File 27 13085

Abst. 1696

Abst. 1696

Harris County

SCHOOL LAND

M&A

5-16-27

~~237~~ 235 35 Acres

Survey No. —

Block No. —

Min & Agl. $10

EB 12250

Surveyed for

J. E. Anderson

SW Rep. Vol 31, 2nd Series Pages 172 & 191

Harris 1-193

ACT APRIL 15, 1905

Corrected field notes approved as being correct according to Decree Travis County Dist. Court, rendered Nov. 11th, 1927, in Cause No. 40901 The State of Texas vs R. L. Blaffer et al. 3/5/28 Blackber.

Approved as Min & Agl. at $10.00 per acre. 5/16/29.

J. J. Robison Comr

Cancelled because no space for this survey exists. See 31 SW(2) 172. Writ of error refused.

J. H. Walton

Comr.

Feb. 24, 1932.

229.66 @ 5%

142 / 637

Dist. Vol. 52

Canceled. Ab. Vol. 55

C/C 2-24-28 Blackber

Miss Pauline R. Frank

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1. Letter of Inquiry 8-2-24B
2. Application to Surveyor
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5. Surveyor's Sketch 2-22-25 B.
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7. Atty. Genl's Opinion - 5/16/29 RBN
8. Duplicate Receipt 6/12/29 - PAR
9. pay oil lease 6-10-1929 - mc
10. Comptroller's statement 2-26-32. mt.

Cert Refund to J. E. Anderson Austin Tex. 2-24-32. Jack/R

Cert Refund to Miss Pauline R. Frank, Austin Tex. 2-24-32 Jack/R

Overpaid on this account

Available _____ Permit $58.84

To 2-24-32

Geo. D. A. Clerk

Perm. Acct. Fund overpaid on this 6-10-29 by Miss Pauline R. Frank, being 10¢ per acre on private lease. ($23.50)

Pam

2/28/32

LB 1661
J98

Recd 12 M. 8/2/1924

Suspend

109

Austin, Texas.
August 2, 1924.

Mr. J. T. Robinson,
Commissioner General Land Office
Austin, Texas.

Dear Sir:

I wish to purchase some vacant land in Harris County, locating seventeen miles north, 30 east and bounded
North, James Strange, Robert Dunman, J. B. Stevenson, Thomas W. Marshall and William Vickins:
East, S. F. 5856 and David Harris:
South, Englebert Ruhl, William T. Charles, W. W. William, Englebert Ruhl and Joseph Dunman:
West, H. E. & W. T. Ry. Co. No. 6.

Kindly direct me to an authorized surveyor to make the necessary survey.

Thanking you for prompt answer to my inquiry.

Yours truly,

J. E. Anderson

17 Mi. N 36 E Houston

66

RECEIVED
AUG 2 1924
REFERRED TO MAP.

this area under litigation
Suspend action. B

Aug 1 - 6th - 1928
B

1.

S.F. 13085

Application of Irving J. Robinson

Filed August 28, 1924.

Carl F. Bluecher

L. O. FORM 7

APPLICATION FOR SURVEY

APPLICATION NO._____

To County, County Surveyor of Harris County, Texas, or to_____District Surveyor of _____Land District:

By virtue of Section 7 of an Act approved April 3, 1919, I hereby apply for a survey of the following described unsurveyed land appropriated to the Public Free School Fund under Chapter 11, Act February 23, 1900, to-wit:

Situated in Harris County, Texas, about 17 miles N 76 East from the County site. Said tract is bounded as follows:

North James Stronge Robt Dunman, J B Stevenson, Thos W. Marshall William Vickers

East S J 5856 & David Harris

South Englebert Ruhl, William J Charles, H W William Jas Dunman

West H E & W T No 5

Being the vacancy found by Decree No 40901 of the 53rd Dist Ct Jones Co.

G L O Letter 7/6/28

(N. B.—Write name and P. O. address Distinctly). J E Anderson Applicant,

P. O. Austin Texas.

I, J S Boyles, County Surveyor of Harris County, Texas, or Surveyor of_____Land District, hereby certify that the above and foregoing application No. 98 was filed for record on the 13th day of February 1928, at 11 o'clock A. m., and recorded in Vol. 8, page 98, in Surveyor's office Harris County, Texas.

J S Boyles
County Surveyor Harris Co.
Texas.

FORM 750B-E409-926-1M

+

LAND OFFICE

S. F. No. 13088

APPLICATION FOR SURVEY

Filed FEB 20 1928 192

J. T. Robison

Commissioner.

R. B. Newsome

Clerk.

EAGLE PUB. CO., SAN ANTONIO

1M-7-27

OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
HARRIS COUNTY
TEXAS

PHONES:
OFFICE, PRESTON 1861
RESIDENCE, HADLEY 8820

GENERAL ENGINEERING
SURVEYING
ROAD WORK
DRAINAGE
DRAFTING
CONSTRUCTION

H. A. RATCHFORD
NOBLE E. WICKLUND
DEPUTIES

HOUSTON, TEXAS,

State of Texas,
Harris County, Field notes of a survey of 237.2 acres of land made for J.E.Anderson by virtue of his application for survey filed with the surveyor of Harris County,Texas on February 13,1928 at 11 o'clock A.M. and recorded in Volume 8 page 98.

Said land lies in Harris County,Texas about 17 miles North east of Houston and is described as follows.

Beginning at a pine knot 2 varas west of the west edge of a slough,the same being the southeast corner of the J.B.Stevenson 1/3 League as fixed by decree in cause No. 40,901 of the 53rd,Judicial District court of Travis County,Texas.

Thence East 230 varas to a pine knot from which a light pole bears N.4°50'W 26.35 vs., and a 14" Sweet gum marked bears N.81°40'W.22.8 va, and a 3" pipe brs. south 68 vs., being the north west corner of the W.T.Charles survey as fixed in said Cause.

Thence South with the west line of the said Charles Survey at 352.5 vs. cross the center of the Atascosita Road in all 510 vs., to an iron axle in a 3" pipe marked S.E.R.Dunman and being in the south edge of a pond, and from which a 13" Pin Oak marked X brs. S.18°E 13.8 varas, and a 10" Pine marked X brs. S.10°W.12.8 vs., and being the Northeast corner of the W.W.Williams Survey.

Thence West with the north lines of the said Williams Survey and the north line of the E.Ruhl survey at 252.2 cross center of Atascosita Road,1033 pass a T rail, in all 1444 varas to a 1 by 4 stake for Northwest corner of E.Ruhl survey as fixed in said cause.

Thence South 225 varas with a west line of said Ruhl Survey to a sucker rod,an ell corner of said Ruhl and from which I mark a 16" Post Oak beraing Northeastly 11.1 vs, and a 14"Sweet gum marked the same bearing Northwesterly 46.6 vs.

Thence West 400 varas with north line of said Ruhl to a 2 by 2 stake,the northwest corner of said Ruhl as fixed in said Cause

Thence South 30 varas to a 2 by 2 stake,

Thence West at 85.2 varas pass 13 varas south of pipe and fence corner the recognised northeast corner of the J.Dunman,in all 1106 varas to a pine knot set for an ell corner of H.E.and W.T.R.R. as per said cause and mark a 20" pine Southwestly 10.75 varas,a 2" pipe stands 7.45 vs, north and 4.47 vs. east.

Thence North 423 varas to a pine knot on south line of Jas Strange as fixed by said cause.

Thence East with south line of Strange fixed by decree in said cause 1276 vs, to a pine knot the southeast corner of sad Strange survey fixed as stated.

Thence North 272 varas toa pine knot the southwest corner of the R.Dunman as fixed in said cause, marked a 16" Red Oak 3.2 vs., north and 3 vs. east.

Thence East 1444 to a pine knot the south east corner of said Dunman as fied in said cause, marked a 32" water oak N.81°20'W 25.1 vs, and a 5" pine C S.29° 50' W 23.7 vs.

Thence North 70 varas to the place of beginning.

Surveyed Feb.13-14,1928
Variation 9°10'E
H.Wellman and H.Fullerton Chainmen. Blue print attached

PHONES:
OFFICE, PRESTON 1861
RESIDENCE, HADLEY 6820

OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
HARRIS COUNTY
TEXAS

GENERAL ENGINEERING
SURVEYING
ROAD WORK
DRAINAGE
DRAFTING
CONSTRUCTION

H. A. RATCHFORD
NOBLE E. WICKLUND
DEPUTIES

HOUSTON, TEXAS,

I, N.E. Wicklund Deputy Surveyor of Harris County, Texas do hereby certify that the foregoing survey was made on the ground by me, and according to law; that the limits boundaries and corners, with the marks natural and artificial, are truly described in the foregoing field notes just as I found them on the ground.
This 14, day of February, 1928.

N. E. Wicklund.

Deputy Surveyor, Harris Co., Tex.

I J.S. Boyles surveyor of Harris County, Texas do hereby certify that I have examined the foregoing field notes and find them correct, and that they were made on the ground as stated in above certificate, and that are recorded in my office in Book "M", page 65.
This 14th., day of February 1928.

J. Boyles

Surveyor of Harris County, Texas

L. O. FORM 8

Plat of Survey No._____

THE STATE OF TEXAS,

_____County, Survey No._____

or_____District Blk._____

FIELD NOTES of a survey of_____

acres of land made for_____

_____

Variation_____ by virtue of his application filed with the Surveyor of_____County, under Section 7 of an Act approved April 3, 1919, providing for the sale of the unsurveyed school land appropriated to the public Free School Fund by an Act approved February 23, 1900. Said land is situated in_____County, about_____miles_____from county site, and known as Survey No._____, in Block No._____, beginning at_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____to the place of beginning

Bearings marked_____ _____

Chain Carries.

_____

Surveyed_____19____ _____

I,_____, Surveyor of_____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 deescribed in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in surveyor's office in Book _____, Page____

This_____day of_____19____

_____

Surveyor of_____County, Texas.

FORM 751B-E409-926-1M

I,_____, Deputy Surveyor of_____, 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.

This_____day of_____19____

_____

Deputy Surveyor of_____County, Texas.

I,_____, Surveyor of_____County, Texas.

going Plat and Field Notes and find them correct, and that

bove certificate, and that they are recorded in my office in

9____

_____

Surveyor of_____County, Texas.

RECEIVED AS STATED
$ 1.00
FEB 20 1928
J. D. HEDICK
RECEIVER

LAND OFFICE

S. F. No. 43085

FIELD NOTES

Filed FEB 20 1928 19____

Commissioner.

Clerk.

Approved 19____

Commissioner.

I,_____

Surveyor of _____County, do solemnly swear that the classification and market value of the land included within the limits of the within field notes is as follows, viz.:

_____Soil

State Character

Agricultural, market value_____

Dry or Watered

Grazing, market value_____

Dry or Watered

Kind of timber_____

Market value of timber_____

Overflow_____ Swamp_____

Suitable for settlement_____

_____Surveyor.

Sworn to and subscribed before me this the

_____day of_____19____

_____

Notary Public_____Texas.

EAGLE PUB. CO., SAN ANTONIO

L. O. FORM 47

APPLICATION AND OBLIGATION TO PURCHASE SCHOOL LAND WITHOUT SETTLEMENT

Austin, Texas, May 16th 1929

To the Commissioner of the General Land Office, Austin, Texas:

I hereby apply to purchase the following land under the provisions of the Act of April 3, 1919, Chapter 163, relating to the sale of school land and asylum land without settlement and reserving to the State the oil, gas, coal and other minerals therein. The land is situated in Harris County, Texas, about 17 miles (give course) N East from th ecounty site; and I agree to pay for said land or timber, or both, the price per acre specified below:

Section	Block	Township	Certificate	GRANTEE	Acres	Price per Acre Offered	Classification
57	13085			J E Anderson	235.35	10.00	Mra

I am over twenty-one years of age.

For the purpose of securing said land I hereby represent that I am buying it for agricultural or grazing purposes, except as provided in Chapter 81, Act approved July 31, 1919, relating to the relinquishment of oil and gas, and I agree that the sale to me is upon the express condition that the oil, gas, coal and all other minerals therein shall be and are reserved to the fund to which the land belongs. I herewith enclose the sum of $58.84 as the One fortieth (Insert whether "full" or "one-fortieth") cash payment therefor, and subscribe to the following oath, to-wit:

I, J E Anderson, do solemnly swear that I desire to purchase the land for myself and that no other person or corporation is interested in the purchase thereof either directly or indirectly.

Post Office ..... J E Anderson
Applicant.

Sworn to and subscribed before me, this the 16th day of May, 1929

J D Redick
Travis County, Texas.

NOTE—If applicant pays all cash, he should tear off the obligation below. (Officer must not omit seal.)

OBLIGATION

$2,294.66 School Lands.

For value received, I, the undersigned, do promise to pay to the State of Texas the sum of Two Thousand Two Hundred Ninety Four & 66/100 Dollars, with interest thereon as hereinafter specified, the same being for the balance of purchase money for the following described tract of land purchased by me, of the State of Texas, in accordance with the provisions of the acts relating to the sale and lease of Public Free School and Asylum lands; to-wit, all of 57 13085 Section No. ....., Block ....., Township ....., Certificate ....., Grantee J E Anderson, situated in Harris County, Texas.

The annual interest of five per cent, upon all unpaid principal, together with one-fortieth of the original principal, I am to pay or cause to be paid to the General Land Office, at Austin, Travis County, Texas, on or before the first day of each November thereafter, until the whole purchase money is paid. And it is expressly understood that I am to comply strictly with all the conditions, limitations and requirements, and am subject to and accept all the benefits and penalties contained and prescribed in the above recited Acts.

Witness my hand, this 16th day of May, 1929.

Post Office Austin, Tex ..... J E Anderson
Applicant.

File No. .....

(4)

S.7.

No. 13085

APPLICATION OF

J. E. Anderson

P. O. Austin

WITHOUT SETTLEMENT

Section	~~Block~~	Certificate	Acres
—	S.7.	13085	235 35

Township	Grantee
	J. E. Anderson

In Harris County.

Filed MAY 16 1929 19

J. R. Robison

Commissioner General Land Office.

Awarded MAY 16 1929 19

Rejected 19

J. R. Robison

Commissioner General Land Office.

Roll .....

Class .....

Appr'm't .....

Appl'n .....

Obligation .....

Seal .....

Map .....

Lease .....

On Market .....

Form 1540z-M393-924-5m

Accpt ace 138/19

$ 58 84 FP

RECEIVED GEN. REV.

Pom Sch

MAY 16 1929

REFERRED TO ACCOUNTING

PAGE 102-7

APPLICATION AND OBLIGATION TO PURCHASE SCHOOL FUND WITHOUT SETTLEMENT

Filed 19

Witness my hand, this ..... day of 19

Applicant

Post Office .....

County, Texas.

Certificate .....

Grantee .....

Section No. ..... Block ..... Township .....

situated in .....

The annual interest of five per cent, upon all unpaid principal, together with one-fortieth of the original principal, I am to pay or cause to be paid to the General Land Office, at Austin, Travis County, Texas, on or before the first day of each November thereafter, until the whole principal money is paid. And it is expressly understood that I am to comply strictly with all the conditions, limitations and requirements, and am subject to and accept all the penalties and provisions contained and prescribed in the above recited Acts.

Applicant

NOTE—If applicant pays all cash, he should fill out the obligation below.

OBLIGATION

For value received, the undersigned, do promise to pay to the State of Texas the sum of ..... Dollars, with interest thereon as hereinafter specified, the same being for the balance of purchase money for the following described tract of land purchased by me, of the State of Texas, in accordance with the provisions of the acts relating to the sale and lease of Public Free School and Asylum lands; to-wit, all of .....

Section No. ..... Block ..... Township .....

situated in .....

Grantee .....

Certificate .....

County, Texas.

School Lands

day of 19

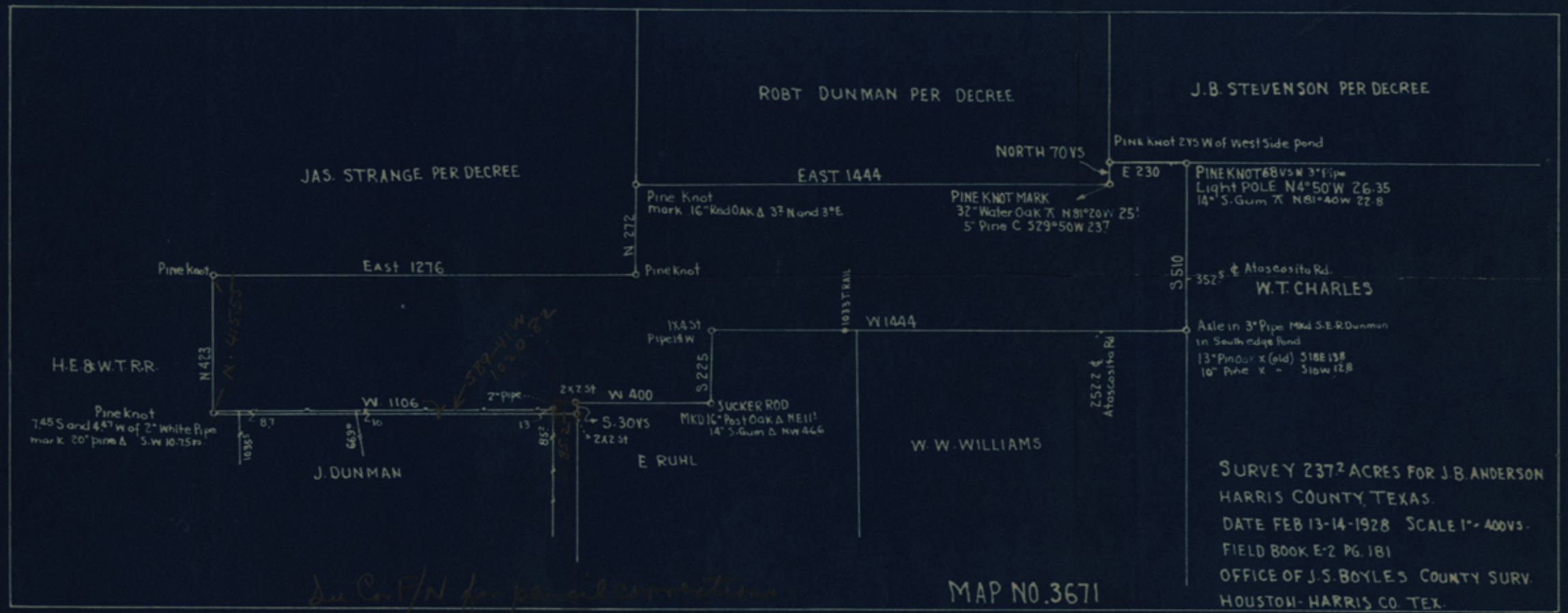
Applicant

(Officer must not omit seal.)

County, Texas

Sworn to and subscribed before me, this the ..... day of 19

NOTARY PUBLIC, HARRIS COUNTY, TEXAS


ROBT DUNMAN PER DECREE
J.B. STEVENSON PER DECREE
JAS. STRANGE PER DECREE
NORTH 70 VS
Pine knot 2 VS W of West Side Pond
EAST 1444
E 230
PINE KNOT 68 VS W 3" Pipe
Light POLE N4°50'W 26.35
14" S. Gum X N81°40W 22.8
Pine Knot
mark 16" Red Oak Δ 3' N and 3" E.
PINE KNOT MARK
32" Water Oak X N81°20W 25'
5" Pine C S29°50W 23'
N 272
Pine knot
East 1276
Pine knot
S 510
352.5 ℄ Atascosita Rd.
W.T. CHARLES
1033 T RAIL
1X4 St
Pipe 1' W
W 1444
Axle in 3" Pipe Mkd S.E.R. Dunman
in South edge Pond
13" Pin Oak X (old) S18E 13.8
10" Pine X " S10W 12.8
H.E. & W.T. R.R.
N 423
S 225
252.2 ℄ Atascosita Rd
W 1106
2" pipe
2X2 St
W 400
SUCKER ROD
MKD 16" Post Oak Δ NE 11'
14" S. Gum Δ NW 4.66
Pine knot
7.45 S and 4.5' W of 2" White Pipe
mark 20" pine Δ S.W 10.75 ft
8.7
10.95
6.63
10
13
8.52
S. 30 VS
2X2 St
J. DUNMAN
E. RUHL
W. W. WILLIAMS
SURVEY 237.2 ACRES FOR J.B. ANDERSON
HARRIS COUNTY, TEXAS.
DATE FEB 13-14-1928 SCALE 1" = 400 VS.
FIELD BOOK E-2 PG. 181
OFFICE OF J.S. BOYLES COUNTY SURV.
HOUSTON - HARRIS CO. TEX.
MAP NO. 3671

5.

S.F. 13085

Surveyor's Sketch

J. T. Robison

Comm.

Filed February 20, 1928

Carl F. Blucher

L. O. FORM 8

Plat of Survey No._____

THE STATE OF TEXAS,

Harris County, or _____ District

Survey No._____ Blk._____

Corrected

FIELD NOTES of a survey of 235.35 acres of land made for J. E. Anderson

Variation 9°10' East by virtue of his application filed with the Surveyor of Harris County, under Section 7 of an Act approved April 3, 1919, providing for the sale of the unsurveyed school land appropriated to the public Free School Fund by an Act approved February 23, 1900. Said land is situated in Harris County, about 17 miles N.E. from county site, and known as Survey No._____, in Block No._____, beginning at a pine knot 2 varas west of the west edge of a slough, the same being the S.W. Cor. of the J. B. Stevenson 1/3 leag. as fixed by decree in in Cause No. 40,901 of the 53rd Judicial District Court of Harris County, Tex. Thence East 230 vs. to a pine knot from which a light pole N 4°50 W 26.53 vs. and a 14" sweet gum marked bears N 81°40 W 22.8 vs. and a 3" pipe bro. South 68 vs. being the N.W. Corner W. J. Charles Survey as fixed in said Cause. — Thence South with west line said Charles Survey at 3525 vs. cross Center of Atascocita Road in all 510 vs. to an axle in a 3" pipe marked S.E. R. Dunman and being in the South edge of a pond, and from which a 13" pin oak mkd. X bro. S 18° E 13.8 vs. and a 10" pine mkd. X bro. S 10° W 12.8 vs. and being the North east Corner of the W. W. Williams Survey. — Thence West with North line of W. W. Williams and E. Rubl Surveys at 257 2/3 vs. Center of Atascocita Road, 1033 vs. a "T" rail in all 1444 vs. to a stake the North west Corner of the E. Rubl as fixed in said decree. Thence South 225 vs. to a Dutch rock, an Ell Corner of said Rubl, 16" post oak bro. North easterly 11 1/10 vs. and a 18" sweet gum bro. North westerly 46.6 vs. — Thence West with North line E. Rubl 400 vs. to a stake the N.W. Cor. E. Rubl as fixed in said decree — Thence South 30 vs. to a 2x2 stake — Thence west 852 vs. to East line J. Dunman — Thence North 13 vs. to a 2" pipe the North East Corner of said J. Dunman. — Thence with the North line of the J. Dunman Survey and H.E. & W.T. R.R. Section along fence. South 89°41' West 1020 82/100 varas to a re-entrant Corner of H.E. & W.T. R.R. Survey. Thence North 415.55 varas to a pine knot on South line of James Strange Survey as fixed in said decree. Thence East with South line of James Strange Survey as fixed in said decree 1276 varas to a pine knot the South east Corner of the James Strange as fixed in said decree. Thence North 272 varas to a pine knot the Southwest Corner of the Robert Dunman as fixed in said decree, and from which we marked a 16" Red Oak standing 3 3/10 varas North and 3 varas East. — Thence East 1444 varas to a pine knot the South east Corner of said Dunman as fixed in said Cause, marked a 32" water oak N 81°20' W 25 1/10 vs. and a 5 inch pine S 29°50' West 23 1/10 vs. Thence North 70 varas to the place of beginning.

Corrected in accordance with letter from General Land Office under date of February 28-1928-Corrected 2-29-1928 ~~to the place of beginning~~

Bearings marked_____ H. Wellman Chain Carries. H. Fullerton

Surveyed Feb. 13-14 1928

I,_____, Surveyor of_____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 deescribed in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in surveyor's office in Book _____, Page____

This_____day of_____19____

_____

Surveyor of_____County, Texas.

FORM 751B-E409-926-1M

I, J. S. Boyles

Surveyor of Harris County, do solemnly swear that the classification and market value of the land included within the limits of the within field notes is as follows, viz.:

Sandy Loam Soil
State Character

Agricultural, market value Oil Land
Dry ~~or Watered~~

Grazing, market value Oil Land
Dry ~~or Watered~~

Kind of timber None to speak of

Market value of timber None

Overflow ---------- Swamp ----------

Suitable for settlement Yes.

J. Boyles
Surveyor.

Sworn to and subscribed before me this the 29 day of February 1928

W. C. Halmos

Notary Public Harris Texas.

EAGLE PUB. CO., SAN ANTONIO

6.

LAND OFFICE

S. F. No. 13085

Corrected
FIELD NOTES

Filed March 1st 1928

J. T. Robison
Commissioner.

Clerk.

Approved 19

Commissioner.

Approved as being correct according to Decree Travis County Dist. Court, rendered Nov 11, 1927 in Cause No 40901, The State of Texas vs. R. L. Blaffer et al.
3-5-28 Blucher.

C/C- 3-1-28
Blucher

I, N. E. Wicklund, Deputy Surveyor of Harris, 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.

This 29 day of February 1928

N. E. Wicklund
Deputy Surveyor of Harris County, Texas.

I, J. S. Boyles, Surveyor of Harris County, Texas, do hereby certify that I have examined the foregoing Plat and Field Notes and find them correct, and that they were made on the ground as stated in the above certificate, and that they are recorded in my office in Book M Page 67-68

This 29 day of February 1928

J. Boyles
Surveyor of Harris County, Texas.

55

CLAUDE POLLARD
ATTORNEY GENERAL
GALLOWAY CALHOUN
FIRST ASSISTANT
R. V. NICHOLS
CHIEF OF LAW ENFORCEMENT
RUTH MYERS
CHIEF CLERK
J. J. BIFFLE
JOHN B. DUPRIEST
INVESTIGATORS

OFFICES OF THE ATTORNEY GENERAL
AUSTIN

ASSISTANTS
C. W. TRUEHEART
PAUL D. PAGE, JR.
JOE S. BROWN
R. M. TILLEY
H. GRADY CHANDLER
ALLEN CLARK
D. L. WHITEHURST
HATTIE L. HENENBERG
BRANN FULLER
DAVID J. PICKLE
R. D. COX, JR.

May 15, 1929.

Honorable John T. Robison,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

The Attorney General is in receipt of yours of the 10th instant referring to cause No. 40901, styled State of Texas vs. R. L. Blaffer, et al, in the 53rd District Court of Travis County, Texas, and certain matters involved in that suit pertaining to G. C. Perkins, particularly as mentioned in Subdivision 38 of the findings of fact of the trial court, and at pages 9, 10, 11, 12, 13, 14, 18, 19 and 20 of the certified copy you have of the judgment of the trial court in that case, and in which you state that on August 2, 1924, J. E. Anderson filed in your office an application of inquiry "as to the existence of the vacancy involved" in that case, that this "inquiry fruited into the filing of an application and field notes of the survey "in your office on February 20, 1928, and that "those field notes have been approved". You also mention the fact that this case is now pending on appeal. Your letter then proceeds as follows:

> "Mr. Anderson is insisting that his file be classified, and valued so he can file an application which would fix his rights to an interest in the oil and gas, should the District Court judgment be affirmed, and if that be not done and the case should remain in the Court so very long his interest in oil might be dissipated thru drainage by wells now being drilled thereon, even if he should ultimately win.

"I am unable to determine just what rights, if any, were fixed in Perkins by the decree.

"Would it be proper for this Department to ignore Perkins' right, if he has any, and leave him to establish that later to the extent of his right to obtain a permit for the oil and gas? Would it be proper to proceed and classify and value the land for agricultural or grazing purposes and let J. E. Anderson file his application and issue or withhold the issuance of an award?

"Having heretofore referred the recovery of this area to the Attorney General, and he has undertaken so to do, would it be proper to proceed as above indicated, or had further action better be deferred until final disposition?"

The suit referred to was filed July 14, 1924, and was brought by the State to recover certain lands situated in Harris County, Texas, as set apart and appropriated to the State public free school fund, and on November 11, 1927, judgment was rendered in the trial court for the State for the greater part of the area sued for. Thereafter, within the time and in the manner provided by law, an appeal from this judgment to the Austin Court of Civil Appeals was taken, supersedeas bonds were executed, and the case is now pending on appeal in that court. It is noted that J. E. Anderson was not a party to this suit.

An appeal with supersedeas does not destroy the force of the judgment pending appeal, but merely suspends its execution, that is, the judgment of the trial court in such event is merely suspended in reference to the issuance and execution of process for its enforcement. Semple vs. Eubanks (Ct. Civ. App.) 35 S. W. 509. It is also held that "where the decree of a court of competent jurisdiction fixes the status

or title of property, strangers to the decree may safely deal with the same upon the assumption that such decree, unless it should be in some legal proceeding set aside, correctly fixed, as between the parties thereto, such status or title at the date of its rendition", and that upon the rendition of the decree of the district court in favor of the State fixing the status of land as open and subject to location, and establishing the title as being in the State, one having fixed in himself a right whereby the State authorized him to acquire such land, if the decree spoke the truth, had the right to deal with the land upon that assumption, subject, of course, to the contingency of the decree being set aside by some legal proceedings, as on appeal, or otherwise. Faulk vs. Sanderson, 89 Texas 692; 36 S. W. 403.

There is also the general rule of law, which is so universal that it need not be supported here by the citation of authorities, to the effect that one not a partyto a suit at law is not adversely affected by the fact of the suit nor by any judgment that may be had therein. This rule is here applicable.

On the foregoing we conclude that the rights of J. E. Anderson, whatever they may be, are in no way prejudiced by the fact of the bringing and prosecution of this suit, nor by the judgment therein entered, and that the land therein involved, as to J. E. Anderson, he being a stranger to that case, may be dealt with upon the assumption that the judgment in that case, as between the State and other parties thereto, correctly fixed the status of the land there involved as State public free school land, and this notwithstanding the fact that this case is now pending on appeal; and that the rights of G. C. Perkins, whatever they may be, as between him and J. E. Anderson, should not be judged or determined by or from any finding of fact or conclusion of law, or the judgment entered, or any issue, fact or matters found or adjudicated, in that case, nor the fact of the pendency of that case on appeal.

Without intending to express any view whatsoever in reference to such rights as either G. C. Perkins or J. E. Anderson may have, or may have acquired or have the right to acquire, on the facts involved, pertaining to mineral or mineral rights in respect to this area of land under our statutes, if any, your attention is also called to Article 5402 of our Revised Civil Statutes of 1925 as possibly having some bearing on this matter.

In view of the foregoing, and as a direct answer to your questions, you are therefore advised:

1. Matters involved in or pertaining to the suit referred to are not, as such, in any way binding or conclusive as between the State and J. E. Anderson, nor as affecting such rights, if any, as J. E. Anderson may have or the relative rights of J. E. Anderson and G. C. Perkins, and as pertaining to same you are free to consider whatever you find the facts to be.

2. If you find that J. E. Anderson has complied with our statutes pertaining to the sale of unsurveyed public free school land, particularly the applicable provisions of what is now Article 5323 of our Revised Civil Statutes of 1925, to the point indicated by your letter, it would not be improper for you to classify and value the land embraced within and as upon his application of inquiry and field notes, and to mail notice of such action to him, and for him to file with you his application to buy the land if he desires to do so, and our statutes prescribe no time limit within which it is your duty to issue or reject an award in such cases.

3. Referring to cause No. 40,005, styled State of Texas vs. Eusebio Garcia, et al, in which the State had recovered in the trial court certain lands as State public free school lands situated in

Webb County, from which judgment an appeal had been taken and was then being and was later perfected, and in respect to which area there was then pending before you an application of inquiry and field notes, and which matter was quite similar if not identical with that here under consideration, except there was not there involved, as there is here, the question of a claimant, such as that of G. C. Perkins, the then Attorney General, under date of June 10, 1924, advised you as follows:

> "On March 24, 1924, in cause No. 40,005, styled State of Texas vs. Eusebio Garcia, et al, in the Fifty-third District Court of Travis County, the State recovered judgment for a certain portion of this area, and including additional area, as set out and described in the judgment, this area so recovered by the State being located along the south and east boundary lines of the Ysidro Gutierres grant as located by the court in that case.
>
> "Notwithstanding the notice and possible perfecting of an appeal from this judgment by certain of those claiming this area under the Ysidro Gutierres grant, you are now advised that such action as you may desire to take in this matter, if any, need no longer be deferred because of the pendency of this suit."

The situation here is not materially different from the one there referred to, and for you to proceed in this matter as indicated in our foregoing answer to your second question would in no way interfere with or prejudice the rights of the State in respect to the pending suit pertaining to same.

It will be borne in mind that we are in no way passing upon the rights of either J. E. Anderson or G. C. Perkins, nor their relative rights, such as they may be, in respect to this area of land, further than to say that neither the rights of J. E. Anderson nor his and G. C. Perkins' relative rights, are involved in nor in any way determined by the suit referred to.

Yours very truly,

W. W. Caves

W. W. Caves,
Assistant Attorney General.

SF 13085

WWC:C

In approving this file no purpose nor intention to consider or pass upon the rights, if any, of GC Perkins under his alleged oil and gas application for a Permit which is referred to in the above letter & judgement. That will be considered at the proper time - There can be no conflict of rights between Perkins and Anderson since one is minerals and the other for surface only. The surface owner would acquire rights to an interest in the oil & gas if Perkins should fail to establish a right to a permit, however that will be a contest, if any, between Perkins and the State and Andersons rights to part of oil & gas under the reservation Act will be dependent upon the result of that contest if it ever arises. This approval is for surface only & is to allow the applicant Anderson to fix such rights in the oil & gas as he may be justly entitled in the event Perkins fails to establish rights therein. By this action no rights of anyone are jeopardized.

J. Robison
Comr.
5/16/1929

5.7.13085

5.7.13085 (7

Atty. Genl's. Opinion

Filed MAY 16 1929

J. R. Robison Comr

R.B. Newcomb atty

Very truly yours,

W. M. Graves,
Assistant Attorney General.

WMC:C

May 16, 1929

It will be noted that the letter of which we are in receipt from Mr. Robertson, Commissioner of Revenue, Washington, D. C., Bureau of Internal Revenue, Washington, D. C., is not addressed to any person, but merely to "Attorney General, Austin, Texas." Hence we are of the opinion that the letter should be treated as an inquiry addressed to the Attorney General of Texas, and not as a request for an opinion from the Attorney General of Texas. Hence we are of the opinion that the letter should be treated as an inquiry addressed to the Attorney General of Texas, and not as a request for an opinion from the Attorney General of Texas.

POSTED

Ledger 124

Page 637

DUPLICATE AWARD AND RECEIPT

File No. 57. 13085

GENERAL LAND OFFICE,
AUSTIN, TEXAS

Date of ~~Award~~ Sale 5/16/29, 19__

WHEREAS, J. E. Anderson

of Austin, Texas, has, in the manner and form prescribed by law, filed in this office an application and obligation to purchase the following land, to-wit:

SECTION	BLOCK	~~TOWNSHIP~~	~~CERTIFICATE~~	GRANTEE	ACRES	PRICE	COUNTY
—	—	57	13085	J. E. Anderson	235.35	$10.00	Harris

Date of Sale 5/16/29

Amount of Note $ 2294.66

Rate of Interest 5 per cent.

Due November 1st Annually

SCHOOL LAND

And the State having received $ 58.84 as first cash payment thereon, I do hereby award to said applicant the survey of land described above.

J. J. Robison
Commissioner General Land Office.

Form 2847b-E448-1026-5m in dup.

Ledger _____ **DUPLICATE AWARD AND RECEIPT** File No. _____

Page _____

GENERAL LAND OFFICE,
AUSTIN, TEXAS

Date of Award _____, 19____

WHEREAS, _____

_____, Texas, has, in the manner and form prescribed by law,

ed in this office an application and obligation to purchase the following land, to-wit:

SECTION	BLOCK	SURVEY	CERTIFICATE	GRANTEE	ACRES	PRICE	COUNTY
						$	

ate of Sale _____ And the State having received $ _____ as

Amount of Note $ _____ first cash payment thereon, I do hereby award to said

Rate of Interest _____ per cent. applicant the survey of land described above.

Due November 1st Annually

SCHOOL LAND

_____
Commissioner General Land Office.

Form 2844b-E448-1026-5m in dup.

(8)

S.F. 13085

S.F. 13085

Form 51

GENERAL LAND OFFICE

Perm Sch
acc 142/18 112/16

Austin, Texas, June 10 1929

Received from Mrs Pauline R. Frank, Austin Texas Twenty three & 50/100 DOLLARS

For Rental on 235 acres SF13085 JE Anderson, Harris Co. Private Lease SF13085

J. T. Robinson
Comptr

C79-229-5m

Void payment
acct decision supreme
court (31 SWR 2d page 172)
Have certificate of payment
of Refund on this payment
Raw
2/24/32

Mr Newcomb has the file

S. 7. 13085

(9)

pay oil lease

Filed 6-10-29

J. F. Robson
Comptr

GENERAL LAND OFFICE

Austin, Texas, _____ 192 _____

_____ DOLLARS

(10)

29 13082

Comptroller of Public Accounts
State of Texas
Austin

GEO. H. SHEPPARD, COMPTROLLER
~~J. M. EDWARDS, CHIEF CLERK~~
A. P. DOOLEY, CHIEF CLERK

IN YOUR REPLY PLEASE REFER
TO DIVISION NO._____
FILE NO._____

February 25, 1932

Warrant No.14151 issued in favor of Pauline R. Frank, $23.50
sf-13085

Warrant " 14152 " " " " J. E. Anderson 58.84
sf-13085

These Warrants were delivered to J. E. Anderson Feb. 25, 1932.

(10) SE 13085.

General Land Office

State of Texas

Austin

J. T. ROBISON, COMMISSIONER
J. H. WALKER, CHIEF CLERK

February 28, 1928.

Mr. J. Stuart Boyles, County Surveyor,
Houston, Texas.

Dear Sir:

I have examined the field notes made by yourself for Mr. J. E. Anderson of this city embracing certain lands lying south of the James Strange, Robert Dunman and J. B. Stephenson surveys.

According to a decree rendered in the Travis County District Court, November 11th, 1927, in Cause No. 40901, the State of Texas vs R.L. Blafer, referring to page 8 of the aforesaid decree it is noted that after beginning at the SE corner of the Robert Dunman 1/3d League and running northward, eastward, southward and westward, the first course on said page 8 reads " Thence W 400 vrs. to the most southern NW corner of the said Ruhl Survey; Thence S 30 vrs. to a stake for corner in the W line of said Ruhl Survey; Thence W passing the NE corner of the Jospeh Dunman 160 acre survey at 85 vrs., and continuing W 1106 vrs. in all to the re-entrant NE corner of the HE&WT RY CO Survey No. 6, etc, etc."

I find that the field notes of this area made for Mr. Anderson call to run S 30 vrs. from the said most sourthern NW corner of the E. Ruhl Survey and thence running W call to pass 13 vrs. S of the recognized NE corner of J. Dunman NE corner. In doing this it is apparent that these field notes will embrace a portion of this J. Dunman Survey, which I do not believe was contemplated in the above mentioned decree.

Accordingly, I suggest that corrected field notes be made to correct this conflict. In preparing new field notes let them call to run S 30 varas as in the original field notes all ready submitted, from the said southern NW corner of the E Ruhl Survey; Thence run W to intersect with the E line of the J. Dunman; Thence N to the NE corner of the Dunman; Thence W with the N line of the Dunman Survey and the N line of Survey No. 6, HE&WT RY CO to an ell corner of the latter; Thence westward, northward and eastward, etc., to the place of beginning.

General Land Office

State of Texas

Austin

J. T. ROBISON, COMMISSIONER
J. H. WALKER, CHIEF CLERK

#2.

It is noted that at the beginning corner in these field notes the SE corner of the J. B. Stephenson league is called for. I believe this should be the SW corner. If you will prepare corrected field notes in accordance with the above suggestions it will have my attention when received.

I am enclosing field note blanks for your convenience.

Please mention S. F. 13085 when you write.

Yours very truly.

COMMISSIONER, GEN. LAND OFFICE

BLUCHER/mh

Harris 1-193.

Enclosure.

(11) SF 13085

GENERAL LAND OFFICE

AUSTIN, TEXAS

J. T. ROBISON, COMMISSIONER
J. H. WALKER, CHIEF CLERK

May 16th 1929

Mr.J.E.Anderson,
Austin,Texas.

Your application and field notes covering a tract of unsurveyed land known as Survey No. - , Block No. - , 235.35 acres in Harris County, have been examined and approved.

The land is classified as Min. & Agrl. and valued at $10.00 per acre, and is subject to sale to you upon the following terms, to-wit:

1/40th cash,balance on 40 years time at 5% interest.

Enclosed herewith is a blank for application to purchase this land. To avoid delays, mistakes and correspondence you are urged to fill every blank space in making out this application to purchase. Under the law you will have SIXTY DAYS from this date within which to file your application to purchase in this office.

In writing about this matter please refer to S. F. No. 13085

Very respectfully,

Commissioner.

Form 2016B—E214—1028-1M.

GENERAL LAND OFFICE

AUSTIN, TEXAS

J. T. ROBISON, COMMISSIONER
J. H. WALKER, CHIEF CLERK

May 16th 1929

Mr. J. E. Anderson,
Austin, Texas.

Your application and field notes covering a tract of unsurveyed land known as Survey No. - , Block No. - , 256.35 acres in Hartley County, have been examined and approved.

The land is classified as Min. & Agri. and valued at 020.00 per acre, and is subject to sale to you upon the following terms, to-wit:

1/40th cash, balance on 40 years time at 5% interest.

Enclosed herewith is a blank for application to purchase this land. To avoid delays, mistakes and correspondence you are urged to fill every blank space in making out this application to purchase. Under the law you will have SIXTY DAYS from this date within which to file your application to purchase in this office.

In writing about this matter please refer to S. F. No. 13085

Very respectfully,

Commissioner.

Form 2016B—E214—1028-1M.

(12) S.F. 13085