

Pat. 974
(But does not call
for any other Sur. there)

5
5
4

590
Boyle Calls
for West Line
of Webster.

E. D. WEBSTER
(Surveyed 7-1-52)

1344
R. D. TURNER

JOSEPH BOYLE SUR. (Certified by Surveyor July 3-1852)

556

P.O. MKd X
(N. 01° 15' 2.26 1/2

950

WM WELCH
182.36 Acres

1083 1/2

394

Twin Hackberry
N 36° 45' E. 14 1/2 Ys

950

L. C. GIBBS

363 1/2

Feb. 17-1853
Patented
P.O. MKd X
S. 72 N. 26 1/2 W.

L. N. SPARKS
Thos. W. Howeth (Made
Not)

586 1/2

950
1344

590

1344

THOS. RUTLEDGE

(Paved Highway)

202 + 71
203 + 03

240 + 03
240 + 48

200

Scale 360 fms. or 1000' = 1 inch.

County 17520

Book Co. SE. File # 43

Counter 19321

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+ School

EXPLANATION ABOUT RESURVEY OF
THE WILLIAM WELCH ABSTRACT,
SURVEY No. 1152, COOKE COUNTY, TEXAS

Location of this Survey depends upon the location of the surrounding Surveys, all of which were surveyed and located approximately 90 years ago. It is very probable at that time that this entire section of the country was in timber, but the greater part of it has now long since been cleared up, and the timber removed, and we are unable to locate any of the original bearing trees.

Thomas Rutledge Survey, Patented 1855. It begins 200 varas West of the Southwest corner of the "Rama Dye" Survey. This "Rama Dye" Survey is the John Martin Survey, and Rama Dye was assignee of that Survey. This 200 vara distance measures exactly on the ground today. In the year 1853, a survey was made by Thomas W. Howeth of 160 acres. This survey begins in the Southwest corner of the "Rama Dye" Survey and thence West at 200 varas the Northeast corner of the Thomas Rutledge Survey and continues West 950 varas to the Southeast corner of the Joseph Boyle Survey; thence North 950 varas; thence East 950 varas to the West line of the Dye Survey; Thence South 950 varas to the beginning. This Thomas W. Howeth Survey was never patented, and in later years, the L. N. Sparks Survey and the L. C. Gibbs Survey were patented at the location of the Thomas W. Howeth Survey. Bearing trees for the Northwest corner of the Gibbs and also the Northeast corner of the Gibbs are the same as called for in the original field notes of the Thomas W. Howeth Survey. However, these bearing trees are not on the ground at this time. I talked with a party who has lived on the L. C. Gibbs Survey for the past 60 years, and he told me that all of the trees at the Northeast corner of the Gibbs Survey were cut down many years ago for firewood and in clearing up the land. There is only one oak tree at this point of any size, and this party told me that this tree was not over 20 years old.

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The Joseph Boyle Survey begins at the Northwest corner of the Thomas Rutledge Survey and runs North 2976 varas and calls for a cottonwood tree. There is no evidence of any tree at that location, as the land has all been cleared and is in cultivation. An old public road runs along the West line of the Joseph Boyle Survey. That road has been in existence and traveled for a long period of time. However, measuring from the West line of the "Rama Dye" Survey to the West line of the Joseph Boyle Survey, the complement of the varas extends to the West side of this public road, and it is evident that all of the road is taken off the Boyle Survey. It is also entirely evident that there is an excess in the length of the Joseph Boyle Survey.

E. D. Webster Survey begins at the Northwest corner of the R. D. Turner Survey and runs West 974 varas and calls for a bearing tree, but there is no evidence of any tree. It will be noted that the Webster and Boyle Surveys were made in July 1852, now 92 years ago. They were evidently made at the same time. The field notes of the Webster Survey are dated July 1, 1852. While there is no definite date on those of the Boyle Survey, they being certified on July 3, 1852, but are recorded in the Surveyor's Records ahead of the Webster Field notes. The Boyle Survey runs North and thence East 590 varas and calls for the West line of the Webster, and therefore, the width of the Webster of 974 varas is evidently impossible and it should be 950 varas. The West line of the R. D. Turner Survey extends due North from the West line of the "Rama Dye" Survey. There is evidence of an old Bois d'Arc hedge on the West line of the "Rama Dye" Survey, which hedge is located on the East side of the public road at that location. The party living on the L. C. Gibbs Survey, who is an old resident, told me that this hedge was the West line of the "Rama Dye" Survey, and that the road was located West of the hedge and had never been changed. The original field notes of the Welch Survey do not correspond entirely to those in the patent. The Welch begins at the Southwest corner of the Webster; thence

South 680 varas, and calls for the same bearing trees as are called for in the original field notes of the Thomas W. Howeth Survey, but those bearing trees are not on the ground at this time; thence to the Northeast corner of the Thomas Howeth Survey on the West line of the "Rama Dye" and at that point calls for the same bearing trees as called for in the Thomas W. Howeth Survey; then runs North at 394 varas and calls for the Northwest corner of the "Rama Dye" survey, continuing North, etc., to the Southeast corner of the Webster. This distance of 394 varas plus 950 varas in the Howeth notes equals 1344 varas, the patented distance of the "Rama Dye" Survey. The sum of the widths of the Sparks and the Gibbs Surveys and this 394 varas distance also equals 1344 varas, the width of the "Rama Dye" Survey. It is therefore evident that it was the intention of the Welch Survey to take up all of the area between the South line of the Webster Survey and the North line of the Thomas W. Howeth Survey, or the L. C. Gibbs Survey.

The State Highway map giving the location of the paved highway No. 5, which highway runs through the Thomas Rutledge Survey, gives a width of the Thomas Rutledge the same as shown on the patent. A public road runs off from the highway North along the East line of the Rutledge to its Northeast corner; thence East the distance of 200 varas to the "Rama Dye" line; thence North up the "Rama Dye" West line to the Northwest corner of the Dye Survey; thence East, etc., and the location of this road gives some evidence of the original location of the Dye Survey as well as the location of the Thomas Rutledge Survey. A public road runs along the North line of the old Thomas W. Howeth Survey, now the L. C. Gibbs Survey; to its Northwest corner; thence South a short distance, thence West intersecting the public road, running along the West side of the Joseph Boyle Survey. This public road runs North along the West side of the Boyle Survey to an intersection with an East and West road running along the North side of the

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Webster and John Steele Survey. This is the old Gainesville and Callisburg public road, and has been at that location for a long period of time.

The location of a road is, of course, no definite location of any survey line, but it is evidence to some extent of the location of the survey lines due to the fact that the roads are located after the survey lines have been established.

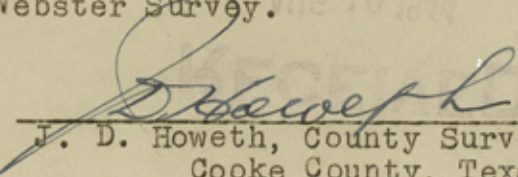
2 K. Brown
73
The country surrounding the William Welch Survey as well as that Survey is all old settled country and the area not in cultivation is covered mainly by scrubby oak timber. The North end of the William Welch Survey is rather thin, poor land, rocky and covered with this scrubby oak timber. It is well known that in the early days, this kind of land was not surveyed with the precision of present-day surveying, and many times, only two corners were located on the ground, with the knowledge that a surveyor could certainly locate other corners. Due to the nature of the land at this location, while it is possible that a surveyor may have located the South line of and the Southeast and Southwest corners of the Webster Survey, he would certainly be very reluctant to survey out the Welch Survey by going back over that rough ground.

It is probably evident that there is an excess in the surveys through this entire locality, which excess may have been occasioned by the Surveys to the South being built up from the South end and the Surveys from the North having been built in from that direction--probably on paper.

Attention is again called to the fact that the records disclose that these surveys were located as long as 90 years ago, and that since that time, lands have been cleared up and bearing trees destroyed. The point at the location of the Northwest corner of the E. D. Webster Survey is good smooth land and all in cultivation, and there is no evidence of any tree close to the location of the Northwest corner of the Webster Survey.

Gainesville, Texas,

August 7, 1944


J. D. Howeth, County Surveyor of
Cooke County, Texas.

Counter 19326

August 7, 1944

Gainesville, Texas,

Cooke County, Texas.

J. D. Howeth, County Surveyor of

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to show

of the Northwest corner of the Webster Survey as shown on the plat and there is no evidence of any trees destroyed. The point at the Northwest corner and that since that time, lands have been cleared up and bearing disclose that these surveys were located as long as 30 years ago, attention is again called to the fact that the records direction--probably on paper.

and the surveys from the North having been built in from that season by the surveys to the South being built up from the South vey through this entire locality, which excess may have been out the Welch Survey by going back over that rough ground.

located the South line of and the Southeast and Southwest corners of the Webster Survey, he would certainly be very reluctant to survey at this location, while it is possible that a surveyor may have located other corners. Due to the nature of the land

sk. File No. 43

Cooke County

Report & Sketches of Wm. Welch Survey by J.D. Howeth

5 miles N. 57E from Gainesville

Filed August 16 1944

Bascom Giles, Com'r

M. A. Rosenberg
File Clerk

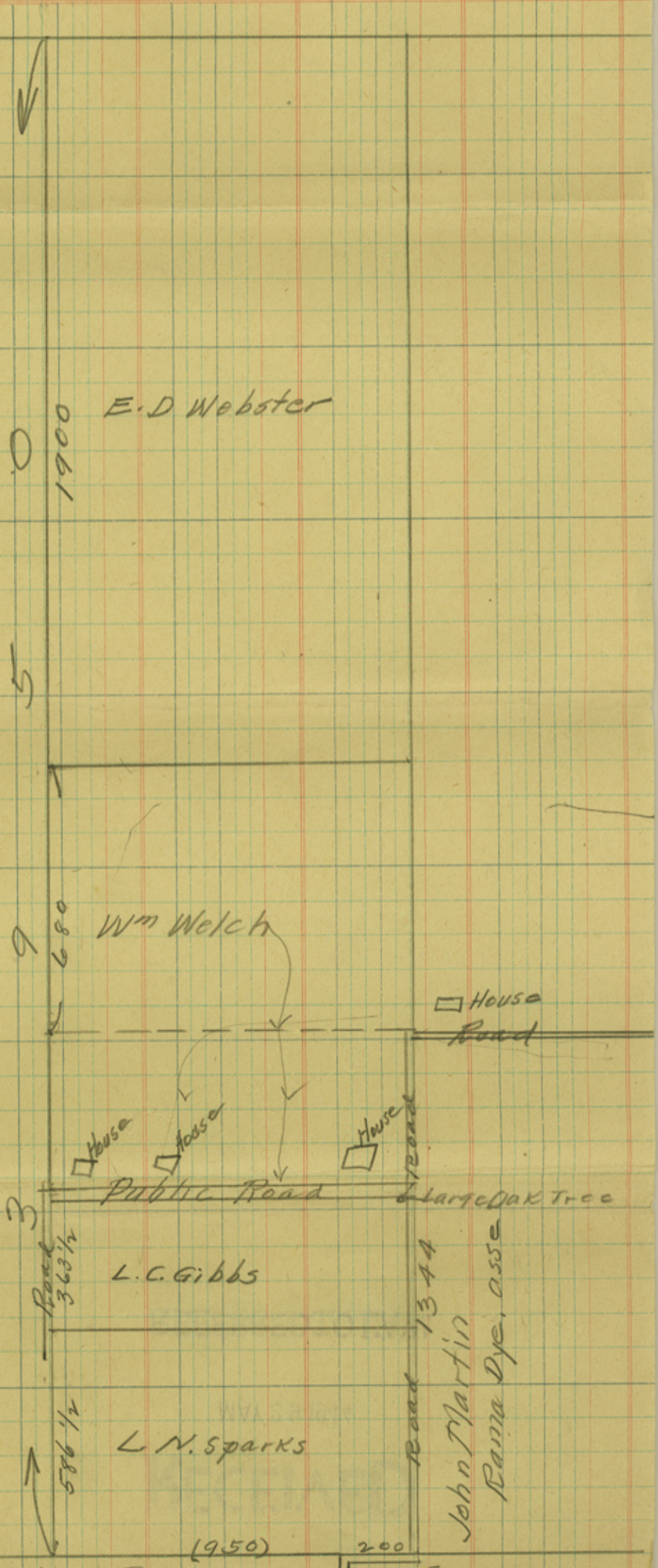
of the survey lines have been established.

tion of the survey lines due to the fact that the roads are located of any survey line, but it is evidence to some extent of the location period of time. The location of a road is, of course, no definite location

Callisburg Public Road, and has been at that location for a long Webster and John Speler Survey. This is the old Gainesville and

Webster	1900
Welch	680
	<hr/>
	2580

3950
<hr/>
2580
<hr/>
1370



Preliminary Surv
for Welch Sur.

D-748

383

Established-1869.

Abstracts of Titles.
Farm Loans.

W.W. Howeth Co.

MAPPING &
BLUEPRINTING.
NOTARY & SURVEYOR
IN OFFICE

Have only complete Abstracts to
Cooke County Titles.
J.D. Howeth, Owner.

GAINESVILLE, TEXAS.

June 12, 1944.

RECEIVED
JUN 15 1944
REFERRED TO SCHOOL

+ MAPS

Hon Bescom Giles, Commissioner,
Austin, Texas.

Dear Sir:-

Re: William Welch survey.

Replying to your letter of June 7th:-

I believe the locations are straight now and that the excess land belongs to the Welch survey. I have found the old notes of the Thomas W. Howeth survey and these notes cover the Sparks and Gibbs patented surveys.

You will note that the Northwest corner of the Howeth survey gives two bearing trees: PO N 42 E 23 varas and PO S 38 W 16 varas; Thence East 950 varas to west line of John Martin survey (Rama Dye Assignee) and give two bearing trees S 45 W 10 varas and N 17 1/2 E 15 varas; The trees are called for in the Gibbs patent but the one located NE is not there as that ground is all open; however, I believe the tree S 45 W 10 varas is there although it has no marks. It is a large tree at fence corner and the wire is cut into the tree.

The sum of the widths of the Sparks and Gibbs is 950 varas which is the width of the Howeth survey. Add to this the distance of 394 varas called for in the Welch notes and you have the 1344 varas the width of the John Martin survey (Rama Dye Assignee).

The John Martin is well located on the ground; the Rutledge likewise; the distance of 200 varas from the Southwest corner of the Martin to the NE corner of the Rutledge measures exactly. I see no other information necessary and if you will agree to these locations, we will then furnish the corrected field notes and the other information for the corrected patent and application to purchase the excess.

In replying, please send two more copies of the application to purchase. This Welch survey is owned by two people. One on the East part owns fully 2/3 of the survey while the west part is owned by some heirs a part of whom do not live in the county. One of them is in the war zone. Under this condition, please advise if they are to sign the application to purchase along with the owner of the East part of the Welch survey.

D

Counter 19328

D-748

383

Established-1869.

Abstracts of Titles.
Farm Loans.

W. W. Howeth Co.

*Have only complete Abstracts to
Cooke County Titles.*

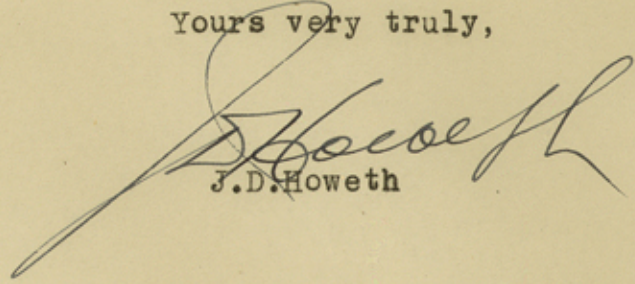
J.D. Howeth, Owner.

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NOTARY & SURVEYOR
IN OFFICE

GAINESVILLE, TEXAS.

We have delayed fuller field notes of the survey pending your final decision about the location of the South line of the Welch but I think this is now definite. My father and grand-father put in the John Russell survey and I have heard my father speak of the excess in that survey. They always ties in their s rveys to those adjacent so that there never exists a vacancy around their surveys.

Yours very truly,



J.D. Howeth

D-748

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State from which
POX brs N42E23
" " 538W 16

586 1/2
<u>363 1/2</u>
950 - Howeth
<u>394</u>
1344 - "Rama Dye"

Wm Welch

PO N 17 1/2 E 17
" 53 1/2 W 16

L. C. Gibbs

Thomas W Howeth
NS parks

394
368 1/2
1344
586 1/2

Rama Dye asse J. Martin
Patented 1344 and
Measures that on the
Ground today

Road

Thos Rutledge

950 REFERRED TO 2000

RECEIVED

D-748

ct

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SURVEYOR'S FIELD NOTES

of 160 acres of land make for Thomas W. Howeth Recorded Vol. A Page 132 of Surveyor's Records Cooke County, Texas.

Situate in the Cross Timbers about five miles N. 75 E of the Town of Gainesville

BEGINNING at the SW corner of a 320 acre survey for Rama Dye; THENCE West 200 varas past Thomas Rutledges N E corner 950 varas the S. E corner of a 320 acre survey for Boyle a stake from which a post Oak X bears N. 62 E 3 1/2 varas Post oak marked X bears N. 35 E 4 varas

THENCE North 555 varas; Running Branch 950 varas stake from which a Post oak marked X bears N. 42 E 23 varas also Post Oak marked X bears S 38 W 16 varas;

THENCE East 950 varas pile of stone in West line said Dyes survey from which Post oak marked X bears S 45 W 10 varas also Post oak marked X bears N. 17 1/2 E 15 varas;

THENCE South on said line 950 varas to the place of Beginning.

T. HOWETH & W. I. Bunch
Chainmen

I William Howeth Deputy Surveyor for Cooke Land District do hereby certify that the foregoing survey was made in accordance with law and that the lines boundaries and corners with the marks natural and certicial are truly described.

FEBY. 17th, 1853
Wm. Howeth Dept. Sur.
Cooke and Dist.

I Daniel Montague, District Surveyor for Cooke Land District do hereby certify that the foregoing plat & Field notes were made according to Law and that the metes B oundaries & corner s are truly described and that I have examined the same and find them correct & that they were recorded in my office Preemption Book A pages 132 & 3.

Given under my hand Gainesville Febr. 17th. 1855.

DANIEL MONTAGUE
Dist Surveyor Cooke L. D.

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FEB 19 1855
DANIEL MONTAGUE
DIST SURVEYOR COOKE L. D.

D-748

ct

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STATE OF TEXAS)

COUNTY OF COOKE) BEFORE ME, the undersigned authority personally appeared Thomas H. Howeth who declares on oath that he believes the land upon which he has settled to be vacant and that he claims a preemption of 160 acres under an act approved by the legislature on the 13th day February 1854.

Signed
Thomas H. Howeth

Sworn to and subscribed before me on this the 17th day of February
A. D. 1855.

WILLIAM HOWETH
Dept. Surveyor.

C. S. D.

4-17-62
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APR 2 1854
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June 21, 1944

Mr. J. D. Howeth
W. W. Howeth Co.
Gainesville, Texas

Dear Mr. Howeth:

Your letter of June 12 enclosing copy of field notes of the Thomas W. Howeth Survey in Cooke County, Texas, has been received together with pencil sketch showing the location of the Howeth with respect to the William Welch Bounty.

Please submit corrected field notes for the William Welch to include the excess between the north line of the L.C. Gibbs, which no doubt was the north line of the Thomas W. Howeth and the south line of the Ed Webster.

I am enclosing the necessary forms for the purchase of excess in the Welch Survey. Only one of the owners of the Welch Survey is required to file the application to purchase; but if both of the owners wish to file the application, please have them sign one application jointly.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

HUvR:IB

Encl. -

Fan Bty 594
Fan 3rd Class 1216
Fan Don 1178

Coenter 19333