

Surveying the Capitol Land Reservation in 1879 and 1880

During the closing years of the 1870s, the vast areas of vacant public lands owned by the State of Texas remained under-utilized and their value unrealized as the state exited its Reconstruction period following the American Civil War. With the advent of the Constitution of 1876, the vacant public land became the focus of the State's efforts to revitalize the territory and increase the viability of the state's long-term success. That constitution provided for the appropriation of three million acres of public domain land to be set aside to facilitate and fund the construction of a new state Capitol building, a story that Texas historians know well. An untold and obscure portion of this history entails the acts, work, and controversies that encompass the initial survey project that initiated the transformation of three million acres of unappropriated vacant land into the largest ranch in the world. Revolving around the efforts of contractor J.T. Munson to describe this land in 1879 and 1880, the project to survey the Capitol Land Reservation lured expert surveyors like John S. Summerfield and H.A. Wiley to the region to produce an intricate record of the vacant land in the western Texas Panhandle and its poorly understood geographic features that enthralled the public's attention for decades. Utilizing existing knowledge of Texas Panhandle lands ascertained by entities like the Gunter & Munson firm of Sherman, Texas, a survey detailing the land was created, but its genesis attracted intense legal scrutiny as potentially fraudulent land practices proliferated by Gunter & Munson came to light in 1879. Additional scrutiny befell the survey in subsequent years as more accurate accounts of the land indicated significant errors in Munson's work, errors that affected adjacent land and land owners as late as the mid-1920s. Although these errors altered a small number of some areas in the Capitol Land Reservation, the dimensions of the survey remain largely intact and visible today.

The Capitol Land Reservation in the western Texas Panhandle occupies not only a large section of the state's territory, but also a significant component of its history. Originating from an 1879 and 1880 survey effort that set apart three million acres of land from the state's vacant land holdings, the Capitol Land Reservation developed into the XIT Ranch, but what is the significance of the project to survey this land? The survey inspected and selected land with the guidance of contractor J.T. Munson, a Denison real estate dealer who possessed an intimate knowledge of Panhandle land acquired via the close relationship with his brother, W.B. Munson. Operating from Sherman with partner Jot Gunter, W.B. Munson brokered land sales in the Panhandle and sectionalized immense swaths of land directly adjacent to the eventual Capitol Land Reservation. From its onset, the project to survey the Capitol Lands experienced setbacks as shifts in climate, both environmental and legal, affected its progress. Munson's crews scoured the land in September 1879 before being forced away by dry conditions and a lack of preparedness to operate in such conditions. Although Munson would return better prepared in May 1880 with skilled compassman H.A. Wiley in tow, the project's viability experienced increased scrutiny in the interim period as legal challenges alleged recent and unscrupulous land practices in adjacent surveys associated with Munson's brother. These legal challenges caused temporary tumult, but the survey ended with success as J.T. Munson submitted the final survey notes to the Texas General Land Office in accordance with his commission. In subsequent years, the accuracy of Munson's work faced additional scrutiny of its own as pronounced measurement errors became central to further legal cases seeking to return extra land to the State. While the survey of the Capitol Land Reservation established the value of Texas Panhandle land by documenting its characteristics for the first time, the intrinsic detail of the survey and its associated notes offer a wealth of information for scholars seeking documentation about the land as it existed around 1880.

Texans and those fascinated with its history have a wealth of information available to them from repositories across the state. From public and private universities to state agencies, the preserved records documenting the state's history are profound and well-rounded. Although not everything can or will be digitized, many repositories have online digitized collections that offer researchers unrivaled access to many of these records. The Texas General Land Office (TXGLO) is one such entity. Most of their collection of maps, land patents, and related ephemera is digitized and available online. Many of the state's valuable land development and survey records are housed at the TXGLO, including the survey records of ranches and significant land development that impacted the State's history. This includes a subtly named document titled "Current Miscellaneous File 9" in TXGLO file number 73741. The online thumbnail is rather ordinary, showing a handwritten page from a photostatic copy of the original document. The expanded subtitle for this file offers more clarity about its content, "Copy of field notes of work done by H. A. Wiley, compass man for J.T. Munson," and about its origin purporting to be part of a "Supreme Court of Texas" file in support of the "case of G. Findlay et al plaintiffs in error vs. The State of Texas regarding Capitol Lands." The descriptive metadata on the TXGLO's website offers little additional information about its origin, only listing its size, format, and that it falls within their General Map Collection. Most map records from the TXGLO contain information about a map's geographical scope, but this information is absent. Even the date of its publication is missing. Thankfully two words of the subtitle lead researchers to the main topic of the document: Capitol Lands.¹ With the information present, it was possible to track down the

¹ H.A. Wiley, "[Copy of] field notes of work done by H. A. Wiley, compass man for J.T. Munson. Filed in office of Supreme Court of Texas in case of G. Findlay et al plaintiffs in error vs. The State of Texas regarding Capitol Lands, January 20, 1919" (unpublished manuscript), photocopy, Texas General Land Office, Austin, Texas.
<https://historictexasmaps.com/collection/search-results/73741-current-miscellaneous-file-9-general-map-collection>

original document, which was housed at the Texas State Library and Archives Commission in their Texas Supreme Court files.²

The term “Capitol Lands” is synonymous with the XIT Ranch of the western Texas Panhandle, but what relationship does this document have with that storied enterprise? The Texas Constitutional Convention of 1875 and subsequent Constitution of 1876 appropriated three million acres of vacant land in the Texas Panhandle to fund the construction of a new Capitol building.³ Three years later, the 16th Texas State Legislature acted on this constitutional mandate to officially set aside the land in several Panhandle counties including Dallam, Hartley, Oldham, Deaf Smith, Parmer, Castro, Bailey, Lamb, Hockley, and Cochran counties.⁴ The legislature added 50,000 acres to this appropriation to fund the survey work. The act was approved on February 20, 1879, with the State soliciting bids to survey the land in April of that year. Newspaper advertisements appeared daily in the Galveston Daily News, as well as newspapers in Dallas, San Antonio, and Jefferson, throughout April and the first part of May with bidders given a deadline of May 15, 1879. Bidders were required to submit two estimates. The first estimate would cover the cost of the survey assuming the successful contractor covered all expenses, while the second estimate detailed the cost of the survey at a per-mile rate with the successful contractor funding two surveyors and the State of Texas covering the expenses for chain carriers and assistants to the survey and the total cost of supplies.⁵

² H.A. Wiley, “Field notes of work done by H. A. Wiley, compass man for J.T. Munson,” (unpublished manuscript), Texas Supreme Court no prefix case files, Box 201-5668, Box 3806, Texas State Library and Archives Commission (TSLAC), Austin, Texas.

³ Texas Constitution of 1876, Article 16, Section 57.

⁴ 16th Texas Legislature, “An act to provide for designating, surveying, and sale of three million and fifty thousand acres of the unappropriated public domain for the erection of a new state capitol, and other necessary public buildings, at the seat of government, and to provide a fund to pay for surveying said lands,” Chapter 13, Gammel’s Laws, vol. 8, 1309 (1879).

⁵ *Galveston Daily News*, April 15, 1879.

20 bids were submitted from parties across the state with a number coming from states such as Iowa and Missouri.⁶ Francis F. Hopp, a civil engineer, surveyor, and eventual county attorney from Matagorda County, was awarded the contract just one day after the bidding period closed.⁷ Hopp submitted a bid of \$5,999 for “the work done and completed at the expense of the bidder and contractor.” He also submitted a bid of \$1.24 per mile with the State to cover expenses of providing assistants and chain carriers.⁸ The Commissioner of the TXGLO, William C. Walsh, sent Hopp notice of his successful bid on May 16, 1879. Hopp swiftly responded by sending correspondence to Walsh on May 21 and to Texas Attorney General George McCormick on May 27. In his letters, Hopp appeared eager and willing to supply the necessary bond to secure the contract stating that the bond “shall be forwarded to you at the earliest time possible.”⁹ At some point between May 31 and June 14, Hopp surrendered the contract. The circumstances of this surrender are unclear, but Hopp was likely unable to meet the bond requirement, usually necessary to prove to the State that he did not underbid the contract.¹⁰

The next lowest bid was submitted by Joseph Theodore (J.T.) Munson, a real estate dealer from Denison, Texas. His bid totaled \$7,440 and \$1.25 per mile under the same guidelines as other bids. Commissioner Walsh sent notice of the successful bid to Munson on June 14, 1879, via his brother’s office in Sherman, Texas. This brother, William Benjamin (W.B.) Munson, and Jonathan “Jot” Gunter operated as successful land agents in Sherman who platted and sold land in the Texas Panhandle, including land that would eventually abut the Capitol Land Reservation. The Gunter & Munson firm were familiar with the land of the Texas Panhandle as it had been

⁶ Proposals for surveying 3,000,000 acres for Capitol Building, 1879, TX000550, Box 2019/115-2 Folder 2, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁷ Matagorda County Book Committee, *Historic Matagorda County, Volume 1* (Houston: D. Armstrong Co., 1986), 667.

⁸ Francis F. Hopp to Governor Oran Milo (O.M.) Roberts, May 5, 1879, TX000550, Box 2019/115-2 Folder 2, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁹ Hopp to George McCormick, May 31, 1879, TX000550, Box 2019/115-2 Folder 2, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

¹⁰ J. Evetts Haley, *The XIT Ranch of Texas and the Early Days of the Llano Estacado* (Chicago: Lakeside Press, 1929), 55.

working in the region for more than three years acquiring, settling, and selling land made available with the conclusion of the Red River War in 1875. A brief examination of grantee information on land blocks in the northern Texas Panhandle shows the Gunter & Munson moniker near several prominent watercourses.¹¹

J.T. Munson, with the assistance of his brother's firm, began assembling a survey team to leave Denison for the Panhandle by July 20, 1879. Bond for the contract was returned to Commissioner Walsh on July 12, less than a week before Munson aimed to begin the journey west.¹² During July, the Gunter & Munson firm, although not officially part of the contract to survey the lands, reached out to two surveyors hoping to employ them for the survey work. The first was John S. Summerfield, an independent surveyor for the firm's holdings in the Panhandle. A June 30 letter to Summerfield gave specific instructions to Summerfield to assist in the project. J.T. Munson would initially take charge of the surveying crews already in the field, while Summerfield would supervise the bulk of the work as Munson planned to return to Denison shortly after starting the survey.¹³ John Baird (J.B.) Quigley of St. Louis, Missouri was also contacted to be one of the two compassmen for the survey along with Summerfield. Quigley's relation to Gunter and Munson is unclear, but he agreed to their terms of being paid \$300 for four months of surveying work.¹⁴

Along with appointing a lead contractor for the surveying project, the Capitol Building Commissioners, a board composed of the Governor, Comptroller, State Treasurer, Attorney General, and TXGLO Commissioner, were required to appoint a commissioner to "superintend the survey" to ensure the instructions given to the contractor were followed. They were also

¹¹ William Benjamin (W.B.) Munson to Joseph Theodore (J.T.) Munson, June 14, 1879, Munson Letter Press, Southwest Collection/Special Collections Library, Texas Tech University (SWC/SCL), Lubbock, Texas.

¹² J.T. Munson to William C. (W.C.) Walsh, July 12, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

¹³ Gunter & Munson (G&M) to John S. Summerfield, June 30, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

¹⁴ G&M to John Baird (J.B.) Quigley, July 11, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

responsible for choosing the specific lands to be surveyed from the remaining available land in the public domain. The board initially turned to Walter Paye Lane for this role. Lane had previously served in the militaries of the Republic of Texas, the United States, and the Confederacy, having seen combat in the Texas Revolution, the Mexican-American War, and the American Civil War.¹⁵ Lane received notice of his appointment from Governor Oran Milo Roberts on May 17, 1879, and an article in Marshall's *Tri-Weekly Herald* from the following week lauded the choice. Lane was a well-known fixture in Texas especially regarding his extensive military service. By the late 1870s, he had retreated from the public eye and into hard financial times, but he remained eager to return to public service. He sought several roles with the state government, including an unsuccessful bid for the post of Adjutant General. In his letter to Lane, Governor Roberts stated, "I offer it to you first of all, though there are many applicants, as a testimonial of my respect and confidence in your capacity and integrity in a matter of great interest to the State."¹⁶ On July 10, Governor Roberts sent Lane his commission detailing the responsibilities and duties he was expected to follow.¹⁷ Two days later, Lane resigned from the appointment on July 12 due to the requirement and his inability to submit a \$300 bond to cover the expenses of his efforts.¹⁸ Lane visited the Gunter & Munson firm in Sherman on July 10 or 11, notifying them that he resigned the appointment.¹⁹ A biography of Lane indicates additionally that he was displeased with J.T. Munson's enthusiasm for the assignment. Munson, having knowledge of the land in that region, informed Lane that the land to be surveyed may not be as

¹⁵ Douglas Hale, "Lane, Walter Paye," *Handbook of Texas Online*, Texas State Historical Association, accessed July 31, 2024. <https://www.tshaonline.org/handbook/entries/lane-walter-paye>.

¹⁶ *Tri-Weekly Herald* (Marshall, Texas), May 24, 1879.

¹⁷ Governor O.M. Roberts to Walter Paye Lane, July 10, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

¹⁸ Jimmy L. Brian. *More Zeal than Discretion: The Westward Adventures of Walter P. Lane* (College Station: Texas A&M University Press, 2008), 159-160; Walter Paye Lane, Jimmy Bryan (ed.), *The Adventures and Recollections of General Walter P. Lane, a San Jacinto Veteran, Containing Sketches of the Texian, Mexican, and Late Wars, with Several Indian Fights Thrown In* (Dallas, Texas: Southern Methodist University, 2000), 18.

¹⁹ G&M to J.T. Munson, July 11, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

valuable as the State hoped. Armed with this information and given the impression that he may not be reimbursed for his work, Lane chose to resign from the post before starting work.²⁰

Needing to identify a reputable replacement, the board and Governor Roberts chose Nimrod Lindsay (N.L.) Norton of Salado to be the commissioner of the survey. Norton, like Lane, was a well-known figure in the state, having been a leader and founding member of the Texas Grange in 1873 and the progenitor of several county fair associations. This role would take him as far as being a General Superintendent of the Capital State Fair Association.²¹ A native of Kentucky and later a Missouri State Representative during the Confederate period, Norton came to Texas in 1871 following the American Civil War.²² He quickly built a reputation as an accomplished agriculturalist as he assembled an extensive set of powerful allies through his connections and efforts.²³ With his experience evaluating the agricultural outputs and prospects in Central Texas, Norton proved to be a valuable asset to the Capitol Building Commissioners and their goal of selecting the best possible land to raise funds for the construction of the new Capitol building. J.T. Munson was notified of Norton's appointment in a July 17 letter from Governor Roberts.²⁴

J.T. Munson left Denison for Sherman on July 20. In assembling his team and supplies, Munson was instructed not to buy too many supplies in Denison or Sherman, for supplies such as flour could be acquired in Tascosa at prices similar to what could be found there.²⁵ Jonathan "Jot" Gunter joined J.T. Munson as he traveled west with the men selected to join the team.

²⁰ Bryan, *More Zeal Than Discretion*, 159.

²¹ Lucie C. Price, "Norton, Nimrod Lindsay," *Handbook of Texas Online*, Texas State Historical Association, accessed July 31, 2024, <https://www.tshaonline.org/handbook/entries/norton-nimrod-lindsay>; *Austin American-Statesman*, July 14, 1878; *Weekly Democratic-Statesman* (Austin, Texas), November 2, 1876.

²² Walter Williams, *A History of Northwest Missouri, Volume 1* (Chicago: Lewis Publishing Company, 1915), 122; Devall, Sam & Laster, B. H. [Recommendation Letter for N. L. Norton, June 5, 1871], June 5, 1871, University of North Texas Libraries, The Portal to Texas History, original from French Simpson Memorial Library, Hallettsville, Texas, <https://texashistory.unt.edu/ark:/67531/metaph1330270>.

²³ John Henry Brown, *Indian Wars and Pioneers of Texas* (Austin: L.E. Daniell, 1896), 698.

²⁴ J.T. Munson to Governor O.M. Roberts, July 19, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

²⁵ G&M to J.T. Munson, July 17, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

Gunter was uniquely familiar with the Panhandle lands, having spent significant time in the field evaluating land for his and W.B. Munson's business. The group traveled first to Fort Worth to take on several other men before leaving for Fort Elliot on July 24. The group's destination and base of operation would be Tascosa in Oldham County. One of the few settlements in the western Texas Panhandle at the time, Tascosa offered the surveying team a centralized outpost of civilization while working on the plains. The exact route the party took is unclear, but it is known that they stopped in Clarendon, Texas en route to Tascosa. John Summerfield, the Gunter & Munson surveyor already active in the Panhandle, was a common fixture in that community and joined them there as they trekked westward.²⁶

The top responsibility of Commissioner N. L. Norton was to inform the surveyors where to begin their survey and to ensure that land surveyed met the criteria enacted by the law that authorized the survey. The survey was to be connected to nearby surveys already patented, and "worthless" land was to be included if at all possible. This primarily included avoiding rocky, sandy, or barren land that would not be of value for the planned sale of the lands. The survey crew, including both Munson and Norton, would be responsible for notating the quality of the lands surveyed, making special note of the quality of soil, grass, timber, and proximity to water. Since Norton did not receive his commission until around July 15, he arrived late to Tascosa several days after Munson's surveying began. Norton's first correspondence to Governor Roberts from the plains, dated September 10, 1879, detailed his late arrival while also notifying the Governor that work had already commenced and that the league numbering would begin at the northwest corner of Texas in Dallam County.²⁷ Although unknown to the group in 1879, this corner was not the true and accurate northwest corner of Texas as dictated by the juncture of the

²⁶ *Clarendon News*, September 18, 1879.

²⁷ Nimrod Lindsay (N.L.) Norton to Governor O.M. Roberts, September 10, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

north boundary of the Panhandle and the 103rd meridian, which was some distance to the east. This error played a role in the resurvey of the land several years later.²⁸

Two surveying crews scouted the region north of the Canadian River in Dallam, Hartley, and Oldham counties in the typical, calculated form necessary to produce a well-rounded description of the land. The surveyed land in these counties fell between the state line with New Mexico and previously patented land to the east. The party completed work north of the Canadian River by September 15, 1879, with “little sickness.” Still, the crew’s health, an insufficient military escort, and deteriorating weather conditions took a toll on the group as the early portion of the work took place. Norton informed the Governor that the furnished military escort was untenable and lacked adequate functionality and supplies to continue tendering support to the party. The escort was primarily composed of undersupplied foot soldiers, therefore their capability to scout for water did not meet the expectations of the surveyors and their critical need to locate water on the dry Texas Panhandle plains. Norton’s correspondence to Governor Roberts comprises the only firsthand information available from the field for this portion of the survey in 1879.²⁹

Writing from Romero Canyon in Oldham County on September 20, Norton detailed worsening conditions and the crew’s cessation of work. Although considered a setback, Munson still had the opportunity to complete the survey the following spring within the bounds of his legal obligations. Norton informed the Governor that Munson would return “better prepared to operate in an isolated and unknown country,” indicating that Munson likely encountered unexpected conditions on the plains.³⁰ Raw notes for this fall 1879 segment are unknown, but Munson’s official field notes recording the dimensions of each league are documented in the

²⁸ William Spark (W.S.) Mabry, *Some Memories of W.S. Mabry* (Bandera, Texas: Frontier Time Printing, 1927), 5.

²⁹ N.L. Norton to Roberts, September 15, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

³⁰ N.L. Norton to Governor O.M. Roberts, September 20, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

“Capitol Lands” bound volume housed at the TXGLO.³¹ Each league is meticulously described with information about the counties covered, the watercourses therein, and how each league connected to a neighboring league, usually via an established corner indicated in the field notes and on the ground by a pile of stone or a mound of dirt. Munson himself described the construction of these dirt mounds as two feet square and one foot deep with the sides being “dressed down.” In conjunction with these dirt mounds, the surveyors would dig four pits on each side of the mound to the north, east, south, and west, and the dirt extricated would be used to construct the mound. This portion of the survey covers the first 250 leagues or so before Munson abandoned work in September 1879.³²

Following Munson’s departure east to Sherman and Denison, Norton examined Munson’s work for accuracy and compliance with state law, especially regarding the work Munson completed before his arrival. He retained two of Munson’s men who had traversed the entire survey to assist in this evaluation. During this evaluation, Norton quickly became alarmed at the surveying practices by the Jack Land District officials who were active along the Canadian River and its tributaries in work not directly related to Munson’s survey work, but rather associated with Munson’s brother’s real estate firm. Much of the land to be allotted for the Capitol Land Reservation fell within the Jack Land District headquartered in Jacksboro. John S. Summerfield, acting as the Jack Land District Deputy Surveyor, was asked to participate in the Capitol Land Reservation survey at the insistence of the Gunter & Munson firm in Sherman at the onset of the contract. Summerfield’s knowledge of the Texas Panhandle dating to 1876 established him as a prime choice to survey the Capitol lands as he was responsible for surveying large swaths of land near the Canadian River in Potter County, as well as areas in other Panhandle counties. Norton’s

³¹ Capitol Lands field note book compiled by J.T. Munson, 1880, #81701, General Map Collection, Texas General Land Office, Austin, Texas.

³² Ibid., 759.

concerns primarily revolved around the quality of land left for the Capitol surveying project and the fact that water along the Canadian River had been preempted by private interests.³³

Texas law dating to 1837 dictated how land near and covering water courses was to be surveyed. Norton points out specific statutes seemingly violated by the Jack Land District surveyors. Chapter 7 of Title 79 of the Public Lands statutes contained language in Articles 3908 and 3911 that pertained to Norton's alarm. Norton determined that the surveys complied with Article 3908 which related to the composition of field notes and the information contained within. Article 3911, however, specifically detailed the method of surveying land that lies on or covers navigable water courses. Although the Canadian River does not necessarily meet the traditional definition of a navigable water course capable of being used by larger watercraft, Texas law defined a navigable water course as any water course that "retain[ed] an average width of thirty feet." The statute stated that no surveys constructed for private parties could cross or intersect water courses that were determined to be navigable. This language allowed officials of the State to monitor its water resources for future use and not at the whim of private interests aiming to utilize them for gain.³⁴

Beginning in 1878, Jack Land District surveyors, including John S. Summerfield and the elected District Surveyor Wesley Callaway, began constructing field notes and applying for patents on numerous 640-acre sections of land for the Gunter & Munson firm along and crossing the Canadian River and its major tributaries. Writing from Legard's Ranch on Alamo Creek, Norton urged Governor Roberts to halt the issuance of patents on these lands after his discovery, but many of these surveys had already been patented.³⁵ Norton returned to his Central Texas home in Salado by November 1879 bringing with him the accusations of wrongdoing of the

³³ N.L. Norton to Governor O.M. Roberts, October 2, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

³⁴ Public Lands, Title LXXIX, Chapter 7, Article 3911 (1879).

³⁵ N.L. Norton to Governor O.M. Roberts, October 12, 1879, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

Gunter & Munson firm and the Jack Land District surveyors Callaway and Summerfield. Newspapers with state-wide reach such as the *Austin American-Statesman* and the *Galveston Daily News* began reporting on the alleged improprieties, with some articles even going as far as mentioning the Gunter and Munson duo by name.³⁶ Texans valued their state's resources as integral to the state's burgeoning future, and the apparent wanton disregard of Texas law by Gunter and Munson in acquiring patents for land that unduly granted control of the state's most valuable resource, water, angered some as the news spread. Gunter and Munson were notified by allies in the Panhandle of Norton's inquiries into their land dealings, and they subsequently sent Norton a letter on November 13, 1879, that expressed their anger regarding Norton's perceived efforts to "injure" them in a "country where they [were] not well known."³⁷ The company was not shy about acknowledging that their surveys controlled the water along the Canadian River. They actively advertised land to their partners and prospective buyers explicitly stating that "our lands control the water" and their willingness to "sell eleven miles of the Canadian River from Tascosa up with the side streams on each side making about 20,000 acres."³⁸ They were also aware of laws regarding surveys near navigable watercourses. In June 1879, Gunter & Munson wrote to Summerfield about being cautious about working near watercourses and, indeed, that some surveys along McClellan Creek in the eastern Texas Panhandle were illegally shaped.³⁹

At the direction of Governor Roberts, Sam Willson, an Austin-area attorney and former judge, began constructing a case against the Jack Land District Surveyors. In early December 1879, Willson traveled to Jacksboro to evaluate the file books housed in the Jack Land District office. Willson ascertained that the file books contained field notes for land in the Panhandle with readily apparent levels of disarray such as missing and torn-out pages, field note entries that

³⁶ *Austin American-Statesman*, November 30, 1879.

³⁷ G&M to N.L. Norton, November 13, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

³⁸ G&M to David T. Beals, December 1, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

³⁹ G&M to John S. Summerfield, June 14, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

were pasted over other entries, and surveys that potentially were not conducted in the field but yet still filed sequentially in the book. Willson even noted instances where dates were seemingly altered, erased, or replaced with entirely different dates. Perhaps the most damning evidence, the fact that members of the Jack Land District surveying teams dated a large number of field notes with altered dates suggested fraudulent work had occurred. Texas law required surveys to be conducted in the field and on the actual ground being surveyed. Still, it was established by Willson that a large number of files were completed and submitted on the same day, a number that appeared impossible for one team to complete across discontinuous counties in the Panhandle. It is no coincidence that several of these surveys fell within the State of Texas' land reservations, including the Capitol Land Reservation designated earlier in 1879, potentially drawing the ire of state officials. Willson compiled the evidence of potential wrongdoing associated with Callaway, Summerfield, and the Gunter & Munson firm in a December 5, 1879, letter to Governor Roberts where he also recommended a delay in issuing patents on the land in question.⁴⁰

Summerfield and Callaway were arrested for these allegations in mid-December 1879. Callaway was arrested in Jacksboro by Charles Lilborn Nevill, a commander of the Frontier Battalion of Texas Rangers. Nevill was not only tasked with arresting Callaway but also with collecting and transporting back to Austin the file books that Willson evaluated in his initial research. Callaway arrived in the capital with Nevill on December 23, 1879.⁴¹ Summerfield was arrested in Grayson County and arrived in Austin on December 19, 1879.⁴² The trial began on December 26, 1879, as Callaway and Summerfield appeared in front of Justice of the Peace Joseph Lee for the accusations made against them that originated from Norton's and Willson's

⁴⁰ Sam A. Willson to Governor O.M. Roberts in Old Miscellaneous File 27, December 5, 1879, #75636, General Map Collection, Texas General Land Office, Austin, Texas.

⁴¹ *Galveston Daily News*, December 24, 1879.

⁴² *Austin American-Statesman*, December 20, 1879.

sleuthing. At this trial, evidence presented suggested that Article 3911 was indeed violated but also that certain requirements of Article 3908 were not followed, as well. Section 8 of Article 3908 requires that surveys be conducted in the field and on the ground actually being surveyed. This language intended to prevent the location of “chimney corner surveys,” a type of survey that did not occur and existed only on paper. Paper files from the Jack Land District office in Jacksboro were transported to Austin to be examined at the trial by the Texas Land Commissioner Walsh. It was found upon close examination that the files were indeed in a state of disarray and there existed a peculiarity with the dates of some surveys. Walsh noted that large numbers of survey field notes across multiple counties were marked with the same dates and the same members of the surveying party despite such work being impossible for a crew to accomplish in one day.⁴³

Walsh offered the most extensive testimony in the case as he described discrepancies across each file book assessed. He presented evidence of dates being altered on some field notes to increase the amount of time between surveys being completed in the field and when they were deposited in Jacksboro at the Jack Land District Office. He noted that within one particular set of files from Donley County a number two (2) was inserted in front a seven (7) of an October 7 survey date to make the date appear as though it was meant to read as October 27. With these surveys and certificates having been authorized on October 2, it was impossible for a survey authorized in Jacksboro on October 2 to be completed on October 7 in Donley County, assuming the date had indeed been altered and the original date was October 7 and not October 27. Similarly, Walsh pointed to 62 surveys marked as being made on January 7, 1879. Even with the

⁴³ William C. Walsh testimony in Old Miscellaneous File 27a, 1879-1880, #75651, General Map Collection, Texas General Land Office, Austin, Texas.

most loose surveying guidelines, completing such a block of surveys would require a team to walk nearly 120 miles in a single day.⁴⁴

The previous issue of these surveys crossing navigable watercourses was determined to be inconsequential. Contemporary newspaper reporting notes that such surveys were common in the years leading up to this dispute, but enforceable laws prohibiting such surveys remained active. This facet of the case is never mentioned in testimony, suggesting that the State's case against Callaway and Summerfield was more likely to succeed if evidence of fraudulent field notes took a more central role. Chief Clerk of the TXGLO Rhoads Fisher testified that it was the custom of previous administrations at the TXGLO to approve patents surveyed on the same day, even if that number exceeded what was possible in a single day. He even recalled a situation where he refused to approve such patents as acting interim Commissioner, but he was summarily overruled by the Commissioner upon his return. Fisher also testified regarding handwriting on some files in the seized file books. When presented with one book labeled "File Book A," Fisher stated that he believed Callaway's signatures there did not match Callaway's signature in other letters and field notes supplied by the court. Such evidence suggested that the field notes in question may have been finalized in an office in Jacksboro or even Sherman without having been completed in the field, the so-called "chimney corner surveys" that have been previously mentioned.⁴⁵

The defense produced three witnesses: Jonathan "Jot" Gunter, Dennis Corwin, and Richard Montgomery Gano. Jot Gunter, a primary partner in the Gunter & Munson firm, stated his belief that the handwriting on field notes was that of both Summerfield and Callaway and contained minimal discrepancies or errors. When presented with discrepancies such as the

⁴⁴ Fannin Scrip Tyler Tap R.R. Co. Block C3, File 14204, Abstract 341, Certificate 196, Donley County, Land Grants, Texas General Land Office, Austin, Texas.
<https://s3.glo.texas.gov/glo/history/archives/land-grants/landgrants.cfm?intID=205708>.

⁴⁵ Rhoads Fisher testimony in Old Miscellaneous File 27a, 1879-1880, #75651, General Map Collection, Texas General Land Office, Austin, Texas.

unknown handwriting and altered dates, Gunter noted that it was customary to adjust the information in the office in Jacksboro when errors were noticed. Jot Gunter's testimony also confirmed Summerfield's tenure with J.T. Munson's crew was short. Jot Gunter traveled to Tascosa in August and September 1879 to summon Summerfield to return to work for the firm. J.T. Munson accepted this request knowing that work on Gunter & Munson surveys slowed or ceased during Summerfield's absence working on the Capitol lands survey.⁴⁶ With land prospects rapidly changing, Summerfield's presence was necessary to maintain Gunter & Munson's influence in the region.⁴⁷

Dennis Corwin, Travis County Sheriff and former District Surveyor for several Texas districts testified that it was common practice for surveyors in Texas to complete many surveys and date them with the same date, especially when working in large blocks of land. He stated that often only the exterior lines of a survey block would be run, meaning that interior lines and corners would not be marked or run. Corwin also corroborated Jot Gunter's testimony for how field note dates would be corrected to correspond with each other.⁴⁸ Richard Montgomery Gano, the final witness for the defense, produced direct testimony regarding a specific set of field notes that had his name attached to them, particularly several with conspicuous dates present. The prosecutors questioned Gano about his activities in early October 1879, and if it was possible that he could have a land certificate transferred to him in Dallas one night and subsequently record it at the Jack Land District Office in Jacksboro the next day. Gano detailed his travels from Dallas, the reasoning for his rush to get to Jacksboro, and how he got there in such a quick manner. The testimony of Gano and Corwin turned the tide of the case in favor of Summerfield and Callaway as Justice Joseph Lee dismissed the case on January 6, 1880. Newspaper articles

⁴⁶ Jonathan "Jot" Gunter testimony in Old Miscellaneous File 27a, 1879-1880, #75651, General Map Collection, Texas General Land Office, Austin, Texas.

⁴⁷ G&M to John S. Summerfield, September 28, 1879, Munson Letter Press, SWC/SCL, Lubbock, Texas.

⁴⁸ Dennis Corwin testimony in Old Miscellaneous File 27a, 1879-1880, #75651, General Map Collection, Texas General Land Office, Austin, Texas.

detailing the case report that unlawful activity by the surveyors was established, but the actions lacked criminal intent.⁴⁹

The relationship between the Jack Land District surveyors and the Gunter & Munson firm raised questions about conflicts of interest between J.T. Munson's relationship as the contracted surveyor for the Capitol Land Reservation and the business dealings of his brother's firm in the adjacent region. As a result of the trouble with the State and the TXGLO, the Gunter & Munson firm entered a period of financial distress due to the delay of several projected sales on land in question.⁵⁰ This trouble did not persist, although the TXGLO did delay some patents on their land for unknown reasons. Through correspondence, Gunter & Munson expressed displeasure with N.L. Norton, going as far as accusing him of slander.⁵¹ Norton remained as the superintendent of the Capitol Land Reservation survey as J.T. Munson set plans to return to the plains in May of 1880, but Norton remained leery of land practices throughout the Panhandle. Norton received letters from nervous settlers along the Canadian worried about being forced off free-range land they had settled. Oldham County settler Frank Sperling wrote to Norton about the land grab of Gunter and Munson noting that there was a land "slaughter" as more land was being subsumed by large firms. While this displeased Norton and others in the state, large ranching interests already assumed a powerful influence in the state and with its officials. Perhaps the most revealing aspect of the state's position during this period was that the state was actively cordoning off more than 3 million acres of land for a single entity in exchange for funds to construct the new State Capitol building.⁵²

Preparations to restart the survey began in February 1880. Norton and J.T. Munson began making arrangements with the State to obtain sufficient supplies to endure the remaining survey

⁴⁹ *Galveston Daily News*, January 7, 1880; Robert Montgomery Gano testimony in Old Miscellaneous File 27a, 1879-1880, #75651, General Map Collection, Texas General Land Office, Austin, Texas.

⁵⁰ G&M to Lee and Reynolds, January 3, 1880, Munson Letter Press, SWC/SCL, Lubbock, Texas.

⁵¹ G&M to Howard and McClure, January 5, 1880, Munson Letter Press, SWC/SCL, Lubbock, Texas.

⁵² Frank Sperling to N.L. Norton, February 11, 1880, TX000550, Box 2019/115-2 Folder 3, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

work. Munson dictated his needs to Norton who then forwarded the requests to Governor Roberts, which included the additional request for an escort of Texas Rangers. Since the first half of the survey concluded under perilous conditions, Norton and Munson felt that a company of Texas Rangers would not only increase the safety of the surveying parties but also increase the viability of a long-term trek on the dry plains specifically regarding their ability to scout for water. This request was granted by Governor Roberts. The escort remained with the surveyors until the end of their work.⁵³ Munson indicated that he would arrive at Tascosa and be ready to begin work on April 30, 1880, but Norton had not arrived.⁵⁴ With the additional planning and procurement of supplies necessary for extended work on the plains, Norton arrived well-prepared the day after Munson's parties began surveying on May 1 after a journey across Texas that lasted 34 days.⁵⁵ Munson employed two separate teams in 1879, and he likely did the same in 1880. One of these teams was led by compassman H.A. Wiley whose rough field notes discussed here comprise some of the most intricate and contemporary descriptions of the western Texas Panhandle from the latter decades of the 1800s. George W. Cooke and B.W. Dawson served as Wiley's chainmen for his work in the spring of 1880.⁵⁶

The rough field notes are technical in nature, but they offer a detailed view of the party's movements, route, and the land and water they encountered along the way. As was commonplace during that period, the surveyors did not run every line of each league's boundary on this excursion but rather charted a course that allowed J.T. Munson to construct his official surveys using these notes. Wiley's survey ran a series of seemingly random lines within the remaining

⁵³ N.L. Norton to Governor O.M. Roberts, February 16, 1880, TX000550, Box 2019/115-2 Folder 6, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁵⁴ J.T. Munson to Governor O.M. Roberts, March 5, 1880, TX000550, Box 2019/115-2 Folder 4, Records of the Capitol Building Commission Folder, TSLAC, Austin, Texas.

⁵⁵ N.L. Norton to Governor O.M. Roberts, May 2, 1880, TX000550, Box 2019/115-2 Folder 6, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁵⁶ Wiley. Field notes of work done by H.A. Wiley, 1.

public domain land constricted within the boundaries of the New Mexico state line to the west and private land no longer in the public domain to the north, south, and east.

Wiley's work commenced on May 1, 1880, by establishing his survey at an identified corner from which a connecting line was to be run to a corner in the Capitol Land Reservation. This point was the southeast corner of section number 43 of block B5 in Oldham County, a location established the year prior by John Summerfield for a Gunter & Munson claim along Cheyenne Creek. Over the next week, from May 1 through May 7, Wiley zigzagged his way westward across Oldham County to a point near Agua de Piedra Creek using trees, creeks, and rock monuments as points of reference. Although this distance could be covered in a straight line of less than 33 miles, the zigzag nature of the work required the party to run more than 70 miles of incongruent lines to describe the land adequately. It was important for the surveyors to connect their lines and their work to previously established surveys so that the work could be reconciled if necessary. For this first stage in particular, Wiley's decision to base his survey from the southeast corner of section 43 on May 1 may have triggered the 1885-1886 resurvey of work completed in Oldham County as many of the surveyed leagues were found to conflict with land in private hands.⁵⁷

This land between the Canadian River and the Staked Plains escarpment represented a well-watered area abundant with springs mostly issuing from the caprock or along tributaries of the Canadian River not claimed by Gunter & Munson. A division headquarters for the XIT Ranch would be established along Alamocitas Creek owing partly to the number of springs along its course.⁵⁸ Wiley's field notes mention crossing this creek and that it featured "living water" as they made their way to connect their survey line of May 3 with an already established corner near this creek. The use of the terms "living water" or "running water" in field notes often

⁵⁷ Ibid., 2.

⁵⁸ Anonymous, "Alamocitos Creek," *Handbook of Texas Online*, accessed July 31, 2024, <https://www.tshaonline.org/handbook/entries/alamocitos-creek>.

indicates that a stream, watercourse, or draw, is either flowing or that there are active springs somewhere along the course that are consistent and abundant. As Wiley and his team continued their survey, they crossed or approached several water features including lakes, playas, streams, and springs. Documenting the presence of water on the Capitol Land Reservation remained one of the major goals dictated to Commissioner Norton and Munson by Governor Roberts as watered land would make the land more lucrative to interested parties for the Capitol building project. When reporting water, Wiley's field notes would record the position of water as it laid along the survey lines they ran and the direction from which it issued. Lake basins and playas were recorded similarly, but Wiley made a great effort to describe features that did not necessarily cross the survey's path. Lake basins lying a distance away from the straight line-nature of Wiley's survey were given approximate dimensions and a distance away from the line.⁵⁹

After three days off the survey, Wiley resumed work on May 11. While the survey lines just prior tended to move from east to west, the next several segments would take the crew on a north-south trajectory as they surveyed the southern counties of the reserve including Deaf Smith, Parmer, and Bailey counties. Maps and sketches to document the route and work of the survey were intended to accompany Munson's final report to the Capitol Building Commissioners, but sketches from the 1879 portion of the survey are difficult to interpret since no rough field notes exist. Thankfully, Munson's 1880 teams created several maps that trace their work through the area, especially after May 11. Beginning at a corner on the eastern edge of Mijares Creek in southwestern Oldham County, work progressed southward toward the Staked Plains escarpment and Deaf Smith County. Using the New Mexico state line as their reference point, the beginning of this segment was calculated to be 15,000 varas east of the state line and 13,330 varas north of the Deaf Smith-Oldham County line. The vara was the traditional unit of

⁵⁹ Wiley, Field notes of work done by H.A. Wiley, 2-14.

measurement by Texas surveyors equalling roughly 33 and one-third inches.⁶⁰ Progressing southward, the first barrier the surveyors encountered was ascending the steep walls of the Staked Plains as they approached from the north. Wiley's notes record that the height of the escarpment was about 160 feet and rose at an angle of about 60 degrees compared to the land below. Aware that the plains above contained little timber and no reliable sources to make corner monuments, the team established two points of importance just below the escarpment by carving the letter "X" into two large cedar trees. This acted as a substitute for utilizing previously established corners on adjacent private land to base their surveys since few surveys existed in this area. The process of establishing league corners also changed as few stones could be located to construct corners. The teams began the practice of digging 4 pits to create a mound of dirt to signify a corner. Less permanent and more susceptible to the elements, creating a "mound and 4 pits" would suffice, even though some of the mounds would be difficult to locate during later surveys due to erosion. These mounds also served as markers to be used by Munson when he completed the official field notes for each league for submission to the Capitol Building Commissioners once work in the field terminated. These corners are marked on the 1880 Capitol Lands map by circles at the junction of Capitol League lines.⁶¹

Munson wrote to Governor Roberts on May 17 from Tascosa to provide him with a positive update. Despite the lack of water and grass, the survey was making adequate progress with the added assistance of a company of five Texas Rangers who were employed to scout for water. Munson informed the Governor that he left the survey work just before the ascension onto the plains to return to Denison for unknown reasons, but his correspondence indicated a renewed optimism for completing the survey on time. Munson also complimented Commissioner

⁶⁰ Anonymous, "Vara," *Handbook of Texas Online*, accessed July 31, 2024, <https://www.tshaonline.org/handbook/entries/vara>.

⁶¹ H.A. Wiley, Field notes of work done by H.A. Wiley, 14-18; A.B. Langermann and F.G. Blau, "Map of the Capitol Land Reservation," Map, #1751, General Map Collection, Texas General Land Office, Austin, Texas.

Norton and his service to the teams despite the recent conflict and allegations Norton made against his brother's firm. Munson would not return to the survey again.⁶²

From May 11 through May 21, Wiley and his crew surveyed vacant land in western Deaf Smith County. Whereas previously he used cedar and cottonwood trees, canyons, and rock monuments as identifiable reference points for locations below the Staked Plains, he began utilizing dry lake basins, prairie dog towns, faint trails, and intermittent streams to mark his work. Deaf Smith County contains a select few notable water features, including the headwaters of Tierra Blanca Creek, Palo Duro Creek, and the large lake basin with active springs known as Garcia Lake. It is unclear whether the streams were flowing in the spring of 1880, but the associated ravines and their scars on the plains provided the surveyors adequate landmarks for their work on the near-featureless plains. Wiley made three nearly parallel lines in Deaf Smith County that ran in a north-south direction crossing Palo Duro Creek each time. At the end of work on May 12 and after surveying lines of 6 leagues, the team camped at the eastern edge of Garcia Lake with Wiley noting the immenseness of the lake with the springs being two miles from their camp. Garcia Lake became a significant water source for ranching operations in Deaf Smith County, including the XIT Ranch.⁶³

Likely needing supplies and time to compile notes about their work, the team was not active from May 13 up to May 17. The crew's routine appeared to revolve around a period of two, three, or four days of work before taking several days off to resupply and compile notes about the survey's progress. Beginning at the previous point established at the eastern edge of Garcia Lake, the Wiley team commenced work again on May 17 moving east from the lake 10,000 varas by the end of the day. The work of the next four days through May 21 allowed

⁶² J.T. Munson to Governor O.M. Roberts, May 17, 1880, TX000550, Box 2019/115-2 Folder 4, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁶³ Anonymous, "Garcia Lake," *Handbook of Texas Online*, accessed July 31, 2024, <https://www.tshaonline.org/handbook/entries/garcia-lake>.

Wiley to survey land and construct corners in a north-south manner along the eastern edge of the Capitol Land Reservation in Deaf Smith County as his lines abutted against adjacent blocks of private land. At the end of the day on May 19, their line brought them back to the edge of the Staked Plains near their initial ascension point before immediately returning south the next day. The work of this period up to May 21 was uneventful in Wiley's notes other than the group stopping at Palo Duro Creek on May 20 to camp for the night, a welcome luxury considering the proximity to living water. They completed work in Deaf Smith County on May 21.⁶⁴

After another period of rest and resupply, the team commenced work in Parmer County on May 26. At a point just 76 varas, or 211 feet, north of the Deaf Smith-Parmer county line, Wiley constructed a corner consisting of a mound and four pits and began a southward trek. This point was notable due to its location on the upper Tierra Blanca Creek, which Wiley called "Scarvara Creek." This undoubtedly corresponded to what was known as "Las Escarbadass," a Spanish word meaning "the scrapings," due to the presence of shallow water that could easily be accessed by scraping or digging a short depth into the ground, a common feature along the many streambeds on the Staked Plains.⁶⁵ The XIT would later establish a division headquarters near this location further west a short distance from the New Mexico state line, perhaps the most isolated of the ranch's divisions. Few other references to this location exist before 1880, but it is known that the Texan Santa Fe Expedition did pass near Tierra Blanca Creek and Las Escarbadass with several journal entries of members of that expedition noting its name and characteristic scraped springs.⁶⁶ The crew surveyed 15,000 varas south into Parmer County on May 26 to a point just north of Frio Creek before taking a two-day hiatus from work until May 29.⁶⁷

⁶⁴ H.A. Wiley, Field notes of work done by H.A. Wiley, 18-21.

⁶⁵ Gunnar Brune, *Springs of Texas* (College Station: Texas A&M University Press, 1981), 158.

⁶⁶ Horace Bailey Carroll, "The Route of the Texan Santa Fe Expedition," (dissertation, Texas Tech University, 1935), 238-241.

⁶⁷ H.A. Wiley, Field notes of work done by H.A. Wiley, 23-24.

Resuming work from this point near Frio Creek, Wiley deviated east 5,000 varas to cross Frio Creek twice at different locations as it meandered across the Staked Plain before diverting southeast across one league before working directly south again. Much like other areas on the Staked Plains, the area traversed near Frio Creek featured many mid-sized playa lakes with Wiley noting at least ten such lakes in his rough field notes between May 29 and May 30. Other than a single lake nearest Frio Creek, the lakes encountered during this stretch were devoid of water. Moving south, the team encountered the upper reaches of Blanco Canyon or Catfish Creek noting its southeasterly path. May 30 represented the survey team's most successful single day of the entire project in total distance covered as they crossed 35,000 varas or just over 18 miles of land run on the mostly flat land of the Staked Plains.⁶⁸

With no existing landmarks to base their survey, the team continued building a series of mounds and four pits to mark league corners as they crossed Parmer County from north to south in just three days, having entered Bailey County at the end of the day on May 30. At this point, Wiley mentions the presence of living water 2.5 miles to the south-southeast, a location he called "Noche Triste" which translates from Spanish as "sad night."⁶⁹ While this name is not extant today, it likely corresponds to the large lake basins along modern Blackwater Draw near Muleshoe, Texas, labeled on late 19th century maps as "Wolf Lakes." An undated and unattributed map in the Texas General Land Office that closely corresponds to Wiley's movements in Parmer and Bailey County notes such a lake labeled as "Noche Triste Lake" with Wolf Lakes in parentheses.⁷⁰ During this period and up to the 1920s, the Blackwater Draw never ran dry as a source tributary of the Brazos River, the utmost headwaters of the North Fork Double Mountain Fork of that watercourse.⁷¹ The abundance of water along the Blackwater

⁶⁸ Ibid., 24-28.

⁶⁹ Ibid., 28.

⁷⁰ [Capitol Lands], Map, #91655, General Map Collection, Texas General Land Office, Austin, Texas.

⁷¹ Frances Gaddy Stegall, *Grassroots of Bailey County* (Bloomington: iUniverse, 2006), 1.

Draw attracted people for thousands of years prior, and it quickly became the source of water for massive agricultural projects beginning 20 to 30 years following this survey.⁷²

With work remaining in Parmer County near the New Mexico state line, the crew moved 10,000 varas west in Bailey County beginning on June 2 before moving north again over the next two days. Generally aware of nearby landmarks and water features, it is notable that Wiley did not record the location of the namesake feature of the Blackwater Draw as he moved west along the north edge of the draw before moving away from it on their trek north. This feature, recorded on 19th and early 20th century maps as “Agua Negra,” Spanish for “black water,” is missing from Wiley’s notes, but it is present on the aforementioned map that also noted “Noche Triste Lake.” Agua Negra was recorded on maps of Bailey County in 1880, 1884, 1891, and 1913 and corresponds today to the remnants of a large spring at a fork in the draw within Capitol League 628 in Bailey County.⁷³

Although unlabeled, the map of Wiley’s movements in Parmer and Bailey counties undoubtedly tracks Wiley’s movements as it matches the track of the team in unison with Wiley’s notes almost perfectly. This map even makes note of features south of the large belt of sandhills that spanned across the middle-north section of Bailey County. A contingent of Wiley’s team may have penetrated these sandhills to survey areas south as there is a trail that shows such a movement on this map. The Mackenzie Trail is documented along with two other lakes: Monument Lake and El Coyote Lake. For several years through the late 1870s, a large lake south of these sandhills in Bailey County was known as “Agua Negra” on military maps and even Charles Pressler’s paramount map of Texas from 1879.⁷⁴ This twin-lobed lake was even the site of a United States Army camp of Captain Philip Lee as he scoured the plains in search of a band

⁷² Brune, *Springs of Texas*, 57.

⁷³ H.A. Wiley, Field notes of work done by H.A. Wiley, 28-30.

⁷⁴ Charles Pressler. “Pocket Map of the State of Texas reduced from their original map of the State,” 1879, #76208, General Map Collection, Texas General Land Office, Austin, Texas.

of Comanche and Apache in April and May of 1877 following the skirmish between buffalo hunters and these bands at Yellowhouse Canyon.⁷⁵ Unmistakable in shape on these maps, it is notable that Wiley would attribute a feature north of the sandhills on his survey map as Agua Negra when what was previously known as Agua Negra existed south of these sandhills. Instead of using the name Agua Negra, Wiley's map labels the large lake south of the sandhills as "El Coyote Lake," a name it retains today. Indeed, ill-defined maps of Texas and New Mexico depicting the wagon route from Fort Sumner and Bosque Redondo to locations in Central Texas contained a location called "El Coyote," but it was nearly always shown south of the belt of sandhills.⁷⁶ With the reasoning not entirely evident, the Wiley survey crew likely transposed the Agua Negra name to the location north of the sandhills for which the Blackwater Draw eventually derived its name in the early 20th century while applying the El Coyote Lake name for the feature south of the sandhills. Previous names for the Blackwater Draw include Eagle Springs Draw, Thompson's Canyon, and Sod House Draw with each of those names being inspired by different sites along its path.⁷⁷

The work along the New Mexico state line would occupy the team's focus for four days as they made a second and third pass through Parmer County. On June 2 and 3, the team ran a north-south line roughly 15,000 varas from the state line. This line covered 45,000 varas of land near and along Catfish Creek as they crossed two tributaries of the creek. On June 4 and 5, the team ran a parallel north-south line 10,000 varas to the west of this line crossing the same tributaries of Catfish Creek at different locations denoting the route of the creek. On the night of June 4, the team camped at a playa lake that they encountered near the modern community of Farwell, Texas. While it is not entirely possible to pinpoint the location of this lake, it is likely

⁷⁵ Philip S. Lee to Assistant Adjutant General, USA, May 25, 1877, Record Group 77, Department of Texas, National Archives, Washington, D.C.

⁷⁶ G.W. & C.B. Colton & Co., "Richardson's New Map of the State of Texas prepared for the Texas Almanac," 1873, #96873, General Map Collection, Texas General Land Office, Austin, Texas.

⁷⁷ Brune, *Springs of Texas*, 58, 204, 284.

one of the two playa lakes that exist along the eastern boundary of Capitol League 549. On Saturday, June 5, they finished work in Parmer County and along the New Mexico border, crossing the Blackwater Draw and finishing that line in the extreme northwest corner of Bailey County.⁷⁸

Without taking time off, the Wiley crew began their final segment of work on Sunday, June 6, at a point in Bailey County northwest of Noche Triste Lake. From this location, they progressed in an easterly direction roughly following the course of the Blackwater Draw as it flowed east into Lamb County before it diverged from their path to flow south through the sandhills and toward Yellowhouse Canyon. It remained a main objective for Wiley to document and describe the quality and abundance of water in the Capitol Land Reservation, and it so happened that near and along the Blackwater Draw existed some of the most well-watered land in the region. Wiley moved east 5,000 varas from his previous corner and then diverted south 5,000 varas to cross the draw. Completing only 10,000 varas on this day, Wiley made specific efforts to note the location of two “living lakes” on the south line of his work that day. These lakes correspond to a chain of lakes near Muleshoe with one lying one mile west of the city and the other on the outskirts of the western city limits. They ceased work for the day near the southernmost of these lakes. The crew surveyed 5,000 varas east and then 5,000 varas north on the next day to rejoin the easterly line they intended to run north of the Blackwater Draw.⁷⁹

Aside from areas along and north of the Canadian River, this final stretch contained some of the best-described and documented land of Wiley’s survey. In addition to documenting lakes, creeks, and streams, Wiley also encountered two major roads on this segment, the first heading east towards the new settlements of Estacado and Mt. Blanco and the other being a branch of the Fort Sumner Road and Comanche Trail that descended the plains at Yellowhouse Canyon and a

⁷⁸ H.A. Wiley, Field notes of work done by H.A. Wiley, 28-33.

⁷⁹ Ibid., 33-34.

generational route connecting areas in Central Texas to Fort Sumner, the Pueblos in New Mexico and points beyond.⁸⁰ This trail, known even then as the Trail of Living Water owing to the abundance of springs and flowing water along its route, allowed groups to traverse the Staked Plains with consistent water throughout their trek.⁸¹ Wiley encountered eight lakes or lake basins during his work between June 7 and June 9, identifying three of them with the following names: Mustang Lake, Laguna Lomita, and Alamocho. Neither Wiley's notes nor his maps mention Spring Lake, which would go on to be one of the division headquarters of the XIT Ranch, even though the party's route brought them close to the eventual location of this headquarters.⁸²

On June 9, Wiley finished this east-west line of work, which totaled 60,000 varas of distance from its beginning in Bailey County, and he began the final segment of work that took him to the southeastern corner of Castro County. Wiley moved north 10,000 varas and then west 10,000 varas. These movements on June 9 and June 11 represent the last recorded entries in Wiley's field note book, and it is unclear if he continued to survey the remaining land in Castro County or if he moved south to survey the southern leagues in what became the Yellow House Division of the XIT Ranch in Hockley and Cochran counties.⁸³ With H.A. Wiley's involvement with the survey at its terminus, it is not known what happened to him following his work here, but he did make a brief appearance in Denison in mid-July of 1880 on his trip away from the Staked Plains.⁸⁴ J.T. Munson, who left the surveying crew in mid-May, notified Governor Roberts on July 20 that work on the survey concluded on July 3, and that his surveying crews arrived back in Denison on July 19. He accentuated the quality of the surveyed territory as being a "fine fertile body" that was "generally well-watered." He noted in this correspondence that his crews surveyed excess lands totaling 60 leagues to account for work that was rejected by N.L.

⁸⁰ Hank Smith to D.C. Giddings. "Post Route map across Llano Estacado," 1880, DeGolyer Library, Southern Methodist University.

⁸¹ Vivian H. Whitlock. *Cowboy Life on the Llano Estacado* (Norman: University of Oklahoma Press, 1970), 10.

⁸² H.A. Wiley, Field notes of work done by H.A. Wiley, 34-37.

⁸³ *Ibid.*, 37.

⁸⁴ *Denison Daily News*, July 21, 1880.

Norton the previous season. In relating this information to the Governor, Munson made a request for compensation for this extra work, a request that was summarily approved.⁸⁵

Over the next month, Munson compiled the notes and information from his surveyors into a book of official field notes that describe each league of the Capitol Land Reservation in meticulous detail. Each page of this book is dedicated to an individual league describing the boundaries of the survey, the corners of the survey, the county that the league is in, and the main watershed connected to the league. Each survey contained 4,428 acres of land, or one league unless specified otherwise. The leagues were established at a known monument or corner and then a list of directions or calls were listed to trace the league's general shape. Most surveyed leagues were constructed in plain squares, but a rather large number were constructed in irregular polygons, mainly leagues that abutted existing surveys not included in the Capitol Land Reservation or leagues along the Canadian River. An example of this irregular shape is Capitol League number 278 along Trujillo Creek in Oldham County which consisted of 28 different angular sides in creating a league totalling 4,428 acres. This method maximized the utilization of vacant public land adjacent to existing surveys and created an area that more resembled a gerrymandered political district than a body of surveyed land. Coincidentally, the aforementioned league number 278 was directly adjacent to Gunter & Munson land that controlled the waters of Trujillo Creek and that had been surveyed in 1878 and patented in 1879 just before the Capitol Land survey.⁸⁶

Completing these official field notes could be accomplished away from the Panhandle at Munson's office in Denison. He utilized the notes and maps created by his teams to construct the actual leagues while also using the constructed corners that the surveyors made to track their progress. Munson's reliance on Wiley's notes is readily apparent throughout the field note book.

⁸⁵ J.T. Munson to Roberts, July 20, 1880, TX000550, Box 2019/115-2 Folder 4, Records of the Capitol Building Commission, TSLAC, Austin, Texas.

⁸⁶ Munson, *Capitol Lands*, 299.

The official field notes for league number 359 in Deaf Smith County mention two trees in proximity to the pile of rocks made at the southeast corner of that particular league. Munson states, “Thence [east] 5,000 varas to pile of rocks in ravine from which cedar marked “x” bears N53W 64 varas and another cedar marked “x” bears S73°30’W 100 varas.” This reference is mentioned on page 15 of Wiley’s field note book, and on TXGLO map #91482 titled “Capitol Lands in Oldham and Deaf Smith counties” showing the work of the survey party in Deaf Smith County.⁸⁷

Munson completed his field notes for 738 leagues of land on August 11, 1880. While a number of these leagues were eventually abandoned for reasons such as land conflicting with other patented surveys, land quality issues that made certain leagues less desirable, or land surveyed in excess, Munson completed his work on time and submitted his book of field notes to the TXGLO under oath as required by law on September 11, 1880.⁸⁸ The TXGLO’s responsibility was to examine and confirm that the lands surveyed fell within the bounds of the available public domain and not in conflict with adjacent land. Along with Munson’s official field notes, Commissioner N.L. Norton submitted his evaluation of the lands surveyed, as well. Norton described the swath of land as extending more than 197 miles from the northwest corner of the Panhandle with an average width of more than 20 miles. He briefly discusses the abandoned leagues and an anomaly in Munson’s work that led to league number 646 in Lamb County being entirely omitted from his maps and field notes. This omission did not inflict any problems with the reservation, but its absence is still noted today on maps and surveys of Lamb County.⁸⁹ Norton constructed a tabulated manifest for the Capitol Building Commissioners to detail each league’s dominant features including the character of soil, the topography of the land,

⁸⁷ Ibid., 380; H.A. Wiley, “Field notes of work done by H. A. Wiley,” 15; [Capitol Lands in Oldham and Deaf Smith Counties], [1880], #91482, General Map Collection, Texas General Land Office, Austin, Texas.

⁸⁸ Munson, *Capitol Lands*, 759; *Report of the Capitol Building Commissioners to the Governor of Texas* (Austin: E.W. Swindells, 1883), 8.

⁸⁹ Ibid., 60.

permanent and non-permanent water, and for what purpose or adaptation the land was best suited. He also included general remarks about some groups of leagues denoting characteristics such as the types of grass present or describing drainage patterns of the land. Norton submitted this manifest to the Board of Capitol Building Commissioners on November 15, 1880. One day later, the board accepted Munson's and Norton's work.⁹⁰

The survey was not without its errors or faults. The Capitol Building Commissioners solicited building plans for the new Capitol between November 20, 1880, and February 1, 1881, with submissions open just four days after approving the survey work of Munson. The building plans of Elijah E. Myers were chosen on May 17, 1881, and bids for construction of the Capitol were open from July 1, 1881, through January 1, 1882.⁹¹ Two bids were received with the bid of Mattheas Schnell of Illinois being approved and contracted on January 18, 1882.⁹² Through various transfers of responsibility, Schnell abdicated his duties and the contract to Abner Taylor, Amos Charles (A.C.) Babcock, John V. Farwell, and Charles B. Farwell of Chicago, with Taylor eventually assuming the main responsibility for the contract with the remaining individuals acting as sureties on the contract.⁹³ Likely desiring an extensive evaluation of the land, Babcock traveled to Texas to evaluate the Capitol Land Reservation to ascertain its true value and to ensure the acreage existed as advertised with as few discrepancies and major errors as possible even though some errors were already known to exist. As part of his contractual obligations, Munson returned to the Capitol Building Commissioners a list of corrections to his work. Two separate correction documents were submitted by Munson on November 12, 1880, and December 3, 1880. These corrections chiefly pertained to missing language referencing established corners of certain leagues, or corrections to inaccurately recorded measurements of

⁹⁰ Ibid., 8.

⁹¹ Ibid., 20-21.

⁹² Ibid., 31.

⁹³ Ibid., 176-186.

league boundaries that could be corrected by simply amending the field notes to reflect the proper dimensions.⁹⁴

As closer evaluation of the land occurred, further errors became more evident. The largest of these errors resulted from the problematic placement of the northwest corner of the Texas Panhandle at the junction of the 103rd meridian and the 36°30' parallel. During the 1859 survey that dictated the boundary between the state of Texas and the territories of New Mexico and Indian Territory, United States surveyor John H. Clark unilaterally and without the assistance of a Texas surveyor or representative established the northwest corner of Texas in the Panhandle at a point that laid more than two miles west of the true 103rd meridian, the official boundary set by law. Clark's error was not recognized until the spring of 1882 when William Spark (W.S.) Mabry, the newly installed surveyor of the Oldham Land District, was tasked with accompanying Colonel A.C. Babcock across the Capitol Land Reservation. Babcock acted as a representative for the Taylor, Babcock, and Company firm of Illinois to evaluate the land across its extent to ensure that it laid as described by Munson and Norton in their 1880 report to the Capitol Building Commissioners. Babcock, along with Abner Taylor, John V. Farwell, and Charles B. Farwell, had recently been awarded the contract for building the new Capitol and provided bond for the contract in February 1882.⁹⁵

W.S. Mabry and A.C. Babcock departed Tascosa on March 23, 1882. They made their way north to Buffalo Springs in Dallam County before initiating their search for the northwest corner of the Texas Panhandle, which also served as the launching point for Munson's survey in 1879.⁹⁶ Heading almost due west from Buffalo Springs, Mabry encountered a "nicely dressed" sandstone monument that was labeled as being constructed in 1881 with markings on each side suggesting that this was the junction of the 103rd meridian and northern line of the Texas

⁹⁴ Munson, *Capitol Lands*, 3-9.

⁹⁵ *Report of the Capitol Building Commissioners to the Governor of Texas*, 179.

⁹⁶ Mabry, *Some Memories of W.S. Mabry*, 5.

Panhandle at latitude 36°30'. Believing that this location could not be Munson's origination point, he proceeded roughly 2 miles further west before locating the 1859 Clark monument that Munson used to base his survey. It was evident that Munson used the 1859 monument because Mabry was easily able to identify Munson's league corner markers when using this marker as a reference; the same was true when searching for Munson's corners utilizing the latter 1881 monument. Mabry declined to choose which location was the true northwest corner of Texas, but he did write letters to Governor Roberts and C.B. Farwell to explain the quandary he realized.⁹⁷ This 1881 marker was constructed by United States surveyors Richard O. Chaney and William W. Smith during their time sectioning land in the Oklahoma Panhandle in October and November of that year, scarcely 18 months after Munson completed his survey of the Capitol Land Reservation. Although the 1859 Clark monument was legally the official northwest corner of Texas, its incorrect placement and Munson's adherence to its location for originating his surveys gained the State of Texas a swath of land west of the 103rd meridian totaling more than 600,000 acres as this location was upheld as the true boundary in later inquiries.⁹⁸

As land began to be transferred to the newly formed Capitol Syndicate, the necessity to construct fence lines along its boundaries became clear. Mabry, once again tasked with surveying the boundaries of the Capitol Land Reservation, related to the Taylor, Babcock, and Company in January 1885 his concerns regarding the possibility that leagues abutting the 103rd meridian may still spill into New Mexico. Believing Texas still had a legitimate claim to this land falling beyond the 103rd, Mabry recommended that no XIT fence lines be constructed any further west than Clark's 103rd meridian due to the "unsettled question" of the true location of the 103rd.⁹⁹ To construct the XIT fence lines, Mabry used Clark's northwest corner of Texas in conjunction with

⁹⁷ Ibid., 8-10.

⁹⁸ Ralph H. Brock, "Perhaps the Most Incorrect of Any Land Line in the United States": Establishing the Texas-New Mexico Boundary along the 103rd Meridian." *Southwestern Historical Quarterly* 109, no.4 (April 2006), 461.

⁹⁹ W.S. Mabry to Taylor, Babcock and Co., January 16, 1885 in Dallam County Sketch File 1, #11277, General Map Collection, Texas General Land Office, Austin, Texas.

Clark's other monuments constructed along his 103rd meridian to form the western edge of the XIT lands. Mabry located twelve of Clark's boundary monuments between modern Dallam and Bailey counties, some of which he used to base the construction of his fence lines. During this work in late 1884, Mabry discovered that Munson miscalculated surveys on the western tier of leagues that sat on the 103rd meridian, finding each of these leagues still crossed Clark's boundary between Texas and New Mexico. Mabry conducted a resurvey of these leagues and found that this error resulted in 16,959 acres of land overlapping into New Mexico. He submitted this report to the TXGLO in December 1886 with a tabulation of how many acres of each league spilled into New Mexico. The overlap was least egregious in the northern leagues, but the overlap became more severe the farther south the leagues spanned. Capitol League number 1 in northwest Dallam County had the least overlap, only losing 18 acres of land, while league number 594 in Bailey County lacked 723 acres out of 5,000 acres in the league.¹⁰⁰

In a January 16, 1885, report to the TXGLO, Mabry commented about another error that affected leagues in Oldham County regarding Wiley's early work in 1880.¹⁰¹ He relates this later in a December 1886 report as the "erroneous position of the northeast corner of league 304." This corner is notable because it was the initial starting point for H.A. Wiley's work which was recorded in his raw field note book of the spring 1880 portion of the Capitol Land Reservation survey. The origin of the error is unclear, but it likely arises from Wiley or Munson being given incorrect instructions regarding where the survey should connect to previously surveyed land. The first entry in Wiley's raw field note book notes that the survey's connection line was to the *southeast* corner of section number 43 of Block No. B5 being 3,330 varas in a northeasterly direction from the aforementioned northeast corner of league 304. This is in contrast to Mabry's correction in 1886 that connects the northeast corner of league 304 to the *northeast* corner of

¹⁰⁰ Oldham County Sketch File 10, #33243, General Map Collection, Texas General Land Office, Austin, Texas.

¹⁰¹ Oldham County Sketch File 7, #33236, General Map Collection, Texas General Land Office, Austin, Texas.

section 43 of the same block, an error that measured one mile in distance between the corners of section 43. Since there is no written evidence of Norton, Wiley, or Munson's orders from the Capitol Building Commissioners regarding which corner to initiate their work in Oldham County south of the Canadian River, we can only presume that their use of the southeast corner of section 43 was erroneous. To correct this, Mabry began working to identify and reconstruct leagues affected by this error and to locate additional acreage to cover the land that mistakenly fell into New Mexico. He spent a portion of the latter months of 1886 meticulously measuring and amending leagues in Oldham County based on a February 20, 1885, recommendation from the State Land Board to resurvey these leagues to determine the amount of land in conflict. Mabry also created additional leagues to make up the difference so that the Capitol Land Reservation contained the number of acres required by law.¹⁰²

An additional error was found in December 1886 relating to Munson's connection line between leagues in Lamb County. Since there was a belt of sandhills spanning across Lamb County that was deemed unusable for the Capitol Land Reservation, Munson and his survey parties skipped a swath of land more than 7 miles wide for higher quality land further south in Lamb County and continuing into Hockley County. This area is wholly separate from the main tier of Capitol Land Reservation leagues in the northern counties, and Munson and his surveyors established a connection between the two areas to identify the land more easily. In Munson's official field notes submitted to the TXGLO, he made specific reference to the connection as being between the northeast corner of Capitol League 633 and a point 18,330 varas north and 1,180 varas west from the northeast corner of Capitol League 618. Upon examination from representatives at the TXGLO, it was found that Munson erred in calling for league 618 when he should have noted league 617.¹⁰³

¹⁰² W.S. Mabry to W.C. Walsh, [1886], in Oldham County Sketch File 10, #33243, General Map Collection, Texas General Land Office, Austin, Texas.

¹⁰³ Munson, *Capitol Lands*, 654.

While this error appears insignificant, the correction of this error resulted in a compression of land further west in Bailey County that affected surveys that were completed in 1882 shortly after Munson completed his work and before this error was corrected on maps. The earliest complete map of Bailey County from 1884 shows its eastern boundary as falling in the middle of Capitol leagues 583, 604, and 621 and extending south to its terminus at the northeast corner of Cochran County. Later maps place this eastern boundary of Bailey County one league further west in the middle of Capitol Leagues 584, 603, and 622. This compression notably affected a block of land in western Bailey County patented to Melvin, Blum, and Blum, a real estate agency in Galveston, and rendered a large number of their sections as being across the state line in New Mexico. As was common practice to use previously established corners, the surveyor for the Melvin, Blum, and Blum land initiated his survey at the southwest corner of Capitol League 628. Although the locations of the Capitol league corners did not change when Munson corrected his aforementioned connection error, it did compress the area of Bailey County by one league as the numbering was shifted eastward, which led to more than 92 sections of Melvin, Blum, and Blum land being mistakenly surveyed in New Mexico.¹⁰⁴

Such errors may have played a role in the preservation of Wiley's field notes. The State of Texas sued a group of landowners and trustees of the extant XIT lands, including George Findlay, Francis C. Farwell, and Hobart C. Chatfield-Taylor, in the 1920s to recover nearly 60,000 acres of land awarded in excess to the Capitol building contractors in the 1880s. In *Findlay v. State of Texas* in 1921 and a subsequent appeal in 1923, courts ruled that the landowners were not entitled to land surveyed in excess by Munson despite tending the land for nearly four decades. As the 59,281 acre excess acres was found to occur in numerous surveys across the former reservation, it was ruled that the State was to recover land from the last remaining large tract of land held by the trustees of the former XIT Ranch and not from the

¹⁰⁴ Bailey County Sketch File 1, 1882, #10880, General Map Collection, Texas General Land Office, Austin, Texas.

subsequent landowners whose property contained specific excesses. Wiley's field notes were admitted as evidence to support the State's case and were preserved in the Supreme Court of Texas files housed at the Texas State Library and Archives Commission.¹⁰⁵

The impact of the survey of the Capitol Land Reservation still resonates today. The league boundaries are still used to indicate land divisions in the region with each league in the survey still bearing the numbering that Munson assigned. Several geographical features along the survey route were named in honor of members of the crews, but most have been forgotten. Crew members Plunkett and Wayland each had playa lakes in Deaf Smith County named in their honor, although the names have not been on official maps of the county in almost a century. Likewise, Turnbo Spring in Bailey County was named for a member of the military escort that accompanied the surveyors, L.S. Turnbo, but this name has become extinct and is no longer in use since the spring no longer issues. Other remnants of the Munson survey exist, but physical markers of the survey are rare or nonexistent. The corner monuments that the teams constructed along their route have either been covered up, destroyed, or are unrecognizable, although some rock monuments may still exist in remote areas of the survey.¹⁰⁶

Notably, Munson is remembered most for this work of surveying the reservation, while others on the crew are forgotten. Munson was largely absent from the bulk of the survey, having retreated to Denison allowing Wiley and others to complete the work in his place. There was no statutory responsibility for Munson to be present during the work; he was merely the contractor and supervisor. He was ultimately responsible for the final product, but the men on his crews bear most of the responsibility for the work completed. The names of these men are mostly unremembered, with many of them never surfacing in history again. There is no manifest

¹⁰⁵ Findlay v. State of Texas, 1921, 238 S.W. 956 (Tex. Civ. App. 1922); Findlay v. State of Texas, 1923, 113 Tex. 30 (Tex. 1923), 250 S.W. 651.

¹⁰⁶ Wallis, T.O., "Stake, earth mound, and four pits," (unpublished manuscript), Haley Memorial Library and J. Evetts Haley History Center, Midland, Texas.

detailing all the members of Munson's crew, but a 1925 *Frontier Times* article names members of Wiley's crew as being: H.A. Wiley, Mack Park, T.O. Plunkett, Harry Robinson, and an unnamed cook and a flag man. The article also mentions Munson's second crew as being led by a man identified as Mr. Wayland, but no members of his crew are listed.¹⁰⁷ A newspaper article from July 1880 offers clues about one of the unnamed men of Wiley's team, noting that George Cook also participated in the survey, while Wiley's field note book identifies B.W. Dawson as operating as a chainman.¹⁰⁸ Despite being the most prominent name associated with the survey other than J.T. Munson, Wiley disappeared from history as quickly as he surfaced to work on the survey. There is no tangible genealogical or historical resource to connect to his life story. The main issue is that each appearance of his name only mentions his initials, "H.A." No documentation or resource used here mentions anything else. J.T. Munson receives accolades and credit for completing the survey of the Capitol Land Reservation, but his crews on the ground made the greatest effort to describe the vacant land that eventually became the XIT Ranch.

¹⁰⁷ [James L. McElroy as told to the Austin American-Statesman], "Surveyed State Capitol Lands," *Frontier Times* 2, no.11. August 1925, 14.

¹⁰⁸ *Galveston Daily News*, July 24, 1880.