HOUSTON, TEXAS. August 30, 1934.

Hon.J.H. Walker, Commissioner General Land Office. Austin, Texas.

Sec. St.

Mr.Jas.R. Chapman, Houston, Texas.

and the

REPORT ON A SURVEY IN SAN JACINTO COUNTY, TEXAS AROUND THE W.G.LOGAN, THE J.D.MARTINEZ SURVEYS NOS.3 & 4, THE E.SANDERSON SURVEY AND THE WM. HARDIN SURVEY TO SHOW THE AREA FILED UPON BY JAS.R. CHAPMAN.

The following information in hand when making the survey,

Photostat copy from G.L.O. dated 9-28-1932.Letter from S.Crosby and A.N.B. Tompkins, Deputy Surveyor, Liberty County, showing list of claims on file together with an accompanying sketch dated Apr.25,1857. Photostat copy original field notes Wm.Hardin Survey by S.C.Hiroms and certified by G.L.O. 9-28-1932.

Photostat copy original field notes W.G.Logan survey by S.C.Hiroms of Oct.29,1835. Certified by G.L.O. 9-28-1932.

Photostat copy of a part of Polk County. Shetch made by John R. Johnson Co.Surveyor Polk County, 9-7-1859. Certified by G.L.O. 2-19-1934. Certified translated copy of the J.D.Martinez Surveys Nos. 3 and 4 field notes. Certified by G.L.O. 9-28-1932.

Photostat copy original field notes Emily Sanderson survey by John R. Johnson, District surveyor Polk District. Nov. 17-1858. Certified by G.L.O. 9-29-1932.

Photostat copy working sketch from G.L.O. file No.9, under date Dec.18,18 60. Showing a vacancy between Martinez Nos. 3 and 4 on the east and the Wm.Hardin on the west. Certified by G.L.O. 2-19-1934. Blue print working sketch from G.L.O.dated 1-27-1934.

Another blue print working sketch from G.L.O. dated 1-27-1934. Certified copy of decree in cause No.52, styled Milam Taylor et al.vs Mathew Vickery, dated "arch 4th. 1873. Recorded Vol. "A", page 211, San Jacinto District Court Minutes.

Copy of map and report made by J.G.Ross, County Surveyor, San Jacinto County, under date Dec. 14, 1932.

REPORT.

On May 18,1934 I met Mr.J.G.Ross, the county Surveyor of San Jacinto County, Texas in Cold Springs and went with him, first to the south west corner of the R.W.Wilbourne survey, where Mr.Ross pointed out to me two old clay roots, which he advised me as being the roots of the original witness trees at this corner, and which he had seen standing, with the marks, and from which he had surveyed the J.A. Schnell years ago. We then went to the southeast corner of the Schnell Survey where Mr.Ross again pointed out two clay roots which he advised were the roots of the original witness trees for this corner and he had seen the same standing, with the marks. Personally I did not find any original trees at these two corners, however I did find that the clay roots at both of the above cor-ners fit very closely for course and distance as called for. Next we went to the present recognised northeast corner of the Wm.Hardin Survey in a road, found old witness trees, not original however, and followed a very old blazed and marked line south to about Big Creek. From this point we drove to the southeast corner of the Emily Sanderson Survey, where the original Lynn tree is standing and a large white oak stump that fits both course and distance, from old pine knot, is standing. From this corner we drove and walked to the northeast corner of the W.G.Logan Survey, where Mr.Ross pointed out a large walnut stump, cut off even with the ground, and from which a log section about 16 feet long had been hauled away, the balance of the tree, with large fork, is on the ground and lying to the southeast. Mr.Ross pointed this tree out as the original Logan tree, stated that he knew it standing and marked with a very southeast side and that he was at this corner when the tree was standing with Surveyor Gillespie of Harris County in 1894. There is also a large sweet gum marked X, apparently very old, and another large sweet gum marked X, much junior, for this corner, which is in a walnut grove. For details of the bearings please refer to my map No. 4138-R accompanying this report. There is a very old marked line running nearly west from the the proper relation to these three trees above mentioned. The general reputation in this vicinity is that this is the northeast corner of the Logan and the marked line is the north line of the same. This concluded my preliminary examination of corners on the ground and with Mr.Ross as I felt that I had enough information to make an intelligent survey and I did not wish to be biased by any of Mr.Ross' findings or work on the immediate area to be reported upon.

At this corner I used the angle iron for the corner, as the same best fits the marked line to the south, and ran South 1 deg. 46' 35" East, to fit the marked line, 2189.5 varas to the intersection of an old marked line running east and west, the accepted south line of the Wm."ardin and the accepted south line of the Martinez No.3. The call on this line is 2150 for the "ardin and 2166 for the Martinez, an excess of 39.5 varas

and 23.5 varas respectively. Your attention is invited to the following calls and measurements between the north line of the Logan and the south line of Martinez No.3.

| Survey | Orig.Call. | Measured. |
|-----------|------------|-----------|
| W.G.LOGAN | 2500 | 2500 |
| MARTINEZ | 4 2050 | 1954 |
| ARTINEZ | | 2189.5 |
| | | |

6716 TOTALS on the west end of the surveys of 72.5 varas, which I take not being umusual in this instance as the north line of the Logan as is on the ground converges 122 varas on the south line of Martinez No.4, account of these lines converging and not being parallel.

Wm. ardin.

From the south east corner of the Wm.Hardin as mentioned above, I ran South 89 deg.o7' 33" West, following old marked line, finding numerous property corners and witness trees, occupation and in part fences, at 5353.6 varas the recognised southwest corner of the said ardin Survey. This makes an excess of 400.6 varas above the call on this line of 4953 varas.

Now- if due recognition be given the upper southeast corner of the Hardin, and also consideration of its call of 1003 varas, then the lower east line of the Hardin would be and is 373.6 varas west of the present claimed and marked, (not anything near old enough to be original) lower east line of the said Hardin. If this course and distance be satisfied and the lower southeast corner of the Hardin be located from the same, there will still be 27 varas excess from the intersection of this point so fixed and the southwest corner of the Hardin, a corner I am willing to accept, as being correct and properly identified by reputation. I then ran north along the west line of the Wm. Hardin Survey, old marks and at 1412 varas center of Big Creek, where I abandoned the line as it was well marked, and for the main reason that none of the Land Office working sketches, nor the original field notes show the distance to the creek crossings, although the notes show several on the west line. The original notes are so badly frayed on the edge that it is impossible to make out the distances at which creeks are crossed.

I returned to the Southeast corner of the Sanderson Survey and ran South 88 deg. 491 10" West in part on east and west along old marked line, and graded county road along middle part of line, fences, occupation and property corners at 889.3 varas intersected the upper east line of the Wm.Hardin as marked on the ground.

I then ran south 1 deg.12' East along old marked line, (very old and new marks), and in part fenced, at 904 varas cross center Big Creek, against original call of 878, and in all 2713 varas to the north line of martin ez No.3 finding an excess of 217 varas over the original call of 2496 v Returning to the northeast corner of the Hardin, running the same course but with new measurement, at 3599 varas to the south west corner of the Wilbourne Survey as pointed out to me by mr.Ross, and at the intersection with a marked line running both north and south. This distance is 75 varas excessive of the call of 3524 varas on north line of Mardin. Thence with the fast line of the Schnell, an old marked line, one lynn about 100 varas south seems to carry the old original blazes, lynn is now dead and stands just east of fence line. Course South 1 deg. 06' 08 West at 220.8 varas to fence corner and fence line to west. The south

Actual Survey.

I began at the old and new pine knots at the southeast corner of the Sanderson survey, as identified by original and junior witness trees; see map for detail. Thence ran a line North 00 deg.19' East, with an old and later marked line, and at 1737 varas intersected an old east and west marked line, the south line of the J.T.Simpson survey as recognized on the ground.

I then produced the southline of the Simpson and the north line of the Logan from the old Walnut stump, and other witness trees at the Northeast corner of the Logan, along old marks, where line was in timber, but generally along a graded road, South 88 deg.25' West 7022.5 varas to an intersection with the north end of the above line, the East line of the Sanderson. On this time I found much occupation, and many property corners in both the Logan and the Simpson surveys.

The Logan calls to begin at its southeast corner, thence up the river, thence west 6900 varas, ect. Along its north line I find 122.5 varas excess from the Walnut Stump, witness tree, to the intersection with the west line as produced north from the original southeast corner of the Sanderson. On account of the marks, the reputation and the Sanderson original southeast corner, I accept the west line of the Logan as I find it on the ground.

The next call in the Logan is South 2000 varas to slough and overflow land; at 1954 varas south I cross the center of Mussel Shoals, where the same has every appearance of being a slough. The channel is a fairly wide, stagnant body of water covered with water lillies and grass growth, At 1989 varas I leave the south bank of same, on the top of the high bank and consider this practically a check against the calls in the original notes of 2000 varas. The Logan west line calls, in all, south 2500 varas to stake and mound, 4th. corner. No bearing trees are given and none found. 2500 varas falls on the east bank of Big Creek. I continued South 00 deg. 19' West and at 2554.9 varas found a 12" Hackberry marked X,fairly old, and on the southeast side.

The last call, South line, in the Logan is East 12449.5 varas. I found from the 2554.9 varas hub, so as to fit the only two marked trees I found on the transit line, the course and distance to be South 89 deg. 54' 52" East 12,133.3 varas or a shortage of 315.7 varas.

The hackberry above referred to is 18.8 varas east of a projection of the West line of the Logan. The two marked trees on south line are a 26' white oak with two sets very old blazes on all four sides, located at 1011.6 vras East and on west side Mussel shoals, and a 30" pin oak with three hacks on east side at 10403.6 varas east, the marks are very new. There is nothing unusual in not finding more trees on this line as it and also the line 54.9 varas north, or at 2500. vrs. both are practically treeless and lie in cultivated fields with only very scattering small timber.

For reasons later to be developed in this report I would place the south

line of the Logan at 2500 varas and not at 2554.9 varas. On the ground the various parties living on Martinez No.4, in the north part, claim that the line of the Martinez and Logan is a continuous line as projected Eastward from the south lines of the Sanderson and Welbourne of course this is an absurdity, for it would shorten the Logan by 793 varas on its west line, fail to cross the slough, (Mussel Shoals), at 2000 varas, in fact would not cross it at all.

There is considerable folk lore that in the early days the owner of the Martinez No.4 sold or traded with the owner of the Logan for 1000 acres off the south part of the Logan and then had a joint property in both the martinez and the Logan with the north line of this purchase as the

continuation of the south lines of the Sanderson and Welbourne. There is an old and well marked line running east from the southeast corner of the Sanderson to the river which tends to substantiate this legend, although

east corner of the Schnell with 8.8 varas excess over the call of 212 varas in the hardin notes.

Thence with fence line and old marked line, south line Schnell and a nor th line of the Hardin, South 89 deg. 10'52" West 2475 varas to the north west corner of the dardin in old marked line to the south, this line is 43 veras excessive over its call distance of 2432 varas. Having no data , and there being none available from any known source, by which I could check the creek crossing calls on the West line of the Hardin I did not run the same.

In my opinion the upper East line of the William ardin is correctly located upon the ground, as it very closely fits its call for Big Creek, and as it is a very old blazed and hacked line, with marks of varying junior ages also, showing that it has been recognised by surveyors for many years and on many different surveys.

The west line of Martinez No.4, locating the same the proper distance west of its northeast corner, will not allow the adjoiner call in the Hardin to be valid, for if the Hardin east line be so located the creek crossing call on this line of the Hardin will not fit, in fact it will n not even cross Big Creek. The same statement applys, if the west line o of the Logan be called the east line of the Hardin again you destroy the creek crossing call. Again, should you produce the west line of Martinez No.4 North, it would conflict with the Logan as the same is actually located on the ground and therefore if the Hardin adjoiner call for the Martinez be correct you would also have the Hardin in conflict with the Logan. This is an impossibility. From the facts on the ground and from a careful consideration of all data I am convinced that the only claim there could be which would carry the Hardin to Martinez No.4 is the erroneous call for the same as made by

Hirom, the surveyor of the Hardin. Furthermore an exemination of the Hardin field notes would convince a surveyor that Hiroms did not place the East lines of the Hardin any further East than I find them to be on the ground, if he, Hiroms, had done so he would have had to cross Mussel Shoals on both the north and the east lines, but in the notes there are no calls for these crossing, yet in all of his other lines he calls numerous times for creek crossings and even branch crossings, and it would be very improbable that he would twice cross a stream, several times larger than any crossed on other lines without noting the same.

It is true that the Hardin at its upper northeast and southeast corners calls for the same witness trees as the Martinez No.4, and also calls for the same witness trees as the cartinez hour, and also calls for the same witness trees at the lower northeast and southeast corners as "artinez No.3. Any impartial analysis of the "ardin field notes will show the impossibility of "ardin actually being at these senior survey corners. First, by its, the Hardin calls it would be necessary for the East line of the Hardin to be co-incident with both the west lines of the Logan and Martinez No.4. These lines of the Logan and "contines No.4 are not one and the same straight line but by the field "artinez No.4 are not one and the same straight line, but by the field note calls of the two surveys along a common line, and from a common beginning point on the river are 989 varas apart. Second, the "ardin calls to begin at the northwest corner of No.4, thence south 2496 varas to the southwest corner of the same. This call on its face is not in accordance with the length of the atented west line of martinez No.4 which is 2050 varas. Trees do not have a habit of moving around to various localities, and it would be impossible for the same trees to be located 2050 varas apart ; and also 2946 varas apart two years later, yet the "ardin field notes would lead you this to believe; personally I think the Hardin call for the Martinez No.4 was an is a halucination of Hirems as was and is his call in the Ezekiel Thomas Survey for the Brown and also the Harris and Wilson Surveys in Harris County. The second Hardin call, WEST 1003 varas, to the north west corner of No.3 is also patently in error. The surveyor on No.4 made its south line 7711 varas and the same surveyor on No.3 made its north line, (Common with south line No.4), 10261 varas from the same common corner, or in other words placed the northwest corner of No.3, 2550 varas west of the southwest corner of No.4. Now two years later we have Hiroms calling for the same witness trees at these Martinez corners yet calling the distance between them 1003 varas. San Jacinto County trees surely do not stay hitched. Any decisions to the contrary not withstanding, I do not believe any Court Court in Texas would undertake to reconcile this mathem atical impossibility so as to make an adjoiner call hold. Especially so, when to attempt to do so will necessatiate a complete chan ge in the shape and configuration of the surveys, the additional two calls that would have to be added to the Hardin, and the Hartinez No.4, the abandonment of creek crossing, natural object, calls, and to make a call of 2050 equal a call of 2496, and to also make 2550 equal 1003.

there is no deed of record to prove the same.

While on the Logan Survey it might be well at this point to mention the east line of the Sanderson Survey, which calls to begin at the north west corner of the Logan, thence S.1 E. at 190 varas cross Mussel Shoals, from the northwest corner of the Logan above described, I cross the center of Mussel shoals at 170 varas, and the south bank at 197 varas, which I deem as checking the original call. I find the original lynn, and the white oak, (now a stump), at the southeast corner of the Sanderson with a distance of 1737 varas and not 1685 varas as called, thus making an excess of 42 varas. I find also that the call in Sandersonson notes for its south east corner to be on the north line of Martinez No.4 to be in error. 1685 varas the, Sanderson call subtracted from 2500 varas the Logan call leaves 815 varas that the Sanderson fails mathamatically to reach the north line of the Martinez. Johnson, the surveyor, clearly located the south line of the Sanderson as an eastward continuation of the Welbourne's south line and not as the north line of the Martinez, he possibly mistook the north line of the south 1000 acres out of the Logan as the north line of the Martinez. In my opinion, this is a very definite case where an adjoiner call cannot possibly be construed so as to extend a survey some 815 var as to meet another survey, for in the first place the original witness trees at the south east corner of the Sanderson are on the ground as concrete evidence to strengthen a mathamatical impossibility, of starting two lines at a common point, running in a common direction, and making 1685 and 2500 varas arrive at another common point. It cannot be done, and I make the point here so as to estop any claim that might be made in an attempt to extend the Sanderson south of its original corner and place it, the Sanderson, in conflict with any of the Chapman Claim. At the northeast corner of the Logan I ran East 97 varas to the high west hank of the Trinity River, then meandered southward or down stream to such a point the river turned sharply Last for a mile or more, again the southeast corner of the Logan was meandered northly or upstream to where the river makes a sharp turn to the West and about opposite the south end of the downstream meanders. From the delineation of the Trinity River on all working sketches, maps, individual survey maps and sket-ches obtainable from the land office it appears that the Logan is most positively located on the ground and as surveyed by me in its proper position, certainly so with reference to the meanders of the River, and recognition and statements as to its original northeast corner. The ground location is reflected on the accompanying man No.4138-R. The fact that the Logan is short on its south line can have no bearing on the location of its west line further west than it is marked, claimed and recognised on the ground. The north line being the first line of the survey having a definite course and distance call, other than meanders, is excessive to a marked and recognised position, and the south line or closing call, be it short or long, must go back to the river. The south line call of the Logan in this case is not subject to reversed calls for location as the call distance will take west of the marked and recognised position on the ground and further will destroy the slough call on the west line. This statement is made in order to show the absurdidity of giving the south line its call distance and thus placing the Logan in conflict with the Chapman Claim and with the Sandersonson Survey.

J.D.Martinez No.4.

None of the original trees at any corner of this survey weare found. The north line is conned in part with the south line of the Logan as discussed above. The survey begins at the northeast corner, thence West 11455 varas. I have used a point on the north line 100 varas West of the high bank of the River as the northeast corner, this being substantially the same distance from the high river bank that the Logan Northeast cor-ner was found to be. From this point 1 find that the call of 11455 var as will fail to reach the southwest corner of the Logan by 578.6 varas. From the point 11455 varas, the call on the north line of the Martinez, I ran South 00 deg.19' West, same course as west line of Logan, and at 1954 varas I intersect a very old marked line, the accepted south line of Mar-tinez No.4 and North line Martinez No.3. The call on the west line of No.4 is 2050 varas and I find the same short by 96 varas, but accept the well marked and recognised line as the division line between artinez Nos.3 and 4. (See following summary of north and south distances from north line of Logan to South line Martinez No.3).

I then ran North 89 deg. 28' East, following an old and well marked line, finding numerous individual property corners with witness trees thereon, occupation, and fenced nearly the entire length, or old down fences all the way; and found this distance to be 8599.7 varas as against a call of 7711 on south line of No.4or an excess of 888.7 varas. However this being the closing call of No.4,

The surveyors statement and call for the Martinez No.3 and 4, with the apparents above, cannot be reconciled and the surveyors statement for an adjoiner call should fall of its own weight.

There can be no question in any fair mind that Hiroms adopted calls for the said "artinez surveys, and their witness trees, without ever go-

ing to the same. On the ground, the elegacent claimants along the lower why line of the "ardin and west line of wartinez No.3 have apparently attempted to div-ide the excess between themselves equally. This action might be the correct idea as between the adjacent parties, were it not for the fact that the State, in whom the title rests, if this be a vacancy, is certainly no party to the same.

In my opinion, based upon General Land Office field, notes, maps and sketches, a study of the official records, the facts on the ground, the confusion of calls in the notes, the 1860 Land Office working sketch, the 1934 Land Office working sketch, the report of J.G.Ross the present and for many years past, County Surveyor of San Jacinto county, the Chapman Application is Vacant Public Free School Land.

Respecticily,

Licensed State Land Surveyor ...

State of Texas,

San Jacinto County,

Field Notes of a survey of 611.3 acres of land

made for Jas.R.Chapman by Virtue of Application filed with the Surveyor of San Jacinto County, Texas. Said land lies on the waters of Big Creek and Mussel Shoals, tributaries to the Trinity River, and about 12 miles easterly of the county site and in

San Jacinto County, Texas. Beginning at two pine knots, the original southeast corner of the E. Sanderson Survey, on the west line of the W.G.Logan Survey, whence a 24" Lynn, (original Sanderson witness trees), mkd. A, (new), over X, (very old) over X with a hack above and below, (old), brs. N. 76 W.6.6 vs., a 20" white oak stump, (original), brs. N. 89; E. 7.8 vs, a 13" sweet gum marked A, (by me

over a face , brs. S.60 W.22 vs. Thence with the south lines of the E.Sanderson and R.W.Wilbourne Survey South 88 deg.491/6! West at 197 vs.cross Spring Branch, 567 cross a draw 721 cross graded road, 1121 enter and 1161 leave Mussel Shoals, at 1897 northeast corner road where same runs west and southeastly, in all 889.3 varas to a 1" pipe the north east, (most northern), corner of the Wm. Hardin Survey, whence a 22"Pin oak marked A, (by me), over X with 1 hack above and two below, (old) brs. S.1 W.25.67 vs, and another 22" Pin oak marked exactly the same, brs. S.432 W.32.76 vs. (Both trees on south side of County Road.

Thence with East line of said Hardin, South 1 deg. 12" East, at 400 cross branch, at 744, 784 and 829 cross different sloughs near the east ends of same, 904 the center line Big Creek, 2504 cross gully, and in all 2713 varas to a 1" pipe, the Eastern southeast corner of the Hardin, on north line of "artinez No.3, and being 23.8 vrs. south of a gully and 4.3 var. north of old tram, whence a 24" Magnolia marked A over X with hack above and below, brs. N.342 E.25.3 vs, and a 26" Pine marked the same Brs. S.79 W.61.56 vrs.

Thence with north line of Martinez No.3, North S9 deg.28' East at 1040. (1040.6) vs. cress Bir Creek, and in all 1395.9 varas to a 1" pipe set by me as the souther corner of Martinez No.4, Mence are place that the A over X, hash above and below, brs. N.60" W.40.14 vs. and a weet gun marked the same bread 5.82 W. 52.74 vrs.

Thence with the west line of the Martinez No.4, (located by distance from the northeast corner), North 00 deg. 19' East 1954 Varas to a 1 pipe for the north west corner of Martinez No.4 on south line W.G.Logan Thence with south line of Logan survey, North 89 deg. 54' 52" West 578.6 varas to a 1" pipe for southwest corner of Logan, pipe is 10 feet east of Big Creek, and a 5" Douls Chitum marked A over X, hack above and below brs. S.32 W.26.82 vs, and a 5" Sycamore marked the same brs. N. 282W.8.06 VS.,

Thence with the West line of the said Hogan Survey, North oo deg. 19' East at 223 varas cross gully, at 428 cross another gully, at 546 cross center Mussel Shoals, at 656 cross a spring branch and in all 763 varas to the place of beginning.

Surveyed with connections May, June and July, 1934.

Variation 9 deg. 17' East.

N.E. Wicklund, Instrumentman, E.F. Dolin, H.Fullerton, J.Luditch, H.

go to the niver be the distance long or short. In this instance the distance is materially long, in fact

long or short. In this instance the distance is materially long, in lact much longer than is the south line of the Logan Short. I then meandered the entire River along the east part of the Martinez No.4 as shown on Map No.4138-R. On the ground the upper East line of the Hardin is claimed by people, old settlers and timber cutters, as the west line of the Martinez No.4. This is manifestly absurd, as it would add nearly 1400 varas additional length, West, change the entire configur-ation of the West end of the Martinez, add two course and distance calls, which do not experim or original potes or patent and change a rectangle inwhich do not appear in original notes or patent, and change a rectangle into an ell shape.

At the point on the south line of the Martinez No.4 whence I ran Bast, I returned and ran South 89 deg. 28 West, following old and well marked line, finding several corners, and along a line in part fenced, at 1395.9 varas intersected the upper southeast corner of the William Hardin Survey, as indicated on the ground by old marks, occupation, corners and reputation. At 629.4 varas additional, same course, intersected a marked line at what is claimed to be the re-entrant corner, or western northeast corner, of the Wm. Hardin, and northwest corner of Martinez Survey No.3, or at a total of 2025.3 varas on this last course.

This will make the north line of Martinez No.3 10625 varas in length or give it an excess of about 364 varas, to the line marked and claimed as the lower east line of the Hardin.

Newman, Wellman (Henry and Arthur) Chainmen and brush men.

I, J.S. Boyles, a Licensed State Land Surveyor, hereby certify that the foregoing survey was made on the ground, according to law, that the limits boundaries and corners, together with the marks, natural and artificial are truly described in the foregoing field notes. And that Map No.4138-R accompanying the same is the result of work on the ground and a part of these notes and report.

Witness my hand and seal of office at Houston, Texas this the 30th ., day of August 1934.

Licensed State Land Surveyor.

County Surveyor of San Jacinto County, texas hereby certify that the above and foregoing field notes were filed for record on the 67 day of 0007 1934, at / o o clock, A M. and recorded in Volume No. / page No.264 in my office in San Jacinto County, Texas.

> County Surveyor, San Jacinto County, Texas.

