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GEO. A. BYERS
LAWYER
716-17-18 ELECTRIC BUILDING
PHONE: PRESTON 8811
HOUSTON, TEXAS
Feb. 16, 1938

FEB 17 1938

REFERRED TO MAP.

Hon. W. H. McDonald, Commissioner
General Land Office
Austin, Texas

Land referred to below is located
in Harris County, Texas about 17
miles North of Houston on I. & G.N. Ry.

Dear Sir:

I understand someone has recently filed an application for patent to a vacancy alleged to exist between the E. Farrias Survey on the West and the J. Maldonado and Sam Upshaw Surveys on the East. We have been told that the United Gas Company of this city has filed an application for this patent.

According to my information there was an application made for a patent to a vacancy alleged to exist between these surveys by someone some thirty five or forty years ago and the application at that time was turned down on the ground that no vacancy existed. Personally I am of the opinion that there is no vacancy between these surveys.

The Eusebio Farrias Survey lies between the S. L. Nobles and P. F. Craft Surveys to the West and the J. Maldonado and S. W. Upshaw Surveys to the East; these last four surveys were all patented prior to the patent issued for the Farrias Survey, which latter patent was issued July 21st, 1845 to Christopher Dart, Assignee of Eusebio Farrias, No. 503, Vol. 1, and the field notes of the patent read as follows:

"In Harris County south of Cypress Bayou south and adjoining John Chassaigne Survey, west & adjoining surveys made for Dart & Upshaw north and adjoining Seeveys Survey and west of & adjoining Snapes survey;

Beginning at the north west corner of Sam Upshaws Survey a stake and mound in the prairie in the south boundary line of Darts survey;

Thence south with the west boundary line of Upshaws survey nineteen hundred varas to Seeveys north east corner a stake and mound in the prairie;

Thence west with the north boundary line of said Seeveys survey nineteen hundred varas to his north west Sullivans north east and Snapes south east corner a stake and mound in the prairie;

Thence north forty three hundred varas to a stake & mound in the prairie in the south boundary line of John Cassaignes Survey;

Thence east fifteen hundred five 1/2 varas with his south

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Hon. W. H. McDonald

Feb. 16, 1938

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boundary line to Darts northwest corner a stake and mound in the prairie;

Thence south with said Darts west boundary line to his south west corner a stake and mound in the prairie;

Thence east with Darts south boundary line; three hundred ninety four and 1/2 varas to the place of beginning."

The reason some people have thought that a vacancy existed was because the call for 1505 $\frac{1}{2}$ varas to Dart's northwest corner is in error with reference to the length in varas of the call. A survey shows that this line is really 1905.6 varas but of course a call for the northwest corner of Dart's survey, the older survey will control and this line will, as a matter of law, go to Dart (J. Maldonado) northwest corner notwithstanding it only calls for 1505 $\frac{1}{2}$ varas, whereas the actual distance is 1905.6.

I am enclosing herewith a blueprint of a survey made of this in 1904 by Mr. P. Whitty, Civil Engineer and Surveyor. This survey by Mr. Whitty shows there is a total of 1533.5 acres in the Farrias survey and it shows the S. L. Nobles Survey and the P. F. Craft Survey on the West and the J. Maldonado and the S. W. Upshaw Surveys on the East.

It has happened a number of times that people measuring the North line of the Farrias 1505 $\frac{1}{2}$ have been led to believe there was a vacancy between the Farrias and the Maldonado and Upshaw Surveys and I am sure that an investigation on the part of the General Land Office will again convince the General Land Office that there is no vacancy between these surveys.

After this lapse of time I have forgotten who it was made application for a patent some thirty five or forty years ago to a vacancy alleged to exist but I have so far been unable to find my memorandum made along about 1904 but am sure this was done and you will no doubt find the record of this in the files of the General Land Office.

The information as to the United Gas Company or someone filing an application for a patent to a vacancy between the Farrias on the West and the Maldonado and Upshaw on the East is largely a rumor although I am led to believe that such an application has been recently filed. If such an application has been filed, we certainly wish to oppose the granting of the patent and will be glad to hear from you as to what further steps or action may be necessary on my part in the premises.

Yours truly,

GEO. A. BYERS.
Geo. A. Byers

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February 18, 1938

Mr. Geo. A. Byers
Electric Building
Houston, Texas

Dear Sir:

Relative to your letter of the 16th inst, regarding alleged vacancy between the J. Maldonado, and E. Farias Surveys in Harris County, we find that field notes of 95. 2/10 acres were filed in the Land Office January 4, 1895 by J. S. Jackson, File Pre-Emption No. 53, covering a tract between these surveys.

This application was rejected February 2, 1895, in a letter to W. A. Polk, the then County Surveyor, and signed by A. J. Baker, Land Commissioner, copy in Volume 391, page 121.

We now, have received a letter in the form of a report also a blue print dated January 13th, submitted by A. C. Stinson, County Surveyor of Harris County, covering a survey and investigation of the J. L. Jackson Survey.

Mr. Stinson, however, did not give any reason for submitting this report nor did he file corrected field notes, and no application has been received in connection with this report and plat.

Should application be made to reinstate the Jackson file, or any other application be received covering an area in this vicinity, we will advise you.

Yours very truly

Commissioner

Shirriff/LM

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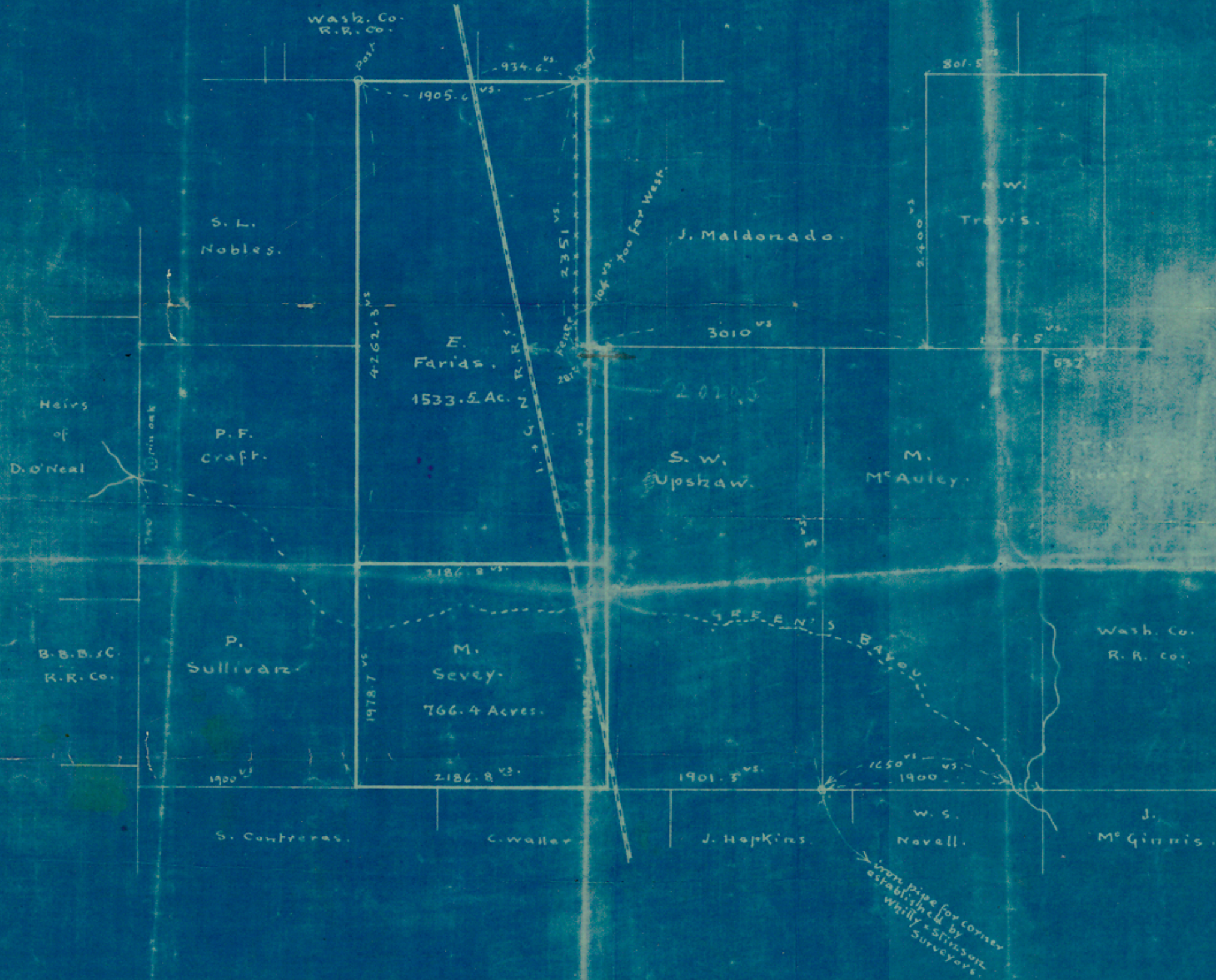
HARRIS CO SKETCH FILE.

LETTER AND MAP OF SURVEY
BY P. WHITTY OF E. FARRIS
B-57 SURVEY. RECEIVED
FROM G. A. BYERS.
FILED FOR REFERENCE.

5/15/39 *William Livingston*

hh'

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Aldine Territory. Harris Co. Tex.
 Scale - 1000 varas to 1 inch.

P. Whilly - Civil Engineer & Surveyor.
 Main & Preston -
 Houston - Tex.

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county 25522