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**BALLARD & BALLARD**  
 CIVIL ENGINEERS AND LICENSED STATE SURVEYORS  
 HURST BLD'G.                      SMOOT-CURTIS BLD'G.  
 LONGVIEW                              DENTON

RECEIVED

JUN 12 1934

REFERRED TO MAP

Denton TEXAS June 11, 1934.

General Land Office,  
 Austin Texas,

Att'n. Chief Draftsman

Gentlemen:-

Pusuant to our conversation last week relative to two tracts of State Land in Denton County Texas, I am enclosing a report covering same.

You have, I beleive, a blue print of the survey that I left when I was there, but said that you would like very much to have the tracing for filing. I am perfectly willing to send you the tracing, but have one or two corrections to make on it. Am sure the blue print will suffice for your checking, and when you are ready for the tracing, advise me and I will send it to you, whereupon you can return to me the blue print.

Wish to call your attention to one of the corrections that will be made on the tracing. Survey marked Juan Flores #417, should be Juan Flores #415. Please send letter confirming or disproving location and existence of State Land as shown to me as soon as possible.

Very truly yours,

C. F. Ballard  
 Licensed State Land Surveyor.

Box 683, Denton Texas.

ATHLETIC DEPARTMENT  
ALAMO UNIVERSITY

F. 5862  
304 MAVERICK BLDG.

~~SAN ANTONIO, TEXAS~~

Denton Texas, June 7, 1934.

General Land Office,  
Austin Texas.

Gentlemen:

REPORT ON STATE LAND IN DENTON CO.

In conjunction with a survey made by me, a plat of which is on file in your office with the title of 'Survey made for Knox Heirs', I hand you herewith my complete report on two tracts of State Land as found by me in making said Survey for your examination and approval or disapproval.

The location of all Surveys as shown on said plat was made from available field notes and copies of patents as found in the County Surveyors Records of Denton County and in abstracts. Any variance from originals on file in the land office may compel changes of opinion or changes of location of some of the Surveys shown.

Dates referred to herein may be in error; some, I am aware, are dates of original surveys rather than Patent dates.

Follows my report and reasons for the location of said Surveys as shown:-

In making a survey of the J.P.Knox Est. in Denton County during May of this year, the apparent existence of two tracts of State Land was discovered. Said Estate comprises some 850 acres in the Northwestern part of Denton County and lies in several Surveys, as shown on plat, said plat listing the total acreage and number of acres in each survey.

The prior survey in this section seems to have been ~~the~~ ~~January~~ ~~survey~~ ~~which~~ ~~lies~~ ~~immediately~~ ~~to~~ ~~the~~ ~~East~~ ~~of~~ ~~the~~ ~~Knox~~ ~~Est.~~ ~~Date~~ ~~of~~ ~~patent~~ ~~not~~ ~~available~~, ~~but~~ ~~Patent~~ ~~on~~ ~~the~~ ~~John~~ ~~Yoachum~~ ~~Sur~~ the J.B.Reed Survey, lying immediately South of the John Yoachum, date of patent on Reed not available. NBL of Reed is well defined, there having been a road along most of it for many years. The John Yoachum Survey of 320 acres, Patent Nov. 4, 1850 calls to begin at stake in the NBL said Reed 1272 varas <sup>W</sup> of Reeds NEC; no witness exists, corner at present being at a road intersection. Yoachum calls 'Thence North 950.4 varas to stake'. No witness exists at this corner, it being at present in a road. The distance of this survey N & S was found to be 968.4 varas, measured from an iron stake in said road intersection at SEC Yoachum to a corner established by me as the NEC Yoachum after reversing calls and running East along fenced line from the NWC thereof. Said iron stake, by

Recd 6/12/34

reliable witnesses in the vicinity, one of whom helped do a good deal of surveying around there, has been the accepted SEC of the Yoachum ever since they can remember, and many surveys have been started from it.

It may be stated at this point that most of the Surveys affected herein are what might be termed 'floaters', there being no evidence of the few original witnesses called for, and very few of the rock corners called for being found. A most diligent search was made for piles of rock as called for, only a few being found, as shown. The Surveys, not calling for each other, and not coming together by their called distances, their location therefore, in the absence of fence lines, old roads or other evidence, is arbitrary. The best combination of legal location and common sense possible to this surveyor has been employed in locating them.

No marked trees exist along any lines of the Yoachum, and its final location has been determined from the existing fence lines and fence corners as shown on the plat, and from the fact that its called distance E & W checks out with the called distance E & W of the BBB & CRR Co. Sur # 367 as surveyed in 1872, and very closely with the called distance E & W of the Robt. Howard Sur Ab #543, Patent 1856. The call of 'S at 879 varas cross Clear Creek' on the WBL of the Yoachum checks in its present location. Fence line shown paralleling the NBL of the Yoachum and about 65 varas S of said NBL is explained by a deed to five acres of land shown in abstract examined by me while making survey.

The Robert Howard Surveys #542 and #543 have no definite callings as to distance or witnesses, but were referred to in patents as being the E $\frac{1}{2}$  and W $\frac{1}{2}$  of Sec 19, Township #1 N of 2nd base line in Range 4 W of 1st principal meridian. They were both patented at the same time, 1856. The westernmost of these two surveys was run out about 16 years ago by a man who was to my own knowledge, a competent surveyor, and it was not checked by me in making this survey. At the time it was run, the existing fence between the two Howard Surveys was very crooked. No evidence of any witness exists at any of the corners of the Howard Sur #543 except that at the SWC there is the bole of a very big Cottonwood tree on the creek bank that is said to have been called the survey corner as far back as the old timers remember. Our corner, as established, is at this cottonwood. Field notes to several tracts in the SWC said Sur call for 'the SWC of the Howard in Clear Creek. the Creek at this point has a sandy bed and is very apt to have changed some. Fence along West side of said Howard Survey is straight and runs true N & S. Said fence was built on the line as established by the surveyor before mentioned. No marked trees along any line of this survey. Fence along SBL of said Survey has obviously been moved North to allow for a lane between the Creek and the fence along part of said line. I can imagine no reason for its having been moved North along the rest of the line, where the creek does not interfere, as the BBB & CRR Co. Sur, to the South of it, exceeds its call N & S anyway. NBL of this Survey is definitely located by virtue of fence along old lane leading into a small cemetery, not shown hereon, the headstones in said cemetery dating as far back as 1875. Old lane is deeply cut in rocky land, indicating long existence in its present location. Doctor J.P. Knox, deceased, acquired all this property many years ago, and his sons, now about forty years of age, have been reared on the place and accompanied the surveyor contin-

ually and testified as to the age of landmarks and lines shown herein and on plats. Howard Survey is 20.2 varas short N & S and 4.6 varas long E & W. NEC of Howard is in a cultivated field and the call of the W.H. Pea Sur of 'E 142 varas to the NEC of the Howard' assisted in locating said corner.

The Logan Teague Survey, Pat Oct 24, 1850, calls to begin at stake in NBL of the Yeachum from which the NEC of said Yeachum brs East 95.04 varas. Calls are: N 950.4 varas, Stk in prairie; W 950.4 varas Stke in prairie; S 950.4 varas stake in prairie in NBL Yeachum wit double elm; E 950.4 to POB; Sur Sept. 13, 1854. This survey was started 95.04 varas West of NEC Yeachum as called for and run North, where a fence line runs E & W at 1000.0 varas, and the SEC of the John A Burns Survey is East 99.7 varas from the NEC this survey. Line was then run West and at 858.2 varas a pile of rocks in a small depression (like old post hole) were found 15 varas south of the line. This pile of rocks is slightly more than call distance West for the SWC of the Burn Sur, and is in direct line with a road along the WBL of the said Burn. Line was cont W and at 2640' (950.4) a large rock was found set in ground. This corner is on top of a rocky hill, but this particular rock had been chipped or cut into a very regular shape, about 8"x8"x16", and was undoubtedly intended for a corner. Line was then run South to NBL of Yeachum at 992.0 varas, and East with said line to POB. No wit exist besides rock mentioned.

The John A. Burn Sur called to begin 950.4 varas due N from the NEC of the Yeachum. It is bounded on the East by an old lane and on the West by the existing road, and has its full call E & W with a small overage.

The Daniel Boone Sur Pat 1859, Sur April 1, 1856, calls to begin 237.6 varas W of the SWC of the L. Teague Sur; Thence N 1267 varas stk in prairie; Thence W 712.8 varas stk in prairie; Thence S 1267 varas Stk in prairie; Thence E 712.8 avars to POB. In the location on the ground of this Survey, several matters have taken into account, there being no witnesses on the ground. Attention may be called to a tract of 51.61 acres which is fenced, and which was bought from the original grantee in early days by one Stevens. By one line of reasoning, at the time that tract was bought the parties shpuld have known where the SEC of the Boone was, it being the starting point of the tract. On the other hand there was even at that time a discrepancy between the starting call of the Boone and the call of the SBL of the Wofford Sur, and all the vicinity was unfenced prairie. After thorough study, I assume that they could not definitely locate where the SEC of the Boone was. Taking either the called place of beginning of the Boone or the called distance of the SBL of the Wofford as locating the SEC of the Boone, the tract cannot be made to fit. Assumption is that the EBL of the Robt Howard was definable at that time, and parties to the sale of the tract, assuming that the WBL of the Boone and the EBL of the Howard was a common line measured E the called distance of the Boone and started their survey. Assuming that when the Wofford Survey, between the Teague and the Boone, was run, there was something existing to define the EBL of the Boone, I have given the Boone its called distance E & W, which is a little contrary to the the strictly legal location of the SEC of the Boone, but which is further supported by other facts, namely calls of the Juan Flores Sur #416 and Juan Flores Sur #417, which will appear later. In running the lines of the Boone, we begin at the SEC and go North called distance and

then West called distance. Then, in going South, distance falls a little short by virtue of the NBL of the Yoachum not being due E & W.

In 1918, a Patent was issued to R.B.Knox for a survey on the E side of the Teague and between the Teague and the J.B.P.January, 95 varas wide and 950.4 varas long, verifying the location of the Teague as shown by me.

The BBB & CRR Co. Sur #367, Surveyed Sept 10, 1872, called to begin at the NWC of the Yoachum and go W 187 varas to a rock on the EBL of the Howard; thence S 86 varas to SEC Howard, but did not mention at any place the SWC of the Boone, which was Pat in 1859, indicating that the Surveyor did not know the location of the SWC of the Boone. Had the SWC of the Boone been on the EBL of the Howard, it would have been an identical corner with the BBB, and would certainly have been mentioned.

The Juan Flores Sur #416, surveyed July 14, 1858, calls to begin at stk in EBL 'J.Legue' (obviously in error, should be Howard) 160 varas S 2 deg E from his NEC; Thence S 2 deg E with his line 360 varas stk. Thence E at 91 varas the NWC of the Boone. In giving the Teague, Wofford and Boone Surveys, on the east, their full calls and the Howard Survey, on the West, its definite location, this 91 vara call is cut down to 61.6 varas, but the call indicates that state land was known to exist there. I can not guess at why the call was made 'S 2 deg E', as none of the old survey lines in this vicinity vary more than thirty minutes from due courses, unless the surveyor recognized discrepancies in the area and was trying to work them out, or found something on the ground that misled him. This survey has been given its called distance ~~####~~ E & W ~~#####~~; its location is legal by the West corners being on the EBL of the Howard and its courses due; its beginning point being called distance S of the NEC of the Howard. Its distance N & S is long by reason of its beginning corner being in its legal location and its SBL being placed against the NBL of the Boone because of the call of 'E @ 91 varas the NWC of the Boone.

The Juan Flores Survey #415, Patented at the same time as the Juan Flores # 416, has been given its called distance E & W. It calls to begin at a stake the NEC of the Stephen Wofford Sur. Although my information shows that the Flores was Patented before the Wofford, we will consider the Wofford at this time. Wofford calls to begin at stake on NBL of the Yoachum and at the SEC of the Boone. Thence E at 268 varas the SWC of the Teague. As stated before, the Wofford has been allowed its full call E & W regardless of the beginning call of the Boone. Thence N with WBL Teague at 950.4 varas his NWC and the SWC of the Burns (or Bynes). This call of 'and the SWC of the Burns' was admitted to be in error by the land office by the issuance of a Patent to R.B.Knox on his Survey of 95 varas by 950.4 varas, automatically placing the NWC of the Teague further W than the SWC of the Burns. From calls 'cont N at 1305 (the notes at my disposal were indistinguishable on this 1305, the three having been changed) varas, corner on the WBL of said Burns.' Corner obviously could not be on the WBL of the Burns, so we pass that. Knowing this call to be in error, our next best call is for the NEC of the Boone (W at 268 varas the NEC of the Boone) Due to this call, in my opinion, the Wofford can not extend further N than the NBL of the Boone. Therefore, we take the NEC of the Boone and by reversing calls run E to establish the NE<sup>o</sup> of the Wofford at called distance E & W. The N & S length of the Wofford is thereby cut down considerably, but if we allow it its length, which, in my opinion we can not legally do, there will be a glaring overlap with the Flores #415.

Back to the Flores # 415, we find that it calls to begin at the NEC of the Wofford, and we use it as already established. Thence N at 820 varas a rock. on the ground we found a very large rock under the fence at 871.5 varas due N from the beginning corner. This rock may or may not mean something, but there are no other rocks in the vicinity. The ~~###~~ road along there is obviously the old Survey line, and altho the south end of several surveys are long by going to it, the north end of the same surveys checks very closely by using it. Survey call is 'Thence W 265 $\frac{1}{4}$  varas to a rock.' At 211.7 varas, we found a very large old fence post. The whole country to the North is owned by one man and intermediate fences have been down for many years with no evidence existing of their former whereabouts. It is all in pasture and a pile of rocks was found 802 varas N from said fence post. After checking this corner, we went W but could find no evidence of the extreme NWC. In coming South on the next call, we found another very large old fence post and a pile of rock on the NBL fence of the road, which was 582.1 varas West of the E inside Corner of the Survey, as against the call W of 594 $\frac{1}{4}$  varas. Thence E, at 381.6 varas we found a large pile of rock under the SBL fence of the road, right where an old fence row from the S would intersect. This pile of rock was testified to by old residents as having been the original N corner of the J.P.Knox Survey, and apparently checks very well as such. From which we went due south to a corner in the NBL of the Boone as called for in field notes. Call is, from this corner, 'Thence E at 132 varas the NEC of the Boone and the ~~N~~ NWC of the Wofford. This call checks exactly, and is one of the main reasons for locating the Flores as well as another evidence that the Wofford went no further N than the NBL of the Boone. Callaed distance E on SBL of the Flores Checks.

The W.H.Pea Sur calls to begin at the WSWC of the Flores #415. No check up was made of the N end of the Flores Survey, except for its length N from the #SEC of the Wm Wilson Sur. A fence was found going E from the road at 1247 varas N of said corner. (Two sets of field notes, neither purporting to be a copy of the Patent, were available on this Survey. Each had a different POB and the calls were reversed on each.) (called distances and bearings had also been changed on one, indicating a re-survey. I have used the most recent according to the dates shown thereon.) The remainder of this survey, as it affects us, has been given its legal location by virtue of the calls for other survey corners, the called distances checking in several instances. No doubt exists as to the SEC of the Wm Wilson, it having been an accepted corner for many years.

The J.P.Knox Survey, Pat Sept 12, 1887, was obviously made to take up a vacancy known to exist. It has been located on the ground with that in mind after giving the surrounding surveys their legal locations and using, of course, the authentic North corner of the said Knox. I have no explanation of a pile of rock found about 47 varas SW from the NEC of the Flores #416, as shown on plat, except that years ago the old homestead was located about there and it might be anything. Neither of the Knox's have any explanation for it, and if it was ever a survey corner, they are unaware of it. Surprisingly enough, it checks very closely, E and N from another pile of rocks shown on plat W of the SWC of the said Flores #416, but the second mentioned pile of rocks is known to be in the location of an old syrup vat, and the rocks show signs of having been burnt. After much checking, I decided to disregard them, as they do not seem to fit in anywhere else except on the calls of the Flores.

The Haynes and Bullion Survey (surveyed Sept. 2, 1863) calls to

begin at the NWC of the Burns. This corner was not checked in the field but the WBL of the Burns is well established and accepted for many years. Call is, from the POB, 'Thence W 308 varas to the NEC of the Flores #415'. This distance on the ground ( taken at the road shown on plat) was found to be 322.5 varas, reasonably close, and verifying the pile of rocks at the NEC of the Flores already referred to herein. Next call is S 800 varas to ~~the~~ a corner of said Flores. This corner was accepted as being at or near the large fence post heretofore mentioned. Next call is E 265 varas to his SNEC. This was found to be actually 211.7 avars. Next call is S 820 varas to his SEC, found on the ground to be S 871.5 varas. Call is, from this corner, 'Thence E 45 varas to the SWC of the Burns'. Having already accepted a corner at the SEC of the Flores, the SWC of the Burns being 277.2 varas further S, and the H. & B. Survey being already longer than its call N. & S., I can see no legal grounds for going to the SWC of the Burns, particularly in view of the fact that one call would have to be assumed to have been left out. I assume, however, that the call of 'to the SWC of the Burns' is sufficient to warrant placing the corner in the WBL of the Burns regardless of the fact that the distance by so doing is 96.7 varas instead of 45 varas; and, if it were not, we can so place said corner by reversing the call and coming S from the POB of the H & B Sur, which will still put us on the WBL of the Burns. Corner has been located accordingly.

The location on the ground of the above Surveys as outlined leaves two tracts of State Land as shown on the plat. They are questioned merely until your office approves this survey. This survey was made for the use of the Federal Land Bank, and I did not want to assume the fact that it would be accepted by you. The Patents available to you may cast new light on the matter.

I found records showing the following field notes, indicating that other surveyors had known of the existence of State Land and possibly that it had been applied for, but nothing is of record showing any Patents on it;

F. Jaime, Surveyed Oct 24, 1873.

Beg at the NWC of the Boone; Thence W 91 varas to the SWC of the Flores; Thence S with EBL of the R. Howard Sur 1267 varas to a corner of the BBB & CRR Co. Sur #367; Thence E 91 said Boones SWC; Thence N with WBL said Boone 1267 varas to the POB.

Strahan, Surveyed April 13, 1860.

Beg at the NWC of the Boone Sur; Thence S 1267 varas to the SWC of the Boone on the NBL of the Yoachum; Thence W 32 varas to a rock on R. Howard's line; Thence N 2 deg W 1269 varas to the SWC of the Juan Flores #416; Thence E 66 varas to the POB.

These field notes are from Surveyors Record, Denton Co.

Much time and study was spent on the location of these surveys as shown. Every possible construction was considered, and the one used was arrived at finally as being the most feasible and probably the one that will come nearest fitting all the surveys.

Respectfully submitted,

*C. J. Ballard*  
 \_\_\_\_\_  
 Licensed State Land Surveyor.

Box 683, Denton Texas.

Counter 20787

