EXAMINERS REPORT

TO: Honorable J. Earl Rudder, Commissioner of the General Land Office

FROM: Victor E. Sterzing, Engineering Division, General Land Office

RE: B. S. & F. Surveys No. 3 and 4, Bex S-24615, Sch File 24949, Atascosa County, Texas

I have made a thorough examination of the General Land Office records relative to the A. B. & M. Surveys No. 115 and 116 and the B. S. & F. Surveys No. 1, 2, 3 and 4 in Atascosa County for the purpose of resolving the apparent discrepancies between B. S. & F. Surveys No. 3 and 4. My conclusions as reflected by the attached sketch (copy of which is being placed in the Atascosa County Rolled Sketches) are as follows.

The approved corrected field notes for B. S. & F.No. 4 are in conflict with A. B. & M. No. 116 by 174 varas. This conflict was not apparent to the General Land Office at the time the McCaleb field notes for the SE/4 of Sec. 4 were approved. For this reason, McCaleb calls to tie to the SW corner of A. B. & M. No. 116 rather than to the SE corner of B. S. & F. Survey No. 4, which corner is actually East of the SW corner of 116.

The patent was issued on McCalebs field notes for the SE/4 of B. S. & F. No. 4. This patent will conflict with B. S. & F. No. 3 and will also apparently cause a portion of Survey No. 4 to remain unpatented. These areas are designated on the sketch.

The construction of the sketch is based upon the following factors.

A. B.& M. Surveys 115 and 116 were surveyed February 6, 1876 by William Caruthers. Patents were issued on his field notes after first making three corrections in the field notes of 116, which had the effect of shifting the West line of said Survey 174 varas West. Caruthers certificate authorizing these corrections is dated 4/28/76 and was filed in Bex S-17011 February 2, 1877;

B. S. & F. Surveys No. 1, 2, 3, and 4 were originally surveyed by William Caruthers November 12 and 15, 1877. These field notes were cancelled on account of the acreage content being in error. Corrected field notes were written for these surveys on the same date as above and patents issued on Surveys 1, 2 and 3. The configuration of surveys No. 3 and 4 were changed and the width of Survey No. 1 was changed from 1081 varas to 964 varas in the corrected field notes. (The original surveys are shown in green on my sketch and the corrected approved surveys in heavy black lines.)

Surveys No. 115, A. B. & M. and No. 1, B. S. & F. are constructed from the NW corner of the Solomon Simmonds survey. Survey No. 115 begin in the N line of said Simmonds Survey 857 varas E of its NW corner. Survey No. 1 begins at the NW corner of the Simmonds.

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The Solomon Simmonds Survey was surveyed July 15, 1856 by William Caruthers.

The Albert Gallatin was surveyed October 30, 1856 by F. R. Potshinsky. This survey did not call for bearings at the East corner, merely calling for a stake in prairie.

The SE/4 of Survey No. 4, B. S. & F. was originally surveyed by W. H. Fountain February 5, 1886. The field notes called to tie to the original corners of surveys 3 and 4 and ran West 281 varas on the South line of A. B. & M. No. 116 to its SW corner. The Land Office rejected these field notes as they were believed to be in conflict with Survey No. 3. Fountain's field notes are delineated in blue on my sketch.

F. M. McCaleb submitted corrected field notes for the SE/4 of Section 4 in 1910 in which he supposedly corrected the conflict with survey no. 3. His field notes are delineated in red on my sketch.

Mr. James C. Adams made a re-survey of Survey No. 115, A. B. & M. in April 1955, for the purpose of securing a deed of acquittance. Mr. Adams appears to have located A. B. & M. Surveys No. 115 and 116 by their occupation, and his Atascosa County Rolled Sketch No. 18 reflects his survey which was approved August 31, 1955 by this office.

Mr. Caruthers filed a sketch in the Land Office September 7, 1878. (Sketch file no. 29). This sketch bears a certified statement by Mr. Caruthers as follows: "From the Solomon Simmonds NW corner by actual measurement to the East corner of the A. G Gallatin is N 83° 37' W 3043 varas". The tie calls on this sketch from the SW corner of Survey 116 A. B. & M. to the E corner of the Gallaton are W 585 N 337 and E 337--these calls are delineated on my sketch in black ink. This sketch also gives the distance from the NW corner, B. S. & F. No. 2 to the SW corner No. 116 as 452; this distance checks very closely between these points on my sketch.

Mr. Earl A. Dillon made a survey of the SE/4 of Sec. 4, B. S. & F. in March and April 1956. Mr. Dillon submitted a sketch to the Land Office upon which he has shown the results of his survey. This sketch was accompanied by a surveyor's report.

I have used Mr. Dillons sketch as a base map upon which I have delineated all of the previous mentioned surveys.

The heavy black lines on my sketch represent the accepted and patented lines for these surveys.

The West line of B. S. & F. No. 2 is placed in position relative to the 11 vara jog at the SE corner of Survey No. 3, which very closely fits this line as placed E 261 varas from the SW corner of A. B. & M. No. 116 before correction was made in that survey, i.e., South line 116 original 1467, corrected to 1641. This will give a reasonable amount of excess to surveys no. 1 and no. 2.

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Survey No. 3 was then constructed called distance from the NW corner of No. 2. The West line falling very closely to the fence line shown by Mr. Dillon as being McCalebs SE line of the Gallatin.

Survey No. 4 was constructed course and distance from the common calls with Survey No. 3. This construction will cause a conflict with A. B. & M. No. 116 of about 174 varas. The reason for this being the corrections in A. B. & M. No. 116, which corrections evidently were not compensated for in writing field notes for Survey No. 4 as evidenced by the fact that Mr. Caruthers calls the East line of No. 4 to be 2335 varas in distance and the West line of No. 116 to be 1900 varas. Further indication of this conflict is revealed by the next call in the field notes for survey no. 4 which is S 30° W 478 varas. It is impossible to get this call from the 1900 vara line as you will note from the sketch.

You will also note on my sketch the apparent conflict of the SE/4 of Sec. 4 and the A. Gallatin. This conflict is indicated from the placement of the Gallatin E corner by Caruthers Survey. A resurvey of the Gallatin might possibly result in finding the NE line of said Survey in a different location.

Respectfully submitted,

V. E. Sterzing

VICTOR E. STERZING
Engineering Division

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File No. 41

Atascosa County

Sketch File

Filed May 4 1956

J. EARL RUDDER, Com'r.

By V. C. Stallings

Report on construction of Office Sketch - B.S.&F. Surveys 1, 2, 3 & 4, A.B.&M. #115 & 116 (Rolled Sketch 20)

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Page 3 - Remarks Report

Survey No. 3 was then connected called distance from the NW corner of Survey No. 2. The West line of the same Survey to the fence line shown by Mr. Dillon as being McCleba SE line of the Callahan.

Survey No. 4 was connected and distance from the common calls with Survey No. 3. This connection will cause a conflict with A. B. & M. No. 116 about 174 varas. The reason for this being the corrections in A. B. & M. No. 116 which corrections evidently were not compensated for in writing field notes for Survey No. 4 as evidenced by the fact that Mr. Carruthers calls the East line of No. 4 to be 2353 varas in distance and the West line of No. 116 to be 1900 varas. Another line of conflict is revealed by the next call in the field notes for survey no. 4 which is S 30° W 478 varas. It is impossible to see this call from the 1900 varas line as you will note from the sketch.

Finding the NE line of said Survey in a different location.

Respectfully submitted,

VICTOR E. SPERLING
Engineering Division

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