

D-4104

678

LAW OFFICES OF
JAMES G. BARKER
ATTORNEY AND COUNSELOR AT LAW
CONSULTING SURVEYOR
JASPER, TEXAS

October 31st 1947.

- ABST. (none) OLD STATE FREE SCHOOL SECTION 120,
HOUSTON & TEXAS CENTRAL RAILROAD CO. SCRIP
- " 549 JACOB YOUNGBLOOD SURVEY
- " 736 C.B. LEE SURVEY
- " 760 NATHAN GIBSON SURVEY
- " 781 MAJOR KELLY SURVEY
- " 782 ELBERT KYLE SURVEY
- " 193, SEC. 119, H&TCRR CO. SURVEY
- " 47 SHERROD WRIGHT LEAGUE
- " 1011 CHARLES STEWART SURVEY

IN JASPER
COUNTY, TEXAS:

RECEIVED

NOV 5 1947

REFERRED IN TURN TO

map + acct + Law

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

Dear Mr. Giles:

On September 26th A.D., 1947 you transmitted
to me certified photostats of the following:

- (1) Letter from you to Garland Smith, Jasper, Texas,
dated January 8th, A.D., 1945
- (2) Letter from you to Garland Smith, Jasper, Texas, dated
January 24th, A.D., 1945
- (3) Plat filed with you by Garland Smith and prepared
by J.E. Ellison purporting to show the conditions
upon the ground relative to the lines and corners
of the above referred to surveys.

36389
50882
51578
81165

In your letters to Garland Smith herein referred
to you requested information and offered suggestions that seem
to never have been furnished you. I have recently done some
work on the lines of the surveys and am offering information

I trust will be found by you to meet with your approval and to be in line with your conclusions as to what is the best method in dealing with the situation leading up to the issuance of patent to the Charles Stewart survey abstract 1011.

These lands are situated in a portion of Jasper county, Texas first settled at an early date and the lands have been cultivated over a long period of years and I have failed utterly to locate even one bearing tree for any of the corners I have dealt with.

In working this area upon the ground I started at the recognized most northerly corner of the Jacob Youngblood survey abstract 549, the 3rd corner of said Youngblood survey, starting at a point where the boundary line of said Youngblood survey leading north 30 degrees west from its 2nd corners and the boundary line of said Youngblood survey leading from said 3rd corner to its 4th corner intersect, a point not in controversy and long recognized as the most northerly and/or 3rd corner of said Youngblood survey.

From the said 3rd corner of said Jacob Youngblood survey I went south 60 degrees and no minutes west, and at 89 varas crossed the center line of the channel of the branch flowing northwesterly as called for by S.H. Smith when surveying said Youngblood survey December 13th, A.D., 1852, the field note call for said branch being 90 varas, and at 402 varas I set a hub in line for the most southerly corner of the C.B. Lee survey, point 2 on sketch, I having started work at point 1, this said point to be the 7th corner of said Lee survey and ~~the most northerly southeast--~~
~~corner; the 4th corner; of the Nathan Gibson survey abstract 760; ---~~
at 497-7/10 varas I set a hub for the most northerly southeast corner of the Nathan Gibson survey abstract 760, point 3 on sketch, and at 693-7/10 varas I set a hub for the most southerly southeast corner of the said Nathan Gibson survey, point 4 on sketch, the 5th corner of said Gibson survey, point 3 being its 4th corner, and such being the east corner, the 3rd corner, of the Elbert Kyle survey abstract 782, and at 930 varas reached the eastern margin of the marsh called for by S.H. Smith when on December 13th, A.D., 1852 he surveyed the Jacob Youngblood survey, and at 1200 varas I reached the western margin of the marsh as called for by S.H. Smith in his said original survey of said Youngblood survey, and at 1816-7/10 varas I reached a steel shaft set in the earth for the 4th corner of the Jacob Youngblood survey. I was unable to find either of the bearing trees called for here in the field notes of the youngblood survey for the reason in was in a farming area and all evidence of said bearing trees have disappeared. This point is well recognized as the 4th corner of the Jacob Youngblood survey and is not in controversy, and is in the recognized east boundary line of the Sherrod Youngblood Wright league and as the south and/or beginning corner of the Elbert Kyle survey abstract 782.

From the said 4th corner of the Jacob Youngblood survey, the beginning corner of the Elbert Kyle survey abstract 782, point 5 on sketch, went north 9 degrees and no minutes east, with the recognized east boundary line of the Sherrod Wright league, and the west line of the Elbert Kyle survey abstract 782, and at 596 varas set a hub for the northwest and/or 2nd corner of the said Kyle survey abstract 782, the southwest corner of the Nathan Gibson survey abstract 760, but this point is now and has been over a period of many years in a state of cultivation and there was no chance to identify this corner by the bearings given in the field notes pertaining thereto, the Kyle survey and the Gibson survey calling for the same bearings here, and at this point, point 6, I continued north 9 degrees and no minutes east on with the east boundary line of the Sherrod Wright league abstract 47, and the west boundary line of the Nathan Gibson survey abstract 760, and at 1018 varas I set a hub for the northwest corner, the 2nd corner of the Nathan Gibson survey, at point 6⁷ on sketch, the field notes for the Gibson survey calling for no bearing trees here, the field notes for the Major Kelly survey calling for only one bearing tree here and this point falling in a graded highway there was no probability of identifying this corner by a bearing tree, and at 1515-5/10 varas I set a hub in a graded highway for the northwest corner of the old Free School section 120, H&TCRRCo. scrip, the southwest corner of section 119, Houston & Texas Central Railroad Company survey, there being no probability of identifying this point, point 8 on the sketch for the reason of it falling in the highway, as aforesaid. Point 7 on sketch being the northwest corner of the Nathan Gibson survey and the southwest corner of the Major Kelly survey abstract 781.

From point 8 on sketch, the northwest corner of the Major Kelly survey abstract 781, I went east, with the divisional line between said sections 119 and 120, Houston & Texas Central Railroad Company survey, and with the north boundary line of the Major Kelly survey, and at 470-4/10 varas I set a hub for the northeast corner of the Major Kelly survey abstract 781, same as the northwest corner of the Charles Stewart survey, this point falling in a gravel pit where all trees and the stumps thereof had been up rooted and removed from the ground positively eliminating all possibility of identifying this point by bearings given in the field notes of surveys relating hereto, and at 950-97/100 varas I set a hub for the northwest corner of the C.B. Lee survey abstract 736, no bearing trees being called for in the field notes for said Lee survey, in fact there were no bearing trees called for at any of the seven (7) corners of the said Lee survey, and at 1593-97/100 varas I reached the well marked and recognized northeast corner of said Lee survey, same as the southeast corner of section 119, abstract 193, Houston & Texas Central Railroad Company survey and the second (2nd) corner of old State School Section 120, H&TCRRCO scrip, a pitch pine hub in the boundary line of the William Bean survey abstract 81, its line leading from its fourth (4th) corner to its first (1st) corner, its beginning corner.

The point I have set for the northeast corner of the Major Kelly survey, the northwest corner of the Charles Stewart survey, is represented on the sketch by point 9. The northeast corner of the Charles Stewart survey, same as the northwest corner of the C.B.Lee survey, is shown by point 10 on the sketch, as set by me for such.

Point eleven (11) on the sketch is the point in the line of the William Bean survey I found there as being the southeast corner of the Houston & Texas Central Railroad Company section 119 and the second corner of old State Free School section 120, said point being recognized but in a farming area and all tract of the two large pine bearing trees have been removed.

I am submitting points 2,3,13 and 14 on sketch for your consideration. I will especially appreciate your decision thereon at your earliest convenience.

Please be assured that all courses and distances shown on the sketch are correct just as such actually appear upon the ground. When you have given me the benefit of your reactions thereto and determined just what you desire to do relative to issuance of patent for the Charles Stewart survey abstract ~~1011~~- 1011, I will expect to favor you with a finished sketch correctly setting forth the actual situation as to abstract 1011, favoring your office with field notes in line with your decision.

I done no work on the lines of the William Bean survey from point 11 to points 12,15 and 16 on sketch.

In accordance with my finding there would be 77-70/100 acres in the Nathan Gibson survey and 46-07/100 acres in the Elbert Kyle survey abstract 782.

There would be an area of 49-65/100 acres within points 2,3,14,13 9 and 10, per sketch.

There would be 40-67/100 acres in the Major Kelly survey abstract 781.

Taking the original field notes, a certified photostat of which you transmitted me on the 26th of last September, the said notes are off balance 105-15/100 varas in latitude and 4-28/100 varas in departure, this being true of the said field notes of the C.B.Lee survey abstract 736, this error not apparently being confined to points 11 to 12, 12 to 15, 15 to 16 and 16 to point 1 on sketch, which I have not explored, but in call distance for the west line given in the Lee field notes.

Very truly yours,

Jas. G. Barker
JAS. G. BARKER

counter 27856

Counter 27857

Wm. G. Walker
Vernon J. Jones

call distance for the west line given in the Lee field notes, and 10 to point 1 on sketch, which I have not explored, but in apparently being confined to points 11 to 13, 13 to 15, 15 to 18, said field notes of the G.B. Lee survey abstract 1886, this error not and 4-28/100 varies in departure, this being first of the the said notes are off balance 105-16/100 varies in latitude, contact of which you furnished me on the 28th of last September, taking the original field notes, a certified photo-

Major Kelly survey abstract 1871. There would be 40-61/100 acres in the points 3, 2, 14, 13, 9 and 10, per sketch. There would be an area of 48-62/100 acres within

survey in the Robert Kyle survey abstract 1882. accordance with my finding there would be

11 to point 13, 13 and 18 on sketch. the William Bean

field notes in line with your decision. favoring

for the Charles Stewart survey abstract 1887-1891, I

have given me the benefit of your sections upon these be assumed that all courses and distances

at your earliest convenience. I will appreciate your

I am submitting points 3, 2, 13 and 14 on sketch

two large pine bearing trees have been removed.

Point being recognized but in a remaining area and all part of the line and the second corner of old State Free School section 120, said corner of the Houston & Texas Central Railroad Company section line of the William Bean survey I found there as being the southeast point eleven (11) on the sketch in the point in the

as set by me for such.

corner of the G.B. Lee survey, is shown by point 10 on the sketch, east corner of the Charles Stewart survey, same as the northwest the Major Kelly survey, the northwest corner of the Charles

The point I have set for the northeast corner of

SK. File No. 28

Jasper County
Report of West Part
of Section 120, H & T. C. Ry. Co.
by James G. Barker
Filed December 14, 1947
Bascom Giles Com. File Clerk

W. W. Rosenbery
15 miles S. 7 E. W.