 in conjunction with such commissioner as may be appointed
6 by and on behalf of the State of Texas for the same purpose,
7 shall run and mark the boundary between the Territories of
8 Oklahoma and New Mexico and the State of Texas. Begin-
9 ning at the point where the one hundredth degree of longi-
10 tude west from Greenwich crosses Red River, and running
11 thence north to the point where said one hundredth degree of
12 longitude intersects the parallel of thirty-six degrees and
13 thirty minutes, north latitude, as determined by John H.
14 Clark, the commissioner on the part of the United States, in
15 the year eighteen hundred and fifty-nine; thence west along
16 said parallel, as marked by said Clark, to the point where it
17 intersects the one hundred and third degree of longitude west
18 from Greenwich, as determined by said Clark, and thence
19 south with the said one hundred and third degree of longitude
20 to the thirty-second parallel of north latitude; and thence
21 west with the thirty-second degree of north latitude, as de-
22 termined by said Clark, to the Rio Grande River.

23 SEC. 2. That the monument established (under authority
24 of the Act of Congress approved January fifteenth, nineteen
25 hundred and one) by Arthur D. Kidder, United States ex-

1 aminer of surveys, at the point of intersection of the true one
2 hundredth meridian with Red River shall be accepted as cor-
3 rect, and shall be the beginning point of said survey of said
4 line on Red River, and such other corners shall be established
5 and landmarks erected along said boundary lines as may be
6 agreed upon by the United States commissioner, acting by his
7 authority, and the State of Texas commissioner, acting under
8 his authority: *Provided*, That the part of the line run and
9 marked by monuments along the thirty-second parallel of
10 north latitude and that part of the line marked by monu-
11 ments along the one hundred and third degree of longitude
12 west of Greenwich, the same being the east-and-west and
13 north-and-south lines between Texas and New Mexico, and run
14 by authority of Act of Congress approved June fifth, eight-
15 een hundred and fifty-eight, and known as the Clark lines,
16 and that part of the line along the parallel of thirty-six de-
17 grees and thirty minutes of north latitude, forming the
18 north boundary line of the Panhandle of Texas, and which
19 said parts of said lines have been confirmed by Acts of Con-
20 gress of March third, eighteen hundred and ninety-one, shall
21 remain the true boundary lines of Texas and said Territories
22 of Oklahoma and New Mexico: *Provided further*, That it
23 shall be the duty of the commissioners appointed under this
24 Act to re-mark said old lines where they can be found and
25 identified by the original monuments, now found on the

1 ground, or where monuments are now missing but their
2 original position can be shown by competent parol evidence,
3 or by the topographical maps, or field notes made by said
4 Clark; the monuments so found, or their position so identi-
5 fied, shall determine the true position and course of the
6 boundary lines as marked by said Clark to the full extent of
7 the survey made by him; and where no survey was actually
8 originally made on said lines, it shall be the duty of the said
9 commissioners to run a straight line between the nearest
10 points determined by the Clark survey, and when said straight
11 lines have been so run, marked, and agreed upon by the com-
12 missioners, they shall thereafter form the true boundary lines.

13 SEC. 3. That the sum of fifty thousand dollars, or so
14 much thereof as may be necessary, be, and the same is here-
15 by, appropriated, out of any money in the Treasury not other-
16 wise appropriated, to carry out the provisions of this Act:
17 *Provided*, That the person or persons appointed and em-
18 ployed on the part and behalf of Texas are to be paid by the
19 said State: *Provided further*, That no persons except a super-
20 intendent or commissioner shall be appointed or employed in
21 this service by the United States but such as are required to
22 make the necessary observations and surveys to ascertain such
23 line and erect suitable monuments thereon and make return
24 of the same.

File No. 15
Old Miscellaneous County

Filed Dec 13 19 84

GARRY MAURO, Com'r

By Lu

59TH CONGRESS, }
1ST SESSION. } **H. R. 443.**

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