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IN RE: APPLICATION O. P. DEANER 123.8 ACRES
S. F. NO. 13681

REPORT OF JOHN BAKER TO LAND OFFICE OF SURVEY MADE ON THE
GROUND OF PORTIONS OR ALL OF THE FOLLOWING SURVEYS IN CASS
AND MARION COUNTIES, TEXAS

JACKSON GRAYSON, CHARLES GRAYSON, WILLIAM EDMONSON, J. J. WILLIAMS, W. K. DALBY, H. M. DERRYBERRY, G. GERDIS, JOSEPH WATKINS, L. RESTER, B. W. HOBSON, L. P. CADENHEAD, W. T. BUSH, W. J. DOLSON S. F. NO. 119583 (F. L. LUCKEL), MOLLIE H. WEBB BALDWIN AND JOHN M. WATSON (South Survey)

This report covers work done on the ground during 1936, and the evidence found showing the location of the lines hereinafter reported on. In making the survey I had before me photostatic copies of the original and corrected field notes of the various surveys included in this report, as well as the original and corrected field notes of the adjoining surveys to those reported on herein, and copies of various deeds of land located in the surveys.

JACKSON GRAYSON SURVEY

The Jackson Grayson Survey is senior in this area, the field notes having been returned by J. H. Broadnax on a survey made April 2, 1838. I considered that the location of the northwest corner of said survey was of material importance in locating the west line of the Edmonson Survey. I failed to find on the ground any of the original witness trees called for in Broadnax's field notes, and being unable to find the original witness trees I located the northwest corner of the survey by the best evidence available showing use, occupancy and reputation, and found this corner fitted some of the passing calls in the field notes. I found the hickory bearing tree called for in the E. Young Survey made by Broadnax April 17, 1838. The Northwest corner of the Jackson Grayson, as I located it on the ground, is 762 vrs. South and 5396 vrs. West of the Northwest corner of the E. Young Survey, witnessed by the hickory tree now standing.

I found that by running a line south from the Northwest corner of the Jackson Grayson Survey, as I located it on the ground, such line will fit the use and occupancy of both the Jackson Grayson and Charles Grayson Surveys, as the land has been used and occupied for the past 60 years.

Evidencing this use and occupancy is a deed dated August 1, 1878, from T. A. Sharp et al to T. J. Rogers, recorded in Vol. P, page 111, Deed Records of Marion County, Texas, conveying a tract described as containing 935 acres, located in the Northeast corner of the Charles Grayson Survey, said deed calling for its East line to be the East line of the Charles Grayson Survey, and the West line of the Jackson Grayson Survey. T. J. Rogers conveyed by the same description the land to W. N. Dunn on June 1, 1889. By mesne conveyances title to a portion of the 935 acres vested in R. Ballauf, who on May 5, 1897, conveyed to Geo. Cowling 96 acres by deed recorded in Vol. A-2, page 419, Deed Records of Marion County, Texas, the East line of which tract is described as follows:

"Thence East 815 vrs. to a stake on the East line of the aforesaid 935 acre tract, from which 2 post oaks br. 1 N 2° W 3 1/2 vrs., 1 N 2° E 3 1/2 vrs, both marked "X"."

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I found on the ground a post oak, which from the size of the tree and the age and appearance of the marks I identified as that being called for in the above mentioned deed from R. Ballauf to Geo. Cowling in 1897, and the West line of the Jackson Grayson, as I have located said line, passes through the corner witnessed by this tree.

In extending the West line of the Jackson Grayson Survey south from the Northwest corner to the Southwest corner of said survey, the line crosses three creeks at about the distance called for in the Jackson Grayson field notes prepared by J. H. Broadnax. The Jackson Grayson calls for the West line to run North 5000 vrs., and calls for a creek crossing at 4980 vrs. North of the Southwest corner. There is a Creek at 20 vrs. south of the Northwest corner of said Survey, as I have located the corner.

The field notes of the Jackson Grayson Survey call for two creek crossings on the North line, said crossings called to be 3000 vrs. apart. We find these creek crossings to be 3000 vrs. apart, but they are located about 45 vrs. further East from the Northwest corner, as I have located it, than the calls for same in the field notes. I did not find any evidence on the ground that any other line had ever been marked or used as the West line of the Jackson Grayson Survey. I made inquiry of the people living in that locality who had lived there for a number of years, and was informed by them that the above described line was the line that had been used for a number of years as the West line of the Jackson Grayson Survey.

EDMONSON SURVEY

The William Edmonson Survey, field notes of which were prepared by T. R. Wilson on July 27, 1841, calls for its most westerly southwest corner to be coincident with the northwest corner of the Jackson Grayson Survey, and the field notes have one common bearing tree with the Jackson Grayson Survey. I failed to find any of the original bearing trees called for in the Wm. Edmonson field notes except the EY tree mentioned above. From the Northwest corner of the Jackson Grayson Survey I ran north a distance of 100 vrs., being the called distance in the Edmonson field notes. I then ran east 420 vrs., the called distance in said field notes, and then ran North 5020 vrs. to the Northwest corner of the William Edmonson Survey, as I located said corner. This line fits the use and occupancy of the William Edmonson Survey and the Joseph Watkins Survey as they have been used and occupied for about 60 or 70 years. I then ran a line East and crossed Jim's Bayou at about 85 vrs. The Edmonson Field Notes call for the Northwest corner of said survey to be 100 vrs. West of Jim's Bayou. The North line of the Edmonson Survey, as I located it on the ground, crosses Jim's Bayou only at one place, and if the survey is located by course and distance from the EY tree, the Northwest corner would not be West of Jim's Bayou, but would be East thereof, and would therefore not fit the passing call for Jim's Bayou.

In order to determine if the west line of the Edmonson Survey had been used for many years at the place shown on map, I made an examination of a great number of deeds of land located in the western portion of the Edmonson Survey. William Edmonson conveyed by deed dated October 18, 1865, recorded in Vol. H, page 456, Deed Records of Marion County, Texas, to J. H. Caudle, all of the survey except three (3) tracts in the southern portion previously conveyed. J. H. Caudle conveyed by deed, dated March 16, 1872, recorded in Vol. I, page 328, of the Deed Records of Marion County, Texas, to T. J. McAlpine, 120 acres, being a portion of the land previously acquired from William Edmonson, calling for the place of beginning to be 1200 vrs. South of the Northwest corner of the Edmonson Survey, said place of beginning being the Northwest corner of the 120 acres, witnessed "by a pine marked TM, from which a sweetgum bears N 45 E 10 vrs., a hickory bears S 10 W 15 vrs., both marked thus X." At 1210 vrs. South of the Northwest corner of the Edmonson Survey I found a sweetgum which size and location fits the witness tree called for in the above deed from Caudle to McAlpine in 1872. I found an old "X" on the tree, and the tree has been remarked in the last 15 or 20 years. I take this to be the Sweetgum called for in the deed from Caudle to McAlpine for the Northwest corner of the 120 acre tract at 1200 vrs. South of the Northwest corner of the William Edmonson Survey.

I looked at a photostatic copy of Ben Cook's original field book No. 150, showing work done on the ground July 2, 1901 to July 4, 1901, under decree of the District Court in a law suit then pending involving about 1200 acres of land in the William Edmonson Survey. He began a part of his work on the West line of the Edmonson at the Northwest corner of the T. M. McAlpine 120 acre tract, and his notes showed "bearings O. K." In 1901 Ben Cook was able to locate the two bearing trees marking the Northwest corner of the 120 acres of land conveyed by Caudle to McAlpine, one of which bearing trees I can now find. Ben Cook's notes in part are as follows:

"Begin on West line grant at the Northwest corner of the T. M. McAlpine 120 acres now owned by Elias Harper. Bearings o. k.

Thence N variation 7 degrees 45 minutes East. Do not find any marks. At 1210 vrs., I fall 20 vrs. West of pine knot corner. Set to same. Find sweetgum 12" S 48 E 5.6. Pin oak 12" S 58 E 1.4 W. E. There is a large sweetgum S 9 E 22 but no marks on it.

Thence E at 60 vrs. James Bayou. At 120 vrs. old run of Bayou."

An inspection of the work done on the ground by Ben Cook in 1901 shows that he located the northwest corner of the Edmonson Survey at approximately the same place shown on attached map.

J. H. Caudle on February 5, 1874 deeded to Robert McRee, recorded in Vol. J, page 275, Deed Records of Marion County, Texas, 1200 acres in the William Edmonson Survey. This deed contains a call "Thence West 1663 vrs. to the Northwest corner of said Edmonson Survey a stake from which a sweetgum bears S 9° E 13 vrs. marked W.E.; Thence S 1200 vrs. a pine marked TM from which a sweetgum bears N 45 E 10 vrs. a hickory bears S 10° W 15 vrs. marked X." The first call above locates the Northwest corner of the 1200 acres, and the call for the bearing tree in the deed is the same as that called for in the William Edmonson fieldnotes returned by T. R. Wilson. The three (3) trees called for in that portion of the description copied above in the deed from Caudle to McRee are the same as those called for in the deed from Caudle to McAlpine made two years previously.

The deed from Caudle to McRee was made 33 years after Wilson made the survey for the original field notes. When Ben Cook made his survey in 1901 he was able to find the three (3) bearing trees called for at the Northwest corner of the McAlpine 120 acre tract, but, apparently, the original bearing tree at the Northwest corner of the Edmonson Survey had been destroyed. I encountered no difficulty in finding some of the trees marked by Ben Cook in 1901, a period of about 35 years from the time he marked them.

The line which I have described above as the West line of the Edmonson passes through the Northwest corner of the 120 acre tract of land conveyed by Caudle to McAlpine in 1872, one of the bearing trees of which 120 acres is now standing on the ground. This line is the one that has been used for many years by the owners of tracts in the Jos. Watkins Survey as the East line of said Jos. Watkins Survey, and is the line used by owners of tracts in the Edmonson Survey as the west line of said Edmonson Survey as shown by the subdivision corners marked along said line. It is also the line that marks the possession between the owners of tracts in the Watkins Survey and the owners of tracts in the Edmonson Survey.

JOHN M. WATSON AND JOS. WATKINS SURVEYS

The field notes of the John M. Watson Survey, dated November 9, 1841, made by T. R. Wilson, the same surveyor who returned the field notes for the Edmonson Survey, call for its Southeast corner to be at the Northwest corner of the Edmonson Survey, and calls for the East line to cross Jim's Bayou at 70 vrs. North of the Northwest corner of the Edmonson Survey. The Bayou was found to be 80 vrs. North of the Northwest corner of the Edmonson Survey, as shown on map.

The Jos. Watkins Survey, field notes of which were returned by J. B. McReynolds March 13, 1854, calls to "commence at the NW corner of Wm. Edmonson 24 labor Survey a stake on the South bank of Jim's Bayou, from which a huckelberry 6" in diameter bears S 84 W 9 1/2 vrs. marked X, a sweetgum 24" in dia. bears S 50 W 17 vrs. marked T." Jim's Bayou makes a bend to the south as shown on the map accompanying this report in such a way that the call in the Jos. Watkins Survey for the South bank of the Bayou is satisfied.

GERDIS SURVEY

On the West line of the G, Gerdis Survey as I found the line on the ground, there is an old corner marked by a pine knot. From this corner a 13" Hickory marked with a very old X bears N 47 W 8 vs. A large pine stump hole, over 3' in diameter bears N 8 E 3 1/2 vs. and the remains of a large Red Oak bears S 74 E 27 vs. This corner as witnessed by the above mentioned Hickory stands at the intersection of an old marked line to the south and east and is witnessed by a bearing tree and the remains of bearing trees which compare very closely to those called for in a deed from T. J. Parham to Raleigh Crawford on March 29, 1877; the call in said deed being "Beginning at the Northwest corner of the original survey in the East boundary line of the E. Kimbrough, whence a red oak stands S 80 E 116 links, marked GG, a pine NE 14 links, a hickory N W 34 links, both marked X." Mr. W. S. Ford, of Marions County, who has resided in this locality for more than 50 years, pointed this hickory tree out as being the tree witnessing the Northwest corner of the Gerdis Survey. Mr. Ford acquired in 1917 the North half of the Gerdis Survey, and he said that the surveyor, at that time, used the hickory as witnessing the Northwest corner of the Gerdis Survey, and the above mentioned marked lines to the South and East as marking the North and West lines of the said Survey. He further said that the surveyor in 1917 found the red oak standing, and identified the hickory as being the other bearing tree called for as witnessing the northwest corner of the Gerdis Survey in the deed from T. J. Parham to Raleigh Crawford. The red oak and hickory witnessing the northwest corner of the Gerdis Survey, as called for in the deed from Parham to Crawford, are also called for in the deed to W. S. Ford dated September 25, 1917, recorded in Vol. 0-1, page 260, Deed Records of Marion County, Texas.

I found a newly constructed house at a distance of approximately 150 vrs. east of the aforementioned West line of the Gerdis Survey. To the East of this house I found a large pile of rock at a distance of 168 vrs. East of the West line of said survey, which appeared to be the ruins of an old chimney. This large pile of rock was pointed out to me as being the ruins of an old chimney to a house occupied by Raleigh Crawford and T. J. Parham. Mr. Ford told me that the old Parham homestead stood at the point of this rock pile about 60 years or more ago, and he said that as long as he could remember there had been a house at about the place where the rock pile is and that Raleigh Crawford lived in this house for many years. Mr. Ford said that he father told him about the old Parham homestead having been built to this chimney.

BUSH SURVEY

I found that the most easterly northeast corner of the W. T. Bush Survey is on the South side of an east and west road, from which a 20" post oak marked B on the south side bears N 1-1/2 East 15 vrs. From the appearance of the tree and the marks, we take this tree as being the one called for in the patented field notes of the W. T. Bush Survey as returned by C. F. L. Smith March 14, 1874. The call in the patented field notes of the Bush is as follows:

"A Northeast corner with his Northwest corner in the S B of the Derryberry Survey, a P. O. stands North 1 1/2 E 15 vrs., a Pine N 46 E 11 vrs., both marked B, a Hickory S 10 E 2 1/2 vrs. XX."

At the most easterly southeast corner of the W. T. Bush Survey we found on the West side of a road a white oak marked "X", which is called for in the description of the land partitioned to Pearl McCann in 1918, recorded in Vol. L, page 333, Probate Minutes of Marion County, said description calling also for a white oak marked W. T.B. to bear N 30 W 3 vrs., which call is the same as in the patented field notes of the W. T. Bush Survey. The stump of a white oak, recently cut, now remains at the position described in this deed and the Bush field notes.

We find the Southwest corner of the Derryberry Survey, as it is used and recognized on the ground to be located in the lines of the road to the north and the road to the east. From this point a pine stump bears N 1 E 10 vrs. This pine was pointed out by Mr. Ford as having been marked with an old "X", and as having been used and recognized since his earliest remembrance as the witness tree for the North Northwest corner of the W.T. Bush Survey. The corner as used is located from the pine stump at the bearing and distance that the patented field notes call for a pine tree to bear. The corner of the Bush Survey as above located is found to be used and recognized as the north northwest corner of said Bush Survey, and is also in the East line of the Gerdis Survey, as used and recognized on the ground.

The patented field notes for the northern re-entrant corner of the W. T. Bush Survey call for a forked white oak to bear S 75 W 3 vrs. and a white oak to bear S 85 E 8 vrs. Inspection on the ground shows a forked white oak snag and a white oak stump to be located at the courses and distances called for in these field notes from the most northern re-entrant corner of the W. T. Bush Survey as we determined it. The aforementioned re-entrant corner as called for in the patented fieldnotes, is also called to be the southeast corner of the Gerdis Survey.

The stump of the white oak tree, cut in the last 2 or 3 years, shows an ax mark facing the corner, and the ring count on the tree indicates that this mark was made between 1870 and 1874.

WILLIAMS SURVEY

The title to the J. J. Williams Survey vested in James Y. Blackbourne by deed filed for record March 17, 1852, Vol. 3, page 116, Deed Records of Marion County, Texas. James Y. Blackbourne was survived by his sons, T. E. Blackbourne and Robert G. Blackbourne. Upon the death of T. E. Blackbourne, his widow, Leona I. Blackbourne, filed an application in the County Court in the Matter of the Estate of Thomas E. Blackbourne, asking permission to make a deed to Robert G. Blackbourne, representing that during the lifetime of Robert G. Blackbourne he and his brother, T. E. Blackbourne, agreed to partition the land which they had inherited from their father, James Y. Blackbourne, said land to be partitioned according to the field notes attached to her application. The field notes attached to the application describe the tract partitioned to Thomas E. Blackbourne out of the Williams Survey in part as follows:

"Commencing at stake on SW corner of the J. J. Williams 640 acre survey, from which pine bears N 20° E 10 vrs. marked JJW, another bears N 76° E 8 vrs. marked JJW;

Thence N with W boundary line of said Williams Survey 1200 vrs. to a cluster of 4 maple saplings, same being SW corner Robt. Blackbourne land, from which a large pine bears S 10 W 2 1/2 vrs. marked X, a hickory bears N 80° E 5 vrs. marked X."

When Tullis made this survey March 19, 1887, he called to begin at the Southwest corner of the Williams Survey, and recites the same description of two bearing trees called for as in the patented field notes of the Williams Survey. I did not find either of these trees. In the next call by Tullis he witnesses the Northwest corner of the tract that he described by the hickory set out in the description above. In running a line north 1200 vrs. from the southwest corner of the J. J. Williams Survey, as shown on the map, I found a pine knot from which a 7" hickory marked X bears N 80 E 4.3 vrs. and a large pine stump hole bears S 10 W 3 vrs. From the appearance of the marks on the hickory tree, we take this for the bearing tree called for in the field notes by Tullis. The appearance of the marks on the timber along this portion of the West line of the Williams Survey indicate that they were made at the time of the survey by Tullis. This old marked line continues North from the corner above mentioned as witnessed by the hickory. In the field notes of Tullis aforesaid, attached to the application, describing the land to be partitioned to Robert Blackbourne, Tullis called for bearing trees of the same description as those called for in the patented field notes to the Dalby Survey at its northeast corner, its southwest corner, and the northwest corner of the J. J. Williams Survey as patented. The field notes read in part as follows:

"Thence West 696 vrs. to stake on Northwest corner of the said Williams Survey, from which black oak bears S 8° E 19 vrs., another bears S 29° E 21 vrs. both marked JJW;
Thence South 700 vrs. to the place of beginning."

The place of beginning is the same called for in the field notes prepared for the T. E. Blackbourne heirs deed, the hickory tree witnessing the beginning corner being discussed above.

I found at a distance of approximately 100 vrs. East of the West line of the Williams Survey the ruins of the Thomas E. Blackbourne old home. Thomas E. Blackbourne died in 1889, as indicated in the probate proceedings. The records do not disclose that the Blackbournes ever owned any land in the Cadenhead Survey.

The lines of the survey as shown on attached map are in accord with a great number of Deed Record corners in the various surveys, many of which corners I have found on the ground. The survey lines are also in accord with the general reputation in Cass and Marion County as to their location. Investigation and inquiry did not reveal any other lines, either marked or generally recognized as lines of these surveys, other than those shown on the attached map.

You will observe from the map and report that the F. L. Luckel land as patented in 1913 includes all of the vacant land that was situated between the Hobson and the Gerdis and Rester Surveys, as I have found these surveys on the ground.

November 5, 1936.

John F. Baker
John F. Baker
Licensed Land Surveyor

Part of rolled sketch "O.P.D." Cass Co.

Received and filed in General Land

Office on November 9th., 1936.

J.H. Walker, Commr.

C.F. Blucher, Clk.

See S.F. 13681.

her Tullis made this survey March 19, 1887, he called to begin at the southwest corner of the Williams Survey, and recites the same description of two bearing trees called for as in the patented field notes of the Williams Survey. I did not find either of these trees. In the next call by Tullis he witnesses the Northwest corner of the tract that he described by the hickory set out in the description above. In running a line north 1200 yds. from the south west corner of the J. J. Williams Survey, as shown on the map, I found a pine knot from which a "V" hickory marked X bears N 80 E 4.3 yds. and a large pine stump hole bears S 10 W 3 yds. From the appearance of the marks on the hickory tree, we take this for the bearing tree called for in the field notes by Tullis. The appearance of the marks on the timber along this portion of the West line of the Williams Survey indicate that they were made at the time of the survey by Tullis. This old marked line continues North from the corner above mentioned as witnessed by the hickory. In the field notes of Tullis aforesaid, attached to the application, describing the land to be partitioned to Robert Blackburne, Tullis called for bearing trees of the same description as those called for in the patented field notes to the Doby Survey at its northeast corner, its southwest corner, and the northwest corner of the J. J. Williams Survey as patented. The field notes read in part as follows:

"Thence West 698 yds. to stake on Northwest corner of the said Williams Survey, from which black oak bears S 80 E 19 yds. another bears S 29 E 21 yds. both marked JW; Thence South 700 yds. to the place of beginning."

The place of beginning is the same called for in the field notes prepared for the T. E. Blackburne heirs deed, the hickory tree witnessing the beginning corner being discussed above.

I found at a distance of approximately 100 yds. East of the West line of the Williams Survey the ruins of the Thomas E. Blackburne old home. Thomas E. Blackburne died in 1882, as indicated in the probate proceedings. The records do not disclose that the Blackburne ever owned any land in the Cabernhead Survey.

The lines of the survey as shown on attached map are in accord with a great number of Deed Record corners in the various surveys, many of which corners I have found on the ground. The survey lines are also in accord with the general reputation in Cass and Marion County as to their location. Investigation and inquiry did not reveal any other lines, either marked or generally recognized as lines of these surveys, other than those shown on the attached map.

You will observe from the map and report that the F. J. Luckel land as patented in 1913 includes all of the vacant land that was situated between the Hobson and the Gordis and Rester Surveys, as I have found these surveys on the ground.

November 5, 1936.

John F. Baker
 Licensed Land Surveyor

File No. Sketch File 25
 Report Cass County
 Reprt. accompanying appl. & sk on SF-13681
 Filed 11-9 1936

~~Cass Co. Rolled Sk O.R.P.
 Report SF 13681
 By John F. Baker
 Filed 11-9-36~~

GARRY SAURO, Com'ry
 By (Douglas Howard)

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