

Section No. 1 A.C.H. & B.

307.38 ac.

No. 2 A.C.H. & B.

120.28 Acres

Land in Controversy 185.43 Acres

H. Kempner
127.28 acres

R. A. Mayer Survey

Detail Map of Section No. 2
A.C.H. & B. and the H. Kempner
Survey, Brazoria County, Texas,
Accompanying Report on Survey
to Locate the South Line of Section
No. 2 A.C.H. & B. and the North Line
of the H. Kempner Survey.

EXHIBIT "B"

RR

H. W. Hanson Jr. Co. Sur.
counter 42752

Rolled Sketch 25-A
Part of S.F. 13613-14
Brazoria County.

Received 8-14-35.

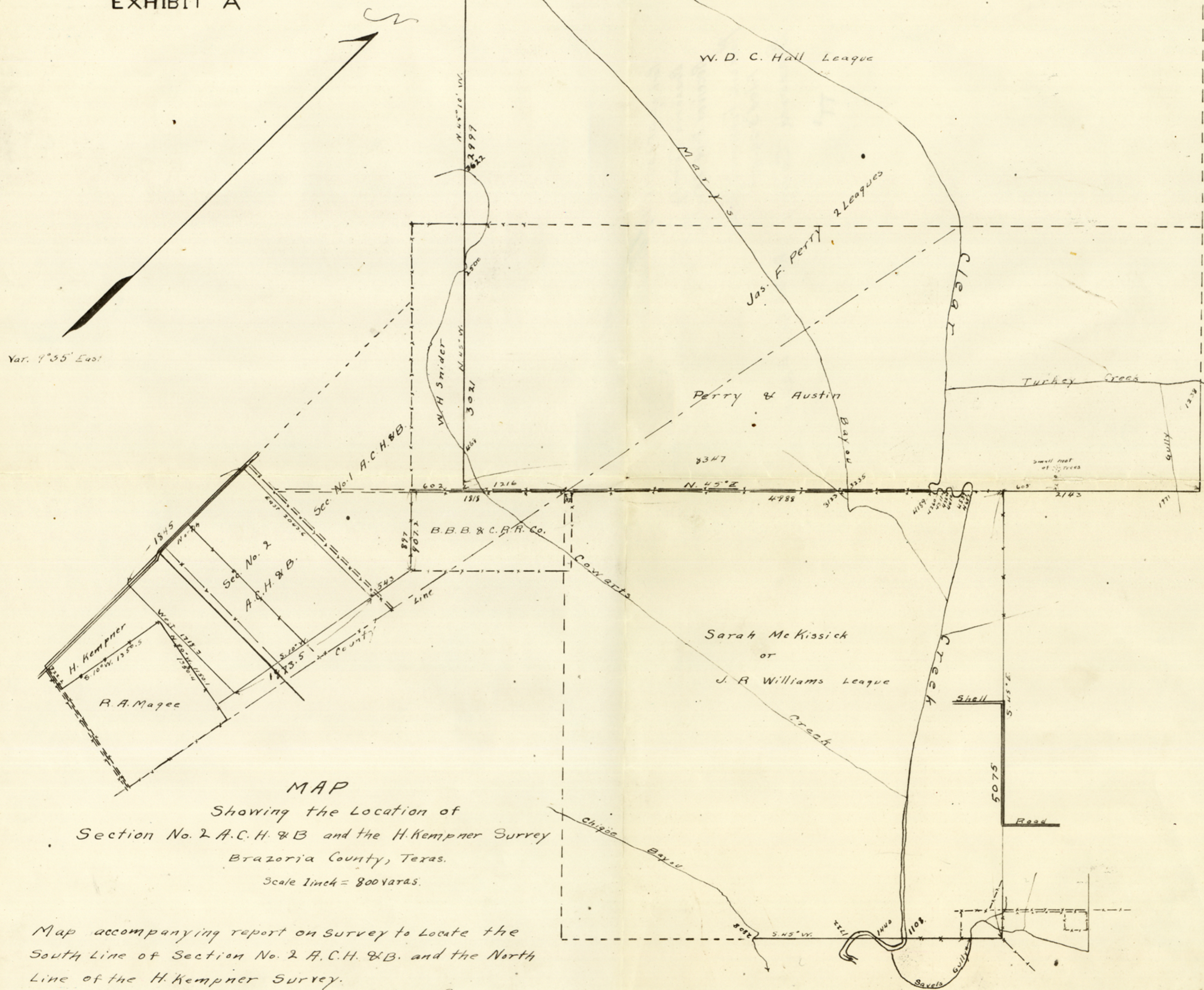
Place with Freemans Report filed 3-29-35
Brazoria County

RR'

counter 12753

Brazoria Co. R.D. 54 #054

EXHIBIT A



MAP

Showing the Location of
Section No. 2 A.C.H. & B. and the H. Kempner Survey
Brazoria County, Texas.

Scale 1 inch = 800 yards.

Map accompanying report on Survey to Locate the
South Line of Section No. 2 A.C.H. & B. and the North
Line of the H. Kempner Survey.

Surveyed February 1920 by *W.D. Munson Jr.* Co. Sur.

EXHIBIT A

Part of SF 13613-14
Brazoria County
Received 8-14-35.

Place with Freeman's Report
Filed 3-29-35

Brazoria County Rolled SK. #25-A

TT'

BRAZORIA CO.

Rolled Sketch No. 25B

BRAZORIA - GALVESTON Counties

Contents: Plain copies of 8
instruments in District Court
Proceedings

Vicinity ACH & B Number 2

Hannell Stevens

counter 72844

Josephine Jay

Vs. No. 12,558 A

Oscar J. Wolf, et al

March 19th, A. D. 1921.

Now on this the 14th day of March, A. D. 1921, the above numbered and styled cause came on in its regular order for trial, and plaintiff announced to the court that she wished to dismiss her suit as against Bassett Blakely and it is ordered by the court that said Bassett Blakely be and he is hereby dismissed from this suit, and the plaintiff Josephine Jay and the defemdants Fannie A. Bierwerth, and Eliza Kempner, individually, and as survivor in the community of herself and her deceased husband, H. Kempner, appeared by their respective attorneys and announced to the court that the matters in controversy involved in this suit had been settled by agreement of such parties and that they desired the court to enter judgment herein as follows:

A. That plaintiff Josephine Jay, have and recover of and from defendant Fannie A. Bierwerth, the title to and possession of all that certain tract or parcel of land hereinafter described in paragraph No. One (1).

B. That defendant Fannie A. Bierwerth have and recover of and from plaintiff Josephine Jay, the title to and possession of all that certain tract or parcel of land hereinafter described in paragraph No. Two (2).

C. That defendant Fannie A. Bierwerth do not have and recover anything from said defendant Eliza Kempner, individually, and as survivor in the community of herself and her deceased husband, H. Kempner, by reason of the warranty of said H. Kempner, deceased, to A. Sundt as to the land involved in this suit.

D. That plaintiff shall pay one-half ($\frac{1}{2}$) of all court costs properly chargeable against this suit, and that defendant Fannie A. Bierwerth shall pay the remaining one-half ($\frac{1}{2}$) of such court costs.

1.- It is therefore by the court ordered, agjudged

1 RG

counter 72847

and decreed that plaintiff Josephine Jay do have and recover of and from defendant Fannie A. Bierwerth, the title to and possession of all that certain tract or parcel of land, situated in Brazoria County, Texas, described by metes and bounds as follows, to-wit: Beginning at the West corner of the B. B. B. & C. R. R. Co. Survey situated in Brazoria and Galveston Counties, Texas, as the same is now fenced on the ground; thence S. 45 deg. E. 897 varas along the Southwest line of said Survey as the same is now fenced on the ground to the South corner thereof as the same is now fenced on the ground; thence S. 10 deg. W. a distance of 2416.5 varas to a stake for corner; the beginning corner of the land recovered by said plaintiff; thence West 230 varas a stake for corner; thence North 588.7 varas a stake for corner; thence East about 300 varas to the line above mentioned, running S. 10 deg. W. from the South corner of said B. B. B. & C. Survey, thence S. 10 deg. W. along said line running from South corner of B. B. B. & C. Survey, a distance of 602.6 varas to the place of beginning, containing $29\frac{1}{2}$ acres of land, more or less.

2.- It is further ordered, adjudged and decreed by the court that said defendant Fannie A. Bierwerth, do have and recover of and from said plaintiff Josephine Jay the title to and possession of all that certain tract or parcel of land, situated in Brazoria County, Texas, described by metes and bounds as follows, to-wit: Beginning at the Southeast corner of the tract of land described in paragraph No. One (1) immediately preceding; thence West along the South line of said tract described in said paragraph No. One (1), a distance of 230 varas to the Southwest corner thereof; thence South a distance of about 200 varas to the North line of the R. A. Magee Survey, situated in Brazoria County, Texas; Thence S. 80 deg. E. along the North line of said Magee Survey, a distance of about 410.1 varas to the Northeast corner of said Magee survey, situated on the County line between Brazoria and Galveston Counties; thence about N. 11 deg. E. along the county line between

Brazoria and Galveston Counties, a distance of about 1250 varas to the Southeast corner of what is known as the D. J. Ryan tract of land as the same is now fenced on the ground; thence West along such fence a distance of about 215 varas to the line mentioned in paragraph No. One (1), as running S. 10 deg. W. from the South corner of said B. B. B. & C. Survey as the same is now fenced; thence South 10 deg. West along such last mentioned line, being the East boundary line of the tract of land above described in paragraph No. One (1), a distance of 972.1 varas to the place of beginning, containing _____ acres of land, more or less.

3. It is further ordered, adjudged and decreed by the court that defendant Fannie A. Bierwerth do not have and recover anything of and from said defendant Eliza Kempner, individually, and as survivor in the community of herself and her deceased husband, H. Kempner, by reason of the warranty of said H. Kempner, deceased, to A. Sundt as to the land involved in this suit.

4.- It is further ordered, adjudged and decreed by the court that plaintiff pay one-half ($\frac{1}{2}$) of all court costs properly chargeable against this suit, and that said defendant Fannie A. Bierwerth pay the remaining one-half ($\frac{1}{2}$) of such court costs.

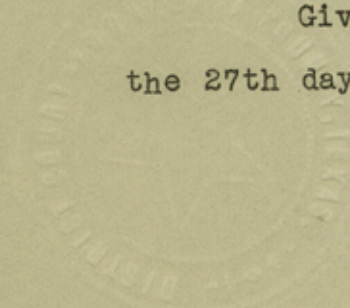
5.- It is further ordered, adjudged and decreed by the court that plaintiff and said Fannie A. Bierwerth shall have their respective writs of possession against each other, and that any and all other writs necessary for the enforcement of this judgment may be issued.

THE STATE OF TEXAS)

COUNTY OF BRAZORIA)

I, Jimmie Patterson, Clerk of the District Court, within and for Brazoria County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a certain decree rendered and entered in the District Court of Brazoria County, Texas, on the 19th day of March, A. D. 1921, in cause No. 12,558 A, styled Josephine Jay vs Oscar J. Wolf, et al., as the same appears of record on pages 13563 et seq., of the Minutes of the District Court of Brazoria County, Texas.

Given under my hand and the seal of said Court this the 27th day of May, A. D. 1935.


Jimmie Patterson
Clerk of District Court
Brazoria County, Texas.

668.5

J. H. Burnett & H. Marterson

vs.
D. J. Ryan.

Report of Surveyor

to
Hon. T. S. Reed - Judge 23rd Judicial District

In compliance with an order issued by your Honorable Court during the December 1897 term, I have made a survey to determine the position of the line in controversy in the above named cause, viz: the line between Sections 1 and 2. A. C. H. and B.

I began the survey by finding the recognized line between the J. R. Williams and the Perry & Austin surveys, in the timber between Marys & Clear Creeks, finding a very old marked line and two other marked lines about 5 and 12 varas South East. I traced the upper line N. East to a cedar post set for the North corner of the Sarah Mc Kissick League, which was originally surveyed for J. R. Williams, but was unable to find either of the trees called for in the Williams field notes. I then ran S. 45° W. at 60 varas enter timber at 320 varas cross Clear Creek, and off set 80 varas S. E. to avoid crossing again, so the line crosses five times as shown on map, the last crossing being at 807 varas from corner. at 1759 varas cross Marys Creek at 4994 varas post set by T. R. Stockwell 12 varas S. 45° E. at 6007 cross Marys Creek in the timber of which I found 4 trees 3 post oaks and 1 Spanish oak with very old line marks and directly on my line. At 6212 varas cross the fence on the line between

the Snider & Perry & Austin surveys: 19
varas N. 45° N. of a 4×4 foot set by W. R.
Stöckert for the South corner of the Perry and
Austin League. and at 6814 varas intersected
the fence on west line of the Snider survey
19 varas N. 45° N. of the 4×4 foot set for corner
between said Snider and the B. B. B. & C. Ry
Survey - thence S. 45° E. along the fence built
by the owner of the B. B. B. & C. survey 897
varas to a point 21 varas N. N. of 4×4 foot
set for South corner of said survey.

Thence S. 10° N. 543 var. where I set a stake
in the prairie for the S. E. corner of Sec. 1.
A. C. H & B. from which the post set by W. R.
Stöckert for same corner bears S. 47° E. 23.5
varas. and the post set by D. Lee Slatafer
bears N. $53\frac{1}{4}^{\circ}$ E. 95.7 varas. Dr Stöckert's
stake is 17 varas South and 16 varas East. And
Slatafer's stake is 54 varas North and 72 varas East.

In the copies of field notes attached it will
be seen that it was the intention to corner the
J. R. Williams with the M^e Kissick, for while
there is a slight difference in the distance
of the bearing trees from the North corner
the call of 2117 varas from East corner of Perry
agrees with the call of the Perry survey. I do
not think Powers, who surveyed the M^e Kissick
ran but two lines, the N. E. and S. E. for on the
S. N. line he calls to cross Chigoe and Caward
Creeks. but gives no distance. and on the line
along the Perry he calls to cross Marys Creek
at 2300 varas and Clear Creek at 3800 varas

This would give a distance of 1500 varas
between the creeks while it is only 952 varas
on the marked line - while if Clear Creek
was crossed at 3800 varas the corner would

be so far on the prairie that there never
could have been bearing trees within 500
to 800 varas. In a previous survey I ran
along the north line as marked in timber
of the W. D. C. Hall League from Clear Creek
to its N. W. corner and found the distance
between Clear Creek and Marys Creek to
agree with its title calls and from a post
set 633 varas S. W. of Marys Creek running
S. 45° E. I found a post set for the corner
between the Hall & Perry & Austin Leagues
at 3067 varas. and at 6097 varas the post
set for the corner between the Perry and Snider
surveys and 19 varas S. E. of the marked line
I found on Cowards Creek, and trees marked
for line trees on two lower crossings of
Cowards Creek. The Snider survey is fenced
as shown on attached map 3030 varas in
length and 602 varas wide - I find the distance
from the Snider corner as fenced to the post
set for the North corner of the M^c Kissick to
be 4 varas less than that given in the Perry
and Austin field notes. D. Lee Slataper
moves the B. B. B. & C. survey into conflict
with the M^c Kissick 72 varas by what he calls
an intersecting line, running past marked trees
on Chigoe and Cowards creeks as shown by dotted
red line on sketch. The trees on Cowards Creek
are two large pin oaks with a large deep
blaze on their west side, but not a surveyors
mark. and on Chigoe Creek I found an ash
standing on side of old road with four
chops as if marked for a fore and aft tree
on South side and no marks on North side
and in a direction S. 58° E. from this ash
and along the road there were 3 or 4 marked
counter 72853

lines, but only one with a surveyors marked
and it had been made within two (2)
years- In the attached sketch the line
between sections 1 & 2 as determined by my
survey is shown by a full black line.

Stockwells line is shown by a full red
line and his position of the side lines
of the B. B. B. & C. survey is also shown by
a full red line - The dotted red line
shows Stapers line between the sections
1 & 2. and the end lines of the B. B. B. & C. survey

all of which is respectfully submitted

J. A. Donaldson.
County Surveyor - Brazoria County

Field notes

J. R. Williams

Beginning on north bank of fork of Clear Creek called
Taylors Bayou • post in prairie marked J.R.W.

Thence N.W. 5000 Vrs to a post from which a post
Oak 14" in di. bears S 88 1/2° W 72 Vrs and Pine 20" marked J.R.W.
bears S 55° W 63 1/2 Vrs.

Thence S W 5000 Vrs to corner

Thence S E 5000 Vrs to corner

Thence N E 5000 Vrs to place of beginning

Sarch Mc Kissick

Beginning at a stake on lower line of Perry and Austin Tracts
2117 Vrs S.W. of its East corner, from which a Post-Oak
20" in di. marked J.R.W. bears S 88 1/2° W 70 Vrs.

Thence S 45° E 5000 Vrs to a stake in prairie,
from which Ind Queens house bears S 88 E and Summit Station
on B. H. & N Ry bears N 10 1/2° W.

Thence S 45° W crossing Clear Creek at 1160, 1225 and
1609 Vrs and Chisolm Bayou at 2970 Vrs. at 5000 Vrs down
4 plants together for corner.

Thence N 45° W 5000 Vrs crossing Chisolm and Cowhatch
Bayous to Stake in prairie.

Thence N 45° E 5000 Vrs to beginning, crossing
Mays Creek at 2300 and Clear Creek at 3800 Vrs.

Surveyed Sept 1863 by Wm Powers

J. S. Salveston &

Co. A. Perry, & Travers.

Filed to W. O. C. Hall and Perry & Austin

Beginning at North corner of J. R. Williams Survey.
a mound in prairie from which Post Oak 14" in di.
bears S 78° W 62 1/2 Vrs and Pine 20" in di bears S 54° W 75 Vrs.

Thence N 45° E 2117 Vrs to mound for E. corner.

Thence N 45° W 1010 Vrs timber, 1250 Turkey Creek 1470 prairie
6000 Vrs to mound for corner.

Thence S 45° W 5460 to timber 6080 Clear Creek

counter 92855

6120 paces, 7700 dry creek bed, 8333 to mound for corner
 Thence S 45° E, at 3000 vrs a mound from which a
 post Oak 12" in di bears S 48° W 60 vrs, and a post Oak
 10" in di, bears N 27° W 30 vrs, at 3588 cross small
 Creek at 5450 vrs another, at 6000 vrs a mound for
 South Corner. Thence N 45° E 1216 vrs to
 corner of said Williams survey, and in all 6216 vrs
 to beginning.

(Note. The title field notes for the Perry & Austin L. and
 Dr. D. C. Hall L. were made up from the field notes of about survey
 the Perry & Austin beginning at N. corner of Williams.

Thence N 2117, N W 3000 S W 8333 S E 3000, N E 1216 to Williams
 and 5000 more to beginning. The 1/4 all beginning at West
 corner of Perry & Austin Thence N. W 3000, N E 6333 paces, 1620 more
 to clear creek 6080 more stakes, S E 3000 to N. Cor Perry, S W 8333 to beg.)

B. B. B & C. R. R. Co.

Beginning at N. W. corner of the J. R. Williams League on S. E. line of the
 J. F. Perry L. Thence S 45° W 1818 vrs to Cedar Stake, Thence S 45° E
 897 vrs to stake, Thence N 45° E 1818 vrs to Cedar Post in J. R. Williams line
 Thence N 45° W 897 vrs to beginning. Surveyed Mar 8 1850

Geo W. Durant, District Surveyor. P. 4103 Book A. Co Sur. Office.

Sec 1 A. C. H & B.

Beginning at a stake at the South corner of the B. B. B & C Ry. Survey
 No 1. near where the county line crosses said survey.
 Thence S 10° W 543 vrs to a stake in the prairie, Thence West 2121 vrs
 to a stake in East line of Survey no 36. H. F. & B. Ry.
 Thence North 2750 vrs with East line of Sections 28, 29 & 28 to a stake in line of
 W. H. Suiden Survey. Thence S 45° E 3133 with line of Suiden & B B B & C
 Surveys to the place of beg.

Sec 2. A. C. H. & B.

Beginning at a stake 543 vrs S 10° W from the corner of the B B B & C Ry
 survey being S. E. Cor. of Survey No 1 by virtue of this certificate,
 Thence S 10° W 1873 vrs. West 1756. North 1845 to S. W. Cor Survey No 1, East 2121
 to beg. Surveyed Nov 1875. H. Stevens, Co. Sur. Book C. P. 21 83785
 Co. Surveyors Records. counter 92856

J. H. Burnett & H. Martinon } 2885
 vs
 D. J. Ryan

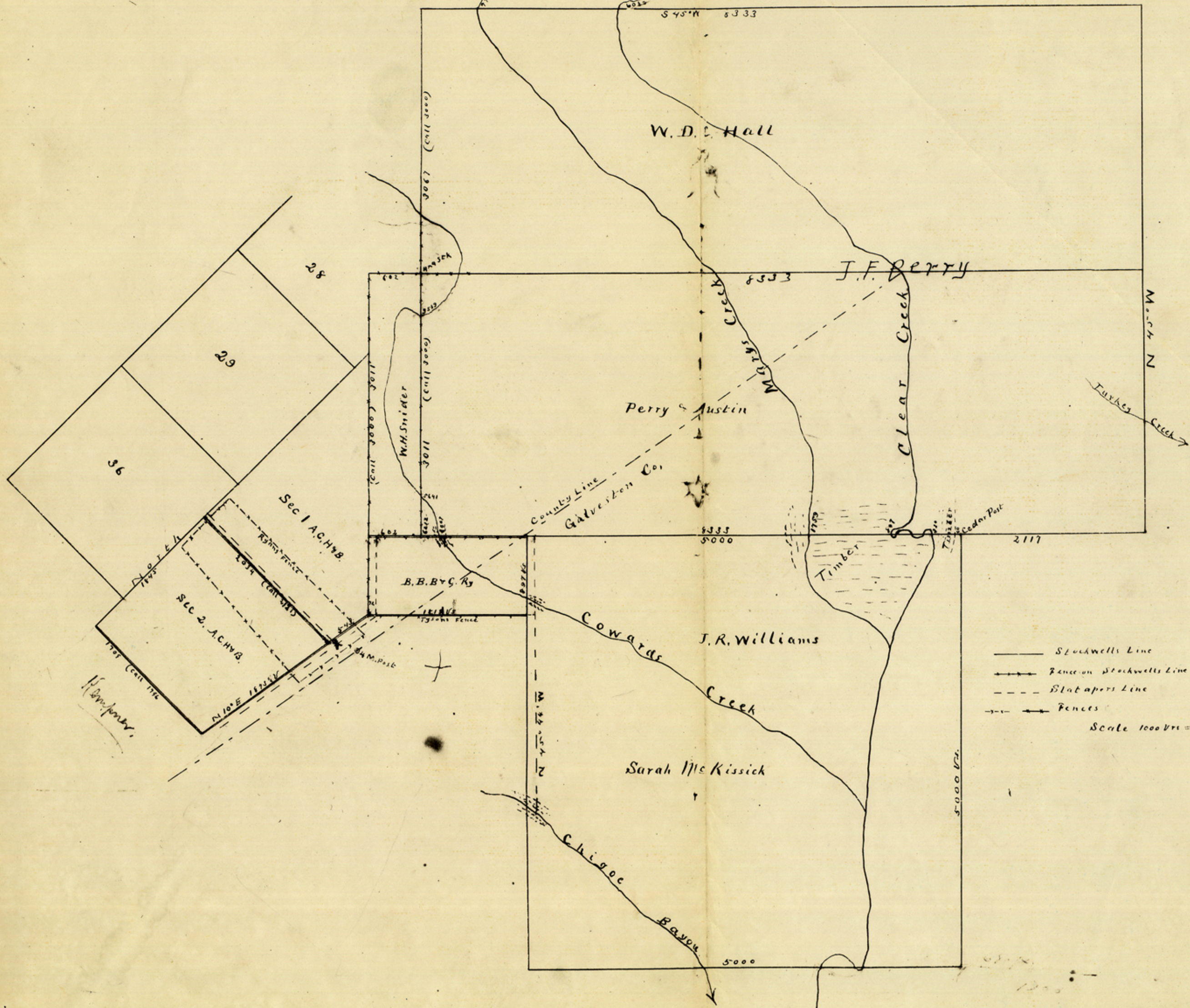
Cost bill of Survey.

J. A. Donaldson	\$ 50.00
H. L. Martin, Chieftain 2 days	3.00
A. H. Edling, " "	3.00
D. J. Ryan, team 2 days	6.00
D. J. Ryan board for self & hands	4.00
Fare to Palabertan & return to Alvin & ex. in Selkirk	2.10
Alvin Hotel & Stables	<u>7.75</u>
Total	\$ 70.85

Given to a Subordinate J. A. Donaldson
 before me this 3rd day 1898.

W. H. Stewart
 D. B. C.
 W. H. Stewart





——— Stockwells Line
 + + + Fence on Stockwells Line
 - - - Blat apers Line
 - - - Fences
 Scale 1000 ft = 1 inch

THE STATE OF TEXAS)

COUNTY OF BRAZORIA)

I, Jimmie Patterson, Clerk of the District Court within and for Brazoria County, Texas, do hereby certify that the above and foregoing is a true and correct photostat copy of the Surveyor's Report filed in Cause No. 6685, styled J. H. Burnett et al vs D. J. Ryan, as the same appears on file in the office of the District Clerk of Brazoria County, Texas.

Given under my hand and the seal of said Court this the 29th day of January, A. D. 1935.

Jimmie Patterson
Clerk of District Court, Brazoria
County, Texas.

6685

J. N. DeWitt et al

v.
D. J. Ryan

Surveyors Report



Filed Feb 3, 1898

D. J. Ryan et al

vs

J. N. DeWitt
et al

Brazoria Co.
Rolled Sk. 25-B

Rec'd 6/15/30

6/15

J. L. & ~~H.~~ C. Pritchett () In the District Court of Galves-
VS () ton County, Texas.

A. Sundt ET AL ()

To the Honorable W. H. Stewart Judge of said
Court-:

J. L. Pritchett and H. C. Pritchett complaining
of the defendant A. Sundt, L. M. Disney and Laura Disney
represents-:

I-

That plaintiffs are each bona fide resident citi-
zens of Walker County in the State of Texas, and the deft.
A. Sundt is a resident citizen of Galveston County in the
State of Texas, and the defendants L. M. Disney and Laura
Disney are each resident citizens of Harris County in the
State of Texas.

II-

That on or about Jany.20th,A.D.1898 plaintiffs
were in the quiet and peaceable possession and enjoyment
of all that certain tract of land in Galveston County,
Texas, described as follows, to-wit-:

Being all of the William Henry Survey granted by the State
of Texas to Benjamin C. Franklin assignee of Wm.Henry by
patent No.106 Vol N.11 dated March 6th,1854 and being more
particularly described by metes and bounds as follows,
to-wit-: Beginning at a stake on the south-west boundary
line of tract No. 1 surveyed for A. H. Jackson. Thence N.
45'W with said Jackson's line at 380 vrs. branch at 458
varas a stake the west corner of A.H.Jackson's tract No. 1

A 1

and south corner of Robert Hoppell's tract No. 2 from which a spanish oak 7 inches in diameter bears N. 86' 30" E 4 varas at 905 varas a stake for north corner of this survey on south-west boundary line of said Hoppel's survey. Thence south 45' west at 1460 varas the County line a stake for west corner of this survey. Thence S.10' W.with the County line 1500 varas a stake for the south corner of this survey Thence N 45'E at 510 varas a branch runs north east at 2770 varas the place of beginning. and plaintiffs were holding said land in fee simple title.

III-

That thereafter the defendant A. Sundt unlawfully entered upon and dispossessed plaintiff of all that certain part of said land described by metes and bounds as follows to-wit-:

37-59/100 acres in Galveston County, Texas bounded as follows- Beginning at a sk.S 45' W 442 vs. from the west corner of the Wm.Henry as established by John Maxcy of Austin Texas. Thence east 256 vs. to sk. for cor. Thence S. 10'W 820 vs.to sk. for cor. Thence S.45' W 562 vs to sk for cor. Thence N.80'W 2193 vs to sk for cor. Thence N. 10'E 822 55/ vs to place of beginning, containing 37-59/100 acres. and said defendant Sundt has ever since and does now unlawfully withhold from these plaintiffs the possession of said 37-59/100 acres of said land to plaintiff's great loss and damage in the sum of three thousand dollars.

IV-

That on or about the 20th day of Jany.A.D.1893 plaintiff J. L. Pritchett and H. C. Pritchett purchased said

A 2

first described tract of land containing three hundred and twenty acres of the defendant L.M. Disney and Laura Disney and they conveyed the same to these plaintiffs by general warranty deed, a copy of which deed is hereto attached marked Exhibit A and asked to be considered as a part hereof as fully as if set out at length herein. That in and by virtue of said deed the said defendants L.M. Disney and Laura Disney bound themselves their heirs, executors and administrators to warrant and forever defend all and singular the said premises unto these plaintiffs their heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, and in consideration of said conveyance and warranty of title so made to them as aforesaid, plaintiffs paid the said Disney and wife the full sum of ten dollars per acre in cash for said three hundred and twenty acres of land. Plaintiffs represent that the field notes of said deed made to them as aforesaid by the said Disney and wife covered and described three hundred and twenty acres of land in Superice. And the said Disney and wife sold and conveyed said land ~~and~~ plaintiffs and described it in the said deed and representing it as well to contain three hundred and twenty acres, and they put plaintiffs in possession of all of said land as above described, save and except said 37-59/100 acres, but the said 37-59/100 acres of land was and is a part of the land so sold and conveyed to plaintiffs by defendants Disney and wife, and is fully covered by the description in the deed from Disney and wife to plaintiffs. Said defendant Sundt has been in the possession of the 37-59/100 acres of said land since plaintiffs ^{just} ~~have~~ bought the same of said defendants Disney and wife as aforesaid, which was at the

time unknown to them, and the said Sundt is now in the possession of the same as plaintiffs allege in ~~their~~ ^{own} own wrong, ^{and} without right. And has appropriated and does now appropriate to himself the rents, revenues and profits of said land to plaintiff's further damage in the sum of two hundred dollars. That the annual rents of said 37-59/100 acres is worth two hundred dollars, that these plaintiffs and their vendees are in possession of all of said three hundred and twenty acres of land save and except the 37-59/100 acres as aforesaid.

Wherefore plaintiffs bring this their suit pray process of law, citation to the defendants, and on hearing that they have judgment for the title and possession of said ~~land or said~~ 37-59/100 acres of land against the deft. A. Sundt, and a writ of possession therefor, and all process necessary thereto. But if the Court holds said deft. A. Sundt to be entitled to said land, then plaintiffs ask that they have judgment for the value thereof against the defts. Disney and wife with interest thereon from the 20th day of Jany. A. D. 1893 on their warranty, and they ask that by virtue of the said warranty, said Disney and wife be compelled by this Court at their own cost and expense to prosecute and maintain this suit. Plaintiffs further ask for costs of suit and for general relief, and as in duty bound they will ever pray.

Nutison Campbell Sears
Attys. for plaintiffs.

State of Texas ()
County of Brazoria ()

KNOW ALL MEN BY THESE PRESENTS:-

That We, L. M. Disney and Laura Disney, his wife both of the County of Brazoria State of Texas, for and consideration of the sum of three thousand two hundred dollars (\$3,200.00) to us in hand paid by J.L.Pritchett and H.C.Pritchett the receipt of which is hereby acknowledged in full, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said J.L.Pritchett and H. C. Pritchett, both of the County of Walker, State of Texas, all that certain tract or parcel of land three hundred and twenty acres (320) of land situated in the County of Galveston, State of Texas, and being all of the William Henry Survey, granted by the State of Texas to Benjamin C. Franklin assignee of Wm.Henry by patent No.106 Vol No.11 dated March 6th,1854, and being more particularly described by metes and bounds as follows, to-wit-: Beginning at a stake on the south west boundary line of tract No. 1 surveyed for A.H.Jackson thence N.45'W with said Jackson's line at 380 vrs.branch at 458 varas a stake the west corner of A.H.Jackson's tract No. 1 and southcorner of Robert Hoppel's tract No. 2 from which a spanish oak 7 inches in diamater bears N.66'30"E 4 varas at 905 varas a stake for north ~~corner~~ corner of this survey on south-west boundary line of said Hoppel's survey. Thence south 45'west at 1460 varas the County line a stake for west corner of this survey. Thence south 10'N with the County line 1500 varas a stake for the south corner of this survey. Thence N.45'E at 510 varas a branch runs north east at 2770 varas the place of beginning.

To have and to hold, the above described

premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said J.L.Pritchett and H. C. Pritchett their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said J.L.Pritchett and H.C.Pritchett their heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Houston, Texas, this 20th day of January, A.D. 1893

L. M. Disney
Laura Disney

The State of Texas ()
County of Harris ()

Before me Alfred Wisbey a Notary Public in and for Harris County, Texas, on this day personally appeared L.M. Disney and Laura Disney wife of L.M. Disney, known to me to be the person whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and the said Laura Disney wife of the said L.M. Disney having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she the said Laura Disney acknowledged such instrument to me to be her act and deed and she declared she had willingly signed the same for the purposes and considerations therein expressed, and that she did not wish to retract it.

(seal) Given under my hand and seal of office, this 20th day of January, A.D. 1893

Alfred Wisbey

Notary Public, Harris Co. Texas

Filed for record Jan. 30th, 1893 at 12 O'clock M recorded Feb 4th, 1893 at 2-30 P.M.

Note- The words "and H.C.Pritchett" interlined by the clerk
Attest Geo. H. Scem. Jr. C C G. Co.

By G.F. Burgess Deputy.

X We, L.M. Disney and Laura Disney do hereby on this 5th day of Dec. 1894 accept service of the within petition and waive the issuance and service of citation and copy of petition and time of service and agree that the court may take jurisdiction of the case and at the proper time enter such judgment herein as the law & facts will warrant.

L. M. Disney
Laura Disney

tb

No 17356
J. L. Mitchell et al
vs

Levendt et al

Original Petition

This action is
brought as well
to try the title as for
Damages

FILED

NOV 30 1864

Alex. Easton
Clerk D. C. G. Co.

THE STATE OF TEXAS
COUNTY OF GALVESTON.

I, J. C. G E N G L E R, Clerk of the District Court in and for the County of Galveston, State of Texas, do hereby certify that the above and foregoing is a true and correct Photostatic Copy of Original petition, -----

in cause No. 17,356, entitled J. L. Pritchett, et al, vs. A. Sundt, et al, - as the same now appears of record on file in my office.

TO CERTIFY WHICH, witness my official signature and Seal of said District Court, at office, in Galveston, Texas, this the 29th day of May A. D. 1934.

n J. C. G e n g l e r,
Clerk District Court, Galveston County, Texas.

By C. D. Holman Deputy.



A-8

17356

MA 27941-2
MA 28255-34

J. L. Pritchett, et al,
No. 17,356 vs.
A. Sundt, et als.

November 19, 1896.

On this day came the parties
plaintiffs and defendants by their respective attorneys and either
or ready for trial and submit the matters in controversy, as well
of facts and of law to the Court, and the pleadings, evidence and
argument of counsel having been heard and considered by the Court
and it appeared to the Court that the case was ready to be
tried.

THE STATE OF TEXAS,
COUNTY OF GALVESTON.

At a regular term of the District Court 10th.
Judicial District of Texas, begun and holden at Galveston, Texas,
within and for the County of Galveston, on the 5th. day of
October A. D. ~~18~~¹⁸⁹⁶, and which adjourned on the 5th. day of
December A. D. ~~18~~¹⁸⁹⁶, before the Hon. Wm. H. Stewart,

Judge thereof presiding, the following case came on for trial
to-wit:

J. L. Pritchett, et al. Plaintiff,

No. 17,356 vs.

A. Sundt, et als. Defendant.

described in the petition of plaintiff, filed in this Court in
No. 17,356, to-wit: vs. plaintiff, who on the South
East boundary line of tract No. 3, surveyed by J. L. Pritchett
North 45° E with said A. Sundt, et als.
132 1/2 feet from West corner of said tract, there being
south corner of Robert Huppelle's survey, there being a stake
7 inches in diameter bears N. 84° 30' E. 105 yards a
stake for north corner of this survey on north west boundary line
of said Huppelle's Survey thence South 45° West at 1400 yards the
County line a stake for West corner of this survey, thence S. 12° E
with the County line 1500 yards a stake for the South corner of
this survey thence N. 45° E. at 510 yards a stake runs North East
at 870 yards to the place of beginning - to-wit: situated in the

14934 - Stockwell

counter 42869

J. L. Pritchett, et al,
No.17,356 vs.
A. Sundt, et als.

November 19, 1896.

On this day came the parties plaintiffs and defendants by their respective attorneys and announce ready for trial and submit the matters in controversy, as well of fact as of law to the Court, and the pleadings evidence and argument of Counsel having been heard and considered by the Court and it appearing to the Court that the land herein sued for by the plaintiffs - and described in their pleadings as being situated in Galveston County to wit: as follows " a tract of $37 \frac{59}{100}$ acres in Galveston County Texas bounded as follows: Beginning at SK 45' W. 442 vrs. from the west corner of ~~the~~ Wm. Henry survey as established by John Maxey of Austin Texas: Thence East 256 vrs. to SK for corner thence S. 10 W. 820 vrs. to S.K for cor. thence S. 45 W. $56 \frac{2}{10}$ vrs. to SK for cor. thence N. 80 W. $219 \frac{3}{10}$ vrs. to SK for cor. thence N. 10 E. $822 \frac{55}{100}$ vrs. to place of beginning and which is alleged in said plaintiff's petition to be a portion of the William Henry Survey granted by the State of Texas, to Benjamin C. Franklin assignee of William Henry by patent No. 106 Vol. No.11, dated March 6th. 1854 and situated in Galveston County and described in the petition of plaintiff's and in said patent from said State as follows, to wit: Beginning at a stake on the South West boundary line of tract No.1 surveyed for A. H. Jackson-thence North 45 W with said Jackson's line at 380 varas a branch at 458 varas a stake the west corner of A. H. Jackson's tract No.1 and south corner of Robert Happell's tract No.2, from which a Spanish Oak 7 inches in diameter bears N. $66 \ 30'4$ varas at 905 varas a stake for north corner of this survey on South west boundary line of said Happell's Survey thence South 45° West at 1460 varas the County line a stake for West corner of this survey, thence S. 10 W. with the County line 1500 varas a Stake for the South Corner of this survey-thence N. 45 E. at 510 varas a branch runs North East at 2770 varas ~~at~~ the place of beginning-is in fact situated in the

County of Brazoria, Texas. It is by the Court considered and adjudged that plaintiffs herein J. L. Pritchett and H. C. Pritchett and their vendor and warrantor L. M. Disney, take nothing by their suit as against the defendants, A. Sundt, M. A. Bierwirth and F. A. Bierwirth, and that said defendants go hence without day and recover their cost against plaintiffs herein J. L. Pritchett and H. C. Pritchett and L. M. Disney vendor and warrantor of said plaintiffs and defendant herein for which they may have their execution. It is further ordered that plaintiffs take nothing by their suit as against the Defendant Laura Disney, and that said defendant Laura Disney go hence without day and recover of plaintiffs all costs by her in this behalf incurred or expended for which she may have her execution. And it further appearing to the Court that on the 20th. day of January 1893, the Defendant's L. M. Disney and Laura Disney, husband and wife in consideration of the sum of Thirty Two Hundred Dollars, to them paid by the plaintiff's herein J. L. Pritchett and H. C. Prichett, made executed and delivered to said plaintiffs their Deed or conveyance of the said William Henry Survey land purporting to contain 320 acres of land in Galveston County and that said deed or conveyance contained a clause of general warranty wherein and whereby said L. M. Disney warranted to the plaintiffs herein a good and perfect title to the said Wm. Henry Survey of land and that the same contained and embraced within boundaries as set forth in said Deed the full amount and complement of 320 acres of land. And it further appearing to the Court that the title so warranted has failed to the extent of $37 \frac{59}{100}$ acres, It is therefore considered and adjudged that plaintiffs herein, J. L. Pritchett and H. C. Prichett do have and recover of and from the defendant herein L. M. Disney the sum of \$446.55/100 with interest at six per cent per annum from date and costs of this suit for which they may have their execution. And it is further ordered that execution issue for the use of the Officers of Court against each party respectively for the costs by them incurred. To which said judgment the plaintiffs and the

THE STATE OF TEXAS, COUNTY OF GALVESTON, vs. L. M. DISNEY, et al.

COUNTY OF GALVESTON

defendants L. M. Disney except and in open Court give notice of appeal, and the parties are allowed ten days from and after the adjournment of the term in which to make out and file herein a statement of facts in the cause.

* * * * *

Case No. 13,354, entered on the rolls of said Court on page 2, 23, 24, of Book No. 20, of the minutes of said Court, at Galveston, Texas, on the 19th day of September, A. D. 1906.

Witness my official signature and seal of the said County Clerk at my office in Galveston, Texas, this 20th day of September, 1906.

[Handwritten signature]

county 72872

THE STATE OF TEXAS,
COUNTY OF GALVESTON

I, **J. C. GENGLER**, Clerk of the District Court in and for the County of Galveston,

do hereby certify that the foregoing is a true and correct copy of a certain judgment and

decree rendered by the District Court for the 10th. Judicial District in and for Gal-

veston County, Texas, on the 19th. day of November A. D. ~~1933~~ 1896

in Cause No. 17,356 entitled L. Britchett, et al,

Plaintiff, and A. Sundt, et als,

Defendant, and entered on the minutes of said Court on page s 236, 237,

of Book No. 26 as appears of record manifest in my office

* * * * *

* * * * *

* * * * *

* * * * *

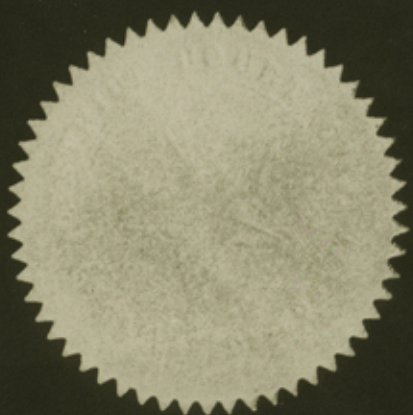
* * * * *

WITNESS, my official, signature and seal of the said District Court at
office in Galveston, Texas, this the 25th. day of

May, 1934

J. C. Gengler,
Clerk District Court, Galveston County, Texas.

By Wm J. Wort Deputy Clerk.



FILED FOR RECORD
MAY 27 1934

2518

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Part of Freeman Report
L. L. RIDGWAY CO.
PHOTOSTATS-BLUE PRINTS
HOUSTON, TEXAS
FAIRFAX 4506
Rec'd 3-29-35
Blucher

THE STATE OF TEXAS
COUNTY OF GALVESTON

I, F. C. GENGLER, Clerk of the District Court in and for the County of Galveston

do hereby certify that the foregoing is a true and correct copy of a certain judgment and

decree rendered by the District Court for the Tenth Judicial District in and for Gal-

3248

No. 17,356

J. L. Pritchett, et al,

vs.

A. Sundt, et als.

In the District Court
OF GALVESTON COUNTY

TENTH Judicial District

Certified Copy of Judgment

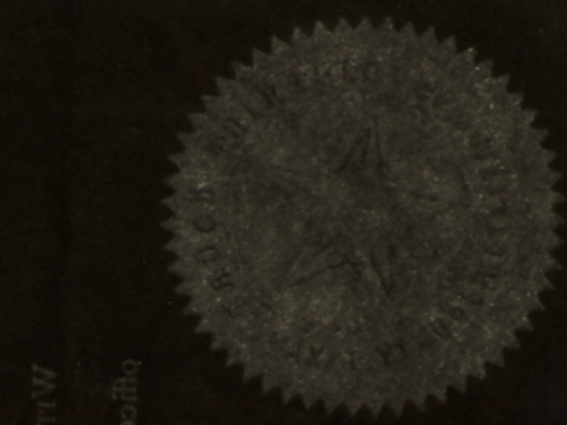
FILED FOR RECORD
MAY 31 1934

4430
Ab Davis
K. K. Amman Deputy

PROOF READ
B-249

P. 546

Return To
Stanolind Oil and Gas Company
2909 Gulf Building
Houston, Texas



THE STATE OF TEXAS, }
County of Brazoria }
I, F. C. GENGLER, Clerk of the County Court
do hereby certify that the foregoing instrument with
certificates of authentication was duly recorded on
this 29th day of May, 1934, at 11 A.M.
at Galveston, Texas, in Book No. 3248 of the
Public Records for said County.
Witness my hand and seal of office at Galveston, Texas, the day and date
first above written.
F. C. GENGLER
Clerk County Court, Brazoria Co., Texas
Frank J. ...

17.356

Pritchett et al	}	W. J. Smith
vs		Govt of Galveston
Sundt et al	}	County of Galveston
		Term 1896

Separate conclusions of law & fact.
The land in controversy contains between
37 & 38 acres, situated in Brazoria
County on the County line between
Dall County & Galveston County -

If the Henry Survey extends over
the county line, then the plaintiff has
shown regular chain of title to themselves
from the sovereignty of the soil, but
if said survey does not extend over the
county line then the plaintiff have
no title whatever -

The Henry Survey was made by Brown
the county Surveyor of Galveston County
in the month of February about the 18th
of February 1848, and the said Brown
in the same month surveyed the County
line - The county line of Galveston
County was established by the Congress
of the Republic of Texas in the year
1841, and that part of the County
line between Brazoria & Galveston coun-
ties, runs between a certain point at

I-1

blew creek, to the head of Dickinson Bayou, in a straight line, and those two points are only a very few miles apart, and well defined, and there is no difficulty in locating those two points, but it is prairie between those two points and no stakes seem to have been placed on said prairie line, but both points are in timber and said Surveyor Brown who made said Henry Survey, during the same month filed in the Surveyors office at Gal. a return the field notes of the county line between the aforesaid two points, but ran different courses and distances between said two points, by which it could be easily calculated in a few minutes, the actual course and distances between said two points, in a straight line, without actually on the ground marking the line in the prairie - At the time that the said Surveyor Brown located said Henry Survey of 320 acre certificate, the land adjoining said county line between said two aforesaid points was vacant public land on both sides of the said county line - The north boundary

line of said Henry Survey is through prairie without any marked boundaries and also ^{the} western boundary line and southern boundary line are through prairie without marked boundaries, except that its southern boundary line calls for Ohjiao Branch or Creek at distance of 510 varas, and it is just about 510 varas from the true county line to said Ohjiao Branch or Creek, but if the survey is given its full distance called for in its Northern and Southern Boundary lines it would make the distance to said Ohjiao Branch or Creek about 1000 varas, when in fact the distance to said Ohjiao Branch or Creek is only about 510 varas from the true County line - If you give said Henry Survey its full distance regardless of the true county line, it would contain a few acres above 320, but if you make its Western boundary line coincide with the county line, the survey would be a few acres less than 320 - The patent to the Henry Survey was issued in the year 1854, and

its field notes are as follows, Beginning
 " at a stake on the S. W. line of Alexander
 " A Jackson's Survey, thence N 45° West
 " with said Jackson line 380 varas a
 " branch 438 varas a stake the West
 " corner of A H Jackson's Survey No 1
 " and the South corner of Robert Hoppell's
 " Survey No 2. from which a Spanish
 " oak bears N 66½° E 4 varas, 903
 " varas a stake for the North corner
 " of this Survey on the S. W. line of Robert
 " Hoppell's Survey. Thence S 45° W 1460 varas
 " to county line a stake for the N. W. West
 " corner of this Survey - Thence S 10° W
 " with the County line 1500 varas a
 " stake for the South corner of this
 " Survey - Thence N 45° East 510 varas
 " a branch 2770 varas to the place of
 " beginning -

The patent also ~~states~~ states that the
 land is in Galbreath County -
 The amount paid by plaintiffs to Sis-
 -ney, ~~for~~ who gave them deed with gen-
 -eral warranty, for that part of the land
 in controversy, including interest thereon
 from the time plaintiffs was dispossessed
 of the land by defendant Sunde, amounts
 to \$446 ⁵⁸ - -

Separate conclusions of law -
The Supreme Court of Texas has in many cases held that in the early days when it was difficult to ascertain the true boundary line of a colony or the true boundary line of a County, ~~and~~ a patent or grant for land by defined meters and bounds, where the land so granted or patented was ~~was~~ public domain, the grant or patent would confer a good title to all the land embraced in the grant or patent according to its field notes, even though it should be found to ~~be~~ be situated within the ten border leagues, or not situated within the limits of the Colony, or not wholly within the County or extended over the boundary line between two counties - In the case

at bar, of the patent, although issued many years after the true county boundary line had been clearly ascertained, had specified alone the course and distance, it would according to said rulings of the Supreme Court, have invested the patentee and those holding under him with a perfect title, for then the land being vacant unappropriated public domain, the Government had the power and right to issue title to the same, and the patent would necessarily convey full title, and there would be nothing in the grant or patent to show that it was not the intention of the Government by its grant or patent to confer full title to all the land embraced in the calls for course and distance - But the patent in the case at bar under which the plaintiff claims title does not purport to convey all the land embraced in the course and distance, but on the contrary limits and confines the Western boundary line of the ~~patent~~ patent to the County line between Saharten & Brazoria Counties, and the same Surveyor who established the county line in the same

month in which he made the Survey
limits the Nation boundary line of the
Survey ~~to~~ to the county line, The
very language of the patent is as
follows" Thence S. 45° W 1460 varas
" to county line a stake for the W. N. West
" corner of this Survey - Thence S 10° W.
" with the county line 1500 varas to
" a stake for the South corner of this
" Survey &c " Although the 1460 varas
goes beyond the county line, yet it calls
for the county line, and thence calls to
run with the county line, and I hold
that it could not, from the language of
the patent, have been the intention to grant
beyond the county line, and the plaintiffs
have no title to the $37\frac{59}{100}$ acres of land
in controversy lying West of the county
line, and their title to that part having
failed they are entitled to recover back
from their warrantor L M Disney, the
amount paid therefor, with interest thereon
from the date of their ouster amounting
principal and interest to \$446⁵⁵ -
And accordingly judgment has been rendered
against the plaintiffs for the land in con-
troversy and in their favor against their
warrantor L M Disney for said amount \$446⁵⁵ -

and the plaintiffs and their warrantor
Disney in open court appealed from
the judgment & in open court gave
notice of appeal & are allowed
10 days from and after the adjourn-
ment of this term of court to file
statement of facts.

Dec 3rd 1896 Wm H Stewart

Judge 10th Ind. Dist.

17356

Pritchett et al
vs

Sundt et al

Separate Conclusions
of Law & Fact

Filed Dec. 23. 1896.
Alex. Easton, cly & cly,
D. Edwin Bruce 24

Brazoria Co. Rd. Sk. 25B

Part of Freeman's Report
received 3-29-35

L. L. RIDGWAY CO.
PHOTOSTATS-BLUE PRINTS
FAIRFAX 4506 HOUSTON, TEXAS

Recd 3-29-35
Blucher

The State of Texas,
County of Galveston.

I, J. C. G E N G L E R, Clerk of the District Court in and for the County of Galveston, State of Texas, do hereby certify that the above and foregoing is a true and correct Photostatic Copy of Separate Conclusions of Law and Fact, -----
- p -----
in cause No.17,356, entitled J. L. Pritchett, et al, vs. A. Sundt, et al,- as the same now appears of record on file in my office.

TO CERTIFY WHICH, witness my official signature and Seal of said District Court, at office, in Galveston, Texas, this the 29th day of May A. D. 1934.



J. C. G e n g l e r,
Clerk District Court, Galveston County, Texas.
By C. D. Tolman Deputy.

191

Courtesy

These papers accompanied.
S.F. 13613-14. Brazoria County.
Recd 8-14-35

INDEX

Place with Freeman's Report,
Rolled Sk - Brazoria Co, 258
Filed 3-29-35

Application for Appointment of Surveyor

Order of Court Appointing Surveyor

Report of Survey

Maps Accompanying Report

APPENDICES

- A J. R. Williams -- Old English Field Notes.
- B B. B. B. & C. R. R. Survey --- Recorded in County
Surveyors Record, Book A, page 163.
- C Perry & Austin --- Original Title Field Notes.
- D Sarah McKissick -- General Land Office Record.
- E Section No. 2 A. C. H. & B. R. R. -- Recorded in
Surveyors Record, Book C, page 85.
- F R. A. Magee Survey --- Recorded Vol. W, page 90.
Deed Records of Brazoria County.
- G H. Kempner Survey --- Recorded in County Surveyors
Record Book C, page 199.
- H W. D. C. Hall ---- Original Title Field Notes.

W. F. Scott, / Suit pending in the District Court
vs. No. 12,557 / of Brazoria County, Texas.
C. F. Schneider et al /

TO THE HON. M.S. MUNSON, JUDGE OF SAID COURT:

Now comes W. F. Scott, the plaintiff in the above numbered and entitled suit, and, files this his motion for the appointment of a surveyor in this suit, and says:

I.- That one of the questions involved in this suit is the true location of the boundary line between Section No. 2, A.C.H. & B. Survey, Abstract No. 462, in Brazoria County, Texas, and the H. Kempner Survey, Abstract No. ----- in Brazoria County, Texas, that is the true location of the South line of said Section No. 2, A.C.H. & B. Survey, Abstract No. 462, and the true location of the North boundary line of said H. Kempner Survey, Abstract No. -----, and the true location of said Surveys, and the true location of any fences on the South half of said Section No. 2, A.C.H. & B. Survey, and the true location of any fences on said H. Kempner Survey, and that in order to definitely ascertain the true location of said boundary line between said two surveys, and the true location of said surveys and said fences, it will be necessary that a competent surveyor be appointed by this Court and ordered and directed to make proper surveys, as well as any other surveys it may be necessary to survey, to locate the said boundary lines between said two surveys, said surveys

and said fences.

Wherefore, plaintiff prays that the Court appoint a competent surveyor and that such surveyor be directed to survey said surveys as well as all other surveys necessary to survey in order to locate said boundary lines, said surveys and said fences, and that he make due and proper report to this Court, as required by law; and plaintiff prays for any and all other orders that may be necessary in the premises

Attorney for plaintiff.

W. F. Scott, /
No. 12,557. /
C. F. Schneider. /

Suit pending in District Court of
Brazoria County, Texas.

And Now on this, the 2nd. day of February A.D., 1920
came on for hearing the application of the plaintiff in the
above numbered and entitled suit for appointment of surveyor,
and the court having heard said application, and having duly con-
sidered the matter, it is of the opinion that said surveyor
should be appointed, and that said surveyor of said land should
be made as requested in said application, and that H. W. Mun-
son Jr. has been agreed upon by both parties hereto^{to} be appointed
as such surveyor.

It is, therefore, by the Court ordered, adjudged and de-
creed that H. W. Munson, Jr., be, and is hereby, appointed surveyor
in this suit, and is ordered and directed to at once make sur-
vey of Section 2, A. C. H. & B. Survey, Abstract No.462, and
the H. Kempner Survey, Abstract No. -----, both of said sur-
veys being in Brazoria County, Texas, and such other surveys
as may be necessary to survey, in order to locate the South boun-
dary line of said Section No. 2, A.C.H.& B. Survey, and the
North Boundary line of the H. Kempner Survey, and the true
location of said Surveys, and the true location of any fences
on the South half of said Section No.2, A.C.H. &.B. Survey
and the true location of any fences on the said H. Kempner
Survey.

As soon as said survey is completed, said H.W. Mun-

son, Jr., surveyor, is hereby ordered and directed to make due and proper report to the Court as required by law.

Judge 23rd Judicial District
of Texas.

REPORT
OF
A SURVEY
TO
DETERMINE THE SOUTH
BOUNDARY LINE OF SECTION NO.2,
A.C.H.& B.SURVEY AND THE NORTH BOUNDARY
LINE OF THE H. KEMPNER SURVEY, AND THE TRUE LOCAT-
ION OF ANY FENCES ON THE SOUTH HALF OF SAID SECTION NO. 2,
A.C.H.&B.SURVEY AND THE TRUE LOCATION OF ANY FENCES ON THE SAID
H. KEMPNER SURVEY.

MADE UNDER ORDER OF THE COURT IN THE CASE OF W. F.

SCOTT VS. C. F. SCHNIEDER NO.12, 557.

BY H. W. MUNSON JR.,

OF

ANGLETON, BRAZORIA COUNTY,

TEXAS.

IN

FEBRUARY A. D., 1920.

counter 72890⁶

Brazoria Co. G.L.D.SK.25B³

To

The Hon. Judge of the 23 Judicial District of Texas,
Angleton, Brazoria County, Texas.

In compliance with an order issued by your Honorable Court during the February term 1920, I have made a survey to determine the location of the South boundary line of Section No.2 A. C. H. & B. Survey abstract No. 462, and the North boundary line of the H. Kempner Survey, both in Brazoria County, Texas and the true location of said surveys, and the true location of any fences on the South half of said Section No.2 A. C. H. & B. Survey and the true location of any fences on the said H. Kempner Survey; a report of which I beg to submit here-with:-

In making this survey I used the Field Notes of the J. R. Williams League, Sarah Mc Kissick League, W. D. C. Hall League, Perry and Austin League, B. B. B. & C. R. R. Co's. Survey, Section No. 2 A. C. H. & B. Survey, H. Kempner and the R. A. Magee 320 acre Survey, copies of such field notes being hereto attached.

The H. Kempner Survey (see appendix G of this report) calls for the South boundary line of Section No.2 A. C. H. & B. Survey and the North and West boundary lines of the R. A. Magee Survey. Section No.2 A. C. H. & B. Survey (see appendix E of this report) is dependent for its location upon the B. B. B. & C. R. R. Co's. Survey. The last mentioned survey (see appendix B of this report) is dependent upon the J. R. Williams

League (appendix A of this report).

The Perry and Austin League (appendix C of this report) calls to begin at the North corner of the J. R. Williams League and thence run N. 45° E. 2117 varas to corner, and the Sarah Mc Kissick League (see appendix D of this report) calls to begin on the lower line of the Perry and Austin 2117 varas S. 45° W. from its East corner. Therefore in making this survey the surveyor assumed that the Sarah Mc Kissick was located on the ground exactly where the J. R. Williams was originally Located.

In making this survey I began in the center of a graded road in line with fence to South East, the claimed South West boundary line of the B. B. B. & C. R. R. Co's. Survey, and another fence to North West, the claimed South West boundary line of the W. H. Snider Survey. Said beginning point being the claimed West corner of the B. B. B. & C. R. R. Co's. Survey and the claimed South corner of the W. H. Snider Survey:-

Thence N. 45° E. along center of said graded road, at 602 varas point in line with fence course N. 45° W., said fence is claimed to be the division line between the Snider and Perry and Austin Surveys, at 808 varas cross center of Cowarts Creek at 1816 varas supposed North corner of the B. B. B. & C. R. R. Co's. Survey and the West corner of the J. R. Williams.

MEASUREMENTS OF THE J. R. WILLIAMS OR
SARAH MC KISSICK SURVEY.

Continuing N. 45° E. new count. At 82 varas point in

line with fence to South East claimed as the division line between the B. B. B. & C. R. R. Co's. Survey and the J. R. Williams, at 2841 varas cross center Pearland-Frenswood shell road course North West and South East, at 3123 varas center of prong of Mary's Bayou, at 3235 varas center of Mary's Bayou, at 3906 varas end of graded road but lane continues to Clear Creek, at 4189 varas center of Clear Creek at bridge, at 4260 varas center of Clear Creek, at 4311 varas center of Clear Creek, line runs practically along waters edge at this bend and crosses again at 4352 varas, at 4410 varas center Clear Creek, at 4539 varas center Clear Creek, at 4657 varas ~~ex~~ cross Clear creek at beginning of fence, at 4988 varas Cedar post at corner of fence, same being the claimed North Corner of the J. R. Williams or Sarah Mc Kissick League, this distance is called to be 5000 varas.

Thence S. 45° E. along the claimed North East boundary line of the said J. R. Williams or Sarah Mc Kissick Survey, at 1440 varas center of gully, at 1642 varas cross another prong of same gully at end of drainage ditch, at 2565 varas center of Frenswood- Webster shell road course South West and South East. Thence down center of said road same course and count, at 3799 varas shell road turns North East but dirt road with drainage ditch on left continues, at 4743 ~~varas~~ cross fence line course N. 45° E. and S. 43°35' W., at 4786 varas center of prong of gully near end of drainage ditch and old fence line, at 5003 varas cross main prong of same gully (called

Savels Gully), at 5075 varas old fence corner which is claimed East corner of the Williams or Mc Kissick Survey.

Thence S. 45° W. along claimed lower boundary line of said league at about 510 varas cross small gully near fence corner, thence along fence and marked line, at 1095 varas end of fence at edge of Clear Creek, at 1121 varas other edge of said Creek (this crossing called to be at 1160 varas), at 1422 varas edge of Clear Creek, center approximately at 1440 varas (called 1320 varas), at 1738 varas West edge of Clear Creek center approximately at 1722 varas (called 1609 varas), at 2808 varas center Chigoe Bayou (called 2970 varas). I also meandered enough of clear creek so that the part close to the line could be plotted accurately on the map. I also ran N. 45° E. 880 varas from the East corner of the Williams or Mc Kissick Survey to see if there was a bayou in that locality which could be taken for Taylors Bayou but found nothing.

MEASUREMENTS OF THE PERRY AND AUSTIN

LEAGUE AND THE W. D. C. HALL LEAGUE

As the Perry and Austin and the W. D. C. Hall league and the Williams or Mc Kissick league are tied together the location of the said Perry and Austin League and the W. D. C. Hall League on the ground would help locate the Williams or Mc Kissick Surveys. Therefore I surveyed enough of the said Perry and Austin and the W. D. C. Hall Leagues to get the crossings of the Bayous called for in the original field

notes and by these natural objects locate said surveys on the ground in its original position.

Beginning at a point in the South East line of said Perry and Austin League at an old fence corner, the same being the claimed North corner of the Williams or Mc Kissick Survey mentioned above, this fence corner being 40 feet South East from another fence corner. Thence N. 45° E. along old fence line at 605 varas point 250 varas South East from small mat of trees, at 1971 varas cross a small gully, at 2132 varas cross fence line, course N. 45° W., at 2143 varas old corner post in line with fence line to South East and marked line through the timber on Turkey Creek to the North West and 40 feet North West from present fence corner.

Thence N. 45° W. at 963 varas edge of timber, at 1238 varas center of Turkey Creek (called 1250 varas), at 1512 varas edge of prairie. As there were no other natural objects called for in this line I did not continue further but meandered Turkey Creek a distance of about 800 varas on each side of the line so that it could be plotted on the map accurately.

Then beginning in the center of graded road at the South corner of the Perry and Austin League in line with fence claimed line between the Perry and Austin and the Snider Surveys as previously stated on page 2 in this report, thence N. 45° W. along said fence and claimed division line between Perry and Austin and Snider Surveys, at 468 varas center of Cowarts Creek (called 550 varas, at 1911 varas cross drainage

ditch, at 2500 varas center Cowarts Creek (called 2434 varas), at 2574 varas line passes along the South West bank of a bend in Cowarts Creek, at 2700 varas Cowarts Creek is 27 varas North East, at 2844 varas Cowarts Creek is 200 varas to North East, at 3021 varas fence corner, 2" iron pipe, 2" X 4" stake and L. O. stake same being claimed West corner of the Perry and Austin and South corner of the W. D. C. Hall and North corner of the W. H. Snider Surveys and is 245 varas South West from Cowarts Creek. The course of the claimed South West line of the W. D. C. Hall League, ^{changes} at this point to N. 45° 10' W.. Thence along said line same count, at 3396 varas center graded road, course North ^{East} West and South West, at 3622 varas center drainage ditch which empties into Cowarts Creek, at 3704 varas center of Cowarts Creek, at 3771 varas iron pipe at fence corner, thence along fence same course and count, this line is well marked by fence, stakes and iron pipes, at 5940 varas center drainage ditch, at 5983 varas iron pipe and 3" X 3" stake at fence corner, fence turns North, at 5994 varas cross old fence line, course North, at 6020 varas in all to point in line with fence line along claimed North West line of W. D. C. Hall League.

Thence N. 44°50' E. along said line, at 29 varas cross old fence line, at 40 varas fence corner, thence along fence, same course and count, at 220 varas old fence corner, course of said old fence is West, at 618 varas end of new fence, old fence continues, at 635 varas center of Mary's Bayou (called 633 varas), at 1390 varas old fence corner, fence turns

North West, at 1905 varas center Pearland-Frenswood shell road, Course East and West, at 2213 varas fence corner at edge of timber, at 2264 varas center of Clear Creek (called 2253 varas). The meanders of both Clear Creek and Mary's Bayou were taken for about 500 varas on each side of the line so that they could be drawn accurately on the map.

Again beginning in the center of a graded road where the surveyor commenced this survey at the claimed West corner of the B. B. B. & C. R. R. Co's. Survey and which is in the opinion of this surveyor as disclosed by the foregoing survey, the true and correct West corner of the said B. B. B. & C. R. R. Co's. Survey; Thence S. 45° E. along fence line and division line between the B. B. B. & C. R. R. Co's. Survey and Section No. 1 A. C. H. & B., 897 varas to the true and correct South corner of the said B. B. B. & C. R. R. Co's. Survey, which is 10.2 varas N. 45° W. from a fence corner.

Thence S. 10° W. along the East line of said section No. 1 A. C. H. & B. Survey, at 4717 varas center of a graded road, at 478.9 varas cross fence line, at 543 varas correct North East corner of Section No. 2 A. C. H. & B. Same course new count, at 546 varas cross old fence line, at 896.3 varas North East corner of lower half of Section No. 2 A. C. H. & B. and the South East corner of the upper half of said Section, at 901.4 varas cross fence line claimed as the Ryan South line, at 1270.8 varas point in line with fence, course S. 89°50' W., claimed by Dr. Sundt and others as the North line of the H. Kempner Survey, at 1382.7 varas point in line with fence

along North side of graded road, at 1391 varas center of said graded road, at 1401 varas center of drainage ditch, at 1873.5 varas correct South East corner of Section No.2 A. C.-H & B. and the North East corner of the H. Kempner Survey as determined by this survey, at 2104.8 varas point in fence line along the upper line of the R. A. Magee Survey 200.3 varas N. 80° W. from fence corner which is the claimed North East corner of said survey:

Thence N. 80° W. along said fence line and division line between the Magee and Kempner Surveys, at 164.8 varas fence corner, Dr. Sundt South East corner, at 988.1 varas fence corner, Pendleton South West corner, at 1150.1 varas fence corner, the North West corner of the said Magee Survey;

Thence S. 10° W. along fence and division line between said Magee and Kempner Surveys, at 228.6 varas center of old bed of bayou, at 267.1 varas center of drainage ditch, at 307.8 varas fence to West, at 483.8 varas fence to Eastward, at 527.4 varas fence line to West, at 840.2 varas center of 25 foot road to West, at 1157.8 varas fence to West, at 1338.5 varas cross fence along North side of ditch and road, at 1350.5 varas center line of right of way for ditch and road, this point being the South West corner of the R. A. Magee Survey and the most Southern South East corner of the H. Kempner Survey,

Thence N. 80° W. along center of said right of way, at 275.5 varas fence line along East side of shell road, at 284.8 varas center of said shell road, at 294.1 varas fence

line along West side of said shell road, at 322.2 varas old iron pipe and 4" X 4" stake marked N.W.22, which should also be the South West corner of the said H. Kempner Survey.

Thence North, from point in center of shell road, up center of said road, at 1188 varas center drainage ditch, 1308.9 varas South line of Section No.2 A. C. H. & B. as determined by this survey, at 1620. varas road bears to left, at 1778 varas center drainage ditch, offset to West 32 varas to center of road and continue North same count, at 1782.7 varas in line with fence to East along North side of drainage ditch, at 1897.6 varas in line with fence claimed by D. Sundt and others as the North line of the H. Kempner Survey, at 2266.2 varas in line with fence claimed as Ryans South line, at 2271.2 varas North West corner of the lower half and South West corner of the upper half of Section No2 A. C. H. & B., as determined by this survey, at 3153.9 varas North West corner of Section No.2 A. C. H. & B. and the South West corner of Section No.1 A. C. H. & B. as determined by this survey, at 3217 varas in line with fence on South side of graded road, course East, at 3224.2 varas center of said graded road:

Thence East along said center of said graded road, at 2056.0 varas point in East line of Section No.1 A. C. H. & B. as determined by this survey which point is 249.2 varas West of the County line.

To get the true location of any fences on the lower half of Section No.2 A. C. H. & B and the upper part of the H.

Kempner Survey, in addition to what has already been done, I began in the center of the shell road in line with fence claimed by Dr. Sundt and others as the North line of the H. Kempner Survey, as stated above,

Thence N. $89^{\circ}50'$ E. along said line and fence, at 704.3 varas fence corner called North East corner of the Wolf 30 acre tract, at 939.1 varas cross fence, course North and South, at 1177.0 varas point in line with fence on the South side of drainage ditch course South, Wolf East line, at 1184.9 varas cross fence, course North and South, at 1410.3 varas cross fence, course North and South, at end of old fence on this line, continuing same course and count, at ^{cross yard fence, at 1528.4 varas} 1469.3 varas point in line with fence on the South side of drainage ditch, course S. $\frac{3}{4}^{\circ}$ W., Dr. Sundt East line, at 1644.3 varas cross fence, course North and South, at 1823.0 varas East line of Section No. 2 A. C. H. & B. as determined by this survey, continuing same course but new count, at 131.3 varas point 11.9 varas South of comparatively new stake, at 135.9 varas point 28.3 varas South of old burnt off post, at 203.2 varas point in line with fence along East line of the R. A. Magee Survey, at 228.8 varas County line.

Beginning at the North West corner of the Wolf 30 acre tract mentioned above; Thence S. $0^{\circ}10'$ E., at 104.4 varas $\frac{1}{2}$ " gal. iron pipe in line with fence along North side of graded road, at 117.7 varas fence line to West along South side of road and North edge of drainage ditch, at 123.1 varas center drainage

ditch, at 358.9 varas fence corner, South West corner of Wolf 30 acre tract and North West corner of the Pendleton tract, at 646.6 varas North line of the R. A. Magee Survey;

Beginning at the South West corner of the Wolf 30 acre tract just mentioned, thence East along its South line 472.5 varas to its South East corner. For a better description of the location of these fences see map marked EXHIBIT "B" of this report.

CONCLUSION

My commission from your Honor was to locate the true South line of Section No.2 A. C. H. & B. and the true North line of the H. Kempner Survey.

I have to report that I have located what, in my opinion is the South line of Section No.2 A. C. H. & B. which would also be the correct North line of the H. Kempner Survey. This line runs West 1718.3 varas from a point S. 10° W. 2416.5 varas from the South corner of the B. B. B. & C. R. R. Co. Survey which is 897 varas S. 45° E. from its West corner. The said West corner of the B. B. B. & C. R. R. Co. Survey is 602 varas S. 45° W. from the South Corner of the Perry and Austin League, 808 varas S. 45° W. from the center of Cowarts Creek where same crosses division line between said B. B. B. & C. R. R. Co. Survey said Perry and Austin League, 6796 varas S. 45° W. from the North corner of the J. R. Williams League and 9939 varas from the East corner of the Perry and Austin League. The facts upon which my opinion is based are given in the preceeding pages. The instruments consulted in making this survey are listed in

the Appendices of this report.

Respectfully Submitted,

H. W. Munson, Jr.

Subscribed and sworn to before me this 6th day of

Dec, A. D. 1920.

A. E. Vorderman

Clerk District Court,
Brazoria County, Texas.

W. F. Scott,

vs

No. 12,557

C. F. Schneider et al

Bill for making survey and report on same.

Feb. 3,4,5,6,7,11 & 12, 1920

7 days	Surveyor	\$87.50
" "	Two Chain Carriers	49.00
	Conveyance	45.50
	Board	54.10
	8 days Office Work	80.00
	Stenographer and incidentals	22.90
	Blue prints	<u>2.10</u>
	Total	\$341.10

Paid by Plaintiff
H. W. Thompson

Subscribed and sworn to before me this _____ day
of _____, A. D. 1920

Clerk District Court,
Brazoria County, Texas.

Counter 42903. \$19

Brazoria Co. Rld. OK. 25B

3

H. W. MUNSON, JR.
COUNTY SURVEYOR
BRAZORIA COUNTY
ANGLETON, TEXAS

FILED
DEC 6 1920

Clerk of the District Court of Brazoria Co., Texas

By _____ Deputy

Counter 42904

20

Brazoria Co. Rld. Sk. 35B

I John de Young, Dist. Surveyor for the District of Galveston do hereby certify that the above is a true and correct copy of the plat and field notes and find them correct and that they are recorded in Book 13, Page 35.
 John de Young

State of Texas
 Dist. Galveston

Surveyed for Mr. Mary State Tract No. 185 as represented on the adjoining sketch and situated on the waters of Galveston Bay 644 acres to be the quantity of land to which he is entitled by virtue of a certificate of purchase issued by the Board of Land Commissioners for the County of Harris dated the 7th day of January 1848. Beginning Tract No. 4 at a stake on S. B. Williams' South West boundary line the North corner of tract No. 2. Thence with said Williams' line North 45° West at 894 1/2 to the West corner of Williams' survey where it joins on Jas. F. Perry's line. Thence South 45° West with said Perry's line 581 1/2, the county line at 1163 to a stake for the West corner of this tract. Thence South 45° East at 700 1/2, the county line at 894 1/2, a stake the West corner of tract No. 3. Thence North 45° East with the line of tract No. 3 to the place of beginning, containing five hundred and forty 80 acres. Beginning Tract No. 5 at the South corner of tract No. 3 on the County line. Thence South 11° West with the County line at 1195 1/2, 3 Cotton Wood trees about 18 inches diam. each and connected at the bottom, on the bank of the branch at 1511 1/2, a stake for the South corner of the tract on the County line. Thence South 81° East at 1634 1/2, a stake for the East corner. Thence North 11° East at 2996 1/2, intersected the South boundary line of tract No. 3. Surveyed for William Berry where, to a stake for the North corner. Thence South 45° West at 1835 1/2 to place of beginning - 399.21 acres

Witness my hand and seal this 11th day of January 1848.
 John de Young
 William Briggs

Samuel P. Mowbray
 Deft. Dist. Surveyor Galveston Co.

I Samuel P. Mowbray Deft. Dist. Surveyor Galveston County do hereby solemnly swear under my official oath that the survey designated by the preceding plat and field notes was made by me on the 19th day of February 1848 and that the lines boundaries and corners together with the marks natural and artificial are truly described in the foregoing plat thereon.

Samuel P. Mowbray
 Deft. Dist. Surveyor Galveston Co.

I John de Young Dist. Surveyor Galveston County do hereby certify that the above is a true and correct copy of the plat and field notes and find them correct and that they are recorded in Book 13, Page 35.

J. C. C. Washington, County Surveyor of Galveston
County, Texas do hereby certify that this is a true and
exact photostatic copy of field notes of a survey for Mrs
Mary Sloan as recorded in Book A B (page number
missing but apparently page 35). Records, County Surveyor's
office.

Oct. 25, 1934.

C. C. Washington
County Surveyor
Galveston County.

THE STATE OF TEXAS
COUNTY OF BRAZORIA

I, A. E. Vorderman, Clerk of the District Court, within and for Brazoria County, Texas, do hereby certify that the above and foregoing is a photostat copy of a certain report of the Surveyor now on file in this office among the papers in Cause No. 12,557 styled W. F. Scott Vs. C. F. Schneider, et al.

Given under my hand and the seal of said Court this the 5th day of June, A. D. 1934.

A. E. Vorderman, Clerk District
Court, Brazoria County, Texas.

By *Jimmie Patterson* Deputy.

*Brazoria - Galveston - Counties**1322***BIRDSONG-FREEMAN COMPANY**

OFFICE AND FIELD ENGINEERING

510 TRINITY LIFE BUILDING

FORT WORTH, TEXAS

February 26, 1935.

STATE LICENSED
LAND SURVEYOR

RECEIVED

MAR 29 1935

Hon. J. H. Walker,
Commissioner of the Gen'l Land Office,
Austin, Texas.

REFERRED TO MAP

MA 27941+2
MA 28255+84

Dear Sir:

I wish to submit the following report and attached map of a retracement survey made by me, in collaboration with Mr. C. C. Zethraeus, from May to October, 1934, in the counties of Brazoria, Galveston and Harris, particularly in the area south of the point of origin of the Galveston-Brazoria County Line on Clear Creek.

An investigation of the lines of the original surveys in the vicinity of Chigoe Bayou, about five miles south along the county line, determined that retracement surveys would necessarily have to be made of the original surveys, over a large area in all directions.

Since most of the area, with the exception of the timber along the several creeks and bayous, is open prairie and has been subdivided numerous times into small tracts, no original monuments or material objects remain of the few called for in the original field notes and many of the original lines have been obliterated by the later retracement work, which was of such a local character as to confuse rather than clarify the then existing situation. In view of this fact, it was necessary, in making this survey, to rely upon calls for crossings of the various streams in the original notes, many of which were obviously in error. Therefore, the control used, in some instances, was necessarily distant.

In working out the control for the area first mentioned, I made retracement surveys of the following original surveys, lines and portions of original surveys: the J. R. Williams or Sarah McKissick League; the S.W. line and a portion of the N.W. and S.E. lines of the Jas. F. Perry and Emily Austin League; the S.W. line and a portion of the N.W. line of the W.D.C. Hall League; the S.W. line and a portion of the N.W. line of the Thos. J. Green 1/3 League; that portion of the original County Line survey by Sam'l. P. Browne from Clear Creek to his tie to the south or lower corner of the Asa Brigham League on Hall's Bayou; the present County Line from Monument "O", on Clear Creek to Monument #11 near Algoa; the A.H. Jackson Survey; the Robert Hoppel Survey; the Wm. Henry Survey; two tracts in the name of Mary Sloan, later cancelled; the Mary Sloan Survey; the R.A. Magee Survey; the Mary Fabreau Survey; the Wm. H. Snider Survey; the BBB&C RR Co. Survey; BS&F Survey #6 (partial); HT&B RR Co. Surveys #1, #27, #28, #29, #30,

Feb. 28, 1935.

#35, #36, #37, and #40; the north and east lines of #2, the east line of #11 and #12, the north lines and the south lines of #12, #14, #16, #18 and #22, the west line of #22, all HT&B RR Co. Surveys; the ACE&B Surveys #1 and #2; Hennell Stevens Survey and the Branch T. Masterson Survey; the northeast lines of the Erastus Little 1/3 League, the Harvey N. Little 1/3 League and the Thos. Spraggins League (in their present position); a portion of the S.E. line of the Spraggins; the northeast lines of the A.B. Langermann; and HT&B (J.M.O'Donnell) #20 Surveys; the south and southwest lines of HT&B RR Co. Survey #39; I&GN RR Co. Surveys #22 and #23; a portion of Adam Hoxie's traverse including the south and west lines of the B.L. Wier survey; the south and west lines of the BBB&C RR Co. Survey (S-17); the south and west lines of BBB&C RR Co. Survey (S-1); a portion of the south line, the west line and the north line of HT&B RR Co. Survey #15, the East lines of Hooper, & Wade Surveys #21 and #22 (Myles O'Donnell) and the north line of Hooper and Wade #22; and the east lines of BBB&C RR Co. Survey (S-1) and HT&B RR Co. Survey #15. In addition to this I ran a connecting line from the S.E. corner of the B.L. Wier Survey southeast to the county line traverse and another connecting line west from the N.W. corner of HT&B RR Co. Survey #15 to the northeast line of HT&B RR Co. #17, northwest to the west corner of ACE&B Survey #25, north to the east corner of the A.B. Langermann Survey and to the most western north corner of HT&B RR Co. (J. M. O'Donnell) Survey #20 on Mustang Slough. I also meandered Mustang Slough northwest and south of this corner of #20. I also ran a closed traverse to the site of Hugh Kelly's House, which burned November 27, 1933, on Clear Creek in the Thos. J. Green 1/3 League.

In retracing the Sarah McKissick League, which Powars evidently intended to lay down over the J. R. Williams League, I found it to conform more nearly to the plat accompanying John Cooke's field notes of the Williams League than to Powars field notes of the McKissick, more especially as to the five crossings of Clear Creek and the crossing of Marys Creek on the N.W. line. This was confirmed by J. A. Donaldson, County Surveyor, of Brazoria County in his report to the 23rd Dist. Court in 1897, a certified copy of which is attached. In Donaldson's retracement he found a very old marked line in the timber on Clear Creek which he followed and running S. 45° W. he found additional very old marked trees on Cowards Creek (which he erroneously called Mary's Creek in his report). In this retracement of the McKissick northwest line I found the line to cross Clear Creek five times and the distance from the N.E. Bank at the most southwestern crossing of Clear Creek to the crossing of Mary's Creek to be 952 varas, the same as found by Donaldson. I also found the distance from the crossing of Mary's Creek to the crossing of Cowards Creek on the Perry & Austin S.E. line, being a continuation of the McKissick N.W. line, to be 4248 varas, the same as found by Donaldson. I found a road of an average width of 22 varas along the entire length of this line, with the exception of a part of the line at Clear Creek as shown on the accompanying map, and extending from the east corner of the Perry & Austin League southwest past the south corner of the Wm. H. Snider Survey, the northwest fences of the road practically conforming to the common line of the McKissick and Perry and Austin Leagues.

In retracing the southeast line of the McKissick, I found it impossible to check Powars calls for the three crossings of Clear Creek and his call for the crossing of Chigoe Bayou. I found the first crossing to be 1106.0 varas southwest from the east corner of the McKissick to the N.E. Bank of Clear Creek, the second at 1420 varas to the north Bank, the third at 1709 varas to the

Feb. 28, 1935.

East Bank and 2797.65 varas to the center of Chigoe Bayou. Occupancy of the league along the S.E. line is shown by a fence at an average of 4.5 varas S.E. of the McKissick S.E. line from its south corner approximately 1600 varas northeast and an additional 150 varas northeast from the most northeastern crossing of Clear Creek. From this point to the East corner of the McKissick the fence is an average of seven varas S.E. of the McKissick S.E. line.

Powars call of $N 10\frac{1}{2} W.$ from the east corner of the McKissick to Summit Station is probably correct, as I located the site of the old Summit Station on the G. H. and H. Railroad at an approximate distance of 5-7/8 miles from the East corner of the McKissick and by comparison with the U. S. Coast & Geodetic Map, the bearing will check very closely. I did not run a line to the site of Summit Station because of the twelve miles of additional line.

I located John Owens house, which is still standing, about 1-3/4 miles south of Webster and on the North bank of Clear Creek about 2-1/2 miles from the East corner of the McKissick. Powars call of $S 88^{\circ} E.$ from the East corner of the McKissick to John Owens house is evidently about 10° in error and should have been approximately $S 78^{\circ} E.$ I did not run a line to Owens house as it was evident the call was in error and a portion of the line would have been in heavy timber along Clear Creek.

In the retracement of the southwest line of the McKissick, I took into consideration the title call, in both the Perry and Austin and McKissick original field notes, of 1216.0 varas from the south corner of the Perry and Austin to the west corner of the McKissick or Williams League as well as the crossing of Chigoe Bayou called for on the Williams line by Sam'l P. Browne in locating the A.H. Jackson Survey in 1848. The line as far as the occupancy is concerned, has been in dispute for a number of years. From the N.W. line of the McKissick S.E. to Chigoe Bayou it is occupied according to a line, probably established by D. Lee Slataper (see Donaldson's report) as evidenced by a fence an average of 81 varas N.E. of the McKissick S.W. line. From Chigoe Bayou S.E. along the McKissick S.W. line the survey is occupied according to a retracement (probably by Wm. R. Stockwell in 1893 with reference to B.S. & F. #6) as evidenced by a fence at an average 22 varas S.W. of the McKissick S.W. line. Thus there is a difference of approximately 105 varas between the two lines occupied for the S.W. line of the McKissick.

Occupancy of the northeast line of the McKissick roughly conforms to the survey line as evidenced by fences and a dirt road and a shell road for a distance of 1800 varas, the line being along the northeast side of the road a few varas southwest of the fence. From this point the fence continues 2000 varas northwest at an average of 12.0 varas southwest of the line.

As shown by the accompanying plat, I made the McKissick 4998.97 varas N.E. and S.W. and 5088 varas N.W. and S.E. with crossings of the creeks and bayous as shown.

Since I was not concerned with the northeast part of the Perry and Austin League, I only retraced the southwest line, which I found to be 3011.0 varas, and a part of the N.W. line from the west corner to Clear Creek which I ran parallel to the S.E. line of the League passing the center of Cowards Creek at 252.0 varas, the center of Mary's Creek at 3610.0 varas, at 5228.90 varas passing a 27" White Oak, with three old hacks on the N.W.,

Feb. 28, 1935.

0.5 varas S.E. of the line, at 5569.0 varas passing Galveston-Brazoria Co. Monument "O", 3.24 varas S.E. of the line, set in Clear Creek near the southwest bank, and at 5572.54 varas the center of Clear Creek, 8 varas Wide. The northwest line of the Perry & Austin league is very closely marked by old fences and old fence rows. There are other marked trees, with younger markings, in the timber on Clear Creek but to the S.E. of the older line.

I ran the southwest line of the W.D.C. Hall League and found it to be 3009.0 varas. I also ran the northwest line of the Hall as far as Clear Creek, finding it to have been run at a different variation from the work to the southeast, being $0^{\circ} 53'$ less, checking, however, the calls in the original field notes for the crossing of Mary's Creek @ 633 varas and Clear Creek at an additional 1620 varas. This distance of 1620 varas between the center of Clear Creek and the center of Mary's Creek also checks the call of 1352 varas in the original notes of the Thos. J. Green Survey southwest from Clear Creek to its west corner combined with the call of 268 varas in the original notes of the Thos. D. Yocum Survey from its beginning corner southwest to Mary's Creek. I attempted to check the call distance of 1620 varas between Mary's Creek and Clear Creek on a course at right angles to the course of the southwest lines of the W.D.C. Hall and Perry and Austin Leagues but found it impossible to do so.

I also retraced the southwest line of the Thos. J. Green survey recognizing the distance of 1352 varas indicated in the original field notes from the crossing of Clear Creek on the Green S.E. line southwest to the beginning corner, which does not check the call of 883 varas from the West corner of the Hall. However, in locating the Thos. D. Yocum Survey, Gillespie evidently give precedence to the call distance from Clear Creek rather than the call of 883 varas from the west corner of the Hall. Rowley called to take "in a small bend of timber on the branch of Clear Creek" on the southwest line of the Green, which he would have done but he would also have crossed this branch, Mary's Creek, twice but he gave no calls in his field notes. I ran this line at a right angle to the S.E. line but found the Northwest half of the line fenced more nearly on a parallel course to the S.W. lines of the Hall & Perry & Austin Leagues.

I ran the Northwest line parallel to the southeast line of the Green as far as Powars position of the south corner of the Hunter. I found the same condition as on the southwest line, that is that it was fenced more nearly on a line at right angles to the southwest lines of the Hall & Perry and Austin leagues.

On this theory I found that, by placing the southwest and northwest lines parallel and perpendicular, respectively to the southwest line of the Hall league and through Powars position of the south corner of the Hunter, the west corner of the Green would be 1998.52 varas northwest of the established position of its south corner and 1980 varas southwest of Powars position of the south corner of the Hunter.

However, without a full retracement survey of the Thos. Green 1/3 League, I would not attempt to fix the position of its west corner definitely.

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Feb. 28, 1935.

In making a retracement survey of Sam'l. P. Browne's location of the Galveston-Brazoria County line, made in February 1848, I began on the southeast line of the W.D.C. Hall League at the crossing of Clear Creek and retraced the present county line to Mile Post "6 / 831" set for the angle corner at the head of Dickinson's Bayou. I found Mile Posts "0" to "5", inclusive, in place and "6" and "6 / 831" broken off and lying out of position. The position of Monument "6 / 831" was calculated from an intersection of the county line through Mile Post #5 and the county line through Mile Posts #7 and #8. I found the course and distance from Mile Post "0" to "6 / 831" to be S 9° 12' 10" W 12,237.99 varas on a variation of 8° 30' East.

From this point I followed the calls for course and distance of Browne's random line southeast as far as his tie to the south corner of the Asa Brigham League. I also located the present county line monuments from #7 to #11, inclusive, all being in position but #10 which has been replaced by Texas Reclamation Department B.M. #13.

In considering Browne's random line from the beginning point on Clear Creek to the three cottonwoods on the bank of Chigoe Bayou and thence to the head of Dickinson's Bayou, I found his calculated line back to the beginning would not make a closed traverse. From his point at the head of Dickinson's Bayou back to the beginning on Clear Creek would be N 10° 24' 34" E. 12,241.69 varas whereas he calls to go N 10° 00' E. 12,200 varas to the beginning. Since it was obviously necessary for Browne to calculate his course and distance from the three cottonwoods back to the place of beginning before he could continue on a direct course from his beginning point through the three cottonwoods to the head of Dickinson's Bayou, I also calculated this line and found it to be N 10° 27' 23" E. 10,971.72 varas. Browne's total call of N 10° 00' E. 12,200 varas less his call of S 10° 00' W. 1270 varas to the head of Dickinson's Bayou leaves a distance of 10,930 varas N 10° 00' E from his point where the cottonwoods were located back to the beginning.

*Note -
Browne Dec.
was 10° 20'
+ should have
been 9° 23'
- He was off
47'*

OK m^e

Note - A line from the beginning point on Clear Creek S 10° 27' 23" W (corrected to a variation of 8° 30' E) 10,971.72 varas will fall 55 varas East of Chigoe Bayou, in the vicinity of where it has been generally conceded the cottonwoods stood, that is, along the East line of the Magee Survey or the West line of the Mary Sloan Survey.

In reviewing Browne's random traverse from his beginning point, I found the distance from the center of Clear Creek along the southeast line of the Hall League to the center of Mary's Creek to be 1962.5 varas against Browne's call of 2000 varas. It is to be presumed that he was not making a definite call for Mary's Creek but changed his course after he had gone through the timber and was in open prairie again, which would be at 2010 varas. From this point it is evident that his next course and distance was to a point on the southwest side of Cowards Creek from where it is open prairie to Chigoe Bayou. His call of S 15° 00' W 4460 varas would meet these requirements, falling in the Wm. Snider Survey on the southwest side of Coward's Creek where the timber belt is narrow. His next course of S 6° 30' E 5100 varas would cross Chigoe Bayou approximately fifty varas short of the distance and would fall about fifty five varas east of Chigoe Bayou in the vicinity of its crossing of the Sloan and Magee lines. However, at approx-



imately the same distance but on a course about 30' west or S 6° 00' E his point would fall on Chigoe Bayou at an old ford, where there have always been some cottonwood trees, according to the statements of old residents. However, the three cottonwoods connected at the bottom that Browne called for in his notes seem to have been gone for many years.

Correcting Browne's traverse from Clear Creek to a point on Chigoe Bayou to fit the above assumed conditions, his courses and distances would be as follows: S 45° 00' W 2010 varas, S 15° 00' W 4460 varas, S 6° 00' E 5100 varas and, to close the traverse, N 10° 42' 30" E 10992.90 varas back to the beginning on Clear Creek. Correcting this last mentioned course to my variation it would be N 9° 15' 30" E 10,992.90 varas.

From a point on the N.W. Bank of Chigoe Bayou in the west line of the Mary Sloan Survey, I found the course and distance to the center line of Clear Creek on the S.E. line of the Hall League to be N 9° 16' 44" E 10,994.60 varas. Starting from the same point on Chigoe Bayou a line N 9° 15' 30" E 10,992.90 varas would fall 0.96 varas south and 4.30 varas west of the center line of Clear Creek on the southeast line of the Hall Survey, but in the bed of the stream which is eight varas wide at this point.

It is obvious that Browne ran the additional 1270 varas on his calculated course of S 10° 00' W to the head of Dickinson Bayou, which was not well defined at that time, being a low flat swag and covered with water to a width of several hundred varas at times. In recent years drainage canals have been built emptying into both Chigoe Bayou and Dickinson's Bayous. A line S 10° 00' W, on Browne's variation, 1270.0 varas from the above mentioned point on Chigoe Bayou falls about 80 varas below the present drainage canal, emptying into Dickinson's Bayou, some two or three miles southeast, and about twenty or twenty five varas below the angle point in the present county line.

In retracing Browne's traverse to the south corner of the Brigham League on the North bank of Hall's Bayou, I found the south corner of the Brigham to be S 22° 59' 02" E (Variation 8° 30' E.) 26,412.80 varas, on a calculated course, from the point in the west line of the Sloan on Chigoe Bayou compared to S 20° 48' 14" E 26,262.84 varas, for the same line calculated from Browne's traverse, a difference of 150 varas. I did not attempt to adjust this portion of Browne's traverse to the conditions on the ground. I found the south corner of the Brigham League to be S 13° 39' 02" E 36,188.83 varas, on a calculated course, from the center of Clear Creek on the S.E. line of the W. D. C. Hall League.

In retracing Sam'l. P. Browne's surveys of the A. H. Jackson Survey #1, Robert Hoppel Survey #2, Wm. Henry Survey #3 and the two cancelled surveys for Mary Sloan #4 and #5 (certified photostatic copies of which from the County Surveyor's Records of Galveston Co. are attached to this report) made in February 1848, the same month and year of his county line survey, I began at the center of Chigoe Bayou on the southwest line of the Williams or McKissick League. From this point I retraced the A. H. Jackson and Robt. Hoppel Surveys, honoring all the calls for course and distance in the original field notes, as shown on the accompanying plat, with the exception of the crossing of Chigoe Bayou at 78 varas S.E. of the west corner of the Jackson. I found this impossible to do and at the same time honor Browne's call for the course of the Bayou to be northeast and also honor his call for crossing

Feb. 28, 1935.

the same bayou 338 varas northwest of its east corner. I meandered a portion of the bayou in the vicinity of the west corner of the Jackson and found it to flow N 46° 08' E to within a few varas of the Hoppel southwest line, thence S 43° 17½' E. 66.5 varas, thence S 48° 22' E 59.8 varas, thence N 76° 01½' E, at 8.92 varas crossing the southwest line of the Jackson 36.54 varas S 46° 27' E. of its west corner, continuing at total of 57.3 varas to the next change in course. Thus I found that Chigoe Bayou practically parallels the southwest lines of the Hoppel and Jackson Surveys, at from four to eight varas southwest of the line, for a distance of 126 varas before it turns northeast and crosses the Jackson southwest line.

There is a shell road along the southeastline of the Jackson Survey, several varas southeast of the line, and a fence along the southwest lines of the Jackson and Hoppel surveys, several varas southwest of the line, the position of both probably influenced by Mr. Stockwell's survey of the BS&F #6 in 1893 when he put the most northern corner of BS&F #6 360 varas southeast of Chigoe Bayou as shown by his plat filed in January, 1894.

Neither of the two witness trees called for by Browne at the East and West corners of the Jackson are standing. I found an 18" P.O., with three old hacks on the S.W., on my line 27 varas northwest of the south corner of the Hoppel. It is not an original line tree but the marks are old enough to consider in this retracement.

In retracing the Mary Sloan Survey #4, later cancelled and which lay in the position of the present BBB&C Survey, I found that the total distance along the S.W. line of the Williams or McKissick League from the center line of Chigoe Bayou to its West corner on the southeast line of the Perry and Austin League was 3064.56 varas. Honoring the calls for distance of the Jackson and Hoppel surveys, this leaves 886.56 varas for the N.E. line of the cancelled Mary Sloan Survey or the BBB&C northeast line. This is due to the eleven vara excess found to be in the Perry and Austin southwest line which Browne evidently did not take into consideration.

Browne's calls for the county line at 550 varas southwest of the north corner of Mary Sloan #4 and at 700 varas southeast of its west corner are obviously in error due to the position of the county line to the south along the west line of the Mary Sloan Survey #5. Since his true county line, according to his own notes, was a calculated line, the above calls were evidently either calculated or scaled from a plat.

It seems very logical to assume that Browne did not traverse each line of the five surveys he made at this time, but ran a skeleton line connecting the southwest line of the Williams League with his county line traverse and calculated the position of those corners of the various surveys not actually visited by him.

In retracing Browne's survey of the Wm. Henry #3, I found the distances along the southeast and northwest lines to be considerably short of the title calls in the original field notes. I also found that the first call of "N 45° 00' W with Jackson's southwest line at 380 varas a branch", was in fact the call for the west corner of the Jackson.

In Browne's plat, in the upper left corner of the original notes filed for the A. H. Jackson Survey, File G-3-25, the Wm. Henry Survey, File G-3-24 and the Robt. Hoppel Survey, File G-3-23, he shows the distance along

the county line from the south corner of the Henry Survey to the cottonwoods on the bank of Chigoe Bayou to be 1140 varas, whereas the notes of the Mary Sloan #5 call for a distance of 1173 varas between the same two points. Also, in the above mentioned notes, the similarity of Browne's fours and sevens is very noticeable. In his notes of the Henry, Browne calls to cross a branch (Chigoe Bayou) N 45°00'E 510 varas from its south corner.

In retracing the West lines of the Henry and Mary Sloan #5 Surveys I naturally assumed that Browne ran on his calculated course of S 10°00'W and N 10°00'E from the cottonwoods on Chigoe Bayou and not on the true line back to his beginning point of his county line traverse on Clear Creek.

In attempting to reconcile the three calls made by Browne for crossing Chigoe Bayou, namely his original location of the cottonwoods on his county line survey, his tie to the bayou on the southwest line of the Williams or the northeast line of the Jackson and his tie to the Bayou on the southeast line of the Henry, I found the south corner of the Henry to be N 10°00'E on Browne's variation, 1143 varas from a point on the northwest bank of Chigoe bayou and S 45°00' W 510 varas from the center of the same bayou along the southeast line of the survey. Both of these points on the bayou are at very old fords which may have been utilized by Browne to get through the timber belts. Corrected to my variation the same calls are N 8°33' E 1143.0 varas and S 43°33'W 510.0 varas, respectively, as shown on the accompanying plat.

I then found the said southeast line of the Henry, from its above mentioned south corner to an intersection of the Jackson southwest line, to be N 43°33'E 2276.93 varas (Browne's distance having probably been 2277.0 varas or 2270.0 varas and not 2770 varas.) I then gave the Henry its full call of 905.0 varas along the southwest lines of the Jackson and Hoppel surveys, passing the west corner of the Jackson and the south corner of the Hoppel at 380.0 varas, as above mentioned. I found the northwest line of the Henry to be S 43°33' W 984.46 varas and its west line to be S 8°33'W 1577.81 varas.

With reference to the above mentioned three crossings of Chigoe Bayou, called for in Browne's field notes, I found that the same three crossings located by me on the ground, check very closely, for both course and distance, Browne's calls with the above mentioned corrections (namely, 1143 instead of 1173, 2277 or 2270 instead of 2770 and 380 varas from the east corner of the Henry to the west corner of the Jackson, instead of to the bayou crossing). Due to the courses of the bayou at the three above mentioned crossings, I found that only the position I have given to the south corner of the Henry and the courses I have given its lines and the lines of the A. H. Jackson, will satisfy the above mentioned calls for course and distance and crossings of the bayou.

Browne's field notes for the Wm. Henry, while calling for 320 acres, would include considerably more. This survey corrected by me, as above stated, now contains 261.41 acres.

The field notes filed by John O. Trueheart in 1851 for the Mary Sloan Survey #5 were obviously a copy of Browne's field notes of the same survey, made three years previously, with the 240 acres additional added on the east to compensate for the Mary Sloan Survey #4 made by Browne at the same time and later cancelled. Browne's field notes for the 400 acres do not close and Trueheart's notes for the 640 acres have the same error in closure. It is then safe to

Feb. 28, 1935.

assume that Truehearts' survey was not a ground survey.

Therefore, in retracing the Mary Sloan Survey #5 I considered the calls for course and distance in the light of the groundwork having been done by Browne and not Trueheart. Beginning at the south corner of the Henry and at 1143.0 varas, S 8° 33' W, passing a point on the northwest bank of Chigoe Bayou, I then honored the calls for course and distance in Truehearts field notes of the survey, to an intersection of the southeast line of the Wm. Henry, this point being N 81° 27' W 440.49 varas from the northeast corner of the Sloan, as shown on the accompanying plat. I then found the northwest line of the Sloan to be S 43° 33' W along the southeast line of the Henry, 1826.27 varas passing the center of Chigoe Bayou at 1316.27 varas.

In making a retracement survey of the Richard A. Magee Survey, I took note of the fact that Mills did not describe the cottonwoods on Chigoe Bayou in the same manner that Browne described them. Mills called for "a bunch of cottonwoods on Chigoe Point Bayou marked M.S. X-111" while Browne called for "three cottonwood trees about 18 inches diameter each and connected at the bottom, on the bank of the branch." No doubt the cottonwoods referred to by Browne should have been standing six years later when Mills surveyed the Magee but it does not seem that Mills necessarily found them. The Magee is very closely in place as it is occupied today, being marked by a laned road on the south side, a fence along its east line, an old fence row along its north line, some fences on its west line and the two bayou crossings as called for in the original notes. However, I found the Magee east line to be in conflict with the West line of the Mary Sloan to the extent of 10.62 varas, but I also found the Magee to have an East - West overage in distance of 9.62 varas.

In retracing the R. A. Magee survey, I began at a point S 8° 33' W 327.0 varas from the center of Chigoe Bayou, course N 33° 22' E. I found the south line to be N 81° 27' W 1353.62 varas, crossing the west line of the Mary Sloan at 10.62 varas, N 8° 33' E 50.59 varas from its southwest corner. I found the west line of the Magee to be N 8° 33' E 1344.0 varas, crossing the center of Chigoe Bayou, course S 9° 10½' E, at 1124.80 varas. This crossing is the old bed of Chigoe Bayou which is very well marked for some distance in both directions from the crossing. A drainage canal has been built in more recent years and is several varas to the west of the old stream bed at this point and empties into the channel of Chigoe Bayou a short distance below the crossing. I found the north line of the Magee to be S 81° 27' E 1353.62 varas crossing the west line of the Mary Sloan at 1343.0 varas, S 8° 33' W 105.41 varas from the south corner of the Wm. Henry Survey. I found the East line of the Magee, which is in conflict with the west line of the Sloan Survey to be S 8° 33' W 1344.0 varas, crossing the center of Chigoe Bayou, course N 33° 22' E at 1017.0 varas.

In making a retracement survey of the Mary Fabreau Survey I took into consideration, the fact that the field notes do not close, the third call of "North 45° West 1895 varas" evidently being short. This necessarily would have to be N 45° 00' W 1905.0 varas to check the distances on the remaining lines and also to enclose the 463 acres called for in the original notes. I found that the northeast three fourths of the northwest line is occupied, as evidenced by a fence, very closely on line so as to give the full call for distance on the northeast line. I also found that the west corner falls in open prairie pasture so that no existing property lines would be disturbed by giving the northeast line its full call. In addition to that, the distance along

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Feb. 28, 1935.

the southwest line of the Williams or McKissick League from its south corner to the east corner of the A. H. Jackson Survey far exceeds the combined title calls of the Fabreau and BS&F Survey #6 (both original and re-survey by Stockwell in 1893).

In view of the above conditions, in retracing the Mary Fabreau Survey and beginning at the south corner of the J. R. Williams or Sarah McKissick League, I honored all the calls for course and distance in the original field notes, as shown on the accompanying plat, with the exception of the above mentioned third call for the southwest line which I made N 46° 27' W 1904.47 varas. The distance along the northwest line would necessarily have to be 1518.47 varas, as shown, whether or not the southwest line were increased from the title call of 1895.0 varas to 1904.47 varas.

I then found the distance from the north corner of the Fabreau, along the southwest line of the Williams or McKissick League, to the east corner of the A. H. Jackson Survey to be N 46° 27' W 523.44 varas, as compared to 499.5 varas in the second call of the original field notes of the re-survey by Stockwell in 1893.

In retracing the Wm. H. Snider Survey I found the northeast and southwest lines to be 3011.0 varas, agreeing with the southwest line of the Perry and Austin League, and the northwest and southeast lines to be 602.17 varas as called for in the original field notes, by Geo. W. Durant, as shown on the accompanying plat. This survey is very closely in place as occupied today and is fenced very closely on line on all four sides.

In making this retracement I found the northeast line of the Snider or southwest line of the Perry and Austin League to be N 46° 27' W 3011.0 varas crossing the center of Cowards Creek at 446.0 varas, course S 60° 01' E, and again at 2489.3 varas, course S 43° 30' W. The upper crossing agrees with Donaldson's call shown on his plat accompanying his above mentioned attached report to the 23rd District Court in 1897. However, the lower crossing at 446.0 varas does not agree with his distance shown on his plat of 437.0 varas.

In retracing Durant's survey of the BBB&C RR Co. Survey, as mentioned above, I found the northeast line from the north corner of the Robert Hoppel Survey #2, along the Williams or McKissick southwest line, to the West corner of the Williams or McKissick League to be N 46° 27' W 886.54 varas.

Since Durant made the surveys for the Wm. Snider and BBB&C RR Co. Surveys both the same year and within two months of each other, and also made the distance of the northwest line equal to the call distance from the west corner of the Williams to the south corner of the Perry and Austin plus the call distance of the southeast line of the Snider, it is to be presumed that he made the west corner of the BBB&C RR Co. Survey and the south corner of the Snider common corners. However, his field notes do not so state and he calls for a cedar post for the south corner of the Snider and a cedar stake for the west corner of the BBB&C.

Beginning at the west corner of the Williams or McKissick League, as shown on the accompanying plat, I honored the call in the original field notes for course and distance to the West corner of the BBB&C RR Co. Survey

Feb. 28, 1935.

which is the south corner of the Wm. H. Snider survey. I also honored the call for course and distance to the south corner. Thence at right angles, being N 43° 33' E, at 302.17 varas I intersected the southwest line of the Robt. Hoppel Survey, 10.44 varas, S 46° 27' E, of its West corner. Thus, due to the seniority of the Hoppel survey, this survey is forced to give precedence to the Hoppel and take its course and distance along the Hoppel northwest line from its west to its north corner, as shown on the accompanying plat.

I only made a partial retracement of BS&F Survey #6 as shown by the retracement of those common lines of the above mentioned surrounding senior surveys. Since, to determine the beginning corner of BS&F Survey #5, which is the southwest corner of Washington County RR Co. Survey #5, it would be necessary to make a retracement survey of the Washington Co. RR. Co. block of surveys, made by Will Powars in 1860 and later cancelled, I did not attempt to fix the beginning corner of BS&F #5. In view of the necessary work involved to correctly locate BS&F #5, it presumably has been placed in several different positions to suit the ideas and convenience of the intervening retracement surveys without regard to the true position of its beginning corner. Today BS&F #5 occupies the approximate position given to it in 1893 by Stockwell, as shown by his plat accompanying his field notes of his re-survey of BS&F #6.

In retracing Will Powars work in laying down the HT&B Surveys #1 to #40, I took into consideration the fact that he surveyed #1 to #18 on Clear Creek and a group of HT&B Surveys, including HT&B (J.M. O'Donnell) #20 on Mustang Slough in 1861 and then, at a later date, 1868, he filled in between these surveys and other senior surveys the balance of the HT&B Surveys, up to and including #40.

In considering the three groups of surveys above mentioned it is evident that Powars did considerable work on the ground in locating the two earlier groups in 1861 but it does not seem that he did more than run a connecting lane between the two groups or plat them from lines previously run by him or his predecessors, in putting in the remaining surveys in 1868. These later surveys seem to have been built around this connecting line and only call for the common corners of the adjoining surveys and do not call for any natural or artificial objects as do the field notes of his earlier HT&B surveys.

In Powars field notes of HT&B Surveys #1, #2 and #11 he gave bearings to Hugh Kelly's house, from various corners of these surveys. I located the site of Hugh Kelly's house, as shown on the accompanying plat, in the Thos. J. Green 1/3 League and near Clear Creek. The house burned November 27, 1933.

From the courses and distances in the corrected field notes of HT&B #1 and #2 and the courses from the various corners to Hugh Kelly's house, I calculated the distance from each of the following corners to Kelly house: southeast corner of #2, southeast corner of #1 and Powars position of the west corner of the Hunter and found them to be as shown on the accompanying plat in parenthesis.

Feb. 28, 1935.

The meanders of Clear Creek, in Powars corrected field notes of HT&B #1, are obviously in error. The last call of "N $36\frac{1}{2}^{\circ}$ E 180 varas to the place of beginning" would not intersect the northwest line of the D.H.M. Hunter 1/4 League whose course is N 45° E and in which the beginning corner of HT&B #1 lies. In all probability this course should have been N $56\frac{1}{2}^{\circ}$ E 180 varas as this conforms more closely to the conditions on the ground. However, the above mentioned corrected field notes of HT&B #1, with this last course changed to N $56\frac{1}{2}^{\circ}$ E 180 varas, do not close by 37.63 varas north and south and 45.10 varas east and west.

Since the meanders of Clear Creek were added, several months later, to the calls in the original field notes to make the corrected notes, it is safe to assume that the error lies in the creek meanders. In view of the above conditions, I calculated the course and distance from the northeast corner of #1, from Powars field notes, to its northwest corner, as shown on the plat in parenthesis.

The channel of Clear Creek has been enlarged and deepened in recent years but, seemingly, not straightened. The present course of the creek along the north lines of #1 and #2 are shown on the accompanying plat. I found that the creek meanders in the corrected field notes of HT&B #2 conform very closely to the course of the creek as it is today and all points fall along the south or right bank of the creek as called for in the field notes. I found that the fourth, fifth, sixth, seventh and eighth (corrected as above mentioned) calls for meanders of the creek in the corrected field notes of HT&B #1 very closely follow the present course of the creek along its south or right bank and that the third call of S $77\frac{1}{2}^{\circ}$ E 790 varas falls along a very flat section where there was probably no well defined channel in 1861 and that both ends of this third call fall on the south or right bank of the creek. I found that the first and second meanders do not follow the stream, both being too long in their call for distance and the first call being about five degrees in error as to course. To conform to the course of the creek along its right bank the first call would have to be more nearly S $38\frac{1}{2}^{\circ}$ E 325 varas and the second call East 193 varas. Approximately these changes would then balance the calls for course and distance in the corrected field notes of HT&B #1.

Due to the close conformity of the meanders of Clear Creek, along the north line of HT&B #2, with the actual course of the creek and also the close conformity of a majority of the meanders, along the north line of HT&B #1, with the creek, the position of the northwest corner of #1 or the northeast corner of #2 is very definitely confined to a very small area along the south or right bank of Clear Creek.

On the plat, filed in the General Land Office under Sketch File #6, Brazoria Co., April 14, 1862, the southwest corner of HT&B #18 is shown to be $13\frac{1}{2}$ varas north and 1798 varas east of the north corner of the Erastus Little 1/3 League.

Taking into consideration the above mentioned ties to Hugh Kelly's house, the positions of the northwest and northeast corners of HT&B #1 on Clear Creek and the position of the north corner of the Erastus Little and also Powars tie to the northeast line of HT&B #20, I found the above mentioned group of surveys on Clear Creek, HT&B #1 to #18, to have been surveyed on a variation of $9^{\circ} 24'$ East, or $0^{\circ} 54'$ greater variation than used by myself in making these retracement surveys.

In retracing HT&B RR Co. Survey #1, I honored all the calls for course and distance, as well as the calls for Hugh Kelly's house, in the corrected field notes, except the above mentioned discrepancies in the meanders of Clear Creek, as shown on the accompanying plat, the northeast and northwest corners of the survey falling on the south bank of Clear Creek as called for in both the original and corrected field notes; the northeast corner being $N 29^{\circ} 21' 20'' W$ 6060.53 varas from the site of Hugh Kelly's house. No original bearing trees were found on Clear Creek.

In view of my partial retracement of the Thos. J. Green 1/3 League, mentioned above, it is evident that Powars was in error as to the northeast-southwest position of the West corner of the Hunter, and placed the HT&B #1 about 230 varas in conflict with the Hunter along its southwest line. This error is evident in his calculated ties to the W.D.C. Hall and Wm. H. Snider surveys. No doubt the correct position of the southwest line of the Hunter is more nearly as shown by the fence, on the accompanying plat, southwest of the position given it by Powars. As I was only interested in Powars position of the Hunter, I did not make a retracement survey of the Hunter.

From the southwest corner of HT&B RR Co. #1, I ran a line $S 0^{\circ} 54' E$, a continuance of its west line, honoring the title calls for course and distance in the corrected field notes of HT&B #2 and the original field notes of HT&B #11 and #12, as shown on the accompanying plat. The call in the original field notes of #11, to cross the middle of Mary's creek at 870 varas south of its northeast corner, was impossible to definitely check. In recent years, a large drainage canal has been built for a considerable distance both to the east and west of this point and also excavation for the present highway, which crosses the east line of #11 a short distance to the south, has been made. The old channel of Mary's Creek has therefore been obliterated along the east line of #11. However, there is a portion of the old channel south of the drainage canal and to the east of the east line of #11. I meandered a portion of this which is shown on the accompanying plat. The course of the channel to the southeast, from where it can first be found, indicates that it probably crossed the east line of #11 at approximately 870 varas south of its northeast corner, as called for in the original notes.

From the southeast corner of #12, I ran a line $S 89^{\circ} 06' W$, as shown on the plat, honoring all the calls for course and distance for #12, #14, #16, #18 and #22. At 1792.11 varas past the southwest corner of #18, I found a $2\frac{1}{2}''$ G.I. Pipe set in concrete, marked "NC. E.L.", 16.17 varas $S 0^{\circ} 54' E$ of the line. I also found a 1" iron pipe, very much older than the G.I. Pipe, 6.20 varas north and 12.07 varas east of the G.I. Pipe, which was also set for the north corner of the Erastus Little.

As shown on the plat, I also found pipes along the northeast lines of the Erastus Little and Harvey N. Little 1/3 Leagues set for the south corner of ACH&B #92, southern southwest corner of HT&B #23, north corner of the Harvey N. Little and east corner of the Harvey N. Little.

By extending a line through these G.I. Pipes a matter of only 4.03 varas northwest a point would be arrived at that would be 13.50 varas $S 0^{\circ} 54' E$ of the south line of HT&B #22 at 1795.03 varas $S 89^{\circ} 06' W$ of the southwest corner of HT&B #18. Since the call distance on the plat is 1798.0 varas I considered this too close to warrant a complete retracement survey of the two Little 1/3 Leagues. Also, I was only interested in Powars position of the north corner of the Erastus Little and I do not believe a retracement of Rowley's work would be

Feb. 28, 1935.

of any benefit.

The north part of the Erastus Little Survey has been sub-divided and is occupied in an east west direction as if it were a part of ACE&B #92 and so no evidence of its earlier occupied position can be found.

The two Post Oaks called for in the original field notes of HT&B Surveys #11 to #18 could not be found.

In making a partial retracement survey of HT&B (J.M.O'Donnell) #20, I located the beginning corner of #21, HT&B., which is also the beginning corner of the A.B. Langermann Survey and an ell corner of HT&B #20. This corner is correctly occupied on the ground, falling in the center of a lane running northeast and southwest and in the line of a northwest southeast fence. To locate this corner I meandered a portion of Mustang Slough, as shown on the accompanying plat. The stream bed is very flat and an average width of 27 varas. However, there is an additional width of approximately 35 varas to the northeast and approximately 20 varas to the southwest that is very low and covered with water at times, and it, no doubt, was covered more often before the advent of the drainage canals lower down the slough.

I found that a point N $45^{\circ}30'W$ (on a variation of $10^{\circ}E$) 134.50 varas from the above mentioned corner, falls in the stream bed of the slough among numerous clumps of old willows and a point S $3^{\circ}30'W$ (same variation) 50 varas falls in a clump of old willows well outside of the stream bed proper but within the above mentioned limits of the slough. There is no point in the immediate area where both points will fall within the stream bed. The reference in the original field notes of #20 calling for this corner to be "in Mustang Slew" probably should have been "on Mustang Slough". No original bearing trees were found.

I found HT&B RR Co. Survey #20 to have been located on a variation $1^{\circ}39'$ greater than my variation, or a variation of $10^{\circ}09' E$.

From the above mentioned ell corner of #20, it being called for at the end of the second call in the original field notes, I honored the calls for course and distance of the third, fourth and fifth calls, in the original field notes, to establish the position of the most northern northeast line of the survey, as shown on the accompanying plat. I found these lines, as well as a portion of the southeast line of the survey, occupied very closely to the position shown.

As above mentioned, the HT&B Surveys, laid down in 1868 by Powars between those on Clear Creek and those on Mustang Slough, were presumably built around a connecting line, either calculated or made on the ground. With this in mind, I intersected a northwestward extension of the northeast line of #20, from its most eastern north corner, with a line S $0^{\circ}54'E$ from the southeast corner of HT&B Survey #2. I found this distance to be S $0^{\circ}54'E$ 12,475.29 varas in comparison to 12,475.08 varas arrived at from Powars original field notes of the intervening surveys, and the intersection being N $49^{\circ}39'W$ 317.32 varas from the most eastern north corner of #20. I then constructed HT&B RR Co. Surveys #27, #28, #29, #30, #35, #36, #37, #38, #39 and #40 from this connecting line, honoring all calls for course and distance in the original field notes, where possible and except where noted on the plat.

In the original field notes of HT&B #39, Powars called to go west along its south line "984.0 varas to a corner on Jamison's 640 acre survey" which was presumed to, or did at that time, adjoin HT&B #20 on the southeast.

Feb. 28, 1935.

His next call was "N 48°W 1813 varas with Jamison's and Sec. 20 N. E. line to corner". From his own sketches on file in the General Land Office it is evident that this distance would pass the eastern north corner of #20 a considerable distance and fall presumably on the northeast line of the Cannon.

For this reason I did not attempt to fix the position of the Cannon Survey, but instead the position in which Powars found it or placed it in 1861. As a matter of fact, the Cannon seems to be occupied the width of the Langermann Survey northeast and about 267.0 varas northwest of the position that Powars gave to it or the position in which he found it, and in conflict with HT&B #39 to that extent.

In determining the boundaries of HT&B #39 it would be necessary to disregard the difference in variation between the two groups of HT&B Surveys on Clear Creek and Mustang Slough to check the calls in Powars field notes. This would place the southwest line of #39 in conflict with the northeast line of #20 and in disagreement with Powars position of the northeast line of the Cannon.

Therefore, disregarding the conflict between HT&B #39 and the occupied position of the Wm. J. Cannon Survey for the purpose of retracing Powars location of the HT&B Surveys, I found the south line of HT&B #39 to be S 89°06'W 959.58 varas, intersecting the northeast line of survey #20, HT&B, 66.50 varas N 49°39'W of its east corner. I found the southwest line of #39 to be N 49°39'W 1824.10 varas, passing the eastern north corner of #20 at 933.50 varas. I found the west line of #39 to be N 0°54'W 697.50 varas. The other lines of the survey conform to the original field notes as shown on the plat.

Powars mistaken position of the west corner of the Hunter is in evidence in his call for the southeast corner of HT&B #11 to be 1580 varas, west of W.D.C. Hall's west corner. In addition he must have used the call distance in the Hall field notes of 633 varas to Mary's Creek as the distance to the south corner of the Green survey. It is an impossibility, under any plausible construction, to place the southeast corner of #11 west of the west corner of the Hall.

I found the same above mentioned discrepancy, of the northeast-southwest position of the west corner of the Hunter to exist in Powars calculated intersection of the north line of HT&B #28 with the southwest line of the W.D.C. Hall League and also in his calculated ties of #28 with both the Hall and Wm. H. Snider Surveys.

I found the north line of H.T.&B. #28 to be N 89°06'E 744.12 varas to a corner in the southwest line of the W.D.C. Hall League. I found the northeast line of #28, along the southwest line of the Hall, to be S 46°27'E 1276.23 varas to the north corner of the Wm.H.Snider Survey. I found the most southern northeast line of #28, from the west corner of the Snider along its southwest line, to be S 46°27'E 933.71 varas and the east line of #28, along the west line of ACH&B Survey #1, to be S 0°54'E 240.55 varas to the northeast corner of HT&B #29. The courses and distances of the other lines of #28 agree with the calls in the original field notes as shown on the accompanying plat.

From this plat it will be noticed that the HT&B Surveys and portion of surveys to the east of the GC&SF Railroad are occupied in positions influenced by retracement work from the east and southeast rather than from Powars' control. On the other hand, those surveys and portions of surveys lying to the west of the

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Feb. 28, 1935.

railroad are more nearly in place by using Powars' control. In several instances, the north south position of the survey lines vary as much as 60 or 70 varas on opposite sides of the railroad track.

HT&B Surveys #12, #14, #16, #18 and #22 are fairly well in place as shown by the fences and roads on the accompanying plat.

Also, shown on the plat are the following evidences of the surveys to the west of the railroad having been occupied in their correct position; an old graded road on the north line of #35, partially laned and evidence that it was, at one time, laned from the railroad track to the northwest corner of #35; an old corner fence post 1.16 varas south and 1.70 varas east of the southwest corner of #35 and evidence of old fences running both south and east from the post; and the fence on the south line of #38 near its southeast corner. This fence is a good straight fence and runs in a westerly direction for approximately a mile, but whether or not it is on the south line of #38 for the full distance I do not know, as I did not check the course of the fence nor its position at or near the southwest corner of #38.

In making a retracement survey of a portion of Adam Hoxie's traverse made in January 1890, as a basis for his correction of the I&GN series of surveys, I attempted to retrace his work on the west portion of his traverse as far south as his beginning point at the original northwest corner of the R.L. Weir Survey on Mustang Slough, but found no definite markers south of the railroad at the town of Alvin.

I found the distance from the center line of the railroad at Alvin to the southwest corner of the Mary Sloan survey to be 6309.75 varas on a variation $1^{\circ} 04'$ less than that used by Hoxie, compared to a distance of 6310.58 varas calculated from his notes.

Beginning in the center of the main line of the GC&SF Railroad (Galveston-Sugarland line) where the main street of Alvin crosses the railroad and approximately in the center of said street, I ran a line $N 1^{\circ} 34' W$, at 234.0 varas the center of Mustang Slough, east of the center line of the new highway bridge being built, and at 1215.84 varas a point for Hoxie's position of the northwest corner of HT&B #15, this point falling in the right of way of State Highway #35 a distance of 8.70 varas west of its east line and 28.0 varas east of its west line and 2.20 varas north of the north side of the lane going east. From this point, I ran a line $N 88^{\circ} 26' E$ 2076.73 varas to a point on Hoxie's traverse, presumably the southeast corner of Hooper and Wade Survey #21. This line stays an average of two varas to the north of the above mentioned lane most of its distance and the point falls on the line of the west fence of a north south gravel road, 2.60 varas south of the north fence of the lane going west. From this point I ran a line $N 1^{\circ} 34' W$ 3131.59 varas to a point on Hoxie's traverse, presumably the northeast corner of Hooper & Wade Survey #22 and an ell corner of I&GN #23. This line follows the west side of the above mentioned gravel road a distance of 2270 varas to where the road turns west, and the point falls 19.50 varas north of an east west fence. From this point I ran a line $S 88^{\circ} 26' W$ at 381.22 varas passing the southeast corner of I&GN Survey #22 and at 2105.73 varas a point on Hoxie's traverse, presumably his position of the northwest corner of Hooper and Wade Survey #22, and being 0.22 varas west of the center line of the new highway. Old Time residents have stated that the northwest corner of Hooper & Wade #22 has been considered to be in the center of the Alvin-Pearland Road for many years. This line follows very closely the occupied position of I&GN #22 as fenced. From this point I ran a line $N 1^{\circ} 34' W$ 18.0 varas to a point on Hoxie's traverse presumably for the northeast corner of Hooper and Wade Survey #24. I then ran a line $S 88^{\circ} 56' W$ 36.0 varas to Hoxie's position of the southeast

Feb. 28, 1935.

corner of HT&B RR Survey #40. This point falls 36.75 varas south and 48.89 varas east of the southeast corner of HT&B #40, located from Powars' control as stated above. From this point I ran a line N 1°34'W 1599.71 varas to a point on Hoxie's traverse. I then ran a line S 81°19'E 1575.72 varas to another point on Hoxie's traverse, from where I ran a line N 8°41'E 434.92 varas to the southwest corner of the Mary Sloan Survey #5 at which point Hoxie called for "an old stake, the southeast corner of the B.A. Magee survey, bearings identified." This evidently was the southwest corner of the Mary Sloan and not the southeast corner of the Magee, as Mills called for "cedar post Mk. J.D." at southeast corner of the Magee, and Hoxie would have had to continue on his course of N 9-3/4°E an additional 50.59 varas to reach the south line of the Magee. The fact that Hoxie set stakes at all the corners visited, on this portion of his traverse, except at the northwest corner of HT&B #15, where he found a cedar stake and the southeast corner of the Magee where he recites he found "an old stake", is very important and should be taken into consideration in determining the position given to I&GN #22 by Hoxie.

Murphy's house called for by Hoxie, in his notes of the above mentioned traverse, the chimney of which was N 39°22'E of Hoxie's stake set for the southeast corner of HT&B #40, has been gone for some 35 years. Mr. John Savels, an old time resident of Alvin, pointed out to me an approximate location on the ground of Murphy's house. He identified the location, shown on the accompanying plat, by the old ford on Chigoe Bayou where a clump of cottonwoods once stood. This approximate location of Murphy's house is N 37°51'51"E on a variation of 8°30'E, or N 38°55'51"E on Hoxie's variation, 2658.30 varas from the above mentioned point where Hoxie set a stake for the southeast corner of HT&B #40, about 20 varas northwest of the indicated position from Hoxie's traverse notes.

From the southwest corner of the Mary Sloan I retraced the I&GN Survey #22, honoring all calls for course and distance in its corrected field notes, as shown on the accompanying plat, with the exception of the second call and with exception of making a balanced traverse, tying the corners of the survey to the pertinent lines and points on Hoxie's above mentioned traverse. From the beginning corner I followed the south line of the Sloan which is S 81°27'E whereas the north line of I&GN #22, correcting 1°04' for the difference in Hoxie's variation, would be S 81°19'E. I took up this difference in the north-south position of this corner by making the second call 26.0 varas instead of 25.0 varas.

The A.C.H.&B. Surveys #1 and #2, the Hennell Stevens Survey and the Branch T. Masterson Survey, which were obviously all "office surveys" and not made on the ground, were then retraced by me, from their respective beginning points in their original field notes, honoring all calls for course and distance except where limited by senior surveys, as shown on the accompanying plat. I made one exception in the case of the south line of the Hennell Stevens. The original call from the southwest corner of the R. A. Magee to the east line of H.T.&B. #40 was 88.0 varas. I extended the south line of the Magee to an intersection of the east line of H.T.&B. #37, thus making the south line of the Stevens N 81°27'W 344.06 varas. I did this in view of the fact that the acreage left for the Stevens, after the surrounding senior surveys are correctly located, is approximately one half of the amount called for in the field notes, and also because the original notes called for the southwest corner, as well as the beginning corner, to be in the east line of the H.T.&B. series of surveys.

Feb. 28, 1935.

It will be noticed, in making these retracement surveys, that three tracts of vacant Public School Land are shown to exist, namely one between the Masterson survey on the north, the Magee survey on the south, the A.C.H.&B. Survey #2 and the Hennell Stevens Survey on the west and the Henry and Sloan surveys on the east; another between the A.H. Jackson Survey #1 and the B.S.&F. Survey #6 on the northeast and the Mary Sloan Survey on the southwest, the Wm. Henry Survey on the northwest and B.S.&F. Survey #6 on the southeast; and the third between the Hennell Stevens and R. A. Magee surveys on the north, the I&GN Survey #22 and the Hooper and Wade Survey #24 on the south, the HT&B Surveys #37 and #40 on the west and I&GN Survey #22 and Mary Sloan #5 on the east. I made no attempt to determine if a vacancy exists between the north line of Hooper and Wade Survey #24 and the south line of HT&B Survey #40 as I did not retrace the Hooper and Wade #24.

I have previously filed in your office field notes for the first two vacancies above mentioned. At this time, I am filing, with this report and plat, corrected field notes of these two vacancies together with field notes of the third vacancy above mentioned and corrected field notes for the Hennell Stevens.

From the accompanying plat it is evident that there is a disagreement between the east line of I&GN #22 and the occupied position of BS&F #5 and also the north line of I&GN #23 and the occupied position of BS&F #5. This plat and this retracement survey are not intended to show a possible vacancy or conflict in this immediate area nor to preclude the possibility of either, since, as mentioned above, no attempt was made to place BS&F Survey #5 in its true and correct position. I&GN Survey #22 is shown in the position given it by Hoxie and I&GN #23 is merely shown in its indicated position with relation to #22. I&GN #23, of course, would necessarily give way to BS&F #5, its senior in case of a conflict.

In making this retracement survey, I found the acreage, in several of those surveys retraced, to vary considerably from that called for in their original or corrected field notes. I have listed those below. All the other surveys, of which a complete retracement was made, remain approximately the same as called for in their original field notes. On the basis of this retracement survey the Wm. Henry Survey #3 now contains 261.41 acres; the Branch T. Masterson Survey 104.71 acres; the BBB&C RR Co. Survey 286.09 acres; the ACH&B Survey #1, 592.43 acres; the ACH&B Survey #2, 614.40 acres and the Hennell Stevens Survey 135.79 acres.

This entire area, for years, has been the scene of conflicting ideas and opinions. This is very well borne out by the numerous lawsuits over the position of the Hennell Stevens, ACH&B #2, Wm. Henry and B. T. Masterson Surveys and their individual lines dating back as early as 1890, as well as other similar situations. The intervening retracement surveyors and sub-dividers, though, no doubt, men of ability, have been seriously handicapped by the extremely wide-spread control. Their clients, in the immediate area, could not, or would not, permit them to extend their lines, the many miles necessary, to find the points used by the original surveyors for control. What advantage they would ordinarily have enjoyed, by being earlier on the ground, has been very much discounted in this particular area because of the relatively few material objects, either natural or artificial, called for or placed at the various corners by the original surveyors. The several creek and bayou crossings called for, in a few instances, included a few obviously erroneous calls and, therefore, confused the situation to a greater extent and made it more necessary that the distant control of

Feb. 28, 1935.


the original surveyors be used. The retracement surveyors and sub-dividers were evidently forced, under the circumstances, to rely upon control of such a local nature as to be entirely dependent upon adjacent retracement work by their contemporaries or predecessors.

I have religiously attempted to follow the footsteps of the individual original surveyors, as far as the record of what they did will permit. I have gone to the extreme limits of the ground control used by them in the very apparent projection of their survey lines. In some instances, their projection was very obviously made without true knowledge of the position of the surveys for which they called.

In such cases, their calls for those surveys would unreasonably distort the particular courses where such calls were made and I have disregarded those calls in favor of the more material control from which the original surveyors worked.

The results are as shown above in this report and on the accompanying plat and they are respectfully handed to you for your consideration and decision in the hope that the surveys in this area may be permanently fixed, without conflict, to the best interests of the General Land Office and all concerned.

Respectfully submitted,


J. D. Freeman
J. D. Freeman,
Licensed Land Surveyor.

Received and filed in General Land
Office on March 29th, 1935.

JDF/s

J. H. Walker, Commissioner
C. F. Blucher, clk.

*Filed in connection with mineral
application No. 27942, F. L. Luckel.*

See sketch which accompanies this.