JEFF DAVIS CO. ROLLED SK. NO. 22

IN FLAT FOLDER

A. G. PRUDE SURVEY NO. 93 1/2

APPLICATIONS TO PURCHASE EXCESS, AND FIELD NOTES COVERING FOLLOWING SURVEYS NO. 411-470-412-469-93-16A.

S. F. 12627
152277

C. & M. R. R. CO.
T. S. & L. R. R. CO.
T. & ST. L. R. R. CO.

See Sk. Files
29-30

See Rld Sk. ~~25~~ 26

counter 46229

JEFF DAVIS CO. Roll sk # 55

409

412

411

A. G. PRUDE
Sur. Aug. 30, 1877
R. S. Dod
ptd

G. M. GRIERSON
Sur. May 17, 1909
J. W. Merrill
ptd

107991

16A

16B

13

W. 1795 vs

E. 1150 vs

S. 3765

N. 1140 vs

S. 2668 vs

S. 46° W. 1900 vs

N. 46° W. 1900

N. 46° 30' E. 950

S. 43° 30' E. 950

S. 43° 30' E. 1900

N. 43° 30' W. 950

S. 46° 30' W. 950

N. 43° 30' W. 1900 vs

S. 43° 30' W. 1900

N. 46° E. 1990

S. 46° 30' W. 1900 vs

S. 43° 30' E. 1900

N. 43° 30' W. 1900 vs

S. 46° E. 1900 vs

N. 46° 30' E. 1950

N. 46° E. 2076 vs

N. 46° 30' E. 1950

N. 46° E. 2076 vs

F. 40763

S. 46° W. 1367 vs

N. 80° W. 798 vs

S. 80° E. 1150 vs

E. Co Sur. 1877

S. 46° W. 1367 vs

RM. Set lime

DTV

S. 53° E. 713 vs

N. 46° E. 1990

Str. line

S. 43° 30' W. 1900

S. 10° W. 1318 vs

N. 10° E. 1900 vs

S. 80° E. 1900

N. 80° W. 1900

S. 10° W. 1318 vs

N. 10° E. 1900 vs

S. 80° E. 1900

N. 80° W. 1900

S. 10° W. 1318 vs

N. 10° E. 1900 vs

S. 80° E. 1900

Rk. Mkd.

Rk mkd. Oak 12" N. 73° W. 30 vs

Rk mkd. Oak 12" N. 73° W. 30 vs

Rk mkd. Oak 12" N. 39° E. 15 vs

Rk mkd. Sweet Gum 30" N. 80° W. 37 vs

Rk mkd. Sweet Gum 30" N. 80° E. 19

Jeff Davis Co. RLO. Sk. #22

412

ptd. 252 (16A)

West Part of 16 cor abst.

16

411
D.A.

469
D.A.

92

93
D.A.

470
As 15

94

counter 46231

H. O. METCALFE LUCIUS D. BUNTON

H. O. METCALFE LAW OFFICE
MARFA, TEXAS

March 13, 1953

Hon. Bascom Giles, Commissioner,
General Land Office,
Austin, Texas.

Attn: Mr. Dennis Wallace, Chief Clerk.

Dear Mr. Wallace:

I have your letter of March 7th, with reference to the John G. Prude Survey in Jeff Davis County, Texas.

I have communicated with Mr. George, the surveyor, and he will reply to the second paragraph in your letter and give you the information needed there.

As to the Statement of Facts, you are advised that Mr. Prude took an exception to the judgment at the time it was rendered, but did not perfect his appeal and permitted the judgment to become final. He did not order the stenographer to prepare a Statement of Facts and there was no necessity for me, as attorney for Mrs. Merrill, to order a Statement of Facts--hence, none has been prepared. The court reporter who reported this case for Judge Jackson is Mrs. Edith Hopson, at Alpine, Texas; she still lives at Alpine and, while she is no longer reporter, I am sure she can give you an estimate upon the preparation of a Statement of Facts and a Transcript of the Evidence at the trial of this case. I do not feel that Mrs. Merrill should be put to the expense of furnishing the Statement of Facts. I make this statement so that there may not be any misunderstanding as to payment to the court reporter if you order same.

I shall await your reply and would appreciate it if, in corresponding with reference to this matter, you will be kind enough to send a copy of all correspondence to Mr. H. L. George, Surveyor, Central National Bank Building, San Angelo, Texas.

RECEIVED
MAR 16 1953
REFERRED TO CHIEF CLERK

With personal regards,

Yours very truly,

H. O. Metcalfe

H. O. METCALFE

HOM/hm

cc: Mr. H. L. George, Surveyor
Central National Bank Building
San Angelo, Texas

counter 46232

Bill

Enclosed are the Jeff Davis field notes I discussed with you Judge H. O. Metcalfe of Manta is attorney for Mrs. Merrill. He will send the applications to purchase excess.

The enclosed notes are the ones that were introduced in the record of the case and are set out in the Judgment.

Hugh

RECEIVED
JAN 8 1953
REFERRED TO MAP
D-725

JEFF DAVIS CO
KLO SK # 22
FLAT FOLDER

RECEIVED
MAP

(17)

Cause # 828

J. W. Merrill et al

vs.

John G. Prude

District Ct. Min.

Vol. 3 - pg. 49

Date of Judg. - June 12, 1951

Filed: June 27, 1951

Check on

Prude - Merrill

file - Jeff Davis

Co.

W. L. George

207 Central

Natl Bk Bldg

San Angelo

counter 46234

(16)

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as_____
Survey No. 469, Block No._____, Certificate No. 392,
Tsp. No._____, situated in Jeff Davis County, Texas,
about 6 miles NW from Fort Davis
the conuty seat.

3. I am the owner of the fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)

Purchased from A.G. Prude more than 25 years ago, have abstracts reflecting title from sovereignty of the soil,

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application~~ now on file in the General Land Office

Mrs R K Merrill
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 19 53.

Lucius D. Bunton
Notary Public in and for
Presidio County, Texas. LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the_____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No._____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol._____, page_____, of the Minutes of said Board.

Given under my hand this the_____day of_____, A. D. 19____, at Austin, Texas.

_____
Secretary of the School Land Board.

counter 46235 A'

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
469		392	C.&M. R.R. Co.	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.

   Grazing

2. Type and value of timber, if any.

   None

3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)

   $2.00

4. Surveyor's estimate of actual value without improvements, per acre.

   $6.00

5. Claimant's estimate of actual value without improvements, per acre.

   $6.00

6. Distance and direction from nearest oil or gas field, naming the field.

   SW 90 miles, Pecos County.

7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.

   SW 90 miles, Pecos County.

8. Distance and direction from nearest drilling oil well.

   NW 60 miles.

9. Distance and direction from nearest dry hole.

   30 miles NE

10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.

    NO

(If there is oil or gas production on this tract, kindly give the following information.)

(a) Number of producing oil wells and depth from which they produce.

(b) Number of producing gas wells and depth from which they produce.

(c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9th day of January, 1953.

Mrs R K Merrill

counter 76236 A2

(15)

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as _____
Survey No. 411, Block No. _____, Certificate No. 391,
Tsp. No. _____, situated in Jeff Davis County, Texas,
about 6 miles NW from Fort Davis
the conuty seat.

3. I am the owner of the fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)

Purchased from A.G. Prude more than 25 ~~xix~~ years ago, have abstracts reflecting title from sovreignty of the soil,

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application (or)~~ now on file in the General Land Office

Mrs R K Merrill
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 1953.

Lucius D. Bunton
Notary Public in and for
Presidio County, Texas.

LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the _____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No. _____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol. _____, page _____, of the Minutes of said Board.

Given under my hand this the _____ day of _____, A. D. 19____, at Austin, Texas.

_____
Secretary of the School Land Board.

counter 46237 2

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
411		391	C.&M. R.R. Co.	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.

   Grazing

2. Type and value of timber, if any.

   None

3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)

   $2.00

4. Surveyor's estimate of actual value without improvements, per acre.

   $6.00

5. Claimant's estimate of actual value without improvements, per acre.

   $6.00

6. Distance and direction from nearest oil or gas field, naming the field.

   SW 90 miles, Pecos County.

7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.

   SW 90 miles, Pecos County.

8. Distance and direction from nearest drilling oil well.

   NW 60 miles.

9. Distance and direction from nearest dry hole.

   30 miles NE

10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.

    No

    (If there is oil or gas production on this tract, kindly give the following information.)

    (a) Number of producing oil wells and depth from which they produce.

    (b) Number of producing gas wells and depth from which they produce.

    (c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9th day of January, 19 53.

Mrs R K Merrill

counter 46238 2-2

(14)

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as _____
Survey No. 470, Block No. C&M 6, Certificate No. 392,
Tsp. No. _____, situated in Jeff Davis County, Texas,
about 6 miles NW from Fort Davis
the conuty seat.

3. I am the owner of fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)
Purchased more than 25 years ago from A.G. Prude, have abstracts reflecting title from sovereignty of the soil,

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application~~ (or) — now on file in the General Land Office

Mrs R K Merrill
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 19 53.

Lucius D. Bunton
Notary Public in and for
Presidio County, Texas. LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the _____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No. _____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol. _____, page _____, of the Minutes of said Board.

Given under my hand this the _____ day of _____, A. D. 19____, at Austin, Texas.

_____
Secretary of the School Land Board.

counter 16239

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
470	C&M 6	392	B.H. Grierson,Jr.	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.
   Grazing
2. Type and value of timber, if any.
   None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)
   $2.00
4. Surveyor's estimate of actual value without improvements, per acre.
   $6.00
5. Claimant's estimate of actual value without improvements, per acre.
   $6.00
6. Distance and direction from nearest oil or gas field, naming the field.
   SW 90 miles, Pecos County.
7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.
   SW 90 miles, Pecos County.
8. Distance and direction from nearest drilling oil well.
   NW 60 miles
9. Distance and direction from nearest dry hole.
   30 miles NE
10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.
    NO

(If there is oil or gas production on this tract, kindly give the following information.)

(a) Number of producing oil wells and depth from which they produce.

(b) Number of producing gas wells and depth from which they produce.

(c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9th day of January, 19 53.

Mrs R K Merrill

counter 46240 Y2

13

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as _____
Survey No. S½ & NE¼ 412 W½ 412, Block No. C&M, Certificate No. 391,
Tsp. No. _____, situated in Jeff Davis County, Texas,
about 6 miles NW from Fort Davis
the conuty seat.

3. I am the owner of the fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)

Purchased from A.G. Prude more than 25 years ago, have abstracts reflecting title from sovereignty of the soil,

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application (or)~~ — now on file in the General Land Office

Mrs R K Merrill
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 19 53.

Lucius D. Bunton
Notary Public in and for Presidio County, Texas.
LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the _____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No. _____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol. _____, page _____, of the Minutes of said Board.

Given under my hand this the _____ day of _____, A. D. 19____, at Austin, Texas.

_____
Secretary of the School Land Board.

counter 16241

X'

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
S½ & NE¼ 412 W½ 412	C&M	391	Geo. M. Grierson A. G. Prude	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.
   Grazing
2. Type and value of timber, if any.
   None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)
   $2.00
4. Surveyor's estimate of actual value without improvements, per acre.
   $6.00
5. Claimant's estimate of actual value without improvements, per acre.
   $6.00
6. Distance and direction from nearest oil or gas field, naming the field.
   SW 90 miles, Pecos County.
7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.
   SW 90 miles, Pecos County.
8. Distance and direction from nearest drilling oil well.
   NW 60 miles
9. Distance and direction from nearest dry hole.
   30 miles NE
10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.
    NO

(If there is oil or gas production on this tract, kindly give the following information.)

(a) Number of producing oil wells and depth from which they produce.

(b) Number of producing gas wells and depth from which they produce.

(c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9th day of January, 1953.

Mrs R K Merrill

counter 46242 X2

(12)

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as_____
Survey No. 16A, Block No. T&SL 224, Certificate No. 431,
Tsp. No._____, situated in Jeff Davis County, Texas,
about 6 miles NW from Fort Davis
the conuty seat.

3. I am the owner of the fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)

Purchased from A.G. Prude more than 25 years ago, have abstracts reflecting title from sovereignty of the soi,

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application (or)~~ — now on file in the General Land Office

Mrs R K Merrell
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 1953.

Lucius D. Bunton
Notary Public in and for
Presidio County, Texas. LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the_____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No._____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol._____, page_____, of the Minutes of said Board.

Given under my hand this the_____ day of_____, A. D. 19____, at Austin, Texas.

Secretary of the School Land Board.

counter46273 W'

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
16A (W.pt.)	T&SL 224	431	A.G. Prude	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.
   Grazing
2. Type and value of timber, if any.
   None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)
   $2.00
4. Surveyor's estimate of actual value without improvements, per acre.
   $6.00
5. Claimant's estimate of actual value without improvements, per acre.
   $6.00
6. Distance and direction from nearest oil or gas field, naming the field.
   SW 90 miles, Pecos County.
7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.
   SW 90 miles, Pecos County.
8. Distance and direction from nearest drilling oil well.
   NW 60 miles
9. Distance and direction from nearest dry hole.
   30 miles NE
10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.
    NO

(If there is oil or gas production on this tract, kindly give the following information.)

(a) Number of producing oil wells and depth from which they produce.

(b) Number of producing gas wells and depth from which they produce.

(c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9 26 day of January, 19 53.

Mrs R K Merrill

counter 46244 W 2

Licensed State Land Surveyor
Res. Ph. 4410 or 5112

Registered Professional
Civil Engineer
Res. Ph. 4410 or 5112

H. L. GEORGE
OFFICE PHONE 5112
ROOM 207 CENTRAL NATIONAL BANK BLDG.
SAN ANGELO, TEXAS

September 15, 1953

RECEIVED
SEP 16 1953
REFERRED TO LAW

Mr. Bascom Giles
Commissioner, General Land Office
Austin, Texas

Dear Mr. Giles:

Recently I conferred with Mr. Wallace about certain lands in Jeff Davis County, in which Mrs. R. K. Merrill desired to purchase the excess. At that time Mr. Wallace expressed a desire to have me submit a report to accompany the corrected field notes and map, which is already in your office.

So that you may have some background on the survey situation in this area, I will summarize briefly the facts leading up to the filing of application to purchase the excess in several surveys on the Merrill Ranch.

In 1922, R. S. Dod made a survey for the late A. G. Prude, who, at that time, owned this ranch, which included Surveys 411 and 412, C. & M. Ry. Co., Surveys 469 and 470, C. & M. Ry. Co., and Survey #93, Block 224, T. & S. L. Ry. Co. Dod, in this survey, discovered that the Northeast corner of Survey #469 was located farther South than it had been shown by the original locator. Dod adopted the theory that Survey 469 and 470 could not take any east-west excess, even though Survey #469 called to adjoin Survey #412. Dod located a small survey of approximately 50 acres numbered 93½, between the West line of Survey #469 and the East line of Survey #412. Mr. Prude filed a letter of inquiry with Mr. Robison, who was Land Commissioner at the time, and Mr. Robison replied, stating in substance that this tract could either be acquired as vacant land or as excess land. If Mr. Prude desired to purchase the land as excess, then the patents of some of the surveys would have to be surrendered, so that proper corrections could be made. Mr. Prude decided to buy the tract as vacant land but when Mr. Robison fixed the value on the land to be purchased, Mr. Prude decided that the price was too high and decided to let the matter drop. R. S. Dod had prepared field notes for #93½, which have remained in your office since 1922 and in about 1948 this tract was included on the list of state lands for sale to the highest bidder and was purchased by John G. Prude.

Early in 1930 Mr. A. G. Prude sold all the land that he owned in this area to Mr. J. W. Merrill, with the exception of the 200 acre homestead tract, located in the Southeast part of Survey #469, C. & M. Ry. Co. This homestead tract came into the possession of John G. Prude and for several years now he has operated a dude ranch on this tract.

In about 1950 J. W. Merrill, etal, brought a trespass to try title suit against John W. Prude, claiming that Survey #93½ was not vacant land, but was excess land and belonged to the Surveys owned by Mr. Merrill. This suit came to trial in about 1951 and J. W. Merrill, the plaintiff, contended that Survey #93½ was nonexistent, that it was a part of Survey #469, and that the sale made to the highest bidder was not according to law, that the field notes by R. S. Dod written in 1922 did not locate a vacancy because the purchase by A. G. Prude was limited to a law which expired in 1931, and that in 1939 the act of 1931 was repealed and that no suit was brought under the act of 1939 within the prescribed time.

Briefly, this is the substance of the pleadings by Mr. Merrill and the district court sitting in Ft. Davis concurred on these statements and sustained the pleadings set out by Mr. Merrill. This suit was not appealed and the judgment became final.

I was a witness for Mr. Merrill and in September of 1949, I made an extensive survey in this area. On the map I prepared of my survey, and which is now in your office, I show the following original corners:

the Southeast and Northeast corners of Survey #469, C. & M. Ry. Co.,
the South corner of Survey #412, C. & M. Ry. Co.,
and the West corner of Survey #412, C. & M. Ry. Co.

I made search for other corners at the various corners of the different surveys, but at no place did I find a corner which I took to be the original corner. There were other corners in the area, most of which had been set by R. S. Dod. As stated, I testified in this case and at that time identified the corrected field notes of Surveys #411, 412, 93, 469 and 470, which I had written as correct field notes for these various surveys. These are the field notes which have been filed in your office and they are copied verbatim into the judgment in this case.

It is the desire of Mr. Merrill to purchase the excess in these several sections, and as stated earlier, the field notes, map, applications and questionnaire have been in your office for several months now. Mr. Merrill is at an advanced age and he has asked me to say that he will appreciate it greatly if you will approve these notes at your earliest convenience so that he can have the affairs of his estate in good order. Mr. H. O. Metcalfe at Marfa, Texas, is the attorney for Mr. Merrill and you should advise him as to the amount due as soon as the field notes have been approved and a price has been set by the State Land Board.

Inasmuch as this matter has been pending for several years, I personally would like to bring it to a conclusion and I am sure that Judge Metcalfe will join me in saying that we both would appreciate your early attention to the matter.

RECEIVED
SEP 16 1953
REFERRED TO LAW

Very truly yours,

H. L. George

HLG:dm
cc/ Mr. H. O. Metcalfe
Marfa, Texas

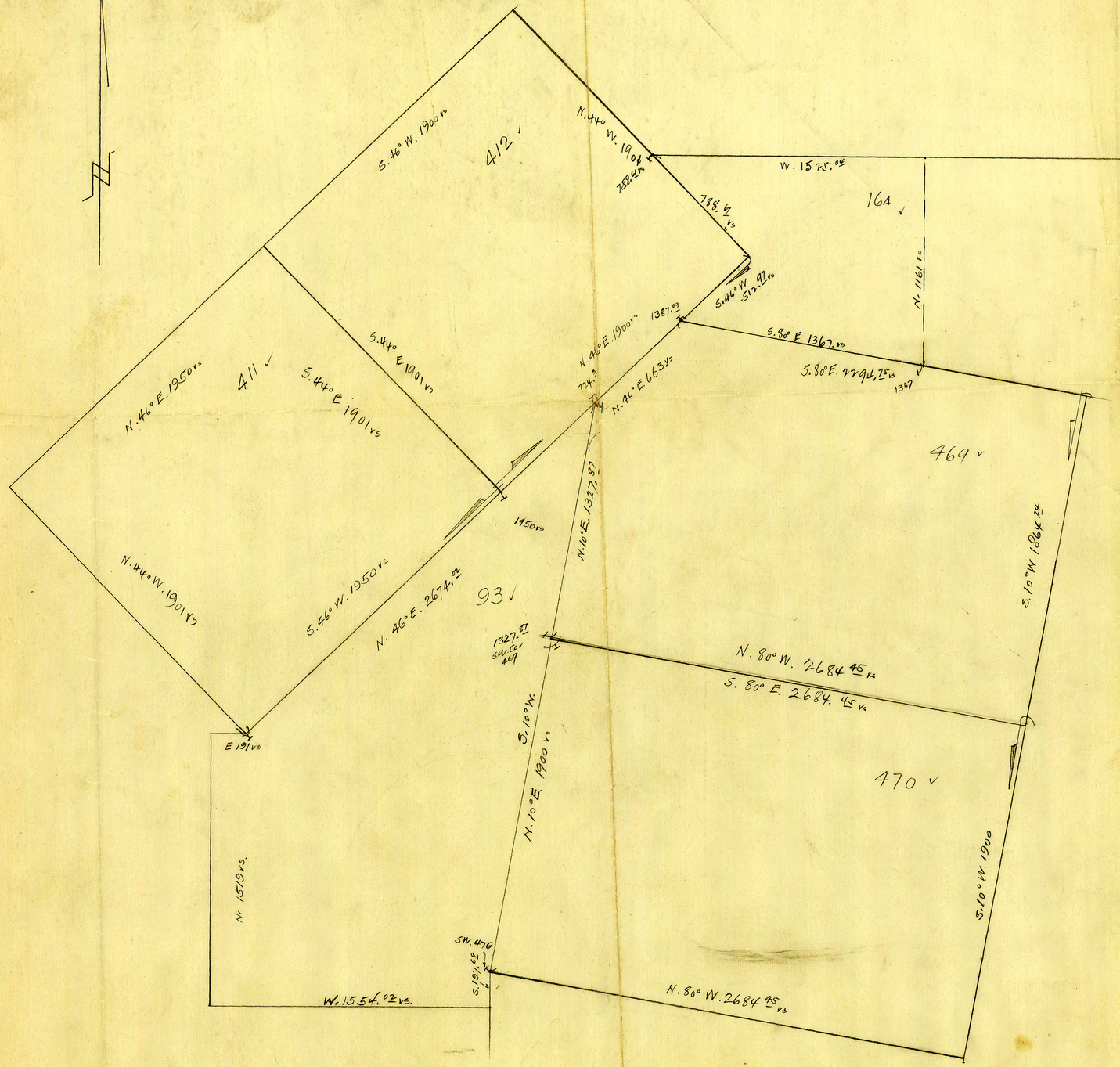
counter 46286

(3)

FILE JEFF DAVIS CO

RLD SIL # 22

FLAT FOLDER

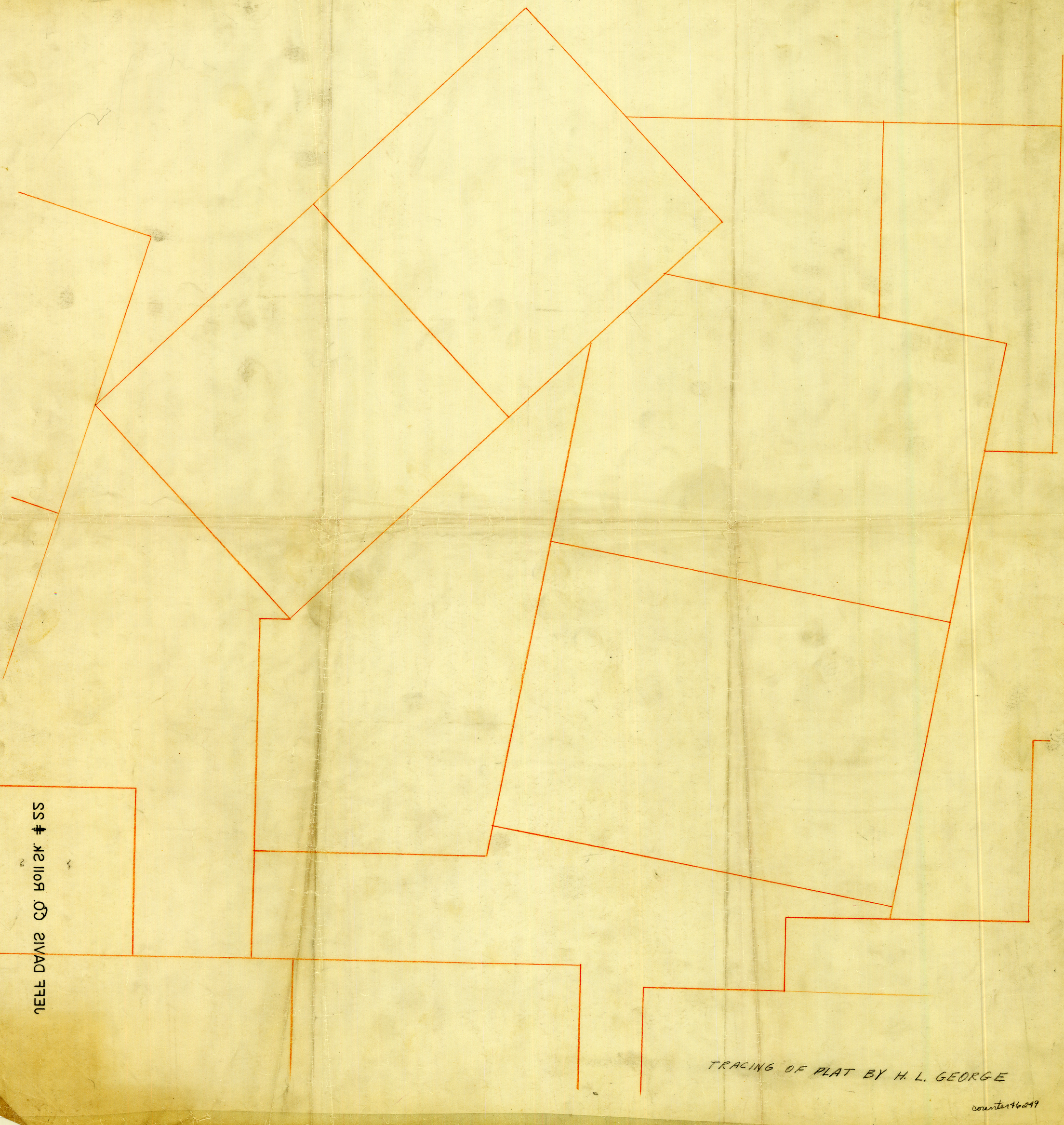


Compiled according to
COURT DECREE
Nº 828

JEFF DAVIS CO.

JEFF DAVIS CO. ROAD MAP # 55

counter 46298



JEFF DAVIS CO. ROLL 2K # 55

(4)

TRACING OF PLAT BY H. L. GEORGE

counter46249

Licensed State Land Surveyor
Res. Ph. 4410 or 5112

Registered Professional
Civil Engineer
Res. Ph. 4410 or 5112

H. L. GEORGE
OFFICE PHONE 5112
ROOM 207 CENTRAL NATIONAL BANK BLDG.
SAN ANGELO, TEXAS

March 14, 1953

RECEIVED
MAR 16 1953
REFERRED TO CHIEF CLERK

Mr. Bascom Giles
Commissioner, General Land Office
Austin, Texas

Dear Mr. Giles:

I am today in receipt of a copy of your letter of March 7 1953 addressed to Judge H. O. Metcalfe, Marfa, Texas.

I have talked to Judge Metcalfe over the telephone and he will answer this letter in regard to the Statement of Facts, but he has asked me to answer the second paragraph of this letter, which I quote.

"There is no indication in the papers which have been submitted by Mr. George of whether or not a search was made for the original corners of Survey No. 469 and Survey No. 470 at the original call distances. This is a very important consideration in determining the proper construction of the area."

I presume that you expect the Statement of Facts to reveal whether or not I made search for the original corners in Surveys 469 and 470 at the original call distances. I do not recall whether there was any testimony in regard to this proposition and in case there was not, I would like to make the following statement. I did make search for these corners at the original call distances and found no corners. You will note, however, from the map that I submitted, along with the field notes, that I found all the original corners that were called for in Surveys 469 and 470 and also in Surveys 411 and 412.

The original bearing tree is still standing at the Southeast corner of Survey 469 and there is evidence of the original bearing trees also at the Northeast corner of 469. I also found the stumps of the original trees at the South corner of Survey 412.

I trust that this statement will be of assistance to you in passing on these field notes.

Sincerely yours,

H. L. George

cc/ Judge H. O. Metcalfe

counter 96250

Personal

H. O. METCALFE
ATTORNEY AT LAW
MARFA, TEXAS

April 30, 1956

RECEIVED
MAY 2 1956
GENERAL LAND OFFICE

Mr. Dennis Wallace, Chief Clerk
General Land office of Texas
Austin, Texas

Dear Mr. Wallace:

I am writing you again about the matter of the fifty-four acres of land in Jeff Davis County, Texas, which had been sold to John G. Prude and concerning which I had a law-suit for the Merrills and had a definite location established by judgment in the District Court of Jeff Davis County, Texas.

The State, as you recall, was not a party to the suit but they were given an opportunity to intervene and Prude sought an intervention by the State. When they declined to intervene, I assumed that they would be willing to abide by the ruling of the court and when the field notes were established by a court of competent jurisdiction in a controversy between the two claimants, it was my judgment that the State would, and should, accept the field notes as approved by the Court.

As you recall, your office raised some minor objections to the matter, and it has been hanging fire since.

You did suggest in some of your previous correspondence an alternative method of clearing the title for Mrs. Merrill, but we hesitated to take such steps, fearing that the adverse claimant, Prude, might come in with some kind of a procedure which might complicate their title and muddle their situation.

I felt then, and I still feel, that your Department ought to approve the field notes and let us get them properly filed and perfect our location, as far as the records are concerned.

I am re-opening this matter with you and say that I certainly hope that you can now see your way clear to permit your office to take the above procedure and get the field notes approved. It seems to me that after we have had the land surveyed by a competent surveyor, and had field notes prepared, and after the State had appointed a surveyor and his survey did not stand up in a court of competent jurisdiction,

and our surveyor's report did stand up, that you ought to abide by by that decision. I know that you are frank in your claim about some irregularity, but the lawsuit was fairly tried and the defendant was represented by competent attorneys. Any defect in the surveying record was disclosed and argued at the time. ???

Also, as you know, your office has placed itself in the position of having at least impliedly ratified what has been done, because they approved a bill by the Legislature, with the o.k. of the Attorney General, to refund to Prude the money he had paid in in making the purchase.

I am writing you frankly and fully, with the request that you will now please see your way clear to let us go ahead and have the field notes, as established in the judgment, approved, in your office, and let me perfect my client's title.

With personal regards, and awaiting your reply, I am,

Sincerely yours,

H. O. METCALFE

HOM/hm

H. O. METCALFE
ATTORNEY AT LAW
MARFA, TEXAS

May 29, 1956

Mr. Dennis Wallace, Chief Clerk
General Land Office of Texas
Austin, Texas

Dear Mr. Wallace:

I have letter of May 22nd, written by Mr. J. P. Graham, with reference to the field notes in the suit of J. W. Merrill, et al, vs. John G. Prude, District Court of Jeff Davis County, Texas. This letter came in compliance with our telephone conversation the other day. I appreciate you writing me, but I am sorry I can not follow your thinking through in the matter.

However, I shall discuss it with my client and if she determines on any course other than what we have heretofore tried to follow, I will let you know.

With personal regards,

Yours very truly,

H. O. Metcalfe

H. O. METCALFE

HOM/hm

RECEIVED
MAY 31 1956
GENERAL LAND OFFICE

January 28, 1959

8

Mr. H. L. George
Rm. 207 Central National Bank Bldg.
San Angelo, Texas

Dear Mr. George:

Pursuant to your request made on your last visit to the office concerning the excess acreage in Surveys 469, 470, 411 and 412, C. & M. Ry. Co. and Survey 93, T. & S. L. Ry. Co. in Jeff Davis County, I have made a rather comprehensive study of all the data now on file in the Land Office and have discussed this problem with Mr. Jack Giberson the Director of the Legal Department. Mr. Giberson and myself apparently are in agreement as to the construction of the surveys in question, however, we are unable to advise you definitely at this time, pending the approval of the Chief Clerk.

As soon as a conference can be held and an agreement reached in regard to this matter I will write you immediately informing you as to the decision reached.

Sincerely yours,

BILL ALLCORN, COMMISSIONER

By

V. E. Sterzing
Engineering Division

VES:mlc

counter 46251

Jeff. Davis Co.
Rolled St. # 22
in Flat Folder
Item 32

2-13-57

John Graham has a copy of this letter in his file and has an appointment with Jim Rogers, in the Attorney General's office tomorrow at 3:00 p.m. to discuss this matter.

ow

counter 46255 Jeff Davis Co Rld Sk 22

Jeff. Davis Co.
Rolled Str. #22
in Flat Folder
Item 32

32

OFFICE MEMORANDUM

February 4, 1957

TO: Commissioner Rudder

FROM: J. P. Graham

SUBJECT: School File 152277, 54.5 acres, Sec. 93½, Block 224, originally S. F. 12627, in Jeff Davis County.

I have reviewed the captioned file and our construction of this area, and I have reviewed the question of Mrs. Merrill's eligibility under the latter part of Sec. 5, Art. 5421c, V.A.C.S. The conclusions herewith are set out respectively under item A and item B.

A. My review of the construction of this area is set out in detail as Exhibit One, attached herewith, and I have concluded that the construction set out by Land Office letters to Mr. H. O. Metcalfe, dated February 9, 1954, and May 22, 1956, are correct.

Since both Mr. H. L. George and Mr. Metcalfe disagree with this construction, and since it is contrary to the decree and final judgment in a private trespass to try title suit, in J. W. Merrill et al v. John G. Prude, Cause No. 828, in the District Court of Jeff Davis County, Texas, I suggest that the following action be taken:

1. Acquaint the Attorney General with the fact that a construction of Sec. 469, C. & N. R.R. Co., as patented on the corrected field notes in Bexar S-31893, ~~and~~ in the manner prescribed by the claimant, Mrs. Merrill, will make it conflict with the

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junior field notes and title in S. F. 12627; and

2. Request of the Attorney General an opinion as to whether cancellation of Pat. No. 1, Volume 15-B, on School File No. 152277, for the cause recited in the file, is legal, and, if not, the effect thereof; and

3. Request his opinion further, as to whether you are authorized to sell excess within Sec. 469 under a construction which would cover and include S. F. 12627.

If the answer to the third inquiry is in the negative, then I suggest you refer this matter to the Attorney General for appropriate action to best protect the interest of the School Land Board -- for example, a trespass to try title suit or a bill of review.

As matters now rest, Mrs. Merrill and her husband since the date of the decree cited have held possession of S. F. 12627, under a claim of right, and without any compensation to the State. Their action has further harmed the State by rendering sale of a lease of this land impractical, and their action directly resulted in a loss to the State of $847.58, being a refund to John G. Prude on account of a denial of possession of S. F. 12627 by the Merrills' trespass to try title suit.

I would further suggest that you notify Mr. Prude, Mrs. Merrill, Mr. George, and Mr. Metcalfe that this matter is being

counter 46257 S2

referred to the Attorney General's office to protect the interest of the State.

B. As to the eligibility of Mrs. Merrill to qualify under the latter part of Sec. 5, Art. 5421c, V.A.C.S., my opinion is that she is not eligible. Since 1951, Mrs. Merrill andher husband, as her predecessor in title, have occupied S. F. 12627, not by a mistake of fact as part of another tract, but by a mistake of law. Occupant has had notice of the State's claim to S. F. 12627 at least since the time trespass to try title suit was filed, and the occupant's attorney, Mr. Metcalfe, has twice been notified that the State has not relinquished its claim to S. F. 12627. It is noted that Mrs. Merrill has occupied S. F. 12627 deliberately under a claim of legal right, and not by mistake without knowledge of the State's claim. Such occupancy with full notice and knowledge of the State's claim has been for more than the preceding six months. The fact that School File 152277 (covering the same land as S. F. 12627) was not placed on the School Land Register until two weeks ago is not sufficient to prevent the six months time of notice from running on Mrs. Merrill, since such act of placing on the School Land Register, in view of the circumstances disclosed by the record, is a mere clerical act.

J. P. Graham

J. P. Graham
Attorney

JPG:jw

Supplement: A. T. Mullins reviewed this memorandum and suggests

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that the entire matter simply be referred to the Attorney General for legal advice as to any action necessary to be taken by this office and for any legal action by the Attorney General which he deems necessary and appropriate to protect the interests of the State and of the School Land Board. I agree with Mr. Mullins.

J.P.G.
February 5, 1957

counter 46257

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EXHIBIT A

Construction of S. F. 12627 (School File 152277) and Sec. 469, C. & M. R.R. Co., Jeff Davis County, Texas.

1. Where field notes call for a marked or unmarked line of another survey, it will be presumed that the surveyor intended to locate his survey by such call unless the call was a mistake or merely speculative. Maddox Brothers and Anderson v. R. W. Fenner, et al, 79 Texas Reports 279.

2. Mr. George, by his construction as adopted in Cause No. 828, Merrill v. Prude, in the District Court of Jeff Davis County (see item 6 in School File 152277), refused to recognize that S. A. Thompson (and also J. W. Merrill, who resurveyed the West part of Sec. 16 and the East part of Sec. 16, Texas & St. Louis Block 224) was plainly mistaken in his speculative calls in his 1881 and 1882 work as to the location of Sections 411 and 412, C. & M. Ry. Co. To illustrate the mistake of Thompson, see his original field notes for Sec. 16, Block 224, Texas & St. Louis Ry. Co., Bexar S-37205, and his corrected field notes for Sec. 469, C. & M. R.R. Co., Bexar S-31893, and his field notes for Sections 91, 92, 93, and 94, Block 224, T. & St. L. Ry. Co., as compared to the actual location of Murphy's original field notes for Sections 411 and 412, C. & M. Ry. Co., in 1880, as in turn pointed out in Dodds' work in the area (his field notes for S. F. 12627 are filed as item 5 in School File 152277 -- and note also his field notes for S. F. 12699), by Robert C. Withers' report dated January 12, 1949 (item 4, School File 152277), and by the actual

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correspondence with George (in Jeff Davis County rolled sketch No. 22, in flat folder), and by the decree, itself, of Merrill v. Prude, which recognized the actual location of Sections 411 and 412. Note that the construction contended by Mr. George in his conversation with you will break both course and distance for the North line of Section 469.

Since Thompson's resurvey field notes for Section 469 call for the lines of Section 412 in an erroneous location, and since all his field notes in the entire area call for this same erroneous location of 412 (and 411), this call in the description of Section 469 is merely speculative, or else a mistake, and this call for adjoinder must, therefore, give way to course and distance. Turner v. Smith, 61 SW 2d 792, State v. Sullivan, 92 SW 2d 228.

3. In addition, it is noted that the presumption pointed out in item 1 above holds only for original field notes, and not for resurvey field notes. It is specifically noted that any resurvey which is construed or called to extend the survey outside the original field notes is void and unauthorized. It is noted that any approval of such field notes by the Commissioner, and any patent thereunder is void and illegal under the Constitution, as an unauthorized gift of School Land. State v. Post, 169 SW 401, Wheeler v. Stanolind, 252 SW 2d 149.

counter 46261

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Note that the decree in Merrill v. Prude specifies that S. A. Thompson's resurvey dated March 8, 1883, was the original survey of Section 469. Note, rather, that Thomas Murphy was the original surveyor and furnished original field notes dated November 19, 1880, for Section 469, according to Land Office records.

4. It is my belief that the patented resurvey field notes by Thompson of Section 469 must be so interpreted as to restrict them at least to the area covered by the original field notes of Murphy. Such interpretation will render the patent legal, while any other interpretation will make the patent illegal and subject to cancellation by court action.

In summary, with reference to the working sketch filed in Jeff Davis County rolled sketch No. 22, in flat folder, please note that there is an additional area of about 20 acres for which field notes can be written by this office, and which were included in the original Murphy field notes for Section 469, but excluded by the patented resurvey field notes of Thompson. Under Holmes v. Yates, 61 SW 2d 771, and Miller v. Yates, 61 SW 2d 767, this area is vacant, and field notes thereof should be compiled by this office and included in any action undertaken by this office or by the Attorney General's office to clarify title to S. F. 12627 (School File 152277).

J. P. Graham

J. P. Graham
Attorney

JPG:jw

counter 46262

57

February 9, 1954

Mr. H. O. Metcalfe
Marfa, Texas

Dear Mr. Metcalfe:

Mr. H. L. George, of San Angelo, visited the Land Office recently and we discussed at length the construction of the area surrounding the Prude Survey in Jeff Davis County as reflected by Mr. George's corrected field notes and plat.

I will first state that I do not agree that the proper construction was placed on this area by Mr. George whose construction was adopted in the district court judgment in the case of Merrill v. Prude. I wish to point out the fact that the original survey of G. & M. Railway Company No. 469 was made by Thomas O. Murphy on November 19, 1880. Murphy's beginning call for Survey No. 469 is at its Southeast corner. He calls for the survey to begin 3200 varas South 68° East from the East corner of Survey 411, G. & M. Railway Company. Murphy does not call for an adjoiner with Survey No. 412, G. & M. Railway Company because his connection from the Southeast corner of Section 469 to the East corner of Section 411 would leave a space between Section 469 and Section 412.

Mr. George extended the North line of Section 469 to reach Survey 412 at a point on the Southeast line thereof. As you know, there are many cases holding that a resurvey may not go beyond the bounds of an original survey. There is no question in my mind but what Thompson was mistaken in the positions of Sections 411 and 412 when he resurveyed Survey No. 469 on March 8, 1883. The fact that he was mistaken about the location of Section 412 makes his call for adjoiner ineffective. Therefore, I see no means by which the call along the North line of Section 469 could be extended beyond its original distance of 1900 varas.

I will further point out to you the law announced in the cases of Holmes v. Yates and Miller v. Yates wherein the court held that an area abandoned in a resurvey became vacant

counter 46263

public free school land. Although there may be a question involved in the hereinafter suggested construction, it appears that it would be preferable to the one offered by Mr. George. This construction is to allow excess in Sections 93 and 94, Texas and St. Louis Railway Company Surveys. I think there would be little question in such construction as to the position of the East line of Section 93 because said Survey 93 was surveyed by S. A. Thompson in 1882 and he called for an adjoiner with Section 469. He also called for an adjoiner with Sections 411 and 412 although he presumably did not know the correct positions of Sections 411 and 412.

It is my suggestion that you confer with Mr. George on the possibility of preparing corrected field notes for Sections 93 and 94 to include the additional area in question.

I will take this opportunity to call your attention to the fact that you submitted application to purchase excess in Section 412 but Mr. George's corrected field notes show a deficiency of 2/10 of an acre rather than excess.

I would be glad to discuss this matter with you in person if you desire to visit this office.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

DW:ow

counter #62264

H. O. METCALFE LUCIUS D. BUNTON

H. O. METCALFE LAW OFFICE
MARFA, TEXAS

February 28, 1953

Mr. Dennis Wallace, Chief Clerk
General Land Office
Austin, Texas

Dear Mr. Wallace:

As to the survey in Jeff Davis County, Texas, and the controversy existing between Mr. John Prude and the Merrills, and recalling my conversation by telephone to you this morning, you are to check into this and to determine if the original judgment, the field notes, and application to purchase are in your office.

You are to then check into the matter and give me your reaction to our position and our construction on the field notes.

Also, in the event you determine that there is some question about approval, you are to give me an opportunity to discuss it with you in person or have Mr. George discuss it in person before a final decision.

With personal regards, I am,

Very truly yours,
H. O. Metcalfe
H. O. METCALFE

HOM/hm

P.S.--I am sorry of the delay on the telephone call, but I wanted to talk from the office to have my file before me. Also, I recall with much pleasure my association with you when you were out here on a deer hunt. I hope that you come back to see us.

HOM

cc: Mr. H. L. George, Surveyor
Central National Bank Building
San Angelo, Texas

RECEIVED
MAR 4 1953
REFERRED TO CHIEF CLERK

county 46265

March 7, 1953

Honorable H. O. Metcalfe
Marfa, Texas

Dear Mr. Metcalfe:

I have checked and found the applications, field notes, and judgement pertaining to the John G. Prude Survey in Jeff Davis County. However, before a decision may be reached, it will be necessary that I examine the Statement of Facts in connection with the law suit between John G. Prude and the Merrills.

There is no indication in the papers which have been submitted by Mr. George of whether or not a search was made for the original corners of Survey No. 469 and Survey No. 470 at the original call distances. This is a very important consideration in determining the proper construction of the area.

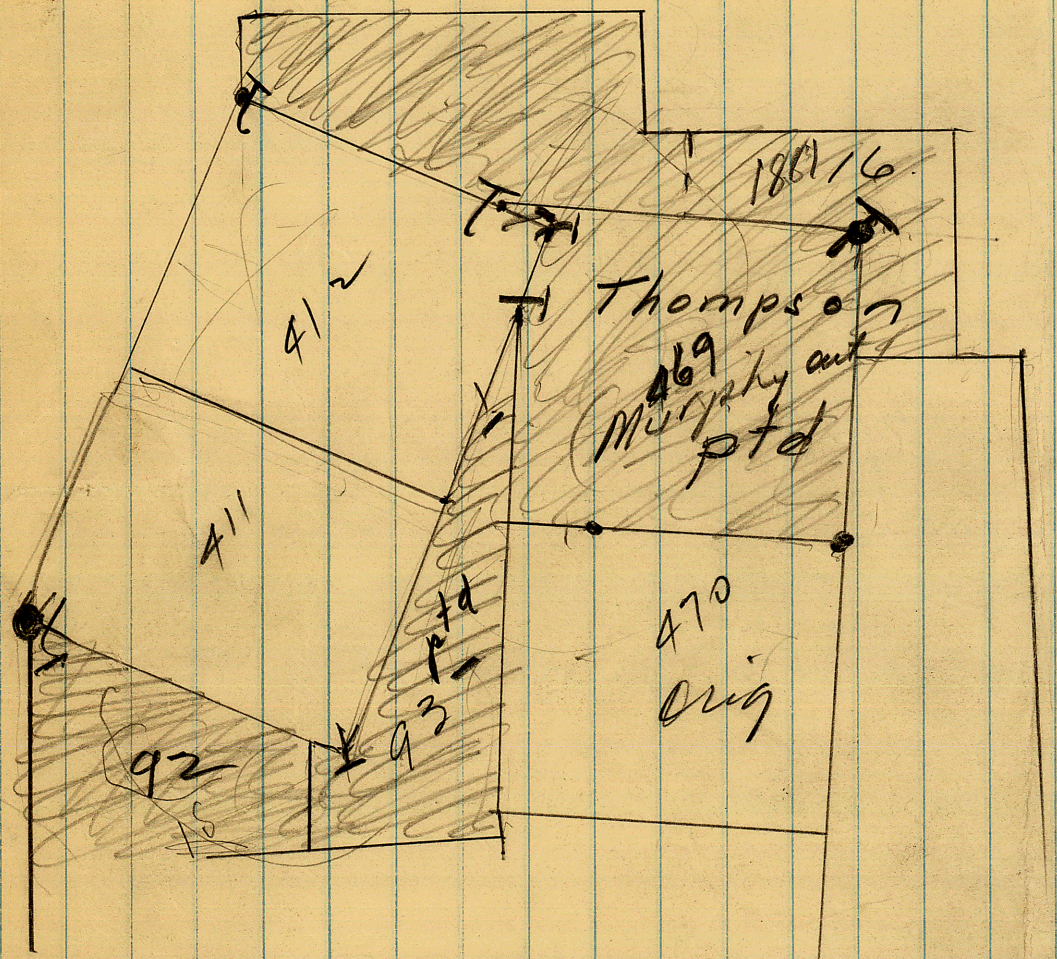
If possible, I would like for you to furnish me with a copy of this Statement of Facts or, if you are unable to do so, please give me the name and address of the court reporter so that I may obtain the Statement of Facts. After I have received this Statement of Facts, I will again go into the matter carefully and will notify you if it is necessary for you and Mr. George to come to this office for a discussion of the matter.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

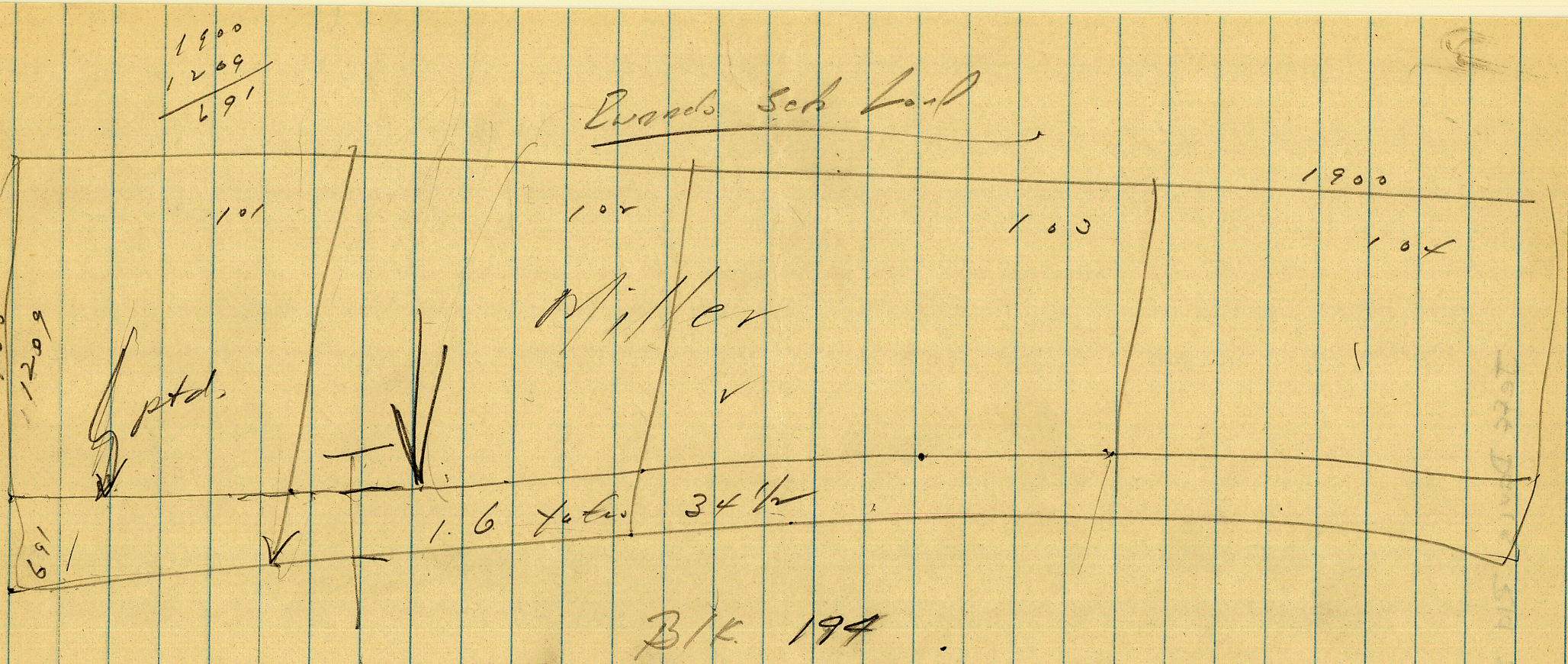
DW:cde

counter 46266



George has Thompson's Field Books of Work in This Area

counter 46267



counter 46268

March 18, 1953

Mrs. Edith Hopson
Alpine
Texas

Dear Mrs. Hopson:

I have been informed by Honorable H. O. Metcalfe, Attorney at Law, Marfa, Texas, that you were the court reporter in Cause No. 828 in a case styled J. W. Merrill, et al vs. John G. Prude in the District Court of Jeff Davis County, Texas. This office is desirous of securing a transcript of a part of the testimony in this case. I have been informed by Judge Metcalfe that no transcript was prepared in the case and I believe that the portions containing the testimony of the surveyors who were witnesses in the case will be sufficient for my purpose.

Please advise me whether or not you can prepare a transcript of these portions of the proceedings and the approximate cost of same.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

DW:cde

cc: Honorable H. O. Metcalfe
Mr. H. L. George

counter #6269

C
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P
Y

September 15, 1953

RECEIVED
OCT 16 1958
GENERAL LAND OFFICE

Mr. Bascom Giles, Commissioner
General Land Office
Austin, Texas

Dear Mr. Giles:

Recently I conferred with Mr. Wallace about certain lands in Jeff Davis County, in which Mrs. R. K. Merrill desired to purchase the excess. At that time Mr. Wallace expressed a desire to have me submit a report to accompany the corrected field notes and map, which is already in your office.

So that you may have some background on the survey situation in this area, I will summarize briefly the facts leading up to the filing or application to purchase the excess in several surveys on the Merrill Ranch.

In 1922, R.S. Dod made a survey for the late A.G. Prude, who, at that time, owned this ranch, which included Surveys 411 and 412, C. & M. Ry. Co., Surveys 469 and 470, C. & M. Ry. Co., and Survey #93, Block 224, T. & S.L. Ry. Co. Dod, in this survey, discovered that the Northeast corner of Survey #469 was located farther South than it had been shown by the original locator. Dod adopted the theory that Survey 469 and 470 could not take any east-west excess, even though Survey #469 called to adjoin Survey #412. Dod located a small survey of approximately 50 acres numbered 93 1/2, between the West line of Survey #469 and the East line of Survey #412. Mr. Prude filed a letter of inquiry with Mr. Robison, who was Land Commissioner at the time, and Mr. Robison replied, stating in substance that this tract could either be acquired as vacant land or as excess land. If Mr. Prude desired to purchase the land as excess, then the patents of some of the surveys would have to be surrendered, so that proper corrections could be made. Mr. Prude decided to buy the tract as vacant land but when Mr. Robison fixed the value on the land to be purchased, Mr. Prude decided that the price was too high and decided to let the matter drop. R.S. Dod had prepared field notes for #93 1/2, which have remained in your office since 1922 and in about 1948 this tract was included on the list of state lands for sale to the highest bidder and was purchased by John G. Prude.

Early in 1930 Mr. A.G. Prude sold all the land that he owned in this area to Mr. J.W. Merrill, with the exception of the 200 acre homestead tract, located in the Southeast part of Survey #469, C. & M. Ry. Co. This homestead tract came into the possession of John G. Prude and for several years now he has operated a dude ranch on this tract.

In about 1950 J. W. Merrill, et al, brought a trespass to try title suit against John W. Prude, claiming that Survey #93 1/2 was not vacant land, but was excess land and belonged to the Surveys owned by Mr. Merrill. This

Q'
county 16270 JEFF DAVIS ROLLED SK. 22 (IN FLAT FOLDER)

suit came to trial in about 1951 and J. W. Merrill, the plaintiff, contended that Survey #93 1/2 was nonexistent, that it was a part of Survey #469, and that the sale made to the highest bidder was not according to law, that the field notes by R.S. Dod written in 1922 did not locate a vacancy because the purchase by A.G. Prude was limited to a law which expired in 1931, and that in 1939 the act of 1931 was repealed and that no suit was brought under the act of 1939 within the prescribed time.

Briefly, this is the substance of the pleadings by Mr. Merrill and the district court sitting in Ft. Davis concurred on these statements and sustained the pleadings set out by Mr. Merrill. This suit was not appealed and the judgment became final.

I was a witness for Mr. Merrill and in September of 1949, I made an extensive survey in this area. On the map I prepared of my survey, and which is now in your office, I show the following original corners:

the Southeast and Northeast corners of Survey #469, C. & M. Ry. Co.,
the South corner of Survey #412, C. & M. Ry. Co.,
and the West corner of Survey #412, C. & M. Ry. Co.

I made search for other corners at the various corners of the different surveys, but at no place did I find a corner which I took to be the original corner. There were other corners in the area, most of which had been set by R.S. Dod. As stated, I testified in this case and at that time identified the corrected field notes of Surveys #411, 412, 93, 469 and 470, which I had written as correct field notes for these various surveys. These are the field notes which have been filed in your office and they are copied verbatim into the judgment in this case.

It is the desire of Mr. Merrill to purchase the excess in these several sections, and as stated earlier, the field notes, map, applications and questionnaire have been in your office for several months now. Mr. Merrill is at an advanced age and he has asked me to say that he will appreciate it greatly if you will approve these notes at your earliest convenience so that he can have the affairs of his estate in good order. Mr. H. O. Metcalfe at Marfa, Texas, is the attorney for Mr. Merrill and you should advise him as to the amount due as soon as the field notes have been approved and a price has been set by the State Land Board.

Inasmuch as this matter has been pending for several years, I personally would like to bring it to a conclusion and I am sure that Judge Metcalfe will join me in saying that we both would appreciate your early attention to the matter.

Very truly yours,

H. L. George

HLG:dm
cc/ Mr. H.O. Metcalfe

Q2

counter 16271

EVERETT L. LOONEY
EDWARD CLARK
R. DEAN MOORHEAD
CHARLES D. MATHEWS
DONALD S. THOMAS
MARTIN HARRIS
FRANKLIN W. DENIUS

LAW OFFICES
LOONEY, CLARK & MOORHEAD
BROWN BUILDING
AUSTIN 1, TEXAS

RECEIVED
MAY 11 1954
REFERRED TO CHIEF CLERK

May 10, 1954

Mr. Dennis Wallace
Chief Clerk
General Land Office
Austin, Texas

Dear Dennis:

Several days ago I talked to Mr. Mullins with reference to the Judge Metcalfe matter, and told Mr. Mullins that I would get in touch with you in the next several days. I have been prevented from calling you by telephone, and it is the purpose of this letter to acquaint you with the most recent developments.

It seems that Judge Metcalfe's client is, for reasons unknown to me, not in a position to pay us a fee for our services in this case. Therefore, and because of our long friendship for Judge Metcalfe, we have informed him that for the work we have already done on this matter, that he can consider it merely as a complimentary service to him; and that he will no longer pursue our work in view of the fact that his client is not in a position to pay a fee. At the same time, we have also told Judge Metcalfe that we were of the very definite opinion that everything has been done which needs to be done, and that the matter is now ready for settlement along the lines you and I have heretofore discussed, and all of which has been made known to Judge Metcalfe. I received a letter from Judge Metcalfe on Friday of this week in which he said he would discuss the matter with his client and perhaps they would go ahead and work the matter out with you along the lines suggested. I sincerely hope that you can see your way clear to write Judge Metcalfe a very short letter to the effect that you are ready, willing and able to proceed with the working out of this matter along the lines heretofore suggested in a letter to him by me. If you would do this as a courtesy matter for me, and write to Judge Metcalfe along these lines within the next few days, it would certainly be appreciated. I am afraid that unless this is

done, the matter will hang fire and several years from now will still remain unsettled. This is not a happy situation.

With kindest personal regards and best wishes, I am

Very truly yours,

Charles D. Mathews

Charles D. Mathews

CDM:ml

Counter 16273

MAY 13, 1954

HONORABLE H. O METCALFE
MARFA, TEXAS

DEAR MR. METCALFE:

I AM IN RECEIPT OF A LETTER FROM HONORABLE CHARLES C. MATHEWS OF THE FIRM OF LOONEY, CLARK & MOORHEAD CONCERNING THE MATTER OF ACQUISITION OF THE EXCESS IN THE MERRILL LANDS IN JEFF DAVIS COUNTY. MR. MATHEWS HAS PREVIOUSLY VISITED THIS OFFICE AND WAS PRESENTED THE PLAN OF SETTLEMENT AS WAS PREVIOUSLY PROPOSED TO YOU. HE STATES THAT HE HAS BEEN INFORMED BY YOU THAT YOUR CLIENT IS NOT IN A POSITION TO PAY ANY ADDITIONAL FEES IN CLEARING UP THE MATTER AND ASKED THAT I WRITE YOU AND CONFIRM THE PLAN PREVIOUSLY OUTLINED TO YOU AND MR. MATHEWS.

IT IS ENTIRELY POSSIBLE THAT THE MATTER MAY BE HANDLED WITHOUT ANY ADDITIONAL LEGAL CONSIDERATION IF YOU ARE WILLING TO PROCEED ALONG THE LINES PREVIOUSLY SUGGESTED BY THIS OFFICE. UNDER SUCH CIRCUMSTANCES, IT WOULD ONLY BE NECESSARY THAT YOU HAVE MR. GEORGE TO PREPARE FIELD NOTES BASED ON THE CONSTRUCTION OUTLINED IN MY LETTER TO YOU. IF YOU WISH TO HAVE MR. GEORGE TO PREPARE THE REQUIRED FIELD NOTES, WE WILL BE GLAD TO GO OVER THE MATTER AGAIN WITH HIM IN ORDER THAT HE MAY PROCEED TO FURNISH THE REQUIRED NOTES.

I WILL BE PLEASED TO HEAR FURTHER FROM YOU CONCERNING THIS MATTER.

SINCERELY YOURS,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

DW:CDE

counter 46274

H. O. METCALFE LAW OFFICE
MARFA, TEXAS

May 15th, 1954

RECEIVED
MAY 17 1954
REFERRED TO CHIEF CLERK

General Land Office
State of Texas
Austin, Texas

Attn: Mr. Dennis Wallace,
Chief Clerk

Dear Sirs:

Your letter of May 13th, about the Merrill situation and the land in Jeff Davis County, has been received at this office.

You are advised that Judge Metcalfe has been out of the office on account of illness for several days and, perhaps, will not be back for another week or ten days.

The matters you mention will be properly attended to immediately upon his return.

Yours very truly,

H. O. METCALFE LAW OFFICE

Hy Mecklin

Hy Mecklin, Secretary

hm

counter 46275

(9)

Pl Ex 34
EH

D-725

PLAT

Excess

THE STATE OF TEXAS

Jeff Davis COUNTY

C. & M. RR. Co.
Survey
No. 411
Blk.
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 656.53 acres of land for Mrs. R. K. Merrill

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. Said land is situated in Jeff Davis County about 42 miles N 80 W from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

Beginning at an old stone mound located at the original South corner of Survey No. 412, in the name of C. & M. R. R. Co., and in the N. W. line of Survey No. 93 in the name of T. & S. T. L. , Block 224; the original East corner of this Survey.

Thence with the N. W. line of said Survey No. 93, South 46° West 1950 varas to a point located at the Ell corner of said Survey No. 93, and at the East corner of Survey No. 92; the South corner of this Survey.

Thence with the N. E. line of said Survey No. 92, North 44° West 1901 varas to a point located at the North corner of said Survey No. 92, and in the East line of Survey No. 409 in the name of C. & M. R. R. Co.; the West corner of this Survey.

Thence North 46° East 1950 varas to a point located at the West corner of Survey No. 412 in the name of C. & M. R. R. Co.; the North corner of this Survey.

Thence with the S. W. line of said Survey No. 412, South 44° East 1901 varas to tha place of beginning.

RECEIVED
JAN 8 1953
REFERRED TO MAP

Variation 13° 50" E

Bearings marked as described

Surveyed Sept. 5 1949 to Feb. 17, 1951

Chain Carriers R. A. Lindemann Jr.
George Enloe

By H. L. George

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book D, Page 317, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 1951

H. L. George
Licensed State Land Surveyor

corrected 46276

O'

I, Beatrice Woolley, County Surveyor, County Clerk of Jeff Davis County, Texas, hereby certify that the foregoing Field Notes
County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes
are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. 26 Page 317

There is no County Surveyor in Jeff Davis County

Given under my hand and seal of office, this the 21 day of Nov 1952

Beatrice Woolley
County Surveyor, ~~County Surveyor~~, County Clerk, Jeff Davis County, Texas.

GENERAL LAND OFFICE
Austin, Texas

No.....

Corrected Field Notes

Filed .....19.....

.....
Commissioner

Approved
Rejected .....19.....

.....
Commissioner

FILED FOR RECORD
this 21 day of Nov 1952
at 9:00 o'clock A. M.
Beatrice Woolley Clerk,
County Court, Jeff Davis Co., Texas

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Rocky

.....

Timber None

.....

Value $ 6.00 per acre
(including timber)

H. L. George
Licensed State Land Surveyor

RECEIVED
JAN 8 1953
RECORDED TO MAP

Jeff Davis Co Rd SK22

County 46277

(7)

Pl Ex 32
E/H

D-725

PLAT

Cor. Abst-

ownership

THE STATE OF TEXAS

Jeff Davis COUNTY

C. & M. R.R. Co.
Survey
No. 412
Blk.
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 639.80 acres of land for Mrs. R. K. Merrill 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. Said land is situated in Jeff Davis County about 4½ miles N. 70 W. from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

✓

Beginning at an old stone mound located at the original East corner of Survey No. 411, in the name of C. & M. R. R. Co., and in the N. W. line of Survey No. 93, T. & S. T. L. Block 224; the original South corner of this Survey.

Thence with the N. W. line of said Survey No. 93, the N. W. line of Survey No. 469, in the name of C. & M. R. R. Co., and the N. W. line of Survey No. 16 A, in the name of T. & SL. R. R. Co., North 46° East at 724.03 varas, pass the North corner of said Survey No. 93, and the West angle corner of said Survey No. 469 continuing, at 1387.03 varas, pass the N. W. corner of said Survey No. 469, and the S. W. corner of said Survey No. 16 A continuing in all 1900 varas to a point located at the Ell corner of said Survey No. 16 A, the East corner of this Survey.

Thence with the S. W. line of Survey No. 16 A, and the S. W. line of Survey No. 15, and the S. W. line of Survey No. 26 North 44° West at 788.61 varas pass the N. W. corner of Survey No. 16 A, and the most Southernly S. W. corner of said Survey No. 15, continuing in all 1901 varas to a point located at an Ell corner of said Survey No. 26, the North corner of this Survey.

Thence South 46° West 1900 varas to a point located at the North corner of Survey No. 411, in the name of C. & M. R. R. Co., the West corner of this Survey.

Thence with the N. E. line of said Survey No. 411, South 44° East 1901 varas to the place of beginning.

✓

RECEIVED
JAN 8 1953
REFERRED TO MAP

Variation 13° 50" E

Bearings marked as described

Surveyed Sept. 5, 1949 to Feb. 17, 1951

Chain Carriers R. A. Lindemann Jr.
George Enloe

By H. L. George

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book 1, Page 215, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 1951

H. L. George
Licensed State Land Surveyor

counter 16278

02

I, Beatrice Wadley ~~County Surveyor~~, County Clerk of Jeff Davis County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. 2 Page 315

There is no County Surveyor in Jeff Davis County

Given under my hand and seal of office, this the 26 day of November 19 52

Beatrice Wadley

~~County Surveyor~~, County Clerk Jeff Davis County, Texas.

GENERAL LAND OFFICE
Austin, Texas

No.

Corrected Field Notes

Filed ..... 19.....

Approved
Rejected ..... 19.....

Commissioner

Commissioner

FILED FOR RECORD
this 21 day of Nov 1952
at 9 o'clock A. M.
Beatrice Wadley Clerk
County Court, Jeff Davis County, Texas

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Rocky

None

Timber

Value $ 6.00 per acre
(including timber)

H. L. George
Licensed State Land Surveyor

counter 16279

Jeff Davis Co Rld Sk 22

(b) 107991 Pl. Ex 31 EH D-725

PLAT

cor. abst

THE STATE OF TEXAS

Jeff Davis COUNTY

T. & SL. RR. Co.
Survey
No. (16 A) W. pt. 16
Blk. 224
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 227.35 acres of land for Mrs. R. K. Merrill

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.~~ ownership Said land is situated in Jeff Davis County about 4 miles N 65 W from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

✓

Beginning at a point located at the East corner of Survey No. 412, in the name of C. & M. R. R. Co.; the inner corner of this Survey.

Thence with the S. E. line of Survey No. 412, in the name of C. & M. R.R. Co., South 46° West 512.97 varas to a point located in the S. E. line of said Survey No. 412, and at the N. W. corner of Survey No. 469, in the name of C. & M. R. R. Co.; the S. W. corner of this Survey.

Thence with the North line of said Survey No. 469, South 80° East 1367.00 varas to a point located in the North line of said Survey No. 469, and at the S. W. corner of Survey No. 16 B, in the name of T. & SL. R.R. Co, Block 224 and from which an old stone mound located at the original N. E. corner of Survey No. 469 bears South 80° East 927.75 varas; the S. E. corner of this Survey.

Thence with the most Westerly West line of said Survey No. 16 B, North 1161.00 varas to a point located at the N. W. corner of said Survey No. 16 B, and in the South line of Survey No. 15 in the name of T. & SL. R. R. Co., Block 224; the N. E. corner of this Survey.

Thence with the South line of said Survey No. 15, West 1525.04 varas to a point located at the most Southernly S. W. corner of said Survey 15, and in the N. E. line of said Survey No. 412; the N. W. corner of this Survey.

Thence with the N. E. line of said Survey No. 412, South 44° East 788.61 varas to the place of beginning.

/

RECEIVED
JAN 8 1953
REFERRED TO MAP

Variation 13° 50" E

Bearings marked as described

Surveyed Sept. 5 1949 to Feb 17, 1951

Chain Carriers R. A. Lindemann Jr.
George Enloe

By H. L. George

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book D, Page 314, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 1951

H. L. George
Licensed State Land Surveyor

counter 46250

03

I, Beatrice Woolley, ~~County Surveyor~~, County Clerk of Jeff Davis County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. D Page 314

There is no County Surveyor in Jeff Davis County

Given under my hand and seal of office, this the 26 day of Nov. 19 52

Beatrice Woolley

~~County Surveyor~~, County Clerk Jeff Davis County, Texas.

GENERAL LAND OFFICE
Austin, Texas

No.

Corrected Field Notes

Filed 19

Approved
Rejected 19

Commissioner

Commissioner

FILED FOR RECORD
the 26 day of Nov A.D. 52
2:00 o'clock P. M.
Beatrice Woolley Clerk
County Court, Jeff Davis County, Texas

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Rocky

Timber None

Value $6.00 per acre
(including timber)

H. L. George
Licensed State Land Surveyor

counter 16281

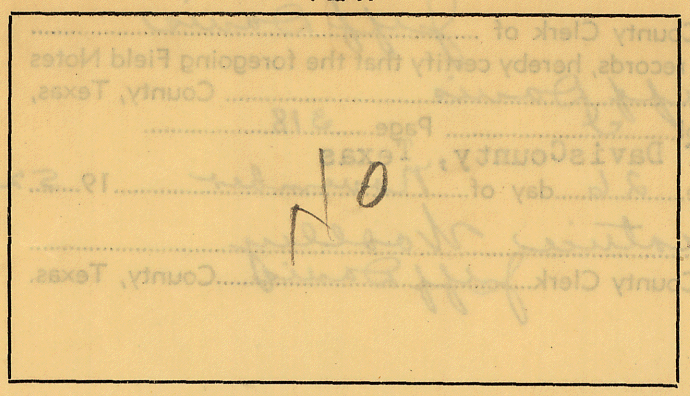
Jeff Davis Co Rld Sk 22

(10)

Pl Ex 35
EA

D-725

PLAT



THE STATE OF TEXAS

Jeff Davis COUNTY

C. & M. R.R. Co.
Survey
No. 469
Blk.
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 855.87 acres of land for Mrs. R. K. Merrill

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. Said land is situated in Jeff Davis County about 3½ miles N 72 W from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

Beginning at an old rock mound located at the inner corner of Survey No. 16 B, in the name of T. & SL. R. R. Co., Block 224; the N. E. corner of this Survey.

Thence with the most Easterly West line of said Survey No. 16 B, and the West line of Survey No. 1301 in the name of J. T. Stovall, South 10° West 1864.24 varas to an old stone mound located in the West line of said Survey No. 1301, and at the N. E. corner of Survey No. 470 in the name of C. & M. R. R. Co.; the S. E. corner of this Survey.

Thence with the North line of said Survey No. 470, North 80° West 2684.45 varas to a point located at the N. W. corner of said Survey No. 470, and in the East line of Survey No. 93, T. & S. T. L., Block 224; the S. W. corner of this Survey.

Thence with the East line of said Survey No. 93, North 10° East 1327.87 varas to a point located at the North corner of said Survey No. 93, and in the East line of Survey No. 412, in the name of C. & M. R. R. Co.; angle in the West line of this Survey.

Thence North 46° East with the East line of said Survey No. 412, 663 varas to a point located in the East line of said Survey No. 412, and at the S. W. corner of Survey No. 16 A, in the name of T. & SL. R. R. Co.; and from which the East corner of said Survey No. 412 bears North 46° East 512.97 varas; the N. W. corner of this Survey.

Thence with the South lines of Surveys 16 A, and 16 B both in the name of T. & SL R. R. Co., Block 224, South 80° East at 1367.00 varas, pass the S. E. corner of said Survey No. 16 A, and the S. W. corner of said Survey No. 16 B continuing in all 2294.75 varas to the place of beginning.

RECEIVED
JAN 8 1953
REFERRED TO MAP

Variation 13° 50" E

Bearings marked as described

Surveyed Sept. 5 1949 to Feb 17, 19 51

Chain Carriers R. A. Lindemann Jr.
George Enloe

By H. L. George

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book D, Page 318, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 1951

H. L. George
Licensed State Land Surveyor

counter 46282

04

I, Beatrice Woolley ~~County Surveyor~~, County Clerk of Jeff Davis County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. I Page 318

There is no County Surveyor in Jeff Davis County, Texas

Given under my hand and seal of office, this the 26 day of November 19 52

Beatrice Woolley

~~County Surveyor~~, County Clerk Jeff Davis County, Texas.

FILED FOR RECORD

this 21 day of Nov. 1952

at 2:00 o'clock P. M.

Beatrice Woolley County Clerk.

County Court, Jeff Davis Co., Texas

GENERAL LAND OFFICE
Austin, Texas

No.

Corrected Field Notes

Filed 19

Approved
Rejected 19

Commissioner

Commissioner

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Rocky

Timber None

Value $6.00 per acre
(including timber)

H. L. George

Licensed State Land Surveyor

counter 16283

Jeff Davis Co. Rld Sk 22

(5)

Pl Ext 30 E/+

D-725

PLAT

10

THE STATE OF TEXAS

Jeff Davis COUNTY

T. & SL. RR. Co.
Survey
No. 93
Blk. 224
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 707.97 acres of land for Mrs. R. K. Merrill

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. Said land is situated in Jeff Davis County about 4 miles N 82 W from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

✓

Beginning at a point in the West line of Survey No. 92, Block 224, T. &SL. R. R. Co., located 724 varas North of the S. E. corner of said Survey No. 92, and also located 724 varas North of the North line of Survey No. 676 GC. & SF. R. R. Co., The S. W. corner of this Survey.

Thence with the East line of said Survey No. 92 North 1519 varas to an ell corner of said Survey No. 92;

Thence East 191 varas to the most Easterly S. E. corner of said Survey No. 92, and the South corner of Survey No. 411 C. & M. R. R. Co.;

Thence with the S. E. line of said Survey No. 411 North 46° East 1950 varas to an old stone mound the original East corner of said Survey No. 411, and the original South corner of Survey No. 412 C. & M. R. R.Co.;

Thence continuing North 46° East in all 2674.02 varas to the most Westerly N. W. corner of Survey No. 469 C. & M. R. R. Co., located in the S. E. line of said Survey No. 412;

Thence with the West line of said Survey No. 469 South 10° West, at 1327.87 pass the S. W. corner of said Survey No. 469 and the N. W. corner of Survey No. 470 C. & M. R. R. Co., in all 3227.87 varas to the S. W. corner of said Survey No. 470;

Thence South 197.69 varas to an Ell corner of Survey No. 94 Block 224 T. & SL. R. R. Co., the S. E. corner of this Survey;

Thence West 1554.02 varas to the place of beginning.

✓

RECEIVED
JAN 8 1953
REFERRED TO MA

Variation 13° 50" E

Bearings marked As described

Surveyed Sept. 5 1949 to Feb. 17, 19 51

Chain Carriers R. A. Lindemann Jr.
George Enloe

By H. L. George

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book I, Page 313, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 19 51

H. L. George
Licensed State Land Surveyor

counter 46284

05

I, Beatrice Woolley ~~County Surveyor~~, County Clerk of Jeff Davis County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. 3 Page 313

There is no County Surveyor in Jeff Davis County

Given under my hand and seal of office, this the 26 day of Nov. 19 52

Beatrice Woolley

~~County Surveyor~~, County Clerk Jeff Davis County, Texas.

GENERAL LAND OFFICE
Austin, Texas

No.

Corrected Field Notes

Filed ..... 19.....

Approved
Rejected ..... Commissioner

..... 19.....

..... Commissioner

FILED FOR RECORD

the 26 day of Nov. 19 52

2 o'clock P. M.

Beatrice Woolley Clerk

County Court, Jeff Davis Co., Texas

I, H. L. George, a licensed state land surveyor of San Angelo, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Rocky

Timber None

Value $ 6.00 per acre
(including timber)

H. L. George
Licensed State Land Surveyor

counter 46285

Jeff Davis Co. Rld. SK 22

(8)

Pl Ex 33
Eff

D-725

PLAT

No

THE STATE OF TEXAS

Jeff Davis COUNTY

C. & M. RR. Co. Survey
No. 470
Blk.
Cert.
Tsp.

CORRECTED FIELD NOTES of a survey of 903.47 acres of land for R. K. Merrill

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. Said land is situated in Jeff Davis County about 3½ miles N 82 W from Fort Davis, the county seat, and is described by metes and bounds as follows, to-wit:

Beginning at an old stone mound located in the West line of Survey No. 1301, in the name of J. T. Stovall, and at the S. E. corner of Survey No. 469, in the name of C. & M. R. R. Co.; the N. E. corner of this Survey.

Thence with the West line of said Survey No. 1301, South 10° West, 1900 varas to a point located in the West line of said Survey No. 1301, and at the N. E. corner of Survey No. 94; the S. E. corner of this Survey.

Thence with the North line of Survey No. 94, in the name of T. & S. T. L., Block No. 224, North 80° West 2684.45 varas to a point located in the East line of Survey No. 93, and at the most Northerly N. W. corner of Survey No. 94 both in the name of T. & S. T. L. R. R. Co., Block 224; the S. W. corner of this Survey.

Thence with the East line of said Survey No. 93, North 10° East 1900 varas to a point located in the East line of said Survey No. 93, and at the S. W. corner of Survey No. 469 in the name of C. & M. R. R. Co.; the N. W. corner of this Survey.

Thence with the South line of said Survey No. 469, South 80° East 2684.45 varas to the place of beginning.

RECEIVED
JAN 8 1953
REFERRED TO MAP

to the place of beginning.

Variation 13° 50" E

Chain Carriers R. A. Lindemann Jr.
George Enloe

Bearings marked as described

Surveyed Sept. 5, 1949 to Feb. 17, 1951

By H. L. George

I, H. L. George, a licensed State land surveyor of San Angelo, Tom Green County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book I, Page 316, of the County Surveyor's Records of Jeff Davis County, Texas.

This 17th day of February, 1951

H. L. George
State
Licensed Land Surveyor of San Angelo,
Tom Green County, Texas.

counter 46286

06

I, Beatrice Woolley, County Clerk of Jeff Davis County, Texas, and custodian of the County Surveyor's records, hereby certify that the foregoing Field Notes are recorded in the Surveyor's Records of Jeff Davis County, Texas, in Vol. I, page 316, there being no County Surveyor in Jeff Davis County.

Given under my hand and seal of office, this the 26th day of November, 1952.

.....

County Clerk, Jeff Davis County, Texas.

GENERAL LAND OFFICE

Austin, Texas

No.....

Corrected Field Notes

Filed .....19.....

.....
Commissioner

Approved
Rejected .....19.....

.....
Commissioner

FILED FOR RECORD
the 21 day of Nov. 1952
2:00 o'clock P. M.
Beatrice Woolley Clerk
County Court, Jeff Davis County, Texas

State

I, H. L. George, a licensed land surveyor of San Angelo, Tom Green County, Texas, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character).....**Rocky**.....

.....

Timber .....**None**.....

.....

Value $ **6.00** .....per acre
(including timber)

H. L. George
Surveyor

counter 16287

Jeff Davis Co. Rld Sk 22

(11)

APPLICATION TO PURCHASE EXCESS ACREAGE

(TITLED OR PATENTED SURVEYS)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the patent, under the provisions of Sec. 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as _____ Survey No. 93, Block No. 224, Certificate No. 470, Tsp. No. _____, situated in Jeff Davis County, Texas, about 6 miles NW from Fort Davis, the conuty seat.

3. I am the owner of the fee simple title ~~interest~~ in said survey, having acquired the same by (Indicate briefly the source of your title.)

Purchased from A.G. Prude more than 25 years ago, have abstracts reflecting title from sovereignty of the soil.

and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

4. I hereby request an appraisement of said land as is fully described by corrected field notes of this survey ~~which accompany this application (or)~~ now on file in the General Land Office

Mrs R K Merrill
Applicant

Post Office Box 776, Fort Davis, Texas.

Sworn to and subscribed before me, this the 9th day of January, 1953.

Lucius D. Bunton
Notary Public in and for Presidio County, Texas.

LUCIUS D. BUNTON

I, _____, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the _____ day of _____, A. D. 19____, the price at which the excess acreage within the tract of land described in the above application No. _____, shall be sold, was fixed by the School Land Board at _____ Dollars per acre, all of which is shown in Vol. _____, page _____, of the Minutes of said Board.

Given under my hand this the _____ day of _____, A. D. 19____, at Austin, Texas.

_____
Secretary of the School Land Board.

counter 76288

07

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
93	224	470	T.&St.L. R.R. Co.	Jeff Davis	

In addition to the information furnished in application to purchase and field notes, the following is required:

(This information should be forwarded with your application to purchase.)

1. Kind of soil and topography of surface and purpose for which it is adapted—agriculture or grazing.
   Grazing
2. Type and value of timber, if any.
   None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)
   $2.00
4. Surveyor's estimate of actual value without improvements, per acre.
   $6.00
5. Claimant's estimate of actual value without improvements, per acre.
   $6.00
6. Distance and direction from nearest oil or gas field, naming the field.
   SW 90 miles, Pecos County.
7. Distance and direction from nearest oil and gas well producing or capable of producing oil or gas in commercial quantities.
   SW 90 miles, Pecos County.
8. Distance and direction from nearest drilling oil well.
   NW 60 miles.
9. Distance and direction from nearest dry hole.
   30 miles NE
10. Is the land under oil and gas lease? If so state the amount of cash paid, rate of royalty, drilling obligation and to whom leased.
    NO

(If there is oil or gas production on this tract, kindly give the following information.)

(a) Number of producing oil wells and depth from which they produce.

(b) Number of producing gas wells and depth from which they produce.

(c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 9th day of January, 1953.

Mrs R K Merrill

Counter 76289

08

IN

JEFF DAVIS CO., TEX.

SCALE, 1" = 300 VS.

N
W — E
S

SUR. 412
C. & M. R. R. CO.
639.80 ACRES

N. 46° E. 1900 VS.

N. 44° W. 1901 VS.

788.61 VS.

W. 1525.04 VS.

16A

16B

T. S. & L. R. R. CO. BLK. 224

227.35 ACRES

N. 1161 VS.

512.97 VS.

1367 VS.

N. 80° W. 2294.75 VS.

927.75 VS.

409

N. 46° E. 1950 VS.

S. 44° E. 1901 VS.

S. 46° W. 1900 VS.

663 VS.

N. 46° E. 1387.03 VS.

724.03 VS.

SUR. 411
C. & M. R. R. CO.
656.53 ACRES

APPROXIMATE LOCATION OF LIMPIA CREEK

STATE HIGHWAY NO. 118

MERRILL RANCH HOUSE

410

N. 44° W. 1901 VS.

N. 46° E. 2674.02

1950 VS.

SUR. 92

191

S. 10° W. 1327.87 VS.

SUR. 469
C. & M. R. R. CO.
855.87 ACRES

Iron Stake

N 25° W. 80

N 61° 45' W. 111½

S 85° 15' W. 55.4

N 77° 15' W. 152

S. 81° 45' W. 101

N 79° 30' W. 239.5

N. 18° W. 245

N 63° W. 144.36

N 44° W. 127

N 59° 15' W. 312.48

Iron Rod

S 12° 45' W. 701.33

PRUDE 200 AC. TRACT FROM F.N.

HOUSE

Iron Rod Southward along N. Line Highway 118 Distance 1529 VS.

Iron Stake in Rk. md.

N 10° E 642.28

S. 80° E. 2684.45 VS.

N. 10° E 1864.24 VS.

1301

SUR. 93
BLK. 224 T. & ST. L.
707.97 AC.

N. 1519

S. 10° W. 1900 VS.

SUR. 470
C. & M. R. R. CO.
903.47 ACRES

S. 10° W. 1900 VS.

91

W. 1554.02

197.69

N. 80° W. 2684.45 VS.

94

N. 724

96

676

673

95

692

SURVEYED BY ME ON THE GROUND FROM SEPT. 5, 1949 TO FEB. 17, 1951.

H. L. George

H. L. GEORGE
LICENSED STATE LAND SURVEYOR OF TEXAS

(See Judgement in 152277)

19A-2

counter 96290

COUNTER B330Q

(3)

Ulee Davis Co
Rio Dix # 29
Print Folder.

RECEIVED
JAN 8 1953.
REFERRED TO MAP

D-125

INDEX

1. Jeff Davis Co. Roll Sketch #22, Plat compiled from Original Field Notes and from Corrected Field Notes.
2. Jeff Davis Co. Roll Sketch #22, Plat compiled according to Court Decree in Cause No. 828.
3. Jeff Davis Co. Roll Sketch #22, Flat Folder, Surveyor's Plat, Certified, H. L. George, L.S.L.S.
4. Jeff Davis Co. Roll Sketch #22, Tracing of Plat by H. L. George
5. Corrected Field Notes of Sec. 93, Blk. 224, T. & S.L. R.R. Co.
6. " " " " Sec. 16 A, " " "
7. " " " " Sec. 412, " " "
8. " " " " Sec. 470, " " "
9. " " " " Sec. 411, " " "
10. " " " " Sec. 469, " " "
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12. " " " " Sec. 16 A " "
13. " " " " Sec. 412 " "
14. " " " " Sec. 470 " "
15. " " " " Sec. 411 " "
16. " " " " Sec. 469 " "
17. Notes on Cause No. 828
18. Photostatic copy of Ltr. of remittance to "Bill", signed "Hugh"
19. Photostatic copy of Ltr. to Dennis Wallace from H. O. Metcalfe, dated February 28, 1953.
20. Reply to Hon. H. O. Metcalfe, dated March 7, 1953, copy
21. Photostatic copy of ltr. to Attn. D. Wallace from Metcalfe, dated March 13, 1953.

Jeff Davis Co. Rld. Sk. #22

Counter 46291

22. Copy of GLO letter to Mrs. Edith Hopson (Ct. Reporter), dated March 18, 1953.

23. Ltr. to GLO from H. L. George, dated March 14, 1953 (Photostat)

24. Photostatic copy of ltr. to GLO from George, dated September 15, 1953.

25. Copy of GLO letter (by Dennis Wallace) to H. O. Metcalfe, dated February 9, 1954.

26. Photostatic copy of ltr. to D. Wallace from Charles D. Mathews (Looney, Clark & Moorhead), dated May 10, 1954.

27. Copy of GLO letter (by Wallace) to H. O. Metcalfe, dated May 13, 1954.

28. Reply to Mecklin, Sec'y. to Metcalfe, dated May 15, 1957, Photostat.

29. Photostatic copy of Ltr. to D. Wallace from Metcalfe, dated April 30, 1956.

30. Copy of reply by J. P. Graham to Metcalfe, dated May 22, 1956.

31. Photostatic copy of ltr. to D. Wallace from H. O. Metcalfe, dated May 29, 1956.

32. Copy of memorandum, dated Feb. 4, 1957, by J. P. Graham to Commissioner, as requested by Commissioner on Feb. 1, 1957.

33. Copy of memorandum, dated Feb. 7, 1957, by Graham to Commissioner.

counter 46292

U2

1"= 1 mile APP

CONSERVATION PLAN MAP

Soil Conservation District

Cooperating Unit
Owner
Operator
County
Date Prepared

State Area Acres Approx. Scale - 1 Mile

Photo Nos.

N

126

1 Mile

Jeff Davis Co.
Ch 1 Sht 22

Jeff Davis Co
Rolled Sk. 22;
photo 1 of 3

82310
counter # ~~6487~~

28781

Scale 1 mile

CONSERVATION PLAN MAP

Prepared by U. S. Department of Agriculture, Soil Conservation Service

Cooperating with High Plains Soil Conservation District

Owner Robert Evans

Operator Same

County Hudspeth State Texas Acres Approx. Scale - 1 Mile

Date Prepared 9/1/61 Photo Nos. [illegible]

LEGEND FOR RANCHES

Improved Farm or Ranch Road — Irrigation

Fence — Windmill

Pond — Pasture

Stream — Water Trough

H Headquarters — Water Tank (Label)

RANGE CONDITION

EC - Excellent Condition

GC - Good Condition

FC - Fair Condition

PC - Poor Condition

N

126

1 Mile

counter # ~~6488~~ 82311

Jeff Davis Co
Rolled Sk. 22; photo 2 of 3

CONSERVATION PLAN MAP

Prepared by U. S. Department of Agriculture, Soil Conservation Service

Cooperating with _____ Soil Conservation District

Owner _____

Operator _____

County _____ State Texas Acres _____ Approx. Scale - 1 Mile

Date Prepared _____ Photo Nos. _____

LEGEND FOR RANCHES

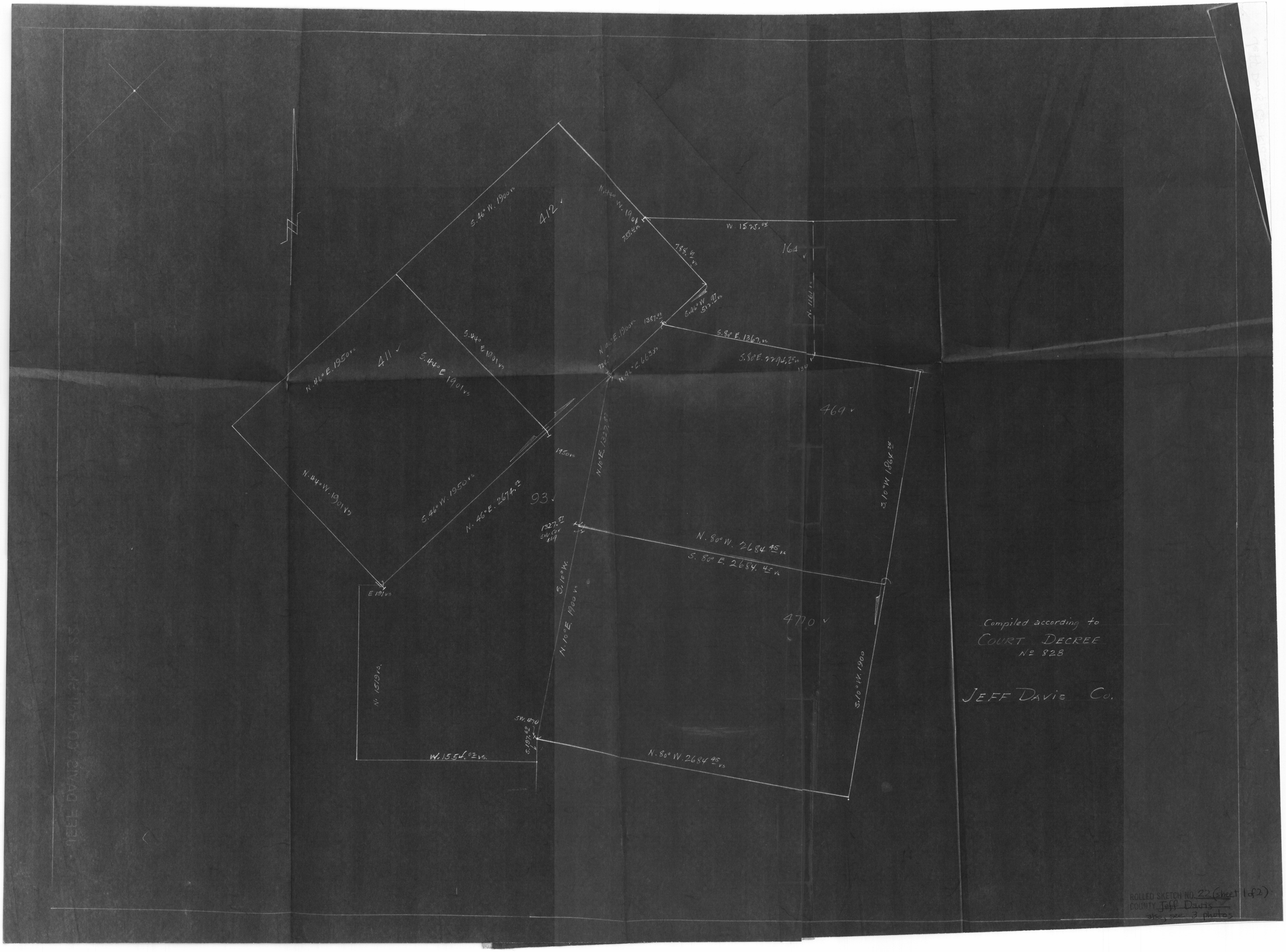
N

126

1 Mile

counter # 82312 ~~6489~~

Jeff Davis Co.
Rolled Sk 22,
Photo 3 of 3



ROLLED SKETCH NO. 22 (sheet 1 of 2)
COUNTY Jeff Davis
also, see 3 photos

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(See Judgement in 152277)

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ROLLED SKETCH NO. 22 (Sheet 2 of 2)
COUNTY Jeff Davis
Sec. see 3 photos