

February 16, 1934

Mr. Rupert C. Allen,
Perryton, Texas

Dear Sir:

I have received your letter of January 25th relative to the matter of survey lines along the North line of Ochiltree county for surveys 1 and 3 Blk Z. You wish to know whether these surveys will extend North to the new State line, as determined on the more or less recent survey of the State boundary, or whether course and distance from the South will control.

I am of the opinion that course and distance will control in this case. In order that you may more fully understand the situation, I am going to quote below a letter written under date of October 26, 1933 to Mr Dave Shanks, c/o Ochiltree County Abstract Company, at Perryton, at which time he was advised as follows:

"This acknowledges receipt of your letter of Oct. 19th in which you inquire for information concerning section 10 Blk D in Ochiltree county and Lipscomb county. 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; therefore, 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 28th ult., I herewith enclose certified copy of the field notes of survey 10 Blk D, J P Winsor Ochiltree and Lipscomb counties.

Surveys 1 to 10 of Block D were made by Will H. Bonnell, deputy surveyor of Bexar District, November 7, 1888. This block extends from the NE corner of Lipscomb county Westward. Survey No 1 calls to begin at the NE corner of survey 1 Blk 10 HT&B Ry Co, 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° E 780 varas, ditto double; ten inches in diameter bears N 72½ E 132 varas. A large cropping stone marked HFC 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 E 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 South lines and on the North 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 Blk 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 Blk 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 North line of surveys 1 to 10 in Blk 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 Blk D would not be entitled to any excess North and South.

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

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

"Your letter of the 6th inst., in reference to survey #10 Blk 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 Blk E 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 that 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.

Box S 42726."

-4-

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,

Commissioner

Blucher:eb
Bex S- 42726

2185

RUPERT C. ALLEN
COUNTY AND STATE
SURVEYOR
RESIDENCE PHONE 63

OFFICE PHONE 147

DEWEY R. ALLEN
OFFICE MANAGER
NOTARY IN OFFICE
RESIDENCE PHONE 97

ALLEN ABSTRACT COMPANY

ESTABLISHED 1905
MEMBER: TEXAS ABSTRACTERS ASSOCIATION
MEMBER: THE AMERICAN TITLE ASSOCIATION

PERRYTON, TEXAS
January 25th
1934

MAPPING, BLUE PRINTS
WHITE PRINTS

OFFICE AT COURT HOUSE
NORTH ENTRANCE

RECEIVED

JAN 29 1934

REFERRED TO MAP

Hon. J. H. Walker, Com'r. Gen'l. Land Office
Austin, Texas;

Dear Sir:

Preparatory to drawing field notes to cover the east three-fourths of Survey No. 1, Block "Z", Grantee J. F. Branson, S.F. 2764, Abstract No. 1168, in Ochiltree County, and also the West part of Survey No. 3, same block, I desire to know if you will accept field notes extending from the north line of Block 10, H T & B R R Co. as marked on the ground, north to the newly established Texas-Oklahoma State Line as marked by the U. S. General Land Office survey which was protracted east from Clark Monument No. Ten. This line is north of the Twichell rock monument line opposite the tracts above mentioned the distance varying from 23 varas to 30.5 varas as shwon in the sketch herewith enclosed.

Also I find on the ground that the East corners of Survey No. 1, Block Z, is east of distance called for being 94 varas farther east and the N.E. corner of Survey 2 is 338.5 varas east of where the field notes and patent calls would place same. This corner is an old 4 pit corner with rock set in same. From this corner the SE corner of Survey 2 bears S. 4° 52' W. 891 varas being a stone set. From S.E. corner 2 the north line of said Block 10 bears south 36 varas. From the N.E. corner 2 the new State line bears North 30.5 varas. From rock set for S.E. corner 2 center of a one acre lake called for in original field notes bears west 643 varas, being the distance the original notes calls for the corner to be east from the lake. These two rock corners has bearings on windmills that check within one degree of bearings called for in original field notes. In 1910 I flagged along north line of Block Ten at that time found the S.W. corner of 1 and S.E. and N.E. corners of 2 Block Z on the ground as shown by the enclosed sketch the S.E. corner 2 being 986 varas east and 36 varas north from the N.E. corner 39, Block 10, Survey 1, 2 and 3 are fenced as per the sketch and has been for a number of years.

I find on the ground Ochiltree County mile post No. 18/12 and 20/10, the others in this vicinity being in fields of land owners on Texas side and have been obliterated. Also find that the entire strip of land between the Ochiltree County rock monument line and the Oklahoma zinc cone monument line is under fence of

"YOUR TITLE IS VITAL"

F-101992

92448

counter 33198

8-16-34

0

RUPERT C. ALLEN
COUNTY AND STATE
SURVEYOR
RESIDENCE PHONE 63

OFFICE PHONE 147

DEWEY R. ALLEN
OFFICE MANAGER
NOTARY IN OFFICE
RESIDENCE PHONE 97

ALLEN ABSTRACT COMPANY

ESTABLISHED 1905
MEMBER: TEXAS ABSTRACTERS ASSOCIATION
MEMBER: THE AMERICAN TITLE ASSOCIATION

PERRYTON, TEXAS

MAPPING, BLUE PRINTS
WHITE PRINTS

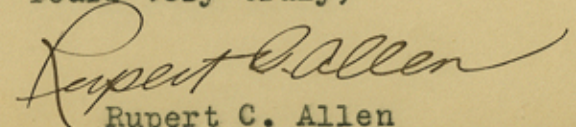
OFFICE AT COURT HOUSE
NORTH ENTRANCE

the Texas land owners being fenced in with said Surveys 1, 2 and 3, Block Z.

The owners of east three-fourths of Survey 1 and the West half of Survey 3 have procured Federal Land Bank loans and desire to procure patents at earliest date possible. I shall be glad to hear from you stating whether or not you will accept field notes on east part of Survey 1 and west part of Survey 3, Block Z extending north to the new State Line which is north of Twichell stone monument line; and also whether or not you will accept field notes calling for the corners as found on the ground even though they are farther east than called to be in original field notes, or will you require the east and west distance to stop at distance called for in field notes.

Thanking you for your usual prompt attention, I remain,

Yours very truly,



Rupert C. Allen
County Surveyor Ochiltree County
Liscensed State Land Surveyor.

RCA:LR

"YOUR TITLE IS VITAL"

counter 33199

office
Letter to Rupert C Allen.

Dated Feb. 16, 1934.

Ochiltree Co

Sketch Files
Ochiltree County

ALLEN ABSTRACT COMPANY

MEMBER THE AMERICAN TITLE ASSOCIATION
MEMBER TEXAS ABSTRACTING ASSOCIATION
ESTABLISHED 1903

PERMISSION TEXAS

MEMBER TEXAS ABSTRACTING ASSOCIATION

MEMBER TEXAS ABSTRACTING ASSOCIATION
ESTABLISHED 1903

①

the town land survey being fenced in with said surveyors J. S.

called for in field notes. will you require the east and west distance to stop at distance notes calling for the corners as found on the ground even though along monument line; and also whether or not you will accept field notes on east half of survey 1 and west half of survey 3, Block N and to west from you stating whether or not you will accept field desired to procure balance of original data possible. I repeat the

Thanking you for your prompt attention, I remain,

Yours very truly,

Rupert C. Allen

Enclosed State Land Surveyors
County Surveyor Ochiltree County
Rupert C. Allen

YOUR TITLE IS VITAL

Counter 33200

2/16/34