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W. W. CRUSE

ATTORNEY AT LAW

204 GILBERT BUILDING

BEAUMONT, TEXAS

Feb'y 19th, 1924.

Hon. J. T. Robison,  
Land Commissioner,  
Austin, Texas.

Dear sir;

Following up the instructions in letter of yours of date October 24th, 1923, as pertains any vacancy of lands under the H. A. Hooks, application #S.F. 8598, Hardin County, Texas, and request for further information as to lines and corners, I beg to hand you herewith report of a survey made for such purpose by Mr. P. G. Omahundro, together with two plats of same which explain themselves.

It is a fact that the County surveyor of Hardin County, P. G. Ellis, was with Mr. Omahundro, and assisted him in the surveying reported on herein, and if you should require that he ratify the report of survey and findings as reported by Mr. P. G. Omahundro, that he will do so.

We understand from the report of Mr. Omahundro that he fails to find any facts upon which a vacancy can be maintained at this point which if approved of by your office would require that you refuse the application of Mr. Hooks.

I hand you herewith the report and maps as indicated, and would be pleased to hear from you further in the matter.

Yours Very Truly

ENC. 3.  
WWC.

*W. W. Cruse*

RECEIVED

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REFERRED TO MAP

February 16th, 1924.

Nona Mills Company  
Beaumont, Texas

Gentlemen:

Reporting on examination of location of two surveys in the name of A.E. Spillenberg on Village Creek in Hardin County.

As I understand the situation it is claimed by some that a vacancy exists between the south line of the lower Spillenberg No. 35, and the north line of a survey in the name of Wm. Wiess.

A careful search and survey and examination has been made by me in the presence of Mr. P.G. Ellis at this time County Surveyor of Hardin County. The search and survey above mentioned was only to the extent of ascertaining if possible, the existence or non-existence of the above mentioned survey.

Our work began on Oct. 31-- Nov. 6th, 1923, at which time the high waters of Village creek covered its bottoms and sloughs to such depth that it was impracticable for us to attempt to verify any of the original corners of the Spillenberg surveys on the banks of said Village Creek, and our examination therefore was at the time above mentioned confined to the calls of surveys on high ground.

On February 13th and 14th of this year (1924) we renewed our investigation in an effort to locate the creek corners of Nos. 35 and 36 Spillenberg. All of said work will now be treated as continuous work.

I am handing you herewith two sketches, one of which shows the Spillenberg locations as referred to in the field notes of the adjacent surveys, that is to say- Wm Wiess, Walton, Hill & Walton and Francis McCafferty.

The other sketch shows our running on the creek from the N.E. corner of the Wiess to the supposed S.E. corner of the McCafferty, as called for in McCafferty's notes. Changes in the Creek and obstacles in the form of deep and impassible sloughs rendered our running in this vicinity irregular which shows for itself on Sketch.

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We went to the beginning corner of the Wm. Wiess survey and identified this corner by its bearings, that is a Pine S  $28^{\circ} 45'$  W  $42-1/10$  vrs. and a double Black gum East prong marked brs. N  $12^{\circ}$  East 33 vrs. This corner was further identified by the call in Walton, Hill & Walton field notes, which in addition to the above bearings gives-- "Sweet Gum standing on the west edge of small lake brs. S.  $11^{\circ} 40'$  W 138 vrs.

We found the gum and lake as stated in the field notes.

From the beginning corner of the Wm. Wiess survey I ran West 49 vrs. and found only the stumps of the pines called for at this corner.

We then ran North on marked line where timber existed- (this is cut over land) 668 vrs and I identified the North West corner of the Wiess.- The Magnolia is standing with its marks but the White Oak was down and decayed but marks observed.

We than ran West on marked line, some of which were very old, but not numerous- a distance of 900 vrs which should have placed us in the vicinity of Spillenberg's S.W. corner, sur. #35,, but this point fell in the cut over timber, and no bearings of any kind were found, about 150 vrs, further west a corner on this line was found, from which a marked line lead North. This we assumed to be one of the East lines of Walton, Hill & Walton.

On this occasion search was made for evidence of the Spillenberg line in the position as claimed by those advocating a vacancy, that is to say, at a distance of from 150 to 300 vrs to the North of our line, and although a large area was examined, in all directions no mark or line of any kind was found.

At the proper distance from the Creek the South West corner of the Spillenberg No. 35, would fall in low marshy Pin oak flat.

*as claimed by proponents of a vacancy*

Returning to the North West corner of the Wm. Wiess and following its North line East, which is marked, we found some three or four very old marks, much older than the Wiess marks- These marks are to be seen in the low, flat marsh on old black gum trees and on a ridge over which the line passes some 500 vrs West from the Creek.

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-----# 3.

The old marks, as well as marks of later date are found on Magnolia and Oak trees. I have little doubt but that these old blazes are the original marks of the Spillenberg which Wiess claims to have found when locating his N.W. cor in Spillenberg's south line, (See Wiess field notes). The South East corner of Spillenberg No. 35, could not be identified by its bearings. None were found for him or any one else. Indeed Wiess found no bearings here when he came.

It appears that the distance from Wiess' N.W. corner to the Creek bank as found at present is short 35 or 40 varas, and there is evidence that the Creek has encroached on the West bank considerably at this point.

From the intersection of the North line of Wiess with the West bank of Village Creek we worked up the Creek along the original calls in Spillenberg's field notes, as near as the conditions of the ground permitted and searched for the original corners, as well as for lines leading West at the position said corners would occupy, either from the Wiess North line or from the South Boundary of the Spillenberg, as claimed by proponents of a vacancy. We found nothing of a definite nature either line or corner until we had reached a point, which by our running would place us on the North line of Spillenberg No. 36. That is to say - by our running a distance of 96<sup>9</sup> vrs due North from the North line of the Wm. Wiess survey.

At this point we found a Cypress marked old  $\bar{X}$  and with an X of more recent date to be 18 vrs. to the East of our line, and near the bank of Village Creek.

Running West we found a marked line, two sets of marks, as to age, as was the case on the North line of Wiess, the oldest marks being the same age as the oldest found along the North line of Wiess.

The oldest marks mentioned above are much older than either the Wiess or the date of the McCafferty. These old marks are approximately the proper distance apart for the two Spillenberg surveys. They are on a line showing subsequent marks by surveyors, and if the original calls in Spillenberg creek-meanders are applied, as shown in broken red line on sketch, - and the further fact that no other corners or lines can be found between these two, which have some remaining marks

much older than those we now find and know to pertain to the Wiess and surveys of that date. *We are forced to conclude that these old marks are the marks of Spillerberg and not the mks of adjacent surveys*

It will be seen that the original Surveyor located the two Spillerberger surveys and that the locator of the Wm. Wiess found the South line of #35, and knew what he said when he called for the N.W. corner of the Wiess to be in Spillerberger's South line. If this be true, and I have found nothing to disprove it, but much to sustain it, there is no excuse for a vacancy between Spillerberg and Wiess other than the call for distance from a remote corner for Spillerberger's beginning corner of No. 35.

The above is submitted for your consideration.

Very truly,

*P. G. Ombur*

SF 8598 ~~53~~ <sup>29</sup> #53  
Sketch File No #53  
Surveyor's Report.

J. Robinson  
Comm.

Filed February 20, 1924

Carl F. Blucher

In re to H.A. Hooks' application  
for a scrap file.

Placed in <sup>Hardin Co</sup>  
St. Files for purposes  
of reference.

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