

April 2, 1935

Vinson, Elkins, Sweeton & Weems,
Niels Esperson Bldg.
Houston, Texas.

Gentlemen:

This is in regard to a resurvey of the eastern part of Block G18 in Brewster County discussed with your Mr. Mc Clendon yesterday. You appear to have practically all the facts disclosed by the records of this office touching the original surveying done in this area.

In respect to the D blocks and those lying to the east and along the Rio Grande surveyed by Charles Archer, the calls of the field notes would indicate ground work on his part. The writer knew Captain Archer well, and on different occasions discussed with him his survey of these blocks, and gained from him the information that from the mouth of San Francisco Creek downward he himself meandered the Rio Grande and trusted the north and south distances to a survey made by a lieutenant discharged from the army. Captain Archer informed me that some years after he made the startling discovery that the lieutenant had not made the measurement with any degree of accuracy, and that the distance given him on the northward connection was three miles too long. With the report of the lieutenant he platted in the D blocks and the blocks along the river, which on the ground now conflict with his own blocks, squeezing out some surveys and telescoping others. The D blocks are paper work and rest on their northern connections.

I am enclosing copies of the sketch of a survey made by Captain R. S. Dod in 1909 and a copy of a sketch of a survey made by W. D. Hunter in 1907. These sketches may be accepted as correct, and as showing the relation of Block D 10 to the mouth of San Francisco Creek. Your surveyor should reconstruct that part of D 10 as fixed by the corner at the mouth of San Francisco Creek that would conflict with Block G 18. Thus

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April 2, 1935

he could fix the mouth of San Francisco Creek as it would lie within the limits of Section 82, D 10, and then fix the west boundaries of 83 and 84 as they would lie on the ground from that point, and the south boundaries of 87, 106 and 111 as they would lie on the ground from that point. 83 and 84 appear from the Hunter sketch to lie south of the river as projected. Of course it would be unnecessary in that event for the surveyor to run that line upon the ground, but it would be necessary for him to run all that part of the line lying south of 87, 106 and 111 which may not be touched by the river.

When he determines the position of Block D 10 in its relation to the corner at the mouth of San Francisco Creek he should run out the sections in G 18 in accordance with the calls of the original field notes for the mouth of San Francisco Creek. This means, of course, that those sections in conflict with D 10 would lose, and those not in conflict with that block would hold their original positions.

The westward extension of the block I think for your purposes might be placed on course and distance from its controlling call for the mound at the mouth of San Francisco Creek. The indications are that there is sufficient if not more than sufficient land east and west to satisfy the calls of the field notes.

Block G 18 appears to be superior to the blocks to the south, and will therefore take its southern position in accordance with its distance from a cardinal line running west from the mouth of San Francisco Creek, that is a line running west from the most western northwest corner of 25.

(182 vs. S. of this point)
See FIN. 1295

In point of superiority the D blocks take life from July 15, 1881, Block G 18 from December 2, 1881, Block G 21 from April 17, 1882, and Block M 2 from March 29, 1882. It appears, therefore, that G 18 must respect D 11, and then take its position for the full quantity of its calls, and that M 2 will take its position from its calls for the river northward. G 21 would have to be content with the space lying between G 18 and M 2, if any there is. I am speaking, of course, of the eastern part

General Land Office

State of Texas

Austin



J. H. WALKER, COMMISSIONER
E. S. SAVERS, CHIEF CLERK

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Block G-14, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
December 30, 1881. (Box 2872)

Block G-13, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
November 15th, 1881 by virtue of application
filed with E. G. Glavin, county surveyor of Tarrant County, on
September 30, 1881. (Box 2873)

Block G-12, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
January 25th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on December 2nd,
1881. (Box 2874)

Block G-11, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2875)

Block G-10, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2876)

Block G-9, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2877)

Block G-8, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2878)

Block G-7, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2879)

Block G-6, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2880)

Block G-5, 1881, was surveyed by the T
County Surveyor of Tarrant County, on
April 15th, 1881 by virtue of application filed with
E. G. Glavin, county surveyor of Tarrant County, on March 24,
1881. (Box 2881)

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Munroe Co

Vinson, Elkins, Sweeton & Weems

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April 2, 1935

of these blocks

The said school land may to some extent affect the rights of those claiming such land, but it is doubtful whether the rule that priority of a purchase would control over priority of survey in this area as the surveys were not made on the ground.

This letter is not intended as instructions to a surveyor, but rather as our view of the proper construction of these surveys. The Land Office would be disposed to approve corrected field notes in accordance with this view. By accepting Dod's and Hunter's sketches your surveyor will be relieved of running a good many miles, and his work for that reason will conform to that already done and accepted in the territory north.

Very truly yours,

Commissioner

JHW-ewr
Bex.S 35705

Counter 15748

Brewster County

⑩ "North & South"

J. H. Walker

Letter about

Blk G-18

Coaster 15749

Vinson, Elkins, Sweeton & Weems

-3-

April 2, 1935

of these blocks

The sale of school land may to some extent affect the rights of those claiming such land, but it is doubtful whether the rule that priority of a purchase would control over priority of survey in this area as the surveys were not made on the ground.

This letter is not intended as instructions to a surveyor, but rather as our view of the proper construction of these surveys. The Land Office would be disposed to approve corrected field notes in accordance with this view. By accepting Dod's and Hunter's sketches your surveyor will be relieved of running a good many miles, and his work for that reason will conform to that already done and accepted in the territory north.

Very truly yours,

Commissioner

JHW-ewr
Bex.S 35705

Counter 15748

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Block M-2 (Presidio County)

Surveyed by Jno. T. Gano, Dep. Sur. Presidio Co, April 14th through 18th, 1882 by virtue of application filed with E. G. Gleim, Co. Surveyor of Presidio County on March 29th, 1882 (Bex S. - 40878), under Confederate Scrip Certs. Nos. 193-384-759-841-868-883-1123-1227-1313-1488-1554-1571-1636-1723,

Blk. G-21.

Surveyed by Jno. T. Gano Dep. Sur. Presidio Co April 24th through 26th, 1882 by virtue of application filed with E. G. Gleim, County Surveyor of Presidio County, on April 17th, 1882 (Bex S-40508) under Confederate Scrip Certificates Nos. 79-180-230-240-287-768-1040-1182-1237-1542-1610-1759-1792-1798.

Blk G-24 - Appl. to Sur. in Bex S-42523

Appl. filed with Sur. E. G. Gleim May-20-1882



General Land Office



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State of Texas

Austin

J. H. WALKER, COMMISSIONER
S. S. SAYERS, CHIEF CLERK

-2-

Block G-14, GC&SF Ry Co., was surveyed by Jno T Gano, November 9th thru 12th, 1881 by virtue of application filed with E G Gleim, county surveyor of Presidio county, on September 30th, 1881. (Bex Scrip 38773)

Block G-15, GC&SF Ry Co was surveyed by Jno T Gano, November 14th thru 17th, 1881 by virtue of application filed with E G Gleim, county surveyor of Presidio county, on September 30, 1881. (Bex Scrip 38476)

Block G-18, TC Ry Co., was surveyed by Jno T Gano January 9th thru 24th, 1882 by virtue of application filed with E G Gleim, county surveyor of Presidio county, on December 2nd, 1881. (Bex Scrip 39606)

Block G-20, TC Ry Co., was surveyed by Jno T Gano on April 19th & 20th, 1882 by virtue of application filed with E G Gleim, county surveyor of Presidio county, on March 24, 1882. (Bex Scrip 40003)

Block S-1, GC&SF Ry Co was surveyed by Jno T Gano on March 8th & 9th, 1883 by virtue of application filed with S. A. Thompson, county surveyor, on February 18, 1883. (Bex Scrip 48321)

Blk D-10, section 1, original field notes, builds from Blk D-9;

Blk D-11, section 1, builds from Blk S;

Blk G-1, " 1, calls for rock mound (on Rio Grande) and recites connection to mouth of Maravillas Creek and to NW corner, section 1, Blk 21, GH&SA Ry Co;

Blk G-14, section 1, builds from Blk G-1;

Blk G-15, section 1, builds from Blk G-1;

Blk G-18, section 1, builds from Blk G-15;

Blk G-20, section 1, builds from Blk G-18;

Blk S-1, section 1, calls for rock mound on West bank of Rio Grande at mouth of San Francisco Creek, the NE corner of section 95 Blk G-18, and the common county corner of Presidio and Pecos counties.

Should be on NE side Rio Grande Range of Mountains. 8-8-38 (W.H.)

I believe the above gives you the information requested.

Very truly yours,

Blucher:eb

Commissioner

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General Land Office

State of Texas

Austin

J. H. WALKER, COMMISSIONER
S. S. SAYERS, CHIEF CLERK

August 9, 1934

Vinson, Elkins, Sweeton & Weems
Niels Esperson
Houston, Texas

Gentlemen:

I have only now had opportunity to go into the matter covered in your letters of July 26. In your first letter you state that there is pending in the District Court in Brewster County a case styled Harris versus Rogriguez, No. 1490 involving land matters in Block G-18 and G-21. You ask for a ruling from this Department as to the proper way for locating the South Line of the Block, G-18. I believe you have the correct plan outlined in your letter which bases the construction on beginning at a Stone Mound at the mouth of San Francisco Creek which is the N.E. Corner of Section 95 in this Block G-18.

According to John T. Gano's certified sketch and statement by R. M. Gano & Sons with said sketch, he was on the ground and actually meandered the Rio Grande and connected to this Rock Mound at the Mouth of San Francisco Creek. If this be true, then the above mentioned Rock Mound and the Rio Grande would have considerable locative value in determining the position of the block line and should be used by any surveyer you may employ to do the work. This information is given from what I find in the files here in the office. I feel sure that you realize that I do not know what the Court may do in the Premises even with an agreed judgment in sight. May I suggest that when you employ a surveyer, to get one whose work can be depended upon. Otherwise, it may be necessary to go into the field subsequently and do correction work provided this Department should pass on any of the field notes or the surveyer's reports.

In reply to the last paragraph in your first letter regarding seniority of surveys in Block G-18 and Block G-21, I will say that surveys in Block G-18, T.C. Ry. Co. was surveyed by John T. Gano January 9, through the 24th, 1882 by virtue of application filed with E. G. Gleim, County Surveyer of Presidio County on December 2, 1881. The Confederate Scrip surveys in Block G-21 were surveyed by John T. Gano, Deputy Surveyer of Presidio County April 24, through the 26th, 1882 by virtue of application filed with E. G. Gleim, County Surveyer

page 2.

of Presidio County on April 17, 1882. In this instance, the date of filing application for Survey with the surveyor will denote seniority of the surveys and therefore Block G-18 will be superior to Block G-21.

In your second letter you ask for seniority of surveys in Blocks G-18 and M-2. Block M-2 was surveyed by John T. Gano April 14, through 18th, 1882 by virtue of application filed with E. G. Gleim, County Surveyor of Presidio County on March 29, 1882. As stated above application for surveys in Block G-18 was filed with the County Surveyor Presidio County December 2, 1881, consequently, Block G-18 is also superior to Block M-2.

In the second paragraph of your letter you state that you would like to know whether the surveys in Block M-2 extend over into Brewster County and whether they were properly located. I find that this Block M-2 is entirely in Brewster County. The fact that you refer to a protest filed April 19, 1882 and Bexar Scrip No. 38450, leads me to believe that possibly you were referring to Block D-10, as there are certain sections in that Block which are referred to in the Protest. If you will refer to this protest you will note that it mentions surveys in Block D-10 made by virtue of Certificates Numbers 931, 942, 943, 944, 1097, 1999, 1100, 1109, 1110, 1111, 1112, 1120, 1121, 1122, 1113, 1108.

As stated in one of my prior letters to you (January 20, 1934) you will notice that these Surveys in Block D-10, T. C. Ry. Co. was surveyed by virtue of application filed with E. W. Bates, County Surveyor ofecos County on July 15, 1881. Therefore in point of time Surveys in Block D-10 are superior to those in Block G-18. If the above information is not what you desire, please write me further and I shall do what I can to give you such data as is on file here.

Yours very truly,

Commissioner

CVB:FGD

D²
Counter 15759

14
— Brewster Co
South Part

Block G-18

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Counter 15755

October 22, 1970

J. D. Jewell, Inc.
Box 1058
Gainesville, Georgia 30501

Attention: Mr. B. H. Carter

Re: Survey 79, Blk. G-18, T.C.
Ry. Co., Cert. 1678
Abst. 2715, Brewster County,
Texas. Land Office File
Bx. S-39650

Dear Sir:

Receipt is acknowledged of your letter of October 19, 1970 in which you inquire concerning the status of the captioned survey.

The records of the Land Office reveal that Section 79 was patented September 26, 1882 for 640 acres. The Land Office does not have an ownership record of land after the title has passed from the state. We do, however, have on record as Brewster County Sketch File No. 10 (Filed on February 11, 1948) a copy of the judgment of the 83rd District Court of Brewster County in Cause No. 1934, which case involves the location and boundaries of certain sections of land in Brewster County, Texas. It is noted that among the list of those cited in this judgment appears the name of the Estate of W. C. Morris.

Paragraph XIV of this Judgment reads in part, as follows:

"With respect to the location on the ground of the several blocks and surveys, respectively, involved in this suit, IT IS ORDERED THAT:

1. Blocks D-10 and D-11, respectively, T.C. Ry. Co. Grantee, shall take precedence over and be prior in location to all lands in Block G-18 in conflict therewith."

The new official Land Office Map of the East Part of Brewster County was compiled in 1952 and this map reflects the construction of the various blocks and sections as ordered by the Court. Section 79, T.C. Ry. Co., Blk. G-18, as delineated on this map is entirely covered by T.C. Ry. Co., Blk. D-10 surveys and would therefore appear to be void.

Copies of the field notes or patent for Section 79 may be procured from this office for \$1.50 each.

The Court Judgment referred to in this letter is of record in Volume 7, Page 1, et seq., Minutes of the District Court of Brewster County, dated January 21, 1948.

Counter 15756

F

October 22, 1970

Please call upon this office if we can be of further assistance.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves

cc: W. D. Morris Estate
c/o F. J. Ellyson
Alpine, Texas 79830

Bunney
R
H
G
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Counter 15757

E2