

March 24, 1949

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SURVEYOR'S STATEMENT

Commissioner of General Land Office
Austin, Texas

Relative to the correction of the B.B.B. & C. RR. Co. Survey, Certificate No. 115, A-445, Brazoria Scrip No. 137 patented to D. Noble Rowan, and the R. A. Shapard Survey, SF No. 11927, A-720, patented to R. A. Shapard, all in Brazoria County, Texas.

GENERAL STATEMENT OF AREA

As is the custom of this office, certified photostatic copies of field notes and patents of all surveys in this area were obtained from the General Land Office and from these instruments a working sketch was prepared for study and use in the field work. Sketches were prepared to show chronologically the work of the various surveyors in the area.

The work of the Colonial Surveyor, Seth Ingram, in 1830 shows to be well tied, one to the other, and the bayou meanders contained within his field notes will fit very closely. Furthermore we have shown by a double circle, the northeast and/or beginning corner of the Perry & Austin League No. 1 (on Chocolate Bayou) which is the occupied and recognized corner for this league. This corner has been for many years accepted and recognized as the original corner set by Seth Ingram. In his English field notes Ingram called for a 11-inch live oak for corner, whence a 13-inch live oak bears N-3° W-8 varas and a 10-inch live oak to bear E-3-1/2 varas. I find at this point a 27-inch live oak (bearing a mark which appears to be an "I" and from said tree I find a 16-inch live oak) (dead) to bear N-3° W-9.72 varas; however, no evidence of a stump or stump hole could be found for the second witness of E-3-1/2 varas. With minor discrepancies the fill-in or junior surveys fit very well into the senior surveys. This is particularly true with respect to the work of S. T. Browne, 1847 to 1848, who made a rather extensive system of eleven connected surveys in the area adjoining Halls Bayou and Chocolate Bay.

SENIOR SURVEYS

The major portion of the Perry and Austin 8 League grant was located in this area by Seth Ingram in 1830. Of the five leagues that were located and tied together in this area two of the leagues were located on Halls Bayou and two of the leagues were located on Chocolate Bayou. All of the leagues were titled on Seth Ingram's

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work. In retracing the boundaries of the Perry and Austin Leagues from the hereinabove described original and/or beginning corner for one of the leagues, I find the occupied and recognized position for said leagues to check their titled calls. I have shown the south corner of the Perry and Austin League No. 1 (on Halls Bayou) to be S-35° 47-1/2' E, 6951.20 varas, which distance will check the called width for said Perry and Austin Leagues No. 1 and 2 (on Halls Bayou) within six-tenths of a vara. I find that the length of the southeast boundary line of the Perry & Austin League No. 1 (on Halls Bayou) between Halls Bayou and New Bayou to be 8714.48varas or 85.52 varas short of Seth Ingram's call (8800 varas more or less). I call your attention to Ingram's call, particularly the "more or less" part which is unusual in the called length of a line by Ingram.

The next group of senior surveys, however not a colonial group, consist of a chain of eleven surveys extending from the L. G. Backelder to the Thomas W. Lyles survey, adjoining mainly Halls Bayou on its right bank. This group of surveys was put in by S. T. Browne in 1847 and 1848. All were patented on Browne's field notes and can be relocated on the ground in their patented position from their adjoinder calls and from the bayou meanders contained within the field notes. When located as a system, the meanders will fit very well in all of the surveys with the exception of the south line of the Wm. Cherry and the north line of the Thomas W. Lyles. Both of the lines mentioned in these two surveys will fall short or fail to reach Halls Bayou by the amounts indicated on the attached map 1331. It had been previously determined that the east or left bank of Little Salt Bayou was the correct west line of the L. G. Backelder Survey. The west corner of the Backelder was relocated using meanders of Little Salt Bayou given in the Backelder patented field notes. As pointed out above in locating the chain of surveys by Browne as a system, the north or northwest boundary line of the Thomas W. Lyles Survey will be 393.92 varas in excess of its patented call length of 2417 varas. Although the Lyles calls to begin at the east corner of the Perry and Austin and thence with said Perry & Austin League line, I would like to point out the fact that if the Lyles be rebuilt in accordance with its patented field note calls then the south or southeast boundary line of the Lyles will go beyond the meander of Halls Bayou and likewise the system

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by Browne would have to be broken apart along the Lyles and Cherry common boundary. I believe that the correct construction is to place excess in the northwest line of the Lyles, which would thereby hold the Browne system together.

JUNIOR SURVEYS.

Four years after Browne's system had been completed R. G. Mills in September 1852 put in the Alfred Swingle survey. This survey was patented on Mills' field notes. We find that Mills began the Swingle Survey at the west corner of the Backelder on the east or left bank of Little Salt Bayou and called to adjoin the chain of surveys laid in by Browne. The Swingle can be relocated by honoring its patented call course and distance which has been done.

The J. Bryan survey and the A. Wyschetzki survey were both laid in by R. B. Harris in 1884 and 1892 respectively. These two surveys were patented on Harris's field notes. They can likewise be relocated by honoring their patented field note calls, course and distance and adjointer for the southeast boundary of the Perry & Austin League which has been done.

In 1880 Hemmell Stevens made a survey of the B. B.B. & C. RR. Co. Survey for 640 acres which survey was patented on his field notes. Stevens began his survey at the south corner of the Perry & Austin (on Mustang Bayou) commonly known as New Bayou and thence with the Perry and Austin boundary line 858 varas to corner, thence S-45 E. 2685 varas to a stake on West Bay thence with course and distance meanders along West Bay to the mouth of Mustang Bayou and thence along Mustang Bayou with course and distance to the place of beginning.

I call your attention to the fact that if you plat the field notes as patented for the B. B. B. & C. RR. Co. survey you will find that the meanders will neither conform to the shore line of the West Bay, nor will they coincide with the meanders of Mustang or New Bayou. Instead you will find that the area enclosed by said field notes will conflict with the Senior Perry and Austin League No. 1 (on Chocolate Bayou) and the L. G. Backelder survey. Therefore, in my resurveying of the B.B.B. & C. RR. Co. survey I have begun said survey at the call beginning point; namely, the south corner of the Perry & Austin League No. 1 (on Halls Bayou system) on the east or left bank of New Bayou and have gone its call course and distance (858 varas) to the north corner of same. Thence I have gone course to a point of intersection with the west line of the Backelder survey, said boundary being located on the left bank of Little Salt Bayou. Thence with the meanders of

Little Salt Bayou to its confluence with New Bayou and thence with the meanders of the left bank of New Bayou to the place of beginning. In correcting these field notes of the B.B.B. & C. RR. Co. Survey I have taken into consideration all of the field notes; the calls for natural objects, recognition, and occupation and in so doing find that the B.B.B. & C. RR. Co. call for 640-acres by patent, but actually contains 244.14 acres, or a shortage of 395.86 acres.

In 1919 Henry W. Munson, Jr. made a resurvey of the R. A. Shapard Survey which had been previously surveyed by T. A. Munson on March 1918. The original notes by T. A. Munson were cancelled. The corrected field notes by H. W. Munson, Jr. were patented in August 21, 1919 for 183.42 acres. The Shapard Survey as patented called to begin at the North corner of the B.B.B. & C. RR. Co. survey, 858 varas from the south corner of the Perry & Austin League 1. Thence N-43 E. 380 varas to the West corner of the Alfred Swingle Survey, thence with the Swingle west line 2638 varas to a common corner of the Swingle and Backelder Surveys on Little Salt Bayou, thence with the meanders of Salt Bayou (by course and distance) to its intersection with West Bay, thence by course and distance with the meanders of West Bay to the East corner of the B. B. B. & C., thence with the B. B. B. & C. to its place of beginning. In attempting to relocate the R. A. Shapard Survey in accordance with its patented field notes I find that same will conflict with the Senior patented Swingle Survey and L. G. Backelder Survey. You will note that I find the distance between the East line of the B.B.B. & C. RR. Co. Survey and the West line of the Swingle Survey to be 145.55 varas as against its previous patented call of 380 varas. I would also like to call your attention to the fact that the E. boundary of the Shapard as patented calls to adjoin the Swingle survey at both its west corner and south corner; however, the Shapard field notes call for the distance to be 2638 varas whereas the west line of the Swingle as patented, is 1936 varas. As I have placed the west line of the Swingle survey I find this call of 1936 varas to check. Furthermore in going the additional 702 varas southeast as called for in the Shapard Survey you will reach what is known as Mustang Bayou, which runs approximately through the center of the Backelder Survey. Furthermore I find that the meanders given in the patented field notes of the Shapard which call for Little Salt Bayou will fit perfectly the meanders of Mustang Bayou and also the meanders along West Bay; however, a shift westward would have to be made for this relocation of the Shapard survey. This westward shift would amount to approximately 100 varas and would thereby

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conflict with the B.B.B. & C. RR. Co. Survey. Therefore I have corrected the field notes for the R. A. Shapard Survey and in doing so I have begun same at the N. corner of the B.B.B. & C. RR. Co. survey its call distance of 858 varas N. $42^{\circ} 29'$ E. from the South corner of the Perry & Austin League No. 1.

Thence N. $42^{\circ} 29'$ E. with the S.E. boundary of Perry & Austin League No. 1, 145.55 varas to the W. corner of the Alfred Swingle Survey. Thence with the W. line of the Swingle to the common corner of the Swingle and Backelder Surveys on the left bank of Little Salt Bayou thence with the meanders of Little Salt Bayou to the East corner of the B.B.B. & C. and thence with the N.E. or E. boundary of the B.B.B. & C. to its place of beginning. In correcting the field notes of the R. A. Shapard Survey we have taken into consideration all of the field note calls for natural objects and recognition, and in so doing find the R. A. Shapard to call for 183.42 acres by patent and actually to contain 54.17 acres or a shortage of 129.25 acres.

Therefore, I would recommend that corrected patents be issued on each of the surveys in the amount of the acreage shown.

Corrected field notes, maps, etc. are furnished herewith to show what work has been done in the area and the results thereof.

Respectfully submitted,

Adriance Munson
Adriance Munson

County Surveyor, Brazoria County, Texas

March 24, 1949

RECEIVED

APR 28 1949

REFERRED TO MAP

File No. 42

Brazoria County

Sketch File

Filed May 6 1949

Bascom Giles Com'r

V.E. Sterzing

File C

Surveyors
statement in
regard to correction
of patents on
B.B.B. & C.R.R. Co.
AND
R.A. Shapard
surveys in the
S.E. pt. of Co.

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REFERRED TO MAP

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County Surveyor, Brazoria County, Texas
Vigilance Mason
[Signature]

has been done in the case and the results thereof.

March 22, 1949