



# General Land Office.

State of Texas.

Austin.

J. T. ROBISON, COMMISSIONER.

~~J. W. WALKER, CHIEF CLERK.~~

J. M. MELSON, CHIEF CLERK

November 21, 1914.

11.

Mr. A. S. Gage,  
San Antonio, Texas.  
102 E. Crockett St.  
Dear Sir:-

I have yours of the 18th instant, enclosing a letter to yourself from Mr. W. Van Sickle, of Alpine, dated the 11th instant, and both of these letters are with reference to Sections 462, Block 8, GH&SARyCo and Section 15, Block 347, TCRyCo in Presidio County. For your information will say that the certificate by virtue of which Survey No. 462 was located was held by the Supreme Court, in a suit by the State, to be a void certificate. You will find it reported in 89th Texas. The land was surveyed under that certificate in 1875. No. 461 is the individual survey and 462 was for the State. Section 15 was surveyed in 1882 and appears to be a proper and valid survey and will hold over Section 462. According to our understanding. This is because the validity of 462 must depend upon the validating statute of February 3, 1883 and not by virtue of the validity of the survey itself, and inasmuch as the validating statute was passed after No. 15, TCRyCo was located, said validating statute could not validate survey No. 462 as to that portion which is in conflict with No. 15. Whether or not, if the matter ever gets in court, a court will adopt this as a correct view I am not prepared to say. It may be that the court would say that Section 462 was appropriated to the school fund by virtue of Section 2, of Article 7 of the Constitution of 1876, notwithstanding the certificate by virtue of which it was surveyed was afterwards held void.

The Attorney General's Department not very long ago had up a case which seems to be analogous to this and they took this view of the Constitution of 1876. However, the Department is inclined to



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believe that the appropriative effect of the Constitution depends upon the validity of the certificate and the grant to the railway company.

Mr. Van Sickle's letter which you enclosed is herewith returned. I do not undertake to advise you about the odd sections in Block 8, as these are not inquired about in your letter.

Yours very truly,

Hutch/LSN

Acting Commissioner.

5k-File No. 45

Presidio Co.  
Sketch files

As to the validity  
of G.S. & A.  
Byler survey  
recovered by  
the State in  
Presidio, Brewster  
Reeves & Perry Co.

1914  
11-21-14

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U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT



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