

SEND ALL TELEGRAMS VIA POSTAL TELEGRAPH TO CORPUS CHRISTI, TEXAS;  
WESTERN UNION, ARANSAS PASS, TEXAS

1142

# PORT ARANSAS FISHERIES

INCORPORATED

Corpus Christi Tex Dec 7 Box 487

RECEIVED

DEC 10 1934

REFERREL 10 map

~~PORT ARANSAS, TEXAS~~

Mr Walker, *J.H.*  
Land ~~Commissioner~~, Commissioner  
State Of Texas Austin

GULF FISH  
ARE:

- RED FISH
- TROUT
- ROCK FISH
- DRUM
- SHEEPHEAD
- FLOUNDER
- PIKE
- SPANISH MACKEREL
- KING MACKEREL
- RED SNAPPER
- SHRIMP
- PERCH
- JUNE FISH

Dear Sir

Subject, Patent to J. Edward Cotter, Survey No 4  
Mustang Island. No two Vol one. Dated July 31st,  
1907.

At the time this sail was made, the State Survey measured one side of the line as so many varas ending at mean low tide, Turtle Cove. Cotter assumed because this property terminated at mean high tide that he was owner of all the water privileges touching this property. He proceeded to lease to Fish Houses and others, ground privileges extending into and over the water, consisting of wharves and Fish Houses chiefly. These privileges were used apparently without the approval of the State, or the War Dept.

Storms and fire, swept away all these first structures and created more or less of a new position of Turtle Cove Channel. In due course Cotter sold to the Port Aransas Properties Inc, controlled by T.B. Munsell and his associates, just the property Patented to him by the State without any addition or subtraction. The Port Aransas Properties assumed ownership of the water front as Cotter had. Different Fish Houses and institutions leased from them, ground rights on which buildings were constructed and this included some kind of understanding with the Port Aransas Transportation Co, Ferry Landing. Also included in this was a lease to the Haley Fisheries whose properties were subsequently taken over by the Port Aransas Fisheries Inc.

In the meantime storms had produced some erosion and the water was interfering with the businesses conducted on the water front. During a period of dredging by the Federal Government deepening Turtle Cove channel, spoil was taken therefrom and used to fill in back of Turtle Cove, raising the flats to the extent of the fill in. This necessarily pushed the Turtle Cove frontage some hundreds of feet from its old channel. This was done by consent and approval of everybody in interest but it had the effect of destroying any original riparian right the Cotter properties possessed. On this new ground improvements have been made and rents paid as formerly, but unquestionably this artificial accretion left this much of the frontage in the ownership of the State.

Write 12-17-34B

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As you know a Riparian right is not property but is a property right. Only those owning property to the waters edge can exercise this right and only then <sup>when</sup> the right is actually exercised.

This simply gives the land owner a right to build wharves on his land over the water and to make other improvements that may be necessary and also if permits him to use these wharves for commercial purposes and prohibits all persons from attempting to use his facilities or interfere with their use, except by his consent.

This doesnot give him any exclusive navigation privileges. These privileges are wholly under the control of the Federal Government. It is against Federal law to build wharves or make improvements over the water without permit from the War Dept. Usually if the soil under the water belongs to the State as is the case at Port Aransas Federal authorities usually demand the approval of State authorities also municipal authorities.

Sometime last Nov. or Dec. the Port Aransas Properties sold to M.G. Ellis the Cotter properties, deeding just what the patent called for. The Port Aransas Properties has some contracts which Ellis sought to ignore, attempting to put exorbitant lease prices on these frontages, he thought he owned. He also sought to take control of the ferry landing and that proposition is now in the Courts. The Port Aransas fisheries had a five years agreement with the Port Aransas Properties for ground lease which Ellis refuses to recognize. We owe somebody this lease money and we think it is the State. We are willing to put it up as due in Escrow, until some of these questions are settled. We think the public interest is involved to the extent that if the State own this frontage it should take it over and use it in the public interest. It certainly does not belong to the old riparian of the Cotter patent that was wiped out by the fill in by dredges.

I have caused a survey to be made by Capt King who is more thoroughly acquainted with the conditions than any one else. I am enclosing his report which will make clear to you the facts I am setting up.

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The fact that the State Of Texas owns the submerged land on approximately two thousand miles of Gulf and Bay frontages, suggest to the writers mind that the land department might go into these questions thoroughly so asto protect the State from trespassers.

I will be glad to have your advices because this man Ellis is probably starting considerable litigation which would like to see avoided. This plat inclosed is absolutely correct.

Yours very truly.

*C. W. Gibson*  
C. W. Gibson.

*See  
p. 2.*

*Filed Dec. 19, 1934*  
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*Coffey*  
*Chickson 1115 Johnson & B...*  
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