GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN Oct. 25, 1901.

Hon. Charles Rogan,
Commissioner Gen'l.Land Office.,
A u s t i n , T e x a s .

Dear Sir:--

In a further examination upon the ground in relation to the Bell survey I find the tree which was reported as a bearing to the lower corner of the Bell and which was contradicted by the creek is in fact not a bearing to that corner, and hence the creek seems to be an infallible guide in determining McDonald's line. I therefore hand you a corrected report with the request that you substitute this for the original report and attach this letter thereto.

Very truly yours,

W D Twichell

State Surveyor.

Note--All payments for School and Asylum Lands must be made to the State Treasurer, and not be sent to this office.

Counter 22578

Austin, Texas. October 26th, 1901.

Hon. Charles Rogan,
Commissioner of the General Land Office,
State of Texas,
Austin, Texas.

Dear Sir:--

Acting in accordance with your instructions I have gone upon the ground in Fisher county and determined the true position of the tracts of land fronting on the north bank of the Elm fork of the Brazos river, said tracts being in the name of N.W.Burdette, Robt.H.Hebbett, Geo.W.Lawrence, Elijan Bell and A.McMicken, and I have determined their relative position to adjoining tracts as is shown by accompanying sketch.

At the south east corner of the George W.Lawrence tract I found the original Hackberry and China with marks still plain, the Hackberry is 31 inches in diameter, stands on the north bank and is plainly marked . Immediately in front of the mark and within three inches of it stood a Hackberry 9 inches in diameter which protected the mark from the weather and also may have prevented Surveyors from discovering it. Locating the corner from this tree, I found what appeared to be a 20 varas error in McDonald's call for the China, but found the bearing correct and the mark plain and very old. The distance from this corner S.75°W.to the well identified base line on the west side of leagues 316, 317, 318 and 319 in the name of El Paso and Gillespie County School Land is 16,627 varas which is in excess of the actual distance called for, 183 varas, hence course and distance further verifies this as the original S.E.corner of the George W.Lawrence league as located and marked by J.G.McDonald. At the S.W.corner of the George W.Lawrence league I found the Hackberry as called for in the field notes standing on the south side of the creek as shown on sketch, the tree is marked on its N.W.side and measuring from it to the corner places the corner on the north bank. These corners make the Lawrence league 2522 varas wide instead of 2500 as called for in the field notes.

Since nothing can be found to locate the exact point at which Surveyor McDonald placed the south corners of the Burdette, I have located its S.E.corner on the north bank of Elm fork 2500 varas S.75°W. from the westline of the George W.Lawrence league. Extending a line N.15°W.from this point I find it crosses Elm fork as shown by sketch and consider this fact taken together with the sketch returned on the original field notes by Surveyor McDonald proves that he did not survey the east line of the Burdette and hence he was not aware that the Burdette and Crosby surveys could not follow the meanders of the river back to the beginning on account of this bend. This conclusion is further born out by the fact that this bend cannot be detected by the eye from either of the south corners of the Burdette.

It must be assumed that Surveyor McDonald was on the creek at the points where he calls for bearing trees and I find his sketches delineate the creek with reasonable precision at the three corners mentioned above. Acting upon this principle, I began at a point 4016 varas S.15°E.from the N.E.corner of the Burdette and extended a line S.75°W.1561 varas to a point in the Elm fork and by shifting this point S.15°E.15 varas I found a line extended S.15°E.would follow the old channel of the river and leave it at 165 varas, which fact satisfied the calls in the field notes of surveys 321 and 332 to follow the meanders of the river back to the beginning..

A careful meander of the creek in this vicinity shows the channel of the river does not extend S.15°E.for a distance of 165 varas, in fact it does not lie S.15°E.at any point, and under no other

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condition could Surveyor McDonald have presumed that 321 could follow the meanders back to the beginning. His call "165 varas to creek" could not refer to another creek for there is no other creek in that vicinity. The distance N.15°W. from the S.E.corner of the Burdette places the corner in this bend of the creek and the meanders of the creek prevent it from being in any other bend. But since the call for the bank of a creek can hardly denote the exact point where the stake was driven for the S.W.corner of the Burdett, I have not presumed that this corner can control the position of the Hibbett for course and distance from the marked tree at the S.W.corner of the George W.Lawrence is more certain.

Upon examining the stone which is now claimed to have been located by E.A.Williams for the common corner of 314, 315, 321 and 332, I find it to be N.15°W.339 varas and N.75°E.423 varas from where I place same common corner, said stone is N.75°E.89 varas from the river and a line running at any course from S.15°E.to S.75°W. would cross the river before 165 varas had been reached and could not reach the river again in that distance. A line S.15°E.from this stone reaches the left bank at 127 varas and the right bank at 150 varas, and 165 varas falls on high ground where there is no indication that a creek has ever been. Since it appears that no bearing trees have ever been found in this point, and the position of the stone is not verified by the position of the river, I find nothing to sustain it as the correct corner and since neither the Cosby nor the Burdett could possibly follow the meanders back to this stone, I conclude it cannot be the correct corner.

An old mesquite stump is claimed as an original bearing at the claimed S.W.corner of the Hibbett but bears no marks and is contradicted by the course of the creek, which being a natural object, is superior. The course of the creek here indicates this point is somewhere near the beginning of the last call in the field notes meander of the Hibbett, however, the last call should read S.65¾°W. instead of N.65¾°W.to fit with reasonable precision.

At the claimed S.W.corner of the George W.Lawrence I find a mesquite stump with no marks. The possibility of this being the correct corner is contradicted by a loop in the creek as shown on map. As there is no creek coming into Elm fork to mislead the Surveyor and the bend is in plain view from where it is claimed the corner is, no Surveyor could have so placed a corner and then called for his surveys on both sides to follow the meanders back to the beginning, hence this stump is contradicted by a natural object.

The claimed S.E.corner of the Lawrence has a Hackberry and China. Both of these trees were probably first "blocked out" by W.H.Cowan and he and J.P.Bagley appear to have been fully convinced no Surveyor had ever marked them. From the best evidence I can gather I am convinced that Surveyors have accepted them because a point could be found from which the McDonald calls fit exactly (A condition I have never met in practice with old surveys) A line extended N.15°W.from this point cuts the water in the river slightly as shown but might have escaped the notice of an early Surveyor. The objections to this corner seems to be that no one seems convinced the trees were ever plainly marked; they are one-half mile too far east after allowing a reasonable excess and hence are contradicted by course and distance and they are contradicted by two plainly marked trees bearing the McDonald mark and the proper direction; and the 9" Hackberry growing in front of one of these marks furnishes unmistakable testimony that this tree was marked long before Surveyors Cowan, Duvall, Williams, Bayley or Breedlove ever attempted to find J.G.McDonald's lines.

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Hon.C.R.-3.10/26/01.

Upon the accompanying sketch I have shown the land vacant from claimed east line of the Lawrence to its true east line because the claimed east line was adopted by the Surveyor locating the pre-emptions and the position which he gave the George W.Lawrence is well known to be as shown on accompanying sketch. The N.W.corner of No.42 determined as shown on sketch from the S.W.corner of survey No.35 in same block which is fully identified by the original Hackberry tree and calls on lines of adjoining surveys for distance to the river. The jog of 460 varas in block 1, H.T.& B., was determined by tracing along the old corners from the N.E.corner of survey 62 to the S.W. corner of survey 35. The relative position of the H.T.& B., surveys with the H.& T.C., surveys was determined by tracing from the N.E.corner of survey 62 to and identifying the N.W.corner of survey 68 and thence N.15°W.900 varas; thence S.75°W.4974 varas; thence N.15°W725 varas; thence S.73°34'W.785 varas to the S.W.corner of survey 75 partially identified by post oak stumps and trees marked which grew from said stumps and fully identified by tracing to the creek 480 varas from the S.W.corner of survey 83.

To all the above I hereby certify.

W D Twichell

State Surveyor.

*Examined and approved October 25th 1901.

Chas Rogan

Comr Gen'l Land Offin

* For reasons Stated on sketch this day signed, the approval of the above report is reconsidered and now not approved. This 27th day of Jany 1902

Chas Rogan

Comr.

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Fisher Co. Sk. Files 15a

Report of State Surveyor W. D. Twichell

on resurvey of
Geo W Lawrence
R H Hibbett
Burdett
Cosby
and other surveys

Filed Oct. 25th, 1901
Charles Rogan Commr
J O Coupland F/clk

$3.00 $5.00 ?

I found this report in the T. H. Haasnitt Scrap file (S.F. 3147) which was rejected on account of being on the Geo W. Lawrence 1-7098. — I return this to Fisher Co. Sk Files
5/27/21 Hedick

Sketch File A-2
Sketch File A

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