

WALKER LAND SURVEYING  
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Date: June 1, 1994

To:  
Honorable Garry Mauro  
Commissioner General Land Office  
Austin, Texas  
78701

File No. Sketch File 117  
Presidio County  
North Part Surv. 16, Martha D. McBryde, Blk. 362  
Filed June 22 19 94  
GARRY MAURO, Com'r  
By Douglas Howard

SURVEY REPORT

This report concerns a survey for patent location of the North part of Survey 16, Martha D. McBryde, Block 362, Certificate no. 336, Presidio County, Texas, located South 17deg.49' West about 53 miles from Marfa, the County seat.

This survey was conducted on the Texas Coordinate System, South Central Zone, NAD 1927, and is tied to triangulation station "TORNEROS". A Wild T-2 one-second theodolite and a DI4L Distomat were the instruments used to perform this survey. Solar observations were taken to maintain directional integrity. Certain monuments in this area previously located by John A. Spanagel, RPLS, and J. E. Mortensen, LSLs, were also tied for this survey. Our coordinates closely matched the coordinates provided by them. Also, the coordinates and descriptions of certain monuments not visited in this survey were provided by the above surveyors and are so stated in the following text.

Record research involved the documents of the General Land Office in Austin, the Presidio County Surveyors Records and the Presidio County Deed Records.

The following is a list of the various Surveys and Blocks in order of their seniority that are pertinent to the reconstruction of said North part of Survey 16, Block 362.

<u>SURVEY/BLOCK</u>	<u>ORIG. GRANTEE</u>	<u>DATE SURVEYED</u>	<u>ORIG. SURVEYOR</u>
334	L. FUENTES	11/25/1876	G.H. BROOKS
BLOCK 1	D&P RY. CO. corrected	6/1880 7/11/1881	DAN BUCKLEY W.J. GLENN
CO. SCHOOL LEAGUES	MITCHELL COUNTY NOLAN COUNTY	12/5/1881 12/21/1881	S.A. THOMPSON S.A. THOMPSON
BLOCK 250	T.&ST. L. RY. CO.	3/18/1882	S.A. THOMPSON
BLOCK 351	G.C.&S.F. RY. CO	5/10/1882	S.A. THOMPSON
BLOCK 362	VARIOUS GRANTEES	1885-6	S.A. THOMPSON

SURVEY 334, LOUIS FUENTES  
HISTORY

ORIGINAL SURVEY AND CONCLUSIONS

On November 25, 1876, G. H. Brooks, Deputy County Surveyor under W. S. Lempert, County Surveyor, surveyed and described the Louis Fuentes Survey 334. This description is filed in Vol. 4, P. 508, Surveyors Records of Presidio County, and was used for the patent location of this Survey.

Mr. Brook's monument for the Southwest corner of this Survey has been recovered and used by many subsequent surveyors as a controlling monument in this area.

D. & P. RY. CO., BLOCK 1  
HISTORY

ORIGINAL SURVEY

Dan Buckley, Deputy Surveyor of Presidio County under T. O. Murphy, County Surveyor, originally surveyed and described D. & P. Ry. Co. Block 1 in June of 1880.

In July of 1881, W. J. Glenn, Deputy Surveyor of Presidio County under E. G. Gleim, County Surveyor, rewrote the field notes for much of Block 1, putting the position of the various Surveys in a somewhat different position than Mr. Buckley's in relation to the Fuentes Survey 334.

CONCLUSIONS

While it has long been believed that neither Mr. Buckley nor Mr. Glenn established any original monuments on the ground in D. & P. Block 1, the field notes of Mr. Glenn, and their relationship to the Fuentes Survey, have long been accepted by subsequent surveyors as the proper location of the various Surveys in this part of Block 1.

MITCHELL AND NOLAN COUNTY SCHOOL LEAGUES  
HISTORY

ORIGINAL SURVEY

On December 5, 1881, S. A. Thompson, Deputy Surveyor of Presidio County under the County Surveyor, E. G. Gleim, surveyed and filed field notes on four Leagues of land granted by the State of Texas to Mitchell County to be used for school purposes. Mr. Thompson's field notes are on file in Book G, P. 985-988, Presidio County Surveyors Records and in the files of the General Land Office.

The field notes of Mr. Thompson for these Leagues have adjoiner calls to T.C. Ry. Co. Block 313, T.C. Ry. Co. Surveys 747 and 748, H. & T.C. Ry. Co. Survey 1 and G.C. & S.F. Ry. Co. Survey 639. With the exception of Surveys 747 and 748 which lie within Mitchell County League no. 1, these Surveys and Blocks adjoin along the East lines of the Leagues. The Leagues are senior to and have no adjoiner calls to Surveys or Blocks along their West lines. It is important to note, however, that Nolan County League no. 1 lying to the North and West of Mitchell County League no. 1, has adjoiner calls to said Mitchell County League no. 1 and to the senior D&P Ry. Co. Block 1, lying to the West. This adjoiner call to D&P Block 1 apparently is erroneous and will be discussed later in this report.

In his field notes of the Leagues, Mr. Thompson states that he set several specifically described monuments along their East lines. These monuments are rock mounds, most of them referred to by size, some with described marks having been chiseled on one rock and locative or descriptive calls for witnesses. Several of Mr. Thompson's monuments were recovered for this survey.

#### RESURVEY OF T. H. SEAY, 1910

In 1910, T. H. Seay, Special Deputy Surveyor for Presidio County, ran a connecting line from the monuments described by Mr. Thompson along the East line of Mitchell County League no. 4, down to the Southeast and Southwest corners of said League and on to the common corner of Surveys 11, 12, 13 and 14, Texas and St. Louis Ry. Co. Block 250. Although not indicated on the plat accompanying this report, Mr. Seay's monuments for the Southeast corner of League 4 and the Northeast corner of Survey 14 were located for this survey.

Mr. Seay's connecting line report and field note description of Survey 14, Block 250, are on file in Book 8, P. 1, Presidio County Surveyors Records. The report states that he began at the rock mound on top of a hill in the East line of League 4 called for by Mr. Thompson, with the 7 foot high rock mound also called for by Mr. Thompson as a witness bearing as per the original calls.

The monument called for by both Mr. Thompson and Mr. Seay for the Southeast corner of Mitchell County League no. 3 and the Northeast of Mitchell County League no. 4 was located for this survey.

The description of the line mound in the East line of said League no. 4 called for by Mr. Thompson and Mr. Seay and indicated on the plat accompanying this report was provided by John A. Spanagel and J. E. Mortensen

#### RESURVEY OF R. E. MORRIS, 1946

In 1946, R. E. Morris, Licensed State Land Surveyor and Presidio County Surveyor, resurveyed and wrote field notes of Mitchell County School Leagues 1 and 2. These are on file in Book R, P. 860 and 861, Presidio County Surveyors Records. Mr. Morris also wrote a Survey Report covering his work in this area which is filed in Presidio County Sketch File 74. In this report, Mr. Morris states that he found many of the monuments located for this survey. In his field note description of League no. 1, Mr. Morris, in addition to other monuments, calls for an "old stone mound on high bluff" in the West line of Mitchell County League no. 1 at the Southeast corner of Nolan County League no. 1 and the Northeast corner of Survey 1, G.C. & S.F. Ry. Co. Block 351. This monument was recovered for this survey.

In his description of League no. 2, Mr. Morris calls for having found the monuments called for by Mr. Thompson at the Northeast and Southeast corners. Mr. Morris also calls for having found monuments at the Southwest and Northwest corners of this League. At the Southwest corner, Mr. Morris describes "an old rock mound in which I set a 1 inch iron pipe marked SE 8, NE 1, Blk. 250 SW 2 M. Co. an old stone marked SW 2 M.Co." At the Northwest corner he describes "an old stone mound in draw one stone marked SW M.C." The monument as called for by Mr. Morris at the Southeast corner

of Nolan County League no. 1, also being in the West line of Mitchell County League no. 1, and the Northwest and Southwest corners of Mitchell County League no. 2 were located for this survey. Coordinates and description of the monument called for by Mr. Thompson and Mr. Morris for the Southeast corner of Mitchell County League no. 2 were furnished by John A. Spanagel, RPLS, and J. E. Mortensen, LSLs.

SURVEY REPORT OF W. F. SOWELL, LSLs, 1976

A Survey Report of work performed by W. F. Sowell in Block 250 in 1976 is on file in Presidio County Sketch File 104. In this report Mr. Sowell refers to also having located the Northeast and Northwest monuments of Mitchell County League no. 3. He also mentions a sketch of this survey as having been filed in the General Land Office but we have not been able to locate it.

CONCLUSIONS

All retracement surveys in these County School Leagues must be dependent upon the monuments and field notes of the original surveyor, S. A. Thompson.

It is necessary to note that the rock mounds found by Mr. Morris along the West line of these Leagues were not specifically called for by Mr. Thompson as having marked rocks or locative witness calls in his field notes, only "stake and mound" and "rock mound" were mentioned. It is generally believed by Texas surveyors, certainly in this area, that such non-descript calls for monuments indicate that the surveyor did not actually set a monument but simply wrote field notes with these often repeated "monument" calls at the various Survey corners while the monuments with more detailed descriptions, such as bearing calls and marked rocks, were actually set on the ground.

However, the monuments found at the Northwest and Southwest corners of Mitchell County League no. 2 closely resemble the definite monuments called for by Mr. Thompson along the East League lines and have long been accepted by subsequent surveyors. Mr. Morris describes both these Northwest and Southwest corners of said League no. 2 as being rock mounds marked similiarly to those at the Northeast and Southeast corners. The stone mound found on top of the high bluff for the Southeast corner of Nolan County League no. 1 and the Northeast corner of Survey 1, said Block 351, as called for by Mr. Morris was not marked. Out of necessity this mound was made of small, irregular stones which would have been difficult to mark properly. I, therefore, accept the above monuments as being either the original monuments of S. A. Thompson or in the proper original position.

TEX. & ST. LOUIS RY. CO.

BLOCK 250

HISTORY

ORIGINAL SURVEY

Block 250 was surveyed and field notes returned by S. A. Thompson on March 18, 1882 and are filed in Book. O, P. 662-675, Presidio County Surveyors Records.

The beginning call at the Northeast corner of Survey 1 calls to be common with the Northwest corner of Mitchell County League no. 3. The Eastern tier of Surveys in Block 250 call to adjoin the lines of the Leagues to the East while there are no adjoiner calls along the Western tier. All of the corner descriptions contain only the call for either "stake and mound" or "rock mound" and it is believed that no original monuments were set.

CONNECTING LINE SURVEY, T. H. SEAY, 1910

As previously stated, Mr. Seay ran a connecting line from the original Thompson corners in the Mitchell County Leagues lying to the East into Block 250 and established the position of Survey 14.

SURVEY OF NICK THEE, 1953

In 1953, Nick Thee, LSLs, conducted a survey and wrote corrected field notes in Survey 28, Block 362 which lies to the West of and calls to adjoin the senior Block 250. A plat, traverse report and field notes are on file in Book 5, P.89-95, Presidio County Surveyors Records.

Mr. Thee's plat and report indicate that he located many rock mounds in and around the Southern part of Block 250. In the vicinity of the Southwest corner of Survey 10 and the Northeast corner of J. D. English Survey 1356, Mr. Thee's plat has two circles drawn North and South of each other.

In his report, Mr. Thee states that he traverses to a "Rk. Md. R.P. to N.E. Corner of Survey 1356 J. D. English...said Rk. Md. being East 6 Vrs. and South 41 Vrs. from its N.E. corner." I believe that the R. P. means reference point. Mr. Thee does not state that this point 41 varas North and 6 varas West of the rock mound is the Southwest corner of Survey 10 or the Northwest of Survey 11, Block 250, only the Northeast corner of J. D. English Survey 1356. Mr. Thee does not state that there are two rock mounds in this area.

The original field notes of S. A. Thompson for said Survey 1356 state that he proceeded East from its Northwest corner to a "rk. mnd. in West line of Survey 11, Block 250", not the common corners of Surveys 10 and 11.

SURVEY OF ELBERT F. BASSHAM, 1981

In 1981, Mr. Bassham, LSLs, surveyed and wrote field notes for patent portions of Surveys 16 and 18, Block 362, lying to the West of the West line of Block 250. His plat, field notes and survey report are on file in the Corrected Field Note Records of Presidio County in Bk. 7, P. 162, Bk. 8-A, P. 129 and the General Land Office.

On his plat, Mr. Bassham indicates that he found and accepted a rock mound for the Southwest corner of Survey 10 and the Northwest corner of Survey 11, said Block 250. His survey report states "The West line of Block 250 was located from the monument found at the Southwest corner of Section 8 and by the monument found at the Southwest corner of Section 10, no other monuments were found on this line." He then constructed the West line of Block 250 based on this monument and a point 60 varas West of a rock mound marked "SW 8" that he accepted for the Southwest corner of Survey

8, Block 351. This monument will be discussed later in this report. My calculations indicate that Mr. Bassham chose the Northernmost rock mound in the vicinity of the Northeast corner of said Survey 1356 for the location of the Southwest corner of said Survey 10. Again, Mr. Thee did not call for a rock mound here to be the actual corner but a reference point, nor did he call for two rock mounds. Also, Mr. Thee's rock mound referenced the Northeast corner of Survey 1356, not the Southwest corner of Survey 10. Therefore, this monument would not be on the West line of Block 250.

#### CONCLUSIONS

The original field notes of S. A. Thompson call for the East line of Block 250 to adjoin the West lines of Mitchell County Leagues 3 and 4, also surveyed by Mr. Thompson, with the Northeast corner of Survey 1, Block 250 to be common to the Northwest corner of said League no. 3. In my discussion of said Leagues, I honored the monument found for the Northwest corner of said League 3 to be in the proper original position. Apparently no original monuments were set by Mr. Thompson in Block 250, due to the lack of specific descriptions for monuments in the original field notes.

The Northwest corner of Survey 1 and the Northeast corner of Survey 2, Block 250, would be constructed at the original Thompson call distance along a bearing projected from the North line of School League 3. The Northwest corner of Survey 2, being the Northwest corner of the Block, would be constructed call distance from the Northeast corner of said Survey 2. This is the only part of Block 250 that is pertinent to this survey.

#### G.C.& S.F. RY. CO. BLOCK 351 HISTORY

#### ORIGINAL SURVEY

S. A. Thompson surveyed and filed field notes for G.C.& S.F. Ry. Co. Block 351, from May 10-11, 1882. Surveys 22, 24, 26 and 28 were corrected in May of 1883 and corrected again in 1886. These field notes are on file in Bk. R, P. 64-87, Presidio County Surveyors Records and the files of the General Land Office.

Mr Thompson's field notes call for no specific monuments, only "rock mound" and "stake and mound" for the various corners. Surveys 1, 2, 5 and 6 are tied to the County School Leagues, Survey 8 is tied to the School Leagues and Block 250, Surveys 3, 4 and 11 through 16 have calls to adjoin D.&P. Ry. Co. Block 1 and Surveys 9 and 20 call to adjoin Block 250. Also, Surveys 3 and 7 call for corners of Surveys 2 and 6, Block 351.

It is apparent that Mr. Thompson was mistaken as to the relationship of the positions of the Western Surveys to the Eastern Surveys of Block 351 and Block 250. It will be seen in the discussion of Block 362 that in 1886, when Mr. Thompson wrote field notes for said Block 362, he realized this mistake and put Block 362 between the Eastern and Western parts of Block 351, Nolan County School League no. 1 and Block 250. Mr. Thompson did not, however, correct the field notes of Block 351 to conform to the later configuration.

RESURVEY OF R. S. DOD, 1909

In 1909, R. S. Dod, State Surveyor, ran connecting lines from established corners in this area into Block 351 and monumented the Northeast and Northwest corners of Survey 18, Block 351. Mr. Dod determined his location from the Southwest corner of Louis Fuentes Survey 334, the Astronomical point as established by Major Emory of the U. S. Boundary Survey and, among others, the Southeast corner of Mitchell County School League no. 1. A report of this survey is on file in Presidio County Sketch File 37-A in the General Land Office and depicted on the previously mentioned Rolled Sketch D-3.

RESURVEY OF R. E. MORRIS, 1945-46

In 1945 and 1946, R. E. Morris resurveyed and wrote corrected field notes for portions of the Eastern part of Block 351. Some of these field notes were used for patent descriptions. As previously mentioned, Mr. Morris began his resurvey from the Mitchell County School League corners adjoining Block 351 on the East. For our survey of Survey 16, Block 362, we have located the Morris corners that are pertinent in this area.

In his corrected field notes of 560 acres out of Survey 6 dated August 7, 1945, on file in Book PS 1, P. 605, Presidio County Surveyors Records, Mr. Morris calls to begin "at a point 49 varas South and 18.4 varas East from a stone mound and 1" pipe marked NW 8 SW 6..." This monument was recovered during this survey. Mr. Morris's corrected field notes continue in a clockwise direction, calling to adjoin stone mounds called for as corners of the patent location an 80 acre tract, being the North 1/2 of the Northwest 1/4 of said Survey 6. The location of said 80 acre patent was surveyed by F. W. Cook in 1928. A plat of Mr. Cook's indicating various stone mounds in Surveys 5, 6 and the Mitchell County School Leagues is on file in General Land Office file no. 145601 for said 80 acre tract. The stone mound for the Northwest corner of said 80 acres was located for this survey. The Southwest corner of said 80 acres falls in a highly eroded area and could not be located.

On March 4, 1946, Mr. Morris wrote another set of corrected field notes for the same 560 acres out of Survey 6 and are on file in Book R, P. 863, Presidio County Surveyors Records. At the foot of these notes, under Mr. Morris's signature, there is a statement that reads: "These Field Notes are to Supercede those recorded in Book PS 1, P. 605."

In the corrected field notes mentioned above, Mr. Morris calls to begin "at a stone mound and 1 inch iron pipe marked NW 8-SW 6"..." This is the same monument mentioned his 1945 notes to be North 49 varas and West 18.4 varas from the true corner.

In 1945, patent was issued on the first set of corrected field notes of Mr. Morris calling for the true Southwest corner of Survey 6 to be 18.4 varas East and 49 varas South of the stone mound and pipe, not the latter notes mentioned above.

In August of 1945, Mr. Morris wrote corrected field notes on file in Book PS 1, P. 606, County Surveyors Records, for the East part of Survey 8, Block 351, adjoining Survey 6 to the South, and containing 391.4 acres. These notes call to begin at the previously mentioned monument for the Northwest corner of Mitchell County School League no. 3, thence in a Westerly direction the original call distance of 1853 varas to another stone mound and pipe, thence Northerly to a point from which said stone mound and pipe for marked NW 8-SW 6 bears North 49 varas and West 18.4 varas, the same call as the first set of corrected field notes for Survey 6. These corrected field notes for the East part of Survey 8 were also used for the patent location. The rock mound and pipe for Mr. Morris's Northwest corner of Survey 8 was located for this survey. However, the stone mound and pipe called for by Mr. Morris to locate the Southwest corner of said East part could not be found.

In March of 1946, Mr. Morris wrote another set of corrected field notes on Survey 8 on file in Book R, P. 862, Surveyors Records, which also call to supercede the 1945 notes. This set of field notes are not just for the East part of Survey 8 but describe all of said Survey 8 in an apparent attempt to reconstruct the original position. Again, at the Northwest corner of said Survey 8, Mr. Morris's notes call for the stone mound and pipe to be the actual corner, not the point 18.4 varas East and 49 varas South.

Mr. Morris's corrected field notes for all of Survey 8 call to begin at the previously described monument for the Northwest corner of League no. 3, thence proceeding Westerly "at 3379.6 pass a stone mound and at 3426.6 varas to a point for the Southwest corner of this survey;". The notes continue Northerly 474.7 varas to another "point for corner", thence Easterly "...1566.4 varas to a stone mound and 1" pipe marked ESE 16...". We have located this stone mound and although the pipe is missing, the bearing calls of Mr. Morris are very close to the relationship that we find, therefore I believe it to be his. A rock mound marked "SW 8" was found in the vicinity of the Southwest corner of Survey 8 but is some 104 varas further than Mr. Morris's passing call distance to the "stone mound" and some 57 varas further than the total call length of the South line of Survey 8 from the Northeast corner of League no. 3. However, the relationship of the rock mound marked "SW 8" to said rock mound for the "ESE 16" mentioned above is only 30 varas different from call East and West and only 2 varas North and South.

As previously mentioned in this report, for his work in Survey 16 and 18, Block 362, Elbert Bassham honored this rock mound marked "SW 8" as the true Southwest corner of Survey 8 and constructed the Northwest corner of Block 250 60 varas West of it. Some 568 varas Northerly from this rock mound Mr. Bassham found another rock mound marked "NW 8". These are depicted on a plat of Mr. Bassham's surveys in the Southern portion of Survey 16, Block 362, and will be discussed later in this report.

As was the situation in Survey 6, patent was issued for the East part of Survey 8 on the corrected field notes written by Mr. Morris in 1945. The Western part has never been patented nor awarded. Neither Survey 6 nor Survey 8 has had corrected patents issued to coincide with Mr. Morris's 1946 notes.



A survey report of Mr. Morris's work in this area is on file in Presidio County Sketch File no. 74 and a plat showing some of his called for monuments is filed in Presidio County Rolled Sketch no. 88. One monument of note described as "an old rock mound set for the Southeast corner of Survey No. 7, Block 351" is called for in Mr. Morris's report and is depicted on his plat, as is a monument for the Northeast corner of said Survey 7.

CONSTRUCTION OF WEST LINE OF PATENT  
LOCATIONS OF SURVEYS 6 AND 8

A point 18.4 varas East and 49 varas South of the rock mound and pipe marked "SW 6 NW 8" called for by Mr. Morris would serve to establish the Northwest corner of the patent location of Survey 8 and the Southwest corner of the patent location of Survey 6. From this point a connection is made to the stone mound found for the patent location of the Northwest corner of Survey 6, as called for by F. W. Cook, to establish the patent location of the West line of said Survey 6.

From the point 18.4 varas East and 49 varas South of said rock mound and pipe established by Mr. Morris, a Southerly projection of the bearing established between said point and said stone mound for the patent location of the Northwest corner of said Survey 6 until said line intersects the South line of said Survey 8 would establish the Southwest corner of the East part of said Survey 8. Although the stone mound found for the Northeast corner of the West part of said Survey 8 is believed to be Mr. Morris' monument, it is not called for in the patent notes of the East part and would not serve to locate said East part.

RESURVEY OF OTHER SURVEYORS OF RECORD

In the 1930's, J. P. Dod, son of R. S. Dod, surveyed, monumented and wrote corrected field notes for several Surveys in Block 351, many for patent location, based on the approach taken by R. S. Dod before him.

W. F. Sowell's previously mentioned report concerning his work in Block 250 states that he found and accepted monuments based on R. S. Dod's connecting lines. He also states that he found "a large rock mound in a fence corner about 250 varas East of the Northwest corner of Block 250, this rock mound checked to be the Southeast corner of Survey 7, Block 351."

CONCLUSIONS

In the Western part of Block 351, the retracement procedure of R. S. Dod has long been accepted as the proper approach. Many monuments have been established subsequent to Mr. Dod's work, often for patent location, and follow an acceptable pattern of monuments from which others may be established.

The monuments referred to on the plat accompanying this report indicate the monuments accepted for the Southwest, Southeast and Northeast corners of Survey 7, said Block 351. A tie has been shown from said Northeast corner of Survey 7 to the Southwest corner of Louis Fuentes Survey 334 to show the relationship of the calls to actual ground dimensions.

A projection of the line between the Southeast and Northeast corners of said Survey 7 serves to locate the East line of Survey 4, Block 351.

In the Eastern part of Block 351, the monuments indicated on the plat and previously described as accepted corners of the Mitchell County School Leagues serve to locate the East line of said Block 351.

A 1" pipe found in a rock mound with pipe marked NE 5, SE 2, MCO 1 L" was found in the West line of Mitchell County School League no. 1 60.74 varas Northerly from the monument accepted for the Southwest corner of said League. The original field notes of Mr. Thompson call for this dimension to be 60 varas. I accept this monument as being in the proper position for the Northeast corner of Survey 5 and the Southeast corner of Survey 2, Block 351.

From the monument accepted for the Northeast corner of Survey 5 and the Southeast corner of Survey 2, Block 351, the Northwest corner of said Survey 5 and the Southwest of said Survey 2 would be constructed along a bearing parallel to the North line of said Block 250 the original call distance of 1853 varas. The North-South distances between said Northeast corner of Survey 5 and the monument accepted for the Southeast corner of Survey 8 would be proportional to the original distance calls. The Western lines and corners of Surveys 5, 6 and 8 are established by the above mentioned proportioning method parallel to the West line of said League no. 2.

This construction will conflict with the locations established by R. E. Morris for patent in Surveys 6 and 8.

The Northwest corner of Block 250, constructed as previously described in the discussion of that Block, serves to be locative of the Southwest corner of Survey 8, Block 351. The field notes of Mr. Thompson call for the Southwest corner of said Survey 8 to be 60 varas East of the Northwest corner of said Block 250. The accepted position of Survey 7 in relation to said Southwest corner of Survey 8 will cause the West part of Survey 8 to conflict with the East line of said Survey 7. This construction would also eliminate the connecting strip between the North and South parts of Survey 16, Block 362. By this method, the point established for the Southwest corner of said Survey 8 would be some 257 varas West of Mr. Morris's rock mound marked "SW 8". This is depicted on the plat accompanying this report. As previously mentioned, Survey 7 was patented from the original field notes and the Western part of Survey 8 has never been patented nor awarded.

#### BLOCK 362, VARIOUS GRANTEES HISTORY

##### ORIGINAL SURVEY

Block 362 was originally surveyed and described by S. A. Thompson between August of 1885 through September of 1886. The field notes are filed in Book R, P. 685-695, Presidio County Surveyors Records.

An Act of April 9, 1881, provided for the issuance by the State of a certificate for 1280 acres of land to anyone wounded in the Civil War in the service of Texas or Confederate States or to the heirs of anyone killed while in

this service. This Act also stated that, "a like amount of land shall be located by virtue of this certificate for the benefit of the permanent School Fund, before either shall be patented." It was not necessary that the corresponding Survey made for the permanent School Fund be located in the same Block, the same area or even the same county. The information of the companion Surveys can usually be found on the file jackets of the various Surveys in the General Land office. All of the Surveys in Block 362 are even numbered and made for the Permanent School Fund.

It is obvious from the field notes of Mr. Thompson in Block 351 that he believed said Block 351 adjoined the Mitchell County Leagues on the East, D. & P. Block 1 to the North and West and Block 250 to the South. Also his notes in said Block 351 call for certain Surveys that are in the Western part to adjoin certain Surveys that are in the Eastern part, now separated by Block 362. By the time he wrote field notes for Block 362, Mr. Thompson obviously realized that the East and West parts of Block 351 and Nolan County School League no. 1 were essentially in the position that they are now and do not adjoin D. & P. Block 1 nor each other. The field notes of Block 351 and Nolan County League no. 1, however, were not corrected by Mr. Thompson to reflect this new position.

Survey 16, Martha D. McBryde, the subject of this survey, is described in the original field notes in such a manner that it would essentially create two parts, a North and a South part, connected by a narrow strip between Surveys 7 and 8, Block 351.

RESURVEYS OF R. E. MORRIS, 1945-46  
NORTH PART, SURVEY 16

In this part of Block 362 R. E. Morris surveyed and wrote corrected field notes for Surveys 6, 8 and 12, which were accepted for patent location. It is my opinion that none of Mr. Morris's monuments established for these Surveys would directly influence the location of the North part of said Survey 16.

SURVEYS OF E. F. BASSHAM, 1984  
SOUTH PART, SURVEY 16

In the South part of Survey 16, Block 362, Elbert F. Bassham surveyed and wrote field notes on two 160 acre tracts for patent location that are filed in Book 8, P. 132-133, Surveyors Records of Presidio County. In 1981, Mr. Bassham also wrote field notes for patent for part of Survey 18, said Block 362, recorded in Patent Vol. 168, P. 214. Both of Mr. Bassham's surveys are depicted on his plat recorded in Corrected Field Note Book 8-A, P. 129.

In his report of the surveys conducted in Survey 16, filed in Book 8, P. 130-131, Surveyors Records, Mr. Bassham states: "The West line of said Block 250 was located from the monument found at the Southwest corner of Section 8 and by the monument found at the Southwest corner of Section 10, no other monuments were found on this line." These monuments were discussed previously in this report.

CONCLUSIONS, N. PART SURVEY 16

From the position of the Survey lines and corners established in the construction of the West line of the Eastern part of Block 351 as previously discussed, the East-

West lines of Surveys 14 and 16, Block 362, are established by proportioning the North-South call distances of the original field notes, which have ties to the West corners of the Eastern part of Block 351, previously established in the discussion of that Block. The North line of Survey 16 and the South line of Survey 14 would be established from this constructed location of the Northeast corner of Survey 16, being the Southeast corner of Survey 14, Westerly along the same bearing established in the relocation of Block 351, this being a bearing parallel to the North line of Block 250, until it intersects the East line of Survey 4 in the Western part of Block 351. It is my opinion that this is the strongest construction based on the fact that the only original monuments of S. A. Thompson are located along the East line of of the Eastern part of Block 351 and are the strongest evidence of his footsteps.

As previously mentioned, the location of the patent positions established by R. E. Morris in Surveys 6 and 8, Block 351, will conflict with the East line of Survey 16. The field notes returned here for patent of said North part include only that portion lying West of the patent lines of said Surveys 6 and 8, Block 351. Monuments set to reflect these field notes are indicated on the plat accompanying this report.

CHAIN OF TITLE AND RAILROAD RIGHT-OF-WAY  
SURVEY 16, BLOCK 362, MARTHA D. MCBRYDE

In 1904, the State of Texas granted the Panhandle and Gulf Ry. Co. a 200 foot wide Right-of-Way across Survey 16 in an unspecified position.

On August 24, 1906, the entire Survey 16 was awarded to Gabino Lopez. Through a chain of title this award passed to various assignees.

In 1931, Grace Tucker, the eventual assignee of the North part of Survey 16, sold a tract of land out of the Northwest part to the K. C. M. & O. Ry. Co., the assignees of the Panhandle and Gulf Ry. Co. Right-of-Way. This tract is described as a Warranty Deed in Vol. 91, P. 47, Deed Records of Presidio County, and is referred to as being 5.2 acres. This tract is described as being "All that part of Survey 16, Martha D. McBryde Survey, Presidio County, Texas lying northwesterly of a line that is one hundred fifty (150.0) feet southeasterly of and parallel with the located center line of the main track....." The railroad "strip map" of this area drawn by the railroad company indicates that the composers of this deed believed that the Northwest corner of Survey 16 was common to the Northeast corner of Survey 7 and the Southeast of Survey 4, Block 351, and that said corner was considerably further South than it actually is.

In 1941, Mrs. Tucker forfeited the entire North part of Survey 16 back to the State for non payment. In 1942, the State of Texas re-awarded the North part of Survey 16 to C. C. Leedy, the predecessor in title of the Starks family, who eventually paid the State in full and who now apply for a patent to the entire North part of said Survey 16, save and except the area previously patented in Surveys 6 and 8, Block 351.

Respectfully submitted,

*Steven F. Walker*

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Licensed State Land Surveyor

A plat of the area covered for this survey and a field note description of the North part of Survey 16, Block 362 accompany this report.

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*Ramona L. Lee*  
COUNTY CLERK PRESIDIO CO