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BexAR-5-2692

THE STATE OF TEXAS

I,J.A.SIMPSON, County Surveyor of Tom Green

COUNTY OF TOM GREEN

County, Texas, do hereby officially certify

that the foregoing ONE pageS constitute a true and correct copy

of the original field notes of Survey No. TWENTY TWO (22) BLOCK NO.

TWENTY (20) of the HOUSTON & TEXAS CENTRAL RAILWAY COMPANY SURVEYS

as located for said railway company under and by virtue of Certificate

No. 42/5413

as the same appears of record in Vol.

of the records of said surveyor's office

of which I am the custodian

IN TESTIMONY WHEREOF, I have hereunto set my official signature and affixed my seal of office, this the // day of feely 1928 at the City of San Angelo, Texas

County Surveyor, Tom Green County, Texas

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Copy Field Notes # 21

Filed filed July 2 19 25

J. T. Robisas Comis

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Pile Clerk

Comm Green Co. for

640 acres

7-12-28

910 Conard

Patented 7/18/28

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BEXAR SCRIP 2692

Under this heading O'Henry has written a very interesting story. Numberless inquiries in the last ten years have come to this office regarding the facts upon which the story was based, and various articles on the subject have been contributed to the newspapers. I wonder if it would be amiss for me to bell the story of Benar Ser's 2892 as reflected by the records of the Land Office?

Company on January 9, 1875. This certificate is one of thousands issued on that date. The number "42" belongs to the stub book, and the number "5415" to the certificate in its ordinary series. On January 13th, four days after its issuance, M. J. Doyle laid the certificate on a tract of land in what is now the southwestern part of Tom Breen County. At the time he located three blocks, - 19, 20 and 21. This certificate was applied to Section 21 in Block 20. The certificates covering the various sections in Blocks 19, 20 and 21 were returned to the office in the latter part of January, 1873, and a separate file for each certificate containing it and the field notes thereunder was made. The file wrapper is an envelop open at each end with the number of the file according to the district on its face, and the description of the land, which in this particular case contained the field notes of Section 21 and its alternate school section 22, and the certificate.

For convenience in filing the State was divided in an early day into filing districts. The Bexar district was the largest, and Fannin the next. To ascertain whether or not a certificate is located one must go to the index, and he will find opposite the certificate the filing district and the number of the file. The certificate is the controlling factor in the description, because that is the basis of the grant, if it cannot be appropriately termed the grant itself.

As the law required railroad companies to alienate their lands within fifteen years after the issuance of patent, the practice grew up among the companies not to take out patents until they sold the land.

In 1883 Captain Welsh, then Commissioner, had all the unpatented files collected and patents issued and notice given to the companies of issuance.

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Cortificate No.48/5415 was issued to the H & T C Nollway Gompany on Jamery 9, 1875. This certificate is one of thousands issued on that date. The number "48" belongs to the stub book, and the number "5415" to the certificate in its ordinary series. On January 15th, four days after its issuence, M. J. Doyle laid the certificate on a tract of land in what is now the southwestern part of Tom Green County. At the itime he located three blocks, - 19, 20 and 21. This certificate was applied to Section 21 in Block 20. The certificates covering the various sections in Blocks 19, 30 and 31 were returned to the office in the latter part of January, 1875, and a separate file for each certificate containing it and the field notes thereunder was made. The file arcording to the district on its face, and the description the field according to the district on its face, and the description of the land, which in this particular case contained the field notes of the land, which in this particular case contained the field notes of Section 21 and its alternate school section 22, and the certificate.

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In 1928 the law firm of Hill, Smith and Neel wrote the Department asking for a copy of the patent to Section 21, Block 20. Going to the map we found Section 21 labeled Bexar Scrip 2692. It was first entered on the map by the original surveyor, M. J. Doyle, who, after making these surveys, became an employee of the Land Office. The records of the Land Office showing the issuance and return of the cor-

file number, and the owner having furnished a copy of the field notes from the records of Tom Green County, the land Office patented it July 12, 1928. A duplicate file was made up and now serves in place of the original.

The loss of a file could in no way affect adversely the rights of the owner of the land unless it contained papers not of record in the county where the land is situated. The certificate was merged into the land when the survey was made, and could not have been located elsewhere, and no rights could have been acquired by its loss or withdrawal from the Land Office. The preservation of the files of the Land Office is extremely important, and the loss of one might cause someone to lose the rightful ownership of a tract of land, that can be only in cases where the transfers were not recorded in the county. During the last thirty years the Land Office does not file deeds unless they are recorded properly.

I am not writing to disparage O'Henry in the least, as his stories are all very interesting to me, and some of them instructive. There are those, however, who make inquiries with apparent thought in the background that one might profit by purloining files from the Land Office.

Austin Texas

J. H. Walker

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Austin Texas

Gest.

THE STATE OF TEXAS

Before me, the undersigned authority, on this

COUNTY OF TOM GREEN

day personally appeared S.N.ALLEN, who, after

being by me duly sworn ,upon oath deposes and says: That he is the

lawful owner and holder of under a chain of conveyances duly recorded

down from the Houston & Texas Central Railway Company a certain tract

of land in Tom Green County, Texas, known and described as all of SECTION

No. TWENTY-ONE (21) in BLOCK NO. TWENTY (20) of the HOUSTON & TEXAS CEN

TRAL RAILWAY COMPANY surveys, and as such owner is entitled to have

delivery made to him by the Commissioner of the General Land Office

of patent thereto from the State of Texas to said Houston & Texas

Central Railway Company

S. V. allen

Sworn to and subscribed before me this the 36 day of Come, 1928

Notary Public, Tom Green County, Texas

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Offidavil of
SNallen as to
Swenty-one (21) in
Block Twenty (20)
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It appears that Bexar Scrip 2692 and Bexar Scrip 2693 were not in the files when Blocks 19, 20 and 21 were patented, and were, therefore, overlooked. A slip in place of them showing that they were lost is in the file relating to 2692. There is a memorandum by me made March 4, 1928, stating "this file appears to have been out in 1883."

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Austin, Texas December 4, 1933

4. Bexar- 5-2692

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