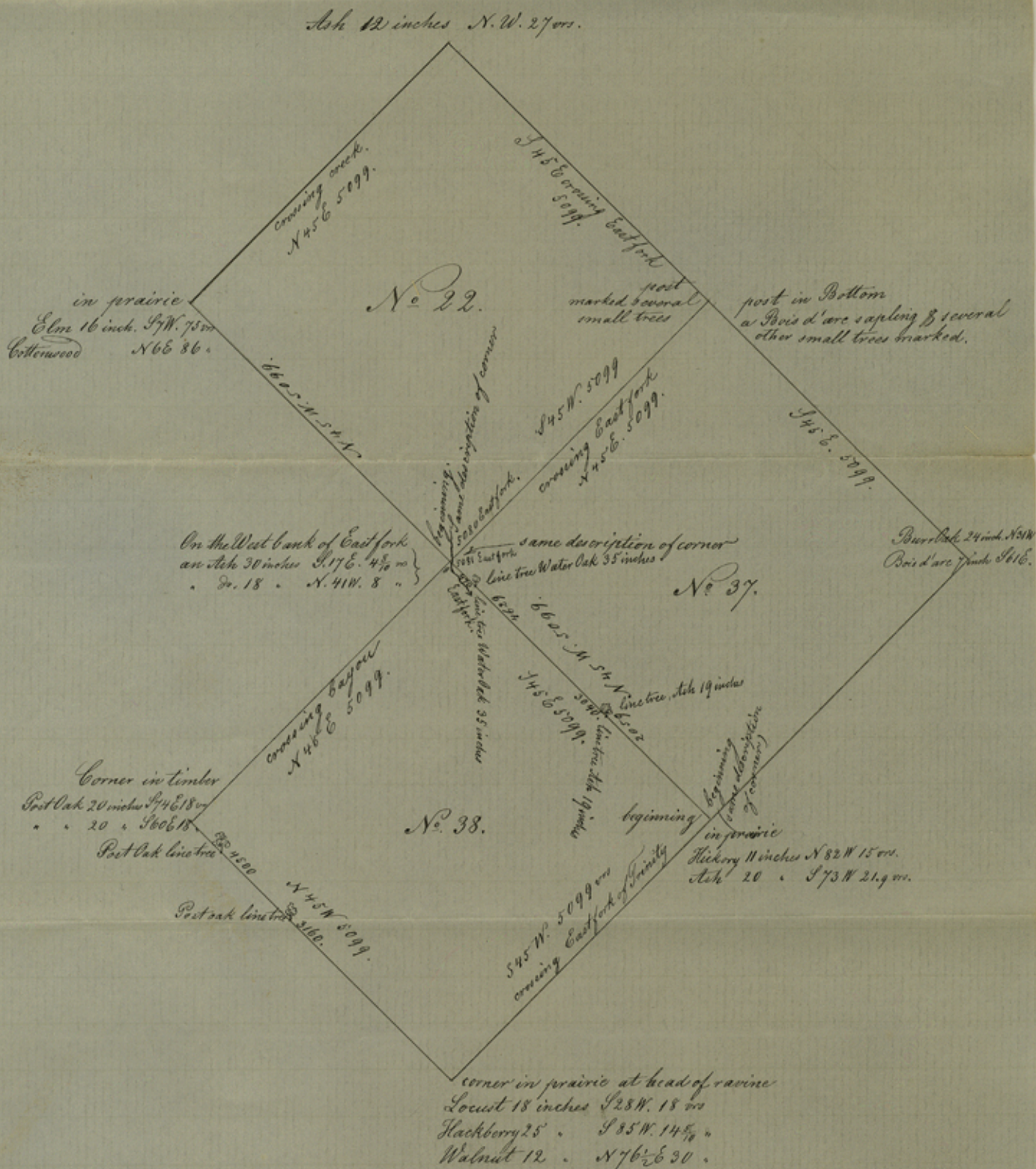


Representation of fieldnotes of
Leagues Nos. 37, 38 & 22.



W. Van Dusenbury
Principal Draughtsman
Counter 20423

General Land Office
Austin, October 10th 1866.

From the statement of Mr. A. M. Keen, surveyor, it appears, that the West corner of league N^o. 38 is well established on the ground by the bearing trees as described in field notes, and that corner is the only corner, which he did find on the ground of all other corners he did not find any sign whatever -

"Trees corresponding with the calls in the patent of Hibbett's "none of which had any mark upon them", cannot establish a corner, if they are found five miles from the place, where the corner should be, according to the measurement from a corner so well established by measurement and by marked trees as he reports the West corner of N^o. 38 to be.

The fact that the North corner of league N^o. 38 cannot be found on the ground, makes its locality dependant upon its connection; The connecting corner, that is the N. W. corner of league N^o. 38 as established by A. M. Keen places the leagues N^os. 22 & 37 exactly where they are now represented on the maps of Dallas County.

It being a fact well known in this Office, that in field notes of surveys made at an early day, when the country was not settled, and its topography was but little known, very frequently calls for natural objects were made, which afterwards proved erroneous, particularly so in regard to names of water courses, - The calls in surveys N^os. 38, 22 & 37 for the Eastfork of Trinity are looked upon in that light and supposed the name "Eastfork" in those field notes was applied to some other watercourse, a tributary of the Trinity, without the positive knowledge on the part of the surveying party, at the time, whether such tributary actually was the one to which the name of "East fork" was applied, or not. This supposition is strengthened to

almost a certainty by the course of what is now called "North Mesquit Creek", which is reported by A. M. Keen, in case of Jas. M. Bennett vs. W. Howard, in the proximity of the ^{locality} where measurement made him first look for the North corner of No. 38, and crossed by the lines of surveys in question near the places designated in fieldnotes as crossing the "Eastfork".

From the instructions to A. M. Keen, surveyor, by the Attorneys for plaintiff & defendant in case of Hibbett vs. Lawrence, it is evident, that the calls for the Eastfork of Trinity river in the fieldnotes of leagues Nos. 38, 22 & 37 were the only calls regarded decisive to locate said leagues. The surveyor following his instructions continued the N.W. line of No. 38 to the Eastfork and there established the Hibbett league No. 22, but found no marks or signs of the same. He also ran the league out where it should be according to connection and there he found also no marks or signs; but why this is a sufficient cause to sever the connection and to assume the league correctly established at the other place five miles distant, is quit impossible to imagine.

The annexed plot representing the leagues Nos. 37, 38 & 22 according to calls of fieldnotes shows the connecting corners with identical descriptions, and on the line between Nos. 37 & 38 two line trees, corresponding to the calls of both fieldnotes. It is thereby apparent that a close connection between 37 & 38 was intended by the surveyor. -

After measuring from an other known corner Mr. A. M. Keen finds the West corner of No. 38 corresponding to the measurement and - "the trees marked

as the same are described in patent of said League
No. 38 " — be it admitted, for argument, that the
North corner must be within 8 varas of the Eastfork,
then league No. 38 within its bounds natural and
artificial holds an area of about three leagues,
and although the locations on the Hibbett league
No. 22 will be freed from conflict, those now on
the Howard league No. 37 will be covered by the
Anderson league No. 38. —

Again — if it is sufficiently proven that leagues
Nos. 22 & 37 are not where they are represented on
map, because an other locality corresponds to their
fieldnotes, then in that case the same proof must
be also sufficient to authorize the mapping of
them on such locality; — in which case they
will interfere with surveys long ago patented
and probably settled upon & in undisputed pos-
session of persons entitled to as much consi-
deration as those now contending.

However there is no proof made, that the
patents to R. H. Hibbett and W. P. Howard des-
cribe any other lands, than those connecting to
league No. 38, as represented on the map of Dal-
las County, in use in the General Land Office,
which must therefore remain unchanged.

W. Van Rosentory
Principal Draughtsman

File 13-

Statement

in regard to A. M. Keen's
survey, compared with field-
notes.

October, 12th 1866

by
W. Van Rosentery
Principal Draughtsman