

State of Texas, (

County of San Saba. (

Statement of S.M. Moore, County Surveyor of San Saba County concerning the lines and corners represented upon the accompanying sketch.

In determining the true position of the H. & T. C. Ry. Co's surveys and other surveys in conflict in the Western portion of this County North of Brady Creek, I made a thorough and exhaustive search for all the old lines and corners established on the ground by the locating surveyor of the Fisher & Miller Colony work, Mr. Jno. Harvey. I found the following lines were run and corners marked by Harvey in 1847 viz: A plainly marked base line running East from the S.W corner of survey no. 18, Lorenzo Sailer 6 miles to the original S.E corner of survey No. 49 and North East corner of No. 150 F. Locke. At each mile along said base line I found an old corner identified by its original bearing trees with the exception of the S.E corner of Survey No. 132 Joh Newroth, where the bearing trees were gone and which corners I established at the intersection of the old marked East boundary of No. 132 with its old marked South boundary. I found further that from each of the said old corners along this base line that a plainly marked line ran North 950 varas but was unable to find any trace of a line running further North than this. From the North West corner of the F. Locke survey No. 150 I ran North (old line marked 950 varas but no further) at 1900 varas I established a new corner for the S.W. corner of No. 157. Thence North 1900 varas to a new corner for N.W corner of No. 160. From the N.W corner of survey No. 160 I ran North 335 varas and East 600 varas to an old corner which has been accepted by some Surveyor as the N.W corner of survey No. 160 from which a Live Oak marked X (old mark) brs S 78 E 15 vrs. From this unknown corner as a basal point I ran South, East & North in search of some evidence to substantiate it as the N.W corner of No. 160; but was unable to find either a marked line leading to it or any old corners at a 1/2 mile or one mile distant from it in any direction. It stands alone and without other evidence to support it as the N.W

corner of No.160. There is no trace of the other bearing tree called for at this corner and the oldest residents conizant of the corner say that they have never known of any other marked tree in its vicinity.

Hence I regarded this marked tree as insufficient to identify the N.W corner of Survey No.160 and located said survey course and distance from its beginning call. The surveys numbered from 154 to 166 inclusive were located by me course and distance from the S.W corners of surveys No's 151 & 153, both of which were identified on the ground.

From the S.W corner of the Lorenzo Sailer survey No.18 I ran North at 950 varas passed original N.W corner of No.18, 1900 varas established a new corner for N.W corner of No.21. Thence North 600 varas & East ~~200~~²⁸⁰ varas & found new corner for the S.W corner of survey No. 24, Cordova Voges. Thence East 1900 varas to the original S.E. corner of Voges No.24 established by Jno. Harvey in 1855. From this corner I ran North and East as indicated on the sketch, identifying the old corners of Harvey by his corrected notes which were made in 1855, to the South West corner of survey No.109 D. Heyn, which was established in 1847, & identified by its bearings. Thence North 988 vrs to the North West corner of said D. Heyn's survey No.109, also established in 1847, & identified by its bearings. I was unable to find any bearing trees of 1847 between the S.W corner of the D. Heyn surveys No.109 and the N.W corner of the Joh. Newroth No.132, though two bearing trees are called for at every 1/2 mile along the line.

Consequently I concluded that there was a scape of country (about 7 1/2 miles N & S) between these two old corners which was not actually surveyed on the ground in 1847, and all the calls for bearing trees between the said corners were fictitious. In 1855

Mr. Harvey again came in the field & taking up his line at the S.W corner of survey No. 109, D. Heyn ran South, establishing corners on the ground at every 1/2 mile to the S.W corner of survey No. 120 Wm. Broesche, & filed corrected notes of most of the surveys abutting on this line in the G.L.O.

Surveys numbered from 121 to 130 inclusive, were patented on the field notes of 1847, and were not corrected; on examination of their field notes I find no call in any of them for adjoining surveys except the beginning call in each of them. Hence the beginning call assumes the dignity of a locative call in each instance & as the bearing trees to their corners could not be found I located them course and distance from their beginning calls.

This view of the matter locates the conflict (about 1455 varas N & S) as indicated upon the sketch.

Survey No. 131, Joh. Newroth, has its S.W & S.E corners identified upon the ground which compelled me to disregard the beginning call of this survey (the S.E corner of No. 130.) which call cannot be reconciled with the calls for corners identified by brgs.

The second important discrepancy which I discovered concerns the tier of surveys on the Western line of this County lying partly in McCulloch County and extending South from the Southern boundary of survey No. 959 on the Colorado River.

I found and identified by their original bearing trees the N.W. & S.W corners of survey No. 959, & from the South-West corner of survey No. 959 a plainly marked old line runs Eastward crossing Deep Creek at 355 varas (F.N. call 350 varas) and recrossing same twice (see sketch) ect. to the post oak corner at the South-West corner of P. Reitz survey No. 71. I found also the old N.W cor. of P. Reitz survey No. 71, and a plainly marked old line running

South from it to the S.E corner of survey No.99, H. & T.C.Ry.Co. & N.W. corner of J.Hassler survey No.43, with original corners identified as indicated on the sketch. I ran a line also from the S.E corner of the Louis Brandes survey No.971, West 1900 varas to a new corner established by another Surveyor for the N.E corner of the Isaac Clover survey & said to have been established by the said Surveyor from the N.W corner of the Isaac Clover which is an old corner identified by its bearing trees. It is claimed furthermore by the Surveyor of Mc Culloch County & other Surveyor's that there is a plainly marked line running South from the N.W corner of survey No.951 & on this line there are a number of old corners identified by their bearing trees as called for in the filed notes of the several surveys abutting upon the line. It is further claimed by several Surveyor's that the S.W corner of the Adolph Mytius survey No.961 is one mile South & 2 miles West of the N.E corner of survey No.964. J.Fracterna instead of being 2 miles West of it is as shown on the Land Office maps & that the same error exists Southward through the entire tier of surveys, and the East corners of the Louis Brandes surveys instead of being directly East of the West corners of the Isaac Clover survey are found to be one mile North & 2 miles East of said Clover corners ect.

I did not run the said West line but do not doubt the facts to be as above claimed since they are substantiated by several well known Surveyor's. The middle line between the two above marked lines was not run by the locating Surveyors (i.e. the line running South from the S.W corner of survey No.959 and N.E corner of No. 952) . The field notes of the surveys abutting on either side of this line call "stakes" for corners & no bearing trees, though the line runs through a Country abounding in timber and stone. Thus the locating Surveyor emphasized the fact that this line was not

run & the corners along it were purely suppositious. The surveys on the opposite sides of this ~~open~~ or unmarked line call for each other (e.g. Survey No. 966 begins at a "stake the S.W corner of No.965" & runs South & West; survey No.970 begins at "a stake the S.E corner of No.967" & runs East & South; survey No. 972 begins at " a stake the S.W corner of No.971" & runs S.& W. ect.)

If these calls for the unmarked corners control the calls for course and distance we should have ~~some~~ of the lines of the surveys running at a great angle of deflection from an E. & W line(e.g. if we begin survey No. 970 Louis Brandes at its call for the S.E corner of No.967 we should have to run N 45 E 2688 varas instead of "East 1900", as called in its field notes, to ~~xxxx~~ reach its original N.E corner. Thus it will be seen that the difficulty of locating the surveys in the ~~x~~ above mentioned tier of sections, resolves itself into a question of the comparative importance of the discrepant calls in the field notes.

Which of the calls most truly indicates the boundaries of the grant upon the ground? Shall a call for course & distance from an established corner or a call for an unmarked & suppositious corner, which had not been established upon the ground at the time of the grants control? Judge Bell, in the case of Mc Gowan vs. Hill 26 Tex. page 359, says; " Course and sitance from an established point will prevail over a supposed line and corner which at the time ~~of~~ of the grant had not been run and established." See also for further confirmation of the above opinion the cases of Gerald vs. Freeman 68 Tex. page 201 and Booth vs. Strippleman 26 Tex. x page 436. In consonance with the above opinions I have located the lines of the tier of surveys in question (those lying South of survey No.959) course and distance from their plainly marked Eastern corners, and disregarded ytheir calls for the surveys, lying West of

them, to observe which would violently change the course & distance of many lines and alter the configuration of the surveys.

For remaining surveys shown on the sketch need no explanation but shown on their face the reasons for any deflection from their field notes calls.

I, S.M. Moore, County Surveyor of San Saba County hereby certify that the ~~xx~~ above is a true and correct statement concerning the surveys herein mentioned.

~~xx~~ Given under my hand this 14 day of Oct 1891.

S. M. Moore
Berry R. S. Co

No 14 ⁹
Samsaba Co
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S. Moore's Statement,
Dated Oct. 18, 1891.

S. Moore
10/18/91

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