

Book "Q"

2339

JAN 22 1912

FIELD NOTES

OF THE SURVEY OF THE

Small Holding Claim ^{Nº37} of James A. Sutherland

Frac'l Tp. 24 S. Rg. 20 E.

Of the Gila and Salt River Meridian,

In the State of Arizona.

EXECUTED BY

John F. Hesse

In the capacity of U. S. ^{Transitman} Surveyor, under instructions dated August 25, 1910, issued by the United States Surveyor General to govern surveys included in Group No. 5, which were approved by the Commissioner of the General Land Office, 1911, pursuant to authority contained in the Act of Congress dated 1911.

Survey commenced October 23, 1911.

Survey completed October 26, 1911.

INDEX DIAGRAM.

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Territory of Arizona
Cochise County

U.S. DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

BOOK 2339

I, Fred Horn, of lawful age, being duly sworn, upon my oath, depose and say as follows:

My P.O. address is ^{My} 25 miles W. of my ranch situated on ~~Freeman~~ ^{Freeman} Creek on the West side of the Huachuca Mountains. I am personally acquainted with James A. Lutherland and with the claim he is claiming on Camp Creek on the West side of the Huachuca Mts. about 4 miles East of my ranch and the improvements thereon and have been since the year 1895. During the year 1895 I lived with Lutherland on his place and the next year I lived on ~~his~~ ^{his} place about 3 miles West of Lutherland's place and since 1897 I have lived on my ranch on ~~Freeman~~ ^{Freeman} Creek referred to above. During the period 1895 up to the present time to my own personal knowledge said Lutherland has lived on the land he is now claiming and has used it for agricultural and grazing purposes. He has a three or four room adobe house, a good well of water, lumber barn & sheds, corral, chicken house, about 2 to 2 1/2 acres in orchard or less in alfalfa and 160 acres ^{more or less} fenced with three barbed wires. From my own personal knowledge and observation I believe that said Lutherland wants the land for a home and for agricultural and grazing purposes and for his own use and benefit. I have no interest in said claim and am not in anyway related to said Lutherland.

Subscribed and sworn to before me this 20th day of March, 1901.
Fred Horn
Notary Public
Special Agent, G.L.O.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

BOOK 2339

Territory of Arizona, }
Cochise County, } ss.

I, J. J. Hand, of lawful age, being duly sworn, upon my oath, depose and say as follows: My P.O. address is Bequigne, Ariz. some thirty miles W. of my ranch on Bear Creek on the West side of the Huachuca Mountains.

I am acquainted with James A. Sutherland and have known him ever since he came to southwestern Arizona when he came out to live on his brother's ranch. I am not good at remembering dates but it must be about twenty-five years ago. I am acquainted with the land he is now claiming and which was known as the "Halep place". I knew the place for about five years while Halep had it and I know he sold out to Sutherland and Charley Blomberg - Charley joined the Salvation Army and left the ranch and Sutherland had to pay it out and he has made his home from that time to the present time - in all some 17 or 18 years and before that time he was on his brother's ranch about 9 miles N. of his present claim. At the time Halep had the claim I had a ranch some fifteen miles West from the Halep place and a short time before or about the time Halep sold out to Sutherland, I moved to my present ranch on Bear Creek a little South of West and about three miles from Sutherland's place and have lived there up to date. Sutherland has a good adobe house, two or three acres orchard, good lumber barn & sheds, chicken house, good well of water, small garden, two acres in alfalfa

and 160 acres more or less under forked wire fence. From my own personal knowledge I am satisfied that Sutherland bought out Nealep because of the orchard and the grazing land and that he has used it for that purpose up to present time and that he does not desire to acquire title to the land on account of any mineral thereon - I do not know of any mineral having been discovered thereon and would say from my knowledge of the land that is mostly valuable for the orchard thereon and the grazing and water it affords. There is some oak timber thereon, but not of sufficient size and quantity to be valuable for anything more than fire wood & posts for fences.

I have no personal interest in Sutherland's claim and am in no way related to Fred Sutherland.

P. J. Mearns

Subscribed and sworn to before me
this 30th day of March, 1910.

Geo. Hayworth
Special Agent, I. L. O.

Territory of Arizona
Cochise County } ss.

Ex. 1.

148
5
BOOK 2339

I, James A. Sutherland of lawful age,
being duly sworn, upon my oath, depose and say
as follows:

My nearest post office address is Hamburg, Arizona,
about 5 miles North of my ranch and is in Ramsey
Cañon on the East side of the Huachuca Mountains and
only reached from my ranch by a very difficult trail
over the mountains. A part of the time I get my mail
at Lowell, about forty miles from my ranch especially
in the summer months when I make two trips weekly to
Lowell and Bisbee to sell fruit.

I am the identical James A. Sutherland who
made application for survey of a tract of 160 acres of land
supposed to be in sections 4 and 5 of T. 24 S. R. 20 E. on
February 17, 1910. I have been in the quiet peaceable possession
of the land for which survey is asked since Feb. 12, 1894,
when myself and Charley Blomberg acquired the improvements
on said land claim to 160 acres, from one B. J. Steeple, for
and in consideration of one hundred and fifty dollars, which
I have paid in full for and I have lived on the land in
question and made at my home ever since the date last referred
to above, up to the present time. I have been residing on and
within four miles of my present home since the year 1885,
having lived on my brother's ranch about 4 miles West
of my claim and have ^{before} ^{lived on} ^{claim} ~~been~~ ^{resided} ^{with} the land I am
claiming since that year. Steeple at that time had a
claim by the land and was running a saw mill further
up the Cañon. He did not plant his orchards or
make the improvements which I acquired until two
or three years later. At the time myself and Blomberg
bought the claim and improvements such improvements
were as recited in his deed made to us, as follows:
" One 1 1/2 room frame house, situated about seventy-five
yards more or less from Cave Creek on S. side of said
Cave Creek; one 1 1/2 room blacksmith shop; one 1 1/2 room
chicken house; one 1 1/2 room post corral; one 1 1/2 room
corral; one 1 1/2 water trough; one 1 1/2 water box, flume.

Also one orchard of bearing fruit trees consisting of
Peach, Plum, Pear, Apricot and Cherry trees - also all
the fences & wire etc. erected and now on said Steeple
place. As soon as Blomberg and I had bought
the Steeple place I came here to live. I made the
first payment of \$1.00 on the place Feb. 12, 1894, of
which Blomberg paid \$1.00. He stayed on the place about
a year and then joined the Salvation Army and left
the ranch and has never returned to the ranch to live -
and for the \$1.00 which he paid on the claim, he re-
ceived about \$200. from sale of fruit that year. I do.

in question had as to my residence and improvements thereon. John Hand, who has a ranch about two miles W. of mine can testify as to my improvements and residence for the past eighteen years. Also, as to the prior claim of Healep, as the said Hand has lived on his present ranch about seventeen or eighteen years and to my knowledge has lived within 7 or 8 miles of my ranch since 1886, as he had another ranch in that part of the country before he took up his present one.

For the past eighteen years I have made my living on the ranch by raising cattle and selling fruit in the summer months - the land is well adapted to fruit growing - I have some two trees bearing - also I furnished good grazing for stock. I have about two acres in alfalfa irrigated by water from Cave Creek - and about 1/2 acre in garden. I bought the claim of Healep because of this orchard principally as I could make a living off of it alone - has the fruit of a fine quality and brings a good price on the Pueblo and Durango Markets. Since settling on the land, I have built a good farm-room adobe house, plastered inside dug a well installed a horse power pump, built long barns, built fences my claim built bumper barn and sheds and have put up fifty to seventy fruit trees. I now have about 75 head of cattle, 12 horses, two burros, 1 cow and pig and about 70 chickens. I took the place for agricultural purposes and the grazing afforded for cattle and for a home. I have also been able to cut considerable hay off of the land. My claim is situated within the Comanche National Forest and there is some scrub oak and brush on my land - but not of size enough to be useful for anything more than firewood and fence post. There is no minerals on the land that I know of, although Frank Johnson and Joe McCake have a mining claim which takes probably 200 ft. off of the E. end of my claim - they located this claim about seven or eight years ago - but have never discovered any ore and all the assessment work they have done has been on soft ground and consists of seven or eight holes dug for each year's assessment work - their claim if a valid one would take in my home and well and I believe they have simply located it as to take my water - I did not take the land for mineral purposes and do not believe it is of that character - but only valuable for agricultural and grazing purposes and as such I have asked for its return.

I am fifty-eight years of age, a naturalized American citizen, have no family - am a widower my wife having died more than 20 years ago. No one but myself has any present or promised interest in my claim. & Interim made before signature.

Small Holding Claim 37. Tp. 24 S. Rg. 20 E.

Chains.

Survey commenced October 22, 1911, and executed with an A. Lietz Co. light mountain transit No 5631 with solar attachment. The horizontal limb is provided with two double verniers placed opposite to each other reading to single minutes of arc, which is also the least count of the verniers of the latitude and declination arcs. The instrument was examined and approved by the Super-
vising Surveyor

I examine the adjustments of the transit and find them correct; then, to test the solar apparatus, by comparing its indications, resulting from solar observations made during a.m., and p.m. hours with a meridian determined by observations on Polaris, I proceed as follows:

At J. A. Sutherland's ranch; latitude $31^{\circ} 22'$ N. longitude ; I set off $31^{\circ} 22'$ N. on the lat. arc; $10^{\circ} 53\frac{1}{2}'$ S. on the decl. arc; and at 4h. 00m. p.m. l.m.t., determine with the solar a meridian and mark a point thereof, on a stone firmly set in the ground 5 chs. N. of my station.

October 22, 1911.

October 23: At 5h. 23m. a.m., by my watch which has correct l.m.t., I observe Polaris at western elongation in accordance with Manual of instructions, and mark a point in the line thus determined, on a peg driven in the ground 5 chs. N. of my station.

At 7h. 30m. a.m., I lay off the azimuth of Polaris, $1^{\circ} 22'$ to the east, and mark the meridian thus determined by cutting a small groove in the stone set October 22, on which the meridian coincides with the meridian determined by the solar.

At 8h. 00m. a.m., l.m.t., I set off $31^{\circ} 22'$ N. on the latitude arc; $11^{\circ} 08'$ S. on the decl. arc; and mark a point in the meridian determined with the solar, by a cross on the stone already set 5 chs. N. of my station; this mark coincides with the meridian established by the Polaris observation.

The solar apparatus by p.m., and a.m., observations, defines positions for meridians which coincide with the meridian determined by the Polaris observations; therefore I conclude that the adjustments of the instrument are satisfactory.

The magnetic bearing of the true meridian, at 8h. 15m. a.m., is N. $13^{\circ} 30'$ W. the angle thus determined gives the mag. decl. $13^{\circ} 30'$ E.

I commence at cor. No. 1 which is an iron post 3 ft. long, 1 in. diam., set 26 ins. in the ground, marked on brass cap

SHC-37-1 from which

An oak 8 ins. diam. bears N. $42^{\circ} 15'$ W. 42 lks. dist., marked SHC-37-1 BT

An oak 30 ins. diam., bears S. $1^{\circ} 45'$ E. 70 lks. dist., marked SHC-37-1 BT

~~The $\frac{1}{4}$ sec. cor., bet. secs. 13 and 18 Tp. 24 S. Rgs. 21 and 22 E. bears S. $79^{\circ} 18'$ E. 858.73 chs. dist.~~

Thence I run

N. $50^{\circ} 00'$ E.

Over level land through dense oak brush.

Cross road bears N. and S. and over rolling land.

Set an iron post 3 ft. long, 1 in. diam., 26 ins. in the ground for cor. No. 2, marked on brass cap

SHC-37-2, from which

An oak 14 ins. diam., bears, S. $1^{\circ} 45'$ E. 30 lks. dist., marked SHC-37-2 BT

An oak 6 ins. diam., bears S. $70^{\circ} 15'$ W. 13 lks. dist., marked SHC-37-2 BT.

14.62
40.00

Chains.

Thence I run
 N. 40° W.
 Over rolling land through dense oak brush.
 15.20 Leave brush and over level land.
 19.00 Through dense brush.
 19.75 Cross Cave Creek, dry, 10 lks. wide course S. W.
 20.00 Set an iron post 3 ft. long, 1 in. diam., 26 ins. in
 the ground for cor. No. 3, marked on brass cap
 SHC-37-3 from which, the $\frac{1}{4}$ sec. cor. bet. secs. 5 & 32, Tps. 23 & 24 S., R. 20 E. ^{bears N. 76° 52' W. 10.80 chs. dist.}
 A walnut 6 ins. diam., bears S. 50° 00' E. 35
 lks. dist., marked SHC-37-3 BT
 An oak 13 ins. diam., bears N. 80° 45' W. 41
 lks. dist., marked SHC-37-3 BT
 From Cor. No. 3 I run S. 44° 53' E. 2.15 chs. to a
 point from which the N. W. cor. of
 Adobe house 40 x 46 lks. bears S. 39° 23' W. 2.06
 chs. dist.
 The N. E. cor. of stone fruit house 20 x 20 lks.
 bears N. 73° 46' E. 1.36 chs. dist.
 The N. W. cor. of barn, wagon and hay shed, 122 x 22
 lks. bears S. 17° 55' W. 3.55 chs. dist.,
 The N. W. cor. of chicken house 19 x 27 lks. bears
 S. 14° 52' E. 96 lks. dist.
 The N. E. cor. of chicken house 12 x 16 lks. bears
 S. 20° 27' E. 1.57 chs. dist.
 The N. W. cor. of chicken house 12 x 16 lks. bears
 S. 22° 00' E. 1.72 chs. dist.

From cor. No. 3 I now run
 S. 50° 00' W. Over level land through dense brush.
 6.00 Ascend along E. slope of ridge.
 15.00 Ridge bears N. and S. and descend.
 40.00 Set an iron post 3 ft. long, 1 in. diam., 26 ins. in
 the ground for cor. No. 4, marked on brass cap
 SHC-37-4 from which
 A sycamore 20 ins. diam., bears N. 75° E. 52
 lks. dist., marked SHC-37-4 BT
 An oak 8 ins. diam., bears N. 19° 15' E. 52
 lks. dist., marked SHC-37-4 BT

Thence I run
 N. 40° 00' W.
 Ascending through dense brush.
 3.56 Ridge bears N. and S. descend.
 9.58 Cross wash 10 lks. wide course S. and ascend.
 10.00 Set an iron post 3 ft. long, 1 in. diam., 26 ins. in
 the ground for cor. No. 5, marked on brass cap
 SHC-37-5 from which
 An oak 13 ins. diam., bears N. 70° 00' E. 63
 lks. dist., marked SHC-37-5 BT
 An oak 8 ins. diam., bears S. 72° 00' W. 47
 lks. dist., marked SHC-37-5 BT

Thence I run
 S. 50° 00' W.
 Gradually descending through dense oak brush.
 10.00 Cross wash 10 lks. wide course S.
 25.45 Cross Cave Creek, dry, 10 lks. wide course W. and over
 level land.
 40.00 Set an iron post 3 ft. long, 1 in. diam., 26 ins. in
 the ground for cor. No. 6, marked on brass cap
 SHC-37-6 from which
 An oak 6 ins. diam., bears N. 58° 45' W. 15
 lks. dist., marked SHC-37-6 BT
 An oak 8 ins. diam., bears N. 63° 00' E. 43
 lks. dist., marked SHC-37-6 BT

Thence I run
 S. 40° 00' E.
 Over level land through dense brush.

Small Holding Claim 37, Tn. 24 S. Rg. 20 E.

Chains.

.50
20.00

Cross wash 8 lks. wide course W.

Set an iron post 3 ft. long, 1 in. diam., 26 ins. in the ground for cor. No. 7, marked on brass cap SHC-37-7, from which

An oak 18 ins. diam., bears N. 36° 00' E. 37 lks. dist., marked SHC-37-7 BT

An oak 14 ins. diam., bears N. 57° 00' W. 51 lks. dist., marked SHC-37-7 BT

Thence I run

N. 50° 00' E.

Over level land through dense oak brush.

40.00

Set an iron post 3 ft. long, 1 in. diam., 26 ins. in the ground for cor. No. 8, marked on brass cap SHC-37-8, from which

An oak 14 ins. diam., bears N. 71° 15' E. 52 lks. dist., marked SHC-37-8 BT

An oak 14 ins. diam., bears S. 53° 30' E. 56 lks. dist., marked SHC-37-8 BT

Thence I run

S. 40° E.

Over level land through dense oak brush.

10.00

To cor. No. 1 the place of beginning.

October 23, 1911

October 24: At 8h. 00m. a.m., l.m.t., I set off 31° 23' N. on the lat. arc; 11° 29' S. on the decl. arc; and determine a meridian with the solar at cor. No. 1

Thence I run

S. 39° 10' E.	168.00 chs.	thence
N. 81° 42' E.	71.57 chs.	thence
East	.70 chs.	thence
S. 53° 30' E.	98.20 chs.	thence
N. 79° 46' E.	6.20 chs.	thence
S. 79° 49' E.	2.00 chs.	thence
S. 40° 53' E.	4.00 chs.	thence
S. 66° 02' E.	2.00 chs.	thence
S. 86° 12' E.	5.00 chs.	thence
N. 60° 06' E.	2.50 chs.	thence
N. 82° 00' E.	2.00 chs.	thence
S. 80° 37' E.	5.00 chs.	thence
S. 82° 58' E.	4.70 chs.	thence
S. 53° 40' E.	1.70 chs.	thence
S. 80° 29' E.	3.00 chs.	thence
N. 79° 31' E.	4.00 chs.	thence
S. 69° 48' E.	1.00 chs.	thence
S. 46° 27' E.	3.10 chs.	thence
S. 78° 46' E.	6.00 chs.	thence
S. 51° 58' E.	10.00 chs.	thence
S. 84° 58' E.	3.60 chs.	thence
N. 77° 21' E.	5.00 chs.	thence
S. 70° 47' E.	2.00 chs.	thence
S. 84° 56' E.	2.40 chs.	thence
S. 75° 04' E.	3.00 chs.	thence
N. 79° 33' E.	7.00 chs.	thence
S. 61° 30' E.	2.80 chs.	thence
N. 89° 50' E.	12.00 chs.	thence
S. 82° 45' E.	16.00 chs.	thence
N. 80° 15' E.	10.00 chs.	thence
S. 73° 12' E.	7.00 chs.	thence
S. 55° 48' E.	20.00 chs.	thence
S. 83° 02' E.	20.00 chs.	thence
S. 76° 05' E.	20.00 chs.	thence
S. 88° 46' E.	80.00 chs.	thence
East	281.75 chs.	thence
North	14.03 chs.	to the $\frac{1}{4}$ sec. cor., bet.

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BOOK 2339

~~Small Holding Claim 37, Tp. 24 S. Rg. 20 E.~~

Chains.

~~secs. 13 and 18 Tps. 24 S. Rgs. 21 and 22 E.~~

~~October 24, 25, 26, 1911.~~

John P. Hesse
U.S. Transitman.

*For authority for red-ink correction see
letter from John P. Hesse dated Nov. 24, 1912.*

FINAL OATH OF UNITED STATES TRANSITMAN.

I, John F. Hesse United States Transitman,
do solemnly swear that, in pursuance of instructions received from
Frank S. Ingalls, United States Surveyor General for Arizona,
bearing date of the 25th day of August, 1910, I have well,
faithfully, and truly, in my own proper person, and in strict conformity
with the instructions furnished by the United States Surveyor General
for Arizona, the Manual of Surveying Instructions, and the laws
of the United States, surveyed all those parts or portions of
Small Holding Claim 37, Tp. 24 S. Rg. 20 E.

----- of the Gila and
Salt River meridian, in the Territory of Arizona,
which are represented in the foregoing field notes as having been sur-
veyed by me, and under my directions; and I do further solemnly swear
that all the corners of said survey have been established and perpet-
uated in strict accordance with the Manual of Surveying Instructions,
and the special written instructions of the United States Surveyor
General for Arizona and in the specific manner described in
the field notes, and that the foregoing are the original field notes
of such survey.

John F. Hesse
United States Transitman.

Subscribed by said John F. Hesse and sworn to before me)
this 18th day of July, 1912

Frank S. Ingalls
SURVEYOR GENERAL OF ARIZONA

(SEAL)

55555

APPROVAL.

OFFICE OF THE UNITED STATES SURVEYOR GENERAL.

Phoenix, Arizona, Dec 5, 1912

The foregoing field notes of the survey of Small Holding

Claim to 37 Tp 24 S. R 20 E, G & D R Meridian, Arizona

executed by John F. Hesse, U.S. Transitman
under Group No. 5, dated Aug 25, 1910, having been
critically examined, and the necessary corrections and explanations
made, the said field notes, and the surveys they describe, are hereby
approved.

Frank S. Ingalls
United States Surveyor General.

I certify that the foregoing transcript of the field notes of the
above-described surveys in _____ has been correctly copied
from the original notes on file in this office.

United States Surveyor General.

155 (13)
BOOK 2339

FINAL OATHS OF U. S. TRANSITMAN AND HIS ASSISTANTS.

LIST OF NAMES.

A list of the names of the individuals employed by John F. Hesse, United States Transitman, to assist in running, measuring, and marking the lines and corners described in the foregoing field notes of the survey of Small Holding Claim 37, Tp. 24 S. Rg. 20 E. showing the respective capacities in which they acted:

- A. E. Lyon -----, Chairman.
- J. H. Bates -----, Chairman.
- C. Wolfe -----, Moundman.
- , Moundman.
- , Axman.
- , Axman.
- W. L. Ray -----, Flagman.

FINAL OATH OF ASSISTANTS.

We hereby certify that we assisted John F. Hesse United States Transitman, in surveying all those parts or portions of the Small Holding Claim 37, Tp. 24 S. Rg. 20 E. Salt River meridian, Territory of Arizona of the Gila and and which are represented in the foregoing field notes as having been surveyed by him and under his direction; and that said survey has been in all respects, to the best of our knowledge and belief, well and faithfully surveyed, and the corner monuments established, according to the instructions furnished by the United States Surveyor General for Arizona.

- A. E. Lyon -----, Chairman.
- J. H. Bates -----, Chairman.
- C. Wolfe -----, Moundman.
- , Moundman.
- , Axman.
- , Axman.
- W. L. Ray -----, Flagman.

Subscribed and sworn to before me this 26th day of October, 1911

(SEAL)

John F. Hesse

U. S. Transitman.

PRELIMINARY OATHS OF ASSISTANTS.

BOOK 2339

---c0o---

We, A. E. Lyon and J. H. Bates
do solemnly swear that we will well and faithfully execute the duties
of chainmen; that we will level the chain upon even and uneven ground,
and plumb the tally pins, either by sticking or dropping the same;
that we will report the true distance to all notable objects, and the
true lengths of all lines that we assist in measuring, to the best
of our skill and ability, and in accordance with instructions given
us. in the survey of Small Holding Claim 37, Tp. 24 S. Rg. 20 E.

----- A. E. Lyon ----- Chainman

----- J. H. Bates ----- Chainman

Subscribed and sworn to before me
this 22 day of October 1911.

(SEAL)

----- John P. Hesse -----
----- U. S. Transitman -----

We, L. Caleb Wolfe and _____
do solemnly swear that we will well and truly perform the duties of
moundmen in the establishment of corners, according to the instruc-
tions given us, to the best of our skill and ability, in the survey
of Small Holding Claim 37, Tp. 24 S. Rg. 20 E.

----- L. Wolfe ----- Moundman

----- ----- Moundman

Subscribed and sworn to before me
this 22nd day of October 1911.

(SEAL)

----- John P. Hesse -----
----- U. S. Transitman -----

We, _____ and _____
do solemnly swear that we will well and truly perform the duties of
axmen in the establishment of corners and other duties, according to
instructions given us, to the best of our skill and ability, in the
survey of _____

----- ----- Axman

----- ----- Axman

Subscribed and sworn to before me
this _____ day of _____ 1911 .

(SEAL)

I, W. L. Ray, do solemnly swear that
I will well and truly perform the duties of flagman according to in-
structions given me, to the best of my skill and ability, in the
survey of Small Holding Claim 37, Tp. 24 S. Rg. 20 E.

----- W. L. Ray ----- Flagman

Subscribed and sworn to before me
this 22nd day of October 1911.

(SEAL)

----- John P. Hesse -----
----- U. S. Transitman -----