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November 21, 1949

John F. Cruse, Report on Deed of
Acquittance Application, Rusk
County, Texas

Surveyor's Report

Honorable Bascom Giles, Commissioner
General Land Office
Austin, Texas

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Dear Sir:

GENERAL LAND OFFICE

Attached hereto is a map showing the results of my survey of the Stephen Jones, Elisha Irons, S. C. Glasscock, Andrew Vannoy, N. B. Branch, John F. Cruse, J. M. Crow, M. H. Jones and parts of the Enoch Spivey, W. Y. Stephens, John Lollar, Juan Y. Acosta and Mariana Sanches Surveys.

I wish to call your attention to the attached map on which I show original corners circled in red. You will note that I show call bearings and distances in vertical letters, while actual bearings and distances, as I found them on the ground, are shown in slant letters.

I am also attaching corrected field notes of the John F. Cruse Survey, recorded in Vol. , Page , Surveyors Records of Rusk 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 John F. Cruse 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 of the surveys in this area. I also compared this plat with the patent notes. I made a study of the field notes as to the date of surveying, by whom made, and carefully noted all calls for adjoining lines, the size and type and witness trees called for at corners to determine what could be expected on the ground.

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

Having spent considerable time in studying the above information I went to the field and made a preliminary survey. I found what I consider to be six original survey corners: the northwest corner of the Elisha Irons, the northwest corner of the S. C. Glasscock, the lower northeast corner of the Stephen Jones, the northeast corner of the M. H. Jones, the upper southwest corner of the Enoch Spivey and the southeast corner of the J. M. Crow. Each of these corners will be more fully discussed later in this report.

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- 2 -

The oldest survey in this area is the one league Mariana Sanches Survey which was laid down some time prior to 1834, the year in which it was titled. I ran out only the north line and portions of the east and west lines, these being the lines which affect the area in question. I have used the occupied position of the north, east and west lines because in this position the creek, branches and the road agree more closely with the passing calls for same than in any other position. Also, the north line in this position agrees with the original corners of junior surveys which will be discussed later, said corners being the upper southwest corner of the Enoch Spivey and the southeast corner of the J. M. Crow Surveys, both called to be in the north line of the Sanches.

The Enoch Spivey Survey was laid down by A. A. Nelson in 1853 and patented in November, 1855. At the occupied and recognized upper southwest corner of the Spivey I found a 27" post oak marked with a very old \bar{x} . I consider this an original witness to the upper southwest corner of the Spivey and have used same in relocating said corner. Inasmuch as identical witness trees are called for at said corner in the field notes of the M. H. Jones I also consider this the original southeast corner of the M. H. Jones Survey. I show this corner circled in red on attached map. I have relocated the upper west line of the Spivey northwardly from said original corner and along an old marked line. I have placed the northwest corner its called distance north of said corner, while the north line has been placed eastwardly from said northwest corner.

The J. M. Crow Survey was laid down by C. C. Grayson in 1854 and patented in 1859 on Grayson's field notes. This survey calls to begin at the northwest corner of the Mariana Sanches Survey. The occupied position of the west, north and south lines check closely their field note position in relation to the northwest corner of the Sanches and I have used occupation in relocating said lines. At the occupied and recognized southeast corner of the J. M. Crow I found the remains of a pine stump and the remains of a post oak stump which agree in both bearing and distance with pine and post oak witness trees called for at said corner. I consider this an original corner of both the J. M. Crow and the M. H. Jones Surveys, since identical witness trees are called for at said corner in the field notes of both surveys. I show this corner circled in red on the attached map. I have relocated the east line of the J. M. Crow Survey northwardly on call bearing from said original corner, said line falling along an old marked line.

The M. H. Jones Survey was laid down by S. M. Noble in 1857 and patented on Noble's field notes in 1860. At the occupied and recognized northeast corner I found a 30" hickory, now lying on the ground, which is plainly marked with a very old \bar{m} . This hickory has been recognized as the original corner tree for many years and I have used same for the northeast corner of the Jones. (I also consider this the original southeast corner of the A. Vannoy because of the similarity of witness trees called for in the field notes of said Vannoy.) I have relocated the M. H. Jones Survey by using this corner, the two original corners previously discussed, together with old marked lines.

The Juan Y. Acosta 973 acre survey was laid down by J. C. Hill in 1841 and patented on Hill's field notes in 1848. I have relocated the southeast corner from creeks called for on the south and east lines near said corner. The occupied northeast corner agrees

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- 3 -

very closely in both bearing and distance from the southeast corner and I have used occupation in relocating the east line of the Acosta.

The N. B. Branch and John F. Cruse Surveys were both laid down by M. H. Wadsworth, the former in 1851 and the latter in 1854. The occupied southeast corner of the John F. Cruse has been recognized as the corner for many years according to natives of this area. The distance from said corner to the northwest corner of the J. M. Crow agrees within 23 varas with a passing call for same recited in the Cruse field notes. I have, therefore, used said corner, together with marked lines in relocating the east and south lines of the Cruse.

The Cruse field notes call for its west line to adjoin an "old line" and for its northwest corner to adjoin an "old corner". I have interpreted this as a call for adjoinder with the east line and northeast corner of the Juan Y. Acosta Survey and have relocated the west line of the Cruse accordingly. To substantiate my interpretation is the call recited in the field notes of the A. Vannoy 91.4 acre survey which states that its northwest corner is common with the southwest corner of the Cruse and in the east line of the Acosta. I have placed the westerly north line of the Cruse eastwardly along a fence from the northeast corner of the Acosta while the upper east line and easterly north line have been relocated in accordance with the field notes.

The field notes of the N. B. Branch call to begin 80 varas north and 662 varas west of the southwest corner of the Elisha Irons Survey. (Said Irons Survey will be discussed later in this report.) I can find nothing on the ground nor in the field notes of adjoining junior surveys to substantiate this beginning call and I have not used same. No occupation nor old marked trees were found around the Branch Survey, so I have relocated same in accordance with its field notes from the junior John F. Cruse call for adjoinder with same.

The Andrew Vannoy Survey was laid down by Thomas Lacey in August, 1873. Said Survey calls to begin at the northwest corner of the Enoch Spivey. I have relocated the east line of the Vannoy coincident with the west line of the Spivey as called. I have placed the south line westwardly from the original southeast corner of the Vannoy, which corner has been discussed in connection with the M. H. Jones. I have placed the north line westwardly on call bearing from the northwest corner of the Spivey, while the west line has been placed coincident as called with the east lines of the N. B. Branch and John F. Cruse Surveys.

The Elisha Irons Survey was laid down in 1846 by Thomas Benton. At the occupied and recognized northwest corner of the Irons Survey I found the remains of a post oak stump and a pine stump which agree in bearing and distance with the pine and post oak witnesses called for at the re-entrant corner of the John Lollar Survey. Inasmuch as the Irons Survey calls to begin at said re-entrant corner of the Lollar, I consider this the original beginning corner of the Irons and show same circled in red on attached map. I have relocated the Irons by using said original corner, together with occupation and marked lines. Thus relocated this survey agrees closely with its field notes.

The S. C. Glasscock Survey was laid down in 1873 by R. H. Thompson. At the recognized northwest corner of said survey, I found two pine stumps which agree closely in both bearings and distances with two pine witnesses called for at said corner in the Glasscock and Jose Maria Ramos field notes. I consider this an original corner and show same cir-

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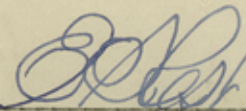
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clad in red on attached map. You will note that said corner is 40 varas short of its call distance from the west line of the Elisha Irons Survey, which the Glasscock calls to adjoin. I have relocated the Glasscock Survey in accordance with its field notes. You will note, however, that inasmuch as the north line is 40 varas short of call the aggregate length of the south lines would have to be short approximately the same distance. I have placed all this shortage in the westerly south line because of closer agreement with old marked trees along the lower east line in that position.

The Stephen Jones was first surveyed by E. A. Watkins on August 1, 1859, and re-surveyed by Watkins on August 23, 1859. These two surveys by Watkins are in the same general area as a survey in the name of James B. Carlton laid down in 1857 by A. S. Mayo. The James B. Carlton was apparently abandoned, although definite proof of abandonment is lacking. In 1888, another survey, in the name of Allen Isbell, was laid down in this area by W. A. Johnston. All four of these surveys call to begin at the southwest corner of the Elisha Irons Survey. None of the four have ever been patented.

At the occupied and recognized easterly northeast corner of the Jones Survey I found a 34" post oak which I consider to be an original witness tree. I show this corner circled in red on the attached map. I have used this original corner in relocating the lower east line of the Jones, while all other lines of the Jones have been placed coincident, as called, with the lines of previously discussed surveys. Note that I have honored the Jones call for adjoinder with the N. B. Branch Survey, which makes the overall east-west length of the Jones approximately 145 varas excessive over call.

As stated before, the purpose of this report is to show my procedure in relocating the John F. Cruse Survey. I have relocated other surveys in order to show that no violence has been done to adjoining surveys. It is my opinion that the enclosed corrected field notes do not go beyond or exceed the area covered by the original field notes of the John F. Cruse Survey, 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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