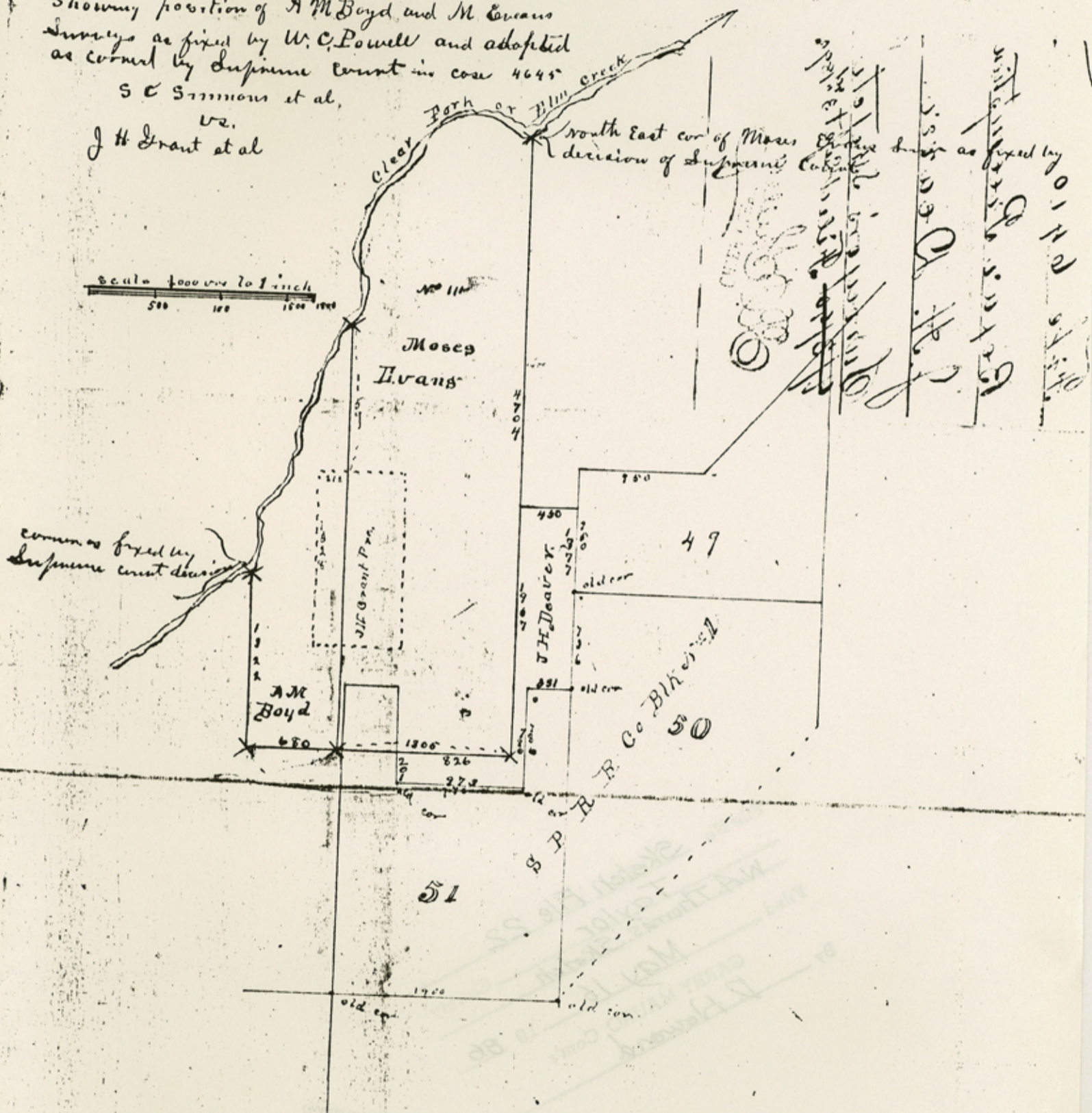
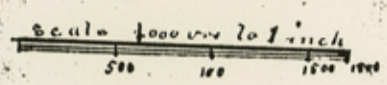


Sketch for J H Deaver, Pres.

Showing position of A M Boyd and Moses Evans
Surveys as fixed by W. C. Powell and adopted
as corner by Supreme Court in case 4645
S C Simmons et al,
vs.
J H Grant et al



with reference to the survey as fixed by
the decision of the Supreme Court in
the case of S C Simmons et al vs
J H Grant et al

Surveyors Certificate

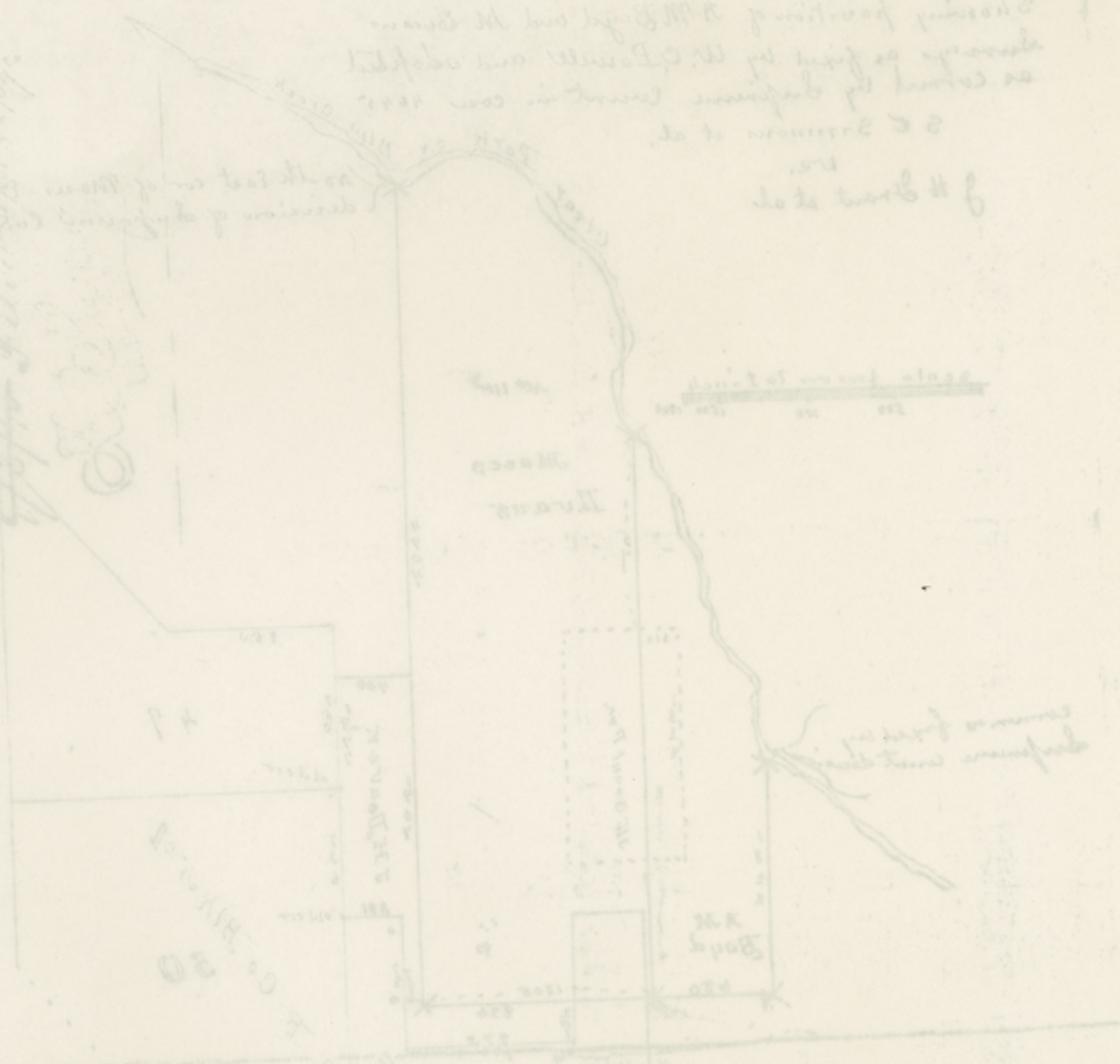
EXHIBIT

State of Texas }
County of Taylor }

I J Ad Thomas County Surveyor
of Taylor County Texas do hereby
Certify that the foregoing sketch

shows correctly the connection of Surveys No 49 50 and 51
Block One (1) S P R R Co to the A M Boyd and
Moses Evans Surveys as established by the W C Powell
Survey of said Surveys made by order of the district Court
County 37826 + 1 150

File 64107
 Arthur P. Pugh
 J. H. Deane
 W. A. Thomas
 J. H. Deane

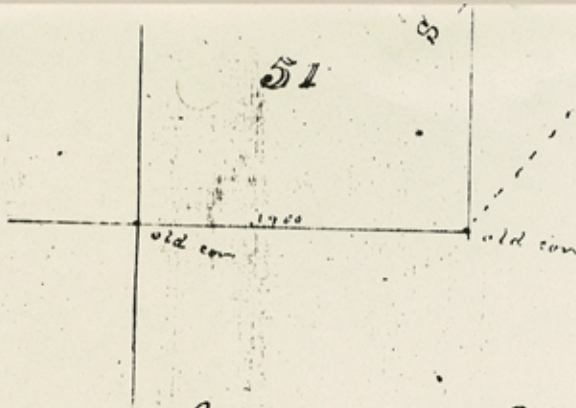


File No. Sketch File 22
Taylor County
W.A. Thomas Sketch
 Filed May 16 19 86
 By GARRY MAURO Com'r
D. Howard

General Land Office
 DEC 17 1985
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County of Taylor
 I certify that the foregoing sketch
 shows correctly the location of survey No. 12 20 and 21
 Block One (1) & E R R Co. to the A. M. Deane and
 Mason Deane Survey as established by the W. A. Powell
 survey of said survey made by order of the district com
 counter 37827

EXHIBIT



Surveyors Certificate

State of Texas

County of Taylor

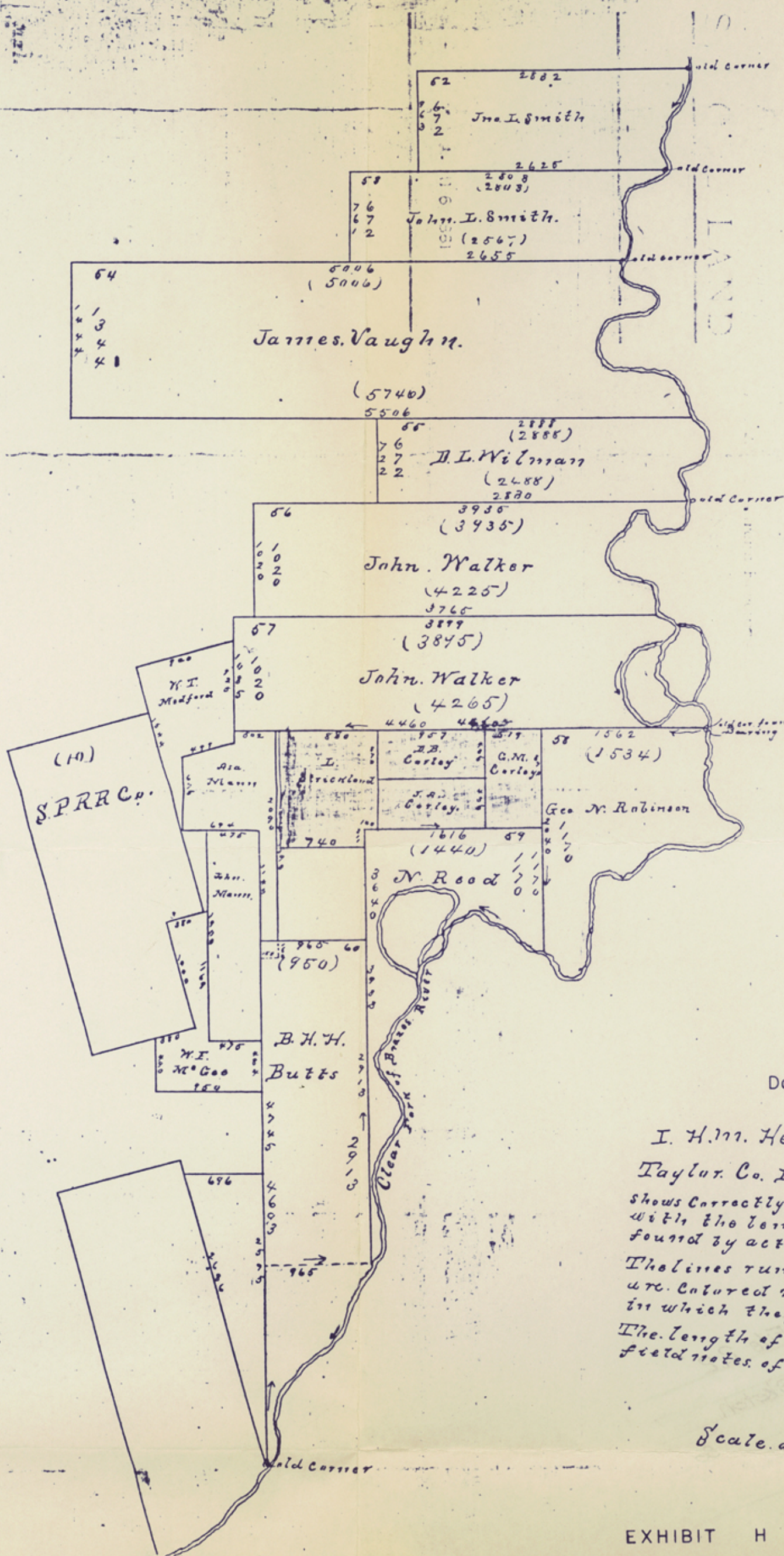
I J. A. Thomas County Surveyor
of Taylor County Texas do hereby
Certify that the foregoing sketch

shows correctly the connection of Surveys No 49 50 and 51
Block One (1) S P R R Co to the A M Boyd and
Moses Evans Surveys as established by the W C Powell
Survey of said Surveys made by order of the district Court
of Callahan County in case of S C Simmons et al vs
J H Grant et al Case No 31 and adopted as so corner by
the decision of the supreme Court of Texas in final decision
of said case as rendered on the 18th day of November A D 1890
and that I have identified both the corners of Surveys No 49
50 and 51 S P R R Co, and the corners of said Boyd and Evans
Survey as established by said W C Powell - with old withered
trees standing and lines plainly marked

J. A. Thomas.

Abilene Tex Sep 1st 1890

County Surveyor of Taylor
County Tex



Dated Dec. 23, 1881

I, H.M. Henderson County Surveyor of Taylor Co. Do hereby certify that this sketch shows correctly the surveys therein represented with the lengths of lines to the same as found by actual survey on the ground. The lines run by me in making the survey are colored red, and arrows ^{show} the direction in which they were run. The length of lines called for in the original field notes of the old surveys are given in red in

H.M. Henderson
 Surveyor Taylor Co.
 Scale of 1000 Yrs. to 1 inch.

EXHIBIT H

DEC 14 1882

counter 37829

57

10440

D-189



SHEPPARD SURVEYING CO., INC.

Registered Public Surveyor - Licensed State Land Surveyor

1133 N. 2nd, Suite 205 Abilene, Texas 79601 (915) 676-4121

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GENERAL LAND OFFICE

OIL FIELD
PIPE LINE
BOUNDARY
RETRACEMENT

May 14, 1986

General Land Office
Attn: Herman Forbes

Sir please find enclosed the original of the corrected field notes for the Moses Evans Survey No. 111 and the report.

Please dispose of the first report I sent to you for review as we discovered that the bearings on this report needed to be rotated into the State Plane Coordinates.

We have prepared field notes and plat for one tract owned by our original client and are now preparing those for a second tract. These should be ready the first of next week. We have also been approached by others who own land in the Moses Evans Survey.

Respectfully

Maxey Sheppard
Maxey Sheppard

The original Mylar of the map is being sent in a separate tube.

File No. Sketch File 22
Taylor County
Surveyor's Report
Filed May 16 19 86
By GARRY MAURO, Com'r
H Forbes

counter 37830



SHEPPARD SURVEYING CO., INC.

Registered Public Surveyor - Licensed State Land Surveyor

OIL FIELD
PIPE LINE
BOUNDARY
RETRACEMENT

1133 N. 2nd, Suite 205 Abilene, Texas 79601 (915) 676-4121

December 6, 1985

Honorable Gary Mauro,
Commissioner
General Land Office
Austin, Texas 78791

Attention: Herman Forbes

RE: Report of survey made in regard -
to size and location of Moses
Evans Survey No. 111.

The Moses Evans Survey lies in a picturesque gap in the mountains of central Taylor County and was surveyed originally to front on the east or south bank of the Clear Fork of the Brazos River, now known as Elm Creek. The original surveys were made in 1852 by J. G. McDonald, a Bexar District Surveyor.

The town of Buffalo Gap now sits partly on the Moses Evans Survey No. 111 and the A. M. Boyd Survey No. 112, at or near the site of an old buffalo hunters camp.

In interviewing old timers of the Buffalo Gap community, it appears to be common knowledge that the location, as well as the size, of surveys in this area are questionable. Many of the land holdings of this area have been in the same family since the late 1800's. Perhaps the most prominent indicator of the problems surrounding the location of surveys in this area is a court case styled S. C. Simmons VS J. H. Grant, which eventually went to the Texas Supreme Court. This court decision will be discussed later in this report.

In preparing this report, I have conducted extensive research in the Bexar District Surveyors records, the General Land Office, Palo Pinto Land District Surveyors records, the Jack County Court House, and documents of private individuals. Along with this research of documents, an extensive survey was made on the ground to determine the relationship of the various surveys in this area. During this research, I have accumulated numerous plats, sketches, and documents. Many of these will be used as exhibits throughout this report.

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J. G. McDonald, a deputy surveyor for Bexar District, came to West Texas to lay out lands for several hundred land certificates, as well as locating lands that had been set aside for the public schools of the counties in Texas.

In the early Spring of 1852, he and his surveying party began at the convergence of the Concho and Colorado Rivers. From this point, he ran a base line N 15°W from which he would lay out the surveys he was commissioned to do. This base line ran to the west of the Moses Evans Survey No. 111, along the west line of the Samuel Andrews Survey. At this point, it was later found, due to an encounter with an Indian hunting party, Mr. McDonald had a 824 vara jog to the east in his base line. The base line continued on northward through what is now Taylor and Jones Counties and into Stonewall County.

It should be noted at this point, that the surveys made in the area covered by Mr. McDonald's original surveys have been questioned by many others. In the Fisher County General Land Office Records, sketch 19-A, in court proceedings Perkins VS Newman, Surveyor Martin Duvall's deposition, dated June 30, 1898, states "There is abundant evidence of carelessness in all of McDonald's work. There is error in Leagues 313 and 314 that is very large and also in in length of 315. These errors approach this very close in magnitude and go to show that they may be expected anywhere in this man's (McDonald) work." In the same case, C. R. Breedlove states in his deposition that, "The surveys in question are part of a block of surveys made in 1852 for Moses Evans, a locator assisted by one McDonald, surveyor for Bexar County." Also, in Fisher County, sketch file 20, H. & T. C. VS J. W. Halse, Surveyor Duvall again states, "McDonald's work was full of errors. If McDonald calls for 1 vara, it equal 1/25 vara true measurement. When chainmen did not agree on the tally (number of times chain had been pulled) rather than re-chain the line, he would add one tally. (200 varas if used a 20 vara chain)." Notations stating "Several surveys done at the same time by McDonald appear to be excessive with river taken as a straight line," were found on the file jackets of river surveys in Jones & Taylor Counties.

From the above findings, as well as those in the area of our present concern, it is evident that Surveyor McDonald and his party were attempting to complete their work in this Indian infested territory and return to the safety and comfort of their homes.

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Surveyor McDonald began his river surveys in the area of Fort Phantom, then an active military outpost for this region. He then ran west along the Elm Fork of the Brazos and south along the Clear Fork of the Brazos laying out surveys on both sides of the river. He called to mark trees along the banks of the river at the appropriate survey corners. It appears that, as was standard practice at that time, Surveyor McDonald only marked these river front corners and did not set corners for the backs of his surveys. These corners were calculated to be back from the river a sufficient distance to give each survey it's called quantity of land.

Upon completion of his surveying, Mr. McDonald returned to San Antonio and wrote field notes of the various surveys. These were then forwarded on to the General Land Office for filing. (See Exhibit B1, copy of field notes from Bexar records and Exhibit B2, copy of field notes from General Land Office file.) Surveyor McDonald also filed a map showing surveys he had done, in what is now Taylor, Jones and Fisher Counties, in the General Land Office. This map, dated September 30, 1852 and signed by McDonald, is shown in part by Exhibit C.

For the next 15 years or so, after the McDonald survey, the area of the Moses Evans Survey was largely uninhabited, except by Indians. In the early 1870's, buffalo hunters made a permanent camp on the river at or near the present site of the town Buffalo Gap.

As more families came to this area, the hunters camp gave way to more permanent wooden houses and stores. On July 3, 1878, Taylor County was formed and Buffalo Gap became the County Seat. The location of the survey lines laid out by McDonald were soon to become a point of much interest and debate.

Two groups of townsite promoters were very active in this gap in the mountains known as Buffalo Gap. In March, 1879, one group, who owned land in the Stephen Scallorns Survey No. 113, filed a plat of their town and called it Taylor City. The second group, claiming land in the A. M. Boyd Survey No. 112, platted their town and called it Buffalo Gap. Both towns were platted and filed in the Taylor County Records in Volume A of the Deed Records. Both sets of promoters claimed their land to be on the site of the original Buffalo Gap Settlement.

About this same time, J. H. Grant filed application for a vacancy under the Pre-emption Statute. He claimed this vacant or unsurveyed land

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to be in an area south of the A. M. Boyd Survey No. 112. This claim was surveyed by Lyman Strickland, the first county surveyor of Taylor County. His first field notes are dated January 9, 1878, but were cancelled by corrected field notes filed by Strickland, dated December 12, 1879.

This claim of a vacancy was made, based upon a construction of the old river surveys by Palo Pinto District Deputy Surveyors Murray Harris and D. L. Cunningham. Their construction can be seen on plats filed by them in the General Land Office. (See Exhibit D1 & D2)

These plats indicate their finding some of the original corners set by McDonald. They found the northwest corner of Samuel Andrews Survey No. 117, the southwest and southeast corners of the James Vaughn Survey No. 61. The supplementary sketch D2 shows that they also found a number of corners beginning at the northwest corner of the James Vaughn Survey No. 54 and continuing northward down the river.

The location of the Grant Survey, using this construction of the Palo Pinto surveyors, raised many objections. On November 6, 1878, S. C. Simmons, the owner of the Boyd Survey No. 112, sent a letter of protest against the issuance of a patent to the J. H. Grant Pre-empt Survey to the General Land Office. Along with his letter, he sent a statement by Surveyor Strickland; in which, Strickland said no original corners in the area of the Boyd or Evans Surveys had been found. Strickland also stated that he believed there were no original corners existing in the area.

In an attempt to bring about a final settlement to the many conflicts at hand, the S. C. Simmons group, whose townsite (Buffalo Gap) was on the A. M. Boyd Survey No. 112, filed suit in the District Court of Taylor County, the 27th day of October 1879. The suit was an action of trespass to try title against both the Taylor City group and the J. H. Grant Pre-emption Survey.

The defendant, J. H. Grant, pleaded not guilty and said that his claim was to unsurveyed public school lands which did not conflict with the Boyd Survey.

During this same time frame, Surveyor Strickland also surveyed another pre-emption survey in the area he supposed to be south of the Boyd Survey and west of the Moses Evans Survey No. 111. This survey,

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the J. S. Curry Pre-empt 6077, was patented on his field notes, whereas the J. H. Grant Survey was never patented.

When the lawsuit came to court, the defendants claimed they would not be able to receive a fair hearing. Thus, the trial was moved to Belle Plain, the County Seat of Callahan County.

Testimony in the case came mostly from surveyors who had attempted to reconstruct McDonald's original surveys. Surveyor H. M. Henderson represented the defendants (J. H. Grant & Taylor City). His construction was based upon prorating the excess between the northeast corner of the A. M. Boyd Survey No. 109, and the northwest corner of the Stephen Scallorns Survey No. 113, as established across the river from the southwest corner of the B. H. H. Butts Survey No. 60. Said southwest corner having been recovered and identified by original bearing trees. Mr. Henderson, having found large amounts of excess, used an identifiable bend on the river to locate a point where the Boyd No. 109, the Vaughn No. 107 and the Moody No. 108, could have a common corner as indicated by McDonald's map.

Surveyor W. C. Powell represented S. C. Simmons, the owner of the A. M. Boyd Survey No. 112. Mr. Powell, after an extensive survey, concluded that the river surveys done by Mr. McDonald, could not be put on the ground according to call course and distance. He then took the relationship of the surveys as shown on McDonald's plat and field notes and located the Moses Evans Survey No. 111 accordingly. Mr. Powell's report, along with his two sketches, are included in Exhibit E1-E13. In essence, Powell located the Moses Evans Survey No. 111 by natural monuments, the highest priority of calls in reconstruction, as he found them on McDonald's plat and sketches on the face of the field notes. These monuments were identifiable bends of the creek. Although Mr. Powell does not mention the fact, the northwest corner of the Boyd Survey No. 112 hits the river at a point where a slough, or drain, comes into it from the west. This is indicated on Powell's map. (See Exhibit C.)

After hearing many objections and debates over the points of surveying and re-construction of old surveys, the case was submitted to the jury. The jury returned, finding in favor of the plaintiff, S. C. Simmons and Mr. Powell's constructions of the old surveys. (Copy of judgement Exhibit F1-F4.)

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Both defendants appealed the decision and in May of 1881, the case was sent to the Texas Supreme Court. At this time, the Supreme Court was far behind in it's work and assigned this case to the Commission of Appeals. An opinion was written by one of the judges of the commission which recommended that the original judgement be affirmed. The Mandate of the Supreme Court was issued February, 1885 and returned to let the original ruling stand. (See Exhibit G1-G6 for transcription)

Thus brought an end to six years of dispute over the boundary lines in the area of the Moses Evans Survey No. 111 and the A. M. Boyd Survey No. 112.

At this point, it should be noted that the State of Texas, i.e. the General Land Office, was never included in this court case. Even though a transcription of the case and it's findings are on file in the General Land Office, no corrected field notes were ever filed. Therefore, the Moses Evans Survey No. 111 and the A. M. Boyd Survey No. 112 are occupied upon Mr. Powell's survey and are still patented by McDonald's original field notes.

By examining Exhibit F, which is a reduced portion of a work sketch prepared by the General Land Office, you may see the relationship with the Moses Evans Survey No. 111, both as patented, and as Mr. Powell constructed it with other surveys in the area. (Shown on Exhibit F are dotted lines which are the lines of the J. H. Grant.)

Also, in looking at Exhibit F, note that using Powell's construction, the northwest leg of the S. & P. RR. Co., Block 1, Section 51, will overlap into the Moses Evans Survey No. 111. Section No. 51 was surveyed by Murray Harris in 1877, based upon what he thought was the proper construction of the river surveys. (See Exhibits D1 & D2) Based upon this same construction is the patented J. S. Curry Pre-6077, surveyed by Strickland in 1879, which overlaps the Evans Survey No. 111. In the research done for this survey, no corrected field notes for either of these surveys were found.

The J. B. Simmons, Jr., Pre-1781 Survey and the J. H. Deaver Pre-6410 Survey, were both surveyed by J. A. Thomas in April and December of 1885, respectfully. The J. B. Legett Pre-7711 survey was also surveyed by J. A. Thomas in 1890. All three of these surveys tie to the Moses Evans Survey No. 111 and the A. M. Boyd Survey No. 112, as located by Mr. Powell and accepted in the court case. Each of these surveys have been filed in and patented by the General Land Office.

From the foregoing, we can conclude that there have been three important surveys in this area of Buffalo Gap.

First, the original locating surveyor, J. G. McDonald, whose work is known to result in large excesses of acreage at times.

Secondly, the Palo Pinto District Surveyors, who found a few of McDonald's corners. Specifically, the southwest corner of the B. H. H. Butts Survey No. 60 and the northeast corner of the James Vaughn Survey No. 54. They attempted to place the surveys in between these identified corners by course and distance.

Finally, W. C. Powell, whose survey was adopted by the courts and by which Surveys No. 111 and No. 112 are occupied. Also, later adjoining patented surveys appear to be based upon this survey.

In researching for this survey, it was found that warranty deeds use and fit Powell's survey of the Moses Evans Survey No. 111.

Thus far in this report, we have discussed how the surveys got to their current location. Next, by referring to a sketch of this area marked Exhibit J, you will be able to see the relationship of the Moses Evans Survey No. 111 to the surrounding surveys as they are occupied.

Indentifiable original corners were few and far between in the late 1800's. Today, to find these recovered corners, we turn to plats and statements of the old surveyors who found them.

Three corners in this area have been documented and used as original corners of those surveys done by McDonald. These being the common corner of Surveys 107, 108, and 109, at the bend of the creek, labeled A on Exhibit J. The common corner for the southeast corner of the John Walker Survey No. 57, is also the northeast corner of the George Robinson Survey No. 58, labeled B on Exhibit J. (See Exhibit H) Another corner recovered by Palo Pinto Deputy Surveyors for the southwest corner of the B. H. H. Butts Survey No. 60, is also the southeast corner of the James Vaughn Survey No. 61, labeled C on Exhibit J. Also the Palo Pinto Surveyors call to have identified the southwest corner of said Vaughn Survey No. 61 Labeled D Exhibit J.

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Counter 37837

Point "A" was searched and no identifiable corners were found. For reference purposes, a stake was set at the most easterly point of the east bank on this bend in the creek.

Point "B" is at the intersection of a fence from the west and the west bank of Elm Creek, this point being at an original corner recovered by Murray Harris and Lymann Strickland. (See Exhibit H)

Point "C" was established by intersecting two old lines of occupation, one along the west line of Survey No. 60, and another along the east line of Survey No. 61. As noted on Exhibit J, this point will fall 80.8 varas N $18^{\circ}25'E$ from a $3/4$ " rebar recovered on the north bank of the Elm Creek. The exact location of this corner, to date, has not been determined, but point "C" will be used for relationships with other surveys.

Point "D" was taken as an occupied corner from which a fence comes from the north and intersects Elm Creek.

Relationships in northings and eastings are shown between points A & C, B & C, also C & D, as well as others on sketch Exhibit J.

Also shown on Exhibit J, is the location of the Moses Evans Survey No. 111. Beginning at its northeast corner, a 1" galvanized iron pipe was recovered on the south bank of Elm Creek. This pipe being on the west side of a large dead Pecan tree and generally in line with a fence running south. This fence was found to be running S $1^{\circ}31'30"W$. A fence corner post was found at 2082.8 varas from said pipe. This was apparently the corner called for in the Deed of Acquittance issued on the John Ferrell Survey No. 110. The line between the recovered pipe was projected southward until it intersected the south fence line of an old road. This old fence line was found to be the south line of Survey No. 111, by Mr. E. B. Yeatts, in his attempt to re-survey and write corrected field notes of Survey No. 111. This was reaffirmed by long time residents of the area as having been accepted as the line established by the court. At this point established for the southeast corner of Survey No. 111, the east line would bear S $1^{\circ}31'30"W$ for 4740.59 varas.

The south line was established by using an old fence line along the south side of an old road which continued part way across the south line of the Boyd Survey No. 112. The southwest corner of Survey No. 111 was established at 1306.1 varas N $88^{\circ}10'50"W$ from its already established

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MAY 10 1980
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southeast corner. This point is found to be 680 varas east of an old line of occupation being fence corners called for by Surveyor Bradshaw. These he called to be on the west line of the Boyd Survey No. 112 and the east line of the Scallorns Survey No. 113.

From this southwest corner, it was found that running a line parallel with the established east line of Survey No. 111, it would intersect the east bank of Elm Creek at a bend as called for by Mr. Powell and shown by Mr. McDonald. The distance between the southwest corner and the point on the bank was found to be 3423.48 varas.

At this northwest corner, the creek is wide to the west. Also, at and near this corner, mining operations for removing sand and gravel from the creek have been undertaken in the past.

From this point, Elm Creek was meandered back to the pipe recovered at the northeast corner of Survey No. 111.

The Moses Evans Survey No. 111 was found to contain 1158.2 acres or 518.2 acres more than was patented to it.

It must be noted, that using this location of the Evans No. 111, and the Boyd Survey No. 112, point "C" will be 786 varas west of the southwest corner of the Boyd Survey No. 112. This being a shortage east and west of 164 varas less than called for in the original field notes of the Stephen Scallorns Survey No. 113.

In a 1929 survey of this area, H. J. Bradshaw indicates that the west line of the Scallorns No. 113 is occupied by a fence and is 775 varas wide. The fence was recovered and found to be about 10 varas to the east of a line between point "C" and a stone mound recovered for a point on the west line of Survey No. 113 as called for by Bradshaw. This apparent shortage being between a survey located from natural monuments and a recovered original corner.

In conclusion, it is hoped that in studying this report, a reader may have an understanding of the surveys as they exist now in this area. I believe that Mr. Powell's construction used as a base in this re-survey is a sound and correct one. This would give the Moses Evans Survey No. 111 an excess acreage of 518.2 acres over its patented 640 acres or an excess of 0.447418%.

GENERAL LAND OFFICE

I feel that this should be considered as excess acreage rather than pulling the old surveys apart and creating a vacancy based upon the findings shown in the foregoing report.

All field work was tied to Coast and Geodetic triangulation station Cedar Sta. No. 1011 and done with a Topcon GTS 2 Total Station. Traverses were closed with 1:10,000 accuracy or better.

Work was done in the months between April, 1985 and November, 1985.

Respectfully Submitted,

Maxey Sheppard

Maxey Sheppard
Licensed State Land Surveyor

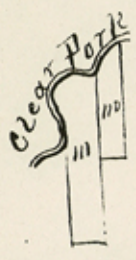


encl.
MS/tng

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MAY 16 1985
GENERAL LAND OFFICE

Bexar Co
D 2 / 93



Scale 4000 varas to the inch
Variation 9 1/2 E

State of Texas
 District of Bexar Survey No 111
 Field notes of a Survey of 60 acres of
 Land made for Moses Evans it being
 the Land to which he is entitled by virtue
 of Conation, warrant 10530 issued by
 Geo W Hookley Secretary of War
 Said Survey is No 111 in Section No 16
 Situated on the East bank of the Clear
 Fork of the Brazos River about 25 miles
 above Fort Phantom Hill

Beginning at a Stake set for the upper corner of Survey
 No 110 from which a walnut 2 in dia bears N 37 W 10 varas a
 walnut 2 in dia bears N 57 W 10 varas
 thence South 4704 varas to a Stake and mound
 thence West 950 varas to a Stake and mound
 thence North 2864 varas to a Stake from which an
 Elm 10 in dia bears N 22 E 14 varas a mulberry 6 in dia
 bears N 18 E 12 varas
 thence Down the River with its meanders to the place
 of Beginning bearings marked, Surveyed May 12th 1852

John Elliott

James Owen Chain Carrier

I J. G. Donald Deputy Surveyor for Bexar District do hereby
 Certify that the Survey designated by the foregoing plat and field
 notes was made according to Law and that the Limits boundaries
 and corners of the same together with the marks natural and
 artificial are truly described therein

J. G. Donald

Deputy Surveyor Bexar District

I J. G. Donald District Surveyor for Bexar District do hereby
 Certify that I have examined the foregoing plat and field
 notes and find them correct and that they are Recorded
 in my office in Book D No 2 page 93

San Antonio
February 19th 1853

J. G. Donald
District Surveyor Bexar District

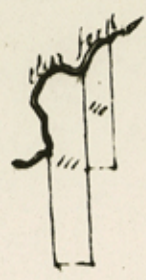
EXHIBIT B-1

DEC 14 1853

STATE OF TEXAS, } SURVEY [redacted]
DISTRICT OF BEKAR.

FIELD NOTES of a Survey of 640 acres
of Land, made for Moses Evans

it being the
Land to which his entitlement by virtue of Order
Warrant No 530 Issued
by Geo W Keeckly Sheriff
of [redacted]



SCALE—4000 varas to the inch.—VARIATION 9° 45' E.

Said Survey is No. 111 in Section No. 16 in [redacted] County situated on the East Bank of
the clear fork of the Brazos River about 3 1/2 miles
above Fort Phantom Hill
beginning at a Stake set for the upper corner of Survey
No 110. from which a Walnut 2 in dia Bears N 20° W
10 varas. a Walnut 2 in dia Bears. N 8 1/2° W 10 varas.
Thence South 4704 varas to a Stake
and mound
Thence West 960 varas to a Stake
and mound
Thence North 2864 varas to a Stake
from which an Elm 10 in dia Bears. N 22° E 14 varas
a mulberry 6 in dia Bears. N 18° E 12 varas
Thence Down the River with its meanders
to the place of beginning.

Bearings marked 7/11

Surveyed May 12th 1852

July Elliott
James Owen

Chain Carriers.

I, J. G. McDonald Deputy Surveyor for Bezar District, do hereby certify
that the Survey designated by the foregoing plat and field notes, was made according to law, and that the limits
boundaries and corners of the same, together with the marks, natural and artificial, are truly described therein.

J. G. McDonald Deputy Surveyor Bezar District.

I, [redacted] District Surveyor for Bezar District, do hereby certify,
that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my
office, in Book No. 2 page

SAN ANTONIO, Feby 19 1853

[redacted] District Surveyor Bezar District.

EXHIBIT B-2

DEC 14 1882

OFFICE OF THE SECRETARY OF THE INTERIOR

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

1877

1878

1879

1880

NOV 111

640

Patent to Moore

Moore's Error

Q 202

Record in Book
Q no 2 page 93

File 1021
Texas Location

Field Note books

Moore's Errors

Filed July 20 1883

Memorandum
Patented

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File No. Sketch File 22
Taylor
Surveyor's Report County _____
 Filed May 16 19 86
 By GARRY MAURO, Com'r
D. Howard

RECEIVED
 DEC 14 1985
 General Land Office

Simon C. Simmons
 Joseph P. Simmons
 Saml. R. Coggins
 Jas. H. Barker and
 Patrick H. Carson
 vs,
 J. H. Grant and
 Mrs. F. Miller

Suit pending
 in District
 Court of
 Taylor County
 Texas

To Hon. J. R. Fleming presiding
 Judge of the 12th Judicial District

The undersigned appointed by your
 Honor in the above entitled suit to make
 a survey of a tract of land, containing
 120 acres, situated in Taylor County
 Texas on the east bank of the Clear
 Fork of the Brazos River about 20 miles
 above Fort Phantom Hill, known as the
 A. M. Bayl survey No. 112 in Section 16, more
 fully submits the following report,

Some of the original corner stakes or
 mounds, bearing trees, or other artificial
 objects established by the Surveyor in
 originally locating said tract of land
 or those tracts adjoining it were found
 by me although I made diligent search
 therefor, and I must conclude that they
 have been either destroyed or so obliterated
 as that they cannot now be found
 and identified. I however found
 and identified the corner on N. H. corner of
 the H. E. Vaughan survey No. 106 both
 witness trees of which I found standing
 and the marks thereon corresponding
 with the descriptions of them in the field notes.

EXHIBIT
 E-1

2
 11

From this corner I ran down

the river and found and identified the following old original corners, viz: the corner on N. H. cor. of the Vaughan survey No. 104, and also the corner on N. H. cor. of the Talbot survey No. 102. I found that there was an excess in the width of surveys Nos. 103 and 104 taken together of 169 varas, the distance across them as called for in field notes, being 2016 varas, and as measured on the ground being 2185 varas, and an excess in the width of surveys Nos. 103 and 102 taken together of 391 varas, the distance across them as called for in the field notes, being 1344 varas, and as measured on the ground being 1735 varas.

I found no bearing trees or other artificial object answering to the calls in the field notes of any corner or of any line above the N. H. cor. of survey No. 106, on the east side of the river though I made diligent search therefor, to a point where the location of the Boyd survey No. 112 must necessarily be looked for. From the N. H. cor. of survey No. 106 I made a close and careful survey up the meanders of river for about 6 miles, a correct representation of which is given on the two sketches hereto attached drawn by me and marked "A" & "B" which said sketches are made up part of this report. The course and bends of said part of said river

EXHIBIT E-2

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so meandered as found to be on the ground and correctly shown on said sketches, I ascertained that in attempting to establish the surveys lying above the N. H. cor. of sur. N^o 106 and on the east side of the river from said corner as a starting point, that it was impossible to reconcile the calls for course and distance with the calls for the river and with the course of each stream as found to be on the ground.

The relative positions of the surveys above said starting point, at N. H. cor. of sur. N^o 106, up to and including the A. H. Boyd sur. N^o 112, if established exclusively by the calls for course and distance and of the true location of the river as established by me from an actual survey on the ground, is shown on the sketch hereto attached marked "A"

An inspection of the Genl. Land Office maps of the surveys on the "Clear Fork" of the Brazos River in Taylor County shows that there is in that part of the River a well noted and conspicuous bend, no other bend resembling it being anywhere else represented thereon. Said maps as also the plat accompanying the original field notes of said Hays Co. survey N^o 111 shows that the N. E. cor. thereof is located near the lower point of said bend, and that its N. H. cor. is located at, and a little above the upper point

EXHIBIT E-3

104

thereof
 (~~of said bend, and that the St. H. cor.~~
~~is located~~) and that the H. base & Co's
 survey appropriates within its bounda-
 ries the entire area included within
 this bend. There is nothing in the
 field notes of said Co's survey or
 of the surveys adjacent thereto to
 contradict the representations of said
 maps and plats as to the true location
 of said corners and of said survey
 said bend and the lower and
 upper points thereof can be easily
 identified on the ground beyond
 any question, as will readily appear
 from an inspection of the sketch
 hereto attached.

A point was found by me a little
 above the lower point of said bend,
 which if taken as the lower on St. E.
 cor. of the Evans survey No. 111 will
 correspond with its position as rep-
 resented on the Genl. Ld. Office maps
 and from which the Federal survey No. 110
 and the Boyd survey No. 109 and the
 Hoody survey No. 108, and the Uughan
 survey No. 107, can be and were located
 by me so as to conform the respective
 lengths of their side lines as called
 for in the field notes thereof, to the
 bends of the River by giving them
 an excess in width respectively for
 survey No. 110 of 51 varas, for survey
 No. 109 of 37 varas and for survey
 No. 107 of 118 varas.

EXHIBIT E-4

5
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From the lower cor. of said survey No. 107 as established by me as aforesaid to reach the lower corner of said No. 106 as established by the old and original bearing trees heretofore mentioned, there will be an excess in the width of survey No. 106 of 742 varas, and the upper or South line thereof will be 192 varas longer than called for in the field notes.

The upper or N. 76 cor. of the Evans survey No. 111, which is also the lower or N. E. corner of the St. M. Boyd sur. No. 112, I established on the ground so as to make its location conform to its position as shown on both the Gov. Ld. office maps and on the plats forming a part of the original field notes of survey No. 111 and 112 viz; just a little above the upper point of the bend included in the Evans survey No. 111. At the point of said bend and the place where said corner was established there is a low bottom subject to overflow, between the low-water channel and the high bank, the high bank being well defined and about 90 varas farther eastward than the low-water channel. I adopted said high bank as the bank of the stream and accordingly located said N. E. corner of the Boyd survey No. 112 and the N. 76 cor. of the Evans No. 111 thereupon.

EXHIBIT E-5

This location of the N. E. and N. 76 corners of the Evans sur. No. 111 as aforesaid gives it an excess in width

of 355 varas, I located its S. E. cor. by the sun and distance as called for in the field notes from its N. E. cor. viz: 4704 varas South therefrom I located its S. W. cor. 1305 varas west from its S. E. cor. and 3290 varas South from its N. W. cor. as previously established by me, Having thus accomplished the preliminary work of getting the surveys on which the St. M. Boyd No. 112 depends located so as to make their calls in the field notes uniform as nearly as possible with the river on which they front and as is represented by the aforesaid maps and plats, I had next to locate the tract called for in the order of the Court, viz: the St. M. Boyd survey No. 112.

I adopted the N. W. and S. W. cor. of the Coates survey No. 111 as established by me as aforesaid as the N. E. and S. E. cor. respectively of the Boyd survey No. 112. I established the S. W. cor. of said Boyd 680 varas west from said S. E. cor. thereof and the N. W. cor. thereof I established on the east or south bank of the river due north from said S. W. cor. 1322 1/2 varas.

The notes and bounds of which location of the St. M. Boyd survey No. 112 are more particularly described as follows: Beginning at the said N. W. cor. of the Coates survey No. 111 a stake for corner, from which an

EXHIBIT E-6

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AC 7

From 6" dia bar, S. 71 W, 3 5/16 yards, under
E. in 8" dia bar, S. 87 1/2 W, 30 1/5 yards,

Thence South at 1159 2/3 w. cross
the north line of the 160 acre pre-
-emption survey in the name
of J. F. Grant 25 1/5 yards east of
the S. Th. cor. thereof, at 3290 yards
to the S. Th. cor. of the Boies survey
No. 111, and the S. E. cor. of this survey
a stake for corner pin which
a mes. 10" dia. bar, S. 81 E. 80 w. under
mes. 12" dia bar, N. 65 1/2 E. 69 w.

Thence West 680 w. the S. Th. cor.
of this survey a stake for cor. pin
which a mes. 5" dia bar, S. 53 1/4 E. 127 w.,
a mes stump 6" dia bar, N. 12 1/4 W. 12 1/2 w.

Thence North 1322 1/2 w. to the
east or south bank of the River
a stake for cor. pin which a
willow 6" dia bar, S. 88 1/2 W. 49 yards,
another willow 6" dia bar, N. 15 E. 30 w.

Thence down said River with
its meanders to the place of begin-
-ning, Bearings Marked S.

The area included within these
boundaries is 278 acres or 40
acres less than the amount called
for in the field notes of said
Boyd survey No. 112.

There seems to have been an error
originally made in the amount
of land included in the original
grant as a calculation made from
the original field notes shows that only
298 acres were included in the

28

EXHIBIT E-7

boundaries of the survey instead of 320 acres.

The sketch hereto attached marked "B" shows the location of the ~~survey~~ A. H. Boyd survey No. 112 and those surveys below it down to and including sur. No. 106, as established by me. On said sketch the location of the J. H. Grant occupation is also located by dotted lines as identified by me on the ground from corners with witness trees he staking thereto, which are still standing. In the absence of any point on the River to which to conform the west line and N. E. cor. of the A. H. Boyd survey No. 112, I fix the same so as to make its width correspond with the call in the field notes thereof.

My services in making the above survey is measurably worth One Hundred and Thirty Dollars, and I request the Court to allow the same and to make the necessary order for the payment thereof.

H. C. Powell

Duly sworn to and subscribed before me in office in the town of Buffalo N.Y. this the 22nd day of Dec, A. D. 1879.

D. Y. Russell
Clerk Dist Court
T. Co. Texas

EXHIBIT E-8

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Enclosed are back of same.
 No. 2. Simon C. Simmons et al vs.
 J. M. Grant et al, Report of Survey
 District No. 22nd 1879 D. J. Russell
 Dist. Ct. 2nd Co. Texas
 No. 31. Filed July the 5th 1881
 J. M. Newman
 C. D. C. C. Co. P.
 By J. N. Jackson Deputy

The State of Texas, }
 COUNTY OF CALLAHAN. } I, I. N. Jackson, Clerk of the
 District Court of Callahan County, Texas, do hereby certify that the
 foregoing is a true and correct copy of the original Report of the
 location and survey of the A. M. Boyd
 survey of land made by W. C. Powell now on
 file in said Court, in cause No. 31 in
 said Court.
 Given under my hand and the seal of said Court, at office in
 Baird, Texas, this the 21st day of July A. D. 1887
 Attest: I. N. Jackson Clerk.
 By [Signature] Deputy

EXHIBIT E-9

The State of Texas }
 County of Taylor } J. David Redbeck of the
 County Court in and for said County & State
 do hereby certify that the ^{with the true photo} certified
 copy of the original Report of the location &
 survey of the A. M. Boyd Survey of Land made
 by W. C. Powell, dated July 21st 1887, with its
 Certificate of Authentication, was duly
 filed for Record in my office, this 21st day
 of February 1887, at 12 O'clock P. M. and
 duly recorded the 15th day of February 1887
 at 10.30 O'clock A. M. in the deed records of
 No. 10 said County in Vol. B. on pages 132, 133, 134, 135, 136 & 137

Witness my hand and seal of said land
at Office in Abilene, this 15th day of Febry A.D. 1889
David J. Red Head
By J. H. Hattens Deputy

EXHIBIT E-10

RECORDED
DEC 14 1888

RECORDED
JAN 10 1889
J. H. HATTENS
DEPUTY

112

EXHIBIT E-II

J. S. Simmons vs

v. L. V.S.

J. S. Grant vs

Certified Copy
of book of Survey

Filed for record
11th 9th 1887 at 12.
o'clock P.M.

David J. Red
Deputy
Reg. Deput. Secy

Fee \$5.00

File 1279.

Deer 3rd Class.

A. M. Boyd.

Certified Copy of
Report of Survey
of Routes A & B.

Filed Dec 21/87

R. J. Shelley

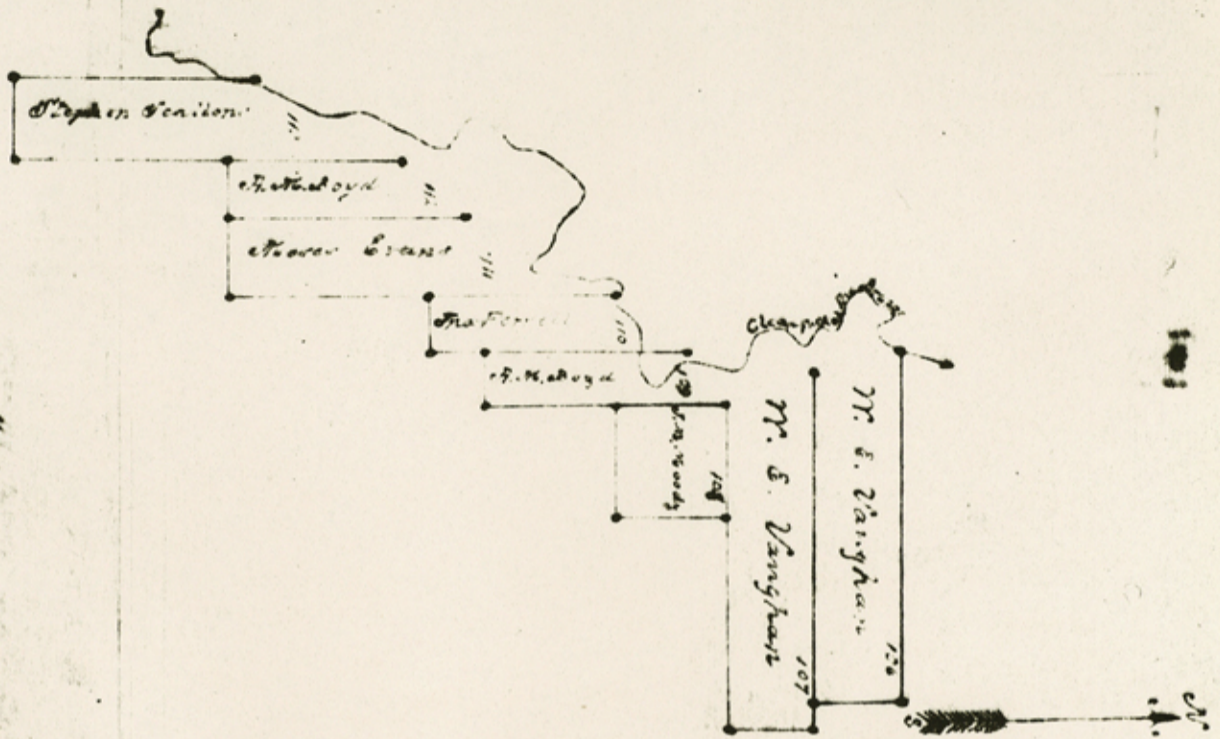
Trustee

DEC 14 1887

counter 37855

EXHIBIT E-13

0.40



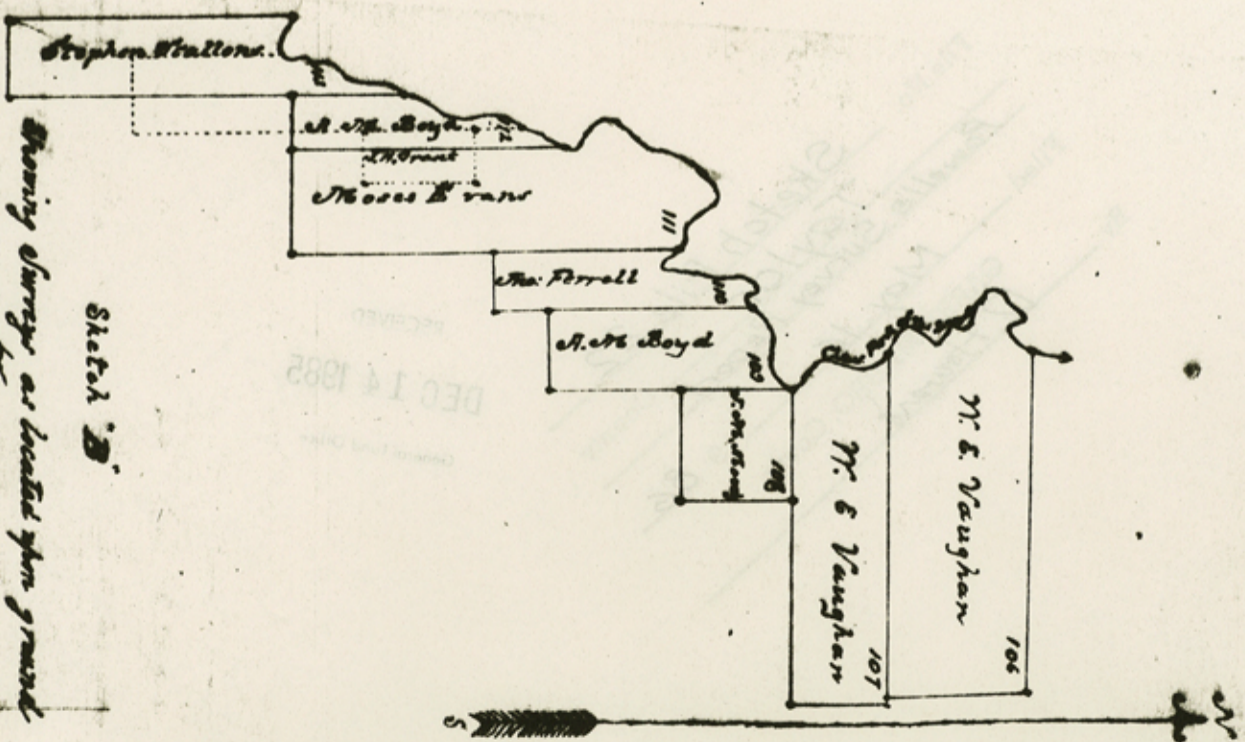
Sketch "A"

Showing the position taken by the surveyor relative to the river if located by course and distances

Drawn by M. C. Sorrell

Scale 2000 = 1 inch

EXHIBIT E-12

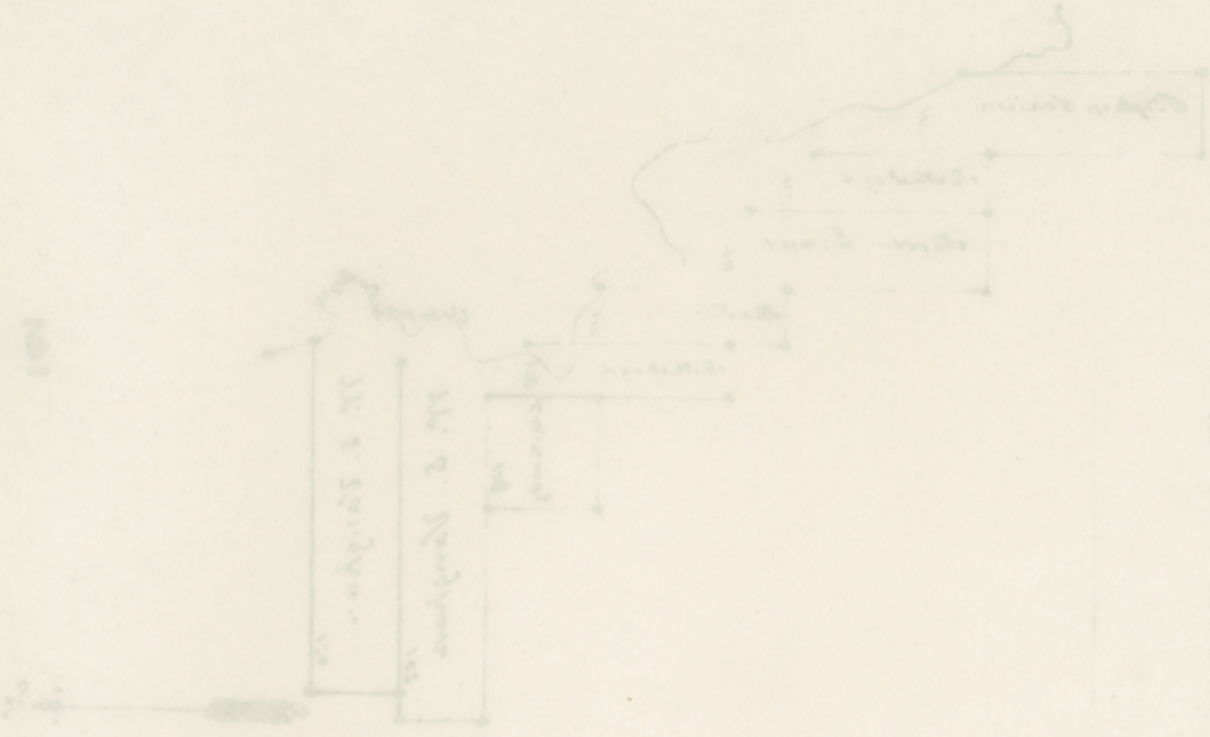


Sketch "B"

Showing survey as located upon ground

Drawn by M. C. Sorrell

Scale 2000 = 1 inch



W. C. Spitzer
Survey of the land of Spitzer & Co. in the County of...
...
...

File No. Sketch File 22 County _____
 Filed Taylor
Rossell's Survey Report
 By May 16
GARRY MAURO, Com'r
D. Howard 19 86

RECEIVED
 DEC 14 1985
 General Land Office

G. C. Simmons et al } District Court Callahan County
No. 31: vs. } Texas, April Term A.D., 1881.

J. N. Grant et al } May the 3rd 4th 5th A.D., 1881

Be it remembered that on this the 3rd day of May A.D., 1881, came the parties in the aforesaid suit, to wit: Simon C. Simmons, Joseph P. Simmons, Samuel R. Coggins, Jas. H. Carter, and Patrick H. Cross, Plaintiffs and J. N. Grant, William H. Keller and Fred Brackerson Defendants, by their Attorneys, also came said Simon C. Simmons, Joseph P. Simmons and J. N. Grant in person and the said parties plaintiffs and defendants having announced themselves ready for trial, and the defendants having demanded a jury, thereupon came a jury of good and lawful men, to wit: S. H. White and eleven others, who, being duly selected, tried, impaneled and sworn as the law directs, did on the 5th day of May A.D., 1881, the same being the third day of the trial of said cause, upon their oaths say that they find for the plaintiffs and "take the H. M. Boyd Survey as adopted by H. C. Powell as shown in sketch "B"

EXHIBIT F-1

(signed) S. H. White, Foreman,
It is therefore considered, adjudged and decreed by the Court that the plaintiffs recover of the Defendants the title and possession of said premises as represented by H. C. Powell in sketch "B" of his report of survey

an

made & filed herein and more particularly described as follows: That tract of land situated in Taylor County Texas on the East bank of the Clear Fork of the Brazos River about 25 miles above Fort Phantom Hill, known and described as the N. H. Bayl survey No. 112 in Sec. 16; beginning at the N. H. cor. of the Moses Evans Survey No. 111 at a stake for corner from which an Elm 6" dia. brs. S. 71¹/₂ Th. 50¹/₂ rns; another Elm 8" dia. brs. S. 87¹/₂ Th. 50¹/₂ rns; Thence South 3290 rns to the S. H. cor. of the Evans survey No. 111 and the S. E. cor. of this survey, a stake for corner from which a mesq, 10" dia. brs. S. 81 E. 80 rns, another, mesq, 15" dia. brs. N. 55¹/₂ E. 59 rns; Thence West 680 rns, to the S. H. cor. of this survey, a stake for cor. from which a mesq, 3" dia. brs. S. 23¹/₄ E. 12 rns, a mesq, stump 6" dia. brs. N. 12¹/₄ Th. 12¹/₂ rns; Thence South 1322¹/₂ rns, to the East or South bank of the River a stake for cor. from which a willow 6" dia. brs. S. 88¹/₂ Th. 49 rns, another willow 6" dia. brs. N. 15 E. 43 rns; Thence down said River with its meanders to the place of beginning Bearings Marked $\frac{8}{8}$;

That the recovery of the possession of which premises it is adjudged and ordered by the Court that the plaintiffs have their writ of possession. It is further considered adjudged and decreed by the Court that the plaintiffs

EXHIBIT F-2

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DEC 14 1888

do have and recover of and from defendants and from their sureties on their cost bond filed by them herein, to wit: A. J. [unclear], J. D. [unclear] and H. H. [unclear], their costs in this behalf expended for which they may have their execution. It is further ordered that execution issue for the use of the Officers of Court against each party respectively, including said sureties of Defendants for the costs by them in this behalf incurred.

The State of Texas, }
 COUNTY OF CALLAHAN. } I, I. N. Jackson, Clerk of the

District Court of Callahan County, Texas, do hereby certify that the foregoing is a true and correct copy of the original *Judgment* as the same appears of record in the Minutes of said Court in *Book* of *A* pages *108* and *109*, now in this office.

Given under my hand and the seal of said Court, at office in Baird, Texas, this the *19* day of *July* A. D. 188*7*
 Attest: *I. N. Jackson* Clerk.
 By *[Signature]* Deputy

EXHIBIT F-3

THE STATE OF TEXAS, }
 COUNTY OF TAYLOR. } I, *David J. Reed* County Clerk
 in and for said County, do hereby certify that the foregoing *Copy of Judgment* dated the *19th* day of *January* 188*7*, with its certificates of authentication, was filed for Record in my office, this *29th* day of *January* 188*7*, at *2* o'clock, *P.* M., and duly recorded the *29th* day of *January* A. D. 188*7*, at *2* o'clock *P.* M., in the *Book* Records of said County in vol. *B.* on page *117 & 118*

Witness my hand and Seal of the County Court of said County, at office in *Abilene* Texas, the day and year last above written.
David J. Reed
 C. C. Taylor County.
 By *[Signature]* Deputy

File 1279.
Box 3rd Class.
A.M. Boyd

Certified Copy
of Judgment
Filed March 21/87.
A. M. Boyd
Clerk

J. C. Simmons et al

vs.

J. H. Grant et al

Certified Copy
of Judgment

DEC 14 1882

FILED FOR RECORD THE
29 day of Jan 1887.
at 2 o'clock and 2
minutes P. M.

David H. [Signature]
Clerk of Court, Eastern Dist. of Va.

By [Signature]
Deputy

county 37861

1887

F-4 EXHIBIT

3

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EXHIBIT L-4

8-10

UNITED LOG WES 80 LHE
M 3 section
at 2 1/2 miles N
of 1/4 Sec 36 T10N R10E
Section 36 T10N R10E
County of [unclear]

John [unclear]
[unclear]
[unclear]
[unclear]

File No. Sketch File 22 County _____
Filed Taylor Judgment
By May 16
GARRY MAURO, Com'r
R. Howard 19 86

RECEIVED
DEC 14 1985
General Land Office

[Handwritten notes and signatures]

counter 37862

OPINION SUPREME
COURT OF APPEALS
1984

D-140

J. H. Grant et al, Appellants Vs. S. C. Simmons et al,
Appellees, from Callahan County.

The plaintiffs below were the present Appellees,
Simon C. Simmons, Joseph P. Simmons, James H. Carter, Samuel R.
Coggins and Patrick H. Odom.

The defendants were Appellants, J. H. Grant, William F.
Heller and Fred Brookreson.

Copy on first page.

The plat of the Surveyor, Henderson, places the grant
Pre-Emption directly South of the Boyd Survey.

The plat of the Surveyor, Powell, called "Sketch B"
places the Grant Pre-Emption partly on the Boyd Survey and partly
on the Evans No. 111. The surveys from the Vaughn No. 106 up
to and including the Boyd No. 112 (the one in controversy) are all
made by the same surveyor. Each survey calls for the preceding one.
They all front on the Clear Fork of the Brazos and run back for
quantity. ~~Each~~

Along the stream there is a fringe of timber: and
bearing trees are called for on the river in all the surveys.
But none of them can be found except at the Northwest corner of the
Vaughn No. 106.

A large number of plats and sketches will be found
among the filed papers.

CHAIN OF TITLE BY PLAINTIFFS

- 1st. Copy of the patent for the land in dispute to Michael
Erskine, Assignee of Boyd.
- 2nd. Probate record from Guadalupe County showing the appointment
of James M. Miller, Administrator of Boyd.
- 3rd. The decree of the District Court of said County in case
of A. G. Caperton Vs. J. M. Miller, Administrator of Erskine,
foreclosing mortgage on certain land and among them the Boyd
Survey No. 112.

EXHIBIT G-1

- 4th. Order of the Probate Court of said County directing the sale of the Boyd Survey, pursuant to said decree.
- 5th. Report of the Administrator showing sale to Caperton.
- 6th. Order approving the sale, but directing that the deed be not made until all of the expenses of administration had been paid.
- 7th. Certified copy of a deed from Miller, Administrator, to Allen G. Caperton for the Boyd Survey No. 112, dated April 13, 1870 and acknowledged January 31, 1878.
- 8th. Certified copy of Power of Attorney from the heirs of Caperton to John Echols and James F. Patton to sell the Caperton lands in Texas and elsewhere, with power of substitution.
- 9th. Certified copy of Power of Attorney by John Echols and John F. Patton to A. M. Erskine.

10th. Deed from Erskine as Attorney-in-Fact, by substitution to the plaintiff, Simmons, and *several deeds from them to the other plaintiffs* (~~first~~ words unintelligible).

The defendants asked numerous instructions, all of which were given but two.

All of the charges asked by plaintiff were given.

OPINION

The first assignment of error is that the court erred in admitting in evidence the Power of Attorney from the heirs of Allen G. Caperton to John ~~Erskine~~ ^{Echols} and J. F. Patton, and from Echols and Patton to A. M. Erskine.

Certified copies of these instruments were offered and the defendants objected on the ground that the certificates ^{of} and acknowledgments ~~was~~ ^{were} not sufficient to admit them to registration. The certificates were made in 1877.

There are several of these, and the following will answer as a specimen.

"District of Columbia |
 | To-wit:
County of Washington |

I, J. Holdsworth Gordon, a Notary Public in and for the County and District aforesaid, do hereby certify that William A. Gordon whose name is signed to the writing above bearing date 22x

EXHIBIT G-2

on the 6th day of January, 1877, this day acknowledged the same before me in my said County. Given under my hand and ^{official} seal. ~~of~~ (Followed by the official signature and seal).

Our opinion is that the certificate is sufficient under the law of 1846 (Paschall's Digest 5007). It has been held that a literal compliance of this statute is not necessary, a substantial compliance being sufficient. "The material matters to embrace in the acknowledgment is the execution of the deed." (Monroe Vs. Arledge, 23 Tex. 480." See also Barkley vs. Friend, last Austin term not yet published."

It was also objected in the court below that the power given to Echols and Patton did not warrant them in conferring upon the substituting Erskine the power to convey the land, but we did not think it necessary to consider this point, which is raised by the second assignment of error.

It is further objected in this court that one of the heirs of Caperton was the wife of Patton and that she, joined by her husband, conferred upon her husband and Echols the power in question. See Cannon vs. Boutwell, 53 Tex. 626.

But this objection was not made in the court below.

The 3rd assignment is that the court erred in ~~admitting~~ ~~admitting~~ admitting in evidence the deed from James M. Miller (Admins.) to A. T. Caperton.

The instrument offered was in fact a certified copy from the records of Taylor County, and the Clerk certifies that it "is a true and correct copy of the original deed now on record in my office." (R. S. 2252)

We do not think that this slight verbal inaccuracy of the Clerk should cause the objection of the copy and this objection that the original was not produced was not made in the court below.

The 4th assignment is that the court erred in admitting the deposition of James M. Miller (formerly the Administrator of Erskine).

EXHIBIT G-3

The witness was asked whether or not he was the Administrator of Erskine in 1869 and 1870, whether or not he had executed the deed, a copy of which was annexed, marked "Exhibit A", whether or not Caperton had paid the stipulated consideration -- whether or not the deed had been delivered, and if so, when?

It is objected that these questions were leading; and that the plaintiff sought to prove by the admission of facts which were matters of record.

The object of this evidence was doubted to prove that Caperton had paid the purchase money and had received the deed.

All other facts had already been proven by copies from the probate record.

Some other questions were merely introductory (1 Guill Ev.Sc 464) and other main questions could not have been put in any other way than the one adopted.

But even if this was error it was unimportant, as ~~to~~ the exclusion of ~~the~~ evidence would not have affected the result of the case. Without following the assignments in their regular order, we come to the real controversy in the case -- the locality of the respective surveys claimed by the several ~~defendant~~ parties.

The plaintiffs claim that they are the owners of the Boyd Survey No. 112, and that all of the defendants are upon that survey.

The defendant Grant and his ^(means) (unintelligible) allege that the pre-emption which they claim is entirely outside the limits of the Boyd Survey: while the other defendants insist that the land which they occupy is a part of Survey 113 in the name of Stephen Scallor~~s~~.

The successive surveys from the Vaughn No. 106 up to the Boyd 112 inclusive, all front upon the Clear Fork of the Brazos. They all call for bearing trees upon the banks of this stream. But the Northwest corner of 116 is the only point at which a bearing tree can be found.

Another corner (unintelligible) can be identified which is ^{the common} ~~the~~ corner of the surveys No. 107, 108 and 109.

EXHIBIT G-4

And it is established by the fact that from the confirmation of the stream, it is the only point at which the other surveys can have a corner. In a corner.

But it is to be remarked that this point cannot be reached by commencing at the beginning corner of Survey 106 and running out the survey and the next one according to course and distance. It can be reached only by giving those two surveys a (3 words unintelligible) except in width.

(Unintelligible), the Surveyor, Henderson, a witness for the defendant, states that commencing at the Northwest corner of Survey 106, and running up to the Northwest corner of Survey 113, there is an aggregate excess in width of 1500 varas. He further says that in the three surveys 111, 112 and 113, the Evans, the Boyd and the Scallorns, there is an aggregate excess of 456 varas.

This witness made a survey under the ^{order} ~~order~~ of the court. He established the Northeast corner of the Evans No. 111; then distributing this excess pro-rata among the three surveys, the Evans, the Boyd and the Scallorns, he ran them out according to course and distance. By this means he placed the Boyd Survey entirely North of the Grant pre-emption.

But his method appears more like making a new survey than, an attempt to find the old one.

The witness Powerll also made a survey under the order of the court.

In establishing the line of the Evans No. 111, by which the Boyd Survey was to be given excess, he was guided by this this survey and plat forwarded by the Land Office by the original land by the original surveyor.

It will be seen by this sketch which he has furnished that the Evans Survey faces a conspicuous bend of the river. Its upper and lower corners on the river being placed at the upper and lower points of the bend. The defendants objected to the admission of the sketches from the Land Office, but we have no doubt of their admissibility. (Hollingsworth vs. Holyhausen, 17 Tex.).

EXHIBIT G-5

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With the establishment of this location of the Boyd becomes a comparatively easier matter; as the latter calls for the Northwest and Southwest corners and the entire West line of the latter..

The verdict was as follows:

"We find for the plaintiffs and take the A. M. Boyd Survey as adopted by W. C. Powell as shown in Sketch B."

Objection is made of this verdict as being too indefinite to abstract the judgment; but taken in connection with the sketch which it adopts and the description of the survey contained in the ~~pleas~~ pleadings of the plaintiff, we think it sufficient.

We therefore recommend the affirmation of the judgment.

W. S. Delaney

Judge

Nov. 18/84

Report of Commission of Appeals

examined and adopted and the judgment affirmed.

Willie C.J.

FILED IN SKETCH FILE 55
J. C. Taylor
May 14
D. H. [unclear]

RECEIVED
DEC 14 1884

EXHIBIT G-6

With the establishment of this location of the Boyd
becomes a comparatively easier matter; as the latter calls for the
Northwest and Southwest corners and the entire West line of the
latter..

The verdict was as follows:

"We find for the plaintiffs and take the A. M. Boyd

Survey as adopted by W. C. Powell as shown in Sketch B."

Objection is made of this verdict as being too indefinite
to affect the judgment; but taken in connection with the sketch
which it adopts and the description of the survey contained in
the facts pleadings of the plaintiffs, we think it sufficient.
We therefore recommend the affirmation of the judgment.

W. S. Delaney

Judge

Nov. 18/84

Report of Commission of Appeals

examined and adopted and the judgment

affirmed.

Willie C. J.

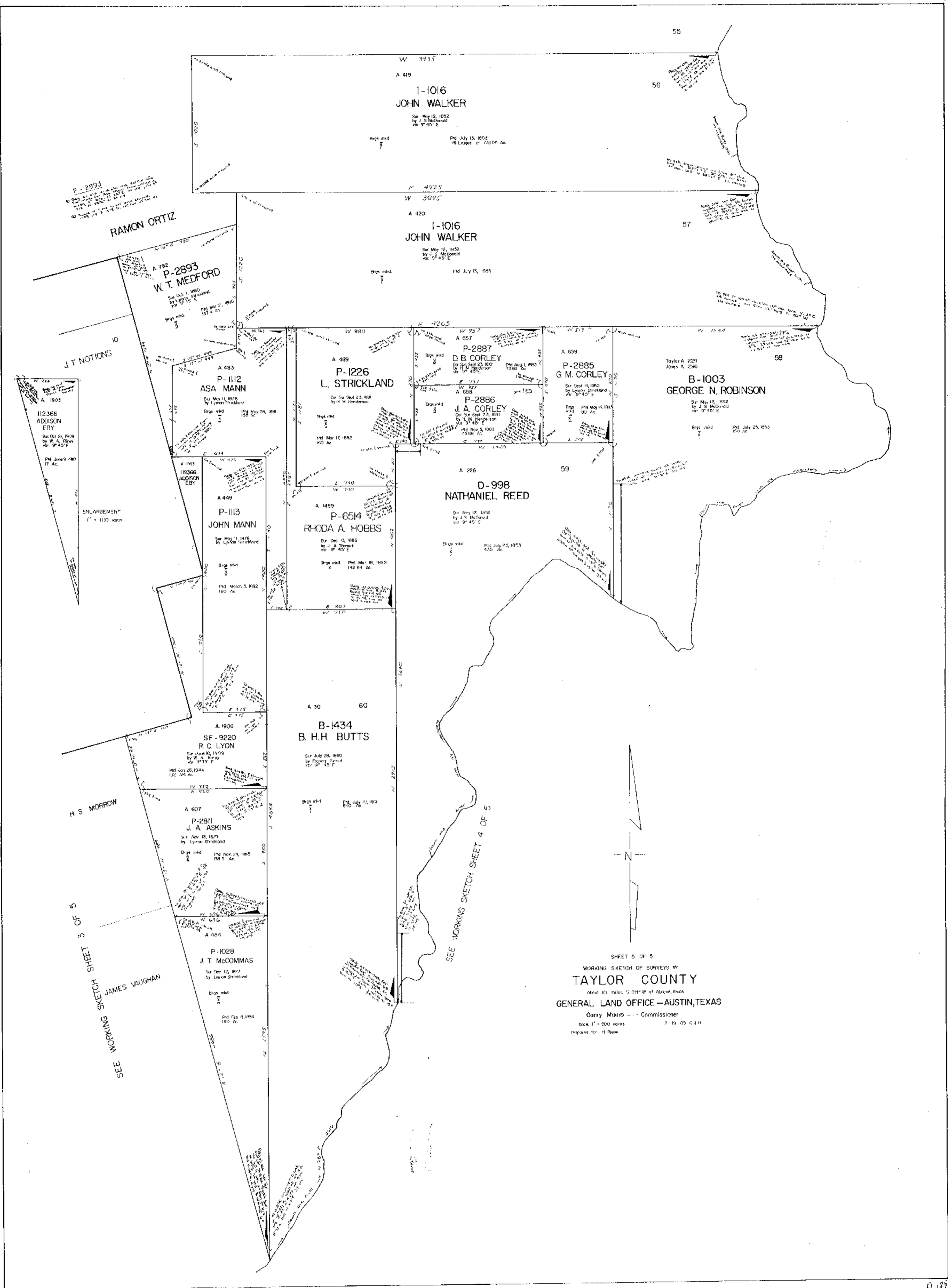
File No. Sketch File 22 County _____
Taylor
Crt. of Appeals Opinion
Filed May 16 19 86
By GARRY MAURO, Com'r
D. Howard

RECEIVED

DEC 14 1985

General Land Office

EXHIBIT C-8



P-2893
 W.T. MEDFORD
 137.4 Ac.

RAMON ORTIZ

1-1016
 JOHN WALKER
 750.00 Ac.

1-1016
 JOHN WALKER
 750.00 Ac.

P-2893
 W.T. MEDFORD
 137.4 Ac.

P-1112
 ASA MANN
 138.0 Ac.

P-1226
 L. STRICKLAND
 142.01 Ac.

P-2887
 D.B. CORLEY
 13.00 Ac.

P-2885
 G.M. CORLEY
 13.00 Ac.

B-1003
 GEORGE N. ROBINSON
 123.00 Ac.

112366
 ADDISON
 EBY
 17.00 Ac.

112366
 ADDISON
 EBY
 17.00 Ac.

P-1113
 JOHN MANN
 160.00 Ac.

P-654
 RHODA A. HOBBS
 142.01 Ac.

D-998
 NATHANIEL REED
 43.50 Ac.

B-1434
 B.H.H. BUTTS
 142.01 Ac.

SF-9220
 R.C. LYON
 132.194 Ac.

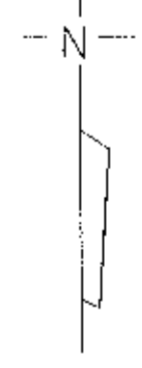
P-2811
 J.A. ASKINS
 138.0 Ac.

P-1028
 J.T. McCOMMAS
 137.00 Ac.

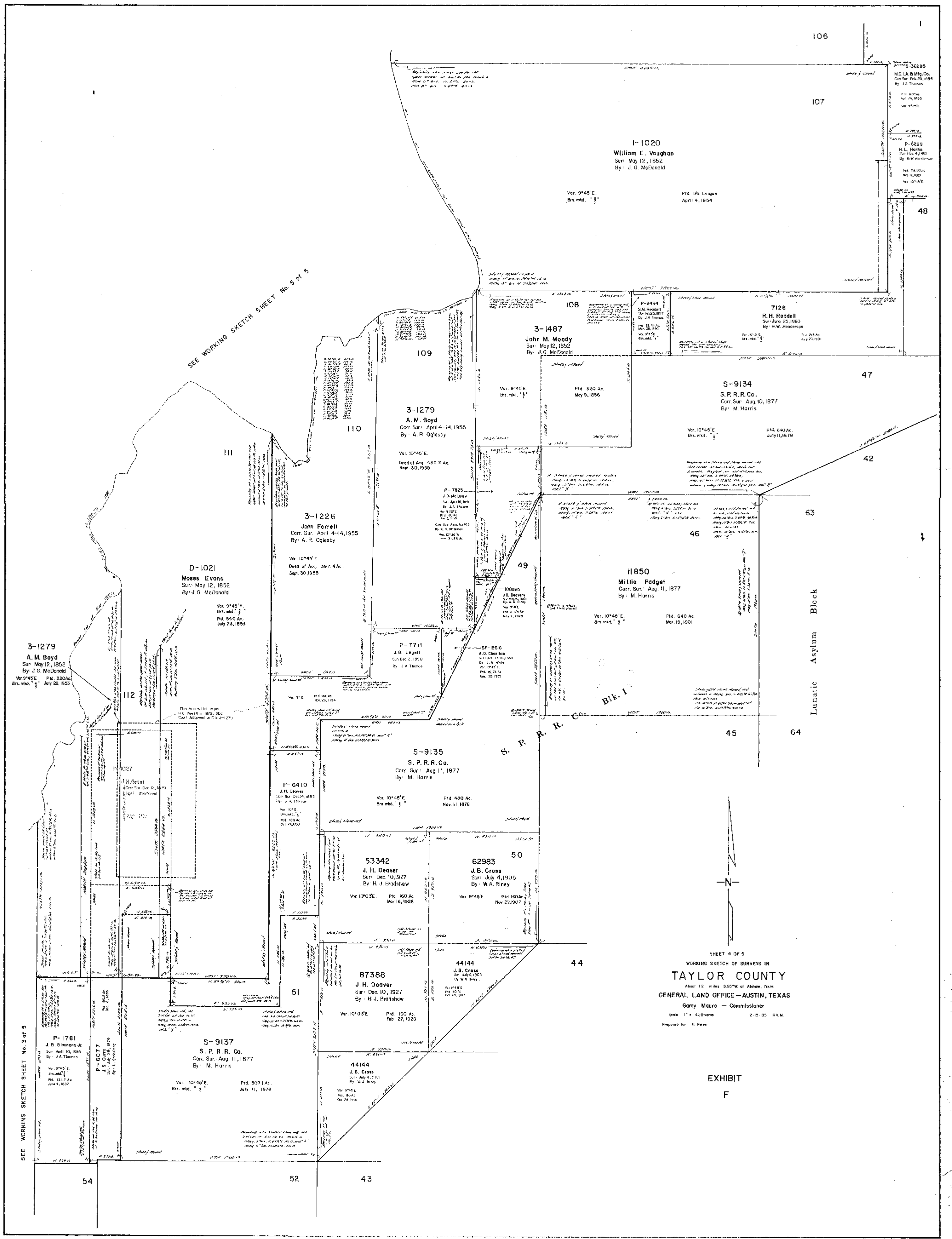
H.S. MORROW

SEE WORKING SKETCH SHEET 3 OF 5
 JAMES VAUGHAN

SEE WORKING SKETCH SHEET 4 OF 5



SHEET 5 OF 5
 WORKING SKETCH OF SURVEYS IN
TAYLOR COUNTY
 About 10 miles S 24° W of Abilene, Texas
 GENERAL LAND OFFICE - AUSTIN, TEXAS
 Carry Mump - Commissioner
 Scale 1" = 200 yards
 Prepared for H. P. ...



SEE WORKING SKETCH SHEET No. 5 of 5

SEE WORKING SKETCH SHEET No. 3 of 5

SHEET 4 OF 5
 WORKING SKETCH OF SURVEYS IN
TAYLOR COUNTY
 About 12 miles S.28°W of Abilene, Texas
 GENERAL LAND OFFICE—AUSTIN, TEXAS
 Garry Mauro — Commissioner
 Scale 1" = 400 FEET 2.15-85 R.V.M.
 Prepared by H. Peter

EXHIBIT
 F

Sketch Title No. 22
 County Taylor (645)

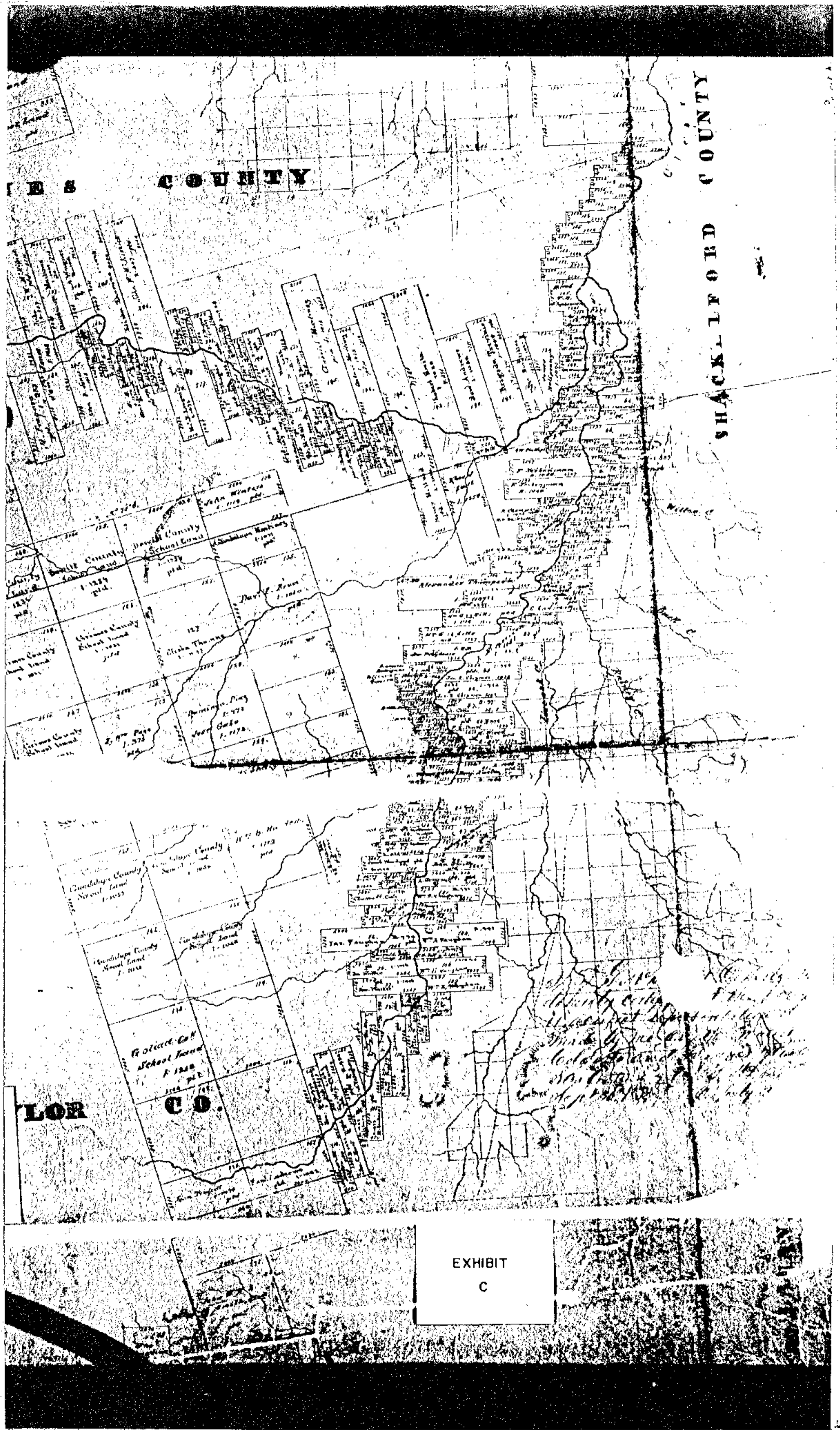


EXHIBIT
C

TEXAS & PACIFIC RY
 Sketch of Part of
 TAYLOR COUNTY.

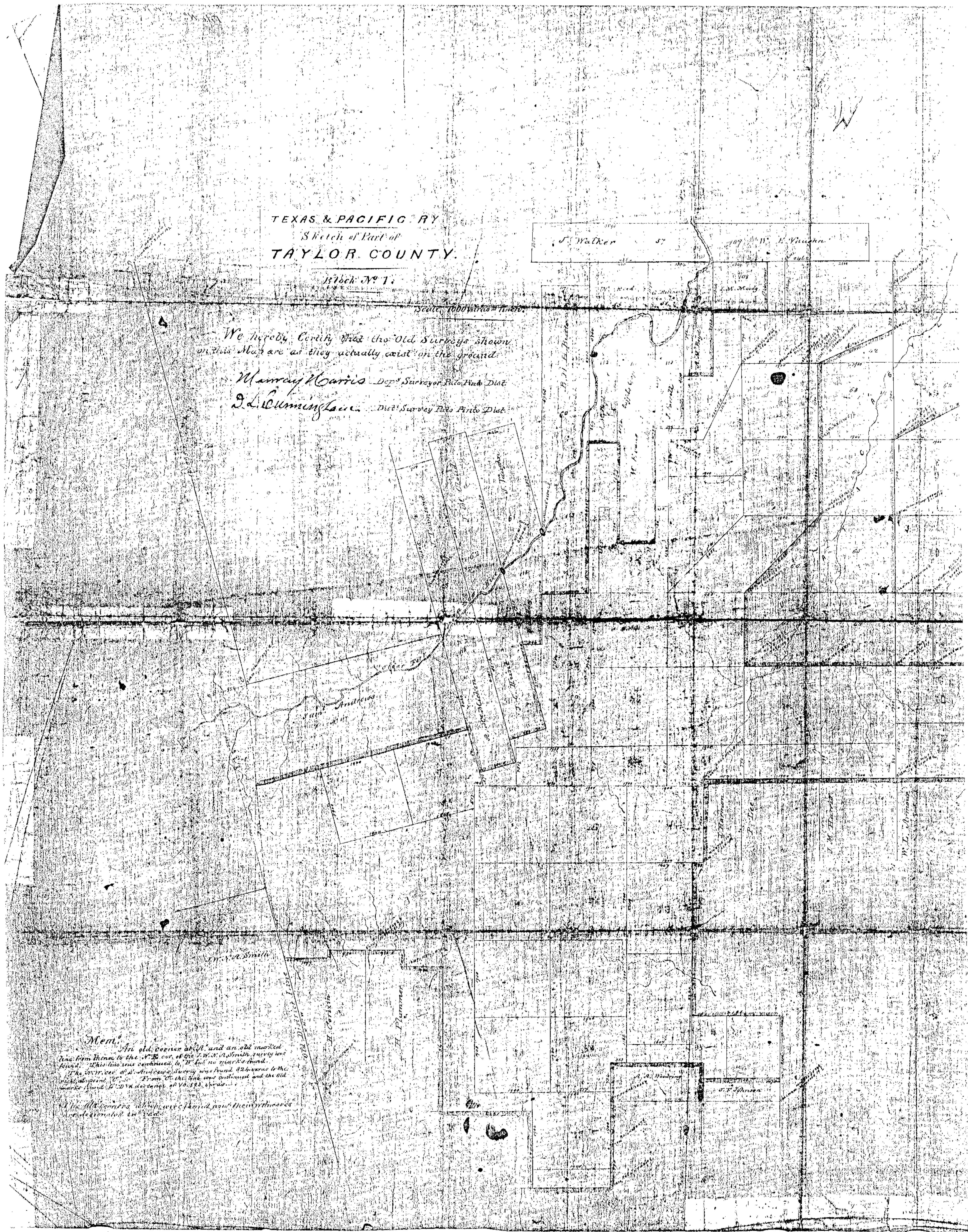
Sheet No. 1.

Scale 1000 feet = 1 inch.

We hereby certify that the Old Surveys shown
 on this Map are as they actually exist on the ground.

Murray Harris Dep^y Surveyor Pecos Park Dist.

J. L. Cunningham Dist^y Surveyor Pecos Park Dist.



Mem.

An old corner at A and an old marked line from there to the N. E. cor. of the J. W. A. Smith survey was found. This line was extended to B but no mark was found. The N. E. cor. of J. W. A. Smith's survey was found 224 yards to the right of point B. From C the line was continued and the old mark found 6' 2 1/2" distance of 10.883 yards.

All the corners were found and their positions were determined in 1882.

Taylor County.

01

Supplemental sketch of
the locations of the
between the N. E. corner of survey
No. 12 and the N. W. corner of survey
No. 17. Corners marked thus O
were found.

We hereby Certify that the Old Surveys shown
on this Map are as they actually exist on the ground.

Murray Harris, Dep. Surveyor Pale Pecos Dist.
H. K. Cunningham, Dist. Surveyor Pale Pecos Dist.
Filed in G. I. office June 30th 1877
H. C. Hall
Comr.