JEFFERSON COUNTY
ROLLED SKETCH NO. 31

House Bill No. 541

City of Port Arthur, Sabine - Neches Canal
(See Vernons Texas Session Law Service,
Chapter 219, 1955.)

1 Map
2 Letter from Corps of Engineers, 6/20/1955.
3 Letter from Corps of Engineers to C. R. Eisler
4 Copy of conveyance to U.S.A., Dec. 27, 1905.
5 Letter to Corps of Engineers, July 1, 1955.
6 Letter and plat showing area, July 8, 1955.
7 Brief of the City of Port Arthur.

counter 16323

NECHES RIVER
PORT NECHES
NEDERLAND
VITERBO
DELPHINE
EL VISTA
WEST PORT ARTHUR
PORT ARTHUR
Boons Island
Blue Buck Pt.
Round Lake
Keith Lake
SABINE LAKE
Louisiana
SABINE PASS
CANAL
W. Carroll
T. June, 15-1835
James McDaniel
1-43
B.B.B.&C.R.R.Co.
T. F. McKinney
T. Apr. 26-1831
Jos. Grigsby
T. Nov. 6-1834
Hiram Brown
T. Dec. 23-1834
O. W. Keith
46757 ptd
Burr & Caswell
S-470
41234
70035
Burr & Caswell
S-469
N. Grigsby
1-57 ptd
Heirs of B. Jones
1-110 ptd
Wm. H. Voris
3-149 ptd
Otto Roff
S-69 ptd
Jno. C. Kucher
3-67 ptd
Joseph Turner
B-38 ptd
Wm. McFaddin
345 ptd
Wm. McFaddin
5134 ptd
J. M. Herbert
268 ptd
Wm. McFaddin
5133 ptd
Wm. McFaddin
5025 ptd
T. & N. O. R. R. Co.
S-285
S-229
S-286
S-287
S-288
Wm. McFaddin
5026 ptd
B. B. B. & C. R. R. Co.
S-91
S-90
Burr & Caswell
S-472
R. A. Greer
36970 ptd
W. P. H. McF.
S-591 ptd
Beaumont Pasture Co.
S-478
Wm. McFaddin
5022 ptd
T. & N. O. R. R. Co.
S-277
Wm. McFaddin
5021 ptd
W. Kyle
4927 ptd
T. & N. O. R. R. Co.
S-289
W. Kyle
4928 ptd
I. Bray
3-152 ptd
Jos. Butler
T. Oct. 17-1835
Horatio McHanks
T. June 4-1835
Jos. G. Taylor
3-66 ptd
J. Mixon
3-74 ptd
City of Port Arthur
S-507 ptd
T. & N. O. R. R. Co.
S-371
B. B. B. & C. R. R. Co.
S-82
B. B. B. & C. R. R. Co.
S-228
B. B. B. & C. R. R. Co.
S-476
B. B. B. & C. R. R. Co.
S-230
J. M. Hebert
2143 ptd
T. & N. O. R. R. Co.
S-372
W. Kyle
4926 ptd
B. B. B. & C. R. R. Co.
S-170
Burr & Caswell
S-474 ptd
B. B. B. & C. R. R. Co.
S-168
B. B. B. & C. R. R. Co.
S-167
W. P. H. McFaddin
36871 ptd
B. B. B. & C. R. R. Co.
S-169
Isaac Bray
3-152 ptd
R. A. Greer
S-580
Wm. H. Voris
3-149 ptd
55563
S-370
S-369
Jno. Westcott
55564 ptd
R. A. Greer
66697 ptd
R. A. Shmit
57020 ptd
J. E. Sparks
37817 ptd
Franklin Baker
S-562
52819 ptd
T. & N. O. R. R. Co.
S-301
Jno. Bennett
2-1 ptd
Moise Broussard
14584 ptd
Moise Broussard
14586 ptd
T. & N. O. R. R. Co.
S-302
P. B. O'Connor
B-61 ptd
Mrs. Mary E. Rogers
S-561
60876
66180
S-376
S-377
S-380
S-379
S-427
S-432
S-433
S-439
S-408
S-409
59827
59826
59694
81528
59757 ptd
Z. R. Ashbaugh
61359 ptd
J. E. Sparks
61066
66920
61334
59825
59796 ptd
W. P. H. McFaddin
61646 ptd
Pedro de la Garza
1-116
Dennis Gohagan
1-31 ptd
N. Coleman
T. Oct. 3-1835
A. Reuss
S-107
Elijah Isaacs
1-11 ptd
S. Glenn
1-39 ptd
Jno. McGaffney
1-25 ptd
David Burrell
B-31 ptd
Jas. Fletcher
3-159 ptd
San Geronimo Irr. Co.
S-482
Burr & Caswell
S-481
F. C. McReynolds
S.F. 267 ptd
59799 ptd
(Mrs. A. J. Cobb)
(S-495)
Salt Lake
W. P. H. McFaddin
S.F. 11274
S.F. 11273
S.F. 11272
E. L. Moore
U. Holbrook
2-26
Jno. Mc Gaffey
1-25 ptd
Robt. Wilson
1-2 ptd
J. W. Burton
1-5 ptd
Jno. Bevil
1-10 ptd
H. Williams
1-3 ptd
Jno. Dorsett
1-6 ptd
SABINE R. Bevil
Sabine Pass
B. B. B. & C. R. R. Co.
S-168
W. P. H. McFaddin
S.F. 11274
Wm. McFaddin
5024 ptd
Wm. McFaddin
5023 ptd
Wm. McFaddin
5134 ptd
Wm. McFaddin
5133 ptd
Wm. McFaddin
395 ptd
Wm. McFaddin
5025 ptd
Wm. McFaddin
5026 ptd
Wm. McFaddin
5022 ptd
Wm. McFaddin
5021 ptd
Wm. McFaddin
S.F. 11274
W. P. H. McFaddin
S.F. 11273
W. P. H. McFaddin
S.F. 11272
W. P. H. McFaddin
S.F. 14031 ptd

JEFFERSON RLO SK 51
FLAT FOLDER

(2)

ADDRESS REPLY TO:
DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS, U. S. ARMY
P. O. BOX 1229
GALVESTON, TEXAS

REFER TO FILE NO.

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
GALVESTON DISTRICT
606 SANTA FE BUILDING
GALVESTON, TEXAS

(X)

SWNRO-1

20 June 1955

Honorable J. Earl Rudder
Commissioner of General Land Office
Austin, Texas

In Re: Sabine-Neches Canal, Sabine-Neches Waterway, Texas

Dear Commissioner Rudder:

On 14 June 1955 this office received a copy of the Act of the 54th Legislature of Texas approved 11 May 1955 by the Governor authorizing the Commissioner of the General Land Office to sell to the City of Port Arthur, Texas, a tract of land lying and being situated in Jefferson County, Texas, same being a part of the former bed of Sabine Lake in said county, and being described by metes and bounds in Section 1 of said Act. This Act is H. B. No. 541, Chapter 219 of the Acts of the 54th Legislature, Texas, Regular Session.

Inclosed for your files and information is a copy of letter dated 20 June 1955 from me to the Honorable C. R. Eisler, Mayor, City of Port Arthur.

The purpose of writing to you is to place the Commissioner of the General Land Office on notice that the Government by its activity or inactivity in connection with the aforementioned Act of the 54th Legislature is not waiving or releasing any of its legal rights, control and ownership whether described or not in the inclosed copy of the above referred to letter.

A copy of this letter is being sent to the Mayor of the City of Port Arthur, Port Arthur, Texas.

An abstracted copy of the deed dated 27 December 1905, recorded in Volume 91 at page 603 of the Deed Records of Jefferson County, Texas, referred to on page two of the inclosed letter addressed to the Mayor of the City of Port Arthur, is inclosed for ready reference.

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE

JUL 1 ANSD

Yours very truly,

W. P. McCRONE
Colonel, CE
District Engineer

2 Incls
1. Cy ltr to Mayor of City of Port Arthur
2. Deed

counter 16325 F'

District Engineer
Galveston District
Corps of Engineers, U. S. Army
P. O. Box 1229
Galveston, Texas

(3)

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE

SWNRO-1

20 June 1955

Honorable C. R. Eisler
Mayor, City of Port Arthur
Port Arthur, Texas

In Re: Sabine-Neches Canal, Sabine-Neches Waterway, Texas

Dear Mayor Eisler:

On 14 June 1955 this office received a copy of the Act of the 54th Legislature of Texas approved 11 May 1955 by the Governor authorizing the Commissioner of the General Land Office to sell to the City of Port Arthur, Texas, a tract of land lying and being situated in Jefferson County, Texas, same being a part of the former bed of Sabine Lake in said county, and being described by metes and bounds in Section 1 of said Act. This Act is H. B. No. 541, Chapter 219 of the Acts of the 54th Legislature, Texas, Regular Session.

Section 2 of this Act provides that the City of Port Arthur shall cause said land to be surveyed and field notes of the same, together with a correct plat thereof, to be recorded and returned to the General Land Office as provided by law for making surveys and recording and returning other field notes. Said field notes and plat shall be subject to the approval of the Commissioner of the General Land Office as other field notes, and when so approved shall be filed by the Commissioner of the General Land Office and shall remain as an archive of that office.

Section 3 of this Act provides upon approval of and filing of said field notes and plat, and payment to the Commissioner of the General Land Office by said City of Port Arthur for said land of a sum of money equal to the price which the Commissioner of the General Land Office shall deem just and fair, and payment of the patent fees provided by law, a patent to said land shall be issued to said City of Port Arthur, Texas, and its assigns, as provided by law governing the issuance of land patents.

Section 5(a) of this Act provides that there is reserved and granted and conveyed to the Government of the United States an easement and right of way over and through such portion of the northeasterly portion of the land above described as is

Incl 1

Counter 46324

F2

SWNRO-1

20 June 1955

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE

Honorable C. R. Eisler

actually and reasonably needed to construct the rectification of the Sabine-Neches Canal and the Neches River with a single curve or compound curves located between the mouth of the Neches River and the upper end of the Sabine-Neches Canal, such curve or curves to have a radius or radii of approximately 5,000 feet, in accordance with the general purposes of rectification of said canal and the Neches River as provided in the River and Harbor Act of 1954, 83rd Congress, Second Session. Provided, however, that should the United States of America fail or refuse to construct said improvement, or after said improvement is constructed, should abandon same, then this right of easement should cease and determine and all right of whatever nature shall revert and be vested in the City of Port Arthur.

This Act is to become effective 90 days after the date of adjournment of the Legislature.

You are hereby notified that, according to the records of this office, the United States of America owns in fee simple a portion of the land easterly of the reference line referred to in the description of the area set out in Section 1 of the above referred to Act of the Texas Legislature. Moreover, all of the area described in Section 1 of this Act is not a part of the former bed of Sabine Lake. The United States acquired its fee simple title to a portion of the area easterly of the said reference line by deed from the Port Arthur Land Company. This deed is dated 27 December 1905 and recorded in Volume 91 at page 603 of the Deed Records of Jefferson County, Texas. The deed was recorded on 22 October 1906. The land described in this deed is fronting on the bank or shore of Lake Sabine in the James G. Taylor Survey, Hiram Brown League, William G. Voris Survey, and B. Jones Survey in Jefferson County, Texas. An abstracted copy of this deed is inclosed for ready reference. This information is sent to you so that the Government owned fee area will not be included in the survey to be prepared by the City of Port Arthur as required in Section 2 of said Act. By the terms of the above mentioned Act, the Commissioner of the General Land Office is authorized to sell and convey only the portion of the land described in the Act that is a part of the former bed of Sabine Lake. The portion of the land owned in fee simple by the Government is upland and title to the same has emanated from the sovereignty of the soil. This Government owned fee land is not now subject to further sale by the State of Texas.

Jefferson Co Rld Sk 31

counter 46327

F3

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE

SWNRO-1

20 June 1955

Honorable C. R. Eisler

In addition to the Government owned fee land, the Government also has control over a remaining portion of the area described in Section 1 of the above Act. In this connection reference is made to Senate Bill 612, Chapter 176 of the 42nd Legislature of Texas approved by the Governor on 18 May 1931. A copy of this Act was filed for record in the Office of the County Clerk of Jefferson County, Texas, on 27 October 1933 and was recorded in Volume 380 at page 250 et seq. of the Deed Records of Jefferson County, Texas.

Reference is also made to the Submerged Land Act, Public Law 31, Chapter 65, 83rd Congress, First Session, H. R. 4198 approved 22 May 1953. This Act is contained in Title 43 U. S. Code, Sections 1301-1315 inclusive. You will note that the United States did not confirm and release to the States all rights to lands within the boundaries of each of the respective States which are covered by waters that were navigable waters under the laws of the United States. Among some of the rights reserved and excepted from the relinquishment to the respective States were: the use, development, improvement, or control by or under constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or any rights of the United States arising under constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power; all structures and improvements constructed by the United States in the exercise of its navigational servitude; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right; all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States.

The purpose of writing to you is to place the City of Port Arthur on notice that the Government by its activity or inactivity in connection with the aforementioned Act of the 54th Legislature is not waiving or releasing any of its legal rights, control and ownership whether hereinabove described or not.

counter 16328

SWNRO-1 20 June 1955

Honorable C. R. Eisler

A copy of this letter is being sent to the Commissioner of the General Land Office at Austin, Texas.

A copy of a letter addressed to the Commissioner of the General Land Office on this same subject is inclosed for your information.

Yours very truly,

2 Incls
1. Deed
2. Cy of ltr to G.L.O.

W. P. McCRONE
Colonel, CE
District Engineer

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE
counter 46329

F5

Jefferson Co. Bld.Bk. # 31

(4)

RECEIVED
JUN 22 1955
GENERAL LAND OFFICE

SABINE-NECHES CANAL

Deed to Right of Way above Port Arthur, Texas

State of Texas,
Co. of Jefferson, Whereas by Act of Congress approved March 3, 1905, entitled "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes", provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylors Bayou by a channel to be constructed at or near the West shore of Sabine Lake, upon the proviso, inter alia, that the right of way be furnished without expense to the United States;-

Now therefore, We, Jan Van Tyen, Geo. M. Craig and C. A. Fisher of the County of Jefferson, State of Texas, and Jas. Hopkins of the City of St. Louis, State of Missouri, being trustees of and for the Port Arthur Land Company, and acting under By-Laws and Articles of Association which are of record in the office of the County Clerk of Jefferson County, Texas, in consideration of the benefits to accrue from said improvements, do hereby grant, sell and convey unto the United States of America, all that part of the James G. Taylor Survey, the Hiram Brown League, the Wm. G. Voris Survey and the B. Jones Survey, situated in Jefferson County, Texas, and situated Southeasterly of a line described as follows;- Beginning at a point 1,342.6 feet N. 42° 36' E. from a point in the boundary line between Lots 2 and 3, Block 1, Range H, of the subdivision of the Port Arthur Land Company, which last mentioned point is 750 feet from the boundary line between Blocks 1 and 2; thence N. 42° 36' E. through Block 1, Range G and F, to a point in Lot 3 of Block 1 Range E, 943 feet from the boundary line between Ranges F and E, and 520 feet from the present edge of Sabine Lake bank; Thence in a direction parallel with the shore line of Sabine Lake N. 37° 34' E., 9,542 feet through Block 1, Ranges E, D and C, to a point of curve in Range B, 2,580 feet from the boundary line between Ranges C and B, and 660 feet from the present edge of bank of Sabine Lake; Thence on a 1 degree curve to the left through Block 1, Range B, and Lots 4, 3, 2 and 1 of Block 1, Range A, with chords of 1,000 feet, 1,000 feet, 1,000 feet and 773.5 feet to a point of tangent in the marsh; Thence N. 09°W., 3,042 feet; Thence N. 8° 39' E., about 1,500 feet to the Southeast line of the N. Grigsby Survey.

Together with the right to improve and protect the Northwesterly bank of said channel. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereunto belonging, unto and to the United States of America, and its assigns forever.

Dated December 27, 1905.

Recorded Oct. 22, 1906, Book 91, page 603.

counter 16330

Incl 2

(5)

July 1, 1955

Re: Sabine-Neches Canal, Sabine-Neches Waterway, Texas

District Engineer
Galveston District
Corps of Engineers, U. S. Army
P. O. Box 1229
Galveston, Texas

Attention: Colonel W. P. McCrone

Gentlemen:

With reference to your letter of June 20, 1955, I will appreciate it if you will forward to me a map or plat showing the land covered by the deed from Port Arthur Land Company to the United States of America. We are unable to locate the area on our maps since we do not have a copy of the Port Arthur Land Company Subdivision which is used in describing the area conveyed.

Sincerely yours,

EARL RUDDER, COMMISSIONER

By
A. T. Mullins
Attorney

ATM:vnd

cc: Honorable C. R. Eisler
Mayor, City of Port Arthur
Port Arthur, Texas

counter 16331

D-458

(6)

ADDRESS REPLY TO:
DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS, U. S. ARMY
P. O. BOX 1229
GALVESTON, TEXAS

REFER TO FILE NO.

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
GALVESTON DISTRICT
606 SANTA FE BUILDING
GALVESTON, TEXAS

8 July 1955

Mr. Earl Rudder, Commissioner
General Land Office
Austin, Texas

(8)

Dear Sir:

In answer to your letter of 1 July 1955, regarding the land deed from Port Arthur Land Company to the United States of America, we are attaching a map which we think will help you locate the area in question.

FOR THE DISTRICT ENGINEER:

Yours very truly,

DARRELL L. JACKSON
Chief, Real Estate Division

1 Incl
1. Map

RECEIVED
JUL 11 1955
GENERAL LAND OFFICE

Counter 46332 D'

D-458

8 July 1955

Mr. Earl Rudder, Commissioner
General Land Office
Austin, Texas

Dear Sir:

In answer to your letter of 1 July 1955, regarding the land deed from Port Arthur Land Company to the United States of America, we are attaching a map which we think will help you locate the area in question.

FOR THE DISTRICT ENGINEER:

Yours very truly,

DARRELL L. JACKSON
Chief, Real Estate Division

1 Incl
1. Map

RECEIVED
JUL 11 1955
GENERAL LAND OFFICE

counter 46333 D²

D-458

8 July 1955

Mr. Earl Rudder, Commissioner
General Land Office
Austin, Texas

Dear Sir:

In answer to your letter of 1 July 1955, regarding the land deed from Port Arthur Land Company to the United States of America, we are attaching a map which we think will help you locate the area in question.

FOR THE DISTRICT ENGINEER:

Yours very truly,

DARRELL L. JACKSON
Chief, Real Estate Division

1 Incl
1. Map

counter #6334

D3

8 July 1955

Mr. Earl Rudder, Commissioner
General Land Office
Austin, Texas

Dear Sir:

In answer to your letter of 1 July 1955, regarding the land deed from Port Arthur Land Company to the United States of America, we are attaching a map which we think will help you locate the area in question.

FOR THE DISTRICT ENGINEER:

Yours very truly,

DARRELL L. JACKSON
Chief, Real Estate Division

1 Incl
1. Map

Jackson Co. 519 SK #31

counter 46335

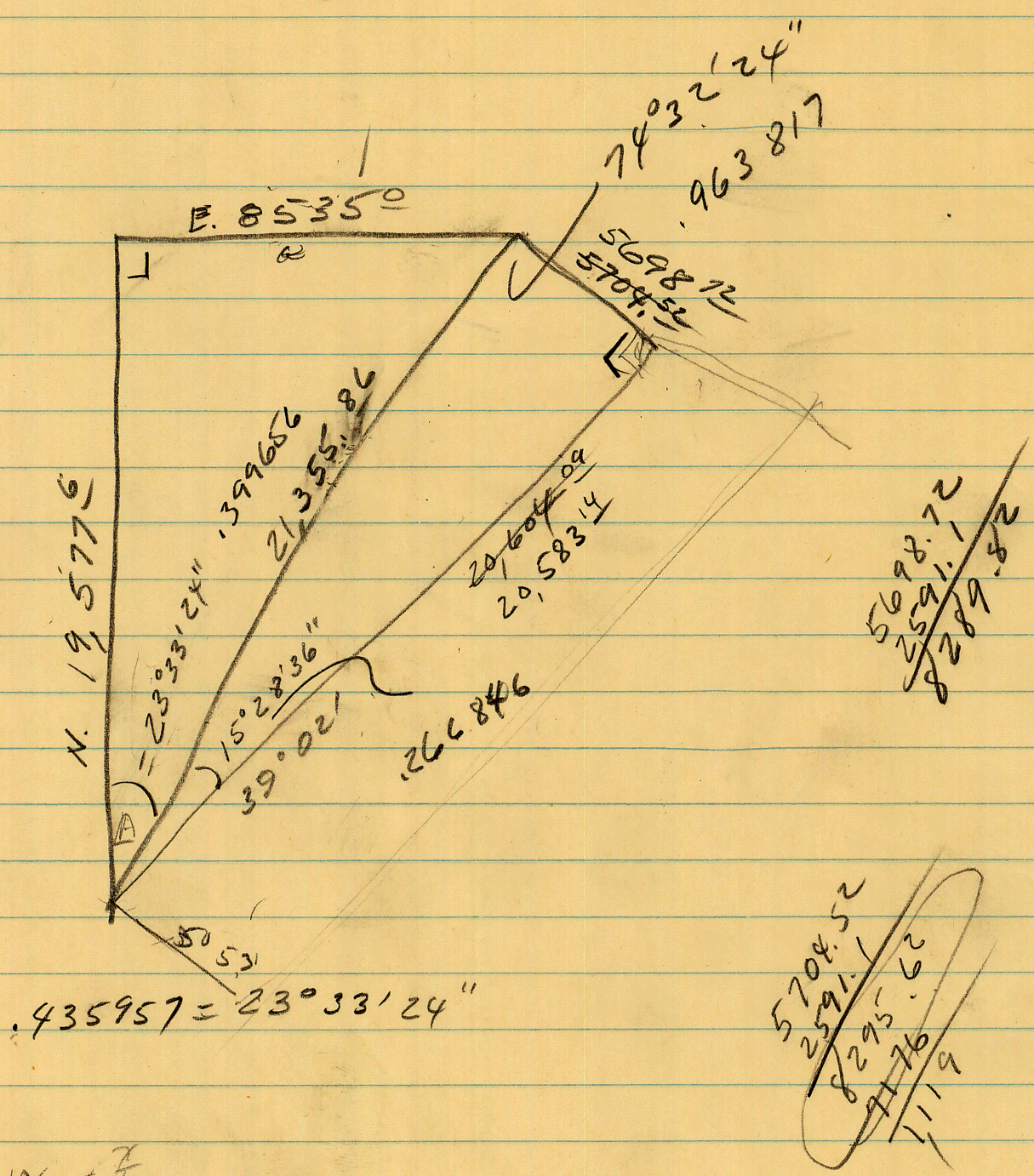
D4

	Sq. in.
(1)	29.77
(2)	34.49
(3)	44.25
(4)	50.90
(5 & 6)	60.58
(7)	26.79
(8)	24.25
(9)	29.20
(10)	27.84
(11)	20.98
	349.05 = 2003 Ac.

Scale small area = 1561 Ac.
" very small = 516 Ac
Scale whole area 2077 Ac.

Call 1628

counter 46336 E'



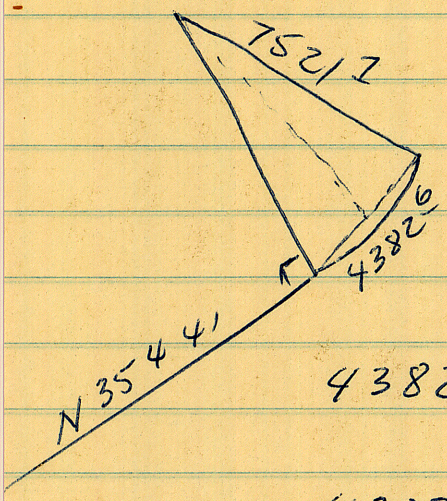
$\frac{10}{25} = \frac{x}{60}$

$25x = 600$

$\frac{24}{60} = \frac{x}{27}$

E²

Counter 46337



$$4382.6 = \left(\frac{I}{1{,}296000}\right) 6.2832 (7521.7)$$

$$\frac{4382.6}{47{,}260.34} = \frac{I}{1{,}296{,}000}$$

$$47{,}260.34\,I = 5{,}679{,}849{,}600.00$$

$$I = \frac{120{,}182.15}{3600} = 33.38^\circ$$

$I = 33^\circ 22' 48''$

$\frac{I}{2} = 16^\circ\ 41'\ 24''$

$2 \overline{)\ 33^\circ\ 22'\ 48''}$

$\frac{38}{100} = \frac{x}{60}$ $\quad \frac{38}{60}$ $\quad 22.8$

$\frac{80}{100} = \frac{x}{60}$ $\quad 48$

$34\ 64\ 41$

$34\ 64\ 24$

$16\ 41\ 17''$

$18^\circ 23' 17''$

$28708''$

28719

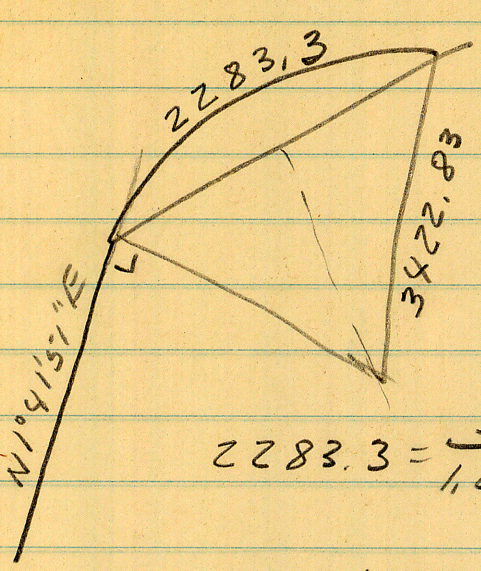
$\rightarrow 2160.15$

2

4320.30

E3

counter 46338



$$\begin{array}{r} 1^\circ 41' 51'' \\ 19 \quad 6 \quad 36 \\ \hline 20^\circ 48' \quad 27'' \end{array}$$

$$2283.3 = \frac{I}{1,296,000} \cdot 6.2832\,(3422.83)$$

$9 - 4 = 5$

$$21,506.32\,I = 2,959,156,800.-$$

$$I = \frac{137,594.75}{3600} = 38.22$$

$I =$

$$\begin{array}{r} I/2 = 19^\circ 06' 36'' \\ \hline 2\,)\,38^\circ 13' 72'' \end{array}$$

$\frac{22}{100} = \frac{x}{60}$

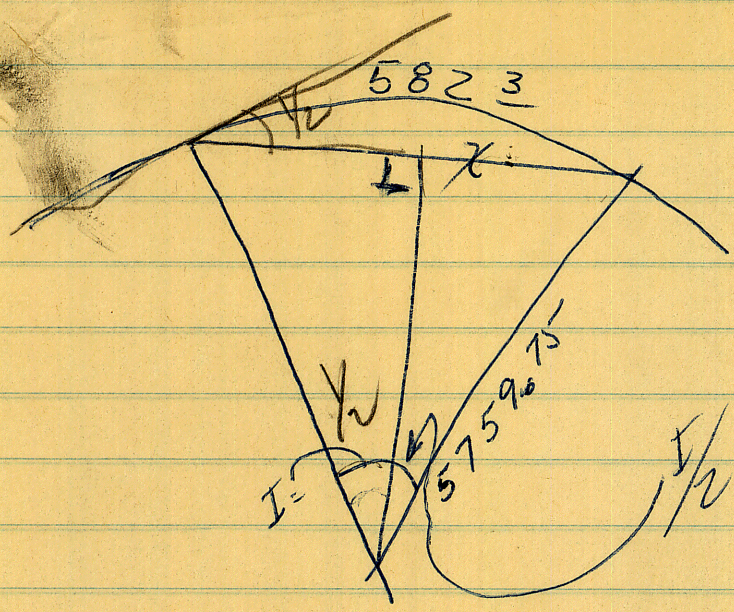
$$\begin{array}{r} 22 \\ 60 \\ \hline 1320 \end{array}$$

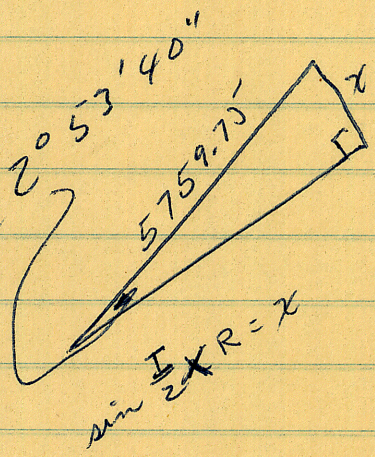
20

$$\begin{array}{r} 32749 \\ 16 \\ \hline 32765 \end{array}$$

$$\begin{array}{r} 1121.49 \\ 2 \\ \hline 2242.98 \end{array}$$

counter 46339 E4





$$582^{\underline{3}} = \left(\frac{1^\circ}{360}\right) 6.2832\,(5759.75)$$

$$= \left(\frac{1}{360}\right) 36189.66$$

$$\frac{582^{\underline{3}}}{36189.66} = \frac{I}{\cancel{360}\ 1{,}296{,}000}$$

$$\begin{array}{r} 60 \\ 60 \\ \hline 3600 \end{array}$$

$$36189.66\,I = 75{,}466{,}080.0$$

$$= 20{,}85.2{,}93 \text{ seconds}$$

$$\cancel{7\ 4\ 3}\ 3600$$

$$\begin{array}{r} 2 \\ 2\overline{)5.79248} \\ \underline{4} \end{array}$$

$I = 5^\circ\ 47'\ 20''$

$$\frac{79}{100} \times \frac{x}{60}$$

$$\begin{array}{r} 2^\circ \quad 53' \quad 40'' \\ 2\overline{)5^\circ \quad 47' \quad 20''} \\ \underline{4} \quad \underline{60} \quad \underline{60} \\ 10 \quad 107 \quad 80 \end{array}$$

47.40

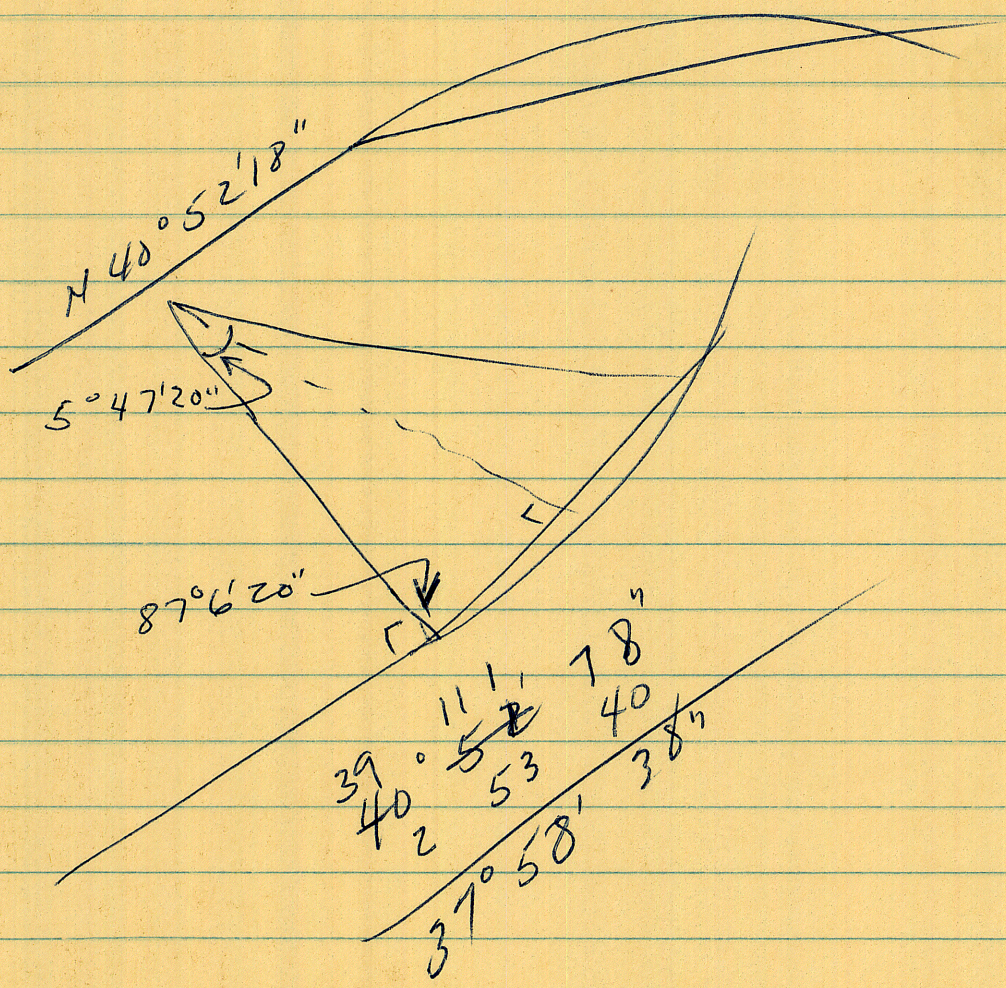
$$\frac{40}{100} \times \frac{x}{60}$$

counter 146340 E^s

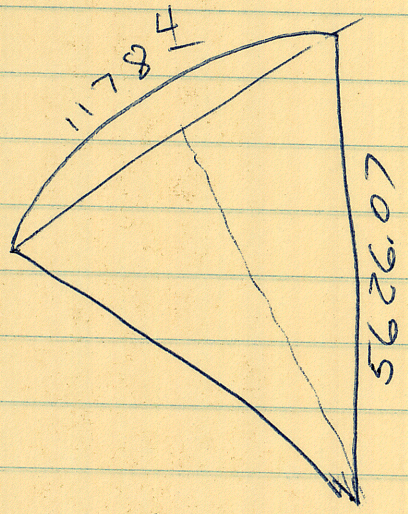
sin 2° 53'40" = .05049

x = 290.80
2
581.60 chord distance

89 59 60
2 53 40
87 6 20



counter 46341 E6



$$1178.4 = \left(\frac{I}{1{,}296{,}000}\right) 6.2832 (5626.07)$$

$$\frac{1178.4}{353{,}49.72} = \frac{I}{1{,}296{,}000}$$

9 - 5 = 4

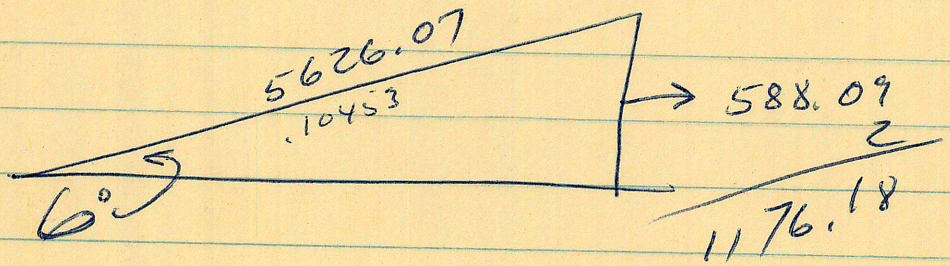
$$I = \frac{43202.78''}{3{,}600} = [illegible]^\circ$$

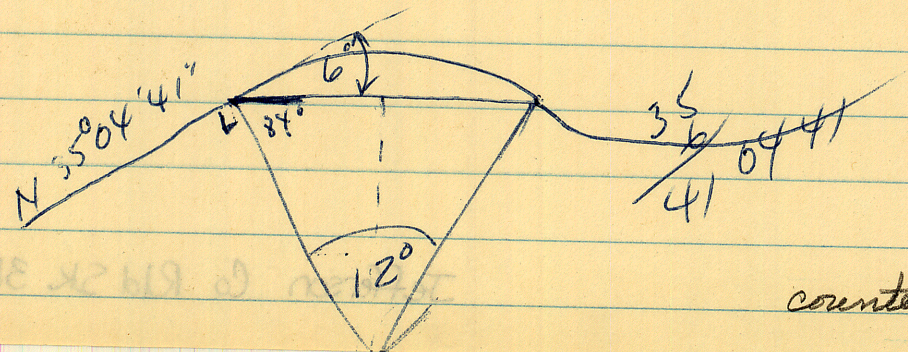
$$100x = 1.20$$

$$\frac{20}{100} = \frac{DC}{60}$$

$$\frac{20}{100}$$

$$I = 12^\circ 00'$$





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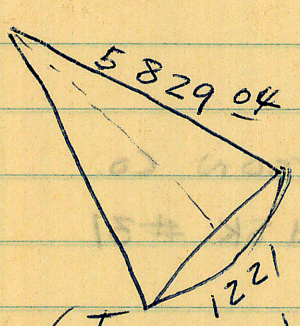


$$\begin{array}{r} 609.30 \\ 2 \\ \hline 1218.60 \end{array}$$

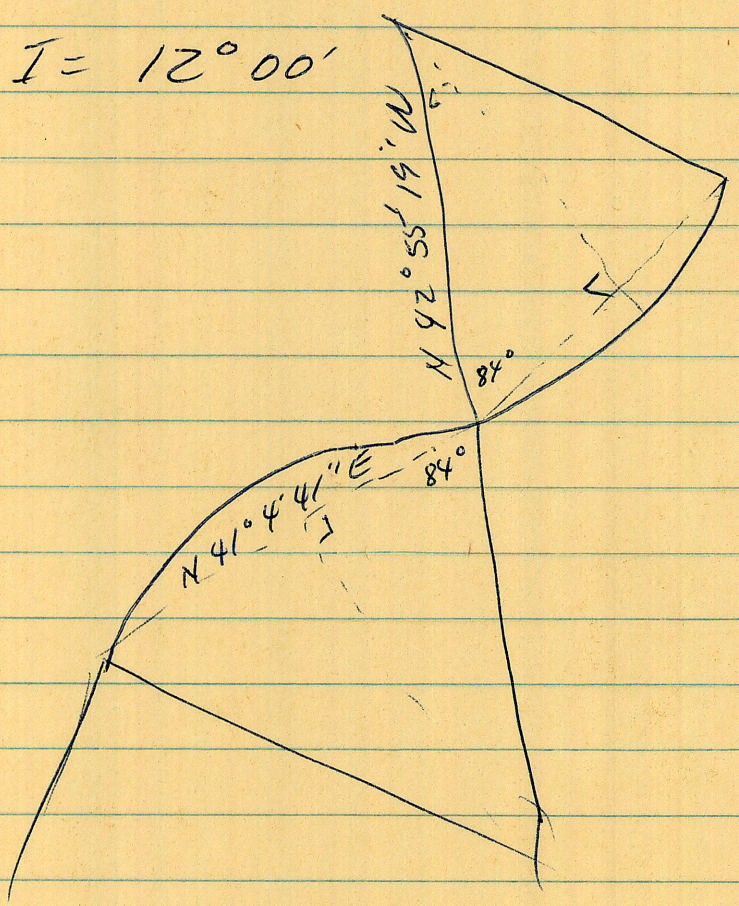
$$1221 = \left(\frac{I}{1,296,000}\right) 6.2832 \left(5829\,\underline{04}\right)$$

$$\frac{1221}{36625.02} = \frac{I}{1,296,000}$$

$$\frac{1,582,416,000}{36,625.02} = \frac{43,205.87''}{3,600} = 12.001$$

$9-5=4$ $\quad$ $4-3=1$

$I = 12°00'$



$$\begin{array}{r} 83\ 54\ 60 \\ 41\ \ 4\ 41 \\ \hline N\ 42\ 55\ 19\ W \end{array}$$

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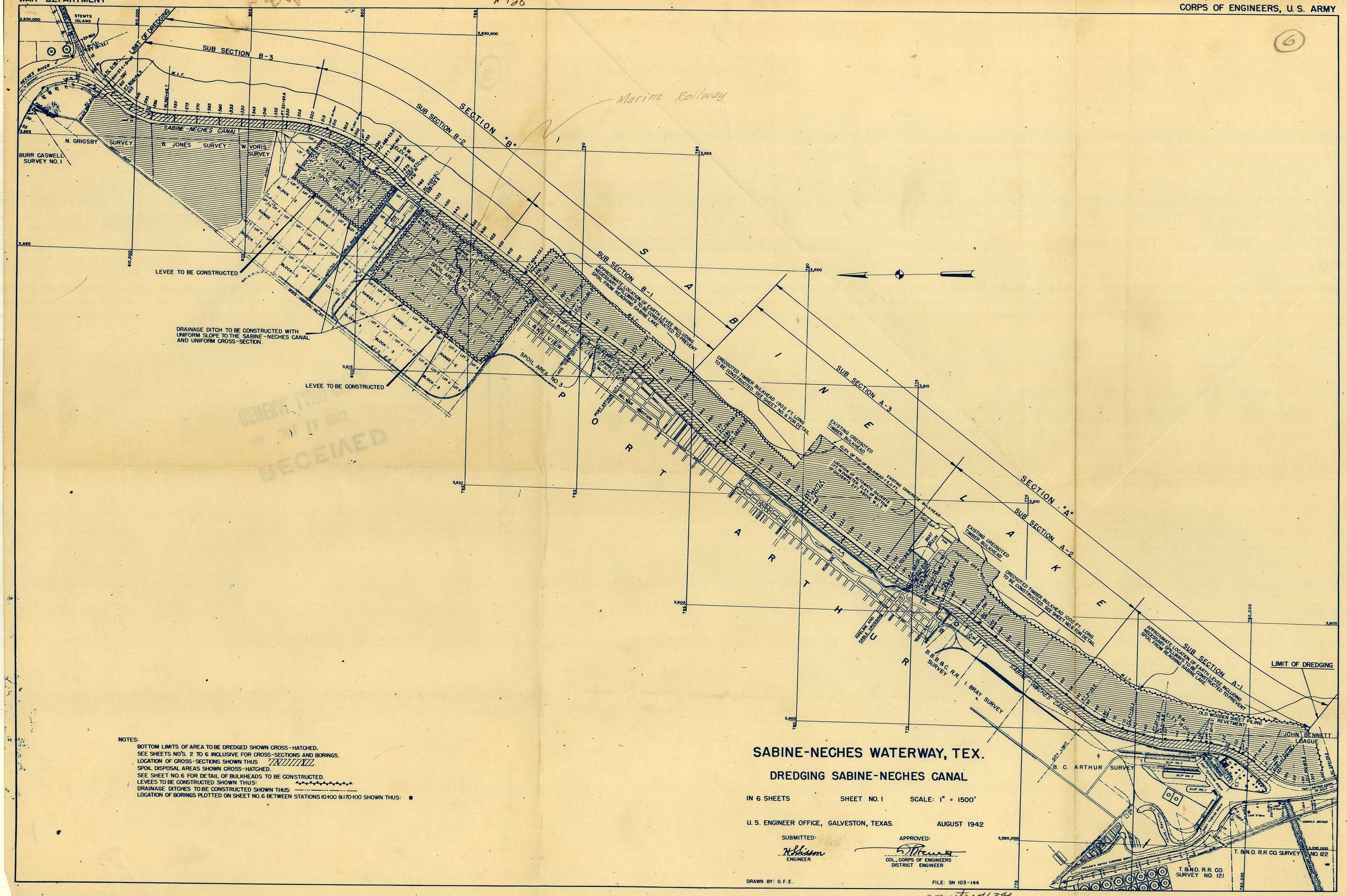
WAR DEPARTMENT

D-458

CORPS OF ENGINEERS, U. S. ARMY

(6)



NOTES:

BOTTOM LIMITS OF AREA TO BE DREDGED SHOWN CROSS-HATCHED.
SEE SHEETS NO'S. 2 TO 6 INCLUSIVE FOR CROSS-SECTIONS AND BORINGS.
LOCATION OF CROSS-SECTIONS SHOWN THUS
SPOIL DISPOSAL AREAS SHOWN CROSS-HATCHED.
SEE SHEET NO. 6 FOR DETAIL OF BULKHEADS TO BE CONSTRUCTED.
LEVEES TO BE CONSTRUCTED SHOWN THUS:
DRAINAGE DITCHES TO BE CONSTRUCTED SHOWN THUS:
LOCATION OF BORINGS PLOTTED ON SHEET NO. 6 BETWEEN STATIONS 10+00 & 170+00 SHOWN THUS: ■

SABINE-NECHES WATERWAY, TEX.

DREDGING SABINE-NECHES CANAL

IN 6 SHEETS SHEET NO. 1 SCALE: 1" = 1500'

U. S. ENGINEER OFFICE, GALVESTON, TEXAS. AUGUST 1942

SUBMITTED: H. L. Lisson, ENGINEER

APPROVED: [signature], COL., CORPS OF ENGINEERS, DISTRICT ENGINEER

DRAWN BY: G.F.E. FILE: SN 103-144

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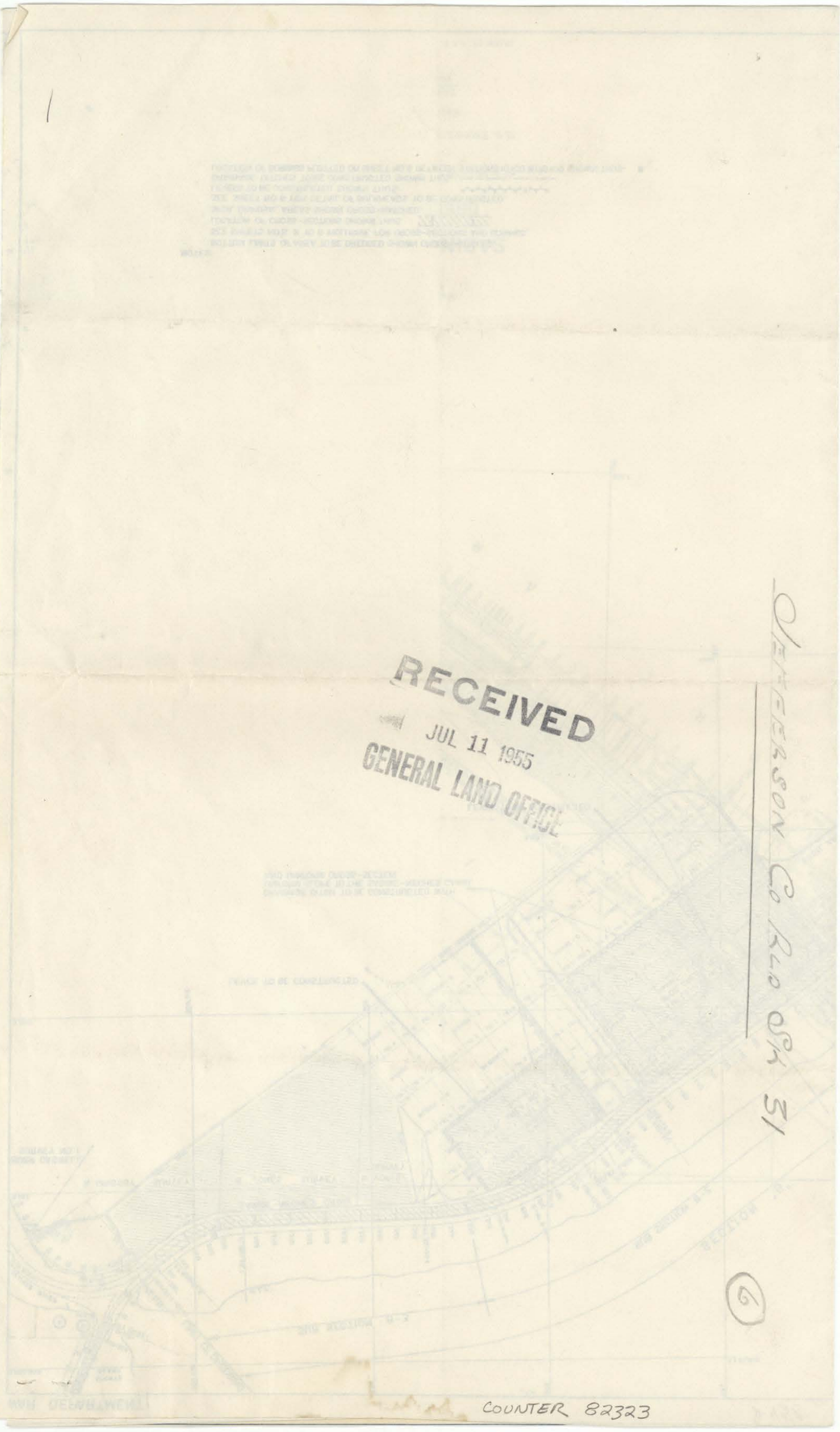

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JUL 11 1955
GENERAL LAND OFFICE

JEFFERSON Co RLO Sp 31

6

COUNTER 82323

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
GALVESTON DISTRICT
606 SANTA FE BUILDING
GALVESTON, TEXAS

W-N-243-41-PERMIT-3176

1 August 1955

PUBLIC NOTICE

Interested parties are hereby notified that application has been made to the District Engineer for a Department of the Army permit for structures in navigable waters in this Engineer District, as follows:

Name of applicant: Burton Construction & Shipbuilding Co., Inc., P. O. Box 1712, Port Arthur, Texas.

Waterway and location: Sabine-Neches Canal, central to a point approximately at Corps of Engineers Station 436+00 and immediately north from Lakeview Suburb at Port Arthur, Texas.

Character of work: The applicant proposes to dredge an area and construct a steel sheet pile bulkhead and marine railway at the above location. The proposed bulkhead would extend 1,050 feet parallel to and 140 feet from the right descending bottom edge of the Sabine-Neches Canal and have a top elevation of 4 feet above mean low tide. An area along the bulkhead would be dredged approximately 30 feet wide and 8 feet deep at mean low tide. A 200 by 300 foot boat basin would be dredged 30 feet deep at mean low tide and extend shoreward from the northeast end of the proposed bulkhead. The dredged material would be placed on shore. The marine railway would extend along the northeast side in the proposed basin from an elevation of 12½ feet above to 18 feet below mean low tide.

The plans may be seen in Room 604, Santa Fe Building, Galveston, Texas, at any time between 7:45 A.M. and 4:45 P.M., Monday through Friday, or at the Corps of Engineers Area Office at Port Arthur, Texas.

Any protest you have to make against the proposed operations from the standpoint of navigation should be received by the District Engineer not later than 12 August 1955; otherwise it will be considered that there are no objections.

The decision as to whether or not a permit will be issued must rest primarily upon the effect of the proposed work on navigation. The Corps of Engineers cannot undertake to adjudicate conflicting claims to property rights affected by the proposed work.

RECEIVED
AUG 2 1955
GENERAL LAND OFFICE

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

counter 46345

Corps of Engineers, U.S. Army
Galveston District
P.O. Box 1229, Galveston, Tex.

Sec. 34.66, P.L. & R.
U. S. POSTAGE
PAID
Galveston, Texas
PERMIT NO. 43

GENERAL LAND OFFICE
AUSTIN, TEXAS

MCS-1

Jefferson Co. Rld. Sk. #31

counter #6376

31
JEFFERSON CO. RLD. SK
IN FLAT FOLDER INST. 7

BRIEF

OF

THE CITY OF PORT ARTHUR

A MUNICIPAL CORPORATION

Concerning

THE REQUEST OF THE CITY OF PORT ARTHUR

For

THE CONSTRUCTION BY THE

FEDERAL GOVERNMENT

of

A PERMANENT REVETMENT

ALONG THE CITY'S PROPERTY

FRONTING ON LAKE SABINE

MAY, 1935

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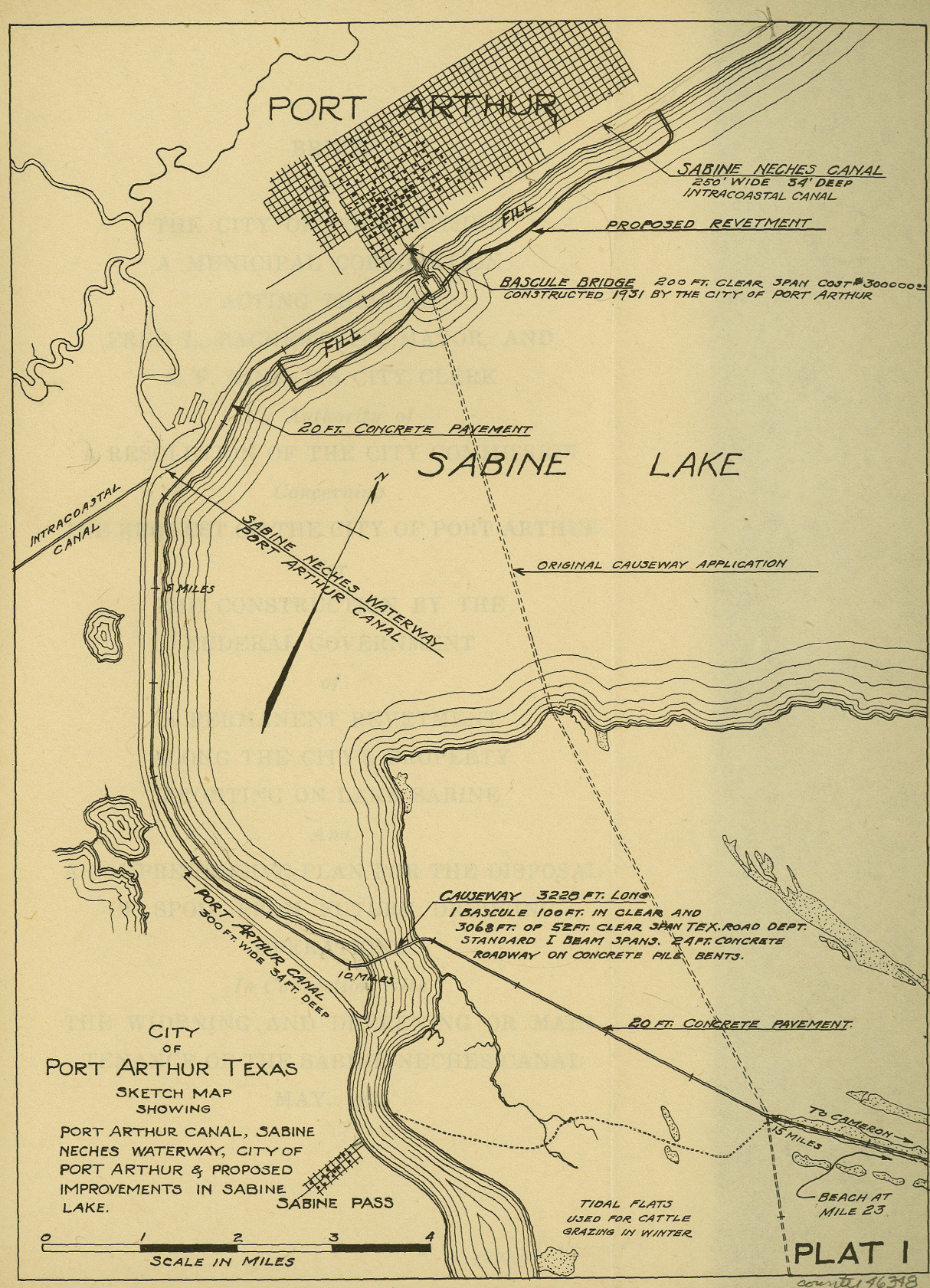
PORT ARTHUR
SABINE NECHES CANAL
250' WIDE 34' DEEP
INTRACOASTAL CANAL
FILL
PROPOSED REVETMENT
BASCULE BRIDGE 200 FT. CLEAR SPAN COST $3000000
CONSTRUCTED 1931 BY THE CITY OF PORT ARTHUR
FILL
20 FT. CONCRETE PAVEMENT
SABINE LAKE
INTRACOASTAL CANAL
SABINE NECHES WATERWAY
PORT ARTHUR CANAL
5 MILES
ORIGINAL CAUSEWAY APPLICATION
PORT ARTHUR CANAL
300 FT. WIDE 34 FT. DEEP
10 MILES
CAUSEWAY 3228 FT. LONG
1 BASCULE 100 FT. IN CLEAR AND
3068 FT. OF 52 FT. CLEAR SPAN TEX. ROAD DEPT.
STANDARD I BEAM SPANS. 24 FT. CONCRETE
ROADWAY ON CONCRETE PILE BENTS.
20 FT. CONCRETE PAVEMENT
TO CAMERON
15 MILES
BEACH AT
MILE 23
CITY
OF
PORT ARTHUR TEXAS
SKETCH MAP
SHOWING
PORT ARTHUR CANAL, SABINE
NECHES WATERWAY, CITY OF
PORT ARTHUR & PROPOSED
IMPROVEMENTS IN SABINE
LAKE.
SABINE PASS
TIDAL FLATS
USED FOR CATTLE
GRAZING IN WINTER
0 1 2 3 4
SCALE IN MILES
PLAT 1
counter 46318

BRIEF

OF

THE CITY OF PORT ARTHUR

A MUNICIPAL CORPORATION

ACTING THROUGH

FRED L. BACHERT, ITS MAYOR, AND

A. F. HINE, ITS CITY CLERK

By Authority of

A RESOLUTION OF THE CITY COMMISSION

Concerning

THE REQUEST OF THE CITY OF PORT ARTHUR

For

THE CONSTRUCTION BY THE

FEDERAL GOVERNMENT

of

A PERMANENT REVETMENT

ALONG THE CITY'S PROPERTY

FRONTING ON LAKE SABINE

And

A COMPREHENSIVE PLAN FOR THE DISPOSAL

OF SPOIL FROM FUTURE DREDGING

OPERATIONS

In Connection With

THE WIDENING AND DEEPENING OR MAINTENANCE OF THE SABINE-NECHES CANAL

MAY, 1935

counter16319

INTRODUCTION

On the following pages the City will try to outline its reasons for its request to the Federal Government that no further spoil from the dredging operations in the Sabine-Neches Canal be deposited on the land owned by the City from its East to West city limits fronting on Sabine Lake unless a permanent revetment is constructed along the North shore of Sabine Lake and comprehensive plans are made for the disposal of spoil between said revetment and Sabine-Neches Canal and Federal Funds provided for this work. In support of the City's contentions the brief will be submitted as follows:

CHAPTER 1 will record the various actions of the City Commission officially leading to the preparation and submission of this brief.

CHAPTER 2 will outline the history of the incorporation and dedication of the City of Port Arthur, the original construction of the Port Arthur Canal, and the Sabine-Neches Canal, and the acquiring of the title by the Federal Government of the land on which the Sabine-Neches Canal was constructed; bringing out the facts that the Sabine-Neches Canal was constructed through land that was originally dedicated to the public as Lakeshore Park.

CHAPTER 3 will endeavor to bring out the damage that has been done to the Sabine Lake and to the health and comfort of the citizens of Port Arthur by the dredging operations in the Sabine-Neches Canal from the time of its construction until the present time, by the lack of any comprehensive plans as to the disposal of spoil and the preventing of erosion by the construction of a permanent revetment.

CHAPTER 4 will endeavor to bring out the various attempts of the City to protect itself and the method of acquiring title to this land by the City.

CHAPTER 5 will ouline the City's plan for its protection.

CHAPTER 6 Summary.

CHAPTER I

In past years the Chamber of Commerce and various civic organizations have tried to obtain through Congress and through the Army Engineers some relief for the City in connection with the dredging operations in the Sabine-Neches Canal.

In September 1934 a committee of citizens appeared before the City Commission of Port Arthur, Texas, and requested the City to officially take up through all possible federal agencies the matter of gaining relief for the community. A copy of a portion of the minutes of that meeting follows:

EXCERPTS FROM THE MINUTES OF A MEETING OF THE CITY COMMISSION PORT ARTHUR, TEXAS, HELD SEPT. 8th, 1934.

"A committee composed of the following representatives of various organizations appeared before the Commission to discuss protection of the lake front during dredging operations: J. F. Jakowicz, Dr. L. C. Heare, C. Loeb, and S. H. Wellborn from the Chamber of Commerce; Milton Lee, Trades and Labor Council; J. C. Tillis, Welder's Local No. 211; D. A. Dunlavey, Common Laborers No. 399; J. W. Sipole, I.A.T.S.E. No. 391; Lawson Wimberly, Electrical Workers No. 390; H. A. Young, Engineer's Local No. 710; and Carl White of the People's Press. Mr. Jakowicz stated that he had heard unofficially that a hearing had been called for September 18th at which time the proposal for the widening of the Sabine-Neches Canal to 300 feet and deeping to 34 feet was to be heard, and stated that he was surprised that the City Administartion had not received official notice of this hearing. Mr. Jakowicz said he wanted it clearly understood that this joint committee did not oppose deep water development but that they did strenuously object to ruining the lake for future recreational purposes and that, if, and when, the widening of the canal to 300 feet was carried out the dredging operations would have to encroach on the East levee, necessitating the removal of a large quantity of dirt and if immediate steps

counter 46350

were not taken a large portion of this dirt would go directly into the lake. Mr. Jakowicz made the point that the canal was not of benefit to Port Arthur and said he felt sure if steps were taken to prevent the further dredging until assurance was given that the lake would be protected, that Beaumont and other interests benefited by the canal would come to the aid of Port Arthur. He further said that Mr. Dies had introduced a resolution in Congress requiring the Board of Engineers to protect the lake and that the legal department of the Board had advised that the City had signed away all rights in the matter.

Milton Lee, President of the Trades and Labor Council, assured the Commission that all local organizations were in support of any efforts on the part of the Commission to secure protection for the lake.

Dr. Heare advanced as an argument that it was economically sound to protect the lake front as this would tend to eliminate the marshes on the spoil bank which would be of great help in mosquito control. He stated that the government had spent much money in mosquito control work and that any expenditures along these lines soon paid for itself.

Mr. Jakowicz stated he had a letter from Honorable Martin Dies suggesting contacting the U. S. Engineer's offices at Galvevston and New Orleans to protect further dumping of mud on the spoil bank.

Mr. Carter moved that the Mayor be authorized to appoint a committee of three from the City Commission to work with the joint committee now appearing before the Commission to see what could be done to interest the government engineers in constructing a revetment along the lake front to prevent mud and silt entering the lake. Seconded by Mr. Shelburne and carried.

Mr. Bachert moved the committee appointed from the Commission be instructed to contact the District Engineer's office at Galveston to protest the holding of the hearing set for September 18th and request postponement to allow representation by the City. Seconded by Mr. Carter and carried.

The Mayor appointed the following committee from the City Commission to work as outlined above: Mr. F. L. Bachert, Mr. A. Mohlin, and Mr. Sam. J. Shelburne.

The City Clerk was instructed to send a telegram to the District Engineer in Galveston entering a formal protest and request a postponement of the meeting."

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the City Commission of the City of Port Arthur, Texas, on 8th day, Sept. 1934, as same appears of record in minute book and on file in my office.

Witness my hand and seal of said City this 9th day of January, A. D. 1935.

(SEAL)

(Signed) A. F. HINE,
City Clerk.

The committee appointed at this meeting wrote the following letter to the Board on Rivers and Harbors, United tSates Engineers, Washington, D. C.:

Board on Rivers and Harbors,
United States Engineers,
Washington, D. C.

Sirs:

In connection with proposed widening and deepening of the Sabine-Neches Canal and future maintenance operations in connection with said Canal, the undersigned, a committee appointed by the City Commission of the City of Port Arthur, Texas, respectfully submit the following for your careful consideration.

The City of Port Arthur, as a municipal corporation, owns the land lying between the Sabine-Neches Canal and the Texas-Louisiana line in the center of Lake Sabine from the East to the West city limits.

Lake Sabine was originally a clear water lake and an ideal hunting and fishing resort. In the disposal of spoil from the dredging of the Sabine-Neches Canal the original shore line of the lake was destroyed; silt was deposited on the original sand and shell bottom and the land lying between the lake shore and the Sabine-Neches Canal was covered with hummocks and depressions and marshes which afford a breeding ground for the mosquito. The original beach and bathing facilities were destroyed.

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The City Commission feels that it represents the sentiment of the Community when it states that no further permits will be granted for the disposal of the spoil from the Sabine-Neches Canal on municipally owned property until a comprehensive plan for the revetment of the shore of Lake Sabine and for the disposal of the spoil from further dredging and maintenance operations be worked out and Federal funds appropriated for the construction of such revetment and for the proper disposition of the spoil between said revetment and the Sabine-Neches Canal. The City Commission is not disposed to protest against further widening and deepening of the Sabine-Neches Canal although such operations will be of no direct benefit to the citizens of Port Arthur, however, we feel that the Federal Government, which is spending millions of dollars for the creation of recreational facilities, the conservation of public lands and water supply, and reforestration, should not destroy a natural playground such as Lake Sabine.

The City has worked out a plan for the revetment of the shore of Lake Sabine, the reclamation and drainage of land lying between said revetment and the Sabine-Neches Canal and the construction on said reclaimed land of certain recreational and resort facilities such as golf courses, yacht club, athletic field and stadium, race track and beach facilities, and has attempted to borrow funds from the Public Works Administration for the construction of the revetment and of these facilities. We feel sure that eventually the City will be able in some manner to finance this lake front development.

We are submitting for your consideration, a copy of the minutes of the regular meeting of the City Commission on September 8th appointing the undersigned committee. We are also enclosing a brief outlining the City's position with reference to the protection of Lake Sabine and future lake front development and also enclosing letters and petitions from the citizens of Port Arthur and various civic bodies outlining the community's feeling with reference to the future disposal of the spoil from maintenance and dredging operations in the Sabine-Neches Canal.

Very respectfully,

(Signed) FRED L. BACHERT
Fred L. Bachert
(Signed) A. MOHLIN
A. Mohlin
(Signed) SAM J. SHELBURNE
Sam J. Shelburne
Committee.

As a result of this letter a special meeting of the City Commission was held in Port Arthur, Texas, October 4th, 1934, to meet with Colonel Warren T. Hannum of the United States Engineers. An excerpt from minutes of that meeting follows:

EXCERPT FROM THE MINUTES OF A SPECIAL MEETING OF THE CITY COMMISSION OF PORT ARTHUR, TEXAS, HELD OCTOBER 4th, 1934.

"A special meeting of the Commission of the City of Port Arthur, Texas, was held in the rooms of the Chamber of Commerce, Thursday morning, October 4th, at 11:30 o'clock with the following members present:

Mayor Winstel, Commissioners Bachert, Carter, McWhorter, Mohlin, Shelburne and Trost and City Attorney Wistner and City Manager Cooper.

The meeting was called to order by the Mayor who stated the purpose was to prepare a resolution as suggested by Col. Warren T. Hannum, to be delivered to him presenting the City's request for a permanent bulkhead or revetment along the lake front to prevent silt and spoil from entering the lake from dredging operations.

Mr. McWhorter moved the resolution be drafted by the City Attorney and the City Manager immediately, seconded by Mr. Carter and carried.

Col. Hannum offered the suggestion to Commission the resolution be submitted to him before adoption in order that he might make suggestions for any changes that might be helpful.

After transaction of further and additional business the meeting was adjourned."

(Signed) E. R. WINSTEL, Mayor.

ATTEST:

(Signed) A. F. HINE
City Clerk

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur.

counter 46352

Texas, do herbey certify that the above and foregoing is a true and correct copy of a resolution adopted by the City Commission of the City of Port Arthur, Texas, on October 4th, 1934, as same appears of record in minute book and on file in my office.

Witness my hand and seal of said City this 9th day of January, A. D. 1935.

(SEAL) (Signed) A. F. HINE
City Clerk

The City Commission met again in the same afternoon in the City Hall at 2:00 o'clock. An excerpt from the minutes of that meeting follows:

EXCERPTS FROM THE MINUTES OF A SPECIAL ADJOURNED MEETING OF THE CITY COMMISSION OF PORT ARTHUR, TEXAS, HELD OCTOBER 4th, 1934.

"An adjourned meeting of the City Commission of Port Arthur, Texas, was held at the City Hall, Thursday afternoon at 2 o'clock, with the following members present:

Mayor Winstel, Commissioners Bachert, Carter, McWhorter, Mohlin, Shelburne and Trost, and City Attorney Wistner and City Manager Cooper.

The meeting was called to order by the Mayor and the following Resolution was read by the Clerk:

RESOLUTION NO. M 107

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

WHEREAS, The City of Port Arthur, Jefferson County, Texas, is a municipal corporation having a population in excess of fifty thousand inhabitants, separated from bordering on the shores of Lake Sabine by the Sabine-Neches Canal, an artificial navigable waterway leading from Sabine Pass to Port Arthur, Port Neches, and Beaumont, Texas; and

WHEREAS, the construction of said Sabine-Neches Canal and the subsequent deeping and widening thereof by the deposit of silt and spoil within the bed of Lake Sabine has caused same to recede in a Southerly direction, thereby creating approximately two thousand acres of submerged and partially submerged land and which said lands lie next to and adjacent to the City of Port Arthur, Texas; and

WHEREAS, the City of Port Arthur, Texas, has purchased said land from the State of Texas by proper deeds of conveyances from the Land Commissioner of the State of Texas duly authorized by a special act of the Legislature and has constructed a bridge spanning Sabine-Neches Canal which affords means of ingress and egress to said lands and has reclaimed a portion of said land by the construction of a concrete revetment and filling in and leveling up to an elevation of approximately six feet above mean low tide, all at a total cost of approximately $750,000.00; and

WHEREAS, since the construction of said Canal the citizens of Port Arthur and Precinct 2, Jefferson County, has been compelled to expend approximately $1,000,000.00 for the purpose of protecting the city side of said Canal.

WHEREAS, the City of Port Arthur, Texas, realizing and appreciating the value of said lands if reclaimed, has now on file with the Public Works Administration at Washington, D. C., an application for a loan and grant for the purpose of constructing a permanent revetment extending along the lake front from the most Easterly to the most Westerly corporate limits of said City and of the filling in and leveling up and draining the strip of land lying between said revetment and the most southerly bank of the Sabine-Neches Canal, building same to an elevation of approximately six feet above mean low tide and the construction on said reclaimed land of certain recreational facilities, and

WHEREAS, The City of Port Arthur have had several engineering investigations and reports as to the feasibility of retaining said reclaimed land by means of levees or dikes whether rip-rapped by vegetation or with concrete or other forms of rip-rap, all of which said investigations and reports have shown that there is no feasible means of retaining said reclaimed land except by a permanent bulkhead or revetment; and

WHEREAS, the City Commission of the City of Port Arthur, Texas, are informed that the United States government contemplates the widening and deeping of the Sabine-Neches Canal and that the spoil from the dredging operations will be deposited either on the land now lying between the Sabine-Neches Canal and said Lake Sabine or within the bed of said Lake Sabine in a haphazard manner and without any attempt to level or drain the spoil bank.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Port Arthur, feel in interest of

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the people of Port Arthur from the standpoint of health and of the recreational facilities afforded by Lake Sabine, that the City Commission should take all steps within its power to prevent any further dumping of spoil on the land now owned by the City of Port Arthur, Texas, until and unless definite plans are made for the construction of the permanent bulkhead or revetment along the Northerly shore of Lake Sabine and funds provided for the construction thereof.

Read and adopted by a unanimous vote of the City Commission of Port Arthur, Texas, at a special meeting at the City Hall, Port Arthur, Texas, this the 4th day of October, A. D. 1934.

ATTEST: (Signed) E. R. WINSTEL
Mayor.

(Signed) A. F. HINE
City Clerk.

"After the resolution was read, Mr. Carter moved its adoption. Mr. Bachert added the provision to the motion that the City Attorney and the City Manager be authorized to make any necessary changes. Motion seconded by Mr. McWhorter and carried by unanimous vote of the Commission."

After transaction of further and additional business the meeting adjourned.

ATTEST: (Signed) E. R. WINSTEL
Mayor
(Signed) A. F. HINE
City Clerk.

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City Commission of the City of Port Arthur, Texas, on October 4th, 1934, as same appears of record in minute book and on file in my office.

Witness my hand and seal of said City this 9th day of January, A. D. 1935.

(SEAL) (Signed) A. F. HINE
City Clerk

As a result of this resolution the Mayor of Port

Arthur received from the War Department, through the District Engineer of the United States Engineers office at Galveston, the following letter:

The Mayor,
Port Arthur, Texas.

Dear Sir:

Reference is made to the conference held on October 4, 1934, at Port Arthur, Texas, by Col. W. T. Hannum, U. S. Division Engineer, and local interests regarding the placing of spoil pumped from the Sabine-Neches Canal onto the spoil bank between the canal and Sabine Lake.

The requests of local interests that bulkheads be constructed to prevent spoil from reaching the bed of Sabine Lake and to grade the fill have been considered by the Chief of Engineers, U. S. Army.

This office has been instructed to inform you that under the present contract for dredging the canal it is considered impracticable to comply with your request, but if future dredging, now being recomended, to enlarge the canal is undertaken the spoil removed from the canal along the city water front at Port Arthur will be so placed that it will not run into Sabine Lake.

Very truly yours,

(Signed) E. H. MARKS,
E. H. Marks,
Lieut. Col., Corps of Engineers, U. S. A.
District Engineer.

In January 1935 at a meeting of the City Commission the matter of a revetment along the lake front was discussed and the following was taken from the minutes of that meeting:

EXCERPTS FROM THE MINUTES OF A MEETING OF THE COMMISSION OF THE CITY OF PORT ARTHUR, TEXAS, JANUARY 7th, 1935.

"The Commission of the City of Port Arthur, Texas, met in a regular administrative and legislative session at the City Hall, Monday evening, January 7th, 1935, at eight o'clock with the following members answering roll call:

Mayor E. R. Winstel, Commissioners Bachert, Carter, McWhorter, Mohlin and Shelburne, absent Commissioner Trost."

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Among other business transacted the following resolution was adopted:

"Mr. McWhorter moved that Mr. Bachert and the committee appointed in the interest of the protection of the lake front be authorized to file proper briefs with the Committees on Rivers and Harbors of the United States Congress and the United States Senate and submitted the following resolution for adoption: "The City Commission of Port Arthur, Texas, requests that when future appropriations are made for the maintenance, or widening and deepening of the Sabine-Neches Canal provisions be made in said appropriations for a permanent revetment to prevent any spoil being deposited in Lake Sabine". Motion was seconded by Mr. Carter and carried by unanimous vote."

After the transaction of further and additional business Commission adjourned.

ATTEST: (Signed) E. R. WINSTEL
(Signed) A. F. HINE Mayor
City Clerk.

THE STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregeoing is a true and correct copy of a resolution adopted by the City Commission of the City of Port Arthur, Texas, on January 7, 1935, as same appears of record in minute book and on file in my office.

Witness my hand and seal of said City this 9th day of January, A. D. 1935.

(SEAL) (Signed) A. F. HINE
City Clerk

The Committee appointed by the City Commission prepared and submitted a Brief to the Committee on Rivers and Harbors of the House of Representatives which was accompanied by the following letter:

Committee on Rivers and Harbors,
U. S. House of Representatives,
Washington, D. C.

Gentlemen:

The undersigned duly appointed committee of the City Commission of the City of Port Arthur, Texas, are submitting the attached brief in connection with the matter of future maintenance operation or widening and deepening of the Sabine-Neches Canal.

This brief will show the feeling of the citizenship at large in the City of Port Arthur with reference to this matter. We feel that if future appropriations are made for the maintenance and deepening and widening of the Sabine-Neches Canal the appropriations should contain sufficient funds to provide permanent revetment and plans for the disposal of the spoil from the dredging operations so that there will be no further spoil deposited in Lake Sabine.

For your information, the City of Port Arthur owns in fee simple all the land lying betwen the South bank of the Sabine-Neches Canal and the Texas-Louisiana state line in the center of Lake Sabine, and the City Commission will do all in its power to prevent further spoil being deposited in Lake Sabine.

Trusting that you will take the attached brief into consideration in future appropriations for dredging operations in the Sabine-Neches Canal, we are

Yours very truly,
(Signed) FRED L. BACHERT
Fred L. Bachert
(Signed) A. MOHLIN
A. Mohlin
(Signed) SAM J. SHELBURNE
Sam J. Shelburne
Committee

At a hearing of the Committee on Rivers and Harbors of the House of Representatives on March 14th, 1935, which was attended by Congressman Dies and M. D. Gates, representing the City of Port Arthur, it developed that this Brief had been lost. At a regular meeting of the City Commission, of the City of Port Arthur, on March 25th, 1935, a resolution was adopted requesting a re-hearing before the House Committee on Rivers and Harbors. A

counter 46355

copy of a portion of the minutes of that meeting, together with a copy of a letter to Honorable J. J. Mansfield enclosing a certified copy of the resolution adopted by the City Commission, follows:

EXCERPT FROM THE MINUTES OF THE CITY COMMISSION OF THE CITY OF PORT ARTHUR, TEXAS.

"The City Commission of Port Arthur, Texas, met in a regular administrative and legislative session at the City Hall, Monday evening, March 25th, 1935, with the following members answering roll call:

Mayor Bachert, Commissioners LeBlanc, Loeb, Mohlin, Shelburne, Wheless, and Winstel".

Here follows business not pertinent.

"Mr. LeBlanc made the motion that the City Commission officially request a re-hearing before the Committee on Rivers and Harbors of the United States House of Representatives on the matter of future dredging operations in the Sabine-Neches Canal, included in the General Appropriations Bill for the coming fiscal year; at which time the City of Port Arthur will present its official brief requesting a permanent revetment to prevent the spoil dredged from said canal from entering Lake Sabine. Motion seconded by Mr. Wheless and carried by unanimous vote."

"After the transaction of further and additional business, the meeting was adjourned."

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted at the regular meeting of the City Commission of the City of Port Arthur, Texas, held on the 25th day of March, A. D. 1935, as same appears of record and on file in minute book in my office.

Witness my hand and seal of said City this 27th day of March, A. D. 1935.

(Signed) A. F. Hine
City Clerk

Honorable J. J. Mansfield, Chairman,
Committee on Rivers and Harbors,
House of Representatives, U. S.
Washington, D. C.

Sir:

Enclosed is a certified copy of a resolution adopted by the City Commission of Port Arthur, Texas, March 25th, 1935. This resolution is self explanatory.

Yours very truly,
(Signed) A. F. HINE
A. F. Hine, City Clerk.

The House Committee refused to grant a re-hearing on the Rivers and Harbors Bill but Congressman Dies secured an amendment in the House of Representatives calling for a survey of the entire revetment project.

At the regular meeting of the City Commission on March 25th, 1935, the City Commission decided to request additional citizens to serve on the committee which had heretofore worked for a permanent revetment along the City's lake front and the following is a portion of the minutes of that meeting:

EXCERPT FROM THE MINUTES OF A MEETING OF THE CITY COMMISSION OF PORT ARTHUR, TEXAS, HELD MARCH 25th, 1935.

"The Commission of the City of Port Arthur, Texas, met in a regular administrative and legislative session at the City Hall, Monday evening, March 25th, 1935, with the following members answering roll call:

Mayor Bachert, Commissioners LeBlanc, Loeb, Mohlin, Shelburne, Wheless, and Winstel; and City Manager Cooper and City Attorney Wistner.

The meeting was called to order by the Mayor and the minutes of the previous meeting read and approved."

(Here follows business not pertinent).

"Mr. LeBlanc moved that the Committee composed of Mayor Bachert, Commissioners Mohlin and Shelburne appointed in the interest of a permanent revetment for the Lake Front be enlarged to include the following, or any other citizens who can be of help in this connection: J. F. Jakowicz, Col. H. H. Haines, A. N. Peckham, Fred P. Dodge, Chas. R. Stevenson,

counter 46356

Geo. M. Craig, B. T. McWhorter, Jr., Duvis Button, and J. Forrest Collins, further that the cost of preparing and printing of the brief, in case a re-hearing is granted, will be borne by the City and paid from the General Fund. Motion seconded by Mr. Shelburne and carried".

After transaction of further and additional business, Commission adjourned.

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the City Commission at a regular meeting held March 25, 1935, as same appears of record and on file in minute book in my office.

Witness my hand and seal of said City this 10th day of April, A. D. 1935.

(Signed) A. F. HINE
City Clerk

The Mayor of the City of Port Arthur, who is also a chairman of the revetment committee, wrote to Senator Copeland on April 10th, 1935, the following letter:

Honorable Royal S. Copeland, Chairman,
Committee on Commerce, U. S. Senate,
Washington, D. C.

Dear Sir:

The writer respectfully requests that in connection with the House River and Harbor Bill that your committee defer any action until the City of Port Arthur can present a brief which is being prepared by a committee appointed by the writer which is a follw up of a brief previously submitted to the House Committee of Rivers and Harbors and to your committee, which brief was lost at the time of the meeting of the House Committee.

The brief will attempt to outline the position of the City of Port Arthur with reference to future dredging or maintenance operations in the Sabine-Neches Canal. It will attempt to show that the City will do all in its power to prevent the unplanned and haphazard disposition of spoil from dredging

operations on land owned by the City of Port Arthur between the Sabine-Neches Canal and the Sabine Lake and will further preesnt a plan for revetment of the Lake shore and the disposition of the spoil of dredging operations in the Sabine-Neches Canal between said revetment and the Sabine-Neches Canal, together with the estimated cost of same, which the City of Port Arthur feels should be borne by some federal agency, either from allotment through the Public Works Administration, an allotment from the War Department, or direct appropriation in the Rivers and Harbor Bill, prior to any appropriation for future widening or deepening of the Sabine-Neches Canal.

We are requesting that you delay any hearings on this matter until our brief can be properly submitted to your committee.

Yours very truly,

(Signed) FRED L. BACHERT
Fred L. Bachert, Mayor.

The Mayor has received in reply to the above letter the following letter:

"Dear Mr. Bachert:

I have received your letter of April 10, in regard to dredging operations and maintenance of the Sabine-Neches Canal, and wish to advise you that hearings will be held on the Rivers and Harbors Bill, beginning Monday, April 22, and continuing on Tuesday, April 23rd.

These hearings will then be postponed until after the completion of the hearings on the Ship Subsidy Bill, which will probably occupy the Committee until May 6, or 13.

Hearings on the Rivers and Harbors Bill will then be continued.

Cordially yours,

(Signed) ROYAL S. COPELAND
Royal S. Copeland."

Mr. Fred L. Bachert,
Port Arthur, Texas.

The Committee appointed by the Mayor of the City of Port Arthur on March 25th met and discussed the matter of permanent revetment in Lake Sabine and appointed a sub-committee consisting of Colonel

counter 16357

Harve H. Haines, B. T. McWhorter, Jr., and Robt. L. Cooper, to prepare a brief concerning the City's right to have this revetment constructed at the expense of the Federal Government. The sub-committee met and prepared a brief which was submitted to the committee on Monday, April 29th at a meeting in the Chamber of Commerce rooms in Port Arthur. At this meeting the following resolution was adopted:

"Be it resolved by this committee that the Brief by the sub-committee be adopted as drawn by the general committee and that this Brief be submitted to the City Commission of the City of Port Arthur with the request that they have five hundred copies of the Brief printed and submit it to the proper Federal authorities."

This resolution was presented to the City Commission by Mayor F. L. Bachert, Chairman of the Committee, at its regular session Monday, April 29th, 1935, at which time Commissioner LeBlanc introduced the following resolution and moved its adoption:

"Be it resolved by the City Commission of the City of Port Arthur that the Brief prepared by the committee on Lake front revetment be adopted by this Commission and that the City have five hundred copies of this Brief printed for submission to the proper Federal authorities."

The motion was seconded by Commissioner Loeb and carried by unanimous vote of the Commission.

After transaction of further and additional business the Commission adjourned.

STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, A. F. Hine, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the City Commission at a regular meeting held April 29th, 1935, as same appears of record and on file in minute book in my office.

Witness my hand and seal of said City this 30th day of April, A. D. 1935.

(Signed) A. F. HINE
City Clerk

CHAPTER II

On November 11th, 1898, the original plat of the City of Port Arthur, Texas, was filed for record. A copy of a portion of this map is given on Plat 2, page 20A. In the dedication filed with this map of the City of Port Arthur occurs the following language.

"And we do hereby give, grant, dedicate and set apart, to be improved and used as public parks and pleasure grounds only, the following tracts or parcels of land as shown on said map, to-wit:"

"The tract of land which lies between Lakeshore Drive and the lines shown on the accompanying map, which run near the shore of Sabine Lake, which tract of land is marked "Lakeshore Park" on the accompanying map."

The reader's attention is again called to this map which shows the Sabine-Neches Canal as it exists today running through Lakeshore Park.

When Arthur Stilwell conceived the idea of bringing an air line railroad from Kansas City to the Gulf of Mexico, about the year 1895, he did so with the object of making it possible to export by the shortest possible route the surplus products of the middle west to foreign countries and it naturally followed that he was required to establish a southern terminus for this railroad and to create at that southern terminus suitable deep water facilities for the reception and dispatch of freight from and to ocean going vessels. The City of Port Arthur on the northerly shore of Lake Sabine was chosen as the southern terminal of the Kansas City, Pittsburgh, and Gulf Railroad now known as the Kansas City Southern Railway.

The reader's attention is called to Plat 1, page 1, which shows the City of Port Arthur, the original settlement at Sabine Pass, and the Port Arthur Canal leading from Sabine Pass to the terminal facilities erected by Arthur Stilwell and his associates at

counter 14358

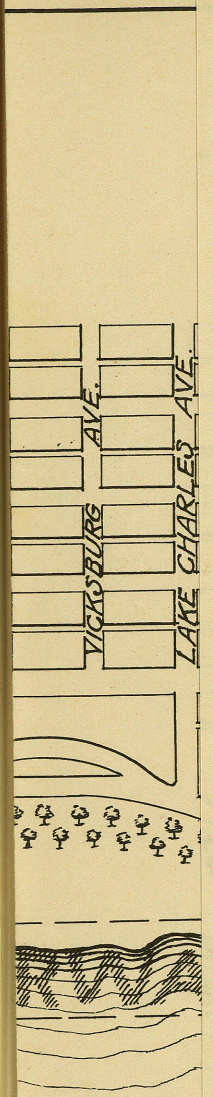
Port Arthur. This canal was approximately 7½ miles long and was constructed, together with the docks and warehouses, by the Port Arthur Canal & Dock Company, a subsidiary corporation of the interests which owned the Kansas City, Pittsburgh and Gulf Railroad. The cost of this canal, the dredging and protection work alone, was in round numbers $700,000.00 and the canal was constructed entirely by private interests. Not one cent being contributed by the Federal Government. In connection with the obtaining of permits from Federal authorities and overcoming opposition to the construction of this canal by various interests and riparian land owners, the interests financing the Port Arthur Canal & Dock Company were compelled to spend an additional $700,000.00 in litigation so that the cost to the promoters when the Port Arthur Canal was donated to the Federal Government in August 1906 was in round numbers $1,400,000.00.

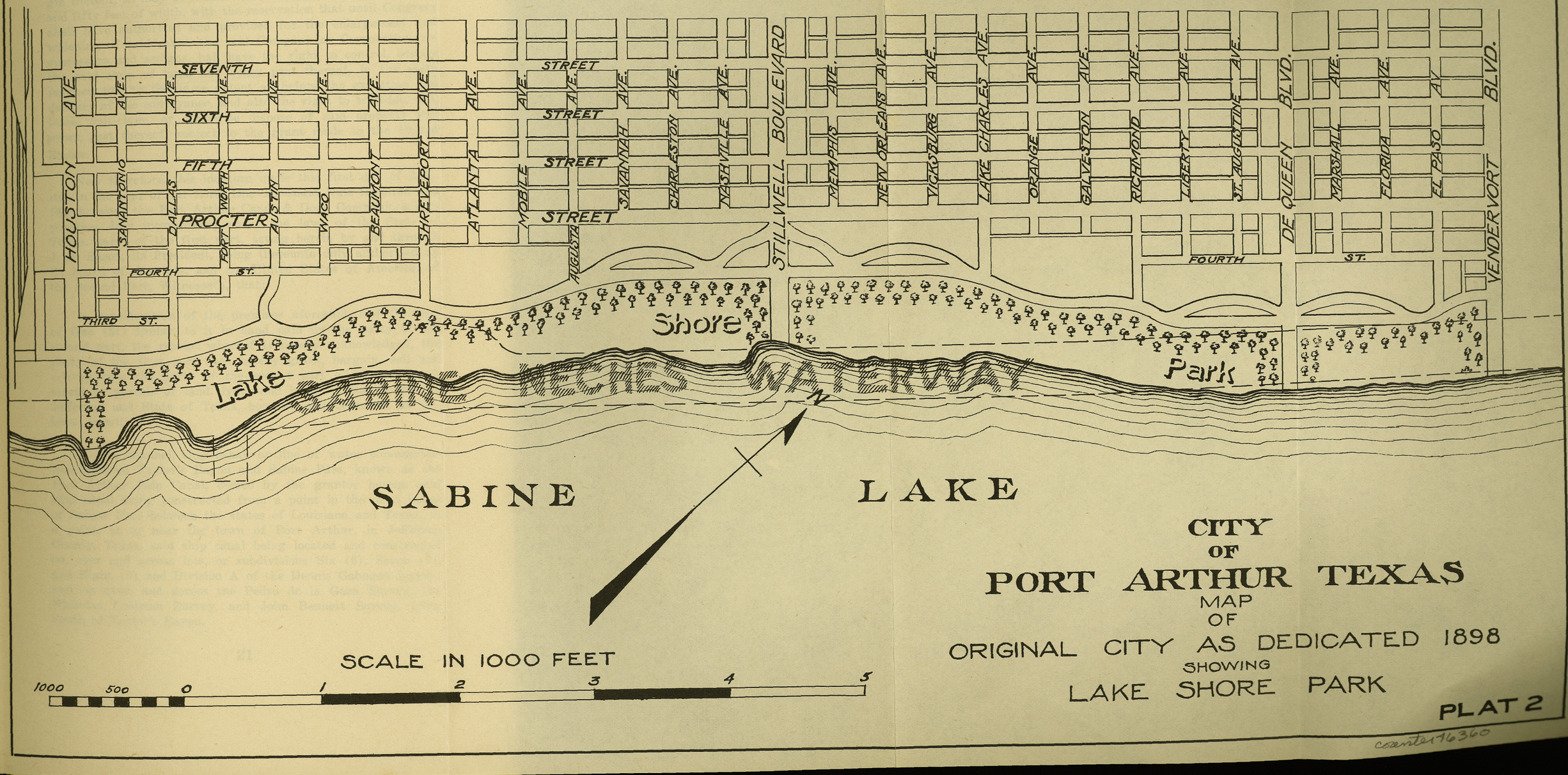
A copy of the agreement between the Gates interests and the Federal Government follows:

"Port Arthur Canal & Dock Company	Deed
—to—	Dated, August 1st, 1906.
	Filed, January 7, 1927, at 9 a. m.
	Recorded, Book 93, Page 629,
United States of America.	Deed Records, Jefferson County, Texas.

Know all men by these presents, that:—Whereas, by an act of Congress, approved June 19, 1906, entitled "an act to establish an additional collection district in the State of Texas, and for other purposes" provision was made for the establishment of an additional collection district in the State of Texas, to be known as the district of Sabine and the establishment of Port Arthur, in the County of Jefferson, State of Texas, as the port of entry of said district; and Sabine, in said County of Jefferson as a sub-port of entry; upon condition that there be conveyed to the United States of America, free of cost, a valid title to the line of water communication between Taylor's Bayou and Sabine Pass, known as the Port Arthur Ship Canal, together with a valid title to the existing turning basin and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built; also the fee to a

counter46359



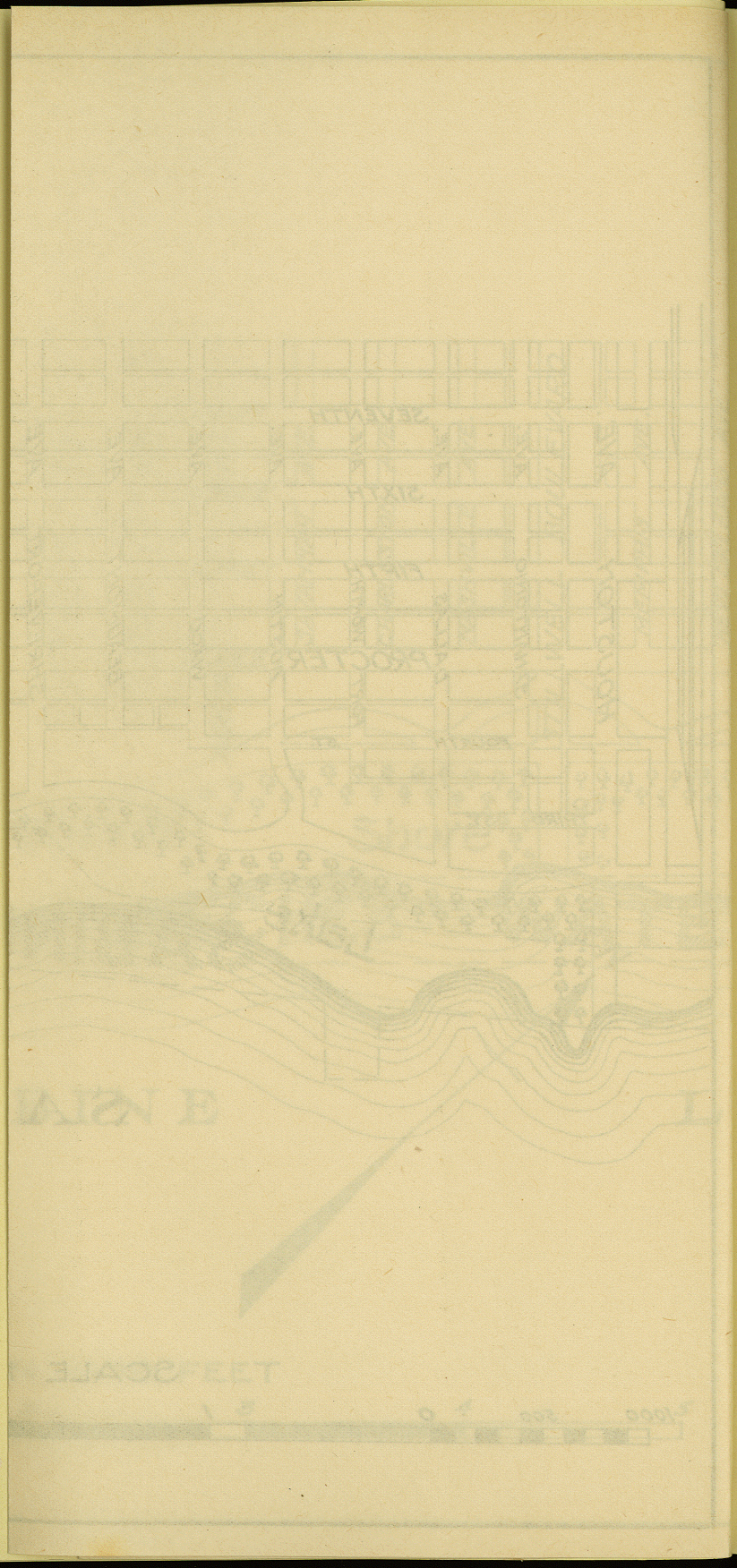


CITY OF PORT ARTHUR TEXAS

MAP OF ORIGINAL CITY AS DEDICATED 1898 SHOWING LAKE SHORE PARK

PLAT 2

counter 16360



strip of land one hundred and fifteen feet wide along the westerly margin of said canal except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal, there shall be conveyed such strips on the easterly margin thereof, as may be necessary to make up such one hundred and fifty feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal, the said Company or Corporation, its successors and assigns, hall have the right to control, occupy the said strip of land, and every part thereof, in the same manner, and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, sell, lease, quit-claim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States.

Now therefore, this identure made this first day of August, in the year of our Lord, One Thousand Nine Hundred and Six, between the Port Arthur Canal & Dock Company, a corporation duly incoroprated under the laws of the State of Texas, party of the first part, acting herein by and through J. A. Eason, its President, being thereunto duly authorized by its board of directors, and the United States of America, of the Second Part, Witnesseth, that:

In consideration of the premises aforesaid, and the sum of One ($1) Dollar, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey unto the party of the second part all those certain tracts or parcels of land, lying and being in the County of Jefferson and State of Texas, bounded and described as follows: to-wit:

1—The channel, ship canal, or line of water communication between Taylor's Bayou and Sabine Pass, known as the Port Arthur Ship Canal, owned by the grantor herein, said ship canal being constructed from a point in the deep water of Sabine Pass between the states of Louisiana and Texas, to a point, at or near the town of Port Arthur, in Jefferson County, Texas, said ship canal being located and constructed on, over and across lots, or subdivisions Six (6), Seven (7), and Eight (8) and Division A of the Dennis Gahagen league; and on over, and across the Pedro de la Gaza Survey, the Nicholas Coleman Survey, and John Bennett Survey, lying South of Taylor's Bayou.

counter 46361

2—The existing turning basin and the artificial slip, on which the lumber dock of the Port Arthur Canal and Dock Company is built, to-wit: (here set out certain metes and bounds description).

3—A strip of land one hundred and fifty feet (150) wide along the westerly margins of the Port Arthur Ship Canal, described in paragraph one (1) except that where the right of way of the Southern Railway Company prevents the transfer of such strip of land along the Westerly margin of said canal, the deficiency is made up from the land on the Easterly margin thereof, said strip of land being more particularly described as follows, to-wit: (here set out certain metes and bounds description).

It is interesting to note that during the construction of the Port Arthur Canal the Army Engineers were very insistent that no spoil from the dredging operations should be allowed to reach the water of Lake Sabine as evidenced by the following statement of Geo. M. Craig, President of the Merchants National Bank:

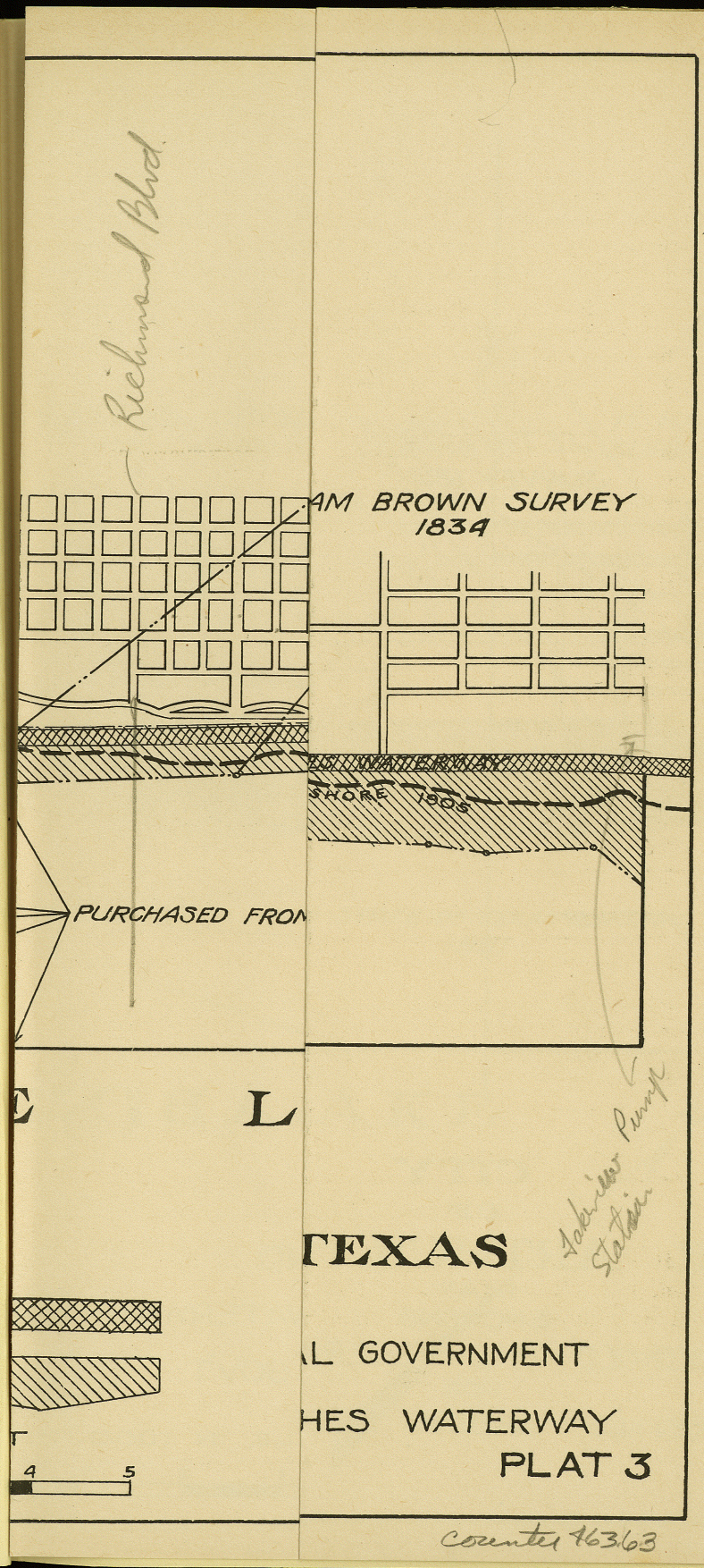
"I became a resident of Port Arthur in December 1897 and during the period 1897 to 1903 I was local manager of the Port Arthur Land and Townsite Co., and generally in charge of the handling of their affairs.

I was active in negotiations affecting the building of the Port Arthur Canal and intimately recall the incidents connected with that matter.

One of the great difficulties we had to oversome during the construction of that canal was the insistence of the U. S. Army Engineers that none of the spoilage from the canal should be permitted to get into Lake Sabine and so insistent were the Engineers on this point that they compelled us to erect earthen and wooden levees and bulkheads against which the spoil could be thrown and which would act as a preventative against such spoil reaching the waters of the lake".

It is further interesting to note the following quotations from House Document No. 549, being a letter from the Secretary of War transmitting a letter from

counter 46362



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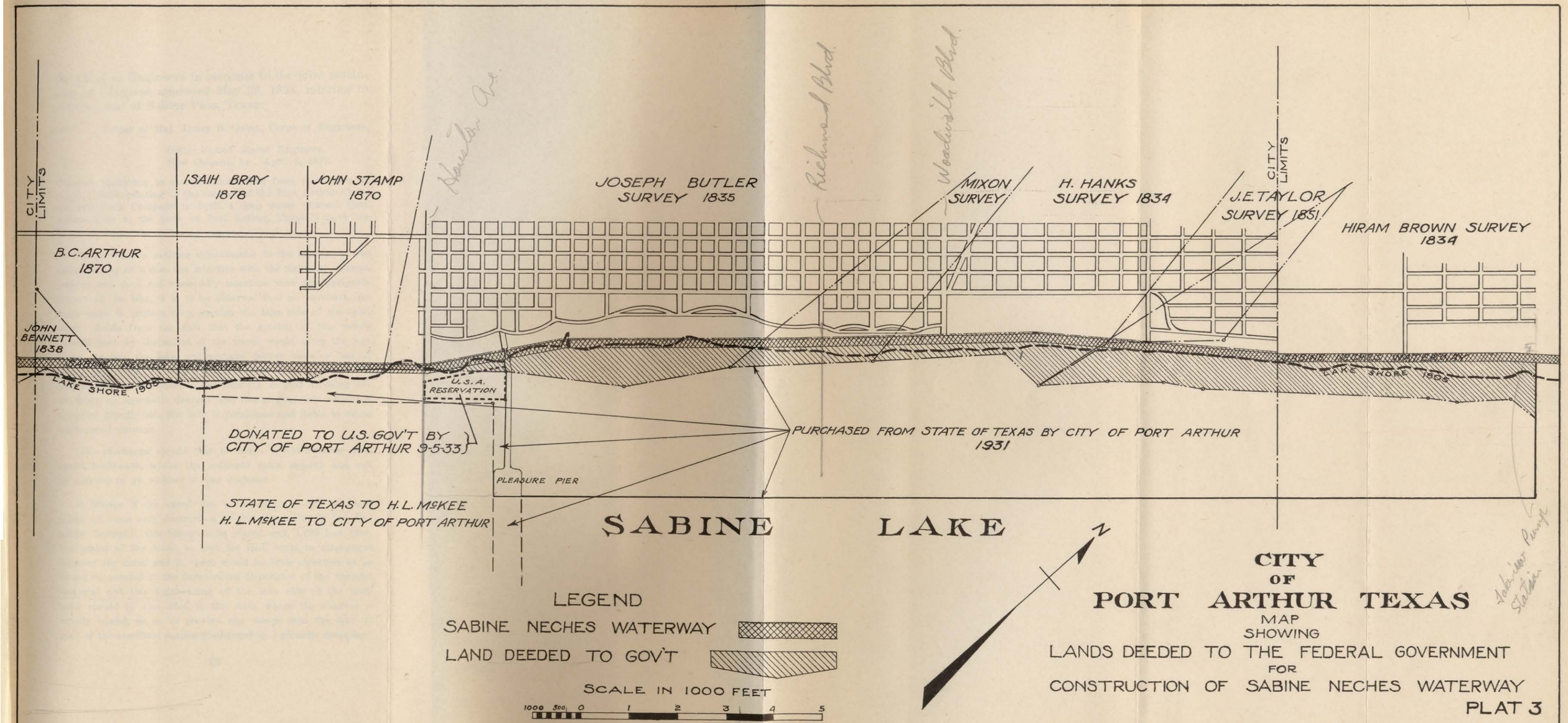

CITY OF PORT ARTHUR TEXAS

MAP
SHOWING
LANDS DEEDED TO THE FEDERAL GOVERNMENT
FOR
CONSTRUCTION OF SABINE NECHES WATERWAY

PLAT 3

Counter 16363

the Chief of Engineers in response to the joint resolution of Congress approved May 28, 1898, relating to a ship canal at Sabine Pass, Texas:

"Letter of Maj. James B. Quinn, Corps of Engineers.

Office United States Engineer,
New Orleans, La., April 8, 1897.

General: Referring to second indorsement from your office of April 5, 1897, relating to the request of the Port Arthur Channel and Dock Company to build a deep water channel from Sabine Pass to the town of Port Arthur, Texas, I have the honor to make the following report:

While there is nothing objectionable to the location of the canal so long as it does not interfere with the rights of riparian owners and does not materially interfere with the navigable waters of the lake, it is to be observed that no provision has been made to protect from erosion the lake side of the spoil bank. Aside from the fact that the erosion of this newly formed bank by the action of the waves would carry the material out into the lake, and perhaps deliver more or less of it in the channel at Sabine Pass or directly in front of the jetties, there is no question but that the method of doing the dredging by hydraulic dredges and discharging this semifluid material directly into the lake is pernicious and liable to cause widespread damage.

The discharge should only be made within suitably prepared bulkheads, where the sediment could deposit and not be allowed to go whither it was disposed.

I believe if the canal was protected by a line of sheet piling of some such description as that illustrated in the diagrams herewith, this piling to be placed, say, 1,000 feet from the center of the canal, so that the spoil could be discharged between the canal and it, there would be little objection to be raised on account of the unrestricted disposition of the dredged material and this bulkheading of the lake side of the spoil bank should be also used in the cases where the channel is wholly inland, so as to prevent any escape into the lake or pass of the semifluid matter discharged by hydraulic dredging."

counter 163'64

"Office Chief of Engineers,
U. S. Army,
February 5, 1898.

"The channel company should also be required to maintain proper levees or sheet piling revetment on the lake side of the canal, in order to prevent the dredged material from passing into Sabine Lake."

JOHN M. WILSON,
Brig. Gen., Chief of Engineers,
U. S. Army"

After the Port Arthur Canal and the Kansas City Southern Terminal had been constructed and Arthur Stilwell's dream had become a reality, the City of Port Arthur began to grow and prosper. It was therefore only natural that the people of the Cities of Beaumont, Orange, and Lake Charles began to demand deep water facilities. Therefore, pressure was brought to bear on Federal authorities through political organizations and through Congress for the extension of deep water, with the result that the Sabine-Neches Canal was planned by the Army Engineers and appropriations made for its construction. The first plans for the construction of the Sabine-Neches Waterway provided for the dredging of a deep water canal through the lake. The land companies and citizens of Port Arthur were therefore compelled to choose between the location of a canal through the lake or the location of the canal as it was finally constructed, commencing about 1908. The people of Port Arthur decided to choose the lesser of the two evils, realizing that the Sabine-Neches Waterway would cut them off from the lake. They hoped that the spoil might be so disposed of as to provide a levee against tropical storms, whereas had the canal been excavated through the lake the City would have had a salt marsh along its entire original lake front.

The various interests in Port Arthur deeded to the Federal Government the land upon which the Sabine-Neches Waterway was sonstructed.

The reader's attention is called to plat 3, page 22A,

which shows the location of the Sabine-Neches Canal or waterway from East to the West city limits. The lakeshore in 1905 and the land deeded to the Federal Government.

There also follows copies of the deeds to the United States of America.

Port Arthur Land Co.	Deed
	Dated—Dec. 27, 1905
to	Filed—Oct. 20, 1906 1:00
	Recorded Vol. 91, page 603
United States of America	Deed Records, Jefferson
	County, Texas, File No. 21285

STATE OF TEXAS
COUNTY OF JEFFERSON: Know all men by these presents; That, Whereas, by an act of Congress, approved March 3rd, 1905, entitled "An Act making appropriations for the construction, repairs and preservation of certain public works on rivers and harbors, and for other purposes" (33 Stat. L. 1117) provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylors Bayou by a channel to be constructed at or near the West shore of Sabine Lake upon the proviso inter alia. that the right of way be furnished without expense to the United States;

Now Therefore, we, Jan Van Tyen, Geo. M. Craig and C. A. Fisher of the County of Jefferson, State of Texas, and Jos. Hopkins, of the City of St. Louis, State of Missouri, being Trustees of and for the Port Arthur Land Company, and acting under By-Laws and Articles of Association which are of record in the office of the County Clerk of Jefferson County, Texas, in consideration of the benefits to accrue from said improvements do hereby grant, sell and convey unto the United States of America, all that part of the James G. Taylor Survey, the Hiram Brown League, the Wm. G. Voris Survey and the B. Jones Survey, situated in Jefferson County, Texas, and situated southeasterly of a line described as follows, viz:

Beginning at a point 1342.6 feet N. 42.36 East from a point in the boundary line between Lots 2 and 3, Block 1, Range H. of the Sub-divisions of the Port Arthur Land Company, which last mentioned point is 750 feet from the boundary line between Blocks 1 and 2;

Thence North 42.36 East through Block 1 Range G. and F. to a point in Lot 3, of Block 1, Range E. 943 feet from the

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boundary line between Ranges F. and E. and 520 feet from the present edge of Sabine Lake Bank;

Thence in a direction parallel with the shore line of Sabine Lake 37.34 East 9,542 feet through Block 1, Range E. D. and C. to a point of curve in Range B. 2,380 feet from the boundary line between Ranges C. and B. and 660 feet from the present edge of Bank of Sabine Lake;

Thence on a one degree curve to the left through Block 1 Range B and Lots, 4, 3, 2 and 1 of Block one, Range H with cords of 1000 feet, 1000 feet, 1000 feet and 773.5 feet to a point of tangent in the marsh;

Thence North 09 West 3042 feet;

Thence North 8.39 East about 1500 feet to the southeast line of the N. Grigsby Survey, together with the right to improve and protect the Northwesterly bank of said channel.

To have and to Hold the above described premises, together with all and singular the rights and appurtenances thereunto belonging unto and to the use of the United States of America, and its assigns forever.

Witness our hands this 27th day of December A. D. 1905.

(Seal)	James Hopkins	) Trustees of and
Signed and Delivered in	Jan Van Tyen	) for Port Arthur
Presence of:	Geo. M. Craig	) Land Company
Chas. St. John	C. A. Fisher	
N. Light		

Port Arthur Land Co.

to

United States of America

Deed
Dated—May 28, 1906
Filed—November 10, 1906
Recorded Vol. 93, page 266
Deed Records of Jefferson County, Texas, File No. 21482

STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

That whereas, by an act of Congress approved March 3rd, 1905, entitled "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes" (33 Stat. L. 1117) provision was made for improving the mouths of Sabine and

Neches Rivers, Texas, by connecting the same with Taylor's Bayou by a channel to be constructed at or near the West Shore of Sabine Lake, upon the proviso inter alia, that the right of way be furnished without expense to the United States.—

Now, therefore, the Port Arthur Land Company acting by and through its Trustees, James Hopkins, Jan Van Tyen, Geo. M. Craig, and C. A. Fisher, in consideration of the benefits to accrue from said improvements, do hereby grant, sell and convey unto the United States of America, all that part of the Hiram Brown and J. G. Taylor Surveys, situated southeasterly of the southeast boundary line of lots 1, 2, 3, and 4 of Block 1, Range H, the said boundary line being a straight line from the southeast corner of lot 1, to the southwest corner of lot 4, together with the right to improve and protect the northwesterly bank of said channel.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereunto belonging unto and to the use of the United States of America and its assigns forever.

Witness our hands this 28th day of May, A. D. 1906.

JAMES HOPKINS
JAN VAN TYEN
GEO. M. CRAIG
C. A. FISHER
Trustees of the Port Arthur Land Co.

STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

That whereas, by an act of Congress, approved March 3rd, 1905, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" (33 Stat. L. 1117), provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylor's Bayou, by a channel to be constructed at or near the West shore of Sabine Lake, upon the priviso inter alia, that the right of way be furnished without expense to the United States;

Now, therefore, We, Jan Van Tyen, A. H. Scott, J. P. Landes, and A. J. M. Vuylstedke, Trustees of and for the Port Arthur Townsite Company and acting under by-laws and Articles of Association which are of record in the office of the County Clerk of Jefferson County, Texas, in consideration of

counter 46366

the benefits to accrue from said improvements, do hereby grant, sell and convey unto the United States of America, all that part of the J. Nixon Survey, the H. McHanks, and Jas. Taylor Survey, and the Joseph Butler League, in Jefferson County, Texas, and situated southeasterly of a line described as follows:

Beginning at a point in the center of the main line of the Texarkana & Fort Smith Railway Company and 2923 feet southerly from mile post No. 786;

Thence North 40 East 106 feet to a point in Sabine Lake, said point being about 35 feet out in Sabine Lake, from present edge of bank;

Thence North 27-30 East about 315 feet to stake in Westerly line of Houston Avenue extended for a point of beginning of the description of land herein conveyed;

Thence continueing on same course, North 27 - 30 East for a distance of about 2720 feet to a point on North bank of Shreveport Ave. drainage Canal, said point being about 185 feet from present edge of bank of Sabine Lake;

Thence North 38 48 E. 4962 to a point on land 185 feet from present edge of Bank of Sabine Lake;

Thence N. 37 - 20 East 2000 feet to a point about 280 feet from the present edge of bank of Sabine Lake;

Thence N. 38 - 37 E. 5003 feet to a point in the Westerly boundary line of Lot 4, Block 1, Range "H" of the lands of the Port Arthur Land Company."

Together with the right to improve and protect the Northwesterly bank of said Channel.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto belonging unto and to the use of the United States of America, and its assigns forever.

Witness our hands this 3" day of Feby. A. D. 1906.

Signed, sealed, and delivered in the presence of L. S. McGuire, J. E. Alexander.

JAN VAN TYEN
JOS. P. LANDES
A. J. M. VUYLSTEKE
A. H. SCOTT
Trustees of and for the Port Arthur Townsite Company

STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

That, Whereas, by an Act of Congress, approved March

3rd, entitled "An Act making appropriations for the construction, repairs, and preservation of certain public works on rivers and harbors, and for other purposes", (33 Stat. L. 1117), provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylor's Bayou, by a channel to be constructed at or near the West shore of Sabine Lake, upon proviso inter alia, that the right of way be furnished without expense to the United States.

NOW THEREFORE, We, Geo. M. Craig, and C. A. Fisher, of the County of Jefferson, State of Texas, and James Hopkins, of the County of New York, State of New York, being Trustees of and for the Port Arthur Land Company, and acting under by laws, and Articles of Association which are of record in the office of the county clerk of Jefferson County, Texas, in consideration of the benefits to accrue from said improvements, do hereby grant, sell and convey unto the United States of America, all that part of the

James G. Taylor, situated in Jefferson County, Texas, and situated Southeasterly of a line described as follows, viz:

Beginning at the southwest corner of Lot Four (4) Block One (1) Range "H", of the subdivision of the Port Arthur Land Company as shown on the plat of said sub-division which is of record in the map records of Jefferson County, Texas, said point being about 150 ft. from the present shoreline of Sabine Lake;

Thence South 44 deg. 30' West for a distance of about 910 ft. to a point in the Westerly line of the Jos. G. Taylor Survey, where said Westerly line intersects with the Northwesterly line of the canal as now located and being constructed on the ground.

Together with the right to improve and protect the northwest bank of said channel.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereunto belonging, unto and to the use of the United States of America, and its assigns forever.

WITNESS OUR HANDS this 11th day of July, A.D. 1907.

JAMES HOPKINS
GEO. M. CRAIG
C. A. FISHER
Trustees for the Port Arthur Land Company.

counter 46367

City of Port Arthur

to

United States

Deed
Dated—February 3, 1906
Filed—August 8, 1907
Recorded Vol. 97, page 434
Deed Records of Jefferson County, Texas, File No. 24089

STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

That Whereas, by an Act of Congress, approved March 3, 1905, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," ((33 Stat. L. 1117) provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylors Bayou by a channel to be constructed at or near the West shore line of Sabine Lake, upon the proviso inter alia, that the right of way be furnished without expense to the United States;

Now, therefore, We, Jos. P. Landes Mayor of the City of Port Arthur, and S. O. Latimer, Secretary, under and by virtue of the power conferred upon us by ordinance of the City of Port Arthur, certified copy of which is hereto attached and made a part hereof, in consideration of the benefits to accrue from said improvements, do hereby grant, sell and convey unto the United States of America, all that part of the J. Nixon Survey, the H. McHanks, and James Taylor Survey, and the Joseph Butler league in Jefferson County, Texas, and situated Southeasterly of a line described as follows:

Beginning at a point in the center of the main line of the Texarkana & Ft. Smith Railway Company, and 2923 feet southerly from mile post 786;

Thence North 40 east 106 feet to a point in Sabine Lake, said point being about 35 feet out in Sabine Lake, from present edge of bank;

Thence North 27 - 30 East about 315 feet to stake in Westerly line of Houston Avenue extended for point of beginning of the description of land herein conveyed;

Thence continuing on same course North 27 - 30 East for a distance of about 2720 feet to a point on North bank of Shreveport Ave. Drainage Canal, said point being about 185 feet from present edge of bank of Sabine Lake;

Thence N. 38-48 E. 4962 feet to a point on land about 185 feet from present edge of bank of Sabine Lake;

Thence N. 37 - 20 East 2000 feet to a point about 280

feet from the present edge of bank of Sabine Lake;

Thence N. 38 - 37 E. 5003 to a point in the Westerly boundary line of Lot 4, Block 1, Range "H" of the lands of the Port Arthur Land Company.

Together with the right to improve and protect the Northwesterly bank of said Channel.

TO HAVE AND TO HOLD, the above described premises, together with all and singular the rights and appurtenances thereunto belonging unto and to the use of the United States of America, and its assigns forever.

Witness our hands this 3" day of February, A. D. 1906.

(Seal)

Witnesses: JOE WILLIAMS — JOS. P. LANDES, Mayor
L. S. McGUIRE — S. O. LATIMER, Secrtary

ORDINANCE NO. 128

An Ordinance for the purpose of conveying to the United States Government for canal purposes, certain parts of what is known as Lake Shore Park in the City of Port Arthur, Texas, and authorizing the Mayor and Secretary to execute the proper deed conveying same to the United States Government.

BE IT ORDAINED, by the City Council of the City of Port Arthur, Jefferson County, Texas.

SECTION 1:—That the City of Port Arthur, Texas, in consideration of the benefits to accrue from the Government improvements hereinafter mentioned, does hereby grant unto the Govrnment of the United States for the purposes as set forth by an act of Congress approved March 3rd, 1905, entitled "An Act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", (33 Stat. L. 1117) provision was made for the improvement of the mouths of Sabine and Neches Rivers in Texas, by connecting the same with Taylor's Bayou by a channel to be constructed at or near the West shore of Sabine Lake, upon the proviso inter alia that the right of way be furnished without expense to the United States.

The following described lands lying in the City of Port Arthur, Jefferson County, Texas, to-wit:—That part of the Joseph Butler League in Jefferson County, Texas, and situated Southeasterly of a line described as follows:

Beginning at a point in the center of the main line of the

counter #6368

Texarkana and Ft. Smith Railway Company, and 2923 Ft. Southerly from mile post 786;

Thence North 40 East 106 feet to a point in Sabine Lake, said point being about 35 feet out in Sabine Lake from present edge of bank;

Thence North 27 - 30 East about 315 feet to a stake in Westerly line of Houston Ave. extended for point of beginning of the description of land herein conveyed;

Thence continuing on same course North 27 - 30 East for a distance of about 2720 feet to a point on North bank of Shreveport Ave. Drainage Canal, said point being about 185 feet from present edge of bank of Sabine Lake;

Thence N. 38 - 48 E. 4962 feet to a point on land 185 feet from present edge of bank of Sabine Lake;

Thence N. 37 - 20 East 2000 feet to a point about 280 feet from the present edge of bank of Sabine Lake;

Thence N. 38 - 37 E. 5003 feet to a point in the Westerly boundary line of Lot 4 Blk. 1, Range "H" of the lands of the Port Arthur Land Co.

SECTION II;—That the Mayor and City Secretary is hereby directed to execute proper deed of the above described lands in conformity herewith to the United States and furnish said deed and also certified copy of this ordinance to the United States Government.

SECTION III:—This ordinance not imposing any fine, penalty, imprisonment, or forfeiture, shall take effect become and be of force from and after its passage, any rule or by law of the City Council to the contrary notwithstanding. Passed and adopted this 3" day of February, 1906.

(City Seal impressed) JOS. P. LANDES, Mayor
S. O. LATIMER, Secretary

Attest:

ENDORSED: Ordinance No. 128. Filed in the office of the City Secretary this 3rd day of February 1906. S. O. Latimer, City Sec'y.

Port Arthur Water Company	Deed
	Dated—Feb. 2, 1906
to	Filed—Sept. 30, 1907 1:45
	Recorded Vol. 96, page 506
United States of America.	Deed Records, Jefferson County, Texas. File No. 24503

STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, by an Act of Congress, approved March 3rd, 1905, entitled "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes" (33 Stat. L. 1117) provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylor's Bayou, by a channel to be constructed at or near the West shore of Sabine Lake, upon the proviso inter alia, that the right of way be furnished without expense to the United States.

NOW THEREFORE, the Port Arthur Water Company, a corporation incorporated under the laws of the State of Texas, acting by and through George M. Craig, its President, attested with its corporate seal by Jan Van Tyen, its Secretary, in consideration of the benefits to accrue from said improvements, does hereby grant, sell and convey unto the United States of America, all that part of the Joseph Butler league in Jefferson County, Texas, and situated Southeasterly of a line described as follows:—

Beginning at a point on the division line between land owned by the Texarkana & Ft. Smith Railway Co. and the Port Arthur Water Company, which is opposite a point in the center of the main line of the Texas & Ft. Smith R. R. Company 2923 feet Southerly from mile post 786.

Thence N. 40 E. 56 feet to a point in Sabine Lake, said point being about 35 feet out in Sabine Lake, from present edge of bank;

Thence N. 27 - 30 E. about 315 feet to stake in Westerly line of Houston Avenue extended; Together with the right to improve and protect the Northwesterly bank of said channel.

TO HAVE AND TO HOLD the above described premises, together all and singular the right and appurtenances thereunto belonging, into and to the use of the United States of America, and its assigns forever.

Witness the signature of the Port Arthur Water Company by George M. Craig, its President, attested with its corporate seal by Jan Van Tyen, its Secretary, this the 2nd day of Feb. A. D. 1906.

counter 16369

PORT ARTHUR WATER COMPANY (SEAL)

Attest: By GEO. M. CRAIG, President.
JAN VAN TYEN, Secretary

Signed and delivered in the presence of R. H. Woodworth, E. L. Nall.

Port Arthur Sewer Company
to
United States of America

Deed
Dated—June 14, 1907
Filed—Sept. 30, 1907 1:45
Recorded Vol. 96, Page 505
Deed Records, Jefferson County, Texas. File No. 24502

THE STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS:

That, whereas, by an Act of Congress, approved March 3, 1905, entitled "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors and for other purposes" (33 Stat. L. 1117) provision was made for improving the mouths of Sabine and Neches Rivers, Texas, by connecting the same with Taylor's Bayou, by a channel to be constructed at or near the West shore of Sabine Lake, upon the proviso inter alia, that the right of way be furnished without expense to the United States;

Now, Therefore, do the Port Arthur Sewer Company, a corporation incorporated under the laws of the State of Texas, and herein acting by and through R. C. Holmes, its President, being thereunto duly authorized, do hereby grant, sell and convey unto the United States of America, all of that part of 1--7-100th acres of land owned by the Port Arthur Sewer Company, near Port Arthur, Jefferson County, Texas, described as follows, to-wit:

Beginning at a point on the Northeasterly line of Port Arthur Sewer Company's 1.07 acres of land on the shore of Sabine Lake in the Joseph Butler League, which point is 232 feet Southeasterly along said line, from Northeasterly corner of said land;

Thence South 40 deg. West (true azimuth) 150 ft. to a point on Southwesterly line of said land;

Thence Southeasterly along said line of said land 95 ft. to the shore of Sabine Lake;

Thence Northeasterly along the shore of Sabine Lake 153 feet more or less to a point which is 150 feet Northeasterly at right angles from second preceding course;

Thence Northwesterly 63 feet to point of beginning containing 0.27 acres more or less. Together with the right to improve and protect the Northwesterly bank of said channel.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereunto belonging unto and to the use of the United States of America, and its assigns forever.

(See Map Record Vol. 2, page 82, for two maps attached to this Deed).

Witness the signature of the Port Arthur Sewer Company signed hereto by R. C. Holmes its President attested by J. A. Barlow its Secretary, with the corporate seal this the 14th day of June A. D. 1907.

(SEAL) PORT ARTHUR SEWER COMPANY
By R. C. Holmes, Pres.

Signed and delivered in the presence of R. McDaniel, Fred Taylor, Attest: J. A. Barlow, Secretary.

A study of the foregoing facts, we believe, will convince the reader that the Sabine-Neches Canal, while it is of no direct benefit to the citizenship of Port Arthur since it bears world wide ocean going commerce inland from the original terminal facilities built at Port Arthur, was constructed through land which was originally dedicated to the public as Lake Shore Park.

counter 46370

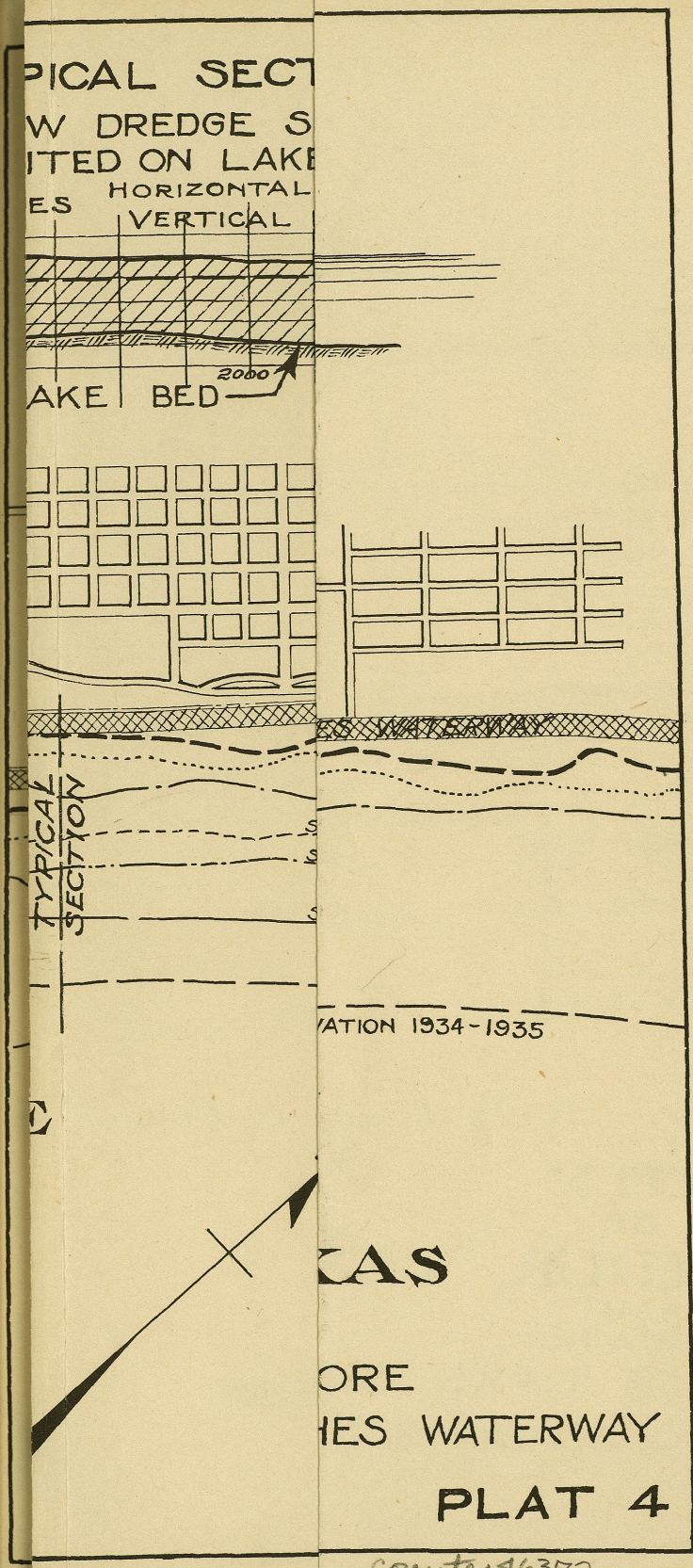
CHAPTER III

When the Sabine-Neches Canal was originally constructed, and was opened in about the year 1910, the City of Port Arthur was cut off from its lake front and a stock company was organized, which said company constructed a bridge across the Sabine-Neches Canal and a Pleasure Pier in Sabine Lake.

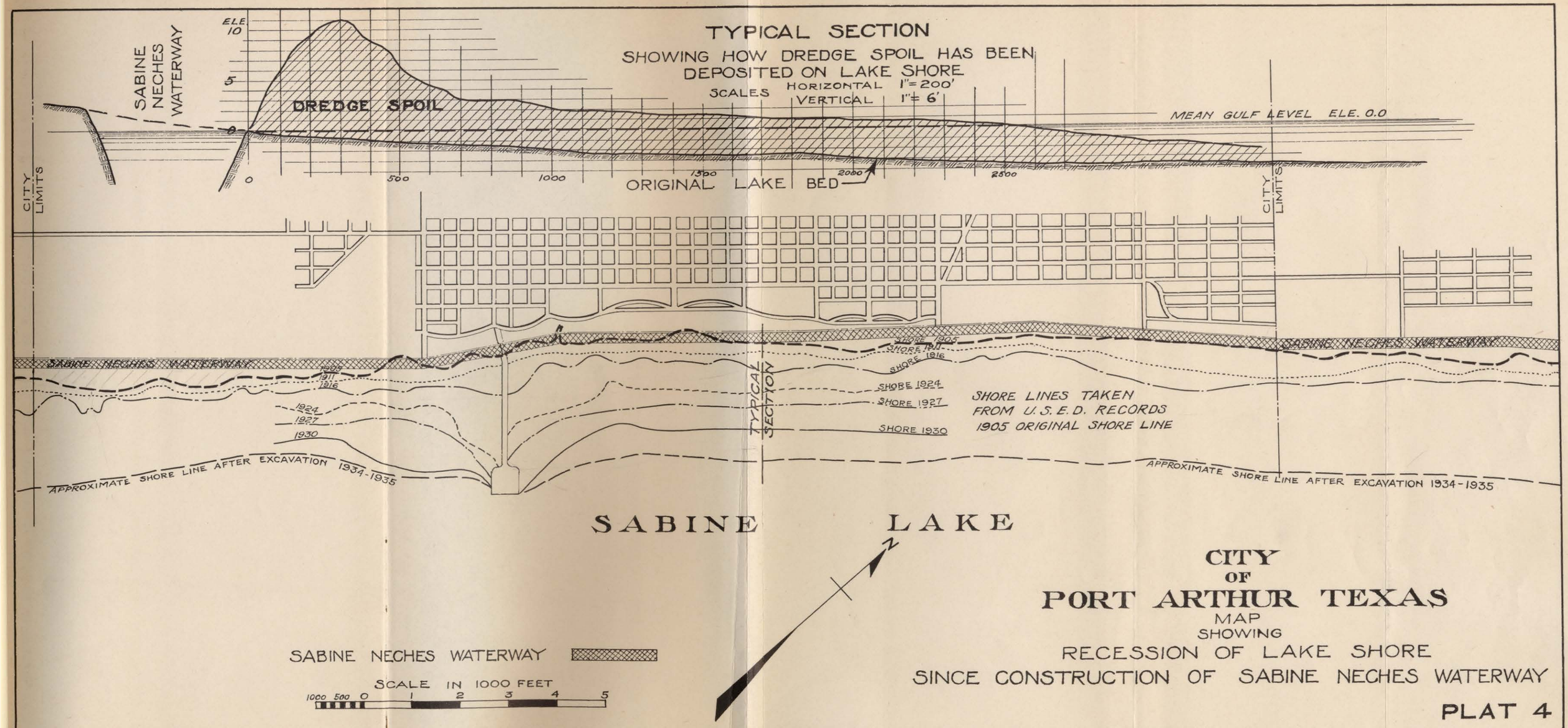
The subsequent widening and deepening of the Sabine-Neches canal almost immediately began to impair the bathing and fishing facilities in Sabine Lake owing to the unrestricted disposal of spoil from said dredging operations and erosion from the spoil bank itself. Within a few years the City was compelled to vote bonds for protection of the North or City side of the Canal which was reveted with shell. Within a few years more the City voted bonds for the purpose of the construction of a bridge across the Sabine-Neches Canal leading to the Pleasure Pier and the lake. Later, the Federal Government condemned the bridge across the Sabine-Neches Canal and at this time the pleasure facilities on the Pier were leased. The lessee sued the City of Port Arthur for damages and anticipated profits and obtained judgment of $34,000.00 in round numbers. After this bridge was condemned the City voted, issued and sold $300,000.00 worth of bonds and constructed the present bridge.

Still later, the City of Port Arthur was compelled to obtain legislation providing for remission of state taxes and the issuing of $2,000,000.00 worth of bonds for the construction of the Seawall. Of this bond issue, approximately $1,000,000.00, was spent in the construction of a concrete seawall and levee along the City or the North bank of the Sabine-Neches Canal. Since that time, owing to the depression, the tax collections in Precinct 2 of Jefferson County fell off to such an extent that the City was compelled to levy a tax to meet the maturity and interest requirements

counter 46371



counter 46372

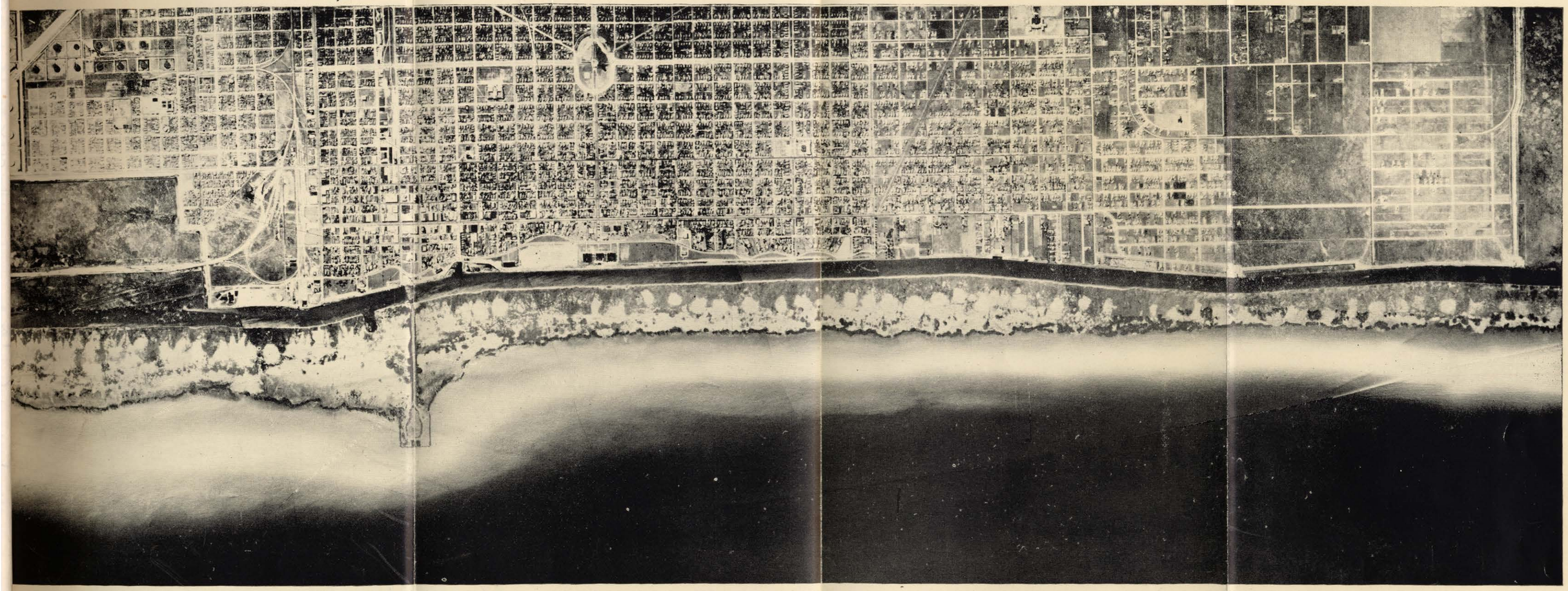


CITY OF PORT ARTHUR TEXAS

MAP
SHOWING
RECESSION OF LAKE SHORE
SINCE CONSTRUCTION OF SABINE NECHES WATERWAY

PLAT 4

Counter 46372



The above photograph was taken from an airplane and shows the City of Port Arthur, the Sabine-Neches Canal between Sabine Lake in the immediate foreground and the City.

This photograph also shows the Pier or Pleasure Pier in Sabine Lake in the semi-foreground at the left and the bascule bridge leading from this pier across the Sabine-Neches Canal to the City of Port Arthur.

This photograph shows clearly the condition of the spoil bank lying between the Sabine-Neches Canal and the Sabine Lake.

This photograph also shows very clearly the silt and mud that has been deposited by the hydraulic dredges operating in the Sabine-Neches Canal as shown by the light area in the semi-foreground where the beach along the shore line formerly existed.

counter 46373



The above photograph was taken from the Pleasure Pier looking toward the City with the bascule bridge across the Sabine-Neches Canal in the center of the photograph in the semi-background.

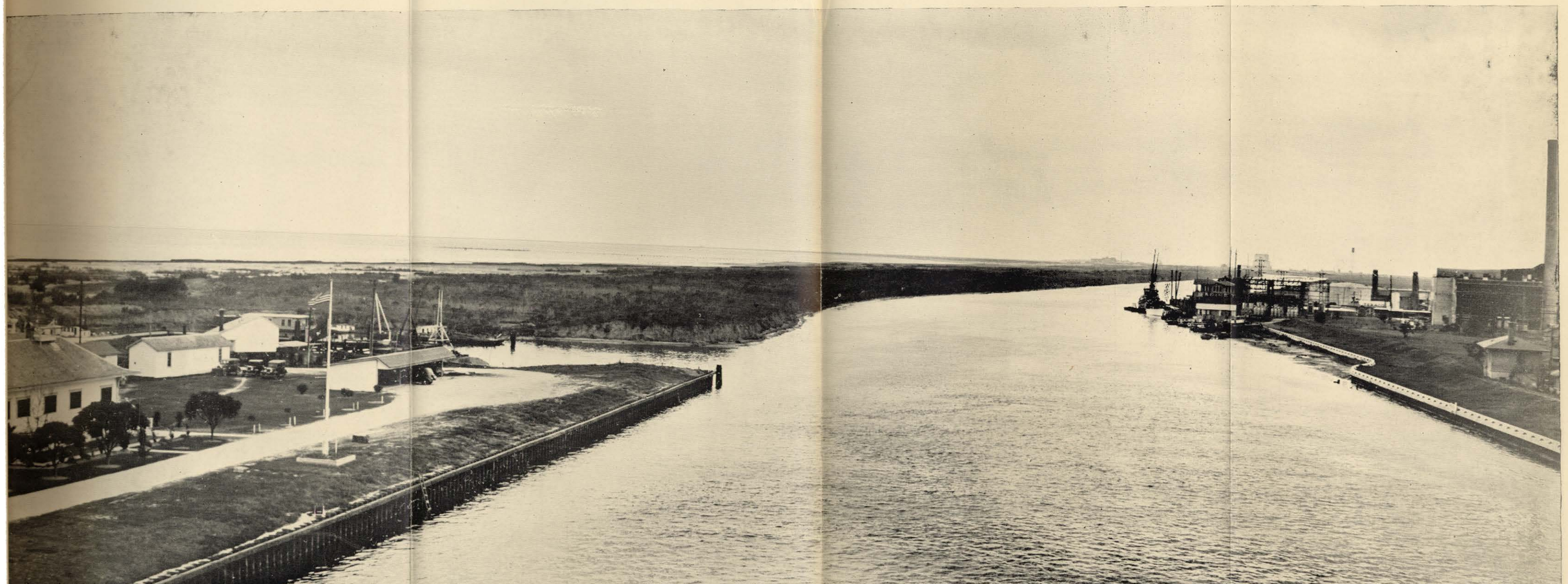
This photograph shows the South bank of the Sabine-Neches Canal and the high spoil bank along this bank in the semi-background, and also shows the mosquito breeding grounds along the spoil bank lying between the Sabine-Neches Canal and Sabine Lake which would lie in the immediate foreground of the picture.

counter 46374



The above photograph was taken from the Pleasure Pier Bridge in Port Arthur looking toward the mouth of the Neches River or up the Sabine-Neches Canal. This shows the mosquito breeding grounds on the spoil bank between the Sabine-Neches Canal on the left and Sabine Lake on the right in the background. It also shows the deposit of silt and mud in Lake Sabine on the right in the semi-background from recent dredging operations by the Federal Government.

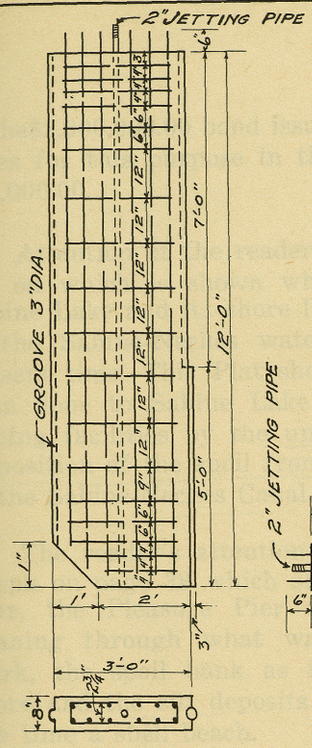
counter 96375

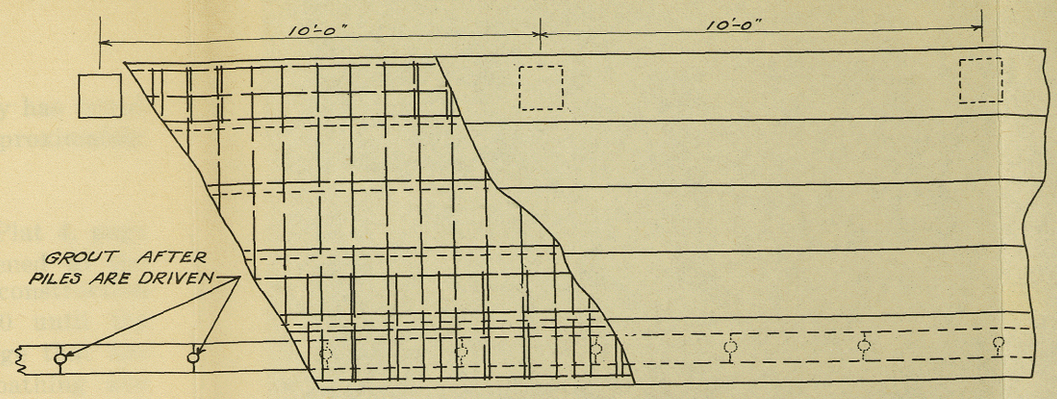


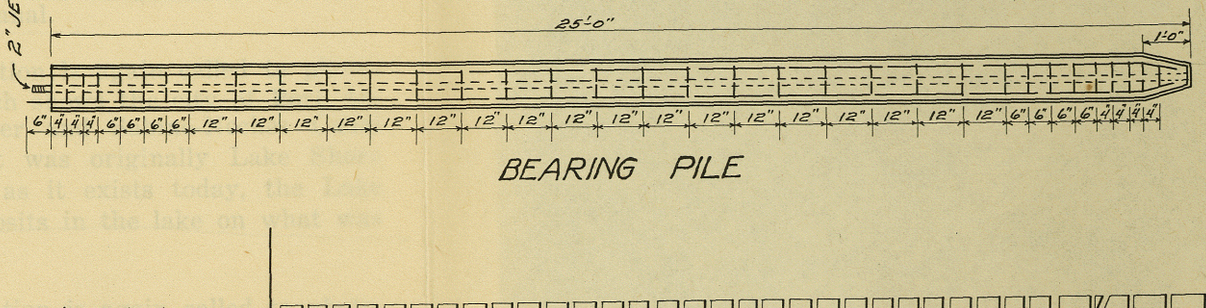
The above photograph was taken from the Pleasure Pier Bridge looking toward Sabine Pass or down the Sabine-Neches Canal and shows on the left the quarters of the U. S. Army Engineers in Port Arthur. On the right a portion of the seawall and the storm levee.

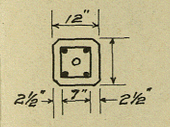
This photograph also shows in the semi-background the spoil bank lying between the Sabine-Neches Canal and Sabine Lake. Notice is called particularly to the silt deposit in the semi-background on the left immediately behind the U. S. Army Engineers' quarters. Sabine Lake is shown in the background.

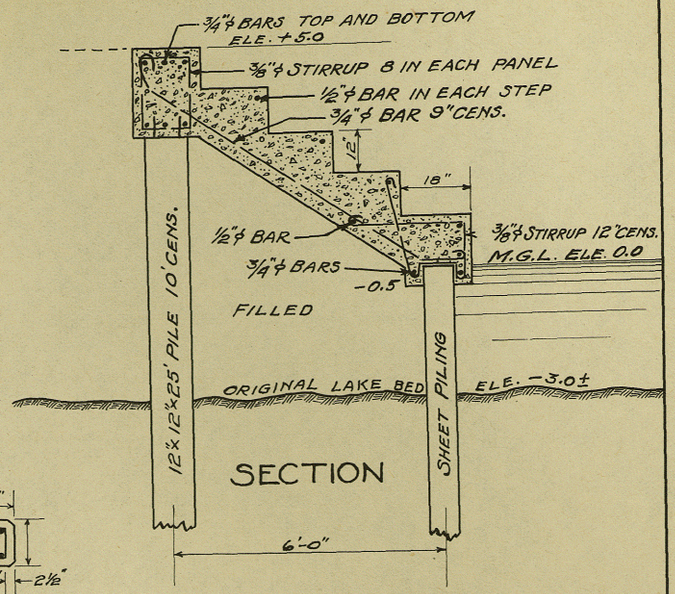
counter 46374











CITY OF PORT ARTHUR TEXAS

MAP
SHOWING
PROPOSED REVETMENT
ALONG CITY OWNED LAKE FRONT
PLAT 5

counter 16377

of the$2,000,000.00 bond issue and the City has levied taxes for this purpose in the sum of approximately $80,000.00.

Attention of the reader is called to Plat 4, page 37. on which is shown what has happened to the Sabine Lake and its shore line from the construction of the Sabine-Neches waterway in 1910 until the present time. This Plat shows the damage that has been done to Sabine Lake and to its bathing and fishing facilities by the unrestricted and unplanned disposition of the spoil from the dredging operations in the Sabine-Neches Canal.

The reader's attention is again called to photograph on page 38 which shows the city of Port Arthur, the Pleasure Pier and Sabine-Neches Canal running through what was originally Lake Shore Park, the spoil bank as it exists today, the Lake shore and the silt deposits in the lake on what was one time a shell beach.

The reader's attention is again called to photograph on page 39. This photograph was taken from the Pleasure Pier looking toward the City of Port Arthur and shows the condition of the spoil bank along the Lake side of the Sabine-Neches Canal as created by the Federal Government in deposoting the spoil from its derdging operations in the Sabine-Neches Canal without any revetment or without any comprehensive plan for the disposal of said spoil.

The reader's attention is again called to photograph on page 40, looking upstream from the Pleasure Pier or from the bascule bridge across the Sabine-Neches Canal leading to the Pleasure Pier. This photograph shows the Sabine-Neches Canal, the spoil bank lying between the Canal and Lake Sabine, and the present condition of the shore of Lake Sabine on the extreme right in the photograph and the silt that has ruined the beach and bathing facilities in said lake.

county 16378

The reader's attention is again called to photograph on page 41, looking from the Pleasure Pier toward Sabine Pass, showing on the left the reservation and headquarters of the United States Engineers at Port Arthur. On the right the Sabine-Neches Canal with the spoil bank to the left of the Canal and the lake still further to the left.

The reader's attention is called to the following statements from citizens of Port Arthur:

Statement of W. H. Richardson—Steamship Agent

"I, Mr. W. H. Richardson, now a resident of Port Arthur, make the following statement:

My first visits to Port Arthur were in the years 1903-4 and 1905.

At that time the Sabine Neches Canal had not been constructed along the shore of Lake Sabine in front of the City of Port Arthur and there was constructed a pleasure pier at the foot of Austin Avenue that was an exceedingly popular resort for those characters of recreation that can be found where salt water abounds.

It was my frequent experience in those years to see great numbers of people patronizing this pier and the bathing and boating facilities that were possible in Lake Sabine at that time, particularly was the bathing a popular pastime. The bottom of Lake Sabine was hard and made a very desirable location.

Along about 1910 the first dredging of the Sabine Neches Canal was completed and the spoilage from that dredging operaetion had been thrown into Lake Sabine, that had the effect of destroying for the time being all bathing possibilities that existed over there.

As the years went on the silt that had accumulated by the depositing of this spoil in the lake gradually drifted away from the shore in spots and restored the bathing facilities in those particular locations notably was that portion of the lake front immediately opposite Lake Charles Avenue and Richmond Avenue and for a distance of probably 1000 feet or more this condition existed. In 1916 I moved permanently to Port Arthur where I have resided ever since.

This condition continued to exist until about the year 1921

and 1922 when it probably reached its best condition and during those years and for some time thereafter it was the practice of Port Arthur people and visitors from the interior to take advantage of these bathing opportunities to a very great extent. My family and my neighbors participated generously in these opportunities and I have seen as many as 2000 to 2500 people in the water at one time during this period.

Along about 1921 and 1922 and from then until the canal was widened and deepened there were two ways of reaching the lake front, one was over the pleasure pier bridge at the foot of Austin Avenue which was available for vehicular traffic and thousands of automobiles annually crossed that bridge and great numbers of them drove along the spoil bank to that spot or spots north of the pleasure pier where bathing was available, another way of getting across the canal was by an improvised ferry established and operated by a man by the name of P. W. Sandefur who is today living in Port Arthur. This ferry was availed of by residents of the city who lived in the neighborhood or within easy reach of that neighborhood and it was the practice for them to don their bathing suits with raincoats or other covering and to use Mr. P. W. Sandefur's ferry in getting to these bathing facilities. I lived at that time at 2805 Procter Street and was in position to see not only the great number of people who made use of this ferry, but the great number of cars who drove down the spoil bank from the pleasure pier bridge to this same bathing place.

When it was announced that it was the intention to further deepen and widen the canal, renew the condition that had existed after the first dredging of the canal when the bathing facilities in Lake Sabine were destroyed, an effort was made to induce the U. S. Engineers to avoid dumping spoilage in that area which had been improved by nature for bathing purposes since the canal was originally dredged but this effort was unavailing and spoilage from the dredging of deeping and widening the canal was deposited in the lake and since that period, about 1926 and 1928, there has been no bathing in Lake Sabine due to the silting of the lake bed and the immense amount of mud that was put in there from the spoil thus deposited during the dredging operations.

It is my judgment that I have seen as many as 15,000 people at one time on the pleasure pier when these bathing and other facilities were available and when it was possible to advertise this situation and induce people from the interior of East Texas and Western Louisiana to take advantage of these recreational facilities in Lake Sabine but since the deep-

counter 46379

ening and widening of the canal about 1926 and 1928 these attractions have been entirely dissipated and no longer exist."

Statement of George M. Craig—Banker

"During the construction of the Sabine Neches Canal from Port Arthur to the Neches River I was also interested and actively associated with the building of that canal and during that period I personally visited Washington in company with John W. Gates, R. L. Greer and Jan Van Tyen and discussed this matter with the then Secretary of War, Hon. W. H. Taft, who was subsequently the President of the United States. Probably the most authentic record in connection with this whole matter is Document No. 549, House of Representatives, 55th Congress, Second Session, being a letter from the Secretary of War transmitting a letter from the Chief of Engineers in response to the joint resolution of Congress approved May 28th, 1898, relating to a ship canal at Sabine Pass, Texas.

It is my understanding that the Port Arthur Chamber of Commerce is at this time seeeking the consummation of some agreement with the Federal Government respecting the damage and injury occasioned to the City of Port Arthur by the depositing of spoil from the Sabine Neches Canal in Lake Sabine immediately in front of the City of Port Arthur.

It is within my personal knowledge that the possibility of damage of that character to Lake Sabine was well known to the United States Engineers long before the dredging of the Sabine Neches Canal and the very plan of revetting the territory in which the spoil has been or is to be deposited was not only suggested by the Engineers as far back as 1897 but as a matter of fact the Port Arthur Canal and Dock Company was compelled at its own expense to revt both by timber and earth revetments the portion of the lake where the spoil was placed.

Prior to dredging the Port Arthur Canal from Sabine to Port Arthur a great proportion of dredging operations had been performed by clam shell dredges but the Port Arthur Canal and Dock Company proposed to do their work with hydraulic dredges just then coming into use.

Not only were the United States Engineers fully informed as to the possibilities of damage to the lake by depositing spoil therein but they were also fully informed as to the possibilities of damage of the canal banks by erosion which subsequently occurred in the Sabine Neches Canal in front of Port Arthur and of which I will speak hereafter.

That my memory on these points may not be the sole evidence, I am quoting from a letter dated April 13, 1897 on page 7 of Document No. 549 before referred to from the office of the Chief of Engineers in which the following quotation appears:

"Major Quinn finds two objections to the plans for the proposed work:

1. No provision is made to protect from erosion the lake side of the spoil bank, the material from which would, by the action of the waves, be carried out into the lake, and possibly a large portion would be deposited in the channel at Sabine Pass or directly in front of the Government jetties.

2. The method of doing the dredging by hydraulic dredges and discharging this semifluid material into the lake is liable to cause widespread damage. The streams emptying into Sabine Lake are silt bearing and carry in solution large quantities of material. The lake is a sort of natural settling basin, where the inflowing silt laden waters deposit most of their suspended material before passing out into the harbor of Sabine Pass. In this way the lake acts as a powerful auxiliary to the successful maintenance of the Government improvements, and the methods proposed by this company would impair the efficiency of the lake for this purpose.

"Major Quinn is of the opinion that the canal should be protected by a line of sheet piling 1,000 feet from the center of the canal, on the lake side thereof, and all spoil should be discharged between the canal and this line of piling. This piling should also be used where the canal is wholly inland, so as to prevent escape into the lake or pass of the semifluid material discharged by hydraulic dredging."

Later on after the dredging of the Sabine Neches Canal the erosion that was feared continued to occur on the north bank of the canal and to protect the adjacent property it became necessary for the city of Port Arthur to issue bonds in the sum of $36,000 to build an earth revetment along the north bank of the canal. This proved inefficient and still later on another bond issue was floated in the amount of $80,000.00 to provide shell with which to face the earth revetment that had already been constructed and which was already being undermined. In none of these tremendously heavy expenses to the

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citizenship of Port Arthur did the Federal Government or the Beaumont Navigation District participate and these burdens have been continuously borne by the municipality of Port Arthur or its individual citizenship. Later on the State of Texas remitted to the city of Port Arthur 8-9ths of the taxes of Commissioners Precinct No. 2, Jefferson County, for the purpose of building a retaining wall that would at the same time prevent further erosion of the north bank of this canal and the flooding of the city by any volume of water that might be forced into the narrow confines of this canal bank thus overflowing the city."

Statement of Mr. W. H. Gilliland

"I began my association with Port Arthur in 1899 and became a resident of Port Arthur in 1902.

Beginning in 1899 my association with Port Arthur was in the steamship agency business and I was agent for the first ship that came up the Port Arthur Canal. I well recall the circumstances attending the use of Sabine Lake as a pleasure ground during the years between my first arrival at Port Arthur and up to the time that the Sabine-Neches Canal was widened and deepened to its present capacity. Prior to the time that the first work was done on this canal the shore of Lake Sabine fronting the city of Port Arthur was at all times the rendezvous for a very great many people who made use of it for bathing and fishing purposes. Piers were built into the lake, one by John W. Gates and another by pier interests that afforded additional recreational and entertainment facilities other than the natural advantages of the lake shore. The bottom of the lake in the early stage was hard sand bottom and along the shore it was free from silting that existed farther out into the center of the lake. That made it an exceptionally desirable location for bathing particularly and it was used for that purpose to a very considerable extent.

With the first construction work done on the canal, however, there was deposited in the lake a certain amount of dirt taken from the canal location which caused for some time a cessation of recreational possibilities that had previously existed there. Later on practically all of the silt that had accumulated at the shore of the lake as a result of these operations was removed by tidal action and again for a number of years, from about 1912 to 1926, bathing and fishing was again resumed in this portion of the lake and was participated in not only by the citizenship of Port Arthur but by many thousands of people who came to Port Arthur on excursions and

in regular modes of travel to participate in these recreational possibilities. With, however, the further development of the Sabine-Neches Canal and the depositing of a very considerable quantity of soil in the lake as a result of the widening and deepening of the canal the recreational facilities in that locality were entirely destroyed and not since the completion of that canal have we had anything of that character available due to the very great amount of silting that has occurred in the lake as a result of putting on the shore of the lake the soil taken from the canal location.

At the present time the lake has been filled in so much from the shore side it is no longer even possible for shallow draft boats to approach the pleasure pier in close proximity and every vestige of former opportunities for healthful recreation and entertainment that existed along the shore of Lake Sabine in front of the City of Port Arthur has been destroyed on account of this canal development and Port Arthur has suffered an actual economic loss in addition to the loss of recreational facilities."

Statement of P. C. Pfeiffer

"I have been a resident of Port Arthur since 1905 and during the years 1908, 1909, 1910, and 1911 I was Mayor of the city.

My business is that of a Master Stevedore and because of my business connections and my relation to the official civic life of the city, as stated above, I have had ample and specific opportunity to study and know the conditions of the Lake Sabine frontage adjacent to Port Artur, since the date of my arrival in that city in 1905.

Between 1905 and 1926 on which latter date the improvement of the Sabine-Neches Canal was completed, the lake front of Lake Sabine adjacent to the city of Port Arthur was the Mecca for thousands of people seeking to take advantage of those recreational facilities that are available where water is found in positions similar to that of Lake Sabine.

Prior to the original construction of the canal the bottom of the lake was hard and interspersed here and there with shell reefs. This made the shore particularly attractive for bathing purposes and the shell reefs were the habitat of many varieties of edible fish.

With the original construction of the canal and the depositing in the lake of the spoilage from that construction

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there was a very great diminution of the possibilities of bathing and fishing. The spoilage leaving silt on the bottom of the lake which made bathing uncomfortable and which, at the same time, covered the shell reefs where fishing had been theretofore of an acceptable character.

Between the time of the original construction of the canal and the time of its final widening and deepening there was to some extent a restoration of the recreational features in the lake as the silt that had been deposited by the original work was gradually removed, but with the widening and deepening of the canal in 1926 and later years depositing of that additional spoil in the lake there has been an utter destruction of those recreational features and neither fishing nor bathing is now possible in the areas in front of the city of Port Arthur because of the action of the Federal Government in the depositing of this canal spoil in the lake.

Not only were these factilities available to the citizens of Port Arthur but during the years prior to the final widening and deepening of the Sabine-Neches Canal many thousands of visitors came to Port Arthur, largely by train, to enjoy these natural recreational facilities and these visitors were a source of very considerable profit to the community all of which has been lost by the action of the Federal Government and the Beaumont Navigation District, in the destroying of these facilities in Lake Sabine through the depositing there of spoilage from the Sabine Neches Canal."

Statement of Mrs. Nettie M. Vuylsteke

I have been a resident of Port Arthur continuously since 1898 and have had ample opportunity during the intervening years to observe intimately the conditions that have existed on the shore of Lake Sabine immediately in front of the city of Port Arthur.

During the great portion of this time my home has been on what is known as Lake Shore Drive which was a roadway running along the shore of Lake Sabine, and my opportunities for observing the conditions on the lake shore were thereby considerably helped.

Prior to the time of the construction of the Sabine-Neches Canal Lake Sabine was a playground for the people of Port Arthur and thousands of others who came to Port Arthur for the purpose of taking advantage of these recreational features.

It is my knewledge that prior to the construction of a

canal, the bathing facilities in the lake were most excellent and were enjoyed by thousands of people.

Supplmenting these natural advantages, several piers were constructed one immediately in front of the John W. Gates home, at about Orange Avenue, and another at the foot of Austin Avenue. Literally thousands of people took advantage of these added facilities for recreational purposes but, of course, the great drawing attraction was the lake itself and its natural advantages.

With the original construction of the Sabine-Neches Canal there was considerable disturbance of the natural conditions existing in the lake caused by the depositing in the lake of spoil from the dredging of the canal but with later improvement of the canal and the depositing of additional large amounts of spoilage in the lake every vestige of the possibilities of recreation in the lake was destroyed and since the final construction and widening of the canal nothing of a recreational character has been possible in the lake due to the depositing not only of large amounts of soil on the shore but the seeping into the lake of a soft silt for a considerable distance beyond the shore line and to a depoth of from two to three feet in places making it impossible to enjoy bathing there.

I am not intimately familiar with the fishing situation but I do know that prior to the construction of the canal a great deal of fishing was done in the lake and that since the construction of the canal there has been none possible."

Statement of L. S. McGuire

L. S. McGuire now residing at 2403 Procter Street, Port Arthur, makes the following statement:

"I arrived in Port Arthur May 8, 1897 and have resided in that city ever since.

My residence there enabled me to know the conditions as they existed in the city of Port Arthur and to observe the various changes that have taken place there with particular reference to that portion of the shore of Lake Sabine that abuts the city of Port Arthur. Along about 1903 there was constructed at the foot of Austin Avenue a pier running from the shore line several hundred feet into the lake, this pier being known as the Pleasure Pier. It contained a bath house, restaurant, roller skating rink, penny arcades and various other devices that were attractive to a recreation seeeking public

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and during 1903 and 1904 I was the manager and operator of that pier.

In addition to the facilities on the pier there were other features of recreation immediately adjacent thereto such as toboggan slides for bathers and other inducements offered for the purpose of attracting visitors to Port Arthur, in connection with the possibilities of Lake Sabine. The depth of water in the vicinity of the pier was a gradual increase from the shore line to about four and one half feet at the end of the pier and the bottom being a hard, solid, clean bottom made this location particularly desirable for bathing purposes so much so that advantage was taken of these facilities by thousands of bathers every year. In addition to the bathing facilities a great deal of attention was given to boating and all sorts of water events involving the use of floating pleasure craft were organized and carried out, the depth of approximately four and one half feet at the pier head making it easily accessible for use by floating pleasure craft of the sailing and motor varieties available in those days.

With these facilities as the basis of operations, it was the usual and customary practice of the Kansas City-Pittsburgh and Gulf Railroad to operate excursions from the interior to Port Arthur to enable the people of the interior to take advantage of this easily accessible and thoroughly desirable salt water bathing and boating facilities and many thousands of people came in on those excursions, augmenting the population of the city, for the purpose of taking advantage of the recreational facilities thus afforded.

In addition to the bathing and boating opportunities there was existent a number of shell reefs close to the shore which were the habitat of red fish and speckled trout in great numbers, and this condition offered further inducement to visitors from the interior to come to Port Arthur for recreational purposes.

As an indication of the extent to which these facilities were patronized, I recall that I employed in excess of thirty negroes regularly in the restaurant alone.

These natural facilities in Lake Sabine, supplemented by the artificial ones constructed because of the natural ones, were the basis for a very great deal of profitable business to the City of Port Arthur and many thousands of dollars were brought to Port Arthur and put into circulation because of the opportunities thus afforded by the natural attractions of Lake Sabine.

The natural conditions that I have described continued to exist in Lake Sabine until the construction of the Neches Sabine Canal through the eastern edge of the city of Port Arthur about 1906. In the construction of this canal the spoilage taken from the right-of-way for the canal extended from the north or west bank of it to the eastern lines of the properties that had been granted by Texas to the original grantees. These lines in some cases were in the route of the canal itself and in other cases extended a very short distance beyond the eastern bank of the canal and into the submerged waters of the lake immediately adjacent to the shore line.

In depositing the spoilage from the canal, however, no effort was made to confine this spoilage to the property that had been deeded to the Federal Government and as a result it was permitted to overflow the property line of the Federal Govrnment into the lake and onto territory that did not belong to the Federal Government. The result was that a very considerable quantity of a thick, slimy ooze entirely covered the bed of the lake over that area that had theretofore been the scene of atractive salt water bathing conditions, making bathing there utterly impossible and completely ruining the entire area for that purpose, thus depriving the city of Port Arthur of these attractive features and losing to it much of the patronage that had thertofore been accorded the community because of the attractive natural conditions that had then existed in the lake. At no time since the construction of the original canal in this area have these attractive conditions been restored.

While the amount of spoilage at that time (1906) was not sufficient to encroach seriously upon the depth of water at the pier head the deepening and widening of the canal in about 1925 further mitigated against the use of the pier and the remaining attractiveness of the location to such an extent that today the spoilage deposited from the canal has approached on the south side of the pier almost to the outer edge of the pier head and on the north side of the pier to the western end of th pier head making that the shore line of the lake on the respective sides of the pier and establishing a depth of water so meager at any portion of the pier head that it is not now possible for any vessels except those having the lightest draft to approach the pier and in addition the slimy ooze has covered the bottom of the lake to a very great distance beyond the pleasure pier thereby completely destroying all of the opportunities for salt water bathing that existed at the end of the pleasure pier after the first canal had been dug. In

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addition to destroying these bathing and boating facilities in or near the pleasure pier the disposition of the spoilage in the lake along the entire city frontage has completely destroyed all the fishing territory that was formerly so prolific of desirable fish such as red fish, trout, etc. and instead of the former beautiful and attractive vista of lake front that formerly presented itself to the citizens of Port Arthur and its visitors there is now an unsightly succession of mounds of spoil bank over-grown with noxious weeds and having many depressions in which are propogated millions of mosquitoes that create the utmost discomfort to the citizens of Port Arthur.

As a result of this unrestrained depositing of spoil by the Federal Government and the Beaumont Navigation District in the waters of Lake Sabine, Port Arthur has been deprived of those attractions which were formerly so profitable to the community and which were, in fact, largely the reasons which prompted the locating of the city of Port Arthur on its site."

In addition to the destruction by the Federal Government of the natural recreational facilities in Lake Sabine, the policy of disposition of the spoil from dredging operations in the Sabine-Neches Canal heretofore followed by the Federal Government, has created a great menace to the health and comfort of 50,000 citizens in that there has been created an area immediately in front of the City of Port Arthur from its East to its West city limits which is a prolific breeding ground for millions of salt water mosquitoes. On page 17 of Circular No. 111, New Jersey Experiment Station entitled "The Mosquito Must Go" we find the following: "The eggs of the salt marsh mosquito are in the marsh mud, and every time the meadows are covered with the warm water of summer, either by tides or rain, a brood of wrigglers (immature form of the mosquitoes) hatches and within two weeks the mosquitoes are on the wing." Bulletin No. 348 of the New Jersey Agricultural Experiment Station says: "The salt marsh mosquito problem is too expensive for counties, the State should be more generous."

Attention of the reader has already been called, as shown by photographs on pages 38,39,40,41, to the mosquito breeding grounds created by the Federal Government between the Sabine Lake and the Sabine-Neches Canal with the result that there are periods in Port Arthur on account of the fresh supplies of salt water mosquitoes when there is a condition which is seriously menacing not only to the comfort but to the health of 50,000 people.

It is difficult to understand why one branch of the Federal Government will appropriate hundreds of thousands of dollars to be expended in mosquito control and eradication while another branch will create breeding grounds for mosquitoes.

We call the reader's attention to the following letter which was submitted in a brief to the Board on Rivers and Harbors of the United States Engineers and also to the committee on Rivers and Harbors of the House of Representatives by the City of Port Arthur in January 1935.

"The citizenship of any community has a primary right to protection of its public health. When a nuisance or source of disease definitely exists or occurs in the process of time no city or county official has the legitimate power to abrogate the right to protection from said source of disease.

During the course of years of improvement of the Sabine-Neches Canal the Federal Government has deposited spoil between the Canal and Sabine Lake immediately adjacent to the City of Port Arthur. This uncontrolled depositing of spoil has produced low, swampy mud flats and isolated holes or pools covering an area of about 900 acres.

Following extra high tides salt water remains on the mud flats and in the isolated pools permitting hordes of mosquitoes to come to adult life and immediately they attack the citizens of Port Arthur.

Also following heavy rains considerable amount of fresh water mosquitoes breed in the isolated pools in the 900 acre area lying along the side of Port Arthur next to Sabine Lake. Doubtless these fresh water mosquitoes give rsie to many cases of malaria.

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Port Arthur has far more cases of malaria than it should have. The salt marsh mosquitoes bred in the Sabine Lake front marshes bite the citizenship incessantly and it will be noticed in Port Arthur we have an unusual amount of skin disease among the children who attempt to play out of doors.

The State and Federal Government during 1933 recognized the great need for mosquito control in this region and approved a definite plan submitted by a local committee for ditching and drainage. The lake front region was included in this plan and all investigations made prove the extreme need for proper drainage in that area. Approximately $100,000 has been spent on relief work to date for mosquito control purposes here.

No further deposit of spoil on the lake front region should be made without controlling same so as to prevent and remove mosquito breeding areas.

The health and general well being of the citizenship of Port Arthur demands this precaution. No previous legal technicality removes the need for protection. No legal technicality can legitimately remove from the citizenship of Port Arthur their right to necessary protection of their health and general physical welfare.

Therefore we urge your honorable body to seriously consider the problem of proper disposal of the spoil from further dredging activities in the Sabine Neches Canal.

We respectfully urge your special ocnsideration of the Public Welfare of the citizenship of Port Arthur when and if additional activity along this line is considered."

Very respectfully yours,

(Signed) L. C. HEARE
L. C. Heare, M. D., President Jefferson County Medical Saciety.

(Signed) F. J. BEYT
F. J. Beyt, M. D. City Health Officer.

(Signed) J. MILTON WHITE
J. Milton White, M. D. County Health Officer.

We believe that a careful study of the foregoing pages will convince the reader that from the time the Sabine-Neches waterway was opened in 1910 until the present time, the Federal Government has con-

tinuously persisted in destroying the natural recreational facilities for the population of a city of 50,000, the majority of whom are wage earners and who have no other recreational facilities within their reach and has also created a menace to the comfort and health of the same citizens, and in addition to this has cost these citizens in the neighborhood of $2,000,000.00 in an attempt to counteract some of the harm being done from the haphazard and unplanned disposal of spoil from the dredging operations in the Sabine-Neches Canal.

We believe that the reader will be puzzled to understand why the United States Army Engineers in 1897 would require a private corporation to prevent any spoil from the dredging operations in the Port Arthur Canal from entering Lake Sabine and would promiscuously pump said spoil into the same lake from 1908 to the present time in connection with the dredging operations in the Sabine-Neches Canal. Especially in view of the fact that the land on which this spoil is being pumped belongs to the City of Port Arthur, a municipal corporation composed of 50,000 good citizens of the United States.

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CHAPTER IV

Subsequent to the widening and deepening of the Sabine-Neches Canal in 1926, and the condemnation of the bridge across the Canal by the Federal Government, and the rendering of a judgment against the City in favor of the operators of the Pleasure Pier in 1930, the Port Arthur Chamber of Commerce in cooperation with the City of Port Arthur and the Texas Company made plans for a permanent revetment extending east from the Pleasure Pier head, the filling in of land lying between said revetment and the Sabine-Neches Canal and the construction thereon of certain recreational facilities and a grade A-1 Airport.

An attempt was made to finance the construction of these improvements on a self-liquidating basis through the Reconstruction Finance Corporation.

The Chamber of Commerce and the City of Port Arthur were able to have an Act passed by the Legislature of the State of Texas authorizing the State of Texas to sell all the land lying East of the Pleasure Pier and some of the land lying West of the Pleasure Pier between the South right of way of the Federal Government and the Louisiana-Texas State line to the City of Port Arthur. This Act was passed and signed by the Governor on May 18th, 1931. A copy of this Act follows:

H. B. No. 819

AN ACT

granting to the City of Port Arthur, Texas, all rights, title and interest of the State of Texas to certain land lying and being situated in and under the water of Lake Sabine, and granting to said City of Port Arthur, Texas, the right, power and authority to fill in and upon such submerged land with sand, dredge spoil or other material, and granting to the said City of Port Arthur the right to take from Lake Sabine such sand, dredge spoil or other material as may be necessary or desirable for such filling, and granting the said City of Port Arthur the right, power and authority to locate, construct, own,

lease, sell and maintain upon such submerged or filled in lands, airports, seaplane station facilities, recreational fields with the necessary buildings and appurtenances, together with such walks, highways, bridges, lagoons, walls, breakwaters, trestles, or other similar improvements as may be deemed necessary in the interest of such City of Port Arthur, and granting to said City of Port Arthur the right and authority to rent, lease or sell such land or improvements, and to issue franchises to others covering privileges hereby accorded to said City of Port Arthur under this Act, and reserving all mineral rights to the State, and declaing an eemrgency.——

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. All rights, title and interest of the State of Texas to all lands hereinafter in this Section described, lying and being situated in and under the water of Lake Sabine immediately adjoining the City of Port Arthur is hereby granted to said City of Port Arthur for the purposes hereinafter mentioned, said land so granted being described by metes and bounds as follows:

Beginning at station 5444 — 93.05 on the reference line of the Sabine Neches Waterway, Texas; thence along and parallel to the government reference line to-wit: N27° — 31' E, a distance of 454.85 ft., to the point of curvature of a curve to the right with a radius of 4449.3 ft., thence along that curve a distance of 871.72 ft. to the point of tangency; thence N 38° — 45' E, a distance of 4579.58 ft. to the point of curvature of a curve to the left with a radius of 5838.48 ft., thence along that curve a distance of 109.8 ft. to the point of tangency, thence N. 37° 41' E, a distance of 4228.7 ft. to the point of curvature of a curve to the right with a radius of 6142.47 ft., thence along that curve a distance of 727.8 ft. to the point of tangency, thence N 44° — 28' E, a distance of 4281.7 ft to the point of curvature of a curve to the left with a radius of 5282.91 ft., thence along that curve a distance of 795.6 ft. to the point of tangency, thence N 36° — 35' E. a distance of 3110.1 ft. to the point of curvature of a curve to the right with a radius of 5680.62 ft., thence along that curve a distance of 667.5 ft. to the point of tangency, thence N. 43° — 19' E, a distance of 1069.6 ft., thence S. 48° — 47' E. along and parallel to the present city limits a distance of 2591.23 ft., thence S. 38° — 45' W, a distance of 20,511.0 ft. to the southeasterly corner of present Port Arthur Pleasure Pier bulkhead, thence N. 49° 13' W. along the easterly side of said pier a distance of 696.28 ft. to the point of curvature of a curve to the left with a radius

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of 150 ft., thence along that curve a distance of 214.6 ft. to the point of tangency with a curve to the right with a radius of 150 ft., a distance of 214.7 ft. to the point of tangency thence N 50° — 58' W, a distance of 1792.33 ft. to the point of beginning and containing 1339 acres more or less.———

Beginning at a point on the extreme southeast corner of what is now known as Pleasure Pier Bulkhead, thence S. 50°— 47' E. parallel with the center line produced of Austin Avenue of the City of Port Arthur, Texas, along the north side of H. L. McKee tract of 1942.86 acres, a distance of 12,817 feet to corner of this tract on the East boundary line of the State of Texas, being also a point on the West boundary line of the State of Louisiana, said corner being witnessed by a five (5) foot section of four (4) inch cast iron soil pipe set by J. C. McVea for the H. L. McKee tract on the Louisiana shore of Sabine Lake 37.38 feet back from edge of water and projecting 18 inches above the surface of the ground, said pipe bearing S. 50° — 47' E, a distance of 15,350.42 feet from said corner, thence N. 58° — 0' E, a distance of 637.64 feet along the East boundary line of the State of Texas, being also the West boundary line of the State of Louisiana, thence N. 50°— 47' W, a distance of 13,027.71 feet along a line parellel to the first side of tract to the extreme northeast corner of the Pleasure Pier Bulkhead, thence S. 38° — 45' W, a distance of 603.66 feet along the Pleasure Pier Bulkhead to the point of beginning, containing 179.4 acres of land more or less.———

Begining at station 526 — 74.66 on the government reference line of the Sabine Neches Waterway, Texas, for point of beginning, thence S. 51° — 15' E, a distance of 2379 ft., thence N. 38° — 45' E, a distance of 1391.09 ft. to the southwesterly corner of the present Port Arthur Pleasure Pier bulkhead, thence N. 49° — 13' W, along the westerly side of said pier, a distance of 695.05 ft., to the point of curvature of a curve to the right with a radius of 150 ft., thence along that curve a distance of 214.6 ft. to the point of tangency with a curve to the left with a radius of 150 ft., thence along that curve a distance of 214.7 ft. to the point of tangency, thence N. 50°— 58' W, a distance of 1771.96 ft. to intersect with the government reference line at station 543 — 90.99 on reference line, thence along and parallel to the reference lin to-wit: S. 27°— 31' W, a distance of 691.49 ft. to a point of curvature of a curve to the left with a radius of 5208.79 ft., thence along that curve a distance of 281.0 ft. to the point of tangency, thence S. 24° 26' W, a distance of 427.84 ft. to point of curvature of a curve to the right with a radius of 3000 ft., thence

along that curve a distance of 316 ft. to point of beginning, containing 94 acres more or less.———

Sec. 2. The City of Port Arthur is hereby granted the right, power and authority to locate, construct, own, lease, sell and maintain within and upon the said territory hereby granted, such airports, seaplane station facilities, recreational fields and necessary buildings and adjuncts as aid City may deem necessary or desirable, and said City shall have the right, power and authority to construct such walks, drives, parks, buildings, lagoons, walls, breakwaters, trestles, bridges, or other similar improvements, on any or all of such area as may de deemed suitable and desirable for public convenience, and any such land, building, structure or other facility so erected may be rented, leased or sold, for purposes of public convenience or necessity, provided the right to sell the land shall be restricted to sales to Governments of the United States and the State of Texas, and no lease of said land shall be made for longer than three (3) years at a time other than to the Government of the United States or to the State of Texas, all proceeds derived from such rental, leases, or sales shall be paid into the funds of the City of Port Arthur, provided, however, that said City of Port Arthur shall not have the right to take from Lake Sabine any sand, dredge spoil or other material except such as may be necessary for the purposes of filling in the area above described.———

Sec. 3. The City of Port Arthur is hereby granted the right, power, and authority to grant franchises to any person, company, or corporation for the construction or operation of any facilities hereinbefore described within the area hereinbefore named.———

Sec. 4. For the purpose of carrying out the provisions of this Act, the said City of Port Arthur is hereby granted the right, power, and authority to abate and remove any and all encroachments or structures of any kind now or hereafter existing on said property, and shall have the right to bring such suit or suits as may be necessary to carrying out the provisions of this Act to the same extent and as fully and completely as the right to bring such suit or suits existed in the State or City prior to the passage hereof.———

Sec. 5. All minerals, and mineral rights, including oil and gas in and under said land, together with the right to enter thereon for the purpose of development, are hereby expressly reserved to the State of Texas, provided, however, that the State of Texas, in the event of its exercising its rights under

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this Section, shall compensate the City of Port Arthur for any damages therefrom.

Sec. 5a. This grant to the City of Port Arthur is made subject to all rights, easements and privileges which the United States Government now has or which may hereafter be granted to it by the State of Texas in and to the lands hereinbefore described, or any part thereof.———

Sec. 6. This grant to the City of Port Arthur is upon the express condition that said City shall itself or shall cause others to, within five (5) years from and after the passage of this Act, begin the construction of the facilities hereinbefore described, and failure to do so shall forfeit the grant.———

Sec. 7. Before the City of Port Arthur shall begin the improvements herein ocntemplated, it shall arrange with the Commissioner of the General Land Office for payment for the land conveyed herein at the rate of One Dollar ($1.00) per acre, such payments to be made in (10) equal annual installments, the first of such payments to be made on the 1st day of August, 1931, with interest on deferred payments at the rate of five (5%) per cent per annum, providing, however, that the City of Port Arthur shall have the right to pay the entire amount due and owing on the due date of any such payment, such funds to accrue to the benefit of the Public Free School fund of this State and upon completion of such arrangement and payment by the City of Port Arthur of one-tenth of the purchase price on the 1st of August, 1931, the Commissioner of the General Land Office shall issue a patent thereupon when furnished proper field notes by the County Surveyor of Jefferson County, Texas.———

Sec. 8. The fact that the area in question now abouts the City of Port Arthur, and the fact that waves are daily eroding the shore line of said Lake and creating unhealthful conditions thereon to the disadvantage and discomfort of the citizens of Port Arthur, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.———

CARL C. HARDIN
President PRO TEMPORE of the Senate

FRED H. MINOR
Speaker of the House

I hereby certify that H. B. No. 819 was passed by the House on May 1, 1931, by a viva voce vote.

That the House concurred in Senate amendments to H. B. No. 819 on May 14, 1931, by the following vote: Yeas 103, Nays 4.

LOUISE SNOW PHINNEY
Chief Clerk of the House

I hereby certify that H. B. No. 819 was passed by the Senate with amendments on May 12, 1931, by two-thirds vote: Yeas 28, Nays 1.

BOB PARKER
Secretary of the Senate

Approved May 18, 1931.

R. S. Sterling
Governor.

Received
State Department
May 19, 1931
Walt T. Saunders
AUSTIN, TEXAS

Received in the executive office
This 15 day of May, A. D. 1931
At 4 o'clock and——minutes
M. L. WIGINTON
Secretary to the Governor

On the same day that the above mentioned Act was passed, the House of Representatives passed Senate Bill No. 612 which was signed by the Governor on May 18, 1931. A copy of this Act follows:

State of Texas

to

United States of America

C. C. Legislative Act
Dated—May 22, 1931
Filed—Oct. 27, 1933 5:00
Recorded Vol. 380, Page 250
Deed Records, Jefferson
County, Texas. File No. 6005

Office Chief of Engineers Oct. 16, 1933
7245 (Sabine-Neches W.W.) 143—10 Chap. 176. S.B. No. 612

An Act

providing for the granting of certain easements to the United States Government in a portion of the present and former bed of Sabine Lake in and adjacent to the Port Arthur Canal and the Sabine-Neches Canal providing the means and manner thereof; providing exceptions and the purposes thereof; and declaring an emergency.

WHEREAS, the United States Government in the construction of deep-water channels known as the Port Arthur

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Canal and the Sabine-Neches Canal obtained the land owner's deeds for right of way and dumping grounds adjacent thereto for dredged material, and a question has arisen as to the sufficiency of the United States Governments title to portions of such right of way and dumping grounds upon the Sabine Lake side of said canals in that it now appears that the title thereto may be vested in the State of Texas as part of the former and present bed of Sabine Lake; and

WHEREAS, it is necessary in the dredging of said canals for maintenance and for further improvement that the United States Government should have the necessary right of way therefor and that the dredged material should continue to be deposited on the Sabine Lake side of said canals as has been heretofore done; and

WHEREAS, in the interest of navigation and commerce, it is necessary that said canals should be further improved and maintained by the United States Government and said procedure be continued, and that the result thereof will improve navigation and will aid commerce and will prove beneficial to the State in many other ways; now therefore,

Inclosure No. 10
S. B. No. 612.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That there be and there is hereby granted to the United States Government, for the purpose of operating and maintaining the said Port Arthur Canal and Sabine-Neches Canal, and for the purpose of further widening and otherwise improving said canals as may be authorized by Congress, a perpetual right and easement in and to any and all lands belonging to the State of Texas, within said canals and adjacent thereto on the Sabine Lake side thereof, which lands may have formerly been or may now be a part of the bed of Sabine Lake.

Sec. 2. That there be and there is further hereby granted to the United States Government for the entire length of the Port Arthur Canal and the Sabine-Neches Canal, a perpetual right and easement along and upon the Sabine Lake side of said canals, for the purposes of depositing, dumping and pumping dredged material from said canals onto and into the former and present shore and-or bed of Sabine Lake; provided, however, that said Government shall not deposit or dump any such material along and adjacent to the Sabine-Neches Canal onto

or into the shore or bed of said Lake between the points represented by the Southeastward projecting of Houston Avenue, on the South, and Richmond Avenue, on the North, (which said avenues are shown upon the official map of the City of Port Arthur) and which is a distance of approximately 7,100 feet, except by and with the consent of the City of Port Arthur.

Sec. 3. The fact that the United States Government will not proceed as heretofore in the maintaining and improving of said canals in the absence of the grant herein contained, and the fact that only a few days remain of this Session, create an emergency and S. B. No. 612 an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days in each House and said Rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Approved May 18, 1931

EDGAR E. WITT,
President of the Senate

R. S. STERLING,
Governor

I hereby certify that S. B. No. 612, passed the Senate May 2, 1931, by a viva voce vote.

Bob Barker, Secretary of the Senate
Fred H. Minor, Speaker of the House of Representatives.

I hereby certify that S. B. No. 612, passed the House of Representatives, May 14, 1931, by the following votes; 107 yeas, 0 Nays.

Louise Snow Phinney, Chief Clerk of the House of Representatives.

Received in the Executive Offices this 15 day of May A. D. 1931, at 9 o'clock and——minutes A. M.

M. L. Wiginton, Secretary to the Governor

Received State Department May 18, 1931.

Jane Y. McCallum, Austin, Texas.

The State of Texas
Department of State

I, W. W. Heath Secretary of State, of the State of Texas, do hereby certify that the foregoing is a true and correct copy of Senate Bill No. 612, as passed by the regular session of the 42nd. Texas Legislature, and filed in this office May 18, 1931,

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with the endorsement thereon, as now appears of record in this Department.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 22 day of May A. D. 1933.

(SEAL) W. W. HEATH, Secretary of State.

It will be noted by the reader that the State of Texas reserved to the City of Port Arthur the right to prevent the dumping of spoil from the Sabine-Neches Canal between Houston Avenue extended and Richmond Avenue, a distance of approximately 7100 feet. At a special session of the Legislature in the State of Texas in 1930 an Act was passed authorizing the sale by the State of Texas to H. L. McKee a certain tract of land lying West of the Pleasure Pier. This Act became a law without the signature of the Governor. Copy of this Act follows:

SALE OF CERTAIN LANDS IN SABINE LAKE

H. B. No. 66) CHAPTER 22.

An Act to provide for the sale by the State to H. L. McKee, his heirs and assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged land constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subject to and upon the terms nad provisions of this Act, the Commissioner of the General Land Office shall be and is authoried and directed to sell to H. L. McKee the following described piece, parcel or tract of land lying and being situated in Jefferson County, Texas, same being a part of the bed of Sabine Lake in said County, and described by metes and bounds: Beginning at a point on the extreme Southeast corner of what is now known as Pleasure Pier Bulkhead; thence in a Southeasterly direction along a course parallel to the projection of the center line of Austin Avenue, in the City of Port Arthur, Texas, for a distance of approximately 12,000

feet, more or less, to a point on the East boundary line of the State of Texas, being also a point on the West boundary line of the State of Louisiana; thence i na Southwesterly direction along East boundary line of the State of Texas, being the West boundary line of the State of Louisiana, a distance of 6,200 feet, more or less, to a point on a line parallel to the projection of the center line of Austin Avenue in the City of Port Arthur, Texas, and 6,000 feet from the point of beginning; thence in a Northwesterly direction along a line parallel to the projected center line of Austin Avenue and 6,000 feet distant from the point of beginning for a distance of 12,600 feet, more or less, to a point on the West shore of Lake Sabine, same being a point on the mean low water contour; thence in a Northwesterly direction along the mean low water contour of the West shore of Lake Sabine for a distance of 6,100 feet, more or less, to a point; thence in a Southeasterly direction along a line parallel to the projected center line of Austin Avenue for a distance of 2,700 feet, more or less, to the point of beginning; same being the boundaries of a tract in Lake Sabine.

Sec. 2.—Said H. L. McKee shall cause said land to be surveyed and field notes of same, together with a correct plat thereof, to be recorded and returned to the General Land Office as provided by law for making surveys and recording and returning other field notes. Said field notes and plat shall be subject to the approval of the Commissioner of the General Land Office as other field notes, and when so approved shall be filed by the Commissioner of the General Land Office and shall be and remain an archive of that office.

Sec. 3.—Upon the approval and filing of said field notes and plat, and payment to the Commissioner of the General Land Office by said H. L. McKee for said land of a sum of money equal in the aggregate to One ($1.00) Dollar an acre for each and every acre of said tract of land, payment of the patent fees provided for by law, a patent to said land shall issue to said H. L. McKee, his heirs and assigns as provided by law governing the issuance of land patents. The money so paid for said land shall be transmitted and credited to the State Permanent Public School Fund as provided by law for transmitting and crediting to said Fund money received by the Commissioner of the General Land Office in payment for State public free school lands.

Sec. 4.—Unless said land is surveyed and the field notes thereof recorded and filed, and said land paid for, as herein provided within one year from the date this Act goes into effect, said land shall not be sold under this Act.

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Sec. 4a—It is expressly understood that the authorization of said patent is to enable the financing of a non-toll road connection between Texas and Louisiana easterly of the City of Port Arthur, and if said patenter, his heirs and assigns, shall fail to make said road connection within six years from the date of such patent, said patent shall become null and void.

Sec. 5.—The minerals of every character in said land are reserved to the State and shall not pass under the purchase of or patent to said land under this Act, and the State shall have the right at any time, and from time to time, to dispose of said minerals in place either in the whole or any part or parcels of said land, in such manner and upon such terms, provisions, requirements and conditions concerning said minerals as the State may see fit; and the State and those to whom it may grant said minerals, their heirs and assigns, in person and by their agents, representatives and employees, shall have the right of such occupancy and use of so much of said land, and when and during such time, as may be deemed appropriate or necessary in prospecting for, producing, storing, transporting, inspecting, caring for and disposing of said minerals, and facilities and appliances for such purposes, provided such right of occupancy and use may be exercised only upon provision being made for compensating said H. L. McKee, and those owning or holding under him, for any damage to him or them resulting from or incident to such occupancy or use.

Sec. 6.—Said patent shall recite on its face that said land was sold under and subject to the provisions of this Act and that all minerals in said land, and all rights concerning same as herein provided, are reserved to the State.

Sec. 7.—The fact that this is a Special Session in which time is essential creates an emergency and necessity, requiring the suspension of the Constitutional Rule requiring bills to be read upon three separate days in each House, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage.

Effective 90 days after adjournment.

(NOTE.—H. B. No. 66 passed the House by a viva voce vote; passed the Senate by a vote of 19 yeas, 8 nays. Was received in the Executive Office March 14, 1930, and in the Department of State March 17, 1930, without the Governor's signature.)

This land was purchased by H. L. McKee and associates and was later quit claimed to the City of Port Arthur. Copy of this quit claim deed follows:

THE STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS: That we, H. L. McKee, of Port Arthur, Jefferson County, Texas, and L. L. Abshire, of Port Arthur, Jefferson County, Texas, for and in consideration of the sum of One ($1.00) Dollar, and other valuable considerations, to us in hand paid by the City of Port Arthur, Texas, the receipt of which is hereby acknowledged, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said City of Port Arthur, Texas, in its municipal capacity, that certain tract of land situated in the bed of Lake Sabine on the North or West side of said lake opposite the City of Port Arthur, in Jefferson County, Texas, described by metes and bounds as follows:

Beginning at a point on the extreme Southeast corner of what is now known as Pleasure Pier Bulkhead; thence in a Southeatserly direction along a course parallel to the projection of the center line of Austin Avenue, in the City of Port Arthur, Texas, for a distance of approximately 12,000 feet more or less to a point on the East boundary line of the State of Texas, being also a point on the West boundary line of the State of Louisiana; thence in a Southwesterly direction along the East boundary line of the State of Texas, being the West boundary line of the State of Louisiana, a distance of 6,200 feet more or less to a point on a line parallel to the projection of the center line of Austin Avenue in the City of Port Arthur, Texas, and 6,000 feet from the point of beginning; thence in a Northwesterly direction along a line parallel to the projected center line of Austin Avenue and 6,000 feet distance from the point of beginning for a distance of 12,600 feet, more or less to a point on the West shore of Lake Sabine, same being a point on the mean low water contour; thence in a Northeasterly direction along the mean low water contour of the West shore of Lake Sabine for a distance of 6,100 feet more or less to a point; thence in a Southeasterly direction along a line parallel to the projected center line of Austin Avenue for a distance of 2,700 feet more or less to the point of beginning; same being the boundaries of a tract in Lake Sabine.

and it being the same land as conveyed to H. L. McKee by the State of Texas.

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TO HAVE AND TO HOLD said lands, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Port Arthur, Texas, in its municipal capacity, and to its successors and assigns forever.

The Grantors herein retain all warranties as regards title to the above tract of land, and same are conveyed without any warranty whatsoever.

WITNESS our hands on this 15th day of November 1933.

(Sgd.) L. L. ABSHIRE
(Sgd.) H. L. McKEE

It was discovered that the Pleasure Pier proper was not the property of the City of Port Arthur, but belonged to the State of Texas and the Legislature of the State of Texas passed an Act authorizing the sale of this land in October 1933. A copy of this Act and a copy of the patent deed from the State of Texas to the City of Port Arthur follows:

FIRTY-THIRD LEGISLATURE—FIRST CALLED SESSION. 75

SALE OF PART OF BED OF SABINE LAKE TO CITY OF PORT ARTHUR AUTHORIZED.

S. B. No. 58) CHAPTER 22.

An Act to provide for the sale by the State to the City of Port Arthur, Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged lands constituting a part of the bed of Sabine Lake, retaining to the State all mineral rights therein; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subject to and upon the terms and provisions of this Act, the Commissioner of the General Land Office shall be and is authorized and directed to sell to the City of Port Arthur, Texas, the following described piece, parcel or tract of land lying and being situated in Jefferson County, Texas, same being a part of the bed of Sabine Lake in said County, and described by metes and bounds:

The beginning corner is located at United States Engineers Department Station 544 - 94.2 on the reference line of the Sabine-Neches Waterway, where it intersects the north line of Pleasure Pier Causeway, and also being N. 35° 44' E. 1137 varas of the southwest corner of the Joseph Butler Survey, Jefferson County, Texas. Said beginning corner being also the beginning corner of the first tract of those lands surveyed for the City of Port Arthur by virtue of authority of an Act of the Forty-second Legislature, House Bill No. 819 approved May 18, 1931, authorizing and directing the Commissioner of the General Land Office to sell to the City of Port Arthur, Jefferson County, Texas, certain parcels or tracts of land lying and being situated in the water of Lake Sabine and filed in the General Land Office as Jeff. Script 594.

Thence along the south line of Pleasure Pier Causeway (marked on the ground by row of piling) and the north line of Tract No. 5, Jeff Script 594 previously surveyed for the City of Port Arthur; S. 50° 53' E. 636.07 varas to corner, S. 38° 7' E. 22 varas, S. 11° 23' E. 2916 varas, S. 15° 13' W. 53.95 varas, S. 27° 20' E. 44.34 varas to southwest corner of Pleasure Pier Concrete Bulkhead, and the northeast line of the H. L. McKee 1895.57 Ac. Survey in Sabine Lake.

Theice S. 50° 50' E. along the south line of Pleasure Pier Concrete Bulkhead and the northeast line of the McKee Survey, 217.17 varas to the S. E. corner of said Pleasure Pier Bulkhead, it being the beginning corner of the said H. L. McKee Survey.

Thence N. 39° E. along the east line of said Pleasure Pier Concrete Bulkhead 217.3 varas to the N. W. corner or Tract No. 2, Jeff Script 594 and the S. E. Corner of Tract No. 1, Jeff Script 594.

Thence N. 50° 51' W. along the northerly side of said Pleasure Pier Causeway marked by row of piling, N. 75° 47' W. 44.61 varas, S. 63° 61' W. 53.95 varas; S. 89° 37' W. 29.16 varas, N. 63° 39' W. 22 varas, N. 50° 53' W. 643.52 varas to the place of beginning, containing 14.693 acres. (Fourteen and 693/1000 acres)

SEC. 2. Said City of Port Arthur shall cause said land to be surveyed and field notes of same, together with a correct plat thereof, to be recorded and returned to the General Land Office as provided by law for making surveys and recording and returning other field notes. Said field notes and plat shall be subject to the approval of the Commissioner of the General

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Land Office as other field notes, and when so approved shall be filed by the Commissioner of the General Land Office and shall be and remain an archive of that office.

SEC. 3. Upon the approval and filing of said field notes and plat, and payment to the Commissioner of the General Land Office by the said City of Port Arthur for said land of a sum of money equal in the aggregate to One Dollar an acre for each and every acre of said tract of land, and payment of the patent fees provided for by law, a patent to said land shall issue to said City of Port Arthur, Texas, and its assigns, as provided by law governing the issuance of land patents. The money so paid for said land shall be transmitted and credited to the State permanent public free school fund as provided by law for transmitting and crediting to said fund money received by the Commissioner of the General Land Office in payment for State public free school lands.

SEC. 4. Unless said land is surveyed and the field notes thereof recorded and filed, and said land paid for, as herein provided within one year from the date this Act goes into effect said land shall not be sold under this Act.

SEC. 5. The minerals of every character in said land are reserved to the State and shall not pass under the purchase of our patent to said land under this Act, and the State shall have the right at any time, and from time to time, to dispose of said minerals in place either in the whole or any part or parcels of said land, in such manner and upon such terms, provisions requirements and conditions concerning said minerals as the State may see fit; and the State and those to whom it may grant said minerals, their heirs and assigns, in person and by their agents, representatives and employees shall have the right of such occupancy and use of so much of said land, and when and during such time, as may be deemed papropriate or necessary in prospecting for, producing, storing, transporting, inspecting, caring for and disposing of said minerals, and facilities and appliances for such purposes, provided such right of occupancy and use may be exercised only upon provision being made for compensating the said City of Port Arthur, and those owning or holding under it, for any damage to it or them resulting from or incident to such occupancy or use.

SEC. 6. Said patent shall recite on its face that said land was sold under and subject to the provisions of this Act and that all minerals in said land, and all rights concerning same as herein provided, are reserved to the State.

SEC. 7. The fact that this is a Special Session in which time is essential, creates an emergency and necessity, requiring the suspension of the Constitutional Rule requiring bills to be read on three several days, said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

(NOTE.—S. B. No. 58 passed the Senate by a vote of 27 yeas, 1 nay; passed the House by a vote of 108 yeas, 2 nays.)

Approved October 13, 1933.
Effective October 13, 1933.

VOL. FIFTY THREE A No. 409

IN THE NAME OF THE STATE OF TEXAS
TO ALL TO WHOM THESE PRESENTS SHALL COME, KNOW YE:

I, MIRIAM A. FERGUSON, Governor of the State aforesaid, by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided, do by these presents Grant to THE CITY OF PORT ARTHUR, ITS assigns forever, FOURTEEN & 7 - 0 (14.7) acres of land situated and described as follows: In Jefferson County, known as Jefferson Scrip 596, situated about 17 miles S 35° E from Beaumont; Said land having been surveyed by virtue of S B 58, H B 73, First Called Session Forty-Third Legislature;

Beginning at the U S Engineers Department Station 544—94.2, on the Reference line of the Sabine Neches Waterway, where it intersects the N line of Pleasure Pier Causeway, and also N 35° 44' E 1137 varas of the S W corner of the Joseph Butler Survey; Said beginning corner being also the Beginning corner of the first tract of those lands surveyed for the City of Port Arthur by virtue of authority of an Act of the 42nd Legislature, H B 819, Approved 18th May 1931;

Thence, with said reference line, S 27° 31' W 36 varas a steel bar on the S side of said Pleasure Pier Causeway, the N corner of the U S Reservation 20.8 acre tract, surveyed by virtue of Senate Bill 56, First Called Session 43rd Legislature;

Thence, with the S line of Pleasure Pier Causeway, the N line of said U S Government 20.8 acre tract, and Tract 3, Jefferson Scrip 594, S 50° 53' E 256.4 varas a steel bar for the E corner of said U S Government 20.8 acre tract, 636.07 varas

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a corner, S 38° 07' E 22 varas; S 11° 23' E 29.16 varas; S 15° 13' W 53.95 varas; S. 27° 20' E 44.34 varas to the SW corner of Pleasure Pier Concrete Bulkhead, the NE line of the H. L. McKee 1895.57 acre survey in Sabine Lake;

Thence S 50° 50' E with the S line of Pleasure Pier Concrete Bulkhead the NE line of the McKee survey, 217.17 varas a SE corner of Pleasure Pier Bulkhead, the beginning corner of the H. L. McKee survey;

Thence N 39° E with the E line of the Pleasure Pier Concrete Bulkhead, 217.3 varas to the NW corner of Tract 2, Jefferson Scrip 594, the SE corner of Tract 1, Jefferson Scrip 594;

Thence N 50° 51' W with the northerly side of said Concrete Bulkhead, 216.92 varas a corner of same;

Thence, with the northerly side of Pleasure Pier Causeway, N 75° 47' W 44.61 varas, S 63° 01' W 53.95 varas; S 89° 37' W 29.16 varas; N 63° 39' W 22 varas; N 50° 53' W 643.32 varas to the place of beginning.

The land herein granted was sold and this patent issued under and subject to the provisions of Senate Bill 58, 1st Called Session 43rd Legislature, and all minerals in said land and all rights concerning same as provided in said Act are hereby reserved to the State.

Hereby relinquishing to it the said CITY OF PORT ARTHUR and ITS assigns forever all the right and title in and to said land heretofore held and possessed by the said State, and I do hereby issue this Letter Patent for the same.

(Jeff S-596)
(SEAL)

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed, as well as the Seal of the General Land Office. Done at the City of Austin on the TWENTY SIXTH day of JANUARY in the year of Our Lord One Thousand Nine Hundred and THIRTY FOUR.

(SEAL)

(Sgd.) MIRIAM A. FERGUSON,
Governor.

(Sgd.) J. H. WALKER
Commissioner of the General Land Office.

THE STATE OF TEXAS
COUNTY OF JEFFERSON

I, FRED G. HILL, COUNTY CLERK, JEFFERSON COUNTY, TEXAS, hereby certify that the foregoing instrument of writing was filed for record on the 1 day of Feb. 1934, at 3:50 o'clock P.M., and recorded on the 6 day of Feb. 1934, at 9:40 o'clock A. M., in the Deed Record. Jefferson County, Texas, in volume 384, page 212 et seq.

Witness my hand and seal of office, at Beaumont, Texas, the day and year last above written.

FRED G. HILL
By (Sgd.) CURTIS C. COOPER, Deputy.
County Clerk, Jefferson County, Texas.

The reader's attention is again called to Plat 3, page 22A, which shows the land which has been acquired by the City of Port Arthur lying along its Sabine Lake front between the Sabine-Neches Canal and the Louisiana-Texas State line. The original title to the land in question was conveyed to the State of Texas in July 1848 by an Act of Congress.

If the reader will study the Acts of the Legislature of the State of Texas, we believe he will become convinced that there was no intention on the part of the Legislature to convey to the Federal Government the unrestricted right to dump spoil on any of the land now owned by the City of Port Arthur. This is evidenced by the fact that the Legislature conveyed some of this land to H. L. McKee without any restrictions as to the disposal of the spoil upon it, that it specifically reserved the right of the City of Port Arthur to prevent the dumping of spoil from Houston Avenue to Richmond Avenue, extended, and that it conveyed without any restrictions the Pleasure Pier proper in 1933.

For the information of the reader there follows a quotation from an opinion of the City Attorney of the City of Port Arthur to the City Manager of the City of Port Arthur, dated March 25, 1935.

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R. L. Cooper, City Manager,
City Hall,
Port Arthur, Texas.

Dear Sir:

"There being no reservation in the Deed from the Commission of the Geenral Land Office of this State with reference to any use of said land other than the reservation of mineral rights, it is my opinion that the City of Port Arthur could prevent any further dumping of spoil or silt in and upon its lands made necessary by reason of future improvements to the Sabine-Neches Canal. There even exists some doubt in my mind as to whether or not the Federal Government would have the right to condemn the property in question as a place upon which might be dumped spoil and silt taken from the Sabine-Neches Canal in the event of future developments, for the reason that private property can be taken for public use, but it is not an universal rule that public property, as it is in this case, could be condemned and used for another public purpose. In any event, should condemnation proceedings be available to the Federal Government, it would be required to pay a just compensation which would be measured by the value of the land condemned and damages done to land not actually condemned."

Respectfully submitted,

(Signed) V. J. WISTNER.

When it was discovered that the Army Engineers' reservations and quarters were not upon land owned by the Federal Government the City of Port Arthur quit claimed its interest in said land to the United States of America and copies of resolution authorizing this transfer and a copy of the deed from the City to the Federal Government follows:

City of Port Arthur

to

United States of America

Resolution
Dated—Sept. 5, 1933
Filed—Oct. 6, 1933 3:30
Recorded Vol. 379, Page 559
Deed Records, Jefferson
County, Texas. File No. 5573

CITY OF PORT ARTHUR
THE STATE OF TEXAS
COUNTY OF JEFFERSON

WHEREAS, the City of Port Arthur acquired certain lands lying on the Easterly side of the Sabine-Neches Canal by virtue of House Bill No. 819, and the conveyance thereof by the Commissioner of the General Land Office of the State of Texas; and

WHEREAS, a part or portion of said land has heretofore been used, occupied and enjoyed by the United States Government upon which it has its Engineering Department together with marine ways, wharves, warehouses and slips for docking dredges and other Government vessels; and,

WHEREAS, the United States Government is desirous of acquiring a part or portion of said lands as shown by the deed hereto attached; and,

WHEREAS, the Commissioners of the City of Port Arthur feel and believe it advantageous to said City to convey to the United States Government twenty and 8-10 (20 8-10) acres of land so that it will have property upon which to continue to keep and maintain its United States Engineering Department together with the marine ways, wharves, warehouses, and slips for docking dredges and other Government vessels; Now, therefore,

BE IT RESOLVED that H. O. Preston, Mayor of the City of Port Arthur, be and he is hereby authorized to execute the attached deed wherein and whereby the City of Port Arthur quit-claim unto the United States of America Twenty and eight-tenths (20 8-10) acres of land therein fully described, and that the City Clerk of said City attest said deed and affix the Corporate Seal thereon, and that each of said officers of and for the City of Port Arthur do and perform other acts and things necessary and requisite in the premises in order to convey to the United States of America the land as fully described in said deed hereto attached.

READ, ADOPTED AND APPROVED by at least a majority of the City Commission at a regular meeting held at the City Hall of Port Arthur, Texas, this 5th day of September, A. D. 1933.

(SEAL)

H. O. PRESTON,
Mayor.

ATTEST: E. S. FOREMAN, City Clerk.

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THE STATE OF TEXAS
COUNTY OF JEFFERSON
CITY OF PORT ARTHUR

I, E. S. Foreman, City Clerk of the City of Port Arthur, Texas, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Commission of the City of Port Arthur, Texas, on September 5, 1933, as the same appears of record in minute book on file in my office.

WITNESS my hand and seal of said City this 5th day of September, A. D. 1933.

(SEAL) E. S. FOREMAN, City Clerk.

City of Port Arthur

to

Government of United States

Deed
Dated—Sept. 5, 1933
Filed—Oct. 6, 1933 3:30
Recorded Vol. 382, Page 29
Deed Records, Jefferson
County, Texas. File No. 5574

THE STATE OF TEXAS
COUNTY OF JEFFERSON

WHEREAS, by virtue of an Act of the 42nd Texas Legislature, being House Bill No. 819 approved May 18, 1931 the Commissioner of the General Land Office sold to the City of Port Arthur in Jefferson County, Texas, three (3) certain parcels or tracts of land lying and being situated in and under the waters of Lake Sabine, immediately adjoining the City of Port Arthur in the County of Jefferson and State of Texas, including a certain tract which was described in said Act as containing ninety-four (94) acres, more or less, but which tract, according to corrected field notes thereof filed in the General Land Office on September 30, 1931 is shown to contain twenty-seven & seven-tenths (27.7) acres of land, being the third tract described in said Act and in said corrected field notes; and,

WHEREAS, the United States Government has for many years been in possession of and has used and occupied portions of said tract of 27.7 acres of land and is still so in possession of and using and occupying the same for purposes of its United States Engineer Department as a field office, with marine ways, wharves, warehouses and slip for docking dredges and other Government vessels; and,

WHEREAS, the United States Government is desirous of acquiring or perfecting title to the land and premises so possessed and now occupied by it, together with additional

land, totalling in all twenty & eight-tenths (20.8) acres, all of which is situated in and a part of said tract of 27.7 acres, being the third tract described in said Act as corrected in said corrected field notes, which tract of 20.8 acres is hereinafter more specifically described by metes and bounds; and,

WHEREAS, the said City of Port Arthur has not yet fully completed its purchase of said several parcels or tracts of land so sold to it by the State of Texas under said Act of the Legislature nor received patent for the same, by reason of which the said United States Government is desirous of acquiring said tract of 20.8 acres of land direct from the State of Texas under the general law and of having patent issued to it by the State of Texas therefor, and said City of Port Arthur is desirous of quit-claiming and conveying to the Government of the United States all of its right, title and interest and claim in and to said tract of 20.8 acres of land by virtue of its purchase thereof under said Act of the Legislature or otherwise, so that the said Government of the United States will have and acquire good and sufficient title thereto under patent of said land direct from the State of Texas, free from any claim thereto now existing or hereafter arising in favor of the said City of Port Arthur;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the City of Port Arthur, a municipal corporation duly created and existing under the laws of the State of Texas, and situated in the County of Jefferson in the State of Texas, acting herein by and through its Mayor and City Secretary, who are hereunto duly authorized by the City Commission of the City of Port Arthur, for and in consideration of the premises and the sum of One ($1.00) Dollar cash to said City paid by the Government of the United States, the receipt of which is hereby acknowledged, has BARGAINED, SOLD AND QUIT CLAIMED, AND by these presents does BARGAIN, SELL AND QUIT CLAIM unto the Government of the United States all of its right, title and interest, which said City now has or may acquire under and by virtue of the aforesaid Act of the Legislature of Texas, or otherwise, in and to the following tract or parcel of land lying and being situated in the County of Jefferson, State of Texas, and being a part of the third tract described in said Act of the Legislature and in said corrected field notes, and being more particularly described as follows, to-wit:

BEGINNING at station 526, plus 74.66 on the Government reference line of the Sabine-Neches Waterway, Texas, for the

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point of beginning, said station being north 47° 23' east 494 varas of the figured position of the southwest corner of the Joseph Butler Headright Survey;

Theice along said reference line following the chords of a curve to the left with a radius of 1051.63 varas as follows; North 30° 21' east 36.6 varas north 28° 12' east 39.37 varas; north 26° 04' east 39.37 varas, north 24° 43' east 9.91 varas to the point of reverse curve, 3—3-4 brass disc marked U. S. E. D. 529 plus 92.9;

Thence along the chords of a curve to the right with a radius of 4336.45 varas as follows: North 24° 41' east 35.27 varas north 25° 09' east 35.27 varas; north 25° 37' east 35.27 varas; north 26° 05' east 35.27 varas; north 26° 33' east 35.27 varas; north 27° 01' east 35.27 varas; north 27° 24' east 22.24 varas to point of tangency;

Thence along the said reference line north 27° 31' east 265.75 varas to U. S. E. D. station 543 plus 94.2 on south side of Pleasure Pier causeway;

Thence along Pleasure Pier causeway marked by line of piling south 50° 53' east 256.39 varas;

Thence south 38° 57' West 609.99 varas;
Thence North 51° 15' West 127.3 varas to the place of beginning containing 20.8 acres of land; said tract being that shown on attached plat as U. S. Reservation 20.8 ac."

TO HAVE AND TO HOLD the above described property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the Government of the United States, its successors and assigns, forever.

IN TESTIMONY WHEREOF, said City of Port Arthur has caused these presents to be executed by its Mayor and City Secretary under its corporate seal, this 5 day of September A. D. 1933.

(SEAL) CITY OF PORT ARTHUR

ATTEST: E. S. FOREMAN, Secretary

By H. O. PRESTON, Mayor

In September 1933 the City of Port Arthur granted an easement and waiver to the Federal Government to deposit spoil from the Sabine-Neches Canal upon the land owned by the City with the proviso

that this permit terminates at such time as the land is improved. A copy of this easement follows:

City of Port Arthur	Easement & Waiver
	Dated—Sept. 5, 1933
to	Filed—Oct. 27, 1933 5:00
	Recorded Vol 380, Page 245
United States of America	Deed Records, Jefferson
	County, Texas. File No. 6000

Office Chief of Engineers Oct. 16, 1933
7245 (Sabine-Neches N.W.) 143-15

THE STATE OF TEXAS
COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS: That the City of Port Arthur, for and in consideration of appropriations made and to be made by the Congress of the United States of America and of the contributions of funds heretofore made by local interests for the construction and subsequent maintenance of a deep water ship channel from deep water in the Gulf of Mexico leading to Port Arthur, Beaumont and Orange, Texas, do hereby give and Grant to the United States of America the right, power and privilege to deposit spoil and other excavated matter from said channel during any enlargement or subsequent maintenance upon land owned by The City of Port Arthur, located in Sabine Lake in front of the City of Port Arthur, Jefferson County, Texas, patented to the City of Port Arthur by the State of Texas, House Bill No. 819, May 18th 1931.

It is hereby understood and agreed that this permit is to terminate at such time as the land involved is to be improved.

We do hereby expressly waive and release said United States of America, its officers, agents, servants and contractors from any and all claim for damages to the land and premises owned by us adjacent said ship channel resulting from the construction and maintenance work, and the deposit of spoil or other matter, this waiver and release of damages being intended as a continuing covenant which shall run with the land and be binding upon ourselves and our successor or successors in ownership of said land, subject however, to be terminated at and when said land or any part thereof is improved as set forth in the preceding paragraph of this release.

And we covenant and certify that we are the true and lawful owners of said land and premises, and that we have the

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right to make this covenant and release.
Inclosure No. 13.

In testimony whereof we have caused this instrument to be executed on this 5 day of September, A. D. 1933.

(SEAL) H. O. PRESTON, Mayor
ATTEST:
E. S. FOREMAN, City Clerk.

During the widening and deepening of the Sabine-Neches Canal in 1934-1935 the City of Port Arthur commenced improvements on this land by the construction of levees and the filling in of the land on both sides of the Pleasure Pier.

Early in 1933 the City prepared plans for revetment of its entire lake front, from the East to the West City limits and the filling in between the revetment and the Sabine-Neches Canal in connection with the construction of a causeway across Lake Sabine to what is known as Hollywood Beach and made application to the Reconstruction Finance Corporation for a loan for these improvements; the loan to be secured by revenue bonds from the tolls collected on the causeway and the revenues to be derived from the construction on the land between the revetment and the Sabine-Neches Canal of certain recreational and industrial facilities such as a golf course, a yacht basin and club, an athletic field and stadium, etc.

After the passage of the National Recovery Act, the City made an application to the Public Works Administration for a loan and grant to be used in the construction of this revetment, the filling in of the aforementioned land and the construction of the causeway across Lake Sabine. This was filed with the Public Works Administration as Docket No. 4555.

Negotiations with the Public Works Administration have continued until the present time and the Public Works Administration have finally agreed to consider a loan for the construction of a causeway and a highway leading from the Pleasure Pier to said

causeway along the spoil bank between the Sabine-Neches Canal and Lake Sabine. This proposed highway and causeway are shown on Plat 1, page 1, of this Brief.

The reader should consider the fact that in the event the revetment proposed by the City was constructed by the Federal Government, the highway from the Pleasure Pier to the West city limits could be constructed immediately back of the proposed revetment which would reduce the cost of the construction of said highway.

A brief summary of this chapter brings out the fact that the City of Port Arthur, a municipal corporation, is the owner by a patent deed or in fee simple to all of the land along the city front of Lake Sabine from the East to the West city limits between the South line of the land deeded to the Federal Government for the construction of the Sabine Neches Canal and the present shore line of Lake Sabine. In fact, to the Louisiana-Texas State line in the center of Lake Sabine. And while it might be argued that the Federal Government has the unrestricted right to deposit spoil from the dredging operations in the Sabine-Neches Canal in Lake Sabine, the City contends that it is not within the province or the right of the Federal Government to pump this spoil on the City owned land until and unless a permanent revetment is constructed along the shore of Lake Sabine and comprehensive plans are adopted for the disposition of spoil from the dredging operations in the Sabine-Neches Canal between said revetment and the South bank of the Sabine-Neches waterway.

The City of Port Arthur is submitting in the following chapter a comprehensive plan for the location and construction of such a revetment to be constructed at the expense of the Federal Government. The city is not asking the Federal Government to give it anything, but simply to restore to the City of Port Ar-

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thur partially what has been taken from the City by the past policies of the Federal Government in connection with the construction of the Sabine-Neches Canal and the disposal of spoil from the dredging operations in said canal.

The reader's attention is called to the fact that the construction and dredging operations in the Sabine-Neches Canal have cost the citizenship of Port Arthur in dollars and cents over $2,000,000.00 for their own protection and an inestimable damage to the health and comfort of the citizens by the creation of a mosquito breeding menace and the destruction of the recreational facilities which Sabine Lake originally afforded.

CHAPTER V.

We feel that in the foregoing chapters it has been conclusively shown that the City of Port Arthur should not be subjected to any further disposition of spoil on the City owned land lying between the Sabine-Neches Canal and Sabine Lake until after a permanent revetment has been constructed in Sabine Lake from the East to the West city limits and plans worked out so that spoil will be so disposed of in the future as to fill the area between said revetment and the Sabine-Neches Canal.

The reader's attention is called to Plat 5, page 42. On this Plat plans are shown for the location and construction of such a revetment.

The estimated cost of this revetment amounting to $559,852.00 is shown in detail in the following tabulation:

ESTIMATED COST OF REVETMENT

36,615 barrels cement	$ 95,199.00
10,262 yards sand	15,393.00
20,532 yards gravel	71,862.00
1,744,582 pounds reinforcing steel	44,364.00
321,000 feet form lumber	12,840.00
Equipment rental	42,492.00
Form labor	96,530.00
Pile driver labor	82,400.00
Mixing concrete	58,305.00
Handling material	22,717.00
Placing steel	17,750.00
	$559,852.00

We are satisfied that the construction of this revetment would forever solve the problem of the protection of the City's Sabine Lake front and we feel further that when future contracts for the widening and deepening or maintenance of the Sabine-

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Neches Canal are made that provision could be made by the Federal Government in these contracts so that the spoil could be deposited in certain specified areas between the revetment and the Sabine-Neches Canal. Further, the silt lying in the lake could be pumped over the revetment thus restoring the sand or shell bottom originally existing.

Under the proposed plan of the City, what is now an eyesore and a menace to the health and comfort of the citizens of Port Arthur could be made a beautiful site. Sabine Lake would be restored to its natural beauty and again become a place for bathing and fishing and for pleasure craft and the land belonging to the City of Port Arthur become an asset to the City instead of a liability as it now is.

CHAPTER VI

The foregoing pages of this brief contain a recital of the events which led up to the construction of the Sabine-Neches Canal along the Sabine Lake frontage of the City of Port Arthur and this recital is amply supported by references to authoritative records and by the insertion of copies of deeds, contracts, permits and other records.

The recital includes also references to the resultant damage that has been occasioned to and is yet being suffered by the residents of the City of Port Arthur as a result of the building of this waterway and it would seem proper to at this time in this brief more definitely elaborate upon those damages and to definitely state what it is expected by the citizenship of Port Arthur that the Federal Government should and will do to relieve the situation and in some measure remedy the damage that the Federal Government has unnecessarily occasioned the citizenship of the City of Port Arthur.

FIRST PROPOSITION

IT WAS IMPROPER AND UNREASONABLY PREJUDICIAL TO THE INTERESTS OF THE CITY OF PORT ARTHUR FOR THE FEDERAL GOVERNMENT TO UNRESTRAINEDLY DEPOSIT DREDGINGS FROM THE SABINE-NECHES CANAL ON THE SUBMERGED LANDS OF LAKE SABINE IMMEDIATELY IN FRONT OF THE CITY OF PORT ARTHUR.

If we needed any evidence in support of this proposition other than that of the eye and which is discernable by the most casual inspection of the present physical condition of Lake Sabine immediately in front of the City of Port Arthur as a result of the indiscriminate disposition there of spoil from the Sabine-Neches Canal, that evidence would be found in the letter of Major James B. Quinn, Corps of Engineers, dated at New Orleans, La. April 8, 1897 and which is published on page 23 of this brief.

Major Quinn was a representative of the United States Government the very body to which we are

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now appealing for relief and he was discussing in that letter exactly the same question that we are discussing in this brief, namely, the disposition of dredged spoil from a waterway adjacent to and on the shore of Lake Sabine. Major Quinn was discussing the right of the Port Arthur Canal and Dock Company to build a canal from Sabine to the City of Port Arthur and the things they should do to properly protect "OTHER INTERESTED PARTIES" (the quotations in capitals are ours). Major Quinn said in his letter

> "————there is nothing objectionable to the location of the canal so long as it does not interfere with the rights of riparian owners————"

Major Quinn recognized the fact that the Port Arthur Canal & Dock Company in the building of their canal, and the Port Arthur Canal & Dock Company was a privately owned corporation, might if they did not have the proper regard for the interest of others immeasurably damage those other interests and Major Quinn as a representative of the government took the position that it was the duty of the government to protect those other, as he noted it, riparian interests. As a result of Major Quinn's recommendation the government, the same government to which we are now appealing, required that the Port Arthur Canal & Dock Company should build bulkheads out in Lake Sabine "——this piling to be placed say 1,000 feet from the center of the canal so that the spoil could be discharged between the canal and it" Major Quinn's letter above referred to).

There is another quotation from Major Quinn's letter which may be very appropriately cited here, it reads

> "The discharge should only be made within suitably prepared bulkheads where the sediment could be deposited and could not go whither it was disposed"

Major Quinn seems to be presenting our case. We apparently can do no better than to quote Major

Quinn's language. Certainly when we do that we are offering to the Federal Government its own argument and if it were good enough in those days for the Federal Government to demand of a private corporation, the Port Arthur Canal & Dock Company, the construction of costly bulkheads, which it did and which the Port Arthur Canal & Dock Company had to build at its own expense then we should not be charged with any unreasonable attitude when we say to the government that it is unreasonable for the Federal Government to place upon riparian owners along another portion of the shore of Lake Sabine IMMEDIATELY ADJOINING that portion discussed by Major Quinn in his letter, like disadvantages which it insisted should not be imposed by the Port Arthur Canal & Dock Company in the dredging of Port Arthur Canal from Sabine to the City of Port Arthur.

Major Quinn seems to have been imbued with almost prophetic vision. He realized that even if the Port Arthur Canal & Dock Company were to pile up behind these bulkheads the spoil from the Port Arthur Canal that in time the erosion from the natural action of Lake Sabine waves would distribute that spoil in Lake Sabine and he further feared that some of it might go down through Sabine Pass and cause trouble to navigation in the Port Arthur Canal south of there and between the jetties beyond the mouth of the Port Arthur Canal. This is what Major Quinn had to say about that feature in his letter,

> "Aside from the fact that the erosion of this newly formed bank by the action of the waves would carry the material out into the Lake and perhaps deliver more or less of it in the channel at Sabine Pass or directly in front of the jetties, there is no question but what the method of doing the dredging by hydraulic dredges and discharging this semi-fluid material directly into the lake is PERNICIOUS AND LIABLE TO CAUSE WIDESPREAD DAMAGE"

There must have been some Unseen Power controlling the thoughts of Major Quinn when he wrote

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that letter for it seems almost impossible to believe that mere human mind could conceive so actually the disadvantages of the unrestrained disposition of that spoil, even though that human mind had been trained to think along lines of engineering complications and analyses. Major Quinn wound up his letter by saying this,

> "———this bulkheading on the lake side of the spoil bank should be also used in the cases WHERE THE CHANNEL IS WHOLLY INLAND (capitals are ours) so as to prevent any escape into the lake or pass of the semi-fluid matters discharged by hydraulic dredges".

It should now be borne in mind that the construction of the Sabine-Neches Canal, in front of the City of Port Arthur was WHOLLY INLAND and thirty-eight years ago Major Quinn said that if that were ever done a bulkhead should be put in the Lake and the spoil retained and prevented from getting into the lake to prevent to use his own words, "widespread damage".

And yet, when it comes to the building of the Sabine-Neches waterway along the front of the City of Port Arthur, not by an individual as in the case of the Port Arthur Canal & Dock Company and the Port Arthur Canal, but by the Federal Government itself, everything that the qualified representatives of the government said ought not to be done by an individually owned corporation for fear of "widespread damage" to other interests was done by the Federal Government with UTTER DISREGARD to other interests.

Major Quinn was right. Hydraulic dredging with unrestrained and indiscriminate disposition of the semifluid material has caused WIDESPREAD DAM AGE in Lake Sabine and it is that widespread damage that we are talking about in this brief and it is with the idea of preventing more of it that we are asking the Federal Government to build this revetment and to do THE VERY THING THEY RE-

QUIRED AN INDIVIDUALLY OWNED CORPORATION TO DO BEFORE IT WOULD PERMIT THAT CORPORATION TO DREDGE EXACTLY THE SAME KIND OF A WATERWAY IN EXACTLY THE SAME WAY IN EXACTLY THE SAME TERRITORY AND ON THE SHORE OF THE VERY SAME LAKE.

It might be said by someone that Major Quinn's ideas as expressed in his letter, were just the opinions of one man. But were they? They were not! On February 5, 1898 nearly a year after Major Quinn had written his letter, Brig. Gen. John M. Wilson who was then Chief of Engineers of the United States Army in authority over Major Quinn and to whom had been presented this question of the construction of a bulkhead in the lake at the expense of the Port Arthur Canal & Dock Company, had this to say in a communication that he signed:

> "The channel company should also be required to maintain proper levees or sheet piling revetment on the lake side of the canal in order to prevent the dredged matrial from passing into Lake Sabine."

It will be noted that Gen. Wilson in his comment did not say that the channel company should be required to maintain levees but he did say that they should be required to maintain PROPER levees or SHEET PILING REVETMENT. Evidently Gen. Wilson was somewhat fearful that even proper levees would not do the work and he, therefore, suggested sheet piling revetments. Major Quinn pointed out in his letter it will be remembered that the natural erosion from the wave action of the lake would eventually distribute the spoil from earthen levees throughout the lake and do WIDESPREAD DAMAGE, and it is apparent, therefore, that Gen. Wilson fully agreed with Major Quinn in this theory.

But in order that there might be no doubt in the minds of anybody as to why Gen. Wilson said

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this spoil should be retained behind the proper barriers he stated in his endorsement that it was

> "———in order to prevent the dredged material from passing into Lake Sabine".

It will, therefore, be noted that the recommendations of Major Quinn had evidently been passed on through the usual channels of the Corps of Engineers and finally reached the Chief of that body who endorsed in toto the recommendations offered by Major Quinn and therefore placed the seal of approval upon the very preventative measures that we are now saying should be accomplished by the Federal Government in the present instance. Nature and the elements do not change. What was true of the wave action in Lake Sabine thirty-eight years ago has been true ever since as is demonstrated by a glance at Plat No. 4 of this brief showing the result of wave action and shore erosion of Lake Sabine in front of the City of Port Arthur for a number of years. And what has been true of the wave action of Lake Sabine for the past thirty-eight years will continue to be true for all time hereafter unless physical barriers impervious to that wave action are erected.

And discussing this question of barriers it is proper we submit, to invite attention at this point to the fact that Gen. Wilson in his endorsement above referred to suggested a SHEET PILING REVETMENT. Later on in this brief where we discuss the character of revetment to be constructed it will be noted that we are following the forty year old recommendation of the Corps of Engineers and are suggesting a SHEET PILING REVETMENT.

We, therefore, respectfully submit in support of our first proposition above recited, the recommendation and the supporting argument of the U. S. Corps of Engineers of forty years ago which have been proven during the last almost forty years to have been sound, and which we today adopt in support of

our proposal that before any further widespread damage is committed in Lake Sabine that the party in active interest, in this case the Federal Government, should do exactly what the arbiter of unrepresented individual interests of forty years ago, the Federal Government, required an indivdually owned corporation to do.

SECOND PROPOSITION

THE UNRESTRAINED DISCHARGE OF SEMI-FLUID MATERIAL FROM THE SABINE-NECHES CANAL FROM HYDRAULIC DREDGES HAS BEEN AND IF NOT PREVENTED WILL CONTINUE TO BE PERNICIOUS AND HAS CAUSED AND IF NOT PREVENTED WILL CONTINUE TO CAUSE WIDESPREAD DAMAGE TO THE INTERESTS OF THE CITY OF PORT ARTHUR AND ITS RESIDENTS.

The recital of conditions existing in the waters of Lake Sabine immediately adjacent to the City of Port Arthur in the years prior to the construction of this canal wherein those conditions were capitalized by the residents of the City of Port Arthur in a perfectly legitimate and appropriate manner to their material advantage are supported in this brief by statements of men and women who long were eye witnesses to and participants in those activities.

The thousands of people who annually came to the City of Port Arthur in search of healthful recreation, a necessity in our American life, and who left many profitable dollars in that community have stopped coming. They have stopped coming because they can no longer find there those recreational opportunities of fishing, boating and bathing that previously existed. They do not now exist as has been clearly demonstrated by the evidence adduced in this brief because the Federal Government, the body to whom we are now appealing, unrestrainedly and in disregard of the rights of riparian owners so valiantly espoused by Major Quinn in his letter of April 8, 1897, indiscriminately and without restraint and in a pernicious fashion disposed of the semifluid material from the Sabine-Neches Canal in the waters of Lake

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Sabine. This action has the effect of covering the shell reefs and destroying the fishing; of filling the vicinity of the Pleasure Pier to such an extent that boats can no longer approach it and of covering the immediate shore front of the Lake with such a depth of silt deposit that no longer does Port Arthur have that tremendous influx of visitors that formerly came to that city to enjoy the recreational facilities in Lake Sabine now no longer existing.

To those persons who have not enojyed the opportunity of observing the great extent to which people patronize the recreational facilities offered by the proximity of salt water, the contention we are here making that widespread damage has been occasioned the City of Port Arthur by the loss of these facilities, may possibly seem immaterial.

But to those who are familiar with expenditures for recreational purposes at resorts adjacent to salt water it is not difficult to believe that literally thousands of dollars of legitimate revenue from commercial sources has been lost to the City of Port Arthur annually, occasioned by the failure of the Federal Government to observe for itself the rules it laid down for individuals in the construction of waterways.

It would be difficult to estimate the amount of these losses because of the cessation of the use of these recreational facilities formerly existing, but the statement of Mr. L. S. McGuire on page 50 of this brief who operated only one of these recreational facilities that he employed 30 people alone is an indication of the great extent to which these natural advantages were availed. Further statements in this brief from people long time residents of this city as to the number of visitors annually which came to Port Arthur to take advantage of these recreational opportunities will afford at least a reasonable opportunity to visualize the tremendous loss that the city

has sustained through the action of the Federal government in its unrestrained disposition of spoil from the Sabine-Neches Canal.

What we are asking is that the Federal Government STOP AND DESIST from further destroying what natural advantages we have left. If we could ever effectively put a bar upon further widespread damage by the Federal Government to Lake Sabine we could then proceed not with the establishment of recreational facilities but with their restoration. The Federal Government now proposes under a recommendation of the Army Engineers For Rivers and Harbors to greatly widen and deepen the present Sabine-Neches Canal in front of the City of Port Arthur. A reasonable estimate of the amount of spoil to be removed in this proceeding and presumably to be dumped in Lake Sabine is in excess of three million yards. If that amount of spoil be added to what the Government has already indiscriminately distributed on the submerged land of Lake Sabine all chance for the restoration of recreational opportunities on the shore of Lake Sabine by the City of Port Arthur is irretrievably lost. What we are trying to do is to prevent this FURTHER WIDESPREAD DAMAGE and we are asking the Government to prevent it by DESISTING FROM IT and we are further asking the Government to desist from it by doing the very things that were recommended by Army Engineers forty years ago. Consistency thou art a jewel. But a wrong is a wrong though it be hoary with age.

Under this proposition we have discussed only the damage that has been occasioned to the originally existing recreational facilities that were Port Arthur's birthright, but there are other damages of a far more serious character and these are of such importance that we feel they should be treated under a separate heading and we will, therefore, proceed to a discussion of the mosquito situation.

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THIRD PROPOSITION

THAT WHILE THE FEDERAL GOVERNMENT IS SPENDING MILLIONS OF DOLLARS IN AN ATTEMPT TO ERADICATE THE MOSQUITO MENACE IN VARIOUS PORTIONS OF THE UNITED STATES IT IS BY ITS UNRESTRAINED AND INDISCRIMINATE DISPOSITION OF SPOIAGE FROM THE SABINE-NECHES CANAL CREATING AN ARTIFICIAL BREEDING GROUND FOR MILLIONS OF VIOLENT FRESH WATER AND SALT MARSH MOSQUITOES TO THE DISADVANTAGE COMMERCIALLY, PHYSICALLY AND FROM THE STANDPOINT OF HEALTH OF THE RESIDENTS OF AND VISITORS TO THE CITY OF PORT ARTHUR.

The mosquitoes of Port Arthur have long been a fruitful source of suggestion for the would be wit and wise crackers. But what has not been discussed or broadcast so thoroughly is the tremendous amount of valuable effort and the actual accomplishment of the municipality of Port Arthur in the eradication of the mosquito. And that is the story and an effort well worth the emulation of many another community and well worth the consideration of those in charge of Federal Government activities toward the eradication of the mosquito menace.

It is a well known fact that Port Arthur is built on what was originally commonly called a swamp. While this appellation might have been somewhat exaggerated it was nevertheless true that due to the low lying nature of the ground it was the breeding place of millions of mosquitoes. There was no drainage, no sewers, no passable streets and the people suffered. Today it is a fact that the territory on which the City of Port Arthur is builded is, because of the intelligent application of its administrative officials, entirely free from the production of the mosquito. No longer are mosquitoes born in that area. Today perfect drainage amply supported by pumps of sufficient capacity, sewerage, paved streets and the other results of intelligent study and application have removed the menace of mosquito production from that area on which the city stands and were it not for the

mosquitoes which are produced as a result of the unrestrained and indiscriminate disposition of spoilage from the Sabine-Neches Canal by the Federal Government Port Arthur would be almost completely rid of the mosquito menace. Such is not the case and the Federal Government is responsible.

Preceding pages in this brief have by reference to authoritative publications established the fact that the salt water or salt marsh mosquito is not propogated in the same manner as the fresh water mosquito and it should be stated here that the mosquitoes causing the discomfort and the damage to Port Arthur are principally of the salt water variety.

It appears from scientific investigation that the eggs of the salt water mosquito are deposited in the soft silt or muck that abounds in low lying areas. Such an area has been created on the shores of Lake Sabine by the unrestrained and indiscriminate disposition of spoil from the Sabine-Neches Canal as deposited by hydraulic dredges supplemented by the erosion of piled up areas of earth occasioned by the wave action of Lake Sabine on these unprotected areas. This has had the effect of creating an area containing thousands of acres especially suitable for the propagation of salt water mosquitoes which area is just across the Sabine-Neches Canal from the City of Port Arthur on an average of less than 1500 feet distance. Unfortunately too, this area is in that position where it is to windward of the prevailing southwest wind that exists for practically the entire season at Port Arthur and because of these circumstances millions of these salt water mosquitoes hatched in the area created by the indiscriminate and unrestrained disposition of spoil from the Sabine-Neches waterway by action of the Federal Government are annually blown into the City of Port Arthur to the discomfort, inconvenience and monetary loss of that community. The building of the sheet piling revetment recommended by the Board of Army Engineers forty years ago and now asked by the City of Port Arthur will

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entirely eliminate this dire menace to the peace, happiness and prosperity of this community that has by its own intelligent action relieved itself of a similar menace from the area for which it is municipally responsible.

While the salt marsh mosquito is in the majority among the myriads of that pest which infest the City of Port Arthur, it is not alone.

While within the City of Port Arthur proper every possible preventative measure has been taken and with complete success to avoid the propagation of the fresh water or malaria mosquito, the same indiscriminate and unrestrained dumping of spoil in Lake Sabine has afforded the opportunity for the propagation of other millions of fresh water mosquitoes including the variety which is the cause of malaria.

This has been brought about by the fact that in putting the spoil on the bank in Lake Sabine immense hollows have been created in that spoil bank (see photograph see Page 38) and these hollows fill from the copious rains that fall in this section. There being no drainage for these hollows the pools thus formed become the breeding spots of millions of malaria mosquitoes and the same southwest winds that brings over the salt marsh mosquito brings with it the lighter colored, disease carrying brothers and sisters to infest, annoy and weaken physically the citizenship of Port Arthur. In this brief is a statement signed by three physicians, Dr. L. C. Heare, Dr. F. J. Beyt and Dr. J. Milton White. This statement points out that malaria exists in the City of Port Arthur to a wholly unnecessary extent and while city authorities and the citizens themselves have succeeded in cleaning up the area within the city proper the citizens are yet suffering from the inadequate attention of the Federal Government to this feature of mosquito control.

It is just a travesty on governmental activities that within a very short distance of the very mosquito breeding grounds of which we complain the same Fed-

eral Government has spent and is spending today a hundred thousand dolars to eradicate mosquito breeding grounds and yet another branch of the Federal Government at the very same time and with the same governmental machinery is creating acre for acre a new breeding ground for mosquitoes which it is reasonable to assume it will cost the Federal Government to eradicate in the days to come more than it is now costing to create.

Photographs on page 38 of this brief disclose the immensity of the area in which these mosquitoes are propagated and its proximity to the City is clearly apparent.

Of course, it is wholly impossible to compute in dollars and cents the monetary loss to this community because of this situation. It is not difficult, however, to visualize what will happen to a community in a commercial way that is the continued butt of its commercial competitors from the standpoint of its ability to produce mosquitoes. When the Federal Government, as it did, created this breeding area of salt water mosquitoes it added to that WIDESPREAD DAMAGE so excellently stressed by Major Quinn in his letter of almost forty years ago, a damage which was occasioned as Major Quinn has so aptly described by the pernicious distribution of semifluid material from hydraulic dredges.

FOURTH PROPOSITION

THE CONSTRUCTION OF THE SABINE-NECHES CANAL HAS IN NOWISE BENEFITED PORT ARTHUR BUT HAS BEEN AN INJURY TO IT COMMERCIALLY, PHYSICALLY, RECREATIONALLY AND FROM THE STANDPOINT OF HEALTH AND THE LOCATION OF THAT CANAL AS IT NOW EXISTS IN FRONT OF THE CITY OF PORT ARTHUR WAS THE CHOICE OF THE CITIZENSHIP OF THAT CITY AS THE LESSER OF TWO EVILS, NEITHER ONE OF WHICH THEY COULD CONTROL.

In the body of this brief, that portion that relates to the construction of deep water to Beaumont, Orange, and Lake Charles it is stated that the original proposal was to construct this canal through the cen-

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ter of Lake Sabine. It is pointed out that to have done this would have established an area of back water in front of our city of Port Arthur which area would soon have been the scene of an accumulation of marine vegetable growth that would have constituted nohing more nor less than a morass because of the lack of current therein. That would have created an unhealthy condition with its miasmatic vapors that would have been utterly destructive of good health conditions in the City of Port Arthur and something had to be done to prevent such a catastrophe. Rather than see this condition brought about the City of Port Arthur through the city, the water company, the sewer company and the townsite company gave the land now occupied by the canal. That was the price that the city paid to prevent an all powerful government from establishing a greater hardship on the community. It can not be said that they paid it cheerfully but they paid it. They had no reason to believe that the Federal Government would so far deviate from the position it had taken during the construction of the Port Arthur Canal as to accomplish to the detriment of the citizens of Port Arthur the things which it had prohibited an individual corporation from doing in the construction of the Port Arthur Canal. It has been sadly disillusioned. In trying to save the city from the disastrous effect of a threatened pollution of Lake Sabine it unconsciously submitted itself to another possibility of similar character, not dreaming that the Federal Government would inflict these dire consequences upon them, but it has; and it is in an effort to prevent a continuation of these dire consequences this application is now being made to the Federal Government to do that thing recommended forty years ago by governmental agencies, urged now by the City of Port Arthur and the only things that will prevent further widespread damage.

We are not at this time desirous of entering into a discussion as to whether the amount of money ex-

pended by the Federal Government on the Sabine-Neches waterway north of the Port Arthur canal has been justified by the results. Whether the public would have been served just as well with deep water facilities nearer the Gulf of Mexico is a question that should find no discussion here. But this much is certainly true. If these waterways had been a benefit to the nation at large and if the people of the territory served by these waterways have profited then Port Arthur has correspondingly lost to the extent that it has been deprived of the business that would have come to it as a port had these waterways not been constructed. But if these waterways of the Sabine-Neches system have benefitted the people of the nation then in all fairness the nation ought to recognize the damage it has done to the community of Port Arthur through the indiscriminate and unrestrained disposition of this spoil and the fact that the nation has profited by the construction of these waterways is another reason why the nation in turn through the Federal Government ought to recognize the damage it has already done to Port Arthur and should be willing to do those reasonable things which will prevent a continuation of this damage and an extension of the area.

It is against all the elements of American fairness and fair play for the entire nation or any considerable portion of it to profit by the construction of a public utility at public expense that works a hardship upon any given community without at least taking those measures that will prevent a continuation of that hardship after it has been pointed out to those in charge of the national administration. It should be borne in mind that we are not asking the Federal Government to pay for damage already done, we are only asking the Federal Government to PREVENT further damage.

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FIFTH PROPOSITION

THE ANNOUNCEMENT OF THE APPROVAL OF THE BOARD OF ARMY ENGINEERS FOR RIVERS & HARBORS OF THE WIDENING AND DEEPENING OF THE SABINE-NECHES CANAL IN FRONT OF THE CITY OF PORT ARTHUR MEANS FURTHER DAMAGE TO THE CITY OF PORT ARTHUR.

There have been representatives of the Federal Government who have offered the suggestion that the City of Port Arthur has been greatly benefitted by the disposition of some of the spoil from the Sabine-Neches waterway in the nature of a high levee on the southeasterly bank of the canal, this levee has prevented an influx of water into the City of Port Arthur in times of winds of great force from the Gulf shore side. Whether or not that is true, and we of course submit that it is not correct, because the water can go around the ends of this levee as well as over the top, the fact remains that the wave action of Lake Sabine is continually eating away at this spoil fill and continually distributing its disintergrated silt throughout the lake.

But if that were not bad enough we now have some more bad news. The Board of Army Engineers for Rivers and Harbors has recommended further improvements in the Sabine-Neches waterway. These improvements as we understand the recommendation involve the widening of the canal by about one hundred feet and its further deepening by an additional two to four feeet. Undoubtedly the recommendation of the Army Engineers for Rivers and Harbors will be adopted and this improvement made and this levee which has been held up to us as such a wonderful benefit to Port Arthur will be dredged away and even that somewhat mythical advantage or alleged advantage will be destroyed so that those who now claim to have benefitted Port Arthur by the construction of this earth levee will be deprived of their only argument.

The Pleasure Pier which was constructed by the citizenship of Port Arthur originally had water avail-

able for its entire length of 2400 feet but with the repeated dredging of the Sabine-Neches waterways and the indiscriminate and unrestrained distribution of the spoilage from those dredgings there has been created a fill along both sides of this Pleasure Pier until today the water has entirely disappeared from the landward end of this Pleasure Pier to a point almost at its outer extremities (see photograph page 38 and plat No. 4). The depth of water between the point to which the fill now extends and the end of the Pier is today but a few inches instead of the four feet that originally existed there. And now we are confronted with the proposal by the Federal Government to dredge an additional three million yards plus and to deposit that spoil on top of what has already been placed in Lake Sabine. That can mean but one thing that this fill will be continued, unless restrained by a revetment, to a point well beyond the end of the Pleasure Pier and that facility created at a very great expense will be made wholly valueless thus adding materially to the list of dollars and cents losses through the investment route that the City of Port Arthur and its citizens will have suffered through the unrestrained and indiscriminate disposition of spoil from the Sabine-Neches waterway by the Federal Government.

SIXTH PROPOSITION

PORT ARTHUR INTERESTS HAVE DONE THEIR FULL SHARE, AT A TREMENDOUS FINANCIAL COST, TOWARD EXTENDING THE BENEFITS OF DEEP WATER TO THE NATION THROUGH THE IMPROVEMENT OF THE SABINE-NECHES WATERWAY AND ARE ENTITLED TO HAVE THEIR DEMAND FOR PROTECTION AGAINST FURTHER DAMAGE GRANTED BY THE FEDERAL GOVERNMENT EVEN THOUGH THE FEDERAL GOVERNMENT BE INVOLVED IN THE EXPENSE ASKED IN THIS APPLICATION TO PREVENT THIS FURTHER DAMAGE.

We are well aware of the charges that are frequently made when any section of this nation asks the Federal Government for what are alleged to be improvements at the expense of the government. Im-

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mdiately the charge is hurled that somebody is trying to get something for nothing. Certainly that charge can not be laid at the door of Port Arthur in this case.

The building of the canal from Port Arthur to Beaumont, Orange and Lake Charles can not by any possible stretch of the imagination be said to have been a benefit to Port Arthur. If that waterway had not been built a no inconsiderable proportion of business now moving to the ports of Beaumont, Orange and Lake Charles would be moving through the port of Port Arthur to its material advantage and we would not be confronted with the difficulty of which this brief treats. Now let us see just what Port Arthur interests have done and at what cost to make possible the development of the Sabine-Neches waterway and the ports of Beaumont, Orange and Lake Charles together with the resultant benefit to that part of this nation which has paronized and is patronizing those ports.

1. Port Arthur interests built the canal from Sabine to Port Arthur and gave it to the Federal Government. The cost to Port Arthur interests was.....$1,400.000.00
   (There could be no Sabine-Neches waterway without the Port Arthur Canal)
2. One earth revetment to protect the north or city side of the Sabine-Neches Canal .....$ 30,000.00
3. One shell revetment to protect the north or city side of the Sabine-Neches Canal .....$ 80,000.00
4. One concrete seawall total bond issue $2,000,000 (a remission of taxes from Commissioners Precinct No. 2 usually collected for state purposes was granted by the state for the retirement of this bond issue but they have proven insufficient to meet the obligations and the city which guaranteed the bond issue has up to this time had to levy

an assessment of $80,000.00 to meet this deficit. There is no immediate prospect that remitted taxes will meet the issue and a fair estimate of what Port Arthur will have to pay as a result of its guaranty of these bonds is.....$ 600,000.00

5. A bridge across the Sabine-Neches Canal to enable Port Arthur people to reach Lake Sabine.....$ 30,000.00
6. A second bridge across the Sabine-Neches Canal made necessary when the canal was widened.....$ 60,000.00
7. The present bascule type bridge made necessary when the government condemned the then existing and second bridge .....$ 300,000.00
8. Value of the land given by the townsite company, City of Port Arthur the water company and the sewer company to the Federal Government to enable the construction of the canal across the lake shore frontage of the City of Port Arthur, plus damage to the city's park interests.....$1,000,000.00
   (This of course, is an estimate but a conservative one, the government today could not get this property for that price.)

It will, therefore, be seen that Port Arthur interests have either donated to the Federal Government or been forced to expend for their own protection the sum of $3,500,000.00 that the ports of Beaumont, Orange and Lake Charles might be established and that presumably a section of the nation might benefit in the saving of transportation costs.

AS A COMPENSATION FOR THIS OUTLAY PORT ARTHUR INTERESTS HAVE RECEIVED FROM THE FEDERAL GOVERNMENT NOT AS MUCH AS ONE RED PENNY.

We have not put into this compilation the ma-

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terial damage that was done Port Arthur in a commercial way as outlined in Proposition Four of this summary nor have we attempted to compute the damage to the city in the matter of health, these figures represent only an actual outlay.

Except in the case of the money expected to be levied by the City for the retirement of Seawall bonds, no account has been taken of the expense to the City of the operation and maintenance of the bridge across the Sabine-Neches Canal, nor of the interest on the various bond issues.

As against this outlay Port Arthur interests are not asking that the Federal Government reimburse them for one penny of it but that the Federal Government expend the sum of

$559,852.00

to build a revetment that will prevent FURTHER WIDESPREAD DAMAGE.

SEVENTH PROPOSITION

AFTER THE FEDERAL GOVERNMENT SHALL HAVE ERECTED THE REVETMENT ASKED HEREIN PORT ARTHUR INTERESTS WILL STILL HAVE CONFRONTING THEM A HEAVY EXPENDITURE.

Just the mere building of the revetment outlined in this brief will not remedy the damage that has been done. All it will do is to prevent additional damage, there yet remains to be accomplished the fill behind that revetment and what is yet more expensive the lake must be cleaned of the silt that has already disintegrated throughout those portions of the Lake immediately adjacent to and beyond the proposed revetment location. This will be an expensive proposition. If Port Arthur were inclined to be insistent upon all that it might not reasonably ask but demand of the Federal Government then it could properly insist that the area behind the revetment and between the revetment and the canal be completely filled and levelled and this would add materially to the Federal cost.

No such request is being made at this time. It is our purpose to in cooperation with other Federal agencies so place the spoil to be dredged from the Sabine-Neches Canal during improvements now recommended and contemplated that the filling of the area between the revetment and the canal's east bank will be accomplished in an intelligent and satisfactory manner.

In disposing of this spoil in this fashion two important things will be accomplished:

a. Further damage to Lake Sabine will be avoided.

b. An opportunity will be afforded for the economical development of needed facilities for both Port Arthur and the Federal Government and the necessary expenditure for the improvement of the Sabine-Neches waterway will thus be made to save another expenditure of perhaps equal amount that would otherwise be necessary to create the facilities we will further discuss.

EIGHTH PROPOSITION

THE CONSTRUCTION OF THIS REVETMENT WILL MATERIALLY BENEFIT THE NATION IN MANY WAYS AND WILL NOT BE WHOLLY FOR THE BENEFIT OF PORT ARTHUR.

It will not be our purpose at this time to elucidate greatly upon the many directions in which the reclaimed land made possible by the construction of this revetment might be intelligently employed, but it may be proper to suggest one or two of them:

a. The nation is barely entering the era of use of the air. Airmail transportation is daily commanding greater attention and the public is daily commading more and better air mail service. Port Arthur is on the direct lines east and west between New Orleans, Houston, San Antonio, etc. The land to be thus reclaimed would be ideal for an airport site free from all obstructions of aerial transportation and five minutes drive from the Post Office.

b. The Port area plus the Sabine-Neches Calcasieu area

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is a district of great vulnerability in the event of hostilities with another nation. In this area are some of the largest petroleum refining plants and chemical plants in the United States. They would be invaluable to the government in case of war. They have at the moment no military protection whatever nearer than Shreveport on the north, 250 miles away, or Galveston on the west from which it would be necessary to move anti-aircraft mobile organizations a distance of approximately 100 miles. This same airport would offer an ideal emergency airfield in the event of hostilities and could be put to many and varied uses.

While it is not proper in this brief for us to discuss methods that have been proposed by hte War Department for the protection of this area in the event of hostilities it might be well for those agencies of the Federal Government that have such information available to them to consider those mobilization plans in connection with the suggestions offered herein.

c. The immediate proximity of the waters of Lake Sabine make such an airport desirable from another standpoint and that is the maneuvering of seaplans. The shallow waters of Lake Sabine, approximately 5 feet in depth, and rarely seriously agitated, make it an especially desirable location for the maneuvering of such craft. The same airport used by land planes could be used by seaplanes and the expense of building a seaplane base or landing field thus eliminated.

As stated above these suggestions are incidental to the many that might be made with respect to intelligent employment of this reclaimed land behind this proposed revetment and the fact that we are not offering more should not be taken as an indication that those are the only ones..

NINTH PROPOSITION

A SPECIFIC DETAILED PLAN IS PROPOSED FOR THE CONSTRUCTION OF THE REVETMENT INVOLVING AN IMPROVED SHEET PILING TYPE AND THE COST TO THE FEDERAL GOVERNMENT, IN VIEW OF THE DAMAGE ALREADY DONE TO THE CITY OF PORT ARTHUR AND A STILL GREATER DAMAGE TO BE PREVENTED, IS EXCEEDINGLY REASONABLE.

It will be remembered Major Quinn in his letter

of nearly forty years ago suggested that a sheet piling type of revetment should be constructed by the Port Arthur Canal and Dock Co. when they were building the Port Arthur Canal. Such a revetment was constructed but it was made of wood. It has long since disintegrated and the fill that had been retained behind it has been for a number of years subject to wave action in Lake Sabine and has consequently materially eroded.

The plan of revetment shown on plat 5 of this brief is for an improved form of concrete sheet piling revetment, improved and strengthened as the experience of the years since Major Quinn's time has demonstrated to be desirable. The following is the estimated cost of such a revtment:

36,615 barrels cement	$ 95,199.00
10,262 yards sand	15,393.00
20,532 yards gravel	71,862.00
1,744,582 pounds reinforcing steel	44,364.00
321,000 feet form lumber	12,840.00
Equipment rental	42,492.00
Form labor	96,530.00
Pile driver labor	82,400.00
Mixing concrete	58,305.00
Handling material	22,717.00
Placing steel	17,750.00
	$559,852.00

The petitioners herein respectfully ask that the Federal Government without delay authorize the construction of a revetment as outlined in this brief in the location described in this brief and at approximately the cost indicated herein before any additional improvements are made in the Sabine-Neches waterway and before additional deposits of spoil are made in that area in Lake Sabine owned by the City of Port Arthur and described in this brief.

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Sta. 610+84.4
Sabine Mechs Reference line
Sta 0+00 Sabine River Reference line

N. 39°55'E.
810'

Sta. 602 + 73.5

I°40'26" curve right
2283'

S 50°58'E.
1176.17'

Sta 579+90.2

N. 1°41'51"E.
3990'

0°45'42" curve left
4382'

(529+72.9)
Sta 528+34.1

N. 88°59'09"W. 50

N. 1°41'51"E.
1165.9'

Sta 480+78.7

N. 35°4'41"E.
372.8'

Sta. 484+51.5

0°58'58" curve left
1221

Sta 468+57.7

1°1'16" curve right
1178'

Sta 456+79.3

S. 39°2'W. 2039.71

N. 35°4'41"E.
5629.

Sta 389+00
Beginning Corner

N. 50°53'W
2591.1'

Mile post
1098 ft

Dep. 681 ft. (scale distance)

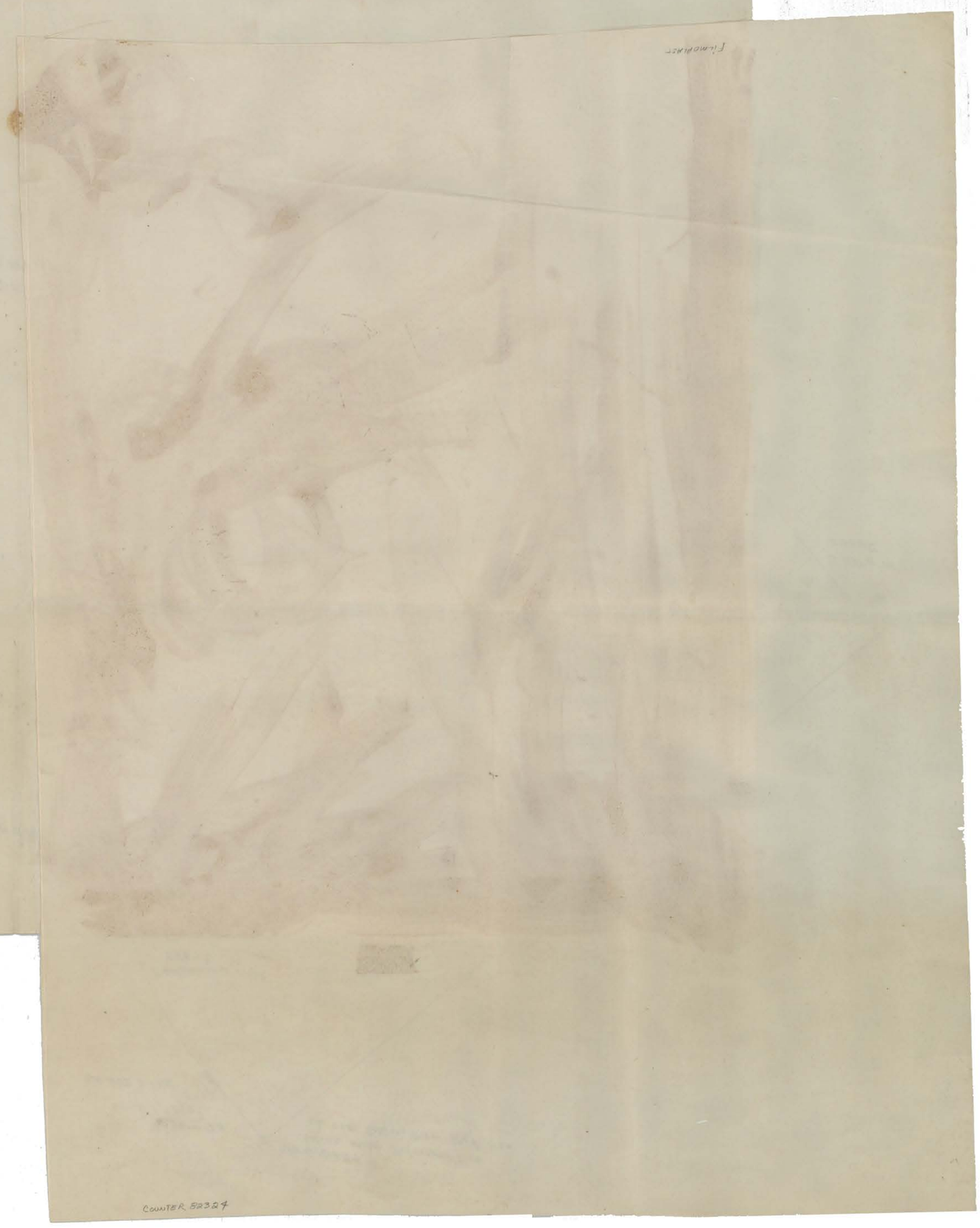
0°59'42" curve left
5821'

N. 40°52'18"E.
586

Scale: 1 inch = 500 feet

Osmundy 9/6/13

Jefferson Co. Rld Sk 31
In Flat Folder



See Jefferson Co Rld Sk No. 31 (flat folder)
Sale of State Land to City of Port Arthur

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