

Smith Co.

15" Red Oak MKD. SESC hrs. N83-30W 17.2 vrs

15" Double Red Oak Stump hrs. S64-18E 10.0 vrs

10" ---
20" Red Oak Stump hrs. S05E10W 14 vrs
M. M. Cross Farm

Cherokee

Co.

Rusk Co.

Allen Kersh Farm

-Legend-

--- County Line

==== Road

— Property Line

10 Marathon Oil Co-M.M. Cross Well No. 20, E.B. Foulkes Sy.

20 Marathon Oil Co-M.M. Cross Well No. 18, E.B. Foulkes Sy.

3 Marathon Oil Co-M.M. Cross Well No. 9, E.B. Foulkes Sy.

Δ N.E. Corner Cherokee County.

at 2246.0 vrs. Black Oak (Red Oak)
MKD. RC on East side & CC on West side

J. A. SMITH,
SHERIFF

FRANK DEVEREUX, JR.
COUNTY JUDGE

J.W. CHANDLER, JR.
COUNTY ATTORNEY

1935
063

CHEROKEE COUNTY

J. E. HAMILTON, DISTRICT CLERK
F. C. BINGHAM, COUNTY CLERK
C. L. ARNWINE, TAX ASSESSOR-COLLECTOR
D. C. STOCKTON, COUNTY SUPT.
MRS. CORA DICKEY, COUNTY TREAS.

1192

COMMISSIONERS
ALBERT PHIFER - - Pct. No. 1
WILMER ROZELLE - - Pct. No. 2
PENN BOUNDS - - Pct. No. 3
A. N. WALLEY - - Pct. No. 4
L. T. MOORE, COUNTY SURVEYOR



RUSK, TEXAS

June 27th, 1935.

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

Dear Sir:

Your letter of June 18th, replying to my earlier letter seeking information as to procedure necessary to follow in settling county boundary controversies, received and I wish to thank you for same.

From your letter I note that the only county line field notes on file in your office were filed in 1849, and in this connection I beg to advise that in 1905 a controversy between this county and Rusk County arose which resulted in a joint survey of the line and it is the line established by this survey that we desire to have recognized. I am sending you a portion of my file on the matter which includes a transcript of the 1905-06 survey and also a recent report of our County Surveyor and County Engineer. After going over these surveys you may find that all necessary steps have been taken by the counties involved and that it is now a matter which will involve the intervention of your Department.

As stated in my letter of June 14th, we are not having an heated controversy over this matter with our neighboring county but as this county is the one most likely to gain from a resurvey the burden of carrying the work through is to fall on us and before doing anything we want your advice in the matter.

Again thanking you for the information already given, I am,

Yours very truly,

Frank Devereux, Jr.
Frank Devereux, Jr.,
County Judge.

RECEIVED

JUN 28 1935

REFERRED TO MAP

*acknowledged
6-29-35
B*

Counter 51226

2/

3 4

1935

Cherokee Land Line

RECEIVED
MAY 29 1935

RECEIVED TO MR.

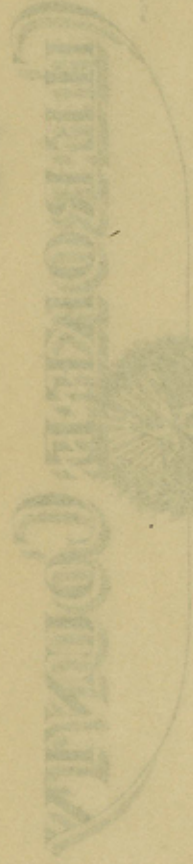
County Clerk,
Blaine, Oklahoma, Okla.
Wm. H. [unclear]

Dear Mr. [unclear]

When writing you for the information of County Clerk, I am
sorry to hear that we will have to be in the
matter of surveying the land between to be left on the
part in this county is the one we are trying to hold from a
parted controversy over this matter with our neighboring county
we are not to be satisfied of same thing, we are not satisfied on

above the information of your department.
by the condition involved and that it is not a matter which will in-
volve surveys you say that that old secretary's work has been
report of our County Surveyor and County Engineer. After being over-
sight included a description of the 1900-02 survey and also a record
reopening. I am sending you a portion of my title on the matter
it is the line established by this survey that we desire to have
back County survey which resulted in a joint survey of the line and
I hope to advise that in 1900 a controversy between this county and
the title in your office were filed in 1900, and in this connection
from your letter I note that the only county line title which
formerly controversies, received and I wish to thank you for same.
Information as to procedure necessary to follow in settling county
your letter of June 1934, reply, as to my original letter regarding
Dear Sir:
Respectfully,
Wm. H. [unclear], County Engineer

June 23rd, 1935.
BLAINE, TEXAS



Account 51287

June 29, 1935

Judge Frank Devereux, Jr.,
Rusk, Texas

Dear Sir:

Acknowledgment is made of your letter of June 27th with which you enclosed order of Commissioner's court for survey of Cherokee-Rusk county line, May term of court, 1905, the surveyors' field notes of the county line, and small sketch and field notes by L T Moore, county surveyor of Cherokee county, for a short distance along this county line, beginning at the NE corner of Cherokee county.

However, I do not find any order of court approving the surveyors' field notes of the county line.

The statute specifies that the determination of the county line falls within the jurisdiction of the county courts. However, I do not believe that the county line having been ordered by the Commissioner's court would change the status of the matter.

If a county line has been run out between two counties and both counties recognize that line, it will be the legal boundary between them. This is in accordance with Chapter 6 of Article 1606 Revised Civil statutes of 1925, brought forward under Articles 1400 and 882.

Under these circumstances, if you can find sufficient county corners to determine the position as run out in 1905 by R H Thompson and C H Hill, that position would control.

Very truly yours,

Commissioner

Blucher:eb

~~8~~

7

1935

Cherokee Bdry line

Counter 51289

SURVEY OF A PORTION OF THE COUNTY LINE BETWEEN CHEROKEE AND RUSK COUNTIES, BEGINNING AT THE N. E. CORNER OF CHEROKEE COUNTY.

The N. E. corner of Cherokee County, as established by Hill and Thompson, County Surveyors of Cherokee and Rusk Counties, respectively, on September 4th 1905, was located. The burned top of the post as set by Hill & Thompson was found below the surface of the ground, and part of hoe was found burried below the surface of the ground by the side of this post. From this post we found the following witnesses, a 15 inch Red Oak marked SESC, brs N. 83-30 W. 17.2 varas., the stump of a 15 inch Red Oak marked WBRC, brs. S. 64-18 E. 10.0 varas, (the body of this tree was still lying on the ground at this time, with the marks as above noted, plainly showing), the stump of a 20 inch Red Oak marked NECCC, brs. S. 05-10 W. 14.0 varas (the body of this tree was still lying on the ground at this time, with the marks as above noted, plainly showing):

From this point we ran South, and at 128.3 varas the MARATHON OIL CO. - M. M. CROSS, WELL NO. 20, E. B. FOULKES SY. brs. N. 86-09 W. 123.1 varas.

at 366.1 varas the MARATHON OIL CO.-M. M. CROSS, WELL NO. 18, E. B. FOULKES SY. brs. N. 43-49 W. 70.8 varas.

at 559.6 varas the MARATHON OIL CO.-M. M. CROSS, WELL NO. 9, E. B. FOULKES SY. brs. N. 83-56 W. 49.3 varas.

at 1190.5 varas fence on North side of road, (fence supposed to be on South line of M. M. Cross land, and N.B. line of Allen Kersh land.

at 1198.4 varas fence on South side of road.

at 1900.8 varas, we were unable to find one mile post as set by Hill & Thompson, since this part of the Country had been cleared and cultivated for a number of years.

at 2246.0 varas we found Black Oak marked RC on East side and marked CC on West side. (This tree, instead of being a Black Oak, is a Red Oak. Evidently Hill & Thompson made an error in calling the kind of tree, in their field notes.)

This concluded our survey.

Surveyed: April 1st 1935.

Respectfully submitted.

THE STATE OF TEXAS | I, L. T. Moore, County Surveyor of Cherokee
COUNTY OF CHEROKEE | County, Texas, do hereby certify that the
above described survey was made on the 1st day
of April, 1935, and was made in collaboration
with the County Engineer of Cherokee County.

Witness my hand, this the 4th day of April, 1935.

L. T. Moore
County Surveyor, Cherokee County, Texas.

--oOo--

Received and filed in General Land
Office June 28th, 1935
J. H. Walker, Com. Sec.
C. F. Blushy, Clk.

✓ Cherokee Bdry line

*Cherokee - Rusk
Co. line*

FILED

at.....o'clock.....M.

APR 4 1935

F. C. BINGHAM
CLERK COUNTY COURT, CHEROKEE CO. TEX.

By *May Gibson* Deputy

Counter 51291

COMMISSIONER'S COURT MAY TERM 1905.

Boundary Line between Cherokee and Rusk County.

Whereas it has been made to appear to the satisfaction of the Commissioner's Court of Cherokee County that the boundary line between Rusk and Cherokee County is not sufficiently definite and well defined. It is therefore ordered by the Court that C. H. Hill an experienced and competent Surveyor be and he is hereby appointed to ascertain by actual Survey on the ground the said boundary line between said counties by Surveying said boundary from the point where the Rusk County line crosses the Angelina River to the said S. W. corner of Rusk County and from said S. W. corner of Rusk County to the N. E. corner of Cherokee County, and in making said survey, said Surveyor is instructed to designate by posts, mounds or Stone monuments the corners of said survey and make like designation of the line every mile on said line shall likewise give an accurate description of all prominent natural objects crossed by or adjacent to said lines as well as the corner and lines of surveys on or near said boundary. It is further ordered by this Court that the Clerk hereof send a certified Copy of this order to the County Judge of Rusk County notifying the Commissioner's Court of said Rusk County at least ten days before the second Monday in August 1905, the Surveyor appointed by this County will commence the survey of said boundary line at the S. W. corner of Rusk County on Monday the 28th day of August 1905, at 10 o'clock A. M. at which time and place the Surveyor appointed by the Commissioner's Court of Rusk County is requested to be present and assist in running and establishing such boundary line. Provided that said surveyor shall be paid the legal fees for such Surveying, to-wit: \$3.00 per mile for making said Survey (per lineal mile) and that not exceeding two chain carriers and one flagman shall be employed at a salary of not to exceed \$1.25 per day for the actual days worked in establishing said boundary line.

THE STATE OF TEXAS, #

County of Cherokee, #

I, F. C. Bingham, Clerk County Court, of the aforesaid County and State, do hereby certify that the foregoing page contains a true and correct copy of the original order appointing a Surveyor to assist a Rusk County Surveyor in designating a boundary line between Cherokee and Rusk Counties, passed by the Commissioner's Court at the regular May Term, 1905 and which appears of record in Volume E, page 263, of the Commissioners Court Minutes of Cherokee County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Rusk, Texas,
this the 10th day of April A. D. 1935.

F. C. Bingham, Clerk County Court,
Cherokee County, Texas.

By: Mildred Chapman
Deputy.

COMMISSIONERS COURT. FEBRUARY TERM, 1906.

Report of County Surveyors.

THE STATE OF TEXAS, #

County of Rusk, #

Whereas, by virtue^{of}/an order issued out of the Commissioner's Court of Cherokee County, at its regular May Term, and entered on the Minutes of said Court on the 13th day of said Month, 1905, in Volume "E" , page 263, appointed C. H. Hill, Special Surveyor, to represent Cherokee County in re-establishing the boundary line between the Counties of Cherokee and Rusk, and at said term of the Court the said Commissioners made a requisition on the County of Rusk to appoint a Surveyor to assist in the Survey and the re-establishing of the said boundary line and, whereas the said Commissioners Court of Rusk County at the regular term in August, passed an order appointing R. H. Thompson as Special Surveyor from Rusk County, to assist in said survey as provided by the Statute. Now therefore, in abedience to said orders from said Courts, we, the undersigned Surveyors, did, upon the 4th day of September, 1905, meet and enter upon the grounds and begin the Survey of said line, and from day to day and from time to time make the said survey and finish and complete the said work the 9th day of December, as shown by the following field notes as made upon the ground by actual survey; Beginning at the Southeast corner of Smith County, on the West line of Rusk County, a post in a mound, the same being 240 varas East of a former corner made heretofore erroneously - in 1902, from which a double red oak 18 inches in diameter, marked W. B. R. C. brs. S. 64 E. 10 vrs; a red oak 12 inches marked S. E. C. S. C. brs. N 82½ W. 17½ vrs a Red Oak 12 inches marked N.E.C.C.C. brs. S. 5½ W. 14 vrs; Thence South with the said line between the said Counties at 1900-8/10 varas, the first mound or mile post in Allen Kershe's field, from which a hickory 10 inches marked C. C. brs. S. 8 W. 11½ vrs. another hickory 8 inches marked R. C. brs S. 28 E. 15 varas, at 2237 vrs. a Black oak 20 inches marked R. C. & C. C. at 2336 varas, a spring branch one vara wide. C. S. E. at 2559 varas past the N. W. corner

of the Joseph McAllister Survey on the South line of the E. B. Foulks Survey, at 2874 vrs. pass the N. E. corner of the T. A. S. Pratt Survey, at 3734 varas, the Henderson and Troupe road, at 3801-6/10 varas, the two mile post in a mound, from which a P. O. 20 inches marked C. C. brs. N. 13 W. 21 vrs. another P. O 22 inches marked R. C. brs. N. 87 E. 20½ varas. at 3829-6/10 vrs. pass the southeast corner of said Pratt Survey, and the northeast corner of the Wesley Dyke Survey, at 5702-4/10 varas, the three mile post in the southeast corner of Jack Scroggins field, from which a dead oak 36 in brs S. 2 W. 31 vrs. a dead Pine 20 inches brs N 52½ W. 7-1/2 varas, at 6630 varas, Bowles creek 15 varas wide, C. S. W. at 6760 varas, Bowles Creek C.S. E. at 6840 varas, same creek C. S. W. at 7230 varas same creek C. S. E. at 7603-2/10 varas, the four mile post in a mound, from which a pin oak 20 inches marked R. C. brs. N. 8½ E. 7½ varas, pin oak 18 inches brs S. 8½ W. 8 varas, marked C. C. at 7658 varas same creek C. S. W. at 7753- varas , the old Henderson and Jacksonville road, at 8008-2/10 varas passed an old corner and line going East at 8103 same creek C. S. E. at 8193-2/10 varas pass the Southeast corner of the Wesley Dwyke Survey, and the northeast corner of the Perry Reese Survey at 8493 same creek C. W. at 9504 varas the fifth mile post in Bowles Creek at 10573 varas same creek C. S. E. at 11089-8/10 varas pass the southeast corner of the Perry Reese Survey, and the northeast corner of the R. H. Tobin Survey, at 11404-8/10 varas, the Six Mile post in a mound, from which a Red Oak 18 inches marked R. C. brs. N. 20 E. 3 varas, hickory 6 inches marked C. C. brs. S. 2 W. 2-3/4 varas, at 11950 varas, pass the northwest corner of John Clay's place, and at 12157 varas pass John Clay's house 13-2/10 varas, to the East at 12527-1/2 varas pass the Southeast corner of the Tobin and the Northeast corner of the Elizabeth Taylor Survey's at 12624 varas pass the Southwest corner of the Thos. Fannin Survey, at 12944 varas, a branch C. E. at 13305 the seven mile post in the channel of Bowles creek C. S. W. at 13424 varas same creek C. S. E. at 13545 same creek C. W. at 13629 varas, same creek C. S. E. at 13725-1/2 varas, Pin oak for line

tree, at 13951 varas West bend of said creek at 14122 varas, an old line running East and West and an old corner 198 varas to the West at 14958 varas, Stricker Creek 20 varas wide C. S. W. at 15206-4/10 the eight mile post in a mound from which a pin oak 10 inches C. C. West 2 varas Pin oak 16 inches brs. N. 14-1/2 marked R. C. at 15565, Sweet Gum 40 inches marked R. C. and C. C. at 17107-6/10 nine mile post in a mound in G. D. Boatrights field at 17464-2/10 varas, the Henderson and Lone Star road, at 17737-2/10 varas creek two varas wide C. S. W. at 18371 varas the N. B. line of the J. T. Sanchez Survey, at 18917 varas a double red oak for line tree, at 18927-6/10 varas - another double red oak for line tree at 19008 varas the ten mile post in a mound from which a hickory 16 inches marked R. C. brs S. 87½ E. 1½ varas. a black jack 16 inches marked C. C. brs. N. 41-1/2 W. 2 vrs. at 19438-6/10 varas, old Henderson and Rusk road, 20338-6/10 varas, branch C. S. W. at 20908-8/10. The Eleven mile post in a mound from which a post oak 16 inches marked C. C. brs. N. 44 W. 6½ varas, Sweet Gum 14 inches marked R. C. brs. N. 64 E. 7½ varas at 21248-8/10 varas, branch two varas wide C. S. W. 21623.8/10 varas, a branch C. S. W. 22669-8/10 varas, an old ditch in the Montgomery field C. S. W. at 22809 varas the twelve mile post in a mound from which a sweet gum 8 inches brs. South 3½ varas at 23889-6/10 varas, a Slough 10 varas wide C. S. E. at 23371 varas the South line of the Sanchez League and the north line of the B. C. Watters league at 24157-6/10 varas, an Elm 22 inches marked R. C. & C. C. at 24710-7/10 varas the thirteen mile post in a mound from which a white oak 24 inches marked R. C. brs. N. 56 E. 5 varas a hickory 15 inches in diameter marked C. C. brs. N. 54 W. 7 varas at 24820-4/10 varas, a Slough 10 varas wide, C. S. E. at 25495-4/10 varas, stricker creek C. S. E. at 26230-4/10 varas, branch C. E. or 26245-4/10 varas, same branch C. N. W. at 26280-4/10 varas, channel of same branch, at 26305-4/10 varas, pass out of the channel of said branch at 26325-4/10 varas, same branch C. N. E. at 26341-4/10 varas, same branch C. N. E. at 26341-4/10 varas, same branch C. N. W. at 26405-4/10 varas, same ~~xxx~~ branch C. N. E. at 26611-2/10 varas, the fourteen mile post in a

mound from which a pin oak 14 inches marked R. C. brs. S. $66\frac{1}{2}$ E. 1 vara, a maple 5 inches marked C. C. brs. N $63\frac{1}{2}$ W. $3\frac{1}{2}$ vrs. at 26806-2/10 varas, the New Salem and Lone Star road, at 27561-2/10 varas, branch C. E. at 27576-2/10 varas, passed a sweet gum with corner marked on it 15 varas to the East of this line at 28371 varas the South line of the Walters League at 28341-2/10 varas branch C. E. at 28512 varas, the fifteen mile post in a mound from which a black jack 16 inches brs. S. 37 E. 2-6/10 varas and marked R. C. a post oak 8 inches marked C. C. brs. S. 57 W. $3\frac{1}{2}$ varas at 29057 varas a Black oak 22 inches marked R. C. & C. C. at 29864 varas a branch C. E. at 30148 varas, the north end of Sam P. Richies dwelling at 30412-8/10 varas, the sixteen mile post in a mound from which a post oak marked C. C. brs. S. 63 W. 7 varas, a post oak 18 inches marked R. C. brs. N. 57 E. 3-3/4 varas, at 30501-8/10 varas branch C. N. E. at 31552-8/10 varas, iron stake 70 varas East of G. W. Richie's house, at 32316-6/10 varas, the Seventeen Mile post in a mound from which a red oak brs. N. 76 W. 2-3/4 vrs. marked C. C. and a hickory marked R. C. brs. N. 16 E. $5\frac{1}{2}$ varas at 32610 varas, the South line of the G. W. Jewel and the north line of the S. J. Nelson $334\frac{1}{2}$ varas East of the northwest corner of the latter Survey, at 33233-6/10 varas, branch C. S. W. at 33362-6/10 a P. O. 16 inches marked RC & CC at 33703-6/10 varas varas, the south line of the said Nelson Survey and the north line of the Mary Able Survey at 34055-6/10 varas, the New Salem and Reklaw road, at 34214-4/10 varas, the eighteen mile post from which post oak 24 inches marked C. C. Brs. N. 5 W. $16\frac{1}{2}$ varas, a post oak 24 inches marked R. C. brs. S. $17\frac{1}{2}$ E. 21-3/4 varas, at 35684-9/10 varas, the north line of the town of Reklaw, and the south line of Mrs. Walker's line 340 varas, East of the west line of the Mary Able West line, at 36115-2/10 varas, a piece of iron piping for the nineteen mile post in the Street known on the map of the town of Reklaw as Henderson Street from which the northwest corner of the Dallas Foreman Store House brs. S. $64\text{-}3/4$ W. and the Southwest gallery post of the Hughes Storehouse brs. S. $71\frac{1}{2}$ W. at 36585-2/10 varas. The South line of the town of Reklaw, and at 36690-2/10

varas, the center of the T & N O R R - C. N. 53 W. at 37074-2/10 varas black gum 16 inches marked R. C. & C. C. at 38016 varas the twenty mile post in a mound on the East side of a pin oak from which a pin oak 18 inches marked R. C. brs. N. 11 E. 10-1/4 varas, another pin oak marked C. C. brs. S. 6 W. 22 varas at 38246 varas, the Southwest corner of Rusk County, a post on the west edge of a Slough of Mud creek from which a Sweet gum 22 inches brs. N. 57 E. 6 varas, marked S. W. C. R. C. a pin oak 20 inches brs N. 60 W. 9 varas marked N E. CCC; Thence East at 322 varas old run of White oak creek at 1401⁸ varas branch C. S. W. at 1573-8/10 varas, the center of the T & N. O. R. R. C N. 38 $\frac{1}{2}$ W. at 1798 varas a mile post in a mound being two Miles West from the Angelina river from which a hickory 14 in. marked R. C. brs. N. 68 W. 7 varas, a post oak 18 inches marked C. C. brs. S. 54 E. 13-3/4 varas, the Section house on said railroad brs. S. 15 E. about 200 varas at 2446-8/10 varas, a redoak 14 inches marked R. C. & C. C. at 2702-8/10 varas, a pine 18 inches marked R. C. & C. C. at 3274-8/10 varas, the New Salem and Sacul road, at 3560-8/10 varas, a red oak 14 inches marked R. C. & C. C. at 3599-8/10 varas, the East line of the Mary Able Survey 163 varas North of the Northwest corner of the B. A. Stone Survey, at 3698-8/10 varas, a mile post in a mound, being one mile from the Angelina river, from a Black Jack 10 inches marked C. C. brs. S. 79 E. 1 $\frac{1}{2}$ varas Red oak 13 inches marked R. C. brs. brs N. 64 W. 12 $\frac{1}{2}$ varas, at 3764-8/10 varas, a sweet gum 20 inches marked R. C. & C. C. Standing in the edge of a dry branch C. S. E. at 4994-6/10 varas. a Slough C. S. at at 5599-6/10 varas, a post on the West Bank of the West fork of the Angelina river and the northwest corner of Nacogdoches County, on the south line of Rusk County, about Seventy Five varas above the forks of the two Angelinas from which a bitter pecan brs. N. 55 W. 8 varas and marked N. E. C.C.C a hickory 14 inches brs. S. 28 W. 9 varas marked N. E. C. C. C. This corner being 163 varas north of the South line of the Rebecca Gray Survey. Completing the survey on the 9th day of December, 1905, as directed by the Commissioner's Court of the respective Counties

as aforesaid.

Respectfully Submitted,

R. H. Thompson,
Surveyor for Rusk County, Texas.

C. H. Hill,
Surveyor for Cherokee County, Texas.

Sworn to and subscribed by R. H. Thompson before me this the
1st day of February, A. D. 1906.

(Seal) Hall Wood, Clerk County Court,
Rusk County, Texas.

Sworn to and subscribed by C. H. Hill before me this the
10th day of February A. D. 1906.

(Seal) C. M. Hill, Notary Public,
Shelby County, Texas.

THE STATE OF TEXAS, #
County of Cherokee, #

I, F. C. Bingham, Clerk County Court, of the aforesaid County
and State, do hereby certify that the foregoing pages contain a true
and correct copy of the report of the Surveyors of Cherokee and
Rusk Counties re-establishing the boundary line between said Counties,
made to the Commissioners Court, and which appears of record in Vol.
E, pages 329 et seq of the Commissioners Court Minutes of Cherokee
County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Rusk, Texas, this
the 10th day of April A. D. 1935.

F. C. Bingham, Clerk County Court,
Cherokee County, Texas.

By: Mildred Chapman
Deputy.

*Received and filed in General
Land Office on June 28th, 1935.*

*J. H. Walker Commissioner
C. F. Blucher, Clerk.*

3

Cherokee - Rusk
Co. Line

By Thompson & Hill
Survey completed
December 1905

Received and filed in
General Land Office on
June 28th, 1935.