

The General Land Office
of the State of Texas.

HON. COMMISSIONER:

Pursuant to your request of Mr. Knox Miller that a surveyor's report accompany the survey notes and plat of the D. J. Mitchell and Driscoll surveys in Refugio County. In accordance therewith we submit the following report:

(a) The survey was started at a point on the south bank of Sous Creek, from which point a Live Oak with 3 trunks each 24" diameter with very old marks, bears N. 54° E. 41 vrs. At this point a rock was set for the North or Northwest corner of the upper Mitchell, Abst. No. 215, (reference is herein made to Vol. 1, Page 66, Surveyor's Record of Refugio County).

In reference to the establishment of the foregoing corner, we checked the said north or northwest corner of the Mitchell, by producing the Sous Creek meanders from a wagon axle set for the Driscoll and Linney corners by James O. Gaffney, County Surveyor, under an order of the District Court, Cause 456, and recorded in Vol. "D", Page 519, District Court Minutes of Refugio County, in which he calls a stake on the south bank of Sous Creek for the lower corner of the Thos. O'Connor grant; from which point the Live Oak tree, N. 54° E. 41 varas distant, is called for as Martin Power's lower corner.

(b) From the rock set on the south bank of Sous Creek (a), a line was surveyed on a course of S. 54° W, a distance 1662 varas, where a rock was set for the west corner of the upper D. J. Mitchell survey, Abst. No. 215. No evidence was found of former surveys on this line, however, light mesquite timber, chaparral areas were encountered, and are not as old as the former surveys.

(c) From the rock set for the west corner of D. J. Mitchell survey, Abst. No. 215, a course of S. 36° E. was run a distance of 7425 varas to the east corner of the R., J., P., T. & J. Downey surveys, Absts. 19 to 23.

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(d) From a stake at the east corner of Downey's survey (c), a check line was run to the ^{southwest} corner of the Aldrete Survey and the south or southeast corner of the Downey, the foregoing corners were found to be S. 54° W. 5710 varas, a pile of rocks was recovered at this point; it being what is known as "El Alamo" or the "De Leon" corner of the Jose Miguel Aldrete titled survey, Abstracts 1, 2 & 3.

(e) The lower line of the Chas. Kelley titled survey, Abstract 41, was surveyed on a course of S. 80° 27' E. from the bank of the Aransas River, with an old fence on the north line of the Walter Lambert titled survey at 3429 varas, pass the Northeast corner of same, a corner fence post at 10,454 varas, set a concrete rock for the southeast corner of the Kelly and the southwest corner of the lower D. J. Mitchell Abst. 216, at 12,080.2 varas, set a rock for the southeast corner of the lower D. J. Mitchell (Abst. 216), and the southwest corner of the J. O. Driscoll (Abst. 373), at 12,569.5 varas, a rock was set for the southeast corner of the J. O. Driscoll (Abst. 373)

(f) From the fence on the North line of the Walter Lambert titled survey, a course was run N. 9° E., a distance of 597 varas to the north line of the Chas. Kelly titled survey, Abst. 41,

(g) From the N. line of the Kelly Survey a line was run at right angles, a distance of 2376 varas to the North line of the Rosa Brown titled survey, Abst. No. 7

(h) From (f) and (g), the east lines of the Kelly and Rosa Brown surveys were computed by using the distances given in the original grants from the bank of the Aransas River, measuring back from the points established by this survey.

The D. J. Mitchell (Abst. 216) was the first surveyed and called for the N. W. corner of the Downey titled surveys but in view of the fact that patents were not issued for either tract we surveyed the vacant area between the O'Connor, Rosa Brown and Chas. Kelly on the Northwest and west, the Downey, on the South and East, and the Upper Mitchell (Abst. 216) on the Northeast, in two tracts.

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Our conclusion is that the confusion in this area was caused by the fact that there is an excess in the southwestern boundary line of Cobain titled survey (Abst. 11), which is covered by the courses in the upper Mitchell, Abst. 215, calling for the corners and boundaries of the Cobain titled survey. (reference is herein made to Surveyor's Record, Refugio County, Texas, Vol.1, Page 66.

In addition to the foregoing lines, an actual survey was made of the Driscoll and Mitchell surveys as shown on the accompanying plat and field notes.

Herbert Whalen
Herbert Whalen, Co. Surveyor,
Bee County, Texas.

P. G. Young
P. G. Young, County Surveyor,
Refugio County, Texas.

Surveyor's Statement
S.W. pt. of
Refugio County

Filed 12-12-33
Giles

See sketches N^o 21 and 22

Refugio County, Texas.
Herbert Whalen, Co. Surveyor,
and field notes.

Refugio County, Texas.
B. G. Young, County Surveyor,
G. D. Young

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Record, Refugio County, Texas, Vol. 1, Page 66.
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the fact that there is an excess in the southwestern boundary
that the confusion in this case was