

THE WABASH RAILROAD COMPANY.

HENRY A. LLOYD,
ASST. SECRETARY AND
GENERAL CLAIM AGENT.
L. L. AUSTIN,
ASST. GENL. CLAIM AGENT.

St. Louis. Dec. 27/92

To Honorable W. L. Mc Gaughey,
Commissioner of the General Land Office,

My Dear Sir: Austin, Texas.

On behalf of Mrs. Mary R. Talmage of this City, who is the owner of the J. White Survey in Harris County, containing 1253 1/2 acres of land, I beg to file in your office the following papers herewith attached, towit:-

First: Protest of Mary R. Talmage against recognition by your Department of any vacancy between the H. B. Prentiss and John Onery surveys in Harris County, Texas.

Second: "Explanation and statement of facts determined by a careful survey on the ground" signed by Jno. W. Maxey, Civil Engineer, of Austin, Texas, and addressed to myself.

Third: Sketch marked Exhibit A., being draft of the location of said J. White Survey, compiled by Jno. W. Maxey, Civil Engineer from an actual survey, showing the correct position of the J. White Survey and other adjoining surveys.

Fourth: Exhibit B.,, also compiled by Jno. W. Maxey, Civil Engineer, showing the manner in which the J. White Survey would be forced to conflict with the Thompson Survey to the extent of over 500 acres if the actual state of facts as existing on the ground and well established be disregarded in favor of an alleged vacancy between the John Onery and H. B. Prentiss surveys.

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These papers show so clearly the condition of affairs that I feel that anything that I can add would carry no additional weight. Mr. Jno. W. Maxcy, who is well known to you, can supplement these matters with anything additional in the way of information that you may desire.

You will permit me to recall myself personally to your recollection as having had the pleasure of an interview with you in company with Mr. L. M. Disney of Alvin in the interests of the Brazoria Land and Cattle Company, of which company I am the Secretary.

If not trespassing too much on your convenience will you kindly advise me as to anything occurring in your office which may affect the interests of my client Mrs. Talmage as owner of the Jo White survey.

Yours very truly,

W. A. Leonard
 Atty for Mrs. Mary R.
 Talmage

To Hon. W.L. McGaughey,

Commissioner of General Land Office,

Austin Texas,

Honorable Sir:-

My information is that an effort is being made to have your department admit the existence of a vacancy of 966 varas in width between the H.B. Prentis and the John Onery Surveys in Harris County Texas. As owner of the Joseph White Survey in said County I most respectfully enter a vigorous protest against the recognition by your department of such vacancy.

I attach hereto and make part hereof a sketch marked "Exhibit A" compiled by Mr. Jno. W. Maxcy, civil engineer from an actual survey made by him on the ground together with a statement of the facts determined by him from such survey.

Said sketch and statement furnish indubitable evidence from the facts on the ground that the said H.B. Prentis Survey and the said John Onery Survey are bound firmly together. The sketch shows that by giving the various surveys the respective positions indicated thereon each will have its full complement of land and there will be no vacancy or excess.

Whereas if the alleged vacancy be admitted numbers of the surveys will be thrown in conflict with each other, the Joseph White conflicting with the Thompson survey to the extent of several hundred acres, as will fully appear from another sketch compiled by the said Mr. Jno. W. Maxcy, marked Exhibit B. hereto attached and made a part hereof.

I am fully satisfied with the position given to the Joseph White survey on the accompanying sketch, marked Exhibit A. You are respectfully requested to carefully analyze the sketches and statements accompanying and to recognize the correctness of the positions of the various surveys as indicated on said Exhibit A.

Very respectfully,

St Louis Mo
December 26th 1894

P^r

Wm. R. Talmage
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(1)

Explanation and Statement of Facts, determined by a careful survey on the Ground—

The Henry B. Prentiss survey is well established on the ground as evidenced by an iron stake at its sw corner put there by decree of Court and its well marked West line. From the sw corner of said Prentiss all the corners of the two Kopman surveys are established on the ground and witnessed by iron stakes now standing. There can be no question as to the position of this work.

The William Brown survey since abandoned and now covered by the Jno. Overy. calls to begin at the NE corner of the Benj. Hyde. since abandoned and describes a marked oak.

This oak cannot be identified under oath, but by holding the Brown or Overy to the West line of Prentiss and running course and distance to Hyde's NE corner, brings this point into a small island or mott of timber, and since there is no timber nor evidences of any nearer than Dimms Bayou it is reasonable to suppose that Hyde's NE corner was here, more especially, as this supposition is substantiated by the crossings on Dimms Bayou fitting the original field notes, and cedar posts being set at the NE. & SW corners of said Overy

(2)

Showing as they do that Heydes N & corner has always been recognized as being in this Mott of timber. These facts clearly establish the position of the Heyde and with it the position of the Jno Overy survey and admits of no doubt, that the East line of Overy and west line of Prentiss are identical.

The position of the Bay Heyde determines the position of the Peter Wise survey since abandoned and now covered by the Thos Jobin. The Brown (now Overy) and the Wise were made by the same surveyor at the same time and are placed together by the Original field notes of the Wise by the following calls, viz: South of and adjoining survey for N Trott (abandoned) B. F. Heyde and William Brown. Beginning at the SW corner of B. F. Heydes survey a post in prairie. Thence N 84° E 1901 to his SE corner a post in prairie. Thence East 960 m with the south line of Wm Brown to a stake in prairie his SE corner. Now since Browns SE corner is well proven by facts on the ground to be in a prolongation south of Prentiss west line then the Wise corner must be in same line. The Thos Jobin's field notes were simply substituted for those of the Wise, and covers the identical space called for by Wise, as is proven by the Jobin notes having the same defect in them, as the Wise had - i.e. neither of them closing up the area between the boundaries

Showing that the surveyor who made John's field notes intended to cover and did cover the same space occupied by Wise and placed said John in the same relative position to surrounding surveys.

* The Peter Wise Calls to reach the East line of the David Fay Survey, but fails to do so by 966 yrs. As the Wise (now John) Brown (now Query) Holloway & Robinson were all made by the same surveyor at the same time they will hold together. The surveyor Bringhurst who made these surveys was a chairman for Surveyor Trott who made the Hyde, and of course knew where Hyde's NE corner was, especially as it was so well defined on the ground and so easy of recognition. Bringhurst's work will therefore hold from that point as shown on Exhibit A.

The same surveyor Bringhurst, sometime in the early 40's compiled a map of that section of Harris County, which is now on file in the General Land office. On that map he shows that he knew where Hyde's NE corner was, and further shows that the William Brown Peter Wise & Jno Holloway reached a line prolonged due south from Parent's SW corner.

He made no mistake as to the position of this work, but his map shows that he

was mistaken as to the whereabouts of the David
Fay surveys, which were made in the open
Prairie by another surveyor. The position
of these Fays are now well established by
the Heamilton survey no 102, and they are
marked on the ground by substantial corners,
clearly showing the space now occupied by
the Texas Trust survey nos 142 free of
Conflict as shown on Exhibit A.

When this section of Country was surveyed
there was sufficient area to satisfy them
all, and is yet. Now should the alleged
vacancy between the Query + Printers be allowed
it would throw the Jos white a patented survey
over on the Thompson, curtailing whites area by
about 550 acres. There can be no vacancy
between Query + Printers, unless all calls for
Creek crossings + natural objects should be abandon-
ed. actual existing facts entirely ignored, an entire
defeat of the purpose and intent of the surveyors
and a complete derangement of boundaries by
which older valid surveys are allowed to
Conflict with each other. and by this very
Conflict to create a space where no space
could exist.

Respectfully

Jno W Maxey

To

Mr H A Lloyd

St Louis

See
Exhibit B



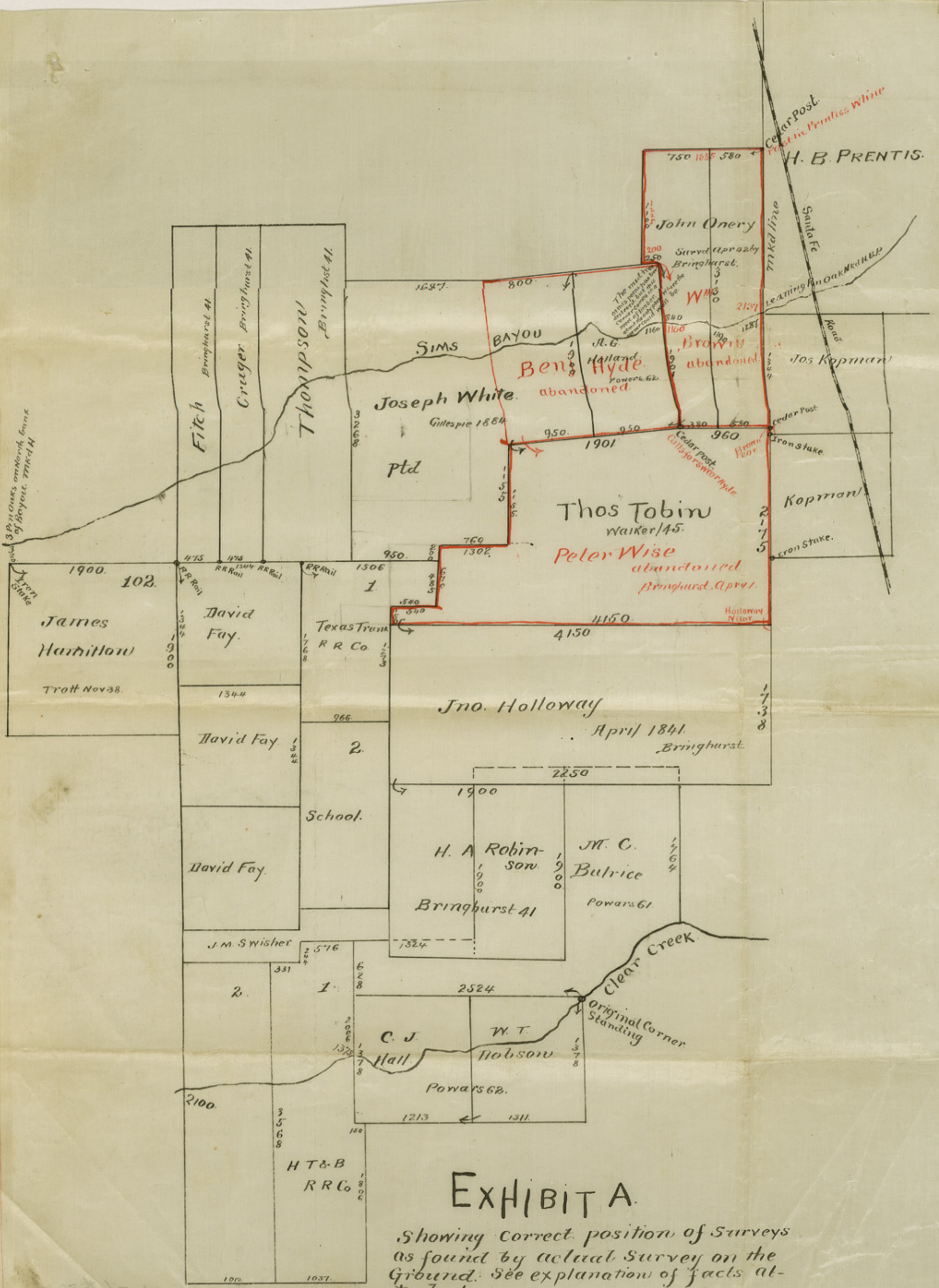


EXHIBIT A.

Showing correct position of Surveys as found by actual Survey on the Ground. See explanation of facts attached.

Exhibit B

FREELING

Onery.

PRENTISS

ALLEGED VAGANCY

Jos. White

Holland

Tobin

Fay.

Holloway

Thompson

168
150
180

800

1200

950

769

950

800

402

98

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THOMPSON 25.75 11.50

~~Title 31~~ 31 30

In re Harris County.

J. White Survey of
1248 1/2 Acres in
Harris County -
Pat No 22 Vol 36

Protest of Mary R.
Salvage - Owner -
Statements & Exhibits

See Decree of Court in
Harris scrip 281.

Dated Dec. 27, 1892.

Filed Jan. 4, 1893,

1/14/93

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