

MAYOR'S OFFICE

THE CITY OF PERRYTON

5912

STATE OF TEXAS

Oct. 19th 1933

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J. B. NASH, SUPT. WATER DEPT.

Letter Book 1762
274-5
1764
46

RECEIVED

Hon. J.H.Walker,
Commissioner of Genl.Lnd. Office.

OCT 23 1933

Austin, Texas.

REFERRED TO MAP

Dear Mr. Walker:

I am writing you regarding Section 10, Block D, Ochiltree & Lipscomb counties. This land is owned by three parties as I understand it. I am writing in the interest of two of the three.

Mr. Theo Doerrie holds title to what his deeds and those holding under him or rather thru whom he hold title under to what he terms the West 508.62 acres. This land is not any portion of the strip that has been so long in dispute, as I understand it.

I am enclosing the field notes that I have regarding this survey and also a plat or sketch which was drawn by state surveyor J.D.Merriman.

From this data it seems that Doerrie has 274.44 acres patented and 234.18 acres un-patented.

The patent which was issued to J.M.Day July 14, 1879 calls for 640 acres and the callings are for the State Line. The patent calls for "586.44 vrs. North to stake in the North boundary line of the State. This calling being from the North boundary line of Blk. 10. Yet there is yet 356.56 vrs. on further north to the State line, not considering the disputed strip.

Mr. Doerrie has held this land for some twenty years or more, to be exact for 25 years He bought it and has occupied it continuously I believe for the whole time. He has occupied it for some 18 years to my certain knowledge.

Both of the men that I am writing for have applied for a loan and one of them have had the title turned down on account of the patent not covering the entire section.

Advise just what steps these present owners, both of them being up against the same sort of proposition, must do to secure a patent for the entire amount of deeded land. Please be advised that they are not at this time attempting to secure a patent on the disputed strip. It is the land lying between the disputed strip and the 586.44 vara line north of Block 10.

Very truly

Dave Shanks

For
Ochiltree County Abstract Company

4419

counter 33186

To State Line 1086.84 vs.
 586.44 vs. 943.0 vs. 1037.5 vs. 48.9
 356.56
 457.51
 500.4

Road

2792 vs.
 State Line
 Center Road Line
 Deed Line
 Unpatented 234.18 Acres
 Total 508.6 Acres
 Patent Line
 Theo Duerrie
 Patented 274.44 Acres
 274.0 vs. = 761.67

500.40
 141.31
 586.44 vs. 945.0 vs. 1037.5 vs.
 To State Line 1086.84 vs.
 302.40 vs.

R

The following is a true copy of FIELD NOTES on file in abstracter's office.

The State of Texas / A Tract North of Block D, Between Block D and the
County of Ochiltree / Texas and Oklahoma State Line.

Field Notes of Survey of 234.18 acres of land made for Theo.Doerrie, by virtue of his Application for a Survey of a tract of vacant land lying and situated in Ochiltree County Between the north boundary of Survey No. 10; Block D and the Texas and Oklahoma State Line.

Beginning at a sand-stone set on the west boundary of said Survey No.10, Block D, for the N.W.Corner of a patented tract containing 274.44 acres, now held in the name of Theo.Doerrie, said sand-stone being 586.44 vrs. north of the rock recognized as the S.W.Corner of said Survey No.10, Block D.

Thence North, at 356.56 vrs. pass over the N.W.Corner of a tract described in a deed to Theo.Doerrie, including the patented tract known as Survey No. 10, Block D, at 451.51 vrs. cross center line of road formerly considered as the boundary between Texas and Oklahoma, 500.4 vrs. to a point on the Texas and Oklahoma boundary as determined by the recent Survey ordered by the Supreme Court of the United States to locate the N.E.Corner of Texas.

Thence East along said boundary between Texas and Oklahoma 2742 varas to a point on said boundary for the N.E.Corner of this tract.

Thence South, at 48.9 vrs. pass over an iron pipe set on the center line of a road formerly considered as the boundary between Texas and Oklahoma, at 141.84 vrs. pass over iron pipe set for the N.E.Corner of the tract described in the deed mentioned above, 500.4 vrs. to the patented N.E.Corner of the Theo.Doerrie tract, said corner being 586.44 vrs. north of an iron pipe set for the S.E.corner of the said Doerrie tract.

Thence West 2742.0 vrs. to the place of beginning and containing 234.18 acres.

survey 24th day of April, 1929.

Lawrence Loter,)
J.D.Merriman,) Chain Carriers.

I, J.D.Merriman, Licensed State Land Surveyor, do hereby certify that the foregoing Survey was made by me on the ground according to law and that the lines, boundaries and corners, with the marks natural and artificial, are truly described in the foregoing Plat and Field notes.

Given over my hand and seal, this 6th day of April, 1931.

(SEAL)

J.D.Merriman, Licensed State Land Surveyor.

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PrfRd

The following field notes appears of record in Vol. 2, Page 105 record of Field Notes in the County Surveyor's office of Ochiltree county, Texas.

"The State of Texas / Survey No. 10.
Ochiltree & Lipscomb County /

Field notes of 640 acres of land made for W.P. Wiser, Grantee. Said survey is number 10 in Block No. D, in Ochiltree and Lipscomb County, Texas situated on the waters of --- a tributary of -- River, about 14 miles N. 63° E. of Perryton.

Beginning at galv. pipe set in center of an E. and W. road, 36 vrs. west of the N.E. corner of Survey No. 30, Blk. 10, H. and T.B. R.R. Co. for the S.E. corner of this survey, being the S.W. corner of Survey No. 9, this block.

Thence West with the North boundary line of Survey No. 30, 290 vrs. to turn of road north, 300.6 vrs. a fence bearing north 1510 vrs a galv. pipe set for a subdivision of survey No. 10, 1550 vrs. the boundary between Ochiltree and Lipscomb counties, 1879.2 vrs. the N.W. Corner of Survey 30, block 10, in center of highway, 3794.4 vrs. a rock and pipe set for the N.W. corner of Survey No. 31, Blk. 10, in center of road bearing south, 5709.4 vrs. the N.W. corner of survey No. 32 in center of road bearing south; 5165 vrs. for the S. W. corner of Survey 10, in the North line of Survey 33, Block 10 and from which a fence bearing south is west 23 vrs; another fence bearing North is west 30.6 vrs. but no identical corner is found.

Thence North 586.44 vrs. for the N.W. corner of Survey 10 and from which the North line of the State of Texas bears North 364 vrs

Thence East 4286 vrs. Highway, North and South, 4615 vrs to the said County bound. 3835 vrs a road north and south, 6165 vrs a galv. pipe set for the N.E. corner of survey 10, bearing the N.W. Corner survey 9.

Thence south 586.44 vrs to the place of beginning.

Bearing marked Surveyed the 17th day of June 1930.
L.E. James)
Harrold Collard) Chain Carriers.

I, T.O. James, Licensed State Land Survey in and for State of Texas do hereby certify that the foregoing survey was actually made by me on the ground according to law on the date and with the chain carriers aforesaid and that the limits, boundaries, and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field notes. T.O. James Licensed State Land Surveyor (Seal 10.
Filed June 24, 1930 at 11:00 A.M. recorded in my office, in Book 2 page 105 Ripert C. Allen Surveyor of Ochiltree County, Texas.

Oct. 26, 1933

Mr. Dave Shanks,
c/o Ochiltree County Abst Co.,
Perryton, Texas

Dear Sir:

This acknowledges receipt of your letter of Oct 19th in which you inquire for information concerning section 10 Blk D in Ochiltree and Lipscomb counties. It appears from your letter that Mr Theo Doerries has title thru deeds to the West 508.62 acres of this section, and you state that 274.44 acres are patented and 234.18 acres are unpatented. It seems that you are of the impression that this section should embrace certain excesses which would accrue thereto by extending its North line Northward to the State line.

The record here shows that the W P Wisener survey 10 Blk D was patented to J M Day, assignee, on Oct 12, 1883 for 640 acres. The subdivisions which you mention are subsequent to the patent; there fore, do not come to this department for further attention or for correction.

I find that on April 2, 1930 this department wrote Mr T O James of Spearman, Texas as follows:

"In response to your letter of the 29th ult., I herewith enclose certified copy of the field notes of survey No 10 Block D, J. P. Wisner, Ochiltree and Lipscomb counties.

"Surveys 1 to 10 of Block D were made (by Will H. Bonnell, deputy surveyor of Bexar District, November 7, 1882. This block extends from the NE corner of Lipscomb county Westward. Survey No 1 calls to begin at the NE corner of survey 1 Block 10 HT&B Ry Company, said corner being a mound of earth and stone nine feet square and six and one half feet high. The mound of earth is covered with stone one foot thick from which a cottonwood ten inches in diameter bears N 62 deg. E 780 varas, ditto double; ten inches in diameter bears N $22\frac{1}{2}$ E 132 varas. A large cropping stone marked HPC RR Company on North side bears N 64 E, 60 varas; thence N 586.44 varas to the NE corner of the Panhandle of Texas, the same being an old mound of earth about one foot high and about thirty feet across; thence West with the N.B. line of the State of Texas 6165 varas to a stake; thence S 586.44 varas to stake in the N.B. line of survey No 4; thence

Ochiltree Co. Sp. File # 8

thence E ~~xxxx~~ 6165 varas to place of beginning.

"The field notes of surveys Nos two to ten inclusive are all of the same dimensions as those of No. 1 and call for marked corners along their S. lines and on the N for the line of Texas.

"Referring to the report of Samuel S. Gannett, Boundary Commissioner, dated July 15, 1929, made to the Supreme court of the United States at its October term 1929, on page 128 of that report in reference to the location and position of the NE corner of Texas as established by him, he makes the following statement:

"This monument (Northeast corner of Texas) is 1390 feet North and 1954 feet East of the location mound described by Will H Bonnell in 1882 of survey No 1 Block D, W P Wiser tract, as being the NE corner of the Panhandle of Texas."

"In view of which it would seem that the surveys in Block D made by Will Bonnell would not reach the State line or the NE corner of Texas, as called for in the field notes. I am therefore, of the opinion that the N line of surveys 1 to 10 in Block D would be a line extended West from the NE corner of survey 1 Blk D, fixed by Will Bonnell, and if I am correct in this, survey No 10 of Block D would not be entitled to any excess North and South.

"Fees for the copy of field notes \$1.00 as per statement enclosed."

Again on Dec. 12, 1930 we wrote to Mr R. T. Correll at Perryton as indicated below:

"Your letter of the 6th inst., in reference to survey No 10 Block D, W. P. Wiser, in Ochiltree and Lipscomb counties, has been carefully considered.

"The letter to surveyor T O James dated July 24th referred to is only one of several letters to him from this department concerning said survey. I herewith enclose copy of one dated April 2, 1930, which sets out the department's view and reasons why said survey should take only course and distance in its North and South width.

("Surveys in Block D were made under the provisions of an Act of the legislature approved July 14, 1879, which provided for the sale of public domain in certain counties at 50 cents per acre in tracts of only 640 acres. The law was apparently a temporary one and perhaps an emergency measure for the purpose of raising revenue for the State government. It was repealed January 22, 1883.)

"A similar request to yours was made to this department in 1914 for an adjustment and payment for excess in certain surveys in Lamb and Bailey counties made by virtue of same Act of July 14, 1879. The matter was submitted to the Attorney General, and he advised in an opinion rendered June 19, 1914 in substance that there was no law or authority to make such adjustment and payment for excess; that such action would be in effect a sale of the State's interest in the land at 50 cents per acre, and that there is no law authorizing such sale to be made at this date.

"As stated in Land Office letter of July 24th to Mr James, referred to, all unsurveyed lands have been withdrawn from sale by legislative Act. Whenever the legislature again provides for the sale of this class of land, it may be well for your clients to apply to buy the strip between the state line and the North line of No. 10 determined by course and distance from its fixed line on the South. However, this is merely a suggestion as I know of no other way by which title to this area can be acquired from the State. Bex 3-42726."

Be

From these two letters you can gain a clear idea as to the facts in this matter; however, if there is any further information which I can give you, I shall be glad to do so, upon request. Please mention Bexar Scrip 42726.

Very truly yours,

Acting Commissioner

Blucher:eb

Buy S = 42726.

Chillico Co 8,

Sec 10 Blk D

SEC Buy S-42726

Letter from Dave Shanks
in re to sec. 10, BIK D.

Dated Oct. 19, 1933.

Filed. Oct. 23, 1933.

10/23/33.

Chillico Co. St. File #8

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