CHAMBERS COUNTY
ROLLED SKETCH NO. 20

S.F.-14175 & S.F.-14148

S. E. DAMON

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6 Plat
6A Copy of Map by W. O. Work
6B Copy of Map made from Aerial Mosiacs
For Original of Plat 6 See Rolled Sketch No. 21
6C-J Plats by B. H. Faber
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Transcript of Hearing

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$5.00

File with Chambers Co. Rld. Sk. No 20
In Flat Folder

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

(filed in the General Land Office by S E. Damon)

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Before HON. BASCOM GILES

Commissioner of the General Land Office.

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SATURDAY, MAY 11, 1940.

9 A. M.

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SATURDAY, MAY 11, 1940.

9 A M

- -

APPEARANCES:

W. P. HAMBLEN, JR., 1111 Scanlan Bldg., Houston, Texas,

S. E. DAMON, 1110 East 32nd., Austin, Texas,

R. CHESTER DAY, Houston, Texas, c/o Humble OIR Co

W. O. WORK, Anahuac, Texas,

W. E. WHITCOMB, 1604 Petroleum Bldg., Houston, Texas,

EDWARD D. BRANDT, Houston, Texas.

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Comm: This hearing has been called on two applications, being S. F. Nos. 14148 and 14175, applications to purchase alleged vacant land, which is located in Chambers County, just east of Galveston Bay and between the Trimble and adjoining surveys. And for those who want to put any additional information in this office after this hearing today, we will give some time--20 to 30 days--in which to get in any additional information that they want to place in this file. I would like for you to get it in by that time. Everyone will be given an opportunity to get such information in this office. We will proceed with the hearing. I will ask Mr. Faber to come around and be sworn in, and then proceed with a narration on how he proceeded with his surveying on the ground and then we will let them ask him some questions.

MR. BEN H. FABER, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Comm: Here is a pointer.

Faber: As I show in my report to this office on December 21, 1939, I was instructed by the State Land Commissioner to make a survey on alleged vacancy file claiming land, as he has read to you. This alleged vacant land is located in Chambers County near what is known as Smith's Point. I will just place this map here on the well. (Places map on wall.) This is just a geological map. I will just put it up temporarily to show you the area in which I surveyed. Here is Double Gun Bayou and Lone Oak Bayou, better known as Honest Bayou. This is called White Lake. This is Lake Supprise and Smith Point. The alleged vacancy lies south of Lone Oak Bayou--between that and the Point--to give you a gen-

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eral view of the location. This is low flat country probably 2 to 5 feet above sea level. I spent a couple of days with Mr. Work in locating some points he was familiar with. He pointed out to me the William Richey corners which he had placed there 10 years before, and showed me their relation with the point that he established for the northeast corner of the Solomon Brill. I find two points--two iron pipes representing that corner of the survey While working with Mr. Work, I spent a day in locating the position of Lone Oak, which is referred to in the Trimble and Franklin and Solomon Brill Surveys--also located parts of the old Remington House, which is used in locating the Trimble Survey. I found one of the two pre-emption corners of the C. Mitchell Survey--the northwest corner of that survey to the north of the Solomon Brill Survey. I made a tie back down to the point now set for the Solomon Brill Survey. In general this is the procedure I followed--was to start on the point which is supposed to be the northeast corner of the Brill, being two marked pipes there. I took the most northern pipe as the true location for the reason there is a call for the southwest corner of the A. Gordy Survey, and a 1½ inch angle iron marking the northwest corner of the Brill. Those points all line up for the northwest corner. Then coming down the west line of the Solomon Brill his called distance for the southeast corner of the Trimble Survey, I found a cedar stake shortly west from that calaed distance--let me see if I can find the figures on that north line. This large scale shows 38.15--34½ varas from the called distance is a cedar post marking the northwest corner of the Brill identified by Mr. Work and Mr. Jackson. From the southeast corner of the Trimble, I run a line west

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for the north line of the Franklin, placing it course and distance and setting a corner for the northwest corner of the Franklin, and then measured the alleged distance for the vacancy and setting a corner, and then came south to find the point on the north line of the Sam Mather's Survey No. 14, and then course and distance for the northwest corner of the Mather 14 is 23 varas west. Then extending a line south for the called distance from the Axle, I placed it about 10 or 15 varas south of what appeared to be a cornerat the point of the E. H. R. Wallis No. 17--E. H. R. Wallis Survey is marked by a grove of live oaks planted up and down in along the east, north and west line south to 194 varas, which is called for in the field notes. I continued a line west from the northeast corner of the D. Richardson No. 11, west to the northwest corner of Richardson No. 10. I pass an iron stake within a few staps for the northwest corner of Richardson No. 11, marked corner from the northwest corner of Richardson No. 10, I went south and checked up an iron stake set for the southwest corner of No. 10. At the southwest corner of No. 9 and northwest of No. 8, my line fell a few varas north and west--my line fell west for the reason when I got down on a 30 minute difference on the variation on which he was running. The northwest corner of Richardson No. 9 is marked by an iron stake on the northwest side of the road. There is a line of pine trees west of the fence of the Richardson No. 9, apparently 25 years old. There are some old witnesses in the Live Oaks and there were in rows, and then a small grove at 20 degree angle, some young and some 60 to 70 years old. At the northeast corner of Richardson No. 9, I also found an iron pipe in the ground under the road. On the east line of the

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Richardson near the northeast corner there are some pipes. They are on the homestead, and it has considerable trees of considerable size. That places my survey in relation to the iron pipe for the Richardson 8, 9, 10, the northeast corner of No. 11 to the cedar stake at the northeast corner of the R. C. Frankland for a cedar post marking the Solomon Brill and an iron pipe--two iron pipes at the northeast corner of the Solomon Brill. I ran a line from the northwest corner of the Brill to the Bay and found a cedar stake at a called distance of 251 varas. I checked a 1½ inch angle iron that had been set for the southwest corner of the John Dick. I continued that line west to the coast getting the distance and showing the coast line in relation to the Solomon Brill survey marked on the map. The cedar stake at the northeast corner of the Frankland Survey was identified by the land owner, Jess White and Andy Frankland, who used it for thenortheast corner of the Frankland and the southeast corner of the Trimble. At the northwest corner of the Mather No. 14, there is a cedar stake which I found to be 20 to 25 varas north of where we had set the corner which was pointed out to me as the northwest corner of the Sam Mather's. The Solomon Brill is a parent Survey of this area along with the Richey--the Richey is a month earlier than the Brill. There are two surveys in there that have been abandoned, one of which is the William Smith and it lay west of the Richardson 10, 9 and 8 and ties into the other, the Vane, which ties into the Brill at the northwest corner of the Brill. The Brill is tied into the Richey by course and distance south and east 1350 varas. Checking this work with Mr. Work's corner, he has set for the William Richey, I found another course and distance between those

two point. There might be some reasonable way to check that. Mr Work's corner for the west corner of the Richey is not correct for the reason it calls toset on a shell bank. If that is true, then the northeast corner of the Brill should be further north than he placed it, and some other surveyor placed it about 50 varas north and that is the point that lines up with the points on the south line of the Gordy and Dick and Oliver. It was necessary to locate the location of the Solomon Brill. Mr. A. McGruder was the surveyor and tied the Brill and the Vane together at the Brill northwest corner, and the Vane northeast. At the northeast corner of the Vane, he calls to be 200 varas west of the marsh. That point must of necessity fall west of what is now marked for the Solomon Brill corner. It also falls west of the southwest corner of the John Dick. Starting there and running as Mr. McGruder gave his call for as he left the marsh andahe went over and called for the marsh at the northeast corner--then he went south and called for marshes. I go on his call at two points--at 140 varas and at 900 varas. I ran enough of that to determine the difference between the 900 and 140 vara calls. That fits in the east line of the Brill with the present points marking the east line of the Brill, I was of the opinion that the east line of the Brill was pretty well surveyed on the ground. There is probably some reasnn why the northeast corner should be further north than it is at the ;most northerly pipe for the reason that he calls for two marshes. The distance is too great, but lpushing further north it is very possible he had his original north line further north than it is marked on the ground today. You can see that by the double line. Mr. McGruder laid down four surveys--he laid down

more, but we are concerned with four of them at least--the Solomon Brill, the William Richey, the Vane and the Smith. He tied them together at boundary corners. By construction, I could see on the map where the east line of the Smith with the southwest corner of the Vane. Then going east to the Brill and north to the northwest corner of the Brill. Certainly, in the three surveys, we might say that the west line of the Smith is definitely located on the ground by ties to two bayous--one at East Bayou or Durant Bayou, or West Bayou as we call it. By placing the Smith line in this position in relation to the Bayou call and putting in the Vane as its east line falls 200 varas west of the marsh as called for in the notes--that marsh is described in the Solomon Brill, which he gives an excessive distance there. There were several surveyors in that area. Mr. McGruddr was the first-no Mr. Harding was the first in this area and laid down the John S. Roberts, and tied it to the mouth of Honest Bayou, and when laid on the ground checks with the original pre-emption corners to be found on the ground today. That gives a little reasonable doubt to the location of the Roberts southline. Following Harding, McGruder came in and laid down the Vane, the Richey, the Brill and the Smith and some other surveys. Following McGruder--he was in there in 1841, and in 1863,--22 years later, Mr. Thompkins laid in the Richardson Surveys 8, 7, 6--which is a system of 16 surveys. He started in his surveys at a distance or inrelation to this bayou. He stated the distance he started west of that bayou and then comes east and when he set the first 15 he laid them in a square, 950 vara square. It was declined and sent back for correction. In sending it back for correction, he found that

the west line called to be 846 varas in order to fit the west line of the Brill. That conforms as determined by the marsh call between the Smith and the Vane. Evidently Thompkins first found out where the Brill was and gave a revised set of notes showing 274 varas--104 varas east and 138 varas north in relation to the other surveys. Mr. Thompkins said he had to come down to hit the east line of the Mathers. After Mr. Thompkins got through in 1863,a man by the name of L. D. Stamps and Newell Morse and D. B. Wallis. Mr. Stamps, Mr. Morse were able to get the surveys on the Lewis Mathews, on the William Bryan, on the Thomas Toby and John Casey and possibly others approved by lthe Land Office. Both Stamps and Morse attempted to locate the Trimble survey apparently without official approval by the Land Office in 1874. Before I get over Stamps, however, helaid down one survey and that was the Thomas Toby 160 acre survey. He said he started his survey south 34 deg. west 534 varas from the northwest corner of the Trimble. Mr. Stamps did not have his Trimble on the ground as Mr. Wallis placed it, or as found to be marked on the ground today. Mr. Stamps tied his Trimble into the north line of the Sam Mather No. 14 and 15 and a little later, I will show you how that is worked out. It isn't shown on this map. In reality when Stamps went to put his northwest corner of the Trimble on the Ground in its relation to the east line of the Brill, you are able to go south 44 south 580 varas and you have the Toby 160 acre tract. And then by running south course and distance on the Toby 160 acres and 188 acres, we may be albe to reach Sam Mather's as laid on the ground today and fit in the west line of the original va- cancy on the west line of the Mathers, Bryan and Toby Surveys.

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By going to the northwest call of the Toby 160 acre survey, when Wallis took up the work of these other surveys in 1874, he laid down in June, 1874, the northeast corner of the M. E. Trimble and the R. C. Frankland Survey, and he said he was on the west line of the Brill and it is that west line of the Brill that controls approximately what is now set for the northeast corner of the R. C Frankland 188 acre survey. Now he went west. He went south 1the called distance of 630½ varas to the southeast corner of the Frankland. Then he went west 1684 varas and he said then with the Bryan, but going course and distance he don't hit the Bryan. He must then go north 630 varas and then back east 1684 varas, leaving a gap between the west line of the Frankland and the east line of the Bryan 390 varas wide. Fortunately Mr. Wallis called for four ponds on the north line of the Frankland by course and distance. From the cedar stake, we are able to find that these ponds all checked very closely, establishing beyond a doubt that the west line of the Brill is in the vicinity of the cedar stake as is now claimed for the northeast corner of the Frankland Mr. Wallis shos when at the southeast corner of the Frankland that he was 30 varas north and 50 east from a pond. He said he was 206 varas south of a knoll course and distance from the south east corner the point will fall in the vicinity of these two objects on the ground. I believe that definitely fixes the location of the Wallis in relation to the east line of the Frankland which will govern the west line.

Comm: You say there that your cedar stake and the pond fall south 50 east 30 varas.

A: The actual figure was about 90 varas from the pond and

160 varas south of the knoll. That would tend to place Mr.Wallis' Frankland survey about 40 varas from that cedar stake.

Comm: What about establishing those calls you give on the east line of the Bryan?

A: I was not able to find any pond or knolls that corresponded to the calls. I found one pond there between the set-up in the alleged vacancy.

Comm: Going north that 200 varas from the southeast corner of the Frankland, what is there about that one that would call it to your attention?

A: There is one particular knoll that stands out. Certainly it caught my attention. It was two feet higher than the others.

Comm: You don't think there was any on the east line of the Bryan?

A: There are knolls in the entire area out in here. I showed on this map several knolls in the vicinity of this particular corner.

Comm: About the pond there--are there some there in a more westerly position?

A: The only pond I found in that area was the one I have shown. I didn't find any more. I looked for some but didn't find any. I found one on the line. He does not call for that pond.

Comm: Do those ponds contain fresh water?

A: Yes,sir,they are just sinks inthe ground.

Comm: Do they have enough depth to be noticable?

A: I would imagine they are right at sea level. Here is another identifying point for the northeast corner of the Frankland and southeast corner of the Trimble and that is the call for

Lone Oak, the call for the shell bank and it would check that call. I ran a survey from the southeast corner of the Brill to locate the location of the present shell bank and by checking the line east from the cedar stake, I found it bears 79 deg 60 min east to the shell bank, and I found the course to the Lone Oak was north 26 degrees--I believe it called north 26-1/5 deg. while he calls for the Lone Oak to be north 54 west and I found it to be north 54 deg. 20 min. west, and also called for the Remington House which I believe he called to be north 86½ deg. That is the case at the northeast corner of the Trimble and it should be further south and a little bit west as I have shown the corners on the map. That is true at the northeast corner of the Frankland apparently from those calls his survey should have been pulled down. The fourth call was missed a little bit to the north and by moving the survey down, I think all pond calls all check and that will give you particular fits to these two objects of Lone Oak and Remington House, and also pull the southwest corner in 200 varas from the knoll and closer to the pond at the southwest. Now Mr. Wallis set in a number of surveys on the north which is the T. J. Dick, John Dick, Robert Oliver and another John Dick and A. Gordy. When he made them he did not find 1900 varas between the north line of the Brill and the south line of the John Roberts. He said it was 1900 varas between those two surveys and that is bourn out by the distance in the north line of the Thomas Remington. Thompkins has made his 1800 varas for the distance. Apparently Mr. Morse and Mr. Stamps were further south with their north line of the Brill and their Trimble. The Dick, the Barrow and the John Dick, they will all fit in well with the conditions

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on the ground. There are some bayou calls that fit at the northwest corner of the Dick I believe as close as you could expect to find them. If you come back and check it on the Mitchel, it was without a doubt that Wallis was on the line as it now lies by the cedar stake for the west line of the Brill and the east line of the Frankland or Trimble. Now as to where the location of the south line of the Brill is, there is possibly some doubt. Mr. Wallis surveyed those surveys out and he went to what he called the northeast corner of the Sam Mather's No. 15 and he said he went to E H. R. Wallis corner and ran by course and distance and then he went south to find the marsh called for at 1100 varas and then later on--that was after he made the J. Poitevent No. 4, that was made 6 years before the Wallis, and is set in relation to the Sam Mather's 16 which is called by course and distance 111 varas south of the southwest corner of the Brill and ties the Brill into the two surveys. I am of the opinion that the southline of the Brill would require additional work done on it to locate it and I have done only a limited amount of work down there. He was at the cedar stake on the ground and claimed to be at the northwest corner, he would still be in the sdame relation as far as east and west is concerned as to the east line of the Lewis Mathews and Bryan, they tied without question. The northeast corner of the Richardson No. 11 is marked by the old homestead which is 75 years old, or more. That homestead was established about that time. Those trees bear that out. They are old. By course and distance and topography you are able to establish sthe west line of the vacancy set up by Mr. Damon.

Comm: What about this. You show two coast lines up the west

part of the Toby. What about that, which is the present coast line?

A: The interior line is the shore line January 7, 1940. This line was established and marked on the map thus by measuring down from the southwest corner of the Roberts to the railroad iron in the Baker and Lewis Mathews. The Bryan and Toby and Casey you are able to re-establish the shore line and the difference now by approximately the same erosion.

Comm: If you just put them back on the shore line there would not be any space for the vacancy?

A: I believe if you were to take the shore line today, assuming the shore would push these surveys back east of the vacancy, it would cover only 232 varas, and there is more in it.

Comm: About 100 varas?

A: Yes, if you assume that.

Comm: It would be short?

A: Yes, sir, that shore line has every evidence of washing.

Comm: Would that same thing be true at the southwest corner of the Roberts, didn't it wash up there too?

A: It washed up there, but Ihave made this map approximately to my work. There is only about 20 varas left in that Dick survey at the north line.

Damon: Haven't you got a map made up of this recent work?

A: Yes, sir. I will file it.

Comm: Did you go on down to the other surveys?

A: On this particular map, I didn't go down there. I went out in here and started up. (Places new map on wall) You ask about the condition of the Dick survey. You will notice here.

This is the line of the old Honest Bayou coming right in there and he calls for the corner of the Saphronia Barrow to be on the north side of the bayou. He goes east on that Saphronia Barrow to the same bayou. The Saphronia Barrow was the original survey in this area surveyed in 1868. I show then he was on the west line of the Saphronia Barrow. He was 165 varas from the bayou out from the C. Mitchell established corner marked by a cedar stake. I was able to fall right in close to that point and check those calls. Thence 95 varas east. When Thompkins laid down the Barrow he began at the northeast corner 1330 varas from the southwest corner of the Roberts. In 1868 this shore line was out here 380 varas from the corner of the Saphronia Barrow. Between 1882 and 1940, it has washed out nearly the 300 varas--about 370 varas. I base these shore lines on the same work as I have shown on this other map. You ask about the west line--the east line of the Smith. He started at Little Bayou 10 varas west of its mouth and he went north and he ran down the bay and he went all the way around to this most northern point and came south and called for the bayou at 7500 varas and at 7650 varas, but in running out the contour of the bayou youare able to fit Magruder with his Smith east line. That position is 216 varas north of the present shore line. That shore down there has filled in and built up apparently on the bayou was 216 varas north of where it is now. The mouth of it is south. Then by running that line up here course and distance taking the Vane in relation to the Brill for the west line by the marsh it all works together (placing another map on wall) to show that the Brill west line was west of the present west line as marked on the ground. By starting here with the

Smith and going up going around and coming back down here we establish the old Smith Survey which runs out and ties to the Brill for the north and back to the shore line that the shore line at that time was back here some two or three hundred varas from the present shore line. This is the present shore line through here. The west line of the Brill was supposed to be 200 varas west of the marsh. Mr. Thompkins got through in there and he says in running out this No. 8, he calls for the southwest corner of No. 8 to be 129 varas from the mouth of the bayou south 75 west. That puts him west of the present fence line as shown there and west of the Smith line. That is correct with respect to the fence. The Richardson was west of the Smith line when you take the mouth of the bayou at the time and go the distance 129 varas and come course and distance, and 8, 9, 10, 11, Mathers 13, 14 and 15, you will find that the north line of the Mather's original survey was 275 varas north of the line considered that line today. That fits in with the west line of the Brill and going 275 varas, then east 104 and you have that little offset around the Brill as called for in Mather's 15. When Stamps laid down the Trimble he called for the Mather's 14 and 15 and going course and distance from the northwest corner of the Trimble, going south you have the Toby as already pointed out placing a gap between the two surveys. Extending the line--the north line of the Trimble for the north line of the Brill, you can fit in the Remington House as made by Morse and called 1900 varas south of the Roberts. You have platted the work of three different surveyors. Work by Thompkins and work by Magruder and work by Wallis and Stamps. I have attempted to show the south line of the Brill at the apparent original sur-

vey--they are on different locations--that I find no particular bearing on the west line of the Brill and I show also a line by moving the Frankland 40 varas down from the cedar stake. We come down here--dome down in here to this southwest corner 200 varas south of the knoll, 76--60 varas from that pond and coming back east you hit those ponds according to call. This map shows the location. There is a little difference in the tie right here at the southeast corner of the Vane, and by having a 6 minute variation 7600 varas off would easily throw it back over there.

Comm: Any point youwant to bring out?

Damon: Going back up to the Mitchell corner that you said you found, who identified that for you?

A.. Mr. Mitchell who lives on the place now, and has for many years.

Q: How old a man is Mr. Mitchell?

A: Up close to 60 or 65 years old.

Q: You said a while ago, in error I think, that you found an angle iron at the northwest corner of the Brill?

A: It is not at the northwest corner. It is the southeast corner of the Oliver. A cedar post marks the northwest corner of the Brill today--261 varas east of the angle iron.

Q: Does that cedar post have any identification on it?

A: Has the letters SB, or something. Do you remember Mr. Work?

Work: SB is right.

Damon: Goingl to the White homestead, what land do you mean by that?

Faber: That is land in the northwest corner of the Richardson

No. 9 and where a large amount of trees has been planted and especially so right down the west fence.

Q: When you went up on the bay and surveyed from the Brill to the bay, did you meander the bay?

A: Yes, sir. I went westward to the bay and meandered to the Toby original north line and lately I have meandered the shore line of the Bryan and Dick.

Q: What evidence did youfind of the erosion taking place on that shore line?

A: The bank there is about two feet high and the wather has washed back in under the bank and little chunks are falling off and some hanging over the water.

Q: Did you talk to any old timers as to whether or not there had been any errosion?

A: I talked to Jess White, a negro named Read and possibly others. They asserted to me that the bay shore had receded three to four hundred varas.

Q: Did you check the Roberts on erosion?

A: Yes, sir. That is what tipped me off.

Q: In the field notes of the T. J. Dick, what representation was made?

A: When the Saphronia Barrow was surveyed, he started 1320 varas east of the southwest corner of the Roberts on the north bayou and when Wallis surveyed the Dick, he said he was only 300 varas from the northwest corner of the Barrow which showed 80 varas erosion in that 18 years.

Q: And since that time, what does the Dick show?

A: 300 varas less 30 varas, approximately, of erosion.

Q: Leaving about how much in the Dick?

A: Just about 30 or 40 varas on the north line and it--as a matter of explanation there is a little corner of that Barrow is right in here is one of the reasons that sticks out a little above this.

Q: Going back down to your Smith line, you attempt to relocate this Smith by bayou calls, did you find a bend in the bayou where the Smith would fit?

A: I did.

Q: And run it to the bayou?

A: I did.

Q: What is the shape of the Smith line crossing the bayou to the north?

A: The bayou is in an "S" shape, it has a double "U" turn, you might say. I find my line fits right along the middle of one of them.

Q: Does that call from the south bayou double crossing to the south bayou, does it check with the original field notes the way you have it?

A: No, it is 30 to 40 varas short.

Q: Did you find any place you could move it to make it fit?

A: No.

Q: When you reach the bay shore taking the Smith to the bay, It is an original corner?

A: Yes, sir.

Q: Did you project the Vane line out there?'

A: I did.

Q: So you can calculate the amount of erosion?

A: I did.
Q: How much erosion do you think has taken place there?
A: Projecting this Smith line in accordance to the bayou calls to the bay, you find about 220 varas eroded. You go from the northwest corner and just as I have done, you will find that line has been pulled in about 220 varas.
Q: You checked the line shown on your map for the west line of lthe Brill as a line Mr. Wallis was on when he surveyed the Trimble and Frankland, what evidence do you have that there was erosion there?
A: In the first place, you have a cedar stake identified as the northeast corner of the Frankland. I have pond calls to place it at that vicinity so far as east and west pond calls are concerned and have the bearing on the shell bank and Lone Oak and Remington House.
Q: In resurveying the Gordy, did you check Mr. Wallis' calls for corner of the Brill and the distance between the corners of the Brill west taking the place by the Gordy-- what I mean is the distance from the corner of the Brill over here called for in the field notes of the Gordy are not the calls in the Gordy calling for the Brill and the distance there?
A: No, that does check in relation to the John Dick. there is a little discrepancy in there as to a matter of which is the further west.
Q: From the southwest corner of the Grody, in the John Dick going west, what is the call of the northwest corner of the Brill?

A: Yes, sir. 1788 varas, that checks all right.
Q: In addition to the amount of distance in the Solomon Brill taken by the field notes of the Gordy and John Dick, what did you get for the line Mr. Wallis gave for the north line of the Solomon Brill?
A: Mr. Wallis said when he laid down the Gordy, he was 241 varas east of the northeast corner of the Brill and that left 899 varas from there to the southwest corner and he said he was 1778 varas, giving you a total of 2361 varas, which is a vara and two-tenths short.
Q: Coming back down here to the Thompkins survey of the Richardson No. 8 and going north to the northwest corner of the Richardson No. 10, the distance from the northwest corner of the Richardson 10 to the northeast corner of Richardson No. 11?
A: 1900 vrs.
Q: And the distance going on up to the northwest corner of Sam Mather No. 14--the distance from the north west of Mather No. 14 to the northeast corner of Mather No. 15, is how much?
A: 1796 varas.
Q: 1796 varas, and adding the distance to the north line of Mather No. 15 and 14 and 1900 varas for Richardson 10 and 11, you get what?
A: 3696 varas.
Q: What was the called distance of the Vane south line?
A: 3581 varas.
Q: That Vane--the southwest corner of the Vane cornered on

the north corner of the Smith didn't it?

A: That is right.

Q: And the Smith line was located 10 varas west of the mouth of Small Bayou?

A: That is right.

Q: The Richardson called to be west of it?

A: 129 varas.

Q: Subtracting 10 from 129 you get what?

A: 119 varas.

Q: Let's see if we can't see why a jog is placed in the northeast corner of the Sam Mather's No. 15. You have calculated the east line of the Smith and south line of the Vane, the Vane was 3571 varas.

A: 3581.

Q: And the distance across the Smith line to the east line of survey 15, as originally surveyed, was 3800 varas?

A: 3696 varas.

Q: That was the corrected notes?

A: The original was 3800 varas.

Q: Subtract your Vane from 3800 varas--the distance of your Vane south line from the 3800 varas, what do you get?

A: Ask me that again.

Q: Subtracting the distance of your Vane west line from the 3800 varas what do you get?

A: 119 varas.

Q: 119 varas.

A: 3581 varas is the Vane call and 3800 varas was the original Mather call, and the difference is 119 varas.

Q: The west line of the Richardson No. 8 was 119 varas east of the old Smith line and the Vane was considered from the corner of the Smith line which shows why the jog was made in the Sam Mather's No. 15.

A: That is right.

Q: As originally laid down.

A: That is right.

Q: There is one other thing--what is the distance you found between the west line of the Brill as surveyed by Wallis and the east line of the William Bryan on the ground today?

A: There will be 1684 varas plus 390 varas--2074 varas.

Q: And the call for the south line of the Trimble and north line of the Frankland was 1684 varas according to your map?

A: Yes, sir. 1684 varas.

Q: What did you have from the west line of the Brill as located by you as being a line taken by Wallis to locate the Trimble to the east line of the Brill--do you have 2688 varas in there at the present time?

A: I have a little bit over that distance about 5 or 6 or 7 varas more than that.

Q: One other question--the surveys bounding on the west line of the vacancy were placed in from what direction--built up from what direction?

A: How were the west lin of the vacancy surveys started?

Q: Yes, sir.

A: The Mather survey started on the bayou and he went up here to hit the Brill--the Mathers and Richardson.

Q: The Mathers--where was it started?

A: Started off the northwest corner of the Bryan survey-- started at the northwest corner of the Lewis Mathews. The Thompkins Toby 189 acre survey started at the southwest corner of the 160 acre survey onthe bay and the 160 acre Toby from the northwest corner of the Trimble and the Casey started at the northwest corner of the Toby 160 acre, and the John Casey and Toby 189 acre surveys tied to the Toby 160 acre survey on the bay. The Bryan is tied to the Mathews on the bay.

Q: The Trimble and Frankland were placed in how?

A: Started from the northwest cornerof the Brill.

Q: When Mr. Stamps placed in the Toby 160, he started south 44 west 520 varas to thenorthwest corner of the Trimble, have you calculated the distance that a direct line was from his starting point to the west line of the Trimble?

A: I have I don't know whether I ran that or not. I calculated that to be 368.2 varas.

Q: 368.2 varas. The Stamps survey of the Trimble as originally surveyed by Stamps was how many varas--1648?

A: That is right.

Q: Mr. Wallis' call for the south line of the Trimble was how many varas?

A: 1684.

Q: What is the distance from the northeast of the Sam Mather No. 15 located according to the corrected field notes and the west line of the Solomon Brill now as you find it on the ground?

A: You want the original notes?

Q: You found the location onthe ground from the northeast

corner of the Mather 15 to the west line of the Brill?

A: 311.2 varas.

Q: You said something about a line as you show it being in the vicinity of the line where Wallis began his survey, what do you mean by the vicinity--can you put it exactly on the line from the calls from his bearings?

A: You want the exact point of the northeast corner of the Frankland in respect to bearings?

Q: Where would you say the exact point of the Frankland and Trimble was?

A: About 30 or 40 varas south of the cedar stake.

Q: Disregarding the cedar stake?

A: That is what I am trying to do. I calculate it to be varas south and 41 varas east.

Q: How about the northeast corner of the Frankland?

A: It would be east.

Q: The line would not be further west--the west line of it would not be further west than you show it on your map.

A: It could not be any further west for more than one reason. You would have to move east about 40 varas. The calls for the ponds can not be moved west.

Q: If you were to start with this pond here and this line by the pond shown on the vacancy and go east, would your pond calls fit?

A: They will fit the first two, but will not fit the others.

Q: What is this call in the field notes?

A: The call is 1184 varas. I found it 1182 when I moved 40 varas south.

Q: The first two would fit if you take the pond in the vacancy, but the other would or would not fit?
A: Would not fit.
Q: Is the R. C. Frankland point on the west line of the Brill as shown to have been originally survey by Magruder?
A: I could not find any evidence why it was in there.
Q: Would your calls from Lone Oak and Shell Bank fit?
A: It shows on the shell bank, but not on Lone Oak.
Q: Would your call for the northeast of the Trimble located on that original Brill west line check to the Lone Oak and Remington House from this place?
A: The angle would be smaller for the Lone Oak and flatter angle for Remington house.
Q: On your original map, you showed a vacancy between the T. J. Dick and Saphronia Barrow, explain that?
A: I made that by construction and extending the Vane--it was not surveyed at that time, but those lines are dotted lines.
Q: Have you since surveyed it?
A: I have since surveyed it and this larger lmap showed it and definitely fixed the Saphronia Barrow by the call for bayous at different places and on the east line it calls for marsh 455 varas south--also line of oak trees evidently marked the west line of that survey.
Q: Beginning at the northwest corner of the C. Mitchell preemption survey at the one original corner identified by Mitchell, did you survey south from that to the John Dick, did you make any ties to the northwest corner of the Brill?
A: Yes, sir, I started at the northwest corner of the Mitchell,

to the road and down the road and tied into an iron pipe on the north line of the Brill which in turn tied into the northeast corner as marked by pipe. I found that the fence line that runs out fromthe Mitchell is about 115 varas off, but regardless of that, the distance ties in and gives you the required distance.

Q: There is a slight difference for the shell bank, the Lone Oak and the Remington House, and the calls in the original field notes as you have them located on your map, any possible explanation in using those points?

A: In 1841, Mr. Magruder used a variation of 9:17, in 1867 Mr. Thompkins used a variation of 9:15, Wallis used a variation of 8:15 consistently throughout his entire period of surveying.

Q: That difference in variation might possibly be the cause of the slight difference in the location of those?

A: That would explain part of it.

(Mr. Damon makes reference to letter from D. B. Wallis to W. C. Walsh, dated December 31, 1878,in File No. 17, Chambers County--Reference to letter from D. B. Wallis to J. J. Grove dated December 27, 1874, in File No. 86112--plat and report of Chambers County by George Giddings filed December 21, 1900--Sketch A, Chambers County Sketch, and explanation by D. B. Wallis, December 31, 1878, File No. 23, Chambers County--letter from D. B. Wallis to J. J. Grove, dated August 24, 1874, File No. 81318--Roll Sketch 19, Chambers County--letter from D. B. Wallis to J. J. Grove, dated November 9, 1875, File No. 83518--Map in field notes by L. D. Stamps dated July 10, 1870, survey of 1/3 league for Lewis Mathews, File No. 394, Liberty First Class.) (Referred to during recess.)

Mr. Damon's request to be allowed to read a letter from D. B.

counter 44015

Wallis dated November 9, 1874, refused by the Commissioner.

CROSS-EXAMINATION BY R. CHESTER DAY:

Day: Mr. Faber, this Toby here and Trimble were laid in -- were patented upon the notes submitted by Wallis, werentt they?

A: The Trimble.

Q: This Toby and the Trimble?

A: That is right.

Q: Did you run the lines of the Toby and Trimble as laid in by Wallis?

A: Did I run them as laid in by Wallis?

Q: Did you ren the distance from the bay shore to the west line of the Trimble or line of the Brill?

A: Yes, sir, I did it by running a line west of the coast and setting down to the west of the coast here at this distance.

Q: I mean from the coast as it is now?

A: The cedar post is here, the angle iron, also, and located the calls on the ground, and that established this here all the way fromhere.

Q: How will the distance from the shore line ;to the west line of the Trimble--how does that distance compare with the actual distance on the ground now, with the distance Wallis gave it at the time his field notes were made?

A: The coast line is approximately 270 varas from the south-west corner of the Toby that would be 270 varas off this distance if you start with the coast as the beginning you would be 270 varas back from this corner this way--that gap is 230 varas.

Q: What is the distance given the north line of the Toby by

Wallis

A: 2001 varas.

Q: 2001 varas?

A: 2001 varas.

Q: What is the distance given the south line of the Trimble?

A: 1684 varas.

Q: That is 3685 varas for those two lines?

A: That is right.

Q: How does that compare with the actual measurement on the ground now for those two lines. I mean from the present coast line to the west line of the M. E. Trimble?

A: From the coast line to the westline of the Trimble?

Q: That would have to include the offset here of course?

A: I don't know whether I get your figures right--do you want the distance from here to here?

Q: The distance from the west line of the Trimble--the east line of the Trimble to the present coast line as it now exists?

A: Approximately--by taking this distance from the west line of the gap to the southwest corner of the Toby 2001 and allowing 270 varas for erosion would leave a distance of 1731 varas, and then this gap is 232 varas, that would give you 1963 varas from the east line of the Trimble to the east line of it is 1684 varas that would make 3646 varas.

Q: How does that compare with the distance given these lines by Wallis?

A: You have figured that 3685 varas.

Q: How much difference is that?

A: About 40 varas difference.

Q: Wallis says he commences at what when he surveyed the Toby on the shore of the bay?

A: That is part of it.

Q: He goes thence east a certain distance and ties to the Trimble?

A: He didn't say that. He says begin at the southwest corner of Toby 160 acre survey.

Q: Didn't he call for the bay shore?

Damon: He calls for the southwest corner of the Toby.

Q: Doesn't he call for the bay shore?

Damon: I don't remember but the other call down the bay would tie to the bay shore.

Day: He calls for stake on shore according to this map, what are you looking for?

Comm: That is all right--the call is on the bay shore.

Day: It is amended Mr. Faber, the measurement given in the north line of the Toby projected across the Trimble will project within 40 varas of the distance called at that time?

A: Approximately.

Q: How do you account for the erosion during the intervening period that was in 1874 within 40 varas?

A: Don't you think it has washed any?

Q: I don't know, I wasn't there. I am just giving you what the surveyor said. Those are the actual facts.

A: What actual facts?

Q: The measurement given the line projected from the corner of the lower Toby across the Trimble will check with the

respective measurements given by Wallis.

A: Approximately within 40 or 50 varas.

Q: On this time here you say you refer to the system of surveys put in by Thompkins, Mr. Faber, is the beginning point down here?

A: Yes, sir.

Qemm: Identify your calls?

Q: Was on the bay east of the small bayou129 varas?

A: West of the small bayou.

Q: That is right west. Do you remember the call that was given this beginning point by Magruder when he surveyed the Brill and Smith and Richey in 1841?

A: He said he was 10 varas west of the mouth of a small bayou.

Q: How does his system check with Thompkins system on the distance from the beginning point to the northwest corner of Richardson No. 10?

A: Well, now the Magruder system and Thompkins have no relation until reaching the Brill.

Q: They have this relation that Magruder's beginning point was 10 varas and Thompkins was 129 varas from the mouth of the bayou?

A: That is right, but they didn't refer to one another, but they did start at the bayou.

Q: How did you check in your passing calls in Magruder's and Thompkins lines down here?

A: Hadn't any calls in this work other than that bayou and when you get to Magruder's passing calls on this bayou and that bayou up there and also on the Vane.

counter 47019

Q: Do you tie the Richardson system with direct calls across here?

A: What do you mean?

Q: That is the way Thompkins began his system by tying with Magruder?

A: Began at the Southwest Corner of the Richardson No. 11 on the shore of the bay then he said he went west and passed the bayou at a certain distance and cornered another certain distance, 129 varas between the mouth of the bayou, and the point he started in, and Wallis said he started 10 varas west of the mouth of the bayou.

Q: There is supposed to be some building up in the bay shore near the south line of the D. Richardson No. 8, under your theory, you think that building up was between 1841 when the Magruder system was put in and 1863 when Thompkins was in there?

A: No, I don't think so. I think it was in 1875 from the storm. In 1875 the whole country was destroyed down there.

Q: On these surveys in this area, the John Casey, and T. J. Dick, in order to get them the called measurement that the patentes give them, isn't it true under your theory of this that they would have to extend out in the bay?

A: The T. J. Dick, you mean.

Q: And the John Casey?

A: There is not much theory on this off here because these are facts. We have the C. Mitchel northwest corner and I ran the survey line straight west from that and only 40 varas are left in the Dick where originally called. You will have three calls for

for that northwest corner. There is not much theory to it, you can establish that on the ground. But he said he was 300 varas from this corner to that corner. You know definitely he has lost around 270 varas on that shore.

Q: In the calls of the John Casey;, doesn't it call to begin with the Toby?

A: Thby 160 acre tract, that is right.

Q: Thence west 1784 varas?

A: Calls the other way.

Q: Now, the northcourse and south course of this survey, if given their called distances beginning on the bay shore at where it now is, that would extend it across the to the Trimble?

A: If you will assume that the shore has never erroded, but if you take the whole system of surveys, you will have to admit that if you consider the shore has never erroded, and when you do that would destroy your relation to the true corners on the ground and your distances. It is apparent that when he surveyed that, Thompkins was 380 varas out there from where it is now.

Q: I think he did not survey in the bay.

A: But he has erosion of over 300 waras at that corner.

Q: In what length of time?

A: In 1868 this man surveyed the Saphronia Barrow and he was 1330 varas from the southwest corner of the John Roberts. That is where he started, and then he went like that and laid out that survey. And nine years later Wallis found 200 varas between this corner. In 1940, I only found a little less than 40 varas.

Q: This is the cedar stake for the Frankland?

counter 14021

A: The Brill also.
Q: That is at the corner of the R. C. Frankland?
A: Yes, sir.
Q: In fixing that point, you are guided to a certain extent by its bearings to Remington House and Lone Oak?
A: I was guided by the land owner shaying that was the corner.
Q: Do you know what guided them to put the corner there?
A: I don't know. They told me that was the corner. It checks to the Lone Oak and the Shell Bank.
Q: Did you check the beginning call for the Thompkins on the Trimble, which has that call north 44 west?
A: Thompkins didn't make that--Stamps made that.
Q: How did you check with Stamps system as you find it now on the ground?
A: Just what do you mean?
Q: If you were to begin the Trimble at the distance and bearing called for off this corner here where Stamps did, will Stamps' Trimble set on the ground as it is now.
A: In relation as to what is considered the corner.
Q: This is the accepted corner according to occupation--it is the recognized corner?
A: It may be, but then if you do, you have not got a closed survey. One man set this corner and--
Comm: What corner are you talking about?
A: One man set the northeast corner of the Brill, and another man set the corner of the Brill in relation to the southeast corner of the Oliver. When you go across the Brill and Mitchell,

you will have adiscrepancy.

Q: The Brill is the senior survey--the corners were established long before these surveys?

A: That is right.

Q: In your discussion of the northwest corner of the Brill, you are guided by the location of the marsh?

A: In the original location, I was guided by the Marsh. It can not be reconciled with the present corner.

Q: For sustaining the position as you made it, you rely on its distance at this time?

A: I believe so.

Q: Do you think there is any possibility of it having been moved?

A: I don' think so.

Q: Mr. Faber, in establishing the corner of these, of what you considered to be the corners of the surveys down here, Richardson 9, 11 and 10, you were guided by the location of the corners now on the ground?

A: I have two ideas on the map here. One is shown in solid lines and the other marks showing what is indicated by long dash and two short dashes, shows the location of those same surveys as on natural objects--apparently they do not coincide. That some after 1863 some other man surveyed these same surveys and put them in as you find them on the ground today which is the fence lines which have been there 25 years. The present lines were set out in 1875 or thereabout.

Q: Do you think the present lines of Richardson, 9, 10 and 11 conform to the trees as you found them?

A: As they are on the ground today, they do conform to the trees.

Q: You don't know definitely where the corners of the surveys are?

A: Yes, sir.

Q: One fits as to occupation and another according to the actual measurement on the ground, isn't that true?

A: That is true.

Q: If they disregard your survey then, they are right?

A: I know the northwest corner of the Brill as marked on the ground today isn't right.

Q: In fact this whole system is rather uncertain all the way around?

A: I would not say that.

Q: You don't know where the northwest corner of the Brill is or the corner of the Frankland?

A: Oh, yes, we know where they are.

Q: It is incorrect according to occupation, is that right?

A: They are incorrect.

Q: Which is the true corner at the northwest corner of the Frankland?

A: The northeast corner of the Frankland?

Q: That is right--which is the true corner?

A: The true corner is south of the cedar stake about 30 to 40 varas.

Q: Not very close, 10 varas difference?

A: 10 varas didn't make much difference with Mr. Magruder when he surveyed the Smith and made a mistake of about 300 varas.

Q: Do you know whether or not Mr. Thompkins ever tied the northwest--the southwest corner of the D. Richardson No. 8 in with the Magruder system of surveys in any manner?

A: Right offhand, I don't know that information. I will say he tied into the Brill.

Q: Did it tie to the Smith in any manner, the southwest corner of the Richardson No. 8?

A: Just offhand, I don't recall it, I will get my notes on it.

Q: Perhaps you might look at the southeast corner of No. 8, and the west corner of the John Moss?

A: There were some ties in with the Moss survey on the Mathers No. 16.

Q: Then you don't know whether or not the Magruder and Thompkins surveys were actually tied together?

A: Not in that system of surveys, no, sir.

CROSS-EXAMINATION BY W. P. HAMBLEN, JR.:

Q: Mr. Faber, the M. E. Trimble survey was made by D. A. Wallis and also the lower Toby and Frankland and the surveys patented on his field notes?

A: The Toby 189, and the M. E Trimble and R. C. Frankland were.

Q: And the R. C. Frankland survey and the Toby 189 Surveys were surveyed on the same day, were they not, on the same day in 1874?

A: That is right.

Q: Approximately four months after the M. E. Trimble?

A: That is right.

counter 44025

Q: And all by Wallis?
A: That is right.
Q: In the field notes, the Toby notes, Mr. Wallis calls to run to the Trimble west line?
A: That is right.
Q: Isn't it logical to assume that he knew where the common line was?
A: It would sount reasonable, but we don't know that he did.
Q: Within four months, he would not know where it was?
A: Would you know where a great number of surveys were if you were never on the ground?
Q: Didn't he start to fill in all the vacancy between the east line of the Trimble and west line of the Toby?
A: In this Toby, 189, he didn't. He started at the south-west corner of the Toby 160.
Q: Thence east to the Trimble?
A: That is right.
Q: If you disregard his distance call, there is no vacancy there?
A: In relation to the line that went east?
Q: That went to the Trimble?
A: If you forget about the starting point there is no vacancy.
Q: And according to the measurement actually on the ground today?
A: There is not much difference in the distance on the ground today than what he calls for, if you don't make any allowance for erosion.
Q: On the calls east of the Thompkins' Toby, and isn't that

a shell bank?

A: Just in places.

Q: Isn't it more shell than any other character of coast?

A: I would not say that, there is just some spots of shell, but occasionally you see a shell bank along there. That is black land.

Q: That is where there isn't any shell?

A: There isn't much shell there, 1 or 2 feet deep.

Q: Have you examined the patent to the William Bryan, and the field notes?

A: In what respect.

Q: You testified here it calls for the Trimble?

A: Offhand, I don't remember, but I believe it did.

Comm: If it does it is a matter of record.

A: In fact, I believe all of these surveys call for the Trimble survey in some respect.

Q: Mr. Faber, how do you account for the fact that the distance from the shore line as it now exists and the cedar stake which you accept as being the true corner of the Brill, and the original distance in 1874, if there has been any erosion, checks within 40 varas?

A: That is the work of nature. Just a coincidence.

Q: The distances are a work of what?

A: The erosion is the work of nature. We do know what happened to the north line of the Dick. We have lost approximately 350 varas of soil. That is definitely fixed. There isn't any way of getting around that.

Q: It might be a different character of soil?

counter 11027

A: No, it is generally the same.
Q: But you can't show that there has been that much off the Toby?
A: Of, yes. We have the Smith east line stoping at this point established by the Marsh and the north corner of the Smith set out here west of the present shore line that establishes the shore line as it was then.
Q: That is assuming you have established the west line of the Brill?
A: I don't think there is any doubt about that.
Q: Do you have the entire field notes of the Henry Smith?
A: I did not.
Q: Did you survey the meanders of the bay as set out in the Smith?
A: The only line I surveyed was the east line.
Q: You don;t know whether the Henry Smith meanders of the bay actually conform to the present shore line?
A: I could not say--I would say as to the shore, there is a possibllity it has come in a uniform distance all the way.
Q: Even where there is a shell bank extending out?
A: I might say that I would not say definitely on that question.
Q: I believe that is all--Mr. Faber, when Stamps surveyed the upper Toby survey, do you recall what is his meander call on the shore line?
A: I think I had one course there.
Q: Wasn't it south 23 west?
A: Yes, sir. 516 varas.

counter 44028

Q: When Magruder surveyed the Vane, do you recall what his meander call was at that particular point?

A: You mean of the shore line?

Q: Yes, sir, west of the Toby--upper Toby?

A: He had one course.

Q: Wasn't it south 23 west at that point?

A: That is the lower line--the upper line was something else, south 30 west, I think that was south 30 west 183 varas.

Q: Do you know what that course is today?

A: Approximately the same.

Q: Almost identical?

A: Approximately the same.

Comm: What relation do the William Bryan notes have to the present shore line, do they fall in the water?

A: Yes, sir, they fall in the water.

Comm: What relation do they have to the shore, if you had placed it according to Magruder--will they fit their east calls?

A: You mean the Smith?

Comm: If you construe the shore line on the Smith--is the Bryan shore line east or west of that line?

A: I don't show the Smith meanders. I follow the meanders of the William Bryan as made by Newell Morse.

Comm: Do you show any erosion between 1841 and 1871?

A: I didn't make that comparison.

Comm: If you place in the Smith and run to the bay, will the Bryan be fusther in the water than the Smith?

A: I didn't study that angle.

counter 44029

Q: Did the field notes of the Bryan show that he was further in the bay than Magruder in 1841?

A: I didn't made that investigation in regard to the Smith. If you ran this line of the Smith according to the bay call.

Comm: The way you platted it out, it looks like the Morse was further in the water in 1871 than Magruder was in 1841--he is further west than the Smith meanders.

A: On that construction, it looks like they did. The Smith would run in here. I didn't work on the Smith other than on that east line. I don't have any information on it.

Comm: Mr. Faber, did you have your secretary prepare these field notes that you put in here in this office on these two alleged vacant tracts, or did you do the work yourself?

A: Yes, sir. I did the field notes and had a girl type them.

Comm: Did you have someone in your office prepare them?

A: Yes, sir.

Comm: In the future let's not have something that is pasted on--it would be better to put it all on the field notes.

A:q The principal reason I did that was for the lack of space.

Comm: Then just to have it in the record here, you made this sketch you see here, and also compared the field notes and had your girl type them.

A: Yes, sir.

Comm: I think this pasting on is a pretty bad idea, and I don't recommend it.

Damon: Mr. Hamblen asked if you ran this Toby 189 and tied to the Trimble and came back--isn't there 100 varas excess on the westline of the Trimble?

counter 74030

A: That is right.
Q: And 58 varas east call past the northeast of the Bryan?
A: Yes, sir.
Q: Will there be a lack of 158 varas meeting the west line of the Trimble?
A: That is right.
Q: And they would be in conflict?
A: That is right.
Comm: Any other questions?
MR. W. O. WORK, BEING DULY SWORN, TESTIFIED AS FOLLOWS:
Day: Give your initials to the Commissioner?
A: W. O. Work.
Q: You are the County Surveyor of Chambers County?
A: I am.
Q: For how long?
A: 26 years.
Q: Have you ever been along the coast line west of the Toby and John Casey surveys?
A: Oh, yes.
Q: What is the nature of that shore line?
A: Shell mounds and part black soil with kinda sandy subsoil under it.
Q: Mr. Work, in your experience with coast lines--is a coast line of shell likely to erode through action of the water?
A: No, not likely, but that is in regard to what base it has.
Q: To what extend to you think the shell has eroded?
A: It hasn't eroded any if it is real shell--it stays put.
Q: Have you ever heard of any erosion by the two Tobies?

A: Not in recent years.

Q: Does the local tradition place the west line of the Trimble with the east line of the Tobies?

A: Oh, yes, it has been that way.

Q: Were you familiar with the Giddings file in your office?

A: Which one of the Giddings?

Q: The map shown in the corner up there, the map of Mr. Faber's?

A: Yes, sir, I have seen that map.

Q: You knew that someone had thought there was a vacancy?

A: In fact, you will find several in the records. There is a map somewhere that shows some discrepancy.

Q: You have seen the Moss map below the Toby between the Bryan and Trimble?

A: Yes, sir, I have seen them.

Q: There was some idea back years ago that there was as discrepancy there?

A: There was none between the local people.

Q: That is all.

Reference made to Sketch File there, also to Report of Surveyor Green.

Comm: What is your best judgment and opinion about that coast out there, is it right that that coast has washed or has it not--what is your best judgment?

A: Up near the Long Oak Bayou, that is washed out.

Comm: I have reference to the entire coast up to that bayou?

A: There don't seem to be any uniformity about it. It is building up in places and washing out in places.

Comm: It is not uniform--we have information it has washed out

in places, and it couldn't build up 300 varas in another.

A: It looks like it would not, but than a coast line changes like that. If you will go down there, you will see it changes back and forth like that. It is no straight line at all. It is sticking out in points.

Comm: What about the Frankland, you don't seem tohave started at the same place?

A: It is 23 varas across there.

Q: It would be lpossible to change your distance calls almost 100 varas.

A: East and west.

Comm: I am talking about up and down--you might change your east and west distance 100 varas.

A: Yes, sir, the Frankland is northeast about 23 varas.

Comm: This Bryan indicates at a later time in the 70's it was further west in 70 --it indicates it was further in the Bay.

A: Yes, sir Magruder"s shore seems to be insider of the construction of the Moss and Stamps and the others.

Comm: Particuliarly insideof the Morse--it indicates it was further west in '71 than in '41--30 years later, possibly 100 varas?

A: The Magruder seems that way. That would naturally indicate it had built in there over a long period--It might have built in ashile and then eroded and fallen in around there, and then it goes to undermining and washing out again.

Comm: How long have you known that coast line?

A: About 25 to 30 years.

Comm: Do you consider there has been considerable change in that

time?

A: I think there has been a good deal of change in some parts up right north of this bayou up on the shore line. I made this to show here how much eroded. It was a good deal gone up in there. That would be something out right here. The old original line would have been here. Some was gone and some setting out just like it was and the Smith survey north of this 40 varas. It is pretty well gone and then south it has built up and some land added to it in another place on the bay.

Comm: What is the general opinion downthere--do these people feel they have lost land by erosion or are holding their own?

A: Some say they have gained but some have lost.

Comm: All up and down--it is rather uncertain?

A: In a few places it has gained--just a little further north, it is building up.

Comm: Is that property fenced?" how is that property held?

A: There is a big pasture--the road runs through it.

Comm: A pasture embraces the entire area?

A: I believe that a fence is connected in here and it is fenced on one side and way back, it is thrown in to one big pasture.

Comm: One ownership in that pasture?

A: Now there is some fences down here.

Comm: I mean the Bryan, Toby and Casey, is that in one ownership?

A: No, this Jess White owns all but this Frankland here.

Damon: How about the two Toby surveys?

Counter 44034

A: Franks owns one or both.

Damon: Both of them.

A: They are not fenced out in fences.

Comm: Do you, Mr. Faber, do you happen to know the ownership by the different surveys?

Faber: It is owned by probably--maybe a dozen that have an interest in it one way or another, but then Jess White and Franks own that pasture.

Comm: Anybody else have any other questions or any information to offer (no answer). That is all.

CLIVER DICK

CASEY

TOBY

WM. BRYAN

M.E. TRIMBLE

SOLOMON BRILL

THOS TOBY (FRANKLIN)

S.M. MATHER

VACANCY

S. MATHER

LEWIS MATTHEWS

D. RICHARDSON

TRINITY BAY

EAST BAY

SCALE:- 1 in. = 1000 varas.

TRACING of a PLAT FILED WITH APPLICATION To SURVEY A VACANCY by GEORGE GIDDINGS, CO. SURVEYOR: CHAMBERS COUNTY. — DEC. 14, 1900

WALLISVILLE - Dec. 14th, 1900.

H.C. Chas Rogan, Commr. Austin

Dear Sir: (See contents in original FIELD NOTES)

JOHN S. ROBERTS

FRANKLIN HARDIN, SURVEYOR (for TOMPKINS) DEC. 5, 1834

ORIGINAL PECAN & GUM CORNER

T.J. DICK

D.B. WALLIS 8°15' OCT 20, 82

S. BARROW

A.N. TOMPKIN 8°15' MAY 14, '68

LONG OAK

BEN DICK

D.B. WALLIS 8°15' JULY 12, 1880

JOHN DICK

C. MITCHELL

W.H. HAWKINS

JOHN H. PERKINS

Mar. 10, 1874

R.W. NELSON

OCT. 11, 1882

ELBERT W. CLARK

Dec. 3, 1877

ROBERT OLIVER

D.B. WALLIS JAN. 27, 1879.

JOHN DICK

D.B. WALLIS 8°15' OCT. 22, 1879.

A. GORDY

D.B. WALLIS 8°15' JULY 27

JOHN CASEY

NEWELL MORSE APR. 6, 1871

VACANCY

S.E. DAMON SURVEY

THOMAS TOBY

L.D. STAMPS JULY 28, 1870

M.E. TRIMBLE

L.D. STAMPS - 1st JULY 28, 1870

D.B. WALLIS - COR. JUNE 18, 1874.

THOMAS TOBY

D.B. WALLIS OCT. 2, 1874

SOLOMON BRILL

A. MAGRUDER, SURVEYOR JULY 20, 1841

W.M. BRYAN

NEWELL MORSE MAR. 15, 1871

R.C. FRANKLAND

D.B. WALLIS 8°15' OCT. 2, 1874

G.W. SHELTON

D.B. WALLIS 8°15' AUG. 18, 1879.

R.C. FRANKLAND

D.B. WALLIS 8°15' OCT. 24, 1874

WILLIAM RICHEY

N. MAGRUDER 9°15' June 15, 1841

SAM MATHER No. 16

A.N. TOMPKINS 8°15' MAY 16, 63

LAKE STEPHENSON

No. 14

No. 15

SAM MATHER

A.N. TOMPKIN 8°15'E MAY 15, 1863

SAM MATHER

A.N. TOMPKIN 8°15'E MAY 15, 1863 COR. AUG. 12, 1864

E.H.R. WALLIS No. 20

D.B. WALLIS - OCT. 2, '74 8°15'E COR. MAR. 4, 1879

J. POINTEVANT No. 134

D.B. WALLIS 8°15'E FEB. 18, '80

J. POINTEVANT - No. 4

D.B. WALLIS 8°15'E DEC. 31, 1874.

LEWIS MATTHEWS

L.D. STAMPS 8°15'E JULY 6, 1870

No. 13

SAM MATHER

A.N. TOMPKIN MAY 15, 1863

No. 10

No. 11

D. RICHARDSON

A.N. TOMPKINS 8°15'E MAY 15, 1863

D. RICHARDSON

A.N. THOMPKINS 8°15'E MAY 15, 1863

J. POINTEVANT No. 153

D.B. WALLIS 8°15'E FEB. 18, 1880

No. 12

SAM MATHER

A.N. TOMPKIN 8°15'E MAY 15, 1863

D. RICHARDSON

A.N. TOMPKINS 8°15'E MAY 15, 1863.

E.H.R. WALLIS No. 17

D.B. WALLIS 8°15'E OCT. 1, 1878 COR. MARCH 1, 1879

HENRY BARKER

N.M. McGRUDER 8°17'E JUNE 8, 1841

No. 8

LEWIS MATTHEWS

L.D. STAMPS 8°15'E JULY 6, 1870

DAN CRAFT (JOHN MOSS)

D.B. WALLIS 8°15'E OCT. 2, 1874

D. RICHARDSON

A.N. TOMPKIN 8°15' MAY 15, '63

EAST GALVESTON BAY.

TRINITY BAY

SHORE LINE - ORIGINAL SURVEY

N 33° E with 20 Ft.

BRAZOS RIVER

EAST LINE WM. SMITH 3 LEAGUE SURVEY

Remains of Old Fence

Old Fence

Old Fence Line

Old Fence Line

Old Fence Line

S. E. DAMON SURVEY - S.F. 14175
Jan. 3, 1940 Ben H. Faber
Var 8°30' E

PINE STOB
EAST 390 VS.
MORE OR A LOW FLAT THAN A POND
22 VS
31 VS
PINE STOB

M. E. TRIMBLE SURVEY
JULY 1874 - D.B. WALLIS - VAR 8¼° E

POND (Cal 1864)
POND (Cal 1864)
HIGH WATER LAKE
POND (Cal 1864)
POND (Cal 1864)

LONE OAK N 24¼° W
LOST OAK N 22° W
1.5 VS FROM BRILL'S SW COR BY COURSE & DISTANCE
FROM BRILL'S W COR BY W.D. WORK
WALLISTON USE N 15° 30' E
POST OAK 0.5 VS FROM BRILL'S W COR BY COURSE & DISTANCE
FROM CEDAR POST AT R.M. COE
WINDOW SASH WEIGHT
S 38°15' E 34.7 LVS
To SHELL BANK S 83° 30' E
To SHELL BANK S 69° 50' E
SHELL BANK
SOLOMON BRILL SURVEY
JULY 1841 - A MAGRUDER - 9° 19' E
W. LINE BRILL SUR. by Cse & Dist.
W. LINE BRILL SUR. by Cse & Dist.
SOUTH 630½ VS.
S. BRILL SOUTH LINE by Cse & Dist.
S. BRILL SOUTH LINE by W. WORK 1859
S. BRILL SOUTH LINE by D.B. WALLIS & STAPLES 1870 1878 1880
S. BRILL SO. LINE by D.B. WALLIS 1878
BRILL S.W. COR by WALLIS
BRILL S.W. COR by W. WORK
W. LINE BRILL SUR. From N.W. COR
SOUTH 630½ VS.

W.M. BRYAN SURVEY
MAR. 1871
NORTH 630½ VS
S. E. DAMON SURVEY - S.F. 14175
MAR. 18, 1940 Var 8°30' E Ben H. Faber
NORTH 630½ VS
HIGH KNOLL 180 VS
LONE OAK N 22½° E
SUNDOWN SASH WEIGHT
LEVINGTON HOUSE - N 62° 10' E
FACTORY CHIMNEY - GOOSE CREEK N 62° W
PINE STOB
OAK STOB
PINE STOB
WEST 390½ VS.
POND
SOUTH 238 VS
PINE STOB
LOST MATTHEW SURVEY

R. C. FRANKLAND SURVEY
OCT. 1874 D.B. WALLIS VAR. 8°15' E

SAM MATHER SURVEY
MAY 1863 VAR. 9°15' E
No. 14
MORE OR A LOW FLAT THAN A POND

SAM MATHER SURVEY No. 15
MAY 1863 VAR. 9°15' E
A.H. THOMPKINS.

WEST 1684 VS
POND
PINE STOB
W. 311½ VS.
N 83°40' W 3.1 VS
S 33°40' E 73 VS
S. BRILL WEST LINE by MAGRUDER (1841)
S. W. COR BRILL by TOMPKINS 1863
S 22 VS
PINE STOB
N 138 VS
PINE STOB
E 104 VS.
GATHER'S EAST LINE by WALLIS 1879
GATHER EAST LINE by CSE & DIST. 1863

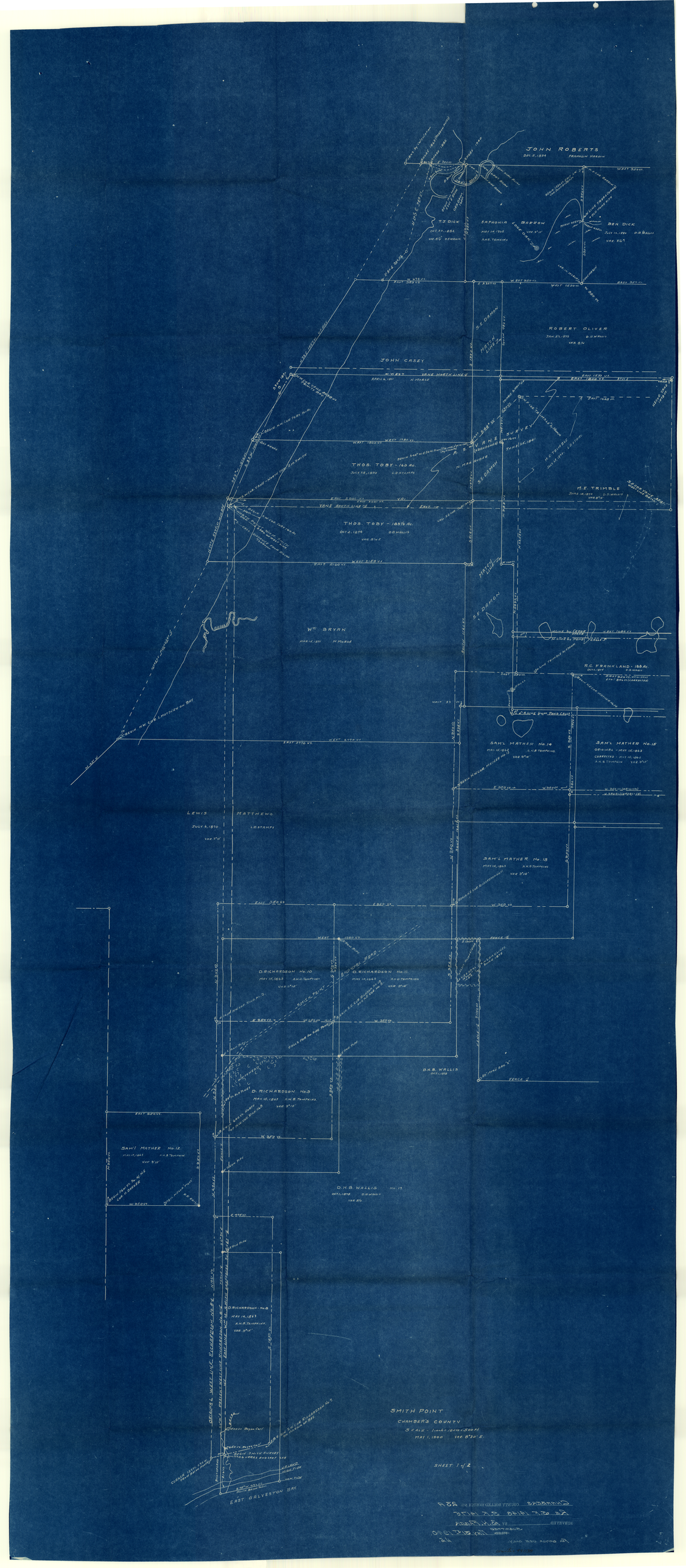
E.H.R. WALLIS SURVEY
MAR. 1879 VAR. 8¼° E
D.B. WALLIS.

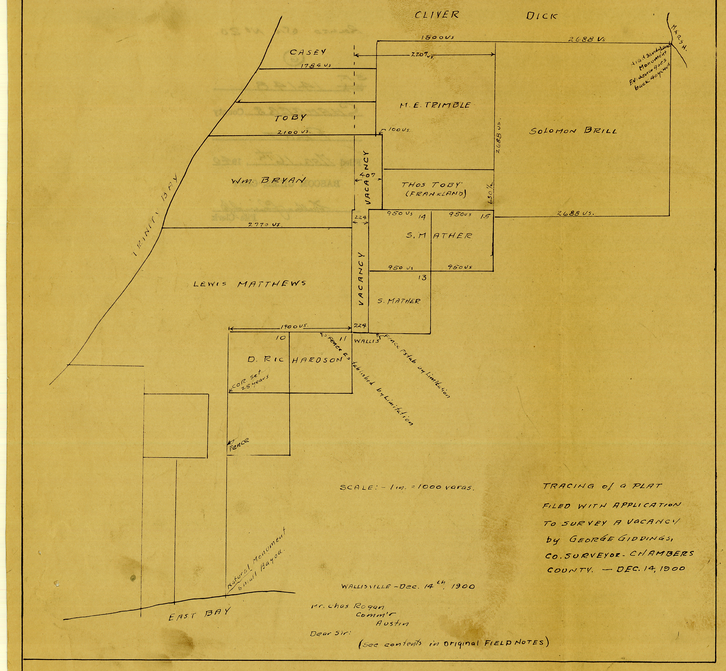
S.E. DAMON
S.F. 14175

MAP of the
S. E. DAMON SURVEY FILE No. S.F. 14175
CHAMBERS COUNTY, TEXAS.
SURVEYED - MARCH 18, 1940 by BEN H. FABER - STATE LICENSED LAND SURVEYOR.
Var 8°30' E
Scale 1" = 72 VS = 200 FT
certified as Correct:
Ben H. Faber
March 20, 1940.

S.E. DAMON
S.F. 14175
MAR. 18 1940
BEN H. FABER

Counter 44037


JOHN ROBERTS
DEC. 5, 1839
FRANKLIN HARRIN
T.Z. DICK
DEC. 23, 1882
VAR. 8½° DEWRUN
SAPHONIA BARROW
MAR. 14, 1868
A.N.B. TOMPKINS
BEN DICK
JULY 15, 1886
D.H.B. WALLIS
VAR. 8½°
ROBERT OLIVER
JAN. 23, 1879
D.H.B. WALLIS
VAR. 8½
JOHN CASEY
APRIL 6, 1871
N. MORSE
THOS. TOBY - 160 Ac.
JULY 18, 1870
L.D. STAMPS
THOS. TOBY - 183½ Ac.
OCT. 2, 1879
D.H.B. WALLIS
VAR. 8½ E
M.E. TRIMBLE
JUNE 16, 1896
D.H.B. WALLIS
VAR. 8°W
WM. BRYAN
MAR. 16, 1871
N. MORSE
R.C. FRANKLAND - 188 Ac.
OCT. 6, 1879
D.H.B. WALLIS
SAM'L MATHER No. 14
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 8°W
SAM'L MATHER No. 15
ORIGINAL - MAY 16, 1863
CORRECTED - OCT. 10, 1892
A.N.B. TOMPKINS
VAR. 3°16'
LEWIS MATTHEWS
JULY 4, 1870
L.D. STAMPS
VAR. 3°W
SAM'L MATHER No. 13
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 3°16'
D. RICHARDSON No. 10
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 3°16'
D. RICHARDSON No. 11
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 3°16'
D.H.B. WALLIS
OCT. 1, 1878
D. RICHARDSON No. 3
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 3°16'
SAM'L MATHER No. 12
MAY 17, 1863
A.N.B. TOMPKINS
VAR. 3°16'
D.H.B. WALLIS No. 17
OCT. 1, 1878
D.H.B. WALLIS
VAR. 8½
D. RICHARDSON - No. 8
MAY 16, 1863
A.N.B. TOMPKINS
VAR. 8°W
ORIGINAL WEST LINE D. RICHARDSON No. 8
ORIGINAL EAST LINE D. RICHARDSON No. 9
SMITH POINT
CHAMBER'S COUNTY
SCALE - 1 inch = 800 FEET
MAY 1, 1940 VAR. 8°30' E.
SHEET 1 of 2
EAST GALVESTON BAY
CHANNEL
CONCRETE BULKHEAD
CENTERLINE
FENCE
ROAD
GRAVEL DRIVE
CITY LIMITS
MEAN HIGH TIDE
MEAN LOW TIDE



JOHN S. ROBERTS
FRANKLIN HARDIN, SURVEYOR (A.N. TOMPKINS) DEC. 5, 1834
ORIGINAL PATENTED CORNER
Traverse Line
N 88° 45' E 7194 Vs
S 89° 15' E 7194 Vs
T.J. DICK — D.B. WALLIS 8°15' OCT. 10, 82
S. BARROW — A.N. TOMPKIN 9°15' - MAY 14, '63
LONEOAK
BEN DICK — D.B. WALLIS 8°15' JULY 12, 1880
JOHN DICK
C. MITCHELL
W.H. HAWKINS
JOHN H. PERKINS — Mar. 10, 1874
R.W. NELSON — OCT. 11, 1882
ELBERT W. CLARK — Dec. 3, 1877
A. GORDY — D.B. WALLIS 8°15' JULY 12, '77
THOS. MATHER
RETIRING HOUSE
R.C. FRANKLAND — D.B. WALLIS 8°15' OCT. 26, 1874
G.W. SHELTON — D.B. WALLIS 8°15' AUG. 18, 1879
ROBERT OLIVER — D.B. WALLIS JAN. 27, 1879
JOHN DICK — D.B. WALLIS 8°15' OCT. 22, 1879
JOHN CASEY — NEWELL MORSE APR. 6, 1871
S.E. DAMON SURVEY — Surveyed Jan. 3, 1940 — 5°30' E 1382 Vs
VACANCY
VANE — (N 14° W ABOLISHED) JUNE 25, 1841
THOMAS TOBY — L.D. STAMPS JULY 28, 1870
THOMAS TOBY — D.B. WALLIS OCT. 2, 1874
M.E. TRIMBLE — L.D. STAMPS - JULY 28, 1870; D.B. WALLIS - COR. JUNE 18, 1874
SOLOMON BRILL — A. MAGRUDER, SURVEYOR JULY 20, 1841
WILLIAM RICHEY — W. MAGRUDER JUNE 15, 1841
SHELL BANK
SAM MATHER No. 16 — A.N. TOMPKINS 9°15' MAY 15, '63
PRESENT SHORE
LAKE STEPHENSON
W.M. BRYAN — NEWELL MORSE MAR. 15, 1871
R.C. FRANKLAND — D.B. WALLIS 8°15' OCT. 2, 1874
TRIMBLE #1 NO. 115
ORIGINAL CORNER
SHELL BANK
PLANTED ORES — 50 to 70 YEARS OLD
BY WORKS
No. 14
No. 15
No. 16
SAM MATHER — A.N. TOMPKIN 9°15'E MAY 15, 1863
THOS TOBY (SOUTH) (Abandoned) NEWELL MORSE
E.H.R. WALLIS No. 20 — D.B. WALLIS - OCT. 1, '78 — 8°15' E Cor. MAR. 4, 1879
J. POINTEVANT No. 154 — D.B. WALLIS 8°15' E FEB. 18, '80
J. POINTEVANT - No 4 — D.B. WALLIS 8°15' E DEC. 31, 1874.
No. 13
SAM MATHER — A.N. TOMPKIN 9°15'E MAY 15, 1863
THOS TOBY (Abandoned) NEWELL MORSE
TRINITY BAY
LEWIS MATTHEWS — L.D. STAMPS 5°15'E JULY 6, 1870
No. 10
No. 11
D. RICHARDSON — A.N. TOMPKINS 5°15'E MAY 15, 1863
J. POINTEVANT No. 153 — D.B. WALLIS 8°15'E FEB. 18, 1880
No. 9
No. 12
D. RICHARDSON — A.N. TOMPKINS 5°15'E MAY 15, 1863
SAM MATHER — A.N. TOMPKIN 5°15'E MAY 15, 1863
E.H.R. WALLIS No. 17 — D.B. WALLIS 8°15'E OCT. 1, 1878 COR. MARCH 1, 1879
HENRY BARKER — N.M. McGRUDER 5°17'E JUNE 8, 1841
No. 8
LEWIS MATTHEWS — L.D. STAMPS 5°15'E JULY 6, 1870
DAN. CRAFT (JOHN MOSS) — D.B. WALLIS 8°15'E OCT. 2, 1874
D. RICHARDSON — A.N. TOMPKIN 5°15' MAY 14, '63
EAST GALVESTON BAY
NORTH

MAP
of the
S.E. DAMON SURVEY
FILE No. 14148
CHAMBERS COUNTY
TEXAS
SURVEYED JANUARY 3, 1940
by
BEN H. FABER
STATE LICENSED LAND SURVEYOR
Scale:
1 INCH = 360 Varas = 1000 Feet
Certified as Correct
Ben H. Faber
VARIATION 8°-30' E.
MARCH 18, 1940.

Counter #4039
244

Chambers Co. Rbl. Sk. 20

Rolled Sk No 20.

(6)

S.F. ~~M.A.~~ 14148

Chambers County

Plat

Filed Mar. 16th, 1940

BASCOM GILES, Com'r

[signature] File Clerk

counter 49658

RECEIVED
MAR 16 1940
REFERRED TO MAP

638

RECEIVED
JUN 1 - 1940

REFERRED TO MAP

Mr Bascom Giles,
Commissioner of the General Land Office,
Austin,Texas.

Dear Sir;-

In connection with my applications, Nos. S.F.14148 and S.F. 14175, to purchase the lands therein described as part of the unsurveyed lands belonging to the Public School fund of the State of Texas, I wish to call your attention to the following facts which I believe have some bearing on the ultimate fact of whether there exists the vacanct lands applied for or not.

First: Mr N.Mc Gruder is the first surveyor I have been able to find any record of having done any surveying in this area. In 1841 Mr Mc Gruder surveyed several surveys on Smith Point which are now included in the area occupied by his abandoned Wm. M.Smith Survey and also the Wm.M.Smith, A.S.Vane, Solomon Brill and Wm.Richey Surveys.When these surveys were returned to the Land Office the map of this part of the country appeared as shown on Sheet 1 of the maps attached.

Second: In 1863 Mr A.N.B.Tomkpins did considerable surveying in this area.He surveyed a number of Surveys fronting on East Bay and ended this system of Bay shore surveys with his Survey for D.Richardson No. 8,which survey began at the S.W. corner of D.Richardson No 7 and ran with the Bay shore,"S.75 W at 363 varas the mouth of a small bayou,492 varas,stake for corner" This survey ran North 1961 varas from its S.W.corner,and he then left a gap of 640 varas before commencing his survey of the D.Richardson No.9. Richardson Surveys Nos 9,10 and 11 and Mather Surveys Nos 13,14 and 15, as originally surveyed were square, having 950 varas for each side of each surgey. Mr Tompkins also surveyed the Mather 16 survey, an irregular shaped survey lying on the East side of the Solomon Brill Survey at this time. Corrected field notes were filed by Mr Tompkins on both Richardson No 8 and Mather No.15. The corrections of Richardson No 8 merely tied the beginning corner to the Moss Survey previously made by Mc Gruder,but the corrections of Mather 15 appear to have been made for the purpose of taking the N.E.corner of this survey out of apparent conflict with the Solomon Brill S.W.corner. In 1868 Mr Tompkins surveyed the S.Barrow 160 acre pre-emption and his work in this area is shown on Sheet 2 of the maps attached hereto.

It is likely that the correction of Mather 15 was required by the Land Office,as from the information in the Land Office at that time, it appeared to be in conflict with the Solomon Brill. The beginning point at the S.W.corner of D.Richardson No 8 was 129 varas West of the mouth of a small bayou.The Smith line called to reach the Bay 10 varas West of a small bayou. The bayou called for is apparently the same bayou in each set of field notes. This put the West line of Richardson No. 8 , 119 varas west of the East line of the abandoned Smith Survey. The distance East and West occupied by the North lines of Richardson Nos. 10 and 11 and Mather Nos.14 and 15 was four times 950 varas, or 3800 varas.Subtracting the 119 varas from this left 3681 vs. The South line of the A.S.Vane Survey was 3581 varas in length and this put the N.E.corner of Mather 15, 100 varas too far East and to this extent in conflict with the Solomon Brill Survey. Then taking the length of the West line of the D.Richardson No.8 at the call distance of 1961 and adding 640 for the gap between it and Richardson No. 9 and also adding the distance of the combined West lines of the D.Richardson Nos. 9 and 10 and the S. Mathers Nos.13 and 14 (four times 950) of 3800 varas it was found that the North lines of Mather 15 intersected the West line

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the Solomon Brill 305.2 varas North of its S.W.corner. The correction of Mather 15 by Mr Tompkins shortened the North line of this survey 104 varas (four varas more than was necessary to put it out of conflict with the Brill West line) and ran South 274 varas for the Brill S.W.corner. Taking into consideration that the surveying was done by two different surveyors, more than 22 years apart as to time, and the statement in Mr Faber's report that the Bay shore in the vicinity of the mouth of the small bayou has been fillin in and now reaches out in the Bay considerably further than shown to have been the case in 1841, it appears that there is no question as to where Mr Tompkins located his Richardson and Mather Surveys, or where he placed the S.W.corner of the Brill Survey in 1863.

Your attention is called to Sheet 2 of the attached maps on which the material surveys of Mr Tompkins in this area are shown.

Third;The next surveying in this area was done by Mr L.D. Stamps, County Surveyor, in the year 1870.He surveyed the Lewis Matthews, Wm.Bryan, Thos. Toby and M.E.Trimble Surveys. His Wm. Bryan survey did not close and was corrected by Newell Morse.His M.E.Trimble survey was also corrected by D.B.Wallis, leaving his surveys that were patented as the Lewis Matthews and the Thos Toby 160 acre surveys.

The Stamps survey of the Trimble began at the N.W. corner of the S.Brill survey and ran South 2253 vs. West 1648 vs. with the North lines of Tompkins Mather 15 and 14 Surveys, North 2253 vs. and East 1648 to the Beginning. His survey of the Thos. Toby 160 acres, made the same day, began S.44 W from the N.W.corner of his Trimble Survey and this angle places the Toby 381.1 varas South and 368.4 varas West of his Trimble West line for its beginning corner,and leaves the 368.4 vara gap between his Trimble and Toby surveys.

From Mr Faber's survey it is apparent that the vacant area now existing between the Trimble and the surveys to the West of it, is due to the Mc Gruder survey of the S.Brill being excessive in its North line, its call being 2688.2 varas, when in fact it is shown on Mr Faber's map to have an East and West distance of 3096 varas. The country is a prairie and in order to locate the Brill Survey 22 years after its was made, no doubt resort was had to the call for the Marsh at its N.E.corner, as this marsh is a very pronounced one and its bank on its West side is a rather high steep one,the call south could be located from this to the Marsh line and it is apparent that the East line of the Brill was located and then this survey was given its 2688.2 varas in order to locate its N.W. corner and its West line. The Stamps surveys, when put in from the Bayou call on East Bay running North fit this interpretation and indicate that Stamps located the North line of the Brill about 168 varas South of the line later located by Mr D.B.Wallis. The original Remington Survey made by Newell Morse in 1871 gives the distance between the South line of the Roberts and the North line of the Brill as 1900 varas, while Mr Wallis,when he surveyed the Gordy Survey, make s a statement that this distance is but 1742 varas.Stamps survey fits on the South line of the Remington Survey,that is a line run East from the point where Mr Faber shows Stamps to have been when he called for the N.W.corner of the Brill Survey, will fit the South line of the Remington Survey and it will be 168 varas South of where Mr Wallis placed the North line of the Brill in his surveys of the Gordy,Dick and Oliver.

Having located the Stamps beginning point, the N.W.corner of the Brill as determined by him, and then putting in the Stamps survey of the Trimble and beginning S 44 W 530 vars from the Stamps Trimble N.W.corner for the Thos.Toby 160 acre survey by Stamps, it is seen that there was a gap of 368.4 varas public land left between the Stamps Trimble and the Thos Toby 160 acre Survey. Your attention is called to Sheets 3 and 4 of the attached maps. Sheet 3 illustrates the position of the Stamps surveys with relation to the Brill West line being placed at 2688.2 varas from its East line,and Sheet 4 shows the position of the same surveys based upon the shore calls and

P1

counter 44041

West line of the Brill as originally located by Mc Gruder.

Fourth; The next surveying was done in this area by Newell Morse, District Surveyor, who surveyed the Remington survey in August of 1871 and the Wm.Bryan corrected field notes in March 1871 and the John Casey Survey in April of 1871.It is interesting to note that all of Morse's Bryan surveys (he returned three sets of corrected field notes before the third set was approved) began at a stake on the Bay shore, the N.W.corner of the Lewis Matthewss Survey, and that in running South on the East line of the Bryan surveys all of them called to intersect the S.Mather Survey no. 14 33 varas East of its N.W. corner and fit around this corner in the same manner as did the original survey by Stamps. Mr Morse shortened the distance between the Thos.Toby 160 acre survey and the N line of the S.Mather No. 14 from the 1407-4/10 varas given it by Stamps to 1160 varas,and he did not tie to the Thos. Toby in the field notes on which the Bryan was patented. This,according to Stamps surveys, left a vacant area of 247.4 varas between the N line of the Bryan and the South line of the Thos. Toby. The Morse surveys are also shown on the accompanying maps, Sheets 3 and 4.

Fifth; The next surveying in this area appears to have been done by Mr D.B.Wallis, District Surveyor, who made a resurvey for the purpose of correcting field notes of the M.E.Trimble 640 acre survey on July 29th 1874. His beginning corner was the N.W. corner of the Solomon Brill Survey and since he gave bearing calls as follows " a cedar stake, from which the "Lone Oaks" bears N.54 W about one mile and the Remington house bears N 86½ E about 1-1/4 mile." Mr Faber has relocated these points with the aid of the residents who pointed out the location of both these points to him as noted in his report. Mr Wallis run South,with his relocated West line of the Brill,2051-1/2 varas to a stake, then West 1684 varas to the East boundary line of Wm.Bryan's survey then North with said Bryan East boundary line 549-1/2 varas to N.E.cor of Bryan;then West 100 varas, then North at 514 varas he called for the S.E.corner of the Thos.Toby 160 acre,at 989 the N.E.corner of same;then West 16 varas to stake at the S.E.cor.of John Casey Survey,Then North with East Boundary of Casey's survey 513 varas to stake and from there East 1800 varas to the beginning.

On October 2nd 1874 Mr D.B.Wallis surveyed the 188 acre Thos. Toby Survey lying South of the Trimble. His beginning corner is not left in doubt as he gives the following bearings " a cedar stake marked M.E.T. from which Lone Oaks bears N.26¼ W. about 2 miles distant, and the "Shell Bank" on Stephenson's lake bears East about 2 miles" These points were relocated by Mr Faber as told in his report. From the beginning corner he went South with Brill's West line 630-1/2 varas to S.Mather's No 15 North line, and called for a stake on high prairie;Thence West with said line and North line of Mather's No. 14,calling at 767 for the N.W.cor of No. 15 and N.E.corner of No. 14 and the East line of Wm Bryan's survey at 1684 where he gives a pond bearing call as follows"a cedar stake, from which a rush pond bears S.50 W 30 vs." He then went North with Bryan's East line and called for a knoll with small persimmon bushes on it, at 200 varas and at 630-1/2 the S.W.corner of his M.E.Trimble survey. From here he ran East and called for four ponds on the North line of this survey, 1684 varas to the beginning.

On January 27th 1879 Mr D.B.Wallis surveyed the Robert Oliver Survey and began it 261 varas West of the N.W.corner of the S.Brill Survey on the N.line of his M.E.trimble survey. He ran N.792 vs. to corner; West at 880 vs. S.E.cor.of S.Barrow's survey, at 1539 cor.on S.line of said Barrow Pre-emption;Thence South (and here he has called for the N.E.cor.of the John Casey at 186 varas,but crossed this out) with the East line of John Casey's survey 792 varas to the N.W.corner of his Trimble Survey,then with the N line of Trimble, East 1539 varas to beginning.

Mr Wallis did considerable more surveying around the Brill survey after he surveyed the Trimble. On the North he

P2

counter #1042

surveyed the Gordy, John Dick and on the South he surveyed the E.H.R.Wallis No. 20, Pointevant No. 154 and the Pointevant No.4. On the North he calls for the N.W.corner of the Brill (in the Gordy field notes) at 241 varas from the Gordy S.E.corner and continuing on West with Brill line, 1140.5 varas to his beginning corner on the Brill N. line. He surveyed the John Dick beginning at the S.W.corner of the Gordy and running west with the North line of the Brill, calling for the N.W.corner of the Brill at 1788 varas.

1140.5	S. line of Gordy
241	Dist. E of N.E.cor.of Brill Gordy extends.
899.5	Dist.on N.line of Brill Gordy occupies
1788.	Dist.on N line of Brill occupied by John Dick.
2687.5	Wallis dist. for N. line of Brill as shown by his surveys North of Brill.

890.3	dist.occupied on S line of Brill by Wallis No. 20
1468.4	dis.occupied on S.line of Brill by Pointevant No. 4
479.3	dis.occupied on S.line of Brill by Pointevant No.154.
2688.0	Wallis distance given Brill South line as shown by his surveys South of the Brill.

The above surveying by Mr D.B.Wallis conclusively shows that he gave the Solomon Brill its 2688 varas for East and West distance and his calls for bearings at the N.E.corner of his Trimble and N.E.corner of his Thos Toby 188 acre (R.C.Frankland) surveys shows where he was when he said he was at the N.W.corner of the Brill on July 29th 1879 when he made the Trimble Survey. If anything could be needed to sustain this, the call for the Saphronia Barrow's survey's S.E.corner at 880 varas from the N.E.corner of the Robert Oliver could be mentioned. The Barrow survey is fixed on the ground by several bayou crossings and known by Mr Faber on his large supplemental maps exhibited at the hearing on May 11th. last.

Your attention is respectfully called to Sheet 5 of the accompanying maps for the purpose of showing the location of the surveys in this area surveyed by Mr D.B.Wallis.

Sixth: On November 9th 1874 Mr D.B.Wallis addressed a report in the form of a letter to Hon. J.J.Groos, Commissioner of the General Land Office, at Austin, Texas, in which he states (This letter is file No.83518 in the letter files of the Land Office) that " Since returning the field notes of Nos. 2, 3 & 4 of the Thos. Toby Surveys I have discovered that an error was made by me in the correction of M.E.Trimble's field notes, which also makes errors in the said Toby's, field notes" I will not copy the text of this letter, but refer you to the file in your office for the contents. However this letter does show beyond any doubt that Mr Wallis called for the Bryan line by mistake and that in truth and in fact he never reached the East line of the Bryan survey in either the survey of the Trimble or the R.C.Frankland 188 acre survey (Thos. Toby 188 acre survey) You will also note that he places the Mather No. 15 in conflict with the S.W.corner of the Brill 26 vs by 25 vs. in this letter. He suggests shortening the Trimble East and West lines to 2004-3/10 vs and lengthening the Thos Toby East and West lines to 658 varas and suggests that the South line of the Trimble be lengthened to 1842 varas and the same as to the North and South lines of the Thos Toby 188 acre Survey, in order to reach the Bryan East lines.

The Land Office apparently answered him instructing him how to correct field notes, for on December 29th 1874 Mr Wallis wrote the Commissioner of the Land Office saying "Your favor of the 11th. inst. is at hand. You did not seem to understand my letter pointing out errors made in some of my surveys. I did not intend you should enter the corrections. But you did not answer my questions. I wished to (know) whether I would have to change the corners of the M.E. Trimble survey in making corrections, or let the corners stand and change the callings in the field notes".

P3

counter #1043

In this letter Mr Wallis informs the Commissioner that Book E to which he had been referred for some purpose was missing from his office and was not in the office of the County Clerk. He refused to accept the call 274 varas to Brill's S.W.corner in S.Mather's field notes of Survey 15 (and it appears from his surveys that he never did understand that the field notes of Mather 15 had been corrected to leave a noth in its N.E.corner 104 by 274 varas; see his survey of the E.H.R.Wallis No. 20 and his maps of the area) In this letter he states " The distance between Brill's West line and Bryan's East line is,by measurement upon the ground 1842 varas". This letter is in your fiels and is Numbered File 86112.

In a letter from D.B.Wallis to Hon.J.J.Groos,dated Aug.24th 1874 now File No. 81318 in your letter files, Mr Wallis asks for the field notes of the Richardson and Mather surveys and says that these field notes are not of record in the office of the county clerk. He says he has some surveys to make that will adjoin the Mather and Richardson surveys and that"it will be very difficult for me to make the surveys without those field notes,and almost impossible to avoid a conflict without the field notes of those not in a square form;as there are no corner stakes or marks to go by in the prairie" This letter shows that Mr Wallis did not KNOW where the Bryan or Mather surveys were when he surveyed the Trimble or the Thos Toby 188 acre surveys and that such calls as he made for them were merely supposititious calls, and that he surveyed the South line of the Trimble and the North and South lines of the Thos Toby 188 acre survey only 1684 varas in length. By no strech of imagination can the West lines of the Thos Toby 188 acre surveysor the Trimble survey be moved West to the East line of the Bryan,in view of these letters.

On December 31st. 1878 Mr D.B.Wallis addressed a report to Mr W.C.Walsh,Commissioner of the General Land Office and inclosed a map to illustrate his report. This letter is now in your Sketch files under No.17 and the map is No. 23. I refer you to Sheet 6 of the attached maps for an enlargement of the Wallis map which makes it someyeasier to read. In this report Mr Wallis states...."It is found by measurements of the ground,beginning at the S.W.corner of No. 8 and running the lines at the variations used in making the surveys, that the N.E.corner of Mather 15 falls 150 varas W. & 136 varas N of S.Brill's S.W.corner,bringing the Thos.Toby Survey No. 3 in conflict with Nos. 13 and 14 to the extent of 130-1/2 varas." Referring to his accompanying map, it is seen that he now makes the distance between the West line of the Brill and a line extended South from the South East corner of the Thos Toby surveys, 1864 varas and leaves some distance to go to reach the Bryan.Also that he does NOT show or take into consideration the notch out of the N.E.corner of Mather 15 which would add another 1o4 varas to his calculation. I refer you to the map and report for complete details of same.

Seventh: Under date December 14th.1900 ,Mr George Giddings County Surveyor of Chambers County,Texas, addressed a letter and plat to Mr Chas. Rogan, Commissioner, Austin,Texas, and on the same sheet of paper he had drawn a map of the area under search. He stated in his letter that he had surveyed on the ground the Surveys marked x. His letter is of interest for two reasons. First he says " I send you this plat with the view of learning if your office would grant a patent on the tract marked x in blue pencil. I surveyed for the owner this fall the following tracts, viz; the Brill,Trimble, Oliver,Casey, Bryan and Matthews (L) and found after giving each tract metes and bounds according to the patents thereon, the Vacancy as about platted"(This indicates that in 1900 the owner of the surveys named in this letter were advised of the existence of vacant land between the surveys shown on this plat and that for forty years have done nothing more to acquire title to it than this letter indicates) Continuing this letter says" The country is all prairie and the only authentic corners I could find were the S.E. corner of L. Matthews on East Bay 10 varas West of small bayou and the N.E.corner of the Brill on the edge of marsh, which can be established by evidence of living witnesses.The surveys joining Trinity Bay call for starting points on Shore which cannot be depended upon, because of erosion of shore The Thos. Toby, the S.Matthews and C. Mather are joined to the

P4

counter 44044

Brill and therefore are governed by its lines.The Surveys projected from the Bay shore and those tied to the Brill never connected although they call to do so,in the patents, therefore the Vacancy which includes about 160 acres.The above plat is a correct showing of the lines as now established.The lines I run are marked in blue pencil.I found the lines closing on the Bay,short in some places, on account of erosion since the original survey,and me, old settlers with me, declared that the erosion, to their positive knowledge, would account for any deficiency.The work I did was with a reliable instrument and I carried one end of the chain and can certify the above plat to be correct. I send the above plat trusting you will notify the land is patentable as I have an application to survey the vacancy.

Yours truly,
George Giddings,
County Surveyor,Chambers Co.Texas.

Reference to this report and map,which are now Sketch A Chambers County, in the Sketch files of your office, is here made and your attention is called to the map which shows that Surveyor Giddings found there was 407 varas between the R.C.Frankland and M.E.Trimble surveys and the Bryan Survey in 1900 when he surveyed the land. His error seems to have been in attempting to move the S.Mather Surveys Nos. 14 and 15 East to connect with the Brill as he found it at 2688 varas from its N.E.corner, which he says could then be established by living witnesses.He gives the Trimble its 1800 varas in width but does not show the S 44 W 530 vara call which would have extended the vacancy North to the South line of the Barrow.

In conclusion I wish to point out that since the Trimble survey was made in 1874, there have been three separate reports made to the land office,bone by the District Surveyor who surveyed the Trimble, one by the County Surveyor of Chambers County and one by Mr Ben H.Faber, acting under appointment of the Land Commissioner and in his capacity as Licensed State Land Surveyor, and that each of these reports and the maps filed by each of these surveyors indicate the existence of the vacancy in the area covered by my applications to purchase Nos S.F. 14148 and S.F. 14175. It appears that Mr Faber has followed the footsteps of the original surveyors of the surveys in this area and that he has made a full and true report of his work on the ground to the Land Office.

Yours very truly,
S E Damm
June 1-1940

P5

counter 44045

Chambers Co. Rld. Sk #20

G K.

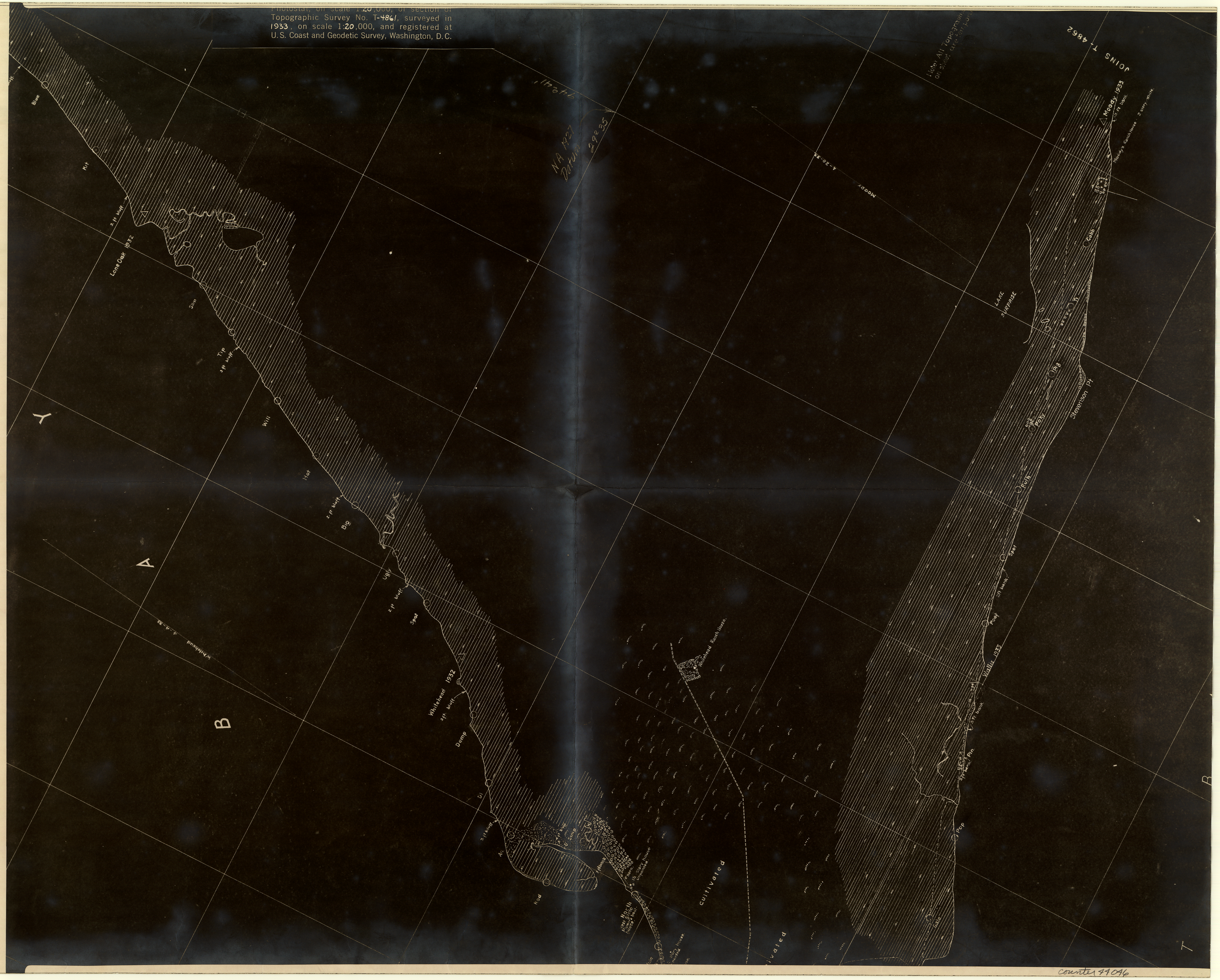
S.F. 14148 - S.F. 14175.

STATEMENT BY S.E. DAMON.

Chambers Co Roll Mk.

CONTER 82244

Photostat, on scale 1:20,000, of section of Topographic Survey No. T-4861, surveyed in 1933, on scale 1:20,000, and registered at U.S. Coast and Geodetic Survey, Washington, D.C.



counter 44046

Smith Point
Galveston Bay

C.S.F. 14148 - 14175
Chambers Co.

Chambers Co. Rd. Sk. #20

RECEIVED
MAY 2 - 1940
REFERRED TO MAP

COUNTER 82383

172

T. J. DICK
S. BARROW
BEN. DICK
J. DICK
CHAS. S. MITCHEL
W. HAWKINS
J. H. PERKINS
R. W. NELSON
E. W. CLARK
R. C. FRANKLAND
LONE OAK LOCATION
ROAD
ROBT. OLIVER
JOHN DICK
A. GORDY
REMINGTON HOUSE LOCATION
JNO CASEY
R. C. FRANKLAND (T. TOBY) 160A
R. C. FRANKLAND 188 Ac
M. E. TRIMBLE
G. W. SHELTON
WM. RICHEY
W. MOODY
No. 16
SOLOMON BRILL
SHELL BANK
S. MATHER
LAKE STEPHENSON
WILLIAM BRYAN
R. C. FRANKLAND
S. MATHER
S. MATHER
E. H. R. WALLIS
COUNTY ROAD
HENRY PLUMMER
LEWIS MATTHEWS
PRES. BY T.
S. MATHER
GARNER LONG
D. RICHARDSON
D. RICHARDSON
J. POITEVENT
G. W. SHELTON
D. RICHARDSON
E. H. R. WALLIS
LAKE SURPRISE
SMITH'S POINT.
S. MATHER
HENRY BARKER
ST. CLAIR LAKE
STEVENSON'S POINT
TRIAN. STA. Δ 29°-32'-48"
94°-39'-44"
DANIEL CRAFT.
D. RICHARDSON
D. RICHARDSON
D. RICHARDSON
D. RICHARDSON
S. MATHER
S. MATHER
S. MATHER
D. RICHARDSON
CO
CO
STEVENSON POINT.
WASHINGTON CLARK.
EDWARD T. BRANCH
CHAMBERS
GALVESTON
62
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105
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106
108
137
107
199
198
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147
N

TRACED FROM A PRINT OF A MAP MADE FROM AERIAL MOSIACS.

SCALE: 1" = 3000' = 1080 VS.

counter 44017

(GB)

ROLLED SK. NO 20

S.F.
~~M.A.~~ 14148

CHAMBERS County

COPY OF MAP FROM AERIAL MOSAICS

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~~Filed~~ MAR 16, 1940

BASCOM GILES, Com'r

BY W.S.
File Clerk

RECEIVED
MAR 16 1940
REFERRED TO MAP

counter 44648

Chambers Co. Rld. Sk. #20

Chambers Co. Rld. Sk. #20

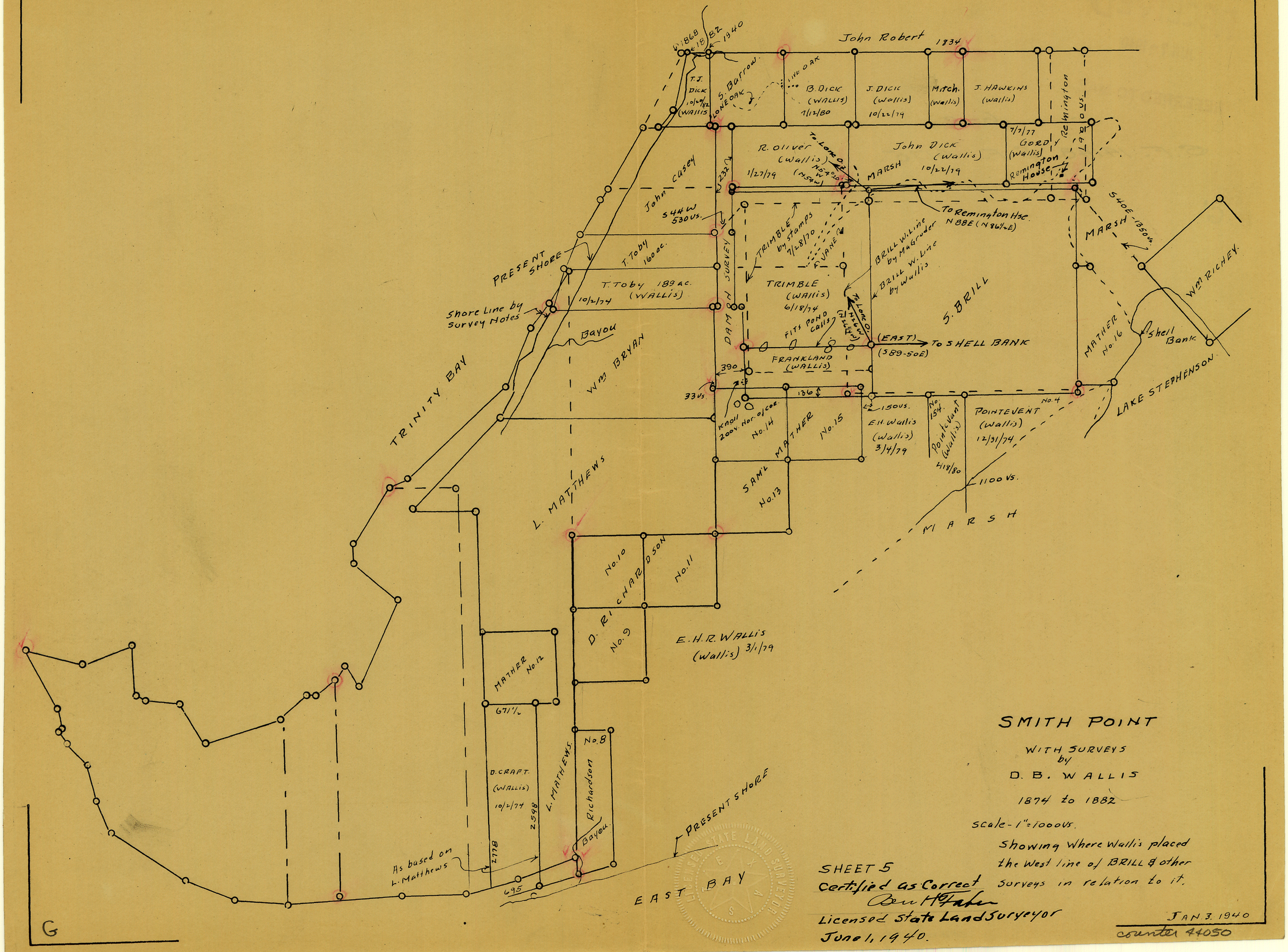
RECEIVED
JUN 7 - 1940
REFERRED TO MAP

6- G.

S.F. 14148 S.F. 14175.

G'

counter 44049



SMITH POINT

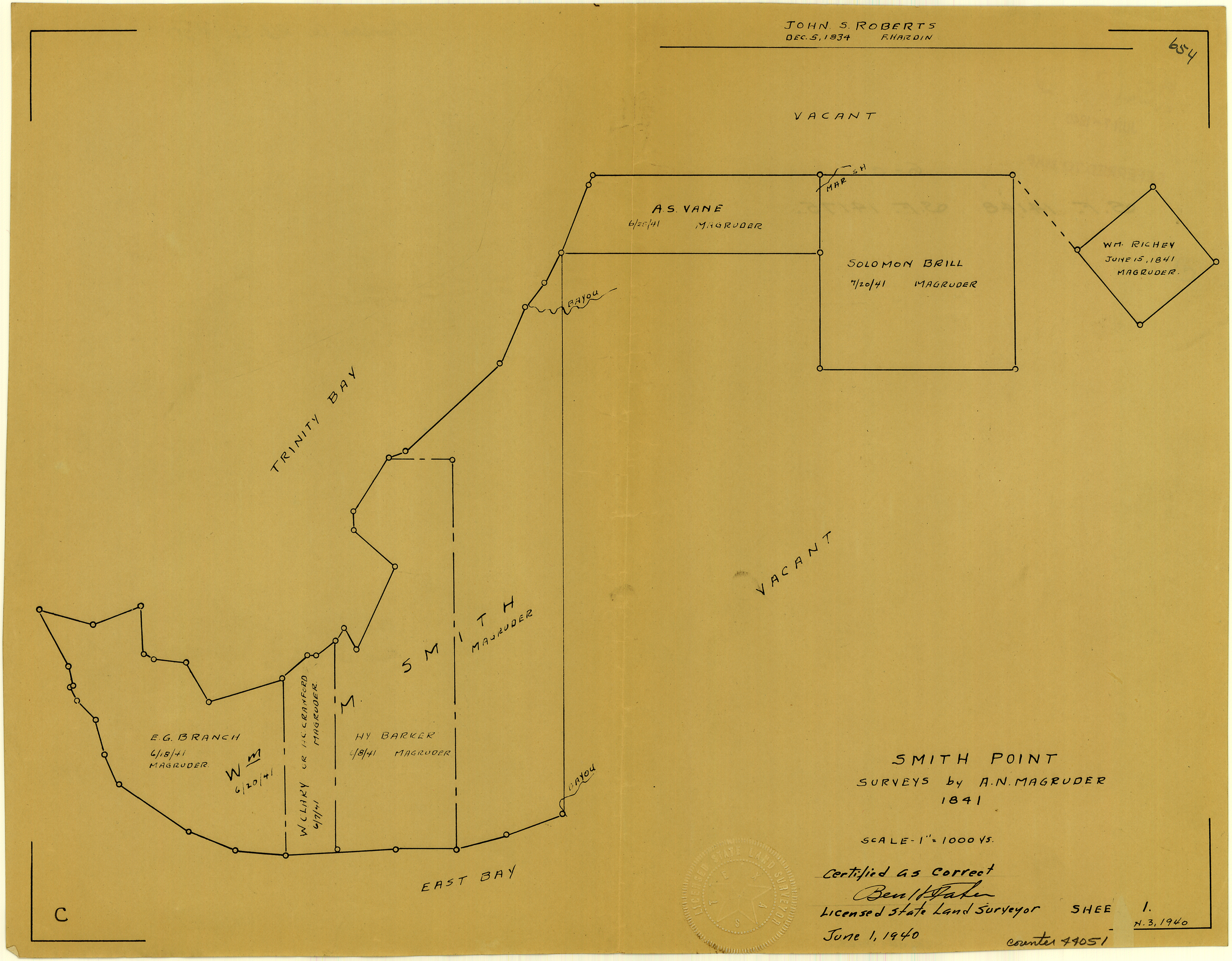
WITH SURVEYS
by
D. B. WALLIS
1874 to 1882

Scale - 1" = 1000 vs.

Showing where Wallis placed the West line of BRILL & other surveys in relation to it.

SHEET 5
Certified as Correct
Ben H. Faber
Licensed State Land Surveyor
June 1, 1940.

JAN. 3. 1940
counter 44050


JOHN. S. ROBERTS
DEC. 5, 1834 F. HARDIN
654
VACANT
A.S. VANE
6/25/41 MAGRUDER
MAR SH
SOLOMON BRILL
7/20/41 MAGRUDER
WM. RICHEY
JUNE 15, 1841
MAGRUDER.
BAYOU
TRINITY BAY
VACANT
SMITH
MAGRUDER
M.
E.G. BRANCH
6/18/41
MAGRUDER.
Wm
6/20/41
W. CLARY OR H.C. CRANFORD
MAGRUDER
6/7/41
HY BARKER
6/8/41 MAGRUDER
BAYOU
EAST BAY
C
SMITH POINT
SURVEYS by A.N. MAGRUDER
1841
SCALE - 1" = 1000 YS.
Certified as Correct
Licensed State Land Surveyor
June 1, 1940
SHEET 1.
N.3, 1940
counter 44051

Chambers Co. Rld. Sf. #20

RECEIVED
JUN 7 - 1940
REFERRED TO MAP

6-c.

S.F. 14148 S.F. 14175.

C'

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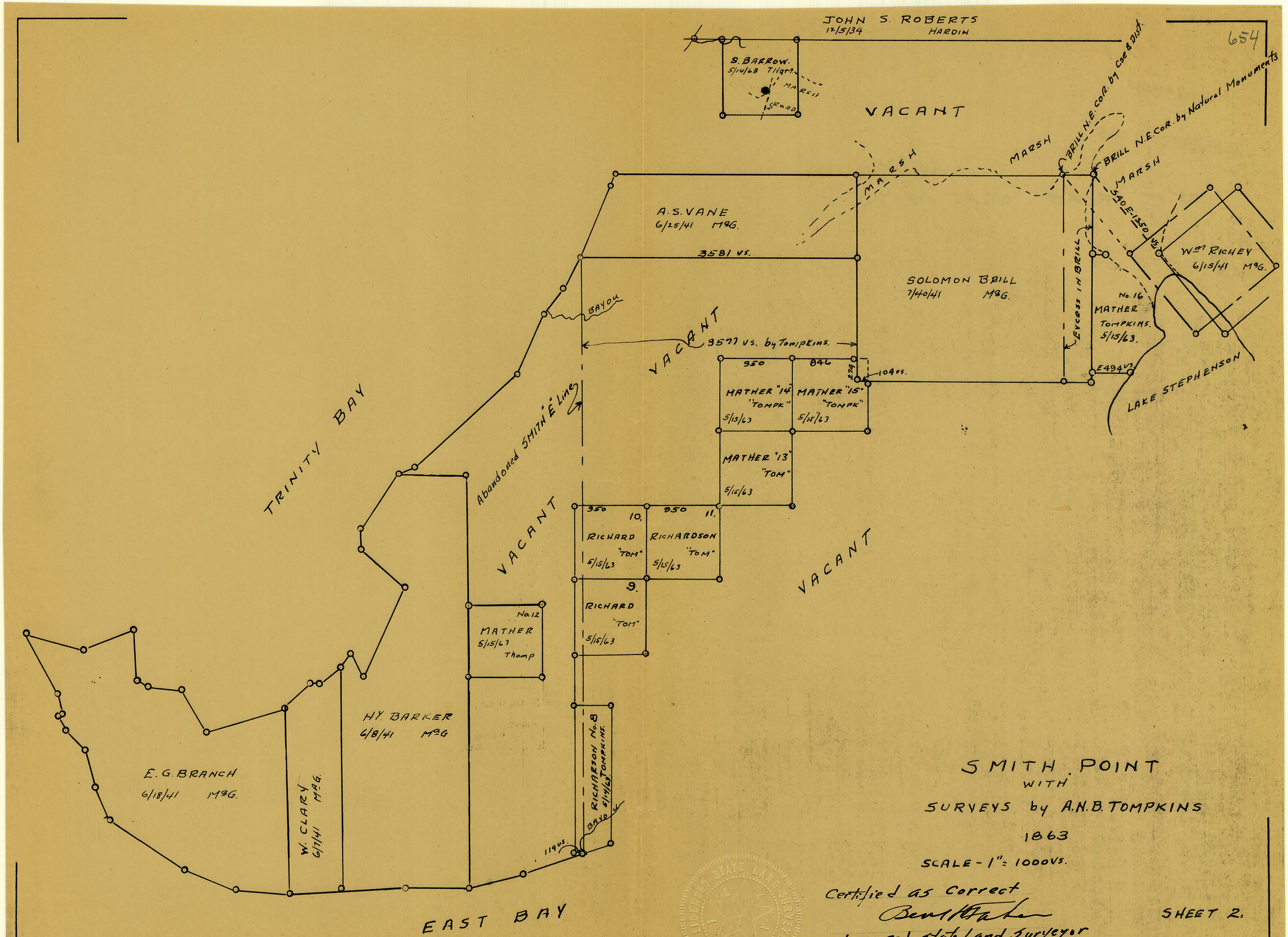


SMITH POINT
WITH
SURVEYS by A.N.B. TOMPKINS
1863
SCALE - 1" = 1000 VS.

Certified as Correct
[signature]
Licensed State Land Surveyor
June 1, 1940

SHEET 2.

JAN. 3, 1940

counter 44053

Chambers Co. Rld. Sk. #20

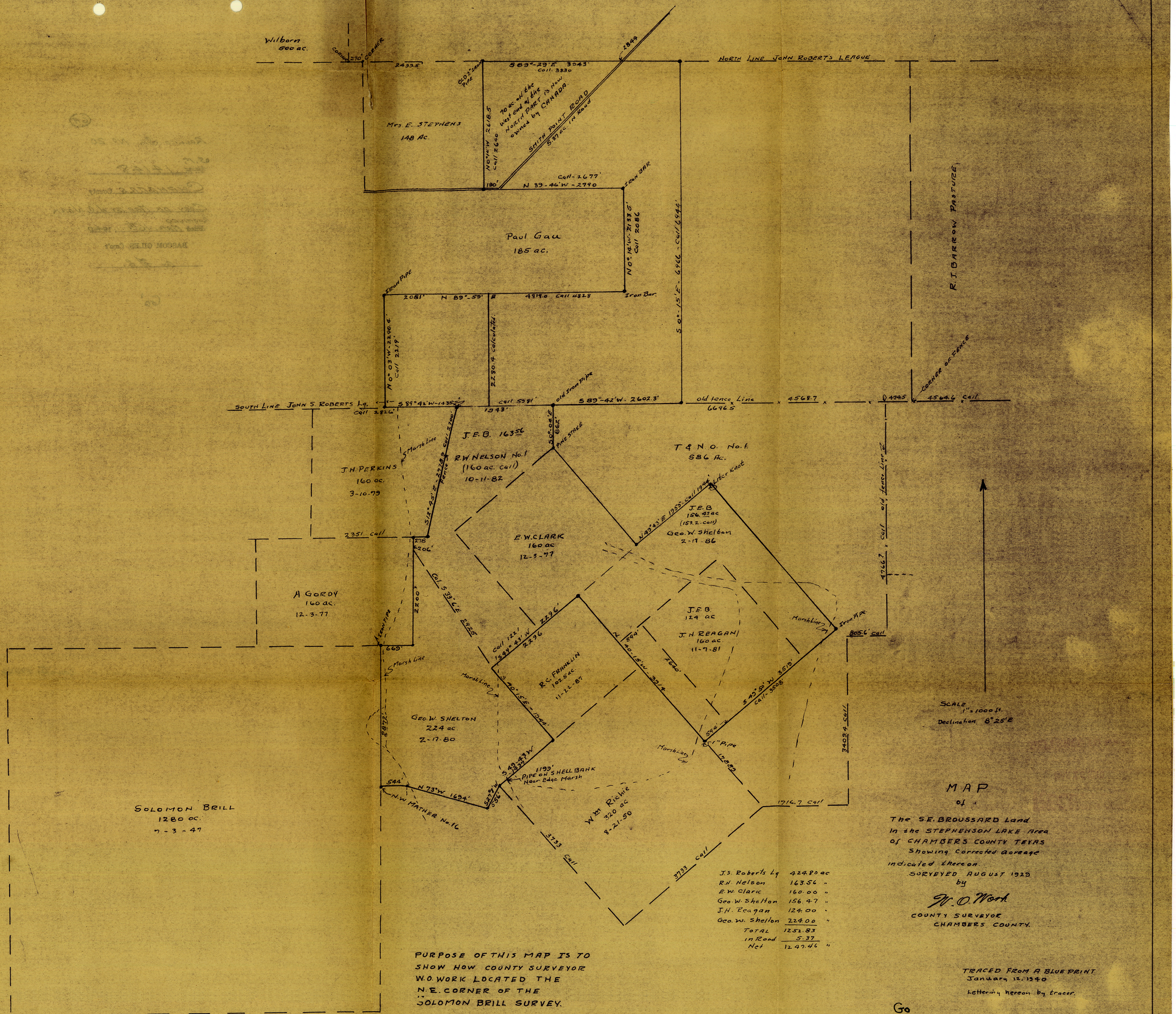
RECEIVED
JUN 7 - 1940
REFERRED TO MAP

6 - D

S.F. 14148 S.F. 14175

D'

counter 44054



J.S. Roberts Lg	424.80 ac
R.H. Nelson	163.56 "
E.W. Clark	160.00 "
Geo. W. Shelton	156.47 "
J.H. Reagan	124.00 "
Geo. W. Shelton	224.00 "
Total	1252.83
In Road	5.37
Net	1247.46 "

MAP
of
The S.E. BROUSSARD Land
In the STEPHENSON LAKE Area
of CHAMBERS COUNTY TEXAS
Showing Corrected Acreage
indicated thereon.
SURVEYED AUGUST 1929
by
W. O. Work
COUNTY SURVEYOR
CHAMBERS COUNTY.

PURPOSE OF THIS MAP IS TO SHOW HOW COUNTY SURVEYOR W.O. WORK LOCATED THE N.E. CORNER OF THE SOLOMON BRILL SURVEY.

TRACED FROM A BLUE PRINT
January 12, 1940
Lettering hereon by tracer.

Go

counter 44055

(6A)

ROLLIZO S/A NO 20

S.F.
~~M.A.~~ 14148

CHAMBERS County

COPY OF MAP BY W.O. WORK

RECEIVED
~~Filed~~ MAR. 16TH, 1940

BASCOM GILES, Com'r

By [illegible]

Go'

counter 74056

244

REFERRED TO MAP

MAR 16 1940

RECEIVED

CHAMBERS CO. RLD. SK. #20

SE (1)

East Bay. Nov. 9. 1874

Hon. J. J. Groos,
Com. Gen. Ld. Office
Austin Texas.

2-152

Dear Sir:

Since returning the field notes of Nos 2, 3 & 4 of Thos. Toby Surveys I have discovered that an error was made by me in the Correction of M. E. Trimbles field notes. which will also ~~Cause~~ makes errors in the said Toby's field notes. The Error was caused by the Toby 160 acre Survey & Wm Bryan survey being represented on maps & plats from the Land Office joined together, when they are separated by 5-14 vrs distance - It did not occur to me as it should, when I found by measuring that that space was there, that the E. line of the Wm Bryan Survey would Consequently be 158 vrs. further to the Westward than it had been Represented. And instead of its N.E. Corner being 100 vrs East of Toby's S.E. Corner it is 58 vrs west of it. Consequently, M.E. Trimbles field notes should read: Thence S with Bills West line 2004 3/10 vrs Thence West 1842 vrs. to Wm Bryans E. line. Thence N. with said line 5-023/10 vrs to said Bryans N.E. Corner. Thence E. 5-8 vrs. Thence North at 5-14 vrs Tobys S E corner at 989 vrs its B N.E. Corner - and so on to Beginning - which is all Correct. Thos. Toby No 3 ~~3~~ Should Read: Thence S.

SE'

B

with Brills West line 658 vs. to S. Mathers No 15 North line. Thence West with said line and N. line No 14 - at 925 vs N. W. Cor. No 15 and N.E. cor. No 14. at 1842 vrs. Wm Bryans E. line. Thence N. with said line 658 vrs to M.E. Trimbles S W cor. - Thence E with said Trimbles S line 1842 vrs to beginning. And would Contain 214 6/10 acres.

No 2 will only need the following correction: "Thence S. with Trimbles West line 514 vrs to cor. Thence West with boundary M E Trimble. at 58 vrs Wm Bryans N.E. cor at 2158 the Bay shore" - No 4 will have to be corrected so as to give the right quantity. I would suggest that the M.E. Trimble Survey remain unchanged if it is proper to let it stand - as it is, for the reason that it has been divided into 50 acre tracts, and if changed will cause a great deal of trouble - all of which will fall upon your humble servant - The field notes could be corrected so as not to call for the Bryan survey - And No 3 Toby could be changed so as to take up the space between if necessary. I send you a sketch which will show the condition, and from which you will see there is

B' a conflict to the extent of 26 vrs x 25 vrs between the Brill & S. Mather No. 15. There is also a discrepancy

counter 44058

SE2

to which I wish to call your attention: The patent for D. Richardson No. 9 calls for the beginning North 640 vrs. from N.W. Cor. of D.R. No 8. while Lewis Mathews field notes make the same line 712½ vrs.

Please to examine the field notes returned by me as early as convenient and let me know their condition and oblige

Very Respectfully
D. B. Wallis
Dist. Sur. C. D.

If the Surveyor finds a difference on the ground with the field notes sent here, he must send corrected field notes for each survey, certified to, and recorded; corrections as given herein cannot be entered in the field notes. Besides this seems the Surveyor does not account for the call "South 274 vrs to said Brill's N. corner" in corrected field notes of S. Matthews survey No. 15 ~~for the S. Brill survey~~ Book E page 261. The distance between Brill's W line and Wm. Bryant E line is according to the surveys returned 1753 vrs.

B2

counter 44059

B3

B

File 83518

L. R. ~~Chambers~~ Walls

Nov 9. 74

About Corrections

etc

Referred to Mr. Pressler

Dec 11/74

6

Send him statement

SE4

counter 44060

(2)

Wallisville Dec 29, 1879.

Hon. J. J. Gross,
Comr Gen. Ld Office,
Austin Texas.

Dear Sir:

I herewith return the field notes of S. S. Scherer No. 1. Preemption Survey & application also James H. Duncan No. 1. 2. & 3. Surveys - Certificate - and field notes for No. 1 - and also Nos 1 & 2 Surveys made by virtue of Certificate No. 1/142 in the name of J. J. Portment - said certificate & field notes herewith enclosed. I also enclose the abandonments of S. S. Scherer and J. E. Roberts, which I presume are of no importance, not being properly authenticated.

Your favor of 11th inst is at hand. You did not seem to understand my letter pointing out errors made in some of my surveys - I did not intend you should enter the corrections. But you did not answer my question. I wished to whether I would have to change the Corners of the M. E. Trinidad Survey, in making corrections, or let the Corners stand and change the callings in the field notes.

As to the Call "South" 274 varas to Bills S.W. corner in S. Mathers field notes of Survey No. 15 - it cannot possibly be correct, An examination of the field notes of the Surrounding Surveys will soon convince you that it is impossible for that Call to be cor-

County 49659

rect. The Book E. to which you refer is not in my office. I understand it was destroyed by the military force soon after the close of the late war.

The distance between Brills' West line & Bryans East line is, by measurement upon the ground 1842 varas.

Please to inform me how I shall make the Corrections, and oblige,

Yours Respectfully
D. B. Wallis
Dist Surveyor
C. D.

File No 112
D. B. Wallis
December 29th 1874

R & F
Dec 31/74

Chambers Co. Rld. Sk. #20

counter 44061

C

SAILING DIRECTIONS.

When up with the Bar in from 3¾ to 4 fms. bring the Lt. Boat to bear N.W.¼N. (N.36½° W.) with the Lt. Ho on Bolivar Pt. a little open to the West.d & steer for it, passing the Outer & Inner Buoys close to on either hand.

When up with the Lt. Boat, steer N. W.by W.(N.47° W.) till the Red Buoy on Pelican Spit opens clear of the South. end of Pelican Island, when steer on this range (giving the Black Buoy on Fort Point a good berth) to bring the Red Beacon or Market House on with a low square frame tower near to the Westward of the Episcopal Church.

Running this range carries through Mid-Channel, observing, if the tide is Flood to keep a little to Port of this range, if Ebb, a little to Starboard.

The anchorage inside the Light Boat in 4 fathoms is always safe.

Strangers must beware of the Currents which are very strong, and from the Channel-ways the water shoals very suddenly.

Good Pilots are always in attendance on the Bar.

Vessels compelled to anchor outside may do so in 6 fathoms with perfect safety during all seasons.

At times, as during a very dry season and heavy Northers, the water on the Bar may be assumed at 1 foot less than is exhibited on the Chart. S.E. winds cause a full tide on the Bar.

NOTE.

The Courses and Bearings are Magnetic. The Soundings are expressed in ft. to 18 ft. or within the dotted lines beyond them in fms. & show the depth at mean low water—the plane of reference. The dotted lines beyond low water mark represent the bottom within the respective depths of 6, 12, and 18 ft. The characteristic soundings only are given on the Map. They are selected from the numerous soundings taken in the survey so as to represent the figure of the bottom.

TIDES.

The Rise and Fall of the Tides at the Entrance to Galveston Bay is usually small. The time and height of high and low water are irregular and much influenced by the direction and force of the winds. The average rise and fall from 12 months observations 1851-52 was 1.14 ft.

The height of high water, Spring tides above plane of reference (Mean Low Water)				1.51 ft.
do.	do.	do.	Neap	0.84 ft.
The Rise of highest tide observed		do.	do.	3.82 ft.
The Fall of lowest	do.	below	do.	1.78 ft.

Remarks.

When the moon is on or near the equator, there are two small irregular tides in twenty four hours. When the moon's declination is greatest, there is generally but one tide in twenty four hours. Between these two periods there are frequently two very small unequal tides. This inequality often amounts to one foot in the height of low water but in the time of low water it is small and uncertain. In the height of high water, the inequality rarely exceeds four or five inches, and more generally manifests itself by the tide standing at about the same height for several hours. The inequality in the time of high water is very great; it usually amounts to two or three hours, and is sometimes as great as five or six. When there is but one tide in twenty four hours, the interval from low to high water is less than from high to low water.

These remarks suppose that there is no disturbing action of the wind.

Time of high water. When the moon is north or south of the equator, the time of high water is nearly sixteen and a half hours after the upper transit of the moon; when the moon is on the equator, the time and height of high and low water are very irregular. After the moon crosses the equator, the time of high water follows the lower transit by about sixteen and a half hours.

Rise and Fall. When the time of greatest declination of the moon occurs at full or change, the rise and fall are greatest. When the moon crosses the equator in the first or last quarter, the rise and fall are least.

NOTE, April 1879
For Galveston Entrance, corrected to 1879, see Coast Survey Chart No. 520.

The Triangulation was executed in			1848'49 & '50
The Topography	do.	in	1850 '51 & '52
The Hydrography	do.	in	1851 '52 '54 & '55
The Magnetic observations were made in 1848 by Asst. R.H. Fauntleroy			
Latitude of Dollar Pt.			29° 26' 02. 6
Longitude of	do.	W. from Greenwich Observatory	94° 52' 40"
		in time	6h 19m 30s 7
Latitude of Galveston Cathedral			29° 18' 17. 3
Longitude of	do.	do. W. from Greenwich Observatory	94° 46' 35"
		in time	6h 19m 06s 6
Variation of the Magnetic Needle at Dollar Pt.			8° 57' East

Abbreviations used in the bottoms

S. for Sand	bk. for black	hrd. for hard
M. - Mud	bu. - blue	stf. - soft
Sh. - Shells		brk. - broken

Verified
H. W. Benham, Capt. of Engrs
Asst. C.S. In charge of Office.

Statute Miles
Nautical Miles

U.S. COAST SURVEY
A.D. BACHE Supdt.

PRELIMINARY CHART OF

GALVESTON BAY
TEXAS

Triangulation by R.H. FAUNTLEROY & R.D. CUTTS Assists.

Topography by J.M. WAMPLER Sub-Assist.

Hydrography by the Parties

under the command of Lieuts. T.A. CRAVEN & E.J. DE HAVEN U.S.N. Assts.

Scale 1/200,000

1355

(4th. Edition)

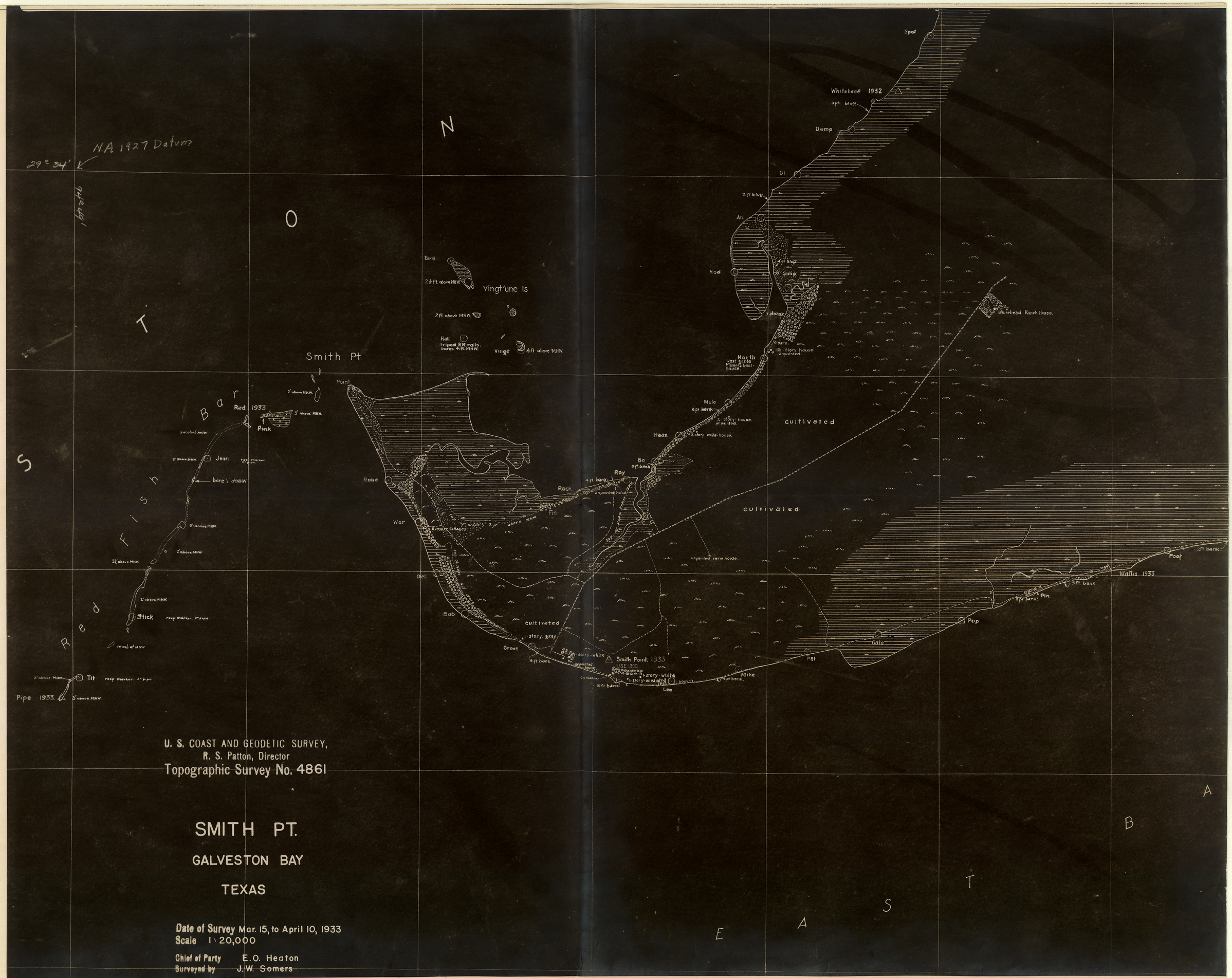
1282 (1855)

S. T. 14148 - 14175
Chambers County.

RECEIVED
APR 6 - 1940
REFERRED TO ~~MINERALS~~ map

Chambers Co. Pkt. Sp. #20

counter 14063



U. S. COAST AND GEODETIC SURVEY,
R. S. Patton, Director
Topographic Survey No. 4861

SMITH PT.

GALVESTON BAY

TEXAS

Date of Survey Mar. 15, to April 10, 1933
Scale 1:20,000
Chief of Party E.O. Heaton
Surveyed by J.W. Somers

counter 44064

S.P.C. 14148 - 14175
Chambers Co.

Chambers Co. Rd. Sk. #20

RECEIVED
MAY 2 - 1940
REFERRED TO MAP

counter 14065

244

REPORT on the Survey of the S. E. Damon File No. S. F. 14148 on Vacant Unsurveyed School Land West of the Solomon Brill 1280 Acre Survey in the Smith Point Area of Chambers County, Texas.

By

Ben H. Faber

State Licensed Land Surveyor

Beaumont, Texas

March 14, 1940

RECEIVED

MAR 16 1940

REFERRED TO MAP

W'

counter 44067

244

Beaumont, Texas
March 14, 1940

RECEIVED
MAR 16 1940
REFERRED TO MAP

Hon. Bascom Giles
Commissioner of General Land Office
Austin, Texas

In compliance with your notice, dated December 21, 1939, instructing me to make a survey of an alleged vacant unsurveyed tract of School Land located in Chambers County, Texas, as filed upon by S.E. Damon on the 27th day of September 1939, along with your sixty day extension of time in which to complete work, dated January 18, 1940, I hereby report that the survey has been made and my findings are outlined herein to follow:

The alleged vacancy is described in the file as being located between the existing surveys as described in the following notes:

"On the North by the Saphonia Barrow 160 Acre Survey, File S-560. On the East by the Robert Oliver Survey, File 1-415 and the Moffat E. Trimble 640 Acre Survey, File 2-122. On the South by the Richard C. Frankland, (assignee of Thos. Toby) Survey, File S-620. On the West by the Wm. Bryan 640 Acre Survey, File S-521; the Richard C. Frankland (assignee of Thos. Toby) 189 1/3 Acre Survey, File S-620; The Richard C. Frankland (assignee of Thos. Toby) 160 Acre Tract, File S-522, and The John Casey 320 Acre Survey, File 2-123."

The alleged vacancy is located in the Southern end of Chambers County, Texas, and in the area known as Smith's Point. It lies between Trinity Bay on the West, East Galveston Bay on the South and Stephenson Lake on the East, with the main land to the North, about 13 miles Southwest of the County Seat, Anahuac.

The alleged vacancy is located in a low, flat prairie section of the country, dotted by numerous small ponds of an average diameter of about 200 to 300 feet, some larger, some smaller. The area is about three miles South of the timbered land to the North. The only trees in the area are those planted by homesteaders, partly to mark their possessions. The trees appear from the distance to be a mott of timber but on close analysis, in a number of instances it is found that they are planted on the land lines at a corner of the homestead. Random trees are planted within marked lines. In most instances examined it was the Northwest corner of the Survey. The trees planted are live oak, pine, cypress and possibly

W2

counter 44068

a few of other species. Apparently the trees have been planted twenty-five to seventy-five years, in as much as some of the live oaks measured showed a diameter of 36 inches. The elevation of the country, with the exception of the marshes, is not over five feet above sea level, most of the land being from two to three feet above it. Marsh land exists around the fresh and salt water lakes, as well as the existing bayous. The land has a low farming value, it being primarily adapted to cattle raising. No oil fields exist within five miles of the area surveyed.

The Survey of the alleged vacancy officially began on January 3, 1940, as a result of the notices given by the State Land Office to the land owners prior to that time. The following interested parties were present and gathered to meet the appointed surveyor about 10:30 A.M. of that day.

S.E. Damon, file claimant; Dess White land owners, in the Brill and adjoining surveys; W.O. Work, County Surveyor of Chambers County and representing the Dess White interests; W.H. Hawkins, land owners in the Hawkins Survey to the North of the Brill; Bob Ehman, Surveyor for the Humble Company, lease holder on the area; Judge Phil D Woodruff, representative of the attorney representing the Dess White interests.

Prior to the official beginning of the Survey, between the dates of December 27th, 1939 and January 2, 1940, the appointed surveyor spent several days making a preliminary survey of the area during which time he located such cardinal points that would bear on the location of the alleged vacancy. Pine saplings of from 20 to 30 feet long were dragged to the site and erected on the control points of the survey. Flags were attached to these poles to enable an observer to see the points marked for a distance of from one to two miles away. These poles were placed on the Northwest corner of the Brill Survey as set by County Surveyor W.O. Work; at the Southwest and Southeast corners of that survey as determined by course and distance from the Northwest corner as set by W.O. Work; at what is known as Shell Bank in some of the original field notes, same being on the West shore of Lake Stephenson; at the site of the Remington House referred to in the Trimble Survey by Surveyor Wallis, as located by E.L. Mitchell; at the site of the Lone Oak, referred to in the Trimble and Frankland Surveys by Surveyor Wallis (as located by E.L. Mitchell and Dolph North); at the original preemption stake in the Northwest corner of the Mitchell Survey. Lower flags were

W3

counter 44069

erected on the two pipes marking the Northeast corner of the Brill (said pipes being the ideas of the location of the corner by different surveyors) and at points on the North line and West corners of the Wm. Richey Survey, to which the Brill Survey is tied by course and distance.

During the preliminary surveyings, on December 27th and 28th, 1940, W.O. Work, County Surveyor of Chambers County, assisted the appointed surveyor in pointing out and determining certain corners of the area, e.g. Northeast corner of the Brill, West corner of the Wm. Richey, etc. Mr. Work stated that he, himself, had established the corners (pipes) set on the Richey North line about ten years ago when he was running out the lines of the Canada Ranch and were determined mostly by course and distance, giving way to such corners as he found to the North of the Richey Surveys. Based on original notes Mr. Work placed the West corner of the Richey Survey too far West. The original notes call for high land whereas Mr. Work placed it about 230 varas out in marsh. The Survey of the Canada Ranch began on the South line of the Roberts League, the oldest survey in the area (1835). Having established his conners for the Richey Survey, Mr. Work, by triangulation, worked out a Northeast corner of the Brill by course and distance from the Richey West corner. From this Brill Northeast corner, he set a pipe for the Northwest corner of the Sam Mathers Survey No. 16, which is placed between the Brill Survey and Lake Stephenson. He also set from his Brill Northeast corner the Southeast corner of the Brill Survey and the Southwest corner of the Mathers No. 16 Survey, same being on the Brill East line.

When Mr. Work had clearly identified his location for the Northeast corner of the Brill Survey, a line was run South for the East line of the Brill down to his marker previously set for the Northwest corner of the Sam Mather No. 16 Survey. Careful measurements were made to the marsh calls and notes made of them and the results are reflected on the map accompanying this report. Later, as herein stated, a line was run from the Brill Southeast corner to connect up with this work.

Mr. Work pointed out and identified the cedar post (fence post) and iron stob he had set for the Northwest corner of the Brill Survey. He stated that he had established the corner by course and distance from the Southeast corner of the Robt. Oliver as established by a Surveyor named Walger. A 1 1/2 inch galvanized iron serves to mark the Southeast corner of the Oliver Survey. Mr. Work also pointed out the location of the Southwest corner of the Brill Survey as set by him

W4

counter 11070

about ten years ago. In as much as it was on the side of the road, it evidently had been destroyed and could not be found, but a tie was later made in this survey to the location as pointed out by Mr. Work

In company with Mr. W.O. Work, Mr. E.L. Mitchell, a life time resident of the area and heir to the Mitchell Survey, and now residing on it, the location of the Remington House, the location of Lone Oak Tree, original preemption corner for the Northwest corner of the Mitchell Survey, were all determined and marked. Mr. E.L. Mitchell identifying each of the points with a degree of certainty. Later these were substantiated by an aged negro, Dolph North, a life time resident of the area, who had in years past seen the Lone Oak and the Remington House. Also by Dess White, heir to the Brill and adjoining Surveys. Later definite ties were made to all of the points.

The appointed surveyor used two chainmen, John B. East and J.H. Stephens, both mature men of around 40 years of age. All surveys were made with transit compass, checking azimuth against compass readings. Distances were carefully measured with a 200 foot steel tape, converting varas to feet and vice versa as needed. All surveys were run in closed circuits to determine their accuracy. A variation of 8 degrees and thirty minutes East was used to determine true directions.

On the date of the official beginning of the Survey, the appointed surveyor escorted all the parties present and interested, to the points marked by flags and other identifying points that had been found and determined up to this time. Attention was called to a cedar stake in the area of the Northeast corner of the R.C. Frankland Survey, as determined from the Work's Brill Northwest corner. Dess White, land owner, identified the stake as an original survey stake, considering it the Northeast corner of the Frankland Survey and the Southeast corner of the Trimble Survey. Witness to the identification were S.E. Damon, W.O. Work, Bob Ehman, Phil D. Woodruff. Mr. Ehman at the same time pointed out a 2" square oak stake set by him along side of the cedar stob. He stated that he had previously surveyed the entire area for the Humble Company. At the Shell Bank, the Mitchell Northwest corner, Lone Oak, Pipe at Northeast corner of the Brill and other places he identified and pointed out similar 2 inch oak hub set by him when he surveyed this area.

Mr. Mitchell and Dess White, both identified the proximity of the location of the Lone Oak tree and the location of the extinct Remington House.

W5

counter 44071

Also the original preemption corner of the Mitchell Survey.

METHOD OF PRECEDURE

The Northeast corner of the Brill Survey is now marked by two different pipes, about 50.4 varas apart and at a slight angle off of North and South. The most Southern pipe is the one established by County Surveyor W.O. Work, as already outlined. The Northern one was identified as the Northeast corner of the Brill by Dess White, and Guy Jackson, land owners. In as much as the Northern pipe was found to be due East of a point on the public road, marker buried, identified by Guy Jackson, land owners in a Survey on the North of the Brill, as one of his corners it was deemed advisable to start this survey off of the Northern pipe set for the Northeast corner of the Brill and to base all measurements and direction from it.

The Survey was accordingly started at the above described Northeast corner of the Brill and run West. At the call for distance, a buggy axle was found set for the Southwest corner of the Gordy Survey. By course and distance for the Northwest corner of the Brill the point fell short by 30.2 varas of a cedar post set for that corner by County Surveyor Work. The post is in a marsh about 125 varas East of high land, along side of it is an iron axle. The post has on it, "NWB", which Mr. Work stated that he made. Both Mr. Work and Dess White claimed this to be the Northwest corner of the Brill. At a call distance of 261 varas West a 1 1/2 inch galvanized angle iron was found, said by Dess White and Guy Jackson to be the Southeast corner of the Robert Oliver Survey. Mr. Work says that Mr. Walger, Surveyor set it, he having based his work on a monument at original West corner of the Booth Survey on Double Bayou, same being at a church house some five or six miles to the North. Mr. Work later stated that he had set the post for the Brill Northwest corner 261 varas East of this angle iron and had disregarded the marsh calls for the Northwest corner of the Brill Survey. It was noted that the angle iron, the cedar post, the buggy axle, an iron pipe on the East side of the public road and the iron pipe at the Northeast corner of the Brill, from whence this survey was started were all in an East and West line. A pole with flag was erected at the cedar post marking Work's Northwest corner of the Brill Survey.

Accepting at the time, the cedar post as the Northwest corner of the Brill Survey, a line was run South on course and distance for the Brill West line to a point for its Southwest corner. Enroute an iron stob was set for the

WB

counter 44072

Northeast corner of the R.C. Frankland Survey. This point was found to be N 38 degrees and 14 minutes West, 34 1/2 varas from a cedar stob about 6 or 8 inches out of the ground and a size about 3 x 4 inch. It was well rounded off, and decaying at contact with ground, showing it had been there a long time and worn down by the rubbing of cattle. Later Dess White and Andy Frankland, land owners, identified this cedar stake as an original land corner, saying it represented the Northeast corner of the R.C. Frankland 188 Acre Survey. At the call for distance, on this line run for the West line of the Brill, a marker was set for the Southwest corner of the Brill, which was North 33 degrees 40 minutes West, 73 varas from Mr. Work's Southwest corner of the Brill. Here, also was erected a pole with a flag on it.

From the point set for the Brill Southwest corner the line was run East to a point set for the Southeast corner, by course and distance. On reaching that location it was found that the point was 38 varas West of a fence line indicating the East line of the Brill Survey. This excess was due to the excess distance that exists between the pipe at the Northeast corner and the post set for the Northwest corner of the Brill. The line was carried to the fence, where a hub was set.

From this hub a tie was made to the fence corner to the South where an iron pipe was found, evidently set for the Southeast corner of the Brill. The pipe was found to be 57.6 varas South of the hub. Another iron pipe was found 54.4 varas North from the hub. Mr. Work later stated that he had set these two pipes, the lower one for the Brill Southeast corner and the upper for the Southwest corner of the Sam Mather Survey No. 16. He stated he had set the Brill Southwest corner from the pipe he had set for the Brill Southeast corner.

Enroute to the Southeast corner of the Brill Survey, from its Southwest corner, it was noted that the line ran about 50 to 60 varas North of a fence evidently set up for the South line of the Brill, connecting the Southeast corner and Southwest corner by Mr. Work. Ties were made to pipes set for corners of the two Pointevant Surveys Nos. 154 and 4, called to join the Brill on the South. The pipe had been set at call distances from the pipe set at the Southeast corner of the Brill. Ties were also made to a grove of trees about 125 varas South of the Brill and about midway of the survey.

From the hub set on East fence line of the Brill Survey, a traverse was run East and Northeast to locate what is known in some of the original field notes as the Shell Bank. Enroute to the Shell Bank ties were made to the West shore of Lake Stephenson and is accordingly shown on the accompanying maps.

W7

counter 44073

After the Shell Bank has been located, return was made to the hub on the East fence line of the Brill and a survey was extended North, along an existing fence, to connect with points previous run from the Northeast corner of the Brill to a pipe set by W.O. Work for the Northwest corner of the Sam Mather No. 16.

Having had the cedar stake found near the corner set by course and distance for the Northeast corner of the R.C. Frankland Survey identified by the land owner as the original marker for that corner, a basis upon which to determine the location of the vacancy was had. Further surveying was based on this original stake.

From this original cedar stake, at the Northeast corner of the R.C. Frankland Survey, a line was run South 630 1/2 varas to the Southeast corner of the Frankland where a window sash was set for its corner. Thence West 1684 varas for the Frankland Southwest corner, where another window weight was set for its Southwest corner. This corner was found to be North 50 degrees East from a pond and about 90 varas distance (original notes call for a pond to be South 50 degrees West 30 varas from the corner). Thence North 630 1/2 varas where a lighter pine stob was set for a corner. Enroute the line passed over a prominent knoll at 160 varas North of the Southwest corner set, (original notes call for a knoll at 200 varas North of the Southwest corner). Thence East 1684 varas to the Frankland Northeast corner for the beginning point. Enroute the North line crossed three ponds and passed about 10 varas North of a fourth pond. Note was made of all the crossings and their distances from the Northwest corner. A stadia survey was made of each pond and results are shown on the accompanying maps.

Having laid out the Frankland Survey on the ground, the survey was continued by going to the window sash set for the Southwest corner of the Frankland and the line extended West 423.2 varas where a lighter pine stob was set for the Northwest corner of the Sam Mather Survey No. 14. This point was South 9 degrees 38 minutes West- 25 varas from 3" cedar stob with no marks on it. Said course and distance being so predetermined from calculations and platting of original field notes. Thence the survey was extended South, marking the West line of the Sam Mather Survey Nos. 14 and 13, same being also the East line of the Wm. Bryan and Lewis Matthews Survey. A lighter pine stob was set for the Southeast corner of the Bryan Survey, distance being measured from the point set for the Northwest corner of the Sam Mathers Survey No. 14. This would also be the Northeast corner of the

W8

counter 44074

Lewis Matthews Survey. At call for distance, a lighter pine stob was set for the Southwest corner of the Sam Mather Survey No. 14, same being the Northwest corner of the Sam Mather Survey No. 13. At the call for distance and course an oak stake was set for the Southwest corner of the Sam Mathers Survey No. 13. This point fell directly in line with a North-South row of planted live oaks of from 18 to 36 inches in diameter and about 10 varas South of a similar row of trees extending East, that is, the point fell South 10 varas from the corner made by the junction of the North and South row of trees and the East and West row of trees. Mr. E.L. Mitchell, Asa Robbins and Buddy Whitehead stated this was the Wallis homestead, settled in about 1880. Mr. Mitchell stated that the trees were planted to mark the land lines and to comply with homestead laws to plant trees. Mr. Mitchell also stated the larger live oaks were planted from acorns about the time the land was settled in 1880. These trees evidently having been planted to mark the original land lines, it became evident that the line run for the West line of the Sam Mather Survey Nos. 14 and 13, which is also the East line of the Lewis Matthews and Wm. Bryan Survey was correct. It also became evident that the corner set for the Northwest corner of the Sam Mathers No. 14 was apparently about correct, and likewise the corner of the Frankland Survey from which this corner had been determined.

A survey was made of the upper lines of the Wallis Survey No. 17. The oak trees on the land lines were as large as 36" in diameter. They were planted along the upper North line of this Survey, 194 varas wide, the call distance, and on both the upper East and West lines. They extended down the Survey 378 varas to cross in front of the home, thus making a rectangle outlined by oak trees, 194 varas x 378 varas. The upper East line of the Wallis is also the West line of the Pointevant Survey No. 153 and as originally measured was 1150 varas. This line is more or less marked all the way by trees, with a lone 20" live oak marking the Pointevant Southwest corner. The distance from the Northwest to Southwest corner of the Pointevant was found to be 1142 varas and enclosed with a fence. The tree has an X on its Southwest side and stands 3 1/2 varas from fence corner. E.L. Mitchell identified the tree as the Pointevant Southwest corner.

From the Southwest corner of the Mathers No. 13, the survey was extended West. At the call for distance a lighter pine stob was set for the Northwest corner of the D. Richardson Survey No. 11. It fell about 3 1/2 varas South of an iron pipe and fence corner set for that corner by some previous surveyor. Continuing West and at the call for distance for the Northwest corner of the D.

W9

counter 11075

Richardson No. 10 a lighter pine stob was set for the Richardson No. 10 Survey. No markers were found in this vicinity. Thence South the line was run for the West line of the D. Richardson Surveys Nos. 10 and 9. At the call for distance a lighter pine stob was set for the Northwest corner of the Richardson No. 9. It was found that an iron pipe had been previously set for this corner 14 varas South 51 degrees and 30 minutes East from the lighter pine stob set for the corner. This iron pipe was in line with a row of pine trees extending South and a row of pine and oak extending East. Buddy Whitehead, living on Richardson No. 9 stated the pipe was original, however, it must have been a re-survey in as much as Surveyor Tompkin set cedar stakes. The trees did not meet the corner in as much as the public road cut off a trinagle. The trees followed the alinement of the road on the side of the triangle made by the road. The fact that the survey fit so closely in with this set of planted trees, as did the ones found at the Southwest corner of the Mathers No. 13, it became more evident that the location of the Frankland, the Matthews and Bryan lines as marked off in this survey were approximately correct. The grove of trees found at the Northwest corner of the Richardson No. 9 is what is now known as the Whitehead home place. Besides the trees planted to mark the lines, other trees of different species were planted about the place, probably four or five acres planted in trees.

Pine trees followed the North line of Richardson No. 9 to its Northeast corner. The Northeast line of Richardson No. 9 is an iron pipe in road under a rock. The road is 50 feet wide. Pine trees, 25 years old, (so Buddy Whitehead stated) line the road South to a homestead on the E.H.R. Wallis No. 17 Survey. Continuing the survey South for the Southwest corner of D. Richardson No. 9 Survey a lighter pine marker was set at the call for distance. This point was found to fall about 25 varas North 70 degrees 50 minutes West from an iron pipe and a 4 x 4 concrete monument(set by Buddy Whitehead along side of original pipe) previously set for the corner. Also a tie was made from the lighter pine stob set for the corner to an iron rail marking the Southeast corner of the Sam Mathers Survey No. 12. This corner was found to be 326.8 varas South 38 degrees 11 minutes West from the corner from which the tie was made. Continuing South a cypress stob was set for the Northwest corner of the D. Richardson Survey No. 8. This point was found to be North 62 degrees 30 minutes - 328 varas West from a 4 x 4 concrete marker and iron pipe set for the same corner. The monument was on a fence line running in a North and South direction. A tie was made to this fence and it was found it ran South 30 minutes

W10

counter 44076

East. The correctness of this is substantiated in part by the D.B. Wallis Surveys when Wallis ties on to the surveys made by A.N. Tompkins, the Surveyor for the Mathers and Richardson Surveys and found that Tompkin's lines varied with his by 45 minutes.

Having made ties to the well marked lines of certain surveys, especially to trees marking the North and East lines of the D.R. Richardson No. 9 and the East line of the D. Richardson Survey No. 11, the upper North, East and West lines of the E.H.R. Wallis Survey No. 17. The survey was carried no further South. With these well defined land marks found and noted it was evident that the West line of the Richardson's Nos. 8, 9 and 10; the West line of the Sam Mathers Nos. 13 and 14, which are coinciding lines of the East line of the Matthews and Bryan, had been definitely determined. The same was true on the Brill West line where the R.C. Frankland 188 Acre Survey Northeast corner had been definitely fixed, by an identified cedar stake. With the R.C. Frankland 188 Acre Survey in place on the East, and the Mathers and Richardsons in place on the West it became evident that the calculated vacant width between the Southwest corner of the R.C. Frankland 188 Acre Survey and the Northwest corner of the Sam Mathers No. 14, as calculated and laid out in this survey was approximately correct.

The survey was continued by going to the sash weight set for the Southeast corner of the Frankland Survey. Here a survey was made to lay out the North lines of the E.H.R. Wallis Survey No. 20 and the Pointevants Surveys Nos. 154 and 4, East of the Wallis Survey. Consequently a line was run West from the Southeast corner of the Frankland for the called for distance of the offset made in the Mathers No. 15 Survey, that of 311.2 varas, where a lighter pine stob was set. Thence going South 274 varas where another lighter stob was set for an inner corner; thence East 104 varas where another lighter stob was set for a corner; thence North 138 varas where another lighter stob was set for a corner, this marker being set for the Northwest corner of the E.H.R. Wallis Survey No. 20. Thence East 890.3 varas for the call distance for the Northeast corner of the Wallis Survey (now fell 60.7 varas short of a North and South fence connecting an iron pipe 99 varas North located on the South fence of the Brill Surveys already mentioned. Thence East 479.3 varas for the Northeast corner of the Pointevant No. 154 Survey, where a 1 inch galvanized pipe, with a union on it,was set for a corner. This point was found to be 106 varas North 84 degrees 05 minutes West of an apparent homestead corner, marked by two rows of planted live oak trees, one row Northeast, one row Southeast. The live oaks measured about

W"

counter #4077

24 inches in diameter. Junction of these two lines of live oak trees probably was set to mark the Northwest corner of the Pointevant Survey No. 4. Mr. E.L. Mitchell stated that the trees were planted at the Northwest corner of a 50 acre tract out of the survey by the person who homesteaded the grant as his pay.

From the pipe set for the Northeast corner of the Pointevant Survey No. 154 and which was 106 varas Westward from the trees, a line was run South to check the marsh call named in the Pointevant Survey No. 154. It was found to check within a step or two of 1100 varas. The marsh line at this point had a direction of about North 51 degrees East.

In order to determine the present existing coast line, in relation to the Brill Survey and other surveys, a traverse line was extended, from the cedar post at Brill Northwest corner set by County Surveyor Work, Westward to the coast. This traverse line followed the coast down to the Northwest corner of the Bryan Survey and is shown on the accompanying maps. It was found that the present coast line exists about 300 varas East of the original coast line, that is when the surveys of this section were made in the years 1840 to 1880. This fact is substantiated by the statements made by the local citizens and old time residents, in which they say that the coast has receded from three to four hundred yards within their life time. The residents making these statements were fifty years of age or better.

A traverse line was run from the Mitchell original preemption corner to marks now on the ground for the Brill North line, thus tieing in the Roberts South line and the Brill Survey. Ties were also made to the location of the Remington House and the Lone Oak tree.

In all the survey lines, identifying markers and information observed was noted, and the proper survey ties made to them. Over the entire area "2" oak hub tack centers were noted. Also many lathes used for merkers and possibly back sites. Later Mr. Ehman, Surveyor of the Humble Company, stated that he had set these hubs and identified them as such.

W12

counter #4078

The surveys in this area were originally laid down by five different surveyors, namely: Franklin Hardin, who surveyed the John Roberts League in 1835; N. MaGruder, who surveyed in 1841, the Brill, Vane, Richey, Branch, Crawford, Barkers and possibly others, but only the Vane, Brill and Richey enter into this survey; A.N.B. Tompkins, who in 1863 surveyed out the Richardson Surveys, the several Sam Mather Surveys and in 1868 the Saphonia Barrow, along with others not concerned in this survey; Newell Morse who in 1871, surveyed the Wm. Bryan, M.E. Trimble, Thos. Toby Acre Survey and possibly others; D.B. Wallis, who surveyed out most of the remaining surveys. Wallis began surveying in this area in 1874 and continued as late as 1880. His first survey was of the M.E. Trimble 640 Acres Survey, and the R. C. Frankland 188 Acre Survey, then the Thos. Toby 189 1/2 Acre Survey, the E.H. R. Wallis Survey No. 20, the J. Pointevant Survey No. 154, the J. Pointevant Survey No. 4, all of which bear on this survey.

The Original Survey in this area is the John S. Roberts League, a league of land reaching Westward with its Southwest corner at the mouth of Orr's Bayou. It was laid down in 1835 by a surveyor named Franklin Hardin. One original preemption corner was found, alleged to be on the South line of the Roberts, that of the Northwest corner of the Mitchell Survey. The Roberts Survey is the only one made in this area by Mr. Hardin.

Six years after Mr. Hardin laid down the Roberts League, a Mr. N. MaGruder in 1841, laid down the A.S. Vane Survey (later cancelled), the Solomon Brill and the Wm. Richey Surveys, all surveyed within a period of 45 days. Thus Mr. MaGruder evidently knew where his connecting corners were located. Since these three surveys, along with the Roberts League, were the parent surveys of the area, it is fundementally correct first to locate their original position, and then fit in the adjoining junior surveys, if possible.

The East line of the Brill Surveys as marked on the ground today is approximately correct with the original, allowing a freedom to move it a few varas East, not enough to alter the findings of other surveys. This East line is fixed in the original notes by marsh calls and they can be worked out on the ground today as there is little reason to believe that these lines have materially changed within the last hundred years. Based on the marsh calls the North line of the Brill apparently was from 30 to 45 varas North of the present line marked out for it. The present day North line of the Brill is taken by land owners to be the same as the South line of the junior surveys to the North of it and which are marked on the ground today by recent surveyors' marks. In the original Brill notes reference is made to a pine tree

W13

counter 44079

which from all calculation was about where the Remington home stood but it is not there today. Excavation work might unearth the roots of the old tree. The Northwest corner of the Brill as marked by Mr. Work and other surveyors seems to be in error. At present the marker is in the marsh, where as the original notes calls for it to be 200 varas West of the marsh. When the corner is put 200 varas West of the marsh and the Vane Survey, which starts on the same corner, is fit in between the Brill and the sea it is found that it checks out correctly to the notes showing the original shore line. The fitting of the Vane North line is better when the Brill North line is placed 30 to 45 varas North of its present markers. Furthermore, when the Brill corner is set 200 varas West of the marsh and the Brill West line is extended South it fits into the offset that Surveyor Tompkin had to make in revising his notes on the Same Mather No. 15. From all indications the Brill, when surveyed was given an excess of acres. Some of the older citizens stated that the Northeast corner of the Brill as now located should be further to the North, and as stated, it is borne out by the natural marks on the ground.

The South line of the Brill has no original reference marks and because of that, its location must be determined by what can be found on the ground and by what the surveyors of junior surveys had to say in reference to its location as pertaining to these junior surveys, in particular its Southwest corner.

When Wallis surveyed out the E.H.R. Wallis No. 20, Pointevant Survey No. 154 and Pointevant No. 4, in the years of 1878, 1880 and 1874 respective, he arrived at what he called the Southwest corner of the Brill. From the original notes he went to the Brill Southeast corner to begin the Pointevant Survey No. 4, and to the Mather's Northeast corner of the original No. 15 Survey, to lay out E.H. R. Wallis No. 20, and not to the corrected notes for that survey. From such a point he identifies the Southwest corner of the Brill, which he probably had set, by a call for it. The Brill West line was better fixed by Wallis when he put the Southeast corner of the Trimble and Northeast corner of R.C. Frankland on it, and then gives bearing calls to Lone Oak and Remington House. The original stake is found today and identified as the Trimble and Frankland common corner on the West line of the Brill Survey. The best mark found on the ground today for the Brill South line was the old homestead corner at the Northwest corner of the Pointevant Survey No. 4 where live oak trees, at least 60 years old exist (24 inch diameter). However, it cannot be definitely said that these trees corner exactly at the corner, as they are planted at right angle, but extend Northeast-Southeast. It may have been that

W14

counter 44080

the planter knew his corner but got his directions wrong. But when a line is run East from the Mathers No. 15 Survey as Wallis did, and the Northeast corner of the Pointevant No. 154 is located, it is found to be 1100 varas North of the marsh as called for in the original notes. The Pointevant No. 4 does not have a call on this supposedly concurrent line with this East line of Pointevant No. 154. From these facts, the Brill South line as laid down by Surveyor Wallis, through his references to it in Junior Surveys, must have been not far from the corner of the oaks planted at the Northwest corner of Pointevant Survey No. 4.

When Surveyor Stamps attempted to lay down the course of the M.E. Trimble 640 acre Survey, he said that his Southeast corner of the Trimble was 435 varas North of the Brill Southwest corner, and on the North line of the abandoned Thos. Toby Survey. By taking a point near or at the corner of the old live oaks for the Brill South line and setting in the Trimble as surveyed by Stamps, it becomes possible to place the 160 acre Toby (on the bay) at the call of South 44 degrees West- 530 varas. Mr. Stamps made the Toby Survey on the same day he made the Trimble, consequently he knew the location of the corners of the two surveys and regardless of where the Stamps Northwest corner of the Trimble Survey might be placed there would be a gap between the East line of the 160 Acre Toby Survey and West line of the Trimble Survey. He had the Toby approved and not the Trimble. It is found that the South line of this Toby 160 acre Survey lay on the South line of the Vane. It is also found that the East line and Northeast corner of the abandoned Smith Survey, conform to the West line of the Richardson Surveys Nos. 8, 9 and 10 and to the Southwest corner of the R.C. Frankland (Thos. Toby) 160 acre Survey. The Southwest corner of the Thos. Toby Survey is the same as the Southwest corner of the Vane Survey. Mr. MaGruder surveyed both the Smith and Vane Surveys in 1841 and made this a common point on the two surveys. Petition dated April 12, 1870 request it do so.

Twenty-two years after MaGruder made serveral surveys in this area, Surveyor A.N.B. Tompkin, beginning in 1863 laid down several Mathers and Richardson Surveys, and had them approved by the Land Office. Several of these surveys were made the same day, beginning near a bayou on East Bay and worked North to meet the Brill Surveys. These surveys are pretty well monumented today which gives a good tie by which to locate the East line of the Lewis Matthews, Wm. Bryan, two Toby and John Casey Surveys.

Eleven years after Surveyor Tompkins, in 1863, laid down the Mathers and Richardson Surveys, Surveyor D.B. Wallis, in 1874, began surveying in this area

W15

counter #1081

and continued to do so as late as 1880. Prior to Surveyor Wallis's Work, Surveyor Stamps, already mentioned, and Surveyor Newell Morse made surveys in 1870 and 1871.

Surveyor Stamps and Newell Morse were not very successful in having their surveys approved by the State Land Office. Both of these surveyors moved the Trimble and Bryan Surveys "all over the lot", so to speak, and never received approval on the Trimble Survey, and very likely caused confusion in later surveying by the numerous survey stakes they set. Morse succeeded in having his Bryan Survey approved when he made it conform to the East line of the Lewis Matthews as laid down by Stamps, who had surveyed it to conform to the Richardson and Mather Surveys. It appears that these two surveyors' trouble in placing the Trimble was in determining where the West line of the Brill lay. When Surveyor Wallis made his survey of it, and had it approved, he based it on the East line of the Brill, giving the Brill its call distance from its East line.

Surveyor Stamps received the Land Office's approval on the Lewis Matthews Survey and the Thos. Toby 160 acre Survey, but did not receive approval for his survey of the M.E. Trimble Survey to which the Thos. Toby 160 acre is tied. Surveyor Stamps also had a disapproval on his Survey of the Wm. Bryan Survey.

Surveyor Wallis made his first survey in this area when he laid down the M.E. Trimble Survey in 1874, after several tries previously by Newell Morse and L.D. Stamps. Mr. Wallis had his survey approved by the Land Office. Mr. Wallis started the Trimble Survey at what he had determined as the Northwest corner of the Brill Survey, probably determined by course and distance from Mather No. 16 Survey, since Tompkin (Surveyor of the Mathers) was the last prior surveyor in this area. In locating this point he gave references to Lone Oak Tree and to the Remington House. Allowing for probable difference in variation used by Mr. Wallis and this survey these references are closely checked from this Northwest corner of the Brill when such corner is placed by call course and distance from original cedar stake at Southeast corner of the Trimble. In making the Trimble Survey, Wallis calls for the East lines of the surveys to the West, but examination of the notes show that he was in error as to the location of the Northeast corner of the Wm. Bryan Survey, when he attempted to fit the Trimble South line with the Northeast corner of the Bryan Survey. Instead of fitting around the offset at the Wm. Bryan Northeast corner with the Southeast corner of the Thos. Toby 189 1/3 acre Survey, Surveyor Wallis never reached it, but instead made a gap as shown by this survey, by stopping short of the Bryan corner. From this written information it is evident that he did not follow the lines of the surveys to the West of the

W16

counter #1082

Trimble but ran his Trimble West lines East of them and left a vacant strip of land in between them.

Four months after Wallis laid down the Trimble Survey, he surveyed out the R.C. Frankland Survey to join the Trimble South line. Wallis started this survey at the Southeast corner of the Trimble, where a cedar stake is found today, he had set only four months previously. Surveyor Wallis gave reference to this point by using the Lone Oak Tree again and the Shell Bank. Reference to these points can be checked today from this cedar stake. Slight difference is probably due to difference in the variation of the needle used by Mr. Wallis and in this survey. Likely all the future surveys by Mr. Wallis hinged on the lined and corners of these two surveys.

When Mr. Wallis surveyed out the Frankland Survey, he laid down a rectangular piece of ground containing 188 acres. Mr. Wallis did not refer to the Southwest corner of the Brill Survey, but called to go to the North line of the Mather Surveys. Surveyor Wallis in his notes on the E.H. R. Wallis Survey No. 20 considered the Brill line to be 138 varas South of the Mather No. 15 Survey North line, (the Mather No. 15 Survey says the Brill Southwest corner is 274 varas South of its Northeast corner). In making the Frankland Survey, Wallis gave reference calls for its Southwest corner, on the West line and on the North line. By taking the cedar stake, identified as the Frankland Northeast corner, it becomes possible to approximately check the original calls at the points mentioned in the original notes of the Survey.

As Wallis laid down the Trimble and the Frankland there is a vacant strip along the North line of the Trimble Survey, between it and the Oliver. It is the proper location of the Trimble and Frankland Surveys that makes it possible to determine if their West line meet the East lines of the Toby and Bryan Surveys. A very clearly defined location of the West line of the 188 acre R.C. Frankland Survey, is its calls for pond South 50 degrees West at its Southwest corner, and a knoll 200 varas North of the Southwest corner and more definite by the calls to four (4) ponds on its North line. By placing the West line by course and distance from the cedar stake, identified as its Northeast corner, it is found that check is made on the first three (3) ponds, especially when the line calls to pass the East bank of a large pond at 1184 varas. The line does this, which in itself fixes the West line of the Frankland. The line falls about 10 varas North of a fourth pond but opposite the call for its East bank (4th pond).

W17

Counter #1083

The fixing of the West line by pond calls and the fixing of East line of the Lewis Matthews, Wm. Bryan, two Toby Surveys and John Casey Surveys, by reference to identified corners of the Mathers and Richardson Surveys make it certain a gap exists between the two sets of surveys. When the Trimble and Frankland Surveys are placed on the ground by the identified cedar stake and pond calls, there is a gap between the Oliver, Trimble and Frankland West lines and the East lines of the two Toby, Casey and Bryan Surveys. This is the alleged vacancy as contended in the file made by S.E. Damon.

As a result of my work I find that the following described land is vacant unsurveyed School Land as claimed by S.E. Damon in his application made on September 27th, 1939.

1. Beginning at the Northwest corner of theR.C. Frankland 188 acre Survey, same being the Southwest corner of the M.E. Trimble 640 acre Survey, both surveys as made by D.B. Wallis in 1874, where a lighter pine stob was set for a corner, same being 1684 varas West of a cedar stob (3" x 4" and about 8 inches out of the ground, well rubbed by cattle and rottening at contact with ground) identified by Dess White and Andy Frankland, land owners, as the original cedar stake set for the Northeast corner of said R.C. Frankland 188 acre Survey; the beginning point is further referenced as being 223 varas West of a prairie pond about 95 varas in diameter, as being 613 varas West of a prairie pond about 35 varas in diameter, as being 1182 varas West of the East edge of a large prairie rush pond (as stated in the original notes for the R.C. Frankland 188 acre Survey): said beginning point is further referenced as being 470 varas North of a prominent knoll (higher and larger than others near by) on the West line of the R.C. Frankland 188 acre Survey:

2. Thence West 390.2 varas to hit the East line of the Wm. Bryan Survey where a pine stake was set for a corner;

3. Thence North with the East line of the Wm. Bryan Survey for 549 1/2 varas where a lighter pine stob was set for a corner; same being on the South line of the Thos. Toby 189 1/3 acre Survey;

4. Thence East with the South line of the Thos. Toby 189 1/3 acre Survey for 58 varas to the said Thos. Toby Southeast corner where a lighter pine stob was set for the Southeast corner of the Thos. Toby Survey;

5. Thence North 989 varas with the East line of the Thos. Toby 189 1/3 acre Survey and the 160 acre Thos. Toby Survey, passing the Southeast corner of the Thos. Toby 160 acre Survey at 514 varas to the Northeast corner of the 160 acre Thos. Toby Survey where a lighter pine stob was set for a corner;

6. Thence West with the North line of the Thos. Toby 160 acre Survey for 16 varas where a lighter pine stob was set for the Southeast corner of the John Casey acre Survey;

7. Thence North with the East line of the John Casey 320 acre Survey 1332 varas to intersect the South line of the Saphonia Barrow 160 acre tract where a pine stake was set for a corner;

W18

counter #4084

8. Thence East with the South line of the Saphonia Barrow 160 acre tract for 232.2 varas to a pine stake for a corner, same being the Northwest corner of the Robt. Oliver Survey;

9. Thence South with the West line of the Robt. Oliver Survey for 792 varas to the Southwest corner of the Robt. Oliver Survey where a 1 inch galvanized iron pipe with a cap on it was set for the corner;

10. Thence continuing South 27 varas to the Northwest corner of the M.E. Trimble 640 acre Survey where a pine stake was set for a corner;

11. Thence South with the West line of the M.E. Trimble Survey for 513 varas where a lighter pine stob was set for an inner corner of the M.E. Trimble Survey;

12. Thence East with an inner South line of the M.E. Trimble Survey for 16 varas where a lighter pine stob was set for another inner corner of the M.E. Trimble Survey;

13. Thence South with the West line of the M.E. Trimble Survey for 989 varas to another inner corner of the M.E. Trimble Survey where a lighter pine stob was set for a corner;

14. Thence East 100 varas with an inner South line of the M.E. Trimble Survey for another inner corner of the M.E. Trimble Survey where a lighter pine stob was set for a corner;

15. Thence South with the West line of the M.E. Trimble Survey for 549 1/2 varas to the place of beginning, same being the Northwest corner of the R.C. Frankland 188 acre Survey;

Said tract containing 133 1/2 acres, more or less

Latitudes & Departures

North	549.5	989.0	1332.0		=	2870.5	varas
South	792.0	27.0	513.0	989.0	549.5 =	2870.5	varas
East	58.0	232.2	16.0	100.0	=	406.2	varas
West	390.2	16.0			=	406.2	varas

No wells producing oil, gas or other minerals in paying quantities are located within five miles of the above described tract of land.

The above described tract of land lies within a large pasture and no fence or fences exist on it or inclose it other than outside fences, principally along the one main public road in the area. See accompanying map.

No one lives on the above described tract of land and none of the land is in cultivation. Dess White has a ranch hand, an elderly negro by the name of Dolph North, staying in a house on the Brill Survey, East of the Public Road and near the Northeast corner of it. Andy Frankland, a young white man and interested in the Frankland Survey, lives in a small house South of the Public Road, near the Northeast corner of the Sam Mather's Survey No. 15,

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same being near the Southwest corner of the Solomon Brill Survey.

As far as could be ascertained the only persons claiming land or an interest in land near the above described tract of land are named in the S.E. Damon application to purchase. Those land owners present or represented at the time of the Survey January 3, 1940 are named on Page 2, lines 31 thru 40 of this report.

A map is placed in the upper left hand corner on the map of the Damon Survey to show that Surveyor Giddings in 1900 surveyed and applied for a vacancy in about the same area as the Damon Survey.

A map of the Canada Ranch by County Surveyor W.O. Work, in August 1929, is enclosed to show how Surveyor Work located the Northeast corner of the Solomon Brill Survey from the Roberts League and other Surveys to the North and Northeast of the Brill Survey.

A map compiled from aerial photographs by the Sun Oil Company and furnished by Surveyor Work is enclosed to give more complete topographical data and other information.

A copy of the Petition to Survey the Toby 160 Acre Survey is enclosed to show the relationship of the Toby 160 acre Survey with the cancelled Wm. Smith Survey.

The Field Notes, as filed with County Surveyor of Chambers County and recorded in Book L, Page 556 Surveyor's Record on March 13th, 1940, and a map of this survey, accompanies this report.

I hereby certify that the contents of this report, with its accompanying field notes and map, are correct and to my findings on the ground, and that I made the actual survey as set forth herein,

Respectfully submitted



Ben H. Faber
State Licensed Land Surveyor

W20

counter 44086

244

L. D. Stamps County Sur Chambers County

Dear Sir.

I hereby file for location Headright Certificate No. 294 in the name of Moffat E Trimble issued to him on the 7th day of Feb 1860 by Wm J. Hotchkiss Commissioner of Claims on the tract of Land lying between Trinity Bay and Solomon Brills 1280 acre tract.

Beginning the N. W. corner of Solomon Brills Survey South Thence West, Thence North,

Thence East for quantity

Please Survey for me as early as convenient.

Respectfully Yours

Charles Franklin

Filed April 12th 1870

L. D. Stamps County Sur C. Co.

Mr. Stamps County Sur. C. Co.

Sir

Please Survey 160 acres of land by virtue of Land Script No 20 issued to Thomas Toby on the 20th day of Dec. 1836 by Sam Houston.

Beginning on the Eastern Shore of Trinity Bay near the most Northern extremity of Wm. Smith Survey giving me a legal front and running back for quantity.

Your Obd Ser

Richard Franklin

Filed in office April 12th 1870

L. D. Stamps County Sur Chambers Co.

RECEIVED
MAR 16 1940
REFERRED TO MAP

W21

counter 44087

244

THE STATE OF TEXAS }
COUNTY OF CHAMBERS } I, W. O. Work, County Surveyor of Chambers County, Texas, do hereby certify that the foregoing is a full, true and correct copy of an Application filed by Charles Franklin for location of Certificate Number 294 in the name of Moffat E. Trimble,

A N D

The Application filed by Richard Franklin, for survey of 160 acres of land by virtue of Script No. 20 issued to Thomas Toby, as they each appear of record in Vol. 2, page 54, of the Surveyor's Records of Chambers County, Texas.

Witness my hand at Anahuac, Chambers County, Texas, this the 1st day of November 1939.

W. O. Work
County Surveyor, Chambers County, Texas.

RECEIVED
MAR 16 1940
REFERRED TO MAP

W22

counter 44088

1

ROLLED SK NO 20

(5)

S.F.
~~M.A.~~ 14148

CHAMBERS County

OSUR. REPORT

Filed MAR. 16TH, 1940

BASCOM GILES, Com'r

File Clerk

counter 44064

M 23

1505

Ugly

2 ft bluff

Spot

Whitehead 1932

2ft. bluff

Demp

Di

ft bluff

2 ft bluff

Sump

Whitehead Ranch House.

Barn

1½ story house unpainted.

cultivated

cultivated

Pat

Gate

Pop

2ft bank

Pin.

5 ft bank

Wallis 1933

Poof

2ft bank

Spot

Ruth

Stevenson Pt

Poky

Pig

Cobb

Moody's Ranch House - 2 story - White.

3 Ft bank

Moody 1933

LAKE SURPRISE

MOODY 4-20-32

JOINS T. 4862

B A Y

T

S

counter 44089

A.

S.F. 14175 S.F. 14148.

SUBMITTED BY HUMBLE OIL CO.

Chambers Co. Tex. Sk. #20

RECEIVED
JUN 7 - 1940
REFERRED TO LAW

COUNTER 82382

1505

B

A

Y

Wreck

Vantoon Islands

SMITH'S Pt

Smith's Pt

Long Greve

Irv'd 25th 51.

Country 49690

Chambers Co. Rld. St. #20

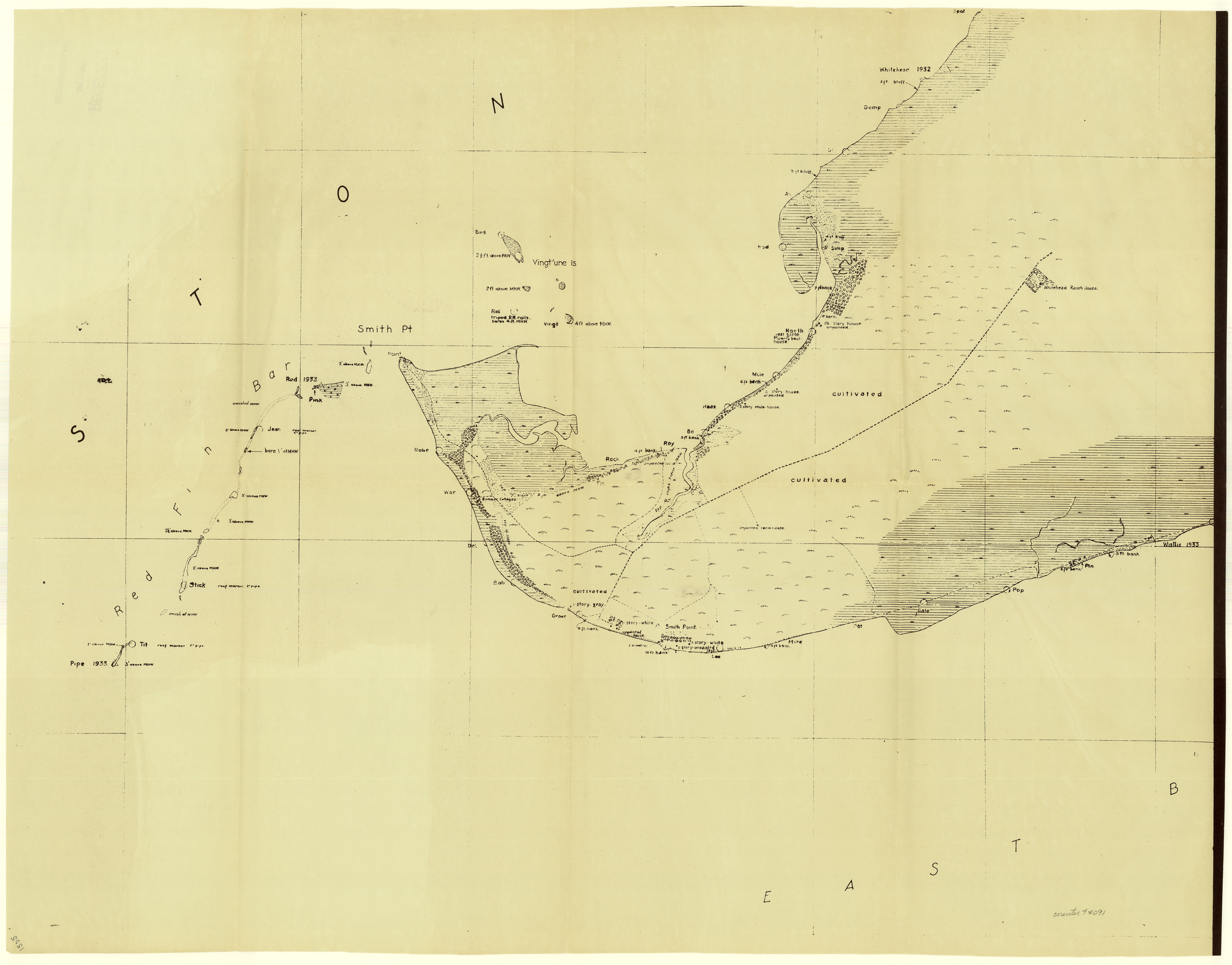
B

S.F. 14175 S.F. 14148

Submitted by Humble Oil Co.

RECEIVED
JUN 7 - 1940
REFERRED TO LAW. C.S.

COUNTER 82384



N
O
S
T
Red Fish Bar
Smith Pt
Bird
2½ ft. above MHW
Vingt'une Is
2ft above MHW.
Rail
tripod RR rails.
bares 4 ft. MHW.
Vingt
4ft above MHW.
Red 1933
Pink
Jean
bare 1' at MHW
Stick
Tit
Pipe 1933
Point
Rube
War
Del.
Bob
Grove
Rock
Roy
Bo
Heas
Mule
North
Rod
Simp
Whitehead 1932
Demp
Whitehead Ranch house.
cultivated
cultivated
cultivated
Smith Point
Lee
Mike
Pat
Gate
Pop
Pin
Wallis 1933
B
E
A
S
T
counter 74091

Chambers Co. Rld. Sk. #20

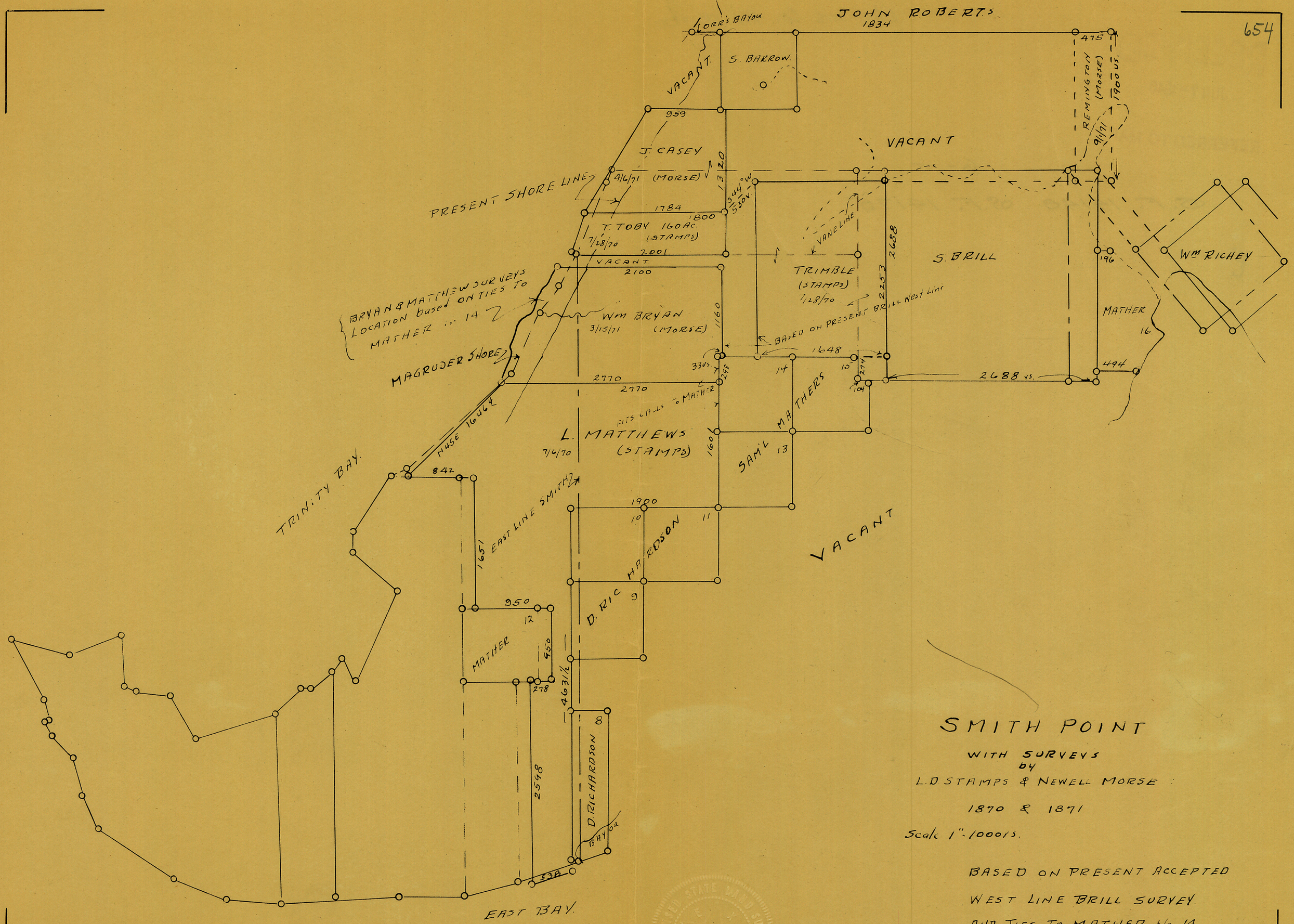
C.

S.F. 14175 S.F. 14148

SUBMITTED BY HUMBLE OIL & CO.

RECEIVED
JUN 7 - 1940
REFERRED TO LAW

COUNTER 82385



SMITH POINT

WITH SURVEYS
by
L.D STAMPS & NEWELL MORSE
1870 & 1871

Scale 1"-1000 VS.

BASED ON PRESENT ACCEPTED
WEST LINE BRILL SURVEY
AND TIES TO MATHER No 14.

SHEET 3.

Certified as Correct
[signature]
Licensed State Land Surveyor
June 1, 1940

JAN. 3, 1940
counter 44092

Chambers Co. Rld. Sk. #20

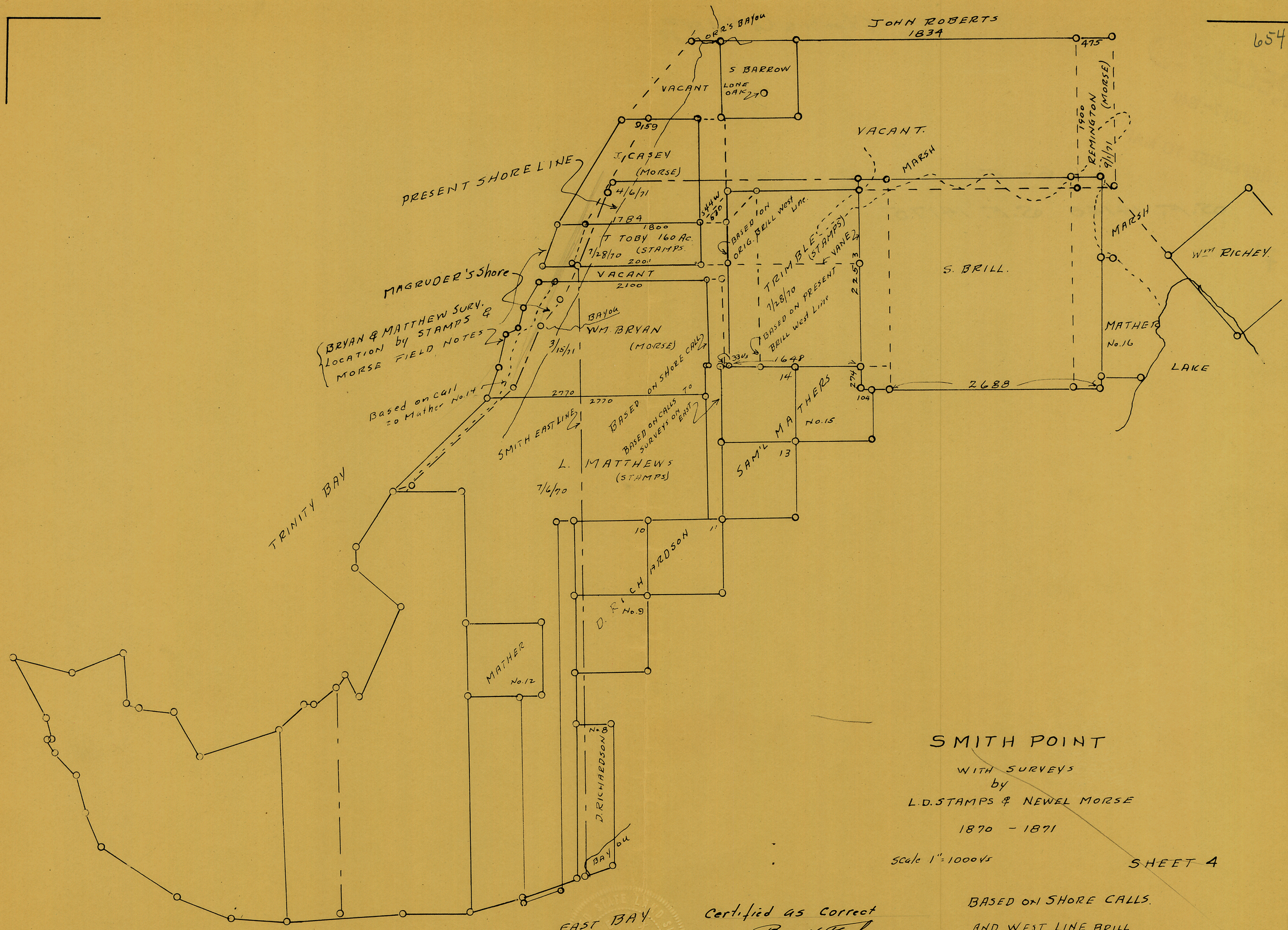
RECEIVED
JUN 7 1940
REFERRED TO MAP

6-E

S.F. 14148 S.F. 14175

f'

COUNTER 82245



SMITH POINT

WITH SURVEYS
by
L.D. STAMPS & NEWEL MORSE

1870 - 1871

Scale 1" = 1000 vs

SHEET 4

BASED ON SHORE CALLS.
AND WEST LINE BRILL
by MAGRUDER.

Certified as Correct
Ben H Fisher
Licensed State Land Surveyor
June 1, 1940.

JAN. 3, 1940

counter 44093

Chambers Co. Rld. Sk. # 20

RECEIVED
JUN 7 - 1940
REFERRED TO MAP

6 - F.

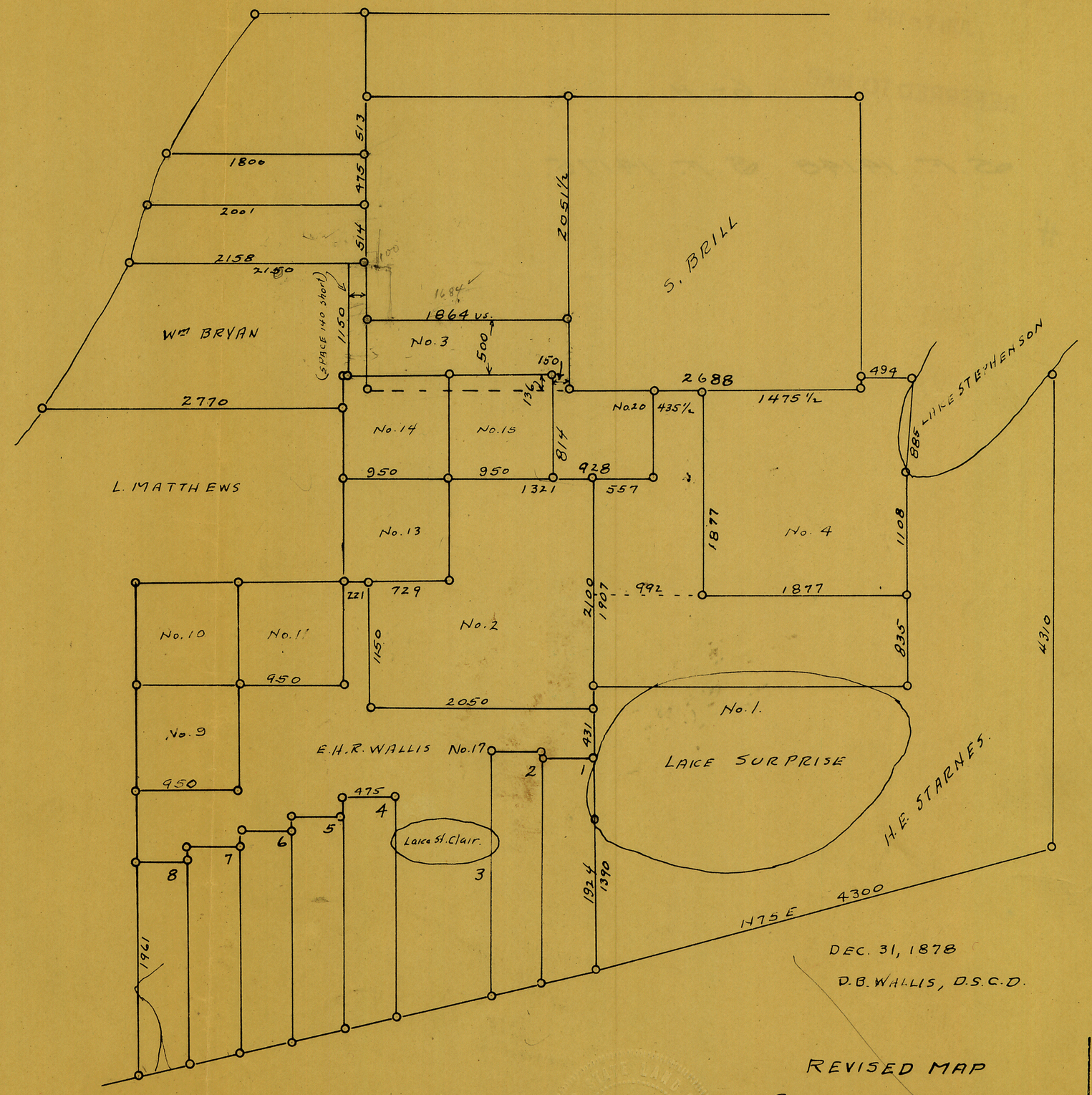
S.F. 14148 S.F. 14175

F'

F'

COUNTER 82246

654



DEC. 31, 1878

D.B. WALLIS, D.S.C.D.

Certified as Correct

Bennett Baker

Licensed State Land Surveyor

June 1, 1940

SCALE 1" = 1000 VS.

SHEET 6

REVISED MAP

SMITH POINT AREA

Submitted to STATE LAND OFFICE

by

DISTRICT SURVEYOR D.B. WALLIS

DEC. 31, 1878 / JAN. 3, 1940

counter #4094

CHAMBERS CO. RLD. #20
SK.

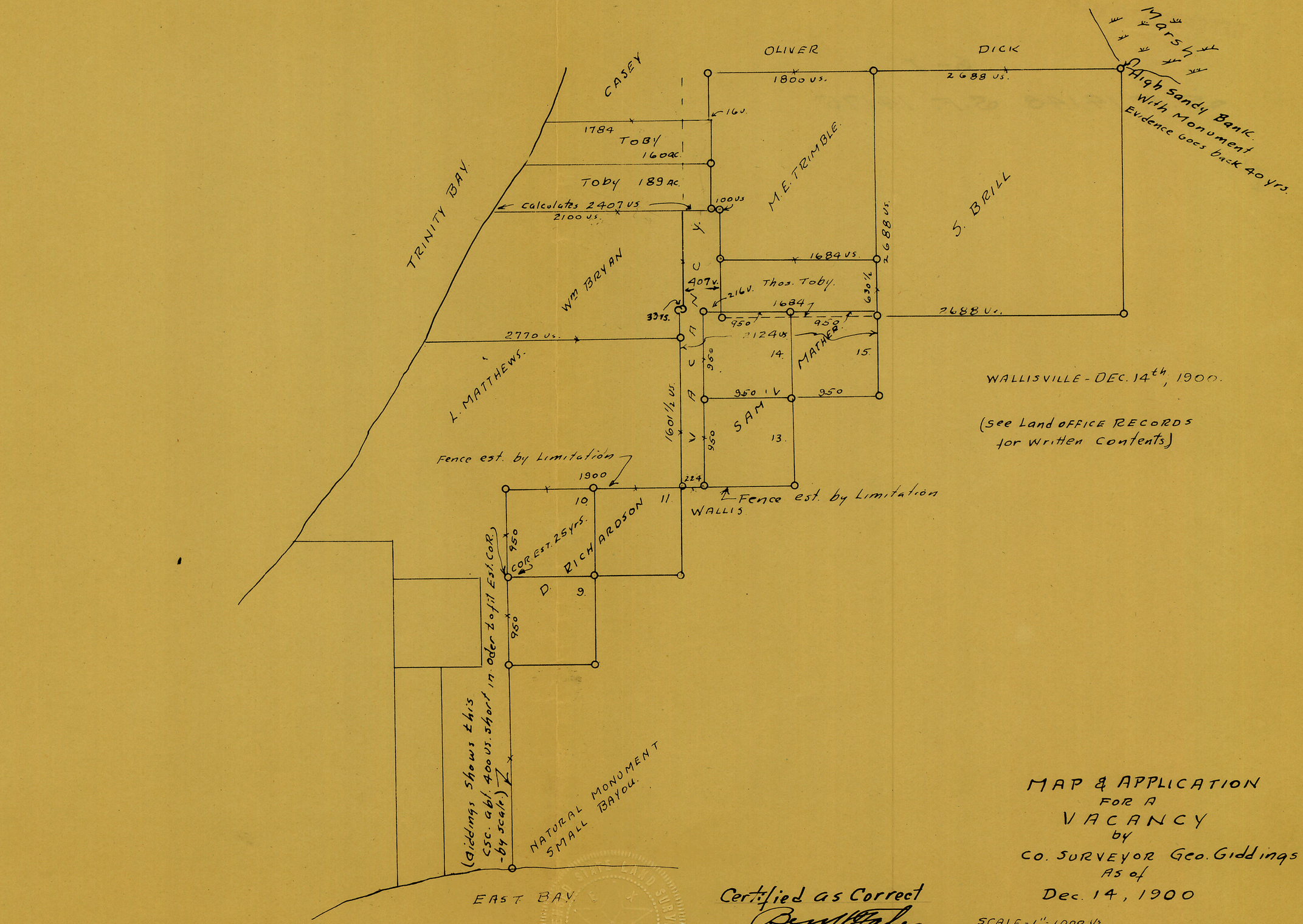
RECEIVED
JUN 7 - 1940
REFERRED TO MAP 6-H.

S.F. 14148 S.F. 14175.

#'

COUNTER 82247

654



WALLISVILLE - DEC. 14th, 1900.

(see Land OFFICE RECORDS for Written Contents)

MAP & APPLICATION
FOR A
VACANCY
by
CO. SURVEYOR Geo. Giddings
AS of
Dec. 14, 1900

SCALE - 1" = 1000 Vs.

SHEET 7

Certified as Correct
Bennett Baker
Licensed State Land Surveyor
June 1, 1940

JAN 3, 1940
counter 44095

I

RECEIVED
JUN 7 - 1940
REFERRED TO MAP

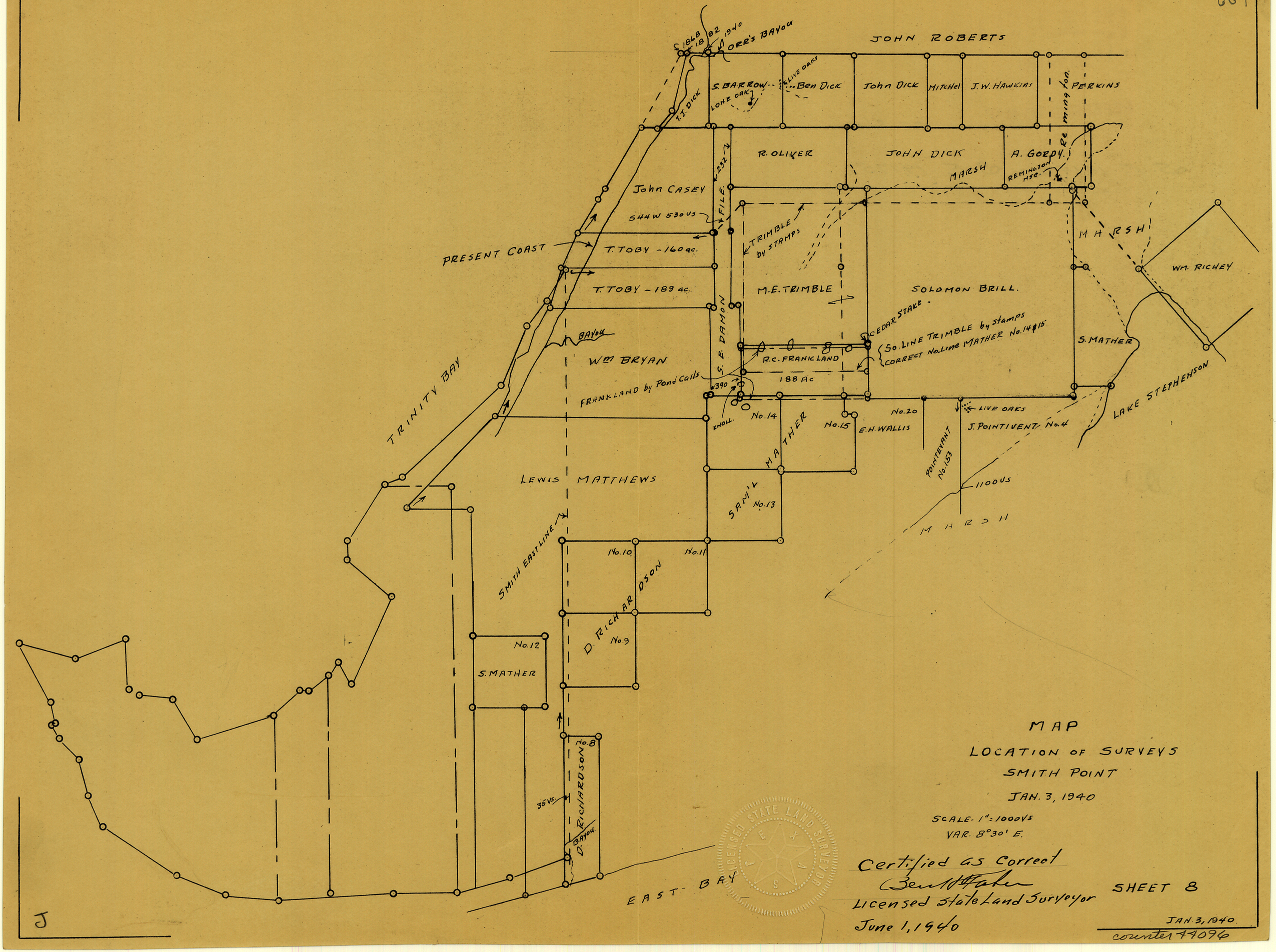
6-I

S.F. 14148 S.F. 14175

I'

Chambers Co. Rld. Sk. #20

COUNTER 82248



MAP

LOCATION OF SURVEYS

SMITH POINT

JAN. 3, 1940

SCALE - 1" = 1000VS

VAR. 8°30' E.

Certified as Correct

Licensed State Land Surveyor

June 1, 1940

SHEET 8

JAN. 3, 1940.

counter 44096

Chambers Co. Rld. Sk. #20

RECEIVED
JUN 7 - 1940

REFERRED TO MAP 6 - J.

S. F. 14148 - S. F. 14175.
Chambers Co Rolled Sk. 20 - flat folder -

J'



COUNTER 82249

FILE WITH CHAMBERS Co RLO SK. NO 20
IN FLAT FOLDER.

Office

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

(Filed in the General Land Office by S. E. Damon)

- -

Before HON. BASCOM GILES

Commissioner of the General Land Office

- - - - - - - - - - - -

SATURDAY, MAY 11, 1940.

9 A M.

- -

counter 77084

I N D E X

CAPTION---- ----------Page 1.

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TESTIMONY OF W. O. WORK----------

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Questions by Commissioner ---------- 44.

EXHIBITS:

Surveyor"s Sketch--Entire Area

Surveyor's Sketch--Enlarged Frankland Survey

Surveyor's Sketch--Corner of Richardson No. 8.

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

(Filed in the General Land Office by S. E. Damon)

- -

Before HON. BASCOM GILES

Commissioner of the General Land Office.

- - - - - - - - - - - -

SATURDAY, MAY 11, 1940.

9 A M

- -

APPEARANCES:

W. P. HAMBLEN, JR., 1111 Scanlan Bldg., Houston, Texas,

S. E. DAMON, 1110 East 32nd., Austin, Texas,

R. CHESTER DAY, Houston, Texas,

W. O. WORK, Anahuac, Texas,

W. E. WHITCOMB, 1604 Petroleum Bldg., Houston, Texas,

EDWARD D. BRANDT, Houston, Texas.

- -

Comm: This hearing has been called on two applications, being S. F. Nos. 14148 and 14175, applications to purchase alleged vacant land, which is located in Chambers County, just east of Galveston Bay and between the Trimble and adjoining surveys. And for those who want to put any additional information in this office after this hearing today, we will give some time--20 to 30 days--in which to get in any additional information that they want to place in this file. I would like for you to get it in by that time. Everyone will be given an opportunity to get such information in this office. We will proceed with the hearing. I will ask Mr. Faber to come around and be sworn in, and then proceed with a narration on how he proceeded with his surveying on the ground and then we will let them ask him some questions.

MR. BEN H. FABER, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Comm: Here is a pointer.

Faber: As I show in my report to this office on December 21, 1939, I was instructed by the State Land Commissioner to make a survey on alleged vacancy file claiming land, as he has read to you. This alleged vacant land is located in Chambers County near what is known as Smith's Point. I will just place this map here on the well. (Places map on wall.) This is just a geological map. I will just put it up temporarily to show you the area in which I surveyed. Here is Double Gun Bayou and Lone Oak Bayou, better known as Honest Bayou. This is called White Lake. This is Lake Supprise and Smith Point. The alleged vacancy lies south of Lone Oak Bayou--between that and the Point--to give you a gen-

Chambers Co. RR Sk 20

eral view of the location. This is low flat country probably 2 to 5 feet above sea level. I spent a couple of days with Mr. Work in locating some points he was familiar with. He pointed out to me the William Richey corners which he had placed there 10 years before, and showed me their relation with the point that he established for the northeast corner of the Solomon Brill. I find two points--two iron pipes representing that corner of the survey While working with Mr. Work, I spent a day in locating the position of Lone Oak, which is referred to in the Trimble and Franklin and Solomon Brill Surveys--also located parts of the old Remington House, which is used in locating the Trimble Survey. I found one of the two pre-emption corners of the C. Mitchell Survey--the northwest corner of that survey to the north of the Solomon Brill Survey. I lmade a tie back down to the point now set for the Soloman Brill Survey. In general this is the procedure I followed--was to start on the point which is supposed to be the northeast corner of the Brill, being two marked pipes there. I took the most northern pipe as the true location for the reason there is a call for the southwest corner of the A. Gordy Survey, and a 1½ inch angle iron marking the northwest corner of the Brill. Those points all line up for the northwest corner. Then coming down the west line of the Solomon Brill his called distance for the southeast corner of the Trimble Survey, I found a cedar stake shortly west from that calaed distance--let me see if I can find the figures on that north line. This large scale shows 38.15--34½ varas from the called distance is a cedar post marking the northwest corner of the Brill identified by Mr. Work and Mr. Jackson. From the southeast corner of the Trimble, I run a line west

for the north line of the Franklin, placing it course and distance and setting a corner for the northwest corner of the Franklin, and then measured the alleged distance for the vacancy and setting a corner, and then came south to find the point on the north line of the Sam Mather's Survey No. 14, and then course and distance for the northwest corner of the Mather 14 is 23 varas west. Then extending a line south for the called distance from the Axle, I placed it about 10 or 15 varas south of what appeared to be a cornerat the point of the E. H. R. Wallis No. 17--E. H. R. Wallis Survey is marked by a grove of live oaks planted up and down in along the east, north and west line south to 194 varas, which is called for in the field notes. I continued a line west from the northeast corner of the D. Richardson No. 11, west to the northwest corner of Richardson No. 10. I pass an iron stake within a few steps for the northwest corner of Richardson No. 11, marked corner from the northwest corner of Richardson No. 10, I went south and checked up an iron stake set for the southwest corner of No. 10. At the southwest corner of No. 9 and northwest of No. 8, my line fell a few varas north and west--my line fell west for the reason when I got down on a 30 minute difference on the variation on which he was running. The northwest corner of Richardson No. 9 is marked by an iron stake on the northwest side of the road. There is a line of pine trees west of the fence of the Richardson No. 9, apparently 25 years old. There are some old witnesses in the Live Oaks and there were in rows, and then a small grove at 20 degree angle, some young and some 60 to 70 years old. At the northeast corner of Richardson No. 9, I also found an iron pipe in the ground under the road. On the east line of the

Richardson near the northeast corner there are some pipes. They are on the homestead, and it has considerable trees of considerable size. That places my survey in relation to the iron pipe for the Richardson 8, 9, 10, the northeast corner of No. 11 to the cedar stake at the northeast corner of the R. C. Frankland for a cedar post marking the Solomon Brill and an iron pipe--two iron pipes at the northeast corner of the Solomon Brill. I ran a line from the northwest corner of the Brill to the Bay and found a cedar stake at a called distance of 251 varas. I checked a 1½ inch angle iron that had been set for the southwest corner of the John Dick. I continued that line west to the coast getting the distance and showing the coast line in relation to the Solomon Brill survey marked on the map. The cedar stake at the northeast corner of the Frankland Survey was identified by the land owner, Jess white and Andy Frankland, who used it for thenortheast corner of the Frankland and the southeast corner of the Trimble. At the northwest corner of the Mather No. 14, there is a cedar stake which I found to be 20 to 25 varas north of where he had set the corner which was pointed out to me as the northwest corner of the Sam Mather's. The Solomon Brill is a parent Survey of this area along with the Richey--the Richey is a month earlier than the Brill. There are two surveys in there that have been abandoned, one of which is the William Smith and it lay west of the Richardson 10, 9 and 8 and ties into the other, the Vane, which ties into the Brill at the northwest corner of the Brill. The Brill is tied into the Richey by course and distance south and east 1350 varas. Checking this work with Mr. Work's corner, he has set for the William Richey, I found another course and distance between those

two point. There might be some reasonable way to check that. Mr Work's corner for the west corner of the Richey is not correct for the reason it calls toset on a shell bank. If that is true, then the northeast corner of the Brill should be further north than he placed it, and some other surveyor placed it about 50 varas north and that is the point that lines up with the points on the south line of the Gordy and Dick and Oliver. It was necessary to locate the location of the Solomon Brill. Mr. A. McGruder was the surveyor and tied the Brill and the Vane together at the Brill northwest corner, and the Vane northeast. At the northeast corner of the Vane, he calls to be 200 varas west of the marsh. That point must of necessity fall west of what is now marked for the Solomon Brill corner. It also falls west of the southwest corner of the John Dick. Starting there and running as Mr. McGruder gave his call for as he left the marsh andahe went over and called for the marsh at the northeast corner--then he went south and called for marshes. I go on his call at two points--at 140 varas and at 900 varas. I ran enough of that to detemine the difference between the 900 and 140 vara calls. That fits in the east line of the Brill with the present points marking the east line of the Brill, I was of the opinion that the east line of the Brill was pretty well surveyed on the ground. There is probably some reason why the northeast corner should be further north than it is at the most northerly pipe for the reason that he calls for two marshes. The distance is too great, but lpushing further north it is very possible he had his original north line further north than it is marked on the ground today. You can see that by the double line. Mr. McGruder laid down four surveys--he laid down

more, but we are concerned with four of them at least--the Solomon Brill, the William Richey, the Vane and the Smith. He tied them together at boundary corners. By construction, I could see on the map where the east line of the Smith with the southwest corner of the Vane. Then going east to the Brill and north to the northwest corner of the Brill. Certainly, in the three surveys, we might say that the west line of the Smith is definitely located on the ground by ties to two bayous--one at East Bayou or Durant Bayou, or West Bayou as we call it. By placing the Smith line in this position in relation to the Bayou call and putting in the Vane as its east line falls 200 varas west of the marsh as called for in the notes--that marsh is described in the Solomon Brill, which he gives an excessive distance there. There were several surveyors in that area. Mr. McGrudder was the first-no Mr. Harding was the first in this area and laid down the John S. Roberts, and tied it to the mouth of Honest Bayou, and when laid on the ground checks with the original pre-emption corners to be found on the ground today. That gives a little reasonable doubt to the location of the Roberts southline. Following Harding, McGruder came in and laid down the Vane, the Richey, the Brill and the Smith and some other surveys. Following McGruder--he was in there in 1841, and in 1863, 22 years later, Mr. Thompkins laid in the Richardson Surveys 8, 7, 6--which is a system of 16 surveys. He started in his surveys at a distance or inrelation to this bayou. He stated the distance he started west of that bayou and then comes east and when he set the first 15 he laid them in a square, 950 vara square. It was declined and sent back for correction. In sending it back for correction, he found that

the west line called to be 846 varas in order to fit the west line of the Brill. That conforms as determined by the marsh call between the Smith and the Vane. Evidently Thompkins first found out where the Brill was and gave a revised set of notes showing 274 varas--104 varas east and 138 varas north in relation to the other surveys. Mr. Thompkins said he had to come down to hit the east line of the Mathers. After Mr. Thompkins got through in 1863,a man by the name of L. D. Stamps and Newell Morse and D. B. Wallis. Mr. Stamps, Mr. Morse were able to get the surveys on the Lewis Mathews, on the William Bryan, on the Thomas Toby and John Casey and possibly others approved by lthe Land Office. Both Stamps and Morse attempted to locate the Trimble survey apparently without official approval by the Land Office in 1874. Before I get over Stamps, however, helaid down one survey and that was the Thomas Toby 160 acre survey. He said he started his survey south 34 deg. west 534 varas from the northwest corner of the Trimble. Mr. Stamps did not have his Trimble on the ground as Mr. Wallis placed it, or as found to be marked on the ground today. Mr. Stamps tied his Trimble into the north line of the Sam Mather No. 14 and 15 and a little later, I will show you how that is worked out. It isn't shown on this map. In reality when Stamps went to put his northwest corner of the Trimble on the Ground in its relation to the east line of the Brill, you are able to go south 44 south 580 varas and you have the Toby 160 acre tract. And then by running south course and distance on the Toby 160 acres and 188 acres, we may be albe to reach Sam Mather's as laid on the ground today and fit in the west line of the original va-cancy on the west line of the Mathers, Bryan and Toby Surveys.

By going to the northwest call of the Toby 160 acre survey, when Wallis took up the work of these other surveys ih 1874, he laid down in June, 1874, the northeast corner of the M. E. Trimble and the R. C. Frankland Survey, and he said he was on the west line of the Brill and it is that west line of the Brill that controls approximately what is now set for the northeast corner of the R. C Frankland 188 acre survey. Now he went west. He went south 1the called distance of 630½ varas to the southeast corner of the Frankland. Then he went west 1684 varas and he said then with the Bryan, but going course and distance he don't hit the Bryan. He must then go north 630 varas and then back east 1684 varas, leaving a gap between the west line of the Frankland and the east line of the Bryan 390 varas wide. Fortunately Mr. Wallis called for four ponds on the north line of the Frankland by course and distance. From the cedar stake, we are able to find that these ponds all checked very closely, establishing beyond a doubt that the west line of the Brill is in the vicinity of the cedar stake as is now claimed for the northeast corner of the Frankland Mr. Wallis shos when at the southeast corner of the Frankland that he was 30 varas north and 50 east from a pond. He said he was 206 varas south of a knoll course and distance from the south east corner the point will fall in the vicinity of these two objects on the ground. I believe that definitely fixes the location of the Wallis in relation to the east line of the Frankland which will govern the west line.

Comm: You say there that your cedar stake and the pond fall south 50 east 30 varas.

A: The actual figure was about 90 varas from the pond and

160 varas south of the knoll. That would tend to place Mr.Wallis' Frankland survey about 40 varas from that cedar stake.

Comm: What about establishing those calls you give on the east line of the Bryan?

A: I was not able to find any pond or knolls that corresponded to the calls. I found one pond there between the set-up in the alleged vacancy.

Comm: Going north that 200 varas from the southeast corner of the Frankland, what is there about that one that would call it to your attention?

A: There is one particular knoll that stands out. Certainly it caught my attention. It was two feet higher than the others.

Comm: You don't think there was any on the east line of the Bryan?

A: There are knolls in the entire area out in here. I showed on this map several knolls in the vicinity of this particular corner.

Comm: About the pond there--are there some there in a more westerly position?

A: The only pond I found in that area was the one I have shown. I didn't find any more. I looked for some but didn't find any. I found one on the line. He does not call for that pond.

Comm: Do those ponds contain fresh water?

A: Yes,sir,they are just sinks inthe ground.

Comm: Do they have enough depth to be noticable?

A: I would imagine they are right at sea level. Here is another identifying point for the northeast corner of the Frank-Land and southeast corner of the Trimble and that is the call for

Lone Oak, the call for the shell bank and it would check that call. I ran a survey from the southeast corner of the Brill to locate the location of the present shell bank and by checking the line east from the cedar stake, I found it bears 79 deg 60 min east to the shell bank, and I found the course to the Lone Oak was north 26 degrees--I believe it called north 26-1/5 deg. while he calls for the Lone Oak to be north 54 west and I found it to be north 54 deg. 20 min. west, and also called for the Remington House which I believe he called to be north 86½ deg. That is the case at the northeast corner of the Trimble and it should be further south and a little bit west as I have shown the corners on the map. That is true at the northeast corner of the Frankland apparently from those calls his survey should have been pulled down. The fourth call was missed a little bit to the north and by moving the survey down, I think all pond calls all check and that will give you particular fits to these two objects of Lone Oak and Remington House, and also pull the southwest corner in 200 varas from the knoll and closer to the pond at the southwest. Now Mr. Wallis set in a number of surveys on the north which is the T. J. Dick, John Dick, Robert Oliver and another John Dick and A. Gordy. When he made them he did not find 1900 varas between the north line of the Brill and the south line of the John Roberts. He said it was 1900 varas between those two surveys and that is bourn out by the distance in the north line of the Thomas Remington. Thompkins has made his 1800 varas for the distance. Apparently Mr. Morse and Mr. Stamps were further south with their north line of the Brill and their Trimble. The Dick, the Barrow and the John Dick, they will all fit in well with the conditions

on the ground. There are some bayou calls that fit at the northwest corner of the Dick I believe as close as you could expect to find them. If you come back and check it on the Mitchel, it was without a doubt that Wallis was on the line as it now lies by the cedar stake for the west line of the Brill and the east line of the Frankland or Trimble. Now as to where the location of the south line of the Brill is, there is possibly some doubt. Mr. Wallis surveyed those surveys out and he went to what he called the northeast corner of the Sam Mather's No. 15 and he said he went to E H. R. Wallis corner and ran by course and distance and then he went south to find the marsh called for at 1100 varas and then later on--that was after he made the J. Poitevent No. 4, that was made 6 years before the Wallis, and is set in relation to the Sam Mather's 16 which is called by course and distance 111 varas south of the southwest corner of the Brill and ties the Brill into the two surveys. I am of the opinion that the southline of the Brill would require additional work done on it to locate it and I have done only a limited amount of work down there. He was at the cedar stake on the ground and claimed to be at the northwest corner, he would still be in the sdame relation as far as east and west is concerned as to the east line of the Lewis Mathews and Bryan, they tied without question. The northeast corner of the Richardson No. 11 is marked by the old homestead which is 75 years old, or more. That homestead was established about that time. Those trees bear that out. They are old. By course and distance and topography you are able to establish sthe west line of the vacancy set up by Mr. Damon.

Comm: What about this. You show two coast lines up the west

part of the Toby. What about that, which is the present coast line?

A: The interior line is the shore line January 7, 1940. This line was established and marked on the map thus by measuring down from the southwest corner of the Roberts to the railroad iron in the Baker and Lewis Mathews. The Bryan and Toby and Casey you are able to re-establish the shore line and the difference now by approximately the same erosion.

Comm: If you just put them back on the shore line there would not be any space for the vacancy?

A: I believe if you were to take the shore line today, assuming the shore would push these surveys back east of the vacancy, it would cover only 232 varas, and there is more in it.

Comm: About 100 varas?

A: Yes, if you assume that.

Comm: It would be short?

A: Yes, sir, that shore line has every evidence of washing.

Comm: Would that same thing be true at the southwest corner of the Roberts, didn't it wash up there too?

A: It washed up there, but Ihave made this map approximately to my work. There is only about 20 varas left in that Dick survey at the north line.

Damon: Haven't you got a map made up of this recent work?

A: Yes, sir. I will file it.

Comm: Did you go on down to the other surveys?

A: On this particular map, I didn't go down there. I went out in here and started up. (Places new map on wall) You ask about the condition of the Dick survey. You will notice here.

This is the line of the old Honest Bayou coming right in there and he calls for the corner of the Saphronia Barrow to be on the north side of the bayou. He goes east on that Saphronia Barrow to the same bayou. The Saphronia Barrow was the original survey in this area surveyed in 1868. I show then he was on the west line of the Saphronia Barrow. He was 165 varas from the bayou out from the C. Mitchell established corner marked by a cedar stake. I was able to fall right in close to that point and check those calls. Thence 95 varas east. When Thompkins laid down the Barrow he began at the northeast corner 1330 varas from the southwest corner of the Roberts. In 1868 this shore line was out here 380 varas from the corner of the Saphronia Barrow. Between 1882 and 1940, it has washed out nearly the 300 varas--about 370 varas. I base these shore lines on the same work as I have shown on this other map. You ask about the west line--the east line of the Smith. He started at Little Bayou 10 varas west of its mouth and he went north and he ran down the bay and he went all the way around to this most northern point and came south and called for the bayou at 7500 varas and at 7650 varas, but in running out the contour of the bayou youare able to fit Magruder with his Smith east line. That position is 216 varas north of the present shore line. That shore down there has filled in and built up apparently on the bayou was 216 varas north of where it is now. The mouth of it is south. Then by running that line up here course and distance taking the Vane in relation to the Brill for the west line by the marsh it all works together (placing another map on wall) to show that the Brill west line was west of the present west line as marked on the ground. By starting here with the

Smith and going up going around and coming back down here we establish the old Smith Survey which runs out and ties to the Brill for the north and back to the shore line that the shore line at that time was back here some two or three hundred varas from the present shore line. This is the present shore line through here. The west line of the Brill was supposed to be 200 varas west of the marsh. Mr. Thompkins got through in there and he says in running out this No. 8, he calls for the southwest corner of No. 8 to be 129 varas from the mouth of the bayou south 75 west. That puts him west of the present fence line as shown there and west of the Smith line. That is correct with respect to the fence. The Richardson was west of the Smith line when you take the mouth of the bayou at the time and go the distance 129 varas and come course and distance, and 8, 9, 10, 11, Mathers 13, 14 and 15, you will find that the north line of the Mather's original survey was 275 varas north of the line considered that line today. That fits in with the west line of the Brill and going 275 varas, then east 104 and you have that little offset around the Brill as called for in Mather's 15. When Stamps laid down the Trimble he called for the Mather's 14 and 15 and going course and distance from the northwest corner of the Trimble, going south you have the Toby as already pointed out placing a gap between the two surveys. Extending the line--the north line of the Trimble for the north line of the Brill, you can fit in the Remington House as made by Morse and called 1900 varas south of the Roberts. You have platted the work of three different surveyors. Work by Thompkins and work by Magruder and work by Wallis and Stamps. I have attempted to show the south line of the Brill at the apparent original sur-

vey--they are on different locations--that I find no particular bearing on the west line of the Brill and I show also a line by moving the Frankland 40 varas down from the cedar stake. We come down here--dome down in here to this southwest corner 200 varas south of the knoll, 76--60 varas from that pond and coming back east you hit those ponds according to call. This map shows the location. There is a little difference in the tie right here at the southeast corner of the Vane, and by having a 6 minute variation 7600 varas off would easily throw it back over there.

Comm: Any point youwant to bring out?

Damon: Going back up to the Mitchell corner that you said you found, who identified that for you?

A. Mr. Mitchell who lives on the place now, and has for many years.

Q: How old a man is Mr. Mitchell?

A: Up close to 60 or 65 years old.

Q: You said a while ago, in error I think, that you found an angle iron at the northwest corner of the Brill?

A: It is not at the northwest corner. It is the southeast corner of the Oliver. A cedar post marks the northwest corner of the Brill today--261 varas east of the angle iron.

Q: Does that cedar post have any identification on it?

A: Has the letters SB, or something. Do you remember Mr. Work?

Work: SB is right.

Damon: Goingl to the White homestead, what land do you mean by that?

Faber: That is land in the northwest corner of the Richardson

No. 9 and where a large amount of trees has been planted and especially so right down the west fence.

Q: When you went up on the bay and surveyed from the Brill to the bay, did you meander the bay?

A: Yes, sir. I went westward to the bay and meandered to the Toby original north line and lately I have meandered the shore line of the Bryan and Dick.

Q: What evidence did youfind of the erosion taking place on that shore line?

A: The bank there is about two feet high and the wather has washed back in under the bank and little chunks are falling off and some hanging over the water.

Q: Did you talk to any old timers as to whether or not there had been any errosion?

A: I talked to Jess White, a negro named Read and possibly others. They asserted to me that the bay shore had receded three to four hundred varas.

Q: Did you check the Roberts on erosion?

A: Yes, sir. That is what tipped me off.

Q: In the field notes of the T. J. Dick, what representation was made?

A: When the Saphronia Barrow was surveyed, he started 1320 varas east of the southwest corner of the Roberts on the north bayou and when Wallis surveyed the Dick, he said he was only 300 varas from the northwest corner of the Barrow which showed 80 varas erosion in that 18 years.

Q: And since that time, what does the Dick show?

A: 300 varas less 30 varas, approximately, of erosion.

Q: Leaving about how much in the Dick?
A: Just about 30 or 40 varas on the north line and it--as a matter of explanation there is a little corner of that Barrow is right in here is one of the reasons that sticks out a little above this.
Q: Going back down to your Smith line, you attempt to relocate this Smith by bayou calls, did you find a bend in the bayou where the Smith would fit?
A: I did.
Q: And run it to the bayou?
A: I did.
Q: What is the shape of the Smith line crossing the bayou to the north?
A: The bayou is in an "S" shape, it has a double "U" turn, you might say. I find my line fits right along the middle of one of them.
Q: Does that call from the south bayou double crossing to the south bayou, does it check with the original field notes the way you have it?
A: No, it is 30 to 40 varas short.
Q: Did you find any place you could move it to make it fit?
A: No.
Q: When you reach the bay shore taking the Smith to the bay, It is an original corner?
A: Yes, sir.
Q: Did you project the Vane line out there?'
A: I did.
Q: So you can calculate the amount of erosion?

A: I did.
Q: How much erosion do you think has taken place there?
A: Projecting this Smith line in accordance to the bayou calls to the bay, you find about 220 varas eroded. You go from the northwest corner and just as I have done, you will find that line has been pulled in about 220 varas.
Q: You checked the line shown on your map for the west line of lthe Brill as a line Mr. Wallis was on when he surveyed the Trimble and Frankland, what evidence do you have that there was erosion there?
A: In the first place, you have a cedar stake identified as the northeast corner of the Frankland. I have pond calls to place it at that vicinity so far as east and west pond calls are concerned and have the bearing on the shell bank and Lone Oak and Remington House.
Q: In resurveying the Gordy, did you check Mr. Wallis' calls for corner of the Brill and the distance between the corners of the Brill west taking the place by the Gordy-- what I mean is the distance from the corner of the Brill over here called for in the field notes of the Gordy are not the calls in the Gordy calling for the Brill and the distance there?
A: No, that does check in relation to the John Dick. there is a little discrepancy in there as to a matter of which is the further west.
Q: From the southwest corner of the Grody, in the John Dick going west, what is the call of the northwest corner of the Brill?

A: Yes, sir. 1788 varas, that checks all right.
Q: In addition to the amount of distance in the Solomon Brill taken by the field notes of the Gordy and John Dick, what did you get for the line Mr. Wallis gave for the north line of the Solomon Brill?
A: Mr. Wallis said when he laid down the Gordy, he was 241 varas east of the northeast corner of the Brill and that left 899 varas from there to the southwest corner and he said he was 1778 varas, giving you a total of 2361 varas, which is a vara and two-tenths short.
Q: Coming back down here to the Thompkins survey of the Richardson No. 8 and going north to the northwest corner of the Richardson No. 10, the distance from the northwest corner of the Richardson 10 to the northeast corner of Richardson No. 11?
A: 1900 vrs.
Q: And the distance going on up to the northwest corner of Sam Mather No. 14--the distance from the north west of Mather No. 14 to the northeast corner of Mather No. 15, is how much?
A: 1796 varas.
Q: 1796 varas, and adding the distance to the north line of Mather No. 15 and 14 and 1900 varas for Richardson 10 and 11, you get what?
A: 3696 varas.
Q: What was the called distance of the Vane south line?
A: 3581 varas.
Q: That Vane--the southwest corner of the Vane cornered on

the north corner of the Smith didn't it?

A: That is right.

Q: And the Smith line was located 10 varas west of the mouth of Small Bayou?

A: That is right.

Q: The Richardson called to be west of it?

A: 129 varas.

Q: Subtracting 10 from 129 you get what?

A: 119 varas.

Q: Let's see if we can't see why a jog is placed in the northeast corner of the Sam Mather's No. 15. You have calculated the east line of the Smith and south line of the Vane, the Vane was 3571 varas.

A: 3581.

Q: And the distance across the Smith line to the east line of survey 15, as originally surveyed, was 3800 varas?

A: 3696 varas.

Q: That was the corrected notes?

A: The original was 3800 varas.

Q: Subtract your Vane from 3800 varas--the distance of your Vane south line from the 3800 varas, what do you get?

A: Ask me that again.

Q: Subtracting the distance of your Vane west line from the 3800 varas what do you get?

A: 119 varas.

Q: 119 varas.

A: 3581 varas is the Vane call and 3800 varas was the original Mather call, and the difference is 119 varas.

Q: The west line of the Richardson No. 8 was 119 varas east of the old Smith line and the Vane was considered from the corner of the Smith line which shows why the jog was made in the Sam Mather's No. 15.

A: That is right.

Q: As originally laid down.

A: That is right.

Q: There is one other thing--what is the distance you found between the west line of the Brill as surveyed by Wallis and the east line of the William Bryan on the ground today?

A: There will be 1684 varas plus 390 varas--2074 varas.

Q: And the call for the south line of the Trimble and north line of the Frankland was 1684 varas according to your map?

A: Yes, sir. 1684 varas.

Q: What did you have from the west line of the Brill as located by you as being a line taken by Wallis to locate the Trimble to the east line of the Brill--do you have 2688 varas in there at the present time?

A: I have a little bit over that distance about 5 or 6 or 7 varas more than that.

Q: One other question--the surveys bounding on the west line of the vacancy were placed in from what direction--built up from what direction?

A: How were the west lin of the vacancy surveys started?

Q: Yes, sir.

A: The Mather survey started on the bayou and he went up here to hit the Brill--the Mathers and Richardson.

Q: The Mathers--where was it started?

A: Started off the northwest corner of the Bryan survey--started at the northwest corner of the Lewis Mathews. The Thompkins Toby 189 acre survey started at the southwest corner of the 160 acre survey onthe bay and the 160 acre Toby from the northwest corner of the Trimble and the Casey started at the northwest corner of the Toby 160 acre, and the John Casey and Toby 189 acre surveys tied to the Toby 160 acre survey on the bay. The Bryan is tied to the Mathews on the bay.

Q: The Trimble and Frankland were placed in how?

A: Started from the northwest cornerof the Brill.

Q: When Mr. Stamps placed in the Toby 160, he started south 44 west 520 varas to thenorthwest corner of the Trimble, have you calculated the distance that a direct line was from his starting point to the west line of the Trimble?

A: I have I don't know whether I ran that or not. I calculated that to be 368.2 varas.

Q: 368.2 varas. The Stamps survey of the Trimble as originally surveyed by Stamps was how many varas--1648?

A: That is right.

Q: Mr. Wallis' call for the south line of the Trimble was how many varas?

A: 1684.

Q: What is the distance from the northeast of the Sam Mather No. 15 located according to the corrected field notes and the west line of the Solomon Brill now as you find it on the ground?

A: You want the original notes?

Q: You found the location onthe ground from the northeast

corner of the Mather 15 to the west line of the Brill?
A: 311.2 varas.
Q: You said something about a line as you show it being in the vicinity of the line where Wallis began his survey, what do you mean by the vicinity--can you put it exactly on the line from the calls from his bearings?
A: You want the exact point of the northeast corner of the Frankland in respect to bearings?
Q: Where would you say the exact point of the Frankland and Trimble was?
A: About 30 or 40 varas south of the cedar stake.
Q: Disregarding the cedar stake?
A: That is what I am trying to do. I calculate it to be varas south and 41 varas east.
Q: How about the northeast corner of the Frankland?
A: It would be east.
Q: The line would not be further west--the west line of it would not be further west than you show it on your map.
A: It could not be any further west for more than one reason. You would have to move east about 40 varas. The calls for the ponds can not be moved west.
Q: If you were to start with this pond here and this line by the pond shown on the vacancy and go east, would your pond calls fit?
A: They will fit the first two, but will not fit the others.
Q: What is this call in the field notes?
A: The call is 1184 varas. I found it 1182 when I moved 40 varas south.

Q: The first two would fit if you take the pond in the vacancy, but the other would or would not fit?

A: Would not fit.

Q: Is the R. C. Frankland point on the west line of the Brill as shown to have been originally survey by Magruder?

A: I could not find any evidence why it was in there.

Q: Would your calls from Lone Oak and Shell Bank fit?

A: It shows on the shell bank, but not on Lone Oak.

Q: Would your call for the northeast of the Trimble located on that original Brill west line check to the Lone Oak and Remington House from this place?

A: The angle would be smaller for the Lone Oak and flatter angle for Remington house.

Q: On your original map, you showed a vacancy between the T. J. Dick and Saphronia Barrow, explain that?

A: I made that by construction and extending the Vane--it was not surveyed at that time, but those lines are dotted lines.

Q: Have you since surveyed it?

A: I have since surveyed it and this larger lmap showed it and definitely fixed the Saphronia Barrow by the call for bayous at different places and on the east line it calls for marsh 455 varas south--also line of oak trees evidently marked the west line of that survey.

Q: Beginning at the northwest corner of the C. Mitchell preemption survey at the one original corner identified by Mitchell, did you survey south from that to the John Dick, did you make any ties to the northwest corner of the Brill?

A: Yes, sir, I started at the northwest corner of the Mitchell,

to the road and down the road and tied into an iron pipe on the north line of the Brill which in turn tied into the northeast corner as marked by pipe. I found that the fence line that runs out fromthe Mitchell is about 115 varas off, but regardless of that, the distance ties in and gives you the required distance.

Q: There is a slight difference for the shell bank, the Lone Oak and the Remington House, and the calls in the original field notes as you have them located on your map, any possible explanation in using those points?

A: In 1841, Mr. Magruder used a variation of 9:17, in 1867 Mr. Thompkins used a variation of 9:15, Wallis used a variation of 8:15 consistently throughout his entire period of surveying.

Q: That difference in variation might possibly be the cause of the slight difference in the location of those?

A: That would explain part of it.

(Mr. Damon makes reference to letter from D. B. Wallis to W. C. Walsh, dated December 31, 1878,in File No. 17, Chambers County--Reference to letter from D. B. Wallis to J. J. Grove dated December 27, 1874, in File No. 86112--plat and report of Chambers County by George Giddings filed December 21, 1900--Sketch A, Chambers County Sketch, and explanation by D. B. Wallis, December 31, 1878, File No. 23, Chambers County--letter from D. B. Wallis to J. J. Grove, dated August 24, 1874, File No. 81318--Roll Sketch 19, Chambers County--letter from D. B. Wallis to J. J. Grove, dated November 9, 1875, File No. 83518--Map in field notes by L. D. Stamps dated July 10, 1870, survey of 1/3 league for Lewis Mathews, File No. 394, Liberty First Class.) (Referred to during recess.)

Mr. Damon's request to be allowed to read a letter from D. B.

Wallis dated November 9, 1874, refused by the Commissioner.

CROSS-EXAMINATION BY R. CHESTER DAY:

Day: Mr. Faber, this Toby here and Trimble were laid in -- were patented upon the notes submitted by Wallis, werentt they?

A: The Trimble.

Q: This Toby and the Trimble?

A: That is right.

Q: Did you run the lines of the Toby and Trimble as laid in by Wallis?

A: Did I run them as laid in by Wallis?

Q: Did you ren the distance from the bay shore to the west line of the Trimble or line of the Brill?

A: Yes, sir, I did it by running a line west of the coast and setting down to the west of the coast here at this distance.

Q: I mean from the coast as it is now?

A: The cedar post is here, the angle iron, also, and located the calls on the ground, and that established this here all the way fromhere.

Q: How will the distance from the shore line ;to the west line of the Trimble--how does that distance compare with the actual distance on the ground now, with the distance Wallis gave it at the time his field notes were made?

A: The coast line is approximately 270 varas from the south-west corner of the Toby that would be 270 varas off this distance if you start with the coast as the beginning you would be 270 varas back from this corner this way--that gap is 230 varas.

Q: What is the distance given the north line of the Toby by

Wallis

A: 2001 varas.

Q: 2001 varas?

A: 2001 varas.

Q: What is the distance given the south line of the Trimble?

A: 1684 varas.

Q: That is 3685 varas for those two lines?

A: That is right.

Q: How does that compare with the actual measurement on the ground now for those two lines. I mean from the present coast line to the west line of the M. E. Trimble?

A: From the coast line to the westline of the Trimble?

Q: That would have to include the offset here of course?

A: I don't know whether I get your figures right--do you want the distance from here to here?

Q: The distance from the west line of the Trimble--the east line of the Trimble to the present coast line as it now exists?

A: Approximately--by taking this distance from the west line of the gap to the southwest corner of the Toby 2001 and allowing 270 varas for erosion would leave a distance of 1731 varas, and then this gap is 232 varas, that would give you 1963 varas from the east line of the Trimble to the east line of it is 1684 varas that would make 3646 varas.

Q: How does that compare with the distance given these lines by Wallis?

A: You have figured that 3685 varas.

Q: How much difference is that?

A: About 40 varas difference.
Q: Wallis says he commences at what when he surveyed the Toby on the shore of the bay?
A: That is part of it.
Q: He goes thence east a certain distance and ties to the Trimble?
A: He didn't say that. He says begin at the southwest corner of Toby 160 acre survey.
Q: Didn't he call for the bay shore?
Damon: He calls for the southwest corner of the Toby.
Q: Doesn't he call for the bay shore?
Damon: I don't remember but the other call down the bay would tie to the bay shore.
Day: He calls for stake on shore accoording to this map, what are you looking for?
Comm: That is all right--the call is on the bay shore.
Day: It is amended Mr. Faber, the measurement given in the north line of the Toby projected across the Trimble will project within 40 varas of the distance called at that time?
A: Approximately.
Q: How do you account for the erosion during the intervening period that was in 1874 within 40 varas?
A: Don't you think it has washed any?
Q: I don't know, I wasn't there. I am just giving you what the surveyor said. Those are the actual facts.
A: What actual facts?
Q: The measurement given the line projected from the corner of the lower Toby across the Trimble will check with the

respective measurements given by Wallis.

A: Approximately within 40 or 50 varas.

Q: On this time here you say you refer to the system of surveys put in by Thompkins, Mr. Faber, is the beginning point down here?

A: Yes, sir.

Comm: Identify your calls?

Q: Was on the bay east of the small bayou129 varas?

A: West of the small bayou.

Q: That is right west. Do you remember the call that was given this beginning point by Magruder when he surveyed the Brill and Smith and Richey in 1841?

A: He said he was 10 varas west of the mouth of a small bayou.

Q: How does his system check with Thompkins system on the distance from the beginning point to the northwest corner of Richardson No. 10?

A: Well, now the Magruder system and Thompkins have no relation until reaching the Brill.

Q: They have this relation that Magruder's beginning point was 10 varas and Thompkins was 129 varas from the mouth of the bayou?

A: That is right, but they didn't refer to one another, but they did start at the bayou.

Q: How did you check in your passing calls in Magruder's and Thompkins lines down here?

A: Hadn't any calls in this work other than that bayou and when you get to Magruder's passing calls on this bayou and that bayou up there and also on the Vane.

Q: Do you tie the Richardson system with direct calls across here?

A: What do you mean?

Q: That is the way Thompkins began his system by tying with Magruder?

A: Began at the Southwest Corner of the Richardson No. 11 on the shore of the bay then he said he went west and passed the bayou at a certain distance and cornered another certain distance, 129 varas between the mouth of the bayou, and the point he started in, and Wallis said he started 10 varas west of the mouth of the bayou.

Q: There is supposed to be some building up in the bay shore near the south line of the D. Richardson No. 8, under your theory, you think that building up was between 1841 when the Magruder system was put in and 1863 when Thompkins was in there?

A: No, I don't think so. I think it was in 1875 from the storm. In 1875 the whole country was destroyed down there.

Q: On these surveys in this area, the John Casey, and T. J. Dick, in order to get them the called measurement that the patentes give them, isn't it true under your theory of this that they would have to extend out in the bay?

A: The T. J. Dick, you mean.

Q: And the John Casey?

A: There is not much theory on this off here because these are facts. We have the C. Mitchel northwest corner and I ran the survey line straight west from that and only 40 varas are left in the Dick where originally called. You will have three calls for

for that northwest corner. There is not much theory to it, you can establish that on the ground. But he said he was 300 varas from this corner to that corner. You know definitely he has lost around 270 varas on that shore.

Q: In the calls of the John Casey;, doesn't it call to begin with the Toby?

A: Thby 160 acre tract, that is right.

Q: Thence west 1784 varas?

A: Calls the other way.

Q: Now, the northcourse and south course of this survey, if given their called distances beginning on the bay shore at where it now is, that would extend it across the to the Trimble?

A: If you will assume that the shore has never erroded, but if you take the whole system of surveys, you will have to admit that if you consider the shore has never erroded, and when you do that would destroy your relation to the true corners on the ground and your distances. It is apparent that when he surveyed that, Thompkins was 380 varas out there from where it is now.

Q: I think he did not survey in the bay.

A: But he has erosion of over 300 kwaras at that corner.

Q: In what length of time?

A: In 1868 this man surveyed the Saphronia Barrow and he was 1330 varas from the southwest corner of the John Roberts. That is where he started, and then he went like that and laid out that survey. And nine years later Wallis found 200 varas between this corner. In 1940, I only found a little less than 40 varas.

Q: This is the cedar stake for the Frankland?

A: The Brill also.
Q: That is at the corner of the R. C. Frankland?
A: Yes, sir.
Q: In fixing that point, you are guided to a certain extent by its bearings to Remington House and Lone Oak?
A: I was guided by the land owner shaying that was the corner.
Q: Do you know what guided them to put the corner there?
A: I don't know. They told me that was the corner. It checks to the Lone Oak and the Shell Bank.
Q: Did you check the beginning call for the Thompkins on the Trimble, which has that call north 44 west?
A: Thompkins didn't make that--Stamps made that.
Q: How did you check with Stamps system as you find it now on the ground?
A: Just what do you mean?
Q: If you were to begin the Trimble at the distance and bearing called for off this corner here where Stamps did, will Stamps' Trimble set on the ground as it is now.
A: In relation as to what is considered the corner.
Q: This is the accepted corner according to occupation--it is the recognized corner?
A: It may be, but then if you do, you have not got a closed survey. One man set this corner and--
Comm: What corner are you talking about?
A: One man set the northeast corner of the Brill, and another man set the corner of the Brill in relation to the southeast corner of the Oliver. When you go across the Brill and Mitchell,

you will have adiscrepancy.

Q: The Brill is the senior survey--the corners were established long before these surveys?

A: That is right.

Q: In your discussion of the northwest corner of the Brill, you are guided by the location of the marsh?

A: In the original location, I was guided by the Marsh. It can not be reconciled with the present corner.

Q: For sustaining the position as you made it, you rely on its distance at this time?

A: I believe so.

Q: Do you think there is any possibility of it having been moved?

A: I don' think so.

Q: Mr. Faber, in establishing the corner of these, of what you considered to be the corners of the surveys down here, Richardson 9, 11 and 10, you were guided by the location of the corners now on the ground?

A: I have two ideas on the map here. One is shown in solid lines and the other marks showing what is indicated by long dash and two short dashes, shows the location of those same surveys as on natural objects--apparently they do not coincide. That some after 1863 some other man surveyed these same surveys and put them in as you find them on the ground today which is the fence lines which have been there 25 years. The present lines were set out in 1875 or thereabout.

Q: Do you think the present lines of Richardson, 9, 10 and 11 conform to the trees as you found them?

A: As they are on the ground today, they do conform to the trees.

Q: You don't know definitely where the corners of the surveys are?

A: Yes, sir.

Q: One fits as to occupation and another according to the actual measurement on the ground, isn't that true?

A: That is true.

Q: If they disregard your survey then, they are right?

A: I know the northwest corner of the Brill as marked on the ground today isn't right.

Q: In fact this whole system is rather uncertain all the way around?

A: I would not say that.

Q: You don't know where the northwest corner of the Brill is or the corner of the Frankland?

A: Oh, yes, we know where they are.

Q: It is incorrect according to occupation, is that right?

A: They are incorrect.

Q: Which is the true corner at the northwest corner of the Frankland?

A: The northeast corner of the Frankland?

Q: That is right--which is the true corner?

A: The true corner is south of the cedar stake about 30 to 40 varas.

Q: Not very close, 10 varas difference?

A: 10 varas didn't make much difference with Mr. Magruder when he surveyed the Smith and made a mistake of about 300 varas.

Q: Do you know whether or not Mr. Thompkins ever tied the northwest--the southwest corner of the D. Richardson No. 8 in with the Magruder system of surveys in any manner?

A: Right offhand, I don't know that information. I will say he tied into the Brill.

Q: Did it tie to the Smith in any manner, the southwest corner of the Richardson No. 8?

A: Just offhand, I don't recall it, I will get my notes on it.

Q: Perhaps you might look at the southeast corner of No. 8, and the west corner of the John Moss?

A: There were some ties in with the Moss survey on the Mathers No. 16.

Q: Then you don't know whether or not the Magruder and Thompkins surveys were actually tied together?

A: Not in that system of surveys, no, sir.

CROSS-EXAMINATION BY W. P. HAMBLEN, JR.:

Q: Mr. Faber, the M. E. Trimble survey was made by D. A. Wallis and also the lower Toby and Frankland and the surveys patented on his field notes?

A: The Toby 189, and the M. E Trimble and R. C. Rrankland were.

Q: And the R. C. Frankland survey and the Toby 189 Surveys were surveyed on the same day, were they not, on the same day in 1874?

A: That is right.

Q: Approximately four months after the M. E. Trimble?

A: That is right.

Q: And all by Wallis?
A: That is right.
Q: In the field notes, the Toby notes, Mr. Wallis calls to run to the Trimble west line?
A: That is right.
Q: Isn't it logical to assume that he knew where the common line was?
A: It would sount reasonable, but we don't know that he did.
Q: Within four months, he would not know where it was?
A: Would you know where a great number of surveys were if you were never on the ground?
Q: Didn't he start to fill in all the vacancy between the east line of the Trimble and west line of the Toby?
A: In this Toby, 189, he didn't. He started at the south-west corner of the Toby 160.
Q: Thence east to the Trimble?
A: That is right.
Q: If you disregard his distance call, there is no vacancy there?
A: In relation to the line that went east?
Q: That went to the Trimble?
A: If you forget about the starting point there is no vacancy.
Q: And according to the measurement actually on the ground today?
A: There is not much difference in the distance on the ground today than what he calls for, if you don't make any allowance for erosion.
Q: On the calls east of the Thompkins' Toby, and isn't that

a shell bank?

A: Just in places.

Q: Isn't it more shell than any other character of coast?

A: I would not say that,there is just some spots of shell, but occasionally you see a shell bank along there. That is black land.

Q: That is where there isn't any shell?

A: There isn't much shell there, 1 or 2 feet deep.

Q: Have you examined the patent to the William Bryan, and the field notes?

A: In what respect.

Q: You testified here it calls for the Trimble?

A: Offhand, I don't remember, but I believe it did.

Comm: If it does it is a matter of record.

A: In fact, I believe all of these surveys call for the j Trimble survey in some respect.

Q: Mr. Faber, how do lyou account for the fact that the distance from the shore line as it now exists and the cedar stake which you accept as being the true corner of the Brill, and the original distance in 1874, if there has been any erosion, checks within 40 varas?

A: That is the work of nature. Just a coincidence.

Q: The distances are a work of what?

A: The erosion is the work of nature. We do know what happened to the north line of the Dick. We have lost approximately 350 varas of soil. That is definitely fixed. There isn't any way of getting around that.

Q: It might be a different character of soil?

A: No, it is generally the same.
Q: But you can't show that there has been that much off the Toby?
A: Of, yes. We have the Smith east line stoping at this point established by the Marsh and the north corner of the Smith set out here west of the present shore line that establishes the shore line as it was then.
Q: That is assuming you have established the west line of the Brill?
A: I don't think there is any doubt about that.
Q: Do you have the entire field notes of the Henry Smith?
A: I did not.
Q: Did you survey the meanders of the bay as set out in the Smith?
A: The only line I surveyed was the east line.
Q: You don;t know whether the Henry Smith meanders of the bay actually conform to the present shore line?
A: I could not say--I would say as to the shore, there is a possibility it has come in a uniform distance all the way.
Q: Even where there is a shell bank extending out?
A: I might say that I would not say definitely on that question.
Q: I believe that is all--Mr. Faber, when Stamps surveyed the upper Toby survey, do you recall what is his meander call on the shore line?
A: I think I had one course there.
Q: Wasn't it south 23 west?
A: Yes, sir. 516 varas.

Q: When Magruder surveyed the Vane, do you recall what his meander call was at that particular point?

A: You mean of the shore line?

Q: Yes, sir, west of the Toby--upper Toby?

A: He had one course.

Q: Wasn't it south 23 west at that point?

A: That is the lower line--the upper line was something else, south 30 west, I think that was south 30 west 183 varas.

Q: Do you know what that course is today?

A: Approximately the same.

Q: Almost identical?

A: Approximately the same.

Comm: What relation do the William Bryan notes have to the present shore line, do they fall in the water?

A: Yes, sir, they fall in the water.

Comm: What relation do they have to the shore, if you had placed it according to Magruder--will they fit their east calls?

A: You mean the Smith?

Comm: If you construe the shore line on the Smith--is the Bryan shore line east or west of that line?

A: I don't show the Smith meanders. I follow the meanders of the William Bryan as made by Newell Morse.

Comm: Do you show any erosion between 1841 and 1871?

A: I didn't make that comparison.

Comm: If you place in the Smith and run to the bay, will the Bryan be fubther in the water than the Smith?

A: I didn't study that angle.

Q: Did the field notes of the Bryan show that he was further in the bay than Magruder in 1841?

A: I didn't made that investigation in regard to the Smith. If you ran this line of the Smith according to the bay call.

Comm: The way you platted it out, it looks like the Morse was further in the water in 1871 than Magruder was in 1841--he is further west than the Smith meanders.

A: On that construction, it looks like they did. The Smith would run in here. I didn't work on the Smith other than on that east line. I don't have any information on it.

Comm: Mr. Faber, did you have your secretary prepare these field notes that you put in here in this office on these two alleged vacant tracts, or did you do the work yourself?

A: Yes, sir. I did the field notes and had a girl type them.

Qomm: Did you have someone in your office prepare them?

A: Yes, sir.

Comm: In the future let's not have something that is pasted on--it would be better to put it all on the field notes.

A:q The principal reason I did that was for the lack of space.

Comm: Then just to have it in the record here, you made this sketch you see here, and also compared the field notes and had your girl type them.

A: Yes, sir.

Qomm: I think this pasting on is a pretty bad idea, and I don't recommend it.

Damon: Mr. Hamblen asked if you ran this Toby 189 and tied to the Trimble and came back--isn't there 100 varas excess on the westline of the Trimble?

A: That is right.
Q: And 58 vara east call past the northeast of the Bryan?
A: Yes, sir.
Q: Will there be a lack of 158 varas meeting the west line of the Trimble?
A: That is right.
Q: And they would be in conflict?
A: That is right.
Comm: Any other questions?

MR. W. O. WORK, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Day: Give your initials to the Commissioner?
A: W. O. Work.
Q: You are the County Surveyor of Chambers County?
A: I am.
Q: For how long?
A: 26 years.
Q: Have you ever been along the coast line west of the Toby and John Casey surveys?
A: Oh, yes.
Q: What is the nature of that shore line?
A: Shell mounds and part black soil with kinda sandy subsoil under it.
Q: Mr. Work, in your experience with coast lines--is a coast line of shell likely to erode through action of the water?
A: No, not likely, but that is in regard to what base it has.
Q: To what extend to you think the shell has eroded?
A: It hasn't eroded any if it is real shell--it stays put.
Q: Have you ever heard of any erosion by the two Tobies?

A: Not in recent years.
Q: Does the local tradition place the west line of the Trimble with the east line of the Tobies?
A: Oh, yes, it has been that way.
Q: Were you familiar with the Giddings file in your office?
A: Which one of the Giddings?
Q: The map shown in the corner up there, the map of Mr. Faber's?
A: Yes, sir, I have seen that map.
Q: You knew that someone had thought there was a vacancy?
A: In fact, you will find several in the records. There is a map somewhere that shows some discrepancy.
Q: You have seen the Moss map below the Toby between the Bryan and Trimble?
A: Yes, sir, I have seen them.
Q: There was some idea back years ago that there was as discrepancy there?
A: There was none between the local people.
Q: That is all.
Reference made to Sketch File there, also to Report of Surveyor Green.
Comm: What is your best judgment and opinion about that coast out there, is it right that that coast has washed or has it not--what is your best judgment?
A: Up near the Long Oak Bayou, that is washed out.
Comm: I have reference to the entire coast up to that bayou?
A: There don't seem to be any uniformity about it. It is building up in places and washing out in places.
Comm: It is not uniform--we have information it has washed out

in places, and it couldn't build up 300 varas in another.

A: It looks like it would not, but than a coast line changes like that. If you will go down there, you will see it changes back and forth like that. It is no straight line at all. It is sticking out in points.

Comm: What about the Frankland, you don't seem tohave started at the same place?

A: It is 23 varas across there.

Q: It would be lpossible to change your distance calls almost 100 varas.

A: East and west.

Comm: I am talking about up and down--you might change your esst and west distance 100 varas.

A: Yes, sir, the Frankland is northeast about 23 varas.

Comm: This Bryan indicates at a later time in the 70's it was further west in 70 --it indicates it was further in the Bay.

A: Yes, sir Magruder"s shore seems to be insider of the construction of the Moss and Stamps and the others.

Comm: Particuliarly insideof the Morse--it indicates it was further west in '71 than in '41--30 years later, possibly 100 varas?

A: The Magruder seems that way. That would naturally indicate it had built in there over a long period--It might have built in ashile and then eroded and fallen in around there, and then it goes to undermining and washing out again.

Comm: How long have you known that coast line?

A: About 25 to 30 years.

Comm: Do you consider there has been considerable change in that

time?

A: I think there has been a good deal of change in some parts up right north of this bayou up on the shore line. I made this to show here how much eroded. It was a good deal gone up in there. That would be something out right here. The old original line would have been here. Some was gone and some setting out just like it was and the Smith survey north of this 40 varas. It is pretty well gone and then south it has built up and some land added to it in another place on the bay.

Comm: What is the general opinion downthere--do these people feel they have lost land by erosion or are holding their own?

A: Some say they have gained but some have lost.

Comm: All up and down--it is rather uncertain?

A: In a few places it has gained--just a little further north, it is building up.

Comm: Is that property fenced?? how is that property held?

A: There is a big pasture--the road runs through it.

Comm: A pasture embraces the entire area?

A: I believe that a fence is connected in here and it is fenced on one side and way back, it is thrown in to one big pasture.

Comm: One ownership in that pasture?

A: Now there is some fences down here.

Comm: I mean the Bryan, Toby and Casey, is that in one ownership?

A: No, this Jess White owns all but this Frankland here.

Damon: How about the two Toby surveys?

A: Franks owns one or both.

Damon: Both of them.

A: They are not fenced out in fences.

Comm: Do you, Mr. Faber, do you happen to know the ownership by the different surveys?

Faber: It is owned by probably--maybe a dozen that have an interest in it one way or another, but then Jess White and Franks own that pasture.

Comm: Anybody else have any other questions or any information to offer (no answer). That is all.

HAMMERMILL
MSS

File with Chambers Co. Rld Sk. No. 20
in Flat Folder

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

(Filed in the General Land Office by S. E. Damon)

- -

Before HON. BASCOM GILES

Bemmissioner of the General Land Office.

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SATURDAY, MAY 11, 1940.

9 A M.

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EXHIBITS:

Surveyor"s Sketch--Entire Area

Surveyor's Sketch--Enlarged Frankland Survey

Surveyor's Sketch--Corner of Richardson No. 8.

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

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Before HON. BASCOM GILES

Commissioner of the General Land Office.

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SATURDAY, MAY 11, 1940.

9 A M

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APPEARANCES:

W. P. HAMBLEN, JR., 1111 Scanlan Bldg., Houston, Texas,

S. E. DAMON, 1110 East 32nd., Austin, Texas,

R. CHESTER DAY, Houston, Texas,

W. O. WORK, Anahuac, Texas,

W. E. WHITCOMB, 1604 Petroleum Bldg., Houston, Texas,

EDWARD D. BRANDT, Houston, Texas.

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Comm: This hearing has been called on two applications, being S. F. Nos. 14148 and 14175, applications to purchase alleged vacant land, which is located in Chambers County, just east of Galveston Bay and between the Trimble and adjoining surveys. And for those who want to put any additional information in this office after this hearing today, we will give some time--20 to 30 days--in which to get in any additional information that they want to place in this file. I would like for you to get it in by that time. Everyone will be given an opportunity to get such information in this office. We will proceed with the hearing. I will ask Mr. Faber to come around and be sworn in, and then proceed with a narration on how he proceeded with his surveying on the ground and then we will let them ask him some questions.

MR. BEN H. FABER, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Comm: Here is a pointer.

Faber: As I show in my report to this office on December 21, 1939, I was instructed by the State Land Commissioner to make a survey on alleged vacancy file claiming land, as he has read to you. This alleged vacant land is located in Chambers County near what is known as Smith's Point. I will just place this map here on the well. (Places map on wall.) This is just a geological map. I will just put it up temporarily to show you the area in which I surveyed. Here is Double Gun Bayou and Lone Oak Bayou, better known as Honest Bayou. This is called White Lake. This is Lake Supprise and Smith Point. The alleged vacancy lies south of Lone Oak Bayou--between that and the Point--to give you a gen-

eral view of the location. This is low flat country probably 2 to 5 feet above sea level. I spent a couple of days with Mr. Work in locating some points he was familiar with. He pointed out to me the William Richey corners which he had placed there 10 years before, and showed me their relation with the point that he established for the northeast corner of the Solomon Brill. I find two points--two iron pipes representing that corner of the survey While working with Mr. Work, I spent a day in locating the position of Lone Oak, which is referred to in the Trimble and Franklin and Solomon Brill Surveys--also located parts of the old Remington House, which is used in locating the Trimble Survey. I found one of the two pre-emption corners of the C. Mitchell Survey--the northwest corner of that survey to the north of the Solomon Brill Survey. I lmade a tie back down to the point now set for the Soloman Brill Survey. In general this is the procedure I followed--was to start on the point which is supposed to be the northeast corner of the Brill, being two marked pipes there. I took the most northern pipe as the true location for the reason there is a call for the southwest corner of the A. Gordy Survey, and a 1½ inch angle iron marking the northwest corner of the Brill. Those points all line up for the northwest corner. Then coming down the west line of the Solomon Brill his called distance for the southeast corner of the Trimble Survey, I found a cedar stake shortly west from that calaed distance--let me see if I can find the figures on that north line. This large scale shows 38.15--34½ varas from the called distance is a cedar post marking the northwest corner of the Brill identified by Mr. Work and Mr. Jackson. From the southeast corner of the Trimble, I run a line west

for the north line of the Franklin, placing it course and distance and setting a corner for the northwest corner of the Franklin, and then measured the alleged distance for the vacancy and setting a corner, and then came south to find the point on the north line of the Sam Mather's Survey No. 14, and then course and distance for the northwest corner of the Mather 14 is 23 varas west. Then extending a line south for the called distance from the Axle, I placed it about 10 or 15 varas south of what appeared to be a cornerat the point of the E. H. R. Wallis No. 17--E. H. R. Wallis Survey is marked by a grove of live oaks planted up and down in along the east, north and west line south to 194 varas, which is called for in the field notes. I continued a line west from the northeast corner of the D. Richardson No. 11, west to the northwest corner of Richardson No. 10. I pass an iron stake within a few staps for the northwest corner of Richardson No. 11, marked corner from the northwest corner of Richardson No. 10, I went south and checked up an iron stake set for the southwest corner of No. 10. At the southwest corner of No. 9 and northwest of No. 8, my line fell a few varas north and west--my line fell west for the reason when I got down on a 30 minute difference on the variation on which he was running. The northwest corner of Richardson No. 9 is marked by an iron stake on the northwest side of the road. There is a line of pine trees west of the fence of the Richardson No. 9, apparently 25 years old. There are some old witnesses in the Live Oaks and there were in rows, and then a small grove at 20 degree angle, some young and some 60 to 70 years old. At the northeast corner of Richardson No. 9, I also found an iron pipe in the ground under the road. On the east line of the

Richardson near the northeast corner there are some pipes. They are on the homestead, and it has considerable trees of considerable size. That places my survey in relation to the iron pipe for the Richardson 8, 9, 10, the northeast corner of No. 11 to the cedar stake at the northeast corner of the R. C. Frankland for a cedar post marking the Solomon Brill and an iron pipe--two iron pipes at the northeast corner of the Solomon Brill. I ran a line from the northwest corner of the Brill to the Bay and found a cedar stake at a called distance of 251 varas. I checked a 1½ inch angle iron that had been set for the southwest corner of the John Dick. I continued that line west to the coast getting the distance and showing the coast line in relation to the Solomon Brill survey marked on the map. The cedar stake at the northeast corner of the Frankland Survey was identified by the land owner, Jess white and Andy Frankland, who used it for thenortheast corner of the Frankland and the southeast corner of the Trimble. At the northwest corner of the Mather No. 14, there is a cedar stake which I found to be 20 to 25 varas north of where we had set the corner which was pointed out to me as the northwest corner of the Sam Mather's. The Solomon Brill is a parent Survey of this area along with the Richey--the Richey is a month earlier than the Brill. There are two surveys in there that have been abandoned, one of which is the William Smith and it lay west of the Richardson 10, 9 and 8 and ties into the other, the Vane, which ties into the Brill at the northwest corner of the Brill. The Brill is tied into the Richey by course and distance south and east 1350 varas. Checking this work with Mr. Work's corner, he has set for the William Richey, I found another course and distance between those

two point. There might be some reasonable way to check that. Mr Work's corner for the west corner of the Richey is not correct for the reason it calls toset on a shell bank. If that is true, then the northeast corner of the Brill should be further north than he placed it, and some other surveyor placed it about 50 varas north and that is the point that lines up with the points on the south line of the Gordy and Dick and Oliver. It was necessary to locate the location of the Solomon Brill. Mr. A. McGruder was the surveyor and tied the Brill and the Vane together at the Brill northwest corner, and the Vane northeast. At the northeast corner of the Vane, he calls to be 200 varas west of the marsh. That point must of necessity fall west of what is now marked for the Solomon Brill corner. It also falls west of the southwest corner of the John Dick. Starting there and running as Mr. McGruder gave his call for as he left the marsh andahe went over and called for the marsh at the northeast corner--then he went south and called for marshes. I go on his call at two points--at 140 varas and at 900 varas. I ran enough of that to detemine the difference between the 900 and 140 vara calls. That fits in the east line of the Brill with the present points marking the east line of the Brill, I was of the opinion that the east line of the Brill was pretty well surveyed on the ground. There is probably some reason why the northeast corner should be further north than it is at the ;most northerly pipe for the reason that he calls for two marshes. The distance is too great, but lpushing further north it is very possible he had his original north line further north than it is marked on the ground today. You can see that by the double line. Mr. McGruder laid down four surveys--he laid down

more, but we are concerned with four of them at least--the Solomon Brill, the William Richey, the Vane and the Smith. He tied them together at boundary corners. By construction, I could see on the map where the east line of the Smith with the southwest corner of the Vane. Then going east to the Brill and north to the northwest corner of the Brill. Certainly, in the three surveys, we might say that the west line of the Smith is definitely located on the ground by ties to two bayous--one at East Bayou or Durant Bayou, or West Bayou as we call it. By placing the Smith line in this position in relation to the Bayou call and putting in the Vane as its east line falls 200 varas west of the marsh as called for in the notes--that marsh is described in the Solomon Brill, which he gives an excessive distance there. There were several surveyers in that area. Mr. McGruddr was the first-no Mr. Harding was the first in this area and laid down the John S. Roberts, and tied it to the mouth oif Honest Bayou, and when laid on the ground checks with the original pre-emption corners to be found on the ground today. That gives a little reasonable doubt to the location of the Roberts southline. Following Harding, McGruder came in and laid down the Vane, the Richey, the Brill and the Smith and some other surveys. Following McGruder--he was in there in 1841, and in 1863,--22 years later, Mr. Thompkins laid in the Richardson Surveys 8, 7, 6--which is a system of 16 surveys. He started in his surveys at a distance or inrelation to this bayou. He stated the distance he started west of that bayou and then comes east and when he set the first 15 he laid them in a square, 950 vara square. It was declined and sent back for correction. In sending it back for correction, he found that

the west line called to be 846 varas in order to fit the west line of the Brill. That conforms as determined by the marsh call between the Smith and the Vane. Evidently Thompkins first found out where the Brill was and gave a revised set of notes showing 274 varas--104 varas east and 138 varas north in relation tdi the other surveys. Mr. Thompkins said he had to come down to hit the east line of the Mathers. After Mr. Thompkins got through in 1863,a man by the name of L. D. Stamps and Newell Morse and D. B. Wallis. Mr. Stamps, Mr. Morse were able to get the surveys on the Lewis Mathews, on the William Bryan, on the Thomas Toby and John Casey and possibly others approved by lthe Land Office. Both Stamps and Morse attempted to locate the Trimble survey apparently without official approval by the Land Office in 1874. Before I get over Stamps, however, helaid down one survey and that was the Thomas Toby 160 acre survey. He said he started his survey south 34 deg. west 534 varas from the northwest corner of the Trimble. Mr. Stamps did not have his Trimble on the ground as Mr. Wallis placed it, or as found to be marked on the ground today. Mr. Stamps tied his Trimble into the north line of the Sam Mather No. 14 and 15 and a little later, I will show you how that is worked out. It isn't shown on this map. In reality when Stamps went to put his northwest corner of the Trimble on the Ground in its relation to the east line of the Brill, you are able to go south 44 south 580 varas and you have the Toby 160 acre tract. And then by running south course and distance on the Toby 160 acres and 188 acres, we may be albe to reach Sam Mather's as laid on the ground today and fit in the west line of the original vacancy on the west line of the Mathers, Bryan and Toby Surveys.

By going to the northwest call of the Toby 160 acre survey, when Wallis took up the work of these other surveys ih 1874, he laid down in June, 1874, the northeast corner of the M. E. Trimble and the R. C. Frankland Survey, and he said he was on the west line of the Brill and it is that west line of the Brill that controls approximately what is now set for the northeast corner of the R. C Frankland 188 acre survey. Now he went west. He went south lthe called distance of 630½ varas to the southeast corner of the Frankland. Then he went west 1684 varas and he said then with the Bryan, but going course and distance he don't hit the Bryan. He must then go north 630 varas and then back east 1684 varas, leaving a gap between the west line of the Frankland and the east line of the Bryan 390 varas wide. Fortunately Mr. Wallis called for four ponds on the north line of the Frankland by course and distance. From the cedar stake, we are able to find that these ponds all checked very closely, establishing beyond a doubt that the west line of the Brill is in the vicinity of the cedar stake as is now claimed for the northeast corner of the Frankland Mr. Wallis shos when at the southeast corner of the Frankland that he was 30 varas north and 50 east from a pond. He said he was 206 varas south of a knoll course and distance from the south east corner the point will fall in the vicinity of these two objects on the ground. I believe that definitely fixes the location of the Wallis in relation to the east line of the Frankland which will govern the west line.

Comm: You say there that your cedar stake and the pond fall south 50 east 30 varas.

A: The actual figure was about 90 varas from the pond and

160 varas south of the knoll. That would tend to place Mr.Wallis' Frankland survey about 40 varas from that cedar stake.

Comm: What about establishing those calls you give on the east line of the Bryan?

A: I was not able to find any pond or knolls that corresponded to the calls. I found one pond there between the set-up in the alleged vacancy.

Comm: Going north that 200 varas from the southeast corner of the Frankland, what is there about that one that would call it to your attention?

A: There is one particular knoll that stands out. Certainly it caught my attention. It was two feet higher than the others.

Comm: You don't think there was any on the east line of the Bryan?

A: There are knolls in the entire area out in here. I showed on this map several knolls in the vicinity of this particular corner.

Comm: About the pond there--are there some there in a more westerly position?

A: The only pond I found in that area was the one I have shown. I didn't find any more. I looked for some but didn't find any. I found one on the line. He does not call for that pond.

Comm: Do those ponds contain fresh water?

A: Yes,sir,they are just sinks inthe ground.

Comm: Do they have enough depth to be noticable?

A: I would imagine they are right at sea level. Here is another identifying point for the northeast corner of the Frankland and southeast corner of the Trimble and that is the call for

Lone Oak, the call for the shell bank and it would check that call. I ran a survey from the southeast corner of the Brill to locate the location of the present shell bank and by checking the line east from the cedar stake, I found it bears 79 deg 60 min east to the shell bank, and I found the course to the Lone Oak was north 26 degrees--I believe it called north 26-1/5 deg. while he calls for the Lone Oak to be north 54 west and I found it to be north 54 deg. 20 min. west, and also called for the Remington House which I believe he called to be north 86½ deg. That is the case at the northeast corner of the Trimble and it should be further south and a little bit west as I have shown the corners on the map. That is true at the northeast corner of the Frankland apparently from those calls his survey should have been pulled down. The fourth call was missed a little bit to the north and by moving the survey down, I think all pond calls all check and that will give you particular fits to these two objects of Lone Oak and Remington House, and also pull the southwest corner in 200 varas from the knoll and closer to the pond at the southwest. Now Mr. Wallis set in a number of surveys on the north which is the T. J. Dick, John Dick, Robert Oliver and another John Dick and A. Gordy. When he made them he did not find 1900 varas between the north line of the Brill and the south line of the John Roberts. He said it was 1900 varas between those two surveys and that is bourn out by the distance in the north line of the Thomas Remington. Thompkins has made his 1800 varas for the distance. Apparently Mr. Morse and Mr. Stamps were further south with their north line of the Brill and their Trimble. The Dick, the Barrow and the John Dick, they will all fit in well with the conditions

on the ground. There are some bayou calls that fit at the northwest corner of the Dick I believe as close as you could expect to find them. If you come back and check it on the Mitchel, it was without a doubt that Wallis was on the line as it now lies by the cedar stake for the west line of the Brill and the east line of the Frankland or Trimble. Now as to where the location of the south line of the Brill is, there is possibly some doubt. Mr. Wallis surveyed those surveys out and he went to what he called the northeast corner of the Sam Mather's No. 15 and he said he went to E H. R. Wallis corner and ran by course and distance and then he went south to find the marsh called for at 1100 varas and then later on--that was after he made the J. Poitevent No. 4, that was made 6 years before the Wallis, and is set in relation to the Sam Mather's 16 which is called by course and distance 111 varas south of the southwest corner of the Brill and ties the Brill into the two surveys. I am of the opinion that the southline of the Brill would require additional work done on it to locate it and I have done only a limited amount of work down there. He was at the cedar stake on the ground and claimed to be at the northwest corner, he would still be in the sdame relation as far as east and west is concerned as to the east line of the Lewis Mathews and Bryan, they tied without question. The northeast corner of the Richardson No. 11 is marked by the old homestead which is 75 years old, or more. That homestead was established about that time. Those trees bear that out. They are old. By course and distance and topography you are able to establish sthe west line of the vacancy set up by Mr. Damon.

Comm: What about this. You show two coast lines up the west

part of the Toby. What about that, which is the present coast line?

A: The interior line is the shore line January 7, 1940. This line was established and marked on the map thus by measuring down from the southwest corner of the Roberts to the railroad iron in the Baker and Lewis Mathews. The Bryan and Toby and Casey you are able to re-establish the shore line and the difference now by approximately the same erosion.

Comm: If you just put them back on the shore line there would not be any space for the vacancy?

A: I believe if you were to take the shore line today, assuming the shore would push these surveys back east of the vacancy, it would cover only 232 varas, and there is more in it.

Comm: About 100 varas?

A: Yes, if you assume that.

Comm: It would be short?

A: Yes, sir, that shore line has every evidence of washing.

Comm: Would that same thing be true at the southwest corner of the Roberts, didn't it wash up there too?

A: It washed up there, but Ihave made this map approximately to my work. There is only about 20 varas left in that Dick survey at the north line.

Damon: Haven't you got a map made up of this recent work?

A: Yes, sir. I will file it.

Comm: Did you go on down to the other surveys?

A: On this particular map, I didn't go down there. I went out in here and started up. (Places new map on wall) You ask about the condition of the Dick survey. You will notice here.

This is the line of the old Honest Bayou coming right in there and he calls for the corner of the Saphronia Barrow to be on the north side of the bayou. He goes east on that Saphronia Barrow to the same bayou. The Saphronia Barrow was the original survey in this area surveyed in 1868. I show then he was on the west line of the Saphronia Barrow. He was 165 varas from the bayou out from the C. Mitchell established corner marked by a cedar stake. I was able to fall right in close to that point and check those calls. Thence 95 varas east. When Thompkins laid down the Barrow he began at the northeast corner 1330 varas from the southwest corner of the Roberts. In 1868 this shore line was out here 380 varas from the corner of the Saphronia Barrow. Between 1882 and 1940, it has washed out nearly the 300 varas--about 370 varas. I base these shore lines on the same work as I have shown on this other map. You ask about the west line--the east line of the Smith. He started at Little Bayou 10 varas west of its mouth and he went north and he ran down the bay and he went all the way around to this most northern point and came south and called for the bayou at 7500 varas and at 7650 varas, but in running out the contour of the bayou youare able to fit Magruder with his Smith east line. That position is 216 varas north of the present shore line. That shore down there has filled in and built up apparently on the bayou was 216 varas north of where it is now. The mouth of it is south. Then by running that line up here course and distance taking the Vane in relation to the Brill for the west line by the marsh it all works together (placing another map on wall) to show that the Brill west line was west of the present west line as marked on the ground. By starting here with the

Smith and going up going around and coming back down here we establish the old Smith Survey which runs out and ties to the Brill for the north and back to the shore line that the shore line at that time was back here some two or three hundred varas from the present shore line. This is the present shore line through here. The west line of the Brill was supposed to be 200 varas west of the marsh. Mr. Thompkins got through in there and he says in running out this No. 8, he calls for the southwest corner of No. 8 to be 129 varas from the mouth of the bayou south 75 west. That puts him west of the present fence line as shown there and west of the Smith line. That is correct with respect to the fence. The Richardson was west of the Smith line when you take the mouth of the bayou at the time and go the distance 129 varas and come course and distance, and 8, 9, 10, 11, Mathers 13, 14 and 15, you will find that the north line of the Mather's original survey was 275 varas north of the line considered that line today. That fits in with the west line of the Brill and going 275 varas, then east 104 and you have that little offset around the Brill as called for in Mather's 15. When Stamps laid down the Trimble he called for the Mather's 14 and 15 and going course and distance from the northwest corner of the Trimble, going south you have the Toby as already pointed out placing a gap between the two surveys. Extending the line--the north line of the Trimble for the north line of the Brill, you can fit in the Remington House as made by Morse and called 1900 varas south of the Roberts. You have platted the work of three different surveyors. Work by Thompkins and work by Magruder and work by Wallis and Stamps. I have attempted to show the south line of the Brill at the apparent original sur-

vey--they are on different locations--that I find no particular bearing on the west line of the Brill and I show also a line by moving the Frankland 40 varas down from the cedar stake. We come down here--dome down in here to this southwest corner 200 varas south of the knoll, 76--60 varas from that pond and coming back east you hit those ponds according to call. This map shows the location. There is a little difference in the tie right here at the southeast corner of the Vane, and by having a 6 minute variation 7600 varas off would easily throw it back over there.

Comm: Any point youwant to bring out?

Damon: Going back up to the Mitchell corner that you said you found, who identified that for you?

A.. Mr. Mitchell who lives on the place now, and has for many years.

Q: How old a man is Mr. Mitchell?

A: Up close to 60 or 65 years old.

Q: You said a while ago, in error I think, that you found an angle iron at the northwest corner of the Brill?

A: It is not at the northwest corner. It is the southeast corner of the Oliver. A cedar post marks the northwest corner of the Brill today--261 varas east of the angle iron.

Q: Does that cedar post have any identification on it?

A: Has the letters SB, or something. Do you remember Mr. Work?

Work: SB is right.

Damon: Goingl to the White homestead, what land do you mean by that?

Faber: That is land in the northwest corner of the Richardson

No. 9 and where a large amount of trees has been planted and especially so right down the west fence.

Q: When you went up on the bay and surveyed from the Brill to the bay, did you meander the bay?

A: Yes, sir. I went westward to the bay and meandered to the Toby original north line and lately I have meandered the shore line of the Bryan and Dick.

Q: What evidence did youfind of the erosion taking place on that shore line?

A: The bank there is about two feet high and the wather has washed back in under the bank and little chunks are falling off and some hanging over the water.

Q: Did you talk to any old timers as to whether or not there had been any errosion?

A: I talked to Jess White, a negro named Read and possibly others. They asserted to me that the bay shore had receded three to four hundred varas.

Q: Did you check the Roberts on erosion?

A: Yes, sir. That is what tipped me off.

Q: In the field notes of the T. J. Dick, what representation was made?

A: When the Saphronia Barrow was surveyed, he started 1320 varas east of the southwest corner of the Roberts on the north bayou and when Wallis surveyed the Dick, he said he was only 300 varas from the northwest corner of the Barrow which showed 80 varas erosion in that 18 years.

Q: And since that time, what does the Dick show?

A: 300 varas less 30 varas, approximately, of erosion.

Q: Leaving about how much in the Dick?

A: Just about 30 or 40 varas on the north line and it--as a matter of explanation there is a little corner of that Barrow is right in here is one of the reasons that sticks out a little above this.

Q: Going back down to your Smith line, you attempt to relocate this Smith by bayou calls, did you find a bend in the bayou where the Smith would fit?

A: I did.

Q: And run it to the bayou?

A: I did.

Q: What is the shape of the Smith line crossing the bayou to the north?

A: The bayou is in an "S" shape, it has a double "U" turn, you might say. I find my line fits right along the middle of one of them.

Q: Does that call from the south bayou double crossing to the south bayou, does it check with the original field notes the way you have it?

A: No, it is 30 to 40 varas short.

Q: Did you find any place you could move it to make it fit?

A: No.

Q: When you reach the bay shore taking the Smith to the bay, It is an original corner?

A: Yes, sir.

Q: Did you project the Vane line out there?'

A: I did.

Q: So you can calculate the amount of erosion?

A: I did.
Q: How much erosion do you think has taken place there?
A: Projecting this Smith line in accordance to the bayou calls to the bay, you find about 220 varas eroded. You go from the northwest corner and just as I have done, you will find that line has been pulled in about 220 varas.
Q: You checked the line shown on your map for the west line of lthe Brill as a line Mr. Wallis was on when he surveyed the Trimble and Frankland, what evidence do you have that there was erosion there?
A: In the first place, you have a cedar stake identified as the northeast corner of the Frankland. I have pond calls to place it at that vicinity so far as east and west pond calls are concerned and have the bearing on the shell bank and Lone Oak and Remington House.
Q: In resurveying the Gordy, did you check Mr. Wallis' calls for corner of the Brill and the distance between the corners of the Brill west taking the place by the Gordy-- what I mean is the distance from the corner of the Brill over here called for in the field notes of the Gordy are not the calls in the Gordy calling for the Brill and the distance there?
A: No, that does check in relation to the John Dick. there is a little discrepancy in there as to a matter of which is the further west.
Q: From the southwest corner of the Grody, in the John Dick going west, what is the call of the northwest corner of the Brill?

A: Yes, sir. 1788 varas, that checks all right.
Q: In addition to the amount of distance in the Solomon Brill taken by the field notes of the Gordy and John Dick, what did you get for the line Mr. Wallis gave for the north line of the Solomon Brill?
A: Mr. Wallis said when he laid down the Gordy, he was 241 varas east of the northeast corner of the Brill and that left 899 varas from there to the southwest corner and he said he was 1778 varas, giving you a total of 2361 varas, which is a vara and two-tenths short.
Q: Coming back down here to the Thompkins survey of the Richardson No. 8 and going north to the northwest corner of the Richardson No. 10, the distance from the northwest corner of the Richardson 10 to the northeast corner of Richardson No. 11?
A: 1900 vra.
Q: And the distance going on up to the northwest corner of Sam Mather No. 14--the distance from the north west of Mather No. 14 to the northeast corner of Mather No. 15, is how much?
A: 1796 varas.
Q: 1796 varas, and adding the distance to the north line of Mather No. 15 and 14 and 1900 varas for Richardson 10 and 11, you get what?
A: 3696 varas.
Q: What was the called distance of the Vane south line?
A: 3581 varas.
Q: That Vane--the southwest corner of the Vane cornered on

the north corner of the Smith didn't it?

A: That is right.

Q: And the Smith line was located 10 varas west of the mouth of Small Bayou?

A: That is right.

Q: The Richardson called to be west of it?

A: 129 varas.

Q: Subtracting 10 from 129 you get what?

A: 119 varas.

Q: Let's see if we can't see why a jog is placed in the northeast corner of the Sam Mather's No. 15. You have calculated the east line of the Smith and south line of the Vane, the Vane was 3571 varas.

A: 3581.

Q: And the distance across the Smith line to the east line of survey 15, as originally surveyed, was 3800 varas?

A: 3696 varas.

Q: That was the corrected notes?

A: The original was 3800 varas.

Q: Subtract your Vane from 3800 varas--the distance of your Vane south line from the 3800 varas, what do you get?

A: Ask me that again.

Q: Subtracting the distance of your Vane west line from the 3800 varas what do you get?

A: 119 varas.

Q: 119 varas.

A: 3581 varas is the Vane call and 3800 varas was the original Mather call, and the difference is 119 varas.

Q: The west line of the Richardson No. 8 was 119 varas east of the old Smith line and the Vane was considered from the corner of the Smith line which shows why the jog was made in the Sam Mather's No. 15.

A: That is right.

Q: As originally laid down.

A: That is right.

Q: There is one other thing--what is the distance you found between the west line of the Brill as surveyed by Wallis and the east line of the William Bryan on the ground today?

A: There will be 1684 varas plus 390 varas--2074 varas.

Q: And the call for the south line of the Trimble and north line of the Frankland was 1684 varas according to your map?

A: Yes, sir. 1684 varas.

Q: What did you have from the west line of the Brill as located by you as being a line taken by Wallis to locate the Trimble to the east line of the Brill--do you have 2688 varas in there at the present time?

A: I have a little bit over that distance about 5 or 6 or 7 varas more than that.

Q: One other question--the surveys bounding on the west line of the vacancy were placed in from what direction--built up from what direction?

A: How were the west lin of the vacancy surveys started?

Q: Yes, sir.

A: The Mather survey started on the bayou and he went up here to hit the Brill--the Mathers and Richardson.

Q: The Mathers--where was it started?

A: Started off the northwest corner of the Bryan survey-- started at the northwest corner of the Lewis Mathews. The Thompkins Toby 189 acre survey started at the southwest corner of the 160 acre survey onthe bay and the 160 acre Toby from the northwest corner of the Trimble and the Casey started at the northwest corner of the Toby 160 acre, and the John Casey and Toby 189 acre surveys tied to the Toby 160 acre survey on the bay. The Bryan is tied to the Mathews on the bay.

Q: The Trimble and Frankland were placed in how?

A: Started from the northwest cornerof the Brill.

Q: When Mr. Stamps placed in the Toby 160, he started south 44 west 520 varas to thenorthwest corner of the Trimble, have you calculated the distance that a direct line was from his starting point to the west line of the Trimble?

A: I have I don't know whether I ran that or not. I calculated that to be 368.2 varas.

Q: 368.2 varas. The Stamps survey of the Trimble as originally surveyed by Stamps was how many varas--1648?

A: That is right.

Q: Mr. Wallis' call for the south line of the Trimble was how many varas?

A: 1684.

Q: What is the distance from the northeast of the Sam Mather No. 15 located according to the corrected field notes and the west line of the Solomon Brill now as you find it on the ground?

A: You want the original notes?

Q: You found the location onthe ground from the northeast

corner of the Mather 15 to the west line of the Brill?

A: 311.2 varas.

Q: You said something about a line as you show it being in the vicinity of the line where Wallis began his survey, what do you mean by the vicinity--can you put it exactly on the line from the calls from his bearings?

A: You want the exact point of the northeast corner of the Frankland in respect to bearings?

Q: Where would you say the exact point of the Frankland and Trimble was?

A: About 30 or 40 varas south of the cedar stake.

Q: Disregarding the cedar stake?

A: That is what I am trying to do. I calculate it to be varas south and 41 varas east.

Q: How about the northeast corner of the Frankland?

A: It would be east.

Q: The line would not be further west--the west line of it would not be further west than you show it on your map.

A: It could not be any further west for more than one reason. You would have to move east about 40 varas. The calls for the ponds can not be moved west.

Q: If you were to start with this pond here and this line by the pond shown on the vacancy and go east, would your pond calls fit?

A: They will fit the first two, but will not fit the others.

Q: What is this call in the field notes?

A: The call is 1184 varas. I found it 1182 when I moved 40 varas south.

Q: The first two would fit if you take the pond in the vacancy, but the other would or would not fit?
A: Would not fit.
Q: Is the R. C. Frankland point on the west line of the Brill as shown to have been originally survey by Magruder?
A: I could not find any evidence why it was in there.
Q: Would your calls from Lone Oak and Shell Bank fit?
A: It shows on the shell bank, but not on Lone Oak.
Q: Would your call for the northeast of the Trimble located on that original Brill west line check to the Lone Oak and Remington House from this place?
A: The angle would be smaller for the Lone Oak and flatter angle for Remington house.
Q: On your original map, you showed a vacancy between the T. J. Dick and Saphronia Barrow, explain that?
A: I made that by construction and extending the Vane--it was not surveyed at that time, but those lines are dotted lines.
Q: Have you since surveyed it?
A: I have since surveyed it and this larger lmap showed it and definitely fixed the Saphronia Barrow by the call for bayous at different places and on the east line it calls for marsh 455 varas south--also line of oak trees evidently marked the west line of that survey.
Q: Beginning at the northwest corner of the C. Mitchell preemption survey at the one original corner identified by Mitchell, did you survey south from that to the John Dick, did you make any ties to the northwest corner of the Brill?
A: Yes, sir, I started at the northwest corner of the Mitchell,

to the road and down the road and tied into an iron pipe on the north line of the Brill which in turn tied into the northeast corner as marked by pipe. I found that the fence line that runs out fromthe Mitchell is about 115 varas off, but regardless of that, the distance ties in and gives you the required distance.

Q: There is a slight difference for the shell bank, the Lone Oak and the Remington House, and the calls in the original field notes as you have them located on your map, any possible explanation in using those points?

A: In 1841, Mr. Magruder used a variation of 9:17, in 1867 Mr. Thompkins used a variation of 9:15, Wallis used a variation of 8:15 consistently throughout his entire period of surveying.

Q: That difference in variation might possibly be the cause of the slight difference in the location of those?

A: That would explain part of it.

(Mr. Damon makes reference to letter from D. B. Wallis to W. C. Walsh, dated December 31, 1878,in File No. 17, Chambers County--Reference to letter from D. B. Wallis to J. J. Grove dated December 27, 1874, in File No. 86112--plat and report of Chambers County by George Giddings filed December 21, 1900--Sketch A, Chambers County Sketch, and explanation by D. B. Wallis, December 31, 1878, File No. 23, Chambers County--letter from D. B. Wallis to J. J. Grove, dated August 24, 1874, File No. 81318--Roll Sketch 19, Chambers County--letter from D. B. Wallis to J. J. Grove, dated November 9, 1875, File No. 83518--Map in field notes by L. D. Stamps dated July 10, 1870, survey of 1/3 league for Lewis Mathews, File No. 394, Liberty First Class.) (Referred to during recess.)

Mr. Damon's request to be allowed to read a letter from D. B.

Wallis dated November 9, 1874, refused by the Commissioner.

CROSS-EXAMINATION BY R. CHESTER DAY:

Day: Mr. Faber, this Toby here and Trimble were laid in -- were patented upon the notes submitted by Wallis, werentt they?

A: The Trimble.

Q: This Toby and the Trimble?

A: That is right.

Q: Did you run the lines of the Toby and Trimble as laid in by Wallis?

A: Did I run them as laid in by Wallis?

Q: Did you ren the distance from the bay shore to the west line of the Trimble or line of the Brill?

A: Yes, sir, I did it by running a line west of the coast and setting down to the west of the coast here at this distance.

Q: I mean from the coast as it is now?

A: The cedar post is here, the angle iron, also, and located the calls on the ground, and that established this here all the way fromhere.

Q: How will the distance from the shore line ;to the west line of the Trimble--how does that distance compare with the actual distance on the ground now, with the distance Wallis gave it at the time his field notes were made?

A: The coast line is approximately 270 varas from the south-west corner of the Toby that would be 270 varas off this distance if you start with the coast as the beginning you would be 270 varas back from this corner this way--that gap is 230 varas.

Q: What is the distance given the north line of the Toby by

Wallis

A: 2001 varas.

Q: 2001 varas?

A: 2001 varas.

Q: What is the distance given the south line of the Trimble?

A: 1684 varas.

Q: That is 3685 varas for those two lines?

A: That is right.

Q: How does that compare with the actual measurement on the ground now for those two lines. I mean from the present coast line to the west line of the M. E. Trimble?

A: From the coast line to the westline of the Trimble?

Q: That would have to include the offset here of course?

A: I don't know whether I get your figures right--do you want the distance from here to here?

Q: The distance from the west line of the Trimble--the east line of the Trimble to the present coast line as it now exists?

A: Approximately--by taking this distance from the west line of the gap to the southwest corner of the Toby 2001 and allowing 270 varas for erosion would leave a distance of 1731 varas, and then this gap is 232 varas, that would give you 1963 varas from the east line of the Trimble to the east line of it is 1684 varas that would make 3646 varas.

Q: How does that compare with the distance given these lines by Wallis?

A: You have figured that 3685 varas.

Q: How much difference is that?

A: About 40 varas difference.
Q: Wallis says he commences at what when he surveyed the Toby on the shore of the bay?
A: That is part of it.
Q: He goes thence east a certain distance and ties to the Trimble?
A: He didn't say that. He says begin at the southwest corner of Toby 160 acre survey.
Q: Didn't he call for the bay shore?
Damon: He calls for the southwest corner of the Toby.
Q: Doesn't he call for the bay shore?
Damon: I don't remember but the other call down the bay would tie to the bay shore.
Day: He calls for stake on shore according to this map, what are you looking for?
Comm: That is all right--the call is on the bay shore.
Day: It is amended Mr. Faber, the measurement given in the north line of the Toby projected across the Trimble will project within 40 varas of the distance called at that time?
A: Approximately.
Q: How do you account for the erosion during the intervening period that was in 1874 within 40 varas?
A: Don't you think it has washed any?
Q: I don't know, I wasn't there. I am just giving you what the surveyor said. Those are the actual facts.
A: What actual facts?
Q: The measurement given the line projected from the corner of the lower Toby across the Trimble will check with the

respective measurements given by Wallis.

A: Approximately within 40 or 50 varas.

Q: On this time here you say you refer to the system of surveys put in by Thompkins, Mr. Faber, is the beginning point down here?

A: Yes, sir.

Qomm: Identify your calls?

Q: Was on the bay east of the small bayoul29 varas?

A: West of the small bayou.

Q: That is right west. Do you remember the call that was given this beginning point by Magruder when he surveyed the Brill and Smith and Richey in 1841?

A: He said he was 10 varas west of the mouth of a small bayou.

Q: How does his system check with Thompkins system on the distance from the beginning point to the northwest corner of Richardson No. 10?

A: Well, now the Magruder system and Thompkins have no relation until reaching the Brill.

Q: They have this relation that Magruder's beginning point was 10 varas and Thompkins was 129 varas from the mouth of the bayou?

A: That is right, but they didn't refer to one another, but they did start at the bayou.

Q: How did you check in your passing calls in Magruder's and Thompkins lines down here?

A: Hadn't any calls in this work other than that bayou and when you get to Magruder's passing calls on this bayou and that bayou up there and also on the Vane.

Q: Do you tie the Richardson system with direct calls across here?

A: What do you mean?

Q: That is the way Thompkins began his system by tying with Magruder?

A: Began at the Southwest Corner of the Richardson No. 11 on the shore of the bay then he said he went west and passed the bayou at a certain distance and cornered another certain distance, 129 varas between the mouth of the bayou, and the point he started in, and Wallis said he started 10 varas west of the mouth of the bayou.

Q: There is supposed to be some building up in the bay shore near the south line of the D. Richardson No. 8, under your theory, you think that building up was between 1841 when the Magruder system was put in and 1863 when Thompkins was in there?

A: No, I don't think so. I think it was in 1875 from the storm. In 1875 the whole country was destroyed down there.

Q: On these surveys in this area, the John Casey, and T. J. Dick, in order to get them the called measurement that the patentes give them, isn't it true under your theory of this that they would have to extend out in the bay?

A: The T. J. Dick, you mean.

Q: And the John Casey?

A: There is not much theory on this off here because these are facts. We have the C. Mitchel northwest corner and I ran the survey line straight west from that and only 40 varas are left in the Dick where originally called. You will have three calls for

for that northwest corner. There is not much theory to it, you can establish that on the ground. But he said he was 300 varas from this corner to that corner. You know definitely he has lost around 270 varas on that shore.

Q: In the calls of the John Casey;, doesn't it call to begin with the Toby?

A: Thby 160 acre tract, that is right.

Q: Thence west 1784 varas?

A: Calls the other way.

Q: Now, the northcourse and south course of this survey, if given their called distances beginning on the bay shore at where it now is, that would extend it across the to the Trimble?

A: If you will assume that the shore has never erroded, but if you take the whole system of surveys, you will have to admit that if you consider the shore has never erroded, and when you do that would destroy your relation to the true corners on the ground and your distances. It is apparent that when he surveyed that, Thompkins was 380 varas out there from where it is now.

Q: I think he did not survey in the bay.

A: But he has erosion of over 300 varas at that corner.

Q: In what length of time?

A: In 1868 this man surveyed the Saphronia Barrow and he was 1330 varas from the southwest corner of the John Roberts. That is where he started, and then he went like that and laid out that survey. And nine years later Wallis found 200 varas between this corner. In 1940, I only found a little less than 40 varas.

Q: This is the cedar stake for the Frankland?

A: The Brill also.
Q: That is at the corner of the R. C. Frankland?
A: Yes, sir.
Q: In fixing that point, you are guided to a certain extent by its bearings to Remington House and Lone Oak?
A: I was guided by the land owner shaying that was the corner.
Q: Do you know what guided them to put the corner there?
A: I don't know. They told me that was the corner. It checks to the Lone Oak and the Shell Bank.
Q: Did you check the beginning call for the Thompkins on the Trimble, which has that call north 44 west?
A: Thompkins didn't make that--Stamps made that.
Q: How did you check with Stamps system as you find it now on the ground?
A: Just what do you mean?
Q: If you were to begin the Trimble at the distance and bearing called for off this corner here where Stamps did, will Stamps' Trimble set on the ground as it is now.
A: In relation as to what is considered the corner.
Q: This is the accepted corner according to occupation--it is the recognized corner?
A: It may be, but then if you do, you have not got a closed survey. One man set this corner and--
Comm: What corner are you talking about?
A: One man set the northeast corner of the Brill, and another man set the corner of the Brill in relation to the southeast corner of the Oliver. When you go across the Brill and Mitchell,

you will have adiscrepancy.

Q: The Brill is the senior survey--the corners were established long before these surveys?

A: That is right.

Q: In your discussion of the northwest corner of the Brill, you are guided by the location of the marsh?

A: In the original location, I was guided by the Marsh. It can not be reconciled with the present corner.

Q: For sustaining the position as you made it, you rely on its distance at this time?

A: I believe so.

Q: Do you think there is any possibility of it having been moved?

A: I don' think so.

Q: Mr. Faber, in establishing the corner of these, of what you considered to be the corners of the surveys down here, Richardson 9, 11 and 10, you were guided by the location of the corners now on the ground?

A: I have two ideas on the map here. One is shown in solid lines and the other marks showing what is indicated by long dash and two short dashes, shows the location of those same surveys as on natural objects--apparently they do not coincide. That some after 1863 some other man surveyed these same surveys and put them in as you find them on the ground today which is the fence lines which have been there 25 years. The present lines were set out in 1875 or thereabout.

Q: Do you think the present lines of Richardson, 9, 10 and 11 conform to the trees as you found them?

A: As they are on the ground today, they do conform to the trees.

Q: You don't know definitely where the corners of the surveys are?

A: Yes, sir.

Q: One fits as to occupation and another according to the actual measurement on the ground, isn't that true?

A: That is true.

Q: If they disregard your survey then, they are right?

A: I know the northwest corner of the Brill as marked on the ground today isn't right.

Q: In fact this whole system is rather nncertain all the way around?

A: I would not say that.

Q: You don't know where the northwest corner of the Brill is or the corner of the Frankland?

A: Oh, yes, we know where they are.

Q: It is incorrect according to occupation, is that right?

A: They are incorrect.

Q: Which is the true corner at the northwest corner of the Frankland?

A: The northeast corner of the Frankland?

Q: That is right--which is the true corner?

A: The true corner is south of the cedar stake about 30 to 40 varas.

Q: Not very close, 10 varas difference?

A: 10 varas didn't make much difference with Mr. Magruder when he surveyed the Smith and made a mistake of about 300 varas.

Q: Do you know whether or not Mr. Thompkins ever tied the northwest--the southwest corner of the D. Richardson No. 8 in with the Magruder system of surveys in any manner?

A: Right offhand, I don't know that information. I will say he tied into the Brill.

Q: Did it tie to the Smith in any manner, the southwest corner of the Richardson No. 8?

A: Just offhand, I don't recall it, I will get my notes on it.

Q: Perhaps you might look at the southeast corner of No. 8, and the west corner of the John Moss?

A: There were some ties in with the Moss survey on the Mathers No. 16.

Q: Then you don't know whether or not the Magruder and Thompkins surveys were actually tied together?

A: Not in that system of surveys, no, sir.

CROSS-EXAMINATION BY W. P. HAMBLEN, JR.:

Q: Mr. Faber, the M. E. Trimble survey was made by D. A. Wallis and also the lower Toby and Frankland and the surveys patented on his field notes?

A: The Toby 189, and the M. E Trimble and R. C. Rrankland were.

Q: And the R. C. Frankland survey and the Toby 189 Surveys were surveyed on the same day, were they not, on the same day in 1874?

A: That is right.

Q: Approximately four months after the M. E. Trimble?

A: That is right.

Q: And all by Wallis?
A: That is right.
Q: In the field notes, the Toby notes, Mr. Wallis calls to run to the Trimble west line?
A: That is right.
Q: Isn't it logical to assume that he knew where the common line was?
A: It would sount reasonable, but we don't know that he did.
Q: Within four months, he would not know where it was?
A: Would you know where a great number of surveys were if you were never on the ground?
Q: Didn't he start to fill in all the vacancy between the east line of the Trimble and west line of the Toby?
A: In this Toby, 189, he didn't. He started at the south-west corner of the Toby 160.
Q: Thence east to the Trimble?
A: That is right.
Q: If you disregard his distance call, there is no vacancy there?
A: In relation to the line that went east?
Q: That went to the Trimble?
A: If you forget about the starting point there is no vacancy.
Q: And according to the measurement actually on the ground today?
A: There is not much difference in the distance on the ground today than what he calls for, if you don't make any allowance for erosion.
Q: On the calls east of the Thompkins' Toby, and isn't that

a shell bank?

A: Just in places.

Q: Isn't it more shell than any other character of coast?

A: I would not say that,there is just some spots of shell, but occasionally you see a shell bank along there. That is black land.

Q: That is where there isn't any shell?

A: There isn't much shell there, 1 or 2 feet deep.

Q: Have you examined the patent to the William Bryan, and the field notes?

A: In what respect.

Q: You testified here it calls for the Trimble?

A: Offhand, I don't remember, but I believe it did.

Comm: If it does it is a matter of record.

A: In fact, I believe all of these surveys call for the j Trimble survey in some respect.

Q: Mr. Faber, how do lyou account for the fact that the distance from the shore line as it now exists and the cedar stake which you accept as being the true corner of the Brill, and the original distance in 1874, if there has been any erosion, checks within 40 varas?

A: That is the work of nature. Just a coincidence.

Q: The distances are a work of what?

A: The erosion is the work of nature. We do know what happened to the north line of the Dick. We have lost approximately 350 varas of soil. That is definitely fixed. There isn't any way of getting around that.

Q: It might be a different character of soil?

A: No, it is generally the same.
Q: But you can't show that there has been that much off the Toby?
A: Of, yes. We have the Smith east line stoping at this point established by the Marsh and the north corner of the Smith set out here west of the present shore line that establishes the shore line as it was then.
Q: That is assuming you have established the west line of the Brill?
A: I don't think there is any doubt about that.
Q: Do you have the entire field notes of the Henry Smith?
A: I did not.
Q: Did you survey the meanders of the bay as set out in the Smith?
A: The only line I surveyed was the east line.
Q: You don;t know whether the Henry Smith meanders of the bay actually conform to the present shore line?
A: I could not say--I would say as to the shore, there is a possibility it has come in a uniform distance all the way.
Q: Even where there is a shell bank extending out?
A: I might say that I would not say definitely on that question.
Q: I believe that is all--Mr. Faber, when Stamps surveyed the upper Toby survey, do you recall what is his meander call on the shore line?
A: I think I had one course there.
Q: Wasn't it south 23 west?
A: Yes, sir. 516 varas.

Q: When Magruder surveyed the Vane, do you recall what his meander call was at that particular point?

A: You mean of the shore line?

Q: Yes, sir, west of the Toby--upper Toby?

A: He had one course.

Q: Wasn't it south 23 west at that point?

A: That is the lower line--the upper line was something else, south 30 west, I think that was south 30 west 183 varas.

Q: Do you know what that course is today?

A: Approximately the same.

Q: Almost identical?

A: Approximately the same.

Comm: What relation do the William Bryan notes have to the present shore line, do they fall in the water?

A: Yes, sir, they fall in the water.

Comm: What relation do they have to the shore, if you had placed it according to Magruder--will they fit their east calls?

A: You mean the Smith?

Comm: If you construe the shore line on the Smith--is the Bryan shore line east or west of that line?

A: I don't show the Smith meanders. I follow the meanders of the William Bryan as made by Newell Morse.

Comm: Do you show any erosion between 1841 and 1871?

A: I didn't make that comparison.

Comm: If you place in the Smith and run to the bay, will the Bryan be futther in the water than the Smith?

A: I didn't study that angle.

Q: Did the field notes of the Bryan show that he was further in the bay than Magruder in 1841?

A: I didn't made that investigation in regard to the Smith. If you ran this line of the Smith according to the bay call.

Comm: The way you platted it out, it looks like the Morse was further in the water in 1871 than Magruder was in 1841--he is further west than the Smith meanders.

A: On that construction, it looks like they did. The Smith would run in here. I didn't work on the Smith other than on that east line. I don't have any information on it.

Comm: Mr. Faber, did you have your secretary prepare these field notes that you put in here in this office on these two alleged vacant tracts, or did you do the work yourself?

A: Yes, sir. I did the field notes and had a girl type them.

Qomm: Did you have someone in your office prepare them?

A: Yes, sir.

Comm: In the future let's not have something that is pasted on--it would be better to put it all on the field notes.

A:q The principal reason I did that was for the lack of space.

Comm: Then just to have it in the record here, you made this sketch you see here, and also compared the field notes and had your girl type them.

A: Yes, sir.

Qomm: I think this pasting on is a pretty bad idea, and I don't recommend it.

Damon: Mr. Hamblen asked if you ran this Toby 189 and tied to the Trimble and came back--isn't there 100 varas excess on the westline of the Trimble?

A: That is right.
Q: And 58 vara east call past the northeast of the Bryan?
A: Yes, sir.
Q: Will there be a lack of 158 varas meeting the west line of the Trimble?
A: That is right.
Q: And they would be in conflict?
A: That is right.
Comm: Any other questions?
MR. W. O. WORK, BEING DULY SWORN, TESTIFIED AS FOLLOWS:
Day: Give your initials to the Commissioner?
A: W. O. Work.
Q: You are the County Surveyor of Chambers County?
A: I am.
Q: For how long?
A: 26 years.
Q: Have you ever been along the coast line west of the Toby and John Casey surveys?
A: Oh, yes.
Q: What is the nature of that shore line?
A: Shell mounds and part black soil with kinda sandy subsoil under it.
Q: Mr. Work, in your experience with coast lines--is a coast line of shell likely to erode through action of the water?
A: No, not likely, but that is in regard to what base it has.
Q: To what extend to you think the shell has eroded?
A: It hasn't eroded any if it is real shell--it stays put.
Q: Have you ever heard of any erosion by the two Tobies?

A: Not in recent years.

Q: Does the local tradition place the west line of the Trimble with the east line of the Tobies?

A: Oh, yes, it has been that way.

Q: Were you familiar with the Giddings file in your office?

A: Which one of the Giddings?

Q: The map shown in the corner up there, the map of Mr. Faber's?

A: Yes, sir, I have seen that map.

Q: You knew that someone had thought there was a vacancy?

A: In fact, you will find several in the records. There is a map somewhere that shows some discrepancy.

Q: You have seen the Moss map below the Toby between the Bryan and Trimble?

A: Yes, sir, I have seen them.

Q: There was some idea back years ago that there was as discrepancy there?

A: There was none between the local people.

Q: That is all.

Reference made to Sketch File there, also to Report of Surveyor Green.

Comm: What is your best judgment and opinion about that coast out there, is it right that that coast has washed or has it not--what is your best judgment?

A: Up near the Long Oak Bayou, that is washed out.

Comm: I have reference to the entire coast up to that bayou?

A: There don't seem to be any uniformity about it. It is building up in places and washing out in places.

Comm: It is not uniform--we have information it has washed out

in places, and it couldn't build up 300 varas in another.
A: It looks like it would not, but than a coast line changes like that. If you will go down there, you will see it changes back and forth like that. It is no straight line at all. It is sticking out in points.
Comm: What about the Frankland, you don't seem tohave started at the same place?
A: It is 23 varas across there.
Q: It would be lpossible to change your distance calls almost 100 varas.
A: East and west.
Comm: I am talking about up and down--you might change your east and west distance 100 varas.
A: Yes, sir, the Frankland is northeast about 23 varas.
Comm: This Bryan indicates at a later time in the 70's it was further west in 70 --it indicates it was further in the Bay.
A: Yes, sir Magruder"s shore seems to be insider of the construction of the Moss and Stamps and the others.
Comm: Particuliarly insideof the Morse--it indicates it was further west in '71 than in '41--30 years later, possibly 100 varas?
A: The Magruder seems that way. That would naturally indicate it had built in there over a long period--It might have built in ashile and then eroded and fallen in around there, and then it goes to undermining and washing out again.
Comm: How long have you known that coast line?
A: About 25 to 30 years.
Comm: Do you consider there has been considerable change in that

time?

A: I think there has been a good deal of change in some parts up right north of this bayou up on the shore line. I made this to show here how much eroded. It was a good deal gone up in there. That would be something out right here. The old original line would have been here. Some was gone and some setting out just like it was and the Smith survey north of this 40 varas. It is pretty well gone and then south it has built up and some land added to it in another place on the bay.

Comm: What is the general opinion downthere--do these people feel they have lost land by erosion or are holding their own?

A: Some say they have gained but some have lost.

Comm: All up and down--it is rather uncertain?

A: In a few places it has gained--just a little further north, it is building up.

Comm: Is that property fenced?? how is that property held?

A: There is a big pasture--the road runs through it.

Comm: A pasture embraces the entire area?

A: I believe that a fence is connected in here and it is fenced on one side and way back, it is thrown in to one big pasture.

Comm: One ownership in that pasture?

A: Now there is some fences down here.

Comm: I mean the Bryan, Toby and Casey, is that in one ownership?

A: No, this Jess White owns all but this Frankland here.

Damon: How about the two Toby surveys?

A: Franks owns one or both.

Damon: Both of them.

A: They are not fenced out in fences.

Comm: Do you, Mr. Faber, do you happen to know the ownership by the different surveys?

Faber: It is owned by probably--maybe a dozen that have an interest in it one way or another, but then Jess White and Franks own that pasture.

Comm: Anybody else have any other questions or any information to offer (no answer). That is all.

File with chambers Rld. Sk. 20 in Flat Folder

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

((Filed in the General Land Office by S. E. Damon)

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Before HON. BASCOM GILES

Commissioner of the General Land Office

- - - - - - - - - - -

SATURDAY, MAY 11, 1940

9 A. M.

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EXHIBITS:

Surveyor"s Sketch--Entire Area

Surveyor's Sketch--Enlarged Frankland Survey

Surveyor's Sketch--Corner of Richardson No. 8.

PUBLIC HEARING ON PURCHASE APPLICATIONS NOS. 14148 and 14175.

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SATURDAY, MAY 11, 1940.

9 A M

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APPEARANCES:

W. P. HAMBLEN, JR., 1111 Scanlan Bldg., Houston, Texas,

S. E. DAMON, 1110 East 32nd., Austin, Texas,

R. CHESTER DAY, Houston, Texas,

W. O. WORK, Anahuac, Texas,

W. E. WHITCOMB, 1604 Petroleum Bldg., Houston, Texas,

EDWARD D. BRANDT, Houston, Texas.

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Comm: This hearing has been called on two applications, being S. F. Nos. 14148 and 14175, applications to purchase alleged vacant land, which is located in Chambers County, just east of Galveston Bay and between the Trimble and adjoining surveys. And for those who want to put any additional information in this office after this hearing today, we will give some time--20 to 30 days--in which to get in any additional information that they want to place in this file. I would like for you to get it in by that time. Everyone will be given an opportunity to get such information in this office. We will proceed with the hearing. I will ask Mr. Faber to come around and be sworn in, and then proceed with a narration on how he proceeded with his surveying on the ground and then we will let them ask him some questions.

MR. BEN H. FABER, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Comm: Here is a pointer.

Faber: As I show in my report to this office on December 21, 1939, I was instructed by the State Land Commissioner to make a survey on alleged vacancy file claiming land, as he has read to you. This alleged vacant land is located in Chambers County near what is known as Smith's Point. I will just place this map here on the well. (Places map on wall.) This is just a geological map. I will just put it up temporarily to show you the area in which I surveyed. Here is Double Gun Bayou and Lone Oak Bayou, better known as Honest Bayou. This is called White Lake. This is Lake Supprise and Smith Point. The alleged vacancy lies south of Lone Oak Bayou--between that and the Point--to give you a gen-

eral view of the location. This is low flat country probably 2 to 5 feet above sea level. I spent a couple of days with Mr. Work in locating some points he was familiar with. He pointed out to me the William Richey corners which he had placed there 10 years before, and showed me their relation with the point that he established for the northeast corner of the Solomon Brill. I find two points--two iron pipes representing that corner of the survey While working with Mr. Work, I spent a day in locating the position of Lone Oak, which is referred to in the Trimble and Franklin and Solomon Brill Surveys--also located parts of the old Remington House, which is used in locating the Trimble Survey. I found one of the two pre-emption corners of the C. Mitchell Survey--the northwest corner of that survey to the north of the Solomon Brill Survey. I lmade a tie back down to the point now set for the Solomon Brill Survey. In general this is the procedure I followed--was to start on the point which is supposed to be the northeast corner of the Brill, being two marked pipes there. I took the most northern pipe as the true location for the reason there is a call for the southwest corner of the A. Gordy Survey, and a 1½ inch angle iron marking the northwest corner of the Brill. Those points all line up for the northwest corner. Then coming down the west line of the Solomon Brill his called distance for the southeast corner of the Trimble Survey, I found a cedar stake shortly west from that calaed distance--let me see if I can find the figures on that north line. This large scale shows 38.15--34½ varas from the called distance is a cedar post marking the northwest corner of the Brill identified by Mr. Work and Mr. Jackson. From the southeast corner of the Trimble, I run a line west

for the north line of the Franklin, placing it course and distance and setting a corner for the northwest corner of the Franklin, and then measured the alleged distance for the vacancy and setting a corner, and then came south to find the point on the north line of the Sam Mather's Survey No. 14, and then course and distance for the northwest corner of the Mather 14 is 23 varas west. Then extending a line south for the called distance from the Axle, I placed it about 10 or 15 varas south of what appeared to be a cornerat the point of the E. H. R. Wallis No. 17--E. H. R. Wallis Survey is marked by a grove of live oaks planted up and down in along the east, north and west line south to 194 varas, which is called for in the field notes. I continued a line west from the northeast corner of the D. Richardson No. 11, west to the northwest corner of Richardson No. 10. I pass an iron stake within a few staps for the northwest corner of Richardson No. 11, marked corner from the northwest corner of Richardson No. 10, I went south and checked up an iron stake set for the southwest corner of No. 10. At the southwest corner of No. 9 and northwest of No. 8, my line fell a few varas north and west--my line fell west for the reason when I got down on a 30 minute difference on the variation on which he was running. The northwest corner of Richardson No. 9 is marked by an iron stake on the northwest side of the road. There is a line of pine trees west of the fence of the Richardson No. 9, apparently 25 years old. There are some old witnesses in the Live Oaks and there were in rows, and then a small grove at 20 degree angle, some young and some 60 to 70 years old. At the northeast corner of Richardson No. 9, I also found an iron pipe in the ground under the road. On the east line of the

Richardson near the northeast corner there are some pipes. They are on the homestead, and it has considerable trees of considerable size. That places my survey in relation to the iron pipe for the Richardson 8, 9, 10, the northeast corner of No. 11 to the cedar stake at the northeast corner of the R. C. Frankland for a cedar post marking the Solomon Brill and an iron pipe--two iron pipes at the northeast corner of the Solomon Brill. I ran a line from the northwest corner of the Brill to the Bay and found a cedar stake at a called distance of 251 varas. I checked a 1½ inch angle iron that had been set for the southwest corner of the John Dick. I continued that line west to the coast getting the distance and showing the coast line in relation to the Solomon Brill survey marked on the map. The cedar stake at the northeast corner of the Frankland Survey was identified by the land owner, Jess white and Andy Frankland, who used it for thenortheast corner of the Frankland and the southeast corner of the Trimble. At the northwest corner of the Mather No. 14, there is a cedar stake which I found to be 20 to 25 varas north of where we had set the corner which was pointed out to me as the northwest corner of the Sam Mather's. The Solomon Brill is a parent Survey of this area along with the Richey--the Richey is a month earlier than the Brill. There are two surveys in there that have been abandoned, one of which is the William Smith and it lay west of the Richardson 10, 9 and 8 and ties into the other, the Vane, which ties into the Brill at the northwest corner of the Brill. The Brill is tied into the Richey by course and distance south and east 1350 varas. Checking this work with Mr. Work's corner, he has set for the William Richey, I found another course and distance between those

two point. There might be some reasonable way to check that. Mr Work's corner for the west corner of the Richey is not correct for the reason it calls toset on a shell bank. If that is true, then the northeast corner of the Brill should be further north than he placed it, and some other surveyor placed it about 50 varas north and that is the point that lines up with the points on the south line of the Gordy and Dick and Oliver. It was necessary to locate the location of the Solomon Brill. Mr. A. McGruder was the surveyor and tied the Brill and the Vane together at the Brill northwest corner, and the Vane northeast. At the northeast corner of the Vane, he calls to be 200 varas west of the marsh. That point must of necessity fall west of what is now marked for the Solomon Brill corner. It also falls west of the southwest corner of the John Dick. Starting there and running as Mr. McGruder gave his call for as he left the marsh andahe went over and called for the marsh at the northeast corner--then he went south and called for marshes. I go on his call at two points--at 140 varas and at 900 varas. I ran enough of that to detemine the difference between the 900 and 140 vara calls. That fits in the east line of the Brill with the present points marking the east line of the Brill, I was of the opinion that the east line of the Brill was pretty well surveyed on the ground. There is probably some reasom why the northeast corner should be further north than it is at the ;most northerly pipe for the reason that he calls for two marshes. The distance is too great, but lpushing further north it is very possible he had his original north line further north than it is marked on the ground today. You can see that by the double line. Mr. McGruder laid down four surveys--he laid down

more, but we are concerned with four of them at least--the Solomon Brill, the William Richey, the Vane and the Smith. He tied them together at boundary corners. By construction, I could see on the map where the east line of the Smith with the southwest corner of the Vane. Then going east to the Brill and north to the northwest corner of the Brill. Certainly, in the three surveys, we might say that the west line of the Smith is definitely located on the ground by ties to two bayous--one at East Bayou or Durant Bayou, or West Bayou as we call it. By placing the Smith line in this position in relation to the Bayou call and putting in the Vane as its east line falls 200 varas west of the marsh as called for in the notes--that marsh is described in the Solomon Brill, which he gives an excessive distance there. There were several surveyors in that area. Mr. McGruddr was the first-no Mr. Harding was the first in this area and laid down the John S. Roberts, and tied it to the mouth o!f Honest Bayou, and when laid on the ground checks with the original pre-emption corners to be found on the ground today. That gives a little reasonable doubt to the location of the Roberts southline. Following Harding, McGruder came in and laid down the Vane, the Richey, the Brill and the Smith and some other surveys. Following McGruder--he was in there in 1841, and in 1863,--22 years later, Mr. Thompkins laid in the Richardson Surveys 8, 7, 6--which is a system of 16 surveys. He started in his surveys at a distance or inrelation to this bayou. He stated the distance he started west of that bayou and then comes east and when he set the first 15 he laid them in a square, 950 vara square. It was declined and sent back for correction. In sending it back for correction, he found that

the west line called to be 846 varas in order to fit the west line of the Brill. That conforms as determined by the marsh call between the Smith and the Vane. Evidently Thompkins first found out where the Brill was and gave a revised set of notes showing 274 varas--104 varas east and 138 varas north in relation to the other surveys. Mr. Thompkins said he had to come down to hit the east line of the Mathers. After Mr. Thompkins got through in 1863,a man by the name of L. D. Stamps and Newell Morse and D. B. Wallis. Mr. Stamps, Mr. Morse were able to get the surveys on the Lewis Mathews, on the William Bryan, on the Thomas Toby and John Casey and possibly others approved by lthe Land Office. Both Stamps and Morse attempted to locate the Trimble survey apparently without official approval by the Land Office in 1874. Before I get over Stamps, however, helaid down one survey and that was the Thomas Toby 160 acre survey. He said he started his survey south 34 deg. west 534 varas from the northwest corner of the Trimble. Mr. Stamps did not have his Trimble on the ground as Mr. Wallis placed it, or as found to be marked on the ground today. Mr. Stamps tied his Trimble into the north line of the Sam Mather No. 14 and 15 and a little later, I will show you how that is worked out. It isn't shown on this map. In reality when Stamps went to put his northwest corner of the Trimble on the Ground in its relation to the east line of the Brill, you are able to go south 44 south 580 varas and you have the Toby 160 acre tract. And then by running south course and distance on the Toby 160 acres and 188 acres, we may be albe to reach Sam Mather's as laid on the ground today and fit in the west line of the original va-cancy on the west line of the Mathers, Bryan and Toby Surveys.

By going to the northwest call of the Toby 160 acre survey, when Wallis took up the work of these other surveys ih 1874, he laid down in June, 1874, the northeast corner of the M. E. Trimble and the R. C. Frankland Survey, and he said he was on the west line of the Brill and it is that west line of the Brill that controls approximately what is now set for the northeast corner of the R. C Frankland 188 acre survey. Now he went west. He went south lthe called distance of 630½ varas to the southeast corner of the Frankland. Then he went west 1684 varas and he said then with the Bryan, but going course and distance he don't hit the Bryan. He must then go north 630 varas and then back east 1684 varas, leaving a gap between the west line of the Frankland and the east line of the Bryan 390 varas wide. Fortunately Mr. Wallis called for four ponds on the north line of the Frankland by course and distance. From the cedar stake, we are able to find that these ponds all checked very closely, establishing beyond a doubt that the west line of the Brill is in the vicinity of the cedar stake as is now claimed for the northeast corner of the Frankland Mr. Wallis shos when at the southeast corner of the Frankland that he was 30 varas north and 50 east from a pond. He said he was 206 varas south of a knoll course and distance from the south east corner the point will fall in the vicinity of these two objects on the ground. I believe that definitely fixes the location of the Wallis in relation to the east line of the Frankland which will govern the west line.

Comm: You say there that your cedar stake and the pond fall south 50 east 30 varas.

A: The actual figure was about 90 varas from the pond and

160 varas south of the knoll. That would tend to place Mr.Wallis' Frankland survey about 40 varas from that cedar stake.

Comm: What about establishing those calls you give on the east line of the Bryan?

A: I was not able to find any pond or knolls that corresponded to the calls. I found one pond there between the set-up in the alleged vacancy.

Comm: Going north that 200 varas from the southeast corner of the Frankland, what is there about that one that would call it to your attention?

A: There is one particular knoll that stands out. Certainly it caught my attention. It was two feet higher than the others.

Comm: You don't think there was any on the east line of the Bryan?

A: There are knolls in the entire area out in here. I showed on this map several knolls in the vicinity of this particular corner.

Comm: About the pond there--are there some there in a more westerly position?

A: The only pond I found in that area was the one I have shown. I didn't find any more. I looked for some but didn't find any. I found one on the line. He does not call for that pond.

Comm: Do those ponds contain fresh water?

A: Yes,sir,they are just sinks inthe ground.

Comm: Do they have enough depth to be noticable?

A: I would imagine they are right at sea level. Here is another identifying point for the northeast corner of the Frank-Land and southeast corner of the Trimble and that is the call for

Lone Oak, the call for the shell bank and it would check that call. I ran a survey from the southeast corner of the Brill to locate the location of the present shell bank and by checking the line east from the cedar stake, I found it bears 79 deg 60 min east to the shell bank, and I found the course to the Lone Oak was north 26 degrees--I believe it called north 26-1/5 deg. while he calls for the Lone Oak to be north 54 west and I found it to be north 54 deg. 20 min. west, and also called for the Remington House which I believe he called to be north 86½ deg. That is the case at the northeast corner of the Trimble and it should be further south and a little bit west as I have shown the corners on the map. That is true at the northeast corner of the Frankland apparently from those calls his survey should have been pulled down. The fourth call was missed a little bit to the north and by moving the survey down, I think all pond calls all check and that will give you particular fits to these two objects of Lone Oak and Remington House, and also pull the southwest corner in 200 varas from the knoll and closer to the pond at the southwest. Now Mr. Wallis set in a number of surveys on the north which is the T. J. Dick, John Dick, Robert Oliver and another John Dick and A. Gordy. When he made them he did not find 1900 varas between the north line of the Brill and the south line of the John Roberts. He said it was 1900 varas between those two surveys and that is bourn out by the distance in the north line of the Thomas Remington. Thompkins has made his 1800 varas for the distance. Apparently Mr. Morse and Mr. Stamps were further south with their north line of the Brill and their Trimble. The Dick, the Barrow and the John Dick, they will all fit in well with the conditions

on the ground. There are some bayou calls that fit at the northwest corner of the Dick I believe as close as you could expect to find them. If you come back and check it on the Mitchel, it was without a doubt that Wallis was on the line as it now lies by the cedar stake for the west line of the Brill and the east line of the Frankland or Trimble. Now as to where the location of the south line of the Brill is, there is possibly some doubt. Mr. Wallis surveyed those surveys out and he went to what he called the northeast corner of the Sam Mather's No. 15 and he said he went to E H. R. Wallis corner and ran by course and distance and then he went south to find the marsh called for at 1100 varas and then later on--that was after he made the J. Poitevent No. 4, that was made 6 years before the Wallis, and is set in relation to the Sam Mather's 16 which is called by course and distance 111 varas south of the southwest corner of the Brill and ties the Brill into the two surveys. I am of the opinion that the southline of the Brill would require additional work done on it to locate it and I have done only a limited amount of work down there. He was at the cedar stake on the ground and claimed to be at the northwest corner, he would still be in the sdame relation as far as east and west is concerned as to the east line of the Lewis Mathews and Bryan, they tied without question. The northeast corner of the Richardson No. 11 is marked by the old homestead which is 75 years old, or more. That homestead was established about that time. Those trees bear that out. They are old. By course and distance and topography you are able to establish sthe west line of the vacancy set up by Mr. Damon.

Comm: What about this. You show two coast lines up the west

part of the Toby. What about that, which is the present coast line?

A: The interior line is the shore line January 7, 1940. This line was established and marked on the map thus by measuring down from the southwest corner of the Roberts to the railroad iron in the Baker and Lewis Mathews. The Bryan and Toby and Casey you are able to re-establish the shore line and the difference now by approximately the same erosion.

Comm: If you just put them back on the shore line there would not be any space for the vacancy?

A: I believe if you were to take the shore line today, assuming the shore would push these surveys back east of the vacancy, it would cover only 232 varas, and there is more in it.

Comm: About 100 varas?

A: Yes, if you assume that.

Comm: It would be short?

A: Yes, sir, that shore line has every evidence of washing.

Comm: Would that same thing be true at the southwest corner of the Roberts, didn't it wash up there too?

A: It washed up there, but Ihave made this map approximately to my work. There is only about 20 varas left in that Dick survey at the north line.

Damon: Haven't you got a map made up of this recent work?

A: Yes, sir. I will file it.

Comm: Did you go on down to the other surveys?

A: On this particular map, I didn't go down there. I went out in here and started up. (Places new map on wall) You ask about the condition of the Dick survey. You will notice here.

This is the line of the old Honest Bayou coming right in there and he calls for the corner of the Saphronia Barrow to be on the north side of the bayou. He goes east on that Saphronia Barrow to the same bayou. The Saphronia Barrow was the original survey in this area surveyed in 1868. I show then he was on the west line of the Saphronia Barrow. He was 165 varas from the bayou out from the C. Mitchell established corner marked by a cedar stake. I was able to fall right in close to that point and check those calls. Thence 95 varas east. When Thompkins laid down the Barrow he began at the northeast corner 1330 varas from the southwest corner of the Roberts. In 1868 this shore line was out here 380 varas from the corner of the Saphronia Barrow. Between 1882 and 1940, it has washed out nearly the 300 varas--about 370 varas. I base these shore lines on the same work as I have shown on this other map. You ask about the west line--the east line of the Smith. He started at Little Bayou 10 varas west of its mouth and he went north and he ran down the bay and he went all the way around to this most northern point and came south and called for the bayou at 7500 varas and at 7650 varas, but in running out the contour of the bayou youare able to fit Magruder with his Smith east line. That position is 216 varas north of the present shore line. That shore down there has filled in and built up apparently on the bayou was 216 varas north of where it is now. The mouth of it is south. Then by running that line up here course and distance taking the Vane in relation to the Brill for the west line by the marsh it all works together (placing another map on wall) to show that the Brill west line was west of the present west line as marked on the ground. By starting here with the

Smith and going up going around and coming back down here we establish the old Smith Survey which runs out and ties to the Brill for the north and back to the shore line that the shore line at that time was back here some two or three hundred varas from the present shore line. This is the present shore line through here. The west line of the Brill was supposed to be 200 varas west of the marsh. Mr. Thompkins got through in there and he says in running out this No. 8, he calls for the southwest corner of No. 8 to be 129 varas from the mouth of the bayou south 75 west. That puts him west of the present fence line as shown there and west of the Smith line. That is correct with respect to the fence. The Richardson was west of the Smith line when you take the mouth of the bayou at the time and go the distance 129 varas and come course and distance, and 8, 9, 10, 11, Mathers 13, 14 and 15, you will find that the north line of the Mather's original survey was 275 varas north of the line considered that line today. That fits in with the west line of the Brill and going 275 varas, then east 104 and you have that little offset around the Brill as called for in Mather's 15. When Stamps laid down the Trimble he called for the Mather's 14 and 15 and going course and distance from the northwest corner of the Trimble, going south you have the Toby as already pointed out placing a gap between the two surveys. Extending the line--the north line of the Trimble for the north line of the Brill, you can fit in the Remington House as made by Morse and called 1900 varas south of the Roberts. You have platted the work of three different surveyors. Work by Thompkins and work by Magruder and work by Wallis and Stamps. I have attempted to show the south line of the Brill at the apparent original sur-

vey--they are on different locations--that I find no particular bearing on the west line of the Brill and I show also a line by moving the Frankland 40 varas down from the cedar stake. We come down here--dome down in here to this southwest corner 200 varas south of the knoll, 76--60 varas from that pond and coming back east you hit those ponds according to call. This map shows the location. There is a little difference in the tie right here at the southeast corner of the Vane, and by having a 6 minute variation 7600 varas off would easily throw it back over there.

Comm: Any point youwant to bring out?

Damon: Going back up to the Mitchell corner that you said you found, who identified that for you?

A.. Mr. Mitchell who lives on the place now, and has for many years.

Q: How old a man is Mr. Mitchell?

A: Up close to 60 or 65 years old.

Q: You said a while ago, in error I think, that you found an angle iron at the northwest corner of the Brill?

A: It is not at the northwest corner. It is the southeast corner of the Oliver. A cedar post marks the northwest corner of the Brill today--261 varas east of the angle iron.

Q: Does that cedar post have any identification on it?

A: Has the letters SB, or something. Do you remember Mr. Work?

Work: SB is right.

Damon: Goingl to the White homestead, what land do you mean by that?

Faber: That is land in the northwest corner of the Richardson

No. 9 and where a large amount of trees has been planted and especially so right down the west fence.

Q: When you went up on the bay and surveyed from the Brill to the bay, did you meander the bay?

A: Yes, sir. I went westward to the bay and meandered to the Toby original north line and lately I have meandered the shore line of the Bryan and Dick.

Q: What evidence did youfind of the erosion taking place on that shore line?

A: The bank there is about two feet high and the wather has washed back in under the bank and little chunks are falling off and some hanging over the water.

Q: Did you talk to any old timers as to whether or not there had been any errosion?

A: I talked to Jess White, a negro named Read and possibly others. They asserted to me that the bay shore had receded three to four hundred varas.

Q: Did you check the Roberts on erosion?

A: Yes, sir. That is what tipped me off.

Q: In the field notes of the T. J. Dick, what representation was made?

A: When the Saphronia Barrow was surveyed, he started 1320 varas east of the southwest corner of the Roberts on the north bayou and when Wallis surveyed the Dick, he said he was only 300 varas from the northwest corner of the Barrow which showed 80 varas erosion in that 18 years.

Q: And since that time, what does the Dick show?

A: 300 varas less 30 varas, approximately, of erosion.

Q: Leaving about how much in the Dick?

A: Just about 30 or 40 varas on the north line and it--as a matter of explanation there is a little corner of that Barrow is right in here is one of the reasons that sticks out a little above this.

Q: Going back down to your Smith line, you attempt to relocate this Smith by bayou calls, did you find a bend in the bayou where the Smith would fit?

A: I did.

Q: And run it to the bayou?

A: I did.

Q: What is the shape of the Smith line crossing the bayou to the north?

A: The bayou is in an "S" shape, it has a double "U" turn, you might say. I find my line fits right along the middle of one of them.

Q: Does that call from the south bayou double crossing to the south bayou, does it check with the original field notes the way you have it?

A: No, it is 30 to 40 varas short.

Q: Did you find any place you could move it to make it fit?

A: No.

Q: When you reach the bay shore taking the Smith to the bay, It is an original corner?

A: Yes, sir.

Q: Did you project the Vane line out there?'

A: I did.

Q: So you can calculate the amount of erosion?

A: I did.

Q: How much erosion do you think has taken place there?

A: Projecting this Smith line in accordance to the bayou calls to the bay, you find about 220 varas eroded. You go from the northwest corner and just as I have done, you will find that line has been pulled in about 220 varas.

Q: You checked the line shown on your map for the west line of lthe Brill as a line Mr. Wallis was on when he surveyed the Trimble and Frankland, what evidence do you have that there was erosion there?

A: In the first place, you have a cedar stake identified as the northeast corner of the Frankland. I have pond calls to place it at that vicinity so far as east and west pond calls are concerned and have the bearing on the shell bank and Lone Oak and Remington House.

Q: In resurveying the Gordy, did you check Mr. Wallis' calls for corner of the Brill and the distance between the corners of the Brill west taking the place by the Gordy-- what I mean is the distance from the corner of the Brill over here called for in the field notes of the Gordy are not the calls in the Gordy calling for the Brill and the distance there?

A: No, that does check in relation to the John Dick. there is a little discrepancy in there as tc a matter of which is the further west.

Q: From the southwest corner of the Grody, in the John Dick going west, what is the call of the northwest corner of the Brill?

A: Yes, sir. 1788 varas, that checks all right.
Q: In addition to the amount of distance in the Solomon Brill taken by the field notes of the Gordy and John Dick, what did you get for the line Mr. Wallis gave for the north line of the Solomon Brill?
A: Mr. Wallis said when he laid down the Gordy, he was 241 varas east of the northeast corner of the Brill and that left 899 varas from there to the southwest corner and he said he was 1778 varas, giving you a total of 2361 varas, which is a vara and two-tenths short.
Q: Coming back down here to the Thompkins survey of the Richardson No. 8 and going north to the northwest corner of the Richardson No. 10, the distance from the northwest corner of the Richardson 10 to the northeast corner of Richardson No. 11?
A: 1900 vrs.
Q: And the distance going on up to the northwest corner of Sam Mather No. 14--the distance from the north west of Mather No. 14 to the northeast corner of Mather No. 15, is how much?
A: 1796 varas.
Q: 1796 varas, and adding the distance to the north line of Mather No. 15 and 14 and 1900 varas for Richardson 10 and 11, you get what?
A: 3696 varas.
Q: What was the called distance of the Vane south line?
A: 3581 varas.
Q: That Vane--the southwest corner of the Vane cornered on

the north corner of the Smith didn't it?

A: That is right.

Q: And the Smith line was located 10 varas west of the mouth of Small Bayou?

A: That is right.

Q: The Richardson called to be west of it?

A: 129 varas.

Q: Subtracting 10 from 129 you get what?

A: 119 varas.

Q: Let's see if we can't see why a jog is placed in the northeast corner of the Sam Mather's No. 15. You have calculated the east line of the Smith and south line of the Vane, the Vane was 3571 varas.

A: 3581.

Q: And the distance across the Smith line to the east line of survey 15, as originally surveyed, was 3800 varas?

A: 3696 varas.

Q: That was the corrected notes?

A: The original was 3800 varas.

Q: Subtract your Vane from 3800 varas--the distance of your Vane south line from the 3800 varas, what do you get?

A: Ask me that again.

Q: Subtracting the distance of your Vane west line from the 3800 varas what do you get?

A: 119 varas.

Q: 119 varas.

A: 3581 varas is the Vane call and 3800 varas was the original Mather call, and the difference is 119 varas.

Q: The west line of the Richardson No. 8 was 119 varas east of the old Smith line and the Vane was considered from the corner of the Smith line which shows why the jog was made in the Sam Mather's No. 15.

A: That is right.

Q: As originally laid down.

A: That is right.

Q: There is one other thing--what is the distance you found between the west line of the Brill as surveyed by Wallis and the east line of the William Bryan on the ground today?

A: There will be 1684 varas plus 390 varas--2074 varas.

Q: And the call for the south line of the Trimble and north line of the Frankland was 1684 varas according to your map?

A: Yes, sir. 1684 varas.

Q: What did you have from the west line of the Brill as located by you as being a line taken by Wallis to locate the Trimble to the east line of the Brill--do you have 2688 varas in there at the present time?

A: I have a little bit over that distance about 5 or 6 or 7 varas more than that.

Q: One other question--the surveys bounding on the west line of the vacancy were placed in from what direction--built up from what direction?

A: How were the west lin of the vacancy surveys started?

Q: Yes, sir.

A: The Mather survey started on the bayou and he went up here to hit the Brill--the Mathers and Richardson.

Q: The Mathers--where was it started?

A: Started off the northwest corner of the Bryan survey-- started at the northwest corner of the Lewis Mathews. The Thompkins Toby 189 acre survey started at the southwest corner of the 160 acre survey onthe bay and the 160 acre Toby from the northwest corner of the Trimble and the Casey started at the northwest corner of the Toby 160 acre, and the John Casey and Toby 189 acre surveys tied to the Toby 160 acre survey on the bay. The Bryan is tied to the Mathews on the bay.

Q: The Trimble and Frankland were placed in how?

A: Started from the northwest cornerof the Brill.

Q: When Mr. Stamps placed in the Toby 160, he started south 44 west 520 varas to thenorthwest corner of the Trimble, have you calculated the distance that a direct line was from his starting point to the west line of the Trimble?

A: I have I don't know whether I ran that or not. I calculated that to be 368.2 varas.

Q: 368.2 varas. The Stamps survey of the Trimble as originally surveyed by Stamps was how many varas--1648?

A: That is right.

Q: Mr. Wallis' call for the south line of the Trimble was how many varas?

A: 1684.

Q: What is the distance from the northeast of the Sam Mather No. 15 located according to the corrected field notes and the west line of the Solomon Brill now as you find it on the ground?

A: You want the original notes?

Q: You found the location onthe ground from the northeast

corner of the Mather 15 to the west line of the Brill?
A: 311.2 varas.
Q: You said something about a line as you show it being in the vicinity of the line where Wallis began his survey, what do you mean by the vicinity--can you put it exactly on the line from the calls from his bearings?
A: You want the exact point of the northeast corner of the Frankland in respect to bearings?
Q: Where would you say the exact point of the Frankland and Trimble was?
A: About 30 or 40 varas south of the cedar stake.
Q: Disregarding the cedar stake?
A: That is what I am trying to do. I calculate it to be varas south and 41 varas east.
Q: How about the northeast corner of the Frankland?
A: It would be east.
Q: The line would not be further west--the west line of it would not be further west than you show it on your map.
A: It could not be any further west for more than one reason. You would have to move east about 40 varas. The calls for the ponds can not be moved west.
Q: If you were to start with this pond here and this line by the pond shown on the vacancy and go east, would your pond calls fit?
A: They will fit the first two, but will not fit the others.
Q: What is this call in the field notes?
A: The call is 1184 varas. I found it 1182 when I moved 40 varas south.

Q: The first two would fit if you take the pond in the vacancy, but the other would or would not fit?

A: Would not fit.

Q: Is the R. C. Frankland point on the west line of the Brill as shown to have been originally survey by Magruder?

A: I could not find any evidence why it was in there.

Q: Would your calls from Lone Oak and Shell Bank fit?

A: It shows on the shell bank, but not on Lone Oak.

Q: Would your call for the northeast of the Trimble located on that original Brill west line check to the Lone Oak and Remington House from this place?

A: The angle would be smaller for the Lone Oak and flatter angle for Remington house.

Q: On your original map, you showed a vacancy between the T. J. Dick and Saphronia Barrow, explain that?

A: I made that by construction and extending the Vane--it was not surveyed at that time, but those lines are dotted lines.

Q: Have you since surveyed it?

A: I have since surveyed it and this larger lmap showed it and definitely fixed the Saphronia Barrow by the call for bayous at different places and on the east line it calls for marsh 455 varas south--also line of oak trees evidently marked the west line of that survey.

Q: Beginning at the northwest corner of the C. Mitchell preemption survey at the one original corner identified by Mitchell, did you survey south from that to the John Dick, did you make any ties to the northwest corner of the Brill?

A: Yes, sir, I started at the northwest corner of the Mitchell,

to the road and down the road and tied into an iron pipe on the north line of the Brill which in turn tied into the northeast corner as marked by pipe. I found that the fence line that runs out fromthe Mitchell is about 115 varas off, but regardless of that, the distance ties in and gives you the required distance.

Q: There is a slight difference for the shell bank, the Lone Oak and the Remington House, and the calls in the original field notes as you have them located on your map, any possible explanation in using those points?

A: In 1841, Mr. Magruder used a variation of 9:17, in 1867 Mr. Thompkins used a variation of 9:15, Wallis used a variation of 8:15 consistently throughout his entire period of surveying.

Q: That difference in variation might possibly be the cause of the slight difference in the location of those?

A: That would explain part of it.

(Mr. Damon makes reference to letter from D. B. Wallis to W. C. Walsh, dated December 31, 1878,in File No. 17, Chambers County--Reference to letter from D. B. Wallis to J. J. Grove dated December 27, 1874, in File No. 86112--plat and report of Chambers County by George Giddings filed December 21, 1900--Sketch A, Chambers County Sketch, and explanation by D. B. Wallis, December 31, 1878, File No. 23, Chambers County--letter from D. B. Wallis to J. J. Grove, dated August 24, 1874, File No. 81318--Roll Sketch 19, Chambers County--letter from D. B. Wallis to J. J. Grove, dated November 9, 1875, File No. 83518--Map in field notes by L. D. Stamps dated July 10, 1870, survey of 1/3 league for Lewis Mathews, File No. 394, Liberty First Class.) (Referred to during recess.)

Mr. Damon's request to be allowed to read a letter from D. B.

Wallis dated November 9, 1874, refused by the Commissioner.

CROSS-EXAMINATION BY R. CHESTER DAY:

Day: Mr. Faber, this Toby here and Trimble were laid in -- were patented upon the notes submitted by Wallis, werentt they?

A: The Trimble.

Q: This Toby and the Trimble?

A: That is right.

Q: Did you run the lines of the Toby and Trimble as laid in by Wallis?

A: Did I run them as laid in by Wallis?

Q: Did you ren the distance from the bay shore to the west line of the Trimble or line of the Brill?

A: Yes, sir, I did it by running a line west of the coast and setting down to the west of the coast here at this distance.

Q: I mean from the coast as it is now?

A: The cedar post is here, the angle iron, also, and located the calls on the ground, and that established this here all the way fromhere.

Q: How will the distance from the shore line ;to the west line of the Trimble--how does that distance compare with the actual distance on the ground now, with the distance Wallis gave it at the time his field notes were made?

A: The coast line is approximately 270 varas from the south-west corner of the Toby that would be 270 varas off this distance if you start with the coast as the beginning you would be 270 varas back from this corner this way--that gap is 230 varas.

Q: What is the distance given the north line of the Toby by

Wallis

A: 2001 varas.

Q: 2001 varas?

A: 2001 varas.

Q: What is the distance given the south line of the Trimble?

A: 1684 varas.

Q: That is 3685 varas for those two lines?

A: That is right.

Q: How does that compare with the actual measurement on the ground now for those two lines. I mean from the present coast line to the west line of the M. E. Trimble?

A: From the coast line to the westline of the Trimble?

Q: That would have to include the offset here of course?

A: I don't know whether I get your figures right--do you want the distance from here to here?

Q: The distance from the west line of the Trimble--the east line of the Trimble to the present coast line as it now exists?

A: Approximately--by taking this distance from the west line of the gap to the southwest corner of the Toby 2001 and allowing 270 varas for erosion would leave a distance of 1731 varas, and then this gap is 232 varas, that would give you 1963 varas from the east line of the Trimble to the east line of it is 1684 varas that would make 3646 varas.

Q: How does that compare with the distance given these lines by Wallis?

A: You have figured that 3685 varas.

Q: How much difference is that?

A: About 40 varas difference.
Q: Wallis says he commences at what when he surveyed the Toby on the shore of the bay?
A: That is part of it.
Q: He goes thence east a certain distance and ties to the Trimble?
A: He didn't say that. He says begin at the southwest corner of Toby 160 acre survey.
Q: Didn't he call for the bay shore?
Damon: He calls for the southwest corner of the Toby.
Q: Doesn't he call for the bay shore?
Damon: I don't remember but the other call down the bay would tie to the bay shore.
Day: He calls for stake on shore according to this map, what are you looking for?
Comm: That is all right--the call is on the bay shore.
Day: It is amended Mr. Faber, the measurement given in the north line of the Toby projected across the Trimble will project within 40 varas of the distance called at that time?
A: Approximately.
Q: How do you account for the erosion during the intervening period that was in 1874 within 40 varas?
A: Don't you think it has washed any?
Q: I don't know, I wasn't there. I am just giving you what the surveyor said. Those are the actual facts.
A: What actual facts?
Q: The measurement given the line projected from the corner of the lower Toby across the Trimble will check with the

respective measurements given by Wallis.

A: Approximately within 40 or 50 varas.

Q: On this time here you say you refer to the system of surveys put in by Thompkins, Mr. Faber, is the beginning point down here?

A: Yes, sir.

Qcmm: Identify your calls?

Q: Was on the bay east of the small bayou129 varas?

A: West of the small bayou.

Q: That is right west. Do you remember the call that was given this beginning point by Magruder when he surveyed the Brill and Smith and Richey in 1841?

A: He said he was 10 varas west of the mouth of a small bayou.

Q: How does his system check with Thompkins system on the distance from the beginning point to the northwest corner of Richardson No. 10?

A: Well, now the Magruder system and Thompkins have no relation until reaching the Brill.

Q: They have this relation that Magruder's beginning point was 10 varas and Thompkins was 129 varas from the mouth of the bayou?

A: That is right, but they didn't refer to one another, but they did start at the bayou.

Q: How did you check in your passing calls in Magruder's and Thompkins lines down here?

A: Hadn't any calls in this work other than that bayou and when you get to Magruder's passing calls on this bayou and that bayou up there and also on the Vane.

Q: Do you tie the Richardson system with direct calls across here?

A: What do you mean?

Q: That is the way Thompkins began his system by tying with Magruder?

A: Began at the Southwest Corner of the Richardson No. 11 on the shore of the bay then he said he went west and passed the bayou at a certain distance and cornered another certain distance, 129 varas between the mouth of the bayou, and the point he started in, and Wallis said he started 10 varas west of the mouth of the bayou.

Q: There is supposed to be some building up in the bay shore near the south line of the D. Richardson No. 8, under your theory, you think that building up was between 1841 when the Magruder system was put in and 1863 when Thompkins was in there?

A: No, I don't think so. I think it was in 1875 from the storm. In 1875 the whole country was destroyed down there.

Q: On these surveys in this area, the John Casey, and T. J. Dick, in order to get them the called measurement that the patentes give them, isn't it true under your theory of this that they would have to extend out in the bay?

A: The T. J. Dick, you mean.

Q: And the John Casey?

A: There is not much theory on this off here because these are facts. We have the C. Mitchel northwest corner and I ran the survey line straight west from that and only 40 varas are left in the Dick where originally called. You will have three calls for

for that northwest corner. There is not much theory to it, you can establish that on the ground. But he said he was 300 varas from this corner to that corner. You know definitely he has lost around 270 varas on that shore.

Q: In the calls of the John Casey;, doesn't it call to begin with the Toby?

A: Thby 160 acre tract, that is right.

Q: Thence west 1784 varas?

A: Calls the other way.

Q: Now, the northcourse and south course of this survey, if given their called distances beginning on the bay shore at where it now is, that would extend it across the to the Trimble?

A: If you will assume that the shore has never erroded, but if you take the whole system of surveys, you will have to admit that if you consider the shore has never erroded, and when you do that would destroy your relation to the true corners on the ground and your distances. It is apparent that when he surveyed that, Thompkins was 380 varas out there from where it is now.

Q: I think he did not survey in the bay.

A: But he has erosion of over 300 varas at that corner.

Q: In what length of time?

A: In 1868 this man surveyed the Saphronia Barrow and he was 1330 varas from the southwest corner of the John Roberts. That is where he started, and then he went like that and laid out that survey. And nine years later Wallis found 200 varas between this corner. In 1940, I only found a little less than 40 varas.

Q: This is the cedar stake for the Frankland?

A: The Brill also.
Q: That is at the corner of the R. C. Frankland?
A: Yes, sir.
Q: In fixing that point, you are guided to a certain extent by its bearings to Remington House and Lone Oak?
A: I was guided by the land owner shaying that was the corner.
Q: Do you know what guided them to put the corner there?
A: I don't know. They told me that was the corner. It checks to the Lone Oak and the Shell Bank.
Q: Did you check the beginning call for the Thompkins on the Trimble, which has that call north 44 west?
A: Thompkins didn't make that--Stamps made that.
Q: How did you check with Stamps system as you find it now on the ground?
A: Just what do you mean?
Q: If you were to begin the Trimble at the distance and bearing called for off this corner here where Stamps did, will Stamps' Trimble set on the ground as it is now.
A: In relation as to what is considered the corner.
Q: This is the accepted corner according to occupation--it is the recognized corner?
A: It may be, but then if you do, you have not got a closed survey. One man set this corner and--
Comm: What corner are you talking about?
A: One man set the northeast corner of the Brill, and another man set the corner of the Brill in relation to the southeast corner of the Oliver. When you go across the Brill and Mitchell,

you will have adiscrepancy.

Q: The Brill is the senior survey--the corners were established long before these surveys?

A: That is right.

Q: In your discussion of the northwest corner of the Brill, you are guided by the location of the marsh?

A: In the original location, I was guided by the Marsh. It can not be reconciled with the present corner.

Q: For sustaining the position as you made it, you rely on its distance at this time?

A: I believe so.

Q: Do you think there is any possibility of it having been moved?

A: I don' think so.

Q: Mr. Faber, in establishing the corner of these, of what you considered to be the corners of the surveys down here, Richardson 9, 11 and 10, you were guided by the location of the corners now on the ground?

A: I have two ideas on the map here. One is shown in solid lines and the other marks showing what is indicated by long dash and two short dashes, shows the location of those same surveys as on natural objects--apparently they do not coincide. That some after 1863 some other man surveyed these same surveys and put them in as you find them on the ground today which is the fence lines which have been there 25 years. The present lines were set out in 1875 or thereabout.

Q: Do you think the present lines of Richardson, 9, 10 and 11 conform to the trees as you found them?

A: As they are on the ground today, they do conform to the trees.

Q: You don't know definitely where the corners of the surveys are?

A: Yes, sir.

Q: One fits as to occupation and another according to the actual measurement on the ground, isn't that true?

A: That is true.

Q: If they disregard your survey then, they are right?

A: I know the northwest corner of the Brill as marked on the ground today isn't right.

Q: In fact this whole system is rather uncertain all the way around?

A: I would not say that.

Q: You don't know where the northwest corner of the Brill is or the corner of the Frankland?

A: Oh, yes, we know where they are.

Q: It is incorrect according to occupation, is that right?

A: They are incorrect.

Q: Which is the true corner at the northwest corner of the Frankland?

A: The northeast corner of the Frankland?

Q: That is right--which is the true corner?

A: The true corner is south of the cedar stake about 30 to 40 varas.

Q: Not very close, 10 varas difference?

A: 10 varas didn't make much difference with Mr. Magruder when he surveyed the Smith and made a mistake of about 300 varas.

Q: Do you know whether or not Mr. Thompkins ever tied the northwest--the southwest corner of the D. Richardson No. 8 in with the Magruder system of surveys in any manner?

A: Right offhand, I don't know that information. I will say he tied into the Brill.

Q: Did it tie to the Smith in any manner, the southwest corner of the Richardson No. 8?

A: Just offhand, I don't recall it, I will get my notes on it.

Q: Perhaps you might look at the southeast corner of No. 8, and the west corner of the John Moss?

A: There were some ties in with the Moss survey on the Mathers No. 16.

Q: Then you don't know whether or not the Magruder and Thompkins surveys were actually tied together?

A: Not in that system of surveys, no, sir.

CROSS-EXAMINATION BY W. P. HAMBLEN, JR.:

Q: Mr. Faber, the M. E. Trimble survey was made by D. A. Wallis and also the lower Toby and Frankland and the surveys patented on his field notes?

A: The Toby 189, and the M. E Trimble and R. C. Frankland were.

Q: And the R. C. Frankland survey and the Toby 189 Surveys were surveyed on the same day, were they not, on the same day in 1874?

A: That is right.

Q: Approximately four months after the M. E. Trimble?

A: That is right.

Q: And all by Wallis?
A: That is right.
Q: In the field notes, the Toby notes, Mr. Wallis calls to run to the Trimble west line?
A: That is right.
Q: Isn't it logical to assume that he knew where the common line was?
A: It would sount reasonable, but we don't know that he did.
Q: Within four months, he would not know where it was?
A: Would you know where a great number of surveys were if you were never on the ground?
Q: Didn't he start to fill in all the vacancy between the east line of the Trimble and west line of the Toby?
A: In this Toby, 189, he didn't. He started at the south-west corner of the Toby 160.
Q: Thence east to the Trimble?
A: That is right.
Q: If you disregard his distance call, there is no vacancy there?
A: In relation to the line that went east?
Q: That went to the Trimble?
A: If you forget about the starting point there is no vacancy.
Q: And according to the measurement actually on the ground today?
A: There is not much difference in the distance on the ground today than what he calls for, if you don't make any allowance for erosion.
Q: On the calls east of the Thompkins' Toby, and isn't that

a shell bank?

A: Just in places.

Q: Isn't it more shell than any other character of coast?

A: I would not say that,there is just some spots of shell, but occasionally you see a shell bank along there. That is black land.

Q: That is where there isn't any shell?

A: There isn't much shell there, 1 or 2 feet deep.

Q: Have you examined the patent to the William Bryan, and the field notes?

A: In what respect.

Q: You testified here it calls for the Trimble?

A: Offhand, I don't remember, but I believe it did.

Comm: If it does it is a matter of record.

A: In fact, I believe all of these surveys call for the Trimble survey in some respect.

Q: Mr. Faber, how do you account for the fact that the distance from the shore line as it now exists and the cedar stake which you accept as being the true corner of the Brill, and the original distance in 1874, if there has been any erosion, checks within 40 varas?

A: That is the work of nature. Just a coincidence.

Q: The distances are a work of what?

A: The erosion is the work of nature. We do know what happened to the north line of the Dick. We have lost approximately 350 varas of soil. That is definitely fixed. There isn't any way of getting around that.

Q: It might be a different character of soil?

A: No, it is generally the same.
Q: But you can't show that there has been that much off the Toby?
A: Of, yes. We have the Smith east line stoping at this point established by the Marsh and the north corner of the Smith set out here west of the present shore line that establishes the shore line as it was then.
Q: That is assuming you have established the west line of the Brill?
A: I don't think there is any doubt about that.
Q: Do you have the entire field notes of the Henry Smith?
A: I did not.
Q: Did you survey the meanders of the bay as set out in the Smith?
A: The only line I surveyed was the east line.
Q: You don;t know whether the Henry Smith meanders of the bay actually conform to the present shore line?
A: I could not say--I would say as to the shore, there is a possibllity it has come in a uniform distance all the way.
Q: Even where there is a shell bank extending out?
A: I might say that I would not say definitely on that question.
Q: I believe that is all--Mr. Faber, when Stamps surveyed the upper Toby survey, do you recall what is his meander call on the shore line?
A: I think I had one course there.
Q: Wasn't it south 23 west?
A: Yes, sir. 516 varas.

Q: When Magruder surveyed the Vane, do you recall what his meander call was at that particular point?

A: You mean of the shore line?

Q: Yes, sir, west of the Toby--upper Toby?

A: He had one course.

Q: Wasn't it south 23 west at that point?

A: That is the lower line--the upper line was something else, south 30 west, I think that was south 30 west 183 varas.

Q: Do you know what that course is today?

A: Approximately the same.

Q: Almost identical?

A: Approximately the same.

Comm: What relation do the William Bryan notes have to the present shore line, do they fall in the water?

A: Yes, sir, they fall in the water.

Comm: What relation do they have to the shore, if you had placed it according to Magruder--will they fit their east calls?

A: You mean the Smith?

Comm: If you construe the shore line on the Smith--is the Bryan shore line east or west of that line?

A: I don't show the Smith meanders. I follow the meanders of the William Bryan as made by Newell Morse.

Comm: Do you show any erosion between 1841 and 1871?

A: I didn't make that comparison.

Comm: If you place in the Smith and run to the bay, will the Bryan be futther in the water than the Smith?

A: I didn't study that angle.

Q: Did the field notes of the Bryan show that he was further in the bay than Magruder in 1841?

A: I didn't made that investigation in regard to the Smith. If you ran this line of the Smith according to the bay call.

Comm: The way you platted it out, it looks like the Morse was further in the water in 1871 than Magruder was in 1841--he is further west than the Smith meanders.

A: On that construction, it looks like they did. The Smith would run in here. I didn't work on the Smith other than on that east line. I don't have any information on it.

Comm: Mr. Faber, did you have your secretary prepare these field notes that you put in here in this office on these two alleged vacant tracts, or did you do the work yourself?

A: Yes, sir. I did the field notes and had a girl type them.

Qomm: Did you have someone in your office prepare them?

A: Yes, sir.

Comm: In the future let's not have something that is pasted on--it would be better to put it all on the field notes.

A:q The principal reason I did that was for the lack of space.

Comm: Then just to have it in the record here, you made this sketch you see here, and also compared the field notes and had your girl type them.

A: Yes, sir.

Qomm: I think this pasting on is a pretty bad idea, and I don't recommend it.

Damon: Mr. Hamblen asked if you ran this Toby 189 and tied to the Trimble and came back--isn't there 100 varas excess on the westline of the Trimble?

A: That is right.
Q: And 58 vara east call past the northeast of the Bryan?
A: Yes, sir.
Q: Will there be a lack of 158 varas meeting the west line of the Trimble?
A: That is right.
Q: And they would be in conflict?
A: That is right.
Comm: Any other questions?

MR. W. O. WORK, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

Day: Give your initials to the Commissioner?
A: W. O. Work.
Q: You are the County Surveyor of Chambers County?
A: I am.
Q: For how long?
A: 26 years.
Q: Have you ever been along the coast line west of the Toby and John Casey surveys?
A: Oh, yes.
Q: What is the nature of that shore line?
A: Shell mounds and part black soil with kinda sandy subsoil under it.
Q: Mr. Work, in your experience with coast lines--is a coast line of shell likely to erode through action of the water?
A: No, not likely, but that is in regard to what base it has.
Q: To what extend to you think the shell has eroded?
A: It hasn't eroded any if it is real shell--it stays put.
Q: Have you ever heard of any erosion by the two Tobies?

A: Not in recent years.

Q: Does the local tradition place the west line of the Trimble with the east line of the Tobies?

A: Oh, yes, it has been that way.

Q: Were you familiar with the Giddings file in your office?

A: Which one of the Giddings?

Q: The map shown in the corner up there, the map of Mr. Faber's?

A: Yes, sir, I have seen that map.

Q: You knew that someone had thought there was a vacancy?

A: In fact, you will find several in the records. There is a map somewhere that shows some discrepancy.

Q: You have seen the Moss map below the Toby between the Bryan and Trimble?

A: Yes, sir, I have seen them.

Q: There was some idea back years ago that there was as discrepancy there?

A: There was none between the local people.

Q: That is all.

Reference made to Sketch File there, also to Report of Surveyor Green.

Comm: What is your best judgment and opinion about that coast out there, is it right that that coast has washed or has it not--what is your best judgment?

A: Up near the Long Oak Bayou, that is washed out.

Comm: I have reference to the entire coast up to that bayou?

A: There don't seem to be any uniformity about it. It is building up in places and washing out in places.

Comm: It is not uniform--we have information it has washed out

in places, and it couldn't build up 300 varas in another.
A: It looks like it would not, but than a coast line changes like that. If you will go down there, you will see it changes back and forth like that. It is no straight line at all. It is sticking out in points.
Comm: What about the Frankland, you don't seem tohave started at the same place?
A: It is 23 varas across there.
Q: It would be lpossible to change your distance calls almost 100 varas.
A: East and west.
Comm: I am talking about up and down--you might change your east and west distance 100 varas.
A: Yes, sir, the Frankland is northeast about 23 varas.
Comm: This Bryan indicates at a later time in the 70's it was further west in 70 --it indicates it was further in the Bay.
A: Yes, sir Magruder"s shore seems to be insider of the construction of the Moss and Stamps and the others.
Comm: Particuliarly insideof the Morse--it indicates it was further west in '71 than in '41--30 years later, possibly 100 varas?
A: The Magruder seems that way. That would naturally indicate it had built in there over a long period--It might have built in ashile and then eroded and fallen in around there, and then it goes to undermining and washing out again.
Comm: How long have you known that coast line?
A: About 25 to 30 years.
Comm: Do you consider there has been considerable change in that

time?

A: I think there has been a good deal of change in some parts up right north of this bayou up on the shore line. I made this to show here how much eroded. It was a good deal gone up in there. That would be something out right here. The old original line would have been here. Some was gone and some setting out just like it was and the Smith survey north of this 40 varas. It is pretty well gone and then south it has built up and some land added to it in another place on the bay.

Comm: What is the general opinion downthere--do these people feel they have lost land by erosion or are holding their own?

A: Some say they have gained but some have lost.

Comm: All up and down--it is rather uncertain?

A: In a few places it has gained--just a little further north, it is building up.

Comm: Is that property fenced?? how is that property held?

A: There is a big pasture--the road runs through it.

Comm: A pasture embraces the entire area?

A: I believe that a fence is connected in here and it is fenced on one side and way back, it is thrown in to one big pasture.

Comm: One ownership in that pasture?

A: Now there is some fences down here.

Comm: I mean the Bryan, Toby and Casey, is that in one ownership?

A: No, this Jess White owns all but this Frankland here.

Damon: How about the two Toby surveys?

A: Franks owns one or both.

Damon: Both of them.

A: They are not fenced out in fences.

Comm: Do you, Mr. Faber, do you happen to know the ownership by the different surveys?

Faber: It is owned by probably--maybe a dozen that have an interest in it one way or another, but then Jess White and Franks own that pasture.

Comm: Anybody else have any other questions or any information to offer (no answer). That is all.