

Memorandum

Confederate Scrip Certificate No. 1461 was issued to Benjamin C. Rain December 9, 1881 by W. C. Walsh, the Commissioner of the General Land Office. This certificate was issued under an act granting to persons, who had been permanently disabled by reasons of wounds received in the service of the State or of the Confederate States, a land certificate for 1280 acres of land. This act was approved April 9, 1881, and provided that a like amount of land be located by virtue of such certificate for the benefit of the Permanent School Fund. An attempted location of the two surveys of 1280 acres was made in Presidio County, and field notes for the state survey and the individual survey were returned to the Land Office January 22, 1883 with the said Certificate No. 1461. It was found that the locations in Presidio County were in conflict with superior surveys, and a copy of the certificate was issued for re-location.

Field notes for a school survey, numbered 12, Block BCK, of 1280 acres of a survey made by Will H. Bonnell, by virtue of said Certificate No. 1461, covering an area in Crockett County, and field notes of an individual survey numbered 3½, prepared by George Meyers, County Surveyor of Zavala County, of an area in Zavala County of 1280 acres, made by virtue of said Certificate No. 1461 were filed in the General Land Office October 19, 1886 together with the copy of said certificate. Each of the said field notes filed in the Land Office October 19, 1886 contained the following endorsement, "cancelled by corrected field notes."

Corrected field notes of said individual Survey No. 3½ of Zavala County, prepared by George C. Herman, County Surveyor of Zavala County, covering an area of 1202.75 acres, were filed in the Land Office on April 14, 1890, and were approved as correct for 1027 acres September 18, 1890.

On November 14, 1890 Patent No. 455, Volume 37 was issued on said individual Survey No. 3½ in Zavala County as containing 1027 acres of land. Corrected field notes for said School Survey No. 12, Block BCK, in Crockett County, prepared by Will H. Bonnell, covering an area of 1030 acres, were filed in the General Land Office November 10, 1890, and endorsed correct on map of Crockett County November 11, 1890. It will be noted that the patent for the individual Survey No. 3½ was not issued until after field notes had been approved for a like amount of land for the School Fund. It appears at this point that an entry was made on the school land register carrying said Survey No. 12, Certificate 1461, Benjamin C. Rain, as containing 1230 acres of land.

An examination of the last corrected field notes, filed November 10, 1890, reveals a pencil notation made February 21, 1901 to the effect that there was no room for said Survey No. 12 in Crockett County, and at that time the endorsement appears to have been placed on the school land register which reads as follows, "on No. 13 and 14 G. C. and S. F. S50469 older survey."

The present official Land Office map of Crockett County was compiled in 1901, and was revised to some extent in 1934. Consequently, said official map does not reveal the existence of

an area for said Section 12. However, in the year of 1938, J. O. Barrow, a draftsman in the General Land Office, prepared an office sketch of part of Crockett County to supplement and in correction of the official General Land Office map. Due to the fact that the compilation of an official county map requires the services of a draftsman for a period of approximately six months, it is impossible to maintain current official county maps of all of the 254 counties, and many of the official maps in use at this time are forty to fifty years old. In view of the impracticability of maintaining official Land Office maps which show all of the corrections to date, it is necessary to rely on other records in the General Land Office for the determination of the existence of vacancies or surveyed lands. The other records of the General Land Office which should be examined in determining the proper construction of any given area are surveyors' reports, sketches, rolled sketches, and older maps.

The official Land Office map of 1894 of Crockett County delineates an area for said Benjamin C. Rain Section No. 12, showing same to have a common line with the James Lout Survey which lies to the west of said Section No. 12. In 1925 corrected field notes of the J. C. Lout Survey No. 4 were filed in the General Land Office showing the common line between said Section 4 and said Section 12 to be 534 varas in length north and south. This construction of the area is revealed by rolled Sketch No. 46, prepared by J. O. Barrow, draftsman, in 1938. Upon the preparation of the office sketch of 1938, an endorsement was placed on the last corrected field notes for said Section 12, Benjamin C. Rain, to the effect that previous endorsements were incorrect; that said Survey No. 12 was partly covered by patented surveys with about 400 acres clear.

The official Land Office map of 1901 of Crockett County contains a notation of Bexar Scrip, File No. 52156, which contains the certificate and field note records of said Benjamin C. Rain Survey No. 12. This notation of the file number on the map should place anyone examining the area on notice to make an examination of said Bexar Scrip, File 52156. Upon examination of this file and the field notes therein, the existence of the office sketch prepared in 1938 may be determined, and the use of this sketch and the official map reveals the existence of an area covered by the field notes filed in the General Land Office November 10, 1890, free of conflict with superior surveys. It appears that no action was taken in offering the area of said Section 12 free of conflict for sale or lease until the early part of 1951, at which time a request was received that this tract be placed on the market for the sale of oil and gas lease as surveyed public free school land. In accordance with the request for the leasing of this land, same was presented to the School Land Board for consideration, and the Board offered same for lease on May 1, 1951 with the royalty fixed at 1/5 of the oil and gas, with the bidding to be on the cash bonus. After this land had been advertised for lease an application was received for the purchase of the area as vacant land under the Good Faith Claimant Provisions of Article 5421 C, Section 6. This Good Faith Claimant application to purchase was rejected on the grounds that the land was not vacant unsurveyed land as defined in said Article 5421 C, and a lease was granted to the highest bidder in the bidding of May 1, 1951.

10/18/51

Dennis Wallace, Chief Clerk  
General Land Office

Presidio Sketch File # 87

Memorandum

Benjamin C. Rains Survey

Bexar Scrip No. 52156

By Dennis Wallace, Chief Clerk

Filed: October 18, 1951

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