

Brazoria Co
Sk. File 19
N.E. Part of
County.

Counter 14998

Rec'd from R.H.B.

8-24-14

For Skelate
see
Statement
&
Explanation

by
E.S. Atkinson
on file already
(See Brazoria Co. Sk. file)

State of Texas,
County of Harris,

Corrected Field
Notes of a Survey of 494.2
acres of Land made for R.H.
Barrow by Virtue of Un-located
Balance Certificate No. 27/144
for 795.8 acres, in the name of
W.W. Dupuy and L.F. Roberts,
Veteran Donation. Being a correc-
tion of Original Survey of 454
acres, and of a corrected Sur-
vey of 647 acres.

Said survey is situated on both sides of Clear Creek about 24000
varas S. 11° W. of Houston.

Beginning at the Northeast Corner of the O. Pitts Survey, and ##
the joint corner of sections in the name of James Hamilton, 226 var-
as North of the center line of Clear Creek. (No bearing trees found
at the date of this survey).

THENCE East with the south line of the James Hamilton Survey
at 725 varas cross Clear Creek, at 952.2 varas pass an iron pipe and
cross a fence, at 1437.8 varas pass the south west corner of an enclo-
sure, in all 1931.6 varas to a pipe at the South east corner of
an enclosure and being on the west line of H.T. & B.R.R. Co, Sect.
No. 2, and which point is S. 1° 30' E. of and 392 varas distant
from the center line of Clear Creek.

THENCE South 1° 30' East with the west line of the said Sect.
No. 2 as fenced, at 27.6 varas pass an iron pipe set for a division
corner of the said Section No. 2, at 1172.5 varas cross a drainage
ditch, at 1487 cross a slough at 1816 cross the center line of a
graded road running east, at 1824.5 pass an iron pipe and the South
west corner of an enclosure, in all 1847.3 varas to an iron pipe and
and the South East corner of an enclosure on the North Line of
Section No. 85 of the H.T. & B.R.R. Co.

Thence West along a fence at 20.5 varas cross the center
line of a graded road running to the South, at 259 varas cross a
channel of slough at 297 cross another channel of slough, at 337
pass the north east and north west corners of enclosures, at 646.7
pass the north east and north west corner of an enclosure, at 652
center line of graded road to the south, at 661 center line of drain-
age ditch, in all 1019.4 varas to an iron pipe and the South west
corner of an enclosure.

THENCE North 0° 25' West with a fence line 234.7 varas,

THENCE West 958.7 varas to an east line of Texas Central
Railroad Co Sect. No. 4,

THENCE North with the east line of the said Section. No. 4
612 varas,

Thence East with a south line of the said Sect. no. 4, T.C.R.R. Co,
954.3 varas to a south east corner of the same.

THENCE North 0° 25' West with an east line of Said T.C.R.R.
Co., Sect. No. 4 as fenced to a north east corner of the same,

THENCE ~~#####~~ West 950 varas crossing a dry branch, ^{to a}
North west corner of the same in the East line of the O. Pitts
survey.

Thence North with the east line of the Said Pitts survey
crossing clear Creek at 150 varas, in all 376 varas to the place
of beginning.

Surveyed April 23, 1914. Geo. Williford and R.H. Barrow

Chain carriers. Variation used 9° 00' East.

Counter 14999

State of Texas,
County of Harris,
Corrected Field
Notes of a Survey of 494.5
Acres of Land made for R.H.
Barrow by Virtue of Un-located
Patent

Sheet No.2.

I, J.S. Boyles, Deputy Surveyor, Harris County, Texas, hereby certify that the foregoing survey was made on the ground according to law, and the limits boundaries and corners, natural and artificial are truly described in the foregoing plat and field notes.

I further certify that the survey was made according to the statement of facts and explanation of surveys in Brazoria County, Texas, made by R.H. Barrow and certified as correct to the best of his knowledge and belief by E.A. Adkinson Jr., County Surveyor of Brazoria County, Texas., as furnished me by the said R.H. Barrow.

I further certify that I ran out none of the adjacent surveys to locate this survey but made the survey to conform to the plat of the same as furnished me by R.H. Barrow.

J.S. Boyles

Deputy Surveyor, Harris Co.

I, I. Austin Miller, County Surveyor, Harris County, Texas do hereby certify that I have examined the foregoing ~~plat~~ and field notes and find them correct, and that they are recorded in my office, in Book L, page ~~#####~~ 156-157 May 26, 1914.

I. Austin Miller

County Surveyor Harris County

I, E.S. Adkinson County Surveyor Brazoria County, Texas, hereby certify that I ~~have examined~~ the foregoing ~~plat and field notes~~ and that ~~they~~ are recorded in my office, in Book E. Page 345-346

E.S. Adkinson
))))))))))))))))))))))))))))))
County Surveyor Brazoria County

THENCE North 0°25' West with an east line of said T.C.R.R. Co. Sec. No. 4 as fenced to a north east corner of the same, to a
THENCE North 0°25' West 950 yards crossing a dry branch
North west corner of the same in the east line of the O.Pitta
survey.

Thence North with the east line of the said Pitts survey
crossing Clear Creek at 180 yards, in all 378 yards to the place
of beginning.

Surveyed April 23, 1914. Geo. Williford and R.H. Barrow
Chain carriers. Variation used 9°00' East.

Counter 15000

Brazoria Co. St. File # 19

- : P r e s e n t a t i o n o f C a s e : -

During the years from 1823 to 1835 there were located and titled sundry surveys in what was then Austin's Colony, and what is now the northern portion of Brazoria county, on Brazos river, on Chocolate bayou, and on Clear creek, where the corners and lines thereof were marked, and extending from said streams out into open prairie where no permanent marks were made.

In 1838, after the land business was resumed, other surveys were made in that portion of said county, among which were four surveys on Mustang slough at, above and below a body of timber known as "Big Island". These surveys were made in open prairie, with no marks at corners, or on lines, of a permanent nature, but they were connected with that stream by a series of calls for it at crossings, by which they might be identified ever thereafter.

During the years from 1861 to 1868 sundry sections were laid out upon nearly all of the remaining state land in that portion of said county, and surveyed by the district surveyor and two deputies, "actually in the field".

From the record left by these surveyors, in the form of field notes, sketches, statements and explanations, it appears that they attempted to identify said older surveys on the ground, in order to lay the sections in correct connection with them; but it is easily apparent on the ground that they failed in such attempt in nearly every instance. The fact is, it was next to impossible to identify the Colony surveys with no better descriptions of them than the Surveyor's Record contained, and the said surveyors seemed to have had no other.

These Colony surveys were made by English-speaking-&-writing surveyors, and field notes of them were written out in English, and returned to the Colony land office, and later gathered in General Land Office; but no copy of them has ever been furnished the District or County Surveyor of Brazoria county, for the use and protection of the interested parties, and the public generally. The locative calls carried into the titles of these surveys were not distinct and sufficiently full to enable a surveyor to follow the foot-steps of the Colony surveyor in making them, while the Original English Field Notes make it easy to find every corner and line made. The Title descriptions, however, are about all that the said section-making surveyors had by which to identify said old surveys in this instance, and all that the owners of the grants had had with which to re-trace them. The result was, a great many corners and lines of said grants were moved from original positions to erroneous ones, and adopted by these latter surveyors in laying said sections, in such positions.

Having learned the above facts, and that there was very much uncertainty and confusion as to land lines in the county, I undertook to furnish myself with copies of the Colony Surveyors' Field Notes and Sketches of the surveys in Brazoria county, and to use them whenever necessary to identify one of said Colony surveys, and I have been successful in every effort so far, I think.

In identifying the older surveys, and those made later, I have found conflicts, the latter with the former, in some instances, and spaces between them in other, and have located the spaces by virtue of land certificates, and the law providing for the sale of the School Lands, as the case required, and the locations explained hereinafter are some of such so made by me.

These surveys have been held by draftsmen of Land Office to have been laid in conflict with older surveys, upon the assumption that no space existed between the sections and the older surveys, because the fieldnotes of the sections called for said older surveys, and must be held contiguous in face of all facts to the contrary. But such holdings have been canceled after long delay, and contention with me, and my surveys held lawful and correct, but not until un-lawful and in-correct surveys have been passed and patented over them, upon said erroneous assumption of "no space" for them.

The Purpose of the following statement and explanation is to show the proper position of all surveys involved, that the Map of the county may be corrected to represent ~~the~~ them in their correct relation, and to enable an intelligent settlement of all controversy as to my said locations.

- : S k e t c h e s : -

See Sketches hereto attached, showing Blocks of sections : Connection of Crowley & Morris surveys with Litle, and Correct Compilation of whole of territory involved.

See County Map of Brazoria.



Map of
 The Clear Creek block
 made by
 Powers, Gillespie
 and
 Barron in 1841-5,

Carte 1842



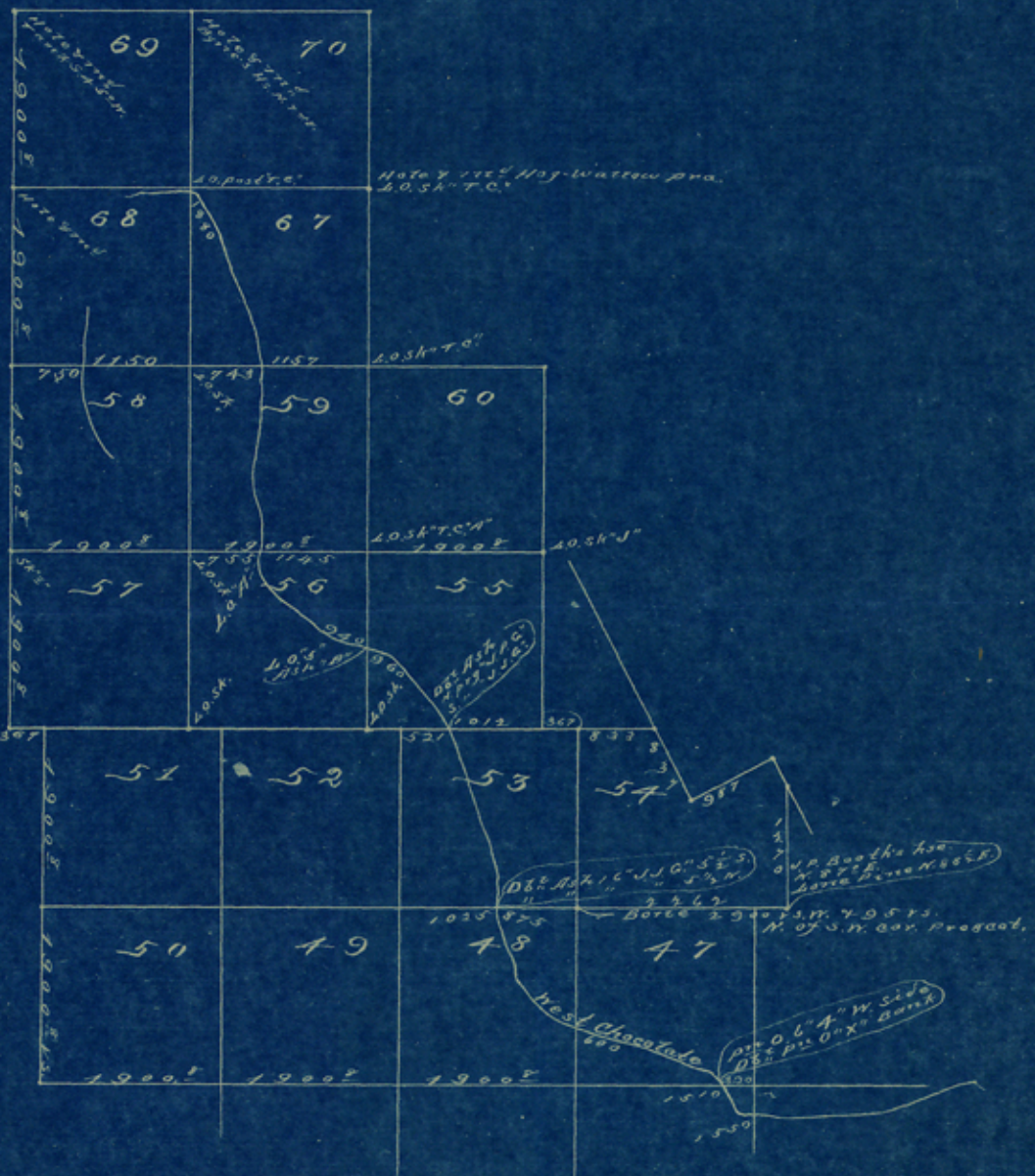
Main Chocolate Block
by

Powers in 1862

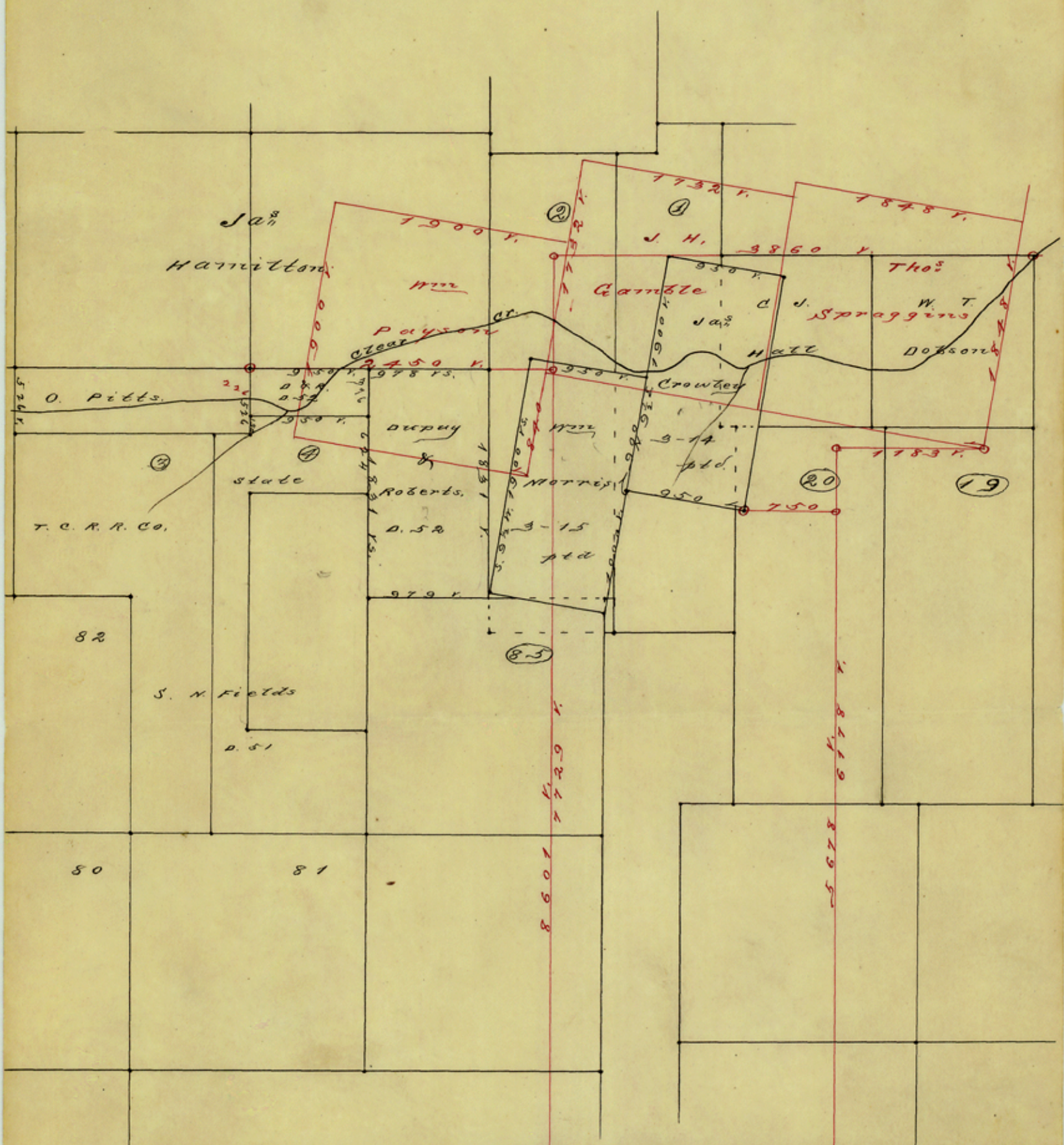
and

Dartton in 1868,

Conte 1868



Sketch
of
Sections laid out
on West Fork of Chocolate,
by
J. J. Gillespie



Explanation

Rowley's Connection with Spraggins corner -
 $N. 1^{\circ} 20' E. + \text{var. } 0^{\circ} 30' = 10^{\circ} 50'$; true brg.
 Dist. 6290 vs. gives Lat. 6178, Dep. 1183 vs.

Trimble's Connection with corner of Crowley :
 Mag. brg. $N. 18^{\circ} W.$ minus $10^{\circ} 30'$; used on Spraggins, leaves $7^{\circ} 30' E.$ true brg.
 Dist. 5730 vs. gives Lat. 5678, Dep. 750.





Points
 thus, \odot were
 the correct &
 the incorrect
 corners of
 Sprague's.

SKETCH
 of the
 correct and the
 incorrect positions
 of the
 Crowley & Morris
 surveys, & surroundings,
 Scale 1" = 5000 ft.

Feb. 3/13, H. H. Barrow.

- : Statement and Explanation : -

In Explanation of my Map of the Northern portion of Brazoria county, and the surveys in names of Mrs. L.C. Dunbaugh, Mrs. Ann M. Bryan, Hrs. James L. Holmes, Dupuy & Roberts, and J.S. de Farin, I offer the facts and arguments following, to wit :

H.N. Litle survey, Book A, p.27, G.L.O. file 1-14.

From the Records of the County Surveyor's office of Brazoria county it appears that on, or about the 3rd. day of March, A.D. 1838, O. Rowley, a deputy surveyor of said county, made a survey on Mustang slough in the name of H. N. Litle, and that, in obedience to the rule requiring all junior surveys to be connected with senior surveys where it is possible, that they might be mapped, he ran a Connecting Line from "the Upper Corner of the Wm. Harris grant on Chocolate bayou, N.20°30' W. 18100 vs.", and set "a Mulberry Stake" "on a Mound, 100 vs. from said slough, for the first corner of the survey". From this point he ran out the survey - "N.48°W.2887 vs.; thence N.42°E., crossing Mustang slough, 2887 vs.; thence S.48°E., at 550 vs. passing through the S. End of a Pond with Blackberry Briars, 2887 vs.; thence S.42°W. at 1130 vs. cross Mustang Slough, 2887 vs. to beginning"

Note

"The above survey is made at the Magnetic, the variation is 9°20'E"
"Alex. Farmer and H.N. Litle, C. Cs. Mar. 3/38" "O. Rowley"

Erastus Litle survey, Book A, p.26, G.L.O. file 1-13.

He then made a survey in name of Erastus Litle as follows : "Beginning at the N.W. corner of H.N. Litle's survey ; thence N.48°W. at 2846 vs. cross Mustang slough, 2887 vs. to corner in a low place; thence N.42°E. 2887 vs.; thence S.48°E. 2887 vs. to N.E. corner H.N. Litle's survey; thence S.42°W. 2887 vs. to beginning"

Note

"The above survey is made at the Magnetic, The variation is 9°20'E"
"A. Farmer & H.N. Litle C. Cs." "Mar. 3/38" "O. Rowley"

Thomas Spragins survey, Book A, p.32,

In the following June said surveyor, Rowley, made a survey in name of Thos. Spragins as follows : "Beginning at the S.E. corner of the survey made for H.N. Litle; thence N.42°E. 800 vs.; thence S.48°E. 4752.15 vs.; thence S. 42°W. 4752.15 vs.; thence N.48°W. 4752.15 vs.; thence N.42°E. 1266.15 vs. the S. W. corner of said survey, and along line of same, 2886 vs. to bng"

Note

"Surveyed at the Magnetic" "Va. 9°20'E" "A. Farmer & H.N. Litle, C. Cs"
"June 1838;" "O. Rowley"

W. J. Cannon survey, Book A, p.68. G.L.O. file B-2.

He made the next survey on said slough, in name of W.J. Cannon, as follows : "Beginning at a point on lower line of Spragins survey 570 vs. from S.E. corner; thence S.48°E. 2285 vs.; thence S.42°W. at 12 vs. corner of A. Farmer's Labor, 1579.75 vs.; thence N.48°W. 2285 vs. to lower line of said survey; thence N.42°E. 1579.75 vs. to bng"

Note

"Surveyed at the magnet;" "Present Va. 9°30'E"
J.W. Litle & A. Stevenson, C. Cs! "May 1839;" "O. Rowley"

Connecting Line

After making the survey for Erastus Litle, as above set out, said surveyor Rowley ran another Connecting Line, from "the N.E. corner of E. Litle's survey, N.1°20'E. 6290 vs." and set a pst for a corner of another survey in name of Thos. Spragins, and ran out the survey as follows: "thence West 1848.5 vs.; thence North, at 370 vs. a branch of Clear creek, 1848.5 vs.; thence East 1848.5 vs.; thence South, at 110 vs. Edge of Timber, 3 ft. west of a Pin-Oak about 12 inches, Marked with a Blaze on the West side, 200 vs. through Timber, 1848.5 vs. to bng"

Note

"Surveyed at the Magnet!" "Va. 9°30'E" "A. Farmer & H.N. Litle, C. Cs." "O. Rowley!"

J.H. Gamble survey, Book A, p.64.

He then made a survey for J.H. Gamble as follows ; "Bng at the S.W. corner of the Spragins survey; thence West 1732 vs.; thence North 1732 vs.; thence East 1732 vs.; thence South 1732 vs. to bng" "H.N. Litle & C. Prescott C. Cs" "O. Rowley"

WM. Payson survey, Book A, p.67, G.L.O. file 2-10.

He then made a survey in name of Wm. Payson as follows : "Bng 840 vs. South of the S.W. corner of Gamble's survey; thence West 1900 vs. to stake

yb

200 vs. East of the Timber at Extreme Head of Clear Creek; thence North, 200 vs. Timber, 1900 vs. to stake from which a small Clump of Bushes in prairie, bears S.3°W.220 vs.; thence East 1900 vs. to stake from which 3 small Pin-Oaks bear S.84°W.350 vs.; thence South 1900 vs. to bgng! "H. Litle & C. Prescott C. Cs!" "O. Rowley!"

Elisha Mather survey, Book A, p.42.

In September of the same year said Rowley made a survey on Chocolate bayou in name of E. Mather, as follows: "Bgng on the Upper Line of G. Logan's grant, 382 vs. from N.E. corner; thence S.63°W.2140 vs. to the bayou, 5000 vs.; thence N.27°W.5000 vs.; thence N.63°E.2000 vs. a branch of Chocolate, 5000 vs. to stake at Edge of Timber, from which 4 Pin-Oaks, standing at the Edge of Prairie, bear S.28°30'E.21 vs.; thence S.27°E.5000 vs. to bgng!"

Note

"Surveyed at Var. of 10°30' to correspond to old surveys!" "Present Va. 9°30'E!" "J.W. Cloud & E. Quimby C. Cs!" "O. Rowley!"

Chas. Prescott survey, Book A, p.65, G.L.O. file 2-3.

He then made a survey in name of C. Prescott as follows: "Bgng at the N.E. corner of the Mather survey; thence N.63°E.800 vs.; thence N.27°W.1900 vs.; thence S.63°W.1900 vs.; thence S.27°E.1900 vs.; thence N.63°E.1100 vs. to bgng!" Note. "Var. 10°30'E!" "O. Rowley!"

Oliver Hall survey, Book A, p.67. G.L.O. 2-2.

He then made a survey in name of O. Hall as follows: "Bgng at the N.E. corner of the Prescott survey; thence N.27°W.2886 vs.; thence S.63°W.2886 vs.; thence S.27°E.2886 vs.; thence N.63°E.2886 vs. to bgng!" "Var. 10°30'E!"

Observations:

The Mather survey, having been laid upon, and in conflict with the J. Peske grant, was abandoned, and the Prescott and the Hall surveys were patented.

The field notes of surveys in names of H.N. Litle and Erastus Litle, Wm. Payson and W.J. Cannon were duly returned to General Land Office; but those of the Spragins and Gamble surveys were not returned. The Payson and Cannon surveys were therefore necessarily suspended for want of the Connection with an older survey, contained in fieldnotes of said Spragins and Gamble surveys.

Deductions:

I claim that All the foregoing surveys on Mustang slough and on Clear Creek were made "At the Magnet;" or "At the Magnetic;" bearings, instead of the "True" bearings; that they were made with a "Plain;" or "Magnetic" Compass, that is, a compass having no Vernier for setting off the variation of the Needle; that all the bearings given in the field notes are the Actual Face Readings of the Plain Compass, just as they were read and written by the surveyor in the field; and that, therefore, they are the Magnetic, not the True bearings. And the same is true of All Other surveys made by said Rowley Separate and Apart from, and not adjoining Older surveys.

On the other hand, I claim that the foregoing surveys on Chocolate bayou, and All Others made by said Rowley CONTIGUOUS To, and Adjoining Older surveys were made with such a Variation set off on the face of his "Plain Compass" as he found would Re-trace and follow the lines of such older surveys. And I claim this because Rowley SAYS SO about as Distinctly and as Plainly as such facts COULD well be said and expressed. In proof of this I will Quote his note at the foot of each of the field notes of several of his surveys in addition to those above recited, as follows, to wit:

T.J. Green survey. Book A, p.37, G.L.O. File 2-1.

"The above survey was made at a variation of 10 1/2°E. to correspond with original surveys!" "Present Var. 9 1/2°E!" "Aug. 1838!"

A. Bowman survey. Book A, p.41. G.L.O. File 1-37.

"The above survey run at a variation of 10 1/2°E. to correspond with original surveys!" "Present Var. 9 1/2°E!"

C. K. Reese survey. Book A, p.41-2, G.L.O. File 1-38

"The above survey run at a variation of 10 1/2°E. to correspond with original surveys!" "Present Var. 9 1/2°E!"

Butler, Gamble and Sumrall surveys, on Gulf between Bernard & Cedar Lake; Book A? p.35-6-7. G.L.O. Files 1-44, 5, 6.

"Lines run at var. of 10 1/2°E. to correspond with orgl. surveys; meanders of bayou taken at the magnet!" "Present Var. 9 1/2°E!"

47

8.

Counter 15008

Robert McClure survey, Book A, p.30-1, G.L.O. file 1-22.
"Surveyed at the Magnet" "Var. $9\frac{1}{2}^{\circ}$ E"

Francis Moore labor survey, Book A, p.38.
"The above survey is run at the magnet, The variation is now about $9^{\circ}20'$ E"

P.D. McNeel survey, Book A, p.29, G.L.O. file 1-21.
An Exception to his custom, as shown in above notes, is found in fieldnotes of the P.D. McNeel labor survey, which adjoins an older survey. In this he calls to begin at the S.E. corner of G.W. McNeel survey, and to run "N. 11° W. with East line of same;" when said line is called, in its fieldnotes, to run North. His foot-note in this instance is, "Surveyed at the magnet!" "Original lines run at 11° E. Var!" "Present Va. $9\frac{1}{2}^{\circ}$ E!" "May /38"

- Note -

Rowley was not particular to record these foot-notes exactly as they are in field notes, every time.

- : Argument : -

I offer copies of these foot-notes to show that said Rowley used the word, "magnetic" as an adjective, as well as a noun, and that he used the phrases "at the magnet;" and "at the magnetic" interchangeably, and to convey one and the same idea - that the bearings are magnetic, not true - that the adjective, magnetic refers, not to variation, but to bearings understood; that by the noun, magnetic, or magnet, he means needle: that is, by "at the magnetic" he means at the magnetic bearings, instead of the true, and that by "at the magnet" he means according to the magnet, or needle, instead of the meridian, without any allowance for the variation of the needle, or what it lacks of lying parallel with the meridian. He invariably gives the variation as he finds it, whether the survey is made with, or without one, so that his surveys might be mapped correctly and his lines easily re-tarced. This does not imply at all that he used a variation, and that the word, Magnetic, as used, referred to variation, instead of bearings: but it PRECLUDES such an inference. For, when forced to use a variation to correspond with lines already run he always gives the correct variation, as well as the variation he was so forced to use to follow such older lines; which I think is scholarly, scientific, necessary and proper.

- : Discussion of the Variation : -

In Texas the variation of the magnetic needle is east. That is, the needle points to the east of north, and consequently, to the west of south: or what is the same thing, it points to the Right of North and South. In Brazoria county it pointed, say for convenience, in 1838, 10° to the right. So that a true North of South line must run 10° to the left of the direction of the needle. Such line is called "a true line;" because the necessary allowance for the variation of the needle has been made. A line run in the direction of the needle is called "a magnetic north or south line;" because no such allowance has been made: it is magnetic, or untrue to the extent of the error of the magnet, or needle, and is said to be run "at the magnet!" A compass without a vernier for setting off this error, or variation, of the needle is called "a magnetic, or plain compass;" to distinguish such instrument from one that is provided with a vernier, because work done with such instrument is magnetic or erroneous to a certain extent. To run a true line in any direction with a magnetic, or plain compass, the variation of the needle must be set off on the Face of the instrument: that is, the number of degrees in the bearing must be increased or diminished according to the number in the variation. To run a true North line, when the variation is 10° E., the reading on the face of the compass must be N. 10° W.; to run true N. 48° W. the reading must be N. 58° W. When the course is west of north or east of south the variation must be added, and when the course is east of north or west of south it must be deducted. In other words, the true reading of a north-west or south-east course is 10° less than the magnetic, and the true reading of a north-east or south-west course is 10° greater than the magnetic: provided, of course, 10° is the variation used. Therefore, if the fieldnotes of a survey that was made at the magnetic bearings, call to run N. $20^{\circ}30'$ W. the true reading is N. $10^{\circ}30'$ W.; if the call to run N. 48° W. the true reading is N. 38° W.; if they call to run N. 42° E. the true reading is N. 52° E., and if they call to run N. $1\frac{1}{2}^{\circ}20'$ E. the true reading is N. $11^{\circ}20'$ E. etc. etc.

Applying this conclusion to the lower line of the H.N. Little survey, for instance, which runs east of north and west of south, we see that the true reading of its bearing must be greater than the magnetic reading. If, therefore, its bearing, S. 42° W., is magnetic, then its true reading must be S. 52° W.

Thomas Spragins survey, Book A, p.76, G.L.O. file, 1-41.

48

Counter 15009

9.

Thomas Spragins survey,

The field-notes of the Spragins surveys, made by Rowley, not having been returned to the Land Office, although duly recorded in the records of the County Surveyor's office, a Re-Survey of the land was made by R.C. Trimble, County Surveyor, in 1846, to correct, or examine Rowley's work. The fieldnotes of this Re-survey are as follows: "Beginning at the S.W. corner of H.N. Little's survey; thence N. 52 1/2° E. at 1740 vs. cross Mustang slough, at 2886 vs. the S.E. corner of said survey, in all 3518 vs. to corner; thence S. 37 1/2° E. 4752 1/4 vs. to corner; thence S. 52 1/2° W., at 3784 vs. cross Mustang slough, 4752 1/4 vs. to corner; thence N. 37 1/2° W. 4752 1/4 vs. to corner; thence N. 52 1/2° E. 1234 1/4 vs to bgng!" "Va. 10 1/2° E." "R.C. Trimble"

Here we find Trimble using a variation of 10°30'E. and Re-tracing a Line run by Rowley "S. 42° W" and re-tracing it with a bearing of N. 52°30'E. and Identifying corners set by Rowley, and crossing Mustang slough just as Rowley crossed it, showing beyond question, that the reading of Rowley's course was MAGNETIC, and NOT TRUE.

In further proof that Rowley's bearings were magnetic, and not true, when the field notes of Trimble's re-survey of the Spragins were returned to Land Office, the bearings of the lines in fieldnotes of the Cannon survey by Rowley were changed 10° from Magnetic to true, without a Re-survey, and patented. They read 38° and 52° respectively.

All of these surveys were platted on the Maps of the county DOWN TO, and INCLUDING the county map of 1860.

In still further proof that Rowley's surveys on Mustang slough and on Clear creek were made "at the Magnet;" and not true, I have found that every Natural Object called for by him in the fieldnotes of the said surveys, can be found almost exactly as called for, while nothing so called for by him, could be found in connection with said surveys, if the bearings were taken as true instead of magnetic.

Crowley and Morris surveys.

On January 1st. 1846 one, Chas. Holmstrom, applied to County Surveyor to have surveyed "the two enclosed certificates, No. 134 3rd. class (Jas. Crowley) and No. 285 2nd. class (Wm. Morris) on the head of Clear creek including the survey of Gamble's that is withdrawn"

The survey of Gamble's referred to, is one of the three surveys made by Rowley on Clear creek, the fieldnotes of which are given hereinbefore. In obedience to this Application, duly recorded, R.C. Trimble made the surveys with fieldnotes as follows, to wit:

James Crowley survey, Book A, p. 86, G.L.O. file 3-14.

"Bgng at a stake from which the N.E. corner of E. Little's survey bears S. 18° E. 5730 vs.; thence North 1900 vs.; thence West 950 vs.; thence South 1900 vs.; thence East 950 vs. to bgng!" "A. Farmer, W. Kennedy, Chn!" "May 16/48"

Wm. Morris survey, Book A, p. 86, G.L.O. file 3-15.

"Bgng at the S.W. corner of J. Crowley's survey; thence North 900 vs.; thence West 950 vs.; thence South 1900 vs.; thence East 950 vs.; thence North 1000 vs. to bgng!" "A. Farmer, W. Kennedy, Chn!" "R.C. Trimble, Dist. Surveyor"

- : Argument : -

Since the fieldnotes of these surveys call for No. Natural Object by which they might be identified on the ground, they are left entirely dependent upon their Connection with the Little survey called for, for their position and identification on the ground.

If the connection with said Little survey, and the fieldnotes of these surveys were made out by Trimble from calculations based on Rowley's work, which work was magnetic, then said connection and fieldnotes calls would be magnetic also, and the surveys would cover the southern portion of the void survey of Gamble's called for in application; while if they are not magnetic said surveys would cover but a very small portion of said Gamble void survey. Now, as it was the Intention of the Locator to cover the Gamble survey; as that survey had been actually Run out on the Ground from a Connection with the same corner of the Little survey with which Rowley connected his surveys, so that it could be easily reached from said Little survey by Calculation, and as NO. NATURAL OBJECTS are called for in fieldnotes of these surveys, when they LIE ACROSS TWO BRANCHES of Clear creek, and in Timber, it is hardly possible that an actual survey on the ground was made by Trimble, but it is evident that he made out the calls of the connection, and the field notes of these surveys entirely from Rowley's work, by Calculation; and that work being magnetic, the calls in said connection and in fieldnotes are magnetic also.

In Un-answerable Evidence additional of the fact that the said Crowley and Morris surveys were made magnetic see the plats of them on the face of the fieldnotes of each survey. It is true the plats are not accurate; but they are near enough accurate to settle the question beyond a doubt.

The Angle between the lines of Little survey, running N.48°W. and the lines of these surveys, running South, is 48° as near as I can measure it ; the lines in connection makes an angle of 20° with the lines of the surveys running South, instead of 18° as called : but the angle between the line of connection and the lines of the Little surveys is 29° instead of 30° as it should be. If these Crowley and Morris surveys had been made to true courses then the angle between their meridian and the lines of Little surveys, extended to intersect it, would be 38° instead of 48° or 10° less than plats show it to be. This is evidently the Idea, and this the proof to support it, that draftsmen who compiled maps of the county, considered down to, and including the compilation of the Map of 1860, as these surveys are represented magnetic on all maps of the county down to that time. It can not be objected that it was not Trimble's Intention to lay surveys at the magnetic bearings, and that he was ignorant of the fact that he was laying these that way, because he had already learned that Rowley's work was magnetic by his experience with the Spragins survey on Mustang slough.

Amos Pollard surveys, No. record, G.L.O. file D -10.

In 1854 R.G. Mills, County Surveyor of Brazoria county, made two surveys in name of Amos Pollard on Chocolate bayou next below the Prescott survey. The N.E. corner of the upper one of these surveys is called to be in the South line of said Prescott survey, and is witnessed by a well marked Post-Oak tree standing in the upper line of said Pollard survey, 108 vs. from said corner, and on the East bank of bayou. The N.E. corner of the Mather survey, at which said Prescott survey begins, and upon which the position of said Prescott and the Oliver Hall surveys depends, stands on the West side of the bayou, 238.4 vs. S.63°W?, and 103.4 vs. S.27°E. from said Post-Oak tree, Making a Conflict of said Pollard with Prescott survey of 103.4 vs. wide.

In 1855 one, Wm. Scott, a surveyor, in sub-dividing the Prescott survey, mistook said tree for the N.E. corner of the Mather survey, and laid out said Prescott survey from that tree, and the owners of said Prescott survey took possession of their respective interests as so laid out by Scott. The effect of such mistake was to move said Prescott survey Away from its Original and True Position the distance and direction above given. Posts were set at the erroneous corners, and the correct position was abandoned.

In 1861, 62 and 68 Will Powars and J.J. Gillespie of Harris county, deputized by Warren Damon, the County Surveyor of Brazoria county, located a number of H.T. & B.R.R. Co. Land Certificates in Brazoria county on Clear creek, on Chocolate bayou, and on Mustang slough, and, as was supposed, contiguous to the surveys afore-mentioned. Said surveyors certify that they traced old lines in timber, and it might be presumed that they tried to trace prairie lines also. It is quite evident, however, that they did not know how to follow Rowley's lines on Mustang slough, or Trimble's work on the Crowley and Morris surveys on Clear creek.

Sections Nos. 1 to 20 on S. bank of Clear creek and south of it, were made by Gillespie in 1861 ; but fieldnotes of them were made out by Powars, and returned to Land Office in 1862. Other sections, Nos. 21 to 40, were not returned till 1868. These sections were fixed and established on the ground by Connection with Clear creek ; by sundry bearings and by "Cedar Stakes" actually set at the corners. Fieldnotes of only two of these sections call for any of the Rowley surveys, to wit: fieldnotes of section No. 33 call to follow a line of Spragins, at a bearing of N.48°W. when the fieldnotes in the Trimble survey, and in the Patent of that survey, call the bearing of the line to be S.37°30'E., and fieldnotes of section No. 39 call to follow a line of Cannon survey at a bearing of N.48°W., when fieldnotes in the Patent of that survey call the bearing of that line to be S.38°E. : from which it is clear that Powars was densely ignorant of the bearings of the lines of said Spragins and Cannon surveys called for, and of the true positions of said surveys on the ground.

Gillespie laid out and set corners of sections Nos. 53-4-5-6-7-8-9-60-8-9 and 70, on West Fork, and fixed and established them on the ground by Connection with that stream, and with marks on the Timber on that stream. These were laid upon a Buggy-wheel Connection with Prescott survey, as shown the surveyor by the owners.

Powars laid out and set corners of sections Nos. 61-2-3-4-5-6-71-2-3-4-5-6-7-8-9-80-1-2-3-4-5-6, on Main Chocolate, and fixed and established them on the ground by Connection with that stream, with bearings, with Holes and Mds. at corners, and with the Oliver Hall, the Wm. Hall, the Pettus and the Haywood surveys.

A Connecting Line was run from the corner of Galveston and Brazoria counties, on Dickinson's bayou, West to the I. & G.N.R.R., at a point 634 vs. North of the Lower line of the Wm. Hall grant. At 16,271 vs. on this line, the surveyor calls to pass 177 vs. South of the N.E. corner of the Oliver Hall

survey on Chocolate, and at 27,714 vs. to reach the Railroad : making the distance from the corner of O. Hall survey to the railroad 11,443 vs. At that time the back line of the Wm. Hall grant was thought to be only 2653 vs. East of the Railroad, but when the said grant was run out as required by Comr. Land Office, it extended about 2902 vs. east of the railroad, leaving the distance from said grant, east to the O. Hall survey 8541 vs. for the new sections. In fieldnotes of sections Nos. 61 & 62 the surveyor calls for the corners and lines of the O. Hall survey, and in 61 he calls for "the Original Corner" It is shown by the record, therefore, that the sections made here by Powars were in about the correct position with reference to said Hall survey. Soon after Powars laid out sections on Main Chocolate, he made other sections on Mustang slough below the Spragins and Cannon surveys, fixing & establishing them in position on the ground by bearing trees, and Connecting them with said slough. Fieldnotes of several of these sections call for lines and corners of said Spragins and Cannon surveys. Said Powars also attempted to lay out section No. 74 next south-west of the Little surveys, and in order to do so he set the south corner of H. N. Little and the west corner of Spragins surveys where he determined they should be, and proceeded to lay out said section from such corners. These corners have been identified since, and proven to have been set entirely too far south-west from Mustang slough, and not near the Original corners of said old surveys. From these fieldnotes written by Powars it is clear that he believed that the bearings of said Spragins, Cannon and Little surveys were N. 48° W. and N. 42° E. True, instead of magnetic, and that in the face of the fact that the fieldnotes of the Patent of the Spragins survey call for N. 37° 30' W. and N. 52° 30' E., instead, and that the fieldnotes of the Patent of the Cannon survey call for N. 52° E. and N. 38° W., instead.

It seems that the fieldnotes of the foregoing sections, Nos. 61 to 66, by Powars, were returned to Land Office in 1862, while the fieldnotes of sections Nos. 71 to 86 were not returned till 1868. And judging from the fact that much space was left by said surveyors around the Rowley surveys on Mustang slough, unlocated by them, it would seem that said surveyors were afraid to trust their work as to identifying said Rowley's surveys, any further.

It is shown by the record (see Affidavit of chain-man Booth) that Gillespie made sections on West Fork of Chocolate according to his Buggy-wheel Connection with the Prescott survey OUT of its place, and that Powars made the sections on Main Chocolate, above the O. Hall survey in its correct position. The work of the two surveyors must, therefore, CONFLICT to the extent of the error in measuring with the buggy-wheel plus the error in the position of the Prescott survey ; and the sections west of West Fork, calling for the Brazos river grants, must fail to reach them by same distance.

Connection by Wm. Scott :

In 1876 Wm. Scott, the surveyor who subdivided Prescott survey in 1855, ran a connection between the Post-Oak tree on Chocolate bayou that he had adopted as the N.E. corner of the Mather survey, and the East corner of section No. 21, in Mustang slough, near Cannon survey, his report of which reads as follows : "I proceeded first to find the Original corner of what was known as the N.E. cor. of Mathews sur. & recognized as N.E. cor. of A. Pollard's upper tract, being a P.O. standing in line of Prescott sur. N. 63° E. 15 vs. from mid. Chocolate bayou + nearly grown over and 4 chops below on S.W. side, 3 cuts on E. side, very old, I also cut P above last mentioned; thence N. 63° E. 800 vs. to S.E. cor. Prescott, Cedar Post. I then crossed bayou, S. 63° W. finding several old marks, 1085 vs. to a Cedar Post in prairie a little past a small Pond, near a Natural Md. for S.W. cor. Prescott. Beginning again at the Tree; thence N. 29° E., toward Mustang Island, at 6400 vs. set a Flag Staff. Began at S.E. cor. Section No. 21, H.T. & B.R.R. Co. a Cedar stake in Water on W. line Cannon sur. on Mustang Slough, Willow 6" X N. 45° 30' W. 134.5 vs., a Willow 6" /// S. 3° 30' W. 50 vs.; thence S. 42° W. 1476 vs. to cor. No. 20, 1900 vs. to cor. on N. line No. 19, continued 768 vs. further, to point; thence N. 48° W. 1900 vs. to S.W. cor. J.W. Little assignee Spragins, survey, at 3040 vs. came to Mustang Slough, offset S. 42° W. 340 vs., at 3800 vs. passed bend in Slough, and offset back N. 42° E. 340 vs., at 6652.5 vs. came to N.W. cor. Spragins, Mound about 6 ft. diam. about 12 ft high, I set sawed Pine Post x, S, x, whence up end of Timber on Big Island brs. N. 12° 30' E.; Timber lower end N. 30° E.; Tallest Tree Mustang Island brs. N. 62° E.; Tallest Tree Gum Island, near middle, brs. S. 78° 30' E.; Up End Timber on E. Fork Chocolate brs. S. 68° 30' W.; thence N. 42° E. at 1234 vs. set Cedar Post H.N.L., whence Elm Tree (standing on md. where there are number of small bushes, Dogwood) 8" X S. 81° E. 268 vs.; another standing in water, 12" S. 82° E. about 360 vs.; East end of Timber on Big Island N. 17° 30' E.; Up End Island N. 33° W.; Tallest Tree on Mustang Island S. 76° E.; Tallest Tree near mid. Gum Island S. 60° E.; The Flagstaff brs. S. 27° 30' E. 1578 vs.; Post Oak on Chocolate brs S. 18° 30' W. 7040 vs!" Jan'y 26-9/76. Wm. Scott.

YM

Counter 15012

12

- : Observations : -

It is easy to see that Scott was mistaken in his identification of the N.E. corner of the Mather survey, at which he began the above Connecting Line ; and it is clear that he ran out the Spragins survey by the calls of the sections for it, from the corner of section No. 21 in Mustang Slough, to where the South corner of H.N. Litle survey would be if that were the proper way to find the old Rowley surveys. All of those bearings taken and given by Scott are evidently made to impress readers that he had found something Original, when it is easy to see that he refers to Nothing that was called for by Rowley in his fieldnotes of the surveys. So that ALL said by Scott as to position of the old surveys is the merest SUPPOSITION, and sheds no light on the case at all.

- : Conclusion : -

As the Litles, Spragins and Cannon surveys on Mustang, were neither of them Identified by the surveyors, Powars, Gillespie or Damon, or either of them, so that any corners, or corner, lines or line of any of said surveys, or either of them, could be known by either of said surveyors ; and as it has been demonstrated that the corners of said surveys ARE NOT WHERE they are by said surveyors called to be, nor are the courses of the lines such as they are called by said surveyors to be, I claim and protest that said surveyors KNEW NOTHING about either the Corners or the Lines of said surveys, and that ALL CALLS in fieldnotes of sections, made by said surveyors, for corners and lines of said Rowley surveys, were written at wildest random, are SUPPOSITIOUS, ERRONEOUS and WORTHY OF NO FORCE OR EFFECT in law or equity. It is remarkable that such fieldnotes were ever passed by competent draftman, and a map compiled to agree with them.

It has been found by careful Re-survey that ALL the lines of the surveys on Mustang slough and Clear creek, made by Rowley, can be Re-Traced at the Magnetic Bearings, as given by him, and Every Permanent Object called for, Found almost exactly in place, and that the Spragins survey, made by Trimble, at True Bearings, covers the land first surveyed by Rowley, and that the Slough is in position called for ; when, if the Rowley lines should be run with his bearings taken as true, from the corner of Wm. Harris grant, the Litle surveys would hardly touch Mustang slough at all, and the Payson survey would fall in Open Prairie, about 2 or 3 miles west of the Head Timber on Clear creek, and NO MARKS be found, as called for by Rowley, at all.

- : Blocks of sections : -

I claim that all sections in names of H.T. & B.R.R. Co. and A.C.H. & B. lying North-east of the Litle surveys, constitute a solid, separate and distinct block, and that they are tied together, and tied to Clear creek by Living Bearing Trees standing on the ground, and should be held firmly bound by such connection ; I claim that sections lying West of said Litle surveys, in names of H.T. & B.R.R. Co. and A.C.H. & B., constitute another solid, separate and distinct block, and are tied together, and tied (1) to Original corners of Oliver Hall survey on Chocolate bayou ; (2) to Chocolate bayou itself, and (3) to the Wm. Pettue, Wm. Hall and C. Haywood surveys, according to the Connecting Line run by the surveyors for the purpose, as above referred to herein. And I further claim that sections on West Fork of Chocolate bayou, constitute another solid, separate and distinct block, laid out according to the Connecting Line run from Prescott survey in wrong position, to said stream, instead of the connecting line first above mentioned, and fail to reach the said Pettus and Hall grants on that account, as they were supposed to reach them. I deny that the position of said block of sections lying west of the Litle surveys can be controlled by the position of this block of West Fork, as surveyors have supposed from time to time.

I further claim that Powars and Gillespie Ran Out the Litle, Spragins and Cannon surveys as they thought proper, for the purpose of laying sections contiguous to them, but did not Identify said old surveys by their calls for Natural Objects at all : therefore, the calls in fieldnotes of said sections for the lines and corners of said old surveys, will Hold to the LINES AND CORNERS of such RE-SURVEY of said old surveys, made by Powars and Gillespie, where said old surveys were placed by them in error, but will not hold to said old surveys in their Original, Correct Position as given them by Rowley, and in which they were never found by said surveyors.

In conclusion, I claim that said old Rowley surveys, in names of Litle, Spragins and Cannon, should be Re-Instated on the ground, and on the County Maps with bearings, as written by Rowley magnetic, and corrected by Trimble to True, as indicated by the Patent calls of said Spragins survey.

Respectfully submitted as I believe correct.

R. H. Barrow

I, E.S. Atkinson, County Surveyor of Brazoria county, Texas, hereby certify that the above and foregoing is true and correct to the best of my knowledge and belief, a copy of which I retain as an archive of my office.

Counter 15013

E. Atkinson

Sketch File No. 19.

Brazoria Co
SKETCH FILES

See File 52

Brazoria Bounty

sketches of & theoretical discussion
by R. H. Barron on surveys in NE
part of county - on Clear Cr. - Head-
waters Chocolate Bayou - West Fork of
same - Mustang Bayou - and adja-
cent territory.

Filed June 25, 1913.

Donation to Brazoria Donation

Filed
6-25-1913
by R. H. Barron

Counter 1501A

412

D-52

Filed in ~~Box~~ by R.H. Barrows 6-25-1913

Counter 15015