

E. S. REST
 PROFESSIONAL CIVIL ENGINEER
 LICENSED LAND SURVEYOR
 202½ W. ERWIN ST.
 TYLER, TEXAS

3283

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GENERAL LAND OFFICE

Report on:

DEED OF ACQUITTANCE APPLICATIONS:

John P. Moseley,
 John Polk, and
 Heirs of Wm. B. Jordan

GOOD FAITH CLAIMANT APPLICATIONS:

W. D. Gibson, SF-15260, and
 Winnsboro Fishing & Hunting
 Club, Inc., SF-15261

Franklin and Hopkins Counties, Tex.

SURVEYOR'S REPORT

Hon. Bascom Giles, Commissioner
 General Land Office
 Austin, Texas

Dear Sir:

Here is my report on the John P. Moseley, John Polk, Heirs of Wm. B. Jordan, W. D. Gibson, SF-15260, Winnsboro Fishing & Hunting Club, Inc., SF-15261, and surrounding surveys in Franklin and Hopkins Counties, Texas, in connection with the above listed applications. A map is attached, showing original survey corners circled in red. Called bearings and distances are shown in vertical letters and actual bearings and distances in slant letters.

Before doing any ground work in this area, I prepared a patent and field note map from General Land Office Records. I made a study of this map as to the date and by whom the surveys were made, carefully noting all calls for adjoining lines and descriptions of witness trees at survey corners.

The purpose of this report is to show my procedure in locating the above listed surveys. These surveys will be discussed under separate headings.

JOHN P. MOSELEY SURVEY

The John P. Moseley Survey was laid down by H. W. Norton in January 1853. This survey is older than any of its adjoining surveys. The field notes of the John P. Moseley call to begin 530 varas north of the southeast corner of the M. Beebe League (not patented) and northwest corner of the Gray B. King League. I have accepted the occupied southwest corner, corner A on map, as the beginning corner because it agrees closely with its called distance north of the northwest corner of the Gray B. King League as established by occupation, and agrees with the subtractive called distance south of the branch along the lower part of the

west line of the Moseley. This corner also agrees with the occupied re-entrant corner of the junior Jas. S. Pippin Survey, also laid down by H. W. Norton in 1854.

At the northwest corner of the Moseley, corner B on map, I found a large pine stump which Mr. A. C. Ballard, an elderly man who has lived in this area for many years, pointed out as the stump of one of the original witness trees to the northwest corner of the Moseley. The field notes of the Moseley call for a pine and hickory at this corner. Mr. Ballard also stated that he could remember a well marked line and fence extending southwardly from this corner. At the present time, only one marked tree and a few signs of an old fence remain. A corner established by using this stump falls in the occupied lower south line of the Joseph Smith Survey. I have established the west line of the Moseley, line A-B on map, between this corner and the occupied southwest corner. This line agrees generally with occupation, but exceeds its called distance by 234.4 varas. You will note the two creeks along this line disagree considerably with their called distances, one being 190 varas off call and the other approximately 234 varas off call.

I have placed the north line of the John P. Moseley, line B-C on map, eastwardly from its northwest corner and in agreement with occupation. The W. A. Shinn Survey was laid down by C. E. Cowen in 1901. At the southwest corner of the Shinn I found a 20" post oak and at the southeast corner of the Shinn I found a 27" pine, both of which I consider to be the original trees called for in Cowen's field notes. The north line of the Moseley passes through these two original corners of the W. A. Shinn Survey. Corner C has been placed at the intersection of the north line of the Moseley with a well marked and occupied line running in a southerly direction. Line B-C exceeds its called distance by 19.3 varas.

I have placed the upper east line of the Moseley, line C-D on map, in agreement with a well marked and occupied line. This line is 22.9 varas excessive. I have placed the lower north line of the Moseley, line D-E on map, its called distance along occupation. I have placed the lower east line of the Moseley, line E-F on map, southwardly from corner E and in agreement with occupation along the lower half of this line. Line E-F is 236.1 varas excessive, and the branch called for in the Moseley field notes disagrees by 165 varas with its called distance. I have established the south line of the Moseley, line F-A on map, eastwardly from the occupied southwest corner of the Moseley and in agreement with the occupation along the western part of this line, to an intersection with the occupied east line. This line is 40.4 varas in excess of call.

In surveying the Moseley, I have respected the adjoining surveys and have not done violence to them. I have not done sufficient surveying to locate all of the McKenzie L. Payne, Samuel Raglin, B. Y. Ratliff, and Jno. Rabine Surveys, also laid down by H. W. Norton in 1853 and 1854, but the east lines of the Moseley agree closely with the occupation along the west lines of these surveys. As I have located the John P. Moseley, it contains 1,979.84 acres, or an excess of 116.27 acres. It is my opinion that the enclosed corrected field notes do not go beyond or exceed the area covered by the

original field notes of the John P. Moseley Survey.

JOHN POLK SURVEY

The John Polk Survey was laid down by J. S. McDonald in July, 1845. The field notes of the Polk call to begin at the northwest corner of the M. Beebe League and northeast corner of the T. M. Mora League, neither of which was patented or title. The John Polk is older than any of its adjacent patented surveys, except the Joseph Kimbell. The Joseph Kimbell was laid down by B. D. Kimbell in June 1844, and lies east of the northeast corner of the John Polk. There is no field note tie between the Polk and Kimbell. I did not find any of the original corners of the John Polk Survey and have, therefore, located it from occupation.

I have placed the east line of the Polk along the center line of a road. This road is the occupied line between the Polk and the L. D. Shearer, Minter Hedgecock and Joseph Kimbell Surveys. The L. D. Shearer and Minter Hedgecock were laid down by H. W. Norton in 1852 and 1853. Both of these two surveys were located from occupation and they agree fairly closely with their field notes. The southeast corner of the Polk was established at the intersection of this road with a fence running in a westerly direction and an old road leading in an easterly direction from the occupied southeast corner of the Polk. I have not done sufficient surveying to locate all of the Joseph Kimbell Survey, but have located the south line and the lower portion of the east and west lines as occupied. The field notes of the Hedgecock call for the Hedgecock north line to be coincident with the south line of the Kimbell. I have placed the northeast corner of the Polk at the intersection of the east line with a fence running in a westerly direction along the occupied north line. The east line of the Polk is 35.2 varas in excess of call.

I have placed the north line of the John Polk along a fence, extending from the occupied northeast to the occupied northwest corner of the Polk, the northwest corner falling in the center of a road. This line exceeds its called distance by 72.8 varas. I have not done sufficient surveying to locate all of the J. C. Taber Survey, laid down by H. W. Norton in April 1853, and the Walter L. Young Survey, laid down by S. G. Tomlinson in October, 1867. The field notes of the J. C. Taber call to begin at the northwest corner of the John Polk, and the field notes of the Walter L. Young call for its southwest corner to be coincident with the southeast corner of the J. C. Taber and its southeast corner to be in the west line of the Joseph Kimbell Survey. I have placed these corners in agreement with their adjoinder calls.

I have placed the west line of the Polk in a southerly direction from its northwest corner and in agreement with occupation along the north part of this line. I have placed the south line of the Polk in a westerly direction from its southeast corner, in general agreement with occupation. Thus established, the west line of the Polk is 64.3 varas excessive and the south line is 66.5 varas excessive. The Henry P. Barron Survey was laid down by J. S. McDonald in July, 1845, and the John S. Reed Survey was laid down by L. G. Harman in September, 1856. I have not done sufficient surveying to

locate all of the Henry P. Barron Survey, but have located all of the John S. Reed Survey, mainly from occupation. The Henry P. Barron field notes call to begin at the southwest corner of the John Polk. As I have established the southwest corner of the John Polk, it agrees with the call in the Barron field notes for this corner to be 73 varas east of a creek. I found the occupied northwest corner of the Reed to be 509 varas west of the southwest corner of the Polk, as called in the Reed field notes.

I do not believe the enclosed corrected field notes of the John Polk Survey go beyond or exceed the area covered by its original field notes. As I have located the Polk, it contains 680.82 acres, or an excess of 40.82 acres.

HEIRS OF WM. B. JORDAN SURVEY

The Heirs of Wm. B. Jordan Survey was first laid down by L. G. Harman in 1858. Harman's field notes were cancelled and a re-survey was made by Isham Russell in 1873. A patent was issued on Russell's field notes. The Jordan is a fill-in survey and calls for adjoinder with all adjacent surveys except the John P. Moseley and Wm. Sears.

The field notes of the Jordan call to begin at the northwest corner of the John G. Weems Survey. The Weems Survey was laid down by H. W. Norton in 1854. At the occupied northwest corner of the Weems, I found the remains of two stumps, one of which appears to be hickory and the other post oak or red oak. The field notes of this survey call for a hickory and black oak as witnesses to this corner and for the corner to be 112 varas north of the northeast corner of the Robert Earp Survey, also laid down by H. W. Norton in 1852. The two stumps agree with both bearings and distances recited for the original witness trees, and a corner set from these stumps agrees with the call to be 112 varas north of the northeast corner of the Robt. Earp, as established by occupation. I have accepted this corner as the original northwest corner of the Weems, and I have located the Weems by using this original corner and occupation. This survey agrees very closely with its field notes. I have placed line S-T along the north line of the Weems Survey, as called, and line T-U its called distance along the east line of the Weems Survey.

The Benjamin Reeves Survey was laid down by H. W. Norton in 1854. This survey calls to begin 600 varas north of the southeast corner of the John G. Weems Survey. I have accepted the occupied upper northwest corner, corner U on map, as the beginning corner because it agrees within 7 varas of its field note position. I have established the upper north line of the Reeves, line U-G on map, from its beginning corner and in an easterly direction in agreement with occupation to an intersection with the west line of the John P. Moseley Survey. The field notes of the Jordan call for its lower southeast corner, corner G on map, to be at Benjamin Reeves' northeast corner and "on the W. B. line of a survey in name of _____."

The east line of the Jordan does not call to adjoin the west line of the Moseley, but adjoinder is indicated from the call at Jordan's lower southeast corner. I have, therefore, placed the east line of the Jordan, line G-H on

map, along the west line of the Moseley, corner H falling at the intersection of the west line of the Moseley with an occupied line running in a westerly direction along the south line of the John L. Elder Survey. The east line of the Jordan is 22.2 varas short of call.

The John L. Elder, B. H. Elder and L. D. Shearer Surveys were laid down by H. W. Norton in January, 1853. These three surveys are tied together by adjoinder calls, beginning calls and identical trees at common corners and build from the southeast corner of the John Polk Survey.

These three surveys have been established from occupation and agree fairly closely with their field notes. You will note that H. W. Norton laid down the John P. Moseley Survey three days after he laid down the John L. Elder Survey. No adjoinder is called for in Norton's field notes of these two surveys and they do not join on the ground. I have, therefore, placed line H-I between the occupied northeast corner of the Jordan and the occupied southwest corner of the John L. Elder Survey. This line is 19.9 varas excessive. I have placed line I-J between the southwest corner of the John L. Elder and the southeast corner of the B. H. Elder, as called. This line is 27.8 varas short of call. I have established line J-K between the occupied southeast corner of the B. H. Elder and occupied southeast corner of the John Polk Survey, the southeast corner of the John Polk being the beginning corner of the L. D. Shearer Survey. This line is 11.5 varas in excess of call. Lines H-I, I-J, and J-K agree very closely with occupation.

I have placed line K-L between the southeast corner of the Polk and the upper northeast corner of the James S. Reed Survey. Thus established, line J-L is in close agreement with occupation, but is 140.1 varas excessive.

The John S. Reed Survey was laid down by L. G. Harman in September, 1856. I have established the north line and easterly south line of the John S. Reed Survey from occupation and have placed line L-M, being the upper east line of the John S. Reed, in agreement with the field note call for corner M to be 577 varas from the northwest corner of the Wm. B. Payne Survey. Thus established, line L-M is 30 varas excessive of the call in the Reed field notes and 4.5 varas excessive of the call in the Jordan field notes.

The Wm. B. Payne Survey was laid down by H. W. Norton in April, 1853. The field notes of the Wm. B. Payne Survey call to begin 330 varas north and 200 varas west from the northwest corner of the Robt. Earp Survey. I found the occupied beginning corner (southwest corner of survey) to be 334 varas north and 225 varas west of the northwest corner of the Earp. I have accepted the occupied southwest corner because of its age, and because it does not do violence to the adjoining surveys. I have established the Payne from this occupied corner, together with other occupation. I found the north line of the Payne to be 21.8 varas excessive. I have placed line M-N between the upper southeast corner of the John S. Reed and the northeast corner of the Wm. B. Payne, as called. This line is 127.8 varas in excess of call.

The S. S. Payne Survey was also laid down by H. W. Norton in April, 1853. This survey calls to begin at the southeast corner of the Wm. B. Payne. I have established the S. S. Payne from its beginning corner and it agrees very closely with its field notes. It also agrees with that portion of its north, south and west lines that are occupied, but disagrees slightly with occupation along the east line. I have placed lines N-O, O-P, P-Q, and Q-R along the lines of the S. S. Payne Survey, as called in the Jordan field notes.

The Wm. Sears Survey was laid down by H. W. Norton in February, 1854. This survey calls to begin at the northeast corner of the Robt. Earp Survey and calls for adjoinder with the Earp Survey on the south and the Wm. B. Payne Survey on the north. I have located the north line and easterly south line of the Sears coincident with the corresponding lines of the Payne and Earp Surveys. The upper east line was placed along occupation. I find the upper east line to be 14 varas excessive. The field notes of the Jordan do not call to adjoin the east line of the Wm. Sears, but the Jordan field notes do call for the southwest corner of the S. S. Payne and the northwest corner of the John G. Weems. I have, therefore, placed line R-S between these two corners. This line agrees with its called distance.

As I have located the Jordan, it contains 726 acres, or an excess of 15.39 acres. I do not believe that the enclosed corrected field notes go beyond or exceed the area covered by its original field notes.

W. D. GIBSON, SF-15260

WINNSBORO FISHING & HUNTING CLUB, INC., SF-15261

The oldest survey adjacent to these two Good Faith Claimants is the John L. Elder, laid down by H. W. Norton on January 1, 1853. At the northeast corner of the John L. Elder, which is also a re-entrant corner of the Joseph Smith Survey, I found a pine knot and iron pin set for corner. This corner agrees with the call in the Joseph Smith field notes to be 20 varas east of a branch. I have used this corner, together with occupation, to locate the John L. Elder. This survey, as occupied, agrees closely with its field notes. The east line, located in a southerly direction from the northeast corner, agrees generally with the occupation along this line, and is practically parallel with the west line.

The Joseph Smith Survey was laid down by H. W. Norton on February 15, 1854. I have placed the lower south line of the Smith along occupation and through the original northwest corner of the Moseley. This line agrees within 1/2 vara of its called distance south of the pine knot and iron pin at the re-entrant corner of the Smith.

The west line of the John P. Moseley Survey and the upper north line of the Heirs of Wm. B. Jordan Survey, lines A-B and H-I, respectively, on map, have been previously explained.

Your attention is called to the area between the east line of the John L. Elder Survey and the west line of the John P. Moseley Survey. Although these two surveys were laid down by the same surveyor within a period of four days, neither of these two surveys calls for adjoinder. After locating the Elder, Moseley, Smith and Jordan Surveys, as explained in this report, I find a possible vacancy exists between the east line of the Elder and the west line of the Moseley.

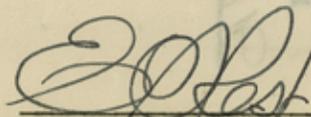
I am making this report of my actual findings on the ground in order that you may rule whether or not a vacancy exists and whether the attached field notes properly describe the same.

The south part of this possible vacancy, containing 5.41 acres, is occupied by the W. D. Gibson, SF-15260, and the north part, containing 2.96 acres, is occupied by the Winnsboro Fishing & Hunting Club, Inc., SF-15261.

SUMMARY

As I have located the John P. Moseley, John Polk, Heirs of Wm. B. Jordan, W. D. Gibson, SF-15260, and Winnsboro Fishing & Hunting Club, Inc., SF-15261, I have respected the adjoining surveys and have not done violence to them.

I, therefore, recommend that deeds of acquittance be issued on the John P. Moseley, John Polk and Heirs of Wm. B. Jordan Surveys, and that patents be issued on the W. D. Gibson, SF-15260 and Winnsboro Fishing & Hunting Club, Inc., SF-15261, incorporating the submitted field notes.



E. S. Rest
Licensed State Land Surveyor

ESR:A

