

# PLAT IN PECOS COUNTY TEXAS

LEGEND  
DENOTES BLOCK LINES  
SURVEY LINES  
ORIGINAL CORNERS  
CORNERS OF RECORD  
RED LINES SHOW ACTUAL WORK IN THE FIELD



RUNNELS COUNTY SCHOOL LAND

NO. 3

I & G N RR CO  
BLK. 1

G. C. & S. F. RR. CO BLK. 194

## CERTIFICATE

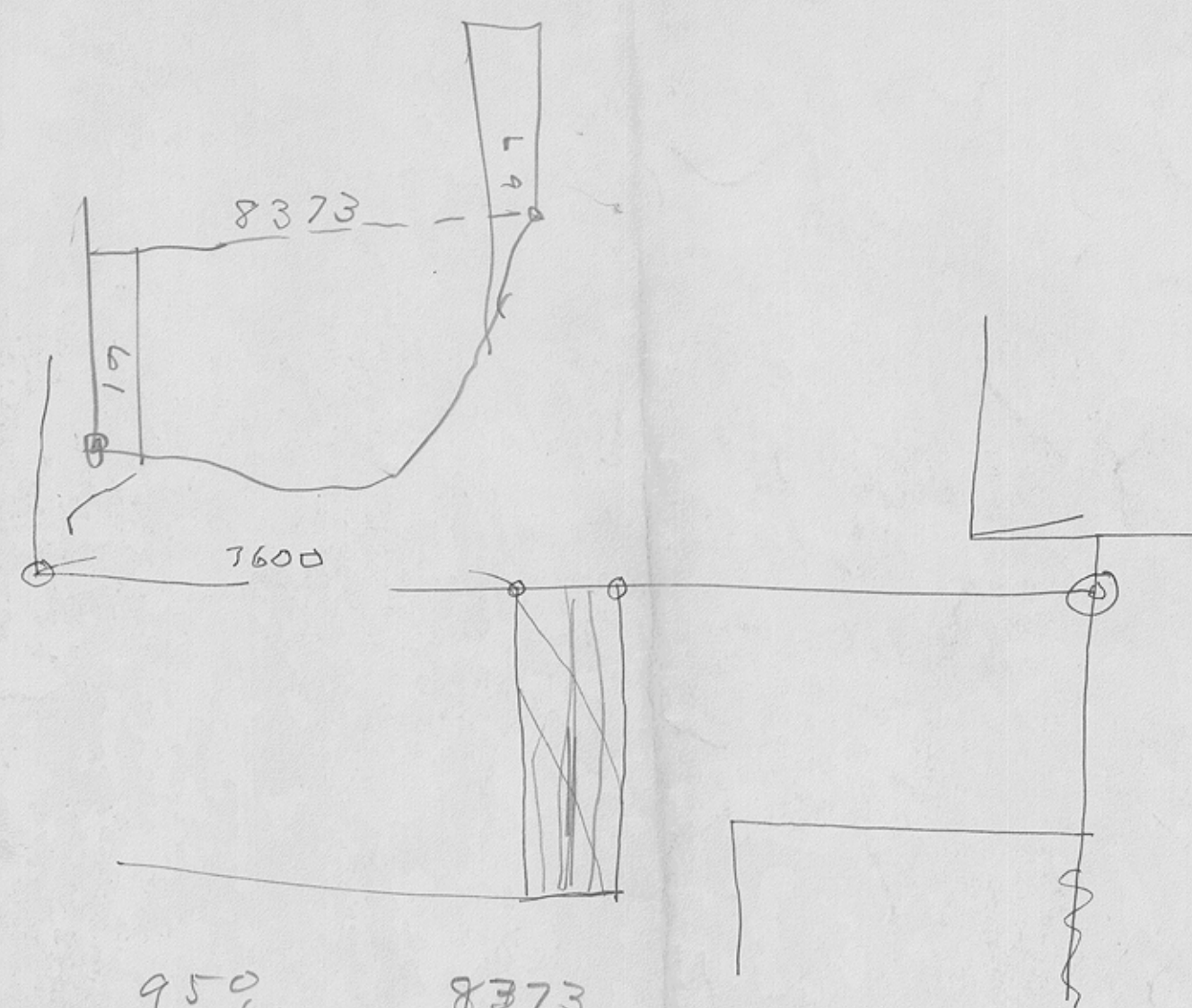
I, A. N. Lea, County Surveyor of Pecos County, Texas, do hereby certify that in obedience to an order of the Honorable District Court of Pecos County, Texas, dated July 17th A.D. 1928, I did on the 18th day of July, A.D. 1928, begin on the ground complying with said order of the Court and continued said work until July 26th 1928 and do herewith submit the herein Plat and Map as representing my findings in connection with my report and I hereby certify that the lines, distances, courses, notations, and indications thereon are true and correct.

Witness my hand on this the 26th of July, A.D. 1928

A. N. Lea  
County Surveyor, Pecos County, Texas.

*Handwritten signature/initials*





$$\begin{array}{r}
 950 \\
 4 \\
 \hline
 3800 \\
 - 162 \\
 \hline
 3642
 \end{array}$$

$$\begin{array}{r}
 8373 \\
 3642 \\
 \hline
 4731 \\
 170+ \\
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 4901
 \end{array}$$





# General Land Office

State of Texas

Austin

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

January 9, 1935

Honorable William McCraw,  
Attorney General,  
Austin, Texas.

Dear General:

Under date of October 15, 1934, I submitted a question of the proper construction of Survey No. 3, Runnels County School land, in Pecos County, in its relation to a file made by John H. Tyler in 1926 under the provisions of Article 5323, Revised Civil Statutes, 1925. My letter is embodied in the Assistant Attorney General's reply thereto of the same date, copy of which is enclosed (1). On the same subject is copy of a letter to the Assistant Attorney General dated October 30, 1934(2). Mr. J. J. Goodfellow, a licensed land surveyor of San Angelo, was employed to make the survey suggested by Mr. Yarborough. A copy of his instructions is enclosed (3). Supplemental instructions were given him to locate a point on his traverse approximately 4800 varas south of the SE corner of Section 70, Block 1, I&GN(4). Mr. Goodfellow's report was filed in this office December 21, 1934. A copy of it is enclosed(5). I am also handing you copy of the sketch returned by him with said report(6).

Mr. Tyler's contention is that there is a vacancy between the TC Ry. Co. surveys 101, 102, 103 and 104 on the North, as corrected by O. W. Williams, and the I.G. Yates school survey on the South, as surveyed and marked on the ground by R. S. Dod, state surveyor. The TC Ry. Co. surveys were made by protraction, and likewise the corrections were made without a survey on the ground. For that reason the position of the TC Ry. Co. surveys may be controlled by the ground position of the Runnels County School Land Survey No. 3, which was also made by protraction.

Block No. 1, I&GN Ry. survey, was originally made by Jacob Kuechler in 1876. The Runnels County School Land League No. 3 was surveyed February 7, 1881, by L. W. Durrell, but was patented on corrected field notes signed by him, and dated June 8, 1882. A copy of the original and of the corrected field notes is enclosed (7 & 8). A copy of Durrell's sketch returned with the field notes to Block 194 is enclosed (9). It will be noted that he fitted the river surveys on the East to his block rather than his block to the river surveys. Enclosed also is copy of his sketch with the river surveys and the Runnels County School Land shifted in such position as to make a joiner between the river sketches(10). This sketch is not offered as showing the correct position of the surveys.





# General Land Office

State of Texas

Austin

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

# 2

In 1917 and 1918 Captain R. S. Dod, under an appointment by the Commissioner of the Land Office, and under instructions from this office, made a resurvey of much of the area involved which now includes the Yates oil field. Under instructions from the Land Office, in the giving of which I participated as Chief Clerk, Captain Dod located the Runnels County School Land by respecting all of its calls for the river surveys as located on the ground by him, which places the SW corner of the Runnels County School Land 5127 varas S. of the southwest corner of Section 70, and 8637 varas W. of a point 162 varas S. and 298 varas E. of the southwest corner of Section 65, as located by him. Then placing the TC Ry. Co. surveys south of the Runnels County School Land, giving each survey an east and west extension of 1900 varas, and the north and south extension of 1209 varas, he surveyed Section No. 34 $\frac{1}{2}$ , GC&SF, marking the same on the ground.

Mr. Tyler's contention is that the Runnels County School Land should be located on the ground by running a line South 4912 varas from the SW corner of 70, thence East for contact with the I&GN surveys. This contact would be with the West line of 65 North of its SW corner; and that the TC Ry. Co. surveys should be located by a joinder with the Runnels County School land s for which the field notes call and South for distance. This would leave a space between said railroad company surveys and the I.G. Yates No. 34 $\frac{1}{2}$ . On this space Mr. Tyler made Application of Inquiry in 1926 under Art. 5323, R.C.S. 1925, and on receipt of an answer from this Department that the area was not unsurveyed public free school land, he filed a mandamus proceeding under said Article against the County Surveyor of Pecos County, which suit is now pending.

I believe it is my duty to lay the case before you for investigation and for such action as you may see proper to take. The owners of the various surveys accepted the construction given by the Land Office in 1918, and have built their fences and drilled their wells in accordance therewith. If the area belongs to the State rights have been acquired that the Land Commissioner cannot adjudicate. (50 S.W.R.2d. 1080) The particular area involved has become very valuable. The title to the area is already in litigation. The situation is such that the Commissioner of the Land Office should not move further in the absence of a judgment of some court of competent jurisdiction. If, on investigation, you reach the conclusion that your Department should take some action, it will be my pleasure to furnish you all the information disclosed by the records of this office or within my possession.

Very truly yours,

Commissioner

JHW-ewr

cont. 60562





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

# General Land Office

State of Texas

Austin

*Office Copy*

October 25, 1934

Mr. J. J. Goodfellow,  
San Angelo,  
Texas.

Dear Mr. Goodfellow:

In accordance with our agreement in regard to your making the survey of certain areas in Pecos County for the State, I am offering these instructions.

Until receipt of further instructions you will direct your operations to assembling and recording such facts as you may develop on the ground.

From the Southeast corner of Sec. 70, Blk. 1, I&GN Ry. Co. surveys in Pecos County located in a bend of the Pecos River between two falls or ripples, identified as the position of the original Southeast corner of said section by O. W. Williams in 1892, and subsequently by Capt. R. S. Dod, and held to be the corner of 70 in the Pandem Oil Company case, you will run a traverse or meander to the Southeast corner of Sec. 61 in the same block, the same being evidenced by the I. R. rock found by Williams, accepted by Dod, and held to be correct in the Holcomb case recently tried in the District Court of Pecos County.

A copy of the O. W. Williams traverse and meander run in 1892 between the same two points, together with his sketch, will be furnished to you.





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

## General Land Office

State of Texas

Austin

Mr. Goodfellow

-2-

Oct. 25, 1934

A copy of Kuechler's field book, as well as copies of his field notes and sketch, will be furnished you.

A copy of Captain Dod's report on the surveys made by him in that area will be furnished you.

Also a copy of Stoneham's report and sketch of a survey made by him in recent months in which he claims to have identified the corners of Sections 61, 62 and 63 in said Block 1 will be furnished you.

I believe you have studied all these papers in the last few days with the exception of Kuechler's field book. In this connection let me ask you to give a hearing to all interested parties, and to permit them to go into the field with you, but under no circumstances are they to interfere with your work.

In proceeding southward from the beginning point at the Southeast corner of 70 you will examine all mounds, monuments or other land marks which you may find, or which may be pointed out to you, noting the type and characteristics thereof, and making such connections as will enable you to give their related position to your line.

You will check Williams' meander, making such notes as will enable you to superimpose it on your sketch if necessary.

You will take such observations on distant points as Kuechler records, particularly those mentioned in Stoneham's report,





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

# General Land Office

State of Texas

Austin

Mr. Goodfellow

-3-

Oct. 25, 1934

and notably the "road on the mesa."

The Northeast corner of Sec. 63 might be termed a "ripple corner" as well as the Southeast corner of 70.

Kindly make an observation of the river in that area, and report your findings.

You will feel at liberty to call upon this Department for any further information you may require.

Very truly yours,

JHW-ewr

Commissioner

cc were sent  
Ralph Yarborough  
Judge Geo. T. Wilson-San Angelo  
Cantey, Hanger & McMahon



C O P Y

Office of the Attorney General  
Austin

October 15, 1934

Honorable J. H. Walker,  
Commissioner of the General Land Office,  
Land Office Building,  
Austin, Texas.

Dear Mr. Walker:

Your inquiry of October 15, 1934, concerning the John H. Tyler file and the proper location of the Southwest Corner of Runnels County School Land Survey No. 3 in Pecos County, Texas, reads as follows:

" Attorneys representing John H. Tyler are asking for a reconsideration of our answer to an application made by him under Art. 5323, R. C. S. 1925, on which he brought suit prior to the withdrawal of unsurveyed school lands from the market, and which suit is now pending in Pecos County in which the area is situated.

" The existence of a vacancy covered by his application, which lies between Survey No. 34 $\frac{1}{2}$ , Ira G. Yates, and the TC Ry. Co. surveys 101, 102, 103 and 104 to the North, appears to depend upon the proper location of the SW corner of Runnels County School Land Survey No. 3. The proper location of the Runnels County School Land to some extent is discussed by the Court in the Panden Oil Co. case, 29 SW 2d, p. 878. The sketch appearing in the opinion indicates that Dod's position of the TC Ry. Co. surveys would place their South line 1209 varas measured from a line extending East from a point established by Dod as the correct SW corner of the Runnels County School Land, which point is shown by him to be 5127 varas South of the SW corner of the I&GN Sur. No. 70. The distance of this line given in the original field notes is 4912 varas.

" My inquiry is whether the SW corner of the Runnels County School Land should be established by beginning at the SE corner of Sur. 70, I&GN Sur. (Ripple corner); thence W. with South line of 70 to the SW corner thereof for the NW corner of the Runnels County School Land; thence S. for the SW corner of the Runnels County School Land:



is that Southwest corner correctly located at 4912 varas S. from the SW corner of Sec. 70 as per the original surveyor Durrell's field notes; or, second, is such Southwest corner correctly located 5127 varas as per Dod's re-survey in 1917-1919?

" I would thank you for the earliest answer it is practicable for you to give me."

In response to your inquiry, you are advised that Runnels County School Land Survey No. 3 should be located according to its corrected field notes made by L. W. Durrell on June 8, 1882, upon which corrected field notes patent was issued. Dod could not, by re-survey, change the location of any of the original lines of Runnels County School Land No. 3. *Turner v. Smith*, 61 S.W.(2d) 792.

The correct way to locate Runnels County School Land Survey No. 3 in Pecos County is to begin at the Southeast Corner of Section 70, Block 1, I & G N Railway Company Survey; then run West the called distance for the Southwest corner of said Section 70. The Runnels County School Land Survey should begin at the Southwest Corner of Section 70 so established. *Pandem Oil Corporation v. Goodrich*, 29 S.W. (2d) 877.

The corrected Durrell field notes on which the patent to Runnels County School Land Survey No. 3 was issued give the West line of Runnels County School Land Survey No. 3 a distance of 4,912 varas. The northern portion of Dod's large sketch of the Pecos County Area, filed in the General Land Office on November 18, 1919, (certified copy of which I have before me at this time) being Dod's first sketch attached to his original report upon this area, gives the West line of Runnels County School Land Survey No. 3 a distance of 4,912 varas. From the face of the patent and the field notes upon which said patent was based it would seem that the West line of this survey is 4,912 varas long, and this seems to have been Dod's original opinion before instructions to change his work were received from the General Land Office. These facts would strongly



# 3

indicate that the Southwest Corner of Runnels County School Land Survey No. 3 should be located 4,912 varas South of the Southwest Corner of Section 70, Block 1. There may be, however, other factors bearing upon the location of this corner not shown in the opinions or instruments which I have before me, and in the absence of an actual survey upon the ground I would hesitate to express a conclusion upon the proper location of this corner.

I suggest that a survey be made, and that all the available information be assembled in order that the Land Commissioner might have it before him in passing upon the correct location of the Southwest corner of Runnels County School Land Survey No. 3 in Pecos County.

Yours very truly,

(Signed) R. W. Yarborough  
Assistant Attorney General

RWY/bb



**J. J. GOODFELLOW**  
CONSULTING SURVEYOR AND  
LICENSED STATE SURVEYOR

998

SAN ANGELO, TEXAS, Nov 4 1934

Hon J. H. Walker  
Com. Grd Land Office  
Austin Texas

RECEIVED

NOV 5 1934

REFERRED TO Comm

Dear Sir,

I drove in from the field last night and found, here, your copy of letter to Assistant Attorney General.

I believe when we have completed this survey we will have sufficient data to correctly adjust Block 1 D.G.N.R.R.Co. from S.E. corner survey 70 to S.E. corner 61, this Block and show their relative position to corners placed by Dod in locating survey 34 1/2, Yates.

When the location of Block 1 D.G.N.R.R.Co. shall have been satisfactorily settled, then it appears a matter, only of local construction as to the location of Runnels Co. School land No 3.

As soon as I have completed this survey, I would wish to go over the matter with you.

I realize the necessity of a thorough investigation of this matter and will try to find the correct solution.

Will be on the work again tomorrow.

Yours Truly

J. J. Goodfellow

(P.O. Address on the work  
c/o Drann Hotel - Drann Texas)



**J. J. GOODFELLOW**  
CONSULTING SURVEYOR AND  
LICENSED STATE SURVEYOR

102

Wednesday

SAN ANGELO, TEXAS.

Nov 7

1934

Hon J. H. Walker  
Land Commissions

RECEIVED

NOV 9 1934

Dear Sir-

I am progressing nicely with the work,  
and feeling fine-

I feel like we will be able to definitely  
fix the location and dimensions of survey  
in Block 1 D & G. N. R. R. Co - from S.E. 70 to S.E. 61

I think I will find sufficient evidence  
of original original corner on the ground to enable  
me to ascertain the width (N & S) in groups of  
about three survey, in other words, sufficient  
evidence to place or rather find locations for  
each third corner between S.E. <sup>cor</sup> 61 & S.E. cor 70.

Then if this is done, I see no reason  
why surveys tied to back corners of these River  
Surveys, could not be tied in to them-

There will be some excess N & S. in surveys  
from S.E. Cor. 67 to S.E. Cor 70 Blk 1 D & G. N. R. R. Co -  
as surveyed by Kueckler - If field notes of survey 69  
as corrected by Nelson, can't be construed to cover original  
69 by Kueckler, then the owner of 69, whoever he may be, should look over



into it before some one files for a vacancy -

I am not saying that the Nelson corrected field notes can not be construed to cover the original ground, but it looks like there is room for some question about it. I am calling your attention to this but will not mention it to any one else, -

I believe the S.W. corner of 67 can be as definitely located as the S.W. corner of 70 and even more so when you take out Dods description of S.E. cor of 70 -

Yours Truly  
J. T. Goodfellow

On field at Iraan -

RECEIVED 10 MAR

MAR 5 1897

RECEIVED

SAN ANGELO, TEXAS.

1897

LICENSED STATE SURVEYOR  
CONSULTING SURVEYOR AND  
J. T. GOODFELLOW

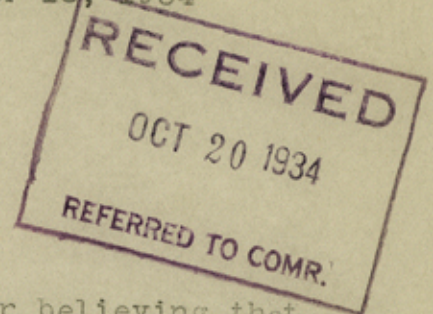
CHANCE 1500  
1897

211-215 COMMERCE BLDG. DALLAS  
CHANCE 1500



995  
San Angelo, Texas  
October 18, 1934

Hon. J. H. Walker  
Land Commissioner  
Austin, Texas



Dear Mr. Walker:

I desire to give you my reasons for believing that there is no vacancy in the area applied for by J. H. Tyler and involved in his two law suits pending in Pecos County, except as to the strip of land along the east side of Section No. 104. It would seem to me that probably your action in awarding that tract was correct and I am not discussing that matter in this letter. I also want to tell you what I know about the two Tyler cases in Pecos County.

Tyler's first suit involves a strip of land along the east side of Section No. 104 and a strip of land along the south side of that part of Runnels County School Land lying east of Section No. 104. His second suit involves a strip of land about four miles long adjacent to the south lines of Sections 101, 102, 103 and 104. In February, 1934, and in time for the service to be complete for the March term 1934, I. G. Yates was served with a citation in the first Tyler suit. This citation shows plaintiff's original petition was filed April 9, 1928. Mr. Yates has not yet been served with a citation in the second case which involves ~~the~~ long strip of land.

I was present on appearance day of the March term 1934 of the District Court in Pecos County and asked for a setting of the case in which Mr. Yates had been cited. Some attorney told the court that there was a controversy among parties claiming the Tyler file in the other suit and that both cases should be continued until this controversy was settled. The court thereupon passed the case for the term. I was again in court when the Tyler cases were called at the September term and again asked for a setting. Mr. Hart Johnson, speaking for the plaintiffs, told the court that the controversy in one of the cases had been settled but that they had not had time to get the case ready for trial since the controversy was settled and that both of the Tyler cases would be ready for trial at the next term of court. All of the delay in the cases so far has been occasioned by the plaintiff.

The only way that the Tyler Survey can be put in is to raise the south line of Runnels County School Land northward from the position that it has heretofore been recognized to occupy. I have discussed this case in detail with several lawyers and they have all been of the same opinion. They all agree that under the Act of 1883 reading as follows: "The surveys of all county school lands heretofore made, either actually on the ground or by protraction, and returned to into the General Land Office, according to law, and upon which patents have issued, are hereby declared valid surveys, and the titles to the lands included within the lines of said surveys, as returned to the General Land Office, are hereby vested in the counties for which the same were made; and in all such surveys the calls for distance shall have precedence and control calls for rivers or natural objects when the calls for distance will give the quantity of land intended to be included in the survey and the calls for natural objects or rivers will not; provided, this law shall not divest any vested rights", and the Supreme Court's opinion in the case of Cross vs. Wilkinson 234 S. W. 68 and Steward, et al, vs. Coleman County 67 S. W. 1016, the calls in Durrell's corrected field notes upon which Runnels County School Land Survey No. 3 is patented necessarily carries the south line of the survey 162 varas south of the south line of Survey No. 65, Block 1.

Block 1, I & GN, was an actual survey on the ground. There are several original corners that can unquestionably be located at this time. A corner of Section 35 known as Pecos Springs corner, the



northeast corner of Section 43 known as Gable Bluffs corner, the northeast corner of Section 60 known as the IR rock corner and the southeast corner of Section 70 have all been located and thoroughly established by many surveyors. In addition to the work of the surveyors, the IR rock at the northeast corner of Section 60 has been determined to be an original corner in the judgment in the Holcomb case to which the State is a party. There are a number of other corners that can probably be sufficiently established but which are not so well known as the corners mentioned.

We have copies of Kuechler's field book which shows in great detail the route that he took in surveying this block from north to south. It is fairly easy to trace his footsteps through the entire length of the block.

By a well-known principle of law the calls of Runnels County School Land for the several corners at the west ends of the adjacent river surveys are valid and binding calls, the river surveys having been established by actual surveys on the ground.

Mr. Durrell put in Runnels County School Land Survey No. 3 by starting at the southwest corner of Section 70 and tying consecutively to each western corner of Section 69, 68, 67, 66 and 65. From the southwest corner of Survey 65 he goes east 298 varas, thence south 162 varas for the southeast corner of Runnels County School Land.

We can see no reason why, under the ordinary rules of surveying, the calls for corners at the west ends of the river surveys should be disregarded but regardless of what might be done if this were a private survey, there can be no question about the effect of the Act of 1883 and the construction placed thereon by the Supreme Court in the cases cited above. Under authority of those cases, we can safely say that Durrell's call for the southeast corner of Section 70 and his calls for the several corners, succeeding each to the southeastward therefrom in stair-step configuration, to the southwest corner of Section 65 and his call of 298 varas east and 162 varas south from that corner are valid calls, so that taking the northwest corner of Runnels County School Land and its southeast corner, we necessarily fix the south and west lines of the survey in accordance with the construction heretofore given the survey by the General Land Office.

While Captain Dod's re-survey can add no validity to the original survey, it was certainly made on the right theory, and since Dod prorated the excess between Sections 60 and 70 in order to locate the south line of Runnels County School Land, he placed the line about where modern surveyors place it using the same correct theory of surveying. There are some differences in measurement but the differences are found through the entire length of the area and do not materially change the result.

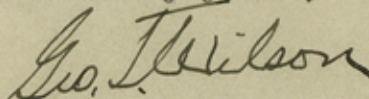
The General Land Office has long recognized the construction of Runnels County School Land that I am now urging. According to this construction, Survey No. 34<sup>1</sup>/<sub>2</sub> fills up the gap between Surveys 101, 102, 103 and 104 on the north and Surveys 34, 35, 36 and 37 on the south and connects with the south line of Runnels County School Land east of Survey 104. The State has leased its minerals in Sections 102 and 104 in this position and has been collecting royalty on oil produced for the last several years on the very ground that Tyler is now claiming. It would seem that the State, having recognized this location of the surveys and having leased its minerals upon the representation that the surveys were so located and having accepted royalties for several years, should not now say that its lessees do not own these oil wells



but that they are on vacant land and will be sold by the State to men who were strangers to the title at the time the well was drilled under leases from the State.

The Act of 1883, since it has been construed by the Supreme Court, is certainly a rule of property in this State that the land owners have a right to rely upon. If Mr. Tyler thinks he is entitled to the land that he has undertaken to file on, he should certainly proceed to try his cases and establish his rights. He certainly cannot claim to use any diligence to establish his rights when he has not yet served citations on necessary defendants in one of the cases and when he has passed the other case over after the defendants have asked for a setting at two terms of the District Court where the cases are pending. I believe you will agree with me that it is not right for the State to sell the land to Tyler on such a weak claim and thus shift the burden of defending their title to men who have for years dealt with the State in good faith on this very land. I am sure you will give all of these matters full consideration.

Sincerely yours,



GEO. T. WILSON

W/g



Mr. J. J. Goodfellow  
San Angelo  
Texas

Dear Mr. Goodfellow:

The purpose of the survey which you are requested to make is to enable this office to acquire facts from a source not in any way influenced by contracts with land owners or with oil companies. The Land Office may have correct information, but it is in possession of few facts in regard to the location of surveys that are not controverted in some way. Until further instructions are given you will restrict your operations to fact finding as follows:

From the southeast corner of Sec. 70, Blk. 1, I&GN Ry. surveys in Pecos County on the Pecos River as established by Dod, by O. W. Williams and by the Court of Civil Appeals in the Pandem Oil Company case you will run a traverse to the Southeast corner of Section 61, same block. ~~For the present~~ you will accept as this corner the I. R. rock found by Williams and accepted by Dod, and sustained in the Holcomb case recently tried in the District Court of Pecos County.

A copy of the O. W. Williams traverse or meander run in 1892 between the same two points, together with his sketch, will be furnished you. You will kindly check this meander making such notes as will enable you to superimpose Williams' work on your sketch if it becomes necessary so to do.

A copy of Keechler's field book as well as copies of his field notes and sketch will be furnished you. Kindly make a careful study of it in connection with the field notes of Section 61 to 70 inclusive, and examine all intervening mounds or monuments which you may find or which may be pointed out to you, noting the type and characteristics of the stones and making such connections as will enable you to place these mounds or monuments on a sketch. You will also take such observations as Keechler



records, particularly those mentioned in Stoneham's report, a copy of which will be furnished you. "The road on the Mesa" which Mr. Stoneham observes is questioned as being the point seen by Keechler.

You will give a hearing to all interested parties and permit them to go into the field with you, but under no circumstances are they to interfere with your work.





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

## General Land Office

State of Texas

Austin

Oct. 26, 1934

Mr. J. J. Goodfellow,  
San Angelo, Texas.

Dear Mr. Goodfellow:

Supplementing our instructions of the 25th instant, when you reach a point on your traverse line where the accumulated southings approximate 4800 varas, you will mark it in some substantial manner so as to make it permanent and readily identifiable. From that point you will later run a traverse to a rock mound set on a flat rock marked by mistake SE 104 called in the field notes of Section 34g to be 215 varas North of the re-entrant corner of said survey.

Very truly yours

Commissioner

JHW/k





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

## General Land Office

State of Texas

Austin

January 9, 1935

Honorable William McCraw,  
Attorney General,  
Austin, Texas.

Dear General:

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# 2

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# 3

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# 4

their wells in accordance therewith. If the area belongs to the State rights have been acquired that the Land Commissioner cannot adjudicate. (50S.W.R.2d.P.1080) The particular area involved has become very valuable. The title to the area is already in litigation. The situation is such that the Commissioner of the Land Office should not move further in the absence of a judgment of some court of competent jurisdiction. If, on investigation, you reach the conclusion that your Department should take some action, it will be my <sup>pleasure</sup> purpose to furnish you all the information disclosed by the records of this office, or within my possession.

Very truly yours,

Commissioner

JHM-ewr



copy 10251

Ben Ponell Aus  
Geo Wilson S Ang.

Conty Hanger & McIn  
Chas Zurehear

A E Seagler Hancher - 2 Co -

John Sayles - <sup>for Perryman & Co</sup> 1603-4 Ref 6 C. Dallas

Thompson, Mitchell Thompson & Young - St Louis

" Knight Baker & Harris - Dallas

(H L George, # Stanislaus & Co San Gato  
and C. H. H. " Hancher

THE

Commissioner

Eppenhauer - S Angelo

Wharton

DELA PLATA LONLE

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

## General Land Office

State of Texas

Austin

January 9, 1935

Honorable William McCraw,  
Attorney General,  
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J. H. WALKER, COMMISSIONER  
S. S. SAYERS, CHIEF CLERK

# General Land Office

State of Texas

Austin

October 25, 1934

Mr. J. J. Goodfellow,  
San Angelo,  
Texas.

Dear Mr. Goodfellow:

In accordance with our agreement in regard to your making the survey of certain areas in Pecos County for the State, I am offering these instructions.

Until receipt of further instructions you will direct your operations to assembling and recording such facts as you may develop on the ground.

From the Southeast corner of Sec. 70, Blk. 1, I&GN Ry. Co. surveys in Pecos County located in a bend of the Pecos River between two falls or ripples, identified as the position of the original Southeast corner of said section by O. W. Williams in 1892, and subsequently by Capt. R. S. Dod, and held to be the corner of 70 in the Pandem Oil Company case, you will run a traverse or meander to the Southeast corner of Sec. 61 in the same block, the same being evidenced by the I. R. rock found by Williams, accepted by Dod, and held to be correct in the Holcomb case recently tried in the District Court of Pecos County.

A copy of the O. W. Williams traverse and meander run in 1892 between the same two points, together with his sketch, will be furnished to you.





J. H. WALKER, COMMISSIONER  
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## General Land Office

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Mr. Goodfellow

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I believe you have studied all these papers in the last few days with the exception of Kuechler's field book. In this connection let me ask you to give a hearing to all interested parties, and to permit them to go into the field with you, but under no circumstances are they to interfere with your work.

In proceeding southward from the beginning point at the Southeast corner of 70 you will examine all mounds, monuments or other land marks which you may find, or which may be pointed out to you, noting the type and characteristics thereof, and making such connections as will enable you to give their related position to your line.

You will check Williams' meander, making such notes as will enable you to superimpose it on your sketch if necessary.

You will take such observations on distant points as Kuechler records, particularly those mentioned in Stoneham's report,





# General Land Office

State of Texas

Austin

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S. S. SAYERS, CHIEF CLERK

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-3-

Oct. 25, 1934

and notably the "road on the mesa."

The Northeast corner of Sec. 63 might be termed a "ripple corner" as well as the Southeast corner of 70.

Kindly make an observation of the river in that area, and report your findings.

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1368

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VICE-PRESIDENT AND  
GENERAL COUNSEL  
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REX G. BAKER  
R. E. SEAGLER  
KNOX W. GILMORE  
H. O. YOUNG  
J. Q. WEATHERLY  
GILVIE HUBBARD  
JOHN R. ANTHONY  
H. E. BELL  
W. J. BARNES  
ROBT. F. HIGGINS  
H. P. PRESSLER, JR.  
LEE M. SHARRAR  
R. G. DURST  
FELIX A. RAYMER  
CARL ILLIG, JR.  
R. CHESTER DAY

# HUMBLE OIL & REFINING COMPANY

LEGAL DEPARTMENT

HOUSTON, TEXAS

September 24, 1934

Hon. J. H. Walker  
Commissioner of the General Land Office  
Austin, Texas

Dear Sir:-

We have been informed that J. H. Tyler has applied for, and is insisting upon your issuing to him, a patent covering a strip of land running east and west along the south lines of Sections 101, 102, 103 and 104, T.C. Ry. Co. Survey in Pecos County, Texas, which he claims to be vacant land.

Humble Oil & Refining Company protests the granting of a patent on said land, as its engineers feel certain that there is no vacancy existing along the south lines of said sections. All of the land in question is taken up by said Sections 101 to 104, inclusive, and Yates 34 $\frac{1}{2}$ , and there is no room in there for any additional lands.

We trust that you will not grant a patent to the strip applied for unless and until you are required to do so by the judgment of a court of competent jurisdiction.

Yours very truly,

HUMBLE OIL & REFINING COMPANY

By

*R. E. Seagler*  
Attorney

RES/lm

RECEIVED

SEP 25 1934

REFERRED TO MAP

Acknowledged 9/26/34  
B



1369

E. E. TOWNES,  
GENERAL COUNSEL  
G. P. DOUGHERTY  
HINES H. BAKER  
REX G. BAKER  
R. E. SEAGLER  
KNOX W. GILMORE  
H. O. YOUNG  
J. Q. WEATHERLY  
GILVIE HUBBARD  
JOHN R. ANTHONY  
H. E. BELL  
W. J. BARNES  
ROBT. F. HIGGINS  
H. P. PRESSLER, JR.

# HUMBLE OIL & REFINING COMPANY

LEGAL DEPARTMENT

HOUSTON, TEXAS

September 25th

1934



PLEASE ADDRESS YOUR REPLY TO  
POST-OFFICE BOX 2180, HOUSTON, TEXAS

RECEIVED

SEP 25 1934

REFERRED TO MAP

Hon. J. H. Walker,  
Commissioner,  
General Land Office,  
Austin, Texas.

Dear Sir:-

We understand that J. H. Tyler or those claiming under him are seeking to have you issue to them a patent covering the alleged vacancy filed on by Tyler which he claims lies south of T. C. Ry. Co. Sections 101, 102, 103, and 104, and north of Yates Survey #34-1/2 in Pecos County, Texas. We wish respectfully to protest against your approving the field notes in connection with this filing and issuing a patent to the applicant among other things for the following reasons:

1. We are advised that it is an easy matter now to find the original corners established by Koechler near the Pecos River when he surveyed the I&GN surveys in block 1. Specifically, the northeast corner of section 70, the northeast corner of section 68, and the northeast corner of section 67 are located on the ground, while the monument which witnesses the location of the north line of section 545 is easily found on the ground, and while the southeast corner of section 61 can be located from the original corner established by Koechler. The surveys intervening between 67 on the north and 60 on the south are correctly located by portioning the north and south distance between the Koechler monument located in the north line of 545 and the north line of 60.

From this data it is an easy matter to locate on the ground all of the I&GN surveys. After this is done, it is equally as easy to reestablish on the ground the Runnels County School League survey by placing its northwest corner at the southwest corner of section 70, then locating its east boundary line by the calls for the River surveys, and locating its southeast corner by the course and distance call from the south line of section 65.

*Acknowledged 9/26/34*  
*B*



Hon. James H. Walker -p.#2 9/25/34

The south line of Runnels County School League is properly located by going west on the course called for in its field notes from the southeast corner of the league when located as above stated. Likewise, the west line of the league is located by going south on the course called for in the field notes from the southwest corner of section 70. The southwest corner of the league is correctly located at the point where the south line and the west line of the league intersect. This is the method employed by the Supreme Court in the Smith-Turner case in locating the northeast corner of block Z, T.C. Ry. Co. lands. You will recall that the north line of block Z was located from the canyon corner and the east line was located from the Perry Hill corner, and the northeast corner of block Z was located at the point of intersection of the north and east lines when so located. That principle should hold good here. When so located, the south line of Runnels County School League will properly fall approximately 20 varas south of the south line of the league as located by Captain Dodd. As you know, sections 101, 102, 103, and 104 have as their north boundary line the south boundary line of Runnels County School League. When they are located according to their field notes from the true south line of the school league, they will extend further south than the north line of Yates Survey #34-1/2 as it was located by Dodd. In other words, Dodd placed the Yates survey #34-1/2 in conflict with 101, 102, 103, and 104 to the extent of approximately 20 varas. Consequently, instead of having a vacancy, we in fact have a slight overlap of the Yates Survey on to the T. C. Surveys.

2. The question as to whether or not the claimed vacancy exists is now involved in litigation. We respectfully submit that it would be improper for the Land Commissioner to prejudice the rights of those who are involved in the litigation by issuing a patent at this time. The courts will ultimately decide the issue as to whether or not a vacancy exists, and it would seem to us that it is entirely appropriate for the Land Commissioner to await the outcome of this litigation before he decides whether or not he should issue a patent.

Thanking you for giving these suggestions such consideration as they may merit, we beg to remain

Yours very truly,

HUMBLE OIL & REFINING COMPANY

By

*Rex G. Baker*  
Attorney

RGB/km



JOHN SAYLES

PERRY SAYLES

SAYLES & SAYLES

ATTORNEYS & COUNSELLORS AT LAW  
ABILENE AND EASTLAND, TEXAS

ABILENE, TEXAS  
1603-4 REPUBLIC BK, BLEG,  
DALLAS, TEXAS  
September 20, 1934

636  
RECEIVED

SEP 24 1934

REFERRED TO MAP

Hon. J. H. Walker  
Commissioner of the General Land Office  
Austin, Texas

Dear Sir: -

In re: Survey No. 103, Block 194,  
T.C.Ry. Co. Pecos County, Texas..

There is now pending in the District Court of Pecos County, Texas, a suit styled John Tyler -vs- A. N. Lea, County Surveyor, the effect of which is a contention that the south 215 varas of Survey Nos. 101, 102, 103 and 104, Block 194, T. C. Ry. Co., Pecos County, Texas is a vacancy and subject to sale and award by you.

This contention constitutes a repudiation of the South boundary line of Runnels County School Land League Survey, Pecos County, Texas, as established on the ground by re-survey made by Capt. R. S. Dod, State Surveyor.

The Permian Oil Company of Eastland, Texas, owns the surface of and oil, gas and mineral interests in said Survey No. 103, as held by the Supreme Court of Texas, in the suit of Permian Oil Company -vs- Smith, et al, 73 S.W.(2d) 490, and this suit also involves the location on the ground of said Survey No. 103 and consequently the South boundary line of said Runnels County School Land Survey.

The Permian Oil Company, protests against the sale or award of the alleged vacancy, as unappropriated, vacant or public school land. Whether or not there is a vacancy is now the subject of litigation to be determined by the Courts.

Yours very truly,

PERMIAN OIL COMPANY

BY ITS ATTORNEYS

John Sayles  
J. B. Dibrell, Jr.

acknowledged 9/25/34  
B



JOHN SAYLES

PERRY SAYLES

SAYLES & SAYLES

ATTORNEYS & COUNSELLORS AT LAW  
ABILENE AND EASTLAND, TEXAS

ABILENE, TEXAS  
1603-4 REPUBLIC BK. BLDG.  
DALLAS, TEXAS

September 20, 1934

Hon. J. H. Walker  
Commissioner of General Land office  
Austin, Texas

Dear Sir: -

In re: Survey No. 104, Block 194, T.C.Ry. Co.  
Pecos County, Texas

There is now pending in the District Court of Pecos County, Texas, a suit styled John Tyler -vs- A. N. Lea, County Surveyor, the effect of which is a contention that the South 215 varas of Survey nos. 101, 102, 103 and 104 Block 194, T.C.Ry.Co., Pecos County, Texas, is a vacancy and subject to sale and award by you.

This contention constitutes a repudiation of the South boundary line of Runnels County, School Land League Survey, Pecos County, Texas, as established on the ground by re-survey made by Capt. R. S. Dod, State Surveyor.

The Permian Oil Company of Eastland, Texas, owns the surface of and oil and gas and minerals interests in said Survey No. 104. There is also pending in the District Court of Pecos County, Texas, the suit of Permian Oil Company -vs- M. A. Smith, et al, which also involves the location on the ground of said Survey No. 104, and consequently the South boundary line of said Runnels County School Land Survey.

The Permian Oil Company protests against the sale or award of the alleged vacancy as unappropriated, vacant or public school land. Whether or not there is a vacancy is now the subject of litigation to be determined by the courts.

Yours very truly,

PERMIAN OIL COMPANY

BY ITS ATTORNEYS

*John Sayles*  
*J. B. Dittell, Jr.*  
*Adelina J. Dittell*  
*9/20/34*  
*B*



## CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

# WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

## SIGNS

DL = Day Letter  
NM = Night Message  
NL = Night Letter  
LCO = Deferred Cable  
NLT = Cable Night Letter  
WLT = Week-End Letter

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at

1934 SEP 18 AM 10 54

D155 196 DL 1/140=AC STLOUIS MO 18 958A

## MINUTES IN TRANSIT

|           |            |
|-----------|------------|
| FULL-RATE | DAY LETTER |
|-----------|------------|

HON J H WALKER=

COMMISSIONER OF THE LAND OFFICE AUSTIN TEX=

WE UNDERSTAND J H TYLER IS APPLYING FOR PATENT ON STRIP OF LAND ALONG THE SOUTH OF SECTIONS ONE HUNDRED ONE ONE HUNDRED TWO ONE HUNDRED THREE ONE HUNDRED FOUR T C RAILROAD SURVEY PECOS COUNTY STOP WE DESIRE TO REGISTER OUR PROTEST AGAINST ISSUANCE OF SUCH PATENT STOP SHELL PETROLEUM CORPORATION HAAS AN OIL AND GAS LEASE ON SECTION ONE HUNDRED TWO WHICH IS MINERAL CLASSIFIED LAND AND STATE IS RECEIVING ONE HALF OF ROYALTIES STOP SHELL HAS TWO LARGE PRODUCING WELLS ON STRIP INVOLVED ALSO HUMBLE OWNING ONE HUNDRED ONE SIMS OWNING ONE HUNDRED THREE AND STANOLIND OWNING ONE HUNDRED FOUR HAVE LARGE PRODUCING WELLS ON STRIP STOP THERE IS NO VACANCY BETWEEN THESE SURVEYS AND SURVEY THIRTY FOUR AND ONE HALF LYING ON THE SOUTH STOP TYLER YEARS AGO FILED SUIT TO ATTEMPT TO ESTABLISH A VACANCY=

RECEIVED

SEP 18 1934

REFERRED TO MAP

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE



## CLASS OF SERVICE

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# WESTERN UNION (53)

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

## SIGNS

DL = Day Letter  
 NM = Night Message  
 NL = Night Letter  
 LCO = Deferred Cable  
 NLT = Cable Night Letter  
 WLT = Week-End Letter

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at

D155 2/56=

1934 SEP 18 AM 10 54

## MINUTES IN TRANSIT

|           |            |
|-----------|------------|
| FULL-RATE | DAY LETTER |
|-----------|------------|

ON THIS STRIP IN THE DISTRICT COURT OF PECOS COUNTY AND TO  
 DATE HAS MADE NO EFFORT TO TRY CASE STOP WE ARE SATISFIED  
 FROM OUR EXPERIENCE WITH YOUR FAIRNESS AND IMPARTIALITY THAT  
 YOU WILL DENY THIS APPLICATION AND LEAVE TO MR TYLER SUCH  
 FURTHER PROCEEDINGS IN HIS SUIT AS HE MAY BE ABLE TO TAKE=  
 THOMPSON MITCHELL THOMPSON AND YOUNG.



## CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

# WESTERN UNION (55)

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

## SIGNS

DL = Day Letter  
NM = Night Message  
NL = Night Letter  
LCO = Deferred Cable  
NLT = Cable Night Letter  
WLT = Week-End Letter

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

## Received at

D160 110 DL=DALLAS TEX 18 1039A

1934 SEP 18 AM 10 57

HON J H WALKER=

LAND COMMISSIONER AUSTIN TEX=

| MINUTES IN TRANSIT |            |
|--------------------|------------|
| FULL-RATE          | DAY LETTER |

WE ARE ADVISED THAT EFFORT IS BEING MADE TO SECURE A PATENT TO A STRIP OFF THE SOUTH PART OF SECTIONS ONE HUNDRED ONE ONE HUNDRED TWO ONE HUNDRED THREE AND ONE HUNDRED FOUR BLOCK ONE NINETY FOUR T C RAILWAY COMPANY PECOS COUNTY STOP THIS UPON THE CLAIM THAT THERE IS A VACANCY STOP WE ARE ATTORNEYS FOR SIMMS OIL COMPANY STOP THIS COMPANY HAS HAD A LEASE ON SECTION ONE HUNDRED THREE FOR TEN YEARS AND HAS BEEN PRODUCING OIL FOR MORE THAN SEVEN YEARS ON THE STIP CLAIMED TO BE VACANT STOP THERE IS NO VACANCY AND WE WISH TO RESPECTFULLY PROTEST THE ISSUANCE OF A PATENT=

THOMPSON KNIGHT BAKER & HARRIS.

RECEIVED

SEP 18 1934

REFERRED TO MAP



## CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

# WESTERN UNION (52)

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

## SIGNS

DL = Day Letter  
NM = Night Message  
NL = Night Letter  
LCO = Deferred Cable  
NLT = Cable Night Letter  
WLT = Week-End Letter

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

## Received at

HS 17 141=HENDERSON TEX 18 842A

HON J H WALKER=

LAND COMMISSIONER AUSTIN TEX=

1934 SEP 18 AM 8 53

2092

## MINUTES IN TRANSIT

|           |            |
|-----------|------------|
| FULL-RATE | DAY LETTER |
|-----------|------------|

IT IS UNDERSTOOD THAT J H TYLER WILL TODAY APPLY TO YOU FOR THE ISSUANCE OF A PATENT FOR A CLAIMED VACANCY OFF THE SOUTH SIDE OF SECTIONS ONE HUNDRED ONE TWO THREE AND FOUR PECOS COUNTY TEXAS STOP STANOLIND OIL AND GAS COMPANY NOW OWNS A LEASE UPON SECTION ONE HUNDRED FOUR STOP THERE ARE NOW PRODUCING OIL WELLS ON THE SOUTH END OF SECTION ONE HUNDRED FOUR WHICH WILL BE AFFECTED BY THE CLAIMED VACANCY STOP STANOLIND OIL AND GAS COMPANY HAS CAREFULLY INVESTIGATED THE FACTS AND IS CONVINCED THAT NO VACANCY EXISTS NOW OR HAS NEVER EXISTED STOP TYLER NOW HAS A SUIT PENDING IN THE DISTRICT COURT OF PECOS COUNTY DESIGNED TO DETERMINE THE EXISTENCE OF A VACANCY AND WE THINK HE SHOULD BE REQUIRED TO GO THROUGH WITH THAT SUIT BEFORE THE ISSUANCE OF ANY PATENT=

STANOLIND OIL AND GAS COMPANY C R WINN ATTORNEY.

RECEIVED

SEP 18 1934

REFERRED TO MAP

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

60607



**J. J. GOODFELLOW**  
CONSULTING SURVEYOR AND  
LICENSED STATE SURVEYOR

SAN ANGELO, TEXAS, Oct 20 1934

Hon. J. H. Walker  
Com. Gril Land Office  
Austin Texas

Dear Sir,

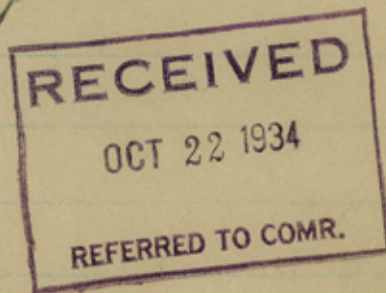
Your favor of 19<sup>th</sup> inst. regarding your desire to have me make a survey of lands on Pecor River, in Pecos Co. for the purpose of ascertaining facts regarding location of surveys between Sur. 61 & 70 Bk. 1. D & G. N. Ry Co.

Inasmuch as it is the "Facts" in this matter, you wish, it will be a pleasure for me to undertake the work.

I will arrange to be at your Office some time during the day next Wednesday (Oct 24<sup>th</sup>) to confer with you in this matter.

Yours Truly,

J. J. Goodfellow.





C. R. Winn

1010 Rep. W. Bk

Dallas Texas

Stanford & S. Co -



Zant (went over with grms)

H. L. George

J. J. Goodfellow

Sylvan Sanders

A. N. Lee

F. F. Friend  $\left( \frac{\text{Exp}}{\text{Dite}} \right)$

61

1069.75

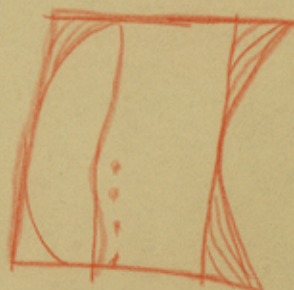
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LEE





October 30, 1934

Mr. J. J. Goodfellow,  
San Angelo,  
Texas.

Dear Mr. Goodfellow:

I am enclosing a copy of a letter written Mr. Yarborough, assistant Attorney General, in regard to the survey you are making in the Yates field. While you are on a fact-finding expedition you understand, of course, that from your work the positions of the various river surveys may have to be determined.

The purpose of this letter is to suggest that your report cover every bit of information you can gather that would lead in any way to the solution of the questions involved. I am sure you will do this any way, but the matter is of such vital concern that you must pardon any seeming repetition.

Sincerely yours,

Commissioner

JHW-ewr  
enc.1



*Office copy*

October 30, 1934

Mr. Ralph W. Yarborough,  
Assistant Attorney General,  
Austin, Texas.

Dear Ralph:

In line with your suggestion of October 15th the Land Office has placed a surveyor, Mr. J. J. Goodfellow, in the Yates field with a view to gathering information that will lead to the determination of the correct location of the Southwest corner of Runnels County School League No. 3 and to the location of certain river surveys to enable the Department to pass on various applications for leases. In submitting my inquiry of the 15th perhaps I did not make a clear presentation of the case.

When the location of the Runnels County School League No. 3 was before the Department in 1919 the question was which of two different constructions of the field notes should be adopted. First: to begin at the SW corner of Sec. No. 70, I&GN Ry. Co. thence S 4912 varas, thence E to the West line of Sec. 65 (the distance would be 8339 instead of 8637 as called for in the field notes) thence North and West following the back lines of the river surveys to the NW corner of No. 69, thence W 2344 varas to the place of beginning. (This last line is 150 varas short of the field note call 2494 varas) This is Dod's first plan and would reduce the area of the survey 138 acres. Second: to begin at the SW corner of Section No. 70 I&GN, thence E 2344 varas to the NW Corner of Sec. 69, thence South and East following the back lines of the river surveys to the SW corner of 65, thence E 298 varas, thence S 162 varas, thence W 8637 varas, thence N 5127 varas to the place of beginning. This would increase the area of the survey 187 acres.

The Land Office chose the second plan, because it respected all the calls for joiners and gave the survey its full quantity.

League No. 3 has fourteen corners, eleven of them are common with the I&GN river survey corners. Either of the foregoing constructions shortens the North line 150 varas.



R. W. Yarborough

-2-

Oct. 30, 1934

The re-survey to be made by Mr. Goodfellow may not change the facts presented, and will not relieve this office of the law questions involved -- how should the Runnels County School League No. 3 be constructed? Of course the re-survey may develop some material and unknown facts that will bear upon its proper construction, and until Mr. Goodfellow makes his returns I am not asking for an opinion. The main purpose of this letter is to acquaint you with certain facts not presented, and to give all parties concerned the background of the case.

Very truly yours,

Commissioner

JHW-ewr

b.c. to Judge Geo. T. Wilson- San Angelo  
Thompson, Mitchell ,Thompson & Young,St.Louis  
John Sayles,# Sayles & Sayles, Dallas  
Rex Baker, Humble ,Houston  
Gillis Johnson, Cantey Hanger & McMahon-Ft.Worth  
Thompson, Knight, Baker & Harris, Dallas  
C. R. Wynn, Henderson  
W. A. Keeling, Austin  
Judge Ben H. Powell, Austin  
C. W. Trueheart,Natl.Bank of Commerce Bldg.San Antonio  
J.J.Goodfellow



Amarillo, Texas, August 4 1934

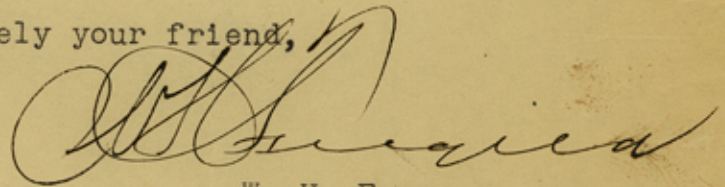
Hon. J. H. Walker,  
Land Commissioner,  
Austin, T e x a s,

My dear Mr. Walker:-

I am in receipt of your very nice letter and I appreciate your writing me. I am indeed very highly pleased over your election. I think it is just fine, and I hope that you may have the privilege of serving the people of Texas many, many more years. You have not only been diligent but very faithful in the performance of your services. All with whom I have spoken speak very highly of you. A cousin of mine, Mrs. R. B. Kuykendall, and her family, speak very highly of you; they have very high regard for you and your people and often speak in most complimentary terms of all of you.

In the meantime, hoping to have the privilege of seeing you if you are in this section, or if I am in Austin I shall avail myself of the pleasure of calling on you, I beg to remain,

Sincerely your friend,

A handwritten signature in dark ink, appearing to read 'W. H. Fuqua', with a large, stylized initial 'W'.

W. H. Fuqua.

WHF-o





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

## General Land Office

State of Texas

Austin

*Office copy*

January 9, 1935

Honorable William McCraw,  
Attorney General,  
Austin, Texas.

Dear General:

Under date of October 15, 1934, I submitted a question of the proper construction of Survey No. 3, Runnels County School land, in Pecos County, in its relation to a file made by John H. Tyler in 1926 under the provisions of Article 5323, Revised Civil Statutes, 1925. My letter is embodied in the Assistant Attorney General's reply thereto of the same date, copy of which is enclosed (1). On the same subject is copy of a letter to the Assistant Attorney General dated October 30, 1934 (2). Mr. J. J. Goodfellow, a licensed land surveyor of San Angelo, was employed to make the survey suggested by Mr. Yarborough. A copy of his instructions is enclosed (3). Supplemental instructions were given him to locate a point on his traverse approximately 4800 varas south of the SE corner of Section 70, Block 1, I&GN (4). Mr. Goodfellow's report was filed in this office December 21, 1934. A copy of it is enclosed (5). I am also handing you copy of the sketch returned by him with said report (6).

Mr. Tyler's contention is that there is a vacancy between the TC Ry. Co. surveys 101, 102, 103 and 104 on the North, as corrected by O. W. Williams, and the I. G. Yates school survey on the South, as surveyed and marked on the ground by R. S. Dod, state surveyor. The TC Ry. Co. surveys were made by protraction, and likewise the corrections were made without a survey on the ground. For that reason the position of the TC Ry. Co. surveys may be controlled by the ground position of the Runnels County School Land Survey No. 3, which was also made by protraction.

Block No. 1, I&GN Ry. survey, was originally made by Jacob Kuechler in 1876. The Runnels County School Land League No. 3 was surveyed February 7, 1881, by L. W. Durrell, but was patented on corrected field notes signed by him, and dated June 8, 1882. A copy of the original and of the corrected field notes is enclosed (7 & 8). A copy of Durrell's sketch returned with the field notes to Block 194 is enclosed (9). It will be noted that he fitted the river surveys





# General Land Office

State of Texas

Austin

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

Hon. William McCraw

-2-

Jan. 9, 1935

on the East to his block rather than his block to the river surveys. Enclosed also is copy of his sketch with the river surveys and the Runnels County School Land shifted in such position as to make a joinder between the river sketches (10). This sketch is not offered as showing the correct position of the surveys.

In 1917 and 1918 Captain R. S. Dod, under an appointment by the Commissioner of the Land Office, and under instructions from this office, made a resurvey of much of the area involved which now includes the Yates oil field. Under instructions from the Land Office, in the giving of which I participated as Chief Clerk, Captain Dod located the Runnels County School Land by respecting all of its calls for the river surveys as located on the ground by him, which places the SW corner of the Runnels County School Land 5127 varas S. of the southwest corner of Section 70, and 8637 varas W. of a point 162 varas S. and 298 varas E. of the southwest corner of Section 65, as located by him. Then placing the TC Ry. Co. surveys south of the Runnels County School Land, giving each survey an east and west extension of 1900 varas, and the north and south extension of 1209 varas, he surveyed Section No. 34 $\frac{1}{2}$ , I. G. Yates, between said railroad company surveys and Block 194, GC&SF, marking the same on the ground.

Mr. Tyler's contention is that the Runnels County School Land should be located on the ground by running a line South 4912 varas from the SW corner of 70, thence East for contact with the I&GN surveys. This contact would be with the West line of 65 North of its SW corner; and that the TC Ry. Co. surveys should be located by a joinder with the Runnels County School Lands for which the field notes call and South for distance. This would leave a space between said railroad company surveys and the I.G. Yates No. 34 $\frac{1}{2}$ . On this space Mr. Tyler made Application of Inquiry in 1926 under Art. 5323, R.C.S. 1925, and on receipt of an answer from this Department that the area was not unsurveyed public free school land, he filed a mandamus proceeding under said Article against the County Surveyor of Pecos County, which suit is now pending.

I believe it is my duty to lay the case before you for investigation and for such action as you may see proper to take. The owners of the various surveys accepted the construction given by the Land Office in 1918, and have built their fences and drilled their wells





# General Land Office

State of Texas

Austin

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

Hon. William McCraw

-3-

Jan. 9, 1935

in accordance therewith. If the area belongs to the State rights have been acquired that the Land Commissioner cannot adjudicate. (50 S.W.R.2d.P.1080) The particular area involved has become very valuable. The title to the area is already in litigation. The situation is such that the Commissioner of the Land Office should not move further in the absence of a judgment of some court of competent jurisdiction. If, on investigation, you reach the conclusion that your Department should take some action, it will be my pleasure to furnish you all the information disclosed by the records of this office, or within my possession.

Very truly yours,

Commissioner

JHW-our

cc. sent Judge Ponce  
" J. S. + Wilson  
Canter, Hager + McMahon  
Chas. F. H. H. H.  
R. E. Seagler for Humble  
John Sayles for Permian Oil Co.  
Thompson, Mitchell, Thompson + Young - St Louis  
Thompson Knight Baker + Harris  
H. L. Korge for Standard





# General Land Office

State of Texas

Austin

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

October 25, 1934

Mr. J. J. Goodfellow,  
San Angelo,  
Texas.

Dear Mr. Goodfellow:

In accordance with our agreement in regard to your making the survey of certain areas in Pecos County for the State, I am offering these instructions.

Until receipt of further instructions you will direct your operations to assembling and recording such facts as you may develop on the ground.

From the Southeast corner of Sec. 70, Blk. 1, I&GN Ry. Co. surveys in Pecos County located in a bend of the Pecos River between two falls or ripples, identified as the position of the original Southeast corner of said section by O. W. Williams in 1892, and subsequently by Capt. R. S. Dod, and held to be the corner of 70 in the Pandem Oil Company case, you will run a traverse or meander to the Southeast corner of Sec. 61 in the same block, the same being evidenced by the I. R. rock found by Williams, accepted by Dod, and held to be correct in the Holcomb case recently tried in the District Court of Pecos County.

A copy of the O. W. Williams traverse and meander run in 1892 between the same two points, together with his sketch,





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

# General Land Office

State of Texas

Austin

Mr. Goodfellow

-2-

Oct. 25, 1934

A copy of Kuechler's field book, as well as copies of his field notes and sketch, will be furnished you.

A copy of Captain Dod's report on the surveys made by him in that area will be furnished you.

Also a copy of Stoneham's report and sketch of a survey made by him in recent months in which he claims to have identified the corners of Sections 61, 62 and 63 in said Block 1 will be furnished you.

I believe you have studied all these papers in the last few days with the exception of Kuechler's field book. In this connection let me ask you to give a hearing to all interested parties, and to permit them to go into the field with you, but under no circumstances are they to interfere with your work.

In proceeding southward from the beginning point at the Southeast corner of 70 you will examine all mounds, monuments or other land marks which you may find, or which may be pointed out to you, noting the type and characteristics thereof, and making such connections as will enable you to give their related position to your line.

You will check Williams' meander, making such notes as will enable you to superimpose it on your sketch if necessary.

You will take such observations on distant points as Kuechler records, particularly those mentioned in Stoneham's report,





# General Land Office

State of Texas

Austin

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

Mr. Goodfellow

-3-

Oct. 25, 1934

and notably the "road on the mesa."

The Northeast corner of Sec. 63 might be termed a "ripple corner" as well as the Southeast corner of 70.

Kindly make an observation of the river in that area, and report your findings.

You will feel at liberty to call upon this Department for any further information you may require.

Very truly yours,

JHW-ewr

Commissioner



**J. J. GOODFELLOW**  
CONSULTING SURVEYOR AND  
LICENSED STATE SURVEYOR

SAN ANGELO, TEXAS, Oct 27 1934

Hon J. H. Walker  
Com. Civil Land Office

Dear Sir,

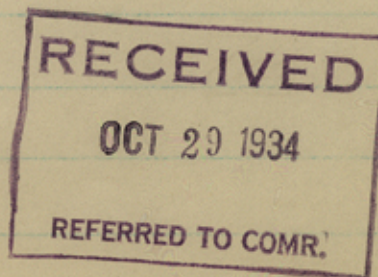
I received, through the mail, on Thursday, last, the field notes, Working sketches &c. for my work in Pecos Co. Also your "Instructions" to me advising what information you wished.

Also today I received your Supplementary Instructions, of date of Oct 26/34.

I will endeavor to carry out the work in keeping with your instructions.

I am planning to go to Druann next Tuesday morning <sup>(Oct. 30)</sup> to begin work on the ground.

Yours Truly  
J. J. Goodfellow, Surveyor.





**J. J. GOODFELLOW**  
CONSULTING SURVEYOR AND  
LICENSED STATE SURVEYOR

962

SAN ANGELO, TEXAS.

Oct 29 1934

Hon. J. H. Walker  
Com. Gril Land Office

Dear Sir,

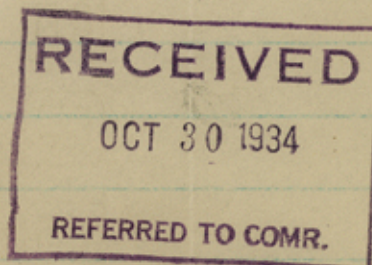
Your 2<sup>30</sup> p.m. Telegram, today,  
received.

My Headquarter while on the Pecos Co. work  
will be at a Hotel in Iraan.

'Dont know which Hotel, but will get mail  
directed to me at "Iraan"

'Expectin to leave here for that place at 8 a.m.  
Tomorrow, (Tuesday).

Yours Truly  
J. J. Goodfellow





1506

J. S. CALLICUTT  
ATTORNEY AND COUNSELOR AT LAW  
CORSICANA, TEXAS

FIFTH FLOOR  
STATE NATIONAL BANK BUILDING

October 29, 1934

Hon. J. H. Walker, Commissioner  
General Land Office  
Austin, Texas

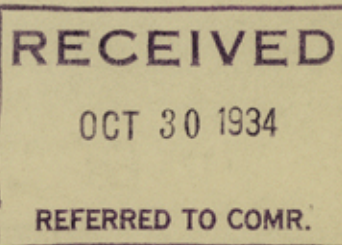
Dear Mr. Walker:-

In reference to the application for patent for the abandoned bed of Trinity River, concerning which I talked to you a few days ago while in Austin, will state that an application has been properly executed and a complete survey has been made by the County Surveyor, Mr. Wm. M. Elliott, and I will come down to Austin on next Thursday, November 1, if we can go over the matter with you at that time. However, if some other date suits you better, wire me at my expense what day will suit you. Mr. Elliott was tied up with some other matters and said that on November 1 he could get away from home and come down to Austin and go over the application with you.

Yours very truly

J. S. Callicutt

JSC:LB





1099

GEO. T. WILSON  
ATTORNEY  
SAN ANGELO, TEXAS

November 2, 1934

Hon. J. H. Walker  
Land Commissioner  
Austin, Texas

Dear Mr. Walker:

I have your letter of October 31st enclosing a copy of the letter that you wrote on October 30th to Ralph W. Yarborough, Assistant Attorney General.

I would appreciate it very much if you would let me know when the Pecos County survey is completed.

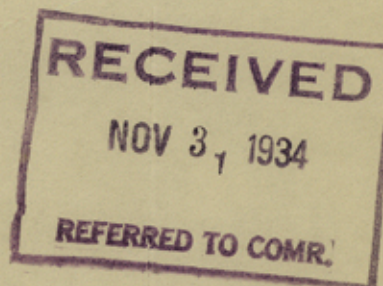
I was very sorry to hear of the serious illness of your sister.

With personal regards, I am,

Sincerely yours,

*Geo. T. Wilson*  
GEO. T. WILSON

W/g





C O P Y

Office of the Attorney General  
Austin

October 15, 1934

Honorable J. H. Walker,  
Commissioner of the General Land Office,  
Land Office Building,  
Austin, Texas.

Dear Mr. Walker:

Your inquiry of October 15, 1934, concerning the John H. Tyler file and the proper location of the Southwest Corner of Runnels County School Land Survey No. 3 in Pecos County, Texas, reads as follows:

" Attorneys representing John H. Tyler are asking for a reconsideration of our answer to an application made by him under Art. 5323, R. C. S. 1925, on which he brought suit prior to the withdrawal of unsurveyed school lands from the market, and which suit is now pending in Pecos County in which the area is situated.

" The existence of a vacancy covered by his application, which lies between Survey No. 34 $\frac{1}{2}$ , Ira G. Yates, and the TC Ry. Co. surveys 101, 102, 103 and 104 to the North, appears to depend upon the proper location of the SW corner of Runnels County School Land Survey No. 3. The proper location of the Runnels County School Land to some extent is discussed by the Court in the Panden Oil Co. case, 29 SW 2d, p. 878. The sketch appearing in the opinion indicates that Dod's position of the TC Ry. Co. surveys would place their South line 1209 varas measured from a line extending East from a point established by Dod as the correct SW corner of the Runnels County School Land, which point is shown by him to be 5127 varas South of the SW corner of the I&GN Sur. No. 70. The distance of this line given in the original field notes is 4912 varas.

" My inquiry is whether the SW corner of the Runnels County School Land should be established by beginning at the SE corner of Sur. 70, I&GN Sur. (Ripple corner); thence W. with South line of 70 to the SW corner thereof for the NW corner of the Runnels County School Land; thence S. for the SW corner of the Runnels County School Land



# 3

indicate that the Southwest Corner of Runnels County School Land Survey No. 3 should be located 4,912 varas South of the Southwest Corner of Section 70, Block 1. There may be, however, other factors bearing upon the location of this corner not shown in the opinions or instruments which I have before me, and in the absence of an actual survey upon the ground I would hesitate to express a conclusion upon the proper location of this corner.

I suggest that a survey be made, and that all the available information be assembled in order that the Land Commissioner might have it before him in passing upon the correct location of the Southwest corner of Runnels County School Land Survey No. 3 in Pecos County.

Yours very truly,

(Signed) R. W. Yarborough  
Assistant Attorney General

RWY/bb



is that Southwest corner correctly located at 4912 varas S. from the SW corner of Sec. 70 as per the original surveyor Durrell's field notes; or, second, is such Southwest corner correctly located 5127 varas as per Dod's re-survey in 1917-1919?

" I would thank you for the earliest answer it is practicable for you to give me."

In response to your inquiry, you are advised that Runnels County School Land Survey No. 3 should be located according to its corrected field notes made by L. W. Durrell on June 8, 1882, upon which corrected field notes patent was issued. Dod could not, by re-survey, change the location of any of the original lines of Runnels County School Land No. 3. *Turner v. Smith*, 61 S.W.(2d) 792.

The correct way to locate Runnels County School Land Survey No. 3 in Pecos County is to begin at the Southeast Corner of Section 70, Block 1, I & G N Railway Company Survey; then run West the called distance for the Southwest corner of said Section 70. The Runnels County School Land Survey should begin at the Southwest Corner of Section 70 so established. *Pandem Oil Corporation v. Goodrich*, 29 S.W. (2d) 877.

The corrected Durrell field notes on which the patent to Runnels County School Land Survey No. 3 was issued give the West line of Runnels County School Land Survey No. 3 a distance of 4,912 varas. The northern portion of Dod's large sketch of the Pecos County Area, filed in the General Land Office on November 18, 1919, (certified copy of which I have before me at this time) being Dod's first sketch attached to his original report upon this area, gives the West line of Runnels County School Land Survey No. 3 a distance of 4,912 varas. From the face of the patent and the field notes upon which said patent was based it would seem that the West line of this survey is 4,912 varas long, and this seems to have been Dod's original opinion before instructions to change his work were received from the General Land Office. These facts would strongly



*Report on Application of  
Calvin C. Swisher in  
Block 14 S. 4 N. 4 E.  
Filed 11-18-19*

2053

RECEIVED

NOV 25 1919

Alpine, Texas, Nov. 22 1919

Referred to Map

Hon. J. T. Robison  
Commissioner Gen. Land Office  
Austin, Tex.

Dear Sir,

In accordance with your favor of Nov. 19, notifying me of the error in the field notes of the J. M. Swisher sur 536 1/2 used in my report of Aug. 6 on the H. C. Noelke App. to purchase, I would request that the following corrections made in said report and field notes.

Please change the call from S.W. cor sur 38 Blk 1, I & G. N. R. R. Co. which reads "Thence East 225 varas to the N.W. cor sur 536 1/2" by erasing the distance 225 and inserting in its place 2395, which is the difference between the south line of sur 38 = 3753 measured from fixed point on the bank of the Pecos river, and the north line of sur 536 1/2 given in your letter as 1358 varas.

This will necessitate a further correction of the call next but one which now reads "Thence East 1034 varas to the N.W. cor sur 536".

Please make this latter call read "Thence West 1259 varas to the N.W. cor sur 536", in order to close.

Please also add 93 3/4 acres to the sum of the area of land applied for and contained in the boundaries given by the field notes, in order to cover area included in the above corrections.

Please have these corrections made on Plat and field notes and consider this letter as your authority to make such changes in my report, if they are approved by your Office.

Respectfully

*R. S. Dod*

State Surveyor

*See corrected sketch by  
Dod, accompanying "Report  
on Survey near Sheffield."*

1C



Alpine, Texas, Aug. 5 1919

Report on Corrections of  
Preliminary Survey in Block 1, I. & G. N. Ry. Co.  
Pecos Co. Texas,  
made to determine area and location of a certain tract  
of unsurveyed Tract of Public Free School Land, for  
H. C. Noelke, Applicant.

RECEIVED

AUG 7 1919

Referred to Map

Hon J. T. Robinson,  
Commissioner General Land Office  
Austin, Texas,

Dear Sir,

I enclose Plat and field notes for the H. C. Noelke Application to purchase, corrected according to your instructions in your favor of Jun. 19 1919. The return of these field notes was delayed by my being in the field in Pecos Co. under your instructions.

Referring to yours of Jun 19, page 1, 9th line from bottom, I have placed the N.W. corner of sur 37 770 varas east of where we had made it, at 2300 vrs from the original N.E. cor 37 at Pecos Spring, described in earlier report.

Running South from this point 960 vrs and east to the river will make the south line of 37, 847 varas short of distance given in fieldnotes.

But as shown on plat by dotted line, and from statements made by Mr. Canon (owner) and others, there has been considerable erosion on the east of 37.

All of the east end of sur 37 is a flat of loose, friable soil. Part of this east end of 37 was put in cultivation to be irrigated by water from Pecos spring and the river, but was not a success, partly on account of the looseness of the soil and lack of foundation.

It is claimed that the N.E. cor of sur 36, S.E. 37, was at one time on the ground, but was later washed away. Signs of heavy erosion are found all along the northeast line of 37 and upper part of east line of 36.

My instructions are to put in 535, 536, 536 1/2 according to their field notes. Of course it is understood that an unidentified point on the present bank of the Pecos River is too indefinite to be used as a starting point, as it is liable to be moved from ten to 300 varas in one flood. Consequently the original meander line can not be used, and evidence on the ground, especially on surveys 43 & 42, shows conclusively that the meanders called for were not always actually run.

Consequently the only field notes we have are the courses and distances of the north, south and west lines. The south line of survey 565 calls for 2688 varas west from the original Pecos spring corner, which places it 398 varas west of N.W. 37, where I have placed it.

Thence North 672 varas as per field notes, thence East 2688 varas, actual distance to present river bank is 2619.5, but east of this point is a flat crisscrossed by tracings of former channels of the river, so that the river very probably was further east when originally surveyed.

Sur 536 calls for 2658.5 varas west from N.E. 565, which brings it's S.W. corner 29.5 varas east of N.W. 536, where I have placed it.

Thence North 672 varas, thence east 2719.5 varas called for, actual distance to present river is 2495 vrs, a shortage of 234 vrs. But the channel could have been this far east, and probably was, as Mr. Williams in his survey of 536 1/2 found the river way east, as shown by dotted line on plat.

I have no field notes for 536 1/2 but Williams sketch shows that he put the S.W. cor 1034 varas west of N.W. 536, where I place it subject to correction.

Between the north line of 536 and south line of sur 38 there are only 244 varas. Williams sketch shows 294.

The above ~~fix~~ surveys are put in from their field notes as instructed

The old rock mound identified as S.E. 38, is on a bank some 8' above the flat, no signs of river channel west of it. The present river runs in a low marshy bottom, about 50 varas east of the corner, the bottom land extending still further east. River has evidently cut deeply into the west bank below this corner. If we were to attempt to take the original meanders of the river by Kuechler from the well defined N.E. 43 to this S.E. cor 38, we would be 1042 varas west of this rock mound, which itself is 50 varas west of river.

The river at this point moves over the bottom channel at every rise, but the rock mound gives us a definite point of the original survey.

Hence, as instructed on page 2, top line at seq. of letter of June 19, I moved the S.W. cor sur 38, 1042 varas east to a point 3753 varas from this old rock mound. Ordinarily we would not consider a rock mound without bearings as sufficiently capable of identification to be accepted as an original corner in place, but we have to take into consideration the fact that the greater number of the I. R. rocks and rock mounds set by Kuechler did not call for bearings, and further the position on the right bank of the Pecos,



and the distance north to N.E.43 fits fairly well, and though the distance south to Pecos spring is excessive, all the Keuchler measurements from Lancaster to Pontoon were found to be excessive. The location of this mound it's apparent age and shape and its local history all confirm the fact of its being the original Keuchler corner at S.E.38.

Running North 958 varas from this mound, we reach the N.W. cor sur 38. From this point running east at 1911 varas reach distance called for in old field notes, on at 3872 varas we reach the bank of the present river. Excess 39 varas.

The south line of survey 39 calls for 695 varas more than the north line of sur 38, hence we place the S.W. cor 39 695 varas west of N.W. cor 38.

Thence running north 1614 varas, prorating excess between original corners of 38 & 43, we place the N.W. cor sur 39, and 631 varas east of this point place the N.E. cor sur 39, & N.W. 40.

The distance east to the present river bank from this point is 3478 vrs. The call is 3612 varas, a shortage of 136 varas. 116 vrs north and 42 varas west of this point we found a rock mound near some large willows 8" to 13" in dia. These trees were buried in river silt within a few feet of the first large limbs, probably 4' to 6' deep. They stand in a low bottom that extends east from the bank to which we measured, and the river has been over 100 varas east from this point.

The call at this corner is for 5" & 6" mesquites. At our point for corner on the bank, we were in a mesquite bottom below the big willows. There was a thick growth of young mesquites 3" to 8" in dia, but no old trees were found. The fill here showed that the river had been both east and west of our point, so that the present shortage of 136 varas could easily be restored by the next flood in the river or materially increased.

The S.W. cor sur 41 calls to be 348 varas west of N.W. 40, and 283 east of N.W. 39, which we placed from the original S.W. 38.

Placing S.W. cor sur 41 at this point in south line of sur 42, 3512 varas from the river a shortage of 128 varas is made. The surface of the ground at the river slopes rapidly up toward the west, and no sign of any old river bed was noted to the west. The call is for an 8" China and 5" mesquite. They were not found, and the bank to which we measured was an extension of a gravelly mesa bordering river bottom on the west, where such growth would be out of place. East in the bottom are some mesquites, and anywhere in this bottom such trees, China and mesquite, might have stood but we did not find them. If our location of this corner is correct, the river would have washed away any bearing trees near it.

We now reach sur 42, and it is to be noted that in the original field notes, as I have them, the calls for the 3 bluffs at N.E. 43 are repeated at N.E. 42, and bearings are also called for at S.E. 42 and S.E. 41. The bearings at N.E. 42 were actually taken on the ground, for we find them there as described, but the field notes place the S.E. cor 42 one mile due south of N.E. 43, while we find the river 914 varas to the east. I have not the field notes of the surveys on the east bank of the river at this point, but I would suggest looking at them as a check on the confusion in the field notes on the west side at this point.

My instructions are to place sur 42 from sur 37, but to do this would either break all calls or make a shortage of 415 varas on the north line of sur 42.

As the field notes and map, as we have them, show that the east and the west lines of surveys 42 & 43 were intended to be continuous, and the N.W. 42 was to be the S.W. 43, if we so place them we preserve the relative position of these surveys on the map and the consequent excess of 24 acres is thrown into the school survey.

I have placed sur 42 in this position on the map subject to correction.

This covers the corrections noted as far as the bounds of Mr. Noelke's application is concerned and as Mr. Noelke is very anxious to get his land awarded as soon as possible, and his application has been pending for several years, I enclose the Plat with corrected field notes so that if they are found acceptable, his application could be acted on.

I will make the further corrections required in the Yates and Holmes surveys as quickly as possible.

A word of explanation as to the point noted in your letter, that I had run my preliminary survey from the north south, whereas the field notes seemed to show that the lines should be run from south to north with the progress of the numbers of the surveys. My reason was that the tradition in the country was that the survey was made from Pontoon to Lancaster. Also the calls for bearing on the old San Antonio road "where it comes off the mesa" could have been made only by one who had been at Pontoon, for the road is in visible below Pontoon, and only an actual knowledge of where the road came over the bluff would enable one to pick out the point that hides the road.

Also the red bluffs at N.E. 43 would probably have been called for from 36 on up the river if the survey had come from the south, as they are prominent objects from the south, but they are not visible coming from the north until you reach 44, and when you have passed them they are out of sight and not



and not so prominent. Of course there was nothing certain about this, but it seemed probable that they ran from Pontoon down the river, and I hoped that by following their actual run I might stumble on some explanation of the confusion in the field notes. And if they did run down the river, the upper corners were those from which their courses were taken.

If any further changes or corrections are necessary please notify me.

Respectfully

*R. H. Dod*

State Surveyor

1.

R. S. Davis Report on  
Construction of Preliminary Survey  
in Block 1, 14th N Ry & Co in  
PECOS COUNTY,

which appdx H. C. Nether  
file on manuscript sent

J. J. Robinson  
Commissioner

Filed Nov. 18th, 1919  
Carl F. Beardslee

4350



GENERAL LAND OFFICE, AUSTIN, TEXAS,

Dec 17 1927  
Chief Clerk

I, J. M. Walker  
Commissioner of the General Land Office of the State of Texas, do hereby certify that on  
the reverse hereof and attached hereto is a true and correct copy of the original of this  
instrument now on file in this office together with all endorsements thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the  
seal of said office the day and date first above written.

J. M. Walker Chief Clerk  
Commissioner of General Land Office,



## In the Name of the State of Texas.

No. To all to whom these Presents shall come, know ye,

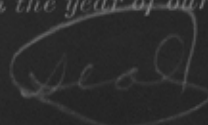
I, O. B. Colquith Governor of the State aforesaid, by virtue of the power vested in me by Law, and in accordance with the Laws of said State, in such case made and provided, do, by these presents, Grant to J. H. Donnan Agent of the Chicago, Texas and Mexican Central Railway Company his heirs or assigns, Forever, Three Hundred Fifty and 1/2 (315 1/2) acres of Land, situated and described as follows:

In Deas County, known as Sur. No. 107, on the waters of Deas a river a tributary of Rio Grande, about 54 miles N. N. E. of Fort McKtown. By virtue of Land scrip No. 291 issued to the Chicago, Texas and Mexican Central Railway Company by H. G. Hale, Commissioner of the General Land Office April 1, 1881. Beginning at a point in the west line of Sur. No. 2, Runnels Co. School Tract 134.8 acres north of its N. 1/4 Co. 101, Tr. 5 md. for the N. 1/4 Co. 101, this Sur. Thence west 1295.4 md. to a point in the line of Sur. No. 29, Blk. 174, S. C. & D. R. Co. for the N. 1/4 Co. 101, this Sur. Thence south with the E. line of Sur. No. 29, Blk. 174, at 514.8 md. the S. 1/4 Co. 101, Sur. No. 29, in all 1396.3 md. to a point in the N. line Sur. No. 29, Blk. 174, 51.5 md. E. of its N. 1/4 Co. 101 for the S. 1/4 Co. 101, this Sur. Thence east in the N. line of Sur. No. 29, 1295.4 md. to the S. 1/4 Co. 101, Blk. 174, S. C. & D. R. Co. for the S. 1/4 Co. 101, this Sur. Thence north at 1295.4 md. the N. 1/4 Co. 101, in all 1396.3 md. to the beginning.

Hereby relinquishing to him the said J. H. Donnan and his heirs or 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.

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 fourteenth day of August in the year of our Lord one thousand eight hundred and fourteen.



Commissioner of the Gl. Land Office.


Governor, O. B. Colquith ✓

File 461

manuscript



GENERAL LAND OFFICE, AUSTIN, TEXAS, Dec 17, 1927

I, *J. H. Maekin*, Chief Clerk Acting  
Commissioner of the General Land Office of the State of Texas hereby certify that on the  
reverse hereof is a true and correct copy of the original of this instrument now on file in  
this office together with all endorsements thereon.

IN TESTIMONY WHEREOF I hereunto set my hand and affix the  
seal of said office the day and date first above written.

*J. H. Maekin*, Chief Clerk Acting  
Commissioner of General Land Office.



January 10, 1935

Hon. William McCraw,  
Attorney General,  
Austin, Texas.

Dear General:

In writing you yesterday in regard to the situation in the Yates oil field respecting the John H. Tyler claim, I should have stated that my letter with enclosures was predicated on the assumption that the attorneys for Mr. Tyler will doubtless confer with you in regard to some action on the part of your Department. My purpose was to give you information as to the facts disclosed by the records of this office, and the story in a general way.

I am enclosing herewith copy of Captain Dod's field notes of a resurvey of the Runnels County School League No. 3 made by him in August, 1918. The sketch on the field notes shows the relative position of the Runnels County School Land and the river surveys as adopted as correct by this office (11). Enclosed is a copy of patent issued to Runnels County covering said League No. 3 in Pecos. A copy of the patent to Survey No. 1, T.C.Ry. Co., which is No. 77, volume 109, is also handed you. You will note this survey begins at the SW corner of said Survey No. 3 and its extensions are 1900 varas east and west, and 1209 varas north and south (13). This is true of the three remaining TC Ry. Co. surveys. I am also handing you certified copy of the patent to I. G. Yates covering Survey No. 34½, which is No. 103, Volume 44A (14).

Very truly yours,

Commissioner

JHW-ewr  
encs.4







Hon. J. T. Robison,  
Commissioner Gen. Land Office  
Austin, Texas

Dear Sir,

I recently forwarded to your Office field notes for the H.C.Noelke application for purchase of part of the strip of unsurveyed land between Blk 1,I&GN Ry.Co.and blks 194,193,178,corrected according to your instructions as to changes it was necessary to make in my former location of the west lines of surveys in Blk.1,and a correction of an error I made in the field notes of survey 536 1/2,and an error in placing excess in sur 47 instead of adjacent state survey 542. The River meanders had been found correct between Surveys 69 & 37 incl.Blk 1,I&GN. The corrections of Runnels Co Land approved and the field notes of unsurveyed strip for I.G.Yates corrected to correspond and,I believe approved.

This leaves the applications of Mr. Holmes and Mr. Yates for the bal of the strip left by the Noelke award, to be corrected in accordance with the corrections required by the Noelke strip.

I enclose the field notes of the boundaries of the whole strip, with the river connections so as to show the corrections required as above noted, and in accordance with your favor of June 19 1918, and Dec 17 1919, & Nov. 19 1919.

I also enclose field notes covering the J.M.Holmes appli cation for 1280 acres starting at the Noelke and running north to the north end of adjacent land owned by Mr.Holmes,as stated by him.

I also enclose application of Mr. Ira G. Yates for 2717 varas beginning at the north end and running south to the south line of sur 51 which Mr. Yates states that he owns.

These two applications overlap, and I am sending in these notes simply as a statement of facts on which a settlement may be based.

The dates and No.s of these applications I did not insert as I do not know what they are.

The request, in yours of Nov. 19, 1919 for further information as to the Jessup scrap file east of Sheffield, has been given attention and I note what you say relative to surveys on the east bnk of the river, but so far I have not been able to collate my field notes so as to give a satisfactory reply. The Jessup file was made while I was working on the

The Jessup file was made while I was working at Sheffield and was intended to save Mr. Jessup from a serious loss of land he had bought which appeared to be covered by the unsurveyed school land. I had already made the run from the Lancaster corner, and had sufficient data to show that a vacant strip existed but did not do enough work to definitely locate, but enough to warrant Mr. Jessup in filing his application.

I will again go over my field book and forward what data I find.

Respectfully

State Sur.

RECEIVED

Referred to Map

Corrected field notes of boundaries of a strip of unsurveyed land, lying between Blk 2 I&GN Ry Co on the east and Blocks 193, C3, 178, 194, Pecos County, corrected to fit the west boundary line of Blk 1, as corrected under the instructions of the General Land Office,  
from actual survey by R.S. Dod

Beginning at a rock mound set for S.W. cor 61 Blk 1 I&GN Ry. Co. set 3931 vrs west from old IR rock on right bank of Pecos river set for S.E. cor sd sur 61,

Thence East 1171 vrs to rok mnd N.W.60,

ASDOD

car. to 60637



GENERAL LAND OFFICE, AUSTIN, TEXAS, Dec 17, 1927

I, J. W. Maer Chief Clerk Acting  
Commissioner of the General Land Office of the State of Texas hereby certify that on the  
reverse hereof is a true and correct copy of the original of this instrument now on file in  
this office together with all endorsements thereon.

IN TESTIMONY WHEREOF I hereunto set my hand and affix the  
seal of said office the day and date first above written.

J. W. Maer Chief Clerk Acting  
Commissioner of General Land Office.



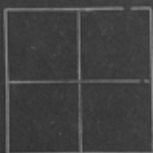
Scale, 4000 Varas to the Inch. Variation  $1\frac{1}{2}$  East.

The State of Texas,

COUNTY OF PECOS.

Survey No. 3

Block No. 1



FIELD NOTES

of a Survey of One League Acres of Land made for by virtue of Certificate No. 3

issued to The Commissioners of Pecos County by the Commissioner of the General Land Office, On the 4<sup>th</sup> day of May A. D. 1880.

Said Survey is situated in Pecos County, on the waters of The Pecos River, a tributary of the Rio Grande about 4 miles S-45-E from The Pecos Bridge on and is known as Survey No. 3, Block

Beginning at a stake and mound at the S.W. corner of survey No. 70 made in name of the International and Great Northern Railway Co. for the North West corner of this survey. Thence East 2494 varas to stake and mound N.W. corner survey No. 69 S. & G. N. Ry Co. Thence South 950 varas to stake and mound S.W. corner said survey No. 69. Thence East 1102 varas to N.W. corner survey No. 68 S. & G. N. Ry Co. Thence South 950 varas to a stake and mound S.W. corner said survey No. 68. Thence East 656 varas to stake and mound N.W. corner survey No. 67 S. & G. N. Ry Co. Thence South 950 varas to stake and mound S.W. corner said survey No. 67. Thence East 1910 varas to stake and mound N.W. corner survey No. 66 S. & G. N. Ry Co. Thence South 950 varas to stake and mound S.W. corner said survey No. 66. Thence East 2177 varas to stake and mound N.W. corner survey No. 65 S. & G. N. Ry Co. Thence South 950 varas to stake and mound S.W. corner said survey No. 65. Thence East 298 varas to stake and mound. Thence South 162 varas to stake and mound for South East corner of this survey. Thence West 8637 varas to a stake and mound for the North West corner of this survey. Thence North

4912 varas to the place of beginning.

Bearings marked

Surveyed June 8<sup>th</sup>, A. D. 1882.

Olney Jacobs  
Refugio Rodriguez } C.C.

I, L. H. Dunell, Deputy Surveyor of Pecos County, do hereby certify that the foregoing Survey was made according to law, in the field, and that the limits, boundaries and corners, with their marks, natural and artificial, are truly described in the foregoing plat and field notes.

L. H. Dunell  
Deputy Surveyor, Pecos County.

I, E. W. BATES, County Surveyor of Pecos County, do Hereby Certify that I have examined the foregoing plat and field notes, and find them correct, and that they are recorded in my office in Book 6, page 521.

E. W. Bates  
County Surveyor, Pecos County.

24/11/83  
M.H.

4 June 2009  
Dugan 18th below  
Pecos County  
School Land  
near Child State  
Gravel 24 April 19/83  
Q. M. Robinson  
C. M. Robinson  
Pecos Co. April 26/83  
May 25/83. Devon R.  
C. M. Robinson  
C. M. Robinson



Conte 60640



GENERAL LAND OFFICE, AUSTIN, TEXAS, Dec 17, 1927

I, J. M. Mark Chief Clerk Acting  
Commissioner of the General Land Office of the State of Texas hereby certify that on the  
reverse hereof is a true and correct copy of the original of this instrument now on file in  
this office together with all endorsements thereon

IN TESTIMONY WHEREOF I hereunto set my hand and affix the  
seal of said office the day and date first above written.

J. M. Mark Chief Clerk Acting  
Commissioner of General Land Office.



September 16, 1914.

Mr. L. W. Durrell,  
San Antonio, Texas.  
Dear Sir:

This is to advise you the E. F. Robertson survey No. 1 of 879 acres in Pecos Co. will be in condition to patent to D. F. Robertson, the original grantee, when a patent fee of \$10.00 is deposited in this office. The field notes for this and also for section 2 have been passed correct for 879 acres. When you send the patent fee on either one also send your affidavit of ownership here with fee of 50 cents.

Yours truly,

Commissioner.

Bexar S. 52009  
Hutch/hm



GENERAL LAND OFFICE, AUSTIN, TEXAS, Jan. 23 1932

I, J. H. Walker Commissioner of the General Land Office of the State of Texas, do hereby certify that on the reverse hereof and attached hereto is a true and correct copy of the original

a letter taken from Letter Book # 1140,  
page 235, which book is now on file as a record  
in Archives of this office.

IN TESTIMONY WHEREOF, I, Hereunto set my hand and affix the seal of said office the day and date first above written.

J. H. Walker Commissioner of the  
General Land Office



567

September 22, 1914.

Mr. L. W. Durrell,  
508 Bandera Ave.,  
San Antonio, Texas.  
Dear Sir:

In reply to yours of the 15th Inst. to our Mr. von Rosenberg about the D. F. Robertson survey in Pecos County, beg to say we do not find the transfer from Robertson on file in this office, that is to say in none of the files which we have examined. If the deed has ever been made and placed of record in Pecos County a certified copy of it could be filed here in the event you have misplaced the original.

Yours truly,

Commissioner.

Bexar S. 52009  
Hutch/hm

60644



GENERAL LAND OFFICE, AUSTIN, TEXAS, Jan 23, 1932

I, J. H. Walker Commissioner of the General Land Office of the State of Texas, do hereby certify that on the reverse hereof ~~and attached hereto~~ is a true and correct copy of ~~the original~~

a letter taken from Letter Book # 1140, page 567, which book is now on file as a record or Archive of this office.

IN TESTIMONY WHEREOF, I, Hereunto set my hand and affix the seal of said office the day and date first above written.

J. H. Walker

Commissioner of the  
General Land Office



September 2, 1914.

Mr. L. W. Durrell,  
508 Bandera Ave.  
San Antonio, Texas.  
Dear Sir:

I am returning you herewith the field notes for the D. F. Robertson survey in Pecos County. One of them is for No. 1 and the other for No. 2. The latter was made for the school fund. The field notes are returned to you because there does not appear to be an equal division between the individual and the school fund of the original area. The individual survey calls for 806 acres and the school, 950. That is to say the distances given calculate this much. You will have to have the surveyor to correct some of the calls in the field notes. For instance, the distance in the first call in the field notes for No. 2 should be changed. The first should properly be 479 varas and the other 3669.

In the notes for No. 1 the third to the last call and the last call, the distance should be increased something like 218 1/2 varas. With these corrections it is believed the two surveys will close and they will calculate equal area between the two.

Yours truly,

Commissioner.

Rutch/hm



GENERAL LAND OFFICE, AUSTIN, TEXAS, Jan. 23. 1932.

I, J. H. Walker Commissioner of the General Land Office of the State of Texas; do hereby certify that on the reverse hereof ~~and attached hereto~~ is a true and correct copy of ~~the original~~

a letter taken from Letter Book # 1138, page 681, which book is now on file as a record or Archive of this office.

IN TESTIMONY WHEREOF, I, Hereunto set my hand and affix the seal of said office the day and date first above written!

J. H. Walker Commissioner of the General Land Office



1984  
San Antonio Texas.

May 14-1914.

Hon. J.T. Robison ,  
Comr Genl Ld Office ,  
Austin Texas.

Dear Sir:

A short time ago I had corrected field notes returned to Land Office for the D.F. Robertson survey in Pecos County by the county surveyor of Pecos County. Survey No. 1 , Certificate 232 , D.F. Robertson , 878-3/10 acres. I learned through R.M. Thomson that the survey had passed for patenting. Kindly at once advise if such is the case and the amount of fee for patenting so I can send to you. Also advise if my transfer is on file and if the survey will patent to me.

Yours truly

*J. H. Russell*

RECEIVED

MAY 15 1914

Referred to Law

*\$52009*



GENERAL LAND OFFICE, AUSTIN, TEXAS

1-23 1932

I, J. H. Walker Commissioner of the General Land Office  
of the State of Texas do hereby certify that on the reverse side  
hercof is a true and correct copy of the original of this instrument  
now on file in this office together with all endorsements thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand and  
affix the seal of said office the day and Date  
first above written.

J. H. Walker

Commissioner of the  
General Land Office



San Antonio Texas.

August 19-1914.

Mr E. Von Rosenberg ,

Austin Texas.

Dear Sir and friend :

Your

letter in regard to the Robertson Transfer was received in due time . I have written nothing further to the Land Commissioner in regard to it but have thought considerable of the matter after receiving the information in yours. Now so far as I can determine I sent the transfer to the Land Office in May 1890 at time I sent the J?H?Humphreys transfer. The Humphreys patent issued May 7-1890. The Humphreys cert. was in blank and I filled in the name of my brother J.A.Durrell and the survey was patented to him. The Robertson cert. was in blank properly executed and acknowledged. In this I filled in my name and sent it to the Land Office. The Robertson Cert. I purchased from E.L. Gage for \$125. He delivered the cert. with transfer. The cert. was filed in my name as you can note from original file. As you will remember it was customary to pass transfers in blank instead of executing other transfers. Now what I wish to know is this . Is there any way for me to have the patent issued to me under these circumstances. I can make affidavit as to ownership and all facts . Kindly let me hear from you if you think The Commissioner would issue the patent to me under the conditions . The loss of the transfer was not mine and the responsibility lies with the Land Office. Could you examine my letter of May 1890 and see if it stated the enclosure was the two above named certs. transfers.

Yours truly

*J.A. Durrell*

*Respectfully  
Yours  
J.A. Durrell  
8-21-1914  
E. Von Rosenberg*



GENERAL LAND OFFICE, AUSTIN, TEXAS

1-23 1932

I, J. V. Walker Commissioner of the General Land Office of the State of Texas do hereby certify that on the reverse side hereof is a true and correct copy of the original of this instrument now on file in this office together with all endorsements thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office the day and Date first above written.

J. V. Walker

Commissioner of the  
General Land Office



Respectfully  
Yours  
Paul Land  
attention  
9-17-1914  
Burns  
Rosenberg

#508 Baudera Ave.

372/375

San Antonio Texas.

Sept. 15-1914.

Mr. E. Von Rosenberg,

Austin Texas.

Dear Friend:

I have sent the corrected fieldnotes to the Land Comr of the D.F. Robertson Certificate. These were made per your suggestions and I hope they will now pass correct after so long a time.

As to matter of patent I wish you would look into the matter at earliest convenience. See that a search is made in other files for the missing transfer. It might be in with some other Robertson location. Examine the correspondence of 1890 (May) the letter of mine sending the Umphreys Transfer. The Chief Clerk told me that all old correspondence was on file.

If you can not secure evidence that the transfer was received then take up the matter of my affidavit of facts as written you in my letter of August 19-1914. This in order to have the land patent to myself as it should. If this can be done then write me fully as to the form of affidavit required. Your attention to this will be much appreciated. If necessary I will make a trip over to Austin. If you think it best you can advise me as to this.

Yours truly,

W. D. D. D. D.



GENERAL LAND OFFICE, AUSTIN, TEXAS 1-23-1932.

I, J. V. Walker Commissioner of the General Land Office  
of the State of Texas do hereby certify that on the reverse side  
hercof is a true and correct copy of the original of this instrument  
now on file in this office together with all endorsements thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand and  
affix the seal of said office the day and Date  
first above written.

J. V. Walker Commissioner of the  
General Land Office



File Amended.

The State of Texas  
County of Pecos

To the Surveyor of Pecos Co. Tex.

By virtue of <sup>Individual Portion</sup> Confederate Certificate  
No. 232 issued to O. F. Robertson on the  
sixth day of August 1881. by the Commis-  
sioner of the General Land Office for  
1280 acres of land, said Individual Portion  
of said Certificate being filed by me  
on the 28<sup>th</sup> day of September 1885; I  
hereby amend <sup>the calls of</sup> said file to read thus;

Beginning at a point on the Pecos  
River the North West corner of Survey No.  
72 Block No. 1 made for the International  
and Great Northern Ry. Co.

Thence South to the North line of Survey No.  
71 said block. Thence West to its N.W.  
corner - Thence South 900 varas - Thence  
East to the N.W. corner of Survey No. 70  
said Block 1 - Thence South to the  
S.W. corner of Rummells Sec. School Lands  
Thence West to the East line of Survey No.  
39 Block 194 - Thence North to the most  
Southern N. E. corner of Survey No. 61 Block  
194 - Thence West 587 varas - Thence North  
2086<sup>3</sup>/<sub>4</sub> varas to the S. River Survey No. 540 made  
for the State of Texas, Thence East 83 varas  
Thence North 1053 varas - Thence East  
493 varas - Thence North 2011 varas to  
the North East corner of said Survey No.  
540 a point on the Pecos River  
Thence down the Pecos River with its

meanders to the place of beginning.

The Survey by virtue of this Certificate  
to be made commencing at the beginning  
point of this file and the excess of  
vacancy of any to be left on the Southern  
Portion of this file.

L. W. Darnell  
For Stationer Sec  
October 12<sup>th</sup> 1885

L. W. Darnell

Filed for record October  
12 - 1885, at 11 o'clock  
a.m. and duly printed  
in Book of Applications  
No. 6 on Page 7  
L. W. Darnell  
Surveyor Pecos County Tex.

⑤ Fee \$20.00  
Transcript  
O. F. Robertson  
Application  
This Aug 2/86.  
O. F. Robertson  
Inspector

75<sup>th</sup> Run



GENERAL LAND OFFICE, AUSTIN, TEXAS 1-23 1932.

I, J. H. Walker Commissioner of the General Land Office of the State of Texas do hereby certify that on the reverse hereof and attached hereto is a true and correct copy of the original of this instrument now on file in this office together with all endorsements thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office the day and Date first above written.

J. H. Walker Commissioner of the  
General Land Office



June 22<sup>d</sup>

A. D. 1886

E. H. Bates

Juan Pava  
Joe Fichte

Joe Dickett

E. A. Bates

~~Resident~~ Surveyor, Pecos County.

E. W. Pates

Cancelled by  
corrected field notes  
August 15/1914  
Evan Rouben

W. M. Johnson

John Aug 2/80

Spinto  
No 1

Wm. Webster

overcoming

2



GENERAL LAND OFFICE, AUSTIN, TEXAS 1-23 1932.  
I, J. V. Walker Commissioner of the General Land Office  
of the State of Texas do hereby certify that on the reverse hereof  
and attached hereto is a true and correct copy of the original of this  
instrument now on file in this office together with all endorsements  
thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and  
affix the seal of said office the day and Date  
first above written.

J. V. Walker Commissioner of the  
General Land Office