

State of Texas } Before
County of Johnson } Me the
undersigned authority this
day personally appeared J. B.
McNellon Lee McLevy and
William Rivers known to me
to be citizens of said county
and state and known to me
to be credible persons, who being
by me duly sworn depose and
say each for himself, that
~~that~~ they and each of them were
present with R. H. Adair Surveyor
of Johnson County Texas, as
Chain Carriers and flagmen
in the Survey made by said
Adair under the order &
direction of the Commission
Court of Johnson ~~County~~ for the purpose
of establishing the northern
boundary line of said county
and the southern boundary line
of Garout county. That they
were present when the line was
mapped and concluded for
by said Adair as the true body
line of said counties was run;
that beginning at a certain well
pointed out to them by an old
resident of ~~part~~ of Ellis & Johnson
County, as the old line between
Johnson and Ellis County as

Said counties were originally
laid out and surveyed and
running the course collid^{ed} ^{for} on
the said line between Ellis &
Johnson at about 900-2000.
They found an old stone
firmly set in the ground,
projecting about one foot
above the ground. Marked E.C. and
had all the appearance of being very old
that this rock set upon a knoll
or hill, and was recognized by an
old settler at that point as the
Monument marking the North West
of Ellis corner of Ellis County
and the North East corner of Johnson
County Texas. That said Monument
is situated in a few feet of the
line run by said E. C. Adair
as the true North line of said
Johnson County, and as
delimited on the plot or
map made by said Adair.
After said survey - affords
further state, that in running west
from said Stone they found near the
The South East corner of Wood Co,
and the South West corner of Tarrant
and old mound of brick and
stone which had every appear-
ance of being placed there by
the hand of man; that this
mound was on the line run by

1 said above as the north ~~boundary~~
2 boundary line of Johnson County
3 as marked ^{on} the map and drawings
4 made by him, on said survey.

5 W. M. Reeves
6 Lee McCoy

7 Sworn to and subscribed before
8 me this 11. day Feby. 1892. by Lee McCoy
9 and W. M. Reeves. W. B. Bishop

10 County Clerk Johnson Co. Texas

11 J. B. McMillan specially
12 states that he was not
13 chain carrier or flagman
14 but had charge of setting
15 the posts under direction of
16 the surveyor but was present
17 at both monuments & mounds &
18 that old settlers pointed out at
19 both places the line to him
20 which is herein designated

21 J. B. McMillan

22 Sworn to and subscribed before me by
23 J. B. McMillan. Feby 11. 1892. as witness
24 My hand and seal of office

25 W. B. Bishop. County Clerk
26 Johnson Co. Texas

To the Hon. County Judge and Commissioners of Johnson County,

Texas:-

Having been appointed to represent the County of Johnson in a joint survey to determine the true Northern Boundary of Johnson County and to finally locate the true Southern Boundary of Tarrant County. I proceeded on Saturday Nov. 14th. to Waxahachie, Ellis County, to ascertain the status of Ellis County with reference to the Southwest corner of Dallas County. I found from interviews and examinations of the records the following facts:-

1st:- That they had been notified of this survey and had in good faith appointed an experienced and practical surveyor to join in this survey and he had unavoidably been called away after it was too late to appoint a substitute.

2nd:- That as far as Ellis County was concerned the question as to the position of the South west corner of Dallas had never been settled, and that they would contend for the position taken by this Court in reference to said corner.

3rd:- That on prior occasions the said corner had been tested by Ellis County surveyors' and had been found incorrect, and that the claims of Dallas and Tarrant had not been allowed as justified in law or in fact, and had always been so contested by Ellis County.

4th:- That the order of Tarrant County to Ellis County as to Johnson definitely specified "the South West Corner of Dallas County" as the initial point of said ^{joint} survey.

5th:- That they as this Court did, reserved the right to ascertain according to the Statutes of the State of Texas, where this corner truly was and if not found upon the ground or if found out of it's place, then to locate it upon the ground in accordance with the rules of law.

File No. ~~County Boundary Case No. 5~~
Johnson County
Report Accompanying Rld. sk. 'B'
Filed 12-17-1937
GARRY MAURO, Com'r
J L W

Counter 28477

(1)

In making these investigations, I consulted with Hon. B. McDaniel County Judge of Ellis County. Judge J. W. Ferris. Mr. Ed Hawkins County Clerk of Ellis County. Mr. Nelson, former surveyor of Ellis County, who was perfectly familiar with the whole question. Mr. Hawkins records were closely searched for a final report of a final re-survey of Dallas County as provided for in the Act creating Tarrant County, and none was of record.

In Judge Ferris' office I had access to all the original Acts of the various Legislatures and the Congress of Texas, and I collated the following Acts which are cited as follows

Nov. 28th. 1839:- Defining the boundaries of Fannin County.

March 30th. 1846:- Creating Dallas County.

December 1st. 1849:- Providing for the running and establishing correctly the line between Nacogdoches and Fannin Land Districts

Act	Creating	<i>Robertson</i>	County.
..	..	Navarro	.. .
..	..	Collin	.. .
..	..	Denton	.. .
..	..	Ellis	.. .
..	..	Tarrant	.. .
..	..	Parker	.. .
..	..	Johnson	.. .

See Hartley's Digest, May 12th. 1846 Article 224:- Providing that the lines so run must be in conformity with existing laws From these various Acts of the Legislature of Texas, the conclusion is reached that the question between Dallas and Ellis and Tarrant and Johnson is based upon a question of original Boundary between old Fannin and old Navarro of which Tarrant is a part, *and old Navarro of which Ellis is a part* so between old Nacogdoches of which Dallas is a part. Hence the conclusion must be reached that Dallas and Tarrant must be located in conformity with the laws existing at the time of their creation.

The Act of Dec. 1st. 1849, passed 20 days before the creation of Tarrant County provided for running the original Southern Boundary of Fannin, which was actually as such boundary run, and so marked upon the ground. It is known to the surveyors of Texas as "the Orr Line," and has been acquiesced in by the Counties on either side for more than Forty years, as the true boundaries of the same.

Tarrant County, represented by Messrs. Goodfellow ~~and Young~~ and Dallas represented by Messrs. ~~Young~~ and Strong in a joint survey to determine the boundary between the said counties, some time in 1890 or 91, acquiesced in this line and while making the survey, established a variation from it which when applied at the S. E. Corner of Dallas County places the S. West corner 801-1/2 varas south of the true distance from the North West Corner of Dallas County as held on the ground by both Counties.

I refer as my authority to the report of said surveyors which report has been adopted by both Courts, and are matters of record. This report of Goodfellow and ^{Strong}~~Young~~ shows the error beyond question and under the reserved rights of this Court I followed the Report of said surveyors in the ascertaining the true position of said South West Corner of Dallas County.

On Nov. 16th. I proceeded to Mansfield, Texas, from Waxahachie At this point I met Mr. Goodfellow, Special surveyor of Tarrant County, Texas, and together we proceeded to the South West Corner of Dallas County, which is about 6-1/2 miles, a little South of East from said town.

We failed to reach the same conclusion. I made two distinct propositions to Mr. Goodfellow:-

Ist:-To go to the North West Corner of Dallas County and locate the South West Corner of Dallas County, which he declined to do:-
Saying that it had been done and that his Court would not pay

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for it being done again, that his report showed it as it was:-

2nd:- To trace the Southern boundary of Dallas and ascertain its' true variation. This he declined: Saying "that there was nothing on it, and that the post placed by him was correct", which of course, was the very point at issue, and reserved by this Court.

At 3:30 A.M. of Nov. 18th. Mr. Goodfellow took an observation on the North Star, and claimed a right Angle from this to be a "due West" course. I declined to be present or to assist in such observation, as I had no faith in it, and did not wish to be committed to it by my presence.

On going to Mr. Goodfellow's camp for water about sun-rise Nov. 18th. Mr. Goodfellow's transit was in position, and the following was his language, as taken down by mw at the time. "Well, I am going to my stake this morning and run "a due West Line", He gave me his variation as 8. 56, which I quietly recorded. About 9 A.M we went to the corner he claimed and attempted to apply the variation taken from the North Star, and it would not work to known objects so he reported a change to 8. 40 which I quietly noted down.

Before we left this point, I measured off 801-1/2 varas North and built a large mound of earth and stone 3 feet high for the South West corner of Dallas County and which according to the first report of Goodfellow's and Young, is 30 miles South of the North West Corner of Dallas County on "the Orr Line", as fixed by the Legislature, Act of December 1st. 1849, and thus coorectly locates the said corner according to the rules of law.

I made diligent search on the ground for Monuments of a permanent character, and none such exist. Nothing is there, except a post set by Mr. Goodfelloow last winter, and from his ^{own} statement made to me on the ground, I came to the conclusion that he did not know whether its position was true or only a matter of con-

jecture.

At any rate, I protested against his position and his variation. Why he changed from 8. 56 to 8. 40 he never explained satisfactorily to me. This change though only 16 minutes north threw him 265 varas North of where he would have ended his line had he proceeded on what he claimed as a "Due West Line".

Mr. Goodfellow ran his projection a distance of 17 miles posting the line exactly as the law directs with solid Cypress and Bois de'Arc posts at the end of each mile, set 3 feet in the ground, and plainly marked, T.C.L. & J.C.L. Besides this, he plainly marked the timber with his own hand, first at Mountain Creek and at the Cross Timbers and again on village Creek, also cutting out a plain road. Further he made connections with the corners of the various surveys he crossed and took field notes of the same, which are in his possession, if not destroyed. He gave me his connection with the E corner of the J. Bridgeman survey of 640 acres, it bearing N. 30 West 833 varas from the point where he crossed the Thos. J. Hanks ~~survey~~ *W. Ry*

After all this mass of evidence, he pretends that he was only running a Random line, in order to find a line known as "the Walker Line," which was run from an erroneous position.

The fact is that Mr. Goodfellow began upon a wrong theory, viz:- that "the Orr Line," was an angular line, and that he could correct it by "a due West Line". Finding himself wrong, he abandoned his line, and after a delay of some days to get documents from the General Land Office, he returned to his stake and without any notice to Johnson County, ran a line that he disregarded, but which I pointed out to him at the corner, showing him a Cottonwood tree, 5000 varas away, which stood only a few feet *what was supposed to be the* from the Walker Line, and which on his compass was 0. 54 North of him, so intent was he upon a "Due West Course" from his own Corner.

Finding that we could have no agreement and that he finally refused me any assistance, I left him and went back to the S.W. corner of Dallas County, as established by me on the 18th. day of November, and running west established the N.E. corner of Johnson County, subject only to correction and revision by Ellis County.

Thus in accordance with the claims of this court expressed in my certificate of appointment, I ran said line, determining the ~~the~~ beginning from the Statutes of this State of Texas, and upon the ground by evidence furnished by the surveyors of Tarrant and Dallas, and which evidence Mr. Goodfellow now attacks.

In a separate report I will give my field notes.

The line since run by Mr. Goodfellow and which is no part of the joint survey is called "the Walker Line," because run in 1855, by a surveyor of that name from Tarrant County.

It has long been disputed and was jointly disregarded by both Tarrant and Johnson in 1881, in everything except, it's S. W. Corner, and thence running East by the report of John R. Ransone County Surveyor of Johnson County and Mr. Finly County Surveyor of Tarrant. By all the comparisons I made on the record and on the ground I found this line starting out 750 varas South of my position on the west and approaching me northward at the rate of 21 varas to the mile, which in a distance of 30 miles is 630 varas or within 120 varas South from where I placed the South West corner of Dallas County. The variation of this line was taken on the West Boundary of Tarrant where Walker's marks are still extant.

Hence the effort to awaken the "Walker Line" after a period of ten years recognition of another line, in order to defeat the original intention of the Legislature and its action upon the "Orr Line," as well as to introduce the old dispute of the Walker line, ought to be estopped.

If Walker ran any line where it is pretended, the marks were not found ten years ago, in harmony with other undisputed work done by him at the same time.

Acting in accordance with all the settled rules for the determination of boundaries I ascertained that the South West Corner of Dallas County some 35 or 40 years ago was marked by a monument upon the ground, which stood north of a notorious road that run from Cedar Hill to Mansfield by way of the Birdville crossing on Mountain Creek, which crossing is still known being at a Spring, which is the only lasting water about there, the whole creek being dry there, at the time of our survey, except the said Spring. The old road leading to this crossing is plainly visible yet and passes just South of our Corner for Dallas County. It's course is a little South of E. and N. of West and to place the said corner East of where it now stands or where Tarrant long claimed it would throw it far enough South that the line run by Ransone and Finly, in 1881, would very nearly strike it. The evidence in the surrounding Country as to the topography about this ancient corner coincides closely with the position taken by me while near the corner claimed by Mr. Goodfellow, there is no ancient road and it is far off of the route aforesaid and nearly 1/2 mile ~~xxxx~~ South of it. The Locus in quo of this old corner however is of no value, further than to show that the older surveys of these counties were more nearly right than the erroneous work of the last 20 years began in controversies over this famous corner and now set up by the surveyor of Tarrant County and assumed to be true and correct.

It was a fact reconized in the Dec. 20th. 1849 at the creation of Tarrant County that Dallas County S.W. corner was incorrect *and that Tarrant is subject to such correction* and subject to final correction. I claim that by the assistance *Strongs* [^] Mr. Goodfellow and ~~Young~~ report to their Courts. I have finally corrected it in behalf of Johnson County and I ask that my ac-

tion be ratified in the matter.

The argument of Mr Goodfellow to run a line due West according to his opinion as to what a due West line is, if applied *at* the N.W. corner of Dallas County would place the N. W. corner of Tarrant 80I-1/2 varas south of the "Orr Line", or of its projection and would only run the Ransone and Finly line as run in 1881, it being impossible to use his ~~theory~~ theory to run the line now claimed by him as the Walker line.

I will finally state that on entering our territory in obedience to legal advise, I wrote Mr. Goodfellow the following formal protest:-

To the Hon. J. J. Goodfellow, County Surveyor:-

Tarrant County, Texas.:-

This is to notify your Hon. County Court that in the name of the Hon. County Court in and for said County, I hereby protest against the establishment of your third mile post, as established by you, Nov. 19th. 1891, The same being 80I-1/2 varas more or less South of the true Northern Boundary of Johnson County as will be more definitely shown by a survey in accordance with the Statutes of Texas, and also against every mile post thereafter on his westward course and signed the same officially as special Surveyor of Johnson County, Texas; and that he answered the same verbally that the said post was correctly placed and on the true Southern boundary of Tarrant County, and is thereby

estopped from putting any other line in his report, and I ask that he be held to it as the line he put in issue before this Court, and that the Commissioner of the General Land Office have his attention specially called to the fact that the line run in the joint survey and of which this Court had notice was abandoned by the said Goodfellow and an attempt made Ex Parte to run another line out of course and establish it as the true line without authority either in law or in right. And that the said line as run by Goodfellow is N. 89° 11' West, instead of West as the law directs.

The whole conclusion is that if the survey of Dallas County and Tarrant is constructed upon the "Orr Line", and its magnetic variation is observed, then I have fully completed the original intention of the Legislature of Texas by running and making upon the ground with Cedar, Cypress and Bois de Arc posts and mounds of stone and earth, a correct line as the law directs and as this Court ordered for the true Northern Boundary of Johnson County.

If the Commissioner of the General Land Office will have the examination made it will be seen that Denton County was originally 30 miles square, but when it was ascertained that a point 22 miles South of Choctaw Bayou, thence 25 miles West to Grayson County corner, and thence N. 1-1/2 miles for the N.E. corner of Denton County, *would run Denton Co* South of the "Orr Line" and upon the Territory of Nacogdoches and Navarro.

The defect was ~~caused~~ *cured* by an amendment in 1852 which shortened the E. and W. Boundaries to 29 miles and 27 four pole chains, and at the same time curing any defect it might have by calling for the Dallas County line "as now established by law" and also getting it a distance East and West of thirty one miles.

See Statutes. (Sayles Annotated Statutes).

(9)

counter 28485

Respectfully submitted
R H Adair Special
Surveyor Johnson Co Texas
Feb 7th 1892

THE STATE OF TEXAS, }
County of Johnson. } W. D. Bishop Clerk, of the County Court in and
for said County, do hereby certify that the foregoing instrument of writing was duly and
correctly Recorded in my office on the 19th day of February A. D., 1892 in
Commissioner Court Minutes Record Book 3 Page 605th at 2²⁰ o'clock P. M.

In witness whereof, I herunto set my name and affix the Seal of the said Court at office
in Johnson, this 19th day of February A. D. 1892

W. D. Bishop
Clerk, County Court, Johnson County.
J. P. Ramsey Deputy

Keep With
Johnson COUNTY ROLLED SKETCH NO. B
Report Matter of Boundary Johnson Co
SURVEYED BY R. H. Adair
FILED
count 28486

Proposed by
R. H. Adair Special
Surveyor Johnson to Texas
Feb 17 1882

THE STATE OF TEXAS }
County of Johnson }
I, the undersigned, do hereby certify that the foregoing instrument of writing was duly and
correctly recorded in my office on the 12th day of Feb. A. D. 1882 in
Book 5 at Page 202 of the Public Records of said County.
In witness whereof, I hereunto set my name and affix the seal of the said County at office
in Johnson this 12th day of Feb. A. D. 1882

W. B. Adair
Clerk, County Court, Johnson County



Keep With

Johnson COUNTY ROLLED SKETCH NO. B

Report Matter of Boundary Johnson & Tarrant Cos.

SURVEYED _____ BY R. H. Adair

FILED _____

counter 28487

12-17-37
JLW.