

285	284
Block D.	
300	301

Scale, 4000 Varas to inch
 (Variation 11° East)

The State of Texas, Survey No. 301
 Young Land District, Block No. D
 County of Yoakum Field Notes of a survey of 640 acres of land
 made for — — — — — by virtue of Certificate
 No. 329 issued to John H. Gibson by the Commissioner of the General
 Land Office on the 16th day of July A.D. 1877. Said survey is situated
 in Yoakum County, on the waters of the Colorado River, about —
 miles — from —, and is known as survey No. 301, Block
 No. D. Beginning at an Earth mound the N.E. corner of survey
 No. 300 in this Block made by virtue of John H. Gibson Cert.
 No. 328 for the N.W. Cor. of this survey. Thence South 1900 vs.
 to a stake. Thence East 1900 vs. to a stake. Thence North
 1900 vs. an Earth mound. Thence West 1900 vs. to the
 place of Beginning.

Bearings marked — Surveyed July 9th A.D. 1880.

James Horton } C.C.
 Chas. Harvey }

I, Walter S. Jones, Deputy Surveyor of Young Land District, do hereby
 certify that the foregoing survey was made in the field ac-
 cording to law, and that the limits, boundaries and cor-
 ners, with their marks, natural and artificial, are truly
 described in the foregoing plat and field notes.

Walter S. Jones

Deputy Surveyor Young Land District.

I, J. H. Kemble, District Surveyor of Young Land District,
 do hereby certify that I have examined the foregoing plat
 and field notes, and find them correct; and that they
 are recorded in my Office in book 1, page 257.

This, the — day of — 188 —

J. H. Kemble
 Surveyor Young Land District.

2/

File 15301

Fanning Scrip.
Geo. W. Libson
640 acre Field Notes
No. 301
Filed June 28/87
Rhonda Fisher
clerk.

of May 15-
1894

General Land Office, Austin, Texas, Sept. 30th 1898.

I, Andrew J. Baker, Comr. of the General Land Office, of the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original, together with all endorsements thereon, now on file in this Office.

In testimony whereof I herewith set my hand and affix the impress of the seal of said Office, the date last above written.
Andrew J. Baker
Comr. G. L. O. Office

No. 329

Land Scrip.

640 Acres

The State of Texas, General Land Office.

This Certificate entitles Jno. W. Gibson, Contractor for opening and cleaning out a channel in Bernard River, to six hundred and forty acres of land, to be located upon any of the vacant and unappropriated Public Domain of the State of Texas, in accordance with the provisions of "An act to improve the navigation of Oyster Creek, Bernard and Canej," approved March 15, 1875, information having been received from the Comptroller, as required by said act, that a distance of $55\frac{75}{100}$ miles from mouth of Bernard River to a point $55\frac{75}{100}$ miles up Bernard River has been completed by said Contractor in accordance with the provisions of said Act.

The land obtained under the provisions of this act shall be alienated by said Contractor within sixteen years from the date of the Certificate; provided, that the same shall not be sold to any company or corporation except so far as may be necessary for the proper use and necessary for the conducting the business of such company or corporation, or to any person, firm or company in trust for said Contractor, and a failure to comply with, or any violation of the provisions of this section shall work a forfeiture of all lands so aliened, as required by this act.

The lands granted to said Contractor are to be located in alternate sections, and surveyed in the following manner:

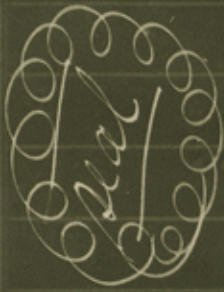
First. Two sections of land adjoining and connecting with each other must be surveyed, one for the State and the other for the Contractor.

Second. The surveys to be made square, unless prevented by previous entries or navigable streams.

Third. When the field notes have been returned to the General Land Office, the Commissioner will number the surveys and report the result to the surveyor, who will fill up the blanks left in his record for that purpose accordingly. As a matter of convenience in describing the surveys, when reporting the numbers, the surveyor

should number the field notes temporarily, in pencil)
 Fourth. In dividing the surveys, a fraction of over three hundred and twenty acres will be counted as a whole section, and two fractions of less than three hundred and twenty acres will be regarded as a section.
 Fifth. The even numbers will be reserved to the state, and the odd numbers to the Contractors.

In Testimony Whereof, I hereunto set my hand
 and affix the impress of the seal of said Office
 this 10th day of July 1877



J. J. Gross
 Commissioner.

File 5301

Famin Scrip
 J. G. Gibson
 Certificate
 No. 329
 Filed June 26/77
 Rhoads Fisher
 Chf. Clk.

General Land Office, Austin, Texas, Sept. 30th 1878
 I, Andrew J. Baker, Comr of the General Land Office of the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original, together with all endorsements thereon, now on file in this Office.

In testimony whereof I hereunto set my hand
 and affix the impress of the seal of said Office
 the date last above written.

Andrew J. Baker
 Comr. Gen. Land Office

The State of Texas, :
 -vs- : Suit Pending in District Court Travis Co.
 The L. & H. Blum Land Co. et al: :

The following facts exist, proof thereof can be made, and to save expense it is agreed :

(1) That T. A. Washington was at the times hereinafter named an engineer and that he was appointed by the Governor of Texas and that the following commission was issued to him : (Exhibit "A")

The following is a copy of the act of the Legislature by virtue of which the Governor made the appointment of T. A. Washington as engineer: (Exhibit "B")

The defendants reserve the right to have the court exclude from its consideration any portion of the written or printed part of said commission issued to Washington upon any legal ground. The fact that it is attached to this agreement shall in no wise make any of its recitals competent evidence in this cause should defendants object thereto, but such recitals as may be objected to, shall be excluded by the court if the same are not legal and competent evidence herein.

~~The State reserves the right to show, if it can be shown, that the~~
~~competent evidence, the special instructions given such engineer~~
 are hereto attached and marked Exhibit 1
 But it is understood that the defendants reserve the right to object to the introduction of such special instructions on the ground of irrelevancy or immateriality

(2) That T.A. Washington, engineer, made the following certificates under oath : Shown by Exhibits "C" and "D" relating to the Caney and Bernard .

That both of said certificates were filed with the Comptroller of the State of Texas, as required by law, and the Commissioner of the General Land Office duly and legally advised thereof .

(3) That 446 land certificates bearing date the _____ day of _____ 1897 each for 640 acres, Nos. 1 to 446 inclusive, purporting to be an account of work done on the Bernard, as shown by the certificate of the engineer Washington and 110 land certificates each for 640 acres of land, Nos. 447 to 556 inclusive purporting to be an account of work done

#2.

on the Caney, as shown by the certificate of the engineer Washington, were issued in the name of John H. Gibson.

That said land certificates are all in the name of John H. Gibson who was the contractor under the provision of said law for the work on the Bernard and the Caney, and are all signed by J. J. Groes, then Commissioner of the General Land Office of the State of Texas, and have the proper seal attached. A copy of one of said certificates and its accompanying field ^{notes} endorsements, etc. is attached hereto and made a part

hereof. (Exhibit "C".) *Other land certificates are enclosed in date general exhibit - Proper field notes are with each*

The State reserves the right to show, if it can be relevant, competent and legal evidence the time and place of the signing and issuance of said land certificates and to show in like manner, if it can, that the work certified by the engineer Washington to have been done on the Caney and the Bernard was not done in whole or in part in accordance with the requirements of the said law *and that said Washington knew this same was not done in accordance with law*

(4) That all of said land certificates so issued, except those hereafter named were on or about the) _____ day of _____

located on vacant and unappropriated public domain in Yoakum and Terry counties, Texas, being the same land involved in this suit. That at the time of the location of said land certificates the official maps of the General Land Office showed a portion of New Mexico to be a part of Yoakum county, Texas and being misled thereby that the following certificates were located in New Mexico :

Exhibits

That upon an official survey made by the State of Texas afterwards, to wit in 1893, to establish the boundary line between New Mexico and Texas the mistake was discovered. That said certificates were never floated.

That the said land certificates located on lands in Yoakum and Terry counties, and the lands, if any, acquired thereby, belong to the defendants in this suit. Reference is made to the exhibits attached to show how said certificates are held and owned by defendants. For the purposes of the decree to be rendered in this cause, either party may add to the description of the land involved in this suit such further description, as may be deemed necessary, the better to identify the same.

who lived under regular laws for about day of 1877-

the same

#3.

That all of said land certificates, except those located in New Mexico were located on the lands involved in this suit within the time and in the manner required by law; that the lands located on were surveyed within the time and as required by law, and that the field notes and land certificates were returned and filed in the General Land Office of the State within the time and as required by law. That a like number of surveys were made for the Public School as required by law.

It is understood that the State makes no question about the location of the land certificates but seeks to attack the validity of the land certificates themselves.

[5] That G. M. Frazell in 1875 was an engineer and that he was appointed by the Governor of the State of Texas to perform the duties required of the engineer under the provisions of said act of the Legislature relating to Oyster Creek, Caney and the Bernard hereinbefore referred to. That said engineer filed his certificates with the Comptroller of the State of Texas on or about the 11th of December, 1875. That said engineer's said certificates shown by exhibits ___ and ___ hereto attached and made a part hereof. That land certificates on the basis of mileage given in said engineer's certificates were soon thereafter issued, under the provisions of said law, and which were afterwards located, and patented by the State of Texas. It is to be understood that the State does not admit the validity of said certificates or patents issued thereon.

(6) That A. M. Hobby, John H. Gibson, T. A. Washington, G. M. Frazell and J. J. Groos were dead at the time of the institution of this suit.

and all letters and documents filed in the State Department that are relevant and official
(7) That copies from official records and letter books and ~~and~~ *all letters and documents filed in the State Department that are relevant and official* copies of all correspondence, telegrams and documents, relating to the subject matter of this controversy between officers of the State Government and between them and the engineers and the commissioners appointed under the acts above set out and the contractor or his agent, shall be admitted in evidence without accounting for originals, subject to all legal objections that the originals would be.

(8) That the defendants resided in Galveston at the time and before said certificates were issued and that the following proclamation of the

#4.

Governor was published in the News of July 22nd, 1877. *Depts reserve all objections to relevancy & competency of the evidence.*

(9.) That engineers Washington and Brazell were removed from their position as such and ceased to act by the following action of the Governor:) Exhibit _____)

(10) That the certificates in question were issued ^{after filing of} ~~over~~ the protest of the Governor and Attorney General, as shown by the following correspondence: (Exhibit _____) *which the depts may object to for relevancy or competency.*

(11) That defendant's make a claim to the land in controversy by virtue of their attempt to purchase same under the fifty cent act.

(12) That Hobby & Post, a firm composed of A. M. Hobby and B. M. Hobby were at the time the work was progressing upon the streams mentioned the financial backers of the contractor Z. J. H. Gibson and were large creditors of his at the time said certificates were issued and that A. M. Hobby was authorized to request for the contractor the issuance of said certificates and that the same were delivered to A. M. Hobby by the Commissioner of the General Land Office by direction of the contractor.

The State reserves the right to show by competent evidence to what extent the agency of A. M. Hobby extended in relation to said certificates as was authorized or ratified by said contractor.

All objections for relevancy or materiality reserved to any and all parts of the evidence and facts admissible and admitted under this agreement.

Each party reserves the right to offer any additional ^{relevant and competent} testimony or evidence on any or all of the issues made by the pleadings or arising in the case.

Agenda Facts

1844
The following facts are taken from the
report of the Committee on the
State of the Union for the year
1844. The report is published
in the Senate Report, No. 100,
p. 10. The facts are as follows:
The population of the United States
in 1844 was 18,000,000. The
population of the free States was
10,000,000. The population of the
slave States was 8,000,000. The
population of the Territory was
1,000,000. The population of the
District of Columbia was 25,000.
The population of the United States
in 1840 was 17,000,000. The
population of the free States was
9,000,000. The population of the
slave States was 7,000,000. The
population of the Territory was
1,000,000. The population of the
District of Columbia was 25,000.

9.

Yookum Co. Sk. Files
Copy of FN. of #301 & 329, &
Court orders pending in
The State of Texas.
- V5 -
Leon & H Blum Land Co,

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