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W. B. CHAMBERS, C. E.
COUNTY SURVEYOR AND LICENSED STATE LAND SURVEYOR
PALESTINE, TEXAS

RECEIVED
MAR 16 1954
REFERRED TO SCHOOL

March 8, 1954

Re: Application for Deed of Acquittance,
Marcus Garcia Survey, A-297, Cherokee
County, Texas

SURVEYOR'S REPORT *OFES*

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

Dear Sir:

I am enclosing herewith a map showing the results of a recent survey made by me on the Marcus Garcia Survey and surrounding surveys in Cherokee County, Texas. I am also enclosing corrected field notes on the Marcus Garcia Survey in connection with the above styled deed of acquittance application.

The Marcus Garcia Survey, Abstract No. 297, was a fill in survey laid down to occupy the land between the Neches River and the various senior surveys which it adjoins on the north, east and south. I found two sets of field notes describing the Marcus Garcia in the General Land Office records. The first or oldest field notes are incomplete in that they do not show the name of the surveyor nor the date of the survey. However, the authority of the survey is cited as being by virtue of a certificate dated 1874. I presume from this that the Garcia was originally laid down either during or after 1874, and before 1900. The corrected survey upon which the patent was issued was made by H. S. Guinn in 1900. Both sets of field notes called to begin at the northwest corner of the Corbin Brisby Survey, proceeding up the east bank of the Neches River, thence with various courses following boundaries of senior surveys back to the place of beginning. It is clearly evident from the notes of the cancelled survey and the field notes in the patent that it was the intention of the surveyors to take up the unpatented land that lay between the senior surveys and the Neches River. I have therefore established the boundaries of the senior surveys, which the field notes of the Garcia call to adjoin, and in establishing the boundaries of the Garcia, have honored the field note calls to adjoin the senior surveys.

Four of these senior surveys, the James H. Shaw, J. J. Vickery, John H. Wilson and Edward Smith, are parts of a system laid down by Thomas J. Hays in 1845, and lie east of the Garcia. The Mastin Windsor and Samuel A. Maverick are also senior to the Garcia and adjoin it on the north. The W. L. Lloyd Survey #34 and the Corbin Brisby are junior to the Garcia and adjoin it on the north and south, respectively. The Corbin Brisby was originally laid down by James P. Gibson in 1873. Gibson's field notes were cancelled and the survey was patented on field notes of a resurvey by L. T. Moore in 1927. The W. L. Lloyd Survey #36 was patented in 1919 and adjoins

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Cherokee Co. Sh. Fil. # 31

the Garcia on the east. While this makes the Lloyd junior to the Garcia, Surveyor C. H. Hill who made his survey in 1916, laid down the Lloyd to replace a cancelled survey in the name of G. R. Grimes, which was laid down by M. V. B. Rhodes in 1861.

I did sufficient ground work to establish the lines of all of the above mentioned surveys, with the exception of the Mastin Windsor, Samuel A. Maverick and W. L. Lloyd Survey #34. On these surveys I did sufficient ground work to establish their south lines, portions of the east and west lines of the Windsor and a portion of the east line of the Maverick.

I did not find any of the original corners of the Shaw, Vickery, Wilson or Edward Smith Surveys, which are parts of the Thomas J. Hays system. Numerous deed record corners were found affecting the lines of these surveys. All of these corners are shown by conventional symbol on the plat.

I have established the west and south lines of the James H. Shaw Survey from a deed corner (corner D on plat) and occupation. The east line of the Shaw is projected on called bearing through an 1898 deed corner at "E" and along a well marked line. The northwest corner was placed 537 varas, as called, from the creek on the west line. From this point, the north line was projected on called bearing to an intersection with the east line. As I have established the lines of the Shaw, the branch crossing the south line is 450 varas west of the southeast corner, which is 10 varas excessive of a subtractive call of 440 varas. Also, the branch along the east line is called to be 444 varas, whereas, I crossed this branch at 450 varas, an excess of only 6 varas. The relocated boundaries, therefore, are in close agreement with natural objects called for in the field notes, and agree with occupation except on the north line.

I have placed the south line of the J. J. Vickery along the north line of the Shaw and have extended the east line northward on called bearing from the northeast corner of the Shaw. I have established the west line of the Vickery and the Wilson southward from the original northeast corner of the W. L. Lloyd Survey #36, shown by conventional symbol at "F", through the old marked line trees at "X". Corner "F" was described in the Lloyd field notes as being coincident with the northwest corner of the John H. Wilson, and further described the stump of one of the original Wilson witness trees. Hence, I consider corner "F" not only the original northeast corner of the Lloyd but the perpetuated original northwest corner of the Wilson. The north line of the Vickery was established in accordance with occupation. I crossed the branch along the east line of the Vickery at 875.2 varas, which is 20.2 varas in excess of the call of 855 varas. I found the branch along the north line at 365 varas, compared to a call of 360 varas. Owl Creek, which crosses the west line, is 290 varas from the northwest corner of the Vickery as I have established it. This is in exact agreement with Hays' field notes.

I have established the south line of the John H. Wilson Survey coincident with the north line of the J. J. Vickery. The west line, as previously mentioned, was constructed southward from corner "F". I placed the north line eastward on called bearing from corner "F". The east line was constructed on called bearing through an 1876 deed corner, shown by standard

symbol at "G", to an intersection with the north line of the J. J. Vickery Survey, at a point 81.2 varas west of the Vickery northeast corner. Surveyor Hays, in his field notes on the Henry Chapel, a companion survey to the east, placed this point 89 varas west of the northeast corner of the Vickery, which is a difference of only 7.8 varas. I crossed a branch on the west line of the John H. Wilson at 230 varas north of its southwest corner, as called in the Hays field notes. A second branch was crossed at 710 varas north of the southwest corner, compared to Hays' call of 700 varas, or a difference of 10 varas. A third branch on the west line was crossed at 540 varas south of the northwest corner, as compared to a subtractive call of 500 varas. As I have constructed the lines of the John H. Wilson, all are in close agreement with occupation and the east, north and west lines fall along well marked lines.

In constructing the lines of the Edward Smith Survey, I have placed the south line on called bearing through the original corner "F". The east line was established through the deed corners shown by standard symbol at "H" and "J", and agree closely with occupation. I established the west line along occupation and a well marked line. The north line was established along a general line of occupation. I crossed a branch along the south line 645 varas east of the southwest corner, which is 25 varas in excess of a small creek call at 620 varas. A second branch was crossed 880 varas west of the southeast corner, compared to a subtractive call of 870 varas. Along the west line, I found a branch at 750 varas south of the northwest corner. In Hays' field notes, this branch was called to be at 725 varas, a difference of 25 varas. The southeast corner of the Smith is 497.2 varas east of Wilson's northwest corner, whereas the passing call recited in the Wilson field notes is 485 varas, which places this corner within 12.2 varas of its field note position.

The Mastin Windsor Survey was laid down by E. G. Armstrong in July, 1857. As I have previously stated, I did not do sufficient ground work to locate all lines of the Windsor Survey. However, the work on the ground has been sufficient to establish the west, south and east lines of this survey. I have established the west line of the Windsor along a well marked line and the bearing agrees closely with call. The south line was placed on called bearing through an old line tree at "Y" and is in close field note agreement with the south line of the Lloyd #34 and the Samuel A. Maverick, as well as the south line of the Edward Smith. The east line was established along the west line of the Edward Smith, as called.

The Samuel A. Maverick was laid down by James B. Gibson in October, 1873, and patented on his field notes. The W. L. Lloyd #34 was laid down by C. H. Hill in August, 1915, and patented on his field notes. I did not do sufficient ground work in the area to locate the Maverick and Lloyd surveys in their entirety. The southeast corner of the Lloyd is called to be at the southwest corner of the Maverick, and the south lines are given the same bearing. The original southwest corner of the Lloyd was found, as shown by standard symbol at "M", and the south lines of the two surveys have been established by me on called bearing east from the original southwest corner, to an intersection with the west line of the Mastin Windsor, as called.

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The Corbin Brisby Survey is a pre-emption survey originally laid down by J. P. Gibson in October, 1873. From the information in the files of the General Land Office, it is apparent that these field notes of the Brisby were cancelled because they covered more than 160 acres. The field notes were corrected by a resurvey made by L. T. Moore in March, 1927, and the Brisby was patented on Moore's field notes.

It is evident from the field notes by Moore in 1927 that he established the original north line of the Brisby as laid down in 1873. His field notes clearly call to begin at the northwest corner of said original survey, and the northeast corner is likewise called to be coincident with the northeast corner of the original survey. Corbin Brisby and his family moved on this land at the time it was surveyed in 1873 and he and his heirs have been living on the land ever since. The north line of the Corbin Brisby Survey, therefore, as described by L. T. Moore in 1927, was marked and recognized by the Brisby Heirs. Hence, in my opinion the north line of the patented Corbin Brisby is in the exact position as the north line of the original or cancelled Corbin Brisby. I have established the patented Brisby Survey from two original corners and occupation. The survey as re-established by me is in very close agreement with its field notes.

As I have previously mentioned, the W. L. Lloyd Survey #36 was laid down by C. H. Hill in June, 1916, to replace an old survey in the name of G. R. Grimes, which was originally laid down by M. V. B. Rhodes in June, 1861. I found the original northeast corner of the Lloyd Survey, as shown by standard symbol at "F". From this original corner at "F" I have established all lines of the Lloyd in accordance with their field note called distances. In addition, the north and south lines are on called bearing. I wish to point out that the field note called distance on the north line is $2\frac{1}{2}$ varas longer than the south line; hence, the bearings of the east and west lines cannot be parallel. I crossed a branch 175 varas east of the northwest corner, which was 5 varas in excess of its subtractive call of 170 varas. The approximate center line of a wide slough on the west line near the southwest corner is 35 varas north of said corner, as called. Eastward from the southwest corner of the slough, at its confluence with the Neches River, it is actually 60 varas, as compared to a call of 40 varas. The north bank of the Neches River was crossed at 130 varas, compared to a call of 120 varas.

SUMMARY

As has been previously stated, it is evident that it was the intention of Surveyor Guim, who laid down the Marcus Garcia, to include all of the land between the Neches River and those senior surveys which it adjoins on the north, east, and south. Therefore, the boundaries of the Marcus Garcia would be along those lines which I have outlined in red on the map. The lines of the Garcia, as I have established them, do not violate the lines of those junior surveys which adjoin the Garcia.

I have done quite a lot of ground work in this area. I found those surveys which I have re-established of the Thomas J. Hays system to be excessive on the ground. In this respect I wish to point out that this excess is approximately in the same proportion. This fact, I believe, is why some of the creek calls were found by me to be at a slight variance with the field

Handwritten notes:
Hood
Wright
Brock
Horn
Cannon
Bryant
Horton

File No. 34
CHEROKEE County
CHEYCH LIFE

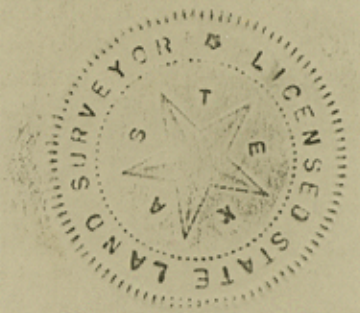
notes or the original surveys. I would also like to again bring to your attention that although I found no original corners of the senior surveys adjoining the Garcia, I did find numerous old deed record corners, which, together with old and long recognized fences and other occupation, shows that I have properly located all of the surveys as above discussed. It is evident that this excess acreage applied for in the Garcia was contained within the original patent, and it is my recommendation that the corrected field notes be accepted and a deed of acquittance issued covering the 66.5 acre excess in the Marcus Garcia Survey.

Very truly yours,
W.B. Chambers
W. B. Chambers
Licensed State Land Surveyor

WBC:A

File No.	Attachments	Correct on Map for	Acres
_____	Corrected Field Notes	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

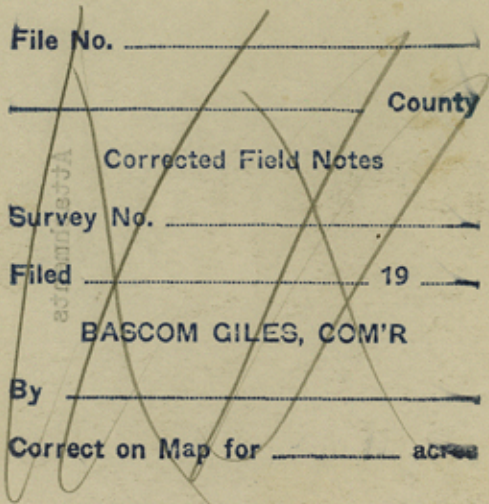
Handwritten: BABCOM CITES' COM'R



File No. 34
CHEROKEE County
SKETCH FILE
 Filed March 16 1954
 BASCOM GILES, COM'R
 By W. B. Chambers

File No. _____
 _____ County
 Corrected Field Notes
 Survey No. _____
 Filed _____ 19____
 BASCOM GILES, COM'R
 By _____
 Correct on Map for _____ acres

A: 287



Report of re-survey
 Marcus Garcia
 about 18 mi. N60°W.
 from Rust.
 (see Rolled St. #2)
 By W. B. Chambers
 March 9, 1954

This is a copy of the original survey report for Marcus Garcia, as shown in the original report. The original report was prepared by W. B. Chambers and is on file in the office of the Surveyor General, State of Tennessee. The original report is on file in the office of the Surveyor General, State of Tennessee. The original report is on file in the office of the Surveyor General, State of Tennessee.

Very truly yours,
W. B. Chambers
 W. B. Chambers

Received - State Land Surveyor
 W. B. Chambers



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