Guadalupe Co. Res. 324 acres

File 1470

Guadalupe Co. 3-195 H-186 74

180 acres Hays Co 71

" Guadalupe Co.

Lt. Abst 309 5.0 acs. 4/9/98

Gonzales Scrip.

H. Abst. 309

S. A. & M. G. R.R. Co.

SUR. 10 ~~500~~ 357 acs

~~498~~ ac

See Sketch 9 & 10 in 3-224 & 3-224

Sk. 121

Sold & transfer to James P. Hector

See 178 Bexar

for Certificate No. 88 R.

S. W. PART.

COR. ON MAP OF GUADALUPE Co.

CORRECT ON MAP FOR 33 ACRES

JULY 10-1948. Wm Shimmiffs

N.E. PART.

COR. ON MAP OF HAYS Co

CORRECT ON MAP FOR 324 ACRES

JULY 10-1948. Wm Shimmiffs

See Hays Co. Rec. Sk. No. 27

Patent both surveys to

James P. Hector assn.

8-10-1948 campbell

Patented AUG 10 1948

No. 185 Vol. 10-B

Mailed Co. Clk. AUG 12 1948

Robinson

AUG. MK'D. PTD. - SAT. MK'D. PTD.

Patented AUG 10 1948

No. 186 Vol. 10-B

Mailed Co. Clk. AUG 12 1948

Robinson

See fieldnotes 6/8/98

Mgl. Lt 309

Paid. abs. Sup C

1. fieldnotes

2. Explanatory notes

3. Expected 2/25/74 fieldnotes, Jackson

Aug 21/74

4 protest May 12th 1876

419327 Robinson

5 COR. F/N 7/10/48

6 " " 7/10/48 W.S.

7 SURVEYORS REP. 8 W.S. 7/10/48

8-5-48

Pat fee 5.00 Reg 29840

Pat fee 9.00 " 29840

Tom Bree

San Marcos

Texas

8-5-48

Rec fee 2.00 Reg. 29841

Tom Breeze

San Marcos Texas

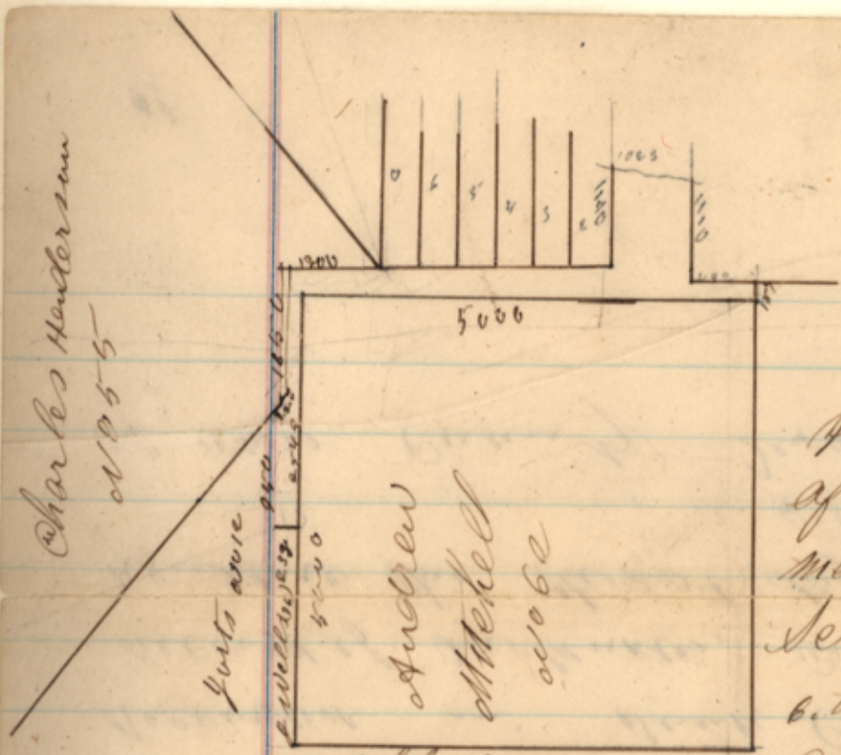
$6.00 Rec'd 12/9/97

by C. H. Hector.

Eagle Pass.

Texas.

12/13/97



The State of Texas
County of Hays

Plot and Field notes of a Survey of 485½ acres made by virtue of Scrip No 88. issued 6th Feb 1861 by W.J. Hotchkiss Com of Claims to the San Antonio and Mexican Gulf Rail Road Company for 640 acres of land. said survey is located chiefly in Hays partly in Guadalupe County; on the Waters of Yorks Creek. Beginning at the salient N.E. Corner of League No55. for Charles Henderson and the S.E. Corner of Survey No17. for H. Frye Stone mound. Thence N40° E with the S.E. lines of Surveys No7. and 6. for H Yester 5 & 4 for W Blanton 3 & 4 for W West. at 1370 cross Cotton Wood near the corner of said Surveys Nos 4 & 5 and at 2532 varas the S.E. Corner of Survey No2 for West. Stone pile. Thence N50° West 1184 varas with the N.E. line of said Survey No2. to Stone Corner on the old San Antonio & Nacogdoches Road, thence with said Road N56½°E 1023. vrs to a Stone Corner the N.W. Corner of Survey No1 for J W Nelson thence with S.W. line of same S40°E 1110. vs to its South or S.W. Corner Stone pile; near and between two mes quite thickets, thence N50°E with the S.E. line of same 492. varas to a stone pile, thence S40°E 187 varas to the North or N.E. Corner of the Andrew Mitchell

Survey No 62. Thence S 50° W crossing Cottonwood creek at 5000 varas stone mound for N W corner of said Survey No 62; Thence N 40° E with the N.W. line of same 2549 vs to J Wells North or N.E. Corner, stone pile, thence S 50° W 2888 varas to N.W. Corner of said J Wells Survey; stone pile on the N.E. line of the Jarots Survey No 12 Thence with the same N 40° W 95 varas to its N Corner on East line of Charles Henderson Sq. No 55 Thence North 220 vs to Corner of said Survey No 55, thence N 40° W 1650 varas to stone pile for the accedant corner (N E) of same Thence N 50° E 1200. varas to beginning

Chain men } B.C. Harding Surveyor,
Wm Randall } Surveyed August 20th 1873
Wm Thomas } and held for correction;
A.J. Wolf Hector }

I here with certify that the above survey was made by me according to Lines, meets and bounds correctly set forth, and duly recorded in Book C. 17 page 17 Record of Suveyors, Witness my official signature this the 20th day of February AD 1874

B.C. Harding Surveyor

of Hays County Texas

File 145

Gonzales Scrip
Field notes 4 95. ac
San A. & Mex G. R.R. Co
Filed Feby 25/74
Rhoad Fisher,
Cashier

Certified copy of this
for J. D. Walker
Oct 14/81 - Fisher

Does not close
Error S 10.3 rods
" W 110 "
Quick 3/7/41
HH

Explanatory notes to accompany field notes of survey of 495 acres made by virtue of scrip No 88. 640 acres issued Feb 6th 1861 to San Antonio & Mexican Gulf Rail Road Comp. lying in Kerr & Guadalupe on waters of Turtle creek

In order to a determination of the East Corner of Survey No 17 the A Dorn. on the N.E. Salient Corner of the Charles Henderson Lg No 55 S. 2000 from the N.E. Corner of the Antonio M. Esnaurizar Eleven League Grant, thence North 2200 varas to Corner on the old San Antonio road

Thence with the North line of the said survey No 55 for Charles Henderson; due East 3347 varas passing a stake berry Grove at about 2047 varas found a stone pile near the end of dist. 2nd from the South W Corner of the A Mitchell Lg. No 62; in an Elm Grove, bearings ~~[illegible]~~ not found. Thence S. 2000 N40°W 5000 varas, and determined the N.W. Corner of the A Mitchell Lg. No 62, this line passes through mesquite and Cactus thicket; the space between the N.W. line of the A Mitchell Lg. No 62. and the S.E. line of Surveys No 17. 7. 6. 4. 3 & 2. = 237 varas. The space between the Mitchell and the G.W. Wilson No 1 = 187 varas, the space between the S.W. line of the Mitchell and the Gordon Survey No 12 = to 234 varas. Space between Mitchell and Henderson 132 varas

Space between 1001. for J. W. Wilson and 1002 for Wulert = 933. rods

I hereby certify that the above spaces &c. are correct, as found by actual survey, Witness my official signature this the 23d day of Feb 1874

Recorded in B. 172 & 173

B. C. Worden

Surveyor of Hays Co.

File 1445

Gonzales County

Exhibit Notes

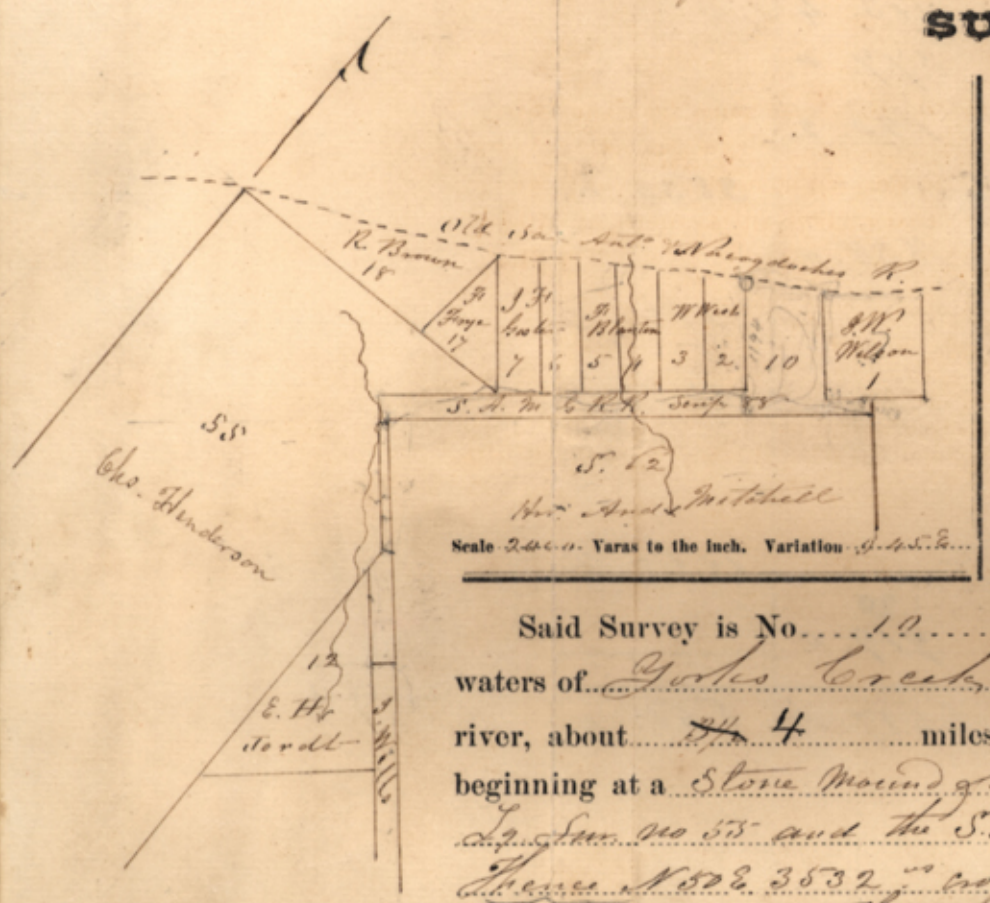
G. C. & M. G. R.R. Co.

Filed Feb 25 1874

[illegible] Clerk

The State of Texas,
County **District of** Hays

SURVEY No. 10



Scale 200 Varas to the inch. Variation 9° N.E.

FIELD NOTES

Corrected

of a Survey of 509 acres

of land, made for James P. Boston it

being the quantity of land to which he is entitled by

virtue of San Antonio and Mexican Gulf R. R. Co. Scrip No. 88 issued Feby 6th 1861 by W. J. Hotchkiss Comr. of Claims

Said Survey is No. 10 in Hays & Guadalupe County, situated on the waters of Yorks Creek a tributary of the San Marcos river, about ~~24~~ 4 miles South of San Marcos beginning at a Stone Mound for the N.E. Salient Corner of Chs Hendersons Lg. Sur. No 55 and the S.E. corner of Sur. No 17 for F. Frye

Thence N 50 E 3532 vrs crossing Cottonwood Ck. to the S.E. Corner of Sur. No 2 for W. West. Thence N 40 W 1194 vrs to the Old San Antonio & Nacogdoches Road. Thence with said road N 54 1/4 E. 900 vrs Stone md for the N.W. Cor. of Survey No 1, for J. W. Wilson. Thence S 40 E 1110 vrs to its S.W. corner Thence N 50 E 492 vrs Stone corner. Thence S 40 E 187 vrs to the N. cor of No 12. Corner of Sur. 12 for And. Mitchell. Thence S 50 W, 250 vrs with Cotton wood Ck. 500 vrs to Stone md for N. or N.W. corner of And. Mitchells Sur. No 12. Thence S 40 E 2549 vrs Thence S 50 W 238 vrs to cor on N.E. line of Sur. 12, for E.H. Jordt. Thence N 40 W 1055 vrs to its north corner. Thence North 220 vrs to the Corner of Chs Hendersons Sur. No 55. Thence N 40 W 1850 vrs to a recentrent corner of said Sur 55. Thence N 50 E 1200 vrs

to the place of beginning.

Bearings marked =

Surveyed August 1873 } Chain Carriers, { Wm Rendall; Wm Thomas; A.D. or A.F. Hector

I, B. C. Hardin County Deputy Surveyor, of Hays District, do hereby certify, that the foregoing survey was made according to law, and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes.

B. C. Hardin County ~~Dep.~~ Surveyor. Hays County Dist.

I, B. C. Hardin County District Surveyor of Hays County, District, do hereby certify that I have examined the foregoing Plat and Field Notes, and find them correct, as shown by the calculation on the back hereof, and that they are recorded in my office, in Book, C, No. ..... page 199 & 200

Given under my hand, at San Marcos this 17 day of August A. D. 1874

~~A. C. Pepper~~ County Dist. Surveyor. Hays County Dist.

☞ In calling for adjoining and connecting Surveys, the names of the *original grantees* should always be given.

3 File 145

Gonzales Scrip
Corrected Fieldnotes
G. C. & S. F. R. R. Co.
Filed Oct 21st/74
J. Moore

According to calls of survey lying West & N. of the Andrew Mitchell, for the identical corners & lines of Mitchell, it seems that no vacancy, as claimed for this survey should be admitted, unless the contains 520 acres
Oct. 1/74
JHH

patents to the several surveys calling for the Mitchell are cancelled & said surveys corrected to omit calls for the Mitchell
over 12/11/97 Hill

Corrected fieldnotes contain 520 acres.
Survey will patent whenever it is reduced from 520 acres to 509 acres as the balance of this certificate 131 acres (509 & 131 = 640 acres) is located & patented in Bexar County.
The fieldnotes of this survey should be recorded in Guadalupe County
June 8/98
Rowlberg

The original fieldnotes did not close Error S. 103 vrs
" W. 110 "
In these corrected notes the 3rd course & distance were increased & also the 10th course the distance was increased, hence the increase in area.
Rowlberg
The excess of 11 acres to be cut off the extreme S end of the survey.
6/24/98 Hill

Course	Dist.	N	S	E	W
		+		+	
S 50 E	2532	1627.6		1939.5	
N 40 W	114	915.0			768.4
N 64½ E	900 x	392.0		811.0	
S 40 E	110		832.7	713.4	
N 50 E	492	316.8		377.0	
S 40 E	187		143.2	120.2	
S 50 W	5200		3214.0		3830.0
S 40 E	2549		1952.5	1638.0	
S 50 W	2350		1544		1802.2
N 40 W	1053 x	808.5			6782.2
N 40 E	220	220.0			
N 40 W	1650	1264.0			1060.2
N 50 E	1200	771.0		919.0	
		6913.4	6313.4	6517.9	6516.0

8178 Pat Scrip

2

San Marcos Texas
May 2nd 1876

Hon. J. J. Groos
Commissioner of Genl. Land Office
Sir:

Your attention is respectfully called to the location of a certificate of 509 acres Survey No 10 made by James P. Hector. by virtue of a certificate issued to the San Antonio Mexican Gulf R. R. Scrip No 88 issued Feby 6th 1861 by W. H. Holcombe Commissioner of Claims.

Which certificate is ~~[illegible]~~ located in Hays county on the waters of yorkes creek a tributary of the San Marcos River about 3½ miles South of San Marcos: Beginning at a stone mound for the N.E. Salient corner of Chas. Henderson's survey No 53 and the S.E. corner of survey No 17 for Fry survey Thence N. 50° E 3533 vrs crossing cotton wood creek to the S.E. corner of survey No 2 for W. West Thence N. 40° W. 1194 varas to the old San Antonio and Nacogdoches Road. Thence with said road N. 64½ E 900 vrs. stone mound for the N.W. corner of survey No 1 for J.W. Wilson Thence S. 40° E 400 vrs. to its S.W. corner. Thence N. 50° E. 492 vrs stone corner Thence S. 40 E. 187 vrs to the N.E. corner of survey No 62 for And. Mitchell. Thence S. 50° W. 2500 vrs crosses cotton wood creek 5000 vrs to stone mound for N. or N.W. corner of And. Mitchell Sur No 62 Thence S. 40° E 2549 vrs. Thence S. 50° W. 238 vrs to cor on N.E. line of survey No 12 for E. H. Jordt Thence N 40° W. 1058 vrs to its North corner Thence N. 220

(over)

varas to a corner of Charles Henderson survey No 55 Thence N. 40° W. 1650 vrs to a reentant corner of said survey 53 Thence N. 55° E 1200 vrs to place of beginning Surveyed August 1873 by B. C. Hardin Surveyor of Hays County

Your attention is respectfully called to the fact that the location of said certificate conflicts with the J. W. Wilson survey (now owned by George T. McGehee) & that the field notes of said Wilson survey No 1 calls for the W. West survey No 2 and therefore it leaves no vacancy between said survey. And your attention is called to this fact before you issue a Patent on said certificate - believing that if you are informed of the fact that you will refuse to issue a Patent for said land -

This protest against issuing a Patent under said survey is respectfully submitted

I have the honor to be your obedient servant

George T. McGehee
By Hutchison & Franklin
His Attys

Austin Texas Octo 31/77

On behalf of Mr George T. McGehee we hereby renew the protest filed above against any patent issuing on the survey made by the San Antonio & Mexican Gulf R R Cert 88. calling for 509 acres for the reason that there can be no space for the survey without conflicting with prior surveys.

Henderson's Ell corner and Mitchell's West corner
Ell for the same bearing trees, and Henderson's beginning corner is the West corner of Mitchell's. Hence there cannot possibly be a vacant space between the Mitchell & the Henderson, and in making a vacancy between the West & the Wilson surveys, the Surveyor attempts to separate surveys that were made on the same day and are depending on each other by their calls; See the field notes of the Dispe W Wilson and W West. and Sketch by J. P. Hector, — File 8. of Sketches. We therefore protest against the S A & M G. R R survey being rejected

John T Spence
for George T McGehee

4

File 145

Gonzales Strip

Protest

by Geo T. McGecker

Filed May 12th 1876

[illegible]

Comm.

Ctfd copy of this fil
for M Von Rosenberg
Jany 26/78. Fisher

The State of Texas }
County of Guadalupe }

I, FRANK SCHMIDT, do hereby certify that the above and foregoing is a true and correct copy of the Field Notes of a survey made for the San Antonio and Mexican Gulf Railway Co., Scrip No. 88 in Guadalupe County, Texas, made on July 6, 1948, and filed for record July 7, 1948 in the Surveyor's Records, Vol. D, page 75, of Guadalupe County, Texas.

Witness my hand and official seal this the 16th day of July, A.D. 1948

Frank Schmidt, County Clerk, Guadalupe County, Texas

By Evangeline E. Willmann
Evangeline E. Willmann, Deputy

B-543
D 603

Plat of Survey No.

THE STATE OF TEXAS

Guadalupe County,

Survey
No. 10
Blk. S.W. PART
Tsp.
Cert. 88
Grantee S. A. & M.G R. R. Co.

FIELD NOTES of a survey of 33.0 acres of land made for Max Nolte by virtue of his ownership. Said land is situated in Guadalupe County, about 16 miles N. E. from county site, and known as Survey No. , Block No. Tsp , beginning at

The North corner of the John Wells survey, a rock mound and iron pipe in the S. W. line of the Andrew Mitchell Survey No. 62. Thence N. 40° W. 923.7 varas with the S. W. line of Survey No. 62 to the point of intersection of the East line of the Charles Handerson survey No. 55 with the S. W. line of the Andrew Mitchell No. 62. Thence South with the East line of the Charles Henderson Survey 370.1 varas to the North corner of the H. E. Jordt Survey. Thence S. 40° E. along the N. E. line of the H. E. Jordt Survey 640.2 varas to the West corner of the John Wells survey. Thence N. 50° E. with the N. W. line of the John Wells survey 238.0 varas to the place of beginning.

to the place of beginning.

Bearings marked

Variation 9°40' East

Surveyed June 6 1948

Sam De vall
Charley Rhymes
Claud Harris
Chain Carriers.

RECEIVED
JUL 10 1948
GENERAL LAND OFFICE

I, T. A. Breeze, Surveyor of Hays County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law, on date and with Chain Carriers duly qualified; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in County Surveyor's office in Book D, Page 75.

This 6th day of July 1948.

T. A. BREEZE

IMPRINT OF L.L.S. SEAL.

County Surveyor of Hays County, Texas,

T. A. Breeze
Licensed Land Surveyor

01498-1240-2m.

(5)

GONZALES SCRIP
Abst. 309

File No. 145

GUADALUPE County

COR. FIELD NOTES

Filed JULY 10, 1948

BASCOM GREEN, Com'r

File Clerk

all in Guadalupe Co.

CORRECT ON MAP FOR 33 ACRES

7/10/48

Patented
8-10-48
Abstract
#185
Vol 10-B

RECEIVED
JUL 10 1:43
GENERAL LAND OFFICE

B-543
J603

Plat of Survey No.....

THE STATE OF TEXAS

HAYS County,

Survey No. 10
Blk. N.E. PART.
Tsp.
Cert. 88
Grantee S.A.& M.G. R. R. Co.

FIELD NOTES of a survey of 324 Acres acres of land made for Ruth H. Johnson by virtue of his ownership. Said land is situated in Hays County, about 4 miles S. E. from county site, and known as Survey No....., Block No..... Tsp....., beginning at The East corner of the Wm. West Survey No. 2 same being a point in the N. W. line of the Andrew Mitchell Survey No. 62. Thence N. 50° E. 1317.8 varas with the N. W. line of the Andrew Mitchell survey No. 62 to the North corner of same. A rock mound and pipe a point in the recognized occupational S. W. line of the S. A. & M. G. Railway Co., Survey. Thence N. 40° W. 158.0 varas with the S. W. line of the S. A. & M. G. R.R. Co. Survey to an iron pipe and rock mound in the S. E. line of the Jessie W. Wilson survey. Thence S. 50° W. 110.0 varas with the S. E. line of the Jessie W. Wilson survey to the South corner of same. (A rock mound and iron pipe established). Thence, N. 40° W. 1212.5 varas with the S. W. line of the Jessie W. Wilson survey to a point in the South East line of the B. O. Kane survey, same being a point in the S. E. line of the San Antonio and Nacogedoches road. Thence S. 62°06' W. 1234.4 ~~feet~~ VARAS with the S. E. line of the B. O. Kane Survey, same being along the S. E. line of old San Antonio road to a point in the N. E. line of the Wm. West survey No. 2. Thence S. 40° E. with the N. E. line of Wm. West No. 2, 1630 varas ---------- to the place of beginning.

Bearings marked .....

Variation 9° 40' East

Surveyed 25th June 1948

Chain Carriers.
Sam Devall
Charley Rhumes
Claud Harris

RECEIVED

I, T. A. Breeze, Surveyor of Hays County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law, on date and with Chain Carriers duly qualified; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in County Surveyor's office in Book 11, Page 219.

This 6th day of July 1948.

T. A. BREEZE

IMPRINT OF L.L.S. SEAL.

County Surveyor of Hays County, Texas,

T A Breeze
Licensed Land Surveyor

01498-1240-2m.

GONZALES SCRIP (6)
Abst. 819

File No. 145

HAYS County

COR. FIELD NOTES

Filed JULY 10th, 1948

BASCOM GILES, Com'r

William Shiriff
File Clerk

all in Hays Co.

CORRECT ON MAP FOR 324 ACRES
7/10/48 W. Shiriff

Patented
8-10-48
#186 Vol 10-B

RECEIVED
JUL 10 1948
GENERAL LAND OFFICE

San Marcos, Texas.
July6, 1948.

Hon. Bascom Giles,
Commissioner of the General Land Office
of the State of Texas,
Austin, Texas.

Dear Sir:

In my capacity as County Surveyor of Hays County, Texas, and State Licensed Land Surveyor, I was recently employed by Ruth H. Johnson and Lucy J. Pettey, acting through their attorney and brother, T. C. Johnson, Jr., of San Marcos, Texas, to survey a tract of 520 acres of land, more or less, in Hays County, Texas, out of the Jesse W. Wilson and other surveys, with a view to ascertaining all of the facts existing on the ground which might have bearing upon the question of whether or not a vacancy exists as to a portion of the said land, and if so, just which defined portion of said land. At the outset, I was handed abstract No. 2949 of the Hays County Abstract Company,purporting to cover the land in question, and containing patents to the Jesse W. Wilson and Wm. Burnett, Jr. surveys. I next did a considerable amount of research in your office, and obtained certified copies of what I considered to be all pertinent and controlling data, including some 28 documents, some being patents, and other being corrected field notes of patents. For well over two months I have done a large amount of field work, and have had the benefit of various conferences in your office, which conferences were with Mr. Campbell of your legal staff, and Messrs. Sheriff and Morris of your engineering staff.

I submit the following as being my pertinent findings:

After several days of search, I was able to find, and did find, only one monument called for in any of the original patents in the entire area. The said monument which I did find was a large rock, which bears N. 36° W. 142 varas from an 18 inch Elm tree, the said Elm tree bearing properly located for a bearing tree for the Cyrus Campbell Survey, and said rock being on the bank of the San Marcos River, and being the North corner of the Cyrus Campbell Survey, in Guadalupe County, Texas. More accurately stated, the North and beginning corner of the Cyrus Campbell survey as called for in

patent is a stake, and not a large stone, but I found the said large stone at the location of said stake as called for, that is, N. 36° W. 142 varas from the original bearing tree. The said tree in 1831 was 12 inches in diameter, but to-day it is 18 inches in diameter. Two bearing trees are called for from said beginning point, but I found only one. The bearing and distance checks on the location of the said tree 18 inches in diameter, but I did not find any distinguishable marks on said tree.

In my work I located what I took to be the original crossing of the San Antonio and Nacogdoches road over the San Marcos river, said crossing being a short distance down stream from the said bridge. The said original crossing was of course a fording place, and the approach to such place is marked by steep banks at the side of the then road and leading down to the river. I found an affidavit of Thomas G. McGehee, dated 5th day of January, 1875, recorded Vol. M, pages 426, Hays County Deed Records, wherein the affiant stated that he was present when a survey was made for the James Curtis Survey, same commencing at said crossing or ford. I checked my location of the said river crossing by the Southeast line of the James Curtis, and found my location of said crossing to be accurate.

From the North corner of the Cyrus Campbell as so located by me I ran a line S. 50° W. 4880 varas, for the Southeast line of the B. & G. Fulcher Survey No. 19. I found no evidence on the ground at this point that same was an established corner of a survey. I continued the same course, S. 50° W. for 182 additional varas, or for a total of 5062 varas, and found the Northeast line of a public road, being the road leading from the town of San Marcos to the town of Staples, and I ascertained to my satisfaction that said road had been located at its now location at said point for more than fifty years; and I further ascertained that same was the recognized and accepted occupational line between the B. & G. Fulcher and the S. A. & M. G. railroad survey.

From the said point in the Northeast line of said road, I ran with the said line of said road N. 40° W. and at 4842 varas cross the line between Hays and Guadalupe counties, and continuing 158 varas for a total of 5000 varas, I came to the recognized and accepted West corner of the B. & G. Fulcher Survey No. 19, same being the recognized North corner of the S. A. & M. G. Survey. From said recognized common corner I ran N. 50° E. toward the San Marcos river, and at 4899 varas encountered the said river. I next checked the Wm. A. Matthews No. 61 and the Wm. Burnett No. 59 and surveyed said entire surveys, and, after giving to each one of them the correct amount of distance, S. 50° W. from the San Marcos River, I reached the western corner of the B. & G. Fulcher according to the field notes contained in the patent, but 182 varas short of the corner which is recognized and accepted on the ground. Along the Southwest line of the Wm. Burnett No. 59 I found evidences of an old fence, which coincided with the location of the Southwest line of said survey according to the patent field notes. From the South corner of the Wm. Burnett according to the patent, same being the West corner of the B. & G. Fulcher according to the patent, I laid out the Jesse W. Wilson, first running S. 50° W. 1000 varas; Thence N. 40° W. at 1212.5 varas the southeast line of the present location of the old San Antonio and Nacogdoches road, continuing N. 40° W. across said road for a total of 2000 varas for the West corner of the Jesse W. Wilson survey. From the West corner of the Jesse W. Wilson Survey, I ran S. 87°30'E. 1350 varas to the most northern corner of the John McGuire Survey No. 6. I then ran Thence S. 40° E. at 100 varas a southwest corner of the John McGuire, continuing S. 40° E. along the southwest line of the Wm. Burnett Survey for a total of 1100 varas, to the place of beginning.

The accepted Southeastern corner of the Jesse W. Wilson is S. 50° W. 182 varas from the beginning and ending point above stated in accordance with the field notes contained in the patent.

The B. & G. Fulcher patent was issued in 1837. The Andrew Mitchell was issued in 1841. The Wm. Burnett was issued in 1843. The Jesse W. Wilson field notes were filed in 1847.

The S. A. & M. G. patent was issued in 1880. The field notes of the Andrew Mitchell call for its North corner to coincide with the West corner of the B. & G. Fulcher. The Wm. Burnett field notes call for its South corner to be at said common point of the Mitchell and Fulcher. The beginning point of the Jesse W. Wilson is the S. W. corner of the Burnett, a stake on the Northwest line of the Mitchell, said point being 200 varas South 50° West from the N. E. corner of the Andrew Mitchell Survey. This beginning point as defined is an obvious impossibility as it cannot be at two different places. As shown by my plat, submitted herewith, I located this beginning corner so as to coincide with the common corner according to the field notes of the Fulcher, Mitchell, and Burnett, this point being N. 50° E. 182 varas from the occupational West corner of the Fulcher and North corner of the Mitchell. (In the foregoing, each reference made to the Andrew Mitchell has been to the said Mitchell according to the original patent field notes, and not according to the same as modified or affected by the subsequent patent to the S. A. & M. G. survey which was not issued until 1880, and which was apparently superimposed upon the former or Mitchell Survey).

It would appear to the writer that the Jesse W. Wilson patent field notes were based entirely upon an office survey, rather than upon a survey made on the ground, and this is so for a number of reasons.

The conflict as to the location of the beginning corner of the Jesse W. Wilson is above noted. The first call of the Jesse W. Wilson is "Thence S. 50° W. with the N. W. line of said Survey 1000 varas to the S. E. corner of Survey No. 2 made for Wm. West." This is a physical impossibility. The distance required to reach the said corner of the Wm. West is approximately 2207.8 varas. The S. E. corner of the Wm. West is not marked by any natural monument which would control over distance in such case of conflict.

The second call of the Jesse W. Wilson is "Thence N. 40° W. with the N. E. line of the West Survey 2000 varas to the San Antonio - Nacogdoches road." Inspection on the ground and diligent investigation in the community indicate that said road has always been located at this point where it is at present located; and the memory of living persons places said road at its present location for more than 50 years. The said road is accepted as being the survey line; the land North of said road, or northwest thereof, being accepted as being in the B. (O'Kane Survey. From the South corner of the Jesse W. Wilson on a course N. 40° W. the distance to the line of said road is 1215.5 varas, as I have shown on my map. If the correct location of this line be considered to be in coincidence with the Northeast line of the West Survey No.2, the distance is 1630 varas. Either construction is far short of the 2000 varas called for.

The Third call of the Jesse W. Wilson is "Thence with said road easterly 1200 varas to the N. W. corner of the John McGuire, a stake on said road." If validity be given to the second call of the Jesse W. Wilson, the said point is 1350 varas in an easterly direction from the said N. W. corner of the John McGuire. If the construction be placed upon the second call that the terminal point of the second call is where the N. E. line of the West Survey intersects said San Antonio road, then said point is 2083 varas in a westerly direction from the N. W. corner of the John McGuire, following the road. Neither of said constructions will make said third line of the Jesse W. Wilson 1200 varas long, or anywhere near that figure.

It is the opinion of the writer that the San Antonio-Nacogdoches road as now located should mark the northwest line of the Jesse W. Wilson Survey, the same considered as a monument controlling over the 2000 vara distance stated in the second call. Of course, there is a possibility that the location of said road was in 1847 northerly of its present location, but nothing is found to substantiate the theory that it was as far northerly at that time as it would be required to be to give said line a distance of 2000 varas. If the second call of the Jesse W. Wilson should

be considered to be 1215.5 varas long, then the third line would be 667 varas long from such point of intersection along said road to the N. W. corner of the John McGuire.

The fourth call of the Jesse W. Wilson is "Thence with the S. W. line of Surveys Nos. 60 and 59, 1100 varas, to the place of beginning." This fourth call is satisfactory, if we accept the beginning point as being the S. W. corner of the Burnett, and disregard that part of the definition of the beginning point which reads " a stake on the Northwest line of the Mitchell, said point being 200 varas South 50° West from the N. E. corner of the Andrew Mitchell Survey."

What is set forth above goes to substantiate my conclusion that the original field notes of the Jesse W. Wilson were based on an office survey, and have little relation to what exists on the ground.

It appeared to me that substantially the Southwestern three-fifths of the land which I was employed to survey was vacant, unpatented, and excess land, and my problem was to locate such tract of vacant land beyond any question, if possible for me to do so. The juncture of the West corner of the Fulcher, the North corner of the Mitchell, and the South corner of the Burnett, was unsatisfactory as a point of departure or starting point for the location of the vacant land for a number of reasons as hereinabove pointed out, one of the principal reasons being the accepted location of the Southwest line of the Fulcher being 182 vrs. West of the Southwest patent line of the Fulcher. It thus appeared to me that it would be necessary for me to use as a point of reference in approaching the vacant land to be located, some point lying Westerly of such vacant land. Also the Jesse W. Wilson calls for its Southwest line to coincide with the Northeast line of the Wm. West No. 2. The said Wm. West No. 2 is located with reference to the Northeast corner of the Chas. Henderson, which said corner of the Henderson in turn is located with reference to the West corner of the Andrew Mitchell. Hence it became necessary for me to establish on the ground the West corner of the Andrew Mitchell, and this I did by the following survey work done on the ground.

I started at the North corner of the Cyrus Campbell, as witness the original bearing tree abovementioned, 12 inches in diameter in 1831, and 18 inches in diameter at the present time. I then surveyed S. 50° W. 6650 varas for the West corner of the Cyrus Campbell, and I found the patent corner to coincide with the recognized and accepted occupational corner. From the West corner of the Cyrus Campbell, I surveyed S. 40° E. 158 varas, for the S. E. re-entrant corner of the Andrew Mitchell - this line being on and along the recognized occupational line and the patent line. I then surveyed S. 50° W. 4163.8 varas to the recognized occupational South corner of the Andrew Mitchell Survey, the said point being 43.8 varas S. 50° W. from the patent location of said corner. However, substantial evidence was found on the ground support this location of the South corner of the Andrew Mitchell such evidence being old hedge rows and fence lines which have been recognized and accepted for the past period of more than fifty years. I then surveyed N. 40° W. along the said old hedge row marking the occupational southwest line of the Andrew Mitchell, 158 varas to the S. E. corner of the John Wells Survey; and I continued with said course N. 40° W. 2435 varas to the North corner of the John Wells Survey. I continued with the same course of N. 40° W. for a total distance of 5000 varas to a point where I found a rock mound and an old iron pipe for the recognized and accepted West corner of the Andrew Mitchell Survey, the said point being in the Hays and Guadalupe County line.

From the West corner of the Andrew Mitchell, I surveyed N. 50° E. with the recognized occupational Northwest line of the Andrew Mitchell Survey, 1200 varas to the most Northeast corner of the Chas. Henderson survey, being also the Southeast corner of the Farnham Frye survey. The said corner I took to be the corner called for in the Wm. West patent field notes, and I used the said corner as my point of departure or reference in locating the vacant and unpatented land under search. Thence from said corner, I surveyed N. 50° E. a distance of 3732 varas to the East corner of the Wm. West Survey. This put me in a position to survey and locate the vacant and unpatented land,

and I did so survey and locate the same with the resulting field notes:

BEGINNING at the East corner of the Wm. West Survey, which point is 3732 varas N. 50° E. from the West corner of the Andrew Mitchell Survey;

THENCE N. 50° E. 1317.8 varas to the recognized West line of the S. A. & M. G. Survey;

THENCE N. 40° W. 158 varas to the Southwest line of the Jesse W. Wilson survey;

THENCE S. 50° W. 110 varas to the South corner of the Jesse W. Wilson Survey;

THENCE N. 40° W. 1215.5 varas along the Southwest line of the Jesse W. Wilson Survey to an iron pipe and rock mound in the Southeast line of the San Antonio and Nacogdoches road;

THENCE S. 62° 06' W. 1234.4 varas along the Southeast line of the San Antonio and Nacogdoches road to the Northeast line of the Wm. West Survey No. 2;

THENCE S. 40° E. with the Southeast line of the Wm. West Survey 1630 varas, TO THE PLACE OF BEGINNING, and containing 324 acres of land.

In various conferences with officials of your department, request was made of me that I determine whether or not a small vacancy existed Southwesterly of the Andrew Mitchell and Northwesterly of the John Wells. I surveyed the entire Charles Henderson Survey No. 55, commencing at the point on the Northwest line of the Andrew Mitchell, which point is 1200 varas N. 50° E. of the West corner of the said Mitchell, and being the same corner which I abovementioned as having been established by me as the Northeast corner of the Chas. Henderson, and the South-East corner of the Farnham Frye. After going around said survey, I found that the East line of the Henderson Survey intersected the Southwest line of the Andrew Mitchell, as I established the same, at a point which is 915 varas N. 40° W. from the North corner of the John Wells. I found the said vacancy mentioned to exist on the ground, and the following are the field notes of said vacancy.

BEGINNING at the intersection of the East line of the Chas. Henderson Survey with the Southwest line of the Andrew Mitchell Survey at a point which is 915 varas N. 40° W. from the North corner of the John Wells Survey;

THENCE South with the East line of the Chas. Henderson survey 370.1 varas, to an established rock mound and iron pipe for corner; same being N.E. corner of H.E. Jordt survey

THENCE South 40° East 640.2 varas with the N.E. line of the H.E. Jordt Survey to the West corner of the John Wells Survey;

THENCE North 50° East with the N.W. line of the John Wells Survey, 238 varas to the West line of the Andrew Mitchell Survey;

THENCE North 40° West with the Southwest line of the Andrew Mitchell Survey, 923.7 varas, TO THE PLACE OF BEGINNING, and containing 33.0 acres of land.

The B. & G. Fulcher is the senior of all of the patents involved, and it would seem to the writer that in the original establishment of the Southwest line of the said survey, such line was moved 182 varas southwesterly of its true location. The field notes in the other patents were made with reference to the B. & G. Fulcher, and all other surveys were accordingly moved in a southwesterly direction by 182 varas from their true locations. By accepting the occupational Southwest line of the Fulcher as being the true line, then all other lines have the correct distances on the ground, but are 182 varas southwesterly of their true patent locations. This statement is true in the main, but there are, of course, the minor discrepancies, which would be normally expected, such as the entire width of the Andrew Mitchell is 43.8 varas over, or too long.

It is my opinion as a surveyor that a reconciliation of the entire countryside (southwesterly of the Fulcher) will be most nearly approximated by your acceptance of the occupational Southwest line of the Fulcher Survey as being the true line.

I trust that the information furnished you in these findings, the field notes of the two vacancies, and my map which is

submitted herewith, will give you all of the data required for the issuance of the patent which Mr. Johnson has requested. If any other or further information is needed by you from either my existing notes or from field work yet to be done, please do not hesitate to call on me.

Yours very truly,

T A Breeze

T. A. Breeze
Licensed Hays County Surveyor.

(7)

GONZALES SCRIP

File No. 145

HAYS AND GUADALUPE County

SURVEYORS REPORT

Filed July 10th, 1948

BASCOM GILES, Com'r

File Clerk

Hays County

Texas

Licensed Land Surveyor

J. V. Bloene

Texas State Land Board

Austin, Texas

Dear Sir:

Enclosed please find a blank form from Gulf Coast Abstract Co. of Austin, Texas which is needed by Mr. Johnson for a search of the records which Mr. Johnson has requested and the fee for same which is enclosed herewith, which give Mr. Johnson the data required for the Land Office to issue Patent on the Land.

Yours very truly,

J. V. Bloene

August 9, 1948

Mr. T. A. Breeze
County Surveyor, Hays County
San Marcos, Texas

Dear Mr. Breeze:

The field notes covering Survey No. 10, S.A. & M.G. R.R. Co. located in Hays and Guadalupe Counties have been examined and approved.

This is Survey No. 10 and in order to distinguish the two parts one from the other, we have designated the 324 acre tract in Hays County as the NE/pt of Survey No. 10 and that portion in Guadalupe County (33 acres) as the SW/pt of Survey No. 10.

In the field notes of the 324 acre tract, the second to last course reads "Thence S 62° 06' W 1234.4 feet with the SE line of the B.O. Kane Survey". This should read "1234.4 varas".

If you will kindly correct your records to correspond with the above showing the Survey to be No. 10 and showing the NE/pt to be in Hays County and the SW/pt to be in Guadalupe County, also the correction noted above from feet to varas, it will be appreciated.

The field notes have now gone to the Patent Clerk for patenting purposes and the patents should issue shortly.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

WS:bh
F: Gonz.S-145

Corrected to varas

GONZALES S-145

August 13, 1948

Tax Assessor And Collector
Guadalupe County
Seguin, Texas

Attention: Mr. A. A. Bading

Dear Mr. Bading:

The following information should be noted on your tax record:

Corrected field notes covering the S. W. Pt. of Survey No. 10, S. A. & M. G. R. R. Co., original grantee, Cert. No. 88, Abst. No. 309, have been filed in this office showing this tract to contain 33 acres.

The remaining 324 acres of this tract, known as the N. E. Pt. of Survey 10, is located in Hays County.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

mh
File: Con. Scrip 145

Gen. L. 145

Assessor-Collector
Co. Notified 8-13-48
By

August 13, 1948

Tax Assessor And Collector
Hays County
San Marcos, Texas

Attention: Mr. J. J. Ashberry

Dear Mr. Ashberry:

This information is forwarded in order that you may make the proper notation on your tax record:

Corrected field notes made by T. A. Breeze, Surveyor of Hays County, covering the N. E. Pt. of Survey No. 10, Cert. 88, containing 324 acres, were recently filed in this office, and said survey patented on said field notes, Aug. 10, 1948, Patent No. 186, Volume 10-B. This survey has been given Abst. No. 819 and the original grantee is S. A. & M. G. R. R. Co. The total acres contained in this survey are 357, with 324 acres in Hays County and the remaining 33 acres located in Guadalupe County.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

mh
File: Con. Scrip 145

Assessor-Collector
by Hays
Notified 8-13-48

Gen. Bd. - 145

General Land Office

BASCOM GILES, COMMISSIONER
ALVIS VANDYGRIFF, CHIEF CLERK

Austin, Texas, August 12, 1948

County Clerk Guadalupe County

Seguin, Texas

Dear Sir:

The enclosed Receiver's check for $ 1.00 is for recording the enclosed patent in Guadalupe County, issued to the Patentee shown therein.

The other check or checks, enclosed, if any, is the fee for the other county clerk, or clerks, as shown.

When recorded by you, kindly forward patent, and this letter, with balance of fees, if any, to other proper county clerk, and when record is fully completed deliver to the owner or his agents, in person or by registered mail, as required by Chapter 47, Acts April 2, 1918.

Tom Breeze, Licensed State Land Surveyor, San Marcos, Tex paid the fees as agent or owner.

Sincerely,

Patent No. 185

Vol. No. 10-B

File No. Gonzales Scrip 145

Commissioner.

Form 5425b—T706-1246-5m

General Land Office

BASCOM GILES, COMMISSIONER
ALVIS VANDYGRIFF, CHIEF CLERK

Austin, Texas, August 12, 1948

County Clerk Hays County

San Marcos, Texas

Dear Sir:

The enclosed Receiver's check for $ 1.00 is for recording the enclosed patent in

Hays County, issued to the Patentee shown therein.

The other check or checks, enclosed, if any, is the fee for the other county clerk, or clerks, as shown.

When recorded by you, kindly forward patent, and this letter, with balance of fees, if any, to other proper county clerk, and when record is fully completed deliver to the owner or his agents, in person or by registered mail, as required by Chapter 47, Acts April 2, 1918.

Tom Breeze, Licensed State Land Surveyor, San Marcos paid the fees as agent or owner.

Sincerely,

Patent No. 186

Vol. No. 10-B

File No. Gonzales Scrip 145

Commissioner.

Form 5425b—T706-1246-5m