

D-30

C. L. REINHARDT
LICENSED STATE LAND SURVEYOR

NEW CANEY, TEXAS.

Aug 28-48

Mr. Bascom Giles, Com Gen Land Office,
Austin, Texas.

Dear Sir:

Several years past I promised ~~that~~ you that if I ever worked out what is known as the Ira Milliman issue here in Montgomery County, that I would give you a copy of my drawings and information.

I have at last accomplished that, and am sending you herein copy. ~~When you receive~~ Will you have your stenographer make a copy of the affidavit and return the one I am sending to you.

Some of the errors could have been avoided if the clerks in the Gen Land Office would have performed their duty. Of course when the surveyors lie to the clerks, in some instances that just have to accept it, when they do not, nor have a way of checking them.

Will you have one of your clerks check around here and advise me the names of the patents that Jas W Henderson surveyed out; that is between here and West San Jacinto River, both accepted and rejected applications/

With best wishes, I remain,

Yours very truly,

C. L. Reinhardt

RECEIVED

AUG 31 1948

REFERRED TO MAP

counter 31893

September 8, 1948

Mr. C. L. Reinhardt
Licensed State Land Surveyor
New Caney, Texas

Dear Mr. Reinhardt:

I have received your letter of August 28, 1948, enclosing an affidavit and blue print relative to certain surveys in the vicinity of New Caney, Montgomery County.

I have carefully examined the affidavit and plat and appreciate the valuable information contained therein. However, I regret that you failed to sign either instrument. In order that these may be filed for future use, they must both be signed and for that purpose, I am returning them to you and also, affix your seal to same.

If you will kindly do this and return these instruments to this office, copies will then be made and the originals returned to you.

The following surveys in that vicinity were made by J. W. Henderson: Levi James, Nathan Barklay, Thomas Waring, John Brown Jones, Eli Nolan, Marshal H. Short, A. P. Frederick and Henry A. Peters.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

WS:bh
Enclosures

5268
RECEIVED

39
MAPPING
DRAINAGE
TRANSIT WORK

SEP 15 1948

C. L. REINHARDT
LICENSED STATE LAND SURVEYOR

REFERRED TO MAP

NEW CANEY, TEXAS. Sept 13-48

Mr. Bascom Giles, Com Gen Land Office,
Austin, Texas.

Dear Sir:

I am returning the map and affidavit. I don't want the map, and if you will make me a copy of the affidavit and return to me, I would suggest that you keep the originals, and return to me just a copy of the affidavit. I have my drawing of the map and can make all I need at any time.

I note from your letter that Jas W Henderson surveyed the Thos Waring and the Eli Nolan, that convinces me that there was never any mixup on the ground between the south line of the Ives, Nolan Warring, et al, and the North line of the upper Chin, which was later made the North line of the Chas Stephens No. 1, and I wish that statement could have been made in that affidavit I made.

I had some confidence in the lawyers at Conroe, thinking they might straighten this out, but later on through my years of experience with them, I learned that they did not want it straightened out, wanted it mixed up, so they could make more money out of it, then was when I really went to work on it, and some of the information on the ground was gained at my own expense. They have been making money on this issue, but with the information I have in the record, it will stop some day. The case Baxter, et al vs Baker, et al, 1892 went to the Ct of Civ App Galveston, year 1892, which affirmed the Dr Solomon Carr line, a prominent surveyor in this district.

Alexander Lacy got the lines of the Chas Stephens No. 1 and the record of the Chin surveys mixed. The call Thence West 2170 was on the south line to a creek, which was called later Dry Creek, is really up in the North line of said Chas Stephens No. 1. There is no gully at all in the South line of Chas Stephens No. 1. He has the North line ~~9275 was~~ 9270 was long and the South line 9740, when the creek runs about S 15 to 25 W on the east end of said Chas Stephens No. 1. Refer to my map. Many times I have had trouble when out surveying to keep the record brought with me from getting mixed up with the actual survey.

With best wishes, I remain,

Yours very truly,

C. L. Reinhardt
counter 31895

a

Mr. Basson Files!

Copy & return this copy to me.

AFFIDAVIT

C. L. Reinhardt
New Caney
NEW CANEY
Montgomery Co
Tex

R-1
R-39

2-20
D-269

BEFORE ME, the undersigned authority, on this day personally appeared C. L. Reinhardt, who, being by me first duly sworn, deposes and says upon oath, as follows:

In Re:-- Chas. Stephens No. 1, Chas. Stephens No. 2, Ira Milliman, Wm. Lynch, 308, Jacob Eberley, T. P. Cartwright, Jas. H. Steward, Jas M. Cooper, John Copeland, Reuben Copeland, W. T. Caswell, Ass Ed H. Yeiser, Jas. P. Harrison, P. Hunter, Thos. Miller, A. V. Sharp, T. L. Roberts, Finley McNaughton, Thos. Robinson, John Cole, A. H. Stewart, Judge Jacks, Ben T. Laws.

Caption--Preface

I am sixty-one years old, having lived here most of my life since ten years old. I have been a public land surveyor since 1916, being 32 years, working in Montgomery, Harris, Liberty and San Jacinto Counties. I desire to leave behind me a record of some of the mix-ups in league lines only in this section of Montgomery County, one of the issues is now sixty years old and people still in court. People look at the pretty blue prints and believe the lines are correct. A lawyer may examine some of the above titles and pass as good, but he has no opportunity to protect his client against over-lapping league -- patented -- lines. Some surveyors moved league lines, which caused a vacancy, then secured a patent to that for another, of course an affidavit was filed with the application, stating that the lines did not conflict with any league lines on the ground. The clerks in the General Land Office had no way of determining the applicant's lines did conflict. Most of the information contained in this affidavit has been obtained since 1932, the coming of the Conroe Oil Field, which caused a general survey of this district. I surveyed the first location for Geo. W. Strake about 1932:

In Re. Chas. Stephens No. 1, Chas Stephens No. 2, Ira Milliman and Wm. Lynch:-- This mixup was started about 1872 when I. S. Collard caused the Jacob Eberly to be patented. The statement to me by Jas. B. Robinson who said he was with him, that he run a line about midway in the Lynch, and called it the South line of the Lynch, and at that time, there was no line near the center of the Lynch. From the North, the Big Beazley Pruett survey was the first to be patented, and it is in its right location, from the South, the Wm. Massey was

C. L. Reinhardt

the first to be patented, and is about right. From the North line of said Wm. Massey, called upper Massey, to the South line of the Big Beazley Pruett survey is 9415.3 vrs., patented 9267, difference 148.3, which is about right, allowing for the expected one-half to one chain extra in each survey, which occurs most of the time. The South line of the Wm. Lynch should be moved 716 vrs. South. The South line of the Ira Milliman on the West about two-thirds of the survey should be moved South 882.1 vrs, the East end is all right. The South line of Chas. Stephens No. 2, should be moved South 1835 vrs. South of the South line of the Eli Nolan, Warren Torrey surveys. This would then make space of 920 vrs. wide within which to place the Chas. Stephens No. 1, which is now out of existence. The title to the Chas. Stephens No. 2 on the East end is correctly stated. The South line of the Ira Milliman above referred to, is known on the ground as the South line of Texas Pecan Co. tract of 1074.9 acres, the length of the line is 3572, the next line 3800 vrs. Vol. K, P. 433, District Court 1892, Vol. 192, P. 74, County Clerk 1934.

With reference to the lines going North and South from the Massey to the Big Beazley Pruett, since the year 1932, I have been right at the tail chainman when he yelled out "chain" with the instructions by me, not to until I was there, some of the distance has been measured by me as tail man, some of the distances have been measured six times, some one time. When the district surveyor made the survey for Mr. Finley McNaughton, he likely had before him the field notes of the district made by Jas. W. Henderson, who surveyed out the Chin surveys in 1838 and the field notes of Alexander Lacy, in 1849 who made the survey for Chas. Stephens No. 1, No. 2, Ira Milliman and Lynch at the same time, which showed him the distance of 1350 vrs. in this gap between the South line of the Lynch and the North line of the upper Massey. He goes to the Southeast corner of the Chin survey, the birches, to make his Southeast corner, thence West a sufficient distance to get 1280 acres, passing up the Northeast corner of the Massey, which he likely did not want to do, but had to on account of width. As a surveyor, I think I have the right to state the surveyors on the ground made the North line of the Finley McNaughton, in the South line of the Wm. Lynch. There is enough land involved in these five surveys, that variation alone could cause the difference of 148.3 vrs. The application for patent was sent in by Mr. Henderson for the Chins marked "not recommended" and was canceled by the General Land Office clerk. Henderson showed 5100 vrs. from the North line of the Massey to the South line of the Nolan, Warren, Torrey Ives, Alexander Lacy

C. L. Reinhardt

and the surveyor for Finley McNaughton showed 3800 plus 1350, total 5150, a difference of only 50 vrs.

Jacob Eberley:-- All that is left of this survey is a strip 157.7 vrs. wide:

T. P. Cartwright:-- All that is left of this survey is a strip 157.7 vrs. wide.

Jas. H. Steward:-- The North line of this survey should be moved South 716 vrs, the Finley McNaughton is 1272.6 vrs. too long on the ground, which could go into the Steward. The T. L. Roberts is a junior survey, which could be used to give the Steward the correct lines, However the West line of the A. V. Sharp is 526.5 vrs. too far West, if the East line now is correctly located with the West line on the ground, then the East line of the Sharp moves East 526.5 vrs. The North line of the Sharp must be placed 716 vrs. South of where it is today. When all this is done, I do not know what the Steward would look like.

Jas. M. Cooper:-- Does not exist, is on top of the T. P. Cartwright.

John Copeland:-- Was told that surveyor got \$50.00 for moving the Wyatt Anderson East lines West and creating a space on which to get a patent for John R. Copeland. In order to be sure I was correct in making the East line of the Wyatt Anderson, I measured from West San Jacinto River, beginning at the Southwest corner of the Allen Vince Survey, thence to the Southeast middle corner, four times. When the Ira Milliman has been changed to its proper place, the Thos. Miller will be shoved South 882.1 vrs, the John Copeland will go out of existence.

Reuben Copeland: -- This is all right, however the General Land Office gave a patent to W. T. Caswell, Ass. of Ed H. Yeiser, Abst. 731 issued May 24, 1910, covering about nine-tenths of this Reuben Copeland Patent.

W. T. Caswell, Ass Ed H. Yeiser:-- About 150 acres on the West end of this patent abst. 731, May 25, 1910, Vol. 83, Page 279, covers the Reuben Copeland patent, No. 515, Vol. 18, July 28, 1888, V 9 P 96 Co. Clerk Conroe. The line East 1067 in the Copeland patent is the same line as W. 950 in the Caswell patent. The line South 600 in the Copeland patent, is the same as the line North 616 in the Caswell patent. You must join this survey with T&N RR Co. Survey No. 1, one or two of the patents were canceled, the one issued December 27, 1899 may be the one to use. Some of the calls in both surveys are wrong.

Jas. P. Harrison: -- The East and West lines of this survey are 526.4 vrs. too far west, I don't know anything about the location of the North

C. L. Remick

line is with reference to the Geo. Mason Abst. 341, I think it should come South on account of the two plug-ins, the Robinson and Cole, and a plug that I made for C. L. Mayer, known as a vacant strip between the Robinson and the Van Horn. The A. V. Sharp must come South 716 vrs, I don't know how the Harrison would be located when that was done.

P. Hunter: -- Whatever changes were made with the Harrison lines, would change the P. Hunter lines.

Thos. Miller: This survey would have to come South. The North line of this survey, must come South 882.1 vrs. in which instance, the West line would not come to the East line of the Nathan Barclay Survey.

A. V. Sharp: -- The North line should come South 716 vrs. and the West line should come East 526.4 vrs. That would cover the Judge Rucks and Ben T. Laws plug-ins. Also cover part of the T. L. Roberts patent, and take part of the Jas. H. Steward Survey.

T. L. Roberts: -- A junior survey. When the other senior surveys are moved as herein stated, very little of this survey would be left, however, the Finley McNaughton is 1272.6 vrs. too far West on the ground today, and when moved East that distance, would change the acreage of the T. L. Roberts patent.

Finley McNaughton:-- The West line of this survey is 1272.6 vrs. too far West on the ground today. The patent states 4450 on the North line, it is 5722.6 vrs. long today.

Thos. Robinson, Cole, Stewart, A. H. Rucks, Laws, Roberts: are subject to the changes made in the senior surveys. The surveys made in this district prior to 1861 are more near right, than the surveys and lines made after about 1870. About one-third of the lines made in this district prior to 1860 were moved out to take in more acreage by the surveyors after 1870.

To check the surveys in the district covered by this affidavit:--
Come to the center of public road North side of School Building in the town of New Caney, is the Dr. Solomon Carr line. trees in line just West of this point, come thence East to the forked sycamore and Magnolia, Northwesterly about 75 ft. is a steel and concrete pier 2 to 3 ft. in diameter, being 505 vrs. East from the center of track of the H&WT RR. The line leading West from the school house, was a good line when I first noticed it, about the year 1900, and was a good line until I left this place in 1907. T. A. Presswood said he was with Dr. Solomon Carr and Jim Hall, said it was a good line then, but did not know to what survey the line belonged, if any.

C. L. Ricehardt

Or go to the Southwest or Southeast corner of the Big Beazley Pruett survey, you will find a good corner at both places. I have two at the Southeast corner, variations for the two places given about 9 deg.

Or go to the Southeast corner of the Geo. Mason, Abst. 341, on the East bank of West San Jacinto River, near an old field, on what is known as the Guinn-Hill road. I mean by East bank, the survey is East of the river. Variation for this district will run mostly 10 deg.

I have made this affidavit on my own free will and accord, thinking it might be of help to some one who might not take the precaution to make a general survey before investing. You will find a blue print I made of this district, two maps, at the Griffin Abstract Company, Conroe, or Humble Oil and Refining Co., Houston, I understand the statements made to me contained herein are not legal, but are merely included that you might have some conception of what the scene was behind the curtain, and that the public to a certain extent are victims of the engineering profession.

C. L. Reinhardt

IN TESTIMONY WHEREOF I have hereto signed this statement on this the _____ day of June, 1948.

(seal)

C. L. Reinhardt
State Licensed Land Surveyor, New Caney,
Texas.

SUBSCRIBED AND SWORN to before me, this the 17th day of June, A. D. 1948.

(seal)

ARNOLD Smith, Co Judge
Notary Public, Montgomery County, Texas.

*Recorded in Vol 278 P-56-58 County Clerk's
office Conroe Texas, Montgomery Co on
25th day of June 1948
by Mrs. Nestor S. Montgomery
Copy a Beard
Co Clerk*

(SEE NEXT PAGE)

Tradition---Comparison



This mixup is easily understood, nothing complicated, is just a case where the platters never referred to the record in making the map, had no respect for the decision in the Baker VS. Baxter case, did not refer to what the General Land Office had done, the senior surveys must come first.

To map this district, first draw the Big Beasley Pruett, then the Mary Owens, the gap of 1900.8 vrs. North, then the upper Massey, then the Geo. Mason, then start to adding surveys as to seniority.

The west end of the Chas. Stephens surveys and the Ira Milliman surveys was not in a hidden-unknown part of Montgomery County, was in a conspicuous place. The public road from three settlements west of Cold Springs and Danville went across the West end of these three surveys, going to Lynchburg, when those settlements were first made, the Robinsons used the road about 1850 to haul shingles by ox carts to Lynchburg for shipment to New York. It went from this place winding its way to the mouth of Spring Creek and West San Jacinto River, where some slave farms were later made. The part crossing these three surveys going by Copeland place was used until the Hester Highway was built, about eight years past, and can be followed today, 1948. This road was later called the Houston-Danville Road, after the Allen's put Houston town into existence.

In making the surveys for the two Chin's, Henderson used the figures 9154, Lacy 9270, as the North line of Stephens No. 1, Henderson used the figures 4048, Lacy 3800. part of the Southwest line of the upper Chin and the South line of the Ira Milliman. Henderson used 7700, Lacy 6270, North line of lower Chin, and South line of Ira Milliman, which is a good comparison, seems that both must have been in about the same place.

Alexander Lacy used the following figures

accept that
as a base line

North line of Chas. Stephens No. one -	9270		
South line of Chas. Stephens No. 1	9740	is	8850
North line of Chas. Stephens No. 2	9340	is	8450
South line of Chas. Stephens No. 2	9340	is	9200
North line of Ira Milliman	9340	is	9200
South line Ira Milliman on East end	6270	is	7400
South line of Wm. Lynch	8930	is	9050

C. L. Richardson



It would again seem that the four surveys come South of the Mullryne, Torrey and Ives.

When Alexander Lacy came into this district to make the four surveys, he had before him the record from the General Land Office that Jas. W. Henderson had made in making the survey for the two Chins. Mr. Lacy used the North line of the upper Chin, part of the West line, and would have likely used all of the South line of the upper Chin survey, but he could not on account the width would make too much land, but by making the width line 110 short, he could come East 3800 and then get to use 6270 vrs. of the South line of the upper Chin, and also make Mr. Ira Millimen's tract cross the Lynchburg Road.

I have worked on this 15 years, am quitting, you can have the issue.

W. L. Christman

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C. L. HENNINGER
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INDEXED
AUG 21 1898
GENERAL LAND OFFICE

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File No. 33

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GENERAL LAND OFFICE

make Mr. Ira Milliman's tract across the Thompson land.
 3800 and then get to use 6300 ac. of the South line of the upper Chin's and also
 make two more land, but by making the width line 110 acres, he could come back
 South line of the upper Chin survey, but he could not account the width would
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 had made in making the survey for the two Chins. Mr. Lacy used the North line
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 When Alexander Lacy came into this district to make the four surveys,
 Milliman, Torrey and Lacy.

It would again seem that the four surveys come South of the

C. L. Reinhardt

File No. 33

MONTGOMERY County

REPORT BY
C. L. REINHARDT

JUNE 17, 1948
DATED

BASCOM GILES, Com'r

W. S.
File Clerk

SEE PART 33A

PLACED IN FILE
FOR INFORMATION
CONTAINED.

IN VICINITY OF IRA MILLIMAN
AND CHAS. STEPHENS
SURVEYS. S.E. PART OF
COUNTY.

C. L. REINHARDT'S LETTERS
AUG 28-48 SEPT 13-48.
ATTACHED. A. S.

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AUG 31 1948

GENERAL LAND OFFICE

RECEIVED

SEP 15 1948

REFERRED TO MAP

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