

94-415

E. S. REST
PROFESSIONAL CIVIL ENGINEER
LICENSED LAND SURVEYOR
202½ W. ERWIN ST.
TYLER, TEXAS

February 3, 1950

W. Y. Stephens, Report on Deed of
Acquittance Application, Rusk County,
Texas

Surveyor's Report

Honorable Bascom Giles, Commissioner
General Land Office
Austin, Texas

Dear Sir:

Attached hereto is a map showing the results of my survey of the W. Y. Stephens and Elisha Irons Surveys and parts of the Enoch Spivey, Stephen Jones, John Loller, Charles Smith, William M. Hewitt and John L. Coats 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 W. Y. Stephens Survey, recorded in Vol. H , page 68 , Surveyor's 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 W. Y. Stephens Survey and in order that a deed of acquittance may be issued covering same.

Before I started working on the above mentioned survey, I made a study of the field notes as to the date and by whom the surveys were made, carefully noting all calls for adjoining lines and descriptions of witness trees at survey corners.

I found what I consider to be three original survey corners, the northwest corner of the Elisha Irons, designated on the plat by the letter "J"; the lower northeast corner of the Stephens Jones, designated by the letter "K"; and the upper southwest corner of the Enoch Spivey Survey, designated by the letter "A". Each of these corners will be more fully discussed later in this report.

The oldest survey in this area is the John Loller, which was laid down in 1841 by J. C. Hill. I have not done sufficient surveying to locate all of the John Loller Survey, but have found what I consider to be the original re-entrant corner, which is also the northwest corner of the Elisha Irons Survey. At said corner, which is designated on the plat by the letter "J", I found a very old pine stump and a post oak stump hole which agree in both bearings and distances with the pine and post oak called for as the original witness trees at said corner.

The Elisha Irons Survey was the next laid down in this area, being made by Thomas Benton in 1846. The field notes of the Elisha Irons Survey call to begin at the re-entrant corner of the John Loller, which was discussed above and which I consider to be the original corner. I have relocated the Irons by using said original corner,

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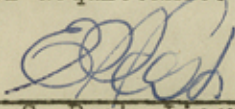
together with occupation and marked lines. Thus relocated this survey agrees closely with its field notes.

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 I have used this tree 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 of the Spivey its called distance north of said corner, while the north line has been placed eastwardly on call bearing from said northwest corner.

The Stephen Jones was first surveyed by E. A. Watkins on August 1, 1859, and re-surveyed by Watkins on August 23, 1859, but this survey was never patented on Watkin's field notes. At the lower northeast corner of the Stephen Jones, which is designated on the plat by the letter "K", I found a 34" post oak marked with a very old \bar{x} , which I consider to be an original witness tree called for at that corner and from which I have set and used a point as the original corner. I have relocated the lower east line of the Stephen Jones by placing it on its called bearing from said original corner to the north line of the Enoch Spivey Survey.

The W. Y. Stephens Survey was laid down by R. H. Thompson in May, 1894. Because of calls for adjoiners and identical witness trees at the common corners, I have located line C-D coincident with the north line of the Enoch Spivey; line C-K coincident with the lower east line of the Stephen Jones Survey; line K-G along the south line of the Elisha Irons; and line G-H coincident with the east line of the Elisha Irons. I have placed line H-L eastwardly from the northeast corner of the Elisha Irons, placing corner "L" in the branch as called. I have located line L-M northwardly from corner "L" to the Henderson-Nacogdoches Road. I have placed corner "N" in the Henderson-Nacogdoches Road as called, on the occupied north line of the William M. Hewitt, and have broken line M-N into three separate courses in order to follow the old Henderson-Nacogdoches Road. From corner "N" I have established lines N-O, O-P and P-Q in accordance with their field notes. You will note, however, in relocating line O-P I have used the call of 906 varas as contained in the Senior Hewitt field notes in preference to the call of 900 varas contained in the Stephens field notes. I have placed line Q-D southward from corner "Q" to the north line of the Enoch Spivey Survey.

As stated before, the purpose of this report is to show my procedure in relocating the W. Y. Stephens 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 W. Y. Stephens 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

ESR:dw

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E. S. Rest, Licensed Land Surveyor

[Handwritten signature]

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mitted to purchase the excess acreage of deed of record. Field notes of the W. Y. Stephens Survey, and I recommend that the subject be corrected field notes do not go beyond or exceed the area covered by the original the W. Y. Stephens Survey. I have relocated other surveys in this area as stated before, the purpose of this report is to relocate the north line of the Brock Spivey Survey.

the Stephens field notes. I have placed line C-D starting from corner "A" to the the Senior Hewitt field notes in preference to the call of 300 Acres contained in however, in relocating line O-P I have used the call of 300 Acres contained in line H-O, O-P and P-Q in accordance with the field notes. For field note, order to follow the Old Harrison-Nacodoches road. From corner "A" I have established the William M. Hewitt, and have proken line M-N into three separate courses in corner "A" in the Harrison-Nacodoches road as called, on the occupied north line the Harrison-Nacodoches road. I have placed

place from placing corner "A" in the Brock as called. I have received line E-H from. I have placed line H-I eastwardly from the northwest corner of the E-H line of the Stephens Survey; and line G-H coincident with the east line of the lower east line of the Stephens Survey; line K-G along the line coincident with the north line of the Brock Spivey; line C-X coincident with the common line of the common corners; I have placed the first witness trees at the common corners. Because Spivey was laid down by R. H. Thompson in 1827, 1831. Because

File No. 35 35

Rusk County
E. S. Rest - Surveyor
W. Y. Stephens Survey

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James H. Jones Com'r
W. H. McBrick
File Clerk

original corner to the north line of the Brock Spivey Survey. east line of the Stephens Survey by placing it on its called line I have set and used a point as the original corner. I have which I consider to be an original witness tree called for at that the first by the letter "K". I found a 3 1/2" post oak marked with "K". At the lower northwest corner of the Stephens Survey, which was first surveyed by E. A. Watkins on August 1, 1822, and re-surveyed on August 23, 1823, but this survey was never patented on the north line has been placed eastwardly on call bearing from said have placed the northwest corner of the Spivey and along an old marked line. I Spivey northwardly from said original corner and along an old marked line. I have relocated the upper west line of the the original southeast corner of the W. H. Jones Survey. I show this corner called for at said corner in the field notes of the W. H. Jones. I also consider this tree in relocating said corner. Inasmuch as identical witness trees are original witness to the upper southwest corner of the Spivey and I have used Spivey I found a 2 1/2" post oak marked with a very old "E". I consider this an November, 1825. At the occupied and recognized upper southwest corner of the the Brock Spivey Survey was laid down by W. A. Nelson in 1823 and patented in closely with the field notes. Thus relocated this survey agrees together with occupation and marked lines.

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