# GREGG COUNTY ROLLED SKETCH M.H.H.

S.F.-13597 thru 13608 Reports and maps, etc. by M. H. Hackney

center 15668

office of M.H. Hackney 226 Glover-Crim Bldg. Longview, Texas.

m. Elgde H. Hall.

Pegistered Mail III. Special Delivery

Report with SR

M.H.H.

# Hon. J. H. Walker, Commissioner, Hickneys Meport

General Land Office,

Land Office Building,

Austin, Texas.

GREGG CO.

counter 45669







COUNTY OF GREGG

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me standing upright pointing with my left hand to a railroad iron in the ground which railroad iron was at the time the picture was taken in 1935 at the same identical point established and accepted by me in the course of my survey of the David Ferguson survey in 1911 as being at the southeast corner of survey No. 184 in the name of A. T. McGee, same being an ell corner of the David Ferguson survey and that the said ell corner of the David Ferguson survey as established by me was at the point mow marked by said railroad iron. The other man shown in the picture is Mr C W Delaney.

TONCATE

County Surveyor Thashur Digits Surveyor Thashur Aq payaui.

Subscribed and sworn to before me this 23rd day of February, 1935.

Notary Public in and

Gregg County, Texas

Rollad SPetch M.H.H. Pictura 12,193 alker Com By Louise & Harwood counter 15672 SF\$ 13597 three 13608



COUNTY OF GREGG

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent I further certify that the picture on the was based. reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows the point where the post oak stood in 1911 which is referred to in my field notes for the David Ferguson survey and situated at a point North 25 East 6.2 varas from the most southerly southeast corner of the David Ferguson survey as surveyed by me May 20th, 1911, and which post oak I found marked in 1911 as a witness tree for the northeast corner of the William C Wakeland survey. I have marked an X on the picture at the point where the post oak tree stood, in 1911. The other man shown in the picture is Mr C W Delaney.

> W.C. Elms W.C. Elms County surveyor, Upshur County, Texas.

Subscribed and sworn to before me this 23rd day of February, 1935.

Notary Public in and for

Gregg County, Texas

I, M. H. Hackney, Licensed State Land Surveyor, certify that I took the picture on the reverse side hereof in the month of February, 1935.

Rolled SKitch M.H.H. Picture Filed July 12, 1935 Huralker, Comr. Toy Source a Harwood

SF 13597 three 13608

See

M.H. Hackney

counter 45674



1 Then

COUNTY OF GREGG )

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken In February, 1935 and shows me pointing with my right hand to a pine stake settin the ground which is the same identical pine stake which I placed there in the course of my survey of the David Ferguson survey in May of 1911 and which stake marked the most easterly northeast corner of the David Ferguson survey as situated by me in 1911 and was at a point from which a hickory bore North 80 West 5.4 varas and a black jack stump hole bore South 70 W 7 varas, as called for in my field notes of the Ferguson survey. Said hickory was standing marked at the time I made my survey in May of 1911, The other man shown in the picture is Mr C W Delanef. of

county surveyor, Upshur County, Texas.

Subscribed and sworn to before me this 23rd day of February, 1935.

Notary Public

Gregg County, Texas

Rolled Skitch Picture ly 12, 1935 Com 11-alker By Louise See SFS 13597 - Uru 13608 county 45676



COUNTY OF GREGG )

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me holding in my right hand the same identical pine stake which I placed in the ground at the point immediately underneath where I am holding it in the picture, when I made my survey of the David Ferguson survey in 1911 and which stake was at the most eastern northeast corner of the David Ferguson survey as spreyed by me May 20th, 1911 and at a point from which a hickory bore North 80 west 5.4 varas and a black jack stump hole bore south 70 west 7 varas are accounted for the state of the david for the state of the state for the state of the s

bore North 80 west 5.4 varas and a black jack stump hole bore south 70 west 7 varas as called for in my field notes of said survey. The other man shown in the picture is Mr C W Delaney.

ST by PEPPER'S Finished ONCUEW

Subscribed and sworn to before me this 23rd day of February, 1935.

nter

Notary Public in and for Gregg County, Texas.

Rollad Sketch MHH. Picture ly 12, 1935 Walker, Comr y Sonise CHarwood counter \$5678 See SFS/3597 thrue 13608



STATE OF TEXAS COUNTY OF GREGG )

I certify that I am the same W. C.Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey I further certify that the the patent was based. picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me pointing with my right hand to a mulberry tree which is the same identical mulberry tree called for by me in my field notes of the David Ferguson survey as surveyed by me in 1911 and which mulberry tree bears north 42 west 2.9 varas from the corner established by me as the most western northwest corner of said David Ferguson survey as surveyed by me in 1912 and is called for in my field notes of said survey, prepared in 1911, to be also the southwest corner of survey number 184 in the name of A T McGee. The other man shown in the picture is Finish CULAPEPPE LONGVIE Mr C W Delaney.

County surveyor, Upshur County, Texas.

Subscribed and sworn to before me this 23rd day of February, 1935.

alas Notary Public in and for

Gregg County, Texas

counter 75680

I, M. H. Hackney, Licensed State Land Surveyor, certify that I took the picture on the reverse side hereof in the month of February, 1935.

uly 12, 1935 Hutalker, come. By Source C Harwood

Rolled Skitch M.H.H. Picture Filed

SFS 13597 three 13608

See



COUNTY OF GREGG

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me pointing with my right hand to a mulberry tree which is the same identical mulberry tree called for by me in my field notes of the David Ferguson survey as surveyed by me in 1911 and which mulberry tree bears North 42 West 2.9 varas from the corner of said David Ferguson survey as surveyed by me in 1911 and is called for in my field notes of said survey, prepared in 1911, to De also the southwest corner of survey number 184 in the mame of A T McGee. The other man shown in the picture is Mr C W Delaney.

PPER'S STUDIO VIEW. TEXAS by

County surveyor, Upshur

County, Texas.

Subscribedand sworn to before methis 23rd day of February, 1935.

Notary Public in and Br Gregg County, Texas

counter 15682

I, M. H. Hackney, Licensed State Land Surveyor, certify that I took the picture on the reverse side hereof in the month of February, 1935.

Rolled Sketch M.H.H. 193

a0

By Jours

Per.

SF\$ 13597 three SF/3608



COUNTY OF GREGG )

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson Survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me with my hand against a hickory tree which is the same identical hickory tree called for in my field notes of the said Ferguson survey and situated N 15 W 8.7 varas from the most northern northeast corner of said Ferguson survey, as surveyed by me May 20th, 1911. The other man shown in the picture is Mr. C. W. Delaney.

Finished by

W.C. Elm

County Surveyor, Upshur County, Texas

Subscribed and CULPEPPER'S STUDIO Sworn to before LONGVIEW, TEXAS me this 23rd day of February, A.D. 1935.

Notary Public in and for Gregg County, Texas.

.n. matson.

I; M. H. Hackney, Licensed State Land Surveyor, certify that I took the picture on the reverse side hereof in the month of February, 1935.

Rolled SKitch, M.H.H. Picture Filed July 12, 1935 July 12, 1935 July 12, 1935 July 2000 Comr, Poy Source astarwood

M.A. Hackerey

SF \$ 13597. three 13608

See

counter 75689



STATE OF TEXAS COUNTY OF GREGG )

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson Survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side he reof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935, and shows me pointing with my left hand to the stone mound which I marked as an ell corner of the David Ferguson survey when said survey was made by me on the ground in 1911, and which mound also marked the Southwest corner of the J. R. Wadkins survey. The other man in the picture is Mr. C. W. Delaney.

County, Texas.

County Surveyor.

Upshur

Subscribed and sworn to before this 23rd day of February, 1935.

> Notary Public in and for Gregg County, Texas.

Rollad Skitch MH.H. Picture 12,1935 alker, Comr - EHarwood Jours

See SF \$ 13597 three SF 13608

counter 75686



COUNTY OF GREGG

)

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows myself and Mr C W Delaney pointing to a surveying pin stuck in the stump hole of the post oak tree called for in my field notes of the David Ferguson survey and showing the exact location of said tree which tree was situated, at the time I made my survey of the saidFerguson survey in 1911 North 25 East 6.2 varas from the most southerly sougheast corner of the David Ferguson survey as surveyed by me May 20th, 1911 and which tree I found marked as a witness tree for the northeast corner of the William C Wakeland survey in 1911. The otherman shown in the picture is Mr. C W Delaney.

> Finished by CULPEPPER'S STUDIO LONGVIEW, TOSANTY Surveyor, Upshur County, Texas.

Subscribed and sworn to before methis 23rd day of February, 1935.

Notery Public in and for Gregg County, Texas.

Rollod Sketch M.H.H. Picture Jilan 12,1935 alkar ouro 300 BFS 13597 thru 13608

counter 75688



STATE OF TEXAS COUNTY OF GREGG

I certify that I am the same W. C. Elms who. on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935, and shown me pointing with my left hand to the stone mound which I marked as an ell corner of the David Ferguson survey when said survey was made by me on the ground in 1911, and which mound also marked the Southwest corner of the J. R. Wadkins survey. The other man in the picture is Mr. C. W. Delaney.

Finished by

EPPER'S County Surveyor, Upshui County, Texas.

February, 1935.

Subscribed and sworn to before me this 23rd day of

Notary Public in and for Gregg County, Texas

counter 45690

M. H. Hackney, Licensed State Land Surveyor, certify that. I took the picture on the reverse side hereof in the month of February, 1935.

Rolled Sketch M.H.H. Picture palits ly 12, 1935 HU alker, Come By Source CHarwood

3597 thru 13608



COUNTY OF GREGG

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me standin on the point where, in 1911, there stood the post oak tree called for in my field notes of the said Ferguson survey and situated at a poing north 25 East 6.2 waras from the most southerly southeast corner of the David Ferguson survey as surreyed by me May 20th, 1911, and which tree I found, in 1911, marifidmae wakilandsstreeyfor Thesizerbeshtwsome Forftthe with my right hand to the traces of the rot from the old log of the post oak tree still on the ground in 1935 when this picture was taken. Theother man shown in the picture is Mr. C W Delaney.

Subscribed and sworn to befogat me this 23rd day of February, 1935.

Notary Public in and for Gregg County, Texas.

Upshur

surveyor,

I, M. H. Hackney, Licensed State Land Surveyor, certify that I took the picture on the reverse side hereof in the month of February, 1935.

"MELADNO"

County

Rolled Steld MH.H. Picture. ly 12, 1935 Walper, Com By louise & Harwood

Sac SF\$ 13597 three 13608

counter 75692



)

COUNTY OF GREGG )

I certify that I am the same W. C. Elms who, on May 20th, 1911, surveyed the David Ferguson survey in Gregg and Upshur Counties, Texas, upon which survey the patent was based. I further certify that the picture on the reverse side hereof, and which I have identified with my initials in the upper right hand corner, was taken in February, 1935 and shows me standing upright pointing with my left hand to a pine stump which pine stump at the time I made my survey of the David Ferguson survey in 1911 I took and accepted to be the stump of the pine witness tree called for as referencing the southeast corner of the Sarah Harrell survey and which corner reference from said stump according to the distance and bearing called for in the field notes of the Sarah Harrell survey I established as the ell corner of the David Ferguson survey as surveyed by me in 1911. The other man shown in the picture is Mr C W Delaney.

Finished by CULPEPPER'S STUDIO LONGVIEW. TEXAS

County surveyor, Upshur County, Texas

Subscribed and sworn to before me this 23rd day of February, 1935.

Notary Public in and for

Gregg County, Texas

counter 45694

Rolled Skitch M.H.H. M. H. Hackney Picture Jiled Dy 12, 1935 tet alker, com By Source CHarwood See 6F \$ 13597 thrue 13608



counter 75 695



counter 45696







counter 75699







counter 75702








counter 15706



ounter \$5707

COPY

October 13, 1936

Hon. Wm. McGraw Attorney General Austin, Texas

> Attention: Hon Grady Chandler and Hon. Russell Rentfro

Dear Sir:

At the instance of parties claiming the existence of a vacancy between the David Ferguson and G. W. Hooper and Henry Hathaway surveys in Gregg and Upshur Counties, and also at the request of lessees opposing the admission of a vacancy, I have made an investigation of the location of the Hooper and wish to report my findings of fact and conclusions therefrom.

Mr. R. G. Armstrong, a licensed land surveyor of Longview, who made the survey for the first applicant for least under the Act of 1931, went with me over the east and north boundary lines of the Hooper tolthe area in which the Northwest corner of the Hooper somewhere exists. There we met Judge McClellan, a licensed land surveyor, who grew to manhood near the locality and partitioned the Hooper and the Ferguson in that immediate territory, and Ben Garrett, who had resurveyed the Hooper and practically all adjoining surveys in the employment of the lessees. Judge McClellan had not surveyed the boundaries of the Hooper nor of the Ferguson. Before leaving Austin I studied the exhaustive report made by Mr. M. H. Hackney, a licensed land surveyor, and also had Mr. Armstrong's theory of the location of the Hooper.

The Hooper is a rectangular survey 4800 varas north and south and 4810 varas east and west. According to its original field notes the survey was made May 14, 1838. It calls to begin at the Northeast corner of a survey, bearing trees of which are marked C H, thence south 4800 varas, east 4810 varas, north, passing the northwest corner of the Wm. Robinson at 520 varas in all 4800, thence west crossing a creek, in all 4810 varas to the beginning. Bearing trees are described at each of its corners, and the distances to the creek crossings except that on the north line. Not a vestige of the Hooper's own land marks has been found.

The Hooper calls for the south line of a survey, the bearing

counter 15708

Hon. Wm. McGraw

MCI

Oct. 13, 1936

trees of which are marked T N C. The Wm. King now occupies the T.N C survey, and according to the King field notes it was surveyed May 10, 1838 by G. W. Hooper. The third call of the King survey is south 5000 varas to intersect the north boundary of the G. W. Hooper, or rather, as stated in the field notes originally "a survey marked 'G W H' bearing trees being marked T N C." From that point the survey runs west with the north line of the G W H survey 65 varas, crossing bayou running south, and at 3600 varas pass northwest corner of G W H survey. Regardless of the date of a survey which the surveyor was required to give, the law required him also to make an affidavit that the work was done on the ground "since the first day of February, 1838." This accounts for the double certificate on which Mr. Hackney bases his argument.

The various points"established" for the northwest corner of the Hooper are on the side of a hill sloping gently eastward, and what is termed the Elms corner of the Ferguson going eastward at approximately 27 varas is a pipe set up by Judge McClellan as the common corner of the two surveys, and approximately 23 varas further on is a pile of stones understood to be the corner as established by Armstrong and later by Hackney. In a suit in Federal Court a few years ago the southeast corner of the Hooper was fixed by Judge Kennerly as 4800 varas south of its north line and 496 varas south of the North west corner of the Robinson, as established by tradition.

The only fixed point in the boundaries of the Hooper survey is the Southeast corner of the King. This point is accepted by all the surveyors, and curiously is the only corner on which the traditions of the country are agreed. From this point, if you run 3600 varas west according to the Armstrong and Hackney measurements, the line would terminate 1.8 varas west of the Elm corner of the Ferguson. Ben Garrett's measurement ments appear to carry the line 4 or 5 varas further west. Then if you run east from the southeast corner of the King survey on the north boundary of the Hooper 1210 varas and south 1 minute east at 4500 varas, the line terminates on the Kennerly corner, according to Ben Garrett, Thence west the first creek crossed is at the exact distance called for in the Hooper field notes, and the next creek crossing is off 18 or 20 varas, but from the information given me by Mr. Armstrong it is hardly to

counter \$ \$709

COPY

2

COPY

Hon. Wm. McGraw

Oct. 13, 1936

counter \$5710

be termed a creek, as it is moreof a spread between hills. Continuing the Garrett line west 4510 varas and north 4500 varas it closes at a point west of the Elms corner of the Ferguson.

3

The Armstrong and the Hackney measurements of the North line begin at a traditional corner which is 1326.41 varas east of the creek. According to the King field notes the distance would be 1275 varas east of the creek. Thus Armstrong and Hackney give the north line of the Hooper 51 varas excess east of the creek and shortened it 51 varas west of the creek. Armstrong allows about 30 varas excess north and south, while Hackney allows 30 varas on the west line north and south, but shortens the east line 16 varas. He runs his south line from the southwest corner north 59.15 east instead of due east presumably to make creek crossings fit.

It is doubtful whether any resurvey of the Hooper is correct, but it is reasonably certain that a survey balanced on the southeast corner of the King given courses and distances would create a rectangle within the original boundaries of the Hooper, and as I understand the measurements made on the ground by all the surveyors, would conflict slightly with the Ferguson as re-established by Elms, and patented. This allows no excess to the Hooper, whereas it is reasonably certain that the original lines were at least slightly excessive. I recognize that what constitutes the boundaries is a matter of law, but believe that the survey should be and must be re-built from the known point in its north boundary. The creek crossings will fit the survey so run, as well as they can be made to fit any speculative lines. The survey so re-established will conflict slightly with the Ferguson as established by Elms, and negative the claim of a vacancy between the Hooper and the Ferguson.

> Very truly yours, J. H. Walker Commissioner.

JHW-ewn

Mez

Copied from Book 1986, page 448.



and the

counter 15711 V

General Land Office Austin Texas February 27, 1935

Mr. R. G. Armstrong, Licensed Land Surveyor, Longview, Texas.

Dear Sir:

In reference to a strip of land claimed to be unsurveyed and belonging to the Public Free School and to lie between the David Ferguson and the Hooper and Hathaway surveys which it appears you have surveyed, I would like to ask the following questions which you will please answer in the space left for that purpose. These surveys lie on the Upshur-Gregg county line.

Ind Commissioner

Q 1.How do you establish the NE and the SE corners of the Ferguson? If there are any marks on the ground called for in the original or corrected field notes please describe them.

A. I established the NE corner of Ferguson Survey from stump holes of trees called for in corrected field notes. An old pine knot set the proper course and distance from the stump holes was pointed out to me by Mr. W. C. Elms, County Surveyor of Upshur County, Texas, as marking the point that he used for the NE corner of the Ferguson Survey in 1911. From pine knot a Hickory stump hole bears N 80 W 5.4 varas and a B. J. stump hole bears S 70 W 7 varas. From this pine knot I ran a line South 5218 varas for the SE corner of the Ferguson.

# Q 2. How do you establish the west line of the G. W. Hooper survey?

A. The Northwest corner of the William Robinson Survey calls for two Blackjack witness trees and one of these trees was standing until about 1932 and I placed a SE corner of the Hooper Survey 520 varas South of the Robinson NW corner. I then established a SW corner of the Hooper Survey course and distance from the SE corner, and established the West line of the Hooper by running North from the SW corner and crossing branch at 950 varas.

Q 3. How do you establish the south line of the Hooper? Kindly attach to your answers a sketch showing the relative positions of the different landmarks found on the ground by you.

Creace Co. BId St. MAHH

A. A line connecting the SE and SW corners of Hooper, as I established them, crosses the creeks called for in the Hooper field notes at the proper distance from the SE corner of the Hooper. Please see attached sketch. R.G. Armstrong

· · · . .

ида СС. 86.54. Танн

Feb. 27,1935

Q 4. Do you find an unsurveyed area between the David Ferguson and the G. W. Hooper surveys?

-2-

A. Yes, between the Elms line of the Ferguson Survey and the West line of the Hooper Survey as I established it.

Q 5. As found by you on the ground, is the area of the Hooper sufficient to establish that part of the certificate by virtue of which it was surveyed, that is 23.088 labors or 23,088,000 square varas? A part of the certificate, that is 2,912,700 square varas, is located in Shelby County.

A. My survey shows 33,064,000 square varas.

Q 6. Have you made a search for the trees called for at the NW corner of the Hooper from which a black jack 20 inches in diameter bears S 30 E 7.5 varas distant, and a hickory 12 inches in diameter bears S 56° 30' W 25 varas marked G.W.H ? Did you find these trees or any evidence of their existence.

A. I made a thorough search for these trees, but I could find no evidence of them.

Armstrong ma à



GREGG& UPSHUR COUNTIES MM HACKNEY, L.L.S. Report& Sketch S.F. 13597 Hord S.F. 13608

SURVEYORS REPORT AND FIELD NOTES

OF

AN UNSURVEYED AREA, BOUNDED ON THE WEST BY THE DAVID FERGUSON SURVEY AND ON THE EAST BY THE G. W. HOOPER SURVEY AND THE HENRY HATHAWAY AND SOUTH BY THE HENRY HATHAWAY SURVEY AND NORTH BY THE WILLIAM KING SUR-VEY, SAID LAND LYING AND BEING SITUATED IN GREGG AND UPSHUR COUNTIES.

Rolled Sketch M.H.H. See Rolled Sketch M.H.H.1 Surveyor's Report + Field notes\_ Jelet July 12, 1935 Atwalker Comin. By Source CHarwood

counter 45713

## PREFACE TO SURVEYORS REPORT

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

### Sir:

Since the year of 1932, beginning in March of said year, I have had occassion to do work along the West boundary line of the G. W. Hooper Survey, situated in Gregg and Upshur Counties, Texas. In doing work along said line, I have at various times noted the location of various Deed corners which called to be in the West line of the said G. W. Hooper Survey. I have found that no three of said Deed corners would fall in a straight line. Further investigation revealed the fact that Deed corners called to be in the East boundary line of the David Ferguson Survey ( lying west of the G. W. Hooper Survey) did not coincide with Deed corners called to be in the West boundary line of the said G. W. Hooper Survey.

The above mentioned facts were called to the attention of several land owners in this area; and a thorough investigation was made relative to the discrepancy existing. The records were searched and from their contents it was evident that the two Surveys, i. e. the Hooper, and Ferguson Surveys, never came together. Subsequently, I was employed by said land owners to make a complete surveying investigation on the ground. I have made such surveying investigation and now respectively submit for your approval my report of said work, and findings; accompanied by a map and field notes of the areas investigated, which are madea part of this report.

Rollad Sketch M.H.H. M. H. Hackney M. H. Hackney Surveyon's Report + Fild Notes July 12, 1935 Liconsed State Land Surveyor J.H.Walker, Comr. By Source C. Harwood

See SF\$ 13597 three 13608

N 2

counter 15714

#### REPORT

1

Prior to beginning my survey on the ground, I procured certified copies of the field notes of the G. W. Hooper Survey, and adjacent Surveys, from the General Land Office, Austin, Texas.

The field notes of the G. W. Hooper Survey were made by: Hugh McClelan, District Surveyor, for Shelby County, Texas; and were dated May 14th. 1838. The land enclosed by these field notes being only the major portion of land to which G. W. Hooper was entitled, by virtue of certificate #415, issued by the Board of Land Commissioners for Shelby County. The residue being located by the same surveyor, in what is still Shelby County, Texas.

The surveyor, Hugh McClelan, was the assignee of the said G. W. Hooper; and therefore located his own land.

Investigation of the records of Shelby County, disclosed the fact that the surveyor marked the bearing trees with his initials HM. A similar investigation of the records of Upshur County, i.e. Deed from: Hugh McClelan et.ux. to: S. K. McClelan, dated May 10th. 1846, calls for the bearing trees of the Survey to be marked HM.

In as much as the above mentioned deed was made by the same Hugh McClelan that surveyed the land, and since it anti-dates the Patent by one years time; it is evident that the initials GWH as shown in the field notes on file in the General Land Office were not made by the surveyor who wrote the field notes. As further proof that the surveyor did not make the letters GWH in the field notes on file, it will be noted that the handwriting in the field notes is not the same as that of the letters GWH. Having thoroughly investigated the records pertaining to the G. W. Hooper Survey; I turned my attention to the records pertaining to the David Ferguson Survey.

N3

counter 15715

The records in the General Land Office show that the David Ferguson Survey was surveyed by: Thos. D. Brooks, Deputy Surveyor for Upshur County, District of Nacodoches; and the field notes of this survey was dated December 18th, 1849, When the surveyor, Brooks, described the North East corner of the Ferguson Survey, he called it to be also the North West corner of a league marked WH; and from which a Blackjack 18 in. in dia. bears S. 70 W. 7 vs., and a Hickory 10 in. in dia. bears N. 80 W. 5.4 vs. The next call in these field notes is; Thence: South with the line of the league marked WH, 5099 vs. SW corner from which a Pine 18 in, in dia. bears East 2.6 vs. a Pine 24 in. in dia. bears S. 13 E. 4 vs. (The last call above mentioned has been scratched through and open calls inserted, calling for the SW. corner of the G. W. Hooper, and the Henry Hathaway, Surveys) The next call is; Thence: West with the line of a survey marked J K 458 vs. (The 458 has been scratched through and 460 written above it) Thence: South with said line 466 vs. (The 466 has been scratched through and 454 written above it) to the place of beginning, i. e. the NE corner of the William C.Wakeland Survey, (#172) from, which a Post Oak 14 in. in dia. bears N. 25 E. 6.2 vs., and a Black Jack 10 in. in dia. bears S. 54-30 E. 22.4 vs.

2.

A comparison of the field notes of the G. W.Hooper Survey, with the field notes of the David Ferguson Survey, as written by the surveyor Brooks, shown that Brooks did not make the East line of the Ferguson Survey a common line with the West line of the G. W.Hooper Survey. Specifically:

- 1st. The surveyor Brooks, called for different bearing trees, i. e. different size, different bearings, and different distances; at the NE corner of the Ferguson Survey, to those called for in the field notes of the G. W.Hooper Survey.
- 2nd. The surveyor Brooks, called for the NE. corner of the Ferguson Survey to be the NW corner of a league marked WH; the surveyor Hugh McClelan in deed to S. K. McClelan called for the trees of the Hooper Survey to be marked HM.

3rd. The Hooper Survey was not intended to enclose one league of land.
4th. When Brooks called to go South with the line of the league marked
WH, he called to go 5099 vs. to it's SW. corner.

N4

counter 75716

This distance is found to be excessive by 299 vs. as compared to the called distance on the West line of the G. W. Hooper Survey. Note: Though the called distances of the most of the lines that were

- surveyed in this area at the time of these, are found to vary; it has not been the experience of the writer to find this great a descrepancy to exist.
- 5th. In making the call for the SW. Corner of the league, the surveyor, Brooks, made an indirect call for the line of a Survey marked JK. Refering to the field notes of the Henry Hathaway Survey, we find that the surveyor, Hugh McClelan, called for the WNW. Corner, and the "ell" of the Henry Hathaway Survey to be in the line of a Survey marked JK, & CH. Since the Survey marked JK had a common line with the Hathaway Survey between it's WNW. Corner, and it's "ell" Corner, and since the surveyor McClelan called to go North 361 vs. from the "ell" Corner of the Hathaway Survey to the SW. Corner of the G. W. Hooper Survey, it is obvious that the surveyor, Brooks, did not make even a passing call for the SW. Corner of the G. W. Hooper Survey.
- 6th. As a further proof that the surveyor Brooks, did not make an error of 299 vs. in calling for the SW. Corner of the league referred to in his field notes of the Ferguson Survey. The NE. Corner of the Ferguson Survey, and it's SE. and beginning Corner having been positively, and accurately located on the ground, the writer has measured the distance between the two corners; using precision methods of measurement, i. e. the mean average of the distance measured twice, using plumb-bobs for uneven terrain. The total descrepancy found to exist between the called and actual distance is found to be 50.63 vs., or 62.63 vs., depending on which call is used in going South to the place of beginning, as called in the field notes by the surveyor, Brooks.

N3-

counter 15717

3

The foregoing comments on the field notes of the David Ferguson Survey, as surveyed by the surveyor Thos. D. Brooks, were deemed advisable due to the nature of the next step in the investigation.

The field notes of the David Ferguson Survey as surveyed by the surveyor Thos. D. Brooks, were rejected by the General Land Office; and no Patent was issued on this land until it was resurveyed in May, 1911. Mr. W. C. Elms, County Surveyor for Upshur County, Texas, acting upon the instructions of the Commissioner of the General Land Office, made a corrected survey of the David Ferguson Survey, dated May 20th., 1911; the Pantent was dated Sept. 5th., 1911.

A comparison of the field notes of the Ferguson Survey by Thos. D. Brooks, with those written by W. C. Elms, show that the identical references are called for by Mr. Elms as were called for by Mr. Brooks, at the Easterly NE. corner, and at the Southerly SE. corner. In as much as Mr. Elms made the survey on which the Patent was based, I secured his services in locating the various corners of the Ferguson Survey, as Patented. I am attaching hereto, and making a part hereof, certified photographs of the various corners as identified by Mr. W. C. Elms.

In making the investigation of the lines of the David Ferguson Survey, I first consulted the records; as heretofore mentioned. I began my field work at the Easterly NE. corner of the Freguson Survey as identified by Mr. Elms. This corner is marked by a large Pine stake. (Mr. Elms told me that this was the same stake that he set for this corner in May 1911) From this corner I ran a random line of investigation southward, and at the called distance of 4847 vs. a search was made for the SW. corner of the G. W. Hooper Survey; no trace of the corner or it's bearing trees were found. Continuing on to a distance of 5218 vs. a search was made for the "ell" corner of the Henry Hathaway Survey. No trace of the corner, or it's bearing trees weree found. I then ran my random line of investigation westward; and at the called distance of 460 vs. a search was made for the Westerly NW. corner of the Henry Hathaway Survey, no trace of the corner or it's bearing trees were found. I then ran my line of investigation southward and located the Southerly SE. corner of the David Ferguson Survey, as identified by Mr. W. C. Elms.

NG

counter 15718

This corner was located from the remains of a Post Oak witness tree; called for by both Mr. Brooks, and Mr. Elms. The called course and distance from the corner to the tree is N.25 E. 6.2 vs. 14" Post Oak. This tree is now gone; but was positively identified by the writer in May, or June, 1931. At the time of this survey, 1934, and 1935, the roots of the tree were found; and the stump, and roots, positively identified by Mr. Elms as being the remains of the tree called for by him in the field notes of the Ferguson Survey, made by him in May of 1911. In 1931, at the time that I personally identified the tree, the trunk of the tree was lying on the ground; and it was unmistakably a Post Oak. When Mr. Elms went to the vicinity of this corner with me, I had him to show me where the Post Oak stood that he mentioned in his field notes of the Ferguson Survey. Without any hesitancy, he walked to within about one wara of the Stump; and stated that the tree had stood in that immediate vicinity. We then located the stump from data obtained in the past; and found that the location of the stump and roots checked exactly. I placed the corner with the correct reference to the remains of the Post Oak, i. e. S. 25 W. 6.2 vs. from the SW. face of the Stump. I used a 3/4" Iron pin for the corner; the top of which is 0.2' below the surface of the ground. The following new references to this corner are given: a 15" Sweet Gum bears N. 64-08 W. 13.1 vs., a 7" Hickory bears N.9-10 W. 6.84 vs., a 12" Pine bears N. 36-49 E. 10.44 vs., all of the foregoing trees are marked X.

I then ran a random line of investigation westward, and at the call distance of 2610 vs. a search was made for any evidence of the SW. corner, or it's references, nothing was found. I continued my random line of investigation to the vicinity of the Westerly NW. corner of the David Ferguson Survey. The Mulberry witness tree called for by Mr. Elms at this corner was found. The field note call is for a 14" Mulberry, N.42 W. 2.9 vs. The tree now measures 18" in diameter; and is dead. Inset the corner in the correct relative position to the tree; i. e. S. 42 E. 2.9 vs. from the Old X on the SE. face. There are two X 's on the SE. face of the tree; but the oldest one was identified by Mr. Elms as his mark. When I so placed the corner, I found an old furnace grate bar set vertically in the ground; which measured 0.05 vs. North, and 0.16 vs. East of the corner. This grate bar is not called for in the field notes of the Ferguson Survey; and Mr. Elms told me that he did not set it.

I then went back to the Easterly NE. corner of the Ferguson Survey, and ran a random line of investigation westward.

N9

In thus reversing the calls of the field notes of the Ferguson Survey, we find that the SE. corner of the J. R. Wadkins Survey is called for indirectly, at 1481 vs. west of the Easterly NE. corner of the Ferguson, and it's SW. corner is called to be 2008 vs. west of the Easterly NE. corner of the Ferguson Survey. I found the corner that was called for in the field notes of the Ferguson Survey, as surveyed by Mr. Elms. This corner is marked by an oak stake, and a stone mound; and was positively identified by Mr. Elms, as.being the point called for in his field notes of the Ferguson Survey.

I then ran a random line of investigation northward, and at the call distance of 1350 vs. a search was made for the corner. The bearing trees called for at this corner, by Mr. Elms, were found slightly more than 20 vs. north of call distance. The corner was re-established from the trees as identified by Mr. Elms. The called courses and distances were found to be within a very slight variance of the actual courses and distances.

I then ran a random line of investigation westward, and at the call distance of 360 vs., a search was made for the corner. No evidence was found, of the original corner; called to be the Northerly NW. corner of the David Ferguson, and the SW. corner of the W. Bratton Surveys.

I then ran a random line of investigation southward, and at the called distance of 3434 vs. a search was made for the corner. The corner was located from one Pine stump, and another Pine stump hole; both of which were positively identified by Mr. Elms.

I then ran a line of investigation westward, and at the called distance of 82 vs. a search was made for the corner. No evidence of the original corner was found. This corner was called to be the NE. corner of the A. T. McGee Survey.

I then ran a random line of investigation southward, and at the called distance of 2088 vs. a search for the corner was made. The corner was identified by Mr. Elms at a point slightly more than five vs. south of the called distance. This corner is marked by a Rail Road rail, and a stone. These objects are not called for in the Ferguson Survey field notes; and Mr. Elms said that he did not set them; but positively identified the location of the corner as being where he had placed it in 1911.

I then ran a line of investigation westward, and found that the distance from the corner first above mentioned, to the Westerly NW. corner of the Ferguson Survey, was slightly less than the called distance of 620 vs.

Having located all of the corners of the David Ferguson Survey, I then proceeded to run corrected lines from corner to corner; in the following manner:

N8

# CORRECTED FIELD NOTES OF THE DAVID FERGUSON SURVEY

# 248

7.

### GREGG AND UPSHUR COUNTIES, TEXAS

Beginning at the NE. corner of the William C. Wakeland Survey, for the Southerly SE. corner of this, the David Ferguson Survey, a 3/4" Iron pin for the corner, from which a 15 in. Sweet Gum bears N.64-08 W. 13.1 vs., a 7 in. Hickory bears N. 9-10 W. 6.84 vs., and a 12 in. Pine bears N. 36-49 E. 10.44 vs., all marked X on the side facing the corner.

THENCE:	WEST,
---------	-------

342.5	vs.	The east bank of a branch, 2 vs. wide, course SE. (Called for in the field notes of the W.C.Wakeland, at 337 vs.)
1509.00		The east edge of a marsh, (Called for as a branch 6/10 vs.wide
		in the field notes of the W. C. Wakeland, at 1509 vs.)
2670.93		The SW. corner of the David Ferguson Survey, a stake for corner,
		from which an Oil Well bearing the name of Texota # 1, Mollie
		Fenn, bears N. 62-52 E. 112.18 vs., and another Oil Well bearing
		the name of Prince Bros. # 2, Mollie Fenn, bears N. 8-09 W. 186.69
		¥5.
THENCE:		NORTH,
1470.44	Ħ	The most Westerly NW. corner of the David Ferguson Survey, a stake
		for corner, from which a Mulberry 18" in diameter (Dead) bears
		N. 42-00 W. 2.9 vs., and an old furnace grate set vertically in
		the ground beras N.71-34 E. O.17 vs., and a 2" Iron pipe bears
		N.45-27 W. 3.29 VS.,
THENCE :		N. 89-49-04 E. along an old occupation line,
618.65	"	An interior corner of the David Ferguson Survey, a Rail Road rail
		for corner, (The R.R. rail is set vertically in the ground, and
		a stone is set in the ground beside the rail.) from which a 11 in.
		Pine bears N.8-42 E. 13.65 vs., a 13 in. Pine bears N.21-21 E.

3.36 vs., and another 13 in. Pine bears S.33-48 E. 5.78 vs., and a 2 in. Iron pipe bears S.89-08 W. 1.90 vs.

THENCE : N.00-15-54 E. along an old occupation line, 661.34 " East (right) 3.49 vs. an old Pine knot for Deed corner, from which a 28" Pine bears East 2.16 vs.,

NY

bears S. 68-28 W. 5.00 vs.

counter 15721

and a 26 in. Post Oak Stump

1000.90	<b>vs.</b>	East (right) 3.36 vs. a 13" Post Oak with three hacks on the
		west face.
1001.84		East (right) 2.65 vs. a 17" Post Oak with three hacks on the
		east face.
1137.40		East (right) 1.91 vs. a 22" Sweet Gum with three hacks on the
		north and south faces.
1146.18		East (right) 4.51 vs. a 28" Sweet Gum with three hacks on the
		west face.
1166.61	. 11	East (right) 5.93 vs. a 2" Iron pipe.
1389.03		East (right) 5.62 vs. a 16" Sweet Gum with three hacks on the
		west face.
1401.58		East (right) 2.20 vs. a stake for a lease corner.
2093.34		An "ell" corner of the David Ferguson Survey, a stake for corner,
		from which a 16" Hackberry bears S.48-27 E. 2.54 vs., and 1 1/8"
		car axle driven in a Pine stump, bears S.80-55 W. 1.62 vs., and a
		Rail Road rail set vertically in the ground, bears N.7-06 E.6.70 vs.
THENCE :		EAST
8. 82.00		To another "ell" of the David Ferguson Survey, a stake for corner,
		from which a 16" Pine stump bears N. 61-30 E. 11.6 vs. (NOTE:
		This pine stump, is of heart, or "fat" pine; and is the remains of a
		much larger tree. It was pointed out to me by: Mr. W. C. Elms;
		as being one of the stumps that he used in referencing this corner
		when he made the survey of the David Ferguson Survey in 1911.)
		a 2" Iron pipe bears N. 5-45 E. 6.87 vs., a 19" Hickory bears
		N. 21-48 W. 9.20 vs., and a depression, or stump hole, taken to
		be the position of the other Pine reference tree called for at this c
		corner, in the field notes of the Sarah Harrell Survey, and also
		called for in the field notes of the Ferguson Survey, as surveyed
		by Mr. Thos. D. Brooks; bears N. 35-00 W. 18.60 vs.
THENCE :		N. 00- 26'- 45" E.
391.17		East (right) 1.50 vs. an 11" Red Oak blazed on the north and south
		faces.
557.11		West (left) 8.59 vs. a 24" Pine with three hacks on the east face.
573.87		West (left) 8.59 vs. a 6" Hickory with three hacks on the east face.
591.84		West (left) 8.74 vs. a 29" Black Gum with three hacks on the
		east face.

NIO

(	960.30	<b>v</b> s.	East (right) 7.83 vs. a 2" x 2" stake, from which a 35" twin
			Sweet Gum bears N. 22-28 W. 4.66 vs.
	1372.67	"	East (right) 10.09 vs. a 2" Iron pipe.
	1676.17	n	East (right) 7.17 vs. a 2" Iron pipe, from which a 31" Sweet
			Gum bears N. 36-26 W. 4.04 vs., and a 32" Post Oak stump bears
			N. 24-18 E. 2.72 Vs.
	2218.26	"	The south bank of a branch 3 vs. wide, course westerly.
	2406.82		East (right) 6.24 vs. a 19" Hickory with an X on the east face.
	3327.43	"	West (left) 1.07 vs. a Pine stake for a corner, from which a
			10" Wh. Oak bears S. 2-46 E. 1.19 vs., and an 18" Post Oak bears
			N. 11-01 W. 7.48 vs.
	3353.15		West (left) 1.25 vs. a 20" Wh. Oak with three hacks on north and
			south faces.
	3366.02	H	West (left) 2.31 vs. a 14" Black Gum with three hacks on east face.
	3411.82		A stake for the most northerly NW. corner of the David Ferguson
			Survey; from which a 16" Sweet Gum bears S. 54-36 W. 2.94 vs.,
			a 22" Black Gum bears N. 83-46 E. 7.97 vs., and an 11" Maple
			bears N. 88-46 E. 1.84 vs.
	THENCE:		EAST
	19.98		South (right) 0.72 vs. a 26" Sweet Gum with three hacks on the
			north face.
	100.44	n	South (right) 0.72 vs. a 20" Hickory with three hacks on the
			north face.
	157.27	n	South (right) 2.71 vs. a 43" Red Oak, with block taken from
			north face.
	231.12		South (right) 5.15 vs. a 16" Post Oak with three hacks on the
			north face.
	308.16		South (right) 4.10 vs. a 14" Post Oak with three hacks on the
			south face.
	360.00		A Pine Knot for the most northerly NE. corner of the David Fer-
			guson Survey, from which a 22" Post Oak bears S. 58-30 W. 9.6 vs.,
			and a 13" Hickory bears N. 15-00 W. 8.70 vs., and a stone bears
			S. 64- 52-33 E. 25.87 vs. and from said stone a 12" Red Oak bears
			N. 53-30 W. 5.59 vs., and a 13" Red Oak bears S. 36-45 E. 3.56 vs.
3	HENCE :		S. 00-55-02 E.
	142.00		West (right) 2.82 vs. a 21" Post Oak blocked on the east face.

9.

NII

counter 15723

164.92	<b>VS</b> .	West (right) 1.45 vs. a 20" Sweet Gum with three hacks on the
		east face.
412.28		East (left) 1.58 vs. a 19" Post Oak with three hacks on the
43.0 00		west face.
412.30	-	West (right) 9.94 vs. a 17" Sweet Gum with three hacks on norht and south faces.
538. 93	n	East (left) 13.90 vs. a 12" Pine with three hacks on the north
		and south faces.
749.13		West (right) 1.52 vs. an 8" Hickory with three hacks on the east
		face.
890,99		West (right) 3.33 vs. a 12" Iron pipe.
1054. 73		West (right) 1.38 vs. a 15" Post Oak with two hacks on the north,
		also a fence tree, fence SE. & NW.
1164-50	n	The north bank of a branch 3 vs. wide, course north-westerly.
1130.40		East (left) 4.74 vs. a 12" Pine blazed on the north and south.
1169.23		West (right) 14.65 vs. a 20" Red Oak with wire marks on the east
		fade.
1275.53		West (right) 2.64 vs. an 11" Sweet Gum with three hacks on the
	-	east face.
1370.55	Ħ	An oak stake , and stone mound for an interior corner of the
		David Ferguson Survey, ( Identified by Mr. W. C. Elms ), from
		which a 23" Post Oak bears N.78-32 E. 26.92 vs. this tree has
		three hacks on the south face, and an X on the east face, bear-
		ing and distance were taken to the south face of the tree.
THENCE:		N. 89-45-14 E.
183.40		North (left) 1.23 vs. a 23" Post Oak with three hacks on the
	•	south face, "old hacks"
506.08		South (right) 0.42 vs. a Pine Knot, at the base of an old fence
		post.
1200.28	n	North (left) 7.42 vs. a 16" Red Oak with an old X on the SW.
		face.
1994.35	n	
		An old Pine stake, identified by Mr. W. C. Elms, as being the stake set by him when making the survey of the David Forman Survey
		set by him when making the survey of the David Ferguson Survey
		in 1911, and set for the most easterly NE. corner of same, from
		which the following new bearings and distances are taken, an
		Oil Well bearing the name of Magnolia No. 1, H. Fenton, bears
		N. 16-23-30 W. 124.28 vs., and another Oil Well bearing the

N12

counter 15727

	n	name of Magnolia No. 2, H. Fenton, bears N. 63-36-00 E.
		189.03 vs., and another Oil Well bearing the name of
		Hawkeye No. 1, H. Fenton, bears S. 62-01-00 E. 162.77 vs.
THENCE:		SOUTH,
146.08	VS	. East (left) 26.74 vs. 3/4" Iron pin and stone, from which a
		Post Oak bears S. 34-23 E. 17.69 vs.
788.58		East (left) 26.27 vs. a 3/4" Iron pin and stone, from which
	•	a 22" Black Jack bears N. 20-30 E. 1.60 vs.
1047.15	"	East ( left ) 23.74 vs. a 3/4" Iron pin, from which a 26"
		Red Oak stump bears N.21-19 W. 3.96 vs., and a 27" Red Oak
		bears S.75-16 E. 0.65 vs.
1119.32		East (left) 24.70 vs. the center of an X on the SW. face of
		a 26" Sweet Gum, which has three hacks on the east face.
1216.93	n	
		a 16" Sweet Gum.
1436.53		East (left) 24.29 vs. a stake in a stone mound, from which a
		stump hole, and roots of a Pine reference tree to a Deed corner,
		bears N. 3-25 W. 2.94 vs., and a 14" Balck Jack snag bears
		S. 76-47 E. 6.98 vs., and a 12" Black Jack snag bears N. 39-44 E.
		9.42 vs.
1914.63	vs.	East (left) 24.51 vs. a 2" Iron pipe.
2065.35	n	East (left) 24.62 vs., a 3/4" Iron pin.
2546.23		East (1rft) 40.98 vs. a stake for Deed corner, from which a
		Black Jack snag bears S. 40-00 E. 5.60 vs., and the stump of
		a Pine peference tree bears N.35-00 W. 4.40 vs.
2550.66		East (left) 17.23 vs. a 2" Iron pipe, marked Magnolia. said pipe
		is located in an old fence corner.
2872.44		East (left) 16.54 vs. a 2" Iron pipe marked Magnolia.
2875.78		East (left) 16.97 vs. a 3/4" Iron pin marked Shell.
3153.47	n	East (left) 20.98 vs. a 2" Iron pipe marked Magnolia, said pipe
		is located in an old fence corner, and from which a 14" Pine
		bears S. 2-49 E. 9.59 vs.
3629.80		The north bank of a branch 2 vs. wide, course southward, (Branch
		runs in a marshy bottom )
4031.78		East (left) 19.93 vs. a 3/4" Iron pin, marked Shell, and an old
		Pine Knot, from which a 33" Wh. Oak bears S. 83-36-30 E. 9.47 vs.,
		and a 15" Wh.Oak bears N. 57-57-30 W.3.31 vs.
4829.41		East (left) 50.17 vs. a 2" Iron pipe, the SW. corner of the G. W.
		Hooper Survey, (As re-established) from which a 2" Iron pipe bears
		N. 63-13 W. 21.69 vs., and a 3/4" Iron pin marked Shell, bears
		line counter 1570

N13

counter 15725

11.

		N. 66-15 W. 24.73 vs.
5130.63	¥5.	Crossing the most westerly portion of the North line of the
		Henry Hathaway Survey, ( The field note calls of these two
		Surveys show an OVERLAP of 51.00 vs. as patented)
5181.63	"	An "ell" corner of the David Ferguson Survey, as surveyed and
		patented; said corner is actually within the boundaries of the
		Henry Hathaway Survey.
THENCE:		WEST,
442.20		An "ell" corner of the David Ferguson Survey, a stake set in the
		West boundary line of the Henry Hathaway Survey, from which a
		2" x 2" stake (painted white ) bears N. 48-33 W. 14.69 vs.,
THENCE :		SOUTH,
27.20	n	West, (right) 7.20 vs. a 26" Post Oak, with three hacks on the
1		west.
253.28		West (right) 3.17 vs. a 14" Black Jack, blazed north and south.
434.00	Ħ	The place of Beginning, and containing in all 2,659.85 acres of
		land; of which there is an OVERLAP of 3.99 acres on the Henry
		Hathaway Survey.

In making the investigation of the boundary lines of the G. W. Hooper Survey, I first consulted the records pertaining to same; as mentioned on page 1 of this report. The Hooper Survey calls to begin at it's NW. corner; which is also called to be the NE. corner of a Survey the bearing trees of which are marked C.H., and in the South boundary of another Survey, the bearing trees of which are marked T.N.C. From the place of beginning the field notes call to go in an anti-clockwise direction . From an investigation of the records it was determined that the Surveys marked C.H. & T.N.C. were surveys that were made prior to the Hooper Survey, and were for some reason abandoned.

In beginning my field work on the lines of the Hooper Survey, I went to the immediate vicinity of the NW. corner of the Hooper Survey, and made a thorough search for the corner; failing to locate even a corner by recognition, I began a transit surveying investigation from this vicinity. As in making surveying investigations of other lines in this area, and to be sure that oil wells, pipe lines, tank batteries, or wire fences would not cause me trouble by attracting the needle on the

N14

counter 15726

instrument; I took an observation on Polaris in order to determine a true course, I then ran southward, taking field note descriptions and positions of all deed corners and other objects such as branches, creeks and etc., that might be of help in re-establishing the west boundary line of the G.W. Hooper Survey. Note: All bearings were read direct from the At the distance plates of the Transit and hence were true bearings. called for in the field notes of the G.W. Hooper Survey, for the Southwest corner of same, and in the vicinity of said southwest corner as evidenced by occupation and/or recognition, I made a search for the bearing trees, ed call/for at the Southwest corner of the said G.W.Hooper Survey, to-wit: A Blackjack 12 inches in diameter S. 68 W. 3.5 varas and a Post Oak 20 inches in diameter S. 23 E. 17 varas. I found no trace of either of these trees and continued my line of investigation on in an anti-clockwise direction, tying in all objects that might be of use in determining, and re-establishing the lines of the G. W. Hooper Survey. I continued this Transit Survey around the entire Hooper Survey and in the vicinity of each of the corners I made diligent search for any object or objects that might be used to re-establish said corners. In this entire investigation I was unable to locate any corner called for on the G. W. Hooper Survey in the field notes of same.

Having completed my Transit investigation I carefully platted all of my Transit notes on a map, and proceeded to correlate all the evidence found while making said survey.

Having accurately meandered the various streams called for in the patented field notes of the G. W.Hooper Survey, I endeavered to place the West and South lines of the Survey as called for in the original Surveyor's field notes with reference to creek-crossing calls. I found that there was one position which if adopted for the south line of the G.W.Hooper Survey, would match the creek-crossing calls as given in the original field notes with a maximum variance of 3.9 varas; this amount of discrepancy in the called distance was determined by working on the

N15-

counter 15727

13

theory that the original Surveyor, Mr. McClelan gave the Creek passing call at the first bank of the Creek that he came to. Adopting this position for the South boundary line of the G. W. Hooper Survey I found that it matched to a very near degree of perfection, the occupation line, i.e. Deed corners, fence lines, and an old abandoned road-way, for practically the entire length of the south boundary line of the Hooper Survey. The beraing of this line in an anticlockwise direction is N. 89- 15 E. It is found that this is the only position that can be used for this line and get a close check on the creek-crossing calls, as well as the other evidence above mentioned. I find that by so placing this line that the called distance of 4810 vs. fits the occupation lines intersection at the SE.corner of the Hooper Survey. Having determined the position of the South line, I then endeavored to match the creek-crossing call given on the West boundary line, i. e. 3850 vs. South of the Northwest, or beginning corner. In doing this I worked on the theory that if there was any discrepancy in distances on the West line that it would be more apt to be between the NW. corner and the Creek called for at 3850 vs., than between the Creek and the SW. corner. There being just a little less than 1/4 the distance in which to make a chaining error. Investigation disclosed that at 950 vs. North of the SW. corner the line would intersect the North bank of the creek called for in the original field notes.

Next, I endeavored to by correlation of the various Deed corner positions and evidences of occupation, determine the bearing of the East line of the Hooper Survey. I found that in the absence of any object called for on this line in the original field notes of the Survey, that it would have to be a due North line.

Investigation of Deed corner positions and occupation evidence along the North line of the Hooper Survey, showed that this line would have the bearing of S. 89-48 W.

N16

14.

counter 15728

Having determined the bearings of all four lines of the Survey, I next calculated their points of intersection at all corners. The following new field notes are made for the Hooper Survey, beginning at its N W or beginning corner and running in an anti-clockwise direction as did the original field notes.

## NEW FIELD NOTES FOR THE G. W. HOOPER SURVEY

BEGINNING at a 2 inch iron pipe set for the N W. corner of said G. W. Hooper Survey, from which an oil well bearing the name of "Magnolia" No. 1, H. Fenton, bears, N. 35-53 W. 145.43 varas, another oil well bearing the name of "Magnolia" No. 2, H. Fenton, bears, N. 55-15-15 E. 145.00 varas, and another oil well bearing the name of "Hawkeye" No. 1, H. Fenton, bears S. 50-16-12 E. 121.67 varas; THENCE South

- 147.47 Vs. West, (right) 23.43 varas, a stone, and a 3/4 inch iron pin marked Shell corner, from which a Post Oak bears S. 34-23 E. 17.69 varas.
- 789.98 "West, (right) 23.9 varas, a stone, and a 3/4 inch iron pin marked Shell corner, from which a 22 inch Blackjack bears
   N. 20-30 E. 1.6 varas.
- 1048.55 "West, (right) 26.43 varas, 3/4 inch iron bolt, from which a 26 inch Red Oak Stump bears N. 21-19 W. 3.96 varas, and a 27 inch Red Oak bears S. 75-16 E. 0.65 varas.

NIT

counter 45729

15.

- 1120.72 Vs. West, (right) 25.47 varas, center of "X" on SW. face of a 26 inch Sweet Gum, also three hacks on the East face of this tree.
- 1218.33 "West, (right) 27.36 varas, the center of an "X" on the NE. face of a 16 inch Sweet Gum, at
- 1437.93 "West, (right) 25.88 varas, a stake in stone mound, from which the stump hole and roots of a Pine reference Tree to this Deed corner bears N. 3-25 W. 2.94 varas, and a 14 inch Blackjack snag (another original reference tree to this Deed corner) bears S. 76-47 E. 6.98 varas, and another Blackjack snag, 12 inches in diameter bears, N. 39-44 E. 9.42 varas.
- 1916.03 " West, (right) 25.66 varas, a 2 inch iron pipe.
- 2066.75 " West, (right) 25.55 varas, 3/4 inch pron pin.
- 2384.92 "West, (right) 1.56 varas, to a point in old fence line, three old fence posts in a line the bearing of which is  $S_{\bullet}^{1}$  0-10-50 E.
- 2547.63 "West, (right) 9.19 varas, a stake, in original position for a Deed corner as established from Deed Records, from which a Blackjack snag with an old "X" on the NW. face bears S. 40-00 E. 5.6 varas, and stump of original Pine bearing tree (found beneath the surface of the ground) bears N. 35-00 W. 4.4 varas.
- 2552.06 "West, (right) 32.94 varas, a 2 inch iron pipe marked "Magnolia", said pipe being in an old fence corner.

N18

counter 15730

16.

1

- 2873.84 Vrs. West (right) 33.63 varas, a 2 inch iron pipe marked "Magnolia".
- 2877.18 "West, (right) 33.20 varas, a 3/4 inch iron pin marked "Shell"
- 3154.87 "West, (right) 29.19 varas, a 2 inch iron pipe marked "Magnolia", from which a 14 inch Pine bears S.2-49 E. 9.59 varas, said iron pipe being located in an old femce corner.
- 3880.81 " The north bank of a branch 2 varas in width, general course of stream south. This is the North bank of the old channel of this stream. At this point good evidence of the old channel is found, to-wit: a dense Willow Thicket, and a sand or silt bar. This bar, and Willow thicket extends South Eastward some 20 varas, and then makes a swing back south westward into, or connecting with the present channel of this stream. Note: See notation on map made a part of this report.
- 4033.18 "West (right) 30.24 varas, a Pine knot, and 3/4 inch iron pin marked "Shell", from which a 33 inch White Oak stump bears, S.83-36-30 E. 9.47 varas, and a 15 inch White Oak bears, N.57-57-30 W. 3.31 varas.

4820.85 "West, (right) 22.64 varas, a 3/4 inch iron pin marked "Shell".

N19

corenter 15731

4821.03 " West, (right) 19.36 varas, a 2 inch iron pipe.

4830.81 Vrs. A 2 inch iron pipe set for the South West corner of the G. W. Hooper Survey from which a 2 inch iron pipe bears N. 63-13 W. 21.69 varas, and a 3/4 inch iron pin marked "Shell", bears N. 66-15 W. 24.73 varas,

THENCE N. 89-15 E.

- 61.7 " A branch 1 vara wide, course SE.
- 241.57 "North (left) 6.59 varas a 25 inch Sweet Gum with two hacks on the North face.
- 326.34 " North (left) 2.88 varas, center of old road evidence.
- 793.14 "North (left) 5.07 varas, a 22 inch Red Oak snag with an "X" on the South face.
- 1567.03 " South (right) 6.97 varas, a 2 inch iron pipe.
- 1852.25 " The west bank of a branch 2 varas in width, (Galled for at 1850 varas by Mr. McClelan) course NE.
- 1900.47 "South (right) 5.06 varas, center of a 21 inch Sweet Gum marked for a fore & aft tree.
- 1946.84 " South (right) 5.66 varas, a 2 inch iron pipe.
- 1969.00 "North (left) 4.38 varas, a 24 inch Red Oak with three hacks on the East face.
- 2237.67 "South (right) 6.99 varas a stake, from which a 12 inch Sweet Gum bears S. 72-49 E.19.08 varas, a 16 inch Pine bears S. 60-11 E. 19.34 varas, and an 8 inch Red Oak bears N. 81-13 E. 14.39 varas.

N20

counter 15732

. 18.

2454.12 Vrs. The center of old lane and hedge rows, course North. 2817.18 " South (right) 31.23 varas, a 1 inch iron bolt, East end of a newly built fence. 2667.43 " South (right) 24.99 varas, a 2 inch iron pipe. 3346.1 11 The West bank of a creek 6 varas in width (Hawkins Creek), (called for by Mr. McClelan at 3350 varas.) 3693.85 " North (left) 13.39 varas, a 2 inch iron pipe marked "A F 0 C 0 ", from which a 14 inch Sweet Gum marked "A F O C O ", bears N. 32-45 E. 5.4 varas, and a 12 inch Pine marked "A F O C O ", bears S. 15-01 E. 3.07 varas. 4110.48 " North ( left) 9.23 varas, a 2 inch iron pipe from which a 16 inch Blackjack marked "AFOCO" , P, 106, bears S. 29-15 W. 5.37 varas. South (right) 0.97 varas, a 2 inch iron pipe and a 4321.96 " 3/8th inch iron rod. South (right) 0.98 varas, a 2 inch iron pipe. 4331.39 " 4613.35 " South (right) 2.75 varas, the center of an old "X" on the East face of a 23 inch Red Oak. 4810.00 "

The South east corner of the G. W. Hooper Survey.

N21

counter 15733

a 2 inch iron pipe set for the said SE. corner of the G. W.Hooper Survey, from which an oil well bearing the name of Stanolind No. 4, M. B. Harley, bears N. 44-13 -50 W. 174.22 varas, and a 23 inch Red Oak with an old "X" on the East face thereof, bears S. 88-08 W. 196.70 varas.

THENCE North

190.56 Vrs. West (left) 3.04 varas, a 23 inch Blackjack, with an "X" on the West face thereof.

20.

- 296.6 "West (left) 4.05 varas, a Drive shaft for a corner,??
- 482.16 "West (left) 4.05 varas, a Ford Drive Shaft for corner, from which a 10 inch Pine stump marked "A F 0 C 0 " bears
  S. 84-43 E. 13.12 varas.
- 486.6 "West (left) 2.37 varas, a 2 inch iron pipe, and a 2 inch x 2 inch Wooden stake (painted white), from which a 10 inch Pine stump bears S. 64-08 E. 12.94 varas.
- 723.97 "West (left) 4.24 varas, a 2 inch iron pipe.

1037.21 " East (right) 4.14 varas, a 2 inch iron pipe from which a 19 inch Elm with an "X" on the East face thereof, bears S. 86-58 W. 1.5 varas.

N22

counter 15734

1211.14 " West (left) 4.95 varas, a 2 inch iron pipe.

1299.23 " West ( left) 7.95 varas, a 2 inch iron pipe.

- 1919.88 Vrs. West (left) 0.04 varas, a 2 inch iron pipe from which a 16 inch Post Oak bears N. 2-55 W. 11.95 varas, and a 30 inch Post Oak with an "X" on the Northwest face thereof, bears S. 34-40 W. 9.32 varas.
- 2157.16 " East (right) 0.47 varas, an 18 inch Pine with an "X" on the West face thereof.
- 2284.58 "West, (left) 8.94 varas, a 1 1/4 inch iron pipe from which an 8 inch Oak stump bears N. 18-08 W. 4.5 varas, and a 7 inch oak stump bears S. 7-18 W. 6.34 varas.
- 2396.11 "West (left) 6.48 varas, a 2 inch iron pipe from which a 16 inch pine with an "X" on the Northwest face thereof, bears N. 81-19 E. 1.84 varas.
- 2397.76 "West (left) 8.59 varas, a 1 inch iron pipe from which a 16 inch Pine with an "X" on the Northwest face thereof bears S. 70-30 E. 4.12 varas.

2637. 68 " West (left) 7.81 varas, a 1 1/4 inch iron pipe.

2873.1 " West (left) 6.21 varas, a 1/1/4inch iron pipe.

2913.96 "West (left) 6.76 varas, a l 1/4 inch iron pipe, from which a 16 inch burned Pine with an "X" on the North face thereof, bears S. 2-07 E. 3.21 varas.

3027.37 " West (left) 6.31 varas, a 2 inch iron pipe.

3315.16 "West (left) 5.46 varas, a 2 inch iron pipe, and a l 1/4 inch iron pipe.

N23

counter 45735

3365.2 Vrs. West (left) 5.34 varas, a 2 inch iron pipe.

3807.53 " East (right) 8.9 varas, a 1 1/4 inch iron pipe.

4044.23 " East (right) 6.08 varas, a 2 inch iron pipe.

4784.63 " A 2 inch iron pipe set for the North east corner of the said G. W.Hooper Survey, from which an oil well bearing the name of Sun Oil Company No. 2, J. T. Loden, bears S. 60-06015 E. 224. 73 varas, and another oil well bearing the name of Sabinas Oil Corporation No. 1, "C", T.M. Collins, bears S. 44-14-08 W. 161.91 varas.

THENCE S. 89-48W.

248.5 " South (left) 0.49 varas, a 2 inch iron pipe.

- 1071.46 "North (right) 2.89 varas, a 2 x 4 stake, on North edge of road-way,
- 1273.9 "South (left) 4.72 varas, a 2 inch iron pipe center line of Road-way from which a Birch with an "X" on the Southwest face thereof, bears N. 34-09 E. 7.42 varas, and a 12 inch Sweet Gum with an "X" on the Northeast face thereof, bears S. 51-23 W. 11.95 varas.

1326.41 " A branch 6 varas wide, course southerly.

2387.66 " South (left) 10.83 varas, a 2 inch iron pipe.

3359.9 "North (right) 5.98 varas, a "Shell" stake, said stake being located at a fence intersection.

N24

2018年1

counter 75736

22.

3803.78 Vrs. A l inch iron bolt on line, from which a 10 inch Post Oak with an "X" on the North east face thereof, bears S. 28-02 W. 7.58 varas. Beginning of evidence of old road extending westward.

23.

4221.78 " Center of High-way course Southwest.

4314.75 " On line, beginning of old Rail fence, extending westward.

4809.61 " The place of beginning, and containing in all 4095.92 acres of land. Note: Original field notes of the G.W. Hooper Survey purport to inclose 4089.71 acres of land.

Having located and accurately run the lines of both the Ferguson and Hooper Surveys, I next turned my attention to the Records of the Henry Hathaway Survey. We find from a certified copy of the Henry Hathaway Survey as of record in the General Land Office, Austin, Texas; that this Survey was made by the same Hugh McClelan, District Surveyor, for Shelby County, Texas, that ran the G.W. Hooper Survey. Mr. McClelan dated these field notes, i. e. the field notes of the Henry Hathaway Survey, the 7th day of November, 1838. At the place of beginning, we find a portion of these notes scratched through; but it is definitely known that they began on the West line of the William Robertson Survey, and at the Southeast corner of the G. W.Hooper Survey. The notes are run in a clock-wise direction. The first call in these notes is South with the west boundary line of the said Willian Robertson Survey, 846 varas, to a stake for the ME. corner of the W. H. Castleberry Survey:

# THENCE West

1540 Vrs. a stream 6 varas wide flowing southwardly.

4750 " Cherokee Trace.

5250

Third corner, a stake from which N.10 E. a Post Oak 12 inches in diameter, 7 varas distant, and N. 35 E. a Pine 36 inches in diameter, 10 varas distant, marked J K & W H C.

12 3-

counter 45737

#### THENCE North

485 Vrs. A stake in the South boundary line of another Survey, the bearing trees of which are marked C H; from which N. 70 E. a Pine 14 inches in diameter 35 varas distant, N. 70 W. a Hickory 6 inches in Diameter 35 varas distant, marked J K.

24.

440 " THENCE East

- 440 "
  - Crossing second trace (evidently second crossing of Cherokee Trace) to fifth corner, a stake from which N. 30 E. a Pine 24 inches in diameter 8.5 varas distant, and North. 14 W. a Pine 24 inches in diameter, 14.5 varas distant, marked C H and J K. THENCE North with the East boundary line of said Survey 361 varas to sixth corner, a stake from which S. 56 E. a Red Oak 12 inches in diameter 18 varas distant, and S. 23 E. a Post Oak 10 inches in diameter, 17 varas distant, marked J K and G W H. THENCE East

3350 " A stream 5 varas wide flowing South, continuing on with the south boundary of said Survey marked G W H in all 4810 varas to the place of beginning.

Particular attention is called to the bearing tree calls at the Hathaway Survey most westerly southwest corner. In these notes i. e. the Hathaway notes we find a call for a 12 inch Post Oak N. 10 E. 7 varas, and a 36 inch Pine N. 35 E. 10 varas. At the N W corner of the W. H.Castleberry Survey we find a call for a Post Oak N. 10 E. 6.4 varas and a Blackjack S. 53-30 E. 20.8 varas, both marked WHC. At the SE. or beginning corner of the David Ferguson Survey, as surveyed by Thomas D. Brooks, in December 1849. We find a call for 14 inch Post Oak N. 25 E. 6.2 varas and a Blackjack 10 inches in diameter, S. 54-30 E. 22.4 varas. It will be noted that in the field notes of each of the junior surveys, i. e. the Hathaway and the Ferguson Surveys, that the Surveyors in each instance called for the NW corner of the W H Castleberry survey; and by the calls given in each set of field notes it would

N26

Counter 75738

naturally appear that these three sets of field notes, i. e. the Castle berry, Ferguson and Hathaway Surveys had a common corner at this point.

The next point to which attention is called is the Westerly Northwest corner of the Hathaway Survey. At this point the Surveyor, Mr. McClelan, called for the corner to be in the South boundary line of a survey the bearing trees of which are marked C H; and then stated that at least one of the bearing trees for this corner was marked J K. In the field notes he then goes East at 440 varas crossing second Trace to fifth corner and calls for a stake for a corner from which a 24 inch Pine bears N. 30 E. 8.5 varas, and a 24 inch Pine bears N. 14 W. 14.5 varas, marked C H & J K. By the bearing trees of this corner being marked J K and C H it is evident that he made this "ell" corner of the Hathaway Survey on a corner of the abandoned survey, the bearing trees of which are marked J K; and possibly the corner of an abandoned survey, the bearing trees of which were marked C H.

Reference is here again called to the corner of the Ferguson Survey as surveyed by the surveyor, Brooks, in 1849; wherein he called for the Southwest corner of a League, the bearing trees of which are marked W H. At this corner of the Ferguson Survey he made an indirect call for the line of a Survey the bearing trees of which were marked J K. By the bearing trees called for by the surveyor, Brooks, at this corner, i. e. a Pine 18 inches in diameter bears E. 2.6 varas and a Pine 24 inches in diameter bears S. 13 E. 4 varas; we know definitely that the corner above described was not a common corner with the one described by Mr. McClelan in his survey of the Hathaway Survey. For where Mr. McClelan called for a corner of the line of the Survey, the bearing trees of which are marked J K, Mr. Brooks made his corner somewhere West of the corner of this abandoned survey marked J K, by reason of his merely calling for a corner in the line of said Survey and not the corner of said Survey.

N27

Caenter 15739

25.

The only other Patented Survey in this area that purports to give definite connecting ties to the lines or corners of the Hooper Survey, is the Survey made for William King. The field notes of the King Survey were made by G. W. Hooper; and were dated May 10, 1838. In another certificate on these field notes Mr. Hooper states that the survey has been made since the 1st. day of February, 1838. This gives rise to the question of why the date of the field notes was made May 10, 1838; when by the other certificate of the Surveyor the survey had been made since the 1st. day of February, 1838. The following analysis gives the answer to this question.

The field notes of the William King Survey are here recited. Beginning at the SW. corner of a Survey marked L W, a stake from which a R.O. 26" brs. S.10E. 12 vs., and a B.O. 15" brs. N.20 W. 10 vs., both marked L W. THENCE: East, 5000 vs. with the South boundary of L W Survey, to a stake from which a Pine 15" brs. N.73 W. 3 vs., and a Hickory 10" brs. N.86 E. 2 vs., both marked T N C.

THENCE: South, 5000 vs. intersected the North boundary of a Survey marked G W H at a stake from which a Pine 33" brs. N. 73 W. 10 vs., and a Hickory 10" brs. S.17 W. 18 vs., both marked T N C .

THENCE: West, with the North boundary line of G W H Survey, at 65 vs. crossing a bayou 3 vs. wi de, running south, at 3600 vs. passing the NW. corner of G W H Survey, at 4650 vs. crossing Cherokee Trail, and at 5000 vs. to a stake from which a Red Oak 14" brs. N. 65 W. 2 vs., and a Post Oak 15" brs. N. 87 W. 4 vs. both marked T N C.

THENCE: North, at 4050 vs. crossing 2nd. Cherokee Trail, and at 5000 vs. to the place of beginning.

From the field notes of the King Survey we find that three of it's corners were marked for corners of another Survey marked T N C. The only way that this could have been brought about was for the William King Survey field notes to have been adopted from the field notes of a previously made Survey which had been abandoned. This was quite evidently the case; and the Survey that had been abandoned was the T N C Survey. Therefore the King Survey covered the abandoned T N C Survey in it's entirety.

By reference to the field notes of the G. W. Hooper Survey, we know that the common line of the Hooper, and King Surveys is actually the South boundary line of the abandoned T N C Survey.

N 28

Counter 45740

26.

The low

Having explained on page 11 of this report how the North boundary line of the G.W.Hooper Survey was located on the ground, the same method was used in locating the SE. corner of the William King Survey. The SE. corner of the King Survey was placed in the north boundary line of the G. W. Hooper Survey, as called for, and at a point 65 vs. east of the bayou called for in the King Survey field notes. I ran a line of investigation westward on the bearing previously determined, i. e. S. 89-48 W. and at 3600 vs. made a search for the NW. corner of the G. W. Hooper Survey. From evidence previously obtained in making the corrected survey of the G. W. Hooper Survey, as previously related in this report, it was evident that the passing call of 3600 vs., as called for in the King Survey field notes, was in error. I continued the line of investigation westward; and at 5000 vs. made a search for the SW. corner of the King Survey, i. e. the SW. corner of the T N C Survey. At this point no evidence was found. The line of investigation was continued westward to the innar corner of the David Ferguson Survey, i. e. the SW. corner of the J. R. Wadkins Survey, as identified by Mr. W. C. Elms. The distance from the SE. corner of the King Survey as established, to the SW. corner of the Wadkins as identified by Mr. Elms, was found to be 5592. 72 vs.

A further investigation of the records of the adjoining Surveys was made; and the following facts were revealed.

1 st.

• The William King Survey extended to the western-most extremity of the T N C Survey as evidenced by the field notes of the King Survey.

In the year 1849, Mr. Thos. D. Brooks surveyed the David Ferguson 2 nd. Survey. In the field notes of the Ferguson Survey by Mr. Brooks, he called to go East 390 vs. from the most northerly NW. corner of the Ferguson Survey, and intersect the West line of the William King Survey. The West line of the Ferguson Survey as surveyed by Mr. Brooks can be identified, and has been positively identified on the ground at the present time. The call distance of 390 vs. East from this line is within 8.06 vs. of the line that is recognized as the West line of the J. R. 212 Wadkins, and the Henry Alsup Surveys. Continuing the investigation of the records a comparison of the field notes of the William King, and the J. R. Wadkins Surveys was made. From this comparison it was found that in the field notes of each Survey, i. e. the King, and Wadkins Surveys, the SW. corne r of the T N C Survey was specifically called for; i. e. The SW. corner of the King Survey calls for the SW. corner of the T N C Survey, and the SW. corner of the Wadkins Survey calls for the SW. corner of the TNC Survey.

129

counter 15741

27.

The foregoing statement is substantitated by the calls in the field notes of the King Survey, at it's SW. corner, i. e. a Red Oak 14" brs. N. 65 W. 2 vs., and a Post Oak 15" brs. N. 87 W. 4 vs.; and the calls at the SW. corner of the Wadkins Survey, i. e. a Red Oak brs. N. 56 W. 4 vs., and a Post Oak brs. N. 87 W. 4 vs. In each instance the trees are called to be marked T N C. The variance in the call for the Red Oak was evidently brought about by a transposition of the figures six and five, and by mis-reading the called distance to the tree. It will be noted that Mr. Hooper made a figure two that was quite similar to a figure four; and Mr. Glasco evidently took the figure two to be a figure four.

- 3 rd. Comparing the following field notes and their dates, i. e. the King Survey, May 10, 1838, the Ferguson Survey, (As surveyed by Mr. Thos. D. Brooks ) Dec. 26, 1849, and the Wadkins Survey, March 5, 1858, we find the following: The William King Survey is actually the T N C Survey renamed. The David Ferguson Survey field notes (By Brooks) calls for the west line of the William King Survey, and for the SW. corner of the King Survey. When the Wadkins Survey was made, it called for the inner corner of the Ferguson Survey as it's SW. corner. In writing these field notes Mr. Glasco also called for the bearing trees at the SW. corner of the Wadkins to be marked T N C . The bearing trees called for at the SE. corner of the Wadkins Survey are not the same trees called for at the SW. corner of the King Survey.
- 4 th. Summing up the record evidence as set out in the foregoing statements, we find:

The J. R. Wadkins Survey was laid over a portion of the William King Survey; and is in fact an overlap in it's entirety, on the William King Survey. Thus the original south line of the William King Survey is found to be actually 5592.72 vs. in length. The call distance is 5000 vs. Considering this descrepancy in the total length of the south line of the King Survey; it is certainly inconsistent to consider the passing call of 3600 vs. as being of a locative nature in locating the NW. corner of the G. W. Hooper.Survey.

Of the evidence as recorded, the William King Survey field notes supply the only definite means of locating the abandoned Survey the bearing trees of which are marked T N C .

~30

counter 15742

To be sure that no recored evidence would be over-looked in treating the matter at hand, a thorough search was made of the County records of Shelby, and Nacogdoches Counties; and of the Archives of the General Land Office, Austin, Texas.

From the foregoing treatment of the record, and physical evidence, it is evident that the Ferguson, and Hooper Surveys have never had a common line.

### CONCLUSION

Having mad e the foregoing examination of the record evidence, and having actually surveyed all the lines of the G. W. Hooper Survey, and the David Ferguson Survey, my conclusion is as follows:

1 st. That the above mentioned Surveys do not have a common line at any point.

2 nd. That there does exist a tract of vacant land lying and being situated between the following Surveys: bounded on the East by the G. W. Hooper, and Henry Hathaway Surveys, and on the West by the David Ferguson Survey, and on the South by the Henry Hathaway Survey, and on the North by the William King Survey.

N31

counter 15743

Field notes of a tract of vacant land lying and being situated between the following Surveys: bounded on the East by the G. W. Hooper and Henry Hathaway Surveys, and on the West by yht David Ferguson Survey, on the South by the Henry Hathaway Survey, and on the North by the William King Survey; and being about S. 20 E. ten miles from the town of Gilmer and being in Gregg and Upshur Counties, Texas, and being more particularly described as follows to-wit:

BEGINNING at the NW. corner of the G. W. Hooper Survey, a 2" Iron pipe for corner, from which an Oil Well bearing the name of "Magnobia" No. 1, H. Fenton, bears N. 35-53 W. 145.43 vs., another Oil Well bearing the name of "Magnolia" No. 2, H. Fenton, bears N.55-15-15E. 145.00 vs., and another Oil Well bearing the name of "Hawkeye" No. 1, H. Fenton, bears S. 50-16-12 E. 121.67 vs.

THENCE :

South

- 147.47 vs.West,(right) 23.43 vs. a stone and a 3/4" iron pin marked "Shell" corner,from which a Post Oak bears S. 34-23 E. 17.69 vs.
- 789.98 vs. West, (right) 23.90 vs. a stone and a 3/4" iron pin marked "Shell" corner, from which a 22" Black Jack bears N.20-30 E. 1.6 vs.
- 1048.55 vs. West, (right) 26.43 vs. a 3/4" iron bolt, from which a 26" R.O. stump bears N. 21-19 W. 3.96 vs., and a 27" R. O. bears S. 75-16 E. 0.65 vs.
- 1120.72 "West, (right) 25.47 vs. the center of an X on the SW. face of a 26" Sweet Gum, also three hacks on the East face of this tree.
- 1218.33 "West, (right) 27.36 vs. the center of an X on the NE. face of a 16" Sweet Gum.

N32

counter 15749

- 1437.93 Vrs. West, (right) 25.88 varas, a stake in stone mound, from which the stump hole and roots of a Pine reference Tree to this Deed corner bears N. 3-25 W. 2.94 varas, and a 14 inch Blackjack snag (another original reference tree to this Deed corner) bears S. 76-47 E. 6.98 varas, and another Blackjack snag, 12 inches in diameter bears, N. 39-44 E. 9.42 varas.
- 1916.03 " West, (right) 25.66 varas, a 2 inch iron pipe.
- 2066.75 " West, (right) 25.55 varas, 3/4 inch iron pin.
- 2384.92 "West, (right) 1.56 waras, to a point in old fence line, three old fence posts in a line the bearing of which is S. 0-10-50 E.
- 2547.63 "West, (right) 9.19 varas, a stake, in original position for a Deed corner as established from Deed Records, from which a Blackjack snag with an old "X" on the NW. face bears S. 40-00 E. 5.6 varas, and stump of original Pine bearing tree (found beneath the surface of the ground) bears N. 35-00 W. 4.4 varas.
- 2552.06 "West, (right) 32.94 varas, a 2 inch pipe marked
  "Magnolia", said pipe being in an old fence corner.
  2873.84 "West, (right) 33.63 varas, a 2 inch iron pipe marked
- 2873.84 "West, (right) 33.63 varas, a 2 inch iron pipe marked "Magnolia".
- 2877.18 "West, (right) 33.20 varas, a 3/4 inch iron pin marked "Shell".
- 3154.87 "West, (right) 29.19 varas, a 2 inch iron pipe marked "Magnolia", from which a 14 inch Pine bears S. 2-49 E. 9.59 varas, said iron pipe being located in an old fence corner.
- 3880.81 " The north bank of a branch 2 waras in width, general course of stream south. This is the North bank of the old channel of this stream. At this point good evidence of the old channel is found, to-wit: a dense Willow

N33

counter 45745

31.

Thicket, and a sand or silt bar. This bar, and Willow Thicket, extends South eastward some 20 varas, and then makes a swing back south westward into, or connecting with the present channel of this stream. Note: see notation on map made a part of this report.

- 4033.18 Vrs.West, (right) 30.24 varas, a Pine knot, and 3/4 inch iron pin marked "Shell", from which a 33 inch White Oak bears S. 83-36-30 E. 9.47 varas, and a 15 inch White Oak bears N. 57-57-30 W. 3.31 varas.
- 4820.85 " West, (right) 22.64 varas, a 3/4 inch iron pin marked "Shell".

4821.03 " West, (right) 19.36 varas, a 2 inch iron pipe.

4830.81 " A 2 inch iron pipe set for the South West corner of the G. W.Hooper Survey from which a 2 inch iron pipe bears N. 63-13 W. 21.69 varas, and a 3/4 inch iron pin marked "Shell" bears N. 66-15 W. 24.73 varas.

Continuing on South a total distance of 5132.03 varas, a stake set for the Southeast corner of this unsurveyed area, and the "ell" corner of the Henry Hathaway Survey.

THENCE : West, with and on the southerly north boundary line of the Henry Hathaway Survey, at 50.17 varas, a stake set in the line of the said Henry Hathaway Survey, for the Southwest corner of this unsueveyed area; and said stake for corner being also set in the most easterly East boundary line of the David Ferguson Survey;

THENCE : North, with and on the most easterly boundary line of the said David Ferguson Survey, 5130.63 varas, to the Northeast corner

N34

counter 75746

of the said David Ferguson Survey, and the Northwest corner of this unsurveyed area, a large pine stake for corner,from which an Oil Well bearing the name of "Magnolia" No. 1, H. Fenton, bears N. 16-23-30 W. 124.28 vs., another Oil Well bearing the name of "Magnolia" No. 2, H. Fenton, bears N. 63-36 E. 189.03 vs., and another Oil Well bearing the name of "Hawkeye" No. 1, H. Fenton, bears S. 62-01 E. 162.77 vs.

THENCE:

N. 88-24-19 E. 50.19 vs. to the place of beginning, containing in all 45.6013 acres of land.

Variation: 80-37' East

NOTE:

All bearings taken from a True Meridian established by a Polar Observation.

C. W. Delaney

Transitman

Robt. Browning Clyde Thompson C. W. Hickman J. M. Cummins

5

;

N35-

Chainmen

Surveyed October 18th. to December 29th., 1934, and January 3rd. to May 1st., 1935

achuer Jand Surveyor M. H. Hackney

counter 45747

#### CERTIFICATE

I, M. H. Hackney, a Licensed State Land Surveyor, in and for the State of Texas, do hereby certify that all of the foregoing field notes were compiled from data obtained from an actual survey made on the ground by me; and that said survey was made according to Law, and that all monuments, courses, and distances, are truly and correctly described to the best of my knowledge.

All courses herein given were determined from a meridian base line, established by a Polar Observation made by me; and all distances are given as the result of having measured the distances twice, using plumbbobs for chaining over uneven terrain, and taking the mean average of the two distances obtained.

WITNESS MY HAND AND SEAL this the 3rd. day of May, 1935 A. D.

M. H. Hackney, Licensed State Land Sur

Rolled S Ketch M.H.H. Surveyor's Report + Filled thates Hivalker, Com. By Louise & Harwood

See SF\$ 13597 three SF 13608

counter 15718

