

**TRINITY RIVER LUMBER COMPANY,**

MANUFACTURERS OF  
**YELLOW PINE AND CYPRESS LUMBER  
 LATH AND SHINGLES.**

Land Department.

HOUSTON, TEXAS, Sept. 21/1907.

Hon. J. J. Terrell, Land Commissioner,  
 Austin, T e x a s.

Dear Sir:-

Your letter of the 5th inst. in re, a vacancy of 306 acres lying northwest of the true northwestern line of the J. W. Asbury, to Mr. M. L. Womack, Jr., has been referred to me, with request that I make further explanation to you as to what I actually found upon the ground when I made a re-survey of that section of the country under my appointment from you as special state surveyor.

You state that I, in making a re-survey of Nos. 5 and 6 H.T. & B. RR and other surveys to the northward, did not report a re-survey of the J. W. Asbury. He seems to have adopted a line for the northwestern line of the Asbury without having proved it by measuring on its western boundary a distance north 1640 varas from the San Jacinto river to a stake as called for in the original field notes of the Asbury, or making further investigation to determine whether or not the line he adopted was really the correct northwestern line of that survey.

I beg to call your attention to that part of my report which reads as follows:

"I then went back to the point of intersection of this line (meaning the west line of the Short survey) with the west line of the McLean; thence S. 35 W. at 1927 varas to a sweet gum marked HBM, water oak bearing tree, pine witness tree gone, the S.W. corner of the Harrison McLean survey; thence S. 55 E. at 1089 varas cross line of Section No. 5, as located from the N.E. corner of the Votaw survey, as fixed by Gillispie, in all 1314 varas intersect the west line of the J. W. Asbury League; thence S. 35 W 3874 varas a stake in the east line of the Votaw, one of the Asbury corners, from which a pine two feet in diameter marked A brs. N 7 W 11 feet and a  
 X  
 pine 18 in. diameter bears S. 7-1/2 W 40 feet: Thence S. 1640 varas to a stake on the bank of the West San Jacinto river, the S.E. corner of the Votaw and S.W. corner of the Asbury survey."

I took it for granted that as I had absolutely fixed the Votaw survey upon the ground from its connections with the Mary Owens league and the river, the proof was sufficient to identify the S.W. corner of the Asbury on the river, and 1640 varas north of said corner finding another corner in harmony with the Asbury field notes, although the witness trees just above described are not called for in the Asbury field notes. They seem to have been marked in the last fifteen or twenty years to perpetuate said corner. There are, however, old evidences of the original line of the Asbury running N 35 E. from this corner. I have a copy of Mr. Blackburn's field notes

and sketch of the survey made by him of 306 acres lying between the southeastern line of E. T. & B. Nos. 5 and 6 and the Harrison McLean and northwestern line of the J. W. Asbury, and he adopts the same corner as one of the corners of the Asbury. He then ties on to the line of No.6 as re-surveyed for Whitty & Langerman and upon which patents were issued, and then projects his sketch to show that No.5 connects at its northeast corner with the west line of the Short 66 varas north of its connection (No.5) with the west line of the McLean, when in fact, had he run out the connection he would have been forced to put the northeast corner of No.5 on the west line of the Short 418 varas north of the west line of the McLean.

If you will refer to the field notes of Section No.5 in patent to Mrs. Louise Virginia Wade, Assignee, dated May 10th, 1870, you will see that they call for a connection with the Asbury League. I have not a copy of the original field notes of Section No.6 as returned by Mr. Wade, the locating surveyor, but they must also call for the Asbury.

The whole trouble arose by the re-survey of the E. Votaw in 1878 by J. J. Gillispie, then County Surveyor of Harris county. The proof is positive that he took it for granted that the river in 1835 ran through an old channel 376 varas north of the present channel, and fixed the S. W. corner of the E. Votaw and S. E. corner of the Mary Owens League on north side of it, and ran out the Votaw from said point and established new points for its N.W. and N. E. corners. The original field notes for the Votaw call for two large pines as witness trees at its N.E. corner, while said corner, as re-established by Gillispie, is on the north bank of Benns Branch, where there never was any pine timber. When No.6 was re-surveyed into two parts, one for Langerman and the other for Whitty, the surveyor tied on to Gillispie's N.E. corner of the Votaw, with small hollies for witness trees, and committed a very great error. Gillispie's work also forces Section No.4 376 varas in conflict with the J. M. Everett survey to the northward. I found some of the original lines of the H. T. & B. Sections, and to follow them, they harmonize with the older survey for which they call.

In making your reply, please address same to Mr. M. L. Womack, Jr., Houston, Texas.

Yours truly,

BIV

*B. J. Willcoxon*

Sk. File: No 14

Montgomery County,  
B. G. Willcox's  
Report on Re-Survey  
Mary Owens and  
Elijah Votaw Suro.  
Southeastern Part of Co.

Filed in Genl Land Office  
Nov 27 1905.

50 cts Raw

Houston, Texas, November 6th, 1905.

Hon. John J. Terrell,  
Austin, Texas.

Dear Sir:-

Acting under instructions contained in your letter directed to me, I made the following survey of the Elijah Votaw location and Sections Nos. 3, 4, 5 and 6 H. T. & B. R. R. Co.

I began at the North East corner of the Mary Owens League, which has been perpetuated, although the original witness trees are gone. Thence South at 4442 varas pass the N. W. cor. of the E. Votaw survey as established by Gillespie, County Surveyor of Harris Co., in 1878, in all 10291 varas to a stake on the North bank of old channel of river, claimed by Gillespie as the S. E. cor. of the Mary Owens and S. W. cor. of the Votaw, because the N. W. Cor. of the Votaw is exactly 5850 varas North of this point, the length called for in the Votaw field notes. I then went back to said N.W. cor. of the Votaw, as established by Gillespie; thence East at 1428 varas center of Benn's Branch at 1430 varas a stake on the North bank of said branch for North East corner of the Votaw as established by Gillespie, between two Hollys both marked X; this is also the N.W. cor. of Sec. 6, H. T. & B. R. R. Co.; thence East crossing Benns Branch several times at <sup>470</sup>~~432~~ varas a stake set for S.E. cor. Sec. 3, and an ell corner of No.6, from which a pin oak and pine are marked X; thence North at 144 varas, (Not 155-7/10) pass a stake the S.W. cor. of Section No.5 and N.W. cor of Sec. No.6, two pines and a black gum (Not an Elm but looks like one) all marked X for wit.trees, continuing North in all 1930 varas to a point for the N.E. corner of Sec. 5; thence East 1558 varas to a point for the N.E. corner of Sec.5; thence S. 66 varas to a point for cor. of No.5 on the N. W. line of the Harrison McLean Sur. and South corner of the M. H. Short Sur. I could not find anything here, so I was not satisfied with the position, and determined to locate the Short and McLean Surveys to see where this corner is really situated. I secured the Patent to the McLean Sur. issued in 1846, and signed by A.C.Horton, Governor and Thos. W. Ward, Com'r. of the Genl. Land Office, and the field

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notes in it call to enter a prairie at 4400 varas S. 35 W. from its N.E. cor. I saw that said prairie was 400 or 500 varas a little S.E. from the point I arrived at for the West line of the McLean, following the field notes of Sect. 5 just mentioned. We finally found the McLean line down at the prairie and traced it out to the river or rather Caney Creek, its North or N.E. cor. The original witness trees are gone. From this point I ran S. 35 W. at 1320 varas cross White Oak Creek at 4500 varas pass intersection of an old line coming down from the North which is the West line of the Short Sur. on North edge of prairie. To verify this line, I ran North 4891 varas to a stake the N. W. cor. of the Short Sur., from which a White Oak 25 or 30 inches in dia. brs. North 2 varas, mkd. X, B.O. stump found, This old white oak fixes the N.W. cor. of the Short beyond a doubt, although there is an excess in the distance from it South to the McLean line of 491 varas. I then went back to the point of intersection of this line with the West line of the McLean: thence S. 35 W at 1927 varas to a Sweet gum marked JBM. water oak for bearing tree, pine witness tree gone, the S.W. corner of the Harrison McLean Sur: thence S. 55 E. at 1089 varas cross line of Sec. 5, as located from the N. E. cor. of the Votaw Sur. as fixed by Gillespie in all 1314 varas intersect the West line of the J. W. Asbury League. Thence S. 35 W. 3874 varas a stake in the East line of the Votaw, one of the Asbury corners, from which a pine 2 feet in dia. Mkd. X<sup>A</sup> brs. N. 7 W. 11 feet and a pine 18 in dia. brs. S. 7-1/2 W. 40 feet. Thence South 1640 varas to a stake on the bank of the West San Jacinto River, the S. E. cor. of the Votaw and S. W. cor. of the Asbury Sur. I then decided to locate Sections 3, 4 & 5 from the S. W. cor. of the Everett Sur. and build them up South from said point according to Wades field notes. I began at the N. E. cor. of the Mary Owens Lea. Thence South 1210 varas to the S. W. cor. of the Everett: thence East at 2141-1/2 varas pass the N. E. cor. of Sec. 4 at 3443-1/2 varas looked for N. E. cor. of R. Williams Sur. but could not find it, so continued East in all 3682-1/2 varas to the West line of the Short Sur. as the Williams calls for the Short; thence S. at 1190 varas established the S. E. cor. of the Williams Sur. and N. E. cor. of a vacant strip of land, at 1664 varas a point for N. E. cor. of No. 5, 42 varas North of the West line of the McLean Sur, instead

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of 66 varas as called for in the field notes. Thence West at 1541 varas pass point for S. E. Cor. of Sec. 4, in all 1790 varas point in McAshans field for N. E. cor. Sec. No.5; thence South at 26 varas pass point for N.E. cor of Sec. 3, in all 1926 varas to point for S. E. corner of Sec. 3, as established possibly by Wade in 1861. Here I decided was the place to determine, if possible, where Wade found the North line of the Votaw Sur. in 1861, because in those days the Surveyors never created a shortage, but frequently put in excesses. We began to look for an old line, and 18 varas South of us we found evidences of an old one, by old decayed places on the ancient trees. We cut into these places on the trees and found the old hacks and blazes as plain as the day they were made, clear across West to the East line of the Mary Owens League. There are many rims of growth from said marks out to the present circumference line of the trees, which show that they were marked, no doubt, by the locator of the Votaw, and there is no doubt in my mind but what it is the line Wade recognized in 1861, when he was locating the H. T. & B. R. R. Co. Certificates. Gillespie located his N. W. corner of the Votaw from the old channel of the river to a vara, and the original locator must have unquestionably tied in to the present channel, which has always been the main channel. The dotted lines represent Sections 5 & 6, located from Gillespie's N.W. cor. in more recent years, but it is error to even suppose that said lines represent the foot steps of J. M. Wade in 1861, and furthermore, there are no old marks on the trees on Gillespie's North line of the Votaw, which ante-date 1878, the year he located it. With the facts as I found them upon the ground, I am convinced beyond a doubt that I found Wade's foot steps, and have resurveyed the Sections as he located them.

Section No.4, H. T. & B. R. R. Co.

Beginning at a stake the S. W. cor. of the J. M. Everett Sur. in the East line of the Mary Owens League, 1210 varas South of the North East corner of said Owens League, from which an Elm 14 in dia. brs. S 65-1/2 E 46 feet and a Post Oak 8 inches in dia. brs. S. 81-1/2 W 21 feet; thence East 2141-1/2 varas to a stake in the South line of the J. M. Everett Sur. the N. E. corner of said Sec. 4 and N. W. corner of R. Williams Sur. from which a pine 20 inches in dia. marked 4A4 brs. S 2 W 138 feet; thence South 1664 varas to a stake

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a little South of McAshan's garden on the North line of Sec. 5, the S.E. cor. of said Sec. 4 and the S.W. cor. of a tract of vacant land from which a pin oak 14 inches in dia brs S 1 degree 45' E 28 feet and a sweet gum 20 in dia. mkd. S.E. brs. N 43 degrees 30' E 40 feet; thence ~~East~~<sup>West</sup> 241 varas to a stake in McAshans field the N.W. cor. of Sec. 5; thence S 26 varas to a stake in field the N.E. cor. of Sec.3; Thence West 1900 varas to a stake in the East line of the Mary Owens League the S.W. cor. of said Sec. 4 and N. W. cor. of Sec. 3, from which a red oak 15 inches in dia. brs. S 49 W 26 feet and a pine 10 inches in dia. brs. S 10 feet; thence North with Mary Owens East line 1690 varas to the beginning, containing 640 acres of land.

R. Williams Survey.

Beginning at a stake in the South line of the J. M. Everett Sur. the N. E. cor. of Sec. 4, H.T. & B. R.R. Co., from which a pine 20 in. in dia. marked 4A4 brs. S 2 W. 138 feet; thence East at 1541 varas a stake in the West line of the M. H. Short Survey, the S. E. cor. of the J. M. Everett Sur. from which a black gum 2 feet in dia. brs. N 50 E 10 feet and a white oak 2 feet in dia. brs. N 16 E 58 feet; thence S. with Short's West line 1190 varas to a stake in same for S.E. cor. of said Williams Sur., from which a sweet gum 2-1/2 feet in dia. on South side of Blunts field brs. S 44 W 7 feet and a pin oak 8 in. in dia. brs. N 75 E 9 feet; thence West 1541 varas to a stake in the West line of Sec. 4, from which a forked white oak East prong mkd X, brs N 8 degrees <sup>30'</sup> E 19 feet and a pin oak 13 inches in diameter brs. S 30 E 26 feet: Thence North With the East line of Sec. 4 1190 varas to the beginning, containing 324-8/10 acres of land.

Vacant Strip of 129-3/10 Acres.

Beginning at a stake in the West line of the M. H. Short Survey, same being the S.E. corner of the R. Williams survey, from which a sweet gum 2-1/2 feet in diameter brs. S 44 W. 7 feet, and a pin oak 8 inches in dia. brs. N 75 E 9 feet; thence South with Short's West line 474 varas to a stake the NE corner of Section 5, H.T. & B. R.R. Co., from which a post oak 15 inches in dia. brs. S 67-1/2 W 38 feet, and a post oak 10 inches in dia. brs. N sixty degrees 15' W 22 feet; thence West 1541 varas to a stake a little South of McAshan's garden, the South East corner of Section 4, from

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which a pin oak 14 inches in dia. brs. S 1 degree 45' E 28 feet, and a sweet gum 20 inches in diameter marked S.E. bears N 43-1/2 degrees East 40 feet; thence North 474 varas to a stake the South West corner of the R. Williams Survey, on East line of Section No.4, from which a double or forked white oak, the East prong marked X, bears North 8 degrees 30' East 19 feet, and a pin oak 13 inches in diameter bears South 30 East 26 feet; thence East 1541 varas to the beginning, containing 129-3/10 acres of land.

Section No.3, H. T. & B. R. R. Co.

Beginning at a stake in the East line of the Mary Owens League, the South West corner of Section No.4, from which a red oak 15 in. in dia. bears South 49 West 26 feet and a pine 10 inches in diameter bears South 10 feet; thence South at 887 varas cross Benn's Branch, at 1542 varas pass the North West corner of the E. Votaw Survey, as located by J. J. Gillespie in 1878, in all 1918 varas, a stake in the East line of the Mary Owens League the true N.W. cor. of the E. Votaw Survey, original witness trees gone; thence East at 1430 varas pass the North East corner of said Votaw survey, in all 1900 varas to a stake the S. E. cor. of this survey, from which a post oak 5 inches in dia. brs. S. 64 E 29 feet and a pine 2 feet in dia. brs. N 88 E 41 feet; Thence North at 144 varas pass the North corner of Sec. No.6, at 334 varas cross Benn's Branch at 376 varas pass S.E. cor. of Sec. 3 heretofore established from Gillespie's N.E. cor. of the Votaw Sur., at 520 varas pass S.W. cor. of Sec. No.5 as heretofore of recent years established, in all 1918 varas to a stake in McAshan's field, The North East corner of this Sur. 26 varas South of another stake in said field, the N.W. cor. of Sec. No.5; thence West 1900 varas to the beginning, containing 645-1/2 acres of land.

Section No.6, H. T. & B. R. R. Co.

Beginning at a stake on the East line of the E. Votaw survey, same being the S.W. corner of the J. W. Asbury Survey, from which a pine 2 feet in dia. mkd. <sup>A</sup>X brs. N 7 degrees W 11 feet, and a pine 18 inches in dia. mkd. X brs. S 7 degrees 30' W 40 feet; thence N 35 E with Asbury's line at 1987 varas cross Branch course East at 3071 varas cross Benn's Branch at 3302 varas set a stake for the East corner of this Survey and the South corner of Sec. No.5; thence N 55 West crossing Benn's Branch 1735 varas to a stake on the East

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line of Sec. No.3, the S.W. cor. of Sec. 5 and a corner of this Sur. on S. side of a road from which a post oak 8 inches in dia. brs. S 20 degrees 30' E. 14-1/2 feet and a pine 18 inches in dia. brs. N. 75 W 26-1/2 feet and a pine 20 inches in dia. brs. S 63 W 35-1/2 feet; thence South 144 varas a stake the S.E. cor. of Sec.3, from which a post oak 5 inches in dia. brs. S. 64 E 29 feet, and a pine 2 feet in dia. brs. N 88 E 41 feet; thence West 470 varas to a point fixed by J. M. Wade for N. E. corner of the E. Votaw, 376 varas South of the corner established by Gillespie in 1878 for the N.E. corner of said Votaw Sur., from which a pine 2 feet in dia. brs. S 12 E 10 feet and a pin oak 12 inches in dia. brs. N 11 E 38 feet; thence South with the East line of said Votaw Sur. at 888 varas pass the N.W. cor. of the tract patented by the State of Texas to Ben. B. Foster, Assignee of P. Whitty on Nov. 27th, 1903, and the S.W. cor. of the tract patented to Foster Lumber Co., Assignee of A. B. Langermann, on Aug. 17th, 1905, at 1731-6/10 varas cross Branch course East at 2388 varas cross another Branch course East at 3163-6/10 varas pass Whitty's South corner at 2552 varas, to the beginning, containing 644-3/10 acres.

Section No.5, H. T. & B. R. R. Co.

Beginning at a stake on the West line of the Harrison McLean Sur. near the North side of a small prairie, the same being the South corner of the M. H. Short Sur; thence South 1927 varas to a sweet gum now 12 or 14 inches in diameter marked H B.M with water oak bearing tree, pine wit. tree gone, the West or S. W. cor of said McLean Sur; thence S 55 E 1314 varas to a stake in the West line of the J. W. Asbury Sur. from which a pine 2 feet in dia. brs. N. 40 E 12 feet, (The Asbury is slightly in conflict with the McLean Sur.; thence S 35 W 572 varas to a stake the East corner of Sec. No.6; thence N 55 W 1735 varas to a stake on the East line of Sec. No.3 and the North corner of Sec. No.6, on South side of a road, from which a post oak 8 inches in dia. brs. S 20-1/2 E 14-1/2 feet and a pine 18 inches in dia. brs. N 75 W 26-1/2 feet and a pine 20 inches in dia. brs. S 63 W 35-1/2 feet; thence North at 191 varas cross Benn's Branch, at 232-1/2 varas pass the S.E. cor. of Sec. 3 as established from the N.E. cor. of the Votaw as located by Gillespie, at 376 varas pass the North corner of the Langermann tract, in all

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1800 varas to a stake the N.W. cor. of this Survey in McAshan's field; thence East at 249 varas pass the S.E. cor of Sec. 3 and S.W. cor of a tract of vacant land, on South side of McAshan's garden at 1782 varas a stake in the West line of the M. H. Short Survey, from which a post oak 15 in. in dia. brs. S 67-1/2 W 38 feet and another post oak 10 inches in dia. brs. North 60 degrees 15' W 22 feet; thence South 42 varas to the beginning, containing 524 acres of land.

STATE OF TEXAS )  
COUNTY OF HARRIS )

I, B. I. Willcoxon, Special Surveyor for the State of Texas, do hereby certify that the foregoing tracts were surveyed by me, and that the limits, boundaries and corners, with the marks natural and artificial, are truly described in the above field notes and map attached.

Given under my hand at Houston, Texas, this November 6th, 1905.

*B. I. Willcoxon*

Special Surveyor for the State of Texas.



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H. W. W.

Montgomery Sketch File  
No. 14

In ..... Court,

Filed Nov. 27, 1905  
John J. Ferris  
Robison clk.

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WATKINS & JONES,  
Attorneys and Counselors at Law,  
HOUSTON, TEXAS.  
J. J. PASTORIZA PRINTING & LITHO. CO., HOUSTON

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