1395

May 11, 1945

Abst. 245, I&GN Section 4, Newton County

Honorable Bascom Giles, Commissioner
General Land Office
Austin, Texas

Attention: Mr. H. Von Rosenberg

Dear Sir:

The survey under discussion is located about 3 miles southwest of Newton, the County seat of Newton County, Texas. The question presented here is the proper location of the middle east line of the above named section as per sketch attached herewith.

I first attempted to locate the Drew Champion on the ground, because the I&GN Section 4 calls for the W/L of the H.M. Black Survey and the Black Survey in turn calls for the Drew Champion as surveyed by M.B. Lewis April 23, 1840.

I started my survey on the present west bank of Cow Creek at the recognized NE/C of the Drew Champion and the SE/C of the H.M. Black Survey (point 6), but I was unable to find original bearings called for in the field notes of the above named surveys.

Thence I followed a well marked old line west, at 40 varas was the west bank of the old creek bed of Cow Creek, at 351 varas east edge of piney woods (field note call: "at 300 varas pine woods"), at 496 varas center line of State Highway 87 and at 1091 varas I found the NW/C of the Drew Champion being also the most southerly NE/C of I&GN Survey No. 4. The north line of the D. Champion Survey from point 6 to 5 measured 1091 varas (field note call 1048 varas). But beginning the measurement on the west bank of the old creek bed to point 5, I measured 1051 varas which is within 3 varas of the original call, and 311 varas west of the west bank of the old creek, I found the east edge of pine timber (field note call: "at 300 varas pine woods".)

The information on this corner (point 5) is as follows:

Drew Champion NW/C	:	Pine mkd D.C. S. 5° W. 7 vs.
M.B. Lewis (4-23-1840)	:	Pine mkd D.C. S. 9° 30' E. 11 vs.
I&GN Section 4 most southerly NE/C	:	Old bearing gone, new one set up

counter 32491

T.G.B. Cox (8-24-1883)	:	Pine S. 13° E. 19.2 vs. Pine S. 78° W. 18.6 vs.
James G. Barker (1945)	:	No evidence Pine S. 5° W. 7.0 vs. Pine stump hole S. 9° 30' E. 11.0 vs. Pine stump hole S. 5° W. 5.5 vs. (Which may be first brg. by Lewis) Pine stump hole S. 13° E. 19.2 vs. Pine stump hole S. 78° W. 18.6 vs.

This corner is therefore partially identified as for the Champion bearings and fully fits the section calls.

33 varas South (called dist.) from the NW/C of the D. Champion (point 5), I found the SE/C of I&GN Section 4 (point 7) as follows:

I&GN Section 4	:	Pine S. 56° 30' E. 11.4 vs.
T.G.B. Cox (8-24-1883)	:	Pine N. 48° E. 8.6 vs.
James G. Barker (1945)	:	Pine stump S. 56° 30' E. 11.4 vs. Pine stump N. 48° E. 8.6 vs.

Going west from point 5 with the south line of the H.M. Black at 332 vs. (point 4) is the called distance as given in the Black field notes between the NW/C of the D. Champion and the SW/C of the H.M. Black as well as the distance given for the most southerly north line of I&GN Section 4. At this point no bearings are called for by Lewis or Cox, ("bearings marked thus X") and on the ground there was no evidence of a corner nor could I find a line going north. Continued west 103 varas from point 4, to point 10, I found a marked corner on young timber with a fairly new line running N. 1°33' W. 1347.5 varas (field note call 1400 vs.) to point 9 which I identified as the middle NE/C of I&GN Section 4 as follows:

T.G.B. Cox (8-24-1883)	:	Stake in S/L of John Harrington fr. wh. Pine S. 48° E. 10.8 vs. Pine N. 84° 30' W. 9.2 vs.
C.A. Woods (10-21-1916) Inspection	:	Pine stump (dead) S. 48° E. 10.8 vs. (Old X shows) Pine stump N. 84°30' W. 9.2 vs.
James G. Barker (1945)	:	Pine stump (10' high) X S. 48° E. 10.8 vs. Pine stump hole N. 84° 30' W. 9.2 vs.

Going east from point 9 along the well marked south line of John Harrington survey at 139.5 vs. (point 2), I would have been due north of point 4 but I found no marked corner nor was there a line going south. (No brgs. called for at this point in the Black field notes). Continuing east at 1177 vs. I hit the west bank of the old creek channel (no sign of a corner or original bearings) and continuing east at 1387 vs. I came to the present west bank of Cow Creek, (field note call 1200 vs.) where I found an old marked corner but no proof of the original bearings for either the Harrington nor the Black field notes.

Returning to point 9 and going west 1593.5 vs. (field note call 1562.0 vs.) to the SW/C of the John Harrington and the interior NE/C of I&GN Section 4 (point 3) I found an old corner with following bearings:

A.I. Shelby (J.Harrington) (7-20-1839)	:	Pine N. 30° W. 16.0 vs. Pine S. 14° E. 12.0 vs.
T.G.B. Cox (I&GN Sec. 4) (8-24-1883)	:	SW/C Harrington Pine S. 14° E. 12.0 vs. New brg. Pine N. 57° W. 5.4 vs.
James G. Barker (1945)	:	Pine stump S. 14° E. 12.0 vs. Pine stump hole N. 57° W. 5.4 vs. Pine stump N. 30° W. 26.0 vs. (F/N call N. 30° W. 16.0 vs.) New brg. Pine X N. 40° W. 26.0 vs.

The south line of the John Harrington Survey (line 3 to 1) measures 2980.5 vs. but going East from point 3 to the west bank of the old creek bed the distance is 2770.5 vs. as compared with 2762.0 vs. as given for the south line of the John Harrington. In addition I found and properly identified all other not previously mentioned corners of I&GN Section 4.

From my field work on the ground it appears that in absence of any corner identification of the H.M. Black except the passing call on the south line (NW/C D. Champion at point 5) the location of the S/L of the Black has to be placed from point 6 over 5 to point 4, giving an excess distance of 43 vs. as measured to the present west bank of Cow Creek but only 3 vs. excess to the old creek bank. The distance of the north line of the H.M. Black from point 1 to 9 is 187 vs. excessive but if the line is measured from the west bank of the old creek bed west to point 9 the distance is 23 vs. short of the field note call.

The Southwestern Settlement and Development Corporation as the fee owner of I&GN Section No. 4 is trying to establish the correct location of the middle east line of this section. It is evident that point 9 which has always been the recognized corner is fully identified as to the section bearings. Point 4, in absence of any bearings called for either in the Black as well as in the I&GN Section 4 field notes should be located 332 vs. west from the NW/C of the D. Champion Survey (point 5) which is identified by the Champion as well as by the section bearings.

As for the acreage in the H.M. Black Survey the area between 1, 9, 4 and 6 and up the creek to the place of beginning calculated 355.06 acres, and is, therefore, 35.06 acres excessive. The area between points 9, 10 and 4 contains 12.24 acres.

The total acreage of I&GN Section 4 between corners 5, 4, 9, 3, 8, 11, 13, 14, 15 and 7 is 633.7 acres or 6.3 acres less than the call in the original patent field notes.

Respectfully yours

James G. Barker

James G. Barker
Licensed State Land Surveyor

JGB:aid

counter 32443

Sketch File No. 44

Newton

Report by Jas. G. Barker of his Re-survey of I. & G.N. #4

June 1 1945

Bascom Giles

Allison Reuberg

See Rolled Sketch 8 for Surveyors Sketch

RECEIVED
MAY 28 1945
GENERAL LAND OFFICE

Counter 32444