

Houston, Texas, October 29, 1965

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SURVEYOR'S REPORT
 JAMES W. BAGGS SURVEY #290, A-39
 HARRISON 3RD CLASS FILE 531
UPSHUR COUNTY, TEXAS

General Land Office

Mr. Jerry Sadler
 Commissioner, General Land Office
 Austin, Texas

Dear Sir:

The following report is intended to show that the boundaries of the James W. Baggs Survey No. 290, Abstract No. 39, in Upshur County, Texas, are now recognized and occupied in the location in which they were originally surveyed by J. A. Hill on September 25, 1850, and that instead of containing 80 acres of land as called, the original survey contained 120.35 acres, an excess of 40.35 acres. Attached as Exhibit 1 is a working sketch prepared from General Land Office field notes and from field notes in the Upshur County Surveyor's Records. As Exhibit 2 we have attached Xerox copies of the abandoned A. Smith and Isaac D. Baggs Surveys which we obtained from the Upshur County Surveyor's Records Book P, pages 12, 13, 14, and 15, not finding them in the General Land Office; and as Exhibit 3 a print of our survey detail showing lines and corners as we now find them with comparisons to field-note calls. As Exhibit 4 we attach photographs of original bearing trees as labeled.

Following is a chronology of the locations, respective locating surveyor, and date of survey to assist you in following our report:

William Little	surveyed by David Hill	4-26-1838
Ahira Butler	" " " "	" " "
Robt. Asher	" " " "	6-21-1838
Aaron Jackson	" " " "	8- 4-1838
Jacob Lagrone	" " " "	8-11-1838
Wm. H. Holloway	" " " "	4-14-1849
Isaac D. Baggs (abd)	" " " "	4-16-1849
A. Smith (abd)	" " " "	4-16-1849
James W. Baggs	" " J. A. Hill	9-25-1850
Calvin Anderson	" " J. M. Glasco	3-27-1851
J. C. McCain	" " " " "	10- 1-1851
Sam'l G. Adkerson	" " " " "	6-23-1853
Wm. How	" " " " "	6-28-1853
I. D. Baggs	" " " " "	12- 9-1853
J. H. Sutton (abd)	" " " " "	7-20-1858
J. A. Newberry	" " S. B. Scott	1- 2-1861

The James W. Baggs application was made under the provisions of the Preemption Law of 1845 which made unclaimed portions of the public domain not in excess of 320 acres available for purchase by qualified individuals who had settled on and improved the land for which they applied. Under the statute the County Surveyor had the duty of locating and describing the boundaries for each applicant so as to include his improvements.

The 80 acres which James W. Baggs claimed and which preemption certificate No. 64 in File H-3-531 attests he had resided upon and cultivated for three years was surveyed for him on September 25, 1850, by J. A. Hill. It did not join any old surveys and its only tie to any other survey was in its call to begin S. 38° W. 360 varas from the southwest corner of the Isaac D. Baggs Survey. The Isaac D. Baggs Survey, later abandoned (see Exhibit 2), had been made in April of 1849 by Surveyor David Hill who was the locating surveyor for all of the older surveys in this area. By David Hill's ties to the Aaron Jackson, Ahira Butler, and Robert Ashur Surveys, and by calculations which we can make from his calls in the William H. Holloway Survey, we are able to locate with reasonable accuracy the boundaries of the abandoned Isaac Baggs Survey which we show in yellow outline on Exhibit 1.

By casual inspection J. A. Hill's field notes for the J. W. Baggs meet all the requirements for a good description. They call to begin in what appears to be an observed relationship with a well-known corner made little over a year earlier, then describe a rectangle 715 varas by 630 varas with line bearings corresponding to those of most of the older surveys in the area and calling for bearing trees at all four corners. But on more thorough examination we find that if we place the beginning northeast corner of the J. W. Baggs Survey in a location S. 38° W. 360 varas from the southwest corner of the Isaac Baggs it will conflict partially with the Aaron Jackson Survey and occupy much of the area later surveyed for the Wm. How and J. A. Newberry Surveys, a location which we show outlined in green on attached Exhibit 1. Since subsequent surveys employing local chain carriers were laid out in conflict with this location, we may be sure that this was not the site of J. W. Baggs' improvements. We might assume that the beginning call is meant to place that corner S. 38° W. 360 varas from the northwest corner of the Isaac Baggs rather than the southwest corner, an interpretation which would locate the J. W. Baggs as shown outlined in red on the attached Exhibit 1. If we assume that Hill had observed the stated relationship between the southeast corner of the J. W. Baggs and the southwest corner of the Isaac Baggs, then the east line of the J. W. Baggs would lie reasonably close to where it is now recognized on the ground. But all of these are only guesses and the call as written is so obviously in error and would create so unlikely a situation that for all practical purposes it must be ignored except as it would hold the extremities of the J. W. Baggs east boundary within 360 varas of the extremities of the Isaac Baggs west boundary.

Another difficulty encountered in locating the J. W. Baggs from its field-note calls is the notation that the surveyor used a variation of $9^{\circ} 20'$ west which is $18^{\circ} 40'$ west of the $9^{\circ} 20'$ east variation used by other surveyors in this vicinity. We believe this to be an error in recording but there are other difficulties; and when we attempt to reconcile the Baggs calls with those of surveys placed around it within the next three years after its location, we face a locative problem which can only be resolved by placing the Baggs lines and corners where subsequent surveyors found them rather than where Hill says he placed them.

The fact that Surveyor J. M. Glasco, between 1851 and 1858, located surveys which completely surrounded the J. W. Baggs Survey is a fortunate circumstance in that we have practically contemporaneous surveys to re-locate and perpetuate the Baggs corners. All of these surveys, as was Baggs', were pre-emption claims, occupied by settlers who doubtless followed the surveyor or carried his chain when any survey was made and knew all the lines and corners of theirs and their neighbors. On the How and Newberry Surveys which join the Baggs Survey, J. W. Baggs himself was a chain carrier, and was doubtless able to show the surveyor where his lines and corners were located.

In March of 1851, scarcely six months after Hill had surveyed the J. W. Baggs, J. M. Glasco surveyed 320 acres for Calvin Anderson, calling to join the Baggs along its west boundary and calling to pass both its northwest and southwest corners, finding the marked line to run S. 20° E. rather than S. 30° E. as Hill had called it. There is no valid reason to believe that Glasco would call for a six months old line unless he were actually following it, and the Anderson line which we have located on the ground from creek calls and old recognition by surveyors and land-owners is undoubtedly where Glasco found the corners and west line of the Baggs then so recently marked by J. A. Hill.

In October of 1851, a year after Hill's survey of the Baggs, Glasco made a survey of 320 acres for J. C. McCain occupying most of the area previously occupied by the abandoned A. Smith and Isaac Baggs Surveys and using four of the corners called for in those surveys. The westerly lines of the McCain, with which we are here primarily concerned, can be positively located on the ground today by creek calls and one original corner. In his survey of the most westerly line of the McCain, Glasco intersected the east boundary of the one year old J. W. Baggs Survey, traversed this line N. 20° W. 167 varas to its northeast corner, turned S. 70° W. along Baggs' north boundary and set a corner at 46 varas which we find standing now. (See Exhibit 4) The fact that Glasco surveyed around the northeast corner of the Baggs indicates that it was plainly identifiable and our finding of the original McCain corner 46 varas from the point where Glasco said he found the Baggs corner positively locates the northeast corner of the Baggs on the ground.

In June of 1853, Glasco made a survey of 248.4 acres for Samuel G. Adkerson which joined the north lines of the McCain and Baggs Surveys and followed the east line of the Calvin Anderson Survey, the west and south lines of the Wm. H. Holloway Survey, and the west line of the Ahira Butler Survey; thus making ties between the several age groups of surveys in this area. By building down from the northeast corner of the Holloway we are able to reconstruct all of the surveys made by Glasco so nearly fitting his calls that we are convinced that his surveys were perhaps better than usual for this area during that time. The terrain here is rolling and often rugged, making accurate surveying difficult even with good equipment and trained personnel.

Traversing S. 70° W. from a westerly southeast corner of the Adkerson which is a corner of the McCain in the north line of the Baggs, Glasco says he followed the north line of the Baggs, crossing a branch at 70 varas and at 890 varas reaching the Baggs

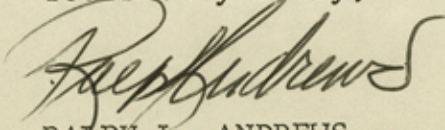
northwest corner in Anderson's line, identifying the corner by the same bearing trees called for in the Baggs field notes and establishing the fact that its northwest corner was 890 varas plus 46 varas or 936 varas S. 70° W. from its northeast corner instead of 630 varas S. 60° W. as called by its field notes. As previously stated we have found and identified the original McCain-Adkerson corner in the Baggs north line and find that the now recognized northwest corner of the Baggs, an iron pipe and large stone in the old marked and well recognized east line of the Anderson, lies S. 70° 05' W. 908.10 varas from said original corner making the Baggs north line 954.10 varas in length as now recognized. This is an excess of about 20 varas over Glasco's measurement, an not unusual error with a ten or twenty vara link chain, and with untrained local landowners for chain carriers.

A week after his survey of the Adkerson, Glasco, using J. W. Baggs as a chain carrier, made a survey of 71.5 acres for Wm. How, following the westerly boundaries of the McCain Survey and the south and east lines of the Baggs, finding and identifying by its original bearings trees the southeast corner of the Baggs in a location 128 varas N. 70° E. from a branch and 710 varas S. 20° E. from the Baggs northeast corner. Today we intersect marked lines at a corner 122 varas N. 70° E. from the center of a branch and 708.3 varas S. 20° 43' E. from the northeast corner of the Baggs, checking very closely the original calls in the Baggs and How field notes. This corner is also the called distance, 288 varas, N. 69° 56' E. from an old pine knot at the most westerly northwest corner of the How, a corner which is considered to be the original.

We believe that the surveys made by Glasco and recovered and identified by our survey on the ground prove beyond any reasonable doubt where J. A. Hill actually placed the J. W. Baggs Survey and that the excessive area we now find was within the boundaries surveyed for J. W. Baggs in 1850 and recognized as such by his contemporaries. As further confirmation of this fact County Surveyor Glasco prepared a sketch dated March 18, 1855, now in the General Land Office Sketch File No. 5 of Upshur County, showing that on that date the J. W. Baggs had been bounded by surveys at all points except on the southwest boundary where the Newberry Survey was later located.

We have prepared and are enclosing field notes which correctly describe the J. A. Baggs Survey.

Yours very truly,


RALPH L. ANDREWS
Licensed State Land Surveyor

RLA-RS

Enc.

EXHIBIT 2

XEROX copies from pages 12, 13, 14, and 15
of Book P of the Surveyor's Records of
Upshur County, Texas.

12
I certify that I have examined the within
plat and field notes and find them correct and
surveyed according to Law and the same is
recorded in Book P. page 88475 Given under
my hand and seal this the 14th day of July 1848

David Hill Dist
Sur for T & D

Augustus Smith

The State of Texas } Survey No. 2117 Dist. No. 1
Dist. of Harrison } April 16th 1849.

Surveyed for Augustus Smith 199
acres of Land by virtue of the preemption
Law situated in the North part of
Upshur county between Big and Little
Sandy Cypress about 12 miles N.E. of the
of Gilmer

Commencing at the South west corner
of the John Butler Survey on the
N.W. boundary of R. Shur Survey
No. 75 Dist. No. 1 at a stake from
which a red Oak brs N 75° E 18 2/10
was a hickory brs N 54° E 6 9/10
was both marked A B

Thence S 60° W 570 was Aaron Jackson's East
boundary line a stake from which a white Oak
brs N 74° E 15 1/2 ^{marked N 77° E 18 1/2} was both marked C D.

Thence N 20° W 360 was the N.E. corner of same
a stake from which a hickory brs S 75° W 2 1/10
was a Black jack brs N 23° W 4 6/10 was both
marked A. G. Thence S 70° W 260 was a
stake from which a pine brs N 55° W 4 1/10 was
a pine brs N 59° E 7 1/10 was both marked S

counter 38767

Thence N 32 W 710 vsz a stake from which a
sawet gum bz S 31 E 7 1/2 vsz a white Oak bz S 53 E
5 1/2 vsz both marked S

Thence N 50 E at 1100 was a stake on said
Butter N W boundary line from which a
hickory bz N 21 W 11 1/2 vsz a Black jack bz
N 55 E 11 vsz both marked S

Thence S 50 E 1174 vsz the place of
beginning, containing one hundred and ninety
nine acres of Land

I. F. Smith }
Isaac D. Baggs }

David Hill
District Surveyor
H. D.

I David Hill District Survey for Harrison
District do solemnly swear under my official
oath that the survey designated by the foregoing
plot and field notes was made by me on the
16th day of April 1840 and the lines, boundaries
and corners, together with the marks, both
natural and artificial are truly described
therein. Witness my hand April 23rd 1840

David Hill

District Surveyor
H. D.

I do certify that I have examined the
within plot and field notes and find them
correct, and surveyed according to Law. The
same is recorded in Book P page 19490

Given under my hand this April 23rd 1840

David Hill

District Surveyor
H. D.

Isaac D. Baggs

The State of Texas } Survey No 244 Dist No 1
Dist. of Harrison } Surveyed April 16th 1840

Surveyed for Isaac D. Baggs 100
acres of Land under the preemption law
situated in the North East part of Upshur county
about 12 miles N. of the Town of Lubbock

14

big and Little Cypress It being

Commencing at the N.E. corner of
 Augustus Smith's preemption Survey
 No. 247 Dist. No. 1. and on the western
 boundary Line of Third Butte Survey
 from which a hickory tree N 31° W 1 1/4 rods
 a Black jack tree N 55° E 1 1/4 rods both
 marked S. Thence N 30° W with the Butte
 Survey at 850 rods a Stake from which a Black oak
 tree S 35° E 6 3/4 rods a Black jack tree S 49° W 7 rods
 Both marked B. Thence S 50° W at 1100
 rods a Stake from which a Red Oak tree N 66° E
 10 rods a Red Oak tree N 36° W 4 1/2 rods both marked
 B. Thence S 30° E at 950 rods the North West
 corner of said A Smith's preemption Survey
 a Stake from which a Sweet Gum tree S 31° E 7 1/2 rods
 a white oak tree S 58° E 8 rods both marked S

Thence N50 E with same at 100 vs the place of
of Beginning containing one hundred and sixty acres
of Land
J. F. Smith }
A. Smith }
David Hill
Dist. Surveyor
H. D.

I David Hill District Surveyor for Harrison
District do solemnly swear under my official
oath, that the survey designated by the foregoing
plot and field notes was made by me on the
10th day of Apr. 1849 and the lines boundaries
and corners together with the marks both natural
and artificial are truly described therein witness
my hand Apr. 23rd 1849. David Hill
Dist. Surveyor
H. D.

I do certify that I have examined the within
plot and field notes and find them correct
and surveyed according to Law, the same
is Recorded in Book P page 91 Given under
my hand this April 23rd 1849 David Hill
Dist. Surveyor
H. D.

Hiram Hardin

The State of Texas) Survey N^o 250 Dist N^o 1
District of Harrison) Surveyed Apr. 14 1849
Surveyed for Hiram Hardin 320 Acres of
Land under the Preemption Law Situated in
Pepshur County about 10 miles North East of the
Town of Gilmer between Big and Little Cypress

Resurveyed for Jacob Lattimer

~~commissioners~~

Commencing N 40 vs S 24 W of the N.W.
corner of S.M. Gauncy's preemption No. 201 back 201
a stake from which a hickory tree N 8 E 1/4
counter 38770

EXHIBIT 4

UPSHUR COUNTY

JAMES W. BAGGS SURVEY

PHOTOGRAPH OF ORIGINAL BLACKGUM BEARING TREE CALLED AND FOUND TO BE N. $57\frac{1}{2}$ W. 10 VARAS FROM McCAIN-ADKERSON CORNER IN NORTH LINE OF JAMES W. BAGGS SURVEY IN UPSHUR COUNTY, FIRST MARKED BY LOCATING SURVEYOR J. M. GLASCO ON OCTOBER 1, 1851.



LEFT -
PHOTOGRAPH WITH CAMERA
AT SURVEY CORNER

RIGHT AND BELOW - CLOSER VIEWS
SHOWING OLD AND NEWER SURVEYOR'S
MARKS



File No. 17

Upshur County

Sketch File

Filed Nov 18 1965

JERRY SADLER, Comr

By [Signature]

Surveyor's Report

Jaw. W. Bagg's Survey 290

Harrison 3-531

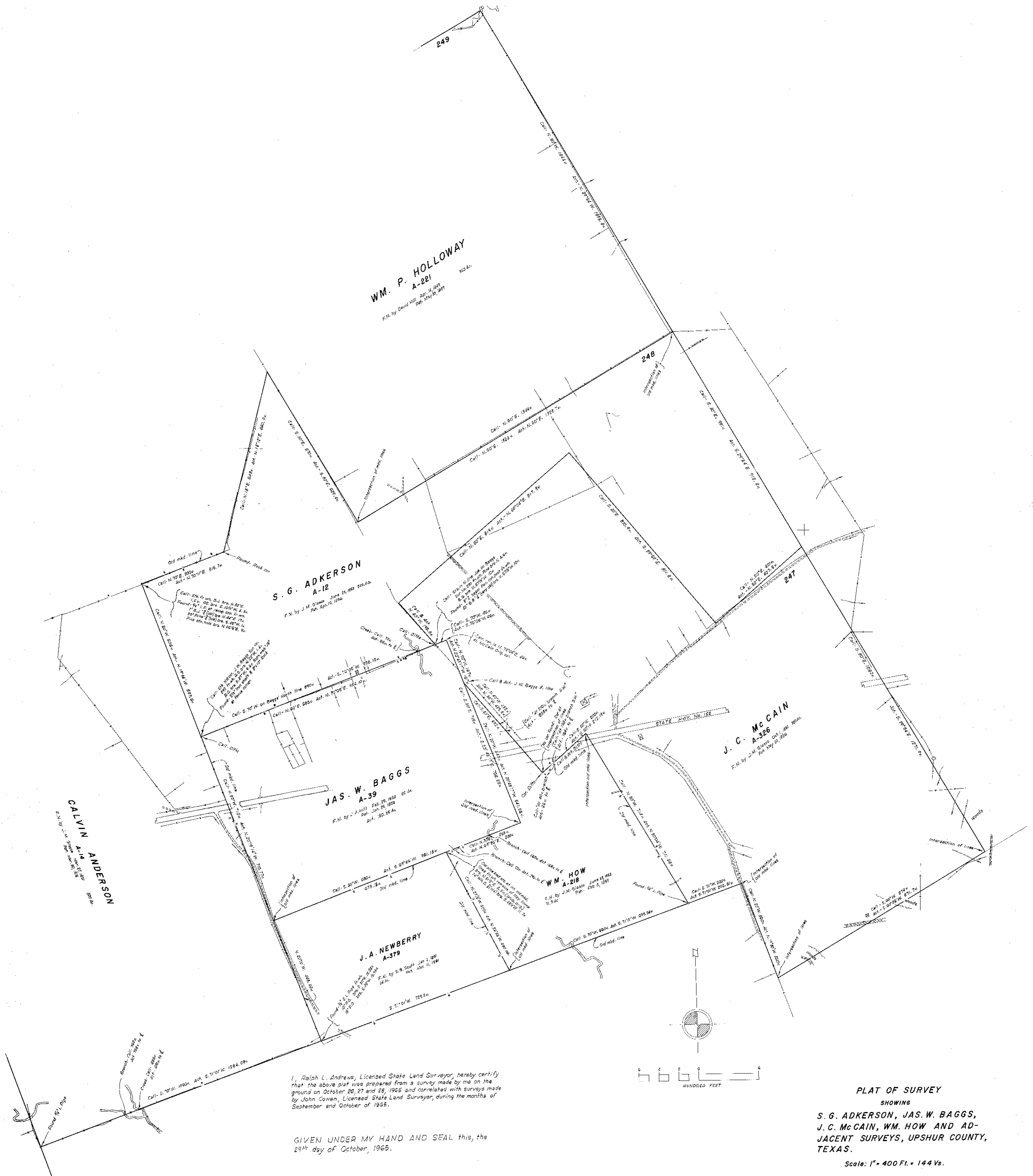
By Ralph L. Andrews

Oct. 29, 1965

See Rolled Sk. 3

counter 38772

TX 41 841530



I, Ralph L. Andrews, Licensed State Land Surveyor, hereby certify that the above plat was prepared from a survey made by me on the ground on October 26, 27 and 28, 1965 and correlated with surveys made by John Cowan, Licensed State Land Surveyor, during the months of September and October of 1965.

GIVEN UNDER MY HAND AND SEAL this, the 29th day of October, 1965.

Ralph L. Andrews
 LICENSED STATE LAND SURVEYOR

PLAT OF SURVEY
 SHOWING
 S. G. ADKERSON, JAS. W. BAGGS,
 J. C. McCAIN, WM. HOW AND AD-
 JACENT SURVEYS, UPSHUR COUNTY,
 TEXAS.

Scale: 1" = 400 Ft. = 144 Vs.

Exhibit 3

Sketch File No. 17
 County Upshur
 Texas



W.D. BAGGS No. 238
 A-238
 F.N. by J.M. Gilson 1-1-1828 280A.
 1-1-1828 PH 2-1-1828
 J.D. Baggs + J.M. Baggs, C.C.

WILLIAM H. HOLLOWAY No. 245
 A-245
 F.N. by David Hill 2-4-1848 320A.
 PH 3-30-1848

JAM. L. G. ADKERSON No. 248
 A-248
 F.N. by J.M. Gilson 1-13-1823 248A.
 PH 2-1-1823
 Wm. Collier + John Collier, C.C.

CALVIN ANDERSON No. 186
 A-186
 F.N. by J.M. Gilson 3-27-1821 350A.
 PH 3-27-1821
 John Leapt + Vincent Leapt, C.C.

JAMES W. BAGGS No. 230
 A-230
 F.N. by J.A. Hill 3-15-1828 300A.
 PH 3-15-1828
 Joseph S. Allen + J.M. Nelson, C.C.

JACOB D. BAGGS No. 240
 A-240
 F.N. by David Hill 1-12-1847 100A.
 PH 1-12-1847

A. BUTLER
 F.N. by David Hill 2-25-1828 26-280A.
 PH 7-12-1848

J.C. MCCAIN No. 247
 A-247
 F.N. by J.M. Gilson 11-1-1821 250A.
 PH 3-30-1826
 Isaac D. Baggs + Jerry Newman, C.C.

J. A. NEWBERRY No. 150
 A-150
 F.N. by J. R. Searles 1-1-1841 44A.
 PH 3-1-1841
 F.N. by J.M. Gilson July 10-1829
 (J.H. Sutton + 146 W.D. 83 + 4A.)
 W.W. Baggs + Samuel G. Adkinson, C.C.

J.M. HOWE No. 229
 A-229
 F.N. by J.M. Gilson 4-15-1823 71.5A.
 PH 2-8-1829
 James W. Baggs + Sam G. Adkinson, C.C.

A. SMITH No. 247
 A-247
 F.N. by David Hill 4-16-1843 155A.
 PH 4-16-1843

AARON JACKSON
 A-259
 F.N. by David Hill 2-7-1834 180A.
 PH 8-26-1837
 Hager S. Smith + James W. Hill, C.C.

ROBERT ASHER
 A-10 (Upshur)
 S-1-1828
 F.N. by David Hill 5-21-1828 3170.98A.
 PH 3-4-1848

JACOB LAGRONE
 A-278
 F.N. by David Hill 8-11-1838 340A.
 PH 2-15-1848

Exhibit 1
 PLAT SHOWING
 ORIGINAL FIELD NOTES
 CEDAR SPRINGS AREA
 UPSHUR COUNTY, TEXAS
 SCALE: 1" = 300' or 108 meters.