

Falls
COUNTY ROLLED SKETCH NO. 1
Vicinity of Isaac Gorhams Survey
SURVEYED April 1934 H. Hannicutt, FCCS
12 mi S30W FILED 3-8-76

County 49540

M A P

SHOWING SURVEY OF A PORTION OF FALLS COUNTY, TEXAS FOR REPORT ON VACANCY FILINGS BETWEEN THE ISAAC GORHAM & WILLIAM CALDWELL, ALSO BETWEEN THE JOHN BLAIR & WILLIAM CALDWELL SURVEYS.

SURVEYED MARCH 22 TO 29-1934. FIELD BOOK VOL. A4 Pg. 1. SCALE 600 FT. OR 216 VRS. TO 1" VAR. USED 10°15' EAST.

OFFICE OF J.S. BOYLES C.E. HOUSTON, TEXAS

COUNTY SURVEYOR FALLS COUNTY, TEXAS
J.S. Boyles, LICENSED STATE LAND SURVEYOR.

MAP NO. 4133-R

J.G.W. PIERSON LG.

E. STOCKBRIDGE SURVEY Vol. A, Pg. 234
W.W. OXSHUR SURVEYOR JAN. 1, 1851

H.F. STERNS SURVEY Vol. A, Pg. 351
ASSIGNEE OF JAS. HOUSE - R.F. ALEXANDER SURVEYOR. FEB. 11, 1872.

E.B. WOOD SURVEY Vol. A, Pg. 242
GEORGE GREEN SURVEYOR NOV. 7, 1853

WHARTON SURVEY Vol. A, Pg. 478
F.O. PORTER SURVEYOR 3-21-1889

G.W. BOYKIN SURVEY Vol. A, Pg. 199
HIRAM BAKER SURVEYOR FEB. 23, 1846.

D. SAMPLE SURVEY Vol. A, Pg. 199
HIRAM BAKER SURVEYOR FEB. 24, 1846

ISAAC GORHAM SURVEY Vol. A, Pg. 257
GEORGE GREEN SURVEYOR. JUNE 17, 1857

JOHN BLAIR SURVEY Vol. A, Pg. 256
GEORGE GREEN SURVEYOR 6-17-1857

JAMES POWELL LG.
Vol. L, Pg. 232 - Deeds - Title.

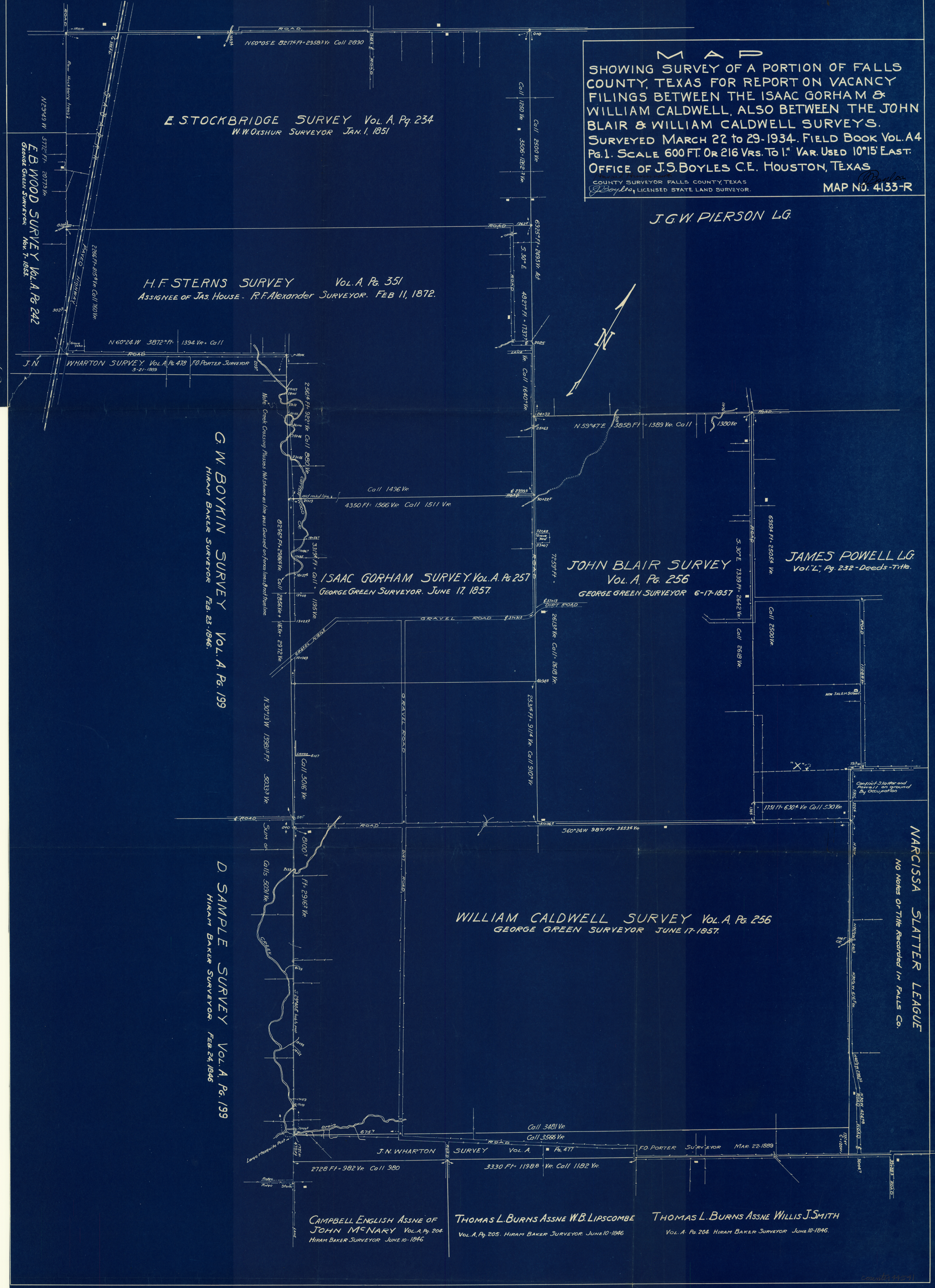
WILLIAM CALDWELL SURVEY Vol. A, Pg. 256
GEORGE GREEN SURVEYOR JUNE 17, 1857.

MARCISLA SLATTER LEAGUE
NO NOTES OR TITLE RECORDED IN FALLS CO.

CAMPBELL ENGLISH ASSNE OF JOHN McNARY
Vol. A, Pg. 204. HIRAM BAKER SURVEYOR JUNE 10, 1846

THOMAS L. BURNS ASSNE W.B. LIPSCOMBE
Vol. A, Pg. 205. HIRAM BAKER SURVEYOR JUNE 10, 1846

THOMAS L. BURNS ASSNE WILLIS J. SMITH
Vol. A, Pg. 204. HIRAM BAKER SURVEYOR JUNE 10, 1846.



Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Dear Sir and Friend:-

Reporting on the preference applications of Mrs. Mamie C. Carter, Mrs. Annie C. Burkhead, Mrs. Louise C. Connally and Mrs. Marian C. Buie filed with the County Surveyor of Falls County, Texas and the vacancy application of Mrs. C. C. Nichols. Filed respectively January 16, 1934 and November 17, 1933.

You are respectfully cited to the following field notes used in making this survey.

E. Stockbridge	recorded in Volume	"A"	page 234	Falls Co. Surv.
E. B. Wood	"	"	"	"
H. F. Sterns	"	"	"	"
Isaac Gorham	"	"	"	"
G. W. Boykin	"	"	"	"
D. Sample	"	"	"	"
William Caldwell	"	"	"	"
Campbell English	"	"	"	"
Thos. L. Burns	"	"	"	"
Thos. L. Burns	"	"	"	"
J. N. Wharton	"	"	"	"
J. N. Wharton	"	"	"	"
JOHN BLAIR	"	"	"	"
Jas. Powell Lg.	"	"	"	Falls Co. Deeds.
J. G. W. Pierson (Floated)	"	"	"	Falls Co. Surv.
Map accompanying J. N. Wharton	"	"	"	"

Mr. H. R. Hunnicutt and myself undertook this work to ascertain the facts on the ground and began the work March 22, 1934.

We ran a connecting line from the accepted West line of the Narcissa Slatter League, S. 60 W. along a graded road to the Southeast corner of the John Blair Survey as pointed out and claimed on the ground, and continued this line S. 60 W. to West line of the William Caldwell and east line of the D. Sample as the same is recognized on the ground.

We then measured to the S. 30 E. along this common line, and as fenced and occupied, finding numerous very old blazed and hacked trees thereupon, to a large mesquite post, the recognized and accepted southwest corner of the Wm. Caldwell survey, finding however none of the witness trees called for at this corner. From former State Surveyor R. S. Hunnicutt field book, now in possession of Mr. H. R. Hunnicutt, I found this statement relative to the southwest corner of the Caldwell, quote; "Original trees found, and marked 10" Elm X, br. S. 78 E. 16.4 vr. 4-17-1888." We returned to the point whence we ran to the S. 30 E. on West line of the Caldwell Survey and ran to the N. 30 W. along the West lines of the Caldwell, Gorham and Sterns, also east lines of the Boykin and Wharton, as fenced recognized and occupied, to a northeast corner of the Wharton and a re-entrant corner of the Sterns, which point is in center of road to N. 30 W. and S. 60 W. We then ran to the S. 60 W. along north line of Wharton and south line of Sterns, to the western Southwest corner of the Sterns. This line is down the center of a graded road.

We then ran to the N. 30 W. along the recognized occupied and accepted West lines of the Sterns and Stockbridge to the northwest corner of the Stockbridge, following in part fences and in part old line of trees evidencing boundary. This corner also falls in center of road to the N. 30 W. and S. 60 W. and N. 60 E.

We then ran down graded road, the north line of the Stockbridge Survey and north line of the J. G. W. Pierson League; to the N. 60 E. We then ran a line to the S. 30 E. along the West lines of the Pierson Lg. and of the John Blair to the southwest corner of the Blair.

At the Southwest corner of the Pierson league, as accepted, occupied and recognized we ran along the South line of the same and the north line of the Blair to the northeast corner of the Blair and Northwest corner of the Powell Lg. this corner is also in graded road, from here we ran to the S. 30 E. along the west line of the Powell to the southeast corner of the said Blair.

We returned to the south west corner of the Caldwell Survey and ran to the N. 60 E., actually running down the road, to the south west corner or thereabouts of the Slatter League. Thence generally to the N. 30 W. to the place of beginning.

From the southwest corner of the Caldwell to the re-entrant corner of the Sterns we find the distance to be 5033.3 varas, the sum of the calls on the west lines of the Caldwell 3016, the Gorham 1195, the Sterns 880, making 5091 varas, therefor an actual shortage of 57.7 varas. And from the Northwest corner of the Stockbridge to the South west corner of the Caldwell we find the distance to be 7111.2 vs, against calls 5091 from above plus Sterns west line 760 vs, and Stockbridge west line 1250 or total of 7101 vs, or an excess in 4 surveys of only 10.2 varas.

Now we find the West line of the Pierson between occupied and recognized corners to be 2493 varas against call of 2500, and the east line of the Blair 2642 varas against call of 2618 or total actual distance of 5135 varas against call of 5118 varas an excess of 17 varas in 5000 vs. which is not either unusual or exceptional in the older surveys.

We find considerable excess east and west, no doubt occasioned by ^{the} long measurements on the river leagues out from the river, but as the vacancy filing are in a north and south position this would not affect the area in question.

The John Blair field notes call to begin at N. W. Corner Powell League, Thence S. 60 W. 1380 vr, we find this distance 1389 vs, Thence S. 30 E. 2618 vs, whence POST OAK bears N. 84 W. 215 vs, Thence N. 60 E. 1380 vs, whence MESQUITE brs. N. 85 E. 26 vs, and Post Oak brs. N. 62 W. 86 vs. Thence N. 30 W. 2618 vs. to beg. omitting any call for the south west corner of the Powell League.

The Wm. Caldwell notes begin; Beginning at S. W. cor. James Powell League, Thence S. 30 E. 315 vs to a corner whence a Muskeet brs. N. 85 E. 26 vs, and a Post oak brs. N. 62 W. 86 vs, (THE IDENTICAL TREES CALLED FOR at the South East corner of the BLAIR), Thence S. 60 W. 1380 vs, to a cor, a Post Oak brs. N. 84 W. 215 vs, again an identical call as on the south line of the Blair and the identical witness tree as at the south west Corner of the Blair. These two surveys were made by the same surveyor George Green on the same date to-wit; June 17, 1857, and at their common corners call for the identical witness trees. Under no process of law, nor in any decision of any Texas Court can a case be found where two surveys made by the same surveyor on the same day, with identical witness trees at common corners and on common line be pulled apart so as to create a vacancy, especially so when there is only an actual shortage between the north line of the upper and the south line of the lower and adjacent survey.

It might be well at this time to make a statement as to what Green so apparently did on the ground. You will note on the accompanying Map No. 4133.-R, the location on the ground of the Narcissa Slatter League. As located there is unquestioned a conflict between its North line and the south line of the Powell, the is evidenced by occupation and claimed lines on the ground at this date, & Graded roads and recognition. We find this conflict at this date to be 325 varas, note now Green's call at beginning, thence S. 30 E. 315 varas. Unquestionably Green used the, (this), North line of the Slatter as the south line of the Powell and therefore arrived at this call of 315. The co-incidence is too apparent to be ignored in passing upon the actual location of the south line of the Blair and the common north line of the Caldwell.

So much for the supposed vacancy between the north line of the Caldwell and the South line of the Blair. By construction it is non existant, by law it is not locatable, and by actual measured distances on the ground there is not distance sufficient to permit it's location.

In the vacancy claim between the western north line of the Caldwell and the south line of the Gorham surveys, we again have two surveys made by Surveyor Green on the same date, June 17, 1857, both with open line calls. No surveyor making three abutting surveys at the same time would have left a vacancy between any of the three surveys, in fact it would have been contrary to all instructions issued by the Land Office.

Further more, if you begin at where Green took for the south west corner of the Powell, but really being the extended north line of the Slatter League, then and now, and Run South 30 East 315 varas, South 60 West 1380 varas, North 30 West 910 varas you will arrive at a point which is the northern Northeast corner of the Caldwell Survey and the South East corner of the Gorham Survey. Thence continue North 30 West 1195 varas, the call on the Gorham, and Thence S. 60 West to the West line of the Gorham we find the only corner that may be identified by to-day (heresay) as being fixed from an original, (at this time), witness tree. Mr. Frank Moore who owns in the northwest corner of the Gorham and whose mother owns in the southwest corner of the Sterns survey, stated to me on the ground, that at his northwest corner, where we found a twin hackberry tree growing from the stump of an old rotted hackberry, that this tree was pointed out to him by Mr. P. S. Johnson, from whom he, Moore, purchased the land, as being the original hackberry called for in Gorham notes at its southwest corner. He further stated that Mr. Johnson was now in his seventies, and had lived on the property for many, many years. There is a fence and very old marked line running N. 30 W. and S. 30 E. also N. 60 E. as far as timber goes, from this point the tree fits the call of N. 58 E. 5 vs as given in Gorham field notes.

From a careful and exhaustive study and survey I am unable to find a vacancy between the Gorham and Caldwell, in fact I find a shortage.

This area, surveyed, has long been used for farming and is at this time almost solidly under cultivation, locations given for witness trees from various corners are now points in fields which have been cultivated for years. Occupation and general reputation, roads and possession are the most substantiate means of determining the locations of lines in this area, and combining practical surveying, original field notes, and the physical facts I would state that the surveys as occupied and claimed are remarkably close to the locations as the State of Texas intended when issuing Patents and that no vacancies exist.

Map No. 4133-R Accompanying
D. Boyles

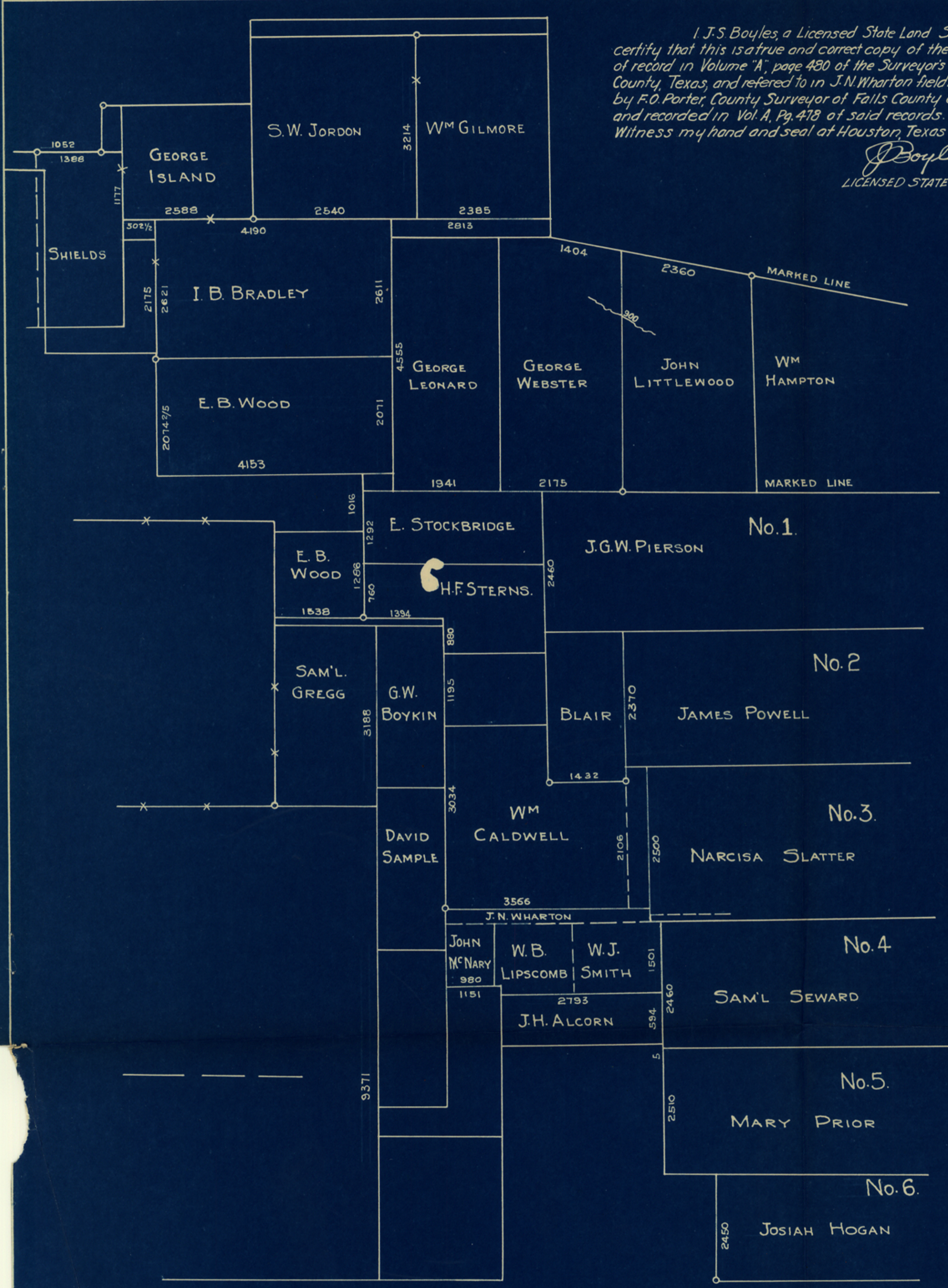
Respectfully,
D. Boyles
Licensed State Land Surveyor.

Approved; *Howard H. ...*
County Surveyor Falls County, Texas.

Counter 44502

I. J. S. Boyles, a Licensed State Land Surveyor do here certify that this is a true and correct copy of the map appearing of record in Volume "A", page 480 of the Surveyor's Records in Falls County, Texas, and referred to in J. N. Wharton field notes as surveyed by F. O. Porter, County Surveyor of Falls County on March 21, 1889 and recorded in Vol. A, Pg. 478 of said records.
 Witness my hand and seal at Houston, Texas April, 11th 1934.

I. J. S. Boyles
 LICENSED STATE LAND SURVEYOR.



The map made by F.O.Porter, recorded in Volume "A", Falls County Surveyors record is introduced into this report on the vacancy filings south of the John Blair and north of the William Caldwell surveys, and south of the Lsaac Gorham and north of the William Caldwell surveys, to substantiate my theory that Surveyor Green in 1857, used the north line of the Narcissa Slatter League in beginning his calls for the William Caldwell Survey. And further to show that the conflict between the north line of the Slatter and south line of the Powell league, both as on the ground, were in conflict in 1889 as they are in 1934, and as the said lines must have been recognised in 1857. Therefore Green in making his first calls on the Wm.Caldwell Survey of South 30 deg.East 315 varas, used the Slatter line as south line of Powell League and fixed the re-entrant corner of said Caldwell, which is also the southeast corner of the John Blair Survey, in the position and location that said point is claimed on the ground at this date. The north line of the Pierson League seems to be definitely fixed from the date of the survey of same. Porter found this true in 1889 and the distance S.30 E.therefrom to the south line of the Blair, 2460 plus 2370 plus 315 equaling 5145 varas. We find this distance between recognised corners at this date 2493 plus 2642 totaling 5135 varas or difference of only 10 varas.

From the above it must be apparent that the south east corner of the Blair and re-entrant corner of Caldwell are the same and are as claimed and no vacancy between can possibly be.

Statement to accompany report on M.D.Buie et al survey of even date herewith.

April, 10, 1934.


Licensed State Land Surveyor.

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THE STATE OF TEXAS,
COUNTY OF FALLS.

I, Howard Hunnicutt, County Surveyor of Falls County, Texas, hereby certify that the attached and foregoing maps and report were filed for record in my office in Falls County, Texas, on the 30th day of April, A. D. 1934 at 3:05 o'clock, p. M., and recorded in Volume -A- , page 507, Surveyor's Records of Falls County, Texas.

Witness my official signature, this 30th day of April, 1934.

Howard Hunnicutt
County Surveyor of Falls County, Texas.

THE STATE OF TEXAS,
COUNTY OF FALLS.

I, Curtis Smith, County Clerk of Falls County, Texas, hereby certify that Howard Hunnicutt is County Surveyor of Falls County, Texas, duly elected, qualified, commissioned and acting as such, and that his official acts are entitled to full faith and credit, and that his signature on the above certificate is genuine.

Witness my hand and seal of office, at Marlin, Texas, this 30th day of April, A. D. 1934.

Curtis Smith
County Clerk of Falls County, Texas.

*Received and filed in General
Land Office on May 9th 1934,*

*J. H. Walker
Commissioner*

counter 44545

*C. F. Blucher
clerk*

MISCELLANEOUS FILE UNDER STAIR.



FALL'S COUNTY

Surveyor's Sketch and Report

Vicinity Isaas Gorham Sur.

Submitted by Robt. D. Peterson
Marlin, Tex

For Filing Date see Last Page

Brought to office by
Mr. Robert S. Peterson
Madison, Texas.

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