

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



Apr. 19, 1951

Re: A. J. McDonald Survey, Application for
Deed of Acquittance, Rusk Co., Texas

SURVEYOR'S REPORT

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

Dear Sir:

The attached map shows the results of my survey of the A. J. McDonald and adjoining surveys. On this map, one original corner is shown circled in red. Called bearings and distances are shown in vertical letters and actual bearings and distances are shown in slant letters.

This report is to show my actual findings on the ground to support my conclusions that the attached field notes properly describe the A. J. McDonald Survey and a Deed of Acquittance should be issued thereon.

Before a survey on the ground was made, I had carefully studied a plat prepared by me from original field notes on which the surveys in this area were patented. In this study I noticed the relationship between the John Caison (abandoned survey, shown by dashed brown lines), the Jesus Gomez, the J. H. Hyde, the John D. Williams and the A. J. McDonald Surveys. These surveys are tied together by adjoinder calls, beginning calls and identical or similar witness trees at common corners. Hence, the John Caison, being the senior survey of this group, had to be established in order to locate the adjoining lines of the junior surveys. A. A. Nelson put in the Williams and the Gomez and attached a sworn statement to the field notes of the latter. In this statement Nelson said that he found the upper southeast corner of the McDonald on the ground in such a position that it placed 432 varas excess in the upper south line of the McDonald, making this line 900 varas in length, compared to the call in the McDonald field notes of only 468 varas.

In Nelson's field notes on the Williams, he called the upper north line to be coincident with the south line of a survey put in by the County Surveyor, but does not name the survey. The only survey to occupy the area above this line of the Williams is the A. J. McDonald, which was surveyed only six years previously by Thomas Benton. It is evident, therefore, that the adjoinder call in the John D. Williams field notes for a survey along its north line was for the A. J. McDonald, and that the Williams north line and McDonald south line are one and the same. However, the field notes on the McDonald, which begin at the northwest corner of the John Caison, place the south line of the McDonald 720 varas south of the Caison northwest corner. The field notes of the John D. Williams place the north line of the Williams 475 varas north of the southwest

corner of the John Caison. These two distances (720 varas plus 475 varas) total 1195 varas as compared to the field note call on the John Caison west line of 1344 varas, showing a discrepancy of 149 varas. Since the John D. Williams and A. J. McDonald Surveys adjoin, it is apparent that a mistake was made in either the McDonald field notes or the Williams field notes, or both. Only a ground survey would clear up this situation.

I further noticed that the McDonald field notes recite a call to adjoin the Hartwell Frazier Survey on the west. The field notes further recite a call to cross Beech Creek at 394 varas north of the McDonald southwest corner. When the McDonald Survey is platted in its proper relationship with the Frazier, the call to cross Beech Creek fails to agree with the position of Beech Creek, as shown in the Frazier field notes, by approximately 400 varas.

After I spent considerable time in study of all of the General Land Office information, I went to the field and made the survey. I found what I consider to be the original southwest corner of the Caison (abandoned survey), which is now the southwest corner of the John H. Hyde and is common with the eastern re-entrant corner of the John D. Williams.

The oldest survey in this area is the Maria F. Huejas, which was surveyed in 1835 and titled on its field notes. I did not do sufficient field work to enable me to locate the entire Huejas; however, I have established a portion of the east and south lines from occupation and marked lines. The bearings of these lines agree closely with their calls.

The John Caison Survey, which was laid down in 1839, was later abandoned. As stated above, I found the original southwest corner of the Caison, and building from this corner, I have established the survey in accordance with its field notes.

The J. H. Hyde Survey was laid down by C. C. Grayson in the year 1867. It calls to begin at the eastern re-entrant corner of the John D. Williams and recites witness trees that are identical to those at the southwest corner of the Caison Survey. Therefore, from this same original corner, I have established the Hyde Survey in accordance with its field notes, and in this position, the survey agrees closely with the existing occupation.

The Hartwell Frazier Survey was laid down by J. C. Hill in 1841. I have established, from occupation, the east line and only a portion of the south line of this survey. Sufficient work was not done on the ground to establish any of the other lines of this survey. I have placed the portion of the south line along the existing occupation, projecting eastward to the occupied east line, locating the southeast corner at the intersection. Locating the east line along this occupation results in the call for crossing Beech Creek to agree exactly with the field notes.

The J. D. Williams Survey was laid down by A. A. Nelson in 1851. Although this survey was laid down six years after the A. J. McDonald, it is necessary in this report to establish the John D. Williams Survey first, in order to show the relation between its north line and the south line of the McDonald. My reason for locating the Williams first is because I found one of its original corners and the occupied and recognized boundaries agree satisfactorily with the field notes when constructed from the original corner.

To suit the purpose of this report, I have established only the north portion of the Williams Survey. I have placed the upper west line coincident with the corresponding line of the Frazier Survey, as called. As I said earlier in this report, the field notes of the Williams place the upper north line along the south line of a survey made by the Rusk County Surveyor, and again I point out that the only survey occupying this area was and is the A. J. McDonald. The field notes call to go east with this line to a corner in the west boundary line of the Caison Survey. I have placed the upper north line of the Williams along the marked, occupied, and recognized line. In this position, it agrees within $13\frac{1}{2}$ varas of its field note position from the southeast corner of the Frazier, and 21.1 varas from its field note position from the southwest corner of the John Caison Survey. This line, as I have established it, exceeds called length by 29 varas, as called in the Williams field notes, but agrees exactly with called distance as recited in the McDonald field notes. These lines of the Williams agree with old marked lines and old occupation. These are the only lines of the Williams that are pertinent to the location of the A. J. McDonald Survey. No other lines of the Williams will be discussed.

A. A. Nelson also laid down the Jesus Gomez Survey in 1869, which was twenty-four years after Thomas Benton surveyed the McDonald. The field notes of the Gomez call to begin at the northeast corner of the John Allcorn Survey. The field notes of the John Allcorn place its northeast corner at the southeast corner of the John Caison. Therefore, I began the Gomez Survey at the previously established southeast corner of the Caison. Building from this corner, I have located the Jesus Gomez according to its field notes, except for the upper west line, the upper north line and the east line, which vary only slightly from their respective called distances. The Gomez, located in this manner, places the easterly west line and the upper south line coincident, as called, with the corresponding lines of the J. H. Hyde Survey. Again, I call your attention to A. A. Nelson's certified statement and sketch, in which he stated that he found the field note witness trees for the upper southeast corner of the McDonald in such a position that placed 432 varas excess in the upper south line of that survey.

On the attached map, I show my location of a portion of the William E. Harreld Survey, which was laid down by Thomas Lacy in 1874. This survey, by its field notes, adjoins a portion of the east line of the Huejas and calls its southwest corner to be common with the upper southeast corner of the McDonald Survey. This is in error since this corner is common with the upper northwest corner of the Gomez and the witness tree called for is identical to the witness tree called for in the Gomez field notes. This corner of the Gomez calls to be in the upper east line of the McDonald. This further substantiates Nelson's statement that the upper east line of the McDonald is in this eastern position and the upper south line should exceed its called length by 432 varas.

Thomas Benton's field notes in 1845 for the A. J. McDonald Survey called to begin at the northwest corner of the John Caison. In establishing the McDonald, I began, as called, at this corner. The field notes then call to go south 650 varas to Beech Creek, at 700 varas to high ground and at 720 varas to corner. The actual crossing of Beech Creek is 840 varas south of the beginning corner. Hence,

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in order to satisfy the field note requirements to be south of the creek and on high ground, the lower east line will have to be approximately 128 varas excessive. This is the minimum excess that can be applied to the lower east line of the A. J. McDonald Survey and satisfy the field note calls for natural objects.

If the 128 vara excess is placed in the lower east line of the McDonald, thus making the line approximately 848 varas instead of 720 varas, the lower southeast corner of the McDonald will coincide with the upper northeast corner of the John D. Williams Survey as I have established it. I have, therefore, placed the lower southeast corner of the A. J. McDonald coincident with the upper northeast corner of the John D. Williams.

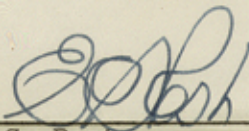
The lower south line of the McDonald was placed coincident with the upper north line of the Williams, thus honoring A. A. Nelson's adjoinder call in the Williams field notes. As previously stated, the lower south line of the McDonald, established in this position, agrees with its called distance and follows an old marked line and old occupation.

I have established the west line of the McDonald Survey coincident with the east line of the Hartwell Frazier, thus honoring the field note call for the McDonald southwest corner to be in the Frazier east line, and have projected the McDonald west line northward to intersect the south line of the Huejas. Benton's field notes on the McDonald west line call to go north 1334 varas to the south line of the Douglass. His original recorded measurement of 1334 varas was marked out and changed to 1146 varas. The west line of the McDonald, as I have established it, agrees within 17 varas of the original call of 1334 varas. I have considered the adjoinder call for the Douglass to mean the Huejas, because the Huejas is senior to any survey in this area, and I have no record of any survey in the name of the Douglass occupying area north of the McDonald. The west line, established in this manner, agrees with occupation closely but exceeds the altered field note call by about 171 varas. In this position, the call to cross Beech Creek will not agree by approximately 400 varas.

I have placed the north line of the McDonald coincident with the south line of the Huejas and have honored the adjoinder call in the McDonald field notes for its northeast corner to be coincident with the southeast corner of the Huejas (called southeast corner of the Douglass in the McDonald field notes). Established in this manner, the north line of the McDonald is approximately 420 varas in excess of its called length. In establishing the upper east line of the McDonald, I have projected this line southward to the upper re-entrant corner of the Gomez, which I again point out is the corner of the McDonald as found by A. A. Nelson in his survey of the Jesus Gomez. Established in this manner, this line of the McDonald exceeds called length by 38.7 varas. The closing line I have projected to the place of beginning, exceeding called distance by 432 varas. As I have located this line it is coincident, as called, with the old Caison Survey, which is now the westerly north line of the Jesus Gomez.

It is my opinion that I have closely retraced the boundaries of the A. J. McDonald Survey as actually laid down by Thomas Benton in 1845, and that the

survey contains 232.62 acres as compared to call of 196.5 acres, thus being excessive by 36.12 acres. As I have established this survey, all adjoinder calls have been honored and the lines agree with the boundaries of the adjoining surveys. It is my recommendation, therefore, that the applicant be issued a deed of acquittance to the 36.12 acre excess in the A. J McDonald Survey as I have established said survey and described it in the attached corrected field notes.



E. S. Rest
Licensed State Land Surveyor

ESR:A

Attachments

Correct on Map for _____ Acres

BARSON OILERS CORP.

County _____

Handwritten notes and signature in the bottom left corner, including the name "BARSON OILERS CORP." and a signature.

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notes.
I have established said survey and described it in the attached corrected field notes and a deed of acknowledgment to the 30.15 acre excess in the A. J. McDonald Survey as the survey. It is my recommendation, therefore, that the applicant be issued calls have been honored and the lines agree with the boundaries of the adjoining excessive by 30.15 acres. As I have established this survey, all adjoining survey contains 535.65 acres as compared to call of 100.00 acres, this being

File No. _____
County _____
Corrected Field Notes _____
Survey No. _____
Filed _____, 19____
BASCUM GILES, Com'r
Correct on Map for _____ Acres

Richard State Land Surveyor
E. S. Rest

File No. 44
Rusk, Nacogdoches County
Surveyors Report
by E. S. Rest
Filed 6/30, 1953

BASCUM GILES, Com'r
A. H. Hebrich
File Clerk

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