

Bascom Giles, Commissioner
General Land Office
Austin, Texas

Surveyor's Report
October 5, 1948

7-39

Dear Sir:

This is a report covering a resurvey of the John P. Tilly Survey, 1:90, Abstract 146; I. & G. N. RR. Co. Survey, S:225, Abstract 94; I. & G. N. RR. Co. Survey, S:226, Abstract 95; I. & G. N. RR. Co. Survey, S:227, Abstract 96; I. & G. N. RR. Co. Survey, S:228, Abstract 97; I. & G. N. RR. Co. Survey, S:229, Abstract 98; and I. & G. N. RR. Co. Survey, S:229, Abstract 99 in Calhoun County, Texas.

The John P. Tilly survey of 1/3 league was made by Duncan Beaumont on May 7, 1853. The I. & G. N. RR. Co. Surveys S:225, S:226, S:227, and S:228 of 640 acres each and the I. & G. N. RR. Co. Survey S:229 of 444 acres were made by William Thomson on August 28, 1875. The I. & G. N. RR. Co. Survey S:225 of 640 acres and the I. & G. N. RR. Co. Survey S:229 of 172 acres were also made by William Thomson on March 31, 1876.

A preliminary survey was made of the area covered by these surveys and it was found that most of the area has been subdivided into smaller tracts through the years without regard to the lines of the original surveys. The entire area is now, or has been under cultivation.

These surveys are bounded on the N E by the Florentina Garcia Survey, titled April 26, 1835, and the Pascual Guajardo Survey, titled April 12, 1835; on the S E by the William P. Lewis Survey 1:70, made by S. A. White on October 22, 1848, and the John C. Post Survey, made by Duncan Beaumont on May 5, 1853; on the S E and S W by the Elizabeth Miller Survey made by W. H. Allen on September 16, 1880, the F. W. Roemer Surveys made by H. M. Henderson on January 19, 1894, the John Q. Weatherly Survey, made by W. O. Work on February 27 to March 6, 1929 and the Enrique Rendon Survey, titled April 8, 1835; and on the N W by other surveys made by William Thomson as a part of his I. & G. N. RR. Co. Block.

I could not find any of the corners of the resurveyed tracts, so I began at the occupied E corner of the B. Rodriguez titled survey and the N corner of the F. Garcia titled survey on the right side of Chocolate Creek and 3 varas back from its bank at the stump of a large Black Oak tree 36 inches in diameter; thence, S. 55° W., at 3 varas pass a Black Oak tree 30 inches in diameter, with old hacks on its S.W. side that appear to be

line marks, at 77 varas enter road and continue with road along the recognized boundary between the Rodriguez and Garcia surveys, at 801 varas cross a branch, at 3709 varas set a stake in road for the W. corner of the Garcia Survey, and the N. corner of the A.C.H. & B. Survey S:231; thence, S. 35° E., at 9 varas pass a fence corner from which an iron pipe Bears S. 55° W., 1271.5 varas, at 2303 varas N. 35° W., 1.2 varas to a fence corner post at the occupied E. corner of the A.C.H. & B. Survey and the N. corner of the I. & G. N. RR. Co. Survey S:224, at 5000 varas set a stake for the S. corner of the Garcia Survey; thence, N. 55° E., with the S.E. line of the Garcia Survey, at 5750 varas leave the high land, at 5920 varas enter marsh, at 6122.4 varas set stake on the right bank of Chocolate Creek for the E. corner of the Garcia and the N. corner of the Guajardo titled surveys. Began in this last line S. 55° W., 1544 varas from the survey corner on Chocolate Creek and set a concrete monument for the W. corner of the Guajardo survey; thence, S. 35° E., with the S.W. line of the Guajardo survey, at 4500 varas set a stake for its S. corner. Begin at the S. corner of the Wm. P. Lewis Survey 1:70 at a stake that I set by measuring S. 55° E., 86.7 varas from Powderhorn Bayou; thence N. 55° W., with the S.W. line of the Lewis survey, at 1900.8 varas set a stake for the E. corner of the John C. Post survey B:100, at 2886.7 varas set a concrete monument for the W. corner of the Lewis Survey, at 3801.6 varas set a concrete monument in road for the N. corner of the John C. Post survey; thence S. 35° W., with road and the N.W. line of the John C. Post survey, at 1900.8 varas set a concrete monument in road for its W. corner.

Returning to the W. corner of the Lewis Survey; thence, N. 35° E., 2886.7 varas set a concrete monument for its N. corner; thence, S. 55° E., at 854.4 varas set a concrete monument in the S.W. line of the Guajardo titled survey at a point N. 35° W., 217.4 varas from its S. corner. There is a conflict between the lines of the Lewis and Guajardo surveys at this point, the details of which are shown upon the working plan.

Beginning again at the S. corner of the Garcia survey; thence, N. 35° W., with its S.W. line, at 926 varas set a concrete monument at the N. corner of I. & G. N. RR. Co. Survey S:225 and the E. corner of I. & G. N. RR. Co. Survey S:224; thence, S. 55° W., 2041 varas set a concrete monument at the S and W corner of these surveys; thence, S. 35° E., 588.5 varas to a fence post at the recognized N. corner of the F.W. Roemer survey of 19 1/2

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acres; thence, S. 55° W., with fence on the N.W. line of the small Roemer Survey, 359 varas to an iron pipe in fence corner, the original W. corner of the small Roemer Survey; thence, S. 35° E., with fence on the S.W. line of the small Roemer Survey and N.E. line of the Enrique Rendon titled survey, at 307 varas, set concrete monument at the S. corner of the small Roemer Survey (found nothing), at 451 varas set a concrete monument in fence corner at the recognized and occupied E. corner of the Rendon Survey; thence, S. 54° 40' W., with the general course of a fence on the S.E. line of the Rendon Survey, 1505 varas to a fence corner post at the W. corner of the large Roemer Survey; thence, S. 35° 30' E., with fence along the S.E. line of the large F. W. Roemer Survey, at 1355.9 varas found an iron pipe, the original W. corner of the John Q. Weatherly Survey, then continued on same course along fence for 8050 varas in all to establish its general course. This last fence which marks the S.W. line of the John Q. Weatherly Survey, Elizabeth Miller Survey and the I. & G. N. RR. Co. Surveys S:280 and S:279, although 30 minutes off the course of the other courses was recognized as the boundary of those surveys several years ago in a land dispute over the location of the John Q. Weatherly Survey. This suit is styled Weatherly v. Jackson 46 S.W. (2) 1034 71 S.W. (2) 259.

While the resurveyed lines of the John P. Tilly and the I. & G. N. RR. Co. Surveys are shown in sufficient detail upon the working plan and field notes, I wish to explain in general how they were reestablished.

I considered the I. & G. N. RR. Co. Surveys S:227, S:228 and S:229 lying N.E. of the John P. Tilly to be in the same location as the William Kelly Survey. The William Kelly Survey was made by Edward Linn on May 22, 1852, and was canceled or lifted. I could not find the William Kelly field notes in the Land Office so a certified copy of these notes taken from Book A, page 127 of the Calhoun County Surveyor's Record is attached as a part of this report.

The I. & G. N. RR. Co. Surveys, S:227, S:228 and S:229 were begun in the S.E. line of the Garcia survey at the W. corner of the Guajardo Survey; their N.W. line was run the call distance of 2274 varas along the S.E. line of the Garcia Survey; their N.E. line was made to run with the S.W. line of the Guajardo Survey to meet the line of the Wm. Lewis Survey, and their S.W.

line was run parallel to the N.E. line and also extended to meet the lines of the Lewis Survey; the lower or S.E. lines ran with the Lewis Survey.

The John P. Tilly Survey was begun at the W. corner of the William Lewis Survey in the N.E. line of the John C. Post Survey; thence, with the N. W. line of the Lewis Survey to the S. corner of the I. & G. N. RR. Co. Surveys (formerly the Kelly); thence, with the S.W. lines of these surveys to the S.E. line of the Garcia Survey; thence, with the S.E. line of the Garcia Survey, and a continuation thereof for a distance of 425 varas beyond its S. corner; thence, parallel to its N.E. line (S. 35° E.) to the N.W. line of the John C. Post Survey; thence with the N.W. and N.E. lines of the Post Survey to the place of beginning.

The I. & G. N. RR. Co. Surveys, S: 225, S:226 and S:229 lying S.W. of the John P. Tilly Survey and F. Garcia Survey were begun at the S. corner of the Garcia Survey; thence N. 35° W., with the S.W. line of the Garcia survey the called distance of 926 varas; thence S. 55° W., 2041 varas, 4 varas greater than their call distance so that they would fall in line with a course extended N. 35° W. from the known and found original corner of the F. W. Roemer Survey of 19 1/2 acres SF:19295; thence, S. 35° E., to the E. corner of this Roemer Survey; thence S. 55° W., to Roemer's S. corner in the N.E. line of the Rendon survey; thence, with the Rendon N.E. fence line S. 35° E., to its E. corner; thence, S. 55° W., with Rendon's S. line to the N. corner of the larger F. W. Roemer Survey SF:19295; thence, S. 35° E., to a point opposite the S. corner of the John P. Tilly Survey; thence, N. 55° E., to the S. corner of the Tilly Survey; thence, N. 35° W. and N. 55° E., with the S.W. and N.W. lines of the Tilly Survey to the place of beginning.

All land owners interested in these surveys are shown on the working plan.

The excess distances in the lines are shown where they fell on the Tilly Survey and were distributed equally to each of the I. & G. N. RR. Co. Surveys.

Respectfully submitted,

Phillip G. Young
PHILLIP G. YOUNG
Licensed Land Surveyor

RECEIVED

OCT 15 1948

GENERAL LAND OFFICE

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Survey of 1476 acres of land for William Kelly situated in the County of Calhoun district of Victoria about $5\frac{1}{4}$ miles S 42° W. from the Town of Port La Vaca being the quantity of land to which he is entitled by virtue of Certificate No. 2 Class 2nd, issued by the Board of Land Commissioners for the County of Galveston.

Beginning at the intersection of the S.W. boundary of the League of land granted to P. Guajardo with the S.E. boundary of the league granted to Maria F. Garcia a stake in prairie,

Thence S. 55° W. with the S.E. boundary of the said Garcia 2274.7 vs to stake in prairie

Thence S 35° E 3983.5 vs. to the N.W. boundary of a Survey of one third of a League of land made for Wm. P. Lewis a stake in prairie

Thence N. 35° E with Lewis N.W. boundary 2219 varas to his north corner a post in prairie.

Thence S. 55° E with Lewis N.E. boundary 556 vs. to its intersection with the S.W. boundary of the league of Land granted to P. Guajardo a stake

Thence N. 35° W. with the S.W. boundary of said Guajardo 3793.4 vs to the place of beginning. Surveyed May 22nd 1852.

Augustus Black

Chain men.

William Teller

Recorded Sept. 13th 1852.

Edward Linn
District Surveyor
Victoria District

CERTIFICATE OF TRUE COPY OF PAPER OF RECORD

THE STATE OF TEXAS |

COUNTY OF CALHOUN |

I, C. J. Thomson, Clerk of the County Court of Calhoun County, Texas, do hereby certify that the foregoing is a true and correct copy of the original survey of 1476 acres of land for William Kelly made by Edward Linn, District Surveyor, as the same appears of record in my office, in the Survey Records of said County, in Vol. A, page 127.

Given under my hand and seal of said Court, at office in Port Lavaca, this the 7th day of October, A.D. 1948.

C. J. Thomson
Clerk, County Court, Calhoun County,
Texas.

By Robert Fisher Deputy.

File No. 8

CALHOUN Capt.

Sketch Files

Filed Nov. 9 1948

Bascom Giles Com'r

V.E. Staring File Clerk

Surveyor's Report of
resurvey of John P.
Tilly Survey and I. &
G. N. R. R. Co. surveys
adjoining -

6 miles S. 30° W. from
Port Lavaca -

By Phillip G. Young
Oct. 5, 1948

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