

SURVEYOR'S REPORT  
TO ACCOMPANY REVISED FIELD NOTES OF  
SECTION 20, 21, and 40, BLOCK "F"  
GUNTER, MUNSON, MADDOX BROS., AND  
ANDERSON SURVEY, WARD COUNTY, TEXAS

RECEIVED

APR 27 1951

REFERRED TO SCHOOL

Honorable Bascom Giles  
General Land Commissioner  
General Land Office  
Austin, Texas

Honorable Commissioner:

I have just returned from Ward County where at the instance of Mr. George W. O'Brien, I was attempting to locate the lines of his ranch in Block "F" Gunter, Munson, Maddox Bros., and Anderson Survey in Winkler and Ward Counties. My attention was called by Mr. O'Brien that the South Lines of Sections Nos. 21, 20, and 40 in the above mentioned block would not join the University Block 16, or G & M M B & A, Block 0 and as a result on July 12, 1950 taking this matter up with the General Land Office my representative Mr. T. M. Williams was advised by your Mr. Campbell and Sherriff that this strip although not patented would not be considered as Vacant State Land, but would be considered unsurveyed land and that Mr. George W. O'Brien rightfully held the presumption of title of this area from the South Line of Section 20, 21, and 40 to the North line of Section 11 and 1 of University Block 16 and to the center line of the T & P's main line track below Section 20 in the light of the cases as follows:

- A. Cox etal vs Campbell etal -- No 6941  
Supreme Court of Texas  
October 2, 1940  
143 - 144 S. W. 2d
- B. Joslin etal vs State etal --- No. 8628  
November 13, 1940  
Rehearing denied December 31, 1940  
Volume 146 S. W. 2d Page 208
- C. T & P Railroad Company vs State  
Texas Civil App. --- 52 S W 2d 957  
Texas Supreme Court  
124 Tex. 482, 78 S W. 2d 580

It is my understanding according to instruction from your office that Mr. O'Brien to protect his title to this unsurveyed area by virtue of Section 4 of House Bill No. 9, passed at the Regular Session of the Forty--Sixth Legislature, and approved June 19, 1939, regulating the sale of excess acreage in titled or patented surveys, is to furnish revised field notes for each of the respective Section which I have done and attach herewith after being properly Recorded in the County Seat of Ward County.

In reviewing the surveys of this area, I find as follows:

GUNTER AND MUNSON, MADDOX BROS., AND ANDERSON LANDS -- The next system of surveys, older than, but adjacent to, University Lands is the Gunter & Munson, Maddox Bros. & Anderson Blocks; "F" lying east of Block # 17 and north of Block 16, and "O" lying east of Block 16. This land was acquired under "An Act to provide for the sale of a portion of the unappropriated public lands of the State of Texas and the investment of the proceeds of such sale." approved July 14, 1879, amended March 11, 1881. On J. C. Caie, otherwise unheard of, made these locations and signed the field notes as "Deputy Surveyor of Tom Green Land District" in the year 1882. The surveys tie and conform to the Texas & Pacific Railroad. It is an interesting fact that there may be found today in the land office a bundle of old abandoned field notes with G & M M B & A as grantee, the location of which would cover all the area now occupied by Blocks Nos. 17 to 21, University Lands. Just why these surveys did not stand is not surely known, but the belief is that the purchasing company bought and surveyed more unappropriated State Land at 50 cents per acre than funds could be had to pay for. Notice may be taken that all these surveys have been patented, the State not retaining the even numbered alternates as is the case in most other grants.

UNIVERSITY LAND -- The next body of land in order of seniority that was placed upon the ground within the scope represented by F. F. Friend's map was University Lands, surveyed in blocks (not by sections) by Dennis Corwin in 1884,

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under an Act by the Legislature which set aside out of the then remaining unappropriated land of the State two million acres of land for educational purposes, one million for the Public School Fund and another million for the University of Texas. Corwin wrote the field notes of these blocks in a plain flexible tablet, the first 51 being State University Lands, and remaining 26 (77 in all) being Public School Land. While the State retained all of her land as surveyed by Corwin, the Board of Regents, presumably for the reason that there was still open domain in the State which was better land than some of the Corwin Blocks, arranged in some manner to reconvert about one half of these Blocks to the School Fund, accuring at the same time authority to send out surveyors to stake out the shortage thus created; hence the "Alphabet" Blocks by O. V. Williams in Hudspeth County, and Block "L" in El Paso County, by Eubanks, surveyed on the ground in the year 1886.

Blocks Nos. 27, 28, and 29, which lie north respectively of University Blocks Nos. 21, 20, and 19 are numbered among these Corwin Blocks which were turned back by the Board of Regents to the Public School. The first named, Block 27, together with Block 26 which lies east of 27, were resurveyed by sections and the Block lines were marked on the ground by Frank F. Friend in 1926-7. The other two Blocks, 28 and 29, remain as Corwin left them.

On the east of University Block 21 is what was originally Corwin University Block No. 22 (Being one of these "surrendered") but was resurveyed, rearranged and marked on the ground by W. D. Twichell in the year 1900. The most northerly 18 sections of this Block is now a part of Block B 5, which the most southerly 30 sections of same is Block B 12, Public School Land.

So far as the writer's information goes the only record of transfer whereby this Corwin Block 22, passed out of University control is the word "cancelled" written in red ink upon the margin of the original field note. When one contemplates the enormous sum diverted by the stroke of that pen, undated and unsigned, we are admonished that true worth in land as in man must be looked for beneath the surface. These acres were sold by the School Fund without mineral reservations, and on them, about one mile northeast of the town of Wink is the center of the Winkler County Oil Field.

Down in the southeast corner of the map lying east of Section 6, and south of this same section and section 16, Block 16, University, is shown a part of the original Corwin University Block 15, resurveyed and renamed as Public School Land Block B 19, by W. D. Twichell in the year 1900.

SURVEYORS' FILES -- The irregular triangle shaped surveys between University Blocks and the older H. & T. C. Ry. Co. Block 34 and the W. & N. W. Ry. Co. Block 1 are all covered by what is known as Surveyors' Files. The subdivision of these, on account of lack of data at hand, are not shown, but their field notes may be written and their area calculated with absolute precision from the data placed upon Friend's map dated November 25, 1931.

FRANK FRIEND --- from August 31, 1929 to March, 1931 resurveyed University Block 16 and from his report is quoted, "Beginning now with Block 16 we will explain in detail and give reasons for every phase of construction of the map showing University Lands in Ward, Winkler, and Loving Counties. Block 16 a photostatic copy of the original field notes of which is to be found on page 299 of this volume, calls to begin "on the northwest corner of section 6, Block "O", G. & M. M. B. & A.", and then goes on to say "on the center of the T. & P. Railway track." The field notes of section 6, however, taken with those of section 5, this Block, plainly show that their north lines are 36 varas south from, and parallel to, the center of the railroad track. To start with, therefore, Corwin has made a call stipulating two conditions, only one of which can be fulfilled. Reading further the field notes say after leaving this point on center of tracks, "Thence S. 73° W. with said railroad track ten (10) miles 19,000 varas." It is plain that Corwin began the survey of Block 16 somewhere on the center of the tracks, and was evidently ignorant of the position of the northwest corner of section 6, thinking that it was on the center line of the track instead of 36 varas south of it. Our construction here has been to project the west line of section 6, northerly 36 varas past its northwest corner to the center of the main line of the T. & P. railroad for the initial beginning of the Block 16, University Land.

LOCATION OF NORTHWEST CORNER OF SECTION 6, BLOCK "O"

(a) Monahans Land Mark -- Now, as to the exact location of the northwest corner of section 6, Block O, G. & M. M. B. & A., our construction is based on the relative position of the Monahans well, a certain red sandstone at Pyote, and the center line of the T. P. Railroad which passes near these points.

We cannot hope to find any of the marked ties and telegraph poles called for along the railroad by Caie in his field notes of surveys in Blocks A. F. O. and N. for the reason that these evidently have been many times replaced since the date of the survey in 1882. We have, however, other calls which locate these Blocks fairly definitely on the ground, one in the field notes of survey #5, Block O, which calls for Aroya Station, another being a call in survey 60, Block A, and in survey 51, Block N. for Monahans well and tank (See Inset No. 1).

(b) Red Sandstone (Pyote) Landmark -- Westerly 425 varas down center of the main line track of the T & P Railroad from a point where the center line of the main north--south street in Pyote crosses it and northerly at right angles 36 varas will be found another important landmark which has vital influence in the construction of all University Blocks in this immediate area. While the original fieldnotes call for a "stake earth mound and four pits" which means (to a surveyor at least) that no marks were ever made here, we find at the present time as the central object a recently set concrete monument having anchored in its top a brass plate marked thus:

1	100
B 17	
36	V
B	16
U	T

on the north side and touching the monument is a large sandstone set in the ground marked "100", while on the south side of the monument is driven a 2--inch iron pipe which had at the time it was placed a copper tag attached appropriately stenciled to correspond to the sections which corner here. The monument was set during the present resurvey, and the pipe was placed by the writer in 1926, but the sandstone is of doubtful origin. It is generally believed that A. M. Randolph placed it at a time when the marks by Caie were still to be found. Twichell recognized at least the spot it occupies as early as 1900, because from a perpendicular to the railroad through this point easterly to identified corners in his Block B 5 near Kermit the measured distance is almost precisely exact miles. The most fortunate statement that can be made and the most important fact is: All surveyors and all land owners accept this old sandstone as the southwest corner of section 100, Block "F", G. & M.M.B. & A.

(d) Distribution of Excess -- With the controlling points thus described, the distance from the letter "F" on south rail opposite well and tank at Monahans which is in the east boundary line of the west one-half of section 60, Block A, and section 51, Block N, connected across the T. & P., tracks, to the point on the same rail opposite the old sandstone, concrete monument, and 2" iron pipe at the southwest corner of section 100, Block F, was divided equally among the twenty-nine half sections that according to field notes lie between these two points. This distance accurately measured along the south rail was found to be 27,674.7 varas, which distance prorated into twenty-nine half miles gives 954.3 varas for each, or 1908.6 varas for each mile represented between the points.

TOTAL DISTANCE -----	27,674.7
29 Half Miles (950.4 x 29) -----	27,561.6
Total Excess -----	113.1
113.1 ÷ 29 -----	3.9
Half Mile -----	950.4
Length of each half mile -----	954.3
	<u>2</u>
Length of each mile -----	1,908.6

Therefore, from a point center between rails opposite the letter F cut on the south rail at Monahans westerly down center line, six and one-half miles of

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1908.6 varas each, we strike the northeast corner of Block 16, University Land and southerly at right angles (nearly) 36 varas we strike the northwest corner of section 6, Block O, G. & M.M.B. & A., the point for which the field notes of Block 16 ambiguously call. Continuing southeasterly along this section line at a point 50 varas from the center line of the railroad and 14 varas past the northwest corner of section 6, sufficiently far over the highway and bar--pits to be well out of the way of road machines, was set a concrete monument. Had the center of the section house at Aroya as it now stands been used to locate these lands (see field notes of sections 5, Block O) the east line of Block 16 would have been placed 4.3 varas further west."

FIELD SURVEY

The Field Note of Section 5, Block "O" in going west on its North Line read:

"THENCE S.  $73\frac{1}{2}^{\circ}$  W. at 950 varas, earth mound, stake marked "T.X." 36 varas South of the Railroad track, at 1600 varas Section House "Aroya" 50 varas North. 1900 varas to stake and mound." 97

After carefully examining the valuation survey notes of the Texas and Pacific Railway Company, I wish to advise that in the year of 1897 at Aroya on the north side of the Main Line Track was a Frame Section House also a Frame Mexican House, and that according to the information from the Texas and Pacific's files these buildings were burned down and in 1901 a two story Frame Section House 16 feet x 38 feet and a Frame Mexican House 16 x 20 was erected, their exact location is not now know, in 1905 the Mexican House was destroyed by fire and a 12 x 24 foot frame replaced this structure. In 1910 the two story, Frame Section House burned along with the Mexican House (12 x 24) and a one-story 16 x 32 one-story frame section house was constructed, the east end of same being located 30 feet to the north of the center line of track at valuation Station 32461  $\neq$  70, at this same time a stone Mexican Bunk House was constructed  $18\frac{1}{2}$  x 73 feet 68 feet right of Main Line Valuation Station 324634  $\neq$  69 all at this time that is left of any of the section or Mexican houses is the foundation of the stone Mexican House which of course would not retrace the foot steps of surveyor's call in his survey of the Gunter, and Munson, Maddox Bros. and Anderson Survey of Block "F" or "O" and

The Field Notes of Section 60, Block "A", going East on the South Line are:

"THENCE N.  $73\frac{1}{2}^{\circ}$  E. at 950 varas opposite large tank at Monahans Well, etc."

Section 51, Block N, has a similar call in the field notes going Weast on its North Line:

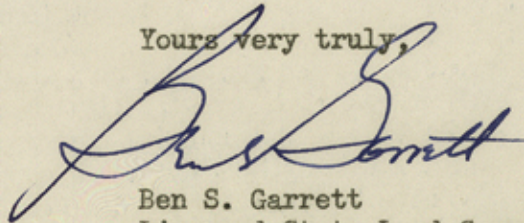
"THENCE S.  $73\frac{1}{2}^{\circ}$  W. at 950 varas, Monahan Well etc. "

So that other surveyors may not become confused at the correct location of the well called for in Surveyor Caie's Field NOTES there were three wells adjacent to the center line of the Texas & Pacific Railway at Monahans, one located at their Valuation Chaining Station 32165  $\neq$  42 on the north side of track, which has been abandoned, one located at Valuation Chaining Station 32171  $\neq$  87 which has also been abandoned, the well refered to by Frank Friend and taken by me to be called for in Caie's Field Notes is still in use and is located 18 varas to the North of Texas & Pacific Valuation Chaining Station 32178  $\neq$  28 and is a dug well 22.5 in diameter and cased off with masonry. The point in the mainline of the railrod opposite this well mark "F" by Frank Friend iw now gone as the rail have been changed, but its position would be 411.4 feet or 148.1 varas westerly as measured along the center of T & P Railway Easterly Line of Monahan Depot or 110.60 feet or 39.82 varas westerly along track from the center line of pavement of Minor Street, town of Monahans.

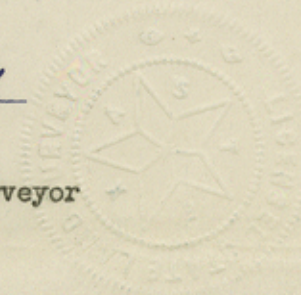
From the "Landmark Well" at Monahans to "Red Sandstone" corner" which is 425.0 varas westerly as measured along the center of Texas and Pacific Main Line Track from the center of Pyote Street crossing at Pyote, Texas to a point opposite and 36 varas southerly of said "Red Sandstone" is 27,674.7 varas. The corner is still on the ground at this date as described in Frank Friend's Report and after careful consideration of Mr. Friend's construction of the resurvey of Block 16, I concur in his distribution of excess of 113.1 varas found on the ground by me as did Mr. Friend and altho there is possible other ways this distribution may be made, what surveyor now living in the State of Texas would attack the Methods of Frank Friend especially on his home ground " the University Block's", and in this agreement a distribution of 954.3 varas in each of 29 one-half miles, between the Landmark Well" at Monahans and Red Sandstone corner at Pyote and resurvey for the North and South Lines of Section 20, 21, and 40, Block "F" Gunter, & Munson, Maddox Bros. & Anderson Surveys with a distance of 1908.6 varas.

The North and South distance at the last mentioned Sections as included in attached field notes for the east and west line of the Section is 1900.8 varas patented call distance from the North Lines of the Section to their patented South Lines called to be "36.0 varas northerly from the center line of the Texas & Pacific Main Line Track" plus this 36.0 separation presently encountered between Section 21 and 40, G. & M.M.B. & A., Block "F" and Section 1 and 11 University Block 16, and Section 20 to the center of T. & P. Main Line, making a total distance of 1936.8 varas as shown in the attached corrected notes by me.

Yours very truly,



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File No. 13

WARD County

SKETCH FILE

Filed April 27 1951

BRADCOM GILES Com'r

Ben S. Garrett  
File Clerk

REPORT OF  
Re-survey of Sec. 20, 21  
& 40, Blk. F, Gunter, Munson,  
Maddox Bros. & Anderson  
By Ben S. Garrett  
April 20, 1951  
See Rolled Sk. #21