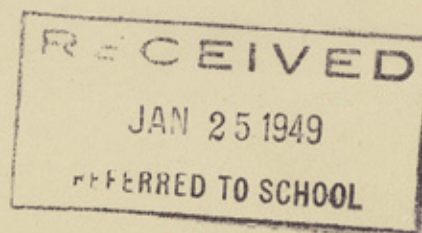


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LAW OFFICES OF
JAMES G. BARKER
ATTORNEY AND COUNSELOR AT LAW
CONSULTING SURVEYOR
JASPER, TEXAS

298

January 19, 1949



Honorable Bascom Giles, Commissioner
General Land Office
Austin, Texas

Dear Sir:

In the course of recent surveying in Hardin and Tyler Counties during the past year in the area of the Thomas Penny Survey (A-424) on Village Creek, I found three surveys which contain excess acreage and one survey which has a shortage in acreage. Since these surveys join each other in one block, I recommended to the owners of the surveys to file formal application to purchase this excess acreage and receive corrected patents. The surveys in question are:

Abst. No.	Survey	Field notes acreage	Actual acreage
482	T&NO RR Section 269	640	657.69
424	Thomas Penny	640	667.85
65	Lewis Andrews	320	328.5
76	Luke Bryan	320	306.55

In 1917 Mr. Tom M. Hyde, former county surveyor of Hardin County, Texas, resurveyed these surveys and identified the southwest corner of the E. Lubititit Survey as to the original bearings by Jewell and described an additional bearing tree in his notes. Today we can find one of Jewell's trees namely, Cypress stump X 57" N. 86° E. 19 yrs., and Mr. Hyde's tree, Sweet Gum stump 30" S. 84° E. 19.9 yrs.

Thence I crossed the Village Creek to the northwest corner of the J. Buckman Survey which was originally surveyed in 1840 by E. Jewell in the name of A. Lester and later resurveyed by A.B. Ducette for J. Buckman in 1901. Ducette gave as his bearings an Ash 32" S. 36° E. 14 yrs., and a Hickory 18" N. 76° E. 11 yrs.

I was unable to locate Mr. Jewell's bearings but I did locate a decayed Ash stump 19" S. 40° E. 13.8 yrs. and a Pin Oak (instead of Hickory) 30" N. 76° E. 9.9 yrs. This corner has always been accepted as the original northwest corner of the J. Buckman and northeast corner of the Luke Bryan Survey.

Thence I meandered the Creek upstream and found the recognized Northwest corners of the Luke Bryan, the Lewis Andrews, the Thomas Penny and the T&NO RR Section 269, but I was unable to find any evidence of the original bearing trees at these mentioned corners, however, I found a partial identification of the southwest corner of the Wm. O. Flowers, which begins on the north bank of the Creek, North of the northwest corner of the Thomas Penny Survey. The original field notes at this corner call for a Holly 6" N. 75° E. 2.8 vrs. and a Magnolia N. 48° W. 9.2 vrs. I was unable to find any evidence of the Holly but a Magnolia with very old marks stands N. 48° W. 9.2 vrs., besides many other old marked bearing trees. The south lines of the aforesaid surveys are well recognized. The accompanying map of this area is on a scale of one inch to 300 varas shows the surveys as located on the ground with actual distances and the field notes distances in parenthesis and the creek meanders are given as run on the ground. As mentioned above the only supporting evidence for the location of the Thomas Penny Survey is the southwest corner of the Wm. O. Flowers Survey on the North bank of the Creek.

Thomas Penny Survey.

I found the length of the west line of the Thos. Penny Survey 6 vrs. longer than called for in the field notes but a notation on the field notes of T&NO RR Section 269 states " Note. I found the west line of the Thomas Penny Survey 65 vrs. shorter than called for in his fieldnotes" but the East line of said survey is considerably longer than called for in the original fieldnotes, but such is often the case, if survey lines border on streams which are often subject to change. The south line is 21.7 vrs. longer than called for in the original fieldnotes. The lines are well marked and recognized on the ground by the adjoining surveys. As for the Westerly northwest corner of H&TC RR Section # 233 and the Easterly northeast corner of the J.E. Price (Section 272) the bearings as called for in the field notes (J.N.Dark-1868) can be found as follows: Pine stump 15" N. 4°0' W. 4.5 vrs., and a Pine stump 18" S. 41°0' W. 8.5 vrs. The Thomas Penny Survey according to the calculation (see calculation sheet) contains 667.85 acres, or an excess of 27.85 acres as given in the patent field notes.

Luke Bryan Survey.

The Luke Bryan Survey was surveyed by H. Jackson, December 18, 1850, and has its beginning point at the northwest corner of the A. Lester Survey (assignee of J. Buckman) and as previously mentioned, the northwest corner of the J. Buckman is opposite to the southwest corner of the E. Lubititit Survey, both of which were surveyed by Jewell in 1840. The Luke Bryan east line is approximately 100 vrs. short, while the west line is some 12 vrs. longer than called for. The southeast corner of this survey can not be located on the ground according to the Jackson field notes, but we identified the northeast corner of the Austin Allen Survey which was surveyed by P.G. Ellis in 1910 as follows: Pine stump 20" N. 31° E. 12.4 vrs., Pine stump 11" S. 76°41' W. 10.3 vrs. Going from that corner in a Westerly direction we followed the well recognized line to the northwest corner of said Austin Allen Survey and the

Easterly northeast corner of H&TC RR Section 233 surveyed by J.N.Dark in 1868 which we identified as follows: Pine stump hole S. 6° E. 8 vrs., Pine stump 18" S. 45°30' E. 8.5 vrs.

Thence I followed the well recognized line to the southwest corner of the Luke Bryan Survey but had to run from the northeast corner of H&TC RR Section 233 S. 89°41' W. where I found evidence of the original corner by H. Jackson, a pine stump X 17" N. 62° E. 3.7 vrs., and a large Pine stump hole (with charred pinewood) S. 60° E. 5.5 vrs.

From that corner I went N.0°18' W. 160.5 vrs. (fieldnotes call for H&TC Sec. 233: 160 vrs.) to the southeast corner of the Lewis Andrews and continuing with the well recognized line N. 0°18' W. 2714.8 vrs. to the northwest corner of this survey on the south bank of Village Creek. This survey contains only 306.55 acres and has, therefore, a shortage of 13.45 acres.

Lewis Andrews Survey.

The Lewis Andrews survey begins at the northwest corner of the Luke Bryan Survey and was surveyed by H. Jackson on the same date as the Luke Bryan Survey. The west line of the Lewis Andrews calls to go with the Penny line and is approximately 200 vrs. longer than called for in the field notes, while, the East line of the Lewis Andrews survey is only about 11 vrs. longer than the field notes call for. The southeast corner of the Lewis Andrews survey is identified by the bearings given in the H. Jackson field notes and found on the ground as follows: Pine stump 18" N. 14° W. 8.9 vrs., Pine stump 19" S. 77°30' E. 9.7 vrs. It is noted that the south line of the Lewis Andrews Survey is longer by about 14 vrs. than called for in the field notes, while the width of the Luke Bryan (south line) is shorter by approximately the same distance, but since H. Jackson intended to fill the space between the J. Buckman and the Thos. Penny Surveys, it is significant that the sum of the actual widths of the Lewis Andrews and the Luke Bryan surveys add up according to the total of the two widths in the original field notes. The Lewis Andrews survey contains 328.5 acres, or an excess of 8.5 acres.

T&NO RR Section # 269.

T&NO RR Section 269 was surveyed by Elar Young on June 2, 1870 and had its beginning point at the northwest corner of the Thos. Penny Survey. The lines are well recognized on the ground but the East line is 67 varas longer and the West line is 105 varas longer than called for in the original field notes, while the South line is 5 varas in excess. The total survey contains 657.69 acres, or an excess of 17.69 acres, over the original field notes call.

It is noted that the four described surveys located between the J.E. Price (A-556) and the J. Buckman surveys are well recognized on the

ground and are in no way in conflict with the surveys bordering them on the South.

In case you should need any further information regarding the field work on these surveys, please advise.

Very truly yours,

Jan. G. Barker
Jan. G. Barker, Licensed
State Land Surveyor.

Handwritten notes:
10/2 1948
Sketch in Harlan
BYACON CITIES COUNTY
JAN 25 1949
HARRIS
2X 100 100

RECEIVED

JAN 25 1949

GENERAL LAND OFFICE

JGB:jh

SK. File No. 67

Hardin County

Report of Thomas Penny Area
by Jas. G. Barker

Filed Feb. 5, 1949

BASCOM GILES, Com'r

H. Von Rosenberg
File Clerk

Sketch in Hardin
Rolled Sk. 10

N 4

Quarter 25256

