

San Antonio, Texas,
August 6, 1941.

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

In re: Survey of Brooks County Land.

Dear Sir:

I herewith submit report of a survey made in July, 1941, pursuant to my employment by Richard G. Cage and Robert C. Cage, Independent Executors of the Estate of J. D. Cage, Deceased, and individually part owners of said tract, covering approximately 3275 acres of land immediately to the South of the Guadalupe del Encinal Grant to Leonardo Vargas in Brooks County, Texas. The purpose of the survey was to find the true ground location of the south line of the Vargas Grant and the tiers of surveys shown on map submitted herewith, lying to the south of the Vargas.

The occasion for this survey lies in the fact that the south line of the Vargas, (on the ground), instead of running due West 10,000 varas, runs South 88° 11' W. 10,538.4 varas from its established S.E. corner to its established S.W. corner.

To find the facts on the ground, the field notes of the various grants, surveys and patents were reviewed and a thorough and careful investigation made of the area in question. Several closed reconnaissance lines were carefully run and a diligent search made for old line marks, bearing trees and other natural objects called for, many of which were located as hereafter stated.

The Land Office records show the senior survey in the area is the El Tule Grant, made to Juan Jose Guerra, surveyed in July, 1868, by Felix Blucher, and patented in May, 1869, on his notes.

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Brooks Co. S. F. # 1

Counter 14560

Hon. Bascom Giles--2.

8-6-41.

Survey 141, A.C.H. & B. was made by Martin Van Merrick in June, 1876, and patent issued on his notes in the following December. This survey is located by course and distance from the S.E. corner of El Tule, the latter being identified by witness trees still on the ground and being a well established corner. Survey 141 has no adjoinder calls but its north boundary lies on a line running east from the S.W. corner of the Vargas showing that if the Vargas ran due east from its own S.W. corner according to its field notes, 141 would lie on the S. boundary of the Vargas. The Vargas notes give a passing call for the N.E. corner of 141 and the notes of 707 and 710 place the N.W. and N.E. corners of 141 in the south line of the Vargas.

The Guadalupe or Vargas Grant was surveyed by J. C. Eivet on December 4th, 1879, and patented on his notes August 1st, 1882. The Vargas began at the S.E. corner of the El Tule, ran north to a stone now on the ground, being the S.W. corner of the Los Olmos. It then ran East with the south line of the Los Olmos and Los Olmos y Loma Blanca, thence south, thence west, thence north the point of beginning. The Vargas is well established by an original bearing tree at its S.E. corner, by a number of natural objects on its E. line, by an accepted artificial pipe monument for its N.E. corner and by the S.E. corner of El Tule, and its own S.W. corner is readily found, as well as its N.W. corner. The Eivet survey calls for a South line, running due east and west, of 10,000 varas, and likewise calls for the N.E. corner of Survey 141. On the ground the south line of the Vargas runs South $88^{\circ} 11' W.$ 10,538.4 varas.

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Bascom Co. 26. 7. 1876

Counter 16561

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In late April and early May, 1882, J. C. Eivet surveyed, among many other sections, Sections Nos. 647-652, inclusive, and Sections Nos. 703-712, inclusive, all as a system of T. M. Ry. Co. Sections. These surveys were patented on his notes excepting 708 (patented March 29th, 1941, on a survey by C. R. Hedke); 710 (patented on March 29th, 1941, on a survey in April, 1906, by Maddox); 648 (patented March 29th, 1941, on a survey by Bedell of May 5th, 1925).

The north boundary of Surveys 647-652, inclusive, is established by bearing trees indicated on the map and found on the ground, locating the N.W. corner of Sur. 647 and the N.E. corner of Sur. 648; the N.W. corner of Sur. 649 and the N.E. corner of Sur. 650; the N.W. corner of Sur. 650 and the N.E. corner of Sur. 651; and the N.W. corner of 652. These original bearing trees, together with several line trees, establish the north corners and north boundary line of this tier of surveys.

Sur. No. 711 was located on the ground by original bearing trees called for and found marking its N.E. and S.E. corners. It begins at a post for the N.W. corner in the south line of the Vargas, runs south 1900 varas to a post, thence east, calling for the old county line of Starr and Hidalgo Counties at 1846 varas and at 1900 varas its S.E. corner is locating by bearing tree found on the ground. The east line calls for the old Starr-Hidalgo County line at 118 varas from the S.E. corner and for a marked witness tree still existing for the N.E. corner; the closing call is with the south line of the Vargas.

710 begins at the N.E. corner of 141 in the south line

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of the Vargas, runs east with its south line to the N.W. corner of 711, south with the west line of 711 to its S.W. corner in the north line of 709, thence west with the north line of 709 to the S.E. corner of 141, thence north to the beginning point.

705 has its N.E. corner in the south line of the Vargas 166 varas east of the S.W. corner of the Vargas.

706 begins in the south line of the Vargas at the N.E. corner of 705, runs south to the S.E. corner of 705; E. 1900 varas; north to the south line of the Vargas; west with the south line of the Vargas to the point of beginning.

707 begins in the south line of the Vargas at the N.E. corner of 706, runs south with the E. line and to the S.E. corner of 706; east to the S.W. corner of 141; north to the N.W. corner of 141 in the south line of the Vargas and west with the south line of the Vargas to the beginning.

709, as originally surveyed and patented, begins at the N.E. corner of 647, runs west calling for the N.E. corner of 648, the N.W. corner of 649 and the S.W. corner of 709 is located in the north line of 649. It then runs north to the south line of 141, thence east calling for the S.E. corner of 141, the S.E. corner of 710 and the S.E. corner of 711.

Survey 29, C.C.S.D. & R.G.N.G. Ry. Co., was surveyed April 16th, 1883, by Andres Salinas and patented on his notes in October, 1887, and is located by bearings on the old Starr-Hidalgo County line. This survey, together with Survey No. 28, took up substantially all of Survey 712 and a large portion of Survey 711.

From the survey on the ground, the result of which is shown on the map attached to this report, it appears that there are

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differences between the patent field notes and the actual physical ground location of the surveys.

(1) The beginning corner and north line of 141, established by its notes for course and distance from El Tule, are not common with the south line of the Vargas on the ground, as established by the latter's monuments and to make these lines coincide it is necessary to refer to the calls in 707, 710 and the Vargas. If the N.E. corner of 707, called to be in the south line of the Vargas, is honored, then 707 contains 19.91 acres in excess of the 639.50 acres embraced in its field notes. Therefore, notes have been prepared for 707 to include this area of 19.91 acres, and separate notes have been prepared describing the area of 19.91 acres only.

(2) For the same reason as stated in (1) above, notes have been prepared for Sur. 141, containing 690.52 acres, and notes have also been prepared for an area of 50.51 acres north of 141 and south of the Vargas, assuming 141 does not coincide with the Vargas, as found on the ground.

(3) Notes have been prepared on 710, inasmuch as to fulfill the adjoining calls, this survey is excessive in an East-West direction and short in a North-South direction, the total acreage being excessive.

(4) 709 as patented conflicts with Nos. 28, 29 and 141 and from its adjoining calls does not agree on the ground with the shape of this survey as described in its patented field notes.

(5) Sur. 711 has been partially absorbed by 29 or is in conflict therewith.

(6) There is an area of 36.61 acres bounded on the South by Sur. 29, on the west by 711, on the north by the Vargas and 694 and on the east by 30, for which notes have been prepared.

(7) Corrected field notes for Nos. 709, 710 and 141 have been written.

Respectfully submitted,

Chas. P. Hedke

Licensed Land Surveyor.

Counters 14567

RECEIVED
GENERAL LAND OFFICE
JAN 11 1941

File No
Brook 2
27672
Comm'l
K.N.H.
16/1/41
H.F.

BASCOM GILES, jun.
File No 141
11

Countersigned

Licensed Land Surveyor.
Respectfully submitted,
Geo. D. Peoples - 517

been written.

(1) Corrected field RECEIVED, 110 and 141 have
and on the east by 30' for which notes have been prepared.

(2) Sur. 39 on the west by 30' and the north by the Vargas and 934
GENERAL LAND OFFICE
(3) There is an area of 36.91 acres bounded on the south by
conflict therewith.

(2) Sur. 111 has been persistently absorbed by 39 or its in

shape of this survey as described in its patented field notes.

from its adjoining calls does not agree on the ground with the

(4) 1002 patented conflicts with Nos. 38, 39 and 141 and
is excessive.
Title
File Clerk

short in a North-South direction, the total

the adjoining calls, this survey is excessive in an East-West

(3) Notes have been prepared on 110, inasmuch as to fulfill
the Vargas, as found on the ground.

and south of the Vargas, assuming 141 does not coincide with
have also been prepared for an area of 50.51 acres north of 141
been prepared for Sur. 141, containing 330.23 acres, and notes

(2) For the same reason as stated in (1) above, notes have
describing the area of 13.91 acres only.

areas of 13.91 acres, and separate notes have been prepared de-
Therefore, notes have been prepared for 107 to include this
in excess of the 639.50 acres embraced in its field notes.

line of the Vargas, is honored, then 107 contains 13.91 acres
Vargas. If the N.E. corner of 107, called to be in the south
edge it is necessary to refer to the calls in 107, 110 and the

lished by the latter's monuments and to make these lines coin-
mon with the south line of the Vargas on the ground, as estab-
by its notes for course and distance from El Tule, are not com-

(1) The beginning corner and north line of 141, established
cal ground location of the surveys.

differences between the patent field notes and the actual buyai-

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8-6-41.

Sketch
File No. 6
Brooks County
see filed 1/7
K. N. 1/7

Surveyor's Statement.

August 2, 1941

BASCOM GILES, Com.

File Clerk