

GENERAL LAND OFFICE

AUSTIN, TEXAS

JOHN J. TERRELL, COMMISSIONER

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INSTRUCTIONS TO COUNTY AND DISTRICT SURVEYORS

By way of suggestion and for your guidance I beg to call your attention to Article 4144, Revised Statutes of 1895, relating to field notes in general, with notes following same; and especially is it desirable to call your attention to Section 6, Act of February 23, 1900, as amended in 1901, relating to the sale of scraps of unsurveyed school land, and notes following the same.

LAW CONCERNING FIELD NOTES IN GENERAL

Article 4144 (3908). Field notes of every survey shall state:

1. The County or land district in which the land is situated.
2. The certificate or other authority under or by virtue of which is made, giving a true description of same by numbers, date, when and where issued, name of original grantee and quantity.
3. The land by proper notes with the necessary calls and connections for identification (observing the Spanish measurement by varas).
4. A diagram of the survey.
5. The variation at which the running was made.
6. It shall show the names, of the chain carriers.
7. It shall be dated and signed by the surveyor.
8. The correctness of the survey, and that it was made according to law, shall be certified to officially by the surveyor who made the same; and also that such survey was actually made in the field, and that the field notes have been duly recorded, giving book and page.
9. When the survey has been made by a deputy the county or district surveyor shall certify officially that he has examined the field notes, has found them correct, and that they are duly recorded, giving book and page of record.

NOTES.

Article 4144.--

- (a) Of course no surveyor will omit the requirements contained in 1, 2 and 3 above.



- (b) A diagram or plot of the survey must be placed on the field notes on a separate paper and accompany the same.
- (c) The variation on which the lines are run is very important and must in no case be omitted, as is often done.
- (d) Names of chain carriers must not be left off, as is often done.
- (e) The date the survey was made must not be omitted, as is often done.
- (f) If a deputy surveyor does the work he must properly certify to the fact that the survey was "actually made in the field," and must sign the same officially.
- (g) The county or district surveyor must, when the work was done by a deputy, certify officially that he "has examined the field notes, has found them correct, and that they are duly recorded," and give the book and page.
- (h) A deputy surveyor can not lawfully sign the county or district surveyor's name to field notes, as is often attempted.
- (i) The surveyor must swear the chain carriers as provided in Article 4077, Revised Statutes, 1895, hence no surveyor can legally act as his own chain carrier, because he can not swear himself.
- (j) Every surveyor should calculate his field notes and ascertain by a balance in the calls as to whether or not they will close. If they do not close they are not correct and should not be sent to the Land Office.

To properly understand Section 6 above referred to, it is necessary to first give Section 3, Act of February 23, 1900, as follows:

Section 3. All lands set apart and appropriated by this act shall immediately become a part of the permanent school fund, and when surveyed and sectionized, as herein provided, and classified and valued by the Commissioner of the General Land Office, shall be subject to sale in the manner now provided by law for sale of surveyed school lands, except where otherwise provided by this act. Tracts of unsurveyed school land containing more than twenty-five hundred and sixty acres, shall be surveyed and sectionized under the direction of the General Land Office before being placed upon the market for sale in the following named counties, to wit: Andrews, Crane, Ector, El Paso, Gaines, Loving, Reeves, Ward, Winkler, Cochran, Hartley, Hansford, Hockley, Kent, Lynn, Sherman and Terry; provided, said land may be leased without being sectionized, classified and surveyed; and provided further, that said land, when leased or sold, shall be leased and sold on the same terms, conditions and limitations as now provided by law for the sale and lease of other school land.

One Desiring to Buy Must Make Application to the Surveyor for a Survey of the Land and Pay Surveying Fees. What Application must contain.

(Section 6 as amended by Act of Twenty-seventh Legislature; effective July 9, 1901.)



Sec. 6. Any person desiring to purchase any portion of the land herein appropriated to the public school fund out of a tract containing 2560 acres, or less, in the counties named in Section 3, of said Act of February 23, 1900, or out of any sized tract in any county in the State other than those named in said Section 3, shall first make to the surveyor of the county or district in which the land, or a part thereof, is situated, written application, signed and sworn to by the said applicant, giving his postoffice address, and designating the land he desires to purchase by metes and bounds, as near as practicable, and stating that he desires to have said lands surveyed with the intention of purchasing the same, and that he is not acting in collusion with or attempting to acquire said land for any other person, stating therein whether or not he is claiming any preference right to purchase, and the nature of such preference right. It shall be the duty of the surveyor to file and record such application and within sixty days of the filing thereof to survey said land, in accordance with the directions of the Commissioner of the General Land Office, into a section or sections, of the one mile square each, wherever practicable, in case one or more sections are applied for; and in all cases such land shall be surveyed in a square or rectangular shape whenever practicable, and within thirty days after date of said survey and surveyor shall certify to, record and plat the field notes of the same and return same and the application to the General Land Office, and he shall state whether or not the land is agricultural, grazing or timbered, and if timbered, the probable value of the land. The applicant shall pay to the surveyor one dollar for filing and recording and application, and shall pay such other fees as are now or may be provided by the law for surveying lands. If the Commissioner of the General Land Office finds that the field notes are correct, and that the survey has been made according to law, he shall at once approve and file said field notes, and classify and value the land as the law requires, and notify by mail the applicant that the land is on the market for sale, stating the classification and value thereof, and within sixty days of the mailing of said notice and applicant shall make application and affidavit to purchase said land, describe said land sought to be purchased in accordance with the field notes approved by the Commissioner of the General Land Office, and make first payment to the State Treasurer, and execute his obligation for the unpaid purchase money in the manner provided by law for surveyed school lands; provided, if the lands sought to be purchased are detached lands, as defined in Section 5 of this act, the affidavit shall not be required to state that he desires the same for a home or that he is actually settled thereon. If, on the expiration of sixty days from the giving of notice of classification and valuation the Commissioner of the General Land Office shall not have received the application to purchase such land as herein provided, then he shall place said lands on the market for sale as other surveyed school lands; provided, that where any of said lands have been surveyed prior to January 1, 1901, upon application to purchase and



survey under said Act of February 23, 1900, and the field notes have been recorded by the surveyor, and said field notes may be recognized and accepted by the Commissioner of the General Land Office, except where in conflict with older surveys, upon the filing of either the original field notes or certified copies of record of such surveys; provided further, that the Commissioner of the General Land Office shall, in making sales of such lands, carry out the preference right provision of Section 7 of said Act of February 23, 1900; provided further, that all tracts or parcels of unsurveyed school lands containing six hundred and forty acres or less, and which are now or may hereafter become detached from other public lands, shall be sold at not less than one dollar per acre, cash, without the conditions of actual settlement as now provided by law relating to the sale of other public lands, or to actual settlers, on the same terms and conditions that the surveyed lands are sold to actual settlers. This proviso, however, shall not apply to school lands lying west of the 97th meridian of longitude.

NOTES.

- (a) When an application for a survey is filed with the surveyor, in accordance with the above Section 6, the survey must be made within sixty days. If it is not, the applicant's rights are lost, and he must file a new application.
- (b) After the survey is made the application and field notes must be filed in the Land Office within thirty days from date of survey, as shown on the field notes. If not so received in the Land Office within the thirty days, the whole proceeding is void, the papers will be returned and the applicant will have to file anew.
- (c) Every original field notes must be accompanied with one dollar as filing fee, as required in Article 2441, Revised Statutes of 1905, and if not the papers will be returned.
- (f) No filing fee is due the Land Office for corrected field notes.
- (g) Surveyors must not let it appear on original field notes that they are "adopted."
- (h) If the land embraced in the field notes is partly in two or more counties, they must be recorded in each county, and that fact certified to by the proper county surveyor before they are sent to the Land Office. This applies both to original and corrected field notes.
- (1) If surveyors will comply with the foregoing, they and those for whom they do work will have less complaint towards the Land Office.



CURRENT 77  
MISCELLANEOUS  
INFORMATION

INSTRUCTIONS TO  
CO. SURVEYORS, AND  
DISTRICT SURVEYORS

FEB. 1900.