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File No. Sketch File 31

June 05, 2012

Archer County  
Existence of possible State land in vicinity of  
Fanning, Mosely, Shaw, & Cecil Surveys

The Honorable Jerry Patterson  
Commissioner of the General Land Office  
Stephen F. Austin Building  
1700 North Congress  
Austin, Texas 78701

Date Filed: June 12, 2012

Jerry Patterson, Commissioner

By Douglas Howard  
See Rolled Sketch 10

Re: Possible existence of State Land in Archer County, Texas, in an area approximately 15 miles north 2 degrees east from Archer City, the County Seat.

Dear Commissioner Patterson:

We have performed a record investigation regarding the possible existence of state land in the above captioned area, more specifically in an area bounded on the west by the Michael Fanning Survey, on the north by the Sam F. Mosley Survey, on the east by the William Shaw Survey and on the south by the Robert A. Dowlen and/or other Surveys.

Following a thorough investigation of the records of the Texas General Land Office (GLO), our conclusion is that the land in question, barring findings of a comprehensive survey conclusively proving to the contrary, is a part of the E. G. Knight Survey, patented by the State of Texas September 10, 1887.

The basis for this conclusion is as follows:

Of the immediate surrounding patented surveys, the oldest are, in order of original survey, the Michael Fanning Survey No. 3 (Fannin 1-458) located November 22, 1854, the Samuel F. Mosley Survey (Fannin S-3722) located October 11, 1872, and the Heirs of William Shaw, Jr. Survey (Fannin 1-1624) first located September 25, 1874. At the time of the original surveys these three surveys all called for adjoiner with each other in the area of interest. The Fanning Survey was patented March 01, 1855 and the Mosley Survey was patented April 30, 1873 on their original field notes.

Corrected surveys were submitted for the Shaw in October 1874, July 1876 and August 1876 and patented on the latter of the corrected field notes September 13, 1876. All but the last survey had very little change from the initial survey, leaving the Fanning, Mosley, and Shaw surveys adjoining. The survey of August 30, 1876 reduced the acreage in the Shaw in compliance with the area allowed by its certificate and patent was issued on this corrected survey which, along with other changes, moved the west line of the Shaw survey 156 varas to the east of the east line of the Fanning which separated the

patented Shaw Survey from the patented Fanning and Brooks Surveys, but left the Shaw Survey adjoining the Mosley Survey on its East and South. This arrangement of the surveys is portrayed on the 1879 GLO map of Archer County.

Three surveys southwest and south of the Fanning come into play at this point. In order of original survey they are the Edward Fitzgerald (Fannin S-212) Survey located November 22, 1854, the David Meyer Survey (Fannin 3-4494) located September 21, 1874, and the John Brooks Survey (Fannin 1-1677) located May 3, 1875. The Fitzgerald Survey is the most westerly of the three. It is joined on its east by the Meyer Survey which also calls to adjoin the southwest corner of the Fanning Survey. The Brooks Survey calls to adjoin both the Meyer and the Fanning Surveys. This arrangement of the surveys is portrayed on the working sketch submitted with this report.

A preemption survey in the name of E. G. Knight (Fannin P-3450) was made on June 12, 1884, by J. P. Hart and patent was issued on this original survey. The Knight Survey called to begin at the southwest corner of the Mosley Survey, in the east line of the Fanning Survey, go south to the southeast corner of the Fanning Survey, west to the northerly northeast corner of the Brooks Survey, south along an east line of the Brooks Survey, east to the west line of the Shaw Survey, north to the westerly northwest corner of the Shaw Survey in the south line of the Mosley Survey, and then west 156 varas to the beginning. The field notes of the Knight Survey call for adjoinder to the Mosley, Fanning, and Brooks Surveys at multiple points. The sum of the calls for the portions of the Meyer, Brooks, and Knight Surveys adjoining the south line of the Fanning Survey agrees with the called length of the south line of the Fanning. **According to its original field notes and patented position, the Knight Survey completely covers all of the State land made available by the corrected field notes of the Shaw Survey immediately south of the Mosley lying between the Shaw and the Fanning and Brooks Surveys, extending to the southern extent of the Knight.** Surveyor Hart also prepared original field notes for the Thomas M. Cecil (Fannin P-3821) and R. A. Dowlen (Fannin P-3822) preemption Surveys in the vicinity of the Knight Survey. These two preemption surveys were later patented on corrected field notes by T. M. Cecil. Both surveys as described in the corrected field notes embrace lands not included in the original surveys and appear to be almost totally in conflict with either the Knight or the Shaw surveys.

The GLO file for the Dowlen preemption Survey (Fannin P-3822) contains two sketches prepared by T. M. Cecil showing locations for the Knight, Cecil, and Dowlen

preemptions and other surveys in the vicinity including the Fitzgerald, Meyer, Brooks, Fanning, Mosley, and Scott #4 (Fannin S-177). These sketches are dated September 10,

1892 and January 14, 1893. The primary measurements shown on these sketches are from the southwest corner of the Fitzgerald Survey north and east to the northeast corner of the Scott #4 Survey with a tie to the northeast corner of the Fanning Survey, identifying each of these three corners as originals. It is interesting to note that the northeast corner of the Fanning Survey is the same age and apparently as equally identifiable as the southwest corner of the Fitzgerald Survey and well less than half the distance from the stated location of the Knight survey. Among other things, the sketch indicates broken adjoinder calls between the Meyer and Fanning surveys, location of a W. R. Nail survey in the area of the broken adjoinder, and shifting of the Brooks survey to the west sufficient to make room for the Knight, Cecil, and Dowlen preemptions.

Also in the file are affidavits by former county surveyor J. P. Hart dated January 14, 1893 and March 4, 1893. The first affidavit indicates that he located the Knight survey from the Brooks and Fanning surveys "supposing at the time of the location that the Jno. A. Scott #4 extended nine hundred varas further west than is now shown by its N. E., identified, corner." No support appears in the records for this supposition. Also, as previously stated, the call dimensions of the Meyer, Brooks, and Knight surveys adjoining the south line of the Fanning Survey, when added, equal the call for the adjoining south line of the Fanning Survey. We find also that the call dimensions of the Scott #4, the Mosley, and the Knight surveys adjoining the east line of the Fanning Survey, when added, equal the call for the adjoining east line of the Fanning Survey. The second affidavit details his location of the Knight preemption Survey, beginning from the southwest corner of the Fitzgerald survey and purportedly locating the Brooks northerly northeast corner course and distance from that point for the westerly northwest corner and point of beginning of the Knight Survey and continuing course and distance to the southeast corner of the Fanning Survey. From the southeast corner of the Fanning Survey proceeding, "North 687 varas to the supposed S.W. corner of the Sam'l. F. Mosely sur. Thence East 156 varas, to the supposed N.W. cor. of Wm. Shaw Survey", and continuing course and distance from his original notes around the Knight Survey to its point of beginning. (Emphasis added) Hart also states that, *"The call to begin the Knight Pre. "at the South west cor. of sur. For Sam F. Mosley" was incidental rather than otherwise. In making the survey, I was guided in a great measure by data gathered from the County Map compiled in 1879 A.D."* The GLO map of Archer County bearing the 1879 date shows a vacant area where the Hart field notes place the Knight survey and shows the Fitzgerald, Meyer, Brooks, Fanning, Mosley, Shaw, and Scott #4 surveys in the same general position as they appear on the current GLO map. These affidavits are

both subsequent to the dimensioned sketches prepared by Cecil and, at the very least, are somewhat contradictory.


It appears to us, from this examination, that the original field notes and patent of the Knight Survey place it in its appropriate and correct position, adjoining and connected with the Brooks, Fanning, Mosley, and Shaw surveys. This would leave no area for the R. A. Dowlen Survey, the J. G. Hill Survey (M.F. 24223), and the northerly portion of the Thomas M. Cecil Survey, all of which appear to be located in conflict with either the patented Knight or Shaw Surveys, both of which are senior or superior.

Respectfully Submitted;



C.B. Thomson

C.B. Thomson, Registered Professional Land Surveyor, Licensed State Land Surveyor



Garey W. Gilley

Garey W. Gilley, Registered Professional Land Surveyor, Licensed State Land Surveyor