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34259

Dallas Texas
March 31st 1888

R. M. Hall Esq.
Comd Gen. Ld. Office
Austin Texas

Dear Sir,

Enclosed you will please find a sketch of some surveys in the North East corner of this County, showing a strip lying North West of the James M. Hamilton and Harrison Masters surveys, which has been filed on by M. B. Clinton and J. G. McEbray under the 2nd Act, passed by the twentieth Legislature of the State of Texas, Approved March 29th 1887.

I would be obliged to you for your opinion whether or not said strip is subject to location under said Act.

The red lines on the sketch denote the lines run, the corners with a red circle are original corners and are well identified by original bearing trees still standing, except the South corner of the John F. Moore and the (all)¹ corner of the Copeland the witness trees have been cut down, but the stumps still remain, said stumps were pointed out to me by old settlers and after I tested them I found that they correspond with the field notes for the corner and lines now up.

The East corner of the N. Copeland on the upper red line or North West line of the strip has a board or bearing tree near to it, but its field notes do not appear to call for any thing but a stake,

The West corner of the Gaines survey is well defined by one of its original bearing trees; the North corner of the Gaines is well recognized and of long standing, and not disputed by any person, though the bearing trees are down, Mr. J. M. Strong Esq. County Surveyor stated to me that one of the original bearing trees was there, when he made a survey. The strip between the J. T. Gaines and the Harrison Masters surveys is not claimed by any person owning land on the Gaines or H. Masters surveys as a part of said surveys, but is regarded as vacant land.

The strip between the James M. Hamilton survey and the survey North West of it is claimed by Mr. Flowers et al, as a part of the said Hamilton survey and they further claim, that the upper end line or North West line of strip, is the North West line of the said Hamilton survey. Mr. Flowers and Mr. Swin have their residences on this strip, the former on the East side, and the latter on the West side of the Creek.

The following is a brief statement of the work done by me on the ground, and what I found, I find that the South corner of the H. Stevens survey and one of the East corners of the House Hamilton survey is well defined by one of the original witness trees still standing and properly marked as called for in the House Hamilton field notes and a hole for the stump of the other tree is there, Beyond this corner $N 45^{\circ} W$ on an old marked line

at 641 varas to a point for the East corner of the James M. Hamilton survey, and the North corner of the House Hamilton survey as called for in the field notes of the James M. Hamilton survey, said point is in a small prairie on the North West side of it (said prairie about 36 varas in diameter) and the only prairie on the South West line of the H. Blevins survey, continue on at 951 varas the South corner of the Harrison Masters survey and the West corner of the said H. Blevins survey an original corner as evidenced by one of the original witness trees still standing and properly marked, continuing this line from the said South corner of the H. Masters survey $N 45^{\circ} W$ on an old marked line 1920 var. to an old marked line running $S 45^{\circ} W$ and $N 45^{\circ} E$. From the South corner of the H. Masters survey $N 45^{\circ} E$ 960 varas to its East corner (original call 950 var.) one of the original bearing trees still standing and a hole for the locality of the other witness tree found, from this East corner $N 45^{\circ} W$ on an old marked line is 1920 varas to a point claimed as the North corner of the Harrison Masters survey no bearing trees found, this point is in a road, from this point $N 45^{\circ} E$ 951 varas on a marked line (a few trees left standing) to the North corner of the James Eidson survey, an original corner, the stump of the Cottonwood still there, from this corner (the North corner of the James Eidson survey) running

S 45° W on an old marked line 1911 varas to the point of intersection with the line running N 45° W from the South corner of the H. Masters survey, at this intersection point no original bearing trees found for the West corner of the H. Masters survey, said point took for the West corner of H. Masters survey

From said West corner I ran S 45° W on an old marked line (some remarking about 7 years ago by appearance of the heels) at 1740 varas Creek (instead of 1800 vrs as called for in original field notes of the James M. Hamilton survey) at 1795 vrs a slough of same Creek, at 1810 varas a slough, in all 3750 varas to line claimed as the South West line of the J. M. Hamilton survey, no original bearing trees or stumps found.

From this corner S 45° E along a road I ran S 45° E 2185 varas for the South corner of said J. M. Hamilton no old bearing trees found but Elm sprouts bear S 18° E 35 varas and the bank of a branch bro. S 10° W 80 vrs. (courses & distances for original witness trees)

From the North corner of the J. T. Gains survey running S 45° E 1900 7/8 varas to point of intersection of the line running N 45° E from the South corner of the said Gains survey this South corner of said Gains survey is well defined having one of its original witness trees still standing and properly marked, and not in dispute.

From said South corner of the Gains survey S 45° W is a marked line on some trees left

(several trees cut down) which is the North West-line of strip, the South corner of the John J. Moore survey is on this line, as evidenced by an Elm stump pointed out to me which bears S 45° W 400. on said North West line of strip, ~~there is no dispute~~ no dispute about this corner.

From the "C" corner of the R. Copeland indicated on the sketch by a red circle, witness tree recently cut down, stump remains and corresponds with original field notes in course and distance thence N 45° E 178 varas to point another corner of said Copeland survey, thence S 45° E 710 varas to a stake on the North West line of strip a Bois d'Arc bearing tree standing nearby but not called for in the field notes, no dispute about this corner.

The owners of the John J. Moore; W. Caruth and R. Copeland's ^{surveys} claim only the North West line of strip as their South East boundary line; from the above facts there can be no doubt but that these surveys were originally constructed on the North West line of said strip or the upper red line in the enclosed sketch; again from the above facts there can be no doubt, but the North West line of the James Eidson and Harrison Masters surveys, is on the lower red line and that the vacancy does exist between the sd. H. Masters & the J. J. Gains surveys.

of the Gains survey, thence $S45^{\circ}W$ on the South East line of the Gains & the Moore surveys at 1760 varas
cross Muddy Creek in a bend if same towards the West, no blough on West side near by at the crossing.
Yours very respectfully
Charles Archer County Surveyor Dallas County Tex

6

The question for your decision is: will said vacancy extend and exist between the James M. Hamilton survey on the South East, and the J. S. Gains, John S. Moore W. Caruth R. Copeland ~~and~~ North West. The perpendicular width of the strip is 177 varas.

The bearings trees for the West corner of the W. Masters survey were not found, nor stumps to correspond, anywhere on or near the South East line of the Gains survey.

To extend the length of the strip from the West corner of the W. Masters survey $S45^{\circ}W$, the distance 3800 varas given in the J. M. Hamilton field notes, which would be 50 varas farther than the claimed South West line of ^{J. M.} Hamilton survey, would run it into a field, but no trace of any bearing trees found; and to add 50 varas & run $S45^{\circ}W$ from the South corner of the R. Copeland survey would place the point in same field, but no trace of any bearing trees found for the West corner of ^{survey} sd. Hamilton, at either place. The crossing of Muddy Creek on the North West line of strip, running $S45^{\circ}W$ from a point on the South East line of the Gains survey, 177 varas $N45^{\circ}W$ from where I place the West corner of the W. Masters survey, at 1760 varas from the West corner of the W. Masters survey as represented on the sketch $N45^{\circ}W$ 177 varas to the South East line

Report to
R. M. Wall Esq
Comdr Gen Ld. Office
Austin Texas

Counter 20449

Dallas Co. St. File # 21

Supplement to my report

With reference to a Bois d'are stake in the road, a South corner of the R. C. C. survey, located on the North West side line of strip as shown by the sketch, claimed by W. Flowers et al as the West corner of the James M. Hamilton survey, claimed to have been put there by the course and distance from the Cottonwood bearing tree the following persons made statements to me as follows, ~~as follows~~

Mr. W. R. Newman stated to me, "Saw a Cottonwood marked on the bark with a cross, in 1856, no improvements here then the tree has been gone about 10 or 12 years perhaps 15 years, could not say whether Old man Coyle showed me the tree or not."

Mr. W. W. Ragsdale stated "The first time I saw a Cottonwood tree was in 1865, did not notice whether it was marked or not heard it was the bearing tree, Old man Coyle showed the tree to me"

Mr. J. A. Nelson stated "Saw a Cottonwood in the Spring of 1871 was looking around to buy a piece of land, and Old Man Coyle showed the tree to me with a cross on it."

Page 2nd

Of Supplement

Mr Coyle (a Son of the Old Man Coyle) who lives near the corner; on the Mike Coyle survey stated to me when I was at the or near the road about one mile S 45° E from the disputed ^{West} corner of the J. M. Hamilton survey: "I was raised here, & it is a mighty hard thing to locate the Cottonwood tree"

Jesse W Jones who lives only about 50 yards from the said South corner of the Copeland survey made the following statement to me in his house with reference to the disputed West corner of said J. M. Hamilton survey: "I have lived here 11 years, saw a Cottonwood lying down, it was not at this corner in dispute, but farther South East down the branch, don't know where it grew."

The said Messrs. W. B. Newman took a flag staff and with said W. Ragsdale & J. A. Nelson stuck it down in the ground where they saw the Cottonwood claimed bearing tree standing, the same tree they have reference to in their statements. I then set the transit on the ~~on the~~ Bois d'Arc stake which is the South corner of the Copeland survey, and claimed to have been put there from the said Cottonwood bearing tree, and I found the course and distance from the stake to the staff to be S 58° E 756 varas distant

Page 3
Of Supplement

Then I examined carefully the locality of where the South East line of strip running S 45° W intersected the claimed South West line of the J. M. Hamilton Survey and I found that the course and distance called for in the said J. M. Hamilton field notes for the Cottonwood bearing tree would place it near the bank of a branch (S 65° E 30 varas). The Hackberry called for, no trace of it found, nor did any person appear to know anything about it, nor ever see it, at either place.

Yours very respectfully
Charles Archer
County Surveyor Dallas County
Texas

21.
Supplement to
Report sent to
R. M. Waller
Comd. Gen. Land Office

Austin, Texas
Dallas Co - File 21.

The ^{vacant} strip claimed by
H. W. of James M. Hamilton's
survey cannot be admitted as
a vacancy - The statements
and affidavits contradicting this
report in letterfile 224.754.

The surveys claiming this
vacancy have not been re-
turned except No. 1365.
with which claim these papers
may be filed, or if too volumi-
nous they may be filed with the
sketches of Dallas Co. May 1/88

G. W. Profiler.
Filed in the Gen. Land Office
March 3/88
W. H. Kelley
Chief Clerk.

Ans^d May 2/88
W. H. Kelley

March 31/88