

**CARRIGAN & HOUSEHOLDER**  
Attorneys at Law  
WICHITA FALLS, TEXAS

117  
October 10, 1911.

**Received**  
**OCT 13 1911**

**REFERRED TO SCHOOL**

Hon. J. T. Robison,  
Commissioner General Land Office,  
Austin, Texas.

Dear Sir:-

On behalf of the owners of the West one half of S. A. & M. G. R. R. Co. Survey No. 2, the 65 acre Jesse Mumford Survey and the West one half of H. & G. N. R. R. Co. Survey No. 2, in Wichita County, Texas, adjoining the town of Electra, Texas, and Day Land and Cattle Company Survey lying between these Surveys, we wish to call your attention to the joint report of H. M. Snoddy, County Surveyor of Wichita County, Texas, and A. Devereaux, County Surveyor of Wise County, Texas, made October 3, 1911, upon an application of P. J. Duffy, P. T. O'Bryn and others for a survey upon alleged unsurveyed school land in the western part of Wichita County, Texas, which said application seeks to disturb former established lines of old Surveys calling for each other, and to secure from you a ruling, that there is a vacant strip to be surveyed.

In order to show this alleged vacancy, Messrs. Snoddy and Devereaux report that they have run three lines, the first a distance of  $17\frac{1}{2}$  miles from a point 3100 varas from the Northwest corner of Tarrant County School Land; the second a distance of nearly seven miles from the Southeast corner of Section No. 36, Block No. 5, H. & T. C. R. R. Co., and the third a distance of over twelve miles from the Northeast cor-

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ner of the William N. Thorn Survey, a total distance of about thirty-six miles, from which they claim to have found a vacancy of 214 varas from North to South, and about 52 varas from East to West at one point and 125 varas at another point, and to protest to any ruling from you that this <sup>is</sup> vacant land, for the following reasons:

First: It is a well known fact that the **older** Surveyors in running out their lines always over-run the distance and did not use steel tapes as is now the custom, and that the excessive distance of 214 varas in running nineteen miles is not only not unusual, but that it is a remarkably small excess, and that in running seventeen and one half miles West and finding only 52 varas excess that it is remarkably small, and that most old surveys over-run in going that distance.

Second: The report of these surveyors fails to take note of the fact that over twenty-five years ago the lines of Sections Nos. 17, 18 and 19 and 20, G. C. & S. F. R. R. Co. Surveys, were actually run upon the ground by John W. Field, Ex-County Surveyor of Wichita County, Texas, now dead, and that he tied said Surveys Nos. 17 and 18 to the S. A. & M. G. R. R. Co. Survey No. 2 and to Survey No. 14 of H. T. & B. R. R. Co., and to H. & G. N. R. R. Co. Surveys Nos. 1 and 2, and S. P. R. R. Co. Survey No. 2, leaving no chance for a vacancy between them, and leaving no doubt as to the fact that all of the land was occupied and appropriated by G. C. & S. F. R. R. Co. Surveys Nos. 17 and 18, as shown by report and

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sketch sent up by said J. W. Fields, and also by the report of Messrs. Snoddy and Devereaux.

Third: The parties owning Sections Nos. 17 and 18, G. C. & S. F. R. R. Co. Surveys, and the parties owning H. T. & B. R. R. Co. Surveys Nos. 11 and 14, H. & G. N. R. R. Co. Survey No. 2, S. A. & M. G. R. R. Co. Survey No. 2, and the Jesse Mumford Survey and Day Land and Cattle Company Survey south of it have fenced their lands with reference to the calls of the ~~same~~ surveyors, and they have recognized upon the ground the lines as located by said Field and subsequent surveyors, and those lines have been fenced and the lands occupied, showing no vacancy between the aforesaid Surveys for more than twenty years.

And we think it is unjust to disturb those lines and set aside the work of these old surveyors in order that the present proposed purchasers of said School land may disturb the titles, not only of the parties above mentioned, but of the owners of at least eight hundred lots in the heart of the town of Electra, Texas.

Mr. Snoddy, the surveyor of this County, represented to us that the vacancy claimed by the proposed purchasers would go through the heart of the town of Electra, Texas, and would disturb the title to at least eight hundred lots in said town, and we think that to do such would be in violation of every known rule of law and equity.

Fourth: We further protest because if there ever was any vacancy in the territory called for that same was filed upon over twenty years ago, and field notes returned to the Land Office upon

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an application made by Mr. W. A. McCutcheon by virtue of Certificate No. 27/123 issued to the Day Land and Cattle Company, January 25th, 1890, upon which the field notes for 315,7 acres of land were surveyed March 22, 1890, by N. Henderson, County Surveyor of Wichita County, Texas, and were turned in to the General Land Office, as you will find by examination of File No. 1993, Fannin Donation, upon which Patent was refused for the reason stated on the back of said File, that no vacancy appeared, and the owners of said Day Land and Cattle Company Survey having acquiesced in this ruling of the Land Office and in adverse occupancy of the present owners for over twenty years.

The reason why the parties are now applying for these small strips of land is impelled only by the fact that oil has been discovered in and around the town of Electra, Texas, which makes this land valuable, and if these strips of land were ever~~X~~ vacant, they have long since been appropriated by virtue of said Donation Certificate No. 27/123 as aforesaid; and the best we can tell from a certified copy of the field notes to said survey, they were filed in your office on October 22, 1890.

We therefore urge you to instruct the County Surveyor of Wichita County that there is no vacancy, and to direct him to refuse to send up any field notes in answer to the application of P. J. Duffy and others.

Respectfully,

*R. E. Huff &  
Carrigan & Householder*

Attorneys for L.P. Douglas and J.W.  
Stringer.

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Wichita State Files

Duffy and others.

to send up any field notes in answer to the application of P. J.

Wichita County that there is no vacancy, and to direct him to refuse

We therefore urge you to instruct the County Surveyor of

file on October 28, 1890.

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No. 22/133 as aforesaid; and the best we can tell from a certified

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you will find by examination of file No. 1893, Pannin Donation, upon

County, Texas, and were turned in to the General Land Office, as

veyed March 28, 1890, by N. Henderson, County Surveyor of Wichita

1890, upon which field notes for 315, 7 acres of land were sur-

No. 22/133 issued of the Day Land and Cattle Company, January 25th,

an application of Mr. W. A. McCutcheon by virtue of Certificate

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Letter of Carrigan & Householder, in re to W 1/2 of SA & MG Ry Co, sur, #2, et al, joining the town of Electra,

Dated Oct. 10, 1911. Filed Oct 13, 1911-

Respectfully,  
Carrigan & Householder  
Attorneys for P. P. Douglas and J. W. Stringer.