

9/5/11

1665-510-1m

File *S4* 10276

CONTENTS.

1. Application to Surveyor.
2. Field Notes.
2 1/2 Plat
3. Application to Purchase.
4. Treasurer's Receipt.

Harris County

SCHOOL LAND

Accepted SOLD TO *9/22/11*

Robison
Cover

✓ $\frac{459}{1000}$ Acres.

Survey No. *1*

Block No.

Surveyed for

E. M. Stacy
Houston
P. O. Box 609
ACT APRIL 13, 1905

Reject on Streets in the
City of Houston.

Sept. 22/1911.
E. von Rosenberg
Mgl.

cp. 9-8-11
L.H.L.

APPLICATION FOR SURVEY.

Application No. 244

To Mr. T.J. Mahaffey, County Surveyor of Harris County, Texas;

By virtue of Section 8 of an Act approved April 15, 1905 and Act May, 16, 1907, I hereby apply for a survey of the following described unsurveyed land appropriated to the public free school fund under Chapter 11, Act, February, 23, 1900, to-wit:-

Situated in Harris County, Texas, and in the County site, Said tract is bounded as follows;

Being the vacated part of Chenevert St, between Block 162 and Block 118 and between the North line of Texas Avenue and the South Line of Prairie Ave., and between Blocks, 163 and Block 117 and between the South line of Preston Ave., and the North line of Prairie Ave., and all that portion of Jackson Street between Block 102 and Block 118 and between the North line of Texas Ave., and the South line of Prairie Ave., and all that portion of Jackson Street between Blocks 113 and 117 and between the North line of Prairie Ave., and the South line of Preston Ave, in the City of Houston and all of that portion of Chartres Street between Blocks 173 and 184 and between the North line of Texas Ave., and the South line of Prairie Ave., and all of that portion of Chartres Street between block 185 and 172, between the North line of Prairie Ave., and the South line of Preston Ave., in the City of Houston, fully described in deed of vacation hereto attached and marked Exhibit A, same being a deed from the City of Houston to the Houston Belt and Terminal Railroad Company, dated 18th day of September, A.D 1907, whereby the City of Houston has vacated said property for street purposes and by virtue of the decision of the Supreme Court of Texas in Mitchell vs Bass 33 Texas 260, is now and has been since the 18th day of Septmeber A.D.1907 public land.

I solemnly swear that I desire said land surveyed with the intention of buying it, and that I am not acting in collusion with, or attempting to acquire said land for another person or corporation.

E. M. Stacy

Applicant
P.O. Houston Texas.

P.O. Box 609

Subscribed and sworn to before me, this ___ day of ___ 1911.

STATE OF TEXAS)
COUNTY OF HARRIS)

Subscribed and sworn to before me this 27th day of May, 1911.



Jake H. Sam.
Notary Public in and for
Harris County, Texas.

I, T.J. Mahaffey, County Surveyor of Harris County Texas, hereby certify that the above and foregoing application No. 242 was filed for record on the 27th day of May, 1911 at 6 o'clock P M., and recorded in Vol. 7 page 4, in my office in Harris County, Texas.

T.J. Mahaffey
County Surveyor, Harris County,
Texas.

To have and to hold the above described portion of said streets unto the said Houston Belt and Terminal Railroad Company its successors, assigns forever; it being however, strictly understood that no advantage shall be taken by said Company or its assigns of any easement or right in said City of Houston; but it is hereby granted, sold, title, and interest in, and to said above described property as its empowered to do so and by virtue of said above described Ordinance, and the Ordinance approved August 30th, 1906, referred to in said above described Ordinance the City of Houston hereby reserves the right, to maintain all sanitary sewers and all water and gas pipes now located or laid in the portion of any of the above described streets which are hereby vacated, and to have its right of reasonable ingress and egress at all times necessary for the maintenance, inspection and repairs of same.

5-27-1911
5-20-11
6-3-11
7-10-11

Attest:
Tom Bringham, City Secretary.

STATE OF TEXAS)
COUNTY OF HARRIS)

Subscribed and sworn to before me this 27th day of May, 1911. I, J.F. Niday, Notary Public, in and for Harris County, Texas, do hereby certify that the above and foregoing instrument was executed by the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they severally executed the same for the purposes and considerations therein expressed, and as an act and deed of the City of Houston.

J.F. Niday, Notary Public,
Harris County, Texas.

Filed for record May 27, 1911 at 1-20 A.M.
Recorded for Book 7, Page 4 at 10-45 o'clock, A.M.

Tom Bringham, County Clerk, Harris County Texas.

Exhibit. A

STATE OF TEXAS)
COUNTY OF HARRIS)

KNOW ALL MEN BY THESE PRESENTS: That whereas on the 19th day of August 1907, there was approved an Ordinance of the City of Houston, provides for the closing, vacating, releasing and conveyance of the Houston Belt and Terminal Railroad Company all those certain portions of streets in the City of Houston hereinafter more fully described and whereas the Houston Belt and Terminal Railroad Company has in all things complied with the provisions of said Ordinance now therefore, in consideration of the premises and in consideration of the payment of the sum of One Hundred Thousand (\$100,000.00) Dollars, the receipt of which is hereby acknowledged and in accordance with the payment and provision and directions of said Ordinance the City of Houston does hereby grant, bargain sell and convey unto the Houston Belt & Terminal Railroad Company, the full described portion of streets within the said City of Houston to wit;-

All of that part of Chenevert Street between Block 162 and Block 118 and between the North line of Texas Avenue, and the South line of Praire Avenue, and between Block 163 and Block 117 and between the South line of Preston Avenue and the North line of Praire Avenue, and all of that portion of Jackson Street between Block 102 and 118 and between the North line of Texas Avenue and the South line of Praire Avenue and all of that portion of Jackson Street between Blocks 113 and 117 and between the North line of Praire Avenue and the South line of Preston Avenue in the City of Houston and all of that portion of Charters street between blocks 173 and 184 and between the North line of Texas Avenue and the South line of Praire Avenue and all of that portion of Charters Street between Blocks 185 and Block 172 between the North line of Praire Avenue and the South line of Preston Avenue in the City of Houston

To have and to hold the above described portion of said streets unto the said Houston Belt and Terminal Railroad Company its successors, and assigns forever; it being however, strictly understood that no covenant of warranty of any character either express or implied is made by the said city of Houston; but it hereby conveys such right, title, and interest in and to said above described property as its empowered to do in and by virtue of said above described Ordinance, and the Ordinance approved August 30th, 1906, referred to in said above described Ordinance the City of Houston hereby reserves the right, to maintain all sanitary sewers and all water and gas pipes now located or laid in the portion of any of the above described streets which are hereby vacated, and to have its right of reasonable ingress and egress ~~at all times~~ at all times necessary for the maintenance inspection and repairs of same.

Witness the signature of said City of Houston by its Mayor, together with the seal of said City impressed hereon, this 18th day of September A.D. 1907,

CITY OF HOUSTON

By, H. Baldwin Rice, Mayor.

Attest;
Tom Bringhurst, City Secretary.
(seal)

STATE OF TEXAS)
COUNTY OF HARRIS)

Before me, J.E. Niday, a Notary Public, in and for ~~Harris~~ the county and state aforesaid has this day personally appeared H. Baldwin Rice, Mayor of the City of Houston and Tom Bringhurst, City Secretary of said City of Houston. known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they severally executed the same for the purposes and considerations therein expressed, and as an act and deed of the City of Houston.

Given under my hand and seal of office this 18th day of Sept. A.D. 1907.

J.E. Niday, Notary Public
Harris County, Texas.

(seal)
Filed for record Nov. 8th, 1907 at 1-20 A.M.
Recorded Nov 29th, 1907 at 10-45 o'clock, A.M.

Geo Jones, County ~~Clerk~~ Clerk, Harris County Texas.
R. Bruce Wood, Deputy.

C :

S.F. 10276
app to Sur.

filed 8/10/1911

J. S. Robinson
Comm

J. A. Hutchins
Clerk

11

Land Office

S.F. No. _____

Application for Survey.

Filed _____ 1911.

Commissioner,

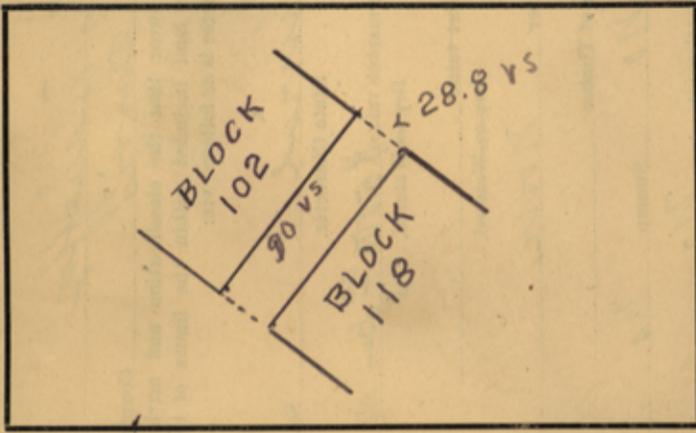
Clerk.

Plat of Survey No. 1

The State of Texas,

Survey

Harris County, No. 1
District. Blk. _____



FIELD NOTES of a survey of 0.459 ac

acres of land made for E. M. Stacy

Variation 80° 30' E

by virtue of his affidavit and application made

before Jake A. Sam N.P. on the 27th day
of May 1911, and filed with the Surveyor of Harris County or Land District,
on the 27th day of May 1911, under Section 8 of an Act approved April 15,
1905, providing for the sale of the unsurveyed school land appropriated to the Public Free School Fund by an Act
approved February 23, 1900. Said land is situated in Harris County, about _____ miles
in the ~~from~~ County site, and known as survey No. 1, in Block No. _____ beginning at

Southeast corner of Block No 102
Thence N 35° E along the East line of Block
No 102 To its Northeast corner 90.00 vars
Thence S 55° E 28.8 vars To the Northeast
corner of Block No 118.

Thence S 35° W along the West line of
Block No 118. 90 vars To its South west
corner Thence N 55° W 28.8 vars To
The place of beginning containing 0.459 acres

to the place of beginning.

Bearings marked _____
Surveyed July 27th 1911

John E. Smith
J. S. Brown } Chain Carriers.

I _____, Surveyor of _____

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the
limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and
Field Notes, just as I found them on the ground; and they are recorded in my office in Book _____
Page _____

This _____ day of _____ 190_____

Surveyor of _____ Texas.

I, J. J. Mahaffey
Surveyor of Harris County,
do solemnly swear that the classification and market
value of the land included within the limits of the
within field notes is as follows, viz:

Shivral Soil.
State Character.
Agricultural market value \$5,000⁰⁰ per ac
Dry or Watered.
Grazing market value
Dry or Watered.
Kind of Timber None
Market value of Timber
Overflow No Swamp No
Suitable for Settlement No

J. J. Mahaffey
Sworn to and subscribed before me this the 8th
day of August 1911
W. W. Holland, Notary
Public, Harris Co., Texas

Within enclosure of A. B. & J. Ry Co
Improvements owned by Same
P. O. address of owner of enclosure or improvements is
Houston Texas
J. J. Mahaffey
Surveyor.

LAND OFFICE

S. F. No. 10276

FIELD NOTES

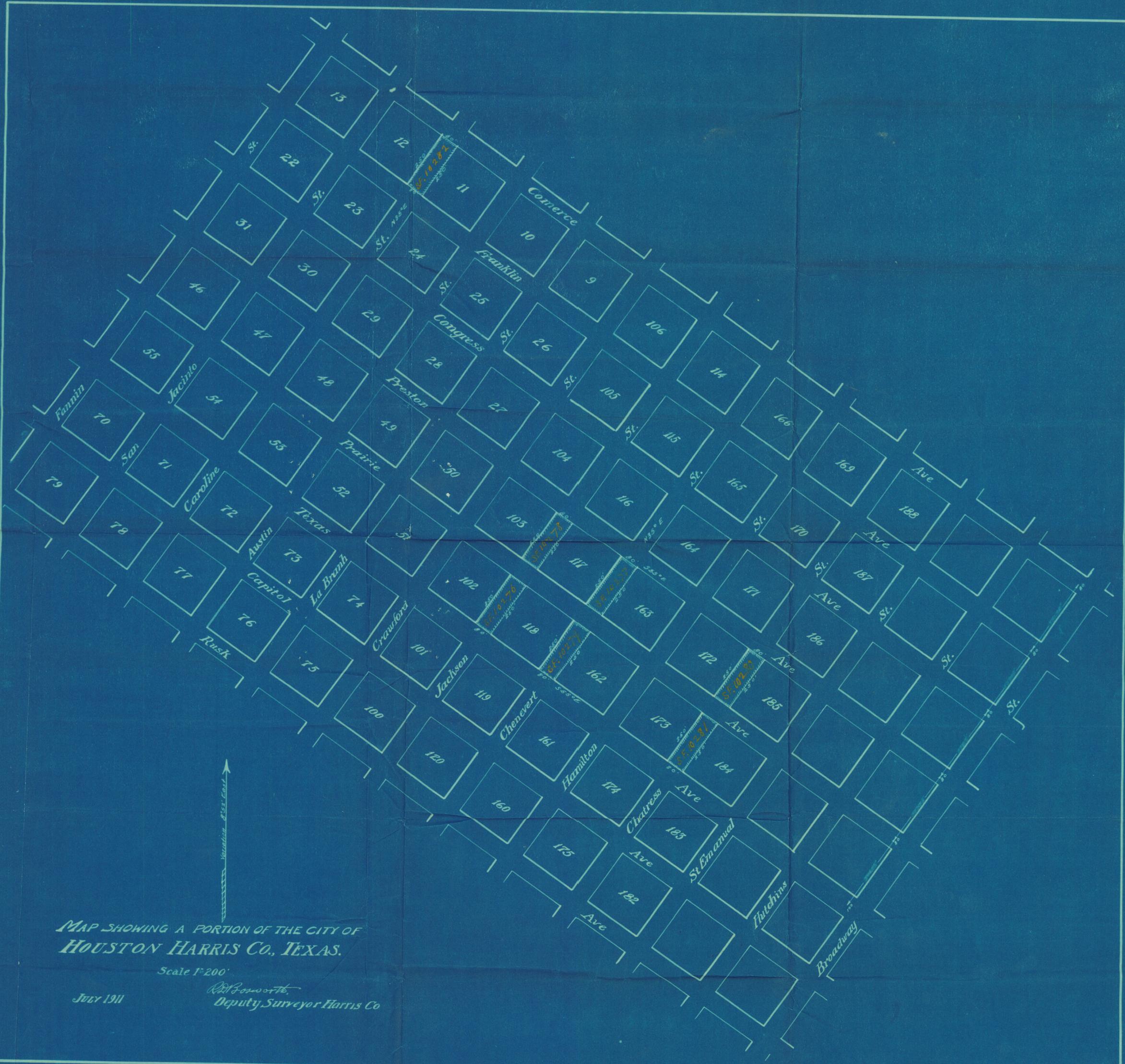
Filed 8/10/11 1911
J. J. Mahaffey Commissioner.
J. J. Mahaffey Clerk.
Approved _____ 1911

Commissioner.

I, J. J. Mahaffey, Surveyor of Harris County,
Texas, do hereby certify that I have examined the foregoing Plat and Field Notes and find them correct and that they
were made on the ground as stated in the above certificate, and that they are recorded in my office in
Book L, Page 16
This 27th day of July 1911
J. J. Mahaffey
Surveyor of Harris County, Texas.

I, R. B. Bowers, Deputy Surveyor of Harris County,
Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the
limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and
Field Notes, just as I found them on the ground.
This 27th day of July 1911
R. B. Bowers
Deputy Surveyor of Harris County, Texas.

ck-9-8-11
Fell-



MAP SHOWING A PORTION OF THE CITY OF
HOUSTON HARRIS CO., TEXAS.

Scale 1"=200'

July 1911
R. B. Caswell, Jr.
Deputy Surveyor Harris Co

3
S. No. 10276
Plat-
filed 8/10/11.
J. P. Roison
Comd
J. A. Hutchins



GEORGE B. GRIGGS
GREAT INCHONEE
HOUSTON, TEX.

SUN

MOON G.S.D.

Common Era

J.T.R.No.2

It is my contention that the property being a public highway at civil law prior to 1840, that the fee to said property is in the State, and that when the property is abandoned for street purposes it is no longer subject to that public easment, and it is subject to location and survey as any other State land.

If I do not make myself absolutely clear in my contention, and if you do not think that the case of Mitchell vs Bass, and this case are identical as to the conditions of the property so to be covered by my applications, I would be glad to take the matter up with you further and see if we cannot agree that the property is public school land.

Hoping to have your early decision, I am,

Yours truly,

Em Stacey

Dic/H

Address.
P.O.Box 609
Houston Texas.



Great Council of the United States

OF THE IMPROVED ORDER OF RED MEN.

RECEIVED AS STATED
\$ 7.00

4439

AUG 10 1911

MOON G.S.D.

GEORGE B. GRIGGS
GREAT INCHONEE
HOUSTON, TEX.

GEO. W. BEAVER
RECEIVER

Aug. 9, 1911.

RECEIVED
REFERRED TO RECEIVER

AUG 10 1911

REMITTANCE CORRECT

CHW 7.00

Mr. J.T. Robison, Com.,
Gen Land Office,
Austin, Texas.
Dear Sir;-

Replying to yours of Aug. 7, I am enclosing herewith corrected field notes to the 7 tracts which I desire to purchase from the school fund. I am also enclosing my applications and filing fee of \$7.00.

I take the position that the property described in my applications and to which the enclosed field notes refer are a part of the public free school lands of the State, and subject to sale by your office. You will notice that I enclose a map of that part of the City of Houston which shows the property upon which I desire to file to be a public highway in said City, prior to 1840. In my applications and attached thereto as exhibits show that these streets have been vacated as public highways on the dates mentioned in said applications.

You are no doubt familiar with the ruling of the Supreme Court of Texas in Mitchell vs Bass 33rd Texas, 260, in which they hold that the fee to all highways laid out prior to 1840 was and is in the Government, and that upon abandonment of same for street purposes the fee reverts to the State, and not to the abutting property owners as at common law which was adopted as the rule in this State in 1840, and the reason that I attach to my applications the deeds of vacation from the City to this property and a blue print of the town is to show you that the conditions of the property covered by this application are the same as the property in a suit of Mitchell vs Bass.

B'

IMPROVED ORDER RED MEN

MADE AS STATE

MO. 620

NOV 10 1911

W. B. V. R.

AUG 9, 1911

GEORGE B. CRIGGS
GREAT INCHONER
HOUSTON TEX

Mr. J. T. Robinson, Com.
Gen. Land Office,
Austin, Texas.

Field notes to the V tracts
purchased from the school land
by applications and title

that the property described
and to which the enclosed field
part of the public free school
and subject to sale by your
notice that I enclose a map of
City of Houston which shows the
I desire to file to be a
prior to 1840. In
streets have been vacated as public
to said applications.

You are no doubt familiar with the title of the
Supreme Court of Texas in Mitchell vs. Bass 33rd Texas,
in which they held that the fee to all highways,
laid out prior to 1840 was and is in the Government,
and that upon abandonment of same for street purposes
the fee reverts to the State, and not to the abutting
property owners as at common law which was adopted as
the rule in this State in 1840, and the reason that I
attach to my application the deeds of vacation from
the City to this property and a blue print of the town
is to show you that the condition of the property governed
by this application and the same as the property in a
suit of Mitchell vs. Bass.

①
J. T. Robinson
J. G. Robinson
J. A. Stiles
J. W. Stiles
J. H. Stiles
J. M. Stiles
J. P. Stiles
J. Q. Stiles
J. R. Stiles
J. S. Stiles
J. T. Stiles
J. U. Stiles
J. V. Stiles
J. W. Stiles
J. X. Stiles
J. Y. Stiles
J. Z. Stiles



General Land Office.

State of Texas.

Austin. September 9, 1911.

J. T. ROBISON, COMMISSIONER.
J. H. WALKER, CHIEF CLERK.

Mr. E. M. Stacey,
P. O. Box. 609,
Houston, Texas.
Dear Sir:

In regard to your surveys No. 1 to 7 of record in Harris County Surveyor's Book L, pages 16 to 22 inclusive made under Act April 15, 1905 for the sale of unsurveyed scrap land belonging to the State school fund, these scraps appear to cover portions of streets in the city of Houston, being a part of Jackson, Chenevert, and Chatress streets between Preston and Texas Avenues, the same having been deeded by the city of Houston to the Houston Belt & Terminal R. R. Co., also part of Carolina Street between Franklin and Commerce Streets, being the same land deeded to the International and Great Northern R. R. Co. by the city of Houston.

Neither the plat nor the field notes state if they are on the John Austin, Saml. Harris, James Wells, Jas. S. Holman or Saml. M. Williams surveys, nor which one of the above mentioned surveys it is a subdivision of, and further more you must give sufficient evidence by which to locate the same upon either one or more of these grants.

Please let me hear from you in the matter.

Respectfully,

Commissioner.

S. F. 10276 to 82

E von Rosenberg/Morriss.

Central Land Office

State of Texas



Austin, September 9, 1911.

J. H. WALKER, CHIEF CLERK
L. T. ROBINSON, COMMISSIONER

Dear Sir:
Houston, Texas.
P. O. Box 809.

In regard to your survey No. 1 to 7
of record in Harris County, Texas, made under Act April
pages 18 to 22 inclusive made under Act April
15, 1908 for the sale of unreserved acre land
belonging to the State school fund, these surveys
appear to cover portions of streets in the city
of Houston, being a part of Jackson, Chambers,
and Jackson streets between Preston and Texas
avenues, the same having been decided by the
city of Houston to the Houston Belt & Terminal
Co., also part of Carolina Street between
Franklin and Commerce streets, being the same
land decided to the International and Great
Northern R. R. Co. by the city of Houston.
Neither the plat nor the field notes
state if they are on the town Austin, East
Harris, James Wells, Jas. H. Holman or Saml.
W. Williams surveys, nor which one of the above
mentioned surveys it is a subdivision of, and
further more you must give sufficient evidence
to show to whom the same belong either one or
more of the parties.
Please let me hear from you in the matter.

⑤
SF-10276
Harris County
School Land

Commissioner.

S. F. 10276 to 82

E von Rosenberg/Hortlas.

September 22, 1911.

Mr. E. M. Stacey,
1710 Clay Ave.,
Houston, Texas.

Dear Sir:-

I am in receipt of yours of the 14th instant with reference to seven surveys made for you in Harris county upon supposed vacant land under Section 8 of the Act of 1905. Each of these surveys includes less than one-half acre and according to your statement the surveys cover streets in the city of Houston which have been abandoned as such by the city authorities and I suppose by the public in general.

Your contention that these tracts are vacant land and belong to the State is based upon the case of Mitchell vs Bass in 33 Texas, page 259. Now, in the first place there is nothing in the records of this office to show upon what grants these surveys are situated as nothing has been definitely furnished in compliance with our letter to you of recent date. I have to suggest, however, that we do not believe that the case cited by you is the proper guide to determine the question at issue in your files. If as a matter of fact the streets are within the body of any of the grants embracing the city of Houston, we do not believe that the case cited will apply at all. The case you mention seems to be purely a boundary case and the court held that by virtue of the calls in the grant under the civil law the boundaries of those grants extended only to the lines of the highway and that such lines did not extend to the center of the highway, as is the rule under the common law. Under those facts it was held that the strip of land between the boundary of the two grants mentioned was properly vacant land and belonged to the State, the title to same having never vested out of the sovereignty. But it seems to me that the rule is entirely different in the event a highway would extend through any portion of the body of a grant

E.M.S.

though I have not investigated this feature as it would apply under the civil law.

I am rather inclined to think that your contention is a bit strenuous or technical. And again, if it should be based upon a proper construction, I really do not understand how this department is to determine whether or not the uses have been abandoned. There seems to be nothing to do in the premises but to reject your files and this is done accordingly.

Yours truly,

Hutch/Log.
S.F. 10276 to 82.

Commissioner.

though I have not investigated this feature as
it would apply under the civil law.
I am rather inclined to think that your
opinion is a bit strenuous or technical.
and again, it should be based upon a proper
examination. I really do not understand how
this department is to determine whether or
not the laws have been abandoned. There seems
to be nothing to do in the premises but to
reject your files and this is done accordingly.

Yours truly,

Walter D. ...
S. F. 10276 to 82.

Constitution.

⑥
89
10276