Newton Co,
Rolled Sk C-A
(Flat Folder)

S.F. 13665 (B)

Newton County - 6 A (Newton Co. Rolled Sk 6A Flattened)

SCHOOL LAND

455¼ acres

Survey No 1

A. J. Lewis

[Sketches, Reports & other Information]

(File in Drawer with Newton Co Rolled Sketch)





MANUFACTURED BY
THE SMEAD MANUFACTURING COMPANY
HASTINGS, MINNESOTA, U. S. A.

THE BANDLESS FILING ENVELOPE
(EXCLUSIVE PATENTS)

counter 46839

18 15 14 1

H. T. & B. R. R. CO. SURVEYS

N

Old 3 hack Line

Old 3 hack Line on very few trees

Old 3 hack + blaze Line 2006 Vrs.

1994.7 Vrs.

1882.1 Vrs.

1952

A. J. Lewis 1320 Survey Line

at 1792.7' pass S.S.
14" S.W. Gum Mkd very old ☧ facing west + 3 old hacks on S.S. = on Island in prairie Marsh.

Old 3 hack Line along old fence line

2" Galv. Iron Pipe Mkd S.W. 14 H.T.+B. S.T.Co. Pine Stumps Brs. N.A.W. 3.5' + N. 85 W. 4.2'

Railroad Rail

Found Galv. Iron Pipe Mkd "S.E. 14 H.T.+B.-S.T.Co." - 24" Bl. Gum old ☧ Brs. N. 16°E. 4.7' 14" Bl. Gum old ☧ Brs. N. 50½E. 5.7'

Old hacked Line 2026.1

R.R. Rail

at 6.33' pass 90.6 north of R.R. Rail

8 9 12

GEO. H. BURGIN CHAS. CHAMPION JAS. A. MASON GEO. HAYDEN

1801 Vrs. Very Old 3 hack line along old fence line West Line Jas. A. Mason Sur. ?

Mason did not found any 3 hack line

Barker's East Line of 1902.8 Vrs. followed new line -

hacked + blazed Line 1991.1 Vrs.

at 1911.7' Pine knot Cor. N.W. Cor. Geo. Hayden Pine Stump N. 89½ E. 1½ Oak 5" hole S. 50 W. 2.5' at 1992.4 Railroad Rail set by Jas. G. Barker.

followed old 3 hack line west from Cor. 250' in dense woods

Set iron bar + Pine knot for S.W. Cor. Jas. A. Mason 24" Pin Oak face cut out Brs. S 22 W 5.6'

7 10 11

J. S. RUSSELL JAS. H. HENDERSON JOHN CHAMPION A. SCHMIDT

S.W.W. Cor. Henderson № 10 Found Iron Bolt in ashe slough 40" Tupelo Gum Sheg with block cut out Brs. N. 2.5 Vrs. 3.6 Vrs. - Large Gum Stump remains Brs. N. 6.5 E. 2 Vrs.

1914.4 Vrs. very old 3 hack + blazed Line West Line Jas. H. Henderson Sur.

Pine knot + new witness trees found

Barker's East Line of no evidence of old line

Pine knot - 4 B/ Gum, mkd old ☧ Brs. S 75¼ E. 5.3' 8" Blk. B/ Gum Mkd old ☧ Brs. N. 78¾ E. 5.2'.

Bell Knot S 10 E. 3.8' 18" Pine Stump N. 34 E. 4.2'

1882.2 Vrs.

W. Line Schmidt Sur. Old + new Mks

1352.2 Vrs

New 3 hack line brs. N. a little way from Pine knots

at 1900.8' no sign of S.W. Cor. J.S. Russell

at 1178 pass point for wit. 16" Sw. Gum Brs. S. 70¾ W. 9.7' + 21" Pin Oak Brs. S. 79 E. 13.2' both very old marks.

NEWTON COUNTY

Old 3' S. hack County Line

Corner Established by Intersecting old lines

at 1996.6' - Pine knot - S.W. Cor. J. Champion 30" Gum Stump Brs. N.E. 2.4' 16" S.W. Gum Mkd old ☧ Brs. S. 52½ W. 16.4'

at 4197' pass 7' north of R.R. Rail

E. Cor. of A. Lewis Sur. R.R. Rail on Barker's Co. Line - Sa 15 36'

Pine Knot - S.W. Cor. Schmidt Sur. 20" Bl. Gum old ☧ Brs. S 43 W. 2.4' Pine Stump - new ☧ Brs. S. 37E. 7'

1925 Vrs. old 3 hack line

1996.6 Vrs.

Old 3 hack north County Line

Jas. Barker's New County Line - notch + 2 hacks

at 2397.3' pass N. of 2 New Pine knot Corners fr. Wh. a 10" Pine Brs. N. 63¼ E 23 1' + a 21" Pin Oak Brs. S. 14½ W. 37.5' both Mkd. new ☧

Barker County Line

ORANGE COUNTY

at 488' pass 55.7' N. of Barker Co. Line a 1½" Iron Pipe Found, from which 8" Bl. Gum Mkd old ☧ Brs. S. 37½ E. 1.4' - 8" Bl. Gum Mkd old ☧ Brs. S 19¾ E. 10¼'

at 4977' pass 55.7' N. of new Pine knot cor. - 12" Pine S. 63¾ W. 5.7' 10" Oak S. 58¾ E. 6.8' - both Found Mkd new ☧

at 1274.5' pass R.R. rail established by me for N.W. Cor. T. Low Survey from 21" Bl. Gum Mkd old ☧ brs. N. 61½ E. 19.8' - Pine Stump S. 11½ E. 10.4'

T. LOW

at 522.7' pass N. of Pine knot cor. 10" Bl. Gum 3.24¼ E. 3.9' + 12" Bl. Gum 3.46¾ W. 9' both Mkd new

COMPASS SURVEY - S.E. NEWTON CO., TEXAS.

SCALE: 1 IN. = 300 VRS. JUNE 27, 1936.

Forrest Daniell.

LICENSED STATE LAND SURVEYOR P.O. BOX 2105 BEAUMONT. TEX.

Forrest Daniell
Counter 96341

To

NEWTON Co.

S.F. 13665

Rolled Sk. File

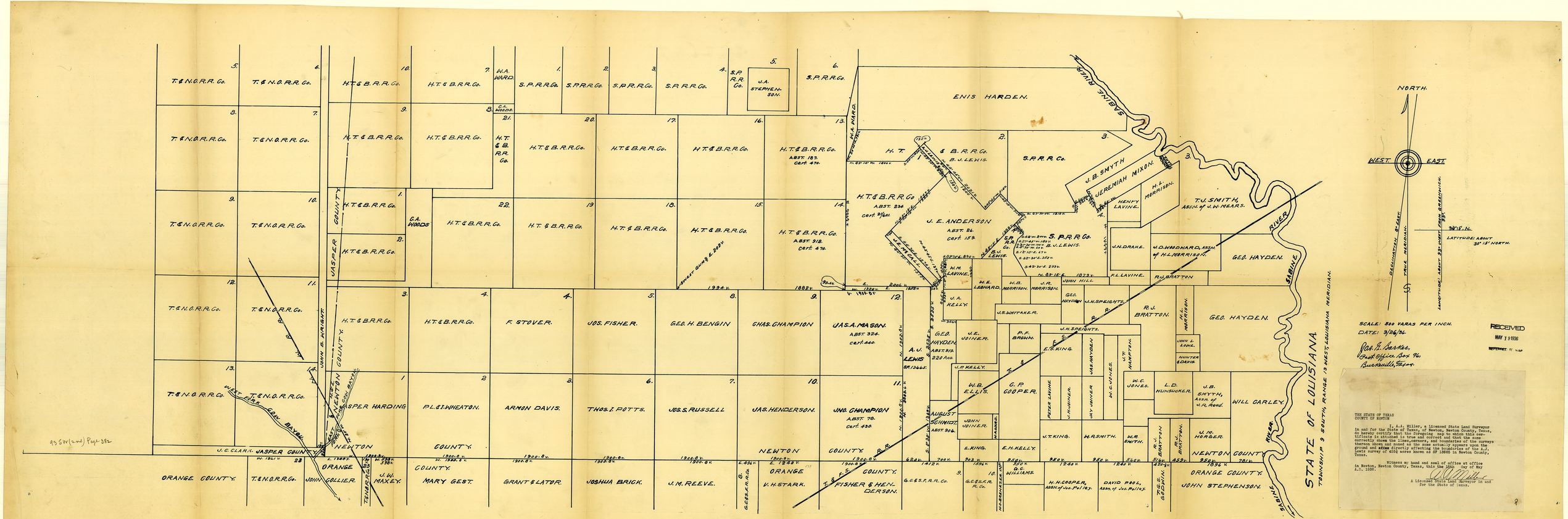
T. Folder

Part of Forest Daniell's Report

SF 13665 - Newton Co

T
10

counter 16840



THE STATE OF TEXAS
COUNTY OF NEWTON

I, A. A. Miller, a Licensed State Land Surveyor in and for the State of Texas, of Newton, Newton County, Texas, do hereby certify that the foregoing map to which this certificate is attached is true and correct and that the same correctly shows the lines, corners, and boundaries of the surveys therein shown and shows the same actually appears upon the ground and **EXCEPT** insofar as affecting the boundaries of the A. J. Lewis survey of 4051 acres known as SF 13665 in Newton County, Texas.

Witness my hand and seal of office at office in Newton, Newton County, Texas, this the 18th day of May A.D., 1936.

A. A. Miller
A Licensed State Land Surveyor in and for the State of Texas.

counter 46893

NEWTON CO

S.F. 13665

ROLLED SKETECH FLAT FOLDER.

P'



counter 16842

5, Found 1 Blazed Hickory -
on Champion E.B.L.

Ans. get F/N Jas A Mason

6 Found NE Cor Mason -
Ans. Check

7. E.B.L. of A W Tervis Lin

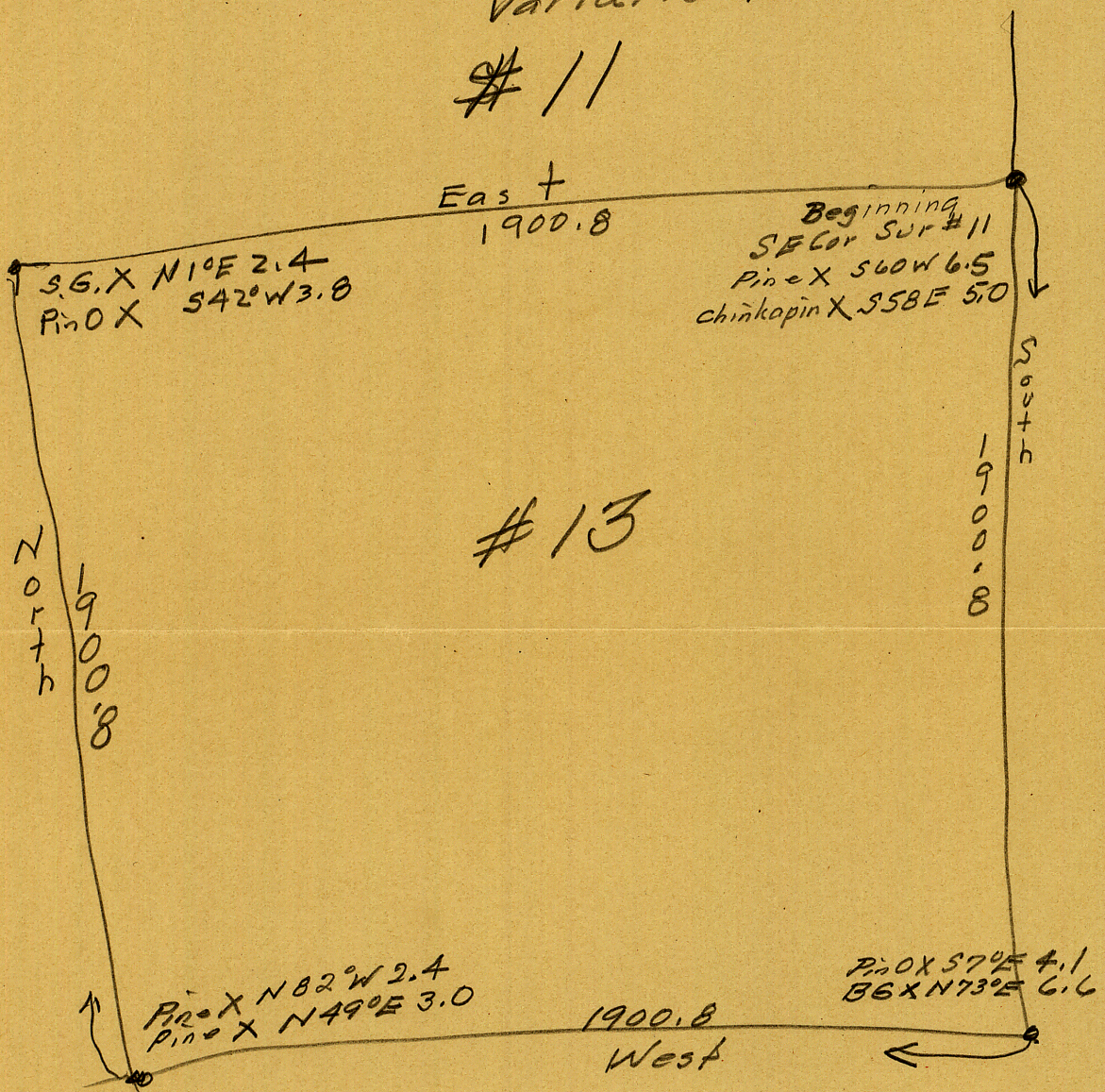
Ans. get F/N Geo Hayden

counter 46844 M'

Jos. Fisher & Jas. Henderson
surveyed Aug 23 - 1839
by BF Mott - Depty Sur.
Jefferson Co.

Variatio 9°26'

#11



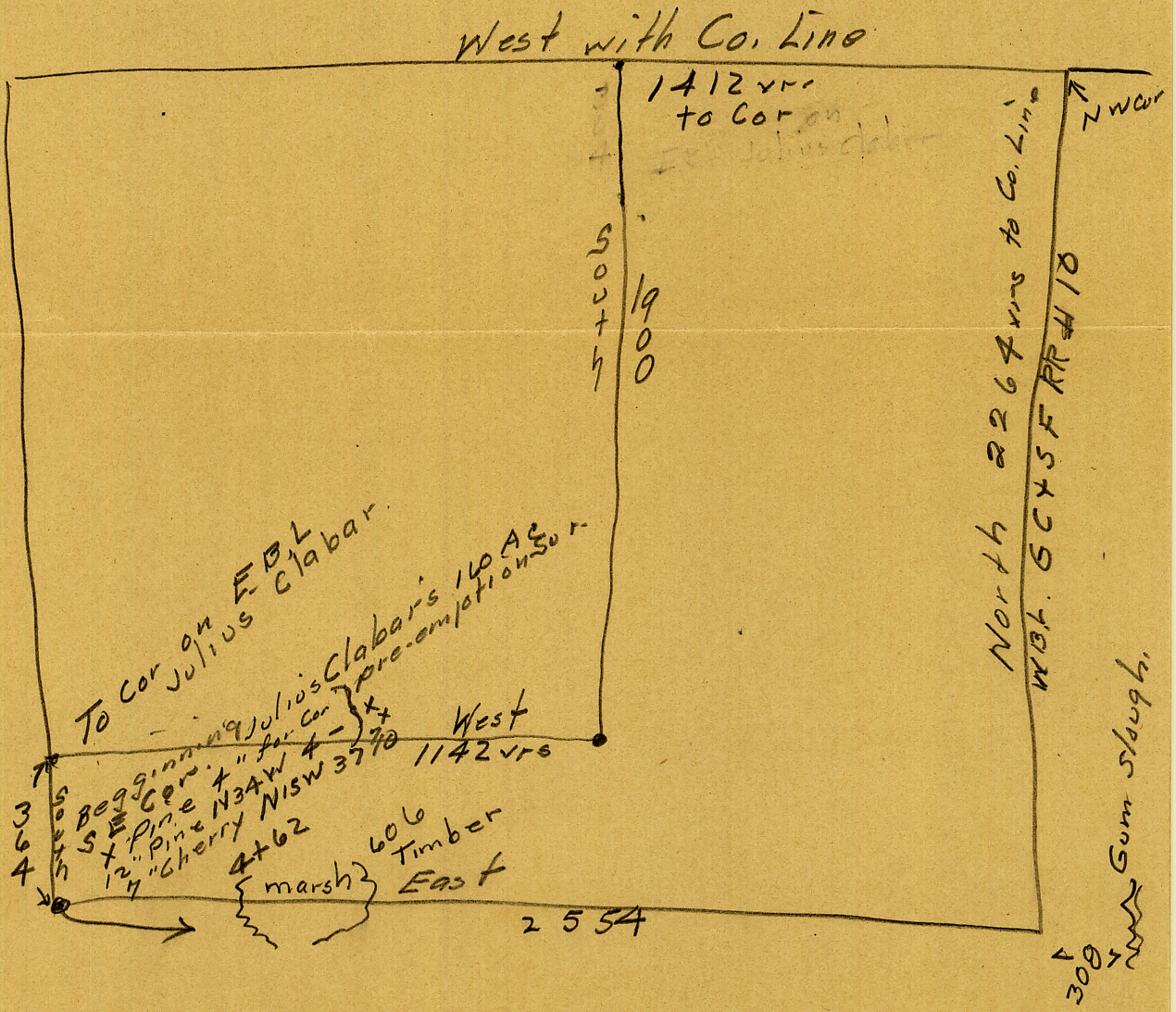
counter 46845

M 2

536

G. C. & S F RR #9

Surveyed Aug 28-1884
by Frank Cleveland
Orange Co Surveyor -
Var 8°30' E



counter 46846

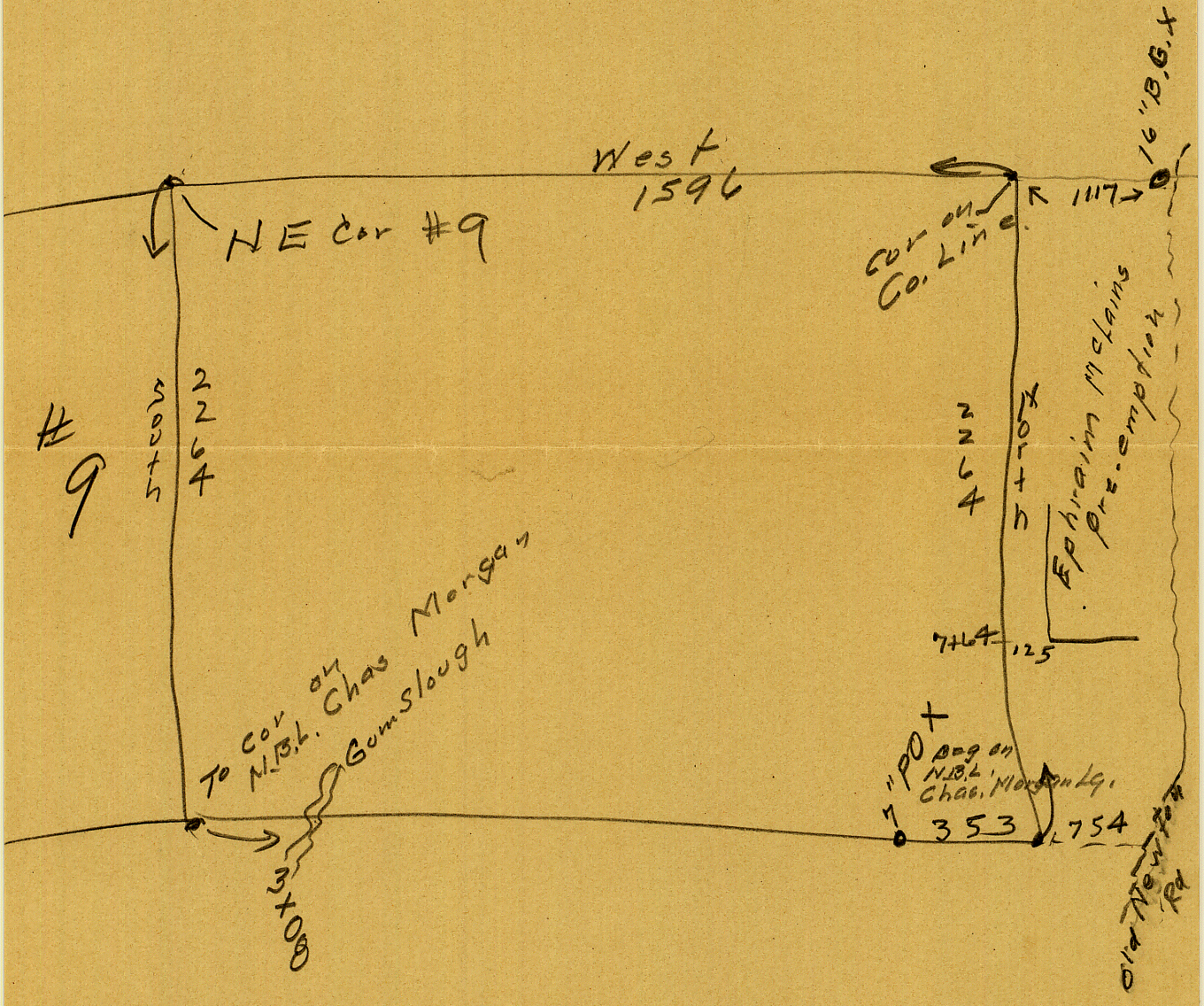
536

G C + S F R R #10

Sur. Aug 29 1884

by Frank Cleveland

Var N 8°30' E

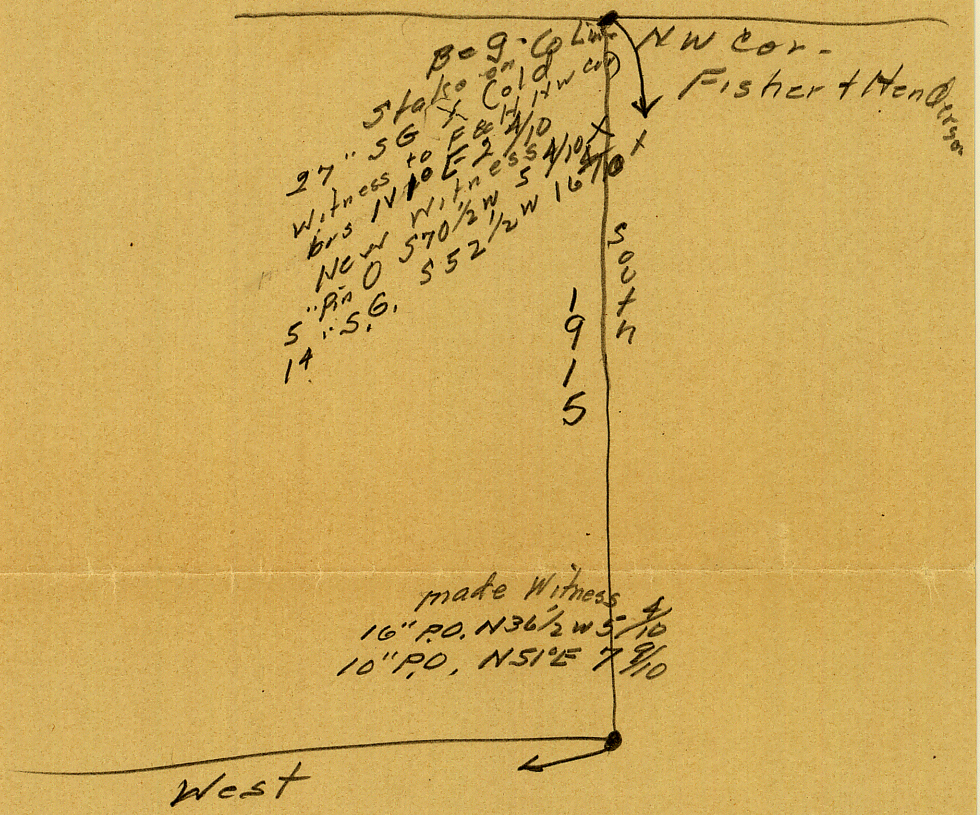


counter 46847 M4

82242

Theodore Tow et al
Sun. April 13 1904
by A. M. Stark
Var N 8° E

82242



counter 46848

M5

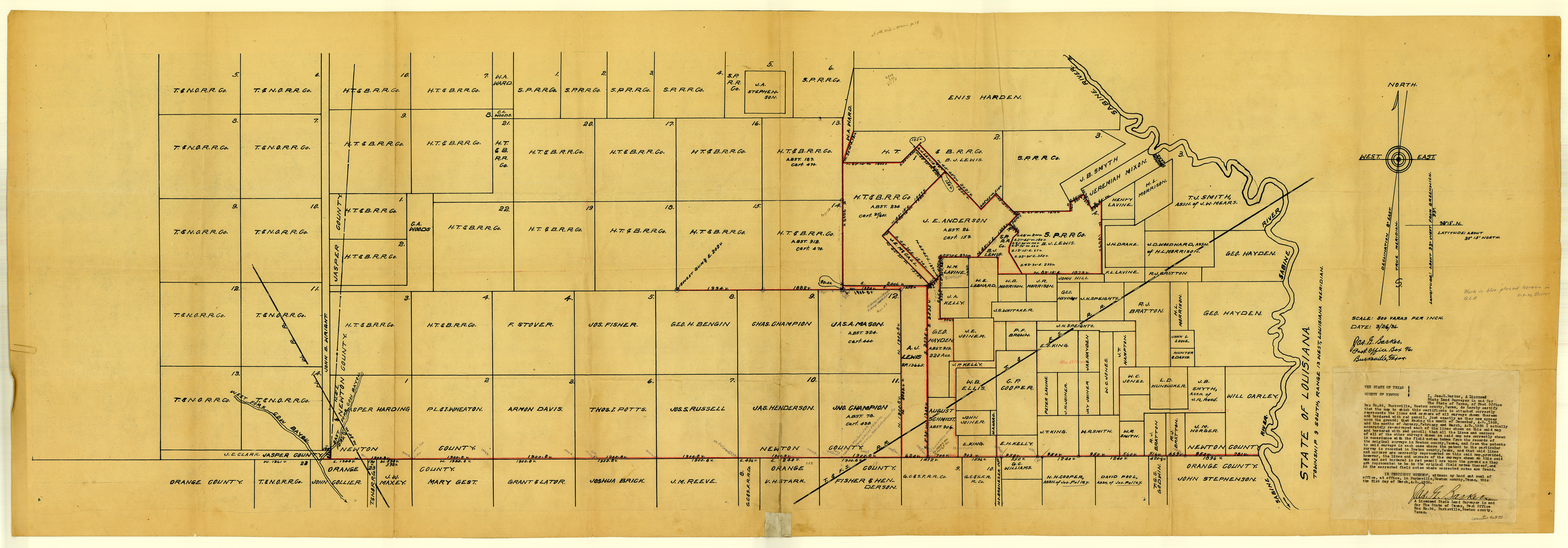

N
Scale 1000 vrs 1 inc.
S
Sec No 15
SEC. No. 14
SEC No 1
Iron Stake for NW. Cor. 12.
J.E. Anderson
S 45 W
1974
2200
1887
1320
2006
1950
8
9
12
1
Wm Lavine
1000
376
1900
2556
Geo. Burgin
Chas. Champion
Jas. Mason sur.
A.J. Lewis
Geo. Hayden
2201
150
7
10
11
File
W.B. Ellis
826
500
Joiner.
J.S. Russell
Jas. Henderson
John. Champion
Aug. Schmidth
1320
660
660
1320
660
660
1320
660
660

NEWTON Co

S.F. 13665

ROLLED SKETCH FLAT
1-FOLDER

counter 16850



THE STATE OF TEXAS
COUNTY OF NEWTON

I, Jas. G. Barker, A Licensed State Land Surveyor in and for The State of Texas, of Post Office Box No. 96, Burkeville, Newton county, Texas, do hereby certify that the map to which this certificate is attached correctly represents the lines and corners of all surveys shown thereon and bordered with red pencil, just exactly as they now appear upon the ground; that during the month of December, A.D., 1935, and the months of January, February and March, A.D., 1936, I actually accurately re-surveyed each of the lines shown on this said map and bordered with red pencil; that all the lines and corners of all of the other surveys shown on said map are correctly shown in accordance with the field notes taken from the records of the original surveys in Newton county, Texas, and from the patents to said surveys in each case where the patent to the particular survey is recorded in Newton county, Texas, and that said lines and corners are correctly represented on this said map, provided, however, the lines and corners of the surveys shown on this said map and not bordered in red pencil are upon the ground as they are represented to be in the original field notes thereof, and in the corrected field notes where corrected notes are found.

IN TESTIMONY WHEREOF, witness my hand and seal of office, at office, in Burkeville, Newton county, Texas, this the 21st day of March, A.D., 1936.

Jas. G. Barker
A Licensed State Land Surveyor in and for The State of Texas, Post Office Box No. 96, Burkeville, Newton county, Texas.

counter 46851

Forse & Forse, Newton, Texas
Represents Mr Lewis, Beaumont —
5/7/36

I. F - 13665 Flat Folder.

counter 46852

Notes on Report-

S.F. 13665

Jas. G. Barker.

2-24-37

1. SW cor. Jasper Harding being pointed out by A.J. Lewis - 30yr. testimony. Beaumont, Tex

A S.G. claimed (stump present).

(Maple not recognized nor found)

Ans. Get FN Jasper Harding

2. Magnetic needle not used.

Ans. Polar observation?

3. Locate SW Cor Aug Schmidt

Ans. Check Get F.U. Schmidt

4. No corners of 12 sums made by B F Mott found

Ans F.N. of

P.L. & I. Wheaton
Armon Davis
Thos. I. Potts
Jos. Russell,
Jas. Henderson
Jno. Champion

} Newton

Mary Gest
Grant & Lator
Joshua Brick
J M Reeve
Fisher & Henderson

} Orange

Counter 46853

General Land Office

State of Texas

Austin

WM. H. McDONALD, COMMISSIONER
BERT V. BOLLINGER, CHIEF CLERK

Memo In Re: S. F. 13665 - A. J. Lewis

There is not sufficient evidence of a vacancy to support the granting of this application.

Mr. Force, an attorney connected with Mr. Lewis, was in the office 12/28/36 and advised he would confer with Mr. Lewis and write this office in the next few days.

A. M. Vance.

12/28/36

counter 76859

2306

JOHN F. BAKER
CIVIL ENGINEER
TITLE AND TOPOGRAPHIC SURVEYING
ELLISON BUILDING
FORT WORTH, TEXAS
PHONE 2-1466

December 14, 1936.

Part of Newton County Rolled Sketch "J.F.B." - See accompanying sketch.

RECEIVED
DEC 14 1936
REFERRED TO MAP.

Mr. J. H. Walker,
Commissioner of the
General Land Office,
Austin, Texas.

Dear Sir:

In accordance with your instructions we have made an investigation relative to the location of the land shown on the records of the Land Office as S.F. 13665 (A.J. Lewis), situated on the south line of Newton County, Texas, and beg to report as follows:

The corners and lines described in the field notes returned under the Lewis application were readily found and identified on the ground and are shown on the map attached hereto. The location of said Lewis claim relative to the corners and lines of surveys in the vicinity are also shown upon the map.

Inspection of the records of the Land Office shows that B.F. Mott located 13 surveys in August of 1839, seven of which appear to have had for their south lines the south line of Jasper County (now Newton County). One survey, the Fisher and Henderson #13, was located south of but adjoining the said county line. These 13 surveys of 640 acres each were described by Mott as having corners, bearing trees and lines in common. Reference to the working sketch prepared by the Land Office will indicate the calls and the dates on the surveys adjoining this block of sections.

Inspection on the ground revealed that one corner described by Mott in his field notes could be located and identified. The original calls have bearing trees at this corner (the SW corner of the John Champion, the SE corner of the James Henderson, and the NW corner of the Fisher & Henderson Survey) as shown on the attached map in red. The field notes of the T. Low Survey, located by A.M.H. Stark, April 13, 1904, called to begin at the common corner of the James Henderson #10 and the Fisher & Henderson #13 and from the description of bearing trees indicate that one of the bearing trees called for by Mott in 1839 was found and used by Stark to witness the NE corner of said Low Survey. Stark called for two other trees to witness this corner. We find a sweet gum marked "X" on the NE side and from the size of the tree, the age and appearance of the marks we take this to be the tree called for by Stark. When the corner is set at the course

counter 16855

JOHN F. BAKER
CIVIL ENGINEER
TITLE AND TOPOGRAPHIC SURVEYING
ELLISON BUILDING
FORT WORTH, TEXAS
PHONE 2-1466

and distance call from this tree we find a large partially decayed gum stump to bear N 1 E 2.4 vs. in accordance with the call for a sweet gum to witness the common corner of the James Henderson, John Champion, and Fisher & Henderson Surveys and as called for by Stark to witness the NE corner of the Low Survey. The corner witnessed by said sweet gum and sweet gum stump was accepted and used as the SW corner of the John Champion Survey as located by Mott. From this corner a line was run west about six miles to a railroad rail set in concrete about 230 vs. east of Cow Bayou. This is the rail shown by maps and reports of several surveyors, filed in the Land Office, as the SW corner of Newton County, the SE corner of Jasper County and the SW corner of the Jasper Harding Survey in the north line of Orange County. The above mentioned line generally follows marks on trees varying in age from one to forty or fifty years but we were unable to find any other evidence to positively identify the work of Mott in 1839. The attached map shows connections to old corners, marked lines, fences, etc. encountered. It was noted that this is cut over timber land and there were very few trees that appeared of sufficient age to have been marked in 1839.

The west line of the James Henderson Survey #10 as shown on the attached map is marked by hacks and blazes varying in age from ten to fifty years and some marks that may possibly have been made by Mott in 1839. An iron bolt was found for the NW corner of the Henderson Survey from which a very large tupelo gum stump bears N 25 W 3.8 vs. conforming to the call for a sweet gum in the field notes of said survey. This stump situated on the north edge of a bayou or marsh is practically decayed but the bark shows a block to have been cut out of the SE side. The report of surveyor J. P. McMahon, Jr., on file in the Land Office, shows that he found this tree standing and bearing an old "X" in 1902 and 04. Inspection of the ground five miles east and one mile north from the SW corner of the Jasper Harding Survey revealed that it was not at a place conducive to the growth of tupelo gum trees. A marked line extends east from the iron bolt, the marks appearing to be about thirty years old.

There is a marked line north from a point about 14 vs. west of the above described SW corner of the John Champion Survey and the NE corner of T. Low Survey. There is also an old fence generally along this marked line. The marks appear to vary from twenty to forty years in age. The NW corner of the John Champion Survey as shown on the map is the intersection of marked lines to the north, south, east and west, the marks being twenty to forty years of age. Here we find an iron bar and pine knot from which a 24" pin oak bears S 22 W 5.6 vs.

n'

counter 46856

JOHN F. BAKER
CIVIL ENGINEER
TITLE AND TOPOGRAPHIC SURVEYING
ELLISON BUILDING
FORT WORTH, TEXAS
PHONE 2-1466

#3.

The tree has a large block removed from the NE face. This tree is hollow and has a dead top but we doubt if it is of sufficient age to carry marks made in 1839. This corner is on a sandy knoll in the bottom and there are many maple trees, some quite large, in the immediate vicinity.

Inspection on the ground shows a 20" black gum marked "X" on it's NE face (dead) standing near the SW corner of the August Schmidt Survey and from the species of the tree and the age and appearance of the marks we take this as being the bearing tree called for by C. A. Woods as witnessing said corner in his survey of January 1898. When the corner of the Schmidt is located from this tree it is found that a pine stump bears S 37½ E 7 vs. This is the bearing given in the Schmidt field notes for a pine tree. The SW corner of the Schmidt Survey located as above is 4 vs. south and 2 vs. west of a stool and sprouts of a chinquapin. A search of the ground seven miles east of the SW corner of the Harding Survey showed no signs of chinquapins. Search was also made 1900 vs. east of the SW corner of the John Champion Survey for chinquapins but it was found to be in a marshy place where chinquapins would not grow.

From the SW corner of the Schmidt Survey we ran north along a marked line, twenty to forty years of age, to a pine knot for the SW corner of the Geo. Hayden Survey. Two black gum trees marked "X" were found to bear as called for in the Hayden notes and from the age and appearance of the marks we take these to be the trees called for to witness the SW corner of said Hayden Survey. There is a marked line to the east from this corner carrying marks which indicate that the line was marked about thirty-five or forty years ago and again about twenty years ago, conforming to the dates of the location of the Hayden and Schmidt Surveys. This corner is in a marsh where practically all of the standing timber is black gum and small white bay. We do not find the white bay bearing trees called for in the notes of the Schmidt Survey.

We continued north along the marked line, at 1963 passed a marked line to the west in a white bay and pine growth but found no large trees standing; continuing on north along the marked line for the west line of the Hayden Survey a total distance of 3874 vs. to a railroad rail from which a pine stump bears E 1 vara. The call on the NW corner of the Hayden Survey is for a pine to bear E 1 vara and a red oak S 50½ W 5 vs. We found no sign of the red oak tree. This rail is 54 vs. west of another rail from which trees are found of the species and

counter 46857

JOHN F. BAKER
CIVIL ENGINEER
TITLE AND TOPOGRAPHIC SURVEYING
ELLISON BUILDING
FORT WORTH, TEXAS

PHONE 2-1466

#4.

marked to bear as called for in the notes of the Hayden Survey at this distance east. Pine trees were found to grow near the NW corner of the Hayden Survey as well as in the area about 100 vs. west of this corner. The field notes of the J. A. Mason Survey call for pine trees to witness it's NE corner but no trees could be identified as the ones marked by Mott.

We then ran west from the NW corner of the Hayden along an old fence and a very old marked line to intersect a marked line from the south. Marks along the line used as the north line of the Mason Survey varied in age from twenty to fifty years, and some of the marks may possibly have been made by Mott. This line was found to continue west for at least two miles from the NW corner of the Hayden Survey. Please refer to the attached map for connections to fences, new corners, other marked lines, etc. When the above mentioned old marked line is used as the north line of the Mason and Charles Champion Surveys it is noted that Sections 14 and 15 of H T & B R.R. Co. have been surveyed, or re-surveyed, and their south corners set up to be in conflict with the said Champion and Mason Surveys. Marked line to the west from the pipe marked "SE 14 H T & B St. Co.", and for about 200 vs. to the east thereof appears to be about thirty or forty years of age.

The NW corner of the J. A. Mason Survey, located as shown upon the attached map, is in a locality where many large white oak trees and pine stumps are found but we were unable to identify the pine or white oak bearing trees called for by Mott. Inspection of the ground near the re-entrant corner of S.F. 13665 shows many pine stumps and pine trees. It is possible to place a corner near the rail set for this re-entrant corner of S.F. 13665, so that two pine stumps will bear about the courses and distances called for pine trees to bear in the field notes of the J. A. Mason Survey, but these stumps do not appear of sufficient age to have been standing in 1839.

Very little evidence was found as to useage and recognition of lines by fences or other improvements, as practically the entire area investigated is owned by one man. This useage, as evidenced by fences etc., is shown on the attached map.

All of which is very respectfully submitted.

John F. Baker

John F. Baker,
Licensed Land Surveyor.

Received and filed in General Land Office on Dec. 14, 1936.
J. H. Walker, Comm.
C. F. Bleicher, Clk.

counter 16858

NEWTON CO.

S.F. 13665

FLAT FOLDER.

(RED SKETCHES) B.

counter 16859

Orgain, Carroll
+ Bell
representing R S Barber
asked for
time within which
to get papers in
office x Mr. Walker
promised to allow
him until Aug. 15th
but in his letter the
same latter pt of Aug

counter 46860

217

SUN OIL COMPANY

LEGAL DEPARTMENT

T. L. FOSTER
GENERAL ATTORNEY
C. A. TOLER
J. W. TIMMINS
MARTIN A. ROW
J. W. KINCAID
DALLAS

SAN JACINTO LIFE BUILDING
BEAUMONT, TEXAS

JOINER CARTWRIGHT
JOHN B. THOMAS
CARL McLYNN
BEAUMONT

October 3, 1936.

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

Dear Sir:

I enclose, herewith, a report and map relative to SF #13665, A. J. Lewis, Newton County, Texas, prepared by Mr. C. A. Tetley, who, as you know no doubt, is a surveyor with some twenty seven years experience, having been associated with Mr. P. G. Omohundro up to the time of Mr. Omohundro's death, and since that time having been actively engaged in surveying.

As wired you today, I, as per Mr. Will E. Orgain's and my promise, am sending this report to you so that you might check into this matter of the alleged vacancy. Within the next week we hope to have other information in your office which will confirm Mr. Tetley's findings.

Yours very truly,

John B. Thomas.

JBT:MJG

RECEIVED
OCT 5 1936
REFERRED TO MAP

Acknowledged
10-6-36
C.F. Blucher

10-14-36
to aj Lewis

counter 46841

September 30, 1936

Orgain, Carroll & Bell,
Beaumont, Texas

Attn: Mr Will E Orgain

Gentlemen:

Acknowledgment is made of your letter of September 25th referring to the matter of submitting information from surveyors in reference to the matter of the A J Lewis vacancy in Newton county. This letter is in reply to mine to you of September 24th.

You state that you can furnish this data and can appear in person any time after next week. What I desire is that you let me have the result of the surveyor's work in the field at as early a date as you can. If you desire to present any statements by letter or in person relative to this matter, I shall be glad to hear what you have to say at any time. Accordingly, as soon as this information from the surveyors has been prepared, I shall be very glad to have it.

I am sending a copy of this letter to Mr A J Lewis for his information.

Very truly yours,

Commissioner

Blucher:eb
Land Office reference:
A J Lewis, SF 13665

cc: A J Lewis,
Beaumont. Box 1512

counter 16862

SV 13665.

COUNTER 82361

Newton Co Rld Sk 6-A

1984
484

1253

SUN OIL COMPANY

LEGAL DEPARTMENT

T. L. FOSTER
GENERAL ATTORNEY
C. A. TOLER
J. W. TIMMINS
MARTIN A. ROW
J. W. KINCAID
DALLAS

SAN JACINTO LIFE BUILDING
BEAUMONT, TEXAS

JOINER CARTWRIGHT
JOHN B. THOMAS
CARL McLYNN
BEAUMONT

September 29, 1936.

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

Dear Sir: S.F. #13665, A. J. Lewis,
Newton County, Texas.

In reply to your letter of September 26th pertaining to the above captioned file, please be advised that we believe that we will be able to have the data in your hands pertaining thereto the last of the present week.

Yours very truly,

John B Thomas

JBT:MJG

Acknowledged
10-2-36
E F Bludau

RECEIVED
SEP 30 1936

counter 46863

September 26, 1936

Sun Oil Company,
San Jacinto Life Bldg.,
Beaumont, Texas

Attn: Mr John B Thomas

Gentlemen:

I wish to thank you for your letter of September 25th stating that you have completed the surveying work in connection with the A J Lewis alleged vacancy in Newton county. You also state that it will be about two weeks before you will be prepared for hearing at this department.

What this department is particularly interested in at this time is getting the information concerning the facts on the ground. May I not therefore, request that you furnish me with this information at once in order that this department may study those data?

I shall be glad to hear any arguments or statements you may make relative to this matter at any time, but just now I am interested in determining what the actual facts are. This suggestion, I believe, is very much in order since there has been considerable delay and postponement in passing on the Lewis file.

I am sending a copy of this letter to Mr A J Lewis Box 1512, Beaumont for his information in connection with this matter. The above refers to General Land Office file SF 13665.

Very truly yours,

Commissioner

Blucher:eb
SF 13665
cc: A J Lewis

counter 46864

SJ 13665

COUNTER 82362

Newton Co Rld Sk 6-A

Beaumont, Texas,
October 2, 1936.

C. A. Tetley's Report
A. J. Lewis SF #13665 Newton Co
Received 10/6/36 Blycher

Mr. J. H. Walker,
Land Commissioner,
State of Texas,
Austin, Texas.

Dear Sir: Re: SF #13665, A. J. Lewis, Newton County, Texas.

With reference to S. F. #13665, Newton County, Texas, I was employed by Sun Oil Company of Beaumont, Texas, and R. S. Barber of Hartburg, Newton County, Texas, for the purpose of making a survey and investigation in order to determine whether or not the alleged vacancy, subject of the above captioned file, existed. Field work for this survey was commenced on August 6, 1936, and completed on September 10, 1936. Work during such time was continuous. All lines were meandered by transit and calculations made at corners as found and shown on the attached map. A variation of 8 deg. will come very close to fitting original calls. Chainmen who assisted said survey were Oscar Dresse and Floyd O'Bryan, who are very reliable and have had long experience. No signs of any surveyor having been in the interior of this survey in recent years were found, with the possible exception of along the west line of the James A. Mason and the west line of the John Champion, where evidence of a little fresh cutting was found.

We began this survey at a point where the dividing line between Jasper and Newton County intersects the north line of Orange County. An iron rail and pine knot mark the location. This point is also the SW corner of the Jasper Harding Section No. 1, and so far as we know has never been disputed.

From the above corner we find a recent, well-cut line, and to save time and much cutting we follow this line

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counter 46865

due east with a variation of 8 deg. 30 min.; at 735.35 varas, the center of the O & N W RR.; at 1911.7 varas cross a well-marked line running north and south; at 3821.9 varas cross old marked line with old fence running north. This is also the west end of drainage ditch and west edge of prairie. We continue east along the south side of drainage ditch and at 6165.3 varas we pass 36 varas south of what is claimed as the SE corner of the Armon Davis survey No. 3, which corner is in drainage ditch. An old fence runs north from this point. At 6935 varas cross drainage ditch; at 7816.8 varas cross old fence line running south; at 8825 varas we are 61 varas south of Pine Knot from which a 16" S.G. X is S 70 W 9-6/10 varas and a pin oak X is N 79 E 13 varas; at 9995.5 varas cross old marked line, an old fence running east and west is 70 varas north; at 11902 cross a marked line; at 11919.1 varas we are 47 varas south from pine knot from which a S.G. stump 4 feet high 24" in diameter and badly decayed is N 1 deg. E 2-4/10 varas; a pin oak 10" X new N 66 E 3-2/10. A depression in ground is S 42 W 3-8/10 varas no roots found. A 10" Bl. G. X is N 15½ E 2-2/10 varas and a S.G. X S 52½ W 16-4/10 varas. The above S.G. stump 4" high 24" diameter is the stump of the tree identified by A.M.H.Stark, County Surveyor of Orange County, on April 13, 1904, in surveying and locating the V. H. Stark survey, as the original bearing tree called for by B. F. Mott for the SE corner of James Henderson, SW corner of John Champion, and NW corner of Fisher and Henderson, and from which he, Stark, according to his notes on the V. H. Stark survey, made a new mark on a 14" S.G. X S 52½ W 16-4/10 varas. We found this tree with Stark's marks thereon, still standing and in good shape. In face of the above there can be no question whatsoever but what said corner is the original SE corner of the James Henderson, SW corner of the John Champion, and the NW corner of the Fisher and Henderson.

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counter 46866

Continue east at 12494.6 varas cross the K C S RR; at 13296.6 varas we are 25.7 varas south from iron rail, the SW corner of Lewis claim, and at 13915.7 varas a hub from which an iron rail is N 0 deg. 17 min. W 28 varas, the SE corner of the Lewis claim. A pine knot is 43.2 varas N 0 deg. 17 min. W. This pine knot is the original SW corner of the August Schmidt, a Bl. G. X S 43 W 2-4/10 varas, a pine stump S 37½ E 7 varas. We were not able to locate the call of the John Champion SE corner from either of the above points. We then run in a north direction, from pine knot at SW corner of August Schmidt and at 8.7 varas a burned pine stump is S 60 deg. W 6.5 varas and a chinkapin stump hole with young Chinkapin growing from south side of hole bears S 58 E 6 varas, the call for the Champion being pine S 60 W 6-5/10 varas, chinkapin S 58 E 5 varas. We believe beyond question this is the location of the original SE corner of the John Champion.

Continue north at 808.8 varas cross K C S RR.; at 1352.5 varas the SW corner of the George Hayden survey black gum bearings identified. Could not locate the call for Schmidt NW corner. Continue northwardly and at 3874 varas the NW corner of the George Hayden, bearings identified. byBy moving this corner 1 vara east and 5/10 north; a pine stump bears S 68 W 3.5 varas and N 25 E 4-5/10 varas a stump hole, but not able to identify what kind of tree stood there; the call for this, the NE corner of the James Mason being pine S 68 W 3-5/10 and pine N 25 E 4-8/10 varas.

We then ran westwardly along an old marked line. This line has been fenced but fence is now down. At 625.2 varas an iron rail is S 5 deg. 03 min. W 92 varas. This rail is an inner northwest corner of Lewis claim; at 1952.6 varas/pass iron rail, NW corner Lewis claim; at 2021.5 varas/pass south of an 18" hickory tree marked X , this mark about 20 years old; at 2498 varas/pass north of a large black gum two hacks with third

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counter 46867

hack cut out. Portion of lower hack can be seen in tree for a depth of 4 inches. This we believe to be an original mark made by Mott. At 4608.3 varas/a fore and aft old gum; at 4650 varas/edge of marsh. Continued this line west to 6150 varas to west side of marsh.

We return to the SW corner of the John Champion, from which a sweet gum stump 24" is N 1 E 2-4/10 varas, and another sweet gum X S 52½ W 16-4/10 varas, being the same corner identified by A.M.H.Stark in 1904 as the original corner; and run northwardly by meanders along old fence and marked line to the intersection of a marked line east and west 1950.5 a pine knot from which a large pin oak 20" is S 22 W 5-6/10 varas and a maple stump hole is S 49 E 3-7/10 varas. This is the original NW corner of the John Champion, the call for the John Champion NW corner being maple X S 49 E 3-7/10 varas and pin oak X S 22 W 5-6/10 varas. The pin oak above located has the X cut out by axe, but portion of X can still be seen in tree to a depth of 8 inches. The maple stump hole has small maple growing from roots of old stump on the east side of same. There can be no question about this being the original NW corner of John Champion, the NE corner of James Henderson, the SE corner of Charles Champion, and SW corner of James Mason.

From the above original and SW corner of the James Mason we ran in a north direction along an old and well-marked line. Some original hacks are still on this line. At 1800.2 varas cross fence and hacked line. A 2 inch pipe marked SE 14 H T & B is 72.5 varas east. This pipe is the Lewis most north SW corner as claimed; at 1915 varas intersect our line, which was run west from the NW corner of the George Hayden, a pine knot from which a burned white oak stump, white oak sprouts growing from said stump, is S 73 W 10-6/10 varas and the remains of a pine stump 6" underground but clearly defined is east 4-4/10 varas. The call by Mott for the NW corner of the James A.

Mason an

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counter 46868

Mason and NE corner of the Charles Champion is white oak X S 73 W 10-6/10, pine X east 4-4/10 varas. This corner, therefore, is the original NW and NE corner of these sections and is at the intersection of original hacked lines. There is also an 18" hickory marked X mentioned in our running of the north line west. Said hickory bears N 22 E 6-7/10 varas. From the original corner as found, and original marks on north line, it will be seen that the H T & B RR sections are in conflict with the James A.Mason, Charles Champion and George H. Burgin north line, this portion more clearly shown on map.

Returning to the original southwest corner of the James A. Mason as found, which is also the northwest corner of the John Champion and northeast corner of James Henderson, and southeast corner of Charles Champion, and running in a west direction with well-marked line, at 1906.8 find square-head iron bolt from which the west edge of a stump hole bears N 64 deg. 30 E 2 varas. This hole is surrounded by tupelo gum roots and a tupelo stump, hollow, with a portion sawed out, and now down, bears N 25 W 3-8/10 varas, and a 30" gum now down marked X is S 28 E 8-2/10 varas. These bearings correspond to the original call for this corner. The marks on the last mentioned tree are about 25 years old. There can be no question about this being the original corner of the Champion, Burgin, J. S. Russell, and James Henderson. The gums located are on the east side of a slough 20 varas wide. This slough or drain runs in a north and south direction. For 50 varas north and south from corner, it forms a small lake, and is the only location in this entire survey that tupelo gums grow.

We return to the original southwest corner of the James Mason, as found, and run eastwardly along old marked line, original hacks also on this line; at 1392.4 varas we cross a recently marked line running north and south; at

counter 16869

2012.4 varas, intersect line which was run north from southwest corner of Schmidt to NW corner of Hayden; from this intersection a pine stump bears north 36 east 4 varas and at S 10 E 3-8/10 varas the north edge of a bay stump hole 12" in diameter. This hole is in the northeast edge of a bay flat, where there are plenty of bay growing. The original call by Mott for this corner being pine X N 36 E 4 vrs. and bay X S 10 E 3-8/10 vrs. 1 vara north of this hole is a dead bay which is down, with roots attached, and which is about 8" in diameter. There are other bays badly decayed in this vicinity. This location is undoubtedly the original southeast corner of the James A. Mason, and is no doubt the same corner passed by and called for by A. A. Miller in his survey of the George Hayden west line.

From iron bolt at the original northwest corner of the James Henderson, we ran south along old marked line upon which there were three different sets of hacks: (1) a few original marks; (2) a recent set; and (3) a set about 50 years old. Signs of old fence are on the lower end of this line. At 1905.3 varas intersect old fence and line marked with three old hacks and long known and recognized as the Orange County line. From this intersection a post oak stump burned to the ground is north 5 west 2-4/10 varas. Mott in his notes on the James Henderson calls for post marked X N 5 deg. W 2-4/10 and a persimmon marked X S 03 deg. E 5 varas, as witness trees to SW corner. At S 4 deg. E 6 vrs. we are on the west edge of several small persimmon trees. We were not able to locate the persimmon as called for, but considering the post oak stump fits the original bearing, and the location of the persimmons, this beyond any doubt is the original southwest corner of the Henderson and the same corner located and identified by Mr. P. G. Omohundro in 1925.

From southwest corner of Charles Champion, and running north with marked line, intersect north line at 1920

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counter 46870

varas in marsh. Return to iron bolt at original south-east corner of George H. Burgin and running west at 2181.6 varas intersect what is claimed as the west line of J. S. Russell and George Burgin, from which a black gum X bears N. 62 E 4-7/10 varas. From this corner we run south along marked line about 30 years old, and at 751.3 varas identify the southwest corner of P. A. Lindsey 100 acres located in the northwest corner of the Russell. Continue south at 1004 varas, pass 10" maple marked X at 1898.8 varas intersect 3 hack County line, in center of marsh a black gum marked X is east 38-3/10 varas. We return to northwest corner of Russell as claimed, and run north along marked line at 1921.9 varas intersect line run west for the north line of Burgin 2184.2 varas west from Burgin northeast corner.

We are positive that this is not the true west line of the Russell and Burgin. Russell southwest corner calls for mulberry tree and post oak. These trees do not grow in marsh. At northwest corner Russell the call is for pin oak. No signs can be found that pin oak ever grew here. The northwest corner Burgin is in a marsh and call is for maple. We searched the strip west for 100 varas for signs of old line but found none. About 250 varas east from Russell southwest corner as claimed we find signs of old fence running north, and a hacked line through the P. A. Lindsay tract. Line is about 25 years old. Pasture fence built by Brown Estate. I believe the original line can be found somewhere close to this fence. This line if carried to north line will be in small maples. The south end of line in a place where one would expect to find mulberry. A strip, therefore, about 200 varas wide and 2 miles long would have to be very carefully examined for old line marks if these can be found, and we believe they can. This line could then be run to intersect the north and south lines of Russell and Burgin, and I am certain the original corners could be found. This,

hw

MP

counter 46871

however, would take some time. The pine and hardwood have been cut many times, and as is always the case, fires have followed, from which spring briars, vines and brush to make this section one dense thicket. The only trees left standing on which the original marks can be found are magnolia and black gum, with a few exceptions of oak which could not be used commercially.

We returned to the original northwest corner of the Fisher and Henderson as identified by Stark in 1904, and run south. At 404 varas cross K.C.S. RR. at 1909.1 a pine knot for corner. Identify post oaks called for by A. M. H. Stark, County Surveyor, in 1904, in his running of the V. H. Stark survey. This line has three sets of old hacks and different ages. A few we believe to be the original. We did not find the pines called for by Mott. Running east from this point we passed 4 trees, original marks; no other marks found on this line until we reach a sweet gum marked X at 1901 varas, and at 2053 varas intersect line running north about 25 years old. No original corners found at these points. We did not investigate the east lines north, no old marks found.

We traced the east line of Armon Davis as claimed; a fence is on this line with hacked trees about 30 years old. At the northeast corner we find a 1½" galv. pipe. Fence then runs west. This east fence shows a surplus of some 443 varas in the Davis. We did not find bearings as called for by Mott, yet we think this fence is very close to the true line for the reason that at the north corner there is a ridge on which dogwood might grow. This ridge is about 50 varas wide. After you leave this ridge going west you are in low ground for some 500 varas. The Fred Stover section southeast corner which is also the northeast corner of the Davis, also has a call for dogwood. We believe that this ridge is the only place where this species of tree would grow. We traced this line north

MT

counter 16872

but found no hacks until we reached, at a little over one mile from Davis' corner, the east line of Section 19, H. T. & B. RR. Time did not permit us to make any further investigations on this line.

We have made an investigation of the two stumps claimed by J. G. Barker in his survey, as the original northeast corner of the James A. Mason, these stumps being about 6.5 varas west of rail previously stated as being the inner northwest corner of the Lewis claim. We find a pine knot set from which a pine stump bears S 68 W and another pine stump bears N 25 E, which are the original bearings as called for by Mott. We dug around these stumps and exposed the original bark. We then found that the S 68 W bearing has a distance of 4-1/10 varas, Mott's call being 3-5/10 varas, and the N 25 E course has a distance of 5-3/10 varas, Mott's call being 4-8/10 varas. If we give the S 68 W bearing its call distance, we then get a bearing and distance to the other stump of N 29 E 5-8/10 varas, and reversing the calls and distance from the N 25 E 4-8/10 we have a bearing of S 63 deg. 30 min. W 4-5/10 varas. On the attached plat, in upper left corner, is an illustration of these facts. These stumps cannot in any way be made to fit the calls for Mason northeast corner, for if they did they would have to be about 5 feet in diameter to do so, and no trees, as far as the memory of man, have ever grown in this section to that size. From this corner south there are no marks or hacks other than those made recently. We do not consider a few blazed trees sufficient evidence on which to base a land line. There are many blazed trees in this section, running north, south, east and west, these blazes made, possibly, by timber estimators or hunters and trappers.

A map has been constructed from our investigation of this survey, and is attached hereto, which shows in detail

MS

counter 16873

Rec'd 10/6/36.

the survey, from which one can see that there is a surplus in each of these tracts. When the west line of the Russell and Burgin and the east line of the Davis and Stover are located as previously mentioned, we are sure that the greater excess will be found in Davis and Stover.

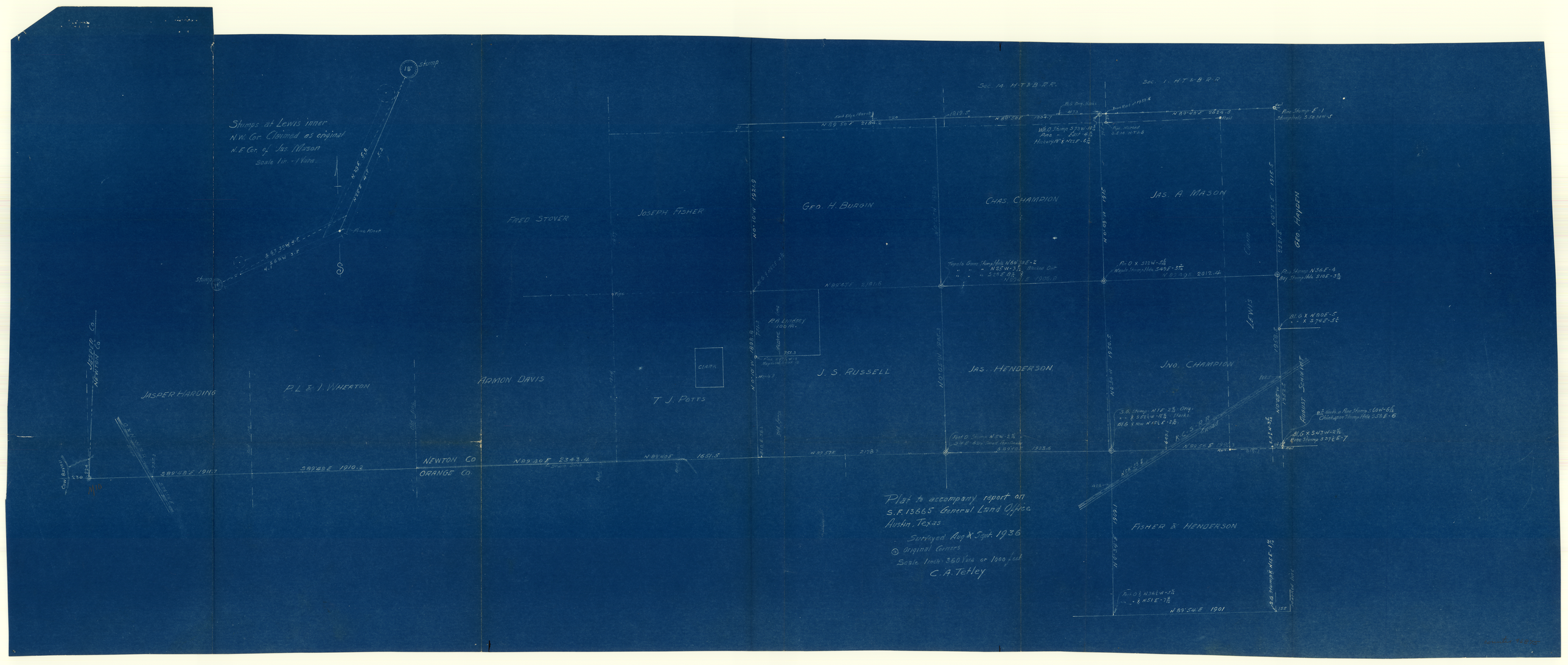
From these investigations and results we are satisfied there is no vacancy.

Respectfully yours,

C. A. Tatley.

M9

counter 16874


Stumps at Lewis inner
N.W. Cor. Claimed as original
N.E. Cor. of Jas. Mason
Scale 1 in. = 1 Vara.
Stump
Pine Knot
Sec. 14. H.T.&B.R.R.
Sec. 1. H.T.&B.R.R.
FRED STOVER
JOSEPH FISHER
GEO. H. BURGIN
CHAS. CHAMPION
JAS. A. MASON
GEO. HAYDEN
LEWIS
JASPER HARDING
P.L. & I. WHEATON
ARMON DAVIS
T. J. POTTS
CLARK
J. S. RUSSELL
JAS. HENDERSON
JNO. CHAMPION
AUGUST SCHMIDT
FISHER & HENDERSON
NEWTON CO
ORANGE CO.
JASPER CO.
NEWTON CO.
Plat to accompany report on
S.F. 13665 General Land Office
Austin, Texas
Surveyed Aug & Sept. 1936
Original Corners
Scale 1 inch = 360 Vara or 1000 feet
C. A. Tetley

1984
440

224

WILL E. ORGAIN
Y. D. CARROLL
MAJOR T. BELL

JOHN G. TUCKER
BENJ. D. ORGAIN

ORGAIN, CARROLL & BELL
ATTORNEYS AT LAW
BEAUMONT, TEXAS

September 25, 1936

RECEIVED
SEP 28 1936
TO

RE: A. J. Lewis Vacancy - SF 13665

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

A. J. Lewis

Dear Mr. Walker:-

I have your letter of September 24th relating to the above matter. I had understood from the Sun Company, who was also interested in this matter and in opposition to the proposed vacancy that it was keeping in touch with you in the matter.

We have conferred several times with the surveyors and I had understood that the survey was complete and that the surveyors were now in the course of making up their report. Upon receipt of your letter I called the office of the attorneys for the Sun Company and they advise me that the surveying work was substantially complete, that is, as much as could be done prior to the submission of the matter to you and that the surveyors' report on the work would be complete by the middle of next week and would be immediately forwarded to you. The company also advised that they would wire you you the status of the matter in that they had received from you a letter similar to the one received by us.

We appreciate your having granted the necessary time in this matter and desire to say that weather considered and extent of surveys considered there has been no delay in getting up the data concerning the matter.

Those opposing the proposed vacancy claim are also desirous of having the matter disposed of by you. We will get this report to you as stated and will be glad to appear in person concerning the matter if you so desire at any time after next week.

With every good wish, we are

Very sincerely yours,

WEO:MCD

Wrote 9-30-36
CF Blucher

Will E. Orgain

counter 46876

RECEIVED AT

STANDARD TIME INDICATED ON THIS MESSAGE

Postal Telegraph

THE INTERNATIONAL SYSTEM

Commercial Cables | All America Cables | Mackay Radio

TELEGRAMS CABLEGRAMS RADIOGRAMS

This is a full rate Telegram, Cablegram or Radiogram unless otherwise indicated by signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCO	DEFERRED CABLE
NLT	NIGHT CABLE-LETTER
	RADIOGRAM

Form 16L

D103 72 DL=BEAUMONT TEX 25 314P

1936 SEP 25 PM 3 31

2063

J H WALKER=

COMMISSIONER GENERAL LAND OFFICE AUSTIN TEX=

AS REGARDS S F NUMBER ONE THREE SIX SIX FIVE A J LEWIS NEWTON COUNTY AFTER DISCUSSION WITH W E ORGAIN OR ORGAIN CARROLL AND BELL AND WITH OUR SURVEYORS SUCH SURVEYORS ADVISE THEY HAVE COMPLETED FIELD WORK AND ARE NOW PREPARING REPORTS AND MAPS WHICH WILL BE COMPLETE ABOUT THE MIDDLE OF NEXT WEEK STOP WE DESIRE TO PREPARE ARGUMENTS AND THEREFORE SUGGEST THAT HEARING BE HELD IN ABOUT TWO WEEKS=

SUN OIL CO JOHN B THOMAS.

RECEIVED

SEP 25 1936

[redacted] TG [redacted]

Ans 9-26-36

counter 46877

September 24, 1936

Orgain, Carroll & Bell,
Beaumont, Texas

Attn: Mr Will E Orgain

Gentlemen:

Since writing you on July 3rd in reply to your letter of June 29th which refers to the matter of the alleged A J Lewis vacancy in Newton county (SF 13665) I have heard nothing further from you.

You asked for postponement of the date for hearing or final action on this file. The time was extended from the first of August to the latter part of August. I would like to know at once whether you are contemplating the presentation of any facts in connection with this matter.

As it has been pending for 6 months I do not feel in justice to the applicant that consideration should be unduly delayed. At the same time I would like to give you an opportunity to submit such data as you may have. Mr Lewis is pressing this department for final action. Please wire me at once what your intentions in this matter may be.

Kindly refer to SF 13665 when you write.

Very truly yours,

Commissioner

Blucher:eb
SF 13665

counter 16878

September 24, 1936

Sun Oil Company,
San Jacinto Life Bldg.,
Beaumont, Texas

SF 13665, A J Lewis, Newton Co

Attn: Mr John B Thomas

Gentlemen:

This department wrote you on August 15th and on prior dates in reference to the A J Lewis file on an alleged vacancy in Newton county, his papers having been filed here on March 4, 1936.

The latter part of August was set as the date for hearing or examination into this file. At the urgent request of your Company the date for this hearing was postponed. Mr Alexander of your company stated that the result of your surveyor's investigation on the ground would be pushed as rapidly as possible.

It has been nearly five weeks since you were written in reference to this matter; see my letter of August 15th. I have heard nothing from you in reference to the progress being made by your surveyors, or as to the time when you would present such information which you had in reference to this A J Lewis file. It is only fair to Mr Lewis that final action be not postponed any longer than is absolutely essential. At the same time I wish you to have the necessary opportunity for your investigations on the ground.

Please wire me the earliest date you can set for presentation of the information bearing on the existence or non existence of this alleged vacancy.

Very truly yours,

Commissioner

Blucher:eb
SF 13665

counter 16879

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1206 AT

CLASS OF SERVICE DESIRED

DOMESTIC		CABLE	
TELEGRAM		FULL RATE	
DAY LETTER		DEFERRED	
NIGHT MESSAGE		NIGHT LETTER	
NIGHT LETTER		WEEK END LETTER	

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCT'G INFMN.

TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

AUSTIN TEXAS SEPTEMBER 23 1936

MR A J LEWIS
BEAUMONT TEXAS

HAVE NOT RECEIVED OTHER SURVEYORS REPORT ON NEWTON COUNTY VACANCY WILL INVESTIGATE AND WRITE YOU

J H WALKER
LAND COMMISSIONER

BLUCHER:eb
COLLECT

S 21366

WESTERN UNION GIFT ORDERS ARE APPROPRIATE GIFTS FOR ALL OCCASIONS

S3

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE 1201-S

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(56)

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

SYMBOLS

DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

Received at 613 Congress Ave., Austin, Texas Open Until Midnight

1936 SEP 23 AM 10 57

5 2 2

HS59 19/22 DL=WB BEAUMONT TEX 23 1020A

J H WALKER=

COMMISSIONER OF GENERAL LAND OFFICE AUSTIN TEX=

ADVISE WHAT PROGRESS BY PARTIES PROTESTING S F THIRTEEN SIX SIXTY FIVE NEWTON COUNTY WHEN MAY I EXPECT ACTION ANSWER WESTERNUNION COLLECT=

A J LEIW.

1981
138

Have not received other surveyors report on Newton County vacancy. Will investigate and write you.

9-23-36.

Collect
Blucher

RECEIVED
SEP 23 1936
REFERRED TO SCHOOL

THERE IS NO DEPENDABLE SUBSTITUTE FOR WESTERN UNION TIME

S4

counties 16880

(COPY)

August 12, 1936.

Mr. J. B. Thomas,
Sun Oil Company,
Legal Department,
Beaumont, Texas.

Dear Sir:

This has reference to the Lewis application for supposed vacant land in Newton County and is written at the request of Mr. Alexander with the Sun Oil Company who visited the office last week and who stated that Surveyors in the employ of your Company were now at work in the area to determine the true conditions on the ground with reference to old survey lines and corners.

This office will be glad to have all the facts obtainable before final action in the matter and will ask that this work be carried to completion and full reports of Surveyors filed as soon as practicable and according to the nature and extent of the work to be done.

Very truly yours,

J. Walker

Commissioner.

JWH:h

counter 16881 R'

S.A/13665

COUNTER 82363

Newton Co Rld Sk 6-A

General Land Office

State of Texas

Austin

J. H. WALKER, COMMISSIONER
[redacted], CHIEF CLERK
J. W. HAWKINS

August 6, 1936

Sun Oil Company,
San Jacinto Life Bldg.,
Beaumont, Texas

Gentlemen:

Acknowledgment is made of your letter of August 4th referring to survey of the premises in the vicinity of the alleged A J Lewis vacancy in Newton county.

You asked me to state the date which has been fixed for a hearing relative to this file. It will be very possibly shortly after the 15th of this month. The exact date was not set. It was to be very close to the 15th instant; therefore, I trust that you will have the information ready, if you desire to present it, at that time.

Very truly yours,

Acting Commissioner

Blucher:eb
SF 13665

counter 16882

R 2

SF13665.

Newton Co Rld SK 6-A

COUNTER 82364

August 1, 1936

Sun Oil Company,
San Jacinto Life Bldg.,
Beaumont, Texas

Attn: Mr John B Thomas

Gentlemen:

In your letter of July 30th you refer to the A J Lewis file (SF 13665) in Newton county, and ask that final action be held up thereon until you have had sufficient time to complete surveying, as you wish to be heard in reference to this matter. This department wishes to give everyone sufficient time to furnish information, either for or against the existence of such vacancy.

Those papers were were filed here on March 4th this year and final action has been postponed several times now, in order that different parties might look into the situation. I do not believe that in all fairness to Mr Lewis this matter should be postponed much longer. Please write me at once the shortest time that you will need to get this information in shape to present it. You will probably find that it does not take over two weeks to complete yhur surveying and studies, as I understand all the lines have been cut out.

When you write in reference to this matter, please mention SF 13665.

Very truly yours,

Acting Commissioner

Blucher:eb
SF 13665

counter 16883

SF 13665

August 1, 1936

Sun Oil Company,
San Jacinto Life Bldg.,
Beaumont, Texas

Attn: Mr John B Thomas

Gentlemen:

In your letter of July 30th you refer to the A J Lewis file (SF 13665) in Newton county, and ask that final action be held up thereon until you have had sufficient time to complete surveying, as you wish to be heard in reference to this matter. This department wishes to give everyone sufficient time to furnish information, either for or against the existence of such vacancy.

Those papers were were filed here on March 4th this year and final action has been postponed several times now, in order that different parties might look into the situation. I do not believe that in all fairness to Mr Lewis this matter should be postponed much longer. Please write me at once the shortest time that you will need to get this information in shape to present it. You will probably find that it does not take over two weeks to complete this surveying and studies, as I understand all the lines have been cut out.

When you write in reference to this matter, please mention SF 13665.

Very truly yours,

Acting Commissioner

Blucher:eb
SF 13665

COUNTER 82365

Newton Co Rld SK 6-A

15-16

RECEIVED
JUL 31 1936
REFERRED TO SCHOOL

SUN OIL COMPANY

LEGAL DEPARTMENT

T. L. FOSTER
GENERAL ATTORNEY
C. A. TOLER
J. W. TIMMINS
MARTIN A. ROW
J. W. KINCAID
DALLAS

SAN JACINTO LIFE BUILDING
BEAUMONT, TEXAS

JOINER CARTWRIGHT
JOHN B. THOMAS
BEAUMONT

July 30, 1936.

S. F. #13665, Newton County

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

Dear Sir:

I am in receipt from your office of photostatic copy of the contents of Scrap File #13665, Newton County, Texas, which I requested your office to forward to me. I wish to thank you and your office for your attention to this request.

Upon checking through the contents of said Scrap File I find that the same covers land upon which Sun Oil Company contends it owns oil, gas, and mineral leases by virtue of being portions of surveys already located. Because of such fact we have today ordered a crew of surveyors to proceed to the area in question, with the idea of ascertaining whether or not the alleged vacancy in reality exists.

It is my understanding that the hearing on the application of A. J. Lewis to purchase the land covered by said Scrap File #13665, has been postponed until some time after August 15, 1936.

Due to the fact that no notice whatsoever was given to Sun Oil Company by any parties, and further due to the fact that it will be impossible to do our work in ascertaining whether or not the vacancy exists, before August 15, 1936, we hereby respectfully request that no hearing be had on the application of A. J. Lewis to purchase the alleged vacancy until we have had the opportunity of having our surveyors make a detailed and complete investigation. Kindly advise us.

Yours very truly,

John B. Thomas

JBT:MJG

Wrote 8-1-36
CT Bluches

R4

counter 46984

RECEIVED
JUL 31 1956
REFERRED TO SCHOOL

SUN OIL COMPANY

LEGAL DEPARTMENT

SAN JACINTO LIFE BUILDING
BEAUMONT, TEXAS

July 30, 1956.

S. F. #13665, Newton County

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

Dear Sir:

I am in receipt from your office of photostatic copy of the contents of Scrap File #13665, Newton County, Texas, which I requested your office to forward to me. I wish to thank you and your office for your attention to this request.

Upon checking through the contents of said Scrap File I find that the same covers land upon which Sun Oil Company contends it owns oil, gas, and mineral leases by virtue of being portions of surveys already located. Because of such fact we have today ordered a crew of surveyors to proceed to the area in question, with the idea of ascertaining whether or not the alleged vacancy in reality exists.

It is my understanding that the hearing on the application of A. J. Lewis to purchase the land covered by said Scrap File #13665, has been postponed until some time after August 15, 1956.

Due to the fact that no notice whatsoever was given to Sun Oil Company by any parties, and further due to the fact that it will be impossible to do our work in ascertaining whether or not the vacancy exists, before August 15, 1956, we hereby respectfully request that no hearing be had on the application of A. J. Lewis to purchase the alleged vacancy until we have had the opportunity of having our surveyors make a detailed and complete investigation. Kindly advise us.

Yours very truly,

JHT:MJG

SF-13665

COUNTER 82366

Newton Co Rld Sk 6-A

1979
447

SUN OIL COMPANY

LEGAL DEPARTMENT

1555

T. L. FOSTER
GENERAL ATTORNEY
C. A. TOLER
J. W. TIMMINS
MARTIN A. ROW
J. W. KINCAID
DALLAS

SAN JACINTO LIFE BUILDING
BEAUMONT, TEXAS

JOINER CARTWRIGHT
JOHN B. THOMAS
BEAUMONT

August 4, 1936.

Scrap File #13665,
Newton County, Texas.

RECEIVED
AUG 5 - 1936

Mr. J. W. Hawkins,
Acting Commissioner,
General Land Office,
Austin, Texas.

Duplicate letter sent 8-15-36
1981
138

Dear Sir:

I wish to thank you for your letter of August 1, 1936, in reply to mine of July 30, whereby you advise us that it is the desire of the Land Office to give everyone sufficient time to furnish information either for or against the existence of vacancies.

I understand that the hearing of said S.F. 13665 to determine whether or not there is a vacancy, is set for some time after August 15, 1936. The exact date I do not know. It is quite possible our surveying party may be able to complete their work in time for said hearing. If so, you may rest assured that we most certainly will not ask for any additional time. As to whether or not they can complete the work by the date set for the hearing, we will be able to advise you within a few days.

In the meantime will you advise me the date which has been fixed by your department for said hearing?

Yours very truly,

John B. Thomas

JBT:MJG

Aug 8-6-36
Ft. Blucher

counter 16885

July 2, 1936

Mr. Forrest Daniell
Licensed Land Surveyor
Box 2105, Beaumont, Texas

Dear Mr. Daniell:

This acknowledges receipt of your letter of June 27 enclosing your sketch and report relative to the A. J. Lewis vacancy. (S.F. 13665)

Since writing you last and only a day or two ago, representations were made to this department by Mr. Will Orgain, Beaumont, Texas, which caused me to postpone until August 15 final action on this matter. I regret that this delay has occurred, but it could not be avoided.

I am sending a copy of this letter to Mr. R. S. Barber, Orange, Texas, Rt. 2, Box 139, for his information.

Yours very truly

Commissioner

Blucher:lbr
cc: Mr. R.S. Barber
Orange, Texas

counter 76886

J. B. SMYTH
PRESIDENT

C. E. WALDEN
VICE-PRESIDENT

314

SABINE TRAM COMPANY

INCORPORATED 1889

P. O. DRAWER 1512

554 WIESS BUILDING

BEAUMONT, TEXAS

June 26, 1936

Mr. J. W. Hawkins, Acting Commissioner
General Land Office
Austin, Texas

Dear Sir :-

I acknowledge with thanks your letter of June 23, enclosing copy of your letter of same date to Mr. Forrest Daniell, County Surveyor, of Jefferson County, setting July 1st as the date to file any data in connection with my file #13665 on vacancy in the Southern part of Newton County.

Should there be any instruments filed by anyone protesting the vacancy, I will thank you to immediately furnish me a copy of same in order that I may determine just what course to pursue.

Yours very truly,

A. J. Lewis.

A. J. Lewis.

AJL:mer

RECEIVED
JUN 27 1936
RECEIVED TO

counter 46887

2 2 3 1 6 2

June 25, 1936

Mr. Forrest Daniell,
County surveyor,
Beaumont, Texas

Dear Sir:

On May 27th I wrote you in reference to your letter of May 25th stating that within 14 days following the last mentioned date you would investigate the lines on the ground bearing on the boundaries of the alleged A J Lewis vacancy in Newton county. You stated that within 21 days of May 24th (if the weather permitted) you would report on this matter. To date I have not heard from you, and Mr Lewis desires final action on his file.

I shall therefore, request that you submit such information as you may desire in connection with this matter not later than July 1st next.

I am sending a copy of this letter to Mr A J Lewis, Box 1512, Beaumont, and to Mr R A Moore at Orange for the Dr E W Brown estate.

Very truly yours,

Acting Commissioner

Blucher:eb
SF 13665

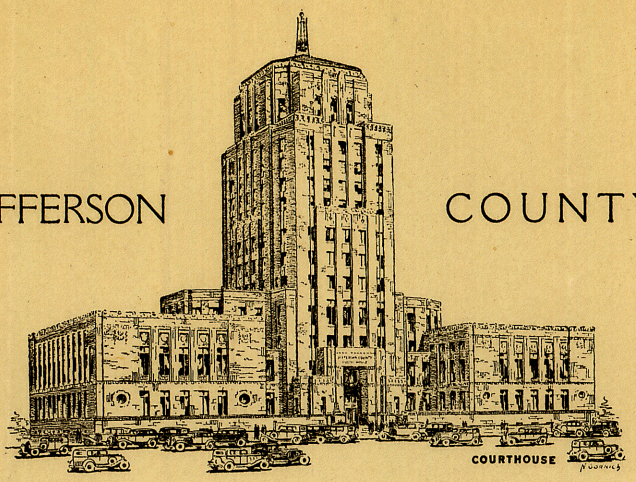
counter 46888

SJ 13665

COUNTER 82367

Newton Co Rld Sk 6-A

JEFFERSON COUNTY



BEAUMONT, TEXAS

FORREST DANIELL
County Surveyor

Phone 4725

June 24,1936.

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

Attention: Mr. Blucher.
S.F. No. 13665
A.J. Lewis Vacancy File

Dear Sir:

Your letter of yesterday received concerning a report of my investigation of the survey lines on and adjacent to the A. J. Lewis Vacancy File of 455¼ acres of land in Newton County, on the north line of Orange County. I have made a survey investigation of the lines and corners of said surveys and will send a report of same to your office by July 1,1936.

Thanking you for your kindness in reminding me of the report, I remain

Yours very truly,

Forest Daniell

County Surveyor of Jefferson County,
Linensed State Land Surveyor.

RECEIVED
JUN 26 1936
REFERRED TO

counter 76889

June 23, 1936

Mr. A. J. Lewis,
Beaumont, Texas. Box 1512

Dear Sir:

I am enclosing herewith copy of a letter this day written to Mr Forrest Daniell, a copy of which is also sent to Mr R A Moore of Orange, who represents the Dr E W Brown estate.

In view of the fact that there seems to be such a controversy over the positions of survey lines in the area considered, I have felt that those who did not believe the vacancy to exist, should be given sufficient time to gather such information by a survey on the ground as they might desire.

On the other hand, I do not wish to delay action unduly on your file. Under the circumstances, I believe that a reasonable length of time has been given to those protesting the vacancy, when I set July 1st next as the date for them to file any data they may desire in connection with this matter.

Please mention SF 13665 when you write.

Very truly yours,

Acting Commissioner

Blucher:eb
SF 13665

counter 46890

S 7 13665

June 25, 1938

Mr. A. J. Lewis,
Beaumont, Texas. Box 1818

Dear Sir:

I am enclosing herewith copy of a letter this day written to Mr Forrest Denkell, a copy of which is also sent to Mr R A Moore of Orange, who represents the Dr S W Brown estate.

In view of the fact that there seems to be much controversy over the positions of survey lines in the area concerned, I have felt that those who did not believe the vacancy to exist, should be given sufficient time to gather such information by a survey on the ground as they might desire.

On the other hand, I do not wish to delay action unduly on your file. Under the circumstances, I believe that a reasonable length of time has been given to those protesting the vacancy, when I set July 1st next as the date for them to file any data they may desire in connection with this matter.

Please mention SF 13665 when you write.

Very truly yours,

Acting Commissioner

Bluepencil:eb
SF 13665

COUNTER 82368 Newton Co Rld Sk 6-A

J. B. SMYTH
PRESIDENT

C. E. WALDEN
VICE-PRESIDENT

1973
201

SABINE TRAM COMPANY

INCORPORATED 1889

P. O. DRAWER 1512

554 WIESS BUILDING

BEAUMONT, TEXAS

June 18, 1936

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

Dear Sir :-

I now refer to your letter of May 29th, and will thank you to advise me whether or not Mr. Forest Daniel completed his work in connection with my file #13665, Newton County.

Thanking you for a prompt reply, I beg to remain

Yours very truly,

A. J. Lewis

AJL:mer

RECEIVED
JUN 20 1936
REFERRED ~~TO LAW~~

Acknowledged
6/23/36
C.T. Bluche
map

counter #6891

May 29, 1936

Mr. A. J. Lewis,
Beaumont, Texas. Box 1512

Dear Sir:

This acknowledges receipt of your wire of even date inquiring about the status of your file on alleged vacant land in the Southeastern part of Newton county.

I have examined the surveyor's report submitted with your field notes, and I find it very full and comprehensive. I have ehdl up final action on your file until Mr Forrest Daniell licensed land surveyor of Beaumont, can complete his surveying work in connection with protest by Mr R S Barber of Hartsburg, as to this vacancy.

Mr Daniell said that if the weather did not prevent, he would complete his work and have it available by the middle of June. Under the circumstances, I have thought it well to allow him that time to develop any facts which he might believe would show the non-existence of any unsurveyed public school land as filed on by you.

Just as soon as I hear from Mr Daniell, I shall go into this matter and advise you. I wrote Mr Daniell to make as rapid progress as he could on his report, as I did not wish to hold up action on your file unduly. I wrote him under date of the 27th of this month.

Very truly yours,

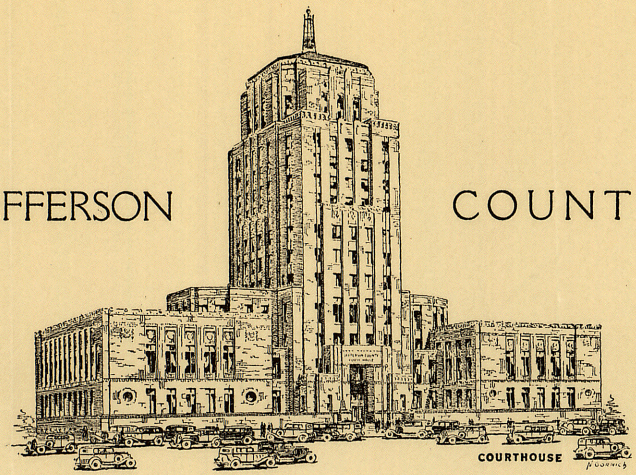
Commissioner

Blucher:eb

counter 46892

N W 6

JEFFERSON COUNTY



FORREST DANIELL
County Surveyor

Phone 4725

BEAUMONT, TEXAS

May 24,1936.

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

Dear Mr. Walker:-

Mr. R. S. Barber of Hartsburg, Orange County, Texas; telephoned you Friday May 22nd, asking you to withhold decision on the A.J. Lewis Vacancy File on lands southwest of Deweyville, near the County Line in Newton County; until he could furnish your office with additional information.

As yet I have not had time to make surveys as I promised Major Hawkins in your office about two months ago, that I would do. Representing the Dr. E.W. Brown Estate and R.A. Moore of Orange, who as well as Mr. Barber are owners of lands involved in the Lewis File, I expect to go upon the ground with another Licensed Surveyor within the next 14 days to investigate the lines and corners involved in the Lewis File and will make a report of our findings to your office within the next 21 days, providing that the weather does not continue to be unfavorable.

Thanking you, I beg to remain,

Yours very truly,

Forrest Daniell

County Surveyor of Jefferson Co.,Texas.
Licensed State Land Surveyor of Texas.

RE...
MAY 26 1936
REFERRED TO Map

Acknowledged
5/27/36
CF Blocker

counter 46893

204

RECEIVED
APR 1 1936
REFERRED TO SCHOOL

Burkeville, Texas, P.O.Box #96,

March 31st, A.D.,1936.

RECEIVED
MAR 31 1936
REFERRED TO SCHOOL

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

Dear Mr.Walker:

I enclose herewith white print with blue lines on paper, a copy of my revised map of the south end of Newton county,Texas, from the north line of the Enis Harden survey entirely across the county, from east to west sides thereof, and south to the south boundary of said county.

I have attached to the above named map my certificate showing its correctness as to all lines and corners shown thereon and bordered in red pencil,said lines and corners so bordered in red having been actually re-surveyed by me upon the ground. My certificate explains that the remainder of the map is a correct representation of the lines and corners of the surveys shown, provided the original field notes together with any and all corrected field notes had,and the field notes in the patents to the said surveys are correct. Meaning,of course, that the map was made by me and correctly represents all of said surveys according to the field notes in use.

When you have had time to consider this map along with the fifty-five (55) page certificate I furnished you detailing my work in the locality of the A.J.Lewis survey SF 13665, I will be pleased to come to Austin together with Mr.A.J.Lewis,provided you should feel that my coming might be in any manner helpful. However, I have endeavored to cover the entire situation. Still, there may be things I could better explain if there in person. Kindly advise.

cc-
A.J.Lewis,
P.O.Box 1512,
Beaumont,Texas.

4/6/36 B

Very truly yours,

Jas. G. Barker

JAS.G.BARKER

counter 16894

144

RECEIVED
MAR 23 1936
REFERRED TO map SCHOOL

Burkeville, Texas, P.O.Box #96,

March 21st 1936.

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

IN RE: SF 13665: NEWTON COUNTY:

Dear Sir:

I hand you herewith next attached, 55 pages of typewritten matter bound under one (1) cover but really consisting of two (2) certificates made by me in connection with my work for Mr.A.J.Lewis on his survey of 455¼ acre,as computed by me, and designated by you as survey SF 13665, in Newton county,Texas.

This typewritten matter has been prepared by me in an effort to advise your department as fully as possible for me to do what I have done in way of surveying and making investigations relative to the above named and numbered file,and an additional application filed with me by Mr.A.J.Lewis and covering a small tract of about 20½ acres of land and beginning at the most northerly corner of the J.E.Anderson survey, and in connection with an application filed with me for a survey of certain lands beginning at the most southerly corner of said Anderson survey,said latter application filed with me by J.E.McCall.

I enclose herewith a sketch showing both the 20½ acre tract last filed upon by Mr.A.J.Lewis and which I have designated as survey No.2,in Block ~~No.2~~ No.1, said plat also showing the tract of about 47 acres of land filed on by Mr.J.E.McCall. I have not yet had the time to give the second application of Mr.Lewis and the application of Mr.McCall attention. I will do this as soon as possible and furnish you with all data necessary and incumbent upon me to furnish you.

The certificates named above and consisting of the 55 consecutive pages,as numbered, are rambling affairs but,if read carefully and carefully considered, will furnish your department many facts yet unfurnished,or rather heretofore unfurnished. I have spent about four (4) months on this work,all told, and it simply requires a leggthy statement to detail the facts to you concerning all I have done.

counter 46895

It would be unfair to both your department and to the applicants named above to furnish you with less than all the facts. I have endeavored to furnish you with all information gathered by me believing that upon receipt thereof you would better be enabled to know what the true situation is and what the applicants are entitled to.

I shall endeavor to get to you within about ten (10) days from this date my revised map of the south end of Newton county, Texas, from the north side of the ~~Enis~~ Enis Hardin survey across the county east and west, and south to its southern boundary.

Please defer final action on the application of Mr. A.J.Lewis for the tract designated by you as SF 13665 until I have had time to file with you a copy of the map referred to in the paragraph last above.

When I have finished the map, and it now is all finished other than the work of tracing it and having prints made therefrom, I will come to Austin together with Mr. Lewis, if our coming will be, in your opinion, of any benefit to your department in the premises. I have thought, as heretofore written, that your chief draftsman and probably others as heads of departments in your office might desire a personal interview with me. Probably I have left some things un-explained they could call to my attention and I would be able to explain.

Very truly yours,

Jas. G. Barker

JAS.G.BARKER, A LICENSED
STATE LAND SURVEYOR.

cc-
A.J.Lewis, P.O.Box 1512,
Beaumont, Texas.

counter 16896

23

Burkeville, Newton county, Texas,

Post Office Box #96, March 18th 1936.

RECEIVED
MAR 20 1936
REFERRED TO map. ~~SCHOOL~~

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

Dear Mr.Walker:

I have your kind favor of the 16th inst., for which I thank you, and which reads as follows:

"Austin,Texas,March 16, 1936.

Mr.James G.Barker,
Burkeville,Texas. Box 96,

Dear Sir:

In compliance with your request, I am writing you to say that this department has received the application and field notes which you prepared for Mr.A.J.Lewis and that these instruments have now been filed under our SF 13665. These field notes will have our earliest possible attention.

Very truly yours,

Harwood; eb
SF 13665

J.H.Walker,Commissioner."

I now am working on a map and a detailed report of my work in the south end of this (Newton) county upon and adjacent to and for several miles in each direction from the land referred to. I have worked for almost all the time for about four (4) months in that locality and in getting data to work with. I have had more than thirty (30) years experience in land surveying and have done the most careful work in way of surveying said land for Mr.Lewis that was possible to do. Just as soon as I have finished the map and have written an account of my work upon the ground I will file a copy of said map and my report with you to be considered. The map will cover all of Newton county from its southwest to its southeast corner and north for the entire width of the county to the north boundary line of the Enis Hardin survey,a distance of four (4) or five (5) miles north from the south line of Newton county. I have re-surveyed many of the land lines in that locality and have them correct as to course and distance,as

counter 16897

same actually appear upon the gfound. I have made an accurate re-survey of the J.E.Anderson and the Section No.1,H.T.& B.R.R. Co.survey, said section No.1 adjoining the A.J.Lewis survey, and the J.E.Anderson survey being near by same. I also have made an accurate re-survey of Section No.4, S.P.R.R.Co. survey adjoining the said Anderson survey,as well as having re-surveyed many other land lines in the imediate vicinity of this A.J.Lewis survey.

Mr.A.J.Lewis has requested me to accompany him to Austin when I have completed the map and report I now am working on. Will you please advise me when you would have your assistant in charge of such matters go over this work with Mr.Lewis and myself,if we should come to Austin soon. I have thought best that we await your department's consideration of said notes and the map and report I will later send you before coming there. Both Mr.Lewis and myself feel that there might be things your department would desire to discuss with me in person after you have gone over the data already sent and to be sent you. There might be things I could better explain to your department in person in way of details of the work on the ground done by me.

Trusting I may hear from you in due time and that I have left nothing undone about the work that would prevent a full understanding thereof, I am,

Very truly yours,

Jas. G. Barker

JAS.G.BARKER

cc-
Mr.A.J.Lewis,
P.O.Box #1512,
% Sabine Tram Co.,
Beaumont, Texas.

counter 16898

SF/3665

COUNTER 82369 Newton Co. Rld. Sk 6-A

March 16, 1936

Mr. A. J. Lewis,
Beaumont, Texas. Box 1512

Dear Sir:

The application for survey and field notes which were prepared by Mr Barker for you covering alleged unsurveyed land in Newton county, have been received and filed under SF 13665.

I do not find any statement as to the nature of your application to purchase, but from an examination of the papers, I am of the opinion that you are **not** claiming a preference right to purchase under section 5, but have made your file under the provisions of section 6 of Chapter 271 general laws, 42nd legislature. I would therefore, like to have a statement for our file from the surveyor that each owner of adjoining land, or any claimant thereof, has been cited in accordance with the provisions of the statute.

Should the existence of the vacancy be declared, it will then be necessary for us to have a statement as to whether or not the area lies within five miles of a producing oil or gas well.

Very truly yours,

Commissioner

Harwood:eb
SF 13665

counter 46899

SF 13999

Newton Co Rld Sk 6-A

COUNTER 82370

March 16, 1936

Mr. Forrest Daniel,
Beaumont, Texas.

Dear Sir:

In your letter of March 9th you enclosed $1.00 to pay for a photostatic copy of field notes prepared for Mr A J Lewis covering alleged unsurveyed land in Newton county, as well as $5.00 to be credited on invoice of February 20th and 21st.

Mr Lewis' field notes have been received and filed under SF 13665 and I am now passing your request to the photostat department so that your order will be filled.

Very truly yours,

Commissioner

Harwood:eb
SF 13665
cc: Mr R A Moore,
County surveyor,
Orange, Texas

counter 76900

Newton Co. Rld-SK. 64

SF 13665

Newton Co
SF 13665
A.J. Lewis
Forrest + Daniell's Report

June 27, 1936

RECEIVED
JUN 30 1936

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

RETURNED TO MAP

Attention: Mr. Blucher

S. F. No. 13665

A. J. Lewis Vacancy File

acknowledged 7/2/36 C.F.Blucher

Dear Sir:

I respectfully submit the following report of my survey investigations of the lands immediately involved in the A. J. Lewis alleged vacancy survey of 455½ acres as surveyed sometime ago by Mr. Jas. G. Barker, Licensed State Land Surveyor, said lands alleged to be in Newton County, Texas, immediately north of Orange County, east of the Jas. A. Mason Survey #12 and the John Champion Survey #11, west of the Schmidt Survey and the Geo. Hayden Survey; and south of the J. E. Anderson Survey and the H. T. & B. R.R. Co. Survey No. 1.

For the reason of not having a sufficient time to make a transit survey of the lands involved, I only made a compass survey, following the old lines exactly as they were upon the ground.

AUGUST SCHMIDT SURVEY S.W. CORNER

I began my survey investigation at the August Schmidt Survey S. W. corner, a pine knot corner on the old three hacked Newton and Orange County Line, from which a 20" Black Gum Mkd. old X new Blaze and new X bears S 43° W 2.4 varas (Field Notes call for Bl. Gum S. 43° W 2.4 varas) and a pine stump mkd. new X bears S. 37° E. 7 varas (F/N calls for Pine S. 37½° E. 7 varas.) I did not identify any witness trees at this corner for the field notes calls of the John Champion. From the proven S.W. corner of the A. Schmidt Survey, the Railroad Rail set by Mr. Barker for the S.E. corner of the A. J. Lewis Survey on his new County line hereinafter referred to as the "Barker County Line" Bears South 15.35 varas. This corner was identified by the witness trees as marked and called for in the Lewis Field Notes.

JOHN CHAMPION SOUTH LINE

From the accepted S.W. corner of the A. Schmidt Survey on the

counter 46901

old north County Line, same being the South boundary line of the John Champion Survey at 114.1 varas past a point from which a 7" S.W. Gum mkd. old x and recent x bears N. 6 E. 5.5 varas, (said point being 15.4 varas north of the Barker County line)(looked for evidence of witness trees of John Champion at this point but without success). at 590 varas pass 16 varas north of Chinkapin bushes from old stump from which I did not find any evidence of a corner nor pine to identify a possible corner of the S.E. corner of Champion, at 619.7 varas pass 7 varas north of small railroad rail set by Mr. Barker for the S.W. corner of the A. J. Lewis Survey on the Barker County Line. No evidence of a possible S.E. corner of Champion Survey was found at this point. The A. J. Lewis S.W. corner as surveyed by Mr. Barker was identified by the witness trees called for in the Lewis Survey Field Notes. I did not find an old line to the north of the railroad rail but a recently hacked line made within the past year. From the Lewis S.W. corner, the 7 mile post as run by Mr. Barker on his trial line from the South west corner of Newton County bears south 25.7 varas. Continuing along old County line, at 1996.6 varas found pine knot corner in thick woods identified as the Southwest corner of the John Champion Survey, from which a 30" Sweet Gum stump brs. N 1° E. 2.4 varas (F/N call N. 1° E. 2.4 varas) (This old stump is undoubtedly the Sweet Gum called for in Motts Survey of the John Champion and besides the Sweet Gum hereinafter described-marked by A. M. H. Stark in the T. Low Survey in Orange County in 1904-is still alive and standing and the Sweet Gum was called for by Stark in 1904 when he marked the smaller Sweet Gum) and a 16" Sw. Gum mkd. very old x bears S. 52½ W. 16.4 varas (F/N call satisfied in the T. Low Survey in Orange County). other Pin Oak calls not being found, said John Champion corner being on the North County line. Recent bearings from corner-12" Sw. Gum mkd. x brs. N. 15½° E. 2.2 varas and a 12" Pin Oak mkd. x brs. N. 64 E. 3.1 varas, an old fence bearing north and west is 21.3 varas west of corner.

JAMES HENDERSON SOUTH LINE

Thence westerly along the old north Newton and Orange County line from the proven southwest corner of the John Champion Survey #11 same being the S.E. corner of the James H. Henderson Survey #10,

counter 46902

at 522.7 varas pass north of a pine knot corner stake supposed to have been established by Jas. G. Barker recently on the said Barker County line for the S.E. corner of the Henderson Survey from which a 10" Bl. Gum mkd. X bears S. 24¼° E. 3.9 varas and a 12" Bl. Gum mkd. X bears S. 46¼° W. 9 varas, both recently marked within the past few months. I looked for witness trees to satisfy the original calls for the S.E. corner of the Henderson but found none. The Barker County Line marked by a new notch and two hack lines is marked only immediately near his newly made corner of the Henderson, continuing said old County line, at 1274.5 varas pass railroad rail established by me for the Northwest corner of the T. Low Survey, Survey in Orange County from its original witness trees, a 21" Bl. Gum mkd. very old x x bears N. 61½° E. 19.8 varas (F/N call 14" Bl. Gum N. 61½° E. 19.8 o varas) and a large Pine stump bears S. 11½° E. 10.4 varas (F/N call 20" Pine S. 12½° E. 10.4 varas, at 1925 varas westerly along county line from S. E. corner Henderson Survey #10, the S.W. corner of the Henderson established by intersecting the old County line with the west line of the Henderson marked in the timber by an old 3 hack line. No corner marker was set by us. We were unable to locate any evidence of witness trees for the Henderson corner nor for the N. E. corner of the S. Aronson Survey in Orange County.

WEST LINE JAS. H. HENDERSON SURVEY NO. 10

Beginning at the S.W. corner Henderson Survey established by intersection of its well marked lines, thence northerly along its west line at 195 varas pass just west of an 18" Pin Oak mkd. very old 3 hack on west side, at 655 varas pass west of 16" Bl. Gum marked old 3 hack on west side, at 934 varas pass east of 21" Bl. Gum marked 3 hack on east side-very old, at 1031 varas pass east of 21" Bl. Gum mkd. 2 sets of 3 hacks on east side, at 1843 varas pass just east of 24" Bl. Gum mkd. 3 hacks, one set of hacks very old and one set not very old, marked on east side at 1900 varas pass point on line from which 8" Maple marked X bears N. 41½ W. 2.7 varas and Double Forked Bl. Gum old = on west side and X on west prong bears N. 20 E. 2.8 varas, crosses made in past few weeks, at 1914.4 varas found 1" square top iron bolt in heavy briar patch on edge of slough the N. W. corner of the Jas. H. Henderson Survey from which a 40" Tupelo Gum snag with block sawed out-probably the old X bears N. 25° W. 3.8 varas and a large gum stump hole bears N. 65 E. 2 varas. I believe the above

V²

counter 46903

called witnesses to be the same as called for by Mott in his survey of the Henderson. I was told by an old timber man in my party that he saw the old x on the Tupelo Gum years ago and that the x was sawed out of the tree to be used in a lawsuit in Newton about 1926. I am certain the above named location is the original location of the N. E. corner of the Russell Survey.

THE J. S. RUSSELL SURVEY SOUTH LINE

Beginning at the place on the County line established by me as the S. W. corner of the Jas. Henderson Survey and the S.E. corner of the Russell Survey, thence westerly along old County Line at 488 varas pass 55.7 varas north of the Barker County line, found an 1½" iron pipe, (the N.W. corner of the Aronson Survey in Orange County) from which an 8" Bl. Gum 2 prong marked old $\bar{x}$ on south prong bears S. 37½° E. 2.7 varas (F/N call -4" Bl. Gum S. 36E 3 varas) and an 8" Bl. Gum marked old $\bar{x}$ bears S. 19 3/4 E. 10.25 varas (F/N call--6" Bl. Gum S. 19 E. 10½ varas). These witness trees were marked at base of tree a new $\bar{x}$ by us, the Aronson Survey is located on the N.E. edge of a large open prairie marsh, at 497.7 varas pass 55.7 varas north of a pine knot corner probably set by Jas. G. Barker on his County line for the S.E. corner of the Russell Survey from which a 12" pine bears S. 63 3/4 W. 5.7 varas and a 10" Oak bears S. 28 3/4 E. 6.8 varas and a 14" Pin Oak bears N. 29½ E. 2.9 varas -- all marked $\bar{x}$ in the past few months, at 1178 varas pass probable location of the N.W. corner of the G.C. & S.F. R.R. Co. Survey No. 8 as it conflicts with the J. M. Reeve Survey (both in Orange County) from which a 16" Sweet Gum bears S. 70½ W. 9.7 varas and a 21' Pin Oak bears S. 79E. 13.2 varas, both marked very old $\bar{x}$ and facing said corner location, a large marsh lies immediately south of the County line, at 1900.8 varas looked for the Russell Survey Southwest corner witness tree calls without success only finding old 3 hack County line. I searched along said County line westerly an additional 400 varas for said Russell corner but failed to locate a possible location of same.

At 2397.3 varas pass north of 2 Pine knot corners in scattered cut over pine, probably set by Jas. G. Barker for the S. W. corner of the J. S. Russell Survey on his County line from which a 10" Pine bears N. 63¼ E. 23.1 varas and a 21" Pin Oak brs. S. 14½ W. 37.5 varas-both marked $\bar{x}$ in past few months, a new hacked line bears north a

V3

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little way from said Pine knot corner.

WEST LINE SCHMIDT SURVEY

EAST LINE JOHN CHAMPION SURVEY

Beginning at the S.W. corner of the Schmidt Survey in Newton County on the Orange and Newton County line as heretofore identified and agreed upon by many surveyors, thence Northerly along said Schmidt west line, (same being the east line of the A. J. Lewis alleged vacancy very clearly marked on the timber with both old and new marks said A. J. Lewis S. E. corner being south 15.35 varas of the Schmidt S.W. corner), at 779 varas center of road to Hartsburg, at 808.5 varas center of Kansas City Southern railroad, at 1352.2 varas pine knot corner-southwest corner of Hayden Survey from which a 16" Bl. Gum (original call) marked old $\overset{C}{\underline{x}}$ bears N. 78 3/4 E. 5.2 varas (F/N --N. 80 E 5 varas) and 8" Bl. Gum (original call) marked old $\underline{\bar{x}}$ bears S. 75 ¼ E. 5.3 varas (F/N--S. 74 E. 5.5 varas and a 10" Bay old blaze on S.S. bears N. 15 3/4 W. 4.5 varas--roots of old Bay adjoining northeast, at 1519.3 varas cross old tram east and west at 1571.5 varas cross old tram east and west at 1882.2 varas on Hayden west line, pass probable Northeast corner of the John Champion Survey, a point from which a Bay root bears S. 10E. 3.8 varas and an 18" Pine Stump (standing about 2 ft. high bears N. 36 E. 4 varas (F/N calls for trees as indicated at said courses and distances) said location being on a very old north and south line. One of our party claims that he saw an old cross on the pine when it was standing about 18 years ago, while cutting timber.

JAMES A. MASON EAST LINE

GEO. HAYDEN WEST LINE

Thence northerly along the George Hayden west line, at 1858.8 varas pass a 3 hacked line about 20 to 25 years old, east and west, at 1991.7 varas found Pine knot corner--the N.W. corner of the Geo. Hayden Survey from which a lighter Pine stump mkd. new $\underline{\bar{x}}$ bears East 1 vara and an Oak stump hole bears S. 50 W. 5 varas (original calls for said Survey), a Pine stump hole bears S. 68 W. 3.2 varas (F/N call for N. E. corner Mason Pine S. 68 W. 3.5 varas). I did not find sufficient evidence to justify making this Hayden corner the same for the Mason N. E. corner other than a very old line recognized by some surveyors and old settlers as the South line of H. T. & B. R.R. Survey No. 1 leads to it from the west.

V4

counter 76905

However I have not been able to disprove its location in favor of some other point.

WEST FROM GEO. HAYDEN N. W. CORNER

Beginning at the N. W. corner of the George Hayden Survey. Thence westerly along an old hacked and blazed line along old wire fence at 633 varas pass 90.6/varas north of a railroad rail set by Jas. G. Barker for the N. E. corner of the James A. Mason Survey No. 12 identified by witness trees as called for in his survey of the A.J. Lewis Survey field notes (From said railroad rail set by Mr. Barker I found a new pine knot corner and iron barr--established since I was at that identical place in February--from which a lighter pine stump about 5 inches in diameter at top and 1½ ft. high, the possible original face of which bears N. 23½ E. 5 varas and its center 5.65 varas---F/N call N. 25E 4.8 varas; and another Pine stump tapering to a conical point 8" above ground, the center of which bears S. 68 W. 4.35 varas and its possible original face when alive 3.8 varas--F/N call S. 68 W 3.5 varas. Ordinarily in land surveying I would consider that the calls fitted up fairly good with the field notes calls of the N. E. corner of the Mason except for the fact that there is only one tree marked with 3 hacks to the west of said pine knot, an 24" Ash blazed on east and west sides and 3 very old hacks on south side some 391 varas west of Pine knot corner and other than the newly hacked line of the eastern west line of the A. J. Lewis Survey there are no hacked lines of any description to the South. I followed the said Lewis line alleged by said survey to be the east line of the Mason Survey for over a mile and searched every tree within 20 varas of the Lewis Survey line and found only a few blazes on the timber from which many different lines could be constructed. At the S. W.(E.?) corner of the Mason Survey as located by Mr. Barker in the eastern west line of the Lewis Survey file, I was unable to identify any witness trees as called for in the Mason field notes for its S. E. corner. Therefore I do not believe the Pine knot corner above described to be at the proper location of the N. E. corner of the Mason Survey No. 12. From the N. E. corner of the Mason as established by Mr. Barker, it is south 32 varas to an old 3 hacked and blazed line bearing east and west, appearing to be about 25 years old.

V5

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EXTREME WEST LINE OF A. J. LEWIS SURVEY

Continuing on said old 3 hacked and blazed line from said N. W. corner of the Hayden Survey, and along an old wire fence, mostly down, at 1483.8 varas old fence corners and turns south through woods, at 1952 varas found railroad rail in old hacked line bearing North and South, established by Mr. Barker for the Northwest corner of the A. J. Lewis proposed survey identified by witness trees called for in the Lewis Survey field notes. I was present on the ground when this and the upper S.W. corner of the Lewis Survey were established by Mr. Barker. An old line continues westward for about a mile from the Lewis Survey N. W. corner. This corner is accepted by some surveyors to be the southwest corner of the H.T. & B. Survey No. 1. Although the length of the west line of said H.T. & B. Survey No. 1 is excessive, its southwest corner should be determined wherever the S.E. corner of H.T. & B. Survey No. 14 is properly located provided it does not conflict with the north line of the Mason Survey.

From said N.W. corner of the A. J. Lewis Survey railroad rail corner, a line was run south, at 44.5 varas pass west of an 18" Sweet Gum mkd. old 3 hacks on west side at 79.5 varas pass open brush line--said line produced eastward from a line from the established and identified S.W. corner of H.T. & B. R.R. Co. No. 15 surveyed eastward thru southwest corner of H.T. & B. R.R. Co. No. 14, at 90.4 varas pass railroad rail established by Mr. Jas. Barker and identified by field notes as being the upper S.W. corner of the Lewis Survey at 117.1 varas found capped galvanized iron pipe marked "S.E. 14 H.T. & B- S.T. Co." in old hacked and blazed line from which a 24" Bl. Gum mkd. very old x (a flat cut cross) bears N. 16° E. 4.7 varas and another Bl. Gum 14" Dia. mkd. old $\bar{x}$ (a clean cut cross) bears N. 50½° E. 5.7 varas. This iron pipe was established as the S.E. corner of H.T. & B. R.R. Co. survey No. 14 for the Sabine Tram Co. From this corner, a well marked line bears north, east, and west but no line was found south of this corner as far as I searched thru thick woods for 300 varas. I searched for witness trees to satisfy Field Notes calls of both the Mason N.W. corner and H.T. & B.R.R. Co. Survey #14, S. E. corner at both west corners of the Lewis Survey and around the locality of the iron pipe mkd. S.E. 14 but did not find any evidence to sustain its location. From the Sabine

counter 46907

Tram Company's S.E. corner of Survey No. 14, I followed an old line west 74.3 varas to fence line running west and south along old hacked lines. I accepted the old hack line running south as the west line of the Mason Survey. I examined the location for witness trees to satisfy field notes call for Mason N.W. corner without success.

WEST LINE MASON SURVEY NO. 12

Beginning at the old fence on old hack lines bearing south at a point 26.7 varas south and 74.3 varas west of the upper S.W. corner of the A. J. Lewis Survey. Thence South along old fence line and well defined very old hacked and blazed line, at 165 varas pass west of 30" Magnolia mkd. very old 3 hack on west side, at 225 varas pass west of 18" Bl. Gum mkd. 3 hack on west side at 292 varas pass 18" Pin Oak very old 3 hack, marks clear but faint, at 486½ varas pass fence line bearing east, fence continues south, mostly down, at 650 varas pass 18" Bl. Gum mkd. 3 hack very old with moss grown over hacks, at 711 varas pass west of 21" Bl. Gum marked 3 hacks, at 1527.5 varas pass east of 30" old knarled white Bay marked 3 hack, very old on east side, at 1681.5 varas 10" White Bay marked old 3 hack at 1801 varas set iron bar and pine knot for the S.W. corner of the Jas. A. Mason Survey from which a 24" Pin Oak with face chopped off about 5 ft. above ground (probably the original witness tree called for in Mason field notes) bears S. 22 W. 5.6 varas and Maple sprouts bear S. 49E 4 varas and a very old 3 hack line bears west-followed same west for about 250 varas in dense woods, I did not search east for a line. The old fence line mostly down and wasted away on old hacked lines continues south from said Mason S.W. corner. If time permitted I would have examined the location 100 varas north of the beginning of this line for a possible N.W. corner of the Mason on account of the distance being only 1801 varas. The west line of the Mason is not the east line of Section 13, & 14 H.T. & B. R.R. Co. prolonged south through error of former surveyors because it is an older line and is located 74.3 varas west of the east line of Section No. 14.

SOUTH LINE OF H. T. & B. R.R. CO. SURVEY NO. 14

Beginning at the galvanized iron pipe mkd. S.E. 14 H.T. & B.-south 26.7 varas south of A. J. Lewis upper S. W. corner, Thence westerly along wire fence and old hacked and blazed line, at 74.3 varas pass west line of Jas. A. Mason, at 1882.1 varas found 2"

counter 16908

galvanized iron pipe with top capped and marked S.W. 14 H.T. & B.-S. T. Co. from which Pine (lighter) stumps (original bearing or witness trees of Burham field notes in 1873 of H.T. & B. Sec. #14 S.W. corner bearing N. 4 W. 3.5 varas and N. 85 W. 4.2 varas. This corner is 104.3 varas south of an old 3 hack lines bearing E. and W.

SOUTH LINE H. T. & B. R.R. CO. SURVEY NO. 15

Beginning at the southeast corner of Survey No. 15 same being the S. W. corner of No. 14 we followed old hacked and blazed line along old fence line, at 112.5 varas found line bearing south, at 1792.7 varas pass south side of 14" S.W. Sweet Gum mkd. very old X facing west and 3 old hacks on south side, located on N. W. edge of island in prairie marsh, said Sw. Gum is the same one called for in F/N. of Sec. #15 S.W. corner of the Burham Survey of 1873.

SUMMARY

From what little investigation that was made upon the ground, I believe that the evidence in the way of old corners and lines indicates clearly that there is an excess in the lines of the Mott surveys as well as a possible conflict of the Chas. Champion and the Mason with H.T. & B. R.R. Co. Surveys No. 15, 14 and 1. There are so many hacked lines old and new along the south line of H.T. & B. R.R. Co. Survey No. 1 and the north line of the Mason and each one run at different times on different magnetic variations, one is at a loss without further investigation to determine the correct line. Wherever the north line of the Mason is correctly located, it should be the south line of the H. T. & B. R.R. Co. Survey for its field notes call for the Mason corner and did not have witness trees of its own for the S.W. corner. I did not make any investigation around the Anderson Survey on the east. The old hack lines on the ground speak for the correct location of the various Mott surveys and there are no old hacked lines on the new locations established in making the Lewis Survey. I was at the S.W. corner of the Jasper Harding Survey at the S.W. corner of Newton County and find that its location is correct with reference to the calls on Cow Bayou on the west and north. I regret my time was limited in making the above investigation and will gladly if possible to do so, obtain additional information concerning the various survey lines and corners. The above survey investigation was made June 17 thru 20, using Garnett Phillips and David Durham of Beaumont as chain carriers and Joshu Brown and

counter 96909

Lonnie Joiner of Newton County as helpers.

I am enclosing a print of a working sketch and a print of a sketch showing the relationship of the Lewis Survey Lines with the old and proven Survey lines.

Respectfully yours,

Forest Daniell

Licensed State Land Surveyor
P.O. Box 2105 Beaumont, Texas

Received and filed in General Land Office on June 30, 1936. J. H. Walker, Comm.
C. F. Blucher

counter 76910

NEWTON CO

S.F. 13665

FLAT FOLDER.

(RLD SKETCHES) B

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Counter # 81492

136

WILL E. ORGAIN
Y. D. CARROLL
MAJOR T. BELL

EWELL STRONG
JOHN G. TUCKER
BENJ. D. ORGAIN

ORGAIN, CARROLL & BELL
ATTORNEYS AT LAW
BEAUMONT, TEXAS

June 29, 1936

RECEIVED
JUN 30 1936
REFERRED TO SCHOOL

RE: A. J. Lewis File - Newton County

Mr. J. H. Walker, Land Commissioner,
Austin, Texas.

Dear Mr. Walker:-

This will confirm the agreement made by telephone this date relating to the above matter wherein I stated that Mr. R. S. Barber, who was affected by this claim, has just come in to see us about it and that while he had information concerning this claim sometime back, his health has been precarious from an automobile accident and no work has been done on same by him and that we were having surveys made with a view of getting a report before the Commissioner.

I also advised you that I was leaving on a vacation within a few days and I would not be back until the middle of August and you kindly agreed that the matter would be held in abeyance until after that time and no action taken on your part until we had an opportunity of filing adverse report, which will be in the latter part of August.

Yours very truly,

Will E. Orgain

WEO:MCD

Aug 7-3-36 lhr

counter 46911

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J H WALKER=

COMMISSIONER GENERAL LAND OFFICE AUSTIN TEX=

ADVISE BY LETTER STATUS MY APPLICATION FILE THIRTEEN SIX SIXTY FIVE NEWTON COUNTY=

A J LEWIS BOX FIFTEEN TWELVE.

Ans 5/27/36

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A. A. Miller N. G.

counter 46913

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MAY 18 1936
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406

Newton, Texas,
May 15, 1936,

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

RE: File SF 13665, A.J. Lewis,
Newton County, Texas.

Dear Sir:

I, A.A. Miller, Licensed State Land Surveyor, in and for the State of Texas, of Newton, Newton County, Texas, do hereby certify that prior to April 11th, A.D. 1936, and prior to the writing and signing of the three pages of typewritten matter addressed by me to Mr. R.S. Barber, Hartburg, Texas, and dated April 11th, 1936, and filed by the said R.S. Barber in your office on the day of April A.D. 1936, I never had at any time carefully and accurately surveyed the boundaries of the surveys shown on the map hereto attached and made part hereof, surveying same fully enough to enable me to be fully informed as to the actual situation upon the ground relative to the said surveys shown on map hereto attached and made part hereof.

That subsequent to said 11th day of April A.D. 1936, I have carefully and accurately re-surveyed all of the surveys shown on the map hereto attached directly affecting the boundaries of the A.J. Lewis, survey of 455¼ acres of land, SF 13665, in Newton County, Texas;

That since re-surveying said boundaries, as aforesaid, I have carefully checked my work with direct reference to the work done by Jas. G. Barker in connection with the application of A.J. Lewis, filed with the said Jas. G. Barker November 12th, A.D. 1935, and thefield notes prepared and filed and recorded by the said Jas. G. Barker in connection with said A.J. Lewis file SF 13665 and the certificate of the said Jas. G. Barker filed in connection with the said A.J. Lewis file, said certificate consisting of fifty five pages and dated March 21st A.D. 1936 and now on file in your office.

That after said surveying by me as aforesaid and after checking the results of my work done since April 11th A.D. 1936 against the work done there by Jas. G. Barker in connection with said A.J. Lewis file SF 13665, and especially so as to the witness trees at the Northeast corner of the James A. Mason survey, ~~and especially so, as to witness trees, at the Northeast corner of the James A. Mason survey,~~ and especially so as to the map made and filed by Jas. G. Barker in connection with said file SF 13665, I have found all such work by the said Jas. G. Barker to be accurate and correct and just as represented by the said Jas. G. Barker in his field notes, certificates and maps now on file in your office in connection with said A.J. Lewis file SF 13665;

That, in my work on the ground on and near the said A.J. Lewis survey SF 13665, subsequent to April 11th A.D. 1936, I found the East boundary line of the John Champion survey and the East and North lines of the James A. Mason survey well marked upon the ground, checking same and finding same just as represented by Jas. G. Barker in his work in connection with said A.J. Lewis, survey, file SF 13665.

counter 16914

File #SF 13665.

That in my work on the ground on and near the said A.J. Lewis survey SF 13665, subsequent to April 11th, A.D. 1936, I found the East boundary line of the John Champion survey and the East and North lines of the James A. Mason survey well marked upon the ground, checking same and finding same just as represented by Jas. G. Barker in his work in connection with said A.J. Lewis survey, file SF 13665.

That I found at the Northeast corner of said James A. Mason survey as re-established by Jas. G. Barker in his work in connection with the said A.J. Lewis file SF 13665, a pine stump bearing South 68 degrees West 3½ varas, also found a pine stump bearing North 25 degrees East 4-8/10 varas exactly as called for in the original field notes of the said James A. Mason survey, finding said bearing trees exactly as called for by Jas. G. Barker in his work in this connection and exactly as called for by B.F. Mott, when he surveyed the James A. Mason survey in the month of August A.D. 1839.

The stumps found by me and described by Jas. G. Barker at the Northeast corner of the said James A. Mason survey as re-established by Jas. G. Barker in connection with the A.J. Lewis file SF 13665 postively are the stumps of the identical two bearing trees marked by B.F. Mott when he surveyed the James A. Mason survey in August A.D. 1839.

That in beginning my surveying as above referred to, I began at the Southwest corner of the Jasper Harding survey, the Southwest corner of Newton County, Texas, and based my work on said beginning and on a base line run East from said Jasper Hardin survey on the line between Newton and Orange County, Texas, on magnetic varition of 8 degrees East.

That I never had prior to this last described work by me done, all, since April 11th A.D. 1936 based any work by me in said locality properly and by making a careful and proper beginning upon which to predicate my work.

That I found the distance fr om the Southwest corner of the Jasper Hardin survey to the true and correct Southeast corner of the John Champion survey to be exactly seven miles and the course to be East, magnetic variation 8 deg. East.

That I found the distance from the true and correct Southeast corner of the John Champion survey to the true and correct Southwest corner of the August Schmidt survey to be exactly 620 varas, and the course to be East, magnetic declination 8 degrees East.

That I found the true and correct Northeast corner of the James A. Mason survey to be exactly 7 miles East and two miles North from the true and correct Southwest corner of the Jasper Hardin survey, the Southwest corner of Newton County.

File #SF 13665.

That in a statement of what I then believed to be facts relative to the true and correct location of the John Champion, James A. Mason, section No. 1 H.T & B. R.R. Co. surveys together with other surveys named and dealt with by me in said statement addressed by me to Mr. R.S. Barber, Hartburg, Texas, dated April 11th, A.D. 1936, signed by me, ~~but not signed officially~~, and filed with you on the __ day of April A.D. 1936, among other things I set out the fact I positively identified the Southwest corner of the August Schmidt survey, in Newton County, Texas, same situated near the South boundary line of Newton County, Texas;

And I now further certify that I found the said Southwest corner of said August Schmidt survey to bear the exact relation to the Southeast corner of the A.J. Lewis survey of 455¼ acres of land, SF 13665, by Jas. G. Barker in his data furnished your office in connection with said A.J. Lewis file.

That I know that the South line of said August Schmidt survey, the South line of the Edmund King survey, the South line of the J.T. King survey a nd each of the other surveys situated along said boundary line between Newton and Orange counties, Texas, and said surveys being within Newton County, Texas, bear exact relation to the John Champion, A.J. Lewis and August Schmidt surveys stated by Jas. G. Barker in his field notes, maps and certificates filed in your office in connection with the A.J. Lewis file No. SF 13665; and that the lengths of the lines forming the Southern boundary of the said several surveys bordering, as to their South line, on the South line of Newton County, Texas, are exactly as stated by the said Jas. G. Barker in his field notes, certificates and maps filed with you in connection with the said A.J. Lewis file No. S.F. 13665 as well as the Southwest corner of Newton County, Texas, same being the Southwest corner of the Jasper Harding survey in Newton County, Texas, and as to the Southeast corner of the Ada Jordan survey, same being t he South east corner of Newton County, Texas.

That in my said statement above referred to, dated April 11th, A.D. 1936 and addressed to Mr. R.S. Barber, Hartburg, Texas,signed by me and filed with you on the __ day of April A.D. 1936, I state that leaving the Southwest corner of the August Schmidt survey as positively identified by me, the following:

"Thence West with the South line of the John Champion survey (11), at 620 vrs. the S.E. corner of Section 11, as claimed by James G. Barker, and this is also the S.W. corner of the A.J. Lewis file".

That I now desire to make clear the fact that I did not begin the measurement named above at the Southwest corner of the August Schmidt survey but that I began said measurement at the Southeast corner of the A.J. Lewis survey of 455¼ acres, S.F. No. 13665, as established by Jas. G. Barker and shown in his field notes, certificates and maps in connection with said A.J. Lewis survey, said A.J. Lewis survey having it's said Southeast corner in the true South boundary line of Newton County, Texas; that I then ran west, magnetic variation at 8 degrees East and at 620 varas I reached then what I now know to be the true and correct Southeast corner of the said John Champion survey, section No. 11, and the Southwest corner of said A.J. Lewis survey No. S.F. 13665.

counter 46916

File SF 13665.

That in my said statement addressed to R.S. Barber, dated April 11th, A.D. 1936, signed by me and filed with you on the __ day of April A.D. 1936, I now desire to make myself clear that I did not in said statement intend to convey the impression that upon leaving the point 620 varas west from the Southeast corner of the A.J. Lewis survey, when leaving the point stated by Jas. G. Barker in his field notes, certificates and reports and maps as being the Southeast corner of the John Champion survey and the Southwest corner of the A.J. Lewis survey file No. SF 13665, I continued my measurement I had begun back at the Southeast corner of said A.J. Lewis survey, but I desire to here make clear that I began anew to measure west on the county line between Newton and Orange counties, Texas, as correctly located by Jas. G. Barker in his work in connection with the said A.J. Lewis survey and file No. SF 13665, and that the first measurement I name as "749 varas center of highway leading to Hartburg, 793 vrs., the center of K.C.S. railroad." was made and was intended to have been understood as having been made by beginning measurement anew at the point 620 varas west from the Southeast corner of the said A.J. Lewis, survey; that the distance from the Southeast corner of said A.J. Lewis survey west on said county line to the Hartburg road is exactly as stated by Jas. G. Barker and that the distance from said Lewis Southeast corner to the center of the track of the Texarkana & Fort Smith Railroad, referred to by me as the K.C.S. reailroad, west along said county line is exac tly as stated b y Jas. G. Barker, and that the distance from said Southeast corner of said A.J. Lewis survey to the Southwest corner of the John Champion survey now correctly located upon the ground and having been so located by Jas. G. Barker in his work in connection with said A.J.Lewis survey and file No. S.F. 13665, is 620 varas plus 1900-8/10 varas, exactly; and that said Southwest corner of said John Champion survey as correctly located, as aforesaid, is exactly six (6) miles east from the Southwest corner of the Jasper Harding survey, the Southw est corner of Newton County, Texas, with magnetic variation at 8 degrees East.

That the sweet gum tree named by me in the above described statement dated April 11th, A.D. 1936, as bearing South 52-½ degrees west 16-4/10 varas together with the stump of the large sweet gum tree named by me as bearing North 1 degree East 2-4/10 varas, are the identical bearing trees marked by A.M. H. Stark when he surveyed the V.H. Stark survey for his brother V.H. Stark; that the pin oak called for by A.M.H. Stark at the point he claimed to be the Northeast corner of said V.H.Stark survey has disappeared and is not now to be found. Further investigation by me since April 11th, 1936, has caused me to know that no marked line leads off either North or South from the point where A.M.H. Stark established the Northeast corner of the V.H. Stark survey, and causes me to know that at a point a short distance West from said corner set up by the said A.M.H. Stark as the Northeast corner of the V.H.Stark survey, and at a point just exactly as stated by Jas. G. Barker, in his data furnished your office in connection with his work on said A.J.Lewis survey and file No.SF 13665, and in way of a certificate of about 55 pages, there is a wire fence leading North and an old marked line which said fence follows; and that there also is an old marked line leading South, a line leading North and South across the County boundary line, as stated by Jas. G. Barker, said wire fence now down and apparently long since gone into disuse and said old line being about 25 or 30 varas west from the corner set up by A.M.H.Stark as the Northeast corner of the V.H.Stark survey said V.H.Stark Northeast corner being in conflict with the Fisher & Henderson survey and being more than 500 varas East from the Northwest corner of said Fisher & Henderson survey

counter 46917

File No. SF.13665.

and being situated exactly as described and stated by Jas. G. Barker in his data filed with you, as aforesaid.

That the figures used by me in my statement to R.S. Barber dated April 11th, A.D. 1936, and directly following the figures and words:

"793 vrs the center of K.C.S. railroad, 1975 vrs the S.W. corner of the John Champion, and the S.E. corner of the James Henderson, (you will note that T. Low survey, and section 13, called for the same bearing trees in Orange County,) a sweet gum brs. S. 52-½ W. 16-4/10 vrs." etc,

said figures ~~reading~~ reading 1975 and being immediately following the word"railroad", and immediately preceding the words "vrs. the S.W. corner of the John Champion, and the S.E. corner of the James Henderson", said figures, 1975 was intended by me to have been taken, and was taken by me, from a measurement beginning at the Southeast corner of the A.J. Lewis survey, and not beginning at the Southeast corner of the John Champion survey as re-established by Jas. G. Barker in his work in connection with the A.J. Lewis file No. SF 13665. To reach the Southwest corner of the John Champion survey one must if beginning at the Southeast corner of the A.J. Lewis survey, run west on the South line of Newton County, a distance of 620 varas, and continue West with said County line an additional distance of 1900-8/10 varas or a total distance of 2,520-8/10 varas. The Southeast corner of the James Henderson survey is the same point as the Southwest corner of the John Champion survey and is reached only as herein stated, when running west with the county line from the Southeast corner of the A.J. Lewis survey.

That the statements made by me heretofore on the 11th day of April A.D. 1936, said statement addressed by me to R.S. Barber and signed by me and filed in your office, relative to my finding the original corners of the James Henderson, George Burgin, Charles Champion and other surveys are now known by me to have been prematurely made and made without due investigation and are now known to me to have been in error. The statement made by me in said statement relative to finding one of the original trees called for by the James A. Mason field notes, finding said tree at the Northwest corner of the Geo. Hayden survey of 220 acres, has been found by me after due and careful investigation to have been in error. There are pine stumps near said Hayden corner but there are lots of pine stumps in that vicinity and none suit for either of the pines called for in the James A. Mason field notes. The Northeast corner of the James A. Mason survey, as heretofore stated, is exactly as stated by Jas. G. Barker in his field notes, certificates and mapsfiled with you in connection with his surveying in that locality for A.J. Lewis on SF No. 13665. I found as herein stated, the stumps of each of said Mason trees just as represented by Jas. G. Barker and as called for in the original notes of said Mason survey, said Northeast corner of said Mason survey being far removed from the Northwest corner of the George Hayden survey of 220 acres.

That in my statement dated April 11th, A.D. 1936, and the portion thereof dealing with the South line and Southwest corner of Section No. 1, H.T & B. R.R. Co. survey adjoining the East line of Section No. 14, H.T. & B. R.R. Co. survey, I stated I found the "bearing trees as called for in field notes of Section 1, fits". Careful attention to this point reminds me that the field notes of section No. 1, H.T. & B. R.R. Co. survey here calls for no witness trees whatever. The pine stump I stated as having found here and fitting the call for one of the bearing trees called for in Section No. 14, H.T. & B. R.R. Co. survey upon careful re-checking does not do so. The course and distance from the most Easterly corner of this said section No. 1, H.T. & B. R.R. co. survey to its

counter 16918

southwest corner, and the bearing trees now th ere at said corners all are as stated by Jas. G. Barker in data filed with you in connection herewith. I have careffilly checked all such and with reliable chainmen, and find such to be the case.

That when in my former statement dated April 11th A.D. 1936, addressed to R. S. Barber and filed with you, I stated after leaving the southwest corner of said section No. 1 H.T.& B. R.R.Co. sur vey I continued west and at 520 varas a new corner set up by Jas. G. Barker. I now desire to make myself clear that this new corner set up by Jas. G. Barker and here referred to, and referred to in my former statement , was not intended, and now is not intended to have been found by me to have been 520 varas West from the Southwest corner of said Section No. 1, H.T. & B. R.R. Co. survey, but was then intended by me to have been understood to have been, and it is about 90-4/10 varas South and about 520 varas west from said Southwest corner of said section No. 1 H.T. & B. R.R. survey, and is, in fact situated exactly as state d by Jas. G. Barker in his data heretofore filed with you in connnection with his surveying relative to the A.J. Lewis file No. SF 13665. This corner being stated by Jas. G. Barker as being the Northwest corner of the James A. Mason survey, and being South about 90-4/10 varas and West about 520 varas from the said Southwest corner of said Section No. 1 H.T. & B. R.R. Co. survey, as aforesaid. To continue West from the corner re-established by Jas. G. Barker, as aforesaid, for the Northwest corner of the James A. Mason would not take one to the Southwest corner of section No. 14, H.T. & B R.R. Co. Survey as found by me and where I found the stumps of the bearing trees called for in the field notes of said Section No. 14, but one would reach said point by running West 1320 varas from the Northeast corner of the James A. Mason survey as found by Jas. G. Barker and as later found by me and as herein stated, and then moving Northward a short distance and then run Westward, pursuing the statements contained in the certificates, ~~filed~~ *field* notes and maps made by Jas. G. Barker, in connection with work on the A.J. Lewis survey and file No. SF. 13655. All statements made heretofore by me in this connection notwithstanding.

I do hereby furth er certify that after a careful investigation upon the ground in connection with the work done by Jas. G. Barker relative to the application of A.J.Lewis filed with said Jas. G. Barker November 12th, A.D. 1935, and the facts as found by me upon the ground, I desire to withdraw, and do hereby withdraw, my former statement that there was no vacancy existing as claimed by the said A.J. Lewis and now represented by SF 13665 in your office, and here certify that said vacancy does exist upon the ground just as reflected by the field notes, certificates and maps filed in that connection by Jas. G. Barker and now on file in your office.

Respectfully submitted,

A Licensed State Land Surveyor in and for the State of Texas, Newton, Newton County, Texas.

counter 46919

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RECEIVED
APR 1936

Newton, Texas, April 11th, 1936.

Mr R.S.Barber,
Hartsburg, Texas.

A. A. Millers Report
S.F. 13665 - A.J. Lewis
Newton Co.

Dear Sir:

In the location of 11, 12, 9,10, 7, and 8, situated in the south portion of Newton County, Texas, 11, and 12, adjoining the George Hayden, and August Schmidth premption survey on the west.

I begin the location of these sections at the S.W.corner of the August Schmidth, in the south line of Newton County, I identified this corner, a black gum brs. S 43 W 2.3 vrs. and pine stump brs. S 37.1/2 E 7 vrsx, at this point I was north of new line run by James G.Barker,

Thence west with the south line of John Champion survey (11) at 620 vrs the S.E.corner of section 11, as claimed by James G.Barker, and this is also the S.W.corner of the A.J. Lewis file, there was no signe of an old corner, the bearing trees would not fit as called for in section 11, there was a number of new bearing trees makred by Barker, 749 vrs, the center of highway leading to Hartburg, 793 vrs the center of K.C.S. railroad, 1975 vrs the S.W.corner of the John Champion, and the S.E.corner of the James Henderson, (you will note that T.Low survey, and section 13, calles for the same bearing trees in Orange County,) a sweet gum brs. S 52.1/2 W 16.4 vrs, this tree is standing, and has very old cross on it, a sweet gum stump about 30 inc. in diamiter, brs N 1 E 2.4 vrs, this tree was cut in 1926, and the cross was used in the testimony to establish this corner, I have never heard of corner ever being questioned, it always has been recognized as the S.W.corner of the John Champion, and the S.E.corner of the James Henderson, I found a very old line to run north from this corner, there was some indication of a wire fence, placed on this line some 25 or 30 years ago, I continued on west on the south line of James Henderson, at 1900 vrs I stoped and looked for the S.W.corner of the James Henderson, at this point I was in a persimon flat where there were a number of pin oak stumps, on a tram road where

counter 46920

all the timber had been cut, I run north from this point, and found a very old line marked with three hacks, and old blazes, at 1915 vrs. I found the S.E.corner of George H.Burgin, and the N.W.corner of the Jmaes Henderson, the S.W.corner of the Charles Champion, a topler gum brs. N 25 W 3.8 vrs, and topler gum stump brs. N 64.1/2 E 3.8 vrs, and black gum brs. S 25 E 5.4 vrs, this cross on this tree is very old,

I begin next at the N.W.corner of the George Hayden, I fully identified this corner, pine brs. east 1 vara, and red oak tump brs. S 50.1/2 W 5 vrs, a pine stump brs. S 68 W 3.5 vrs, this pine fits the bearing tree for the N.E.corner of the James Mason survey; Thence west along the south line of section No. 1, H.T.&.B. ry Co. 620 vrs, I was 94 vrs north of a new corner put up by James G.Barker, at this point there was a number of new bearing trees, none would fit the James Mason calles, I continued on west on the south line of 1, at 1950 vrs to the S.W. corner of 1, H.T.&.B. Ryco. the bearing trees as called for in filed notes to section 1, fits, I found a pine stump brs S 13 E 11.6 vrs, this fits the notes for section 14, at this point I was 94 vrs north of a corner put up by James G.Barker, for the S.E.corner of 14, H.T.&.B. I could not find any bearing trees to fit the calls in the notes to section 14, I run west from this point, at 520 vrs a new corner put up by Jmaes G.Barker, for the N.W.corner of the James Mason, I could not find any bearing trees to fit the notes in the Jmaes Mason, I continued on west at 1882 vrs a galvinized pipe for the S.W.corner of 14, H.T.&.B. ry Co. this corner was placed there by the Sabine Tram Company, there is two pine stumps that fits the calles very well for the S.W. corner of 14, I run south with plain line at 2040 vrs the S.E. corner of the George H.Burgin, I continued on west, from the S.W.Cor. 14 at 1974 vrs passed the S.W. corner of 15, H.T.B. ry Co. the sweet gum called f for section 15, fits the call, at 2200 vrs stoped a maple flat, a maple brs. N 40 E 6 vrs, could not find the other bearing tree, I run south with Burgin west line at 2040 vrs the S.W.corner,

counter 46921

of the George H.Burgin, and the and the N.W.corner of the J.S.Russell, surveys.

I am certain the excess in these various surveys in this portion of the County will take up the suppoed vacancy as filed on by A.J.Lewis, you will note that the John Champion, is excessive, also the Geroge H.Burgin, and the J. S.Russell, there is no vacancy between George Hayden, and James Mason, 12, John Champion, and the August Schmidth, surveys.

A. A. Miller

Licensed State Land Surveyor, Newton County, Texas.

I find so many inconsistencies in this report that I do not consider it worthy of consideration AMM

counter 16922

A.A. MILLER
NEWTON, TEXAS



Mr. J.H. Walker, Commissioner,

Attention: Mr. Bleucher.

General Land Office,

Austin, Texas.

counter 16923

R. S. BARBER, et al # In the District Court
Vs No. 2013 # of
Peavy Mooer Bbr. Co. et al # Newton County, Texas.

Be it remembered that on the 2nd day of September A. D. 1926, the above entitled and numbered cause was duly reached and called for trial and a jury was duly impaneled consisting of J. H. Dainwood and eleven others, and after hearing the pleadings, the evidence adduced thereunder and the argument of counsel the court submitted the following special issues to the Jury, the answers to which should constitute their verdict which special issues so submitted to the Jury are as follows:

This case will be submitted to you upon what is known as special issues, which special issues you will answer on a seperate sheet of paper, and you will number your answer so as to conform to the numbers of the speciad issues herein submitted to you, and your answers will constitute your verdict and findings.

1st Special Issue.

Do you find that the wire fence in question is situated where the North Line of the Chas Champion Survey was located by the original surveyors?

Answer Yes or No, as you may find the facts to be.

If you answer the first special issue "Yes", then you need not answer any other questions but if you answer it "No", then answer all the following special issues:

2nd Special Issue.

Do you find that the North line of the Chas. Champion survey as located by the original surveyor is situated North of the wire fence in question?

Answer Yes or No, as you may find the facts to be.

3rd. Special Issue.

If you have answered the the second special issue "Yes" then how for North of the wire fence in question is the North line of the Chas. Champion survey situated, as located by the original surveyors?

Answer by giving the number of varas, as you may find the facts to be.

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4th. Special Issue.

How much pine timber pine timber was cut off of the Chas. Champion Survey by the defendant Peavy Moore Lumber Co., North of the wire fence in question and south of the North line of survey as said North line was located by the original surveyor?.

Answer by giving the number of thousand feet, as you may find the facts to be.

5th Special Issue.

What was the market stumpage value of such pine timber cut?

Answer by giving the value in dollars, per thousand, as you may find the facts to be.

6th. Special Issue.

What was the market value of the pine timber which was manufactured into lumber by the Peavy Moore Lumber Company? that is to say, what was the market value of the lumber so manufactured?

Answer by giving the value per thousand feet in dollars, as you may find the facts to be.

7th Special Issue.

How much hardwood timber, (that is all timber not pine) was cut off the Chas Champion Survey by the defendant, North of the wire fence, in question, and south of the North line of Chas. Champion Survey as said North line was located by the original surveyor?

Answer by giving the number of thousand feet as you may find the facts to be.

8th Special Issue.

What was the Market stumpage value of such hardwood timbercut?

Answer by giving the value in dollars, per thousand feet, as you may find the facts to be.

9th Special Issue.

What was the market value of the hardwood timber which was manufactured into lumber by the Peavy Moore Lumber Company, that is to say, what was the market value of the lumber so manufactured.

Answer by giving the value in dollars, per thousand feet, as you may find the facts to be.

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10th Special Issue.

Do you find that the defendants exercised that degree of care and prudence that an ordinary person would have exercised, under the same or simular circumstances, to determine the location of the true land line before cutting the timber in question in this case?

Answer yes, or no, as you find the facts to be.

11th Special Issue.

Do you find that the defendant Peavy-Moore Lumber Co., intentionally and willfully and in disregard of the rights of the plaintiffs, and in disregard of the true land line cut and removed the timber in question?

Answer yes, or no, as you find the facts to be.

You are instructed that the burden of proof is upon the plaintiff to establish by a preponderance of the testimony the material allegations entitling them to recover; and you are instructed that you are the exclusived judges of the facts proven, the credibility of the witness and the weight to be given their testimony but the law of the case you will receive from the court as herein given, and be governed thereby.

Plaintiffs Special Charge No. 1.

You are instructed that in arriving at the true location, lines and corners of the survey in question in this case, you are to arrive if possible at the lines and corners as originally placed on the ground by the surveyor who made the survey whose lines and corners are in question, in determining such location, lines and corners, you are instructed that the original marked trees called for by the original surveyor who made the survey in question, and other artificial objects made by him, if found upon the ground, are of the first importance, and that course and distance called for by him is of the next importance, and that the last in importance is the quanity or acreage called for by him.

Special Issue No. 13.

If you have answered Special Issues submitted to you in the Court's Main Charge, that the defendant Peavy Moore Lumber Company,

counter 76926 B3

cut and removed timber from the Charles Champion Survey, North of the wire fence, and South of the Charles Champion North line then you will answer the following questions:

Was such cutting the result of a mistake made in good faith and not intentional?

Answer this question "Yes" or "No" as you find the facts to be.

Special Issue No. 14.

Plaintiffs' Third Special Issue.

Do you find that the pasture in which Section 14 and 15 were enclosed contained 5000 acres or more?

Answer Yes, or No. as you find the facts to be.

Special Issue No. 12.

Defendants Question No. 6:

Have the defendants and those under whom they claim the land sued for by plaintiffs in this case, had peaceable and adverse possession thereof, cultivating, using or enjoying the same for Ten (10) Years prior to filing of this suit on May 2nd 1925.

Peaceable possession is such as is continuous and not interrupted by adverse suit to recover the property.

Adverse possession is an actual and visable appropriation of the land commenced and continued under a claim of right inconsistent with and hostile to the claim of another.

You will answer this question "Yes" or "NO" as you may find the facts to be.

And said jury after having received said special issues retired to consider their verdict and on the 6th day of September returned into court their answers to said special issues in which answers they they answered special issue No. 1 "Yes". and having so answered did not answer any of the other special issues which answer to special issue No. 1 in the affirmative was by the court received as the verdict of the jury and said jury was discharged, it is therefore ordered adjudged and decreed by the court, that the wire fence constructed by the Defendants Sabine Tram Company as being on the south line of section fourteen (14) and fifteen

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(15) H. T. & B. Ry. Company Surveys and the north line of the Charles Champion Survey as located upon the ground is situated where the north line of the Charles Champion Survey was located by the original surveyor.

It is further ordered, adjudged and decreed by the court, That the plaintiffS, R. S. Barber, and Carrie L. Brown, a feme sole, E. W. Brown, Jr. and H. L. Brown, as individual and as the executors of the estate of E. W. Brown, deceased, and R. A. Moore, as the guardian of the person and estate of Brownie Babette Moore, a minor, do have and recover nothing against the Peavy-Moore Lumber Co. Inc. and the Sabine Tram Co. as the land sued for and the timber thereon which land sued for is described in plaintiff's petition as a part of the Charles Champion survey in Newton County, Texas, and described by field notes as follows:

Beginning at a stake, the N. W. corner of the said Chas Champion Survey, from which a White Oak marked X. old mark, bears S. 54 E 2 varas and a black gum marked X. old mark, bears N. 10 E. 4 varas. Thence N. 89-27' E. on marked line at 1924.8 varas to stake, the N. E. corner of said Champion Survey from which a Red Oak marked X old mark bears S. 84½ W 12.9 varas and a Hickory marked X. new mark bears N. 9 E 8 varas . Thence S. 2° E. with East line of said Champion Survey at 113.8 varas to a point where said line crosses Sabine Tram Company's wire fence stake by said fence from which a White Oak blazed on West side bears N. 79 E 3.3 varas, Do blazed on E side bears S. 63 W. 11 varas. Thence with said wire fence on a general course West at 1924.8 varas, to a point where said fence line crosses the west line of the Chas. Champion Survey stake by said fence from which a pin oak marked with a blaze brs. S 66½ W 8 varas and a black gum blazed bears S. 11½ W 12.5 varas, thence with said Champion line N. 1 W. at 92;2 varas to the place of beginning, containing 35 acres, more or less.

That as to said land above described and the timber thereon the defendants go hence without day and recover of plaintiffs all costs of suit.

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That the defendant, Peavy-Moore Lumber Cp., Inc. take nothing on it's cross action as against the plaintiffs hereinbefore named.

It is further ordered and adjudged and decreed by the court that the defendant Sabine Tram Co. do have and recover of and from the plaintiffs, R. S. Barber, and Carris L. Brown, a feme sole, E. W. Brown, Jr. and H. L. Brown, as individuals and as the executors of the estate of E. W. Brown, deceased, and R. A. Moore, as the guardian of the person and estate of Brownie Babette Moore, a minor, the following two tracts of land; to-wit:

1st. Tract. Six Hundred and forty acres of land, more or less, patented to C. P. Bratnober, assignee of Charles E. Anderson, being patent No. 251, Vol. 31 records of the General Land Office, of the State of Texas, and described by metes and bounds as follows, in Newton County, Texas, as Sec. N-14, H. T. & B. Ry Co. certificate No. 470, near the Sabine River and S. 3 deg. W. 40 miles from the town of Newton said land having been purchased and fully paid for in accordance with an act of 1845, and the amendent thereto by the act of May 19, 1897, and described by field notes as follows:

Beginning at the S. E. corner of Sec. No. 13 H. T. & B. Ry. Co. survey, a stake from which a pine bears N. 52 W. 27 varas, and a pine bears S. 10 E 8 varas; Thence S. at 1900.8 varas, a stake in wire fence, from which a pine bears N. 20 deg. W. 10 varas and a pine bears S. 13 deg. E. 11.6 varas. Thence W with said wire fence line at 1900.8 varas to stake from which a pine bears N. 4 deg. W. 38 varas and a pine bears N. 85 W 4.4 varas, Thence N. at 1900.8 varas to stake from whihh a pine bears S. 19 30 E. 5 varas and a pine bears N. 85 W. 4.5 varas, thence E. at 1900.8 varas to the place of beginning.

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2nd. Tract. Also Six hundred and forty acres that was patented to William E. Dodge and Daniel James by patent No. 397 Vol 12, records of the General Land Office and described as follows, in Newton County, Texas, 39½ miles south from Newton located by virtue of land script certificate No. 471 issued by Jno. Q. St. Clair, Chief Clerk and acting commissioner of claims to the H. T. & B. Ry. Co. on March 25th 1861, and transferred by said R. R. Co. to William E. Dodge and Daniel James on April 30, 1861 and described by field notes as follows:,

Beginning at the S. W. corner of Sec. 14, H. T. & B. R. R. Co. a stake, from which a pine bears N. 4 W. 3.8 varas, do bears, N. 85 W. 4.4 varas thence W 700 varas Marsh, at 1900.8 varas, a stake from which a sweet gum bears E. 202 varas, Thence N. 1900.8 varas, a stake from which a black gum bears N. 53, 30. W. 9 varas and maple brs. S. 52 30 E. 11 varas, thence E. 1900.8 varas, a stake from which a pine bears, S. 19 30 E. 5 varas and a pine bears N. 85 W. 4.5 varas: Thence S. 1900.8 varas to the place of beginning.

It is further ordered, adjudged and decreed by the court that the defedant, Sabine Tram Co. as to the land last above described to have its writ of possession and such other writs as may be necessary for the proper enforcement of this judgment.

V. H. Stark,
Judge 1st Jud'l Dist. of Tex.

counter 16930

B7

2nd. Tract. Also Six hundred and forty acres that was patented to William E. Dodge and Daniel James by patent No. 397 Vol 12, records of the General Land Office and described as follows, in Newton County, Texas, 39½ miles south from Newton located by virtue of land script certificate No. 471 issued by Jno. Q. St. Clair, Chief Clerk and acting commissioner of claims to the H. T. & B. Ry. Co. on March 25th 1861, and transferred by said R. R. Co. to William E. Dodge and Daniel James on April 30, 1861 and described by field notes as follows:,

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It is further ordered, adjudged and decreed by the court that the defedant, Sabine Tram Co. as to the land last above described to have its writ of possession and such other writs as may be necessary for the proper enforcement of this judgment.

V. H. Stark,

Judge 1st Jud'l Dist. of Tex.

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COUNTER 82372 Newton Co Rld Sk 6A

E. A. LINDSEY
ATTORNEY-AT-LAW

NEWTON, TEXAS

Burkeville, Texas, Post Office Box #96,

February 19th 1936.

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

Austin, Texas.

Dear Mr. Walker:

Mr. A.J. Lewis of post office box #1512, Beaumont, Texas, will mail you from Beaumont, Texas, the field notes hereto attached, said notes covering his file with me of November 12th A.D., 1935. Mr. Lewis will send you remittance in the sum of $1.00 to cover filing fees for filing said field notes. When received, kindly file and notify me thereof.

I have spent about all of the ~~time~~ time since last November 12th, A.D., 1935 on the records and on the ground making up data and working sketches and doing surveying upon the ground to enable me to make the survey covered by Mr. Lewis' file. There can be no doubt of its merits. The vacancy is upon the ground just as I have outlined it in the field notes and plat to be filed with you by Mr. Lewis. I will prepare and mail to you a detailed report of all work done, doing so as soon as I have the time to prepare same. I know you desire field notes as brief as can be made. I have written the ones attached hereto about as briefly as possible to have them show the facts. If they are too lengthy, notify me and I will send in notes more brief, if possible.

Kindly let me hear from you acknowledging receipt of the notes herein referred to, when received by you from Mr. Lewis.

Very truly yours,

Jas. G. Barker,

JAS. G. BARKER, A LICENSED STATE LAND SURVEYOR IN AND FOR THE STATE OF TEXAS, P.O. BOX #96, BURKEVILLE, NEWTON COUNTY, TEXAS.

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SF 13665

COUNTER 82373

Newton Co Rld Sk 6A

February 27, 1936

Mr. James G. Barker,
Box 96,
Burkeville, Texas

Dear Sir:

In his letter of February 20th Mr A J Lewis transmitted to this office field notes prepared by you and recorded in Book A page 18 of the surveyor's records of Newton county.

I am returning these field notes to you for the reason that Article 5300 Revised Civil statutes of 1925 provides that the surveyor shall certify to the recording of the field notes. You will note that you have completed your survey and set out the recording of these field notes outside of your certificate; I am therefore, returning them to you for correction and you should see to it that the county records show this correction.

As time is running short, it will be well for you to attend to this matter promptly and return these field notes to this office, calling our attention to the fact that the $1.00 filing fee is being held on the school land desk.

I am directing the Comptroller to return to you the $1.00 which you enclosed in your letter of February 20th for the reason that the law does not require any filing fee for the filing of applications for survey.

Very truly yours,

Commissioner

Harwood:eb
encs
cc: Mr A J Lewis,
Beaumont.
Box 1512.

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SF 136665

COUNTER 82374 Newton Co Rld Sk 6A

3/23/36

S.F. 13665 - A.J. Lewis
Newton Co Jas. G. Barker's Report

THE STATE OF TEXAS }
COUNTY OF NEWTON }

I, Jas.G.Barker, A Licensed State Land Surveyor in and for The State of Texas, of post office box #96, Burkeville, Newton county, Texas, do hereby certify that I am the identical person with whom A.J.Lewis of post office drawer 1512, Beaumont, Texas, on November 12th, A.D.,1935 filed an application for survey of certain area in Newton county, Texas, believed by him to be unsurveyed land belonging to the public free school fund of the State of Texas, the filing of which said application together with surveying done by me subsequent thereto and the filing by me of field notes in the General Land Office of Texas, at Austin, Texas, has resulted in the General Land Office of Texas designating said file as SF No.13665 for the purpose of identification. I further certify:

1.

That on December 4th, A.D.,1935 together with A.J. Lewis I went to the southwest corner of the Jasper Harding survey in Newton county, Texas, said point being the southwest corner of Newton county, Texas, and the southeast corner of Jasper county, Texas. Mr.A.J.Lewis pointed out said corner to me and stated he had known such for more than thirty (30) years and knew such when the sweet gum bearing tree called for in the original field notes of said Harding survey was standing, and for many years prior to the falling of said tree; that he never knew said point while the maple bearing tree called for in said notes was standing. Mr.Lewis was a resident of Deweyville, Newton county, Texas, for thirty or more years during the greater portion of which said time he was, and is now, Land & Tax Commissioner for The Sabine Tram Company, the founders of the large

counter 46933

lumber industry at Deweyville, Texas, and the pioneers in the lumber industry in Newton county, Texas. Mr. Lewis pointed out to me the stump of the sweet gum bearing tree at this point said tree called for by B.F. Mott in his original survey of the Jasper Harding survey on August 10th, A.D., 1839, a S bearing south 32 degrees east 2 varas. At the proper point from the stump of said sweet gum bearing tree I later had set in the earth in a concrete base a cut of 85 pound railroad steel about 6 feet in length for this corner and marked the following trees:

A sweet gum 8 inches in diameter X bears north 5 degrees east 4-8/10 varas.

I found the following trees at this point already marked "X":

A maple 22 inches in diameter marked X bears north 78½ degrees east 7-4/10 varas (marked thus: X X).

A sweet gum 28 inches in diameter marked X X bears south 70 degrees west 10-2/10 varas.

A maple 25 inches in diameter marked X X and leans or stoops south, the trunk of which at the ground bears north 56 degrees west 7-9/10 varas.

There seems to never within the history of Newton and Jasper counties, Texas, have been any dispute or question as to the location of this point. Its location has, it would seem, never been contended to be any place other than here.

B.F. Mott states that he began the survey of the Jasper Harding survey 24,130 varas from the Neches river. I assume he meant east from Neches river. Mott states he began on the county line. Naturally he meant the line between what then was Jefferson and Jasper counties, Texas, there being neither Newton or Orange county at that time.

Volume C, page 102, Minutes Commissioner's Court, Jasper county, Texas, and page 129 to 135, both inclusive of said Volume C, carry the record of a re-survey of the county boundary

counter 46934

between Jasper and Orange counties, Texas, in the month of May, A.D.,1909, with Jack Noguess, County Surveyor,Orange county, representing Orange county, and P.E.Scarborough,County Surveyor, Jasper county,Texas, assisted by A.B.Doucette, Practical Surveyor, Beaumont,Jefferson county,Texas, representing Jasper county,Texas.

The work referred to above gives the distance from Neches river at a point on the east bank thereof and opposite the mouth of Big Sandy (Village) creek, as 24,453 varas and the course as being east to the southwest corner of Newton county, Texas. This work states that at 23,978 varas from the Neches river the northeast corner of Sec.No.23,T.& N.O.R.R.Co.survey was passed, at 24,167 varas crossed the west fork of Cow Bayou, at 24,220 varas crossed the east fork of said Bayou, and that at 24,453 varas reached the "corner of Jasper and Newton counties", not giving anything further in way of description of said point,the notes closing just as quoted above.

From the point described above as having been accepted by me as the southwest corner of the Jasper Harding survey and the corner of Newton and Jasper counties,Texas, I measured carefully and accurately along said county line west to the east prong of Cow Bayou and found the distance to be just as called for by the above named parties in re-surveying said boundary in the year A.D.,1909. Cow Bayou was swollen and I could not cross it to check on the west prong but the points being so near together I am convinced the call for the west prong would have checked also.

From the southwest corner of said Jasper Harding survey I ran north,with the west boundary line of said Harding survey, to Cow Bayou and found the distance as called for by B.F.Mott in his original survey of said Harding survey, to be practically as called for. The original field notes,or at least their record in the office of the county surveyor of Jasper

counter 16935

county states the distance as 223 varas. The record of the patent to the Harding in Volume S, at page 629 et seq., Deed Records, Newton county, Texas, gives the distance to the said Bayou as 220 varas. See Volume A, at page 3, Scrip Section, Surveyor's Records, Jasper county, Texas, for record of the Harding original field notes, or rather a transcript thereof from the General Land Office of Texas after the burning of the records at Jasper, Texas, back in or about the year A.D., 18_____.

The location of the southwest corner of the said Jasper Harding survey, I think is absolutely correct. In so far as I am able to ascertain same has never been disputed.

Jasper county was the first county to be created in its vicinity. It was created by an Act approved December 14th, A.D., 1837.

Jefferson county was created by an Act approved December 21st, A.D., 1837.

Notwithstanding the fact Jasper county is seven (7) days older than Jefferson county, Jasper county is bounded on the south with express reference to Jefferson county, and calls to begin on the Sabine river at the northeast corner of Jefferson County, which now is the northeast corner of Orange county, Texas, and to run along the north line of Jefferson county to the Neches river.

Newton county was created from territory taken wholly from Jasper county, being created by an Act approved April 22nd, A.D., 1846, and calls to corner with the northeast corner of Jefferson county, now Orange county, on the Sabine river and to run the line of said Jefferson county in a <u>westerly</u> direction to the southwest corner of the <u>J.Harrin's</u> survey, evidently meaning the southwest corner of the Jasper Harding survey.

I do not have before me the Act creating Orange county, Texas, it having been created subsequent to the creation

counter 46936

of Newton county, Texas. In so far as I have been able to ascertain there positively is not now and has never been any dispute or controversy as to the southeast corner of Newton and Northeast corner of Orange counties, Texas. The southeast corner of the old 1280 acre State survey of land in the name of Ada Jordan, and the northeast corner of the John Stephenson survey seem to be generally accepted as the corner between Newton and Orange counties, Texas.

When on October 1st, A.D., 1848 Isaac Garner, District Surveyor, Jefferson District, surveyed the John Stephenson survey of 640 acres for Henry B. Force, assignee of Stephenson, he says he intersected the line between the counties of Jefferson and Newton; that he then ran west with said county line, etc.

When on November 20th, A.D., 1847 Isaac Garner surveyed the Joseph Polley (the most easterly one) survey for David Pool, he calls for the intersection of the Polley line with the county line at a point 100 varas west from the John Stephenson survey, and then calls to run west with said county line.

When Isaac Garner surveyed the Joseph Polley survey situated imediately west of the one named above, failing to date his field notes but dating his certificate October 5th, A.D., 1848, he calls for the north line of said Polley survey to run west with the county line.

In so far as I am able to determine the facts, there seems to be seventeen (17) original valid surveys of land in Orange county, Texas, bordering in whole as to the north lines, on the line between Orange and Newton counties, Texas, and one additional survey, the John Collier survey of 320 acres of land situated at the southwest corner of Newton county, that borders on the south line of Newton county a distance of 892 varas, said Collier's north line in full calling to be 1344 varas.

counter 16937

The eighteen (18) original surveys named above, or rather referred to above, and ~~not~~ given here by name, on next page, ~~but~~ shown on map that is intended to accompany this report, are reputed, according to the calls in the field notes, to take up and cover, by their north lines, an aggregate distance of ~~22,184-3/10~~ 22,207-3/10 varas along the south line of Newton county, and not including the portion of the John Collier survey extending beyond the southwest corner of Newton county.

The south boundary line of Newton county, Texas, accurately measured, is exactly 21, 719 varas in length from its southwest corner, the southwest corner of the Jasper Harding survey, east, with variation at 8 degrees east, to the southeast corner of the Ada Jordan survey and northeast corner of the John Stephenson survey on the west bank of Sabine river, the most westerly channel of said river, the channel on the west side of the Sabine Island.

The eighteen (18) surveys in Orange county and referred to above, and bordering the south boundary line of Newton county, cover an aggregate distance of 488-3/10 varas in excess of the actual length of the south boundary line of Newton county, Texas. This not including the portion of the John Collier survey extending west from the southwest corner of Newton county, Texas. Taking the north line of said Collier survey to be 1344 varas in length, as called for, there is a distance of 452 varas of said Collier's north line extending west beyond the southwest corner of Newton county, Texas. The northwest corner of the said Collier survey being 452 varas west from the southwest corner of Newton county, Texas.

The eighteen (18) original surveys in Orange county, Texas, bordering the south boundary line of Newton county, Texas, are as follows, to-wit:

See following page:

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(1)	John Colier survey,.....	892 varas
(2)	Sec.No.23,T.& N.O.R.R.Co.,.	190 "
(3)	J.W.Maxey,.....	958 "
(4)	Mary Gest,.....	1900 "
(5)	Grant & Lator,.....	1900 "
(6)	Joshua Brick,.....	1900 "
(7)	Josiah M.Reeve,.....	1900 "
(8)	G.C.& S.F.Ry.Co.Sec.No.8,..	496 "
(9)	V.H.Stark,.....	1240 "
(10)	Fisher & Henderson,.....	1900 "
(11)	G.C.& S.F.Ry.Co.Sec.No.9,...	1412 "
(12)	" " " " " " " " 10,..	1596 "
(13)	N.O.Brenizer,.....	102.5"
(14)	G.C.Williams,.....	950 "
(15)	H.H.Cooper,Assn.Jos.Polley,	1240 "
(16)	David Pool,Assn.Jos.Polley,	1240 "
(17)	T.G.S.Godwin,.....	420.5"
(18)	John Stephenson,.....	1986.3
	Total number of varas,..22,207.3.	

Or in other words, the eighteen survey touching newton county from the south,said eighteen surveys being in Orange county, when the north line of each of said surveys are taken as given in the field notes furnished me by the General Land Office of Texas and furnished as being all the valid survey bordering on the south boundary of Newton county,Texas,and in Orange county, Texas, cover and aggregate distance of 22,659-3/10 varas,with 452 varas of said total distance extending west beyond the southwest corner of Newton county,Texas.

The above figures show conclusively that there is error some place in said notes. I was not interested on the Orange county side of the line and did not pursue very far the matter of locating corners for surveys on the Orange county side of the boundary between Newton and Orange counties,Texas.

I positively indentified only ~~one~~ two points along the line between Orange and Newton counties, from a standpoint of land surveys situated in Orange county,Texas. An account of same follows:

At the northeast corner of N.O.Brenizer survey,same being the northwest corner of the G.C.Williams survey in Orange county,

counter 76939

Texas, I positively identified said corner. Each of the post oak bearing trees are there now just exactly as called for in the notes of the said Brenizer and Willaims surveys. Said corner is 2 varas east from the northwest corner of the pasture fence of Abe Socolski who seems to now own said Willaims survey.

The other corner of an Orange county survey identified by me is the northeast corner of said G.C.Williams survey. The stump of the black gum bearing tree called to be east 77 varas is still in evidence.

The distance between the northwest corner of said G.C.Williams survey and the southwest corner of the J.T.King 160 acre pre-emption survey, said King survey in Newton county, Texas, is exactly 851 varas. The distance between said southwest corner of said King survey and the northeast corner of said Willaims survey is exactly ~~90~~ 86 varas.

From the southwest corner of Newton county, Texas, it is east 16,501 varas ~~to the~~ and south 9/10 of one (1) varas to the southwest corner of the J.T.King pre-emption survey of 160 acres in Newton county, Texas. I positively identified this King corner. One of the black gum bearing trees, the one calling to be south 86 degrees east 13-8/10 varas being alive, standing and in good state of preservation. The black gum called for as being south 30 degrees east 25-8/10 varas has disappeared. This corner is well marked and undisputed. Said corner is 9/10 of one (1) varas out of line with the southwest and southeast corners of Newton county. I determined this after running an unbroken line from the southwest corner to the southeast corner of Newton county, Texas, running same independent of the magnetic needle and clearing the line of all obstruction, said line being a trial or random line, and calculating the true position of points between the two said corners of the county.

counter 46940

After accepting the hereinabove first described point as the southwest corner of the Jasper Harding survey and also as the southwest corner of Newton county, Texas, and the southeast corner of Jasper county, Texas, and believing that the southeast corner of the Ada Jordan old State survey of 1280 acres of land on Sabine river, same being at or near the northeast corner of the John Stephenson survey of 640 acres of land in Orange county, Texas, to be the southeast corner of Newton county, Texas, and the northeast corner of ~~Orange~~ Orange county, Texas, I ran, as aforesaid, a trial line from said southwest corner of the said Jasper Harding survey easterly, running said line with a transit and indepentently of the magnetic needle, and running an unbroken line after removing all obstruction of every kind therefrom, and continued easterly until I reached the west bank of the channel of Sabine river running west of Sabine Island, the channel of the river fixed as the true boundary line between The State of Texas and The State of Louisiana, said channel of said river having been so fixed at the hearing before the Secretary of the Interior, United States Department of the Interior, General Land Office, United States of America, at Washington, D.C., on June 27th, A.D., 1910 (39th U.S.Land Decisions, 53), at which said hearing the State of Texas was represented by an assistant Attorney General of Texas, and The State of Louisiana was represented by Washington, D.C. counsel, reaching the west bank of said channel of said river a few varas south from the point generally recognized as the southeast corner of the said Ada Jordan survey, though I did not find any of the witness trees called for at this point but had noted the old marked line that is found all the way from the said southwest corner of the said Jasper Harding survey leading into the bank of the river at a corner where I found the persimmon and pig nut hickory trees marked and called for by C.B.Daniel in his re-survey of the portion of the ~~Wi~~- Ada Jordan old State survey now in the

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counter 16941

name of Will Carley.

After finishing the above described trial line from the southwest corner of Newton county, Texas, to a point very near the southeast corner of said Newton county, Texas, accepting the point generally accepted as the southeast corner of the said Ada Jordan survey and the northeast corner of the John Stephenson survey as the southeast corner of Newton and northeast corner of Orange county, Texas, I then returned to the southwest corner of Newton county, Texas, same being the southwest corner of the Jasper Harding survey located by me as above stated, and proceeded as follows, to-wit:

I fell 42 varas south from the southeast corner of Newton county when running my trial line described above, 42 varas south from the point I accepted as the southeast corner of said Newton county. I found that a correction of said line that would lead from the southwest corner to the southeast corner of said Newton county would require a correction of my trial line to the left or northward to the extent of approximately 5-37/100 feet per each 1000/~~feet~~ varas, or 537/1000 of one (1) foot for each 100 varas. ~~feet or each 56 varas.~~

Leaving the southwest corner of the Jasper Harding survey, I had four experienced men who also were reliable in every respect, to do the work of measuring the county line eastward. I placed two of said men on the front end of a new steel tape 50 varas in length made and guaranteed to be accurate by The Chicago Steel Tape Company of Chicago, Illinois. One of the chainmen at the front end of the tape carried only his end of said tape, the other front chainman carried the marking pins. Each of the front chainmen checked as to the correct point to set the marking pins, one of the chainmen at the rear end of the tape carried only the end of the tape, the other man carried the marking pins after taking them from the ground. Each of the rear chainmen checked on the point

counter 76972

where the tape was held on the marking pin when the front chainmen were placing the marking pin ahead. All four of the chainmen watched the tape and saw that it was always held in line and properly tightened before placing a pin ahead. There had been so much measuring of this county line with reference to the south boundary of the seven (7) old Thos.Toby scrip sections surveyed by B.F.Mott back in the year A.D.,1839, and so much uncertainty as to the distance from the southwest corner of the Jasper Harding survey to the southwest corner of the August Schmidt survey, I desired to settle for all time the matter of what the correct distance was between said two points. After determining what correction was necessary for my trial line I next determined the fact that by adjusting the vernier of the compass attachment at 8 degrees east, the magnetic needle would check points on my correctly line on a course of east, thus determining that the line from the southwest corner to the southeast corner of Newton county runs magneticly on a cousre of east,or rather runs on a course of east taken with the magnetic needle with the vernier at 8 degrees east. Eight (8) degrees east is about the correct magnetic declination of this locality. This being about as near as it could be applied in a practical way. It would be,of course,one thing at one end of a line/~~it~~ 11½ miles in length and running east and west, and be slightly different at the other end of the line.

When B.F.Mott surveyed the seven section in 1839 beginning at the southwest corner of the Jasper harding survey and extending east to the ~~southeast~~ southeast corner of the John Champion survey, it seems to have been his purpose to have each said seven (7) section with their south boundary on the county line. Same is true of his surveying the five (5) section in Orange county,he seemingly having intended to have the north line of each of said five (5) sections on said county line.

counter 46943

Measuring easterly along my trial line and about with the south boundary line of the Jasper Harding survey and the county boundary between Newton and Orange counties, Texas, as found marked upon the timber along the line, at 706 varas crossed the center of State Highway ~~No.8-~~ No.62, leading from Mauriceville, Orange county, Texas, to Buna, Jasper county, Texas, near the west margin of the right-of-way for said highway I set two cuts of railroad steel a short distance apart and in the line between the southwest and southeast corners of Newton county, Texas, at 737 varas crossed the center line of the track of the Orange & Northwestern Railroad, said road running on a course taken or calculated from a standpoint of the needle, of north 30 degrees west and/or south 30 degrees east, variation of needle at 8 degrees east, at 892 varas passed a point presumed to be the northeast corner of the John Collier survey, here I made the necessary correction to locate the true position of the county line and set a pine-knot in said county line at a point where said land line coming in from the south would intersect said county line, and marked a white oak X 12 inches in Dia. bears N.82 Degs.E.1½ varas, ~~marked-~~ found a hickory here 20 inches in Dia. marked X X X bears south 19½ deg.W.12-9/10 varas, there was an iron ~~pin~~ pipe near this point and also a pine-knot each apparently having been set to mark this corner but not together, the pipe bearing S.40½ Degs.W.8 varas from the point set here on the county line by me, continuing easterly on my trial line as hereinbefore described, at 1080 varas where I expected to find evidence of the N.W. corner of the J.W.Maxey survey and the N.E.Cor.of Sec.No.23, T.& N.O.R.R.Co.survey I did not find any evidence of a corner or of a line leading south other than a few blazed trees, at 1900-8/10 varas I made the necessary correction for a point on the true county line, a point directly between the southwest and southeast corners of Newton county, making a correction of 10-2/10 feet to the northward, and set a pine-knot in the county line and ~~marked-~~ found a pin-oak 18 inches in Dia. marked

counter 76944

X bears north 85 degrees east 19 varas, marked a black gum 22 inches in diameter X bears north 25 degrees west 8-7/10 varas, marked a black gum 10 inches in diameter X bears south 54 degrees east 4-6/10 varas. At a point 11 varas easterly from this point,and in fact due east, an old marked line ~~lead~~ was found leading north,also leading south and presumed to have been marked for the Maxey and Gest survey S going south and between the Jasper Harding and P.L.& I.Wheaton survey S going north, continuing easterly on my trial line, at 3,801-6/10 varas I made the necesary correction and placed a pine-knot in the county line placing same directly between the southwest and southeast corners of Newton county,Texas, a marked a pin-oak 26 inches in diameter X bears south 51½ degrees west 1½ varas, marked a pin-oak 18 inches in diameter X bears south 13½ degrees east 6-1/10 varas, marked a pin oak 24 inches in diameter X bears south 28 degrees E. 3 varas. This point is directly in the old marked line leading here from the southwest corner of said Jasper Harding survey,and is a few feet west of an iron pipe presumed to have been set for the southeast corner P.L.& I.Wheaton,northeast corner Mary ~~Gest~~ Gest, southwest corner Armon Davis and northwest corner Grant & Lator surveys,and is in the western margin of "POST-OAK" prairie, continuing easterly on the trial line hereinabove described, at the 3rd mile or at 5,702-4/10 varas said point fell in said "Post-Oak"prairie, I made no correction here,merely a stake in trial line marking said 3rd mile, no timber here for witness trees, continuing on with trial line, at 6,167-7/10 varas passed 2-9/10 varas south from a galvanized pipe set in earth, at 6,975 varas center of drainage ditch coming up from Orange county, at 7,603-2/10 varas made necessary correction and set a pine-knot in the county line directly between the southwest and ~~southwest~~ southeast corners of Newton county,Texas, and marked a pin-oak 24 inches in diameter X bears south 14½ degrees west 37 varas, marked a pin-oak 22 inches in diameter X bears south 9½ degrees

cointer 4695

west 45 varas, marked a pine 8 inches in diameter X bears north 64 degrees east 23 varas, going back to and continuing easterly upon my trial line hereinabove described, at the end of the 4th mile and the corner set last above described I did not find any evidence ~~here~~ of a corner, found no evidence of a line leading either north, south, east or west, no timber at said point where said lines should have been that was old enough to have shown an old line, timber all small where the lines would have been expected to have been found, at 5 miles, or 9,504 varas, I made necessary correct for placing a point directly between the southwest and southeast corners of Newton county, Texas, and set a pin-knot there, and marked a pin-oak 16 inches in diameter X bears north 52½ degrees east 3 varas, marked a pin-oak 14 inches indiameter X bears south 28½ degrees east 6-7/10 varas, marked a pine 10 inches in diameter X bears south 64 degrees west 5-6/10 varas. This point is about 15 or 20 varas east from the east edge of the "O.W.Burton marsh", just in the edge of the timber off the east edge of said marsh. At a point 5½ varas south and 14 varas east of this point is a pine-knot apparently set for marking a land corner, said knot marked X on the S.E. side. I searched carefully here for the iron pipe and the two black gum bearing trees Jack Noguess claimed to have marked here for the N.W.Cor. of the 114½ acres of of Sec.No.8, G.C.& S.F. R.R.Co. survey on September 20th, A.D., 1911, when he stated he placed said pipe and marked said two trees, placing said pipe exactly 5 miles east from the southwest corner of the Jasper Harding survey. If he placed the pipe and marked the trees as he stated he did do, all have disappeared. From the pine-knot near this point and above described, a line of blazes leads north and south apparently for the line between the J.M.Reeve survey and the 114½ acres of said Sec.8, on the south, and between the Jos.S.Russell and James Henderson surveys on the north. My correction at this point for the county line places me practically upon the old marked line leading here on east from the southwest

Counter 96946

corner of the Jasper Harding survey and upon the line known as the "Jack Noguess two hack line" said to once have been marked by Jack Noguess when county surveyor of Orange county, Texas, and to represent the line between Newton and Orange counties, Texas.

Getting back to my trial line, described above, and continuing easterly thereon, at the point where the northeast Corner of said Sec.No.8 and the northwest corner of the V.H.Stark survey should have been expected to have been found, I overlooked checking for same, at 6 miles from the southwest corner of the Jasper harding survey, or 11,404-8/10 varas I made the correction necessary and placed a pine-knot directly in line with the southwest and southeast corners of Newton county, Texas, and marked a water black gum 10 inches in diameter X bears south ~~5~~ - 24 degrees east 4 varas, marked a water black gum 12 inches in diameter X bears south 46 degrees west 9 varas. Comtinuing easterly and making my measurements upon my trial line, at 6 miles, ~~507~~ 513 varas, or ~~11,911-8/10~~ 11,917-8/10 varas I crossed an old marked line leading north and south and upon which is an old wire fence now down and broken, said old line ~~leading~~ and said wire fence leading to a point 1391 varas west and 25½ varas south from the northeast corner of the Jas.A.Mason survey as re-established by me in making the survey SF 13665 for A.J. Lewis of 455¼ acres of land, and at 11,930-3/10 varas I was 47½ varas south from the point where A.M.H.Stark is alleged to have found the sweet gum bearing tree called for at the northwest corner of the Fisher & Henderson survey in Orange county, Texas, when on the 13th day of April, A.D., 1904 the said A.M.H.Stark, then County Surveyor of Orange county, Texas, surveyed for his brother, V.H.Stark, the 354 acres of land known as survey No.539, and situated in this locality. I found the sweet gum tree 14 inches in diameter marked here by the said A.M.H.Stark. The large sweet gum tree claimed by said Stark to have been one of the bearing trees called for in the field notes of the Fisher & Henderson survey was cut several years ago by agents of the

counter #6947

Sabine Tram Company and the portion of the tree claimed by said Stark to have the mark for the bearing tree of the Fisher & Henderson survey was carried into District Court at Newton, Texas, and used as evidence in a suit styled R.S.Barber vs. Sabine Tram Company,or similar style, and the portion of the tree so claimed by said Stark to bear marks of the bearing tree for the Fisher & Henderson survey was taken apart and proven not to contain any mark representing a land mark other than the X placed thereon by the said A.M.H.Stark in the year A.D.,1904, as aforesaid, the scar thereon claimed by the said Stark to represent a land mark being simply a knot of natural ~~grewnth~~ growth of said tree. I did not find the pin-oak bearing tree marked here by A.M.H.Stark. No line was found leading either north,south,east or west from the point where A.M.H.Stark claimed to have re-located the northwest corner of the said Fisher & Henderson survey. The northwest corner of the Fisher & Henderson survey should be exactly six (6) miles east from the southwest corner of the Jasper Harding survey. The point claimed by A.M.H.Stark as the N.W.Cor.of the Fisher & Henderson survey would be 24½ varas north of the true location of the county line here.

Getting back to my trial lime and continuing easterly therewith, at 6 miles 1093 varas or 12,497-8/10 varas the center of the railroad formerly known as the K.C.P.& G.R.R. and known now as the Texarkana & Fort Smith Railroad, said railroad running a course of north 59 degrees east and/or south 59 degrees west,by the needle, at 6 miles and 1,150 varas the center line of the highway leading from Mauriceville, Orange county,Texas, to the Hartburg crossing on said T.& F.S. Railroad in Newton county,Texas, at seven (7) miles or 13,305-6/10 varas I made necessary correction and set a cut of railroad steel directly between the southwest and southeast courners of Newton county,Texas, as the southeast corner of the John Champion survey as fully described in the field notes

counter 16948

made up by me for the A.J.Lewis survey of 455½ acres of land known now as SF 13665, correcting my random or trial line here to the left or north a distance of 22.03vs 61-2/10 feet. I then returned to my trial line and continued easterly thereon, and at exactly seven miles, 620 varas/or 13,925-6/10 varas easterly from the southwest corner of the Jasper Harding survey I passed opposite the southwest corner of the August Schmidt survey, ~~find~~ found the black gum witness tree and the stump of the pine witness tree just as called for in the said Schmidt survey's field notes just as explained in the field notes made up by me for the A.J.Lewis survey SF 13665, and at ~~14,625-6/10~~ ~~14,625-6/10 xxxxx~~ 14,625-6/10 varas/where I expected to pass opposite the southeast corner of the said August Schmidt survey I did not find such, at/15,529 varas where I expected to pass opposite the southeast corners of the Edmund King survey and the southwest corner of the E.H.Kelly survey I did not find such. Here I went northerly and located the southwest corner of the C.P.Cooper survey which is same point as the northeast corner of the said Edmund King survey, and ran a trial line south and fell about 22 varas east from where I had expected to find the southeast corner of the said King and southwest corner of the said Kelly survey. There is an excess of 22 varas in the combined lengths of the south line of the August Schmidt and Edmund King surveys but I did not determine to which said excess belonged or as to the proportion going to each of said surveys. Having proven the southwest corner of the August Schmidt survey beyond question, I did not deem it necessary to positively prove its southeast corner. I done sufficient here to positively prove there is an excess of 22 varas over the distances called for in the Schmidt and King notes from the southwest corner of the said Schmidt to the southeast corner of said Edmund King survey. Continuing with my trial line, at 15,650 varas I was 33 varas south from the northeast corner of the N.O. Brenizer survey and the northwest corner of the G.C.Williams survey each of Orange county,Texas. Here I positively iden-

counter 46999

tified this corner, finding each of the post oak bearing trees just exactly as called for in the notes of the Williams and Brenizer surveys. This corner is 3 varas north of the line between Newton and Orange county, Texas.

Back to my trial line, and continuing same easterly, and at 16,501 varas I was opposite the southwest corner of the J.T.King pre-emption survey, as aforesaid, said survey being in Newton county, Texas, and when I made the necessary correction for the county line here I found it to be 9/10 of one (1) varas south from said county line, this corner being proven by me and well known, at 16,651 varas crossed the center line of State Highway No.87, at 16,664 varas I was ~~xxxxxxx~~ opposite the stump of the black gum tree called for in the field notes of the G.C.Williams survey as being east 77 varas. I found by making the necessary correction in my trial line that this said stump of this said black gum bearing tree called for in the notes of said Williams survey is 4 varas south of the true line between Newton and Orange counties, Texas; that the northeast corner of the G.C. Willaims survey is 77 varas ~~east of~~ west of this said tree and is approximately 4 varas south of the true line between two said counties and is, as aforesaid 86 varas easterly from the southwest corner of said J.T.King survey, said northeast corner of said Williams survey being the same as the northwest corner of the H.H.Cooper survey, assigneed of Joseph Polley. This said black gum tree called for in the notes of said Willaims survey was considered on the county line and is the tree, it would seem, called for in the field notes of Section No.10, G.C.& S.F.R.R. Co.survey as being 1117 varas east of the northeast corner of said section No.10, G.C.& S.F.R.R.Co.survey as surveyed by Frank Cleveland September 2nd, A.D., 1884. From all this it would seem I am pretty close upon the true location of the county line when making the necessary corrections for same from my trial line.

counter 16950

Getting back to my trial line and at a point opposite the stump of the old black gum bearing tree named in the field notes of said G.C.Williams survey, and continuing easterly with said trial line, from this ~~pixkxm~~ point on to the Sabine river I did not positively identify but ~~one~~ two other corners, ~~that~~ being the Southeast Corner of the J.T. King survey and the southwest corner of the J.M.Horger survey of 160 acres in Newton county,Texas. I found ~~this~~ the Horger corner just as called for in the Horger field notes each of the bearing trees being alive and up and in good state of preservation and just as called for in the Horger notes. This point is not in the true county line but is 8 varas south of the true location of the line between Newton and Sabine counties. The S.W. Cor. of said Horger Survey being 19,956 vrs. E. and 8 vrs. S. from the S.W. Cor. of Newton Co., Texas.

The southwest corner of the John T.King survey in Newton county,Texas, is, as aforesaid, 16.501 varas east and 9/10 of one (1) vara south from the southwest corner of Newton county, Texas, and is 5,218 varas west and 9/10 of one (1) vara south from the southeast corner of Newton county,Texas.

From the proven northeast corner of the G.C.Williams survey in Orange county,Texas, it is ~~5,152 varas~~ north 4 varas and east 5,132 varas to the southeast corner of Newton county, Texas. From the said northeast corner of said G.C.Williams survey on easterly with the county line,I did not identify any corner of a survey in Orange county,Texas.

From the northeast corner of the said G.C.Williams survey there is apparently only four (4) surveys from said point easterly with the county line that border upon said county line and are situated in Orange county,Texas, the said four (4) surveys and the length given for each north boundary follows:

See next page:

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(1) Hope H.Cooper,assignee of Jos.Polley,..... 1240 varas.
(2) David Pool,assignee of Jos.Polley,..... 1240 "
(3) T.G.S.Godwin,..... 420 "
(4) John Stephenson,..... 1986 "

Total,..... 4886 varas.

The above named four surveys appropriate,~~according~~ according to the calls in the field notes, only 4886 varas of the county line between Newton and Orange county,Texas, leaving 246 varas apparently unappropriated. I assume some of the above named surveys have a greater distance along their north line than given in the field notes.

There are eighteen (18) original survey in Newton county,Texas,that border the south line of Newton county, the names thereof and the distances called for the south line of each survey so bordering the county line follows:

Beginning at the southwest corner of the county ~~and~~ and going east with the county line:

(7)The first seven (7) sections take up an aggregate of ..... 13,305.6 varas.
(8) A.J.Lewis survey,SF 13665,..... 620 "
(9) August Schmidt survey,..... 700 "
(10) Edmund King survey,..... 903.32 "
(11) E.H.Kelly survey,..... 950 "
(12) J.T.King survey,..... 950 "
(13) W.R.Smith survey,..... 950 "
(14) W.R.Smith survey,..... 560 "
(15) R.J.Bratton survey,..... 516 "
(16) " " " ,..... 459 "
(17) John M.Horgen survey,..... 950 "
(18) Will Carley survey,..... 781 "

Total,..... 21,644.92 varas.

The south line of Newton county,Texas is exactly 21,719 varas in length. The eighteen (18) surveys listed above are presumed to take and appropriate only 21,644.92 varas. This indicates an excess in the surveys east of the John Champion survey of 74 varas,in round numbers. I know that 22 varas, approximately,of this excess exists between the southwest corner of the August Schmidt survey and the southeast corner of the Edmund King survey. There is known to me to be an excess of

counter 76952

42 varas from the southwest corner of the John M.Horger survey to the southeast corner of the Will Carley survey,the southeast corner of Newton county,Texas. I know that 9 varas of this excess belongs in the south line of the J.T.King survey. Thus accounting for all of the excess on the Newton county side of the county line with the exception of one (1) vara.

I positively identified the southeast corner of the J.T.King 160 acre pre-emption survey in Sabine county, Texas, finding each of its original bearing trees just as called for in the patent of said King survey,same being the southwest corner of the W.R.Smith ~~19~~ 160 acre pre-emption survey.The sweet gum bearing tree had recently died but was standing and well preserved. The pin-oak bearing tree was alive and in good condition. This point is 4-5/10 varas south of the true line leading from the southwest to the southeast corner of Newton county,Texas. Here I set a drive shaft housing for model T Ford car and an iron rod 1-1/4 inches in diameter,setting same correctly in the line between the southwest and southeast corners of Newton county,Texas. As above stated, the south line of the J.T.King survey is 9 varas in excess of its call,being ~~5~~ 959 varas in length instead of 950 varas as called for.

On July 8th,A.D.,1882 A.Dubose,then County Surveyor of Newton county,Texas,surveyed the Ada (Ader) Jordan survey of 1280 acres of land, the Ada Jordan old State survey that is situated in the imediate southeast corner of Newton county,Texas. Mr.Dubose began said Jordan survey,he states, at the southeast corner of the H.Barnes survey"on the Orange and Newton county line". What then was the Harrison Barnes survey now is the J.T.King 160 acre pre-emption survey and the W.R.Smith 160 acre pre-emption survey, the said King survey covering all of the west one-half (½) of said Barnes survey and said Smith survey having appropriated all of the east one-half (½) of said Barnes survey. Mr.Dubose gives the length of the south line of the

counter 76953

Ada Jordan survey as 3,470 varas and states he made ~~is~~ its southeast corner on the Sabine river. I assume he made said corner on the west bank of the most westerly channel of said river, the channel now recognized as the boundary line between The State of Texas and The State of Louisiana. While I did not identify the southeast corner of the W.R.Smith 160 acre survey in my work with which this deals, later day surveys as well as my survey, taking the south line of the said W.R.Smith 160 acre survey to be 950 varas as called for, prove the south line of the Ada Jordan survey now to be only about 3266 varas plus the 42 varas excess in the south line of the John M.Horger and Will Carley surveys.

On July 10th, A.D., 1882, two (2) days after A.Dubose is alleged to have surveyed the Ada Jordan survey, he is alleged also to have surveyed the Wm.~~Will~~ Wilson 1280 acre survey for State School Purposes. He states he began the Wilson survey at the ~~northeast~~- northwest corner of the ~~Da~~- Ada Jordan survey. Taking all the westings, all the distances he states he traveled west in making the said Wilson survey, he went west a total distance of 4,841 varas. He admittedly did not go but 700 varas west from the southwest corner of the Edmund King survey, which said southwest corner of said King survey now is the southeast corner of the August Schmidt survey of 160 acres. His survey balances within one (1) varas in departure, his eastings totaling ~~4,8~~- 4,840 varas. It is off balance in latitude to the extent of 200 varas, his northings being 6,296 varas while his southings total 6,096 varas. There is not now and has never been, in so far as I can ascertain, any question as to the true location of the C.P.Cooper, W.B.Ellis and E. or Edmund King surveys called for by DuBose in his survey of the Wm.Wilson survey. DuBose states he left the northwest corner of the W.B.Ellis survey and ran south, and at 950 varas passed the southwest corner of said Ellis survey and at 2020 varas reached the southwest corner of the E.King survey on the Orange and Newton county line; that he then ran west 700

counter 46959

varas to the southeast corner of the John Champion survey. A. DuBose did not reach the southeast corner of the John Champion survey but made the corner of the Wm.Wilson survey,its southwest corner, 620 varas east from the southeast corner of the John Champion survey. He either began his survey farther east than the northwest corner of the Ada Jordan survey or got his distances wrong. Later day work proves that from the southwest corner of the Ada Jordan survey it is west only 4,453 varas to a point 700 varas west from the southwest corner of the Edmund King survey.

When A.DuBose alleges he surveyed the Wm.Wilson survey he calls for it to have 22 corners. He called for witness or bearing trees at only two (2) of said 22 corners, that being the first two (2) corners. When he came to the point of making up a description of the southwest corner of said Wm.Wilson survey he had nothing to copy the bearing trees of the John Champion survey from. At that time, and now, there ~~are~~ is no record of the original field notes or any other field notes of the John Champion survey in Newton county,Texas. The John Champion field notes are recorded in Jasper county,Texas, in Volume A,page 19, Scrip Section, Records of the Office of the County Surveyor, Jasper county,Texas. The patent of the John Champion survey was not of record in Newton county,Texas, in the year A.D.,1882,and still is not of record in said county. A.Dubose in making what has the ear marks of an office survey of the Wm.Wilson survey, had before him his notes of the Ada Jordan survey he had made two (2) days prior to the date he alleges he surveyed the said Wilson survey,and he could copy the bearing trees from the Jordan survey. Dubose states that he found the pine S.60 E. 6-4/10 varas as called for in the Barnes notes. Says the other pine was gone. The other pine bearing tree for the Barnes notes called to be N.60 W.2 varas. Dubose states he ~~marked a white oak~~ marked a white oak the bearing of which was N.2 degrees west 9-8/10 varas. Knowing that he would be making some kind of survey of the

counter 46955

Wm.Wilson survey, Dubose two days prior to his alleged survey of said Wilson survey, and when surveying the Ada Jordan survey, may have noted the northeast corner of the Harrison Barnes survey. I believe that his survey of said Wilson survey was at the best largely an office survey.

The correct distance from the southeast corner of the W.R.Smith 160 acres pre-emption survey,same thing that in the year A.D.,1882 was the southeast corner of the Harrison Barnes survey, to the southeast corner of the John Champion survey is 5,073 varas plus the little excess found along the lines of the several surveys in Newton county,Texas, between two (2) said points, and the course is west, practically speaking.

When Dubose alleged he left the northwest corner of the W.B.Ellis survey and ran south,passing the southwest corner of said Ellis survey at 950 varas, and at 2020 varas reached the southwest corner of the E.King survey on the Orange and Newton county,Texas,line, he did not have his map correct, the map he evidently was figuring office survey of the Wilson from. At 950 varas plus 560 varas he should have cornered and run east 39 varas to the northwest corner of said King survey,and should then have run south with its west line 500 varas to its southwest corner.

When A.Dubose is alleged to have surveyed the above named Wm.Wilson survey and to have run the east line of the John Champion and James A.Mason survey, he did not name any of the witness trees called for in the Champion and Mason notes at the N.E.Cor.of the Champion and S.E.Cor.of the Mason survey. The original field notes of the Jas.A.Mason survey are not of record in Newton county,Texas, They are found in Volume A, at page 22,Scrip Section,Records of the office of County Surveyor,Jasper county,Texas. The patent of the James A.Mason survey is not of record in Newton county,Texas. Counter 16956

Dubose had nothing to copy these bearing trees from. Had he actually been on the ground at the southeast and northeast corners of the John Champion and the southeast and northeast corners of the Jas.A.Mason surveys he could have gotten the bearing trees from the ground,or at least some of them and taken other and newer trees.

A Dubose is alleged to have surveyed the E.or Edmund King 80 acre survey September 25th,A.D.,1881. He may have made the Wm.Wilson survey upon the ground. He claims he did do so. He did not name any bearing trees at the southwest corner of the said King survey. He evidently had them where he could have copied them into the Wilson notes. My contention that Dubose did not make the Wilson survey upon the ground may be unfair to him.

As hereinbefore stated, I believe that when B.F. Mott surveyed the Jasper Harding,P.L.& I.Wheaton,Armon Davis, Thomas I.(may be J.?) Potts, Joseph Russell,James Henderson, and John Champion surveys in Newton county,Texas,and the Mary Gest, Grant & Lator,Joshua Brick, J.M.Reeve and Fisher & Henderson surveys in Orange county,Texas, then in Jefferson county,Texas, the first seven surveys named above then being in Jasper county, Texas, the said Mott intended for the south line of each of the above named first seven (7) surveys to be the same as the county line between what then was Jasper and Jefferson counties,Texas, and for the north line of the five (5) above last named surveys to be on said county line just as the maps of Newton and Orange counties show them ~~xxxxx~~ to be.

I searched carefully at each of the corners of each of the above named seven (7) surveys in Newton county,Texas, and at each of the corners of the last named five (5) surveys in Orange county,Texas, that cornered with and in said county line, and I was unable to find any bearing tree of any of said twelve

counter 16957

(12) surveys called for in the original field notes thereof, except the stump of the sweet gum at the S.W. Cor. Jasper Harding survey. Failing in this and finding more or less confusion as to these lines and corners, I concluded the best thing for me to do was to first know the true location of the county line between Newton and Orange counties, Texas. I determined that matter positively, as hereinbefore explained.

I went to a point seven (7) miles east from the southwest corner of the Jasper Harding survey, same being the southwest corner of Newton county, Texas, and set a cut of railroad steel for corner, setting said steel directly in line with the southwest and southeast corners of Newton county, Texas. Having done this, I next set a second point directly in said county line at a distance from the point first named in this paragraph, and then turned a 90 degrees angle to the north from said county line and used this as by base for the east line of the John Chamipon survey, the east and north lines of the James A. Mason survey and proceeded to re-mark said lines and measure same upon the ground and to establish or rather re-establish corners where due to be, and as explained in my field notes for the A.J. Lewis survey of 455¼ acres, SF 13665.

In running the east boundary line of the said John Champion survey and of the said Jas. A. Mason survey, at sundry distances along said line making the west line of the A.J. Lewis survey S.F. 13665, I found trees blazed on the north and south sides showing conclusively this had been recognized by some as a land line, and at a point on said west line of said Lewis survey, SF 13665, exactly 664 varas north and 8-1/2 varas west from the northeast corner of the John Champion survey, and the southeast corner of the Jas. A. Mason survey I found a hickory tree about 15 inches in diameter and very old, which has a very, very old axe blaze on both its north and south sides, showing conclusively that it had been marked for some purpose many years ago, and is apparently plenty old to have

counter 16958

been marked by B.F.Mott when he surveyed the Jas.A.Mason on August 22nd,A.D.,1839,he having surveyed the John Champion one day prior thereto, at a point exactly 791-1/2 varas north and 3-1/2 varas ~~west from this line~~ / west ~~north~~ from the southeast corner of said Jas.A.Mason and northeast corner of said John Champion survey stands a hickory/ about 16 or 18 inches in Dia., which is very old,and which has a very,very old axe blaze on both the north and south side thereof and also has one or more balzes on its north and south sides said latter named axe blazes apparently 20 to 25 years old, the blazes first named as being on this tree apparently being plenty old to have been placed there by B.F.Mott when he originally surveyed the Jas.A.Mason survey August 22nd,A.D., 1839, at exactly 799-1/2 varas north and 1-6/10 varas west from the said northeast corner of said John Champion survey and the southeast corner of said Jas.A.Mason surveys stands a magnolia tree which is a very old tree,and about 20 inches in diameter, and which has upon its north and south sides an axe blaze that is very,very old, and also ~~here~~ has on said sides one or more axe blazes that apparently were placed there 20 to 25 years ago, the very,very old blazes first named as being upon this magnoila tree being apparently plenty old to have been placed there by B.F.Mott when he originally surveyed said Mason survey on August 22nd,A.D.,1839, the blazes mentioned above as being found in sundry places and at sundry distances along this line were noticed in many places. I found no other marks on this line that caused me to feel they were old enough to have been placed by B.F.Mott when he surveyed the Mason survey in the year A.D.,1839, and at ~~xx~~ exacly 2 miles,or 3,801-6/10 varas, I set ~~xxxxx~~ a large lightwood (rich pine) stake and ~~at-a-point-exactly-~~ from my line I had come north on,on a right-angle or 90 degrees/ angle from the south line of Newton county,Texas, ~~turing-~~ turning said angle to the left and/or west, ~~xxxxxxxxxxxx~~ and at a point exactly 7 miles/ east ~~west~~ and two miles north and 6-7/10 varas west and 9/20 of one (1) north, from the southwest corner of the Jasper Harding survey,the

counter 96959

southwest corner of Newton county, Texas, I found the stumps of the two pine trees just exactly as called for by B.F.Mott at the northeast corner of the Jas.A.Mason survey when he surveyed said land and marked said two pine trees on August 22nd, A.D., 1839. And when I state that I found those two pine stumps, the stumps of the bearing trees for said Mason survey at its said northeast corner, I make said statement without fear of successful contradiction. The hearts of the stumps each are there together with all the root system of each of said trees in tact, and need no one to speak for them as they speak for themselves. I set a lightwood stake and placed a tack therein and also set a small iron rod here. From said stake and tack one of these said stumps bears north 25 degrees east and the distance of 4-8/10 varas as called for in the Mason notes checks for the point where the outer or southern edge of said pine tree reached when alive, the distance to the center of the heart of said stump from the stake and tack so set, is 5-7/10 varas, the other stump from the stake and tack set here by me bears south 68 degrees west and the distance of 3-5/10 varas checks correctly for the position of the tree, the northeastern side thereof when alive. The distance to the center of said pine heart from the stake and tack referred to is 4-3/10 varas. I re-established the northeast corner of the Jas.A.Mason survey at a point 6-7/10 varas east and 1-11/20 varas north from the stake and tack I set where the ~~noth~~ northeast corner of the Mason survey was made by B.F.Mott, setting or re-establishing said Mason corner in such manner to give each of the seven (7) section of land beginning with the southwest corner of the Jasper Harding survey and running east to the southeast corner of the John Champion survey, their full one (1) mile each, and to permit me to leave said point on a line that would pick up and follow the north line of the Jas.A.Mason survey, or the old line, I found marked to the west.

Leaving the northeast corner of the Jas.A.Mason

counter 4960

survey as re-established by me, as aforesaid, and running west, or at a 90 degrees angle from the east line of said Jas.A.Mason survey, at 6-7/10 varas I was 1-11/20 varas north from the point where B.F.Mott made the northeast corner of the Jas. A.Mason survey on August 22nd, A.D., 1839, basing this ~~statemement~~ statement upon my contention as to finding the two bearing tree called for at said point by ~~Meet~~ Mott, as aforesaid, at 102 varas passed 1-1/2 varas north of an ash tree 18 inches in diameter and a very old tree, which has a very, very old axe blaze on both the east and west sides thereof and is, apparently, plenty old to have been placed there by B.F.Mott when he surveyed the Jas.A.Mason survey August 22nd, A.D., 1839, at 277 varas I passed 8/10 of one (1) varas north of a black gum 16 inches in diameter with an old axe blaze on both the east and west sides, one of the men re-marking this line ~~destroyed~~ unintentionally destroyed the axe blaze on the east side of this tree. These blazes are not contended to be old enought to have been made by Mott but are old, at 397 varas I passed 6/10 of one (1) varas south from an ash, a very, very old tree, and about 24 inches in diameter, and has a very, very old axe blaze on both its east and west sides and has three very, very old axe hack on its south side, said blazes and hacks each being plenty old, apparently, to have been placed upon said tree by B.F.Mott when he surveyed the Jas.A.Mason survey August 22nd, A.D., 1839, at 471 varas a pin-oak with its north edge in my transit line and in which said tree a notch was cut to permit my passing, has an axe blaze on both its east and west sides but not old enough for the Mott line but old, at 504 varas I passed 5/10 of one (1) vara north from a dead pin-oak tree about 14 inches in diameter with an old axe blaze on east and west sides but not old enough for the Mott line, at 681 varas I passed ~~5/0~~ 5/10 of one (1) varas south from a red-oak tree 20 inches in diameter with old axe blaze on its east and west sides but not old enough for the Mott line, at 684 varas I passed 1 varas north

counter 16961

from a sweet gum tree 6 inches in diameter with an old axe blaze on both its east and west sides, but not contended as being old enough for the marks of Mott when he surveyed the Mason survey in 1839, at 838 varas I passed 1 varas north from an ash about 14 inches in diameter and very old, with a very, very old axe ~~balze~~ blaze on both its east and west sides, and plenty old, apparently to have been placed there by B.F. Mott when he surveyed the Jas.A.Mason survey on August 22nd, A.D.,1839. This is the last tree I found on the north line of this Jas.A.Mason survey that I believe the blazes have been there long enough to have been placed there by B.F.Mott when he ~~surv~~ surveyed the Mason survey August 22nd, A.D.,1839. At 1320 varas passed the a corner of the A.J.Lewis survey of 455¼ acres, SF 13665, and said corner being fully described in my field notes now on file in the General Land Office of Texas, At 1391 varas I passed 25-1/2 varas north from a light-wood stake near the corner of a wire fence, said fence now down and broken and not being kept as a barrier, this fence, I am advised by reliable persons who claim to have followed it, run to a point on the south line of Newton county, Texas, and on a course of approximately south. I have not checked on its bearing. I checked the south end of this said fence or rather the point where said fence crosses the south line of Newton county, and said fence crosses said county line at a point exactly ~~4~~ six (6) miles and 513 varas east from the southwest corner of the Jasper Harding survey, the south-west corner of Newton county, Texas. Continuing west on the north line of the Jas.A.Mason survey, at 1469 varas I passed 1 varas north from a cow-oak tree 20 inches in diameter with an old axe blaze on both its east and west sides but not old enough to have been marked by Mott, at 1732 varas I passed 2-1/2 varas north from a holly tree 8 inches in diameter with three (3) very old axe hack on the south side thereof, at 1846 varas I passed 1-35/100 varas north from a pine-knot that

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had been set in the earth apparently for a land corner, found a white bay tree about 10 inches in diameter marked X bears S. 13 degrees east about 5 varas, found a pin-oak, water black gum, pine, and a holly all blazed facing said pine-knot and found a plainly marked line leading south, no axe hacks on line but blazed, followed said line about 100 varas, at 1900-8/10 varas I set a ~~pine-knot-for-corner--~~ six (6) foot cut of 35 pound railroad steel for corner and marked a cow oak tree 18 inches in diameter X bears S.28 degrees west 1-4/10 varas, marked a holly 6 inches in diameter X bears north 37 degrees west 2-8/10 varas, marked a cow oak 12 inches in diameter X bears N.53 degrees east 5-8/10 varas, marked a holly 5 inches in diameter X bears S.80 degrees east 2-4/10 varas, marked a black gum 10 inches in diameter X bears S.6½ degrees east 11-7/10 varas. I did not find a line leading south from this point. However, I did not search but for a distance of about 100 varas south.

I am told by reliable ~~perons~~ persons that an old marked line runs with the wire fence named above as cornering 1391 varas west and 25½ varas south from the north-east corner of the Jas.A.Mason survey as re-established by me, and running southerly and crossing the south line of Newton county 6 miles and 713 (513?) varas east from the southwest corner of said Newton county, Texas. This old wire fence corners 1391 varas west and 25½ varas south from the northeast corner of the Jas. A.Mason survey, as aforesaid, and turns west. There is ~~also~~ also a wire fence leading east or about east from said fence corner. These fences now all are down and broken and not used as barriers.

The matter of surveying the east line of the A.J. Lewis survey SF 13665 of 455¼ acres was an easy matter. It consisted simply of identifying the northwest and southwest corners of the George Hayden survey of 220 acres, abstract No.919, and the running of the west line of the August counter 76963

Schmidt from the southwest corner of said Hayden survey to the point where I positively identified the southwest corner of said Schmidt survey,and continuing on to the south line of Newton county, and establishing a corner and running west with the county line to the southeast corner of the John Champion survey,all of which is fully explained in my field notes made up for said survey and now on file in the General Land Office of Texas. I did not identify the northwest corner of the August Schmidt survey by its bearing trees but it seems unquestionably to be the same point as the southwest corner of the George Hayden survey of 220 acres,abstract No.919,and I positively identified said Hayden corner by finding each of its bearing trees just exactly as called for ~~int-~~ in the patent to said Hayden survey.

As heretofore stated, I searched carefully at all points where one could be expected to have found witness trees at the corners of the seven (7) sections bordering on the south line of Newton county,Texas, and running from the southwest corner of the Jasper Harding survey to the southeast corner of the John Champion survey,and at the northeast corner of said John Champion survey and at the northeast corner of the Jas.A. Mason survey,and at the northwest corner of said Mason survey, and with the exception of the stump of the old sweet gum bearing tree at the southwest corner of the Jasper Harding survey, and the two pine bearing trees at the northeast corner of the ~~Jas.A.Ma~~ Jas.A.Mason survey, I was unable to find any of the bearing trees called for in any of the old surveys vurveyed by B.F.Mott back in the year A.D.,1839. I searched for the witness trees called for at the northeast corner of the Jas.A.Mason,~~not only~~ searching not only where and near where I re-established ~~and~~ the northeast corner of said Mason survey and found its bearing trees,or found the stumps thereof, but I also searched at the northwest corner of the George Hayden survey of 220 ~~acres-~~ acres, abstract No.919,where some contend said

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Mason northeast corner should be. From the said northwest corner of said Hayden survey I went south one (1) mile and there searched for the witness or bearing trees called for at the southeast corner of said Mason survey and the northeast corner of the John Champion survey, the point where A.A. Miller states he passed said corner when he re-surveyed said Hayden survey May 17th, A.D., 1917. If Mr. Miller did in fact see any corner at such point, ~~point.~~ it has disappeared. There is no evidence whatever there now of a corner or of any bearing trees. I then moved on down this line, south, to a point exactly 1 mile north from the south line of Newton county, and there searched for trees called for at the southeast corner of said Mason and northeast corner of said John Champion surveys. There was found by me no evidence of a corner or of bearing trees. However, there is a line of old blazes apparently 25 years old, leading west from said point. Lumbermen operating here for many years have always cut over this strip of State land 620 varas in width, east and west, and always contended the Jas. A. Mason and John Champion east lines and the west lines of the George Hayden and August Schmidt surveys were together. They are not together and never have been. They are exactly 620 varas apart on the south end of this State strip.

I am sending to the General Land Office of Texas a statement of a re-survey by me of the J.E. Anderson survey and of the H., T. & B.R.R.Co. survey, section No. 1, sending same along with this statement. I believe that together the two (2) statements contain about all the explanation I now can think would be or could be helpful in this connection. The statement being sent and other than this one, is sent in connection with a survey of about 20½ acres of land I have recently made for Mr. A.J. Lewis at the most northerly corner of the J.E. Anderson survey.

counter 76965

At the point where I found the southwest corner of section No.1,H.T.& B.R.R.Co.survey, the point accepted by me as such, it is west 71 varas and north 5-6/10 varas to a hickory tree about 20 inches in diamter marked X on the south side,said mark apparently only a few years old,and probably not more than six (6) to eight (8) years old,said point having been heretofore in the suit between Barber and Sabine Tram Company of a few years past, contended by the Barber interest to have been the northwest corner of the Jas.A.Mason survey. This said point being,as stated,west 71 varas and north (the hickory bearing tree being so) 5-6/10 varas from the point I accepted as the most northerly northwest corner of the A.J.Lewis survey of 455½ acres, S.F. 13665.

Taking into consideration the references made to the county line between Jefferson and Jasper counties, Texas, by Isaac Garner when he surveyed the John Stephenson, and the two (2) Joseph Polley surveys in Orange county,Texas, then in Jefferson county,Texas, and by S.H.Smith when he surveyed the Harrison Barnes survey in Newton county,Texas, June 20th,A.D.,1853, there must have been at some early date an official surveying and marking of said county line. Had such not been done prior to the surveying the Stephenson and Polley surveys back in the years A.D.,about 1847 and 1848 and the Barnes in 1853, and the surveying by B.F.Mott of the 12 sections he located on said county line, back in the year A.D.,1839, said surveys could not have been placed on said line. I have searched the records of Newton, Jasper and Jefferson counties,and have made enquiry at the General Land Office of Texas, and have been unable to get any trace of a record of any early surveying of said county line, what then would have been the north line of Jefferson county,Texas.

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At a point where was found by me to be the correct position for the county line between Newton and Orange county, Texas, where said line crosses the highway leading from Mauriceville to Hartburg, I set two cuts of railroad steel, setting same about 50 or more varas apart, and on the county line and directly between the southwest and southeast corners of Newton county, Texas, setting said cuts of steel about four (4) feet into the earth and leaving them about two (2) feet above the earth. Where said county line crosses State Highway No.87, I set two cuts of similar steel on the county line directly detween the southwest and southeast corners thereof.

I positively identified the southwest corner of Sec.No.15, the same as the southeast corner of Sec.No.18, H.T.& B.R.R.Co.survey, finding the sweet gum witness tree exactly as called for in the original notes of said sections.

I positively identified the southwest corner of Sec.No.14, same as the southeast corner of Sec.No.15, H.T.& B.R.R.Co.survey, finidng the lightwood stumps of each of ~~said~~ the pine witness or bearing trees ~~et~~- called for in the original field notes of said surveys.

I found a well marked and direct line leading from the southwest corner of said Section No.15 to the said southeast corner thereof and the southwest corner of said Sec.No.14.

At the said southeast corner of Sec.15 and southwest corner of Sec.14, H.T.& B.R.R.Co.survey a line leads off easterly but a bit southerly from a course that will lead from the southwest to the southeast corner of said section No.15, continues easterly, and when opposite the point which is 1320 varas west from where I re-established the northeast corner of the Jas.A.Mason survey this said line

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is 74 feet or 26-64/100 varas south from the point that is 1320 varas west from the northeast corner of said Jas.A. Mason survey, and is approximately 35-4/10 varas south from a point that would be reached in running ~~east~~- a line from the ~~per~~ proven southwest corner of said section No.15, easterly over the proven southeast corner of said section No.15, and on easterly to a point 1320 varas west and 8-8/10 varas north from the northeast corner of said Jas.A.Mason survey, as re-established by me and described in the field notes for the A.J.Lewis survey,SF ~~15665~~ 13665,for 455¼ acres.

This same marked line referred to above as running easterly from the southeast corner of section No.15,and being 26-64/100 varas south and 1320 varas west from the northeast corner of said Jas.A.Mason survey, continues on easterly,and at the east line of the said Jas.A.Mason survey said marked line crosses said Mason survey 34 varas south from the northeast corner of said Mason survey, and it continues on easterly,and at the point where it leaves the A.J.Lewis survey and enters the Geo.Hayden 220 acres survey is crosses the west line of said Hayden survey 133 varas south from the northwest corner of said Hayden survey and continues on easterly and intersects the west line of the J.A.Kelly 80 acres survey at a point 96 varas south from the northwest corner of said J.A.Kelly survey and the southwest corner of the W.M.Lavine survey. The distance from the point where this marked line referred to crosses the west line of said Geo.Hayden survey, to the point where it intersects the west line of the J.A.Kelly survey, is 274 varas. The ~~like~~ line is,apparently,not more than 15 to 20 years old, in many places being marked on little trees that are probably not more than 25 years old.

From the point where I found the two original witness trees,or found the stumps of same,for the Jas.A.Mason survey and re-established its northeast corner,I searched

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east and there was no evidence that I could find of the line I found leading west also leading east from said northeast corner of said Jas.A.Mason survey. No line leading east from said point could be found.

When B.F.Mott surveyed the Jas.A.Mason survey August 22nd,A.D.,1839,when on its north boundary line,runnigg east, he says that at 1600 varas he crossed a "Trace" ~~road~~ (which would be a road or trail) leading from the "Saline" "to Ballew's". I assume he meant to Ballew's ferry on Sabine river which then seemed to be a place of note.

The location of Ballew's Ferry on the Sabine river probably was at or near the southern end of the "Narrows",and probably 15 or 20 miles south from the southeast corner of Newton county. The journal kept by the joint commission appointed at the convention had between the United States of America and The Republic of Texas on April 25th,A.D.,1838, said commission appointed to survey and mark the boundary line between the United States and the Republic of Texas, among other things shows the following:

> "on the evening of the 22nd day of May (having reference to the year,A.D.,1840) the commission proceeded up the river (they had been at Green's Bluff which now probably is Orange,Texas) as far as Ballew's Ferry, at the lower end of the narrows".

I was unable to locate what B.F.Mott had reference to as the "Saline". Naturally, he had reference to some place otherwise known as a salt lick or salt deposit. There is a point about 100 varas north about 45 degrees west from the northwest corner of the Geo.Hayden survey of 220 acres where old persons tell me that during the civil war of 1861 to 1865 salt was made. A path leading ~~from~~ from that point to Ballew's ferry would not cross the north line of the Mason survey 300 varas west of its northeast corner even said northeast corner of said Mason survey was with the northwest corner of the

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Hayden survey, as the owner of the Mason survey has heretofore claimed it to be. At a pint 300 varas west from the northwest corner of said Hayden survey as well as at a point 300 varas west from where I found the bearing trees of the Mason at its northeast corner, I searched for the old "Trace" referred to by Mott but found no evidence of it at either place. At a point 355 varas south from the northwest corner of the Geo. Hayden survey as well as at a point 355 varas south from where I re-located the northeast corner of said Mason survey, I searched for said old trace as called for by Mott but found nothing satisfactory. At a point about 355 varas south from the point where I re-established the northeast corner of said Mason there is some evidence of an old path. I am unable to say what it was. I understand the lower end of the "Narrows" is about 15 miles south from the southeast corner of Newton county. This seems to have been the location of Richard Ballew's ferry back in 1839 and 1840. Mott fixes the "Trace" he refers to as running a course of about S.45 E.,and/or N. 45 W. I am told by reliable persons that salt water can be had in numerous places in the vicinity of the northeast corner of this Jas.A.Mason survey. At a point N.45 degrees east about 100 varas and north 45 degrees west about 50 varas from the most easterly corner of Sec.No.1,H.T.& B.R.R.Co. survey,as accepted by me and explained herein, J.E.McCall formerly resided and I am told a water well in his yard was-- afforded water too salty for common use.

From the point I accepted as the southwest corner of Sec.No.1,H.T.& B.R.R.Co.survey,same being the most northerly northwest corner of the A.J.Lewis survey of 455¼ acres,SF 13665, it is north no degrees and 38 minutes east 1939 varas to a point 2-4/10 varas west from a 2 inch galvanizex iron pipe with cap marked "S.E.13 N.E.14", having been set by agents of the Sabine Tram Company and intended to represent the southeast corner of Section 14, and

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Sec.13 and the northeast corner of Sec.14,H.T.& B.R.R.Co.surveys. From said iron pipe the stump of a pine (lightwood heart and root system in tact) bears north 52 degrees west 27 varas as called for in the field notes of said surveys. I found no evidence of the pine called for as bearing south 10 degrees east 8 varas. I am unable to say whether or not this is the correct position for this corner. One tree always can be made to fit a call. Or in other words a stake can be set from any one tree in a manner to make it answer the call in the field notes of any survey. There are several young long leaf pine trees here marked X. I did not take the course and distances thereof.

At a point exact 3874-1/2 varas easterly from the southwest corner of section No.15,same as southeast corner of section No.18,H.,T.& B.R.R.Co.surveys,and on a line drawn from said proven corner of sections 15 and 18, difectly over the proven southeast corner of said section 15 and the southwest corner of section 14,H.,T.& B.R.R.Co.survey,and produced easterly, I moved north 4/10 of one (1) varas and set a pine-knot marked X, from which the lightwood stump of a large pine tree with root system well in tact, bears north 20 degrees west 10 varas as called for in the otiginal field notes at the southeast corner of section No.14,H.T.& B.R.R.Co.survey. This pine-knot set as stated by me, is 1-1/2 varas west and 9-2/10 varas north from the third (3rd) corner of the A.J. Lewis survey of 455¼ acres of land,S.F. 13665,and in other words is west 1321-1/2 varas and north 9-2/10 varas from the mortheast corner of the Jas.A.Mason survey,as re-established by me in the making of said Lewis survey,and is,in other words, 35-84/100 varas northerly from the iron pipe set by agents of Sabine Tram Company for the southeast corner of section No.14,H.,T.& B.R.R.Co.survey. As above stated,one can always make one tree fit a call in field notes. I am, however,offering this what what it is worth if,infact it is worth anything at all.

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The pine-knot set by me for the southeast corner of section 14,as described at the bottom of the foregoing page, could have been set 4/10 of one (1) varas farther south from the pine stump bearing north 20 degrees west 10 varas and still might have been only 10 varas south 20 degrees east from where the southerly side of the large pine tree actually was when marked back in the seventies by Burnham,if in fact it was marked by him. To have done as last suggested here,would have placed it together with the stake at the proven southwest corner of section 14,and the iron pipe at the southwest corner of section 15,as positively proven, all three exactly in a line running east and west,or pratically so. The pine trees last described may actually have been one of the bearing trees at the southeast corner of section No.14,H.,T.& B.R.R.Co.survey.

When in the year A.D.,1876 C.A.Nations is alleged to have surveyed section No.1,H.T.& B.R.R.Co.survey and when he allegedly reached the southeast corner of section 14,H.T. & B.R.R.Co.survey and stated it was the "southeast corner of 14, and the northwest corner of 12, and the northeast corner of 9," meaning or intending to convey the impression he was at the southeast corner of Section No.14,H.T.& B.R.R.Co.survey, the northwest corner of the Jas.A.Mason survey,No.12,and the northeast corner of the Charles Champion survey,No.9,I think he knew about as much about the situation there as he did of the situation of the C.P.Cooper survey near there and of 320 acres when he induced J.E.(Edmund)Joiner and J.T.King to have him survey the north one-half of said Copper survey for one of them and the south one-half of said Cooper survey for the other of the two latter named person, for pre-emptions. His work is a matter of record in the official records of the office of county surveyor of Newton county,Texas, showing what he done as to the C.P.Cooper survey back probably two or three years before he is alleged to have surveyed section No.1,H.,T.& B.R.R.CO.survey.

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I am offering this to the Commissioner of the General Land Office for what he finds it ~~worth~~ worth, if in fact it is worth anything. It is a more or less rambling affair but the statements therein contained are true and correct and, if considered, will give the correct information as to lines and corners therein dealt with. I have no interest in the matter other than to furnish a correct record thereof in so far as I actually done work upon the ground and to quote correctly the ~~data~~ record data pertaining to such.

If this statement together with a supplement I will attach hereto, ~~is cond read and considered~~ is read and considered in connection with all the lines and corners to which it pertains, and in connection with a map I am now preparing of the south end of Newton county, Texas, and covering said county from a line east and west from about the north side of the Enis Hardin survey south to the south boundary of the county, the lines and corners I have re-worked can be correctly platted and show correctly the conditions upon the ground where I have worked in this connection. This, March 21st, A.D., 1936.

Respectfully submitted,

Jas. G. Barker,

JAS.G.BARKER, A LICENSED STATE LAND SURVEYOR IN AND FOR THE STATE OF TEXAS, POST OFFICE BOX No.96, BURKEVILLE, NEWTON COUNTY, TEXAS.

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THE STATE OF TEXAS)
)
COUNTY OF NEWTON)

I, Jas.G.Barker, A Licensed State Land Surveyor in and for The State of Texas, do certify that during the months of January, February and March, A.D.,1936, in pursuance of certain applications for surveys filed with me by A.J.Lewis of post office box ~~#96~~ 1512 Beaumont, Texas, I had occasion to re-survey Section No.1, H.T.& B.R.R.Co.survey, abstract No.234, Certificate No.21/601, situated in the southern portion of Newton county, Texas, about 45 miles south from the town of Newton, Newton county, Texas, patented by The State of Texas to Wm.E.Dodge, assignee of said railroad company, June 6th, A.D., 1877, patent No.126, volume No.27, Block No.2, for 640 acres of land. In the above connection, as stated, I also had occasion to re-survey the J.E.Anderson survey of land, abstract No.26, certificate No.159 based upon conditional certificate No.15, surveyed originally, it would seem, by Henry C.L. Keith, District Surveyor, Jasper District, July 11th, A.D., 1857, and shown by the record of the field notes thereof found in Volume 3, at page 18, Surveyor's Records, Newton county, Texas, to have been surveyed for ~~JOSEPH E.ANDERSON, and not for JOHN E.ANDERSON~~ Wm.G.Anderson, assignee of JOSEPH E.ANDERSON, said survey patented to JOHN E.ANDERSON by The State of Texas, on the 5th day of May, A.D., 1870, patent No.32, volume No.38. In the above stated connection I also had occasion to re-survey each of the five (5) lines of section No.2, H., T.& B.R.R.Co.survey that are common to the said J.E.Anderson survey and said Section No.1, H.T.& B.R.R.Co. survey, three (3) of which said ~~six~~ five (5) lines border upon the said Anderson survey and two (2) thereof bordering upon said section No.1, and I also re-surveyed the west boundary line of said section No.2, the line running with the line of the W.A.Ward survey from the south corner of said Ward survey to the southwest corner

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of the Enis Hardin survey as recognized in patenting said Ward survey. I also re-surveyed the line of section No.3, S.P.Ry. Co.survey common to the J.E.Anderson survey, and the lines of Sec.No.4,S.P.Ry.Co.survey and the line of the W.E.Leonard survey and lines of the W.M.Lavine survey common with lines of said Anderson survey, with results as follows, to-wit:

(1) At the 3rd corner of the J.E.Anderson survey, at its most easterly corner, I found a pine-knot and an iron rod for corner, and found the red-oak bearing tree just as called for by Henry C.L.Keith in his original survey of said Anderson survey, and also found the stump of the pine tree called for by Keith at this point, same being just as called for by the said Keith. When I say I found the stump of the pine bearing tree here, I do not refer to a dent or some imaginary depression in the ground. I refer to the stump and heart of the pine tree which is in evidence today and is what east Texans commonly refer to as "lightwood", being of pitch-pine in nature, and the roots of said tree being in tact and no chance for being mistaken in this being the stump of the tree called for when the Anderson survey was originally made,as aforesaid. When T.G.B.Cox,then County Surveyor of Newton county,Texas, re-surveyed and corrected the original field notes of section No.4, ~~Hr,T.&-B.R.R.Co.survey--~~ S.P.Ry.Co.survey on _____ day of _____,A.D.,1887,his notes not being dated but showing file mark of date of July 26th, A.D.,1887, recorded in Volume 1, at page 229, Records of the Office of County Surveyor,Newton county,Texas, he called for the red oak and pine just as I found them and as called for originally by Keith when he surveyed the Anderson survey. The lightwood heart of said pine tree now standing something like 2 or more feet above the ground,as the tree was cut for lumber purposes years ago.

Surv. Records

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The red-oak bearing tree found at this point is alive and in fairly good state of preservation, however, it is doty, having a hollow in its trunk and leans westward. Said tree is about 20 or 22 inches in diameter at the ground. I located this said point by having first found the two sweet gum bearing trees just exactly as called for by T.G.B.Cox in his re-survey of said Section No.4, No.4, S.P.Ry.Co. survey in the year A.D., 1887, as above stated, and by running north 45-1/4 degrees east, with a very old line, a distance of 1582 (1352.2 - see Sub St.) varas, the Anderson notes and the corrected notes of Section No.4, as corrected by Cox, each calling for a distance of 1530 (1350.2) varas. My measurement was very carefully made after first removing all obstructions from the line. I believe it is correct.

At this said most easterly and said 3rd corner of said Anderson survey there is a very old line marked upon the timber upon the ground that comes into and/or intersects the northeastern boundary line of said Anderson survey at a point 11-1/2 varas north 44-3/4 degrees west from said most easterly corner of said Anderson survey, said old marked line leading off from the most westerly corner of Sec.No.4, S.P.Ry.Co. survey, and the 2nd corner of the Anderson survey where Cox called for the two sweet gum bearing trees referred to above by me. The most northerly corner of the patented portion of section No.4, S.P.Ry.Co. survey, patented by The State of Texas to B.J.Lewis as 86-7/10 acres of land, patent dated March 14th, A.D., 1929, patent No.302, volume No.42A, the corner where Fred M.Oliphint, then County Surveyor, Newton county, Texas, marked the magnolia and white oak, the former bearing S.65 degs.W.4-9/10 vrs., and the latter bearing S.67 degs.E.10-4/10 varas, is in/or near the last described old line, said corner being located 12-7/10 varas N.45 degrees west from the Anderson true boundary and from the point where it should have been set. This said old line being over in the Anderson survey for its full length. The line of the patented portion of section

No.4,S.P.R.R.Co.survey as above described, and a portion of common with/the southeastern boundary line of the Anderson survey, is not 1084 varas in length, as called for in the said patent to B.J.Lewis, issued as aforesaid, but is exactly 1095 varas in length or 11 varas longer than stated in said patent. This measurement was accurately made, making same very carefully after all obstructions were removed from the line, and it is correct.

(2) Leaving the 3rd and most easterly corner of the said J.E.Anderson survey, I found the northeastern boundary line of the said Anderson survey well marked upon the timber upon the ground,and upon a course of north 44-3/4 degrees west,variation of magnetic needle, 8 degrees east, and at 118 varas, and not at 93 varas, I found the northwest corner of section No.4,and one of the southwest corners of Sec.No.3, ~~H~~ S.P.Ry.Co.surveys,found an iron axle from an old buggy well fixed in the earth for corner and found witness trees marked here. I later re-surveyed the north line of said section No.4,in fact re-surveyed all the lines of said section, and will,in due time, file with the Commissioner of the General Land Office of Texas, at Austin,Texas, corrected field notes of the un-patented portion of said section No.4,S.P. Ry.Co.survey and in said notes will give correctly all bearing trees taken by me in said work. Continuing with the last named line of said Anderson survey, at 711 varas I found no evidence of a corner or of bearing trees called for by the field notes of the said J.E.Anderson survey but found an old marked line leading off on south 44-3/4 degrees west,and re-surveyed it for a distance of exactly 510 varas,as called for in the Anderson notes and found the pine stump (lightwood) of the bearing tree said to be west 5 ~~ever~~ varas, found no evidence of the pin-oak bearing tree called for here in the Anderson notes. I then found an old marked line leading off on north 44-3/4 degrees west and re-surveyed it carefully, following same accurately, and at [redacted] 1200 varas as called for in the Anderson notes, I found no evidence of a corner or of witness trees called for

45

Counter 76977

in the field notes of said J.E.Anderson survey but found a very old and well marked line leading off on south 45-1/4 degrees west. Here I re-established a corner for the most northerly and 6th corner of said Anderson survey and the beginning corner of the survey of 20½ acres of land surveyed for A.J.Lewis and designated by me as "Survey No.2,Block No.1". From this said point I carefully re-surveyed said old line on south 45-1/4 degrees west, and at 150 varas I found the north fence, a wire fence, one string of the fence around the pasture of T.H.Perkins. Here I established the 4th corner of the survey No.2,Block No.1 for A.J.Lewis above referred to and marked witness trees as called for in the notes of said survey. This wire fence runs a course of north 43-1/2 degrees west and/or south 43-1/2 degrees east,and is directly upon a very old and well marked line generally accepted as the most northerly and 3rd line of the Sec.No.1,H.,T.& B.R.R.Co.survey leading from its 3rd to its 4th corner. This said old line last named leads on easterly on said course of S. 43-1/2 degrees east from the said 4th corner of this said A.J.Lewis survey No.2,Block No.1,of 20½ acres, a distance of 25 varas where it ends. Here I found a pine stake of lightwood for corner. I also found a white oak 25 inches in diameter and marked with a very old X bears north 47 degrees west 5-4/10 varas,found a holly 10 inches in diameter marked X but of recent marking, bears south 46 degrees east 9-4/10 varas. I traced this old line out on sundry course,it not being marked on any one course but the marking badly scattered over the woods, and found it crossed back into Section No.1,this corner last described being over into the J.E.Anderson survey a distance of 25 varas,~~a-s~~ as aforesaid, at a point about 1600 or 1700 varas south 45-1/4 degrees west from the most northerly corner of the said J.E.Anderson survey, finding said old line marked irregularly along on the timber to a point about opposite the most westerly corner of said Anderson survey and about 16 varas to the westward thereof where said marking was no longer found, the last tree found with said old line upon it being at a point ~~N.5-~~ N.50 W.15½ varas from the most westerly corner of said

J.E.Anderson survey,said corner of said Anderson survey being S.45-1/4 degrees west 1925,accurately measured, from the most northerly and 6th corner of said Anderson survey.

From the 7th corner of said Anderson survey,using the corners as given in the original survey of the Anderson survey as the basis for my numbering, I carefully re-surveyed 7th line of said Anderson survey,following accurately a very old line well marked upon the timber on the ground, for a distance of 1574 varas on a course of S.44-1/2 degrees east,variation of needle, 8 degrees east,and at said 1574 varas I set a pine-knot at the point where A.A.Miller in his corrected survey of the George ~~Hagen~~ Hayden Survey in the year A.D.,1917,on May 17th, said notes showing to be recorded in Volume C, at page 65 in the office of the County Surveyor of Newton county,Texas, stated he passed the corner of the J.E.Anderson survey at a point S.45 degrees west 140 varas from the corner of said Anderson survey in the west line of the W.M.Lavine survey. This point is N.45-3/4 degrees east 172 varas from the most easterly corner of Sec.No.1,H.T.& B.R.R.Co.survey, and is exactly 137 varas S.45-3/4 degrees west from the corner of the George Hagen Hayden survey and the J.E.Anderson survey on the said west line of said W.M.Lavine survey. From this point I carefully re-surveyed the line of said Anderson survey on N.45-3/4 degrees east,a distance of 137 varas and found the stumps of the sweet gum and ash bearing trees exactly as called for by A.A.Miller in his corrected survey of said George Hagen survey in the year A.D.,1917,as aforesaid, said point being exactly 252 varas north from the southwest corner of the W.M.Lavine survey,and is exactly 428 south from the north west corner of said W.M.Lavine survey. The black gum bearing tree at the southwest corner of said W.M.Lavine is standing and well preserved just as called for in the Lavine and Kelly notes. The oak bearing tree is dead and down but the stump is there and fits exactly as called for in the Lavine and Kelly notes. The intersection of the Anderson line with the west line of the said Lavine

counter 16979

survey is exactly as given above. This work was done with the greatest possible amount of accuracy in measurements. In the notes of the George Hayden survey of 220 acres prepared by A.A. Miller from his survey dated May 17th,A.D.,1917,Mr.Miller states that he begins the said Hayden survey at the N.W.Cor.of the J.E. Joiner survey and runs west 346 varas. I checked that call carefully and it is correct. Mr.Miller then states he ran north, and at 1000 varas made the corner with the Anderson and called for the sweet gum S.79½ E.2-3/10 varas, an ash N.8 E.7-3/10 vrs. I carefully checked this,going over the ground twice. This distance of 1000 varas is incorrect. The distance N.from the S.W.Cor.of the J.A.Kelly survey to the point where Mr.Miller set his corner and marked the sweet gum and ash bearing trees is exactly 945 varas, the west line of the J.A.Kelly survey being exactly 693 varas in length instead of 680 varas as called for. The west line of said J.A.Kelly survey does not run exactly on the same course that the west line of the W.M.Lavine runs on. To run the west line of the W.M.Lavine survey from its N.W.Cor.,on a course that positively adheres to the old line perfectly, and when the S.W.Cor.of the said Lavine survey is reached,if same course is continued for an additional distance of 693 varas one would be 7 varas west from the proven S.W.Cor.of the said J.A.Kelly survey,making a change of a few minutes to the eastward necessary from the course of the west line of the said Lavine survey, to follow the west line of the said Kelley survey.

Getting back to the point where Mr.A.A.Miller marked the sweet gum and ash bearing trees in 1917 for the most northerly corner of the George Hayden survey,same being the point where the J.E.Anderson survey has a corner on the west line of the W.M.Lavine survey, it is north exactly 428 varas to the northwest corner of said W.M.Lavine survey,and is not 380 varas as given in the original field notes of said Anderson survey. The patent to said Anderson survey,or at least the record of the patent (I have not seen the patent) gives no distance here. I re-surveyed all this with the utmost care and accuracy. I found nothing

counter #6980

in way of evidence of a corner for the N.W.Cor.of the W.M.Lavine, same being the beginning corner of the J.E.Anderson survey and being one of the corners of the abandoned survey in the name of Sarah Trull of 559-3/4 acres surveyed for Wm.G.Anderson,assignee of said Trull,July 9th,A.D.,1857. I re-established a corner at this point,doing so at a point where the west line of the W.M. Lavine intersected the north line of said Lavine survey,said north line of said Lavine survey having been picked up at ~~its~~ the northeast corner of said W.M.Lavine survey where I found the pine bearing tree just as called for in the field notes of said Lavine survey. I had,when picking up the northeast corner of said W.M.Lavine survey, prior thereto gone to the northeast corner of the W.E.Leonard survey of 160 acres survey,found same,found pine-knot for corner and found the two witness trees just as called for by Fred M.Oliphint when he surveyed the now patented portion of Sec.No.4,S.P.Ry.Co.survey January 12th,A.D.,1929,with the one exception that each of said bearing trees are black gums ~~and Mr.Oliphint called for one to be a sweet gum.~~ and the record of the patent shows one to be a sweet gum. Original notes of Mr.Oliphint calls for each to be black gums. I then ran N.89-/2 degrees west, and re-traced perfectly the old marked line of the said W.E.Leonard survey, and at exactly 494 varas,as called for in the Leonard notes, but given by Mr.Oliphint,as aforesaid, as 490 varas, passed the proven most westerly corner of the said Section No.4,S.P.Ry.Co. survey, and at 704 varas instead of 708 varas as called for in the notes of said Leonard survey,reached the N.E.Cor.of the said W.M. Lavine survey,finding the pine-knot up for corner and finding the pine bearing tree just as called for. The pin-oak bearing tree has disappeared. Mr.W.M.Lavine is living,resides upon his survey and was with me in person when I re-surveyed his west and north lines. I found no evidence of a line leading west from the northeast corner of the W.M.Lavine. I continued carefully with the course necessary to follow the north line of the W.E.Leonard

counter 16981

survey from its proven northeast corner to its proven northwest corner, and produced a line until I reached a point where I could intersect and/or join with the west line of said Lavine survey,and there re-established the northwest corner of said Lavine survey at a point not 16 varas north of the pine-knot and two white oak trees named in the field notes and patent of said Lavine survey, but at a point 2-3/10 varas west and 36 varas north from said pine-knot and said two white oak bearing trees. I found the pine-knot and each of the white oak bearing trees just as called in the Lavine field notes. The white oak bearing S.2 degs.E.3-4/10 varas was dead and down but well preserved. There is a plain marked line leading off on a course of about due east from said point. The N.W.Cor.of the W.M.Lavine as re-established here by me,as above described, is in line on a course of N.89-1/2 degrees west, with the N.E.Cor.of the W.E.Leonard survey, the most westerly corner of Sec.No.4,and the N.W.Cor.of said Leonard survey and the N.E.Cor. of said Lavine survey.

From the point where I re-established the N.W.Cor.of the W.M.Lavine survey to the most westerly corner of Sec.No.4, ~~Hxxxx~~ S.P.Ry.Co.survey,said most westerly corner of said Sec.4 also being the 2nd corner of the J.E.Anderson survey, it is S.89-1/2 degrees ~~we~~ east exactly 890 varas instead of 875 varas as called for in the notes of said Anderson survey.

As recognized upon the ground, the J.E.Anderson survey as re-surveyed by me, is not short as to any of its lines except the next to the closing line, the line calling to run north 45 degrees east and to be 202 varas in length, it being,as re-surveyed by me,only 137 varas in length,or a shortage of 65 varas.

According to my re-survey of said Anderson survey, its 1st line is 15 varas longer than called for. Its 2nd line is 32 varas longer than called for. Its 3rd line is 11 varas longer than called for. Its 4th line is exactly as called for. ~~6 varas longer than called for.~~

counter 16982

Its 5th line is ~~exactly as~~ exactly as called for. Its 6th line is exactly as called for. Its 7th line is 4 varas longer than called for. Its 8th line being 65 varas shorter than called for. Its 9th line being 48 varas longer than called for.

Beginning at the original beginning corner of the said J.E.Anderson survey, my re-survey thereof as to courses and distances around said Anderson survey follows:

		N.	S.	E.	W.
(1)	S.89½ E.890		8	890	
(2)	N.45¼ W.1582	973		981	
(3)	N.45¼ W. 711	500			505
(4)	S.44¾ W. 510		362		369
(5)	N.44¾ W.1200	852			845
(6)	S.45¼ W.1925		1356		1367
(7)	S.44¼ E.1574		1123	1103	
(8)	N.45¾ E. 137	96		98	
(9)	N.½ E. 428	428		4	
		2849	2849	3076	3076.

I resurveyed the J.E.Anderson survey exactly as it is claimed upon the ground not only by the owners thereof but by all persons having a knowledge of its location, and living in the locality where said survey is located. This with the possible exception of the little conflict of section No.1,H.T. & B.R.R.Co.survey I found at its most northerly northeast corner near the most northerly corner of said Anderson survey, said section apparently conflicting slightly with the Anderson survey.

Based upon my method of computing area, the J.E.Anderson survey has about 7 acres excess within its lines,as re-surveyed by me,having 647 acres.

(3) An account of my re-survey of Section No.1,H.,T. & B.R.R.Co.survey follows:

At the 4th corner of the George Hayden survey of 220 acres as re-surveyed by ~~A.A.May~~ A.A.Miller May 17th,A.D., 1917, and patented by The State of Texas to said Hayden upon said notes, I found the post oak and pin oak bearing trees exactly as called for by Mr.Miller. I accepted said point as the most easterly corner of said section No.1. The patent to said Hayden refers to

counter 46983

this point as a corner of Sec.No.1,H.T. & B.R.R.Co.survey and Mr.A.A.Miller in his said re-survey of said Hayden survey in 1917 prior to the issuance of patent thereto, referred to it as such. If it is in fact a corner of said Section No.1, then it is, of course, its most easterly corner. I found nothing here in way of witness trees called for by C.A.Nations when he is alleged to have originally surveyed section No.1,H.T.& B.R.R. Co.survey in the year A.D.,1876. He merely copied the field notes in the J.E.Anderson survey as to the most southerly corner of said Anderson survey. I do not know what was there back in 1876 but I do not find any beech timber there now. I am of opinion C.A. Nations did not know where he was at with reference to the Anderson lines, when he claimed to have surveyed section No.1. A few years prior thereto this same man,C.A.Nations went upon the C.P.Cooper survey a short distance southeasterly from this point,it being a 320 acres survey and being 950-4/10 varas east and west by 1900-8/10 varas north and south, and cut the north one-half of said Cooper survey off and pruported to make for J.E.Joiner a 160 acre pre-emption survey under the then existing laws of Texas pertaining to actual settlers, and cut the south end off for J.T. King a 160 acre pre-emption. Some years later the mistake was found and each of said persons got homesteads nearby on what then really was public domain. The C.P.Cooper was the oldest survey in that locality. I think this man,C.A.Nations, was attempting to survey land without even a county map in his possession. I think no one will ever know what he done as to surveying section No.1,H.,T.& B.R.R.Co.survey. He purported to embrace 640 acres in its boundaries. By my re-survey of said section it contains 797 acres of land, as re-surveyed by me and as claimed by the owners of said section upon the ground and by others who purport to know the location of its boundaries. It contains an excess acreage of approximately 157 acres of land, as claimed upon the ground.

counter 16984

I find that R.A.Moore and Abe Socolski of Orange,Texas, own the south one-half of said Sec.No.1,H.T.& B.R.R.Co.survey,and from the 4th corner of the said George Hayden survey, the point I accepted as the most easterly corner of the said Sec.No.1,I ran N.44-1/2 degrees west, with a very old and plainly marked line, and the line claimed by Moore and Socolski as their boundary line between themselves and said Section No.1 on the one part and J.E. McCall on the other part, and at 1572 varas I reached the point presumed to be the 2nd corner of said Sec.No.1,H.T.& B.R.R.Co. survey. I found nothing whatever at this point to indicate a land corner other than the fact that it has long been recognized as such by persons who purported to know the location of said 2nd corner of said Sec.No.1,and the further fact that Moore & Socolski has a small farm on said Sec.No.1 and their farm fence ~~turning~~ turns here on a course of something near the course of N.45 E.,the course of the section line leading,or presumed to lead off from this point, said farm fence coming in here on approximately a course of N.45 degrees west,or with the section line, the 1st line of said section. At this point I turned ~~N.45-1/5-~~ N.45-1/4 degrees E., and at 172 varas passed the point where I re-established the most westerly corner of the said J.E.Anderson survey where the recognized line of said Anderson survey leads off on S.44-1/2 degrees east,as heretofore explain hereinabove, and continuing N.45-1/4 degrees east, and at 1947 varas instead of 1925 varas,as called for in way of distance on this line in the field notes of said Sec.No.1,I reached the point where I established the 4th corner of the A.J. Lewis S.F.No._____ survey No.2,Block No.1 of 20½ acres,as hereinabove explained. This point being S.45-1/4 degrees west 150 varas from the most northerly corner of the J.E.Anderson survey, and the beginning corner of said A.J.Lewis survey No.2. I then ran N.43-1/2 degrees west,with the old line explained hereinabove,818 varas to the 3rd corner of said A.J.Lewis survey No.2 of 20½ acres. I have explained hereinbefore as to this corner.

counter 16985

I then ran south 44 degrees west, with the pasture fence of T.H. Perkins, and with a very old and plainly marked line, and at 420 varas instead of 414 as called for in the field notes of Sec.No.1, I found a pine-knot and an iron rod for corner, found the stump of the witness tree called for in the field notes in the deed from Mrs.Clara Stephenson Garrison and husband,E.D.Garrison to T.H. Perkins for the north one-half of said Sec.No.1,H.T.& B.R.R.Co. survey, also found another bearing tree here marked X. The pasture fence turns west here. I then ran N.89-1/4 degrees west,with a very old and plainly marked line and with the wire fence of the pasture of T.H.Perkins, and at 1400 varas instead of any of the other several distances called for in the notes of said Section No.1, and Sec.No.2,H.T & B.R.R.Co.survey, found a 2 inch galvanized iron pipe with a cap thereon marked/~~"S.W.Cor.2,H.T.& B."~~ "S.W.Cor.2", said point at the northwest corner of the pasture fence of O.H.Stephenson, he and his son,Lloyd Stephenson owning a small acreage in the northwest corner of said Sec.No.1,H.T.& B.R.R.Co. survey,said point being in the recognized east boundary line of Sec.No.13, H.T. & B.R.R.Co. survey and being S.20-1/4 W. 731 varas by accurate measurement under my direction by reliable men,from the point recognized in patenting the W.A.Ward survey, as the S.W.Cor.of the Enis Hardin survey. This said point recognized as the N.W.Cor.of Sec.1, and the S.W.Cor.of Sec.No.2,H.T.& B.R.R.Co.survey is S.no degrees and 38 minutes W. 1031 varas by accuarte and correct measurement from the point generally recognized as the N.E.Cor.of said Sec.No.13,H.T.& B.R.R.Co. survey,but nothing found at said N.E.Cor.of said Sec.No.13 to prove same as such corner, merely found a pine-knot set for corner and a sweet gum tree ~~marked X~~ marked X, and a line leading off of a cousre of about west and suiting for the north line of section No.3.

Leaving the point generally recognized as the S.W.Cor. Sec.2 and N.W.Cor.Sec.No.1,H.T.& B.R.R.Co.survey, I found this line well marked upon the ground and running on a course of S.no degrees and 38 minutes west, and at 863 varas passed 2-4/10 varas west of a 2 inch galvanized iron pipe marked "S.E.13 N.E.14", and at

counter 16986

2802 varas reached the recognized S.W.Cor.of Sec.No.1,H.T. & B.R.R. Co.survey as described in the field notes of the A.J.Lewis survey No.1, Block No.1, of 455-1/4 acres of land. See those notes.

I then ran accurately and carefully measured a plainly marked old line, the generally recognized south line of said Sec.No.1, and at 2006 varas,on a cousre of east, reached the place I had accepted as the most easterly corner of said section No.1, ~~having~~ having passed over the extreme N.W.Cor.of the George Hayden 220 acre survey where I found the stumps of each of the two bearing trees just as called for in the patent to said Hayden survey and in the corrected notes the reof made by A.A.Miller May 17th,A.D.,1917,at a point exactly 54 varas west from the said most easterly corner of said Sec.No.1.

The courses and distance found by me when re-surveying said section No.1,H.T.& B.R.R.Co. survey follow:

			N.	S.	E.	W.
(1)	N.44½ W.	1572 vrs.	1121			1102
(2)	N.45¼ E.	1947 "	1371		1382	
(3)	N.43½ W.	818 "	593			563
(4)	S.44 W.	420 "		302		292
(5)	N.89¼ W.	1400 "	19			1400
(6)	S.0 38'W.	2802 "		2802		31
(7)	East	2006 "			2006	
			3104	3104	3388	3388

I am offering this by way of explanation of my work in connection with the surveying of surveys No.1 and No.2,Block No.1,for A.J.Lewis and the surveying of survey No.3, Block No.1, for J.E.McCall and am filing the original hereof with the Commissioner of the General Land Office of Texas, at Austin,Texas, for what it may be found to be worth to him in the consideration of the applications of the said A.J. Lewis and of J.E.McCall for surveys in the vicinity this land is situated in.

This March 21st, A.D.,1936.

RECEIVED
MAR 23 1936
REFERRED TO SCHOOL

Received and filed in General Land Office March 23rd, 1936.
J.H.Walker, Comm.
C.F.Bludau, Clk.

Respectfully submitted,

Jas. G. Barker,

JAS.G.BARKER,A LICENSED STATE LAND SURVEYOR,POST OFFICE BOX No.96, BURKEVILLE,NEWTON COUNTY,TEXAS.

counter 76987

March 30, 1936

Mr. A. A. Miller,
Newton, Texas

Dear Sir:

This is to acknowledge your letter of March 23, 1936 in which you protest on behalf of Mr R S Barber an alleged vacancy in Newton county under a file made by Mr A J Lewis.

Mr Lewis' papers have been received and filed under SF 13665, but have not as yet been reached for careful examination. Should you or Mr Barber desire to place in the record any information bearing on the question, the department will be glad to file and consider it. We do not attempt to have set hearings on files of this nature, but we are willing at all times to discuss such questions with anyone concerned, if they so desire.

Very truly yours,

Acting Commissioner

Harwood:eb
SF 13665
cc: Mr R C Barber,
Hartsburg, Texas

counter 46988 D

S813661

COUNTER 82375 Newton Co Rld SK 6A

135

A. A. MILLER
ATTORNEY AT LAW
NEWTON, TEXAS

March 23rd, 1936.

RECEIVED
MAR 25 1936
REFERENCE TO MAP

Mr J.H.Walker,
General Land Commissioner,
Austin, Texas.
Dear Sir:

In Re: A.J.Lewis, filed Nol,
455.1/4 acres of land in the
South portion of Newton County.

With reference to the vacancy suposed to be between section 11, and 12, the Mason, and Champison, also west of the Geo. Hayden, and August Schmidt, this vacancy does not exist, for the reason that the Geo. H. Bergin survey can belocted on the ground, the N.E.corner of the Geo, H.Bergin can be located on the ground, the last time that I was there to bearing trees was standing.

Some twenty or twenty five years ago, I dont some surveying in this vacinity for Mr R.S.Barber, and I Covered all the vacancy east of 11, and 12, I located the N.E.corner of these two sections and gave it too the Geo. Hayden survey.

I am speaking for Mr R.S.Barber, and we are protesting this vacancy, and we wont to be heard in the matter, as I understand the law we are entitled to this, Mr Barber, stated to me that he will be gald to go up to Austin, and go over this matter with you.

If you care to write him you write him at you may write him at Hartsburg, Texas.

I am yours truly.

A. A. Miller

rpte
3-30-36.

counter 46989 D2

May 20, 1936

Mr. R. S. Barber,
Rt #2 Box 139
Orange, Texas

Dear Sir:

Acknowledgment is made of your letter received on May 19th relative to the A J Lewis file on alleged vacant land in Newton county.

I believe it would be best for you to wait for the report by the Brown interests on surveying done by them in connection with the Lewis file, which they are protesting, before you visit this office. By doing this, I will have an opportunity to familiarize myself with that surveying work, which I believe is being done by Mr Forrest Daniel of Beaumont.

If you will write me again in about a week, I can advise you more fully as to the progress made in this matter.

Very truly yours,

Commissioner

Blucher:eb
SF 13665

SL 13665

COUNTER 82376

RECEIVED
MAY 27 1936
REFERRED TO MAP

Orange Texas 535
May 25 1936

Mr. J. H. Walker
Je Gen Land Office
Austin Texas.

Yours 20" Inst received and I note what you say regarding the work the Brown Estate are doing through their Surveyor Mr Forest Goodhue - I will be in Orange soon and will see them and will write you again so far as I am concerned am in no hurry and want you to take time to go over the whole matter carefully -

Yours truly
R. S. Barber

D4

counter 46991

RECEIVED
JUN 29 1936
RETURNED TO MAP

Orange Texas 6/28

Route 2 Box 139

Hon J H Walker Commissioner
Gen Land Office
Austin Texas

I am writing to ask that you postpone the hearing S. F. No. 13665 Re/ Levis Vacancy file for a short period say 10 or 15 days.

It has been very hard to get the work done owing to my Condition and inability to get about - Will thank you to let me hear by wire the telegram addressed to me at Orange

Yours truly P. A. Barber

Wrote 7/2/36 Blanks

counter 46992

603

Orange Texas
R 2 Box 139
June 5/36

Mr. Walker
Te genl Land Office
Austin Texas

The recent heavy rains have delayed our work Surveying I saw Mr. Daniels of the Brown Estate and we decided to write you in the near future about when we will have the work Completed - With favorable weather it will not take long to complete the work with best regards &c

Yours truly
R. S. Barber

RECEIVED
JUN 8 - 1936
REFERRED TO SCHOOL

D6

counter 46993

VERICK-CLARKE, S. A.

487

The Hotel Beaumont

THE HOTEL OF DISTINCTION IN THE HEART OF *BEAUMONT, TEXAS* OWNED AND OPERATED BY BEAUMONT CITIZENS

T. R. SHUMATE, MANAGER

RECEIVED
MAY 19 1936
REFERRED TO SCHOOL

Mr. J. W. Walker
Gen'l Land Office
Austin, Texas

Dear Mr. Walker - I am over here this A.M. Expecting to go on to Austin tonight - Coming through Orange I had a talk with those interested in the Brown Estate who are also interested in Lands adjacent to the A. J. Lewis (New Survey) and they told me that they are still working on their report and that it will take awhile longer to get it completed. In view of this delay on this part I thought it best to delay my going to Austin a little longer & have my work completed

D7

CIRCULATING ICE WATER . . . CEILING FANS . . . AIR-CONDITIONED COFFEE SHOP

counter 16994 acknowledged 5/20/36 Blencher

MAVERICK-CLARKE, S. A.

The Hotel Beaumont

THE HOTEL OF DISTINCTION IN THE HEART OF BEAUMONT, TEXAS OWNED AND OPERATED BY BEAUMONT CITIZENS

T. R. SHUMATE, MANAGER

(2)

and am writing to know if it will be all right for me to put off my coming for awhile as I would rather present it in person than to send in a written report - I will do what I can to get the Brown's (who own the Jas. Henderson & other lands) to get their work done as early as possible - Let me hear from you - with best regards to you & the others I have met there on my several trips.

Very truly
R. S. Barber

D8

CIRCULATING ICE WATER . . . . CEILING FANS . . . . AIR-CONDITIONED COFFEE SHOP

counter 46995

287

RECEIVED
APR 18 1936
REFERRED TO SCHOOL

Orange Texas
Route 2 Box 139

Mr J H Walker
G E Gin Land Office
Austin Texas

Your letter 14th
first received and I thank you
for your prompt action in answering
same. You say that it will
be a week or two before this
Matter can be reached for attention
which will be entirely satisfactory
to me. I have had Mr A. A. Miller
my surveyor go over these lands
carefully and he will have his
work ready to send you within
about a week. Yours very truly
or less time.

P. S. Barber

counter 46996

2088

A.J.Lewis
Box 1512
Beaumont, Tex

Jasper, Texas, November 21st 1936.

Post Office Box 401. Tel.259.

IN RE: SF13665,
A.J.LEWIS FILE,
NEWTON COUNTY, TEXAS:

RECEIVED
NOV 24 1936
REFERRED TO MAP

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

Dear Sir:

I have before me copy of letter dictated by Carl Blucher, chief draftsman in your office, and signed by you, dated the 14th day of October, A.D., 1936, and addressed to Mr.A.J.Lewis, post office box 1512, Beaumont, Texas, containing, among other statements the following:

"These should be checked up and some report made to this department to explain the difference which occurs as to positions of surveys lines and corners, according to the two different surveyor's reports".

The above had reference to a report filed with you by me and to one filed with you by one C.A. Tetley. My copy of the Tetley reports shows no official capacity occupied or held by A.C.Tetley within the State of Texas or any other State.

Before I would recognize such report by ~~A.~~ C.A.Tetley, will you first please advise me of his ~~official~~ official capacity, if any, within this State. If Mr.Tetley is not a County or State Surveyor and under bond, then kindly advise me your authority for even filing his report in the Land Office of Texas?

Very truly yours,

Ans 11/24/36 CF Blucher

Jas. G. Barker

JAS.G.BARKER, A Licensed State Land Surveyor in and for The State of Texas.

cc-
A.J.Lewis-
Wendell Forse-

D9

Corrected 16897

October 14, 1936

Mr. A. J. Lewis,
Beaumont, Texas. Box 1512

Dear Sir:

On October 5th I received a report from the surveyor for the Sun Oil Company, giving his findings from a survey on the ground as to survey lines and corners in the vicinity of the alleged vacancy of 455½ acres in Newton county, designated as survey 1 blk 1 standing in your name.

I have gone carefully over this report and find such a divergence between the findings of Mr Tetley, surveyor for the Sun Oil Company, and Mr Barker who made your survey that I have concluded to send you a copy of this report so that you and Mr Barker may go over it. It would seem that Mr Tetley has reported a number of corners which he believes to be original corners, not reported on by Mr Barker. These should be checked up and some report made to this department to explain the differences which occur as to positions of survey lines and corners, according to the two different surveyor's reports. This difference must be accounted for in some way; both reports certainly can not be right.

I am sending a copy of this letter to Mr John B Thomas, legal department of the Sun Oil Company, San Jacinto Life Bldg., Beaumont, Texas for his information.

Very truly yours,

Commissioner

Blucher:eb
SF 13665

counter 16998

D10

November 24th, 1936

Mr. James G. Barker
Licensed Land Surveyor
Box 401
Jasper, Texas

Dear Sir:

This acknowledges receipt of your letter of November 21st in which you refer to the work done by Mr. Tetley in connection with the A. J. Lewis vacancy. For your information, I shall state that Mr. Tetley is a private surveyor as far as I know, but his ability as a surveyor is well recognized. While his report has not been filed it has been received and placed with the Lewis papers. The fact is that he reports on certain survey corners in the vicinity of this vacancy which have a decided apparent bearing on the existence of this vacancy. I do not find in your report any reference to certain ones of these corners. Any information bearing on the existence of this vacancy is desirable. Consequently, we shall consider that fact in connection with Mr. Tetley's report even though you do not appear to want to recognize that report.

Yours truly,

J. H. WALKER
Commissioner

Bluecher-mnf

CC-Mr. A. J. Lewis
Box 1512
Beaumont, Texas

counter 46999

D'11

October 16, 1936

Mr. Earl C. Hankamer,
Esperson Bldg.,
Houston, Texas

Dear Sir:

On September 3rd you requested me over the phone to write you when the Sun Oil Company's engineers or surveyors had reported on their surveying in the vicinity of the A J Lewis alleged vacancy in Newton county.

This report was received on October 6th and after studying it, I found such differences in the findings in that report and as reported by Mr Barker, who surveyed the alleged vacancy for Mr Lewis, I concluded that it would be necessary to have further information from Mr Barker as to these differences.

I noted also that the report by the Sun Company surveyor, Mr C A Tetley, mentioned a number of corners which he believed to be original and which he claims to have found, which are not reported on by Mr Barker. I therefore, sent Mr Lewis under date of October 14th a copy of the Tetley report for his attention and reply. I presume it will be several days before I hear further from him.

If you have occasion to refer to this subject, may I request that you mention SF 13665, which is the number of the A J Lewis file.

Very truly yours,

Commissioner

Blucher:eb
SF 13665

counter #7000

D 12

Newton Co. Rld.Sk. GA

ST 1366-

A. A. MILLER
ATTORNEY AT LAW
NEWTON, TEXAS

April 20th, 1936.

Mr J.H.Walker,
General Land Commissioner,
Austin, Texas.
Dear Sir:

I am sending you a plat and a report to the sections in the south portion of Newton County, my report will show how I located these verious sections, the black lines will show the locations of the sections, and the doted lines will show the location of the A.J. Lewis file, off the east portion of Jmaes Mason, and John Champion, and north of the Jas. Mason.

There was never any question as to the location of John Champion, and the James Mason, as I ever heard, the location of S.W.corner of the John Champion, can be identified without any question, one of the bearing trees to the N.E.corner of James Mason can be located.

I am sending you a copy of the judgment that was filed in a case establishing the lines of the se several sections in this portion of the County, there was no question as to the east line of the John Champion, and the east line of the Jmaes Mason, the question at that time was to separate the lines section 1, and Mason, the south line of 14, and north line of Chas. Champion,

If there is any question that you would like to know futher, I will be gald to furnish it, If I possibly can.

please let me hear from you,
I am yours truly.

A. A. Miller

Acknowledged 4-23-36 C.F. Bludworth

RECEIVED
APR 22 1936

RETURNED TO MAP

corner 17001

1967
302
1968
503

J-F-13665 Flat Folder

Newton Co Rldsk 6A

COUNTER 82378

321

A. A. MILLER
ATTORNEY AT LAW
NEWTON, TEXAS

April 30th, 1936.

Mr J.H.Walker,
Land Commsioner,
Austin, Texas.
Dear Sir:

I am sending you a copy of the filed book made by J.P.McMahon Jr, in 1902, and 1904, when he was coun# Surveyor of Newton County of the South portion of Newton County, Texas, you will see that the timber was standing at this time, and corners and lines was easy identified at this time.

You can file this with the other information that you have on this matter.

I am yours truly.

A. A. Miller

RECEIVED
MAY 1 - 1936
REFERRED TO MAP

counter 17002

E

Dr. E. W. Brown Estate

ORANGE, TEXAS

RECEIVED
FEB 10 1936
REFERRED TO SCHOOL

Feb. 4, 1936.

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

Dear Mr. Walker:

Please find inclosed a copy of a "Surveyors Citation" addressed to Mr. Abe Sokolski and myself prepared by Mr. Jas. G. Barker, a Licensed Land Surveyor of Burkeville, Texas, fixing the date of a survey to be made by virtue of an application of Mr. A. J. Lewis of Beaumont, filed with said Surveyor on November 12, 1935 on certain described lands in Newton County, Texas; with the view of purchase of same if found to be unsurveyed School Land.

The land involved in this survey application lies north of the Orange County Line, east of the Thomas Toby Scrip Surveys Jas. A. Mason No. 12, and the John Champion Survey No. 11, west of the Schmidt Survey, and the Geo Hayden Survey and south of the J.E. Anderson Survey and the H.T. & B.R.R. Co. Survey No. 1. In fact, the location of the entire Toby Script of 12 surveys in Newton County east of the Southwest corner of Newton County may be determined or changed by said Survey.

The Dr. E.W. Brown Estate of Orange, Texas is the owner of the Geo. H. Burgin No. 8, the Jas. H. Henderson No. 10 and part owner of the Chas. Champion No. 9 while Mr. Abe Sokolski and myself are owners of the South half of H.T. & B. R.R. Co. Survey No. 1.

wrote 2-11-36.

counter 17003

E2

ORANGE, TEXAS

SF 13665

RECEIVED
FEB 10 1936
REFERRED TO SCHOOL

Feb. 4, 1936.

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

Dear Mr. Walker:

Please find inclosed a copy of a "Surveyors Citation" addressed to Mr. Abe Sokolski and myself prepared by Mr. Jas. O. Barker, a Licensed Land Surveyor of Burkeville, Texas, fixing the date of a survey to be made by virtue of an application of Mr. A. J. Lewis of Beaumont, filed with said Surveyor on November 12, 1935 on certain described lands in Newton County, Texas; with the view of purchase of same if found to be unsurveyed School Land.

The land involved in this survey application lies north of the Orange County Line, east of the Thomas Toby Scrip Surveys Jas. A. Mason No. 12, and the John Champion Survey No. 11, west of the Schmidt Survey, and the Geo Hayden Survey and south of the J.E. Anderson Survey and the H.T. & B.R.R. Co. Survey No. 1. In fact, the location of the entire Toby Scrip of 12 surveys in Newton County east of the Southwest corner of Newton County may be determined or changed by said Survey.

The Dr. K.W. Brown Estate of Orange, Texas is the owner of the Geo. H. Burgin No. 8, the Jas. H. Henderson No. 10 and part owner of the Chas. Champion No. 9 while Mr. Abe Sokolski and myself are owners of the South half of H.T. & B. R.R. Co. Survey No. 1.

Note 3-11-36.

COUNTER 82379 Newton Co Rld Sk 6-A

In behalf of the above named interested parties, I respectfully request that the General Land Office withhold any action on said application of Mr. A. J. Lewis or others, when presented for consideration, until we have had the opportunity of having our Surveyor make an investigation of said survey as made by Mr. Barker for Mr. Lewis; and then submitted to your office for a confirmation or a dissention of said alleged unsurveyed School Land, in so far as affecting the parties above named.

Therefore, please inform me when Mr. Barker submits his report and field notes, sending me a certified copy of his map and field notes and the time limit in which a protest, if desired may be made before final disposition of the survey is accomplished.

Yours very truly,

R. H. Moore

counter 17004

E 3

SF 13665

J. H. Walker, page #2

In behalf of the above named interested parties, I respectfully request that the General Land Office withhold any action on said application of Mr. A. J. Lewis or others, when presented for consideration, until we have had the opportunity of having our Surveyor make an investigation of said survey as made by Mr. Barker for Mr. Lewis; and then submitted to your office for a confirmation or a dissention of said alleged unsurveyed School Land, in so far as effecting the parties above named.

Therefore, please inform me when Mr. Barker submits his report and field notes, sending me a certified copy of his map and field notes and the time limit in which a protest, if desired may be made before final disposition of the survey is accomplished.

Yours very truly,

G.W. Moore

COUNTER 82380 Newton Co Rld Sk 6-A

SURVEYORS CITATION

Burkeville, Newton County, Texas, Post Office Box #96
November 23rd, A.D. 1935

To Messrs R.A. Moore & Abe Sokolski,

Orange Texas

In accordance with an Act approved May 29, 1931, notice is hereby given you that Mr.A.J. Lewis of P.O. Box #1512, Beaumont, Texas, has filed in my office an application for the survey of a tract of land hereinafter described with the view to purchase of the same under the provisions of said Act. The land is alleged to be unsurveyed school land and is described as follows in said application:

"Situated in Newton County, Texas, about 45 miles from the County Site. Said tract is described and bounded as follows:

Beginning at the S.E. corner of section 11, Thomas Toby Scrip, patented to John Champion, abstract No. 78, a stake in the line between Newton and orange counties.

Thence N., with the east line of said section 11, at 1900. vrs. more or less, passed the N.E. corner thereof, and the S.E. corner of section 12, Thomas Toby scrip, patented to James A. Mason, abstract No. 324, at 3800 varas,more or less, the N.E. corner of said section 12.

Thence W. with the N. line of said section 12, at _____ varas to the S.E. corner of section 14, H.T. & B. R.R. Co. scrip, patented to C.P. Bratnober, abstract No. 912 .

Thence N. with the E. LIne of said section 14, at _____ varas the S.W. corner of Section No. 1, H.T. & B.R.R. Co. scrip, certificate No. 21/601.

Thence E. with the south line of said section No. 1, H.T. & B.R.R. Co., _____ varas to its S.E. corner in the S.W. boundary line of the John E. Anderson Survey, abstract No. 2$.

Thence S.45 E. with the S.W. line of said Anderson survey at _____ varas to its most southerly corner, and being one of the corners of the Geo. Hayden 220 acre survey. abstract No. 919.

Thence west, with the north line of said Hayden survey, _____ varas to the N.W. corner of said Hayden Survey.

Thence south, with the west line of said Hayden survey, at2556 varas, more or less , passed the S.W. cor. thereof, and the N.W. cor of the August Schmidt 160 acre survey at 3893 varas, more or less, to the S.W. corner of said Schmidt survey on the line between Newton and Orange Counties, Texas.

Thence west, with said county line, at _____ varas to the place of beginning, and to include any and all vacant unsurveyed public land belonging to the State of Texas.

(signed) A.J. Lewis, Applicant,
Post Office Box # 1512,
Beaumont, Texas.

E4

counter 17005

SF 136465

SURVEYORS CITATION

Burkeville, Newton County, Texas, Post Office Box #96
November 23rd, A.D., 1936

To Messrs R.A. Moore & Abe Sokolski,

Orange Texas

In accordance with an Act approved May 29, 1931, notice is hereby given you that I, A.J. Lewis of P.O. Box #512, Beaumont, Texas, has filed in my office an application for the Survey of a tract of land hereinafter described with the view to purchase of the same under the provisions of said Act. The land is alleged to be unsurveyed school land and is described as follows in said application:

I hereby fix 16th day of December A.D. 1936 to begin the survey. Should the land be vacant, the law provides:

"If the area should be in the endeavor of another person claiming it in good faith, or occupied as a home by another, such holder or occupant shall have a preference right for a period of sixty days after service of citation to have the land surveyed on his own application to the surveyor and on the return of the same approved by the first application for citation, and there upon file his claim to purchase."

A Licensed State Land Surveyor in and
for the State of Texas, Post Office
Box 96 Burkeville, Newton County, Texas.

COUNTER 82381 Newton Co Rld SK 6-A

SURVEYORS CITATION

I hereby fix 16th day of December A.D. 1935 to begin the survey. Should the land be vacant, the law provides:

"If the area should be in the enclosure of another person claiming it in good faith, or occupied as a home by another, such holder or occupant shall have a preference right for a period of sixty days after service of citation to have the land surveyed on his own application to the surveyor and on the return of the sum advanced by the first application for citation, and thereupon fix his right to purchase."

(Signed) Jas S. Barker

~~County Surveyor of~~ Co., Tex.

A Licensed State Land Surveyor in and
for the State of Texas, Post Office
Box 96 Burkeville, Newton County, Texas.

counter #7006 E5

J. P. Mc Mahon's Report

S.F. 13665 – A.J. Lewis

Rec'd 5/1/36

Newton Texas, April 25th, 1936.

RECEIVED
MAY 1 - 1936
REFERRED TO MAP

Mr J.H. Walker,

Land Commissioner,

Austin, Texas.

Dear Mr Walker:

Mr R.S. Barber, of Hartburg Texas, has ask me to to give him a copy of my field book of the work that I done in 1902, and 1904, in the south portion of Newton County, on May the 21st 1902, I begin at the N.E. corner of section No. 13, bearing trees up, Thence south with east line of said section at 200 vrs cross Orange road, at 1900 vrs the S.E. corner of 13, and the N.E. corner of 14, both origional bearing trees standing.

Thence west, with south li e of 13, at 250 vrs thicket, at 700 vrs leave thicket, thicket continues to the south of me, and toward the west, but not far, at 2030 vrs found old south west corner of 13, one bearing tree down, but stump shows, I measured back 130 vrs. east of this corner, and set up new corner, a pine brs. south 20 E 2.5 vrs. and a do. brs. N 35 W 9.5 vrs;

Thence south at 300 vrs intersected thicket, at 2030 vrs. found the S.W. corner of 14, both old bearing trees standing,

Thence west along the south line of 15, at 740 vrs Nips marsh, marsh on the Burgin, 640 acre survey. we turned back east from this point, and begin at the S.E. corner of 15,

Thence east with very old line at 600 vrs. cross plain marked line 130 vrs. south of new corner, continued on east at 1870 vrs. found old line suposed to be the east line of 14, this line is very old, We traced it several hundred yards north and south, of the line we crossed, this fits very well for the east line of 14, we marked a tree where we cross the line, Also marked a tree on old road. about 75 south of a corner I made, continued on east at 2520 vrs cross new line, at 3800 vrs the East boundary line of wilson survey, 85 vrs. south of its N.W. corner.

Thence east with north line of Wilson, from its nw cor at 120 vrs. corner on the east side of old Orange road.

counter 47007

Thence N 45 W with Anderson's his west line at 50 vrs corss orange road, at 900 vrs cross it again, 1570 vrs found Anderson's N.W.corner, We quit at this point."

" Copy of my filed book made on the 6th day of June 1902, I begin at corner suposed to be the S.W.corner of 14,

Thence west at 700 vrs Marsh, 1200 vrs pass though clump of timber, 1770 vrs another clump of timber, at 1900 vrs. set stake for corner, 130 vrs west of an island covered with sweet gumsx trees;

Thence south through prarie at 700 vrs. leave prarie and intersected dence thicket, at 1200 vrs intersected a marsh again, this is very bad marsh, covered with briars, at 1900 vrs set stake in marsh, from this point Tobe Lindsey's house brs. S 88 W about 200 vrs,

Thence east at 360 vrs cross old road, 720 vrs prarie, 1230 vrs intersected thick woods, at 1780 vrs I found the old S.E.corner of the Burgin, a gum brs. N 25 W 3.8 vrs, the other bearing tree is down but fits.

Thence north at 280 vrs prarie, 1130 vrs leave prairie and intered thick woods, at 1900 vrs the N.E.corner of the Burgin, a white oak brs. S 54 E 2 vrs. a black gum brs. N 10 E 4 vrs;

Thence west along the notth line of the same at 680 vrs marsh, at 1900 vrs the S.W.corner of 15, H.T.&.B. a balck gum brs. N 70 E 70 vrs. a do. brs. N 33 E 75 vrs;

Thence south at 1900 vrs stake for corner, about 100 vrs west of my former corner put up by me, a pine is S 62 W 66 vrs. at this point Tobe Lindsey's residence brs. S 65 W about 150 vrs. we quit for night, on Saturday evening."

" From my filed book on the 13th day of January 1904, survey for W.A.Ward, of Waterlou Iowa, now of Beaumont.

I begin at the S.W.corner of the Jasper Harding, a sweet gum brs. S 32 E 2 vrs.

Thence east with its S. line at (with varation of 7-45 E) at 1900 vrs intersected his east line 10 vrs, north of S.E.corner, continued on east with new count, at 1890 vrs.

counter 17008

intersected the east line of the P.&.L.I. Wheaton, 10 vrs north of its S.E.corner, this corner is in prarie, continued on east with new count at 440 vrs stake, may be a conner of some survey made in Orange county, at 1900 vrs stake for corner prarie, this corner is a corner of the Potts, and A.Davis survey, a sweet gum brs. N 26.1/2 E 268 vrs. a do. brs. N 78 E 264 vrs.

Thence east along the south line of the Potts survey at 340 vrs. Limonville road, 440 vrs corner, suposed to be a corner of the Davice put up by Bland of Orange, 530 vrs stake in prarie, 800 vrs. old road, at 1900 vrs. stake for corner on edge of marsh,

Thence north at 600vrs. set up hub, and quit for the day, James Gibson, and Will Alridge, as chain carriers.

Thuresday morning, we begin where we left off the noght before, continued on north at 1900 vrs stake for corner, we go from this point to the S.E.corner of the George H.Burgin, as previously located by me; Thence west at 1170 vrs, cross a line, 20 vrs south of corner, continued on west 2168 vrs the N.W.corner of the J.S.Russell, a black gum brs. N 34 W 4.5 vrs. and a do. brs. N 72 E 3 vrs;

From this point we went to the S.E.corner of the Potts sur. a balck gum brs. N 85.1/2 E 33 vrs;

Thence on the County line at 992 vrs pass stake. 2164 vrs the S.E.corner of the Russell, a red oak brs. S 31 E 5 vrs. and a post oak brs. S 48 W 12 vrs;

On the 15th day of January 1904, I begin at the S.W.corner of the George H.Burgin, Thence north at 1360 vrs, prarie, at 1900 vrs.set stake for corner, in marsh, from this point we went to the S.E.corner of the George H.Burgin, from which a topler gum brs. N 25 W 3.8 vrs. (X very old) the stump hole plain N 64.1/2 E 2 vrs;

Thence north at 280 vrs prarie at 1120 vrs leave prarie, at 1900 vrs stake for corner, a small pine brs. N 31 E 1 vara, a sweet gum brs. __ 2.5 vrs;

Thence east at 112 vrs. I am 80 vrs north of the old S.W. corner of 14, I checked back on the N.E.corner of the Georgne H. Burgin, measured West from this point at 680 vrs prarie, 1010 road, at 1904 pass the S.W.corner of 15, at a black gum brs. N 30 E 70 vrs. a do. brs. N 32 E 75 vrs. I continued on west at 2161 vrs the N.W.

F2

counter 47009

corner of the George H.Burgin survey, I quit at this point, The section lines will show as follows. as I found them on the gound in 1902, and 1904, none of the timber had been cut at this time, it was all vergin timber, and no touble to find lines and corner, there was never no question of the location of the George H.Burgin, and the south west corner of the John Champion, is well established and no question as to its location, there is no question about the present location of these section as the original maps shows them to be.

I measured the south line of Jasper Harding, 1900 vrs.
" " " " " " " Wheaton 1890 "
" " " " " " " H.Davis,1900 "
" " " " " " " Thos.Potts, 1900 "
" " " " " " " Geo. Burgin,2168 "
" " " " " " Champion &Mason 3912 "

Total 13,670 "
Difference seven miles---------- 13,300

370 vrs excess

according to my measurment at thattime.

J.P.McMahon Jr.

J.P.McMahon,jr. Newton Texas.

counter 47010