

FIELD NOTES OF SURVEY NO.

Hamilton & Co. Manufacturers Topical Kansas

J. E. Boye Etal. Appeal from the report of the County Surveyor.
 Journal District Court Montgomery County Kansas September Term
 1879. September 16th 1879. In the matter of the appeal of J. E. Boye
 Etal from the report of the County Surveyor. And now on this 16th
 day of September 1879 this cause being regularly called in its order
 Ben M. Armstrong appeared as attorney for said Appellants, and a
 trial by jury being waived the cause proceeded to trial by the court, and
 the court having heard the evidence and the arguments of counsel and
 being fully advised in the premises and for good cause shown does
 set aside the report of the County Surveyor made herein and does appo-
 int E. Foster of the City of Independence to make a new survey and report
 to this Court on or before the first day of the next term hereof.

Supplementary Report

I hereby certify that upon the 16th day of September 1879 I did retrace a line
 connecting the South East Corner of the NW 1/4 of the NW 1/4 of Sec. 20, and
 the South West Corner of the SE 1/4 of the NE 1/4 of Sec. 20, all in Townsh-
 ip 31 S. Range 17 E. said corners having been established by E. G.
 Davidson County Surveyor of La Bette Co. in April 1869 and by his
 note after making proper allowance for the difference in bearing and
 distance. I set a Lime Stone 20 x 6 x 2 1/2 inches at the point indicated
 by said note for the 1/4th corner between Sections 20 & 21 and said
 rock is the same referred to by the Witness in report filed Dec. 3rd.
 1879. - Sept 8th 1880. E. Foster

Surveyor

Surveyors Report

In the matter of appeal of J. E. Boye from Report of County Surveyor.
 To the Hon. B. W. Perkins Judge of the District Court Eleventh Judicial
 District of the State of Kansas. In compliance with the order of your
 Court bearing date September 16th 1879 the undersigned did on the 27th day
 of November make survey as required by said order and submits the fol-
 lowing report thereon. The matter in controversy is the proper location
 of the following corners to wit: The corner to sections sixteen (16) 17, 20,
 and 21 and the corner to sections 20, 21, 28 and 29 and the quarter section corner
 between sections 20 and 21 all in Township 31 R 17 E.

At the corner to sec. 20, 21, 28 and 29 I found the original corner stone
 standing, and the statements of J. E. Boye, Henry Mouniger and A. B. Jones
 made under oath and marked Exhibits A & B hereto attached are that
 said corner-stone is now occupying the same position that it did when
 first discovered in the year 1869. I further find that said corner has
 always been regarded as the Government corner and is satisfactory to all
 the parties in interest. I am of the opinion that the point now occupied
 by the original corner stone is the legal corner to sections 20, 21, 28 & 29
 and designated by the figure "1" on the accompanying plat marked
 Exhibit C hereto attached. At the corner to sections 16, 17, 20 & 21 I
 found the point where the original corner stone had stood prior to the
 survey of A. G. Savage in the spring of 1879. said point being designated by
 the figure "3" on the plat hereto attached marked Exhibit E.

Also at a point 1 chain and 80 links west of and about 20 links south of the
 point above designated I found the original corner stone standing as
 placed by A. G. Savage in the spring of 1879. said point being designated
 by figure "2" on the plat marked Exhibit C hereto attached. I found the
 following facts in relation to the point at which the original corner stone
 had stood previous to the survey of A. G. Savage in the spring of 1879.

In the spring of 1869 ^{on only the plat of April 1869} E. G. Davidson County Surveyor of La Bette County Kansas
 found the original corner stone at this point said stone was lying down
 and was set up by him at that time. That said point has been regarded
 as the legal corner by all the parties in interest until the survey of
 A. G. Savage in the spring of 1879, as may be seen by reference to the aff-
 idavits of J. E. Boye marked Exhibit A hereto attached also affidavit
 of J. B. Delaplaine marked Exhibit D hereto attached and affidavit of
 E. W. Lamb marked Exhibit F hereto attached and a transcript of the field
 notes and plat of E. G. Davidson County Surveyor of La Bette County Kansas
 marked Exhibit E hereto attached and made a part of this report.

After examination of all the facts I am of the opinion that the point
 where the corner stone stood previous to the survey of A. G. Savage in
 the spring of 1879 is the legal corner to sections 16, 17, 20, and 21 and
 I caused the same to be marked by a limestone rock 19 x 10 x 2.

In relation to the quarter section corner between sections 20 and 21
 I find the evidence conflicting. It is agreed that a post recognized
 as the Government corner was standing on the south bank of Drum
 Creek in the year 1869. that E. G. Davidson Co. Surveyor of La Bette
 Co. Kansas recognized the same as Government corner in making surveys
 in April 1869. The point where said corner stood cannot be identified
 by evidence as will be seen by the statements of Henry Mouniger and
 A. B. Jones marked exhibit B by J. E. Boye marked Exhibit A by J. B.
 Delaplaine marked Exhibit D and by statement of E. W. Lamb marked
 Exhibit F all hereto attached and made a part of this report. From the
 evidence presented I am of the opinion that the point where the original
 corner stood is lost, and from want of time I was unable to establish
 the same. All of which is respectfully submitted. Dec. 1, 1879

E. Foster

Survey No 1. April 21st 1869 For J. E. Boye Diagram No 1 - Exhibit E
 East 1/2 North East quarter Sec. 20 Tp. 31 Range 17 E. Variation of and length
 of lines are as represented on the diagram. Established a corner at half
 distance in north line of the quarter section. Description and size of
 the corner established. Limestone 4 inches thick by 10 inches broad and
 10 inches long. Established a corner at half distance in the south line of
 the quarter section. Description and size of the corner established.
 Limestone 3 inches thick by 5 inches broad and 16 inches long.

April 21st 1869. For Delaplaine. Established a corner at center of