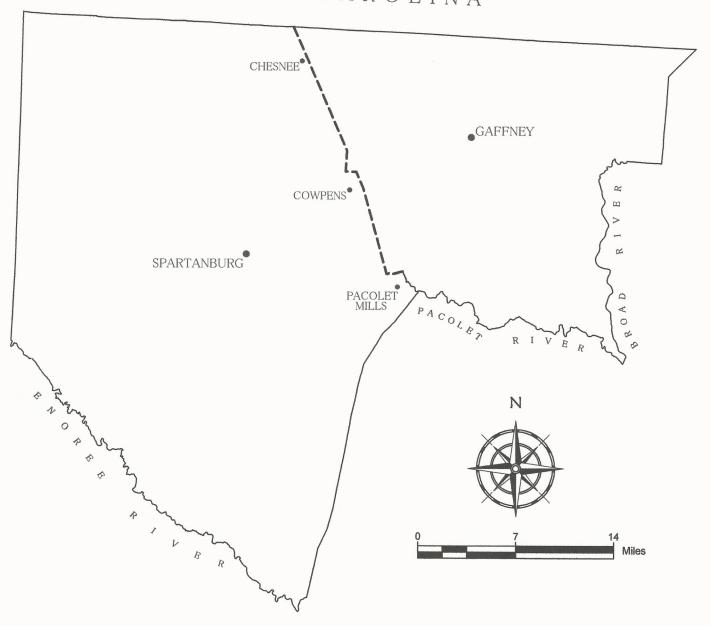


REPORT OF SURVEY



### NORTH CAROLINA



David K. Ballard, PLS

The South Carolina Geodetic Survey

Revenue and Fiscal Affairs Office

December 2014



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Abandoned Portion of the Cowpens-Pacolet Road at Monument (k)

### HISTORICAL SUMMARY

In February of 1897, Cherokee County was formed from territory of Spartanburg, Union and York counties. There had been several unsuccessful attempts over the previous 30 or so years to create a new county in the same region. The triumphant push for a new county began in 1896.

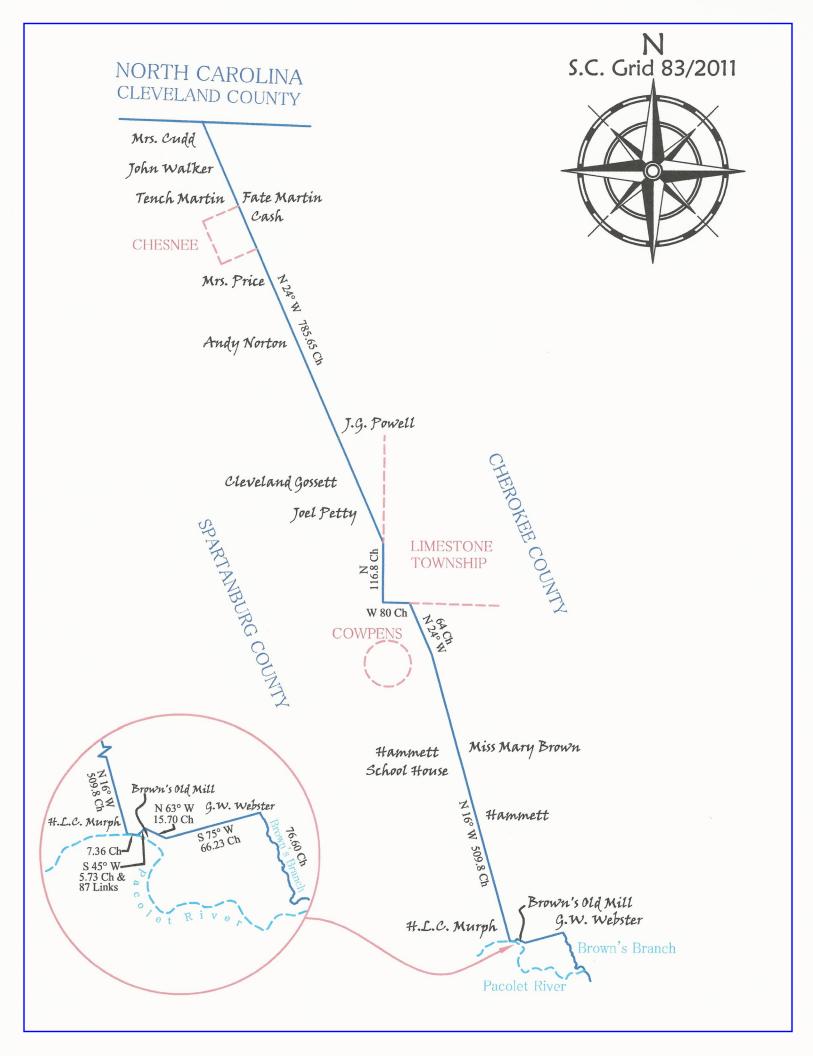
"The chief excitement of the fall season came when a corps of surveyors began to establish a line to be considered as a boundary for the new county. Walton Lipscomb, Joe McArthur, Henry Smith, and Willie Thompson began the survey at Smith's Ford. They went downstream along the Broad River bed to the point where the Pacolet River entered. They then surveyed up that stream to Pacolet Mills and from there across land to the North Carolina line" (Moss, 1972, p.258).

The surveyed area was calculated and it did not have enough square miles to meet statute requirements; so modifications were made to the original survey.

Throughout 1896, the name Limestone had been assigned to the proposed county. During this time, most of the people in Cherokee Township and the portion gained from Union County were strongly opposed to the idea of a new county. A new-county advocate, T.B. Butler was sent to speak in the areas voicing strong opposition to try to convince the people of the need for a new county. During one of Butler's speeches in Cherokee Township at the Holly Grove School, Robert Parker, representing the group of attendees, spoke of opposition to the name Limestone. When asked what Mr. Parker would name the county, he pronounced "Cherokee." Butler asked for a show of hands of those in favor of the name Cherokee. Everyone in attendance affirmed the name. He then asked who would vote for the new county if the name was Cherokee. Everyone again raised their hands. By simply changing the name, opposition to the proposed county was considerably lessened.

The area of the proposed county was canvassed and a petition in favor of a new county was signed by a minimum of one-third of the qualified electors. The petition was sent to Governor John Gary Evans. Upon receipt and review of the petition, Governor Evans issued a proclamation that an election was to be held on December 8, 1896, in accordance with a State statute "to provide for the formation of new counties." The opposition tried to persuade people into their camp by announcing that taxes would need to double to sustain a fledgling county. On November 9, 1896, W. Sam Lipscomb, who had been a proponent of the new county, issued a letter in opposition to the new county. He contended, among other things, that the map issued during the petition drive had been altered after the petition drive, in the area of present day Pacolet Mills. On November 12, 1896, The Gaffney Ledger printed Lipscomb's letter, a rebuttal, and the sworn oath of Professor R.O. Sams certifying that "the survey changing lines of the proposed new county in the neighborhood of Trough Shoals, was made previous to the circulating of petitions." The election was held and ballots showed 1,432 people for the new county and 442 people against. Gaffney was chosen to be the county seat and Cherokee was selected as the name over Limestone. On December 10, 1896, an article in The State read "The Proper Spirit. Spartanburg Extends Congratulations to Her Offspring." The creation of the new county has been partially attributed to the establishment of the Gaffney Ledger and the editor's efforts in helping those wanting a new county. After the vote, there were a few unsuccessful attempts to kill the new county. One was a claim that registration books had not been distributed properly.

Cherokee County was created by Act No. 345 enacted during the regular legislative session of 1897, as approved on the 25th of February 1897, and then included in the Code of Law in 1902 (Code of Laws of SC, Section 17-538 (1902)). The boundary description for Spartanburg County was updated in the same volume (Code of Laws of SC, Section 17-565 (1902)).



### STATUTES

**South Carolina Code of Laws** 

Section 4-3-110. Cherokee County.

Cherokee County is bounded as follows: beginning at the mouth of Brown's Branch and running up branch 76.60 chains to near where G. W. Webster now lives or formerly resided, placing his present or former residence in new county; thence S. 75° W. 66.23 chains to rock N. E. corner lot of property now or formerly owned by Pacolet Manufacturing Company at Brown's old mill; thence N. 63° W. 15.70 with line of said lot to rock; thence S. 45° N. 5.73 to maple; thence same course 87 links to Pacolet River; thence with said river upstream 7.36 to stake on Pacolet; thence N. 16° W. property now or formerly owned by H. L. C. Murphy in old county, property known as Hammett property in new county, Hammett School House near crossroads in old county, property now or formerly owned by Miss Mary Brown in new county, 509.80 chains to stake 1 mile east of town of Cowpens; thence N. 24° W. 64 chains to line of Lime Stone township; thence west with Lime Stone township 80 chains to southwest corner of said township; thence N. 116.80 chains with line of Lime Stone township to mark line running N. 24° W.; thence N. 24° W., leaving property now or formerly owned by Joel Petty and property now or formerly owned by Cleveland Gossett in old county, passing through house now or formerly occupied by J. G. Powell, leaving the property now or formerly owned by Andy Norton in Spartanburg County, also house now or formerly owned by Mrs. Price, placing the house now or formerly belonging to Cash and the house now or formerly owned by Fate Martin in new county, passing through the storeroom now or formerly belonging to Finch Martin, but leaving his present or former dwelling house in old county, leaving properties now or formerly owned by John Walker and Mrs. Cudd in Spartanburg County, 785.65 chains to stake on North Carolina line; thence with said line crossing Broad River, and continuing at the corner of Cherokee township in York County; thence south with east boundary of said township to stake; thence west to corner of said township on King's Creek; thence down King's Creek to middle of Broad River; thence down Broad River to center of river opposite Pacolet River; thence up Pacolet River to opposite Brown's Branch to beginning point, and in addition thereto the following territory containing two square miles transferred from York County by act of the General Assembly, approved February 11 1921, to wit: beginning at a stake in road in State line on top of mountain at Burned Grocery and running thence S. 43.5° W. 224 chains to a large pine at northeast end of Brown Mountain; thence with the Cherokee County line N. 2.5° W. 152 chains to B. O., E. A. Patterson's corner in State line; thence S. 86° E. 165 chains with State line to the beginning corner, containing two square miles.

HISTORY: 1962 Code Section 14-61; 1952 Code Section 14-61; 1942 Code Section 2986; 1932 Code Section 2986; Civ. C. '22 Section 678; Civ. C. '12 Section 597; Civ. C. '02 Section 538; 1897 (22) 588; 1921 (32) 23.

Section 4-3-480. Spartanburg County.

Spartanburg County is bounded as follows: on the north by the North Carolina line; on the west by Greenville County from which it is divided by a line commencing on the North Carolina line at a stone marked "S.C. 1815" on one side and "N.C. Sept.15" on the other side at N 1,225,788.54 and E 1,636,650.35 [North American Datum 1983-86 (NAD 83-86)]; thence following a straight line southsouthwestward to a point at N 1,193,615.00 and E 1,635,730.00 (NAD 83-86); thence following a straight line southsouthwestward to a point at N 1,155,409.00 and E 1,634,410.00 (NAD 83-86); thence following a straight line southsouthwestward to a point at N 1,133,159.00 and E 1,633,701.00 (NAD 83-86) at the north end of North Line Street at its approximate intersection with Arlington Avenue in the City of Greer; thence following a straight line southward approximately along the centerline of North Line Street to a point N 1,131,240.00 and E 1,633,595.00 (NAD 83-86) where North Line Street becomes South Line Street in the City of Greer; thence following a straight line southward approximately along the centerline of South Line Street to a point at N 1,128,573.00 and E 1,633,500.00 (NAD 83-86) where the centerline of South Line Street is approximately tangent to the centerline of New Woodruff Road in the City of Greer; thence following a straight line southsouthwestward to a point at N 1,102,217.00 and E 1,632,108.00 (NAD 83-86) which is a point where the old bridge crossed the Enoree River; thence down the Enoree River to a point about one and three-fourths miles below Anderson's Bridge (the corner of Greenville and Laurens Counties); on the southwest by the Enoree River, down to a dead Spanish oak below Head's Ford, and a little above the mouth of a small creek which divides it from Laurens County; on the southeast by Union County, from which it is divided by the following lines: beginning at the dead Spanish oak on the north side of the Enoree River, and running N. 12° E.3 miles and 26 chains; thence N. 17° E.2 miles and 28 chains; thence N. 6.5° E.11 miles and 15 chains, crossing Tyger River to Fair Forest Creek; thence N. 33° 45' E.6 miles and 37 chains to Pacolet River, a little below Gist's Mill; thence along the western boundary of Cherokee County to the North Carolina state line.

HISTORY: 1962 Code Section 14-92; 1952 Code Section 14-92; 1942 Code Section 3017; 1932 Code Section 3017; Civ. C. '22 Section 709; Civ. C. '12 Section 626; Civ. C. '02 Section 565; G. S. 433; R. S. 492; (4) 661; (7) 284; 1897 (22) 589; 1993 Act No. 7, Section 3, eff February 18, 1993; 1994 Act No. 497, Part II, Section 142B, eff June 29, 1994.

(Applicable portions are in red: There have not been any substantial changes to these portions of the statute since the formation of Cherokee County; although "property of now or formerly" and "now or formerly" were added in the Code of Laws of South Carolina 1952, Volume 2, page 55. This is important, because the original statute did not claim that the "property" was in one county or the other, but that it was the residence the statute referenced.)



### SURVEY

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### LIMESTONE TOWNSHIP LINES

# 

1905 USDA Cherokee County Soil Map



1921 USDA Spartanburg County Soil Map

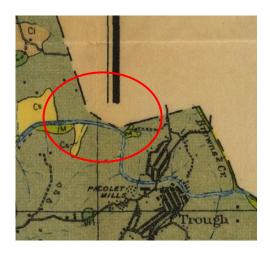


1938 USDA Aerial Index Map

### PACOLET RIVER



1905 USDA Cherokee County Soil Map

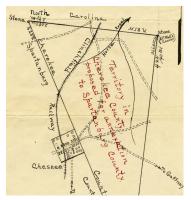


1921 USDA Spartanburg County Soil Map



1938 USDA Aerial Index Map

The examples shown on this page are just a few of many maps with different interpretations of the county line.



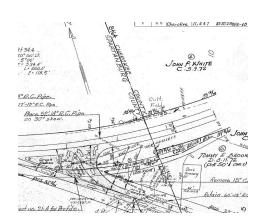
1925 Proposed Annexation Map

### DISCREPANCIES IN THE STATUTE

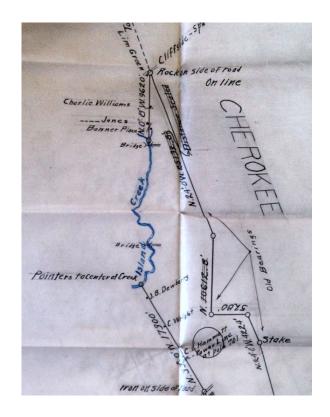
- The bearing "S 45° N" should read S 45° W. (Browns Old Mill)
- "H.L.C. Murphy" should read H.L.C. Murph.
- There appears to be significant error in the metes and bounds of the Limestone Township lines. Whether this is a scrivener error, a mathematical error, or a combination of the two, is unknown.
- "Finch Martin" should read Tench Martin.

### COUNTY MAPS

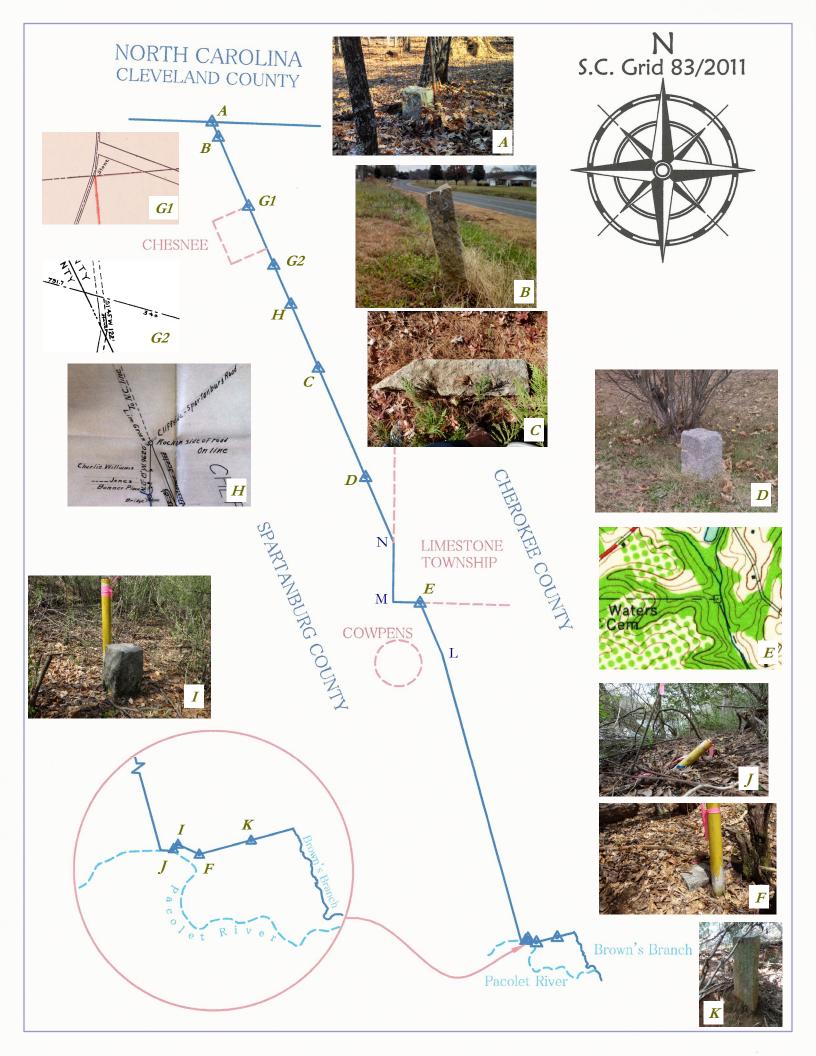
The South Carolina Geodetic Survey (SCGS) was unable to locate a copy of the original survey that was the basis for the statute description of Cherokee County. An extensive search for the map was conducted within the Register of Deeds offices for Cherokee, Spartanburg, Union and York counties; local and state libraries; museums; the SC Department of Archives & History; with local historians and historical societies; and local surveyors. The original survey may have helped to resolve discrepancies in the statute, which were found when applying the statute metes and bounds to reestablishing the Cherokee-Spartanburg boundary. Spartanburg County and Cherokee County maps, produced in subsequent years for proposed county annexation, districting, and highways, were obtained and reviewed. The depictions of the county line vary from map to map, sometimes by thousands of feet.



1972 SC DOT Highway Plans



1922 Proposed Annexation Map: Note the "N" leg of Limestone Township reads 10,612.8' versus the statute 7,708.8', a nearly 3,000' difference.



### MONUMENTS

The first evidence that the SCGS found of monuments, other than those described in the statute, came while reviewing the 1959 US Geological Survey (USGS) Cowpens Quadrangle. The map shows county monuments at the North Carolina/South Carolina border, Island Ford Road, Cudd Road, Battleground Road, and near Little Thicketty Creek (south of Cannons Campground Road). A monument was also shown on the 1969 USGS Pacolet Mills Quadrangle. Except for the Island Ford Road monument, all of the stone monuments found are granite, about 7 inches square and 3.5 feet long, and angled on one end. The Island Ford monument is also granite, but is about 4 x7 inches and 4.5 feet long. There is no inscription on any of the monuments to indicate when the monuments were set. Land records evidence indicates these monuments may have been set when the county was created.

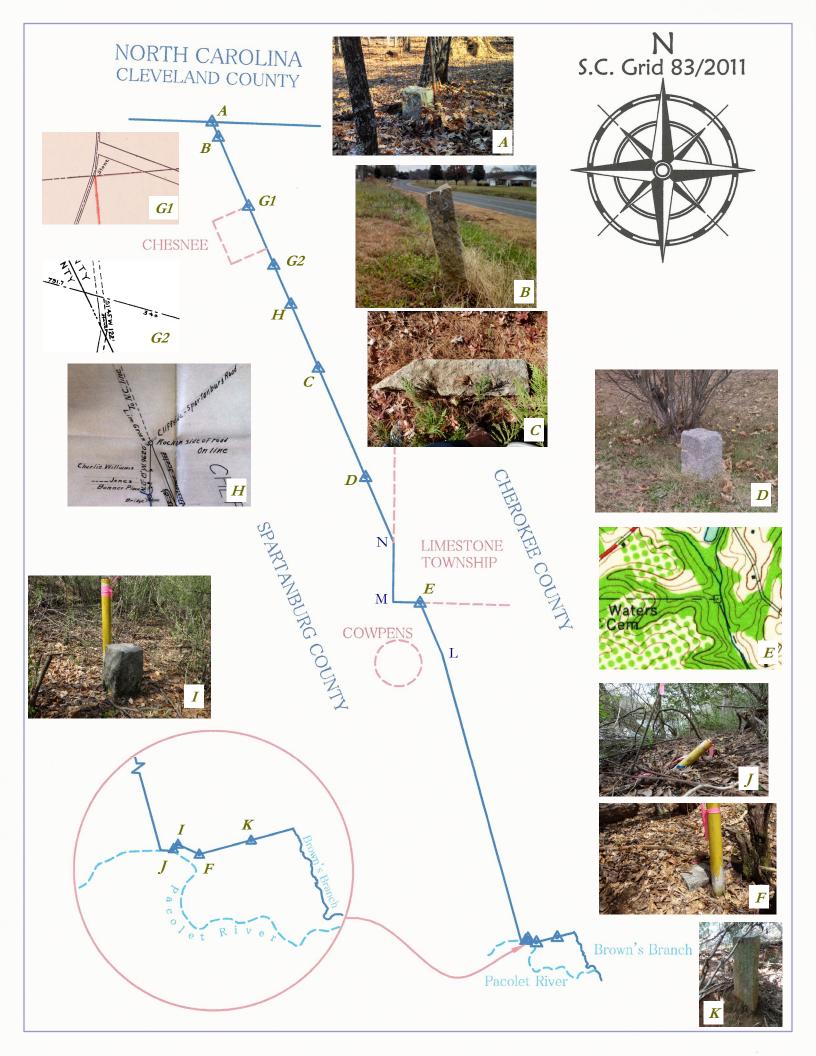
### A search for these monuments found:

- A. The North Carolina/South Carolina monument, still in place.
- B. The Island Ford Road Monument, still in place.
- C. The Cudd Road monument, found removed and discarded near the road.
- D. The Battleground Road monument, still in place.
- E. The Little Thicketty Creek monument, missing. Location was determined using parole evidence.
- F. Pacolet Mills monument, still in place. This is the "rock" described in the statute as being the northeast corner of the "Brown's Old Mill" property.

Evidence of additional monuments were found through research and field reconnaissance:

- G. Stones shown on a map of The Town of Chesnee, recorded in Spartanburg County Plat Book 15, pages 42-43. One stone located along Oconee Street and the other along Green Lake Road. A field search was performed and these stones were not found.
- H. A "rock" on the side of the Cliffside-Spartanburg Road (now Battleground Road in Spartanburg County and Piedmont Road in Cherokee County) shown on a 1922 proposed annexation survey for a portion of Spartanburg to be annexed to Cherokee County. A field search was performed for the rock and it was not found.
- I. A "rock" at the northwest corner of "Brown's Old Mill" property, still in place.
- J. A pipe reference marker along the western line of the "Brown's Old Mill" property.
- K. A monument, on the line from Brown's Branch to the northeast corner of "Brown's Old Mill," still in place.

The found monuments (A,B,C,D) described above, with the exception of the (F,I,J,K), fell on the N24°W line of the statute. There was no evidence found that granite monuments were set on the N16°W line of the statute. A field search was performed along existing and abandoned roadways, near the intersection of the statute line and no additional monuments were found.



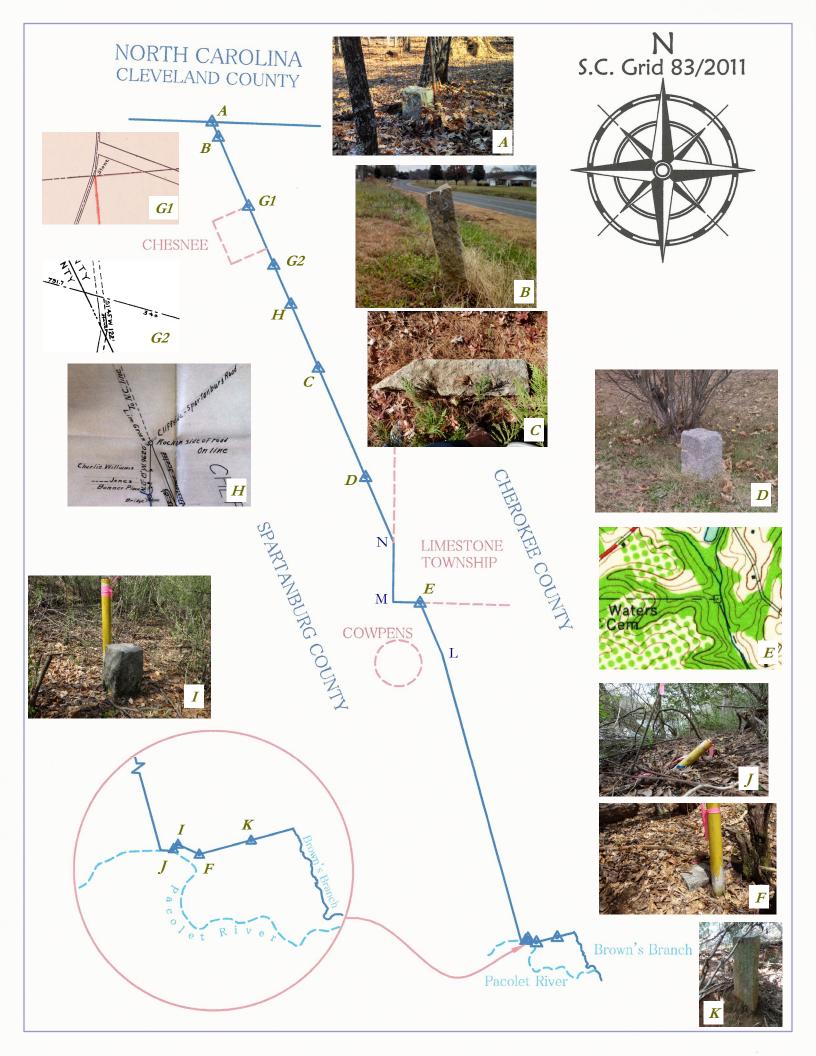
### THE LINE

Research was performed to establish the location of the 1896 property owners and houses of people referenced in the statute; near areas along the county line where there is a statutory change in direction; and where other monuments were evidenced. Other plats and deeds for properties along the line were researched to ascertain if there was a common perception of the county line location, through recent history.

- The SCGS was able to establish and position enough of the referenced residences to verify the re-established boundary.
- Plats show varied locations of the county line, sometimes changing hundreds of feet, on the same piece of land, surveyed by the same surveyor years later.
- Plats of property, where monuments are known to exist currently or have existed in the
  past, did not indicate these monuments on the plats. The two exceptions were surveys
  for the property at the North Carolina/South Carolina border, as the property was split
  into two parcels based on the county line; and the surveys of "Brown's Old Mill"
  property.
- On the majority of surveys, there was no clear evidence found that would support the county line as shown on those surveys.

### Property owners and surveyors were interviewed:

- Ronald Webber, who currently owns the property adjacent to Little Thicketty Creek, remembers a monument (E) on his property and stated that he first witnessed the monument as a boy, when his father purchased the property. He also stated that he had hit the monument several times while bush-hogging. Asked to describe the monument, he said it was about six to eight inches square and made of granite. Mr. Webber pointed out a region with a diameter of about thirty feet, as being the spot where he remembered the monument had been. A search and probe revealed nothing. The center of this was positioned. His memory of this monument's location was fifty feet west of a position scaled from the 1959 USGS Cowpens Quadrangle and about fifteen feet east of the projected N24°W line. Further inspection revealed a buried AT&T fiber optic line running through the same area. The AT&T line had been emplaced around 1988, around the same time Mr. Webber last remembers seeing the monument.
- Other property owners mostly pointed at the SC Department of Transportation (SC DOT) county line signs on the side of the roads to identify the county boundary. There were many stories of the signs having been moved, sometimes several hundreds of feet. The most extreme being about 1,800 feet from the re-established county line.
- All surveyors interviewed had worked on properties that straddled or were adjacent to the county line. In each instance, the reply was pretty much the same... the surveyors had scaled the line from the best resources they had available, quadrangle maps, previous surveys, assessor maps. None of the surveyors interviewed claimed that their interpretation of the line was an accurate representation based on physical evidence. The majority of surveys noted the county line as "approximate."



### THE LINE

Field surveys were performed on the South Carolina State Plane Coordinate System to:

- Position the found monuments.
- Position property boundaries as shown on The Town of Chesnee map. This allowed fairly accurate scaling of the stones shown on the map.
- Position the existing banks of the Pacolet River.
- Help determine the center of the Town of Cowpens as it existed in 1896.
- Position the chimney and foundation stones of J.G. Powell's dwelling.
- Search for evidence in areas that had not seen significant change in flora. (i.e. witness trees, witness stones, etc...)

Historical and current aerial photography, county tax maps, CAD, and GIS were used to verify and place properties and dwelling locations of the 1896 owners that are listed in the statute.

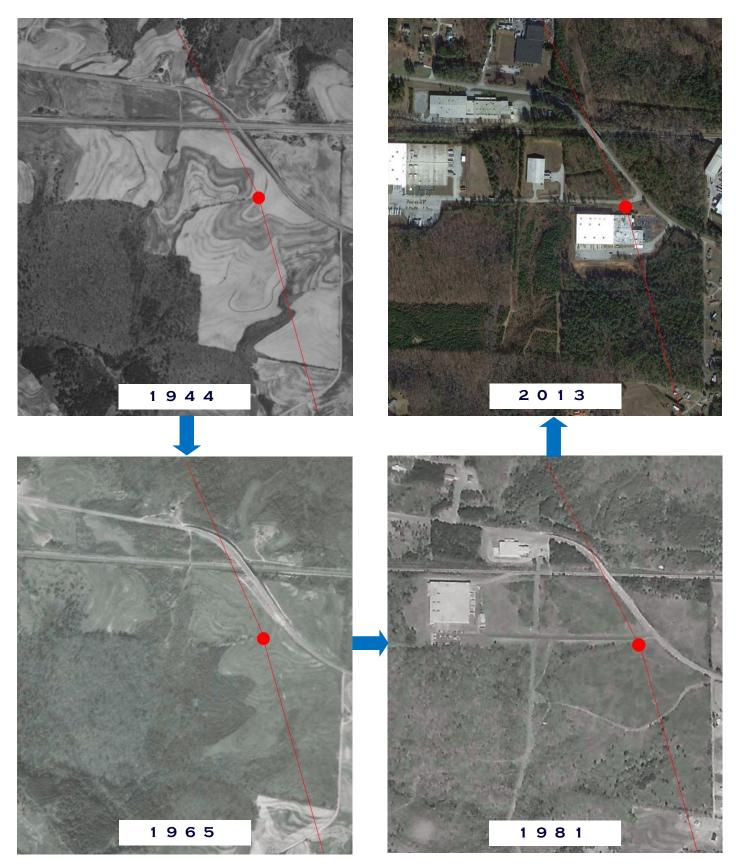
The magnetic declination for the 1896 survey was determined; but, National Geodetic Survey (NGS) declination tables claim accuracy to only within thirty minutes or half a degree. When surveying long distances, this introduces a substantial amount of error. Fortunately, the SCGS had located and positioned two monuments with enough distance between them that they could be used to determine the present grid bearing, and calculate a correction for the 1896 bearings. The monument located at the North Carolina South Carolina line (A) and the monument located along Battleground Road (D) were the two monuments used for this correction. The grid bearing between the monuments was within minutes of the magnetic declination in the NGS table. After this line was established, the monuments and other evidence were plotted and offsets were calculated to this line. The offsets are as follows:

- Island Ford Monument (B) field located 7.8' west of the line.
- Chesnee Map Monument North (G1) scaled location 6' east of the line.
- Chesnee Map Monument South (G2) scaled location 15' east of the line.
- 1925 Annexation Map Monument (H) scaled location 15' west of the line.
- Cudd Road Monument (C) field located 75' east of the line (This monument had been removed and discarded); scaled USGS map location 25' east of the line.
- The western-most foundation stone field located 2' east of the line; the fireplace of J.G. Powell's house field located 23' east of the line.
- Little Thicketty Creek Monument (E) positioned by parole evidence was 15' east of the line.

The relative accuracy of this line as compared to the scaled and located monuments gave the incentive to continue its use this as the basis of correction for the 1896 bearings.

### CHANGING LANDSCAPES

Proposed Corner (1)

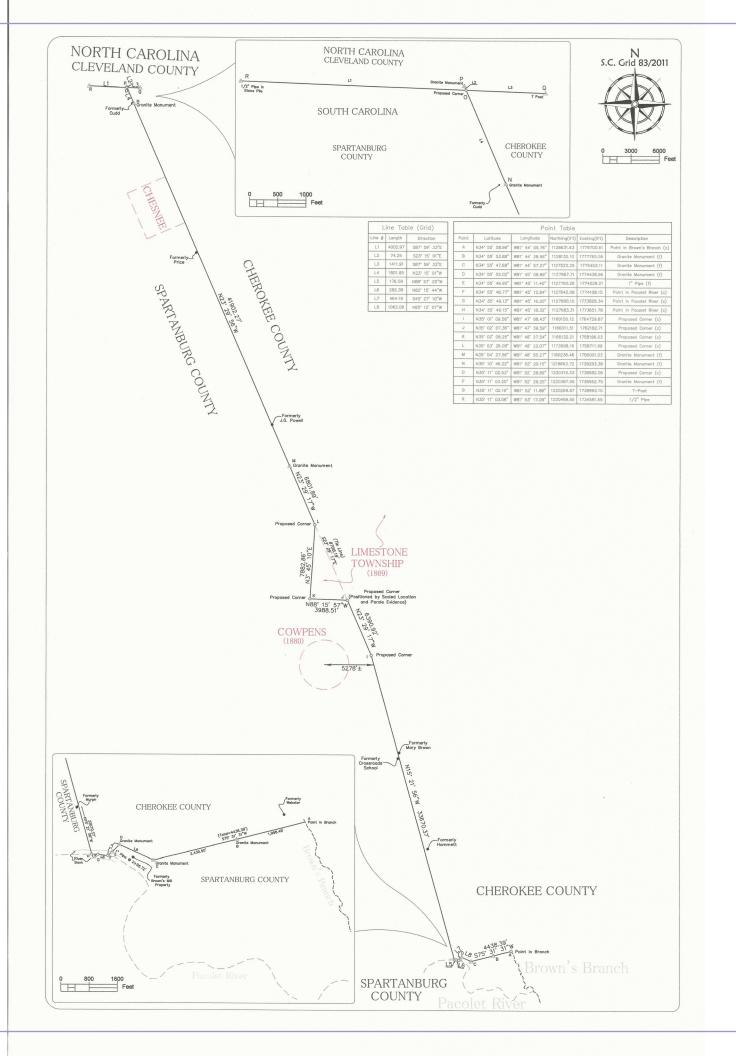


### THE LINE

A survey of the county line portion of "Brown's Old Mill" was completed. The measurement between the granite monuments (I and F) was roughly 26' longer than the statute distance; the monuments are being held for the re-establishment. It was also determined on the \$ 45 W line that the statute distance fell 25' short of the existing center of the river. The banks of the river were surveyed and the calculated offset of the statute center of river was used for purposes of additional mathematical calculations. The existing center of the Pacolet River has been honored and held as the county line for the re-establishment. The 1896 centerline was followed the statute distance "up stream", a point was determined, the bearing correction was applied to the statute bearing of N16°W, and a line was extended the statute distance of 509.8 chains (33,646.8'). The calculated end point of this line fell within 50' of the N24°W line, as it was projected from the North Carolina/South Carolina Line Monument (A) through the Battleground Road Monument (D). The line running north (N16°W) from the Pacolet River was rotated the 50', roughly 6.5 minutes to the east. In essence a bearing-distance intersection was performed. A search for monuments at the calculated point (L) revealed none, as the property has seen many uses in the past 108 years including timber, agricultural, and industrial. Presently a factory sits on the site. The statute references a stake being one mile east of the Town of Cowpens. An effort was made to re-establish the 1896 center of the Town of Cowpens to help verify the location of this point. Once the approximate 1896 center of Cowpens was established, a measurement east, to the rotated line, measured 5,277.7'; just three feet shy of the "mile" indicated in the statute. Further verification of the position of this line came with its positional relationship to Miss Mary Brown's residence and the Hammett School House. This calculated point (L) was held for the re-establishment.

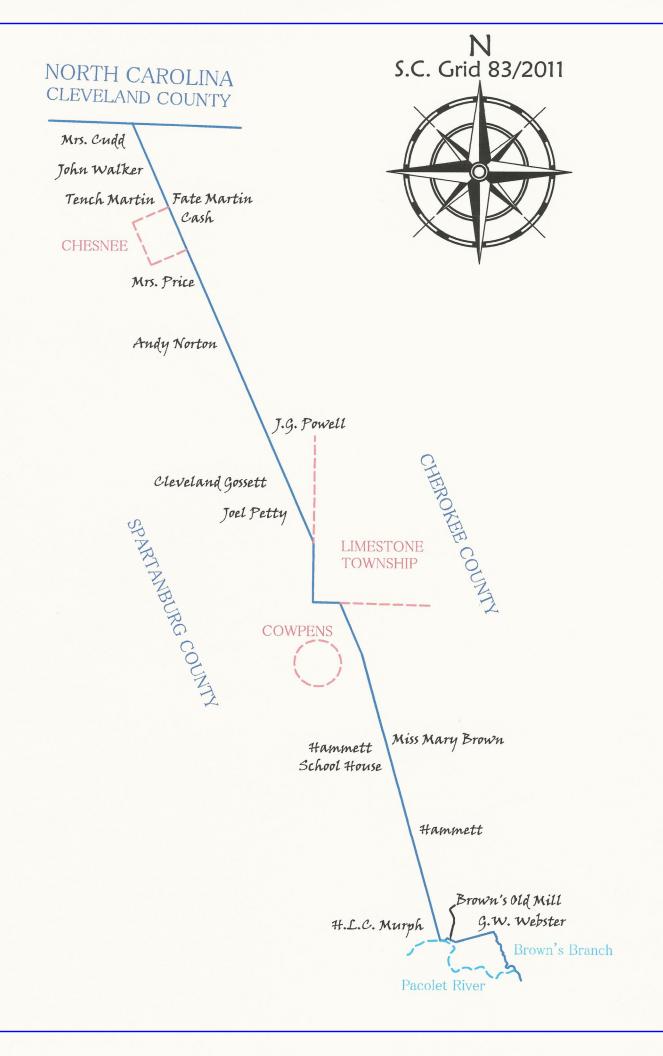
Using the bearing correction, a line was calculated from the "Brown's Old Mill" granite monument (F) 'til it intersected "Brown's Branch." A search was performed along the line and a monument (K) was found near an abandoned portion of the Cowpens-Pacolet Road. SCDOT had re-aligned the Cowpens Pacolet Road. The monument (K) was only 1.5' south of the calculated line at about 2,440' from monument (F) and only one minute of angle off the corrected bearing. A survey was performed on "Brown's Branch" and the centerline was determined. This section of line was then rotated to match the found monument and then extended to the surveyed centerline of "Brown's Branch" and held for the re-establishment.

Probably the most difficult portion of this project has been the re-establishment of the 1869 Limestone Township lines. Based on field work and research, the SCGS has determined that the worst error present in the statue description lies in this area. A field search was performed to find the original southwest township corner or evidence of the township lines, but no physical evidence was found. Measurements were made from Epton and Sloan's 1869 Map showing Spartanburg County's twelve townships. It appears that this map has miles of error on the township lines. After overlaying the 1869 measurements on aerial imagery, it was realized that the scaled lines were in agreement with the USGS's interpretation of the township lines, as shown on the historical USGS quadrangle maps; which in turn appear to be relative to where Spartanburg and Cherokee counties show the line. Further evidence has shown the Little Thicketty Creek Monument (E) having been placed on the Limestone Township line and the re-establishment of that line agrees with the location of that monument. Therefore the gap between the counties' GIS lines was split evenly and held for the re-establishment, thus reducing impact and disruption in that region of the line. Points were calculated at (M) and (N).



### THE RE-ESTABLISHED LINE

Beginning at a point in Brown's Branch at N1128631.63, E1779700.61 (NAD 83/2011); thence running \$75°31'31"W for a distance of 4,438.39 feet to a granite monument at N1127522.25, E1775403.11 (NAD 83/2011); thence running N65°12'07"W for a distance of 1,062.08 feet to a granite monument at N1127967.71, E1774438.96 (NAD 83/2011); thence running \$45°27'10"W for a distance of 464.19 feet to a point in the center of the Pacolet River at N1127642.08, E1774108.15 (NAD 83/2011); thence running along the center of the Pacolet River N82°15'44"W for a distance of 282.38 feet to a point in the center of the Pacolet River at N1127680.10, E1773828.34 (NAD 83/2011); thence running along the center of the Pacolet River N88°57'25"W for a distance of 176.59 feet to a point in the center of the Pacolet River at N1127683.31, E1773651.78 (NAD 83/2011); thence leaving the Pacolet River and running N15°21'56"W for a distance of 3,3670.37 feet to a corner at N1160150.12, E1764729.87 (NAD 83/2011); thence running N23°29'17"W for a distance of 6,390.92 feet to a corner at N1166011.51, E1762182.71 (NAD 83/2011); thence running N88°15'57"W for a distance of 3,988.51 feet to a corner at N1166132.21, E1758196.03 (NAD 83/2011); thence running N03°45'10"E for a distance of 7,882.86 feet to a corner at N1173998.16, E1758711.99 (NAD 83/2011); thence running N23°29'17"W for a distance of 6,801.89 feet to a granite monument at N1180236.46, E1756001.03 (NAD 83/2011); thence running N23°29'56"W for a distance of 41,902.27 feet to a granite monument at N1218663.72, E1739293.38 (NAD 83/2011); thence running N23°15'01"W for a distance of 1,801.95 feet to a corner on the North Carolina/South Carolina State Line at N1220319.33, E1738582.06 (NAD 83/2011).



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Cash3	7
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S.C. Grid 83/2011 NORTH CAROLINA CLEVELAND COUNTY Mrs. Cudd John Walker Tench Martin Fate Martin Cash CHESNEE Mrs. Price Andy Norton J.G. Powell Cleveland Gossett Joel Petty LIMESTONE **TOWNSHIP** COWPENS Miss Mary Brown Hammett School House Hammett Brown's Old Mill G.W. Webster H.L.C. Murph Brown's Branch Pacolet River

...beginning at the mouth of Brown's Branch and running up branch 76.60 chains to near where G. W. Webster now lives or formerly resided, placing his present or former residence in new county;... (applicable portion of statute)



Brown's Branch

### BROWN'S BRANCH

Brown's Branch, a natural boundary, was used in the statute to separate the counties. The banks of the branch were surveyed and the existing center of Brown's Branch has been honored and held as the county line for the re-establishment. Brown's Branch is named Brown's Creek on several maps and is also shown as Bowen's Creek on a 1942 General Highway and Transportation Map of Cherokee County.

### G.W. WEBSTER

References to G.W. Webster were difficult to find. The SCGS uncovered a mortgage document from William Webster for 288 acres, North and South of the Pacolet River known as Trough Shoals Plantation (also known as Troft Shoals). It is believed that this is the Webster property along Brown's Branch. A field search of the area adjacent to the re-established county line and Brown's Branch found the ruins of a dwelling believed to have been G.W. Webster's home place along an abandoned road bed. G.W. Webster's name also appears on a historical marker in the town of Gaffney, as he had served as an alderman for the town.



George W. Webster's Tombstone Oakland Cemetery, Gaffney



Ruins of the Webster Home

S.C. Grid 83/2011 NORTH CAROLINA CLEVELAND COUNTY Mrs. Cudd John Walker Fate Martin Tench Martin Cash CHESNEE Mrs. Price Andy Norton J.G. Powell Cleveland Gossett Joel Petty LIMESTONE TOWNSHIP **COWPENS** Miss Mary Brown Hammett School House Hammett Brown's Old Mill H.L.C. Murph G.W. Webster Brown's Branch Pacolet River

...to rock N. E. corner lot of property now or formerly owned by Pacolet Manufacturing Company at Brown's old mill; thence N. 63° W. 15.70 with line of said lot to rock; thence S. 45° N. 5.73 to maple; thence same course 87 links to Pacolet River; thence with said river upstream 7.36 to stake on Pacolet; thence N. 16° W. property now or formerly owned by H. L. C. Murphy in old county... (applicable portion of statute)



Abandoned Road Leading to Old Mill Site

### BROWN'S OLD MILL

Pacolet Manufacturing Company purchased the mill site from E.P. Brown in 1882, Spartanburg County Deed Book TT, page 574. The property is also shown on a plat of survey for Pacolet Manufacturing Company's Brown's Old Mill Tract, by Dan E. Collins, dated October 19, 1964 and recorded in Plat Book 49, page 70, as well as a survey of the property of Deering Milliken, Inc., by Neil R. Phillips, dated May 27, 1974, revised December 22, 1975. The SCGS has recovered the rocks called for in the statute. A portion of this property was flooded when a dam was built to supply water to the factory downstream. Physical evidence of a road and monuments, along the river (Deed Book TT, page 574), have been lost or obliterated due to the flooding.

### PACOLET RIVER

The Pacolet River, a natural boundary, was used in the statute to separate the counties. After a survey of the county line portion of "Brown's Old Mill" was completed, it was determined that the statute distance fell very near the center of the river +/- 25'. The banks of the river were surveyed and the offset of the statute center of river, as calculated, was used for purposes of further mathematical calculations. The existing center of the Pacolet River has been honored and held as the county line for the re-establishment.



Pacolet River



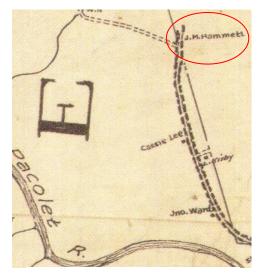
Granite Structure

### H.L.C. MURPHY (H.L.C. MURPH)

Hamlet L.C. Murph purchased two tracts of land from the E.P. Brown Estate before the establishment of Cherokee County. The tracts purchased lie on both sides of the county line. After reviewing the US Department of Agriculture (USDA) 1921 Soil Map, the USGS 1947 Spartanburg Quadrangle Map, and USDA historical aerial photographs, a location of H.L.C. Murph's homestead was determined. A search on the ground for evidence of the home site found an unidentified granite structure. The re-establishment leaves H.L.C. Murph's residence in the "old county," i.e. Spartanburg County. (Spartanburg County Deed Books: KKK, page 198, GGG, page 517, and RR, page 182)

S.C. Grid 83/2011 NORTH CAROLINA CLEVELAND COUNTY Mrs. Cudd John Walker Tench Martin Fate Martin Cash **CHESNEE** Mrs. Price Andy Norton J.G. Powell Cleveland Gossett Joel Petty LIMESTONE **TOWNSHIP COWPENS** Miss Mary Brown
Hammett Hammett School House Brown's Old Mill G.W. Webster H.L.C. Murph Brown's Branch Pacolet River

..., property known as Hammett property in new county, Hammett School House near crossroads in old county, property now or formerly owned by Miss Mary Brown in new county ... (applicable portion of statute)



Portion of 1927 Stribling Map

### HAMMETT

No first name given for "Hammett", in the statute. Many Hammetts lived in the area near the county line. It is believed that the "Hammett" referred to was J.M. Hammett. A Map of Spartanburg County, by H. Stribling, C.E., copyrighted 1911, shows "J.M. Hammett" near the intersection of Hammett Road and Hammett Grove Road. The property of J.M. Hammett was on both sides of the re-established county line, but his residence was statutorily in the new county. The dwelling appears on a map of survey for John E. Hammett, by W.N. Willis Engrs, dated February 20, 1973 and recorded in Spartanburg Plat Book 70, pages 450-451. The residence was either demolished or removed from the property; but 1944 USDA aerial imagery shows the dwelling and agrees with the location as shown on the 1973 survey. The re-establishment places the residence location in Cherokee County. The GIS lines from Cherokee and Spartanburg counties place the residence in Spartanburg County, which is contrary to the statue.

### HAMMETT SCHOOL HOUSE

The Hammett School House, also known as the Crossroads School, appears on several maps. In 1954, Spartanburg School District #3 sold the property to L.M. Threadgill (Spartanburg County Deed Book 20-K, page 20 and Plat Book 30, page 525). It is believed that the current residence on the lot is the original school house with renovations and additions. This building remains in the old county, which agrees with the statute.



Residence at Hammett School House Site



Brown House

### MISS MARY BROWN

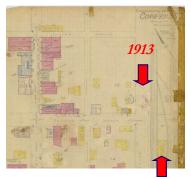
Miss Mary Brown was willed the estate of A.U. Brown in 1895 and it was to be distributed equally among her children at her death (Spartanburg Probate Box 61, Package 66). Miss Mary Brown's property is shown on a plat of the A.U. Brown Estate, by Jno. M. Jenkins, dated December 4, 1930. Her name also appears as an adjacent owner on a plat by Thos. D. Ladshaw, dated August 5-11, 1910 recorded in Cherokee County Vol. N, page 18 and Spartanburg County Plat Book 81, page 47. Miss Mary Brown's home is shown on a plat of survey for Page Lee, by Tripod Land Surveying, P.A., dated 9/10/2013—11/5/2013 and recorded in Cherokee County Plat Volume 64, page 2685. The re-establishment of the county line leaves the house in the "new county," i.e. Cherokee County. The GIS lines from Cherokee and Spartanburg counties place the residence in Spartanburg County, which is contrary to the statue.

S.C. Grid 83/2011 NORTH CAROLINA CLEVELAND COUNTY Mrs. Cudd John Walker Tench Martin Fate Martin Cash CHESNEE Mrs. Price Andy Norton J.G. Powell Cleveland Gossett Joel Petty Miss Mary Brown Hammett School House Hammett Brown's Old Mill G.W. Webster H.L.C. Murph Brown's Branch Pacolet River

...,509.80 chains to stake 1 mile east of town of Cowpens; thence N. 24° W. 64 chains to line of Lime Stone township; thence west with Lime Stone township 80 chains to southwest corner of said township; thence N. 116.80 chains with line of Lime Stone township to mark line running N. 24° W ... (applicable portion of statute)



1896 Depot (August 4, 2014)



1896/1897

Portion of Cowpens Sanborn

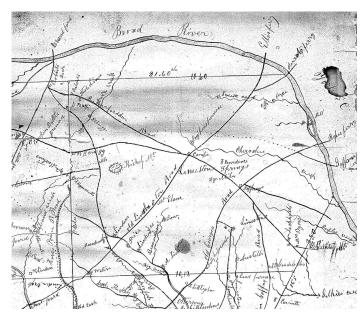
Map

### COWPENS

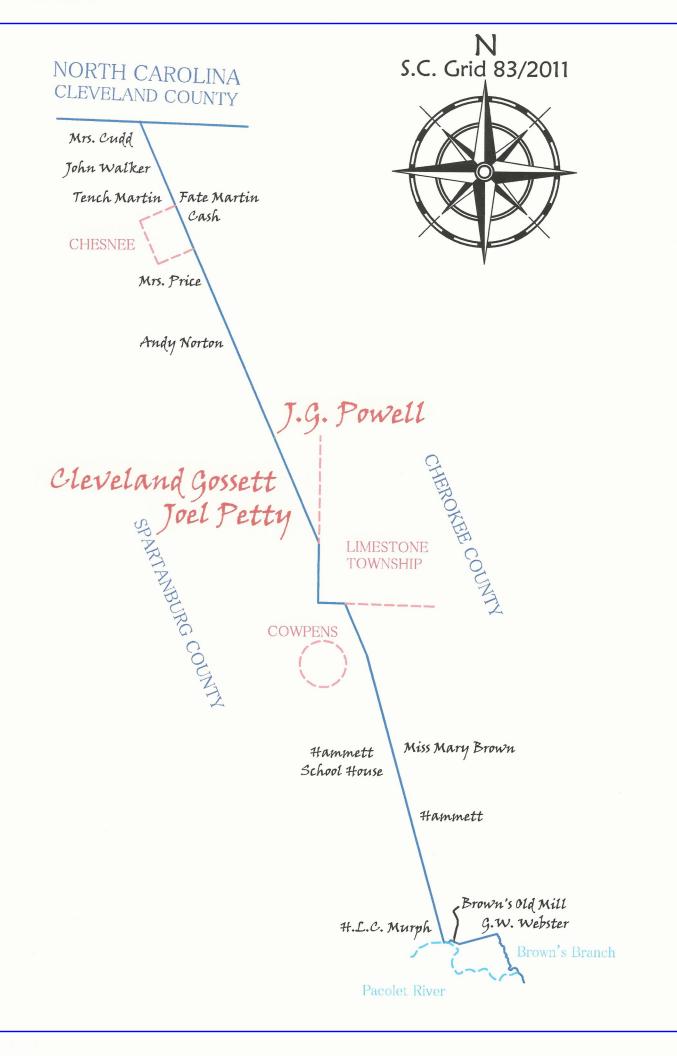
Cowpens was initially incorporated, by Act No. 230, on February 20, 1880. As defined in the act, the "corporate limits shall extend one half mile in every direction from the railroad depot in said town." In 1899, a vote was held and the center was changed to "be the point of intersection of the middle of Cowpens Street with the middle of Third Avenue." The act creating Cherokee County was passed more than two years before the 1899 change to the center of Cowpens. Therefore, the location of the original depot, built in 1874, is the center point and would be held as the tie for the re-establishment of the county line. Research was performed to establish the original depot's location. The SCGS found that subsequently two other depots were built. The second depot, a combined passenger and freight depot, was built in 1896/1897 and still stands today, although it was moved one block south in 1982 to its current location. The third depot was built in 1913 and was reported to have been demolished in 1937, although the 1944 USDA historical aerial photography and a portion of town map, Cowpens, SC, copied March 5, 1953, reveal the depot still standing. The SCGS was told that the 1913 depot was built on the site of the original 1874 depot by Ms. Brenda Adair and Mr. Bobby Dowis. The 1874 depot position was reestablished using an unpublished Sanborn Fire Insurance Map, titled "Cowpens" dated December 23, 1929, and revised in 1955 and 1957, and surveying techniques. On the Sanborn Map the 1913 depot was taped over (removed from the map) in one of the revisions, but was still visible when the map was back lit.

### LIMESTONE TOWNSHIP

Act No. 66 dated September 26, 1868, 'An act to organize townships, and to define their powers and privilege,' directed county commissioners to divide the counties into townships, to establish their boundaries, and to designate the name of each. Stipulation for monuments to be set at the corner of each township was included in the act. Spartanburg was split into twelve townships by a survey by John Epton and J.F. Sloan dated February 22, 1869. Limestone Springs Township, later to be known as Limestone Township, was one of the twelve. Act No. 205 of January 19, 1870, repealed the township act of 1868, "except that portion of the same fixing the number, names and boundaries of the respective townships of the respective counties."



Portion of the 1869 Epton and Sloan Spartanburg County map with townships (Limestone Springs shown)



...thence N. 24° W., leaving property now or formerly owned by Joel Petty and property now or formerly owned by Cleveland Gossett in old county, passing through house now or formerly occupied by J. G. Powell, ... (applicable portion of statute)



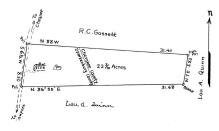
Joel Petty's Tombstone Corinth Baptist Church Cemetery, Gaffney

### JOEL PETTY

Several entries for Joel Petty were found in both counties' Register of Deeds offices and Probate offices. The SCGS was unable to place Joel Petty's residence along the county line. It appears that it would have been south/southeast of the monument on Battleground Road based on the order of names in the statute as it progresses northwestward along the line.

### **CLEVELAND GOSSETT**

Robert Cleveland Gossett appears to have owned several parcels of land on both sides of the re-established county line. The majority of the property the SCGS was able to find near the county line is in Spartanburg County west of Battleground Road (SC Hwy. 110) and southwest of Double Branch Road. Gossett's name appears as an adjacent owner for property east of Battleground Road and south of Quinn Trail (Spartanburg Plat Book 11, page 74; Plat Book 11, page 51).



1930 Gossett Plat showing county line



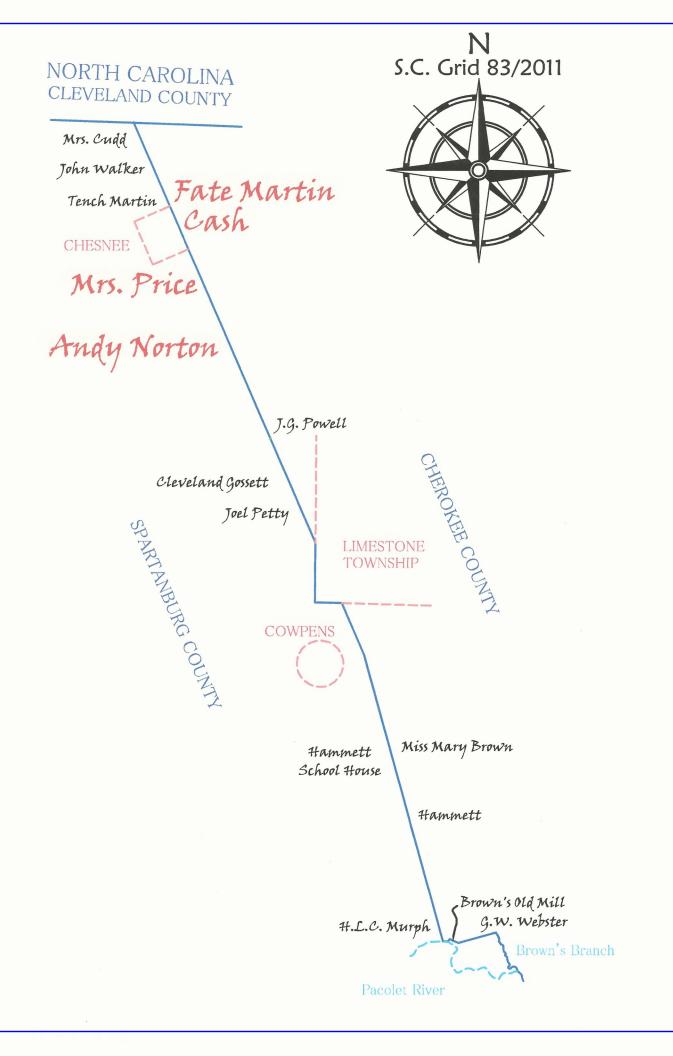
*Fireplace* 

### J.G. POWELL

J.G. Powell purchased 116 acres from S.L. Turner in 1887 (Spartanburg County Deed Book 4-B, page 605). In 1905 he sold 65 acres to Geo. D. Pryor and 51 acres to R.A. Daniel (Spartanburg Deed Books 4-H, pg. 17 and 4-Y, page 578). This property was intersected by a highway, which has since been abandoned. Aerial photographs revealed an old storage building, also abandoned. A ground search in the area of the old storage building revealed the ruins of the J.G. Powell dwelling. The fireplace and some old foundation stones were located. The exact size of the dwelling is unknown, but the fireplace measures around twenty feet perpendicularly to the re-established county line and one of the foundation stones is within a few feet of the re-established line.



Foundation Stone



... leaving the property now or formerly owned by Andy Norton in Spartanburg County, also house now or formerly owned by Mrs. Price, placing the house now or formerly belonging to Cash and the house now or formerly owned by Fate Martin in new county, ... (applicable portion of statute)

### **ANDY NORTON**

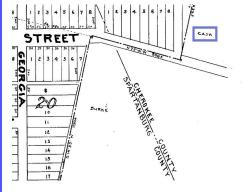
The SCGS was unable to find any record of Andy Norton in Spartanburg County or Cherokee County.

### MRS. PRICE

Without a first name it was difficult to find which Mrs. Price the statute refers. However, the name Tilden Price appears on the 1909 Map of Chesnee revisions in 1939, which coincides with the order of names in the statute progressing northwestward along the line. This helped to narrow the search, and research found the property to be in the Price name at the time of the original 1896 Cherokee County survey. The property is in both Spartanburg and Cherokee counties, but USDA historical aerial imagery shows a dwelling that was removed around 2009, in the "old county," i.e. Spartanburg.



Price House (USDA 1938 Aerial)



Portion of 1909 Chesnee Map, with 1939 revisions

### CASH

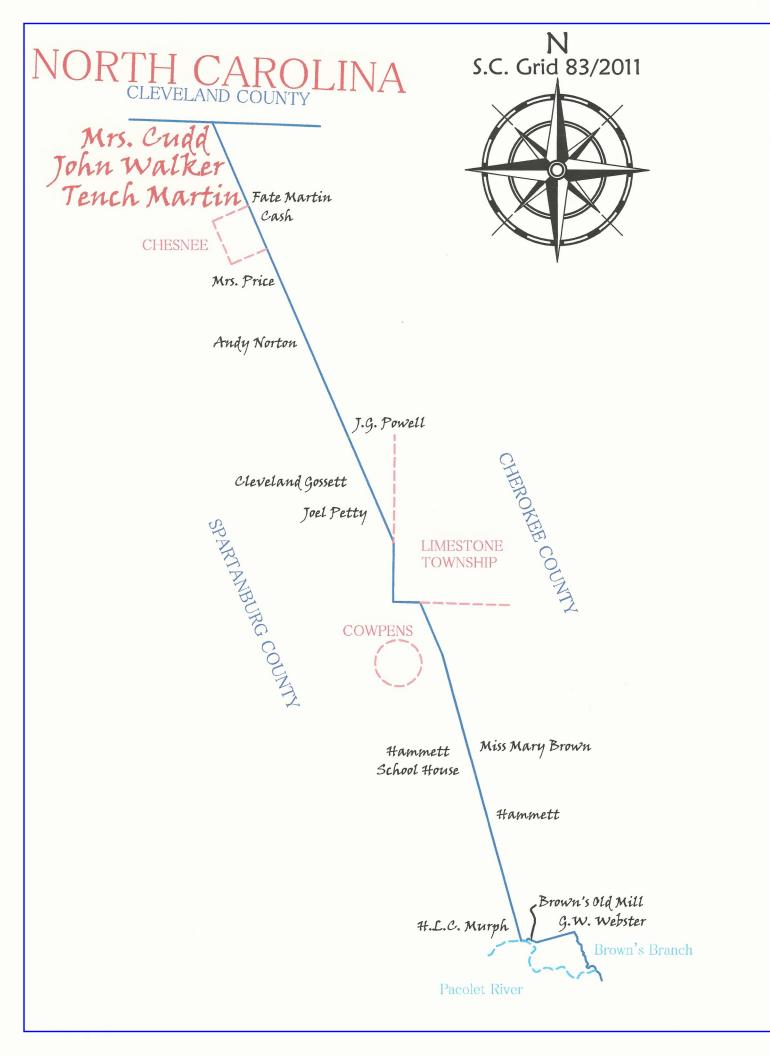
There was quite a bit of Cash property along this portion of the county line. Again, without a first name, it is very difficult to narrow down which Cash it was or where the Cash residence was located. As with the Price name, the name Cash appears on the 1909 Map of Chesnee revisions in 1939, which coincides with the order of names in the statute progressing northwestward along the line, and was in the "new county," i.e. Cherokee. Columbus Cash sold roughly 227 acres to the Chesnee Land Company in 1909.

### FATE MARTIN

Marcus LaFayette "Fate" Martin had the distinction of being the "Last Spartan Vet", according to the Spartanburg Herald-Journal on December 7, 1944. The SCGS performed a search in the Register of Deeds and Probate offices for Cherokee and Spartanburg counties. Deeds containing Martin's name were found, but the property descriptions were not detailed enough to make a determination of the location of Martin's residence.



37



..., passing through the storeroom now or formerly belonging to Finch Martin, but leaving his present or former dwelling house in old county, leaving properties now or formerly owned by John Walker and Mrs. Cudd in Spartanburg County, 785.65 chains to stake on North Carolina line; ... (applicable portion of statute)



Foundation

### FINCH MARTIN (TENCH MARTIN)

Research revealed that Tench (T.C.) Martin bought 54.2 acres of land along or near the section of the county line that Chesnee would eventually border. He sold his land to G.W. Bonner, who in turn sold the "Martin tract" to the Chesnee Land Company. The 1938 USDA aerial imagery reveals a dwelling and storage building on the suspect property. A field search found the resident foundation intact and the majority of it replaced with concrete block, but under and adjacent to the chimney the original foundation stones still exist. The foundation ruins are Spartanburg County.

### JOHN WALKER

The SCGS was able to locate a number of references to properties in the name of Jno. Walker, John Walker, and J. Walker in the offices of the Register of Deeds and Probate offices for both counties. Several were reviewed and it was determined that they were not detailed enough to place the properties at or near the county line.



John Walker's Tombstone Arrowood Baptist Church Cemetery, Chesnee



### MRS. CUDD

After researching the property at the North Carolina-South Carolina border, it was found that the property was owned by Mrs. Mary Cudd at the time of the formation of Cherokee County. In 1900 the property was divided along the line separating Cherokee and Spartanburg counties. The residence is located in Spartanburg County, which agrees with the statute.

**Cudd House** 

### NORTH CAROLINA LINE

The SCGS was able to locate the stone set for the county line, near the North Carolina-South Carolina border. After positioning the granite marker and comparing it to the 2013 re-survey and reestablishment of the North Carolina-South Carolina border, it was discovered that the stone is around fifty-seven feet into North Carolina. The re-established North Carolina-South Carolina border will be honored with a tie made to the stone.



Granite Boundary Marker north of NC-SC border

SOUTH CAROLINA 1.946 REGULAR AND FIRST EXTRA SEA AGTS JOINT RESOLUTI A3 5.86-2 ACTS
AND
JOINT RESOLUTION
SOUTH CAROLINA 1945 SESSIONS A C T S S. C. 1944 5 85-7 OUTH CAROLINI 1943

### REFERENCES

- Act No. 66, An act to define the jurisdiction and duties of county commissioners., 1868, *in* Statutes of South Carolina, vol. XIV, The Constitution of South Carolina, adopted April 16, 1868, and the Acts and Joint Resolutions of the General Assembly, passed at the Special Session of 1868: Columbia, S.C., John W. Denny, Printer to the State, p. 128-135.
- Act No. 205, An act to repeal an act to organize townships and to define their powers and privileges., 1870, in Statutes of South Carolina, vol. XIV, Acts of the General Assembly of South Carolina, passed at the Regular Session which was begun and held at the city of Columbia, on the fourth Tuesday in November, A.D. 1869, and was adjourned, without day, on the first day of March, A.D., 1870: Columbia, S.C., John W. Denny, Printer to the State, p. 128-135.
- Act No. 345, An act to establish Cherokee County., 1897, in Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1897: Columbia, Charles J. Calvo, Jr., State Printer, p. 588-595.
- Cherokee County, location and boundaries, 1902, *in* Code of Laws of South Carolina, 1902. Volume I. The Civil Code., Sec. 538: Columbia, S.C., The State Company, State Printers, p. 230.
- Spartanburg County, location and boundaries, 1902, *in* Code of Laws of South Carolina, 1902. Volume I. The Civil Code., Sec. 565: Columbia, S.C., The State Company, State Printers, p. 242.
- Cherokee County, 2013, in Code of Laws of South Carolina, Sec. 4-3-110: consulted The 1976 Code of Laws updated through the 2013 Session of the General Assembly, <a href="http://www.scstatehouse.gov/code/t04c003.php">http://www.scstatehouse.gov/code/t04c003.php</a> on November 21, 2014.
- Spartanburg County, 2013, in Code of Laws of South Carolina, Sec. 4-3-480: consulted The 1976 Code of Laws updated through the 2013 Session of the General Assembly, <a href="http://www.scstatehouse.gov/code/t04c003.php">http://www.scstatehouse.gov/code/t04c003.php</a> on November 21, 2014.
- Martin, J. D., 2002, Martin Martin The Family Lines: Greenville, S.C., Southern Historical Press, 785 p.
- Moss, B.G., 1972, The Old Iron District: Clinton, S.C., Jacobs Press, 390 p.



### DOCUMENTS

### **Spartanburg County Register of Deeds:**

- -Plat Book 11, p. 51; PB 11, p. 74; PB 70, pgs 450-451; PB 49, p. 70; PB 30, p. 525; PB 81, p. 47; DB RR, p. 465; PB 72, pgs 512-513; PB 41, p. 632; PB 82, p. 394; PB 17, p. 391; Deed Book OO, p. 370; DB KKK, p. 198; DB GGG, p. 517; DB RR, p. 182; DB QQQ, p. 31; DB TT, p. 574; DB OOO, p. 18; DB 4Y, p. 578; DB 4O, p. 394; DB 4Q, p. 189; DB 4U, p. 49.
- -Map of The Town of Chesnee, by W.N. Willis, dated 1909 revisions in 1939 recorded in Plat Book 15, pgs 42-43.

### **Cherokee County Register of Deeds:**

-Plat Book 64, p. 2685; DB N, p. 182; DB 5F, p. 606; Deed Book Z, p. 471; DB J, p. 425; DB B, pgs 779-780.

### **Unrecorded Plats:**

- -Plat of property of Deering Milliken, Inc., by Neil R. Phillips, dated May 27, 1974, revised December 22, 1975.
- -Plat of A.U. Brown Estate, by Jno. M. Jenkins, dated December 4, 1930.
- -Plat of property of G.W. & J.C. Duckett, by Wolfe & Huskey, Inc., dated April 10, 1975.
- -Plat of boundary survey for Frank L. Duckett, by Huskey & Huskey, Inc., dated November 18, 2003.

### Kennedy Room of Spartanburg County Library:

- -Map representing the County of Spartanburg, by Epton & Sloan, dated February 22, 1869.
- -Map of the County of Spartanburg compiled from Sloan and Epton's survey of 1869, by E.H. McCollough, dated 1887.
- -Map of Spartanburg County compiled from surveys of Public Roads, by H. Stribling, copyrighted 1911.

### **SC Department of Archives & History:**

- -Map of Chesnee, by W.N. Willis, dated November of 1909.
- -Plat of proposed annex of a section of Spartanburg County, S.C. to Cherokee County, S.C. surveyed by J.L. Stacy, S.M. Sifford, and A.P. Falls June 6-15, 1922, platted by S.M. Sifford June 19, 1922.
- -Map of portion of Chesnee School District in Cherokee County proposed for annexation to Spartanburg County, by J.B. Cash, dated August 5-7, 1925.

### University of South Carolina:

- -Cowpens 1929, revised 1955 and 1957, Unpublished, Sanborn Fire Insurance Company (South Caroliniana Library)
- -US Department of Agriculture Aerial Imagery (Thomas Cooper Library)
- -General Highway and Transportation Map of Cherokee County 1942 (Thomas Cooper Library)

### **United States Geological Survey:**

- -Spartanburg Quadrangle 1947, 15 Minute Series (Topographic).
- -Cowpens Quadrangle 1959, 15 Minute Series (Topographic).
- -Pacolet Mills Quadrangle 1969, 7.5 Minute Series (Topographic).
- -Chesnee Quadrangle, SC-NC, Provisional Edition 1993, 7.5 Minute Series (Topographic)
- -Cowpens, SC, Provisional Edition 1983, 7.5 Minute Series (Topographic)

### **United States Department of Agriculture:**

- -Soil Map, South Carolina Cherokee County Sheet, 1905.
- -Soil Map, South Carolina Spartanburg County Sheet, 1921.

### South Carolina Department of Transportation:

- -Plan and Profile of Proposed State Highway; F.A.P. No. RS-2028(2); File No. 11.447.
- -Plan and Profile of Proposed State Highway; F.A.P. No.289-A; Route No. 29.



### REPORT OF SURVEY

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Pacolet River

