

1882

**COUNTY OF HENDERSON**

JNO. W. BALLOW, COUNTY JUDGE

MRS. HORACE JOHNSON, COUNTY CLERK  
MRS. KATE NOWLIN, DISTRICT CLERK  
MILES B. SMITH, COUNTY ATTORNEY  
JESS SWEETEN, SHERIFF  
D. R. CARLIDGE, COUNTY TREASURER  
B. D. DICKERSON, TAX ASSESSOR  
AND COLLECTOR  
BEN H. WATHEN, COUNTY SURVEYOR



FRANK J. DAVIS, SUPT. PUBLIC INSTRUCTION  
D. C. MITCHELL, COMMISSIONER PRECINCT 1  
M. C. ANDREWS, COMMISSIONER PRECINCT 2  
I. A. ECHOLS, COMMISSIONER PRECINCT 3  
J. B. TINDEL, COMMISSIONER PRECINCT 4

*Give this report  
par value.  
11/25/36 Walker.*

**RECEIVED**

**ATHENS, TEXAS**

November 23, 1936.

NOV 25 1936

Hon. J. H. Walker, Commissioner,  
General Land Office,  
Austin, Texas.

**REFERRED TO MAP**  
*See correspondence from Comm.  
to Walker, for authority to survey  
C. F. Blucher*

Re: Vacancy North of Charles H. Cooper  
Survey and South of Thos. J. McKee  
Survey, Upshur County, Texas.

Dear Mr. Walker:

In the above matter I wish to report to you as follows:

I examined the whole South boundary line of the Thos. J. McKee Survey and the North boundary line of the Barnes Holloway Survey and most especially the North boundary line of the Charles H. Cooper Survey, in Upshur County, Texas. I also made search for any evidence on the ground which might tend to show the location of the North boundary line of the Charles H. Cooper Survey as being South of the South boundary line of the McKee Survey.

No original witness trees are found standing at either of the South corners of said McKee Survey nor at either of the North corners of the Charles H. Cooper Survey. However, the South boundary line of the McKee Survey is fairly well established by fence, some marked line trees and witness trees to subdivision corners. From the Southwest corner of the McKee Survey, or Northwest corner of the Barnes Holloway Survey, there is also a newly marked line (perhaps two years old) running S 87 3/4 E and terminating at a point 50 vrs. South of the Northeast corner of said Holloway Survey, or 50 vrs. South of the Northwest corner of the Charles H. Cooper Survey at railroad rail in South boundary line of McKee Survey. No old marks whatsoever appear on the timber along this newly marked line; nor in the vicinity of same. All subdivisions of the Holloway Survey extend North to the South boundary line of the McKee Survey.

Referring to my plat furnished herewith, you will please note the Maple witness tree at the Northwest corner of the D. A. Fleet tract, shown in the S. B. line of the McKee Survey. Also

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1949 1982  
589 459

1983 1984 ✓  
184 414  
1990 1992  
462 111

JH Beavers Langview  
E L Smith & Co Mexico  
Glay & Simon Buickburn Rd  
G F Warth

IN THE ABOVE MATTER, I REFER TO RECORD NO. 201 AS FOLLOWS:

DEED NO. 201:

DEED NO. 201, DATED 1982, BEING  
A CERTAIN PART OF RECORD NO. 201.

DEED NO. 201, DATED 1982, BEING  
A CERTAIN PART OF RECORD NO. 201.

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NOVEMBER 22 1982  
VIRGINIA, TEXAS

NOV 22 1982

RECEIVED



THE COUNTY OF HENDERSON, TEXAS

COUNTY OF HENDERSON

counter 38758



the railroad rail at Willie Starr's Northwest corner is in the S. B. L. of said McKee Survey and, as claimed by Mr. Starr, at the N. W. corner of the Charles H. Cooper Survey. I do not find any evidence of any marked line showing the North boundary line of the Cooper Survey to be at any location South of this McKee's South boundary line. On the other hand, at a point approximately 300 vrs East of the S. E. corner of said McKee Survey (as shown on my plat) there are two Post Oak side-line trees, alive and standing, one having three old hacks on its South side and the other having three old hacks on its North side. A newly marked line passes between these trees and within three feet of either tree. These two Post Oaks have the oldest marks that I found on any of the survey lines involved. It is my opinion that these two Post Oaks have been marked for at least fifty years or longer. On further East from these two trees there stands a large Red Oak which has old blazes on its West side and on its East side. This tree stands just a little way West of the Northeast corner of the Cooper survey as shown on my plat.

Relative to the Northeast corner of the Charles H. Cooper Survey as being 201 vrs further South than shown on my plat, I wish to say that I made a careful examination of a 30 in. Willow-Oak bearing S 10 W 6 vrs and a large stump bearing S 54 W 16 vrs. This Willow-Oak tree, alive and sound, has three very old hacks on its East side but no other marks whatsoever that I can discern. I show a leaf from this tree on my plat, approximately half size. The wood of this stump appears entirely too coarse-grained for Red Oak. I do not think it is Red Oak at all. The three side-line hacks are so distinct on the East side of this Willow-Oak tree and the ax shear so plain they are unmistakable. However, I do not find any other shear or cut on this tree to indicate in any way that it might be a witness tree. In fact, I cannot find any evidence existing on the ground to show the North boundary line of the Charles H. Cooper Survey as being at any other location than identical with the South boundary line of the Thos. J. McKee Survey. This view is supported also by the fact that the old-marked line extends right on East from the Southeast corner of the McKee Survey to the Northeast corner of the Charles H. Cooper Survey as shown on plat herewith. I could not find this line extending on any further East from this Cooper Northeast corner.

The evidence on the ground shows that the Northeast corner of the Cooper Survey conflicts with the Southwest part of the James Scott Survey. This is not wholly out of line with the record itself, because in 1838 Thos. J. McKee surveyed the Thos. J. McKee Survey, while on March 31, 1841 the same surveyor, Thos. J. McKee, surveyed the James Scott Survey. McKee did not say that the S W corner of the James Scott Survey and the S E corner of the Thos. J. McKee Survey is one and the same. In fact, he indicated that the James Scott Survey extended further South than the McKee Survey relative to the Creek they crossed and called for wholly different witness trees at these respective



#3 Walker

corners.

H. A. Grimes surveyed the Charles H. Cooper Survey on September 15, 1848, calling to begin in the South boundary line of the Thos. J. McKee Survey 1000 vrs. West of McKee's Southeast corner. I failed to find any evidence on the ground to take the North boundary line of the Cooper Survey away from the South boundary line of the McKee Survey as called for by Grimes originally. As a surveyor I do not understand how any vacancy could be considered as lying North of the Chas. H. Cooper Survey and South of the Thos. J. McKee Survey. Of course, the Cooper Survey has excessive length in a North-South direction and a measured distance from the South would not reach as far North as the South boundary line of the McKee Survey. This is nothing unusual, for in my own observation I have several times found this much excessive measurement with every outside witness tree standing at respective corners.

Relative to the two Post Oak side-line trees, shown on my plat approximately 300 vrs. East of the S. E. corner of the Thos. J. McKee survey, I wish to state that I pointed them out to Surveyor L. B. Gamewell of Teague, Texas, who had not seen them before, and he agrees with me that the side line hacks are fifty or sixty years old or older. Mr. Gamewell was also with me and inspected the Northeast corner of the Charles H. Cooper Survey as claimed by Mr. W. H. McClelland, licensed state surveyor. Neither of us could find a single shear or cut to indicate a "C" on the Willow-Oak (bearing S 10 W 6 vrs) even though the place is lightly marked with a blue keel. The place where an ax or other cutting tool first cleaves the bark is the most distinctive part of surveyor's markings on the trees. No shear exists on this tree to indicate the "C" and this tree cannot be positively identified as a witness tree. Neither is the stump a Red Oak.

I take it for granted that the South boundary line of the James Scott Survey is further South than the South boundary line of the Thos. J. McKee Survey because the only evidence on the ground shows this to be true. I talked to Major Stiles as well as Mr. Gamewell who has surveyed this whole area about this matter.

Very truly yours,

*Ben H. Wathen*

Ben H. Wathen, Surveyor.

BHW/b

*Received and filed in General Land  
Office on November 25, 1936  
J. H. Wathen, Comm  
Ch. Blucher*

*counter 38760*

*GP*



sk. File No. 14

Upshur Co.

Ben H. Wathen Surveyor  
Statement

Filed Nov. 25, 1936.

J. A. Walker  
Commissioner

C. F. Blucher  
Clerk.

See sk. File No. 13 for sk.

Very truly yours,

Ben H. Wathen, Surveyor.

*Ben H. Wathen*

*Ben H. Wathen  
Surveyor  
Upshur Co. Va.  
Nov. 25, 1936*

31

counter 38761

corners. H. A. Grimes surveyed the Charles H. Cooper survey on September 13, 1848, calling to begin in the south boundary line of the Hokee survey 1000 yds. west of Hokee's southeast corner. I failed to find any evidence on the ground to take the north boundary line of the Cooper survey away from the Hokee survey. I believe the only evidence on the ground is the ground line of the Hokee survey. I believe the only evidence on the ground is the ground line of the Hokee survey. I believe the only evidence on the ground is the ground line of the Hokee survey.

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