

May 13, 1953

Baker, Botts, Andrews & Parrish
Esperson Building
Houston 2, Texas

Attention: Mr. A. H. Fulbright

Dear Sir:

This is in reply to your inquiry in person concerning the ownership of an island in Harris County known variously as Barnes' Island, Brown's Island, and Barron's Island. I have made an examination of the title, plats, and field note records of the General Land Office in an attempt to determine whether or not this is State owned land.

The question involved is whether or not this island is a part of the Arthur McCormick League which was titled August 10, 1824. The English field notes in Book 1, Page 122 of the Spanish Archives of the General Land Office do not show an island or lake within the boundaries of the Arthur McCormick League. The sketch on the English field notes merely show the grant to be bordered on the north, east, and southeast by bayous and the San Jacinto River.

On Page 214 of the record of field notes in Austin's Colony dated July 18, 1837, there is a sketch showing the configuration of the Arthur McCormick League and, on Page 216 of this book, we find field notes describing said league. These field notes call for the north corner of the league to be at a mound near the mouth of Buffalo Bayou and thence to run down said bayou to its mouth and down the San Jacinto River to the place of beginning. The sketch on Page 214 of this record shows a lake draining into a bayou or marsh and further shows the area now designated as Barnes', Brown's, or Barron's Island to be a peninsula between the lake within the grant and the San Jacinto River. From this sketch it would appear that the area in question is a part of the Arthur McCormick League.

However, there is on file in this office a sketch designated as Harris County Sketch File 1-A which shows a cut from the above mentioned lake to the San Jacinto River leaving an island which is designated on said sketch as being Brown's Island. This

May 13, 1953

sketch was prepared by G. W. Bringhurst, deputy surveyor of Harris District. The certificate on this sketch indicates that same is the result of a survey of the Arthur McCormick League made by order of the District Court of Harris County in 1847. This sketch further shows a total of 4,023 acres including the lake and island.

The next thing on record in this office bearing on the ownership of this island is an application by Bryan Sparks, our Mineral File No. 2180, for a mineral permit on this area. This application was filed in the General Land Office June 23, 1917, and was rejected by the Commissioner of the General Land Office by letter to Bryan Sparks dated July 21, 1917, the pertinent part of which reads as follows:

"Relative to your Mineral File No. 2180 on Brown's Island, San Jacinto River, you are advised that it is rejected because there is evidence in this department as early as 1847 to the effect that this island was a part of the McCormick Grant."

From this letter it would appear that no consideration was given to the sketch on Page 214 of the record of field notes in Austin's Colony which is dated 1837 and shows the area in question to be a peninsula and part of the grant. This application for minerals permit by Bryan Sparks was reconsidered by the Commissioner and permit issued on June 28, 1919.

The Legislature in 1927, Regular Session, Page 437, granted certain islands and lands in Harris County to the Harris County Ship Channel and Navigation District. Barnes' Island was included in this legislative grant and all mines and mineral rights were reserved to the State, together with certain other rights for the State to construct wharves, piers, and buildings for State purposes. It is my understanding, however, from the information furnished by you that the Houston Ship Channel and Navigation District is not asserting title to this area by virtue of this legislative act. I also note from the abstract which you exhibited that this area has been conveyed as a separate tract and as a part of the McCormick League since the year 1840.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

DW:cde

HARRIS CO
SKETCH FILE 77.

LET OF EXPLANATION
RE BARNES ISLAND
HARRIS COUNTY.
MAY 13TH 63

ALSO SEE M.H. 2180

counter 25548

TOPOGRAPHY

HARRIS COUNTY, TEXAS

W. H. WARD, COUNTY JUDGE
W. H. LLOYD, J. A. SMITH, W. H. KISER, D. BARKER
COUNTY COMMISSIONERS
(Burnett Bay)

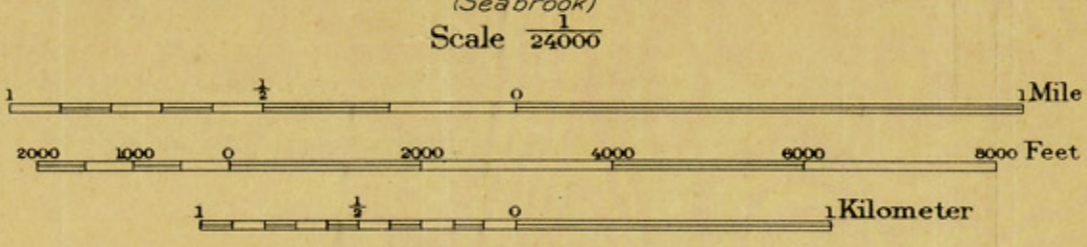
TEXAS
(HARRIS COUNTY)
LAPORTE QUADRANGLE
(Cedar Bayou)

DEPARTMENT OF THE INTERIOR
FRANKLIN K. LANE, SECRETARY
U. S. GEOLOGICAL SURVEY
GEORGE OTIS SMITH, DIRECTOR

Advance sheet.
Subject to correction.



W. H. Herron, Acting Chief Geographer
O. H. Birdseye, Topographic Engineer in charge
Topography by O. H. Nelson and L. B. Roberts
Control by Corps of Engineers U. S. Army
E. L. McNair, D. S. Birkett and R. R. Monbeck
Surveyed in 1916
SURVEYED IN COOPERATION WITH HARRIS COUNTY, TEXAS



DECIMAL POINT IS LOCATION OF ELEVATION
TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN DECLINATION 1915