

WALKER LAND SURVEYING  
 104 E. AVE. "B"  
 ALPINE, TX  
 79830  
 915-837-7272

TO: The Honorable David Dewhurst  
 Commissioner of the Texas General Land Office

FILED  
 At 10:00 o'clock A M

RE: Patent surveys in Brewster County

AUG 13 1999

Date: May 15, 1999

BERTA R. MARTINEZ  
 County Clerk, Brewster County, TX  
 By Esther A. Wokos Deputy

SURVEY REPORT

This report concerns the survey of several tracts of land in Brewster County. This survey was conducted at the request of the owners to obtain a plat and field notes of said tracts for patent purposes. The tracts involved are listed below.

Survey/Tract	Grantee/Block	File no.	Abstract no.
Sur. 20	J. V. Massey Block "C"	School File 113722	5851
Sur. 30	" " " "	" " 113723	5852
Sur. 34	" " " "	" " 113724	5853
Sur. 8	B.S.&F. Block "D"	" " 106300	5299
N. 1/2 Sur. 10	" " " "	" " 106303	5302
S. 1/2 Sur. 10	" " " "	" " 84263	4284
Sur. 12	" " " "	" " 123347	6920
E. 1/2 Sur. 14	" " " "	" " 84265	4286
W. 1/2 Sur. 14	" " " "	" " 123666	6944
Sur. 16	" " " "	" " 126362	6944
E. 1/2 Sur. 18	" " " "	" " 84262	4283
W. 1/2 Sur. 18	" " " "	" " 84265	4286
Sur. 20	" " " "	" " 123668	6947
Sur. 22	" " " "	" " 106304	5303
N. 1/2 Sur. 10	T. C. Ry. Co. Block 332	" " 85780	4288
Sur. 12	G.C.& S.F. Ry. Co. Block 333	" " 123667	6945
N. 1/2 Sur. 10	" " " "	" " 87825	4292
Sur. 600	T. C. Ry. Co.	" " 124797	7062

File No. Sketch File 55  
Brewster County

Date Filed August 31, 1999

By David Dewhurst, Commissioner  
Douglas Howard

See Rolled sk. 153

This survey was conducted on the Texas Coordinate System, South Central Zone, utilizing a Trimble Global Positioning System (GPS), a Wild T-2 and a Wild DI4L Distomat. Triangulation station "CALA" and NGS station "ALPPORT" were tied for this survey. NAD 1983 data was converted to NAD 1927 using NGS computer program CORPSCON. The records of the General Land Office in Austin as well as the records of the Brewster County Surveyors Office were researched for this project.

The following is a list of the Surveys and/or Blocks of Surveys which needed to be retraced in order to establish the location of the various tracts listed above, indicating the date of the original survey and the name of the surveyor who performed it.

Survey	Grantee	Block	Original Surveyor	Date Of Original Survey
All	G.H.& S.A. Ry. Co.	13	L. E. Edwards	September 2, 1875
Resurvey	" "	" "	J. B. Ammerman	June, 1889
All	A. B. & M.	"A"	L. E. Edwards	July 26, 1875
All	B. & B.	"B"	L. E. Edwards	July 26, 1875
All	J. V. Massey	"C"	L. E. Edwards	July 27, 1875
All	B. S. & F.	"D"	L. E. Edwards	July 27, 1875
Tex. & St. Louis Ry. Co.		218	S. A. Thompson	May, 1881
599 and 600	T. C. Ry. Co.		J. Hoban	June 10, 1881
Western part	T. C. Ry. Co.	332	S. A. Thompson	January 7, 1882
Eastern part	G.C. & S.F. Ry. Co.	333	S. A. Thompson	January 17, 1882

The following is a discussion of the evidence of record and on the ground and the conclusions drawn based on said evidence for the retracement of the above Surveys and Blocks necessary for establishing the position of the tracts involved in this survey.

#### G.H. & S.A. RY. CO. BLOCK 13

##### Original survey

G.H. & S.A. Ry. Co. Block 13 was originally surveyed and field notes returned by L. E. Edwards, Deputy Surveyor under A. H. French, District Surveyor, El Paso District, in September of 1875. Curiously, the field notes in the files of the General Land Office in Austin have the date of July 24, 1875 scratched out and the date September 2 written above while the field note records in Brewster County have only the date September 2.

The field notes of Mr. Edwards in Block 13 have no calls for identifiable monuments, only calls for "stk & mnd" and an occasional "earth mound". This is common in some large railroad Blocks where the surveyor appears not to have been on the ground but simply wrote field notes for the various Surveys within the Block. This situation has long been referred to by Texas surveyors and Texas courts as "office surveys".

The field notes of Block 13 do, however, have calls to adjoin G.H. & S.A. Ry. Co. Block 8, also surveyed by Mr. Edwards on July 8, 1875 lying to the Northwest of Block 13. Block 8 is a large Block, with 604 Surveys. With a few exceptions, the original field notes of Block 8 also have no calls for identifiable monuments.

##### Corrected survey

In 1889, J. B. Ammerman, State Surveyor, resurveyed and wrote corrected field notes for Blocks 8 and 13. R. M. Hall, Land Commissioner at the time, approved and co-signed these corrected field notes. Mr. Ammerman's notes contain numerous calls for specifically described monuments, mostly marked rock mounds, set during the course of his resurvey. Many of these mounds are locatable today and provide the framework for retracing the location of Blocks 8 and 13.



By the Act of 1854, the G.H. & S.A. Ry. Co. was awarded patents to the odd numbered Surveys in Blocks 8 and 13, with the State retaining title to the even numbered Surveys. In the judgement rendered in STATE VS. G.H. & S.A. RY. CO., Brewster County District Court, 1893, Cause no. 101, the State recovered the railroad Surveys in, among others, Blocks 8 and 13. These Surveys were reclassified as School Land and repatented accordingly. These patents are based on the corrected field notes of Mr. Ammerman and those surveyors who perpetuated his locations.

#### CONCLUSIONS AND CONSTRUCTION

As can be seen on the plat accompanying this report, we have located Mr. Ammerman's monuments along the South and East lines of Block 13 as shown. The rock mound in the South line of Survey 77 is a point on line as called for by Mr. Ammerman. Elephant Mountain lies just to the East of this mound so the Southeast corner of said Survey could not be set. An intersection of the South and East lines of Block 13 as shown would establish the position of the Southeast corner of Survey 77, which is also the Southeast corner of Block 13.

A.B. & M. BLOCK "A", B & B BLOCK "B", J. V. MASSEY BLOCK "C" AND B.S. & F. BLOCK "D"

As indicated in the table above, Blocks "A", "B", "C" and "D" were all surveyed by L. E. Edwards on July 26 and 27, 1875. Due to the lack of calls for identifiable monuments, it is believed that they are all "office surveys", with no original monuments having been set.

#### SUBSEQUENT SURVEYS

In the records of Brewster County and the General Land Office there are plats and field notes of surveys made by others in Blocks "A", "B", "C" and "D". R. S. Dod, W. M. Harmon, John Stovell, H. R. Gard and J. P. Dod all have plats or corrected field notes reflecting subsequent surveys made in these Blocks dating from the early 1900's to the 1950's. These plats and field notes indicate various monuments found or set by these surveyors, some of which were recovered during the course of this survey and are shown on the accompanying plat.

#### CONCLUSIONS AND CONSTRUCTION

Blocks "A", "B", "C" and "D" constitute what is known as a "system" of surveys. A system of surveys is defined in STANOLIND OIL & GAS, et al. v. STATE, a Texas Supreme Court case dated Feb. 3, 1937, 101SW2nd.801, as "Where designated block was system of connected surveys made by the same surveyor at same time; the surveys being built one upon the other from the south to the north." The case of BROOKS et al. v. SLAUGHTER, Court of Civil Appeals, Jan. 7, 1920, 218SW632, refers to a system by stating "All corners and field notes of a system of surveys may be looked to in locating any of the surveys in the system, and it is not necessary that the surveying be done on the same date, but it is only necessary the work be continuous from day to day and connected as part of the series of surveys."

These Blocks were all surveyed originally by L. E. Edwards on July 26 and 27, 1875. Block "A" has adjoiner calls to G.H. & S.A. Block 13, Block "B" calls to adjoin Block "A", Block "C" calls to adjoin Block "B" and Block "D" calls to adjoin Blocks "B" and "C". As stated earlier, the original field notes of Block 13 are dated September of 1875, which would essentially make it junior to Block "A", the field notes of which were dated July 26. However, the field notes on file in the General Land Office files for Block 13 have a date of July 24 scratched out and the September date written above, indicating perhaps that the field notes for Block 13 were actually written earlier than Block "A" and then changed. The above mentioned Blocks are senior to and have no adjoining calls to other surrounding Surveys or Blocks.

As discussed earlier, the position of the various Surveys in Block 13 can be established based on the monuments and calls in the field notes of J. B. Ammerman.



Likewise, the position of the various Surveys in Blocks "A", "B", "C" and "D" can be located from the calls in the original field notes of L. E. Edwards and by incorporating the calls and monuments of the subsequent surveys of record mentioned above. Where a true course is used to establish a line, North, South, East and West would be related to a bearing established near the center of the system. All courses and distances indicated on the plat accompanying this report are based on the Texas State Plane Coordinate System, South Central Zone. A theta angle of  $-2\text{deg}.13'$  established near the center of the "system" of Blocks "A", "B", "C" and "D" would establish the bearings used to retrace these Blocks and a distance of 1900.29 varas (1900.8 varas reduced by the combined grid factor) would serve to establish the position of the original location of the various Surveys in these Blocks involved in this survey.

TEXAS AND ST. LOUIS RY. CO.  
BLOCK 218

Texas and St. Louis Ry. Co. Block 218 was originally surveyed and field notes returned by S. A. Thompson, Deputy Surveyor under E. G. Gleim of what was then Presidio County. Block 218 is part of a large system of Blocks all surveyed for the Texas and St. Louis Railroad company under the Act of 1854, with the odd numbered Surveys (or Sections) being patented to the Railroad and the even numbered Surveys being retained by the State. Block 218 is in the Northeast part of this system, which takes in land about twenty miles North and South and about forty miles East and West, extending into Presidio County.

CONCLUSIONS AND CONSTRUCTION

As with G.H.& S.A. Ry. Co. Blocks 8 and 13 discussed earlier in this report, the retracement of Block 218 would be controlled by any original identifiable monuments called for by Mr. Thompson in his field notes of the individual Surveys in this and the other Blocks which are part of this system, as well as any adjoiner calls to senior Blocks, if said adjoiner calls were not believed to be made by mistake or conjecture. The case of *STANDEFER v. VAUGHN et al.*, 219 SW 484, Court of Appeals, Jan. 7, 1920, discusses the approach taken by Texas courts and surveyors in retracing or establishing missing corners in railroad Blocks and other similar systems. The court states "Where a corner or line is found marked, it influences all other Surveys in the Block, even though it operates to change calls for courses and distances". The court further states "Lost lines and corners should be located from the nearest known corners, especially when a corner called for is in conflict with all the other calls found and established and which are nearer in point of time and distance".

As can be seen on the plat accompanying this report, several original monuments called for by Mr. Thompson were located in Block 218 along the South line of the Northern tier of Surveys. These monuments would control the location of the missing lines and corners in Block 218 that influence this survey, i.e. the North line and Northern corners of said Northern tier of Surveys.

SURVEY OF BYRON SIMPSON, 1985

At this point in the discussion of the retracement of Block 218 it should be noted that in 1983 Byron Simpson, Licensed State Land Surveyor, performed a retracement survey in and around this part of Block 218 and wrote corrected field notes for Deeds of Acquittance for several Surveys in the area. A plat of his work is filed as Rolled Sketches 146A and 146B in the files of the General Land Office. Mr. Simpson also located most of the original Thompson monuments indicated in Block 218 and constructed the North line of the Block. For the most part, I have followed his construction in re-creating the Northern corners of Surveys 1 through 6 in Block 218.



The bearings between the original Thompson monuments indicate a "consistent variance" from true call bearing. This shift is approximately 0deg.40' left of true. The case mentioned earlier of BROOKS et al. v. SLAUGHTER, comments on "consistent variance" in retracing original surveys by stating: "Where there is no uniform variance from true course found in any of the lines of a survey actually run, ...the lines should be run on true course". Conversely, if a consistent variance from true call course is evident from the relationship between existing monuments, this variance should be incorporated into calculated positions of missing lines and corners to help reflect "the footsteps of the original surveyor". By calculating from the original monuments along the South line of Surveys 3 through 6, Northerly along a bearing that best reflects the variance from call based on the relationship of the original Thompson monuments the call distance, the Northern tier of Surveys in Block 218 can be established.

#### T.C. RY. CO. SURVEYS 599 AND 600

T. C. Ry. Co. Surveys 599 and 600 were originally surveyed and field notes returned by J. Hoban in June of 1881. The field notes of Mr. Hoban call for only one distinctly described monument in Surveys 599 and 600, that being a "rock mound" at the Northeast corner of Survey 599 with a bearing and distance tie to nearby Santiago Spring. This monument is in place and has been recovered by many surveyors in the past.

#### CONCLUSIONS AND CONSTRUCTION

Surveys 599 and 600 are senior to and have no adjoiner calls to the surrounding T. C. Ry. Co. Block 332, surveyed by S. A. Thompson in 1882. As no consistent variance from call course can be determined, Surveys 599 and 600 would be put in true North-South and East-West 1900.29 varas square. True Course being determined at the Northeast of Survey 599.

#### T.C. RY. CO. BLOCK 332

T. C. Ry. Co. Block 332 was originally surveyed by S. A. Thompson and dated January 7, 1881. This Block contains sixty Surveys, many of them odd shaped to conform to adjoining senior surrounding Surveys or Blocks, one of which is Texas and St. Louis Block 218, which Block 332 adjoins on the East and North. As previously noted, Block 218 was also surveyed by Mr. Thompson. The fact that S. A. Thompson surveyed both Blocks 218 and 332 is pertinent to the conclusions drawn for constructing Block 332. Also of importance is the fact that Mr. Thompson's field notes have no calls for definite monuments, with the exception of the Northeast corner of T. C. Ry. Co. Survey 599 mentioned above. This corner is also the Northwest corner of Survey 10, Block 332.

#### CORRECTED FIELD NOTES OF JOHN STOVELL, 1948

As with most railroad Blocks, patents to the odd numbered Surveys in Block 332 were issued on the original field notes as Mr. Thompson wrote them. However, patents to Surveys 2 and 12, were issued on corrected field notes of John Stovell in 1948. These notes can be found in the file folders of these particular Surveys in the General Land Office and in the corrected field note records of Brewster County. Mr. Stovell's calls for corners in these Surveys are essentially "rk. mnd.", with no other definite descriptions and none were recovered during the course of this survey. As does Mr. Thompson's original field notes, the corrected field notes of Mr. Stovell call for Survey 2 to adjoin the corners of Survey 2, Texas and St. Louis Block 218.



#### CONCLUSIONS AND CONSTRUCTION

Although the original field notes of S. A. Thompson in Block 332 have few descriptive calls for monuments, the Northeast corner of T. C. Ry. Co. Survey 599, which is the Northwest corner of Survey 10, Block 332, is an exception. At this position the original surveyor of Survey 599, J. Hoban, calls for "a rock mound from which Santiago Spring bears S.45deg.W. 200 varas, Santiago Peak bears S.35deg.E and a rock mound bears N.45deg.E. 300 varas". Mr. Thompson's calls for this point are "rock mound 3' high, Santiago Peak bears S.45 1/2 deg.W. 189 varas and West end of Santiago Peak bears S.33deg.E." The slight difference in the descriptions of the witness bearings and distances between those of Mr. Hoban and those of Mr. Thompson for this point would indicate that Mr. Thompson actually went to this monument, found it and measured his own bearings and distances to Santiago Spring and Santiago Peak.

The original field notes for the Southern tier of Surveys in Block 332 call to adjoin the Northern tier of Surveys in Texas and St. Louis Block 218, also surveyed by S. A. Thompson in 1881. Although it is believed that the North line of Block 218 was not marked on the ground by Mr. Thompson, the positions of the various corners along said line, once established, would control the location of the junior Surveys in Block 332 that call to be common with them, unless the call to adjoin was made by conjecture or mistake. The case of *CARLTON vs. MARSHALL*, Court of Civil Appeals, 208 SW2 661, Jan. 28, 1948, states: "Surveyor who wrote field notes for survey presumptively knew his own ground location of prior survey referred to therein." As stated earlier, the corrected field notes of John Stovell for patent of Survey 2, Block 332, also call to adjoin the corners of Survey 2, Block 218.

From the Southwest corner of Survey 2, Block 332, a line running true course (North) established at the Northeast corner of Survey 599 would construct the West line of Surveys 2, 12 and 11, Block 332, which is also the East line of Survey 10, the North half of which is the subject of this survey for patent field notes. The Northeast corner of said Survey 10 is established from the original monument at the Northeast corner of Survey 599 true course East at an intersection with the previously mentioned line running North from the Southwest corner of Survey 2. From this Northeast corner of Survey 10 the Northwest corner of Survey 11, which is on the North line of said Block 332 and the South line of G.C. & S.F. Ry. Co. Block 333, is established North the original distance call of 581 varas. This is in keeping with the previously mentioned case of *STANDEFER vs. VAUGHN* in constructing from the nearest known corner, which is the Northeast corner of Survey 599. As can be seen on the plat accompanying this report, establishing the East line of Survey 10 by this method, the East-West distance of Survey 10 is 1393.43 varas instead of the call 1122 varas.

The Northwest corner of Block 332 is established by intersecting North from the Northwest corner of Survey 6, Block 218, and East from the previously mentioned Northwest corner of Survey 11, Block 332.

#### G.C. & S.F. RY. CO. BLOCK 333

G.C. & S.F. Ry. Co. Block 333 was originally surveyed and field notes returned by S. A. Thompson on January 17, 1882. The field notes of the various Surveys in Block 333 call to adjoin Block 332, although the corners are not common. Block 333 also calls to adjoin J. V. Massey Block "C" and B.S. & F. Block "D". Surveys 9, 10, 11, 12, 13 and 14 were originally full 1900 vara square Surveys, with adjoiner calls to Blocks "C" and "D". As we will see, the call to adjoin Block "C" and "D" was obviously made by mistake and conjecture.

#### CORRECTED FIELD NOTES OF H. R. GARD

In 1949, H. R. Gard, Brewster County Surveyor at that time, wrote corrected field notes for Surveys 10 and 14 in Block 333. He also drew a plat indicating monuments found and set for this survey. This plat is on file in Brewster County Rolled Sketch no. 93 in the records of the General Land Office. Mr. Gard's plat also indicates that he found



the original Northeast corner of Survey 599 but does not indicate that he found any monuments of S. A. Thompson in Texas and St. Louis Block 218.

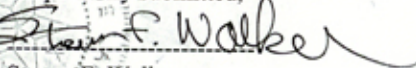
Although not indicated on the plat accompanying this report, several of Mr. Gard's monuments in Blocks "A", "B" and "C" were recovered during the course of this survey. Except for the monuments indicated on the accompanying plat, we were unable to recover and identify conclusively any of the corners labeled "R.M." on Mr. Gard's plat in Block 333 or along the South line of Blocks "C" and "D". Fencing and natural causes such as erosion could account for some of these monuments being destroyed, but it is my belief that many were not set or set in a position other than the one called for. Also of note is the fact that Mr. Gard used the original call of 1122 varas across the North line of Survey 10, Block 332, to establish the Northeast corner of said Survey, then North 591 varas to establish the Northwest corner of Survey 11 in that Block. The corrected field notes of Mr. Gard for the South part of Survey 10 and Survey 14 in Block 333 were used for patent of those two tracts.

#### CONCLUSIONS AND CONSTRUCTION

Apparently it has long been known by surveyors in this area that the original calls of S. A. Thompson for Block 333 to adjoin Blocks "C" and "D" were made in error. Since these Blocks were not monumented originally by L. E. Edwards in 1875, Mr. Thompson would have had no way to determine their position with any certainty. Mr. Thompson's calls to adjoin Block 332, also surveyed by him earlier, would help serve to reconstruct Block 333.

The position of the Southwest corner of Survey 8, Block 333, would be located by its original tie call of 153 varas West of the Northwest corner of Survey 7, Block 332, as established by the method previously discussed. From this point the original call North 1860 varas and East 2502 varas would establish the Southwest corner of the remainder of Survey 10, Block 333, the subject of this survey. From this position, a line running North to intersect the South line of Survey 32, Block "C" as previously established would locate the Northwest corner of said Survey 10. Likewise, a line running East from the Southwest corner of Survey 10 to intersect the West line of Survey 13, Block "D", would establish the Southeast corner of said Survey 10. The Northeast corner of Survey 10 would be the common corner of Surveys 32, Block "C" and Surveys 12 and 13, Block "D". Note that Mr. Gard apparently used the same basic construction approach. However, as Mr. Gard used the original call along the North line of Survey 10, Block 332, of 1122 varas East from the Northeast corner of Survey 559, then North 591 varas to establish the Northwest corner of Survey 11, not a North line run from the Southwest corner of Survey 2, his construction would put the Northwest corner of Survey 11 some 271 varas West of the position established in this survey.

Respectfully submitted,



Steven F. Walker

