



General Land Office.

State of Texas.

Austin.

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

August 16, 1909.

Hon. R. V. Davidson,  
Attorney General,  
Austin, Texas.

Dear Sir:

I am pleased to submit to you for your consideration the following facts, taken from the records of the General Land Office, relative to a body of land situated in the southeastern part of Garza county:

By virtue of an act of the Legislature approved July 14, 1879, and the amendment thereto approved March 11, 1881, providing for the sale of a portion of the public lands of the State of Texas, Geo. N. Heifrin, Surveyor of Young Land District, located on Nov. 11, 1882, a block of 34 surveys in the name of Jasper Hays, and returned field notes into the General Land Office which were duly filed on December 23, 1882.

In this communication to you I shall ask your consideration of only that part of the block covered by surveys Nos. 23, 24, 25, 26, 27, 31, 32, 33, and 34; see copy of original plat hereto attached, marked exhibit A, and a working plat made from the field notes marked exhibit B. These surveys were for 640 acres each.

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Treasurer's receipts filed in this office on January 24, 1883, show that the purchase money due the State on account of these nine surveys as 640 acres each was paid into the State Treasury on January 23, 1883.

On August 20, 1883, corrected field notes of Surveys 23, 26, 27, and 34, dated Nov. 11, 1883, and signed by C. B. Benson, Surveyor of Young Land District, were filed in the Land Office. By these corrected field notes each survey has 640 acres, except No. 34, which has 230.6 acres, making a total of 2150.6 acres. Hereto attached is a certified copy of a plat marked Exhibit C, which shows surveys Nos. 23, 26, 27, and 34, in conformity with the corrected notes. According to this plat (Exhibit C) the entire body of land originally covered by Nos. 23, 24, 25, 26, 27, 31, 32, 33, and 34, was reduced on account of a supposed conflict with Block No. 2, T&NORRCo, on the east of the Jasper Hays Block No. 1, and the resurvey was made to cover all the land there was supposed to be left clear of conflict. By the corrected notes, Nos. 23, 26, 27, and 34, were rearranged without regard to their original limits. They absorbed all the land the surveyor thought there was left of the original nine surveys. The corrected notes of 26, 27, and 34, call specifically for the west line of Block No. 2, T&NO



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RRCo. On Nov. 5, 1883, patents issued on Surveys Nos. 23, 26, 27, and 34. On Jan. 24, 1885, certificates were issued and delivered to J. W. Zoak by the Commissioner of the Land Office, showing that Surveys Nos. 24, 25, 31, 32, and 33, were entirely covered by older valid surveys. None of these five surveys were ever patented, and I am sure the money paid on account of them was withdrawn from the Treasury, although I do not find the Treasurer's letter notifying the land office that the money was refunded.

Block No. 2, T&NORRCo, which forms the eastern limit of the body of land in question was not originally marked on the ground, it being a paper survey located in 1874. In November, 1887, Geo. Spiller, a State Surveyor, resurveyed Block No. 2, T&NORRCo, and marked the western line of the block on the ground. He returned corrected field notes into the land office, and they were approved and filed on June, 1888, by Commissioner Hall. The Spiller resurvey is yet observed by the land office as the correct location of Block No. 2.

In November, 1905, W. D. Twichell, a State Surveyor, made a resurvey of the patented surveys in Block No. 1, Jasper Hays, and identified the western line of



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Block No. 2, established by Spiller. He found the line of Block No. 2 about 1100 varas farther east than it was shown to be by the corrected field notes of Nos. 26, 27, and 34, Jasper Hays, by which patents issued in 1883.

The question is, Will the Jasper Hays Sections Nos. <sup>23</sup>26, 27, and 34, stop at the course and distance calls of the patents, where the west line of Block No. 2 (which was an open, unmarked line) was represented to be by the field notes by which patents issued, or will they extend from their fixed position on the west about 1100 varas farther east to the line of Block No. 2, marked by Spiller in 1887, and by so doing take in and hold about <sup>2189</sup>1900 acres of excess land?

It is my opinion that the resurvey line of Block No. 2, made in 1887, is not the boundary line of Surveys Nos. <sup>23</sup>26, 27, and 34, which were patented in 1883. Patents are still outstanding on those sections, and the calls in those patents furnish the only means of identifying the line that the surveyor, who made the field notes in the patents, adopted for the unmarked west line of Block No. 2. This strip of land about 1100 varas wide, extending north and south along the west line of Block No. 2, I think is public school land that is being claimed as excess by the owner of Nos. <sup>23</sup>26, 27, and 34, and should be



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recovered for the benefit of the school fund. I am informed that Mr. Jno. B. Slaughter is the owner of those surveys; and that his attorney is Judge Ed. J. Hamner, Colorado, Texas.

Have enclosed herewith a plat of the entire body of land in question, showing its limits as found by Mr. Twichell, upon which I have caused to be platted in red by course and distance calls, the patented surveys Nos. 23, 26, 27, and 34. Have indicated by a blue color the land that should be recovered.

The following is a description by metes and bounds:

"A Tract of Unsurveyed School Land, situated in Garza county, Texas, about eight miles southwest from the center of the county. Beginning at the southwest corner of Section No. 10, Block No. 2, G. H. & H. R. R. Co., on a stone 14 x 12 x 8 marked + set in the year 1905, by W. D. Twichell; thence south at 1900 varas passes a stone 12 x 12 x 8 marked + set by W. D. Twichell in 1905 for the southwest corner of No. 29, Jasper Hays, at 3800 varas passes a stone 16 x 12 x 12 and pile of stones set by Twichell in 1905 for the southwest corner of No. 28, Jasper Hays, then following the west line of Block No. 2 T. & N. O. R. R. Co. as established in 1887 by George Spiller State surveyor and identified in 1905 by W. D. Twichell state surveyor, in all 15873 varas to the point of intersection of the west line of Section No. 43, Block No. 2, T. & N. O. R. R. Co., with the eastern line of Section No. 11 in Block No. 30;

"Thence N. 15-1/2 W. at 100 varas passes a stone 18 x 12 x 3 marked + set in 1905 by W. D. Twichell, at 1145.3 passes another stone 14 x 14 x 2 marked + set in 1905 by Twichell, in all 1570 to the southern corner of survey No. 34 Block No. 1, Jasper Hays;

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"Thence N 2-1/2° W. with the eastern boundary lines of Surveys Nos. 34, 26, 23, and 27, Block No. 1, Jasper Hays, 15850 varas to the northeast corner of Survey No. 27;

"Thence east 1098 varas to the west line of Section No. 10, G. H. & H. R. R. Co., Block No. 2.

"Thence south with the west line of No. 10, 1483 varas to the place of beginning, containing 2189 acres."

Yours truly,

Hunn-dib  
encls

Commissioner.

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Garza Co  
Skatit files

Commission's Letter to Atty Gen.  
R.V. Davidson, dated, Aug 16, 1909.

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