

J. E. BEAVERS
LICENSED STATE SURVEYOR
CIVIL ENGINEER
DENTON, TEXAS

January 13th, 1928.

Hon. J. T. Robison, Commissioner,
General Land Office,
Austin, Texas.

Dear Sir:

This explanation is had in reference to the method of making survey for the corrected field notes of the Elisha Ball and Antonio Rodriguez and Charles Carter Surveys made for the W. M. Franklin Estate. The accompanying plat shows the land owned by these parties, which old residents tell me has been fenced for over thirty years and indications on the ground verify it, and the corrections of said Surveys do, in no way, affect the boundary lines of other land owners.

Having recently made a survey of the August Pope, Lawrence Ramey, H. Wilkerson and J. S. Stump Surveys, and in so doing made connections with corners of the T. J. Moss and Robert Rogers Surveys, and previous to this I made a survey of 73-7/10 acres for Ed Dowd south of the R. C. Barry Survey and east of the Ambrose Hilburn Survey. The line between the Rodriguez and Gray Surveys was established by suit; Jack Gray vs. W. R. Buford, # 1016, in the District Court of Cooke County, Texas, February 16th, 1878, recorded in Book 3, page 595, of the Minutes of the District Court of Cooke County, and affirmed by the Supreme Court, No. 3668, the 29th day of June, 1879, as follows:

"It is therefore ordered, adjudged and decreed by the court that the plaintiff, Jack Gray do have and recover of the defendant, W. R. Buford, the following land, to-wit; Being a part of the following described tract of 130 acres in Cooke County, Texas, 20 miles N W of Gainesville:

BEGINNING at the northeast corner of the Wm. Hudson Survey;

THENCE east 203 varas to west line of the Hernandez Survey;

THENCE north 1111 varas the N W corner of the Hernandez Survey;

THENCE east with north line of Hernandez Survey 620 varas;

THENCE north 389 varas to Red River;

THENCE west 423 varas to corner of the Rodriguez Survey on bank of Red River;

THENCE south 100 varas to another corner of the Rodriguez Survey;

THENCE west 500 varas, crossing Mountain Creek to another corner of said Rodriguez Survey;

THENCE south 1400 varas to S E corner of said Rodriguez Survey;

THENCE east 100 varas to the beginning;" also W. R. Buford vs. W. C. Freeles, Suit No. 7456, in the District Court of Cooke County, Texas, decree of Court dated December 3rd, 1908, recorded in Book 12, page 21, Minutes of said District Court, establishing the northeast line of the Antonio Rodriguez, is as follows:

"It is further decreed by the Court that the said Antonio Rodriguez Survey, extends to the margin of Red River and that there is no vacant land between it and the river, but it appearing to the Court that the defendant is operating a licensed ferry with its landing in a public county road, the writ of injunction is hereby refused and denied, but this refusal does not authorize the defendant to use any part of plaintiff's land for a landing, except that embraced in the public road, and he is hereby enjoined and restrained from using any other part of plaintiff's land for that purpose".

I began at a stone mound, a re-entering corner of the Robert Rogers Survey, the N E corner of the H. L. Dennis Survey, the same being the original N E corner of "the old McGuire Survey", which I had previously verified; THENCE west at 44 varas to a rock set at the corner of a fence, which I accepted to be the south S E corner of the Charles Carter Survey;

THENCE following fence line N 1* 15' W 380 varas to a stone set at the corner of a fence.

This line is 10 varas short of the original field note call.

THENCE with fence N 88* 24' E 950 varas to a stone mound set at the corner of fence, which is indicated to be the N E corner of the Robert Rogers Survey and the south S E corner of the Whiteside Survey;

THENCE north 60 varas to the corner of fence, the N W corner of the T J Moss Survey;

THENCE east with fence at 690 varas, a point 2 varas east and 2 varas north of the corner of fence, from which a p o stump brs N 56 E 13 varas, a b j stump N 25 E 7 varas, the same I accepted as the original S E corner of the Z Whiteside Survey. I made new bearing trees as follows: p o 8" in diameter brs S 65½ W 2-8/10 varas, another p o 24" in diameter brs N 2½ W 25-7/10 varas;

THENCE north 510 varas, no corner was found for the N E corner of the Whiteside Survey;

THENCE west 91 varas to an old stone mound at the corner of fence, which I accepted for the S E corner of the Rodriguez Survey. From this corner there is an old fence running west intended to be on the south line of the Rodriguez Survey;

THENCE north 1400 varas to a rock, the N W corner of the Gray Survey and a re-entering corner of the Rodriguez Survey. An old fence approximately follows this line between the Rodriguez and the Gray Surveys;

THENCE east 500 varas, no corner was found;

THENCE north 100 varas to a point on the south bank of Red River from which the mouth of Mountain Creek brs N 42½ W 180 varas, no corner was found and the bearing trees were gone. There are a number of red oak and spanish oak stumps that had been burned below the ground but I was unable to make any two of them fit the original call for the bearing trees; however, the corners and distance from the S E corner of the Rodriguez to this point on Red River fit so closely, and also the distance to the mouth of Mountain Creek fits approximately to the field notes given in the Court decree that I accepted this as the N E corner of the Rodriguez Survey.

Again beginning at the south S E corner of the Charles Carter Survey and running west at 350 varas I found a stone mound;

THENCE following the line between the Elisha Ball, Charles Carter and Antonio Rodriguez Surveys with the original field notes of said Surveys, did not find any corner that could be verified until I reached the S E corner of the Ramey where I fell 75 varas east of a stone from which a p o brs east 100 varas, another p o brs S 86 E 95 varas, The original bearing on the last tree was ~~S 85 E varas~~ east instead of ~~S 86 E varas~~. These trees were only dimly marked; however, this corner agrees with the course and distance found of the other corners of the Ramey and the Baker. This corner I accepted as the S E corner of the Ramey. This gives an excess of about 24 varas north and south of the Hugh Henderson, and as the N E corner of the Hugh Henderson calls for the S E corner of the Ramey this will make the N E corner of the Hugh Henderson 75 varas west of the S E corner of said Henderson Survey.

Beginning at the S E corner of the Ramey;
THENCE north at 661 varas, fell $3\frac{1}{2}$ varas east of an old stone mound from which a p o 30" in diameter brs N 6 W 13 varas and a p o 30" in diameter brs N 26 E 15 varas. Both of these trees were plainly marked, and this corner is, beyond a doubt, the original corner of the Rodriguez Survey and a re-entering corner of the Elisha Ball Survey, which I accepted as same;

THENCE east following old fence line 714 varas field note call for east common corner of the Rodriguez and the Ball Surveys on a bluff on Red River; No corner or bearing trees were found; The nearest place to the river from this point is about 500 varas; continuing east in all 1373 varas to a rock on Red River.

I looked diligently from the point at 714 varas to this point for the original corner and bearing trees but none were found. There is a rock bluff averaging from 10 to 12 feet above the mean water

level for quite a ways each way from this point which indicates that the bank of the river has never been any farther west.

Beginning again at the most north N W corner of the Rodriguez Survey where the original corner was found and running north 1364 varas to a stone mound which the land owners have been accepting for the N E corner of the Ramey Survey; original bearing trees were gone;

THENCE west at 63 varas to stone mound for the S E corner of the Ambrose Hilburn Survey. The original field notes of the S E corner of the Hilburn and the N E corner of the Lawrence Ramey are identical but I have been unable to find any original bearing trees on the south line of the Hilburn or the north line of the Lawrence Ramey and the north line of the D Davis D Baker Surveys. The course and distance as shown on the plat are those found on the ground from corner to corner and as fenced by the different property holders. The original field note call of the Ambrose Hilburn on its south line is 2070 varas but on the ground it only measures 1851 varas. This Survey has been subdivided into some fourteen different tracts and the field note call east and west is approximately 1850 varas. I have been told that the west line of the Hilburn controlled by fence line by limitation, also the original field notes of the Lawrence Ramey and the D Davis D Baker east and west is 1161 varas but on the ground the same measures 1155 and 1153 varas respectively.

The following are the dates of the patents of the surveys affected:

Ambrose Hilburn, July 31, 1857;
Lawrence Ramey, November 8, 1863;
Elisha Ball, March 17, 1869;
Antonio Rodriguez, December 6, 1871; and
Charles Carter, December 7, 1873.

With this information I then proceeded to make a resurvey of the Charles Carter, Antonio Rodriguez and Elisha Ball Surveys. The Elisha Ball having the oldest patent, I surveyed it first. The original N W corner of the Rodriguez is also an original re-entering corner of the Elisha Ball and, therefore, the only corner by which it can be located. By beginning at this corner and running out the Elisha Ball from the original field notes it will throw same in conflict with the Ambrose Hilburn and the Lawrence Ramey and also will not reach the river by about 500 varas, and, therefore, the Ball will lose to the Ramey and Hilburn Surveys and is cut into two separate peices; also the Franklin estate has had this strip along the river within their enclosure and peaceable possession for a great number of years with the exception of that part of the Ball north of a line running east from the N E corner of Lawrence Ramey. As far as I can ascertain this particular piece of land is not claimed by any one as there is a fence line on what is accepted as the east line of the Ambrose Hilburn Survey. I then proceeded to begin at the original N W corner of the Rodriguez Survey, the same being the S ~~W~~ corner of the north part of the Ball Survey;

THENCE east 1373 varas to the bank of Red River;

THENCE up the River with its meanders to a point which is 5010 varas north of the south line of the south part of the Ball Survey as now located which is the original call for the west line of the Ball;

THENCE west 46 varas to the east line of the Hilburn Survey;

THENCE south following the east line of the Hilburn and Ramey Surveys to the place of beginning, all of which is set out by metes and bounds in the corrected field notes.

For the south part of the Elisha Ball I began at a stone mound which I had previously identified as the southwest corner of the Charles Carter Survey;

Thence north. The original patent of the Elisha Ball on this line calls for the south line of the Rodriguez, and the original surveyor was in error in his distance, and, as this call was for the south line of the Rodriguez, I made it so;

THENCE west to the southwest corner of the Rodriguez;

THENCE north 950 varas, the original field note call;

THENCE east to a point due south of the S E corner of the Ramey;

THENCE north 522 varas to the S E corner of said Ramey;

~~land.~~ lane THENCE west 815 varas to the middle of Henderson brs west 902 varas;

THENCE south 15 minutes east with middle of lane 2438 varas. The fences on this lane, I have been informed, have been in place over thirty years and there is no contention as far as I have been able to learn in regard to the east line of the Hugh Henderson as so shown;

THENCE east 628 varas to the place of beginning, the description of which is more complete in the corrected field notes.

The Antonio Rodriguez being next in age, I then proceeded to Survey: Beginning at the original N W corner of said Rodriguez and running east with the south line of the north part of the Elisha Ball 1373 varas to the east corner of the Elisha Ball;

THENCE down the river with its meanders to the point heretofore mentioned;

THENCE south 100 varas;

THENCE west 500 varas;

THENCE south 1400 varas to the original S E corner of said Rodriguez;

THENCE west 2066 varas;

THENCE north 950 varas;

THENCE east 353 varas;

THENCE north 522 varas;

THENCE N 0* 18' east 661 varas. More details of the creek crossings, courses and prominent points on the river are shown in corrected field notes.

J T R

8

1-13-1928

Charles Carter. The original beginning point of the Charles Carter is at the S W corner of the Z. Whitesides Survey, which is 208 varas west and 60 varas south of the N W corner of the T J Moss Survey which corner I had previously found and identified and also the S E corner of the Whiteside had been found and identified from original bearing trees which are now stumps;

THENCE S 88° 24' W with the north line of the Robert Rogers to its N W corner;

THENCE S 1° 15' E 380 varas to the south S E corner of the Charles Carter. While the last two lines are out of bearing 1° 36' and 1° 15' respectively and have been fenced for a great many years and there being an old stone mound at the N W corner of the Robert Rogers, I could not find any evidence to make it otherwise;

THENCE west to the S E corner of the Elisha Ball;

THENCE north with east line of the Ball to the south line of the Rodriguez;

THENCE east with the south line of the Rodriguez to the N W corner of the Whiteside which I located by running north from the S W corner of the Whiteside as located for the N W corner of the T J Moss.

Trusting that this explanation is satisfactory, I am

Yours very truly,

J. B. Beavers



Ambrose Hilburn
Creek

D. Davis D. Baker

Lawrence Ramey

Elisha Ball
1722¹³/₁₀₀ Ac.

Orig. Cor.

Antonio Rodriguez
727 Ac.

Thos. Lettwick

Hugh Henderson

Elisha Ball
260¹³/₁₀₀ Ac.

Chas. Carter
132³⁴/₁₀₀ Ac.

O.J. Gray
N 0° 45' W
1106

S. Hernandez

N 89° 30' E 1783

The SW Cor. of Lettwick was identified by running East 4200 fs. from the SW cor. of Ed. B. Wooten Sur.

Aug. Pope

Lawrence Ramey

H. Wilkerson

H.L. Dennis

Robt Rogers

T.J. Moss

PO. STUMP 66 E 13
B.J. Orig. Cor.
P.O. 8° S 66° W 28
P.O. 24° N 22° W 252
Orig. Cor.

Var. 10°

J.E. BEAVERS
LICENSED STATE SURVEYOR

SKETCH FILE NO. 41
COUNTY Cooke