

SURVEY REPORT

University of Texas System Lands comprised  
of certain fractional subdivisions of  
Sections 23, 25, 27, & 28 in University  
League 2, Lamar County, Texas.

by

Wm. C. Wilson, Jr.

Licensed State Land Surveyor

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University League 2, Fract. Subds. of 23, 25, 27, & 28  
Filed April 20 19 89  
By GARRY MAURO, Com'r  
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April 8, 1989

REPORT OF SURVEY OF UNIVERSITY OF TEXAS SYSTEM LANDS COMPRISED OF CERTAIN FRACTIONAL SUBDIVISIONS OF SECTIONS 23, 25, 27, & 28 IN UNIVERSITY LEAGUE 2, LAMAR COUNTY, TEXAS.

Pursuant to request of University of Texas System, University Lands-Surface Interest, I have completed the research and surveying and monumenting on the ground of the captioned lands in Lamar County, Texas, and furnish this report in connection therewith.

My instructions were to conduct research and surveying necessary to recover the appropriate data to ascertain the limits of lands currently owned by the University of Texas System in Lamar County, Texas, as set forth in list of lands furnished me from report prepared by Ms. Louise C. Harwood dated March 15, 1964. Specifically this list is as follows:

LAMAR COUNTY

ABST.NO.	GLO FILE NO.	ACREAGE	DESCRIPTION
1291	4677	80.0	E/2 of NE Subdiv. 1, Sec. 23, League 1-2-3
1294	4698	80.0	S/2 of NW Subdiv. 2, Sec. 25, League 1-2-3
1295	4678	80.0	E/2 of Subdiv. 3, Sec. 25, League 1-2-3
1296	4691	113.6	NE Subdiv. 1, Section 25, League 1-2-3
1297	4679	80.0	N/2 N/2 Subdiv. 1, Sec. 27, League 1-2-3
1298	4680	80.0	S/2 of S/2 Subdiv. 1, Sec. 28, League 1-2-3

TOTAL ACREAGE - - 513.6

Corrected Field Notes for each of the aforesaid tracts together with plat depicting the results and monumentation of my survey are furnished with this report. Appendix to this report contains the following:

- (1) Excerpts from publication titled "LAND, OIL AND EDUCATION by Berte R. Haigh published by Texas Western Press, the University of Texas at El Paso, in 1986.
- (2) Copy of letter dated November 15, 1963 from Ms. Louise C. Harwood to Mr. William W. Stewart, University of Texas Endowment Officer.
- (3) Copy of several pages from report prepared by Ms. Louise C. Harwood dated March 15, 1964.
- (4) Working Sketch No. 3 depicting Corrected Field Notes, required as a result of these University Lands being further subdivided into fractional tracts out of the "Quarter Sections" as they were sold. (Patents were issued on these Corrected Field Notes but the fractional tracts sold and then forfeited had no such Corrected Field Notes filed).
- (5) Working Sketch No. 2 depicting the Subdivisions of said "Sections" into one quarter Sections as nearly as practical by Corrected Field Notes of Louis A. Cunningham dated 1875 & 1876.
- (6) Working Sketch No. 1 depicting the original Surveys surrounding University League 2 as per the original Field Notes on each and depicting said League 2 and the Subdivision thereof into "Sections" as per Corrected Field Notes by Thos. J. Wood.

According to the Field Notes obtained from the General Land Office, the original survey of Leagues 1, 2 and 3 was made by William M. Williams. Mr. Williams surveyed League 2 on July 26, 1850, League 3 on July 27, 1850 and League 1 on October 30, 1850.

Page 1 of 8.

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REPORT OF SURVEY OF UNIVERSITY OF TEXAS SYSTEM LANDS COMPRISED OF CERTAIN FRACTIONAL SUBDIVISIONS OF SECTIONS 23, 25, 27, & 28 IN UNIVERSITY LEAGUE 2, LAMAR COUNTY, TEXAS.

Under date of July 1867, Mr. Thomas J. Wood returned Corrected Field Notes for Leagues 1, 2 and 3. Mr. Wood again returned Corrected Field Notes on Leagues 1, 2 and 3 under date of December 1868.

These University Leagues were subdivided into what was designated as Sections 1 to 29, each being a one mile square 640 acre tract or as nearly such as the perimeter of the Leagues would permit. The Field Notes for these Section subdivisions were also by Mr. Thomas J. Wood under various dates in 1867 and 1868 with those of particular interest here being dated December 1868.

To facilitate disposing of these lands through sales to the public, each of Sections 1 to 29 of the aforesaid Leagues was further subdivided into quarters or as nearly so as the perimeter of each of the Sections would permit. The actual sales however often recited North half of N.E. quarter subdivision or South half of N.E. quarter subdivision and so on without benefit of Field Notes. Although the aforesaid aliquot descriptions were used for sales, Corrected Field Notes were required for the issuance of Patents. These Corrected Field Notes were returned by various surveyors over numerous years.

The lands of interest here, and listed above, were originally sold by the aliquot method, and subsequently forfeited, most of the forfeitures occurring in 1943. Over the years most of the tracts adjoining subject lands have been fenced. Some of these fences appear to be very old, the wire being imbedded several inches in large trees. Most of these fences are near, if not on, the lines described in the Patent Field Notes of the tracts adjoining the subject lands.

For clarification, the details of the history and my surveying on the ground will now be set forth herein.

CHRONOLOGICAL HISTORY

1827---1839---EARLY TEXAS RECORDS REFLECT IMPORTANCE OF EDUCATION

From the book "Land, Oil and Education" and particularly that portion dealing with the original 50 Leagues appropriated for the establishment and endowment of two colleges or Universities, one can ascertain the importance early Texans placed on education. Before there was even a Republic of Texas, in 1827, Section 6 of the Constitution of Coahuila and Texas called for the establishment of primary schools in all towns of the states and of seminaries in suitable places. In 1836 the Declaration of Independence contained a bill of complaints against the Mexican Government for failure to provide education. Section 5 of the Constitution of the Republic, in 1836, states that the Congress is obligated to provide by law a general system of education as soon as circumstances will permit.

In 1839, the Congress of the Republic was persuaded by President Lamar to enact an education law providing for both primary and higher education. Section 4 of this act directed the President of the Republic "to appoint a surveyor and have surveyed from any of the vacant lands of this Republic, 50 leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges or Universities, hereafter to be created". Section 5 of the act prescribed that appointed surveyors should "make out a complete description of the



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lands so surveyed and a neat and correct map of the same and deposit them together with the field notes in the General Land Office of this Republic".

1840 --- 1850 --- EARLY SURVEYS AND CANCELLATIONS

On page 6 of the referenced book (see appendix) we are told that there was a survey made of Leagues 1, 2 and 3 during 1839 and 1840 in what is now Rusk and Smith Counties, but that such records of the survey, as required by law, were not filed in the General Land Office of the Republic. Since the Land Commissioner was unaware of such survey, he had accepted applications, executed purchase contracts that transferred the land, and issued some patents to the same lands surveyed for Leagues 1, 2, and 3.

This created a problem which was resolved by the Third Legislature of the State of Texas, by a joint resolution entitled Chapter 92, cancelling the University survey and validating all good faith purchases. The same resolution instructed the Commissioner of the General Land Office to "employ some competent surveyor to survey 3 leagues, from any of the vacant or unappropriated lands in the State, in lieu of said Leagues Numbers 1, 2 and 3. In 1845, when Texas entered the United States, it kept its Public Lands and the obligations against them.

1850 --- 1868 --- CONTRADICTIONS --- SURVEYS --- RESURVEYS

In the adjourned session of 1856 the Legislature enacted Chapter 144 and Chapter 156 dealing with the lands appropriated -- "January 26, 1839" and detailed the procedures to be followed in locating and surveying the 50 Leagues. (Details are set forth in attachments from said above referred book in appendix hereto).

The above is all plausible and apparently well researched, however, the records I found in the General Land Office lead me to conclude that there are some omissions or contradictions. The original field notes, for University Leagues 1, 2 and 3 situated in Lamar County, found in the General Land Office indicate they were surveyed as authorized by an act of the Legislature approved February 1, 1850. This must be the joint resolution entitled Chapter 92 mentioned above. The original Field Notes for League 1 indicate a survey by William M. Williams dated October 30, 1850 and also the statement "I William M. Williams do hereby solemnly declare under the oath of my office that the foregoing survey was made since the 1st day of August A.D. 1838, --- Wm. M. Williams, D.S.L.D." An additional certification by J. T. Harmon, District Surveyor of Lamar County, dated November 6, 1850, states "the foregoing plat and field notes is correct and survey made according to law". The original field notes for League 2 carry the same statements as League 1 except the survey date is July 26, 1850 and Harmon's certificate is dated August 1, 1850. The original field notes for League 3 carry the same statements as League 1 except the survey date is July 27, 1850 and Harmon's certificate is dated August 1, 1850.

Contrary to assertions in said book titled Land, Oil and Education, that no appropriations were available until 1856, the official Land Office records reflect these Leagues were surveyed in 1850. This was apparently accomplished pursuant to the resolution entitled Chapter 92 and perhaps was ordered by the Commissioner pursuant to the direction of the Legislature in said resolution. It appears the Governor was not aware of this being done. According to said book, the act of 1856 (Chapter 144 and



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Chapter 156) provided that the 50 Leagues would be surveyed into tracts of 160 acres each, instructed how the lines were to be surveyed and marked and how the tracts were to be sold, and directed the governor, rather than the Land Commissioner, cause the land to be surveyed. It was the duty of the surveyor to return the originals of maps and of field notes to the Commissioner of the General Land Office and to record the same information in a bound book in his office. The Land Commissioner was instructed to notify the Governor of the receipt of such documents.

The official Land Office Records reflect that Thos. J. Wood re-surveyed Leagues 1, 2 and 3 in 1867 and filed corrected Field Notes for each in the General Land Office. These Field Notes either did not close, contained too much area, or were in conflict when one or the other was corrected, therefore, Mr. Wood again re-surveyed these Leagues in 1868 and filed additional Corrected Field Notes for each in the General Land Office.

Mr. Wood filed Field Notes dividing these Leagues into sections of 640 acres or as nearly so as the configuration of the Leagues would allow. These Field Notes indicate a re-survey in 1868 and state they were made pursuant to an act approved August 30, 1856. It appears Mr. Wood was surveying pursuant to above mentioned Chapters 144 and 156 of the act of 1856. In preparing his "Section" Field Notes, he recited line corners at intervals which would facilitate the further division into 160 acre tracts, or as nearly so as the configuration of the "Sections" would permit. Mr. Wood also filed Field Notes for some of the "160 acre" tracts but most were cancelled by later Corrected Field Notes.

1875 --- 1945 --- ADDITIONAL CORRECTED SURVEYS

In 1875 and 1876 Corrected Field Notes were prepared by Louis A. Cunningham on the said "160 acre tracts" in the subject area. These Corrected Field Notes moved the West line of "Sections" 27, 25, and 23, East 134 varas and moved the North line of "Sections" 27 & 28, 25, 24, and 23, South 216 varas and reflect that Mr. Cunningham found the combined West lines of "Sections" 27, 25, & 23 to be 45.6 varas shorter than did Mr. Wood. Thus the distance from the most northerly S.W. corner of "Section" 23 to eastward projection of the South line of Dempsey Brown Survey was found by Cunningham to be 170.5 varas longer than Wood's distance. The existence of Cunningham's Field Notes was all but unknown until July 7, 1988 when, after my insistence that there were still some missing Field Notes, these were discovered on the last row of the miscellaneous and University Lands Records on the top shelf in two Hollinger boxes labeled "University Lands" Box 2 of 2. I understand the Records Division of the General Land Office is now in the process of filing these in the individual File Jackets. It is difficult to understand why these Field Notes were there for about 112 years without having been so filed until now. One of these Field Notes was filed in G.L.O. file No. 4695 which was Patented on same in 1913.

It appears that at least one employee of the G.L.O. knew of these Field Notes because in 1885, 1886, and 1887 he, Mr. C. W. Pressler, compiled Field Notes for four of the tracts in the subject area. When I finally obtained copies of Mr. Cunningham's Field Notes, a comparison revealed that Mr. Pressler's compiled Field Notes called for the same corners and witnesses as called for by Cunningham.

The University Lands in the subject area were mostly sold, not according to the surveyed Field Notes but, by aliquot descriptions generally covering about 1/2 of the "160 acre tracts", i.e., as the S 1/2 of N.W. Subdivision 2, Sec. 25 etc. The tracts so sold were



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surveyed on various dates, usually shortly before Patent was issued. These Field Notes were by various surveyors, the most prominent of which were D. L. Crook and J.W. Crook, who rendered Field Notes from 1916 thru 1945. Other surveyors were J. C. Oates, L. C. Wise, and Luke Johnson. The tracts which were sold but forfeited back to the University in 1943 had no Field Notes in their File Jackets.

SURVEYING ON THE GROUND

SURVEY CONTROL

I traversed through the subject area between U.S.C. & G.S. triangulation stations LASSITER and FOSTER to control the accuracy of my survey. This traverse was performed with one second Theodolites and electronic measuring devices. All courses, distances and coordinates recited in my survey are based on the Texas Coordinate System of 1927-North Central Zone. I used a reduction factor of 0.99992049 based upon mean Latitude (33°45'N.) scale factor of 0.99994680 and mean elevation (550 feet above sea level) factor of 0.99997369. All Original and Patent corners, that would affect the location of the subject and surrounding surveys, were searched for.

SURVEY CORNERS RECOVERED

I found a 44" Post Oak stump which I took to be the original witness for the S.E. corner of Dempsey Brown Survey and an original ell corner of University League 2 as found by Thos. Wood in 1867-1868. This stump is located in the front yard of the home of Mr. Blake Bonham who has lived most of his seventy-six years there and remembers climbing in the tree as a child. He said he was always told that this was an original witness tree. The original Field Notes for Dempsey Brown Survey call for a Post Oak marked "DB" as a witness, N.70°W. 15 varas, from its S.E. corner, but Mr. Wood found this witness to be N.70°W. 18 varas from said S.E. corner as did Mr. Cunningham in 1876. I therefore located the S.E. corner of said Brown Survey as a point in North-South road from which said 44" Post Oak stump bears N.70°W. 18.0 varas.

I found a 40" Red Oak which I took to be the witness for the Patented S.E. corner of South Fractional quarter Section 2 of Section 29, G.L.O. File No. 1176, Abstract 1159. The Patent Field Notes for this tract were compiled by C. W. Pressler February 7, 1887 and Patent was issued February 10, 1887. These Patent Field Notes call for a Red Oak marked "U" N.22°W. 7 varas. This call is identical to the call in the recently discovered Field Notes of Louis A. Cunningham, dated April 15, 1876. The same witness is called for at the N.E. corner of Quarter Section 1 Northern Subdivision 27 as per Louis A. Cunningham's Field Notes for said tract dated April 14, 1876. This corner calls to be located on the West line of a Survey in the name of Thomas Wideman and falls near an old fence which appears to be along, on, and near the West line of said Wideman Survey. Said corner also fits quite well with a corner established from another witness called for by Cunningham at his position for the S.W. corner of A. Perryman Survey on the East line of H. Snow Survey and being the most Easterly N.W. corner his (Mr. Cunningham's) quarter Section 1 or N.E. Subdivision 25 which is G.L.O. File 4691, Abstract 1296.

The Patented S.E. corner of said South part of Section 29, as located from said 40" Red Oak fits within 1 vara North-South of the Patent called relationship to the S.E. corner of said Dempsey Brown Survey but does not fit quite as well in an East-West relationship. I found 69.22 varas more East-West distance than that called for in the Patent, and in Cunningham's Field Notes, however, I note



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that J. W. Crook found 21.64 varas more East-West distance than did Cunningham. Along the South line of said South part of Section 29, I found 22.08 varas more than the Patent call (and Cunningham's Field Note call). This fits very close to that distance found by said J. W. Crook.

The big discrepancy, and for that matter the largest discrepancy found in this entire survey, is in the distance found between the aforesaid S.E. corner of Dempsey Brown and the N.E. corner of T. Gardner Survey as located from a 45" Red Oak witness found, as recited in the Patent Field Notes, at the S.W. corner of the North end of Fractional Section 28, G.L.O. File 4662, Abstract 1278. I found this distance 15.14 varas shorter than the Original calls of Geo. W. Stell and Thos. Wood and 54.14 varas shorter than Cunningham's and the Patent call.

George W. Stell, in 1841, originally surveyed the Thomas Gardner and called for a witness at its S.E. corner, "Post Oak marked + East 7 varas". In his Field Notes for Section 28 of League 2, Thos. J. Wood indicates this same witness at this same corner. L. A. Cunningham's Field Notes of 1876 reflect that he found this same corner with the same witness. The Patent Field Notes for the North 1/2 Quarter Section 2, South Subdivision Section 28, by Luke Johnson in 1882, indicate that he also found this same corner with this same witness. Each of these surveyors field notes indicate they found within 10 varas of the same distance between the West line of the Thomas Wideman Survey and the East line of the Thomas Gardner Survey. Mr. Crook does not indicate that he found the witness at the S.E. corner of the T. Gardner Survey in his Field Notes for said Abstract 1278, however his East-West distance fits that found by Luke Johnson in 1882 within 10 varas and his position for the S.W. corner of said Abstract 1278, as located from said 45" Red Oak witness, fits in all directions within 20 varas of the distances found by the aforesaid surveyors. Mr. Crook's position also fits a rotation determined by the Field Note calls between the aforesaid S.E. corner South part Section 29, as located from 40" Red Oak witness, and the common corner of the two South Quarter Sections of Subdivision 25 and the two North Quarter Sections of Subdivision 23. The course found by this method is N.0° 05' 00" W. and N. 89° 55' 00" E. (grid) or N. 0° 52' 36" E. and S.89°07'24"E.(true). On my survey plat one can ascertain that this course tracks the lines of occupation quite closely.

CONSTRUCTION OF SURVEY AND TRACT LINES.

Since there are some notable differences in the calls of the Field Notes of Thos. J. Wood, the Field Notes of Louis A. Cunningham, and the subsequent Patent Field Notes by various surveyors, as mentioned under the history section of this report, it was decided that a consultation with University Attorneys, Mr. Linwood Shivers and Mr. Lanvil Gilbert, and others of their staff would be appropriate. This consultation, and a general discussion of this situation with personnel of the General Land Office, resulted in the construction depicted on my survey plat furnished with this report. In general, this construction follows the principals outlined by the Court in Post, et al vs. Embry, 205 S.W. 514. One entity, the University System, owned all of the subject land, sold it in various tracts, some of which were subsequently Patented and some of which were forfeited. The premise is that the Patent lines of the tracts so sold and Patented represent the boundary between such tracts and those forfeited to the University of Texas System. If this precedence could be supported with all



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Surveys involved delineated by Field Notes recorded at that time, then it would seem especially supportable in light of the fact that the forfeited tracts were sold by the aliquot method with no Field Notes. The Field Notes by Cunningham were not discovered until almost 100 years after the fact and more than 40 years after the land was forfeited.

To locate the N.E. corner of G.L.O. File 4694, Abstract 1288, and the N.W. corner of G.L.O. File 4691, Abstract 1296 on the South line of G.L.O. File 4798, Abstract 1322, I first located a point on the West line of the H. Snow Survey for the Southerly S.E. corner of said Abstract 1322 and the Westerly N.E. corner of said Abstract 1296, course and distance from the aforesaid S.W. corner A. Perryman Survey on the East line of said H. Snow Survey. I then intersected a line on course of S.89°55'00"W. from this corner to a line on course N.0°05'00"W. from the aforesaid Patented N.W. corner of G.L.O. File 4685, Abstract 1292. I found the North-South distance to be 950.73 varas per one-half mile rather than the call of 950.4 varas per one-half mile. I found that the H. Snow Survey was shifted Eastward relative to the calls in G.L.O. File 4691, Abstract 1296, so that the distance along the most Northerly North line of said Abstract 1296 was 43.37 varas excessive over the called distance, the distance along that part of the North line of Abstract 1296, common to the South line of the A. Perryman Survey was 40.49 varas short of the called distance, while the called total East-West dimension of 950.4 varas remained the same.

From said N.E. corner of Abstract 1288 and N.W. corner Abstract 1296 on the South line of Abstract 1322, I found a line on course S.89°55'00"W. intersected a line placed along the average centerline of a North-South road, along the line between said Sections 27, 28, 24, 23, and 25, at a distance of 947.74 varas rather than the called distance of 950.4 varas. This intersected corner in said North-South road is the S.W. corner of said Abstract 1322, the N.W. corner of G.L.O. File 4764, Abstract 1317, the N.E. corner of G.L.O. File 4703, Abstract 1289, and the S.E. corner of G.L.O. File 4680, Abstract 1298. The distance from this point N.89°55'00"E., to the most Southerly S.E. corner of said Abstract 1322, is 1217.80 varas while the Patent call distance is 1215.0 varas. From the aforesaid point in road, for the S.W. corner of Abstract 1322 and the S.E. corner of Abstract 1298, on course S.89°55'00"W., to intersect the East line of Leonard Snowden Survey, I find the distance is 2.78 varas short of that called in Cunningham's 1876 Field Notes. As there were no corners recovered on the East line of the Snowden Survey, its position as referenced here is as located course and distance from the aforesaid S.E. corner of T. Gardner Survey.

I next extended a line from the aforesaid S.W. corner of North end Fractional Section 28, G.L.O. File 4662, Abstract 1278, on course N.89°55'00"E. to intersect a line along said road, on course N.0°05'00"E. from the aforesaid point for S.E. corner of Abstract 1298. I found the distance Easterly to be about 9 varas short of the Patent call along the most Northerly line of that part of 28 known as G.L.O. File 2883, Abstract 1138, but 0.6 vara longer than the distance called along the South line of said Abstract 1278. I found the North-South distance, along the East line of said Abstract 1298 and Abstract 1138, to be about 10 varas short of that deduced from addition and subtraction of Patent calls while it is about 21 varas short of that distance called for in Cunningham's Field Notes dated 1876. Here I allowed Abstract 1138 to take its Patent call distance and leave the shortage in that part of said Section 28 forfeited to University of Texas System and known as G.L.O. File 4680, Abstract 1298.

I found the over all North-South distance to be short by about



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28 varas from the South line of G.L.O. File 4798, Abstract 1322, to the S.E. corner of South part Section 29 as Patented. I found the East line of G.L.O. File 4742, Abstract 1309, to be 10 varas longer than its Patent call and its West line to be about 4 varas longer than its Patent call, in both cases to an existing East-West fence, (actual course N.89°29'45"E.), along the occupied North line of said Abstract 1309. Because of the distance discrepancies, the fact that this appears to be an old fence, and because there is a residence located just South of this fence, it was determined, after consultation, to recognize this fence as the South line of the University of Texas System Land in G.L.O. File 4679, Abstract 1297.

The balance of the reconstruction of the pertinent Survey and boundary lines is clearly depicted and easily understood from the delineations on my survey plat furnished with this report and, other than prorating along the first discussed line through the central part of Section 25, League 2, consist of projecting distances, called for in existing Patents, to the East and South from the common corner of G.L.O. File 4678, G.L.O. File 948, G.L.O. File 4685, and G.L.O. File 4655.

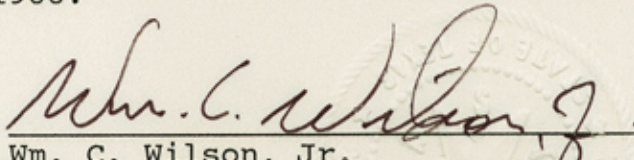
Field Notes for each of the University of Texas System's six (6) tracts are submitted along with plat of my survey of same for approval and adoption by the Commissioner of the General Land Office. A list of these tracts and the actual acreage found therein follows:

LAMAR COUNTY

<u>ABST.NO.</u>	<u>GLO FILE NO.</u>	<u>ACREAGE</u>	<u>DESCRIPTION</u>
1291	4677	80.00	E/2 of NE Sub. 1, Sec. 23, LEAGUE 1-2-3
1294	4698	79.80	S/2 of NW Sub. 2, Sec. 25, LEAGUE 1-2-3
1295	4678	79.80	E/2 of Sub. 3, Sec. 25, LEAGUE 1-2-3
1296	4691	114.88	NE Sub. 1, Sec. 25, LEAGUE 1-2-3
1297	4679	72.35	N/2 N/2 Sub. 1, Sec. 27, LEAGUE 1-2-3
1298	4680	76.12	S/2 of S/2 Sub. 1, Sec. 28, LEAGUE 1-2-3

TOTAL ACREAGE - - - - 502.95

This report is furnished in connection with survey on the ground of the indicated lands made by me and under my supervision June 20 thru November 4, 1988.

  
 Wm. C. Wilson, Jr.  
 Registered Public Surveyor No. 963 and  
 Licensed State Land Surveyor



APPENDIX



UNIVERSITY LANDS ACCOUNTING OFFICE

LAND, OIL,  
AND  
EDUCATION



BY  
BERTE R. HAIGH

WITH THE  
EDITORIAL COLLABORATION OF  
MILLICENT SEAY HUFF

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1986



Republic, and to the establishment of a university which the highest branches of science may be taught, can now be effected without the expenditure of a single dollar. Postpone it a few years and millions will be necessary to accomplish the great design.<sup>1</sup>

With these expressions of dedicated thought, President Lamar urged Congress to establish quickly the foundations of a vast system of education not only in the primary phase but also beyond the so-called common schools. The result of his persuasion was enactment of an education law that not only provided for the primary education of Texans but also for higher education.

Section 4 of the act signed by President Lamar on January 26, 1839, directed the president of the Republic "to appoint a surveyor and have surveyed from any of the vacant lands of this Republic, fifty leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two colleges or universities, hereafter to be created."

Section 5 of the act prescribed that appointed surveyors should "make out a complete description of the land so surveyed and a neat and correct map of the same and deposit them together with the field notes, in the General Land Office of this Republic."<sup>2</sup>

The records of early Texas tell us that education was indeed important.

Section 6 of the Constitution of Coahuila and Texas (1827) calls for the establishment of primary schools in all towns of the states and of seminaries in suitable places.<sup>3</sup>

The Declaration of Independence (March 2, 1836) contains a bill of complaints against the Mexican government for its failure to provide education.<sup>4</sup>

Section 5 of the Constitution of the Republic (1836) states it to be an obligation of the Congress to "as soon as circumstances will permit, provide by law, a general system of education."<sup>5</sup>

The message of President Lamar and the passage of the Act of January 26, 1839, were results of these expressed beliefs in the value of education. But the selection and survey of the appropriated land and the establishment of the University were slow.

On the same day that legislation granted fifty leagues of land to two public universities for Texas, a charter was granted to De Kalb College in Red River County. The institution received four leagues of land.<sup>6</sup> The Constitution of the Republic of Texas did not prohibit grants to private and sectarian institutions, and it has been estimated that 179,319 acres of land were granted to private schools of all levels during the period.<sup>7</sup>

Legislation granting what became known as the Fifty Leagues to two

public universities gave the president of the Republic the responsibility for selecting and appointing surveyors. The supervision of the appointed surveyors and the keeping of proper records and maps was, also by statute, a function of the land commissioner. Records in the archives of the General Land Office examined by the author indicate that little was done during the period of the Republic. ✓

When Texas entered the United States, the new state kept its public lands and the obligations against them. Although the Constitution of 1845 did not mention higher education, it contained provisions concerning the public schools and their lands in Article X.<sup>8</sup>



## The Fifty Leagues before the Civil War

PROGRESS TOWARD COMPLETING THE SELECTION, SURVEY, AND SALE of the Fifty Leagues was slow during the early days of Texas statehood. Article X of the Constitution of 1845 deals with education. Four sections of this article pertain to the establishment of free public schools throughout the state and contain provisions for the means of their support, including appropriations of land; but they contain no provisions for colleges or universities.<sup>1</sup>

Available records do not indicate that the General Land Office directed much attention to the selection and survey of the Fifty Leagues. The first statute to prescribe detailed surveying into specific limited area tracts—after the basic selection and surveying—and the methods of selling such tracts was not enacted until August, 1856.

Support for the idea of public universities was still far from universal. A statement by Governor Peter H. Bell in 1851 may offer a better picture of the situation than some of the bombastic political rhetoric offered by those opposed to the institution.

The fourth section of an act of the late Republic, approved January 26th, 1839, contemplates that two Universities shall be created and fifty leagues of land were then directed to be surveyed and set apart for their endowment. It may now be a question whether or not this is an appropriate time for the commencement of these establishments; and whether or not, if the means which the State can advance for the purpose of education, are applied to them, it would be the best application of these means. The subject is referred to the wisdom of the Honorable Legislature.<sup>2</sup>

In addition, there had been serious irregularities in the granting of headright certificates, bounty warrants and donation certificates.<sup>3</sup> None of the episodes had anything to do with the Fifty Leagues, but they did distract the attention of those who were supposed to be setting aside lands for higher education.



✓  
The General Land Office was hampered, however, in efforts it made to deal with the University Fifty Leagues by the failure of some of the appointed surveyors to file their field notes, maps and other data in the Land Office as was required by law, thus creating serious ownership and title problems. One of these failure-to-file situations created a series of title problems that required special legislative action. The surveyor in question had selected and surveyed what he designated University Leagues 1, 2 and 3 in what was then called the District of Nacogdoches. The survey was apparently made during 1839 and 1840. The surveyor's work was correctly carried out, and he filed reports with the clerk of the district, with one copy retained in his office. But neither he nor the clerk filed the proper returns of his work in the General Land Office of the Republic, as was plainly required by law. The District of Nacogdoches was subsequently dissolved, and the area where the leagues were located became part of Rusk and Smith counties. The records of the district clerk, including the field notes and maps of the surveyed leagues, were transferred to the respective county clerks, but these officials also failed to advise the land commissioner.

Between 1839 and 1850 many parcels of land in the leagues were surveyed by private parties, all apparently acting in good faith. In accordance with existing laws, the survey notes had been returned to the Land Office, and the persons involved had filed applications to purchase the parcels, as surveyed, from the State. The land commissioner, finding all documents in order and knowing nothing of the University survey attempt, accepted the applications and executed the purchase contracts that transferred the land.<sup>4</sup>

By the time the problem came to light, some of the sale contracts had been paid out and patents issued. To solve the problem, the Third Legislature, by a joint resolution entitled Chapter 92, cancelled the University survey and validated all good faith purchases. The same resolution instructed the commissioner of the General Land Office to "employ some competent surveyor to survey three leagues, from any of the vacant or unappropriated lands in the State, in lieu of said Leagues Numbers 1, 2 and 3."<sup>5</sup>

Although Governor Bell was not willing to take a stand on the issue of creating a university, he did urge completion of the selection and survey of the Fifty Leagues. In a message to the Fourth Legislature on November 10, 1851, he recommended that the legislature take action concerning completion of the surveying of the Fifty Leagues.<sup>6</sup> Nothing happened. Two years later, on November 8, 1853, he told the Fifth Legislature that it should instruct the land commissioner to proceed with the selection and survey of the land and that it should appropriate money to



pay the cost of such operations.<sup>7</sup> No instructions were issued nor were any funds appropriated.

Governor Bell was succeeded by E. M. Pease, and on December 23, 1853, the new governor urged the Fifth Legislature to complete the survey and to establish one university instead of two.<sup>8</sup> The legislature responded with several days of rhetoric—mostly in the Senate—concerning two universities, one university, or no institution of higher education at all. No action was taken on either this issue or the issue of completing the selection and survey of the remaining acreage in the Fifty Leagues set aside for the University.<sup>9</sup>

Despite its failure to take action on these issues, the Fifth Legislature did pass one land act that would become a part of the story of the University and its land. Chapter 15, usually called the Railroad Grant Act, was enacted to encourage the construction of railroads within the state. This act, approved by Governor Pease on January 30, 1854, prescribed that each railroad company constructing and operating a minimum of 25 miles of railway within the state "will be entitled to receive from the State a grant of sixteen sections of land for every mile of railroad so constructed and put in running order." The receiving companies were required to have the grant land surveyed into sections of 640 acres each and grouped into "square blocks of not less than 6 miles" whenever such was possible. The surveys were to be delineated on a map or maps with the "even and odd sections being differently colored and regularly numbered from one upward to the number contained in the block." The survey field notes and map or maps were to be deposited with the commissioner of the General Land Office.<sup>10</sup>

By specifying that the railroad companies would receive alternate sections of land, the legislators hoped to obtain a vast amount of free surveying of public land.<sup>11</sup> No decision was made on how this land would be used. Section 11 prescribed that "all of the alternative or even sections surveyed in pursuance of this Act, or of any other act of the Legislature of this State donating lands to any railroad company, shall be reserved to the use of the State and not liable to locations, entrees or pre-emption privileges, until otherwise provided by law."

Nothing was accomplished relevant to the Fifty Leagues, however, until the Adjourned Session of the Sixth Legislature. At the beginning of the Regular Session, on November 6, 1855, Governor Pease delivered a message to the legislature in which he stressed the urgency of establishing a university and advised the legislators that not all of the Fifty Leagues had been selected and surveyed and that none of the land had been sold. He asked for two appropriations: one of \$300,000 to the University Fund from the United States bonds then in the State Treasury



and a second one from general revenue that would be large enough to cover the cost of surveying the balance of the Fifty Leagues.<sup>12</sup>

During the Regular Session the legislators, particularly in the Senate, spent weeks discussing whether there should be two universities, one university, or none at all. They did not address the question of the requested appropriations that would have provided the necessary funds.<sup>13</sup>

Finally, during the last weeks of the Adjourned Session—on August 20, 1856—the Senate received word that the House had passed legislation to survey the land in 160-acre tracts and began work on its own version. Unable to agree on its version, the Senate accepted the House bill without amendments on August 29, 1856,<sup>14</sup> and sent it to the governor. Designated Chapter 144 (O.B. 119), the legislation was signed by Governor Pease on the following day.<sup>15</sup>

A companion bill that was designated Chapter 156 (H.B. 27) directed the governor rather than the land commissioner "to cause to be surveyed, as soon as possible, on any vacant or unappropriated lands belonging to the State, twenty-two thousand, two hundred and fifty acres of land, or the unlocated balance donated and set apart by the late Republic of Texas for the endowment and establishment of two universities."<sup>16</sup>

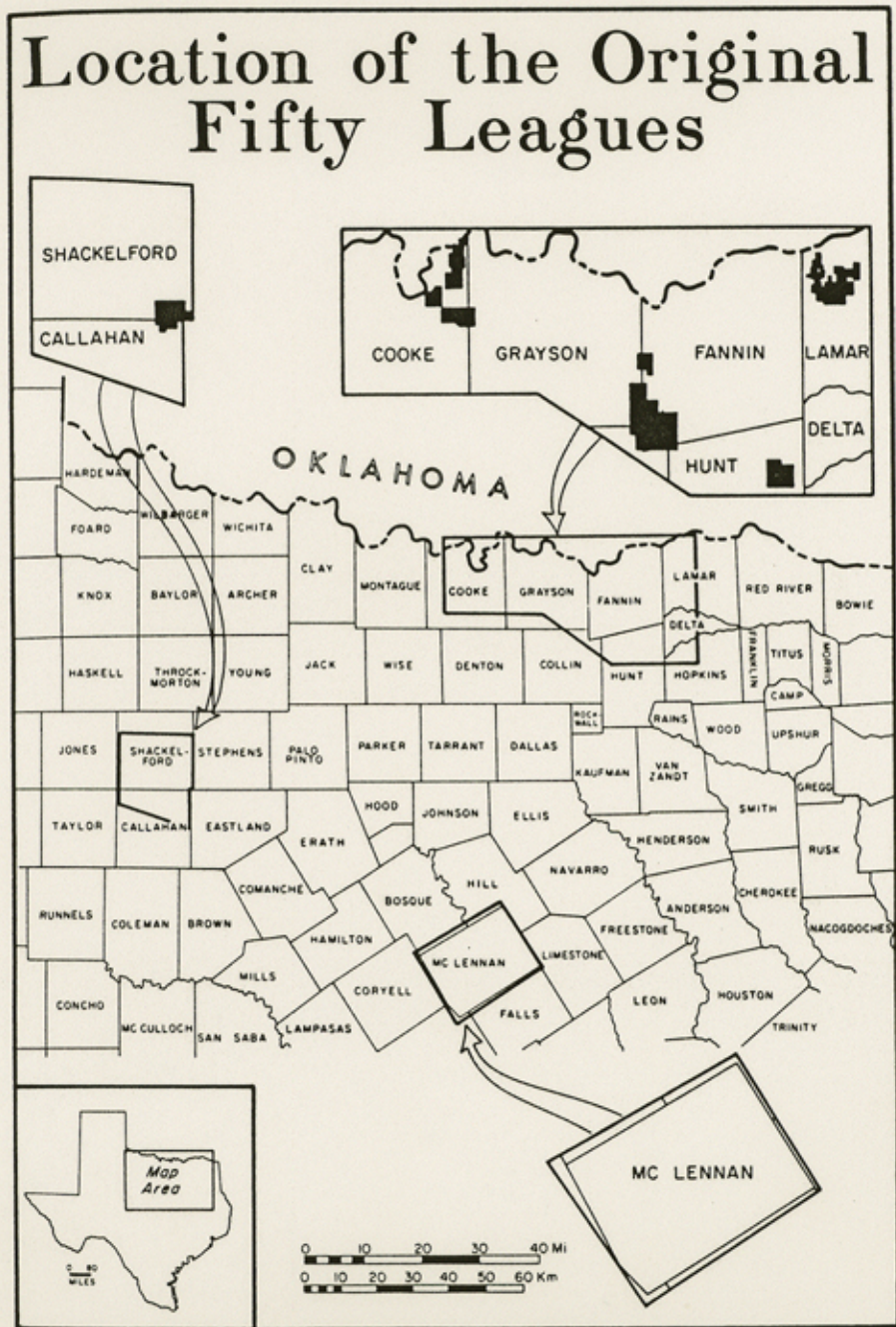
Chapter 144 and Chapter 156 thus transferred responsibility for completing the selection of the Fifty Leagues to an official who might have more interest in doing so than the land commissioner had and set forth regulations for the sale of tracts. They also gave legal status to the idea of two universities.

Terms of Chapter 144 advised the land commissioner:

It shall be the duty of the several county and district surveyors in whose county or district any part of the Fifty Leagues of land appropriated by the 4th Section of 'An Act Appropriating Certain Lands for the Establishment of a General System of Education, Approved January 26, 1839' may be situated, to proceed as soon as practical after the passage of this Act to survey and divide the same into tracts of 160 acres each.<sup>17</sup>

The surveyors were directed to cause the lines of each tract to be plainly marked and to "establish the corners of each tract with good and substantial materials." They were also instructed to prepare "a neat and accurate map of said work and field notes, in which each tract shall be numbered and the quantity thereof stated; the lines and corners shall be fully described; all streams of water shall be stated with a course; and the point or points at which they intersect any line; and the quantity of timber, and prairie land; and the character of the soil in each tract shall be stated as near as the same can be estimated." The act further pre-







scribed that the dividing of lands into 160-acre tracts should "consist of running section lines one mile apart and establishing corners at the end of every half mile."<sup>18</sup>

It was declared to be the duty of the surveyor to return the originals of maps and field notes to the commissioner of the General Land Office and to record the same information in a bound book in his office. The land commissioner was instructed to notify the governor of the receipt of such documents. The governor was directed to "cause each alternate section of 640 acres to be sold in lots of 160 acres each, at public auction to the highest bidder, at the county seat of the county in which the same may be situated." The act also included detailed instructions for advertising the tracts, together with the date, time and place where the sale was to be held. The minimum price was set at \$3.00 per acre. The tracts were to be sold with 20-year credit at 8 percent interest, with  $\frac{1}{20}$  of the original purchase price and the accrued interest to be paid annually to the commissioner of the General Land Office. Provisions for forfeiture in event of non-payment were spelled out in detail.<sup>19</sup>

The first sale of lands under provisions of Chapter 144 was held at Sherman, the county seat of Grayson County, on December 13-15, 1856. The first tract sold was the NW/4 (160 acres) of Section 1, League 11. The sale price was \$3.50 per acre. This tract was paid out, and a patent signed by the governor was issued by the land commissioner on December 18, 1860. Tracts No. 2 and 3 sold at this sale brought \$3.00 per acre and covered the NW/4 of Section 3 and the SW/4 of Section 4, both being in League 12. Tract No. 2 was paid out and patented on February 3, 1863; and the patent on Tract No. 3 was issued on March 11, 1862.<sup>20</sup>

In his report for 1900-1902 Land Commissioner Charles Rogan reported that a total of 216,805 acres had been patented in nine counties. Some 34 percent, or 74,818 acres, was located in Grayson County. Average price per acre for the entire area was a little more than \$3.00 per acre.<sup>21</sup>



THE UNIVERSITY OF TEXAS  
AUSTIN 1

WRIGHT HALLFRISCH  
AUDITOR, OIL AND GAS PRODUCTION

MRS. LOUISE C. HARWOOD  
LAND AND TITLE REGISTRAR

November 15, 1963

Mr. William W. Stewart  
Endowment Officer  
The University of Texas  
Main Building 205  
Austin, Texas

Dear Mr. Stewart:

After the compilation of the record in 1942 showing the remnant of the sales made of land in the fifty leagues in which the State for the benefit of the University still holds an interest, the General Land Office records show the following as to the revenues received from these lands after 1942.

From the following tracts that stand sold on our records but in which the State still retains the mineral interest, the following revenues have been received, from oil and gas leases since 1942:

<u>County</u>	<u>Sale File</u>	<u>Oil &amp; Gas Lease</u>	<u>Bonus</u>	<u>Rental</u>	<u>Royalty</u>
Cooke	4648	28329	\$ 1,400	\$ 376.00	—
		42321	5,000	752.00	—
		51569	12,000	564.00	—
Cooke	4664	50377	6,000	351.52	—
Cooke	4700	28205	400	115.00	—
		42198	2,000	228.00	—
		53387	2,000	115.00	—
Cooke	4724	45760	1,000	338.00	—
Cooke	4876	50378	21,000	425.32	—
Lamar	4685	27776	<u>1,000</u>	<u>82.00</u>	—
			\$ 52,400	\$ 3,346.84	

Leases 4639-4641-2-4649-4650-5-6-4661-2-4687-8-9-4690-3-4-5-7 (4882)-4703-4709-4714-4742-4764-4789 and 4798, which were sold with the mineral reservations, have not had any oil and gas leases issued thereon to date.

From the following tracts that stand unsold on our records and in which the State owns both the mineral and the surface, the following revenues have been recorded under oil and gas leases and grazing leases:



Mr. Wm. W. Stewart  
 November 15, 1963  
 Page 2

County	Sale File	Grazing or Oil & Gas Lease No.	Bonus	Rental	Royalty
Cooke	3020	29294 44581	\$ 1,300 2,500	\$ 160.00 -	\$16,750.12

\*Royalty shown is from December, 1955 through August, 1963 - still producing.

Cooke	4660	28206 44661 53388 GL674	500 1,000 2,000 -	173.00 346.00 173.00 180.00	- - - -
Lamar	4677	GL774	-	400.00	-
Lamar	4691	GL589 GL773		* 281.25	- -
Lamar	4678	GL629 GL773		475.00 281.25	- -
Lamar	4679	GL602 GL773		400.00 281.25	- -
Lamar	4680	GL773		281.25	-
Lamar	4698	GL629 GL773		475.00 281.25	- -
			\$ 3,500	\$ 4,028.25	

\*Unable to get amount of rental

Total Bonus received thru August, 1963	\$ 55,900.00
Total Rental received thru August, 1963	7,375.09
Total Royalty received thru August, 1963	16,750.12
	\$ 80,025.21 +

The total, \$80,025.21, represents the revenues received from these tracts from 1942 through August, 1963. This total, however, does not include the interest and principal paid on the purchase contracts. It is interesting to note that E/2 of NW/4 of Section 1, League 3, 84.5 acres, Sale File 4724, Cooke County, was purchased from the State by F. P. Davidson in October, 1904, for \$25.00 down and a note for \$375, 5% interest, 40 years in which to pay out the principal; that F. P. Davidson in 1914 sold this land to S. T. Allen for \$800; that in 1917 Allen sold this land to J. E. Loving for \$10,000; that in 1929, J. E. Loving sold some to Willie Smith, to whom it was patented, for \$7,000.

cc. J C Dolley  
 cc. Charles Sparenberg  
 cc. Burnell Waldrep  
 cc. Thelma Lockwood

Sincerely yours,  
 /s/ W. W. Stewart  
 William W. Stewart

(2) A-10  
 Counter 29329



FIFTY LEAGUE LANDS  
TRACTS IN WHICH THE UNIVERSITY PRESENTLY OWNS THE MINERALS

Abstract No.	GLO File No.	Name	Acreage	Description
<u>Callahan County</u>				
1863	4649	J. I. Holland	140	Section 127
1883	4709	W. K. Johnson	140	" 130
1917	S-4789(4649)	A. T. Grace	140	" 128
			<u>420.0</u>	
<u>Cooke County</u>				
1709	4648	Virgil I. Welch	188	Subdiv.2, Sec. 5, League 76
1713	4693	P. W. Bellows	80	E/2 of SE Subdiv.4, Sec. 6, League 8
1715	4689	J. D. Clark	90.4	E/2 Subdiv.2, Sec. 5, League 9
1719	4664	C. L. Russell	87.88	E/2 SE/4 Sec. 5, League 9
1721	4700	J. H. Collins	57.5	N/2 Subdiv. 2, Sec. 7, Lea. 76
1725	4724	Willie L. Smith	84.5	E/2 SW/4 Sec. 1, League 8
1728	4641	J. J. McCain	163.2	Subdiv.2, Sec.2, League 9
1729	4642	J. J. McCain	260.2	NW Subdiv. 3, Sec, 2, League 9
1763	4705)			
	4876)	U. S. Government	106.33	E/2 Subdiv. 3, Sec. 6, League 9
			<u>1,118.01</u>	
<u>Lamar County</u>				
1277	4656	W. R. Hunter	156.33	Subdiv.4, Sec. 1, League 1-2-3
1278 ✓	4662	J. W. Milligan	127.0	N.End of Sec. 28, League 1-2-3
1279 ✓	4650	J. C. Sullivan	105.42	Pt. of Subdiv. 3, Sec. 23, League 1-2-3
1282 ✓	4655	G. D. Watkins	123.87	NW Subdiv. 2, Sec.23, League 1-2-3
1287 ✓	4688	Mrs. S. A. Boaz	80.0	W/2 Subdiv. 3, Sec. 25, League 1-2-3
1288 ✓	4694	P. E. Whitaker	32.0	E/2 of N/2 of NW Subdiv. 2, Sec. 25, Lea. 1-2-3
1289 ↓	4703	J. T. Duncan	80.4	E/2 NE/4 Subdiv. 1, Sec.24, League 1-2-3
1290 ↓	4695	William Cose	152.85	SE/4 Subdiv.3, Sec.24, League 1-2-3
1292 ↓	4685	John A. Floyd	80.79	W/2 of NE Subdiv.1, Sec.23, League 1-2-3
1299 ↓	4690	F. M. Everett	109.7	NW Subdiv.2, Sec.24, League 1-2-3
1302 ↓	4714	F.M. Everett	80.4	W/2 NE/4 Subdiv.1, Sec. 24, Lea.1-2-3
1309 ↓	4742	Lamar St.Bk. & Tr., Paris	80.0	S/2 Subdiv.1, Sec.27, Lea. 1-2-3
1317 ↓	4764	T. J. Whitaker	48.0	W/2 of N/2 of NW Subdiv.2, Sec. 25, Lea. 1-2-3
1322 ↓	4798	Blake Bonham	168.8	So.Subdiv.2, Sec.27, League 1-2-3
			<u>1,425.56</u>	
<u>McIntosh County</u>				
1193	4687	J. F. Kostohryz	89.72	S/2 of SW/4, Section 3
1199	4639	Lem Jones	163.40	SE/4 of Lot 4, Section 49
			<u>253.12</u>	
<u>Shackelford County</u>				
1897	4661	T. W. Dempsey	88.0	E/2, Section 49
1906	4697	-	63.55	N and SE pt. of W/2, Section 90
1963	S-4882 (4697)	J. M. Freeman	16.65	SW pt. of W/2, Section 90
			<u>168.20</u>	
				Total Acreage - <u>3,384.89</u>

From report prepared by L. Harwood  
3-15-64 11/7/64



O. B. ORR

FIFTY LEAGUE LANDS  
TRACTS IN WHICH THE UNIVERSITY PRESENTLY OWNS BOTH THE SURFACE AND MINERALS  
(Sales forfeited or voided)

Abstract No.	GLO File No.	Acreage	Description
<u>Cooke County</u>			
1543	3020	80.0	E/2 Subdivision 2, Section 4, League 8
1711	4660	86.5	E/2 Subdivision 2, Section 8, League 76
		<u>166.5</u>	
<u>Lamar County</u>			
✓ 1291 Forfeited	4617 - No M/R in file (See File 855)	80.0	E/2 of NE Subdiv. 1, Sec. 23, League 1-2-3 ✓
1294 Forfeited	4698 - No M/R in file	80.0	S/2 of NW Subdiv. 2, Sec. 25, League 1-2-3
✓ 1295 Forfeited	4678 - No M/R in file	80.0	E/2 Subdiv. 3, Sec. 25, League 1-2-3 ✓
✓ 1296 Forfeited	4691 - No M/R in file (See Abstract 800)	113.6	NE Subdiv. 1, Section 25, League 1-2-3
✓ 1297 Forfeited	4679 - No M/R in file (See Abstract 800)	80.0	N/2 N/2 Subdiv. 1, Sec. 27, League 1-2-3
1298 Forfeited	4680	80.0	S/2 of S/2, Subdiv. 1, Sec. 28, League 1-2-3
		<u>513.6</u>	

Total Acreage - 680.1

From report prepared by  
L. Harwood 3/15/64  
tl - 7/64

O. B.  
Note on last pages are  
references to "PATENTS" which  
were deeds I think.

B Carter



A RECORD OF THE UNIVERSITY ENDOWMENTS (50 LEAGUE) LANDS IN WHICH THE STATE OF TEXAS  
FOR THE BENEFIT OF THE UNIVERSITY OF TEXAS OWNS ALL THE MINERALS AS OF MARCH 11, 1964

RECORDED  
INDEXED  
MAR 31 1964  
COUNTY CLERK  
DALLAS COUNTY TEXAS

The following lands appear to be the residue of the Endowment (50 league) Lands in which the State for the Permanent University Fund still owns the minerals or both the land and the minerals.

I. Sales of land which have been paid for in full by the purchaser or paid for and patented to the purchaser or assignee but in which the minerals are reserved to the Permanent University Fund in the Sale Contract and Agreement. These contracts may be found in the Original Sale File indicated for each tract:

County	Leagues	Section	Part	Acres	Original Purchaser	Patentee	Patent No.	Volume	Date of Patent	Abstract No.	Sale File Number
Callahan	--	127	--	140	T J Gray	J I Holland,	246	7	4-12-1913	1863	46-9
Callahan	--	128	--	140	T J Gray	assigne A T Grace,	241	7	11-14-1912	1917	8-4789 (46-9)
Callahan	--	130	--	140	W K Johnson	assigne W K Johnson.	455	9A	12-20-1920	1883	4719
Cooke	3	1	E/2 of SW/4	34.5	F P Davidson	Willie L Smith	197	12-B	2-9-1949	1725	4724
Cooke	3	6	E/2 of SE Subd 4	80.0	P W Bellows	P W Bellows.	467	24-A	1-6-1925	1713	4693
Cooke	9	2	SW Subd 2	163.2	J J McCain	J J McCain	279	7	4-19-1917	1728	46-1
Cooke	9	2	NW Subd 3	263.2	J J McCain	J J McCain	280	7	4-19-1917	1729	4642 (4641)
Cooke	9	5	E/2 Subd 2	90.4	J D Clark	J D Clark	297	95A	11-2-1944	1715	4689
Cooke	9	5	E/2 of SE/4	37.7/5	Mrs. H A Russell	--	--	--	--	1719	4664
Cooke	9	6	E/2 Subd 3	106 1/3	The United States of America	--	--	--	--	1763	4876*

\*The United States Government paid for this tract in full but \$ 97.59 was applied elsewhere in error and the University Fund has not been received into General Land Office. Land Commissioner should be urged to seek recovery through Miscellaneous Claims Committee in next Legislature, as patent may not issue until full payment is received in General Land Office. See Civil No. 157, U.S.P.C. Eastern Div., Sherman, Texas.

counter 29332



<u>County</u>	<u>League</u>	<u>Section</u>	<u>Part</u>	<u>Acres</u>	<u>Original Purchaser</u>	<u>Patentee</u>	<u>Patent No.</u>	<u>Volume</u>	<u>Date of Patent</u>	<u>Abstract No.</u>	<u>Sale File Number</u>
Lamar		5	Subd 2	133	James Barentine	Virgil L Welch	94	25B	5-30-55	1709	4645
Cooke	76					J H Collins,	122	25A	2-6-25	1721	4700
Cooke	76	7	N/2 Subd 2	57 1/2	C A Wendt	assne					
						W R Hunter	250	7	11-7-13	1277	4656
Lamar	League 1-2-3	1	Subd 4	156 1/3	W R Hunter	J C Sullivan	108	2-B	2-27-46	1279	4650
Lamar	League 1-2-3	23	Subd 3	105.42	J C Sullivan	G D Watkins	285	7	9-25-18	1282	4655
Lamar	League 1-2-3	23	NW Subd 2	123.57	G D Watkins	John A Floyd	275	7	3-10-16	1292	4655
Lamar	League 1-2-3	23	W/2 NE Subd 1	80.79	James LeFevers	J T Duncan	297	18A	5-10-23	1289	4703
Lamar	League 1-2-3	24	E/2 NE Subd 1	80.40	J T Duncan	F M Everett,	295	18A	5-10-23	1302	4714 (-47.3)
Lamar	League 1-2-3	24	W/2 NE Subd 1	80.40	F M Everett	assne	296	18A	5-10-23	1299	4690
Lamar	League 1-2-3	24	NW Subd 2	109.70	T J Whitaker	F M Everett,	296	7	8-14-13	1290	4695
Lamar	League 1-2-3	24	SE Subd 3	152.65	J S Gambel	Wm Gose; assne	248				
Lamar	League 1-2-3	24	W/2 Subd 3	80.00	Mrs. S A Boaz	Mrs. S A Boaz	32	15-B	4-6-50	1287	4688
Lamar	League 1-2-3	25	E pt NW Subd 2	32.00	Mrs. A E Dalbow	P E Whitaker,	167	50-A	6-16-31	1283	4694
Lamar	League 1-2-3	25	W pt N/2 of NW Subd 2	48.00	T J Whitaker	assne	168	50-A	6-16-31	1317	4764 (-694)
Lamar	League 1-2-3	25	South Subd 2	168.80	H W Southerland	E P Bonham and	249	23-B	1-7-54	1322	4798
Lamar	League 1-2-3	27				Blake; Bonham,					
Lamar	League 1-2-3	27	S/2 of N/2 Subd 1	80.00	J H Garrison	assne	301	39-A	5-15-23	1309	4742 (-679)
Lamar	League 1-2-3	27				Lamar State					
Lamar	League 1-2-3	28	North End	127.00	J W Killigan	Bank & Trust	283	7	12-19-17	1273	4652
						Co., assne					

F-2

County 29333

(3) A-14



Counter 29334

County	Acres	Section	Part	Acres	Original Purchaser	Patentee	Patent No.	Volume	Date of Patent	Abstract No.	Sale File Number
McLennan	-	3	S/2 of SW/4	59.72	J C Boone	J F Koschky	43	10-A	1-18-21	1193	4637
McLennan	-	49	SE/4 Lot 4	163.40	Lem Jones	Lem Jones	245	7	2-27-13	1199	4639
Shackelford	-	49	E/2	58.	T W Dempsey	T W Dempsey	240	7	4-29-12	1897	4661
Shackelford	-	90	N and SE pt of W/2	63.55	H Dennis	-	-	-	-	1906	4637
Shackelford	-	90	SW pt of W/2	16.65	H Dennis	J H Freeman, asene	24	25-B	4-1-56	1963	3-4332 (-33)

III. Forfeited or voided sales in which the State for the Permanent University Fund now owns both the land and the minerals:

F-3

County	Acres	Section	Part	Acres	Forfeited or Voided Sale File	Abstract No.
Cooke	3	4	E/2 of Subd 2	30	3020	1543
Cooke	76	8	E/2 of Subd 2	86.5	4660	1711
Damar	1-2-3	23	E/2 of NE Subd 1	50	4677	9 1291
Damar	1-2-3	23	S/2 of Subd 2	50	See explanation, Item 12 in 4680	1292
Damar	1-2-3	25	NE Subd 1	113.6	4691	1295
Damar	1-2-3	25	S/2 NW Subd 2	50	4693	1294
Damar	1-2-3	25	E/2 Subd 3	50	4673	1295
Damar	1-2-3	27	N/2 of W/2 Subd 1	50	4679	1297

(3) A-15



counter 29335

(3) A-16

F-4

These lands were sold under:

Chapter 18 (SB No. 110) - Acts of 1895, Gammel's Volume 9, Bottom Page 749, Article 2596. "An Act to invest the Board of Regents of the University of Texas with the Management and Control of the University Lands." V.A.C.S. Article 2596

and

Chapter C II, Act of 1901, Gammel's Volume 11, page 266 - 27 Legislature, Article 2597, R.C.S., 1925. "An Act to give the Board of Regents of the University of Texas Exclusive Control, Management, and Disposition of all Mineral Lands Belonging to the University of Texas." See Withdrawal of Lease or Sale of Oil and Gas in University Lands by 41st Legislature, 1-11-1929, Chapter 2 and re-enactment of Article 2597, R.C.S., 1925, by Chapter 186, 51st Legislature, effective May 14, 1949.

Immediately after the passage of the 1901 Act, the Board of Regents reserved the minerals in all subsequent sales. Proof of the reservation may be found in the Contract and Agreement of Sale archived in the Original Sale File. You will find in each of these contracts a reservation of all minerals to the University Fund. If a portion of a tract is segregated out of the Original Sale File under a Split Sale number, one must, of course, look to the Contract of Sale contained in the jacket of the Original Sale File.

Acquisition of an interest in the minerals in these lands depends on the type of minerals:

1. Oil and Gas
2. Other Minerals

To obtain an oil and gas lease at the present time, one must look to Chapter 282, Acts of 1929, and amendments thereof in 1931 and 1937, V.A.C.S. 260 3a. Awards are made by the Board for Lease of University Lands to the highest bidder, at Auction Sale. Application to have the land desired put up for sale should be addressed to the Geologist-in-Charge, University Lands - Geology, Midland, Texas.

To obtain a mineral lease for all other minerals in the University Lands, one must make application to the Board of Regents by way of University Lands - Geology, Midland, Texas.

Special leases, on the tracts in which the State owns for the University Funds both the lands and the minerals, may also be obtained from the Board of Regents by way of the University Lands - Geology, Midland, Texas.

It is the present practice of the General Land Office to note on the Sale File jacket - or the forfeited sale jacket - the number of any mineral lease or granting lease that is awarded on any of the above tracts.

It will be noted that some of the patents issued on these lands do not mention the reservation of the minerals in the sale of these lands. A patent is proof of final payment of all amounts due the State under the purchase, and it has been ruled that the omission or inclusion of a mineral recitation in the patent does not nullify the reservation of the minerals in the Contract and Agreement of Sale.

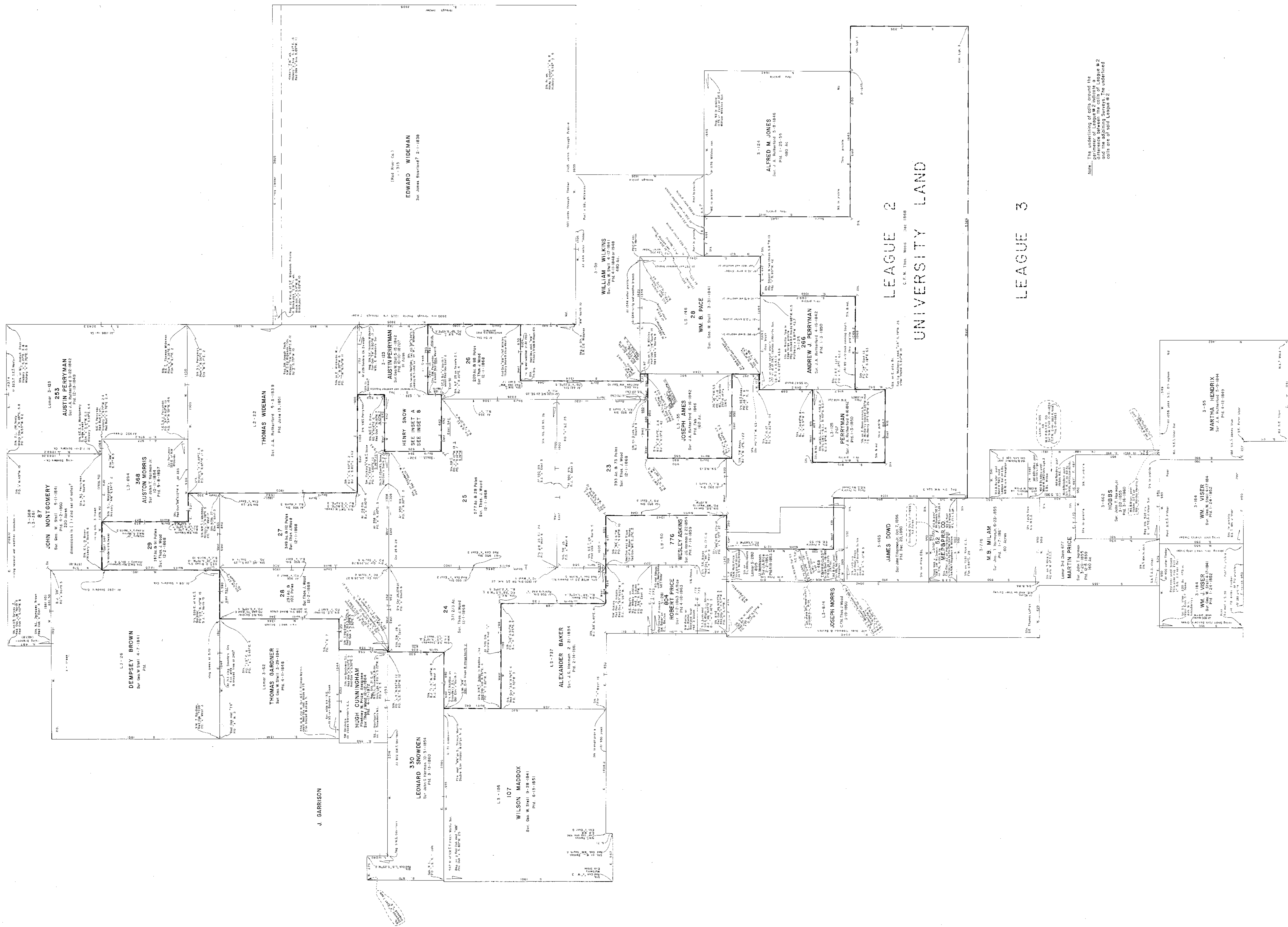


The Act of 1895 did not require that the Board of Regents record these sales in the County, but the law required that the sales be archived in the General Land Office and that payments of principal and interest be made to the General Land Office. As far as I have been able to ascertain, the contracts of sale, for the lands described above, were not recorded in the County by the purchaser and can only be found in the Sale File of the General Land Office. All these sale files are filed in numerical order along with sales of Deaf and Dumb and Blind Asylum lands.\*

F-5

\* Prepared 3-18-64 by Louise C. Harwood





Note: The subdivisions of land around the University of Texas System Lands are shown as per the original surveys, and are not to be construed as a part of this survey.

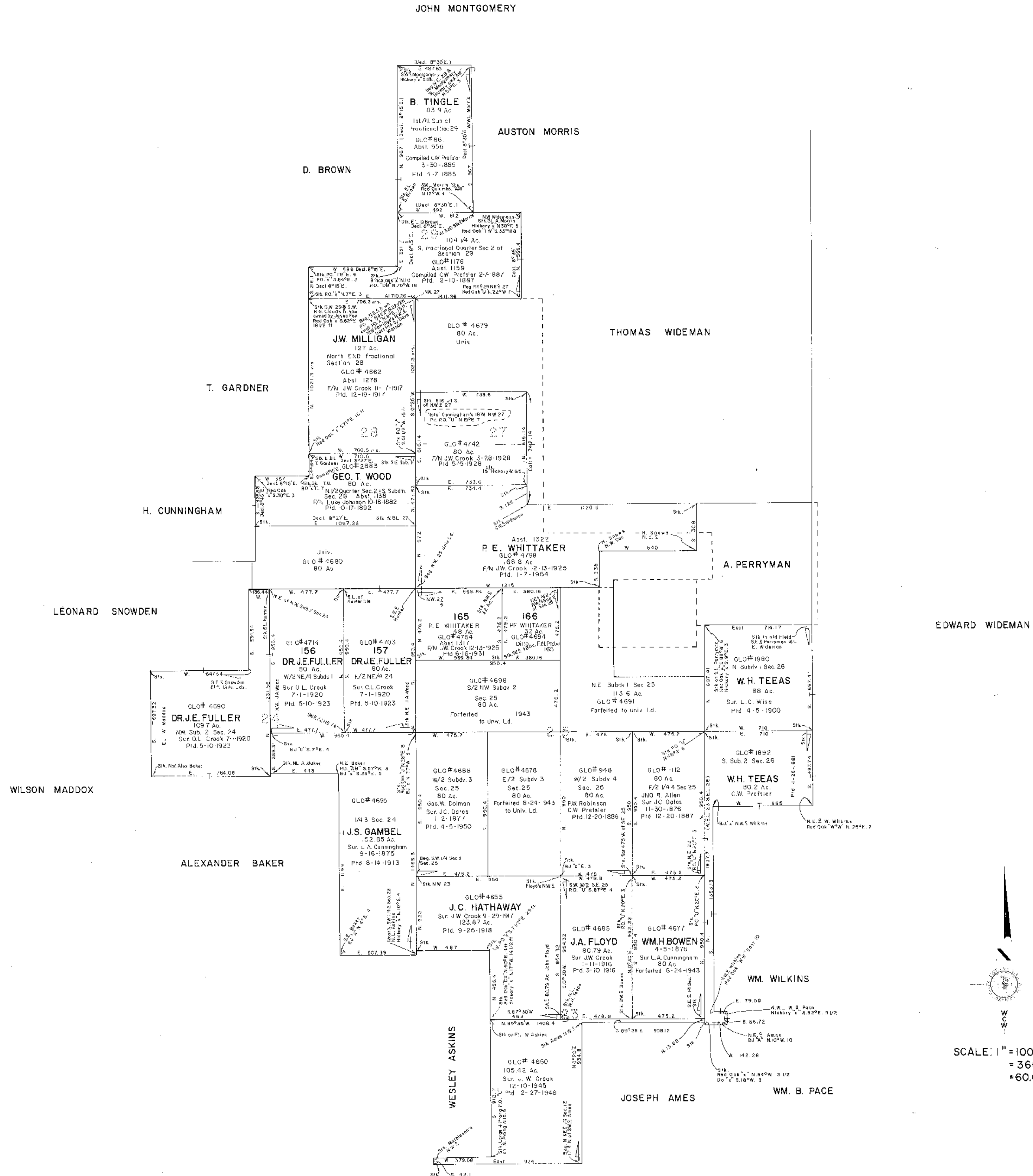
SCALE: 1" = 1000 FEET  
 = 380 VARAS  
 = 60,006 POLES

UNIVERSITY OF TEXAS SYSTEM LANDS

WORKING SKETCH NO. 1  
 DEPICTING THE ORIGINAL SURVEYS SURROUNDING UNIVERSITY LEAGUE 2, AS PER THE ORIGINAL FIELD NOTES ON EACH AND DEPICTING LEAGUE 2 & PART OF SUBDIVISION THEREOF INTO "SECTIONS" AS PER CORRECTED FIELD NOTES BY THOS. J. WOOD, LAMAR COUNTY, TEXAS.

W. L. WOOD, JR.  
 LAMAR COUNTY, TEXAS





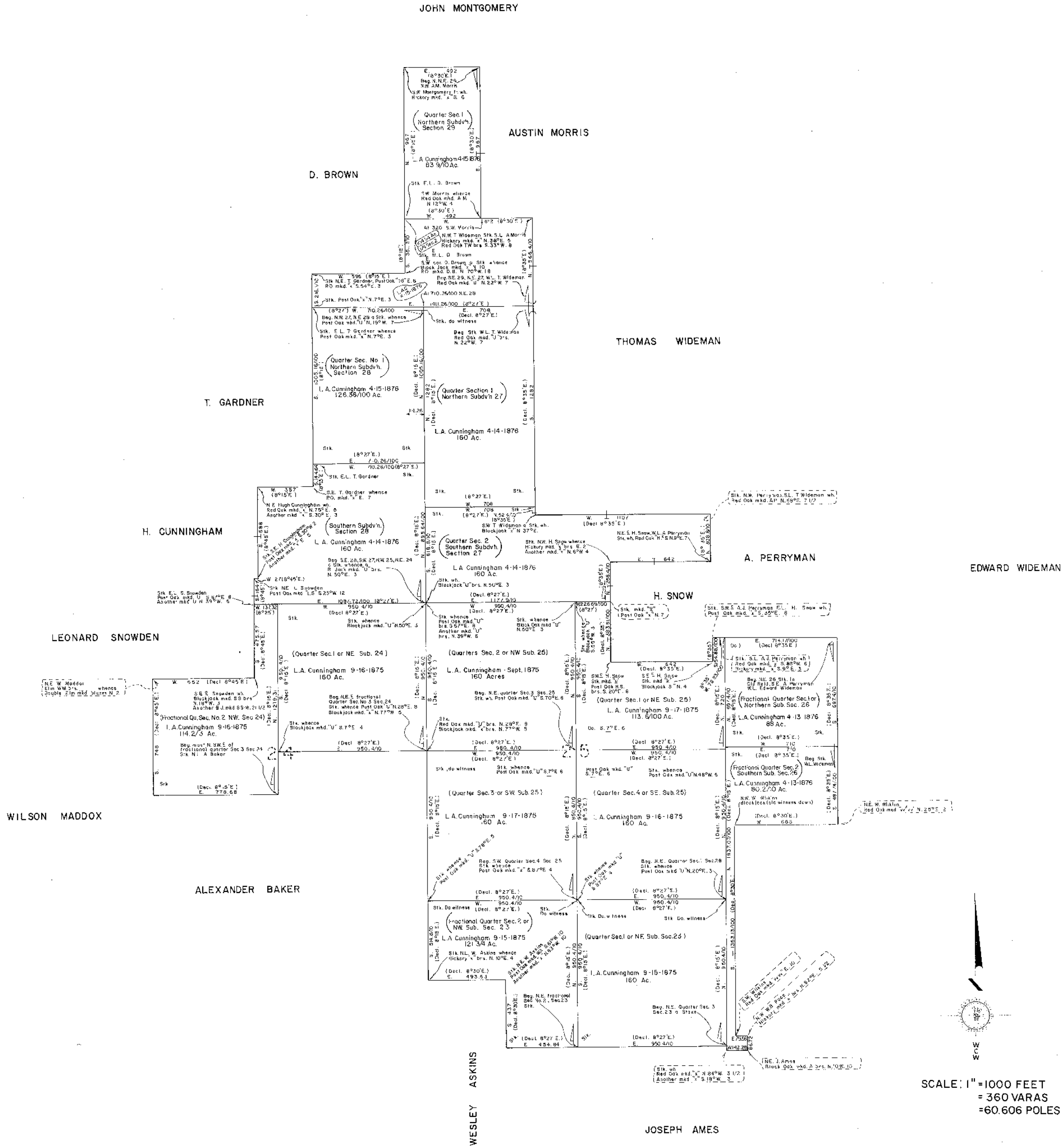
UNIVERSITY OF TEXAS SYSTEM LANDS

WORKING SKETCH NO. 3

DEPICTING CORRECTED FIELD NOTES FOR FRACTIONAL TRACTS  
 OUT OF "QUARTER SECTIONS" ON WHICH PATENTS WERE ISSUED  
 OUT OF LEAGUE 2.  
 LAMAR COUNTY, TEXAS.

Prepared by  
 WM. C. WILSON, JR.  
 AND ASSOCIATES  
 LAND SURVEYORS  
 1511 W. FAHNINGGARD AVE.  
 P. O. BOX 1329 SAN ANGELO, TEXAS 76902





UNIVERSITY OF TEXAS SYSTEM LANDS

WORKING SKETCH NO. 2

DEPICTING THE SUBDIVISION OF "SECTIONS" OF UNIVERSITY LEAGUE 2 INTO QUARTER SECTIONS, AS NEARLY AS PRACTICAL, AS PER CORRECTED FIELD NOTES BY LOUIS A. CUNNINGHAM. LAMAR COUNTY, TEXAS.

Office of  
 W.M. C. WILSON, JR.  
 AND ASSOCIATES  
 LAND SURVEYORS  
 1512 W. BEAUREGARD AVE.  
 W. O. BOX 1324 PHOENIX 2816  
 SAN ANGELO TEXAS 76902

Sketch File No. 15  
 County Lamar  
 (2-5-3)