

**BROOKES BAKER**  
SURVEYORS

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TITLE AND TOPOGRAPHIC SURVEYING  
FORT WORTH, TEXAS 76102

DISCUSSION OF A CONSTRUCTION FOR RE-ESTABLISHING  
SURVEYS IN BLOCKS 65 AND 66 IN TOWNSHIPS 4 AND 5 AND IN BLOCKS  
67 AND 68 IN TOWNSHIPS 3 AND 4 IN THE TEXAS AND PACIFIC RAILWAY  
COMPANY RESERVATION IN HUDSPETH AND CULBERSON COUNTIES IN TEXAS.

Original Locations by  
Jacob Kuechler

Kuechler, former Commissioner of the General Land Office,  
was appointed Principal Surveyor for the T & P Railway Company to  
select and survey, by virtue of the certificates held by the Company,  
lands in the 80 mile Reservation between the Pecos and the Rio  
Grande Rivers, and to extend 80 miles south from the south line  
of New Mexico.

Following instructions from Mr. William H. Abrams, Land  
Commissioner for the T & P Railway Company, Kuechler began on the  
south line of New Mexico near the Pecos River and worked west.  
The lines run by Kuechler were sometimes along section lines and  
sometimes diagonally across sections, marking the corners with  
whatever was available.

Kuechler prepared and filed field notes in the Land Office  
in Austin, Texas. The field work was done between October of 1878  
and April of 1879. For details it is suggested that you read the  
report prepared by Major W. J. Powell and filed in the Land Office  
in November of 1943. The report also furnishes a very fine dis-  
cussion of the resurvey work done by Paul McCombs in retracing  
Kuechler in 1884 and 1885.

Retracement and Establishment  
by Paul McCombs

By the time Kuechler had completed his field work, and  
even before he had written and filed all of his field notes in the  
Land Office, it was being claimed that his surveys for the Texas



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and Pacific Railway Company extended several miles south of the south line of the 80 mile Reservation. In other words, it was contended by the surveyors of El Paso and Presidio Counties that the Kuechler locations were so excessive that they extended 84 or 85 miles south of the south line of New Mexico.

The commissioner of the General Land Office suspended the issuance of patents to the Texas & Pacific Railway Company until a determination could be made.

The minutes of the State Land Board reflect that on September 6, 1883, "Mr. Paul McCombs of Dallas, Texas, was appointed by the Board to resurvey and establish the boundary lines, or so much thereof as may be in dispute, of the Texas & Pacific Railroad Company land reservation, under instructions from the T & P RR Company, they, the said Company having signified and agreed to pay the salary of the surveyor and all expenses of the survey.

Read and approved by the State Land Board in full session, September 8, 1883."

On February 19, 1884, the State Land Board met to receive and act on Paul McCombs report of his establishment of parts of the south line of the 80 mile Reservation. The report, map, etc., were approved and adopted. McCombs found that Kuechler had extended his locations approximately four miles south of the south line of the 80 mile Reservation. This work for the Land Board by McCombs was not a retracement of Kuechler, but was a series of connections run from the south line of New Mexico for a distance of 80 miles south and then connected to Kuechler's corners to determine the extent of Kuechler's locations south of the south line of the 80 mile Reservation.

The following letter needs no explanation; the Texas & Pacific Railway Company wanted patents.



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"Austin, Texas  
March 11, 1884"

"Hon. Wm. C. Walsh,  
Comr. Genl. Land Office

Sir:

The Land Dept. of the Texas and Pacific  
Railway Co. having adopted the location, by Paul  
McCombs, of the Southern Boundary of their reserve,  
west of 103 Meridian, would respectfully request  
from you full instructions of what further field  
work etc. you will require, and upon which you will  
issue us patents to our land in said Reservation.

Very respy.

Paul McCombs

Agent for Land Dept.  
T & P. Ry. Co. "

"General Land Office  
Letter No. 170454  
Answd. March 12/84  
155/676"

W. C. Walsh, Land Commissioner, answered the next day  
as follows:

"March 12, 1884

"Mr. Paul McCombs  
Agt. Ld. Dept. T. & P. Ry. Co.  
Austin,

Sir;

Replying to your letter of this date I will say  
that an examination of your recent work in determining  
the Southern Boundary of the T & P Reserve, West of the



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103 Meridian, discloses the fact that grave errors were made in the original sectionizing of said Reserve and that most of the Surveys are larger on the ground than called for in the field notes. The result of this excess made the Reserve, at some points from three to four miles wider than contemplated.

To reduce this excess and bring the Reserve within the Eighty miles defined by law, I prefer, and the State Land Board coincides with me, to cut the excess in Land from the South line of the Reserve and not disturb the lines of the Townships, Blocks and Surveys as they were marked in the original Surveys. To do this will necessitate a careful measurement on the ground of the original work and a return of field notes giving the exact length of the lines between old corners where they can be found. Patents will then issue for what may be found in each original Survey. Whether the quantity be 640 acres or as in some cases 715 acres. The certificates which are on Surveys cut off, will be cancelled by applying portions of each to the excess over 640 on the patented Surveys.

Where corners were not made for the original Surveys they should be made now, conforming strictly to those heretofore made and full description of such corners be given in the new field notes.

Should you at any time desire further instructions or any information from this office let me know.

Your Respect,

W. C. Walsh  
Comr."

"General Land Office  
Letter Book 155,  
Pages 676-678"

Thus we see that Mr. Walsh had reached a decision as to a course of action. Kuechler's corners were to control and govern any establishment or reestablishment. He required new field notes reflecting the true relationship of Kuechler's corners and a full description of additional corners "made, now, conforming strictly to those heretofore made".



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Paul McCombs did the necessary surveying and prepared several maps showing the Kuechler corners identified, the excesses found, the distribution of excesses or deficiencies, and additional corners made. An overall map was placed in the Land Office. This map carries the following title and certificate:

"MAP OF TEXAS AND PACIFIC RY. COMPANY'S  
SURVEYS IN THE 80 MILE RESERVE"

"I HEREBY CERTIFY:

THAT this Map compiled by me from actual surveys that I have made on the ground is a true and correct plat of The Texas and Pacific Railway Company's Surveys in the 80 mile Reserve in the Counties of El Paso, Presidio and Reeves

THAT I have made the resurvey of this land in strict compliance with instructions received from W. C. Walsh, Comr. G.L.O. under authority of the State Land Board following the lines originally run by Jacob Kuechler, Principal Surveyor of T & P Ry Co in 1879; and putting up additional corners in conformity with those of Kuechler

THAT the corners marked thus © were erected by Kuechler and found by me on the ground; and those marked thus o were erected by me in conformity with aforesaid instructions

Paul McCombs C. E.  
Special Surveyor

By the fall of 1884 the land Office and McCombs had reached an agreement as to construction of blocks and surveys as shown on McCombs overall map. At that time the Land Office began the tabulation of the corrected distances and areas for each section in each block and township. These corrections were sent to County Surveyors to be applied to the field notes in his records, certified, and returned to the Land Office. This operation extended into 1886. We have considered that these actions and the many subsequent actions and declarations by the Land Office constituted an acceptance and recognition of the retracement and establishment by McCombs.



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Sometime during this period the original field notes by Kuechler were changed in the Land Office to reflect McComb's distances, revised areas, additional bearings, and descriptions of objects set to mark block corners. Also many passing and adjoinder calls were struck out or added to make the field notes by Kuechler conform with the findings and construction by McCombs.

Without going into further details, such as the findings by the courts in the Canda Case and Walling Case, we have proceeded on the premise that the determinations by McCombs were recognized and accepted by, and were binding on the State and the T & P Railway Company. Also, as surveyors, we consider that McCombs followed the instructions from the Land Office, and Mr. Abrams, identifying and locating the corners set by Kuechler, and marking other corners therefrom.

The problem is simple: - Find McCombs, and of course Kuechler where McCombs found him. The McCombs corners set would serve as references or perpetuations of the original corners. What makes the problem unsimple is the very meager, if any, descriptions of the corners made by McCombs.

One more thought before we start romancing on construction. We note that the areas on the Kuechler field notes, corrected to use McCombs dimensions, are less, by one to five acres, than the area calculates from the dimensions. Some of the areas have been corrected by the Land Office, but most have not.

The corners made by Kuechler are numbered consecutively in each of his field books. At sometime they were noted on the copy of Kuechler's map made by McCombs in 1896, and the Prefix "K" was added (such as K-257).

McCombs map reflects that his general method for reconstruction of Kuechler was to prorate the latitudes (distances north and south) and the departures (distances east and west) between the Kuechler corners found. There are some exceptions.



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McCombs maps reflect that he found Kuechler's corner for the southeast corner of Block 66, Township 4 (K-252). There is no indication that McCombs found (or looked for) Kuechler corners on his line extending southeast from K-252. McCombs maps also reflect that he found a number of Kuechler corners on his run line extending northwesterly from K-252; and also that he followed the method outlined above to determine lengths for the survey lines.

The maps indicate that McCombs ran north along the east line of Block 66, Township 4, marking each survey corner. He also ran south along the east line of Block 66, Township 5, marking each survey corner; and then ran both east and west across two surveys marking corners. He also ran west across four surveys from K-252, marking corners.

McCombs maps also indicate that he found Kuechler's corners, K-256, K-258, and K-263 thru K-269, and K-271. From K-269, he indicates that he marked the northwest corner of Block 67, Township 3, from which he ran west across the south lines of Blocks 68, 69, and 70, marking each survey corner. The distances used on the run west across the three blocks were those found along the north line of the blocks adjoining the south line of New Mexico, set by Kuechler and found by McCombs.

During 1930 and 1931 a resurvey was made by H. L. George in which he retraced all of the original lines run by Kuechler. George stated that McCombs accompanied him on a good portion of this work. The details of the findings by George are in the files of the Texas Pacific Land Trust office in Dallas. George also set thousands of concrete monuments to perpetuate the location of corners found and identified as those set by Kuechler and McCombs.



D-49

BROOKES BAKER (1902-1955)  
S. J. BAKER  
JOHN F. BAKER

ESTABLISHED 1880

415 WEST FIRST STREET  
817-332-1466

# BROOKES BAKER

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Thus we have a picture about like this: -

1. Kuechler made the original locations, prepared and filed field notes in the Land Office.
2. McCombs made a resurvey of the lines run by Kuechler. Kuechler accompanied McCombs on part of the work; and had a copy of his original field book in his hand. He gave the copy to McCombs.
3. George retraced the original lines of Kuechler, with McCombs present on "a good portion of the work". George perpetuated the corners found and identified with concrete monuments.

### FACTS AS TO THE PROBLEMS TO BE SOLVED, AND PROCEDURE FOLLOWED

Please refer to the attached map.

There is ample control in the form of U. S. Coast and Geodetic Survey triangulation stations. All of the field work and calculations are related to this control using the Texas Coordinate System, Central Zone. Bearings and coordinates are grid values referred to the System. As noted on the map, the distances are ground distances for the purpose of calculating ground areas.

We find the concrete monument, by H. L. George, poured around an old pipe, for the southeast corner Block 6, Township 4, which we used as the original (K-252) by Kuechler, pipe added by McCombs, and the monument by George.

We find a large old mound of stones which we take for the southeast corner of Block 66, Township 5, as set by McCombs. George has added a concrete monument in the mound of stones. McCombs reports, by his maps, that he marked the other corners along the east line of Block 66, Township 5 and the east line of Block 66, Township 4. We are unable to identify any corners other than the two mentioned above.

Counter 27037



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We ran northwesterly from K-252, as described in Kuechler's field notes and his field book. The next corner we can identify is K-266, the common corner of Surveys 18, 19, 28, and 29 in Block 67, Township 3. We also find the corners K-267, K-268, and K-269. We take these corners, K-266 thru K-269, to be those made and described by Kuechler, found by McCombs, and found and perpetuated by George.

We offer the following as a construction for reestablishing the survey lines and corners in the Texas and Pacific Railway Company blocks in the area of interest: -

1. The common line of Blocks 65 and 66, Township 5, was run from the southeast corner of Block 66-5 (McCombs) to the northeast corner of Block 66-5 (Kuechler and McCombs) and the distance prorated for survey dimensions. The distances along the block line would be  $1986\frac{5}{10}$  varas per survey. The survey lines in Block 65-5 would be parallel or at right angles to the block line. The north and south lines would be the prorated distance,  $1986\frac{5}{10}$  varas; and the east and west lines would be call distance, 1900 varas. The east and west distances in Block 66, Township 5 will be discussed with Blocks 66, 67, and 68 in Townships 3 and 4.

2. Accepting McCombs statement that he ran transit lines, with front and back sights, we project the common line of Blocks 65 and 66, Township 5, northerly to make the common line of Blocks 65 and 66, Township 4. The survey lines in Block 65-4 would be parallel or at right angles to the west line of the block. The east and west lines would be call distance, 1900 varas. The north and south distances will be discussed with Block 66, Township 4.

3. A ground connection was made from the southeast corner of Block 66, Township 4 (K-252), to the southwest corner of Survey 19 in Block 67, Township 3 (K266). The actual course and distance was computed. Then the course and distance was computed



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between these corners using the calls along survey lines by McCombs. A comparison of the resultant called course and distance with the actual course and distance revealed two things.

First. The measured distance was greater than the called distance, making an excess factor of 1.001765 to be multiplied by the called distances to prorate the excess found between original corners.

Second. A comparison of the actual course between the corners (on Grid) and the computed course, from the calls by McCombs, reveals that to retain the right angles at survey corners, as described in the field notes, would require that the called courses be rotated 2 degrees-12 minutes-46 seconds to the right, or clockwise. Actually the courses on this reestablishment would be only no degrees-06 minutes-47 seconds left of true direction at U. S. C. & G. S. Station "SALT".

4. With the hope of making the construction more understandable we will briefly discuss each Block.

Block 65, Township 5

Survey lines would be parallel or at right angles to the west line of the block. The north and south lines would have the same distances found along the west line of the block. The east and west lines would be as called by Kuechler.

Block 65, Township 4

The construction of this block would be the same as Block 65, Township 5, except north and south lines would have a prorated excess. (See Block 66, Township 4.)

Block 66, Township 5

Survey lines would be parallel or at right angles to the east line of the block. The north and south lines would have the same distances found along the east line of the block. The east and west distances would have the same excesses determined by the prorated construction from K-252 to K-266.



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Block 66, Township 4

The prorated construction from K-252 th K-266 would determine the location of the northwest corner of Block 66. Township 4. The north line of the block would be run east (South 87 degrees-47 minutes-14 seconds East) the call distances in the surveys (by McCombs) times the excess factor (1.001765) to the northwest corner of Survey No. 1. Then the block line would be extended to intersect the west line of Block 65, Township 4.

From the northwest corner of this block the west line would be run south (South 2 degrees-12 minutes-46 seconds West) the call distances in the surveys (by McCombs) times the excess factor, to the northwest corner of Survey No. 43 in this block. Then a line run east (North 87 degrees-47 minutes-14 seconds East) the call distances (by McCombs) times the excess factor, to the northwest corner of Survey No. 48 in this block.

Then the interior survey lines in the block would be extended east (South 87 degrees-47 minutes-14 seconds East) to intersect the previously located west line of Block 65, Township 4. The distances north and south, along the east line of this block, would be projected east thru Block 65, Township 4.

Then the interior lines of this block would be extended south (South 2 degrees-12 minutes-46 seconds West) to intersect the north line of Block 66, Township 5. The distances east and west along the south line of this block would be projected south thru Block 66, Township 5.

Thus, as shown by the attached map, the south tier of surveys would change more than slightly from the calls by McCombs. This tier of surveys would increase in area from east to west. The same is true of the east tier of surveys, except they would decrease in area from south to north, as indicated on the map.



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Block 67, Township 3

The lines and corners in Block 67, Township 3 south and east from K-266 are determined from the prorated construction from K-252 to K-266. The distances for the survey lines extending east (South 87 degrees-47 minutes-14 seconds East - Grid) are the prorated distances (call by McCombs times 1.001765). The distance west (North 87 degrees-47 minutes-14 seconds West) is the called distance by McCombs, to establish the southwest corner of Survey No. 18 in the west line of this block. The west line of the block extends North 2 degrees-12 minutes-46 seconds East and South 2 degrees-12 minutes-46 seconds West from this survey corner.

The lines from K-266 to K-267 to K-268 to K-269 are used as found, making the jogs from the original corners as reflected by the field notes of Kuechler, revised by McCombs. This causes some variations in north and south courses from K-266 to K-269; and it follows that there will be some variations in the distances extending east and west from these original corners.

The north line of the block is established by running north (North 2 degrees-12 minutes-46 seconds East) the called distance by McCombs from K-269; and then running east (South 87 degrees-47 minutes-14 seconds East) and west (North 87 degrees-47 minutes-14 seconds West) to intersect the East line and the west line of the block, as located from K-266.

Block 67, Township 4

This block is constructed by extending the survey lines of Block 66, Township 4 west (North 87 degrees-47 minutes-14 seconds West) thru the block to intersect the survey lines in Block 67, Township 3 extended south (South 2 degrees-12 minutes-46 seconds West) thru the block.



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Block 68, Township 3

This block is constructed by extending the survey lines in Block 67, Township 3 west (North 87 degrees-46 minutes-14 seconds West) the distances reported by McCombs.

Block 68, Township 4

This block is constructed in the same manner as Block 67, Township 4, by extending the survey lines from Block 67, Township 4 and the survey lines from Block 68, Township 3.

Survey and Establishment of  
the Public School Blocks by  
A. H. Parker

In 1900 Mr. A. H. Parker, County Surveyor of El Paso County, under a contract with Land Commissioner Charles Rogan, made a survey of the unsurveyed school lands in El Paso County.

Parker's reports of connecting lines run, in and near the area of interest, refer almost exclusively to corners by McCombs. Parker also filed a map, with his field notes, showing corners found.

Parker reports beginning at "McComb's stone mound for the southwest corner of Block 65, Township 5, and running north 31,971 varas to a point for the northeast corner of Block 66, Township 4." This distance is the sum of the distances by McCombs.

Parker also found a number of corners in Block 67, Township 3, including some by Kuechler as well as McCombs. He reports that he identified the southwest corner of survey 16 (K-267), the southwest of survey 15, and the southwest of survey 14. From the southwest of survey 14 he ran "east 6058 varas (McCombs distance) to a point for the southeast corner of survey 12 in said Township 3; thence south 10026 varas (McCombs 10035 varas); thence east 11,997 varas (McCombs distance) to the point heretofore located for the northeast corner of Township 4, Block 66, the discrepancy being



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practically nothing.

We offer the following as to the relation of Public School Blocks 117, 118, and 119, as located by Parker, to the Texas and Pacific Railway Company blocks as established by McCombs.

1. We note only two corners in these School Blocks that indicate ground work, other than the connections noted. The northwest corner of Block 118, by Parker, calls for an earth mound and four pits and three mountain bearings. The southeast corner of Block 118, by Parker, calls for a stake and two mountain bearings. Of course the field notes in the School Blocks call to adjoin the Texas and Pacific Railway Company blocks.

2. It is apparent that Parker respected, and constructed the School Blocks from, the Texas and Pacific Railway blocks as determined by McCombs.

3. The construction suggested herein for the reestablishment of the Texas and Pacific Railway Company blocks results in distances that conform so closely to the distances by McCombs and Parker that the probability of a separation or conflict between the Railway Company blocks and the School blocks seems remote.

Survey and Establishment of Blocks  
"L" and "N" of University Lands

In 1933 Frank F. Friend, Special Surveyor for the University of Texas, made a survey and monumented Blocks "A" thru "N" of University Lands.

Friend's location of the east line of Blocks "L" and "N" was made from some corners placed by O. W. Williams in surveying the University Blocks in 1886.

Friend determined a position for the northwest corner and the west line of Texas and Pacific Railway Company Block 68, Townships 3 and 4 as follows: -



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1. He began at the southeast corner of Survey 1 in Block 67, Township 3 (K-269) per Kuechler, McCombs, and H. L. George, and ran north 2091 varas (McCombs 2092 varas). He then ran west 1969 varas to a position for the northwest corner of Block 67, Township 3. H. L. George reports 1970 varas; and by the construction suggested above this distance would be 1970-2/10 varas.

2. Friend then ran west, parallel to the south line of New Mexico, 11657 varas (McCombs 11,662 varas) to a position for the northwest corner of Block 68, Township 3. He reported that he then ran south, on a meridian line, for the west line of Block 68, Townships 3 and 4.

Friend found that the University Lands did not reach the west line of Block 68, but that the lines would intersect to the south. He ran the east line of the University Lands south to the intersection and then followed the west line of the Texas and Pacific blocks.

In 1935 Friend prepared and filed a map and field notes for the lands north and east of Blocks "J", "K", and "L" of University Lands, now known as Block "JKL" Public School Land in the Land Office.

The construction suggested herein is in very reasonable accord with the locations by Friend.

The field work in connection with this investigation extended from 1960 into 1972. Distances were measured or verified with a Hewlett-Packard 3800A Distance Meter, and directions were determined from angles read with a Wild T-2 theodolite. Traverses closed with an accuracy of 1 in 10,000 or better.

Respectfully,

*John F. Baker*

John F. Baker

Licensed State Land Surveyor.



November 9, 1972.

counter 27094



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BROOKES BAKER (1902-1955)  
JOHN F. BAKER, CONSULTANT  
S. J. BAKER  
FRED M. MORRIS  
GAREY W. GILLEY

ESTABLISHED 1880

511 E. BLUFF STREET  
817-335-7191

# BROOKES BAKER

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FORT WORTH, TEXAS 76102

June 7, 1974

Commissioner of the  
General Land Office  
Austin, Texas 78701

Attention: Mr. Jack Giberson  
Mr. Herman Forbes

Gentlemen:

In accordance with the oral agreement reached with Mr. Jack Giberson and Mr. Herman Forbes in the Land Office on May 2, 1974, as evidenced by Mr. Forbes' letter of May 6, 1974, concerning construction for re-establishing surveys in Blocks 65 and 66 in Townships 4 and 5 and in Blocks 67 and 68 in Townships 3 and 4 in the Texas and Pacific Railway Company Reservation in Hudspeth and Culberson Counties in Texas, we make this formal offering of the report and map for filing in and approval by the General Land Office.

As corrected field notes are prepared, in accordance with this construction, the positions and descriptions of the objects set to mark corners will be reported.

A film reproducible is being mailed under separate cover in a tube.

Respectfully yours,  
BROOKES BAKER, Surveyors

John F. Baker  
Licensed State Land Surveyor.

JFB:jc

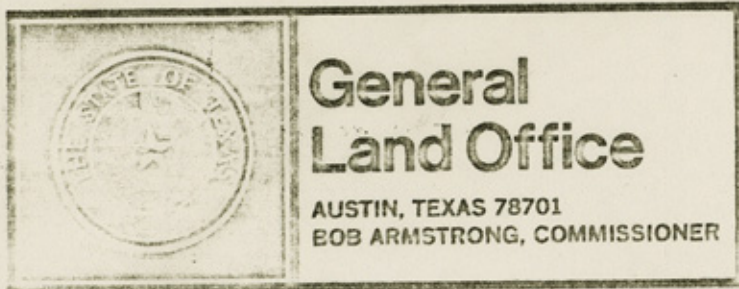
cc: Texas & Pacific Land Trust  
1309 Main Street  
Dallas, Texas 75202

Mr. Wesley West  
P.O. Box 7  
Houston, Texas 77001

counter 27045



D-49



May 6, 1974

Mr. John Baker  
511 East Bluff Street  
Fort Worth, Texas 76102

Re: Construction of T & P Ry. Co. Surveys,  
Elks. 65 & 66, Tsp. 4 & 5, Blks. 67  
& 68, Tsp. 3 & 4, Hudspeth and  
Culberson Counties.

Dear Sir:

Confirming the oral agreement reached May 2, 1974 in this office with your self, Jack Giberson and the undersigned present, this office approves the construction set out in your fifteen page report dated November 9, 1972 and the accompanying map which is based on Paul McCombs' corners recovered by you.

This office expects any corrected field notes submitted for filing to conform to the above map and report, which were left with us for study. According to our understanding, these items will be formally submitted for filing in the near future.

Other interested parties may file corrected field notes to reflect the excess acreage found if they so desire.

After the corrected field notes are filed on those sections upon which patents are requested, a final pay statement covering the excess acreage costs and fees required will be prepared for the owner.

Patents are issued to the last assignee (by personal transfer) of record in this office. Should your client wish to update the record title, certified copies of the deeds with a \$3.00 filing fee for each would have to be furnished.



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May 6, 1974

Mr. John Baker

If there is any additional item that needs to be discussed or considered, please let us know.

Sincerely yours,

*Herman Forbes*

Herman Forbes  
Acting Director, Surveying Division  
Telephone: 512-475-3145

HF/dc

File No. 512-475-3145  
Index to  
April 4  
GARY MARCO COPY  
BY [illegible]  
1984



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Mr. John Baker

If there is any additional information that needs to be considered, please let me know.

Sincerely yours,  
*[Signature]*

William J. ...  
Acting Director, Surveying Division  
Telephone: 512-512-5125



File No. Sketch File No. 45  
Hudspeth County  
Filed April 4 19 84  
By GARRY MAURO, Com'r  
Douglas Howard