

57,

Harris Co

John W Maxcy's letters,
Topographic map, etc, in re,
to vacant land between old
and new channels of San Ja-
cinto river.

Dated April 26, 1919.

counter 25473



29° 45' 07" 30"

W. H. Herron, Acting Chief Geographer
 C. H. Birdseye Topographic Engineer in charge
 Topography by S. T. Penick and T. P. Pendleton

From Jno W Maxcy, Box 304, Haverford (La Porte) Penna.
 Scale 1/24000

county 25474 Pendleton

1941

RICE HOTEL

W. H. H.



RECEIVED

PR 26 1919

Delivered to Map

HOUSTON, TEXAS,

April 26, 1919.

Honorable of General Land office
Austin Texas -

Dear Sir:- I am enclosing a portion of the Topographic Map of Harris Co. showing the Josiah Harrell and the Harvis + Carpenter League on the San Jacinto River + Buffalo Bayou -

The Field notes of the Harvis + Carpenter Call for its north line to be about 2700 yds long and stops on the West bank of what is shown as old River and this distance agrees very closely with the facts on the ground. The old River looks very much like the east channel and was certainly the place where the surveyor who made the H.C. stopped. The Josiah Harrell calls to run from the New Cor of H.C. to the bank of San Jacinto River a distance of more than 6000 yds and therefore does not stop at Old River but actually continues to the West bank of east channel of River as shown -

counter 25475



RICE HOTEL



HOUSTON, TEXAS.

2
With this statement of fact it seems that the land bounded in red as shown on map is vacant land and would be subject to location -

To make this survey would be very expensive and I do not deem it advisable to incur this expense without getting an expression from your office -

Please let me know whether you would regard this as vacant land subject to location under present law - I have filed on the area as vacant.

Just a few days ago some time ago but think in making your office some confusion might have prevented it reaching you -

There may be some record in the GSO extending the N & C to East Channel - but the title as recorded in this office here shows no evidence of this extension. Please give me your prompt attention and your reply to yours truly

W. W. Mares
Box 304, Haverford
Penn

RICE HOTEL



Tate calls to

run up S. J. River to
a point where a large
smoke was set -

Then a S. to B/B. where
set another land smoke -

Then a down B/B down

to its mouth in the
at place of my -

Harris co. St. File #57

counter 25477

May 3, 1919.

Mr. John W. Maxey,
Box No. 304,
Haverford, Penna.
Dear Sir:

This office is in receipt of your letter of the 26th ultimo., stating that you have filed on what you suppose is a tract of vacant land lying between Old river and the present channel of the San Jacinto river, East of the Harris & Carpenter survey in the East part of Harris County, as shown by a rough plat drawn on part of topographical map of that county, and desiring to know if this department would regard such as vacant land subject to location, etc.

In reply beg to advise that it is not customary for this office to pass on a question of vacancy in advance of the filing of the application and field notes and report of survey, and what we may say in regard to this matter is only our conclusion based on the record now before us, which is subject to revision upon the filing of the proper application, field notes and report by the surveyor, showing actual facts and findings on the ground. The existence of the vacancy in question depends upon whether or not the boundaries of the Harris & Carpenter surveys stop at Old river or extend to the present channel of the San Jacinto river. The original English field notes of that survey on file in this office call to begin at a land mark on the North side of Buffalo bayou, describing same by witness trees; thence run North 5000 varas; thence East 2300 varas to a stake on river, etc. This distance of 2300 varas would lack more than 3000 varas of reaching the present channel of San Jacinto river, but would correspond very nearly with Old river; however, plat on the margin of these field notes shows that Old river was intended to be included within the grant. The title was not issued on these field notes, but describes the lands as follows:

counter 25478

May 3, 1919.

#2, John W. Maxey.

"beginning at the mouth of buffalo bayou; thence up the San Jacinto river to a point where a land mark was set; thence South to buffalo bayou where was set another land mark; thence down said Buffalo Bayou to its mouth or place of beginning."

Whether this beginning point was intended to be at the mouth of Old river, on buffalo bayou, or at the present mouth of buffalo bayou with the San Jacinto river, is uncertain, and should you try to construct the survey according to its description in the title notes from either point, it would seem impossible to enclose an area unless you should extend the boundaries of that survey up the river to a point a considerable distance above Diamond island, so as to reach a point where a line drawn South would reach or strike buffalo bayou. Such construction, however, would take in territory that is now covered by the Josiah Harrell and leave out entirely all of the Harris & Carpenter survey.

Therefore, on account of the uncertainty and confusion in the calls of the description of the title as well as the uncertainty of calls in the original English field notes, this department is unable to say whether or not the land in question is vacant. If you should complete the survey under your filing and forward same to this office the matter would be submitted to the Attorney General for his opinion before any action would be taken by this office.

Very truly yours,

Commissioner.

Clark, MWH

counter 25479