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Conroe, Texas
July 19, 1950

Mr. Bascom Giles
Commissioner General Land Office
Austin, Texas

Dear Mr. Giles:

At the request of Mr. J.E. Mounce, acting in behalf of the Grogan Land and Timber Company, I went upon the ground to make a detailed survey of the H. & T.C. R.R. Co. Survey 149 for the purpose of determining its original boundaries.

I had before me the patents to the Stephen Nicholson, the H. & T.C. R.R. Co. No. 149, the I.V. Hanson, the Hugh Means, the C.M. Rice 150 and the C.M. Rice 154, as well as the surveyor's field notes to the H. & T.C. R.R. Co. 149, made by A.N.B. Thompkins November 12, 1868, as well as corrected Field Notes to H. & T.C. R.R. Co. No. 149, made by James F. Weed July 21, 1890.

I first went to the N W corner of the Stephen Nicholson survey as used, occupied and marked on the ground where I found an old P.K. and lighter stake set 43 vrs E of an old tram, witnessed by a 14" R.O. brs N 43 W 10.6 vrs, mkd W, fairly new, a 17" S.G. brs N 66 W 8.6 vrs, mkd XX, both fairly old, an 8" S.G. brs S 34 E 5.9 vrs, mkd old X, recent W, a 14" W.O. brs S 48 W 6.2 vrs, marked with a recent W. The Kirby Lumber Company who owns the land N and W of this corner uses the letter W on witness trees at its corners.

I then ran S 1°42' E along an old three hacked line with occasional, center trees, passing a tract corner on the Nicholson survey, and at 1271.6 vrs pass the N E corner of the H. & T.C. R.R. Co. survey No. 155 as used and occupied and marked on the ground, a truck axle for corner whence an 8" pine brs N 15 E 4.3 vrs, mkd X, a 19" B.G. brs N 46 W 9.8 vrs, mkd with a very old X, a 4" pin oak brs S 82 W 8 vrs, mkd with a fairly recent X, a 24" B.G. brs S 85 W 35.5 vrs, mkd with two very old X's; continuing on S with marked line, some very old hacks, and some fairly recent ones, at 4751.4 vrs I found the S E corner of said survey No. 155 as used and occupied and marked on the ground at the N E corner of 153 a concrete monument witnessed by a W.O., ash and pine, mkd with X's, on S in all 4936.2 vrs I found another concrete monument for the S W corner of the Stephen Nicholson survey, a 10" ash brs N 69 W 4.9 vrs, a 12" S.G. brs N 8 W 13.5 vrs, a 5" pin oak brs S 35 W 10 vrs, a 14" pine brs S 43 E 3.7 vrs, a 16" pine brs S 86 E 10 vrs, a 5" magnolia brs N 57 W 15.8 vrs, a 12" pin oak brs N 33 3/4 W 15.6 vrs.

4936.2 vrs
R.B.G.

* Note When term "mkd + marked line" is used we mean the trees on either side of line has 3 hacks on side next to line, + with center marked with 3 hacks fore and aft or blaze with 2 hacks above and below
R.B.G.

Thence I ran E along an old marked line, at 299.8 vrs passed 5.9 vrs N of concrete monument set for the most eastern N E corner of the H. & T.C. R.R. Co. survey 153, at 759 vrs pass 3.1 vrs N of a heart pine stake, whence a 6" P.O. brs N 51 1/2 W 10.1 vrs, mkd with a fairly old X, an 18" pin oak brs N 23 1/2 W 8.1 vrs, mkd with a very old X, an 18" pin oak brs N 57 E 13.3 vrs, mkd with a very old X, at 1905 vrs pass 2 vrs S of an I.P. a P.O. and pine mkd with fairly old X's and a R.O. mkd old X's on the N E and S W sides, at 1919.2 vrs I found a very old marked line going N; continuing E at 2214.5 vrs I found a truck axle set for the N W corner of the H. & T.C. R.R. Co. survey No. 149, witness a 12" B.G. brs S 25 E 2.6 vrs, mkd old X and fairly new W, a 6" S.G. brs S 6 E 5.4 vrs, mkd VW, both fairly old, a 6" S.G. brs N W 1/2 vr, mkd XW; this point is also the corner claimed by the Kirby Lumber Company as the N E corner of the C.M. Rice 154, as evidenced by the W's on the witness trees. At 108 vrs S from this point I found a 17" S.G. mkd fairly old X, 2.8 vrs W of line.

I started a new count here and continued on E with a very old marked line, at 225 vrs I found a pin oak mkd with a very old X, also a R.O. mkd with a very old X, at 754.9 vrs there was an I.P. 2 vrs S of line, witnessed by a S.G. mkd, fairly old X, at 1772 vrs crossed public road, course S 12 W at 1835 vrs I found a pin oak S W 2 vrs, mkd with two old X's at 1942.9 vrs I found a truck axle near fence corner, witness a 15" pine brs S 74 W 2.9 vrs, a 16" pine brs S 37 W 8.5 vrs, both mkd with old X's, a 7" pin oak brs S 9 E 4.3 vrs. This I considered to be the true N E corner of the H. & T.C. R.R. Co. survey No. 149 and the N W corner of the I.V. Hanson survey.

I started a new count here and continued E, still with old marked line and fence, at 504 vrs passed an I.P. with fence going N, at 1238 vrs a fence line going N and S. I found no other evidence of a corner here.

I did not run the line N from this point but did run S and found the line to be well marked and at 393.5 vrs I found an I.P. with a pine mkd X, fairly old for witness.

I did not course the line going W from this point with the instrument but I cut it out and walked it and found it well marked with old hacks on the timber, to an I.P. in fence corner whence a 5" B.G. brs N 26 W 4.6 vrs, a 4" B.G. brs S 69 E 2.9 vrs, a 7" pine brs S 42 W 2.7 vrs, all marked with X's, none of which are very old; I marked a 5" sycamore S 5 W 5.2 vrs.

From this point I ran N 1 E 393.2 vrs to my station 1942.9 vrs on the SBL of the Nicholson survey, thus having been around the I.V. Hanson survey and confirming the position of the Eastern ell of the H. & T.C. R.R. Co. survey No. 149, with relation to the Nicholson and Hanson surveys.

I then went back to the truck axle at the heretofore mentioned N W corner of Survey No. 149 and ran southward along a well marked line, passing a S G mkd with old X as heretofore mentioned at 108.6 vrs S and 2.8 vrs W of traverse, at 1839.1 vrs I found a concrete monument whence a 15" S.G. brs S 40 W 2.3 vrs, mkd very old X; I did not find any original witness trees, but did find evidence of a W.O. stump S 5 E 4.1 vrs.

Thence I ran N 89°48' E along an old marked line, crossing public road at 855.4 vrs, at 1912.4 vrs I found an I.P. set in old marked line going N and S, witness a 10" B.G. brs S 4 1/2 W 6.3 vrs, an 18" pin oak brs S 81 W 15.6 vrs, a 15" S.G. brs S 35 E 14.6 vrs. The B.G. was pointed out to me as being the original witness tree but I hardly believe they are the original trees, but I believe it is a very old corner and from the marks about that it is essentially in the original position.

I ran northward from here, along an old marked line. I found the marks ranging from five or six feet E of my traverse and from six to twelve feet W of same and at intervals I found old marks on my traverse, at 1492.2 vrs I was opposite the I.P. in fence corner heretofore mentioned as being the S W corner of the I.V. Hanson survey. Here I found a 40" pin oak N 7 W 21.2 vrs, mkd with two very old X's and a newer X. I also found an 8" pin oak brs S 45 W 17.3 vrs, a 7" S.G. brs S 35 W 3.5 vrs, both fairly old X's. I wish to say here that the 40" pin oak mentioned above I believe to be the pin oak called for at this corner in the H. & T.C. R.R. Co. original Field Notes and patent, and from its position the corner would seem to be N and W of its present position, but since this corner seems to be used and occupied in its present position, and seems to have been so used and occupied for a long, long time, and since it would cut the Hanson short of its call N and S, I accepted the corner in its present position, rather than disturb existing conditions.

I went back to the S E corner of the H. & T.C. R.R. Co. survey No. 149, that is the I.P. witnessed by the B.G., S.G. and pin oak and ran S along an old marked line, passing tract corners and subdivisions in the Rice survey, at 1879 vrs I found a truck axle, witnessed by a number of trees marked with old X's, used and occupied as the S E corner of the C.M. Rice Survey No. 150. I checked on to its call distance of 1894 vrs and found nothing; I continued on S along old marked line to 2507 vrs, or 3999.2 vrs S of the N W corner of the Hugh Means survey and found a rich pine stake about 3 ft E of the fence line and marked line. There were no witness trees here, nor did I find any evidence of a marked line leading E therefrom. I concluded my search here.

All in all I feel, from all that I found that the H. & T.C. R.R. Co. No. 149 was originally laid as above described, and I know that it has long been used and occupied essentially as it is now marked on the ground. I therefore set concrete markers at the corners mentioned above.

As to the reported vacancy, lying between the SBL of the Stephen Nicholson and the NBL of the H. & T.C.R.R. Co. Survey No. 149, recently filed on by the Grogan Land and Timber Company, and surveyed September 20, 1949, this seems to be the result of a set of Corrected Field Notes made by James F. Weed, in July, 1890, subsequent to the issuance of the Patent. I find very little grounds for laying a vacancy in this position. You will note that both the original Field Notes and the Corrected Field Notes, as well as the patent call to go to the SBL of the Stephen Nicholson Survey, and for its NBL to be a common line with the SBL of the Nicholson survey, and it was plainly the intention of the State in issuing the patent to the H. & T.C. R.R. Co. to grant said railroad company all the land up to the SBL of the Stephen Nicholson SBL, and the H. & T.C. R.R. Co. evidently met the considerations required by the State for 640 acres of land as evidenced by the patent, and not for 608 acres, as reflected by said corrected Field Notes, made after the issuance of the patent.

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You will observe in the Corrected Field Notes by Mr. Weed in 1890 he calls to begin at the N E corner of this survey, on the SBL of the Stephen Nicholson, 1268 vrs S $88^{\circ}25'$ W from the S E corner of said Nicholson, calling for the same witness trees called for in the original Field Notes. The difference in course could be accounted for by a difference in variation used by the two surveyor's ; Thence he went S $89^{\circ}34'$ W at 384 vrs a road. I find no evidence of any road near there, but it could have been a temporary woods road and have long since grown up. At 1921 vrs he says he was at the N W corner of the H. & T.C. R.R. Co. Survey No. 149, again calling for identical witness trees with the original Field Notes, namely a 24" pine N 14° W 10.5 vrs, a 30" pine N $12^{\circ} 1/2'$ W 15.8 vrs, also calling for an 18" pine brs S $62^{\circ} 1/2'$ W 15.8 vrs, and an 8" S.G. brs S $7^{\circ} 1/2'$ W 21.3 vrs.

As stated above I found a 17" S.G. 108.6 vrs S and 2.8 vrs W of the N W corner of the H. & T.C. R.R. Co. survey No. 149, as it lies on the SBL of the Stephen Nicholson survey. I set a hub N $7^{\circ} 1/2'$ E 21.3 vrs from the above mentioned S.G. I checked for the pines called for at this corner. I found no pine stump or stump hole that would fit the S $62^{\circ} 1/2'$ W call as that point was in a slash, but some 15 ft further W and a little N there was a piece of pine stump, but which I do not believe could be that tree. I found a stump hole that would fit the 30" pine as to course and distance from my hub set from the S G within about $5^{\circ} 1/2'$ vrs, but the tree that had occupied that stump hole did not give evidence of having been that large. A part of the stump was still in the ground and part of the rotted wood was on top of the ground, and shows no evidence of heart. Mr. Tompkins in his Field Notes in 1868 says that he had a 30" pine and a 24" pine at this corner; 22 years later Mr. Weed by inference, at least, says that these two pines have neither of them grown at all. Now, in 1868, and very probably in 1890 these trees would have been virgin timber, and certainly would have had strong, vigorous heart growth, as evidenced by other hearts of trees of like dimentions now standing in the woods. We find the old and seasoned hearts scattered about through the woods.

As to the S.G.: The S.G. that is now standing is now a thriving, thrifty growing tree, as evidenced by new growths on the limbs. From 1890 to 1950 is 60 years, and if this were the original S.G. called for in Weed's Field Notes, I would say, from more than 35 years experience in observing the growth habits of S.G.'s throughtout the State, that a S.G. that was 8" in diameter 60 years ago, would be much larger than 17", unless it had been stunted or out of its natural enviorment, which certainly is not the case with this S.G.

I will say that about 20 years or so ago, I understand that there was quite a bit of trouble over timber cutting in this section and there was a man who marked himself out a line part of the way across the H. & T.C. R.R. Co. Survey No. 149, since he owned the timber on the S end of a tract to the north, lying in the Stephen Nicholson survey, and that he cut the timber on the strip, but was contested and forced to pay for his encroachment.

I set on the hub above mentioned which I set by patent course and distance from the S.G. under discussion and ran eastward therefrom. I found a few marks about 20 or 30 years of age for a distance of about 700 vrs E of the N W corner of the H. & T. C. R.R. Co. Survey No. 149, or rather E of its WBL, and though I searched carefully along a recent brushline running entirely across the remaining part of the H. & T.C. R.R. Co. Survey No. 149, and also to the N E corner of the I.V. Hanson survey, I found no further hacks.

I went back to the hub which I had set from the S.G. and ran N 87 W, searching carefully on both sides of the line, and as far N as the SBL of the Nicholson survey, but found no further hacks until the line I was running intersected the SBL of the Stephen Nicholson survey, at the corner of the C.M. Rice. From there the brushing continued N W to a point 7.2 vrs N of the S W corner of the Nicholson, but there were no marks to be found in said brushline.

From the evidence above, and from the fact that each survey bordering upon the H. & T.C. R.R. Co. survey has a little over its called distances, except for the C.M. Rice, which is a few vrs short N and S, as is the H. & T.C. R.R. Co. Survey on its southern ell, I feel that the H. & T.C. R.R. Co. survey was originally laid as it is now used and occupied, and that no violence would be done to any adjoining survey by so recognizing its correct position.

If there is any additional information that you would like in regard to this matter I shall be glad to obtain same for you.

Very truly yours,

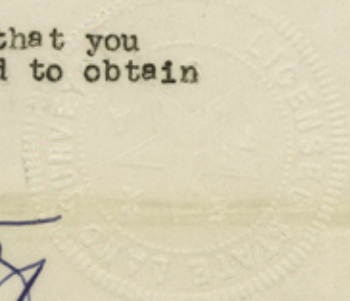
R.B. Sutherland
R.B. SMITHERMAN

RBS:BR

File No. 21
Liberty
County
Steph File
July 20 1920
Dixon
File Clerk

Survey report re:
H. & T.C. R.R.
corner of C.M. Rice
July 19 1920
R.B. Sutherland

see B19.2K. 1.



File No. 61

Liberty County

Sketch File

Filed July 20 19 50

BASCOM GILES Com'r

VES

File Clerk

Surveyors Report re:
resurvey of Sec 149,
H. & T.C.R.R.

By R.B. Smitherman

July 19, 1950

See Rld. SK. 'L'

RBS:BR

R.B. Smitherman
Very truly yours,



same for you. It there is any additional information that you would like in regard to this matter I shall be glad to obtain

by so recognizing its correct position.

and that no violence would be done to any adjoining survey, survey was originally laid as it is now used and occupied, survey on its southern end, I feel that the H. & T.C. R.R. Co. which is a few rods short N and S, as is the H. & T.C. R.R. Co. has a little over its called distances, except for the C.M. Rice, each survey bordering upon the H. & T.C. R.R. Co. survey from the evidence above, and from the fact that

back

principle. Nicholson, but there were no marks to be found if said continued N W to a point V.S. was N of the S W corner of the the corner of the C.M. Rice. From there the principal intersected the SBL of the Stephen Nicholson survey, at but found no further marks until the line I was running the line, and as far N as the SBL of the Nicholson survey, S.G. and ran N 84 W, measuring carefully on both sides of I went back to the imp which I had set from the

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