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RECEIVED

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GENERAL LAND OFFICE

W. W. Byers
Report on Deed of
Acquittance Application,
Leon County, Texas

Surveyor's Report

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

Dear Sir:

Attached hereto is a map showing the results of my survey of the Charles Aake, Geo. Willman, W. W. Hill, H. Little, W. A. Reavis, A. Perry, S. W. Small, W. W. Byers, and parts of the Daniel Duval, Sarah Patton, W. W. Hill, immediately south of the upper W. W. Hill, the Wm. McMillen, James Clark, Thos. E. Orenbaun, C. C. Goodman, Virgil Vincent, W. O. Reavis, G. V. Lusk and the I & G. N. Ry. Company surveys.

I wish to call your attention to the attached map which shows each corner designated by a number with the original corners circled in red, and to the bearings and distances which are shown in vertical and slant lettering. The bearings and distances shown in vertical lettering denote the calls as recited in the original field notes, and the bearings and distances shown in slant lettering denote the position of the lines as I have relocated them on the ground.

I am also attaching corrected field notes on the W. W. Byers survey, recorded in Vol. 6 P. 11, Surveyors Records of Leon County, Texas.

I am making this report of my actual findings on the ground in order that you may rule whether or not the attached corrected field notes properly describe the W. W. Byers survey, and that a deed of acquittance be issued covering same.

Before I started working on the above mentioned survey, I carefully studied a plat made from the original field notes under which the surveys as set out at the beginning of this report were patented. I also compared this plat with the patent notes. I made my study of the field notes as to the date of surveying, by whom made, and carefully noted all calls for adjoining lines, and size and type of witness trees called for at corners to determine what could be expected on the ground.

I also had abstracts of the surveys shown on my map, describing numerous deeds, not only as to the present owners but as to their predecessors in title. Working sketches were made of these deeds, and a complete study of same was also made before going to the field, as to courses and distances set out, trees called for at corners, adjoinder calls and calls for survey lines and corners.

Having examined the original field notes I find the Daniel Duval, surveyed by A. Kitchell, since Aug. 1, 1836, to be the oldest; next, the Thomas Collingham, surveyed by Kitchell Aug. 1, 1836; the Sarah Patton, Wm. McMillen, Charles Aake, George Willman, the two W. W. Hill surveys, and the H. Little, all surveyed by Jno. Patrick from Dec. 24, 1847 to Aug. 4, 1848.

S. G. McLendon next surveyed the James Clark, Jan. 9, 1852; the C. C. Goodman, Jan. 12, 1852, the A. Perry, May 1, 1852, the W. A. Reavis and Thomas E. Orenbaun, April 30, 1852, and the Virgil Vincent and S. W. Small, Jan. 25, 1853.

H. A. McWhorter surveyed the W. O. Reavis, G. V. Lusk, and the W. W. Byers in 1854, within an eight day period, and James Brown surveyed the I & G.N. Ry. Company survey, March 9, 1877. With the exception of the Thos. Collingham, Daniel Duval, Sarah Patton, and the I. & G.N. Ry. Co. surveys, the remainder of the surveys I have above mentioned, were run within an interval of six years and eight months.

Having spent considerable study of the record facts, I went on the ground and made a preliminary survey and located five original corners; the northwest and southeast corner of the upper W. W. Hill survey, the southwest corner of the Sarah Patton, the southeast corner of the Thos. E. Orenbaun, and the most northerly northeast corner of the W. W. Byers surveys.

I then began my survey at the southeast corner of the upper W. W. Hill, as surveyed by John Patrick, Feb. 24, 1848, where I found a rock (corner #1) which was set for corner and is well recognized as the corner, and from which the remains of a large red oak brs. S. 25° E. 13.3 varas as called in original field notes. Mr. R. T. Johnson, a resident of this community, states this is one of the original witness trees. At this corner I also found two post oak trees marked but do not have a deed calling for them. As a check on this corner I measured S. 30° 07' E. 647.5 varas to a branch; call in the lower W. W. Hill field notes shows 648 varas.

I then proceeded from corner #1 S. 60° 10' W. following the north side of an occupied and marked line. At 62.2 varas, call being 60 varas, crossed a branch; at 1887.7 varas crossed the east line of the Daniel Duval survey; at 1900 varas searched for evidence of corner and found none, and continuing in all 1918.8 varas set a stake for corner #2 in its proper field note position from the original northwest corner of the upper W. W. Hill survey.

I then ran N. 29° 28' W. 949.6 varas, call being 950 varas, to the original northwest corner of the upper W. W. Hill survey. Set a stake (corner #3) from which a 19" black jack snag bears S. 7° 30' W. 2.8 varas, and a 24" post oak brs. N. 24.4 varas. I consider these trees to be the original trees.

I then proceeded N. 60° 10' E. at 129.3 varas, the east line of the Daniel Duval survey, and southwest corner of the W. W. Byers, continuing with the south line of the W. W. Byers survey, at 480 varas, the beginning of an old fence, and continuing with said fence, at 1637.8 varas, a branch, call being 1630 varas. Continuing and following a marked line in all 1906 varas, call

being 1900 varas, set a stake (corner #4) at the intersection of a marked line running southeast. This corner is occupied and well recognized, and checks very closely its field note position from the original northwest and southeast corners of the upper W. W. Hill survey.

I then ran S. $30^{\circ} 07'$ E. with a marked line and the lower west line of the A. Perry, 949.1 varas, call being 950 varas, to my place of beginning and closing my survey of the upper W. W. Hill survey. I find the acreage to be less than 1% in excess of call. You will note my map shows a conflict between the west line of this survey and the east line of the Daniel Duval, by 129.3 varas on the north end and 31.1 varas on the south end.

I then returned to the southwest corner of the Sarah Patton where I had located one of the original corners in my preliminary survey, set a stake (corner #5) from which a 24" post oak stump brs. S. $1^{\circ} 30'$ W. 1 vara, and a 16" post oak brs. S. $86^{\circ} 30'$ W. 3.5 varas. Mr. R. L. Key, a resident of this community, states these are the original trees. This corner is the point of intersection of a marked line running northeast and northwest and is also in the north line of the Wm. McMillen survey.

I then ran N. $29^{\circ} 59'$ W. with a well marked line and with the west line of the Sarah Patton 708.5 varas, crossed a branch, call being 665 varas. Continuing at 950 varas, made a search for corner and found none; continuing in all 993.5 varas, against field note call of 950 varas, set a stake (corner #6) the southeast corner of the H. Little and the northeast corner of the George Willman survey. This corner is at the intersection of marked lines running in three directions, and is also well recognized and occupied. You will note that I have exceeded call distance by 43.5 varas in locating this corner, and my reason for placing this excess in the upper east line of the George Willman survey, was in order to place said corner exact subtractive call distance (285 varas) northwest of the branch.

I then proceeded S. $59^{\circ} 59'$ W. with the south line of the H. Little survey, following close to a marked line and the line of occupation, at 450 varas leaving same, and at 950 varas, the call on south line of the H. Little survey, made a search and failed to find a corner. Continuing same course at 990.4 varas, set a stake (corner #7) for the southwest corner of the H. Little survey in a well marked line running northwest. Continuing same course with the south line of the W. A. Reavis survey, at 1829.8 varas crossed a branch, call being 1820 varas in the Willman field notes, and at call of 1916 varas, searched for corner and found none. Continuing in all 1925.6 varas, set a stake (corner #8) for the northwest corner of the George Willman and the northeast corner of the Charles Aake survey. This corner is 95.8 varas southwest of branch crossing which checks the subtractive call in the Willman field notes by 0.2 varas.

I then proceeded S. $30^{\circ} 17'$ E. and at 1164 varas, the exact call in field notes on the east line of the Charles Aake survey, set a stake (corner #9) for the southeast corner of said Aake survey and the northeast corner of the A. Perry survey. I made a search and found no corner. Continuing same course at call of 2294 varas, made a search and failed to find corner. Continuing in all

2314.8 varas, set a stake (corner #10) the southwest corner of the George Willman, and the northwest corner of the I. & G. N. Ry. Co. survey. Found no corner here.

I then proceeded N. $59^{\circ} 40'$ E. with a marked line and fence, same being the north line of the I. & G. N. Railway Co. survey, a total of 1344 varas, the exact call in field notes, set a stake (corner #11) in the west line of the Wm. McMillen survey, made a search and found no corner.

I then proceeded N. $30^{\circ} 30'$ W. with the west line of the Wm. McMillen survey 1307.2 varas, set a stake (corner #12), the northwest corner of the said McMillen survey. You will note that this corner is in its exact field note position from the original southwest corner of the Sarah Patton survey. Thus relocated the lower east line of the George Willman is short of call of 37 varas. I continued however, to 1344 varas, the call distance, made a search but failed to find a corner.

Returning to corner #12, I proceeded N. $59^{\circ} 26'$ E. with the north line of the Wm. McMillen survey 582 varas, the exact call in field notes, to the place of beginning, and closing my survey of the Geo. Willman. This survey contains 651.5 acres, compared to call of 640 acres, showing an excess of less than 2%. You will please note the position of fence lines in respect to survey lines as shown on my map.

I then returned to corner #6 which I had previously set for the southeast corner of the H. Little, and ran N. $29^{\circ} 59'$ W. with the west line of the Sarah Patton survey, with a marked line and close to an old fence. At 707.2 varas crossed a branch, call being 690 varas, and continuing same course, at 1083.2 varas set a stake (corner #13) for the northwest corner of the Sarah Patton survey. Passing call in the H. Little field notes is 1060 varas. At this corner there is a marked and occupied line running northeast. Continuing same course with a marked line and with the lower west line of the C. C. Goodman survey, at call of 1900 varas looked for corner and found none. Continuing in all 1943.2 varas, set a stake (corner #14) at the intersection of a marked line running southwest. This is the northeast corner of the H. Little, also an interior corner of the C. C. Goodman survey, and is well recognized and occupied.

I then proceeded S. $59^{\circ} 33'$ W. with a marked line and the upper south line of the C. C. Goodman. At 374.8 varas, call being 370 varas, set a stake (corner #15) for the upper southwest corner of the C. C. Goodman, and the middle southeast corner of the Virgil Vincent survey. Continuing same course and with a marked line, at call of 950 varas made a search for corner and found nothing. Continuing same course in all 997.3 varas, set a stake (corner #16), at intersection of a marked line running southeast. This is the northwest corner of the H. Little survey, also an interior corner of the Virgil Vincent survey, and is well recognized and occupied.

I then ran S. $30^{\circ} 12'$ E. with a marked line and the lower east line of the Virgil Vincent survey, at 186 varas, the exact call in field notes, set a stake (corner #17) for the northeast corner of the W. A. Reavis, and the lower southeast corner of the Virgil Vincent survey. This corner is the

intersection of two marked lines and is well recognized. Continuing same course with a marked line and the east line of the W. A. Reavis survey, at 642 varas, the exact call in field notes, crossed a branch. Continuing at 686.5 varas, a branch, field note call of 685 varas, continuing with marked line and the east line of the W. A. Reavis at call of 1900 vrs. looked for corner and found none. Continuing a total of 1937.7 varas to the southwest corner of the H. Little, the southeast corner of the W. A. Reavis, and corner #7, I had previously set, and closing my survey of the H. Little, as I had already run the south line and as shown on my map, is N. $59^{\circ} 59'$ E. 990.4 varas. This survey contains 341.4 acres as compared to call of 320 acres, showing an excess of 6.7%.

I then returned to the southeast corner of the Charles Aake survey (corner #9) I had previously set and ran S. $59^{\circ} 58'$ W. the exact call of 1164 varas, set a stake (corner #18) for the southwest corner of the Charles Aake survey, in the most southerly east line of the W. W. Byers survey.

I then proceeded N. $30^{\circ} 17'$ W. with the most southerly east line of the W. W. Byers survey 1164 varas, the exact call in field notes, set a stake (corner #19) in the south line of the S. W. Small survey. This corner is also the northwest corner of the Charles Aake survey and the most southerly northeast corner of the W. W. Byers survey.

I then proceeded N. $59^{\circ} 59'$ E. with the south line of the S. W. Small survey. At 1055.3 varas set a stake (corner #20) for the southeast corner of the S. W. Small and the southwest corner of the W. A. Reavis surveys. Continuing same course in all 1163.8 varas, call being 1164 varas to stake (corner #8) I had previously set for the northeast corner of the Charles Aake and the northwest corner of the George Willman surveys, and closing my survey of the Charles Aake, as its east line was run when running the west line of the Willman. In surveying the Charles Aake, which is one of the oldest surveys in this area, the location of its northeast corner was based on two facts. It is the proper distance west of a branch, as called for in the Willman field notes and is practically the exact distance southeast of the most northerly northeast corner of the W. W. Byers, and I gave it, with the exception of some trivial difference, its exact courses and distances. I find its acreage to be less than 1% excessive.

I then returned to the northeast corner of the W. A. Reavis and the lower southeast corner of the Virgil Vincent surveys (corner #17) and proceeded S. $59^{\circ} 41'$ W. with a marked line and close to an old fence, same being the south line of the Vincent survey. At 820 varas crossed a creek, field note call being 825 varas; continuing at 962.1 varas, call being 970 varas in Vincent's field notes, set a stake (corner #21) for the southwest corner of the Virgil Vincent and the southeast corner of the W. O. Reavis surveys. This corner is 86.4 varas east of the northeast corner of the S. W. Small which checks the passing call in the W. O. Reavis field notes by 6.4 varas. Said W. O. Reavis field notes recite a passing call for the S. W. Small northeast corner at 80 varas. Continuing same course in all 1048.5 varas, set a stake (corner #22) for the northeast corner of the S. W. Small and the northwest corner of the W. A. Reavis surveys which is 228.5 varas west of creek, the exact subtractive call in the W. A. Reavis field notes. This is a well recognized and occupied corner. Also at this corner I found the trees called for in a deed, William P. Simpson to S. A. Hester, dated Feb. 18, 1919, Vol. 50, P.

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270, Deed Records, Leon County, Texas, and also referred to in a Judgment as recorded in Vol. 95, P, 392.

I then proceeded S. 30° 24' E. with a marked line and close to an old fence, same being the east line of the S. W. Small survey; at call of 1714 varas made a search for corner and found none, continuing in all 1745.2 varas to a stake (corner #20) previously set, for the southwest corner of the W. A. Reavis and the southeast corner of the S. W. Small surveys, and closing my survey of the W. A. Reavis as had previously run the remainder of these lines. This survey contains 324.26 acres as compared to call of 320 acres, showing an excess of 1.33%.

I then returned to the southwest corner of the George Willman survey (corner #10) I had previously set, and ran S. 30° 17' E. with the upper west line of the I. & G. N. Ry. Co. survey 103.5 varas, set a stake (corner #23) for the southeast corner of the A. Perry in the north line of the James Clark survey. This corner is very nearly its exact field note position north of the original southeast corner of the upper W. W. Hill survey.

I then proceeded S. 60° 02' W. with the north line of the James Clark survey, the call of 1588 varas, made a search for corner and found none, and continued a total of 1655 varas, set a stake (corner #24) in the previously relocated east line of the upper W. W. Hill survey.

I then returned to the previously relocated northeast corner of the upper W. W. Hill survey, same being the lower northwest corner of the A. Perry survey (corner #4) and proceeded N. 60° 10' E. At 424 varas made a search and found nothing, continuing in all 487.8 varas set a stake (corner #25) for an interior corner of the A. Perry and the southeast corner of the W. W. Byers surveys. I exceeded called distance on this line by 63.8 varas in order to place this inner corner of the A. Perry survey in the projected west line of the Chas. Aake survey.

I then proceeded N. 30° 17' W. with most southerly east line of the W. W. Byers survey, the call of 336 varas, made a search and found nothing, and continued in all 362.4 varas to the southwest corner of the Charles Aake survey and corner #18 previously set, and closing my survey of the A. Perry, having run the remainder of those lines in running out the Charles Aake, the George Willman and the upper W. W. Hill survey. As a comparison to lines of the Perry not specifically mentioned, I find its lower west line to measure 892.1 varas as compared to call of 890 varas, its north line to be the exact call of 1164.4 varas and its east line to measure 1254.3 varas against a call of 1220 varas. Please note position of fence lines in reference to lines held on the A. Perry survey. I find the acreage to be 5% excessive.

I then returned to the northwest corner of the W. A. Reavis, same being the northeast corner of the S. W. Small survey (corner #22) previously set, and ran S. 59° 41' W. with a marked line and the south line of the W. O. Reavis survey and close to an old fence. At 828.7 varas, call being 842 varas, set a stake (corner #27) in public road for the upper northwest corner of the S. W. Small and the lower southwest corner of the W. O. Reavis surveys, in

the east line of the Thomas E. Orenbaun survey. Thus relocated this corner checks very closely its field note position from the original southeast corner of the Orenbaun, same being the original inner corner of the S. W. Small. At this corner I found the two trees set out in a Judgment styled "The Fort Worth National Bank, Trustee for Clara D. Ross vs. J. R. Jones et al," dated Dec. 16, 1932, recorded in Vol. 95, P. 392, Deed Records, Leon County, Texas.

I then proceeded S. $30^{\circ} 36'$ E. with the east line of the Thomas E. Orenbaun survey, with road and a marked line 925 varas, the exact distance in field notes, set a stake (corner #28) for the southeast corner of the Thomas E. Orenbaun, also an interior corner of the S. W. Small surveys. I believe this is an original corner, as I found two black jack stump holes, matching reasonably close to courses and distances as set out in the original field notes. This corner is well recognized in the community.

I then proceeded S. $59^{\circ} 03'$ W. with the south line of the Thomas E. Orenbaun and with a marked line, 460 varas, the exact call in field notes, set a stake (corner #29) for the most northerly northeast corner of the W. W. Byers and the lower northwest corner of the S. W. Small surveys. I consider this an original corner because here I found two post oaks matching those called for in field notes, one being marked with an old X.

I then ran S. $30^{\circ} 31'$ E. with the upper east line of the W. W. Byers survey and with a marked line 810 varas, the exact distance set out in the Byers field notes; however, the lower west line of the S. W. Small calls this line to be 789 varas. Here a stake was set (corner #30) for an interior corner of the W. W. Byers and the southwest corner of the S. W. Small surveys.

I then proceeded N. $59^{\circ} 59'$ E. with the most easterly north line of the W. W. Byers survey, at call of 170 varas looked for corner and found none. Continuing in all 228.1 varas to the northwest corner of the Charles Aake survey and corner #19 which I had previously set, thus closing my survey of the S. W. Small, and as shown on map, the south line is 1283.4 varas, call being 1302 varas, and the east line is 1745.2 varas, call being 1714 varas. I find the acreage to be .004% in excess of call.

I then returned to the northwest corner of the upper W. W. Hill survey (corner #3) where as before stated, I found the original corner, and re-measured N. $60^{\circ} 10'$ E. 129.3 varas. Set a stake (corner #31) in the east line of the Daniel Duval survey, also the intersection of a marked line and fence running northwest and southeast.

I then proceeded with the east line of the Duval, and with the fence and marked line. At 940 varas, fence and marked line began bearing to the east. Continuing same course, at call of 1326 varas made a search and failed to find a corner. Continuing in all 1358.4 varas, set a stake (corner #32) in the east line of the Duval survey and what I consider to be the southwest corner of the G. V. Lusk and the lower northwest corner of the W. W. Byers surveys. This

corner was set by projecting the marked line I was following to a point the exact distance south of a marked line as shown on the upper north line of the W. W. Byers surveys, so as to respect the called course between corners #33 and #34.

I then proceeded N. 60° E. with the south line of the G. V. Lusk survey, at call of 934 varas made a search for corner and found none; continuing in all 970.7 varas set a stake (corner #33) in the intersection of a marked line running northwest. This is the lower southeast corner of the G. V. Lusk, also an interior corner of the W. W. Byers survey, and is also the exact distance south of a marked line shown on north line of the W. W. Byers survey.

I then ran N. 30° 11' W. with the lower east line of the G. V. Lusk survey and a marked line, at 525 varas, the beginning of an old fence; continuing with fence and marked line in all 967 varas, the exact call, set a stake (corner #34) at the intersection of the above mentioned marked line running northeast. This is the southwest corner of the Thos. E. Orenbaun and the most northerly northwest corner of the W. W. Byers surveys, and is well recognized and occupied.

I then proceeded N. 59° 03' E. with the south line of the Thos. E. Orenbaun, at 520 varas, the beginning of an old fence and marked line, and continuing with same at call of 890 varas looked for corner, and found none; continuing in all 901.7 varas to the original corner previously located, at the most northerly northeast corner of the W. W. Byers and the lower northwest corner of the S. W. Small surveys (corner #29) which closes my survey of the W. W. Byers. As shown on my map the south line of the Byers is 2202.6 varas, call being 2131 varas, and its most southerly east line is 1526.1 varas, call being 1478 varas. I find acreage to be 7% in excess of call.

Summary

In making my survey of this area, I found what I consider to be five original corners and several stream crossings as called for in the field notes. I have used these original corners and stream crossings, and as far as possible, the marked, occupied and recognized lines, in relocating the boundaries of the surveys in this area. In several instances I have not been able to make the field note positions of the survey lines conform to occupation, and in preparing my map I have tried to clearly show the comparison of the surveys as I have relocated them, with the occupied positions as I found them on the ground.

Conclusion

In relocating the various surveys in this area, I have first retraced the work done by John Patrick in 1848. These surveys are the upper W. W. Hill, Charles Aake, George Willman and Hiram Little. I next retraced the surveys by S. G. McLendon, which were laid down in 1852 and 1853 and are the W. A. Reavis, S. W. Small and A. Perry surveys. The surveys by McLendon are tied to Patrick's surveys by adjoinder calls and identical witness trees at common corners. Hence I have relocated Patrick's work

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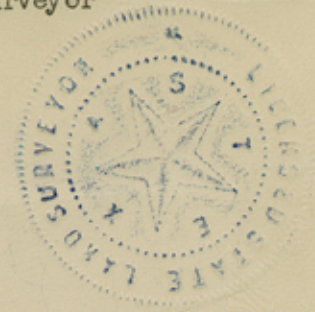
as nearly in accordance with his field notes as possible, and have honored the calls in McLendon's field notes to adjoin the surveys laid down by Patrick.

The only portion of the Daniel Duval survey that I have relocated was that portion of its east line that affected the W. W. Byers. As stated in my report, I have relocated this portion of the Duval survey in its occupied and recognized position. Your attention is again called to the area of conflict between the W. W. Hill survey and the Daniel Duval. McWhorter's field notes on the Byers recite an adjoinder call for the W. W. Hill northwest corner as well as adjoinder calls for the Hill north line and Duval east line. It is, therefore, evident that it is impossible to honor all of these adjoinder calls in the Byers field notes because of the overlap of the Hill onto the Duval. I have disregarded the call in the Byers field notes for the Hill northwest corner and have placed the south and west lines of the Byers coincident with the relocated north line of the Hill and the east line of the Duval in accordance with McWhorter's field note calls to adjoin these lines.

The Byers field notes also recite adjoinder calls for lines and corners of the Thos. Orenbaun, S. W. Small, Charles Aake and A. Perry surveys. I have, therefore, honored these adjoinder calls in relocating the lines of the Byers. Thus relocated, some of the lines of the Byers are excessive, but inasmuch as McWhorter's field notes clearly call to adjoin the boundaries of the senior surveys, I do not believe that the enclosed corrected field notes on the W. W. Byers survey go beyond or exceed the area covered by the original field notes, and I recommend that the applicant be permitted to purchase the excess acreage by deed of acquittance.

E. S. Rest
Licensed State Land Surveyor

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File No. 27

Leon County
W.W. Byers Survey
Surveyor's Report - E.S. Rest

Filed 5-15 1948
Saxon Gill Com's
D. H. [Signature]
File Clerk



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