

THE STATE OF TEXAS, *
*
COUNTY OF POLK. *
*

Before me the undersigned authority, on this day personally appeared W. P. Gee to me well known, who, after being by me duly sworn, deposes and says as follows:-

That he is sixty three years old, that he has lived in Polk County and on the Boulter survey of land for fifty six years. That the tract of one hundred acres on the James Boulter survey, on which I have for fifty six years resided, was bought from W. H. Palmer and Nathaniel Bailey by my father, W. F. Gee in 1851. The bargain made by my father with said Palmer and Bailey was, that the one hundred acres of land bargained for, must come in contact with one of the Boulter lines. My father was also desirous of including in this one hundred acre tract a certain spring on the Boulter land. To determine how to arrange this, my father consulted Mr. S. C. Hiroms surveyor, then living in Polk County, who made the English field notes of the James Boulter survey of land. Mr. Hiroms told him, my father, to go to the South East corner of the M. L. Choate league and from there to go South on the Boulter and the Dikes line to a point opposite the spring above referred to, and in that way include the spring, and also put the one hundred acres on a Boulter line. My father's one hundred acres was surveyed as above indicated, in 1851, and has been occupied by him (up to the time of his death) and by myself, continuously since that time. In all of this time, since 1851, until recently I have never heard that the Boulter survey was wrongly located, as shown by the County map.

W. P. Gee

SWORN to and subscribed before me, this 8th day of February, 1908.

James Edrington

Notary Public Polk County

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Pack Co. No 36

Filed in the General
Land Office this
13th day of April 1909
J. T. Robinson
Commissioner

50th Page

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COMMISSIONER OF THE
GENERAL LAND OFFICE

State of Texas)
County of Polk)
Before me L T Sloan
a Notary Public in and for said
County and State, on this day
personally appeared W. H. Hill
to me well known, and who after
by me being duly sworn, deposed
and says, as follows; That he was
County Surveyor of Polk Co Texas for
the years 1879, 1880, 1881 & 1882. That
he well remembers making the
L De Rhalt pre-emption survey
at the S E corner of the Jas
Boulter survey. That he measured
the lines, and made the corners
and marked the witness trees
as described in the field notes
sent to the Land Office for
said De Rhalt survey. That he
well remembers the two black
oaks called for, at the S E corner
of said Boulter survey, and that
they were then standing. The
said De Rhalt survey was made
as I recollect in the year 1879.
W. H. Hill

Sworn to and subscribed
before me the undersigned authority
this 3^d day of December A. D. 1907.
L T Sloan Notary
Public Polk Co Texas.

(2)

Pack Co NO 36

Filed in the General Land
Office this 13th day of
April 1909
J. T. Robinson
Commissioner



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HILL & HILL.
Attorneys at Law.

HAVE COMPLETE ABSTRACT OF TITLE TO LANDS IN POLK COUNTY.

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LIVINGSTON, TEXAS. June 17, 1907.

Hon. J. J. Terrell,
Austin, Texas.

Dear Sir:-

Enclosed find copy of letter from us to Hon. R. V. Davidson, Attorney General, which needs no explanation, with this statement: Application has been filed in the Surveyor's office here to purchase the land covered by the James Boulter league.

By reference to the Spanish titles of James Boulter and J. M Dikes surveys, there will be no question as to the location of either on the ground. You will notice by examination, that Arthur Henry was the surveyor, as shown in the Spanish title of each of these surveys, and not S. C. Hiram.

Yours truly,

Hill & Hill

H. O.

Polk Co: No 36

Application for land filed in the Surveyor's office here to
the land covered by the James Bellinger ledger
by reference to the Spanish title of James Bellinger
and not J. C. Bellinger
the surveyor, an error in the Spanish title of James Bellinger
on the ground. You will notice by examination, that James
Bellinger surveys, there will be no question as to the location
of reference to the Spanish title of James Bellinger
of surveyor James Bellinger, and a survey to the location of
Application for land filed in the Surveyor's office here to
the land covered by the James Bellinger ledger
by reference to the Spanish title of James Bellinger
and not J. C. Bellinger
the surveyor, an error in the Spanish title of James Bellinger
on the ground. You will notice by examination, that James
Bellinger surveys, there will be no question as to the location
of reference to the Spanish title of James Bellinger

James Bellinger

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Mess. Hill & Hill,

Attorneys of Mess. Wm. Carlisle & Co.

And Knox and Knox,

Livingston, Texas.

Gentlemen:-

At your request, we have gone on the ground, and followed the foot-prints of Mr. B. J. Wilcoxon, shown by his field notes and plats of the James Boulter league, and J. M. Dikes one fourth of a league surveys, in Polk County, carefully measuring and testing Mr. Wilcoxon's work by running all his lines and calls, and now report:

FIRST:

What we found on the ground, as Mr. Wilcoxon's location of the James Boulter and J. M. Dikes surveys; the Dikes joining the Boulter on its North line:

BEGINNING: At the South West corner of the Moses L. Choate league one of the original witness trees, a pine down and partly rotten. THENCE East on M. L. Choate's South line, (Mr. Wilcoxon says that at 700 varas he enters Creek bottom, Hiram says 700 varas through open pine woods to edge of bottom or cane brake; we enter Creek bottom at less than 100 varas) 980 varas, centre of Long King Creek, 1650 varas was 200 varas from foot of a hill, 2500 varas, stake, set by Wilcoxon, in an old clearing; at this point we could find no stumps or stump holes to indicate that the trees given in the original J. M. Dikes field notes had ever stood there. THENCE South at 630 varas (instead of 1220 by Hiram, 720 varas by Wilcoxon), came to Choates Creek; at this point, we pass between a large sycamore and an old magnolia, described by Mr. Wilcoxon in his report. The sycamore stands to the East of the line and East of the Creek and has no print of an axe of any description on the West side of it. There are chop marks of axe on the East side low down but not of surveyor. This tree leans over creek, and about 50 or 60 varas from negro house. The magnolia stands to the West of the line and in a negro's (Lewis Clay) back or wood yard, and is hacked all around, none of the hacks are regular and do not appear to have been made by a surveyor, and none of the hacks appear to be very old. The two trees stand at least 35 varas apart East and West. There are several old trees between the mag-

nolia and sycamore and within a few feet of Wilcoxon's line, all hacked in the same way as the sycamore and magnolia, but clearly not surveyor's marks, but made by the children of the negro near by. Continuing South and looking carefully for old marks at 2500 varas, came to the partition division line of the Joseph Morgan league, made in 1838, running East and West and divided said Morgan league into North and South halves. Near this point, there are two corners made in the last eight or ten years, being corners made to recent subdivisions of said Morgan league. The bearing trees being two small pines the largest not over ten inches in diameter. We made a careful search in running South on the above line and there are no marks made by a surveyor on said line, North of the Livingston and Swartwout road. South of this road for 200 varas there is a marked line made by C. A. Noblitt in 1901 for J. E. Hill and J. R. James. The two pines were marked then by Mr. Noblitt.

BEGINNING: At the South West corner of the Choate league, again: THENCE South (finding no marks at all) 2500 varas to the above described division line of said Morgan league, fell 54 varas West of a corner made by A. C. Garvey in 1900 for a survey of 50 acres of land for J. C. Cherry on said Morgan league, and North of said division line, corner on two small trees, not over eight inches in diameter. This is the only corner near this point, and there are no marks to indicate that there had ever been a line run South from the South West corner of the Choate league. THENCE West on the above division line of said Morgan league, at 1546 varas, a division corner of the Morgan league, made in 1838 in the West line of said league; at this point we measured South 154 varas and made a careful search on the West course for a line and finding no marks of any kind, we went to said division corner and continued West in all, 2266 varas to the edge of Tempe bottom, at this point, being in old timber, that would hold marks, we made a careful search for a line and not finding any marks, we off set South 154 varas following Mr. Wilcoxon in his report and indicated by his plat, for what reason we do not know, and he does not say! Continuing West from the off set of Wilcoxon, in all 2766 varas, Tempe Creek, at 3586 varas, enter black-land field of D. McCardell (to this point we had passed through Tempe bottom where the old timber is standing

and made a careful search on the line as well as both sides of the same, and found no marks at all) at 3956 varas (all the distance from the entrance into McCardell'd field is black, waxy land 370 varas, once Garner prairie) stake, set by Wilcoxon in said field, near West line of the larger C. Barco survey. THENCE South 890 varas through black land field, pass out of said field at 1980 varas, pass the North West corner of the original survey for Thos. Stubblefield, now the N. W. corner of the smaller C. Barco survey (all black land) one of the original witness trees of Stubblefield and Barco surveys, a black oak is there, and shows the old mark on it. To this point, (1980 varas) there were no marks of any description old or new; continuing South with said Barco and Stubblefield West lines, they are well marked, S. W. corner Barco and N. W. corner of Stubblefield 2960 varas, in all 3512 varas to the South West corner of the Stubblefield on the North line of the J. T. Pinckney league, a pine stump from which a post oak 18 inches diameter marked with two Xs, one very old, bears North 25° East, 5 varas; this stump and tree are original bearing trees at the S. W. corner of the Thos. Stubblefield survey. The willow oak is down and gone. (Note)- In the field notes made by S. C. Hiram, in describing the timber and soil on the West line and at S. W. corner, (the South West corner of the James Boulter) he says: "Timber pine, oak, ash and elm; undergrowth, iron wood, dog wood and myrtle; land sandy". In fact, on this line and at this place, the soil is stiff black land, never known to grow iron wood, dog wood or myrtle. THENCE East with Pinckney's North line and Stubblefield's South line, (Wilcoxon's Boulter South line) at 2950 varas (all through black, waxy land, about 1000 varas Swartwout prairie in 1835), cross Tempe Creek, 3760 varas, centre of Long King Creek, 60 varas wide, course South 45° East, at 4040 varas, old run of said Long King Creek (this was the bed of Long King Creek in 1835) 30 varas wide, course South Westerly, 4740 varas, small dry branch, at 7446 varas, stake, set by Wilcoxon, in an old field now grown up with large pine saplings, and 217 varas West from the South East corner of the Thos. Stubblefield survey. The Stubblefield South line and the Pinckney North line are well marked as called for in their field notes, and no other marks on this line. 217 varas, continuing East from the point 7446 varas, where Wilcoxon stopped in the old field, the Stubblefield line is well marked, and its S. E. corner on the ground at the end of the 217 varas. THENCE North on Wilcoxon's line 217 varas West of this corner

at 150 varas Spring branch, 550 varas Spring branch, 1110 varas cross South line of the Joseph Morgan league, 1150 varas, large spring branch (gulch), 2310 varas, clear creek, 8 varas wide 3666 varas, stake in the centre division line of said Morgan league, made in 1838; on the above line 3666 varas, there are no marks, corner or witness trees of any kind nearer than the East line of the Joseph Morgan league, about 250 varas, which is plainly marked. THENCE West with said division line 400 varas Spring branch, 750 varas, large spring branch, 1000 varas, corner of a subdivision on the said Morgan league, two small pines marked with a X; this is the corner Mr. Wilcoxon says perpetuates the South East corner of the J. M. Dikes. This is the corner of the J. E. Hill 5-1/2 acre tract made in 1901, for J. R. James, (already described above).

Continuing West 2480 varas, East bank of Long King Creek, 3501 varas, Wilcoxon's South West corner of the Dikes. There is no corner at this point, of any survey. It is 54 varas West of J. C. Cherry's S. E. corner, a subdivision of the Morgan league, sold Cherry by Gerlach of recent years. This line of 3501 varas, is well marked and is the centre division line of the Morgan league. No other marks, except the 2 small pines, corner of the Hill-James 5-1/2 acre tract.

SECOND:

What we found on the ground, locating the James Boulter and J. M. Dikes surveys from the South West corner of the M. L. Choate league, instead of from the South East corner of this league as called for in the Spanish and English field notes of the J. M. Dikes:

(1) J. M. Dikes:

Reference is made to our Report above in full for this location, under "FIRST". The Wilcoxon location of the Dikes is from the South West corner of the Choate league. His first line, East 2500 varas, then South 2500 varas. He then returns to the Choate South West corner and runs South 2500 varas, and claims this point as the South West corner of the J. M. Dikes, locates the James Boulter South of a line running East and West from this point. Running West from what he claims is the North East corner of the Boulter, to his second 2500 vara call of the Dikes, he runs West 2500 varas as the South line of the Dikes, locating the Dikes 2500 varas square East and South of the Choate South West corner, entirely South of the Choate South line, and the Morgan North line, and in conflict throughout

with the Morgan. If the J. M. Dikes be located from the Choate South West corner, this 2500 varas square would be the ground occupied by the J. M. Dikes. As we have gone over Mr. Wilcoxon's lines as thus located in our First, refer to that.

(2)

James Boulter:

BEGINNING: At the South West corner of the M. L. Choate league: THENCE West with Morgan's North line 1000 varas, we set stake; found no corner. There is some pine at this corner, but no black oak. THENCE South 3500 varas not finding any marks, we set stake. Timber all cut, no stumps at bearings given in original Boulter field notes; could find no marks on this line or at this corner. THENCE East 1110 varas, Livingston & Swartwout road; 2040 varas (instead of 3640 varas) Long King Creek, course South 30° East, 2540 varas, centre of H. E. & W. T. R. R., 4900 varas found no branch; 7142 varas, we set stake for the South East corner of this survey. Did not find any mark on this entire line, and there are no marks to indicate that there was ever a corner at this place. THENCE North 3500 varas, not finding any line the entire distance, we set stake for corner in a well marked line; (the North line of the J. M. Dikes, as shown on Polk Couty map). There is no sign of a corner at this place. THENCE West with said Dikes marked line 1172 varas, pass the South East corner of the M. L. Choate league, 2162 varas, (On Choate's South line) Spring branch, 3472 varas, (Choate's South line) large Spring branch 5172 varas (Choate's South line) Long King Creek; 6142 varas (still on Choate's South line to his S. W. corner), the beginning.

In making the above Boulter survey, from the S. W. corner of the Choate league, we found no marks or lines of any kind except on the North side of said survey. These lines are the South line of M. L. Choate the North line of the Jos. Morgan, and the North line of the J. M. Dikes survey, shown by County map as located from the Choate S. E. corner. On the other three lines of the Dikes, as run from the S. W. corner of the Choate, there are no marks at all.

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THIRD:

What we found on the ground, locating the J. M. Dikes and James Boulter surveys from the South East corner of the M. L. Choate league as called for in the Spanish and English field notes of the J. M. Dikes; the James Boulter field notes calling to begin at the North West corner of the Dikes, which in the Dikes field notes is the beginning corner and call for the South East corner of the Choate.

J. M. DIKES:

(1)

Resurvey of the J. M. Dikes, beginning as located at the South East corner of the M. L. Choate league, the original bearing trees for the Choate are down and gone. THENCE East with an old marked line 872 varas, Spring branch, 1795 varas, large spring branch, 2000 varas, pass the South East corner of the Jno. C. Walker survey, (white oak N. 60° E. 3-1/2 vs., an elm N. 30° E. 9-1/2 varas; both show old marks) 2530 varas, set stake at the intersection of the East line of this survey; forked sweet gum, both prongs marked X, S. 49° W. 10 vs. white oak 16 in. mkd. X hrs. S. 85° W. 8-8/10 varas. We could not find the original bearing trees given here. Timber, oak of several kinds and some pine; land, sandy. THENCE South with an old line 1840 varas, a branch, 1910 varas, branch, 2180 varas, deep branch, 2200 varas, the same branch, 2460 varas, set stake at the intersection of the South line of said survey; sweet gum 16 inches in diameter, mkd. X, one very old, bears N. 27° W. 12-1/2 varas, an ash 10 in. in dia., mkd. X, bears North 52° West 10 varas. THENCE West with an old line, 85 varas a branch, 1790 varas, Livingston and Liberty road, 2530 varas, corner, Sweet gum 16 in. in dia., mkd. X, hrs. S. 4-6/10 varas; a pine 20 in. in dia., mkd. X, bears N. 52° E. 7-2/10 varas, old corner destroyed. THENCE North with an old line, at 560 varas, the South East corner of the W. P. Gee 100 acres, off of the Jas. Boulter league, surveyed in 1851, at 1510 varas, the North East corner of said Gee 100 acres, 2460 varas, the place of beginning.

The timber on the above survey is pine, oak, ash and hickory, undergrowth iron wood, dog wood and myrtle; land, sandy.

JAMES BOULTER:

(2)

Resurvey of the James Boulter three quarters of a league, from the South East corner of the M. L. Choate league, and the North West corner of the J. M. Dike's one fourth of a league, as shown by the County map.

BEGINNING: At the North West corner of said Dike's survey, the same being the South East corner of the M. L. Choate league. THENCE West with said Choates South line 960 varas, small branch, 1000 varas to a point in a field, a rock for corner. The original North West corner of the Boulter has been destroyed. This point is also the North East corner of the Harvey F. Haynes 200 acre survey, made on March 31st., 1857, by John R. Johnson, County Surveyor of Polk County. The Haynes field notes call for the Boulter West line. THENCE South with a well marked line 1980 varas, Spring branch, 2434 varas the South East corner of the said Harvey F. Haynes. Also the North East corner of the Anthony F. Owens 159 acres survey, now covered by the R. A. McCaghren 160 acre survey. The said Anthony F. Owens 159 acres were surveyed by H. Jackson District Surveyor for Liberty District with M. L. Choate and D. McPherson, as chain carriers, between August 1st. 1838, and May 6th. 1840. This survey calls for the West line of the said Boulter league. Continuing South, in all 2515 varas, a branch, at 3384 varas, set a stake for the South West corner of the Boulter survey. A Holly 12 inches diameter marked X (one very old). This Holly stands in a Southwesterly direction from the corner and is marked on the North East side. There is pine, oak, ash, elm and hickory timber growing near this place. The undergrowth is iron wood, dog wood and myrtle; land, sandy. THENCE East 90 varas pass a point where the East line of the said R. A. McCaghren survey would intersect the Boulter line. This point is also the North West corner of the A. Lowe survey. This place is in Mat Collins field and no corner here. Continuing through said field into timber and with an old marked line 460 varas, a branch; 1992 varas, pass a point for the North East corner of the Alexander Lowe

survey and the North West corner of the Hiron Barfield survey of 160 acres. Did not find original corner. Continuing East with said old marked line 4292 varas, pass a point for the North East corner of said Barfield and the North West corner of the E. Capps 160 acre survey, but found no corner here. Continuing East at 5015 varas, pass a point for the North East corner of said Capps survey, and the North West corner of the James Brock survey. We found no corner here, but the old Brock and Capps line runs South from this point and shows on the ground. At 6030 varas, the North East corner of the said James Brock survey and the North West corner of the James L. Brock, now the L. DeWalt 160 acre survey. One of the original witness trees, a pin oak called for at this corner, in the original field notes of the James Brock, the James L. Brock and the L. DeWalt surveys, is standing and shows the old marks. At 6600 varas, the North East corner of the said James Brock, now the L. DeWalt survey and the South East corner of the James Boulter three quarters of a league survey as found by John E. Baumgarthen, County Surveyor of Polk County in 1860. Mr. Baumgarthen, in making this corner of the James L. Brock, gives two black oaks as witness trees, and says that the North line of the James L. Brock is the South line of the James Boulter, and that this Brock corner, is also the South East Boulter corner. W. H. Hill, County Surveyor of Polk County in 1879, in surveying the L. DeWalt, calls for the same black oak witness trees, and makes affidavit that at that time namely, 1879, they were standing. There is black oak timber and black oak stumps at this point that could have been marked, but none of the trees now show any original marks. THENCE North from the South East corner, with a very old marked line, 3140 varas, spring branch, 3400 varas the North East corner of said Boulter survey, on the line of the S. J. Loden 160 acre survey. This corner is also the North West corner of John Turner's 160 acre survey and calls for two red oaks marked with a cross for witness trees. This corner is also on the South line of the Jesse Massey 1476 acre survey as made by District Surveyor, H. Jackson, in 1840. The Massey and Loden field notes both call for the North line of the Boulter survey. THENCE West with the above mentioned old line at 636 varas, pass the South West corner of the S. J. Loden survey, and

the South East corner of the John R. Newton 160 acre survey at 2050 varas, the South West corner of said Newton and the South East corner of the Carr and Carnell 320 acre survey. This corner is also the South East corner of the Anthony F. Owens 481 acre survey, and the South West corner of the Jess Massey 1476 acre survey, as made by District surveyor, H. Jackson, in 1840, and all these surveys in their field notes call for the North line of the James Boulter survey. This original corner, as described in the field notes of the above surveys, now shows on the ground, and one tree shows the old mark. Continuing West on the old line, at 3070 varas, pass the North East corner of the J. M. Dikes, and at 5600 varas, the place of beginning.

NOTE:

- (1) We have refered to the James Boulter survey as $3/4$ of a league, as that is the amount clear of the J. M. Dikes.
- (2) Affidavits of W. P. Gee and W. H. Hill and Land Office certified copy of the plat of J. E. Baumgarthen, the surveyor, herewith filed.
- (3) Plat showing our work on the ground.

A. B. Garvey
N. A. Matthews
Surveyors.

N. A. Matthews
County Surveyor,
Polk County.

SUMMARY:

(1)

The Spanish and English field notes of the James Boulter call for 3500 varas North and South and 7142-8/10 East and West, the closing line 1-2/10 varas more than this. Mr. Wilcoxon runs these lines 3654 (really 3666) North and South and 7446 East and West, making excess North and South 154 (166) varas, and excess East and West, 303-2/10 varas. We find nothing in the title or English field notes, or on the ground, to show the excess in running, of the lines as correct. We have searched for the marks on the ground of the lines, giving them the correct calls for distance, and found nothing to show that lines were ever run there.

(2)

There is nothing in the Spanish or English field notes or on the ground, to show why Mr. Wilcoxon in his first West line, off set 154 varas to the South, and then run West from the off set corner. At the point the off set was taken, some timber on the line West had long years since been blown down but had decayed and none of it on the ground now. There is no marked line or corner, 154 varas North of the off set line.

(3)

The location of the James Boulter 2500 varas South of the South line of the Choate league, in an attempt to find some place to fit the call for Long King Creek, is not shown by the Spanish or English field notes, or on the ground. Hiram surveyed the Pinckney league a short time before he claimed to survey the Boulter. If he had run the Boulter South line on this Pinckney North line, he would have known it and called for it. Wilcoxon, in an attempt to explain why his lines of the Boulter are greater than called for in the title, says, Hiram wanted to take up the ground between the Choate and Pinckney. There is nothing to show it in the original Henry survey, or in Hiram's English field notes subsequently made. Every marked line and corner mentioned by Wilcoxon for the Dikes and Boulter, belong to other surveys shown on the County map, and there are field notes on record of these other surveys, to identify them. There are no lines or corners to locate the Dikes and Boulter surveys, on both sides of Long King Creek. There are calls for Long King and Choates Creeks in the Hiram's field notes, but these calls cannot be made to fit on the ground, without off sets or changes of

lines that are not found in the Spanish or English field notes, or on the ground.

(4)

Tempe Creek is crossed by the North and South lines in locating the Boulter where Mr. Wilcoxon places it. This is a noted stream, bears the name of an Indian Chief widely known ^{here} in 1835, and certainly that stream would have been called for if crossed in surveying then. The location of the Boulter from the Choate S. W. corner, as shown by our field notes above, page 5, and plat, (blue lines) does not touch Tempe Creek.

(5)

S. C. Hiram who made the English field notes in 1835, pointed out the line of the Boulter in 1861 to Judge W. F. Gee, when he bought 100 acres of it for a home, placing the Boulter on the ground where then and now shown by all Polk County maps of the General Land Office.

(6)

We find evidence besides the call to begin at the North West corner of the Dikes, showing the original James Boulter survey to belong on the ground as it shows on the County map, as follows: Surveys were joined to and called for the Boulter North and West lines as early as the year 1840. The first of these surveys was the Anthony F. Owens 481 acres, surveyed by H. Jackson, assisted by M. L. Choate and D. McPherson, as chain carriers between August 1st., 1838, and May 6th. 1840 (See A. F. Owens field notes hereto attached) this Owens survey calls to begin at the South East corner of the Choate on the North line of a league in the name of the Boulders. THENCE East with Boulter's North line calling for Creeks at 1775 varas and at 2815 varas and at 3520 varas, stake, from which a chinquapin 10 inches in diameter, bears North 8° West 1-6/10 varas, and a white oak 24 inches in diameter, bears South 9° West 14-5/10 varas, both marked A. F. O. The chinquapin stump and the roots of the White oak show plainly at 3704 varas East from the Choate corner, and a proper course and distance from the stake, and at intersection of old line coming from the North; the branches called for are at 1774 and 2819 varas from the Choate corner. From this corner with chinquapin and oak witness trees, we measured North 540 varas to Choates Creek, as called for in the Owens field notes. The corner above mentioned is also the South West corner of the Jesse Massey 1476 acre survey made by H. Jackson on April 30th. 1840 with M. L. Choate and I. White as chain carriers. It is also the South East corner of a three

hundred and twenty acre survey made for Carr and Carnell by W. F. Gee, on January 30th. 1860. Also the South West corner of a hundred and sixty acre survey made for John R. Newton by J. E. Baumgarthen, January 4th. 1862.

The Jesse Massey and the A. F. Owens were not patented as first surveyed above on the Boulter North line; all the above surveys call for the Boulter North line and for the chinquapin and oak marked A. F. O. But Judge Gee in the Carr and Carnell field notes made in 1860, gives in addition to the chinquapin and oak, a hickory, which bears East from the corner 1-1/4 varas, marked with a X, this hickory, with its marks, looking as old as a mark ever looks, is still standing, and by the notes made by Judge Gee, the chinquapin and oak marked A.F.O. were standing in 1860. The John C. Walker survey of 73-1/2 acres made by John R. Johnson, April 5th. 1860, calls to commence at the South East corner of the Choate. THENCE North 200 varas. THENCE East 2000 varas. THENCE South 212 varas to corner, a white oak bears North 60° East, 3-1/2 varas; an elm bears North 30° East 9-1/2 varas, this corner is standing on the Boulter or Dikes North line. The S. J. Loden 160 acre survey, made by J. E. Baumgarthen May 3rd. 1862, calls for the North line of the Boulter and has for its South West corner, the same witness trees named at the South East corner of the John R. Newton viz: a pine 15 inches, bears South 61-1/2 West 5-5/10 varas, a chinquapin 8 inches, bears North 61-1/2 East 11 varas; the witness trees are both down; the pine is burned and only the roots show the place, the chinquapin was broken down by a tree falling on it, but as much of it as would make an ordinary stump is still there, mashed into the ground and the pine tree that did the mischief, lying on it; the top of the chinquapin is destroyed; the places where these trees stood are at right course and distance from the stake on the North line of the Boulter survey. By this record, the early surveyors, H. Jackson, W. F. Gee, John R. Johnson and John E. Baumgarthen doing work from 1840 to 1862 all tied their surveys to the North line of the Dikes and Boulter, where it now shows on the map, and their statements, except John R. Johnson's, all show the Dikes and Boulter's North line to run East from the South East corner of the Choate. The record also shows Moses L. Choate the first settler here as chain carrier, and he no doubt knew the lines of the surveys that joined his headright league. John R. Johnson, in the Walker field notes does not call for the Boulter or Dikes line but he made a corner on it and ran West to the

South East corner of the Choate league. The original North East corner of the Boulter has been destroyed. On the South line of the Boulter besides the later surveys, calling for the Boulter South line, we find running West for about 4000 varas, from the Boulter South East corner as described below, the oldest line to be seen in the woods. The North East and the North West corner of the J. L. Brock 160 acre survey now the L. DeWalt 160 acre survey, made by John E. Baumgarthen November 5th. 1860, and the same corner and witness trees in field notes of the survey of the same land by W. H. Hill for L. DeWalt August 29th. 1879, (the same not having been patented to Brock) stand on this old line, and the North East corner of the Brock and DeWalt are described as the South East corner of the Boulter in the field notes of these preemption surveys; the witness trees at this point being two black oaks; the Boulter witness trees at this corner are given as a hickory and black oak; the place has several black oaks standing near but none with old marks. There are stumps and roots of black oaks near this corner that could have been the witness trees called for, but the lines of this J. L. Brock or L. DeWalt survey are in their original places, by their corners, which are still on the ground; this being so, then the Brock North East corner is the South East corner of the Boulter, in the opinion of J. E. Baumgarthen in 1860. We have a copy of Mr. Baumgarthen's report on the Boulter made to the Land Commissioner of the State of Texas, with accompanying sketch, dated May 6th. 1861, and attach the same hereto. He says: "There is but one line, well marked all around it". The J. L. Brock and L. DeWalt field notes are identical in their calls and have the witness trees at three corners standing, or the stumps showing marks. We attach field notes of these two surveys; as to the witness trees at the corners, the post oaks are standing at right course and distance and with the old marks at the North East corner on the West line of the Joel Roe. The South East or beginning corner on the E. Spephenson North boundary line, has a pin oak stump about eight feet high with its marks showing. The pine is on the ground with the side that should have marks underneath. Both of these trees are at the course and distance given in original field notes of said Brock and DeWalt surveys. The South West corner is gone. The North West corner with one witness tree, a pin oak is standing and marked, is on the very old line spoken of above. The James Brock survey of 160 acres made by Mr. Baumgarthen on

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November 2nd. 1860, begins for connection at the South East corner of the Boulter. THENCE West with said league South line 556 varas for corner of the James Brock survey, the witness trees are two pin oaks, with same course and distance as the North West corner of the J. L. Brock or L. DeWalt surveys, above mentioned. This corner is the North East corner of the James Brock, and is on the old line mentioned above. The North West corner of the James Brock which should be on the Boulter old line, we did not find, but we did find the old West line of said Brock survey running North to the same old Boulter line. Mr. Baumgarthen's plat of 1861 above referred to, shows the J. L. Brock survey, as above described, and W. H. Hill, who made the L. DeWalt survey on the same ground, using the same lines and corners, makes affidavit that he measured the lines and marked the corners on the ground and we find these lines and corners to-day, just as these two surveyors report them to be, in 1860, and in 1879. We think this fixes the South line of the Boulter. On the West line of the Boulter, as shown on the map, the Harvey F. Haynes 200 acre survey was made by John R. Johnson, March 31st., 1857, and begins on the South boundary line of the Choate league and at the North East corner of the Joseph Morgan. The original witness trees of the Morgan are standing at this corner. THENCE South 2375 varas (is 2434 varas on the ground) to the North West corner of a survey for Anthony F. Owens. THENCE East with said Owens survey following old line 475 varas to the North East corner of same on the West boundary line of the James Boulter. THENCE North as called for with said Boulter survey 2375 varas (2434) to the North West corner as called for, of said Boulter survey, the South East and North East corners of the Harvey F. Haynes on the Boulter line, called for, both come in old fields and do not show at this time. The Anthony F. Owens mentioned above begins at the South West corner of a labor surveyed for William Frisby. THENCE South with Joseph Morgan East line 1803 varas to corner of the Thomas Stubblefield survey. One original witness^{tree} for this corner is standing, viz: a sweet gum 16 inches in diameter, marked with a very old and a new cross, bears South 20° West 14 varas. It is now 24 inches in diameter, but shows the old mark. THENCE East with Stubblefield's North line 500 varas stake, no corner here, but some 25 or 30 varas further East we found an old line coming

from the North. The next call is: THENCE (the Owens field notes call) North to and with Boulter's West line 390 varas to a creek, 700 varas Creek, 1645 varas, another Creek, and at 1803 varas, stake on Frisby's South line. This survey was made between 1838 and 1840 by H. Jackson with M. L. Choate and D. McPherson as chain carriers. We find the Creeks at distances called for on the East line of this, Owen's survey, and an old marked line beginning a short distance North of the Stubblefield lines. It is this line too, that extends North to the North West corner of the Boulter, 1000 varas West from the North West corner of the Dikes and S. E. corner of M. L. Choate league. As we have said above, the surveyors and settlers in the locality, within five years from the time that the Boulter title was issued, found its lines on the ground, as it has been shown by the Land Office maps. The Liberty map, made in 1841, gives the same location to the Boulter and Dikes surveys that the latest map does. The location of 100 acres purchased from owners of the Boulter in 1851 was directed by Mr. Hiram himself as is shown by the affidavit hereto attached, of W.P.Gee, son of W. F. Gee, the surveyor. This 100 acre tract begins 40 chains South of the South East corner of the Choate league. THENCE West 25 chains. THENCE South 40 chains. THENCE East 25 chains. THENCE North 40 chains, to the beginning. These field notes show that the Boulter and Dikes were surveyed on the ground as shown by the Land Office maps. There is nothing to show a survey on the ground at any other place.

A. B. Garvey

J. W. Matthews

Surveyors.

J. W. Matthews

County Surveyor,

Polk County.

Polk Co. No 36

Report of Surveyors

of

Polk County

James Boulter and J. M. Dikes

Surveys.

Filed in General Land Office
this 13th day of April 1909.

J. W. Robison
Com^r

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Polk County
Sketch and Report
in re. Jas. Boulter Lea.

Apr. 13, 1909.

See Sk in West
End See Box