

780

BENSON, P. N.

QUITCLAIM DEED

JUAN DE HERRERA LATERAL

0028-00 ~~25~~-0004-00

RIO GRANDE

1918

10-(4) Texas

THE STATE OF TEXAS, }  
COUNTY OF ~~EL PASO~~  
San Diego.

Know all Men by these Presents:

THAT I, P. N. Benson

of the County of San Diego, State of California, for and in consideration of the sum of One and 0/100 (\$1.00) DOLLARS,

to me in hand paid by the United States of America, pursuant to the Act of Congress of June 17, 1902 (32 Stat. 388),

~~XXXXXX~~, the receipt whereof is hereby acknowledged, do by these presents Bargain, Sell, Release and Forever Quit-Claim unto the said

The United States of America and its

~~XXXXXX~~ assigns all my right, title and interest in and unto that tract or parcel of land lying in the County of El Paso, and State of Texas, described as follows, to-wit:

A tract of land situated in the W $\frac{1}{2}$  of NW $\frac{1}{4}$  sec. 26 and NE $\frac{1}{4}$  of NE $\frac{1}{4}$  sec. 27, T. 31 S., R. 6 E., United States Reclamation Service survey, being also in the Ysleta Grant and being included in a strip of land 60 feet wide lying 30 feet on each side of a center line described as follows: Beginning at station 153 plus 34.6 of said center line, which is a point on the property line between the Grantor herein and A. Dominguez, from which point the northwest corner of said sec. 26 lies north 432.1 feet and east 233 feet, said property line bearing south 23°50' west and north 23°50' east 12.4 feet, to a concrete post; thence north 38°50' east 29 feet to a concrete post on the property line between O. N. Knater and Pedro Al Villar; thence with said center line south 37°29' east 383.6 feet to the east line of said sec. 27, from which the northeast corner of sec. 27 bears north 0°01' east 736.5 feet; thence south 37°29' east 114.5 feet to station 158 plus 32.7; thence to the left along the arc of a curve tangent to the last course and having a radius of 1146.3 feet, a distance of 440.7 feet; thence south 59°31' east 574.3 feet; thence to the left along the arc of a curve tangent to the last course and having a radius of 410.3 feet, a distance of 103.8 feet; thence south 74°05' east 237 feet to station 171 plus 88.5 of said center line, which is a point on the west boundary line of the county road, said boundary line bearing south 11°57' west and north 8°31' east and from which point the northwest corner of said section 26 lies north 1515.1 feet and west 1215.8 feet; said tract of land herein described containing 2.3 acres, more or less, of which 1.01 acres is occupied by the Pena Community Ditch and is the property of the United States, and the remainder, or 1.29 acres, being outside of the old ditch lines and being the land which is herein conveyed;

TO HAVE AND TO HOLD all my right, title, interest, estate and claim in and to the said premises, together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging, unto the said The United States of America and its

~~XXXXXX~~ and assigns forever.

WITNESS my hand this the 30th day of September, A. D. 1918

P N BENSON

Witnesses at Request of Grantor

QUIT-CLAIM DEED  
SINGLE AND WIFE'S SEPARATE  
ACKNOWLEDGMENTS

to

Filed for record, this

day of

191, at

o'clock and minutes M.

Clerk.

By

Deputy.

Ellis—El Paso

California,  
THE STATE OF ~~TEXAS~~ }

COUNTY OF ~~EL PASO~~  
San Diego.

Before me, San Diego, California, Edgar O Hodge, Notary Public

~~El Paso~~ County, ~~Texas~~ on this day personally appeared P N Benson in and for

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of September, A. D. 1918

(SEAL)

EDGAR O HODGE  
Notary Public in and for the  
County of San Diego, State of  
California.

THE STATE OF TEXAS, }

COUNTY OF EL PASO,

Before me, El Paso County, Texas on this day personally appeared in and for

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this day of A. D. 19

THE STATE OF TEXAS, }

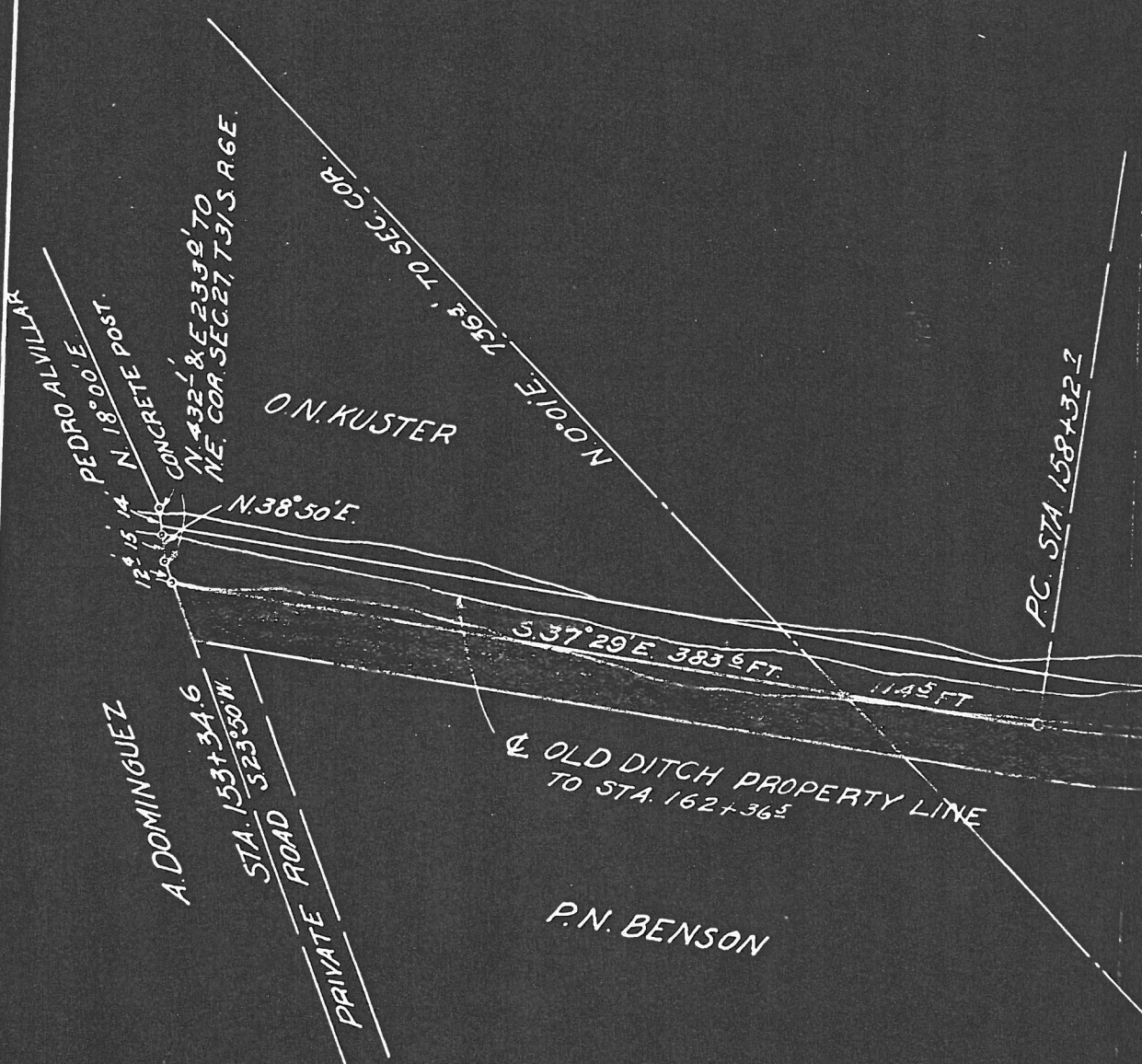
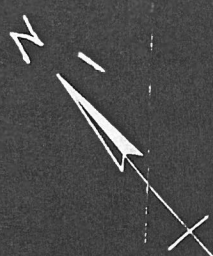
COUNTY OF EL PASO,

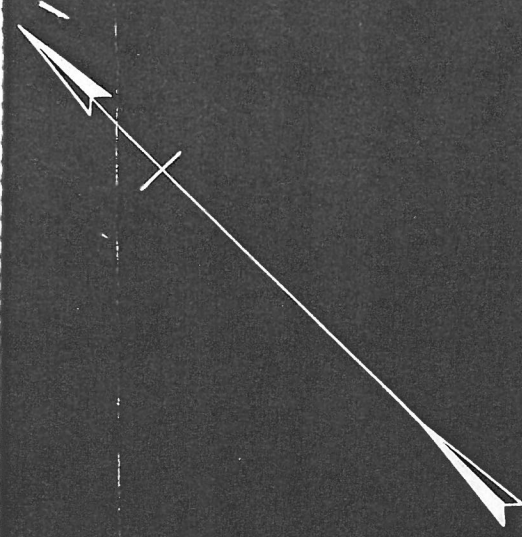
I, Clerk of the County

Court of said County, do hereby certify that the above instrument of writing, dated on the day of, A. D. 19 with its certificate of authentication, was filed for record in my office this day of, A. D. 19, at o'clock M. and duly recorded the day of, A. D. 19, at o'clock M. in the records of said County, in Volume 327 on Pages 7

Witness my hand and the seal of the County Court of said County, at office El Paso Texas, the day and year last above written.

Clerk County Court, El Paso County, Texas.  
By, Deputy.





P.C. STA. 158+32.2

RAD. 1146.3

MRS. N. BOOTH

STA. 162+36.5  
N 87° 35' E  
P.T. STA. 162+73.4

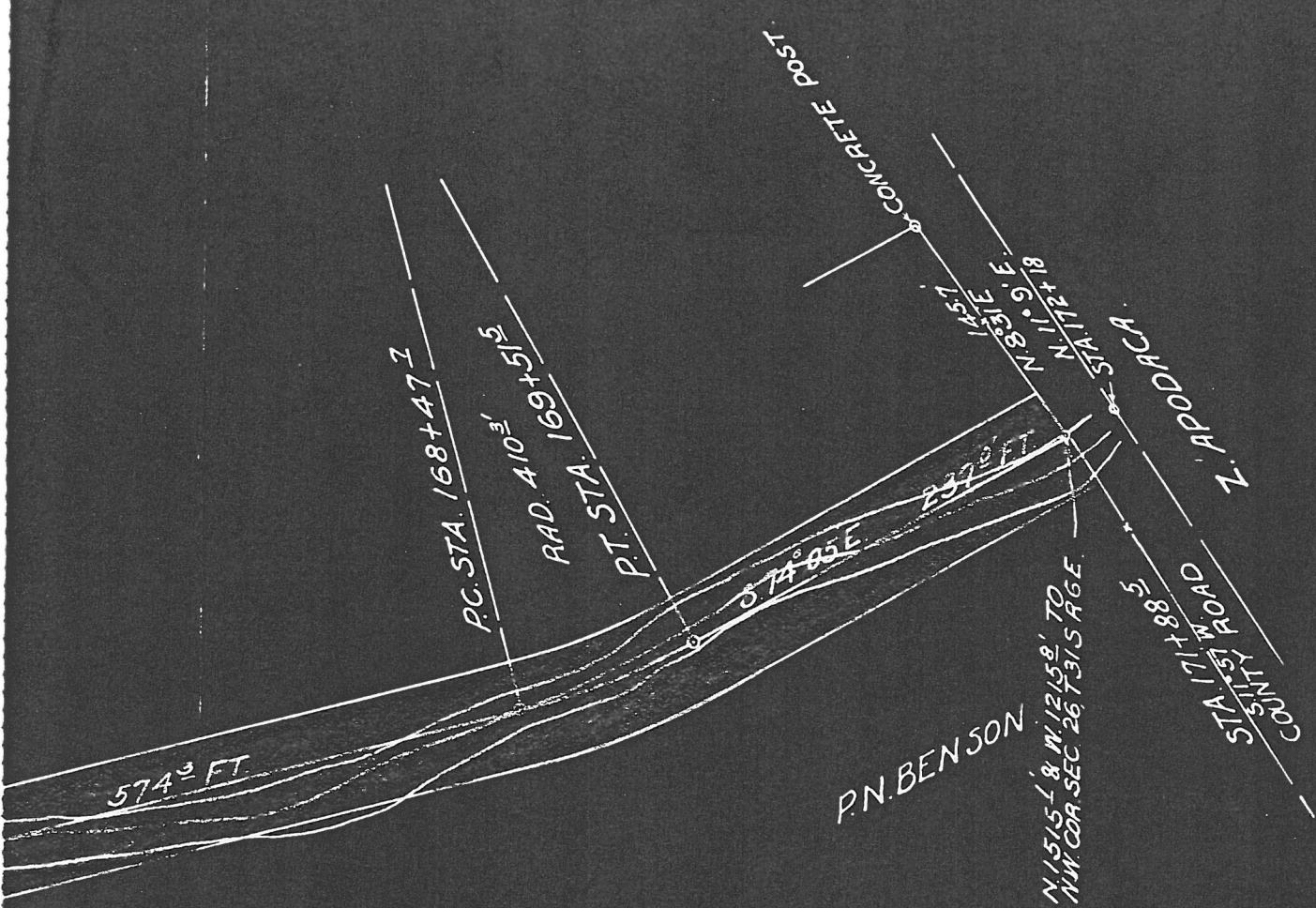
P.N. BENSON

S 59° 31' E

574.3

NEW RIGHT OF WAY  
OLD RIGHT OF WAY

RIGHT OF WAY  
THROUGH  
P.N.  
1.29 A. NEW, 1.0  
IN THE W. 1/2 N. W. 1/4 SEC. 2



RIGHT OF WAY  
 THROUGH PROPERTY OF  
 P.N. BENSON  
 2.30 A. NEW, 1.01 A. OLD TOTAL 2.30 A.  
 N.W. 1/4 SEC. 26 & N.E. 1/4 NE 1/4 SEC. 27 T.31S R.6E.

SCALE 1" = 100'

DEPARTMENT OF THE INTERIOR UNITED STATES RECLAMATION SERVICE RIO GRANDE PROJ. N.M.-TEX. JUAN D'HERRERA LATERAL RIGHT OF WAY	
Drawn A.O.D. Recommended	Checked Approved
897 L 61	EL PASO, TEX. 12-1-17

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

El Paso, Texas, October 26, 1918

Project Manager to the Director and Chief Engineer ~~through the Chief of Construction~~

Subject: Forwarding ~~contracts for approval~~ **Donation deed for acceptance.**

The contract described below is forwarded herewith. **Deed Agreement** dated **September 30, 1918** **Rio Grande Project.**

Executed by **P. H. Benson**

~~xxxx~~ To United States of America.

Estimated amount involved, \$ 0

(See Reverse, Par. 3.)  
Authority 5-6-2.

Purpose of agreement:

**Donation of right of way for Juan A' Herrera canal system.**

Inclosures listed on reverse. (See Par. 5.)

Advise Chief of Construction, Denver, Colo., and Project Manager  
at **El Paso, Texas,** and **District Counsel**

at **El Paso, Texas,**  
Incls. **Original deed.**  
**Certificate as to title.**  
**1 blueprint.**

of the approval of the above.

**L. M. LARSON**

(Signature.)

Denver, Colo., , 19

It is recommended that the above-described contract be approved

Inclosures:

- ..... copies of contract.
- ..... copies of form letters of transmittal.

Chief of Construction.

Washington, D. C., **NOV 29 1918**

Contract (and bond, if any), was approved by

on

**A. P. Davis,**  
**Director & Chief Engineer.**  
**NOV 18 88382**

El Paso, Texas, October 26, 1918.

From Assistant District Counsel

To Chief Counsel, Washington.

Subject: Donation deed dated September 30, 1918, running from P. N. Benson (following former deed dated Dec. 26, 1917) - Rio Grande project.

1. Reference is had to letter of August 15, 1918, from Acting Chief Counsel to District Counsel, El Paso, and former correspondence.

2. This office has finally secured execution of another quitclaim deed, which is transmitted herewith. The correction noted in letter of May 9, 1918, from Acting Chief Counsel is embodied in the new deed.

3. Certificate as to title is attached, which includes special reference to taxes. This office has not been able to get any information from the grantor as to the name of the party against whom this land is taxed. Even if we found some taxes unpaid, it would hardly be possible to secure action by the grantor upon the payment. The tract of land conveyed to the United States, 1.29 acres, is but a small portion of Benson's entire holding, and it will likely appear to the Washington office that acceptance of the conveyance in its present condition is the most economical handling of this matter.

C F HARVEY

incls. as noted on form  
letter of transmittal.



CH

El Paso, Texas, October 4, 1918.

County Clerk for El Paso County,

El Paso, Texas.

Dear Sir:

Transmitted herewith for official record is quitclaim deed dated September 30, 1918, running from P. N. Benson to the United States.

Very truly yours,

C F HARVEY

Assistant District Counsel.

incl.

Juan d' Herrera

El Paso, Texas, September 27, 1918.

Mr. P. E. Benson,  
1064 Third Street,  
San Diego, Cal.

Dear Sir:

Referring to our letter of August 7, inclosing quit-claim for your signature and return to this office, you are advised that to date no answer has been received.

You are requested to kindly attend to this matter without further delay, and thus facilitate the necessary Government business.

Very truly yours,

C F HARVEY

Assistant District Counsel.

August 15, 1918.

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

WASHINGTON, D. C.

From Acting Chief Counsel

To District Counsel, El Paso, Texas

Subject: Donation deed dated Dec. 26, 1917, from P. N. Benson  
to land for right of way purposes - Rio Grande project.

1. The Assistant District Counsel's letter of August 7, 1918, on the above subject, received.

2. It is noted that another deed will be drawn and submitted to P. N. Benson for his signature, also that he will make another attempt to secure information concerning the showing of the tax records, and in whose name the land in question is assessed.

*Arthur Hamel*

Copy to C. of C.

D.C. in Chg., Denver.

CERTIFICATE.

I HEREBY CERTIFY, With reference to the following described land:

A tract of land in the  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  sec. 26 and  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  sec. 27, T. 31 S., R. 6 E., United States Reclamation Service survey, Ysleta Grant, El Paso County, Texas, more particularly described in quitclaim deed dated September 30, 1918, running from P. N. Benson to the United States of America:

That the above described land is part of three tracts conveyed to P. N. Benson by A. I. Mortson by deed dated August 28, 1903 (Book 65 of deeds, p. 563), said deed of August 28, 1903, also conveying a fourth tract of land which was subsequently conveyed by P. N. Benson to W. J. Spchr; that the records of El Paso County do not contain any instrument running from P. N. Benson conveying or otherwise disposing of the three tracts of land first above mentioned; that no real property is assessed in the name of P. N. Benson, except some El Paso City property; that there are no unsatisfied mortgages existing against said land; that the land is not homestead property; that the land is not occupied adversely to the reputed owner, the land at present, however, being cultivated by a Mexican who acknowledges his occupation to be with the consent of P. N. Benson, with ownership in the latter.

C F HARVEY

Assistant District Counsel.

El Paso, Texas,  
August 7, 1918.

El Paso, Texas, August 7, 1918.

From Assistant District Counsel

To Chief Counsel, Washington.

Subject: Donation deed dated December 26, 1917, from P. N. Benson to land for right of way purposes - Rio Grande project.

1. Receipt is acknowledged of letter of August 3 from Acting Chief Counsel, calling attention to letter of May 9, 1918, in reference to above described deed.

2. The writer found this deed in this office, executed by P. N. Benson, described as a feme sole, and the acknowledgment taken as "she" having executed same. There was also some pencil memoranda in the file in regard to title and tax records and indicating that Mrs. P. N. Benson was the person who executed the deed and that P. N. Benson, her husband, was deceased. Correspondence with the wife brings forth the information that "Peter N. Benson, my husband, signed that deed in person," and a later letter, dated May 23, 1918, signed by P. N. Benson in the same handwriting as that on the deed states that "I in person appeared before Mr. Edgar O. Hodge, a notary public, etc., who took the acknowledgment." I have been endeavoring to learn in whose name this property is taxed, but so far have been unable to do so. The parties to the deed are apparently not very satisfactory correspondents, and the certificate as to title will be altered to fit the facts as they now appear. Also, the words "a feme sole" written into the deed after the name of the grantor, are in a strange handwriting which I have been unable to identify, and the letter "s" before the printed letters "he" in the printed form of acknowledgment, is in a handwriting not the notary's, different from the words "a feme sole" but the same as the other words in the deed which are written in and describing the grantor as "her" where appropriate. The parties who "drew" this instrument evidently used their imagination more than their knowledge of the facts. The property is not, however, community property.

3. I believe the above answers the questions asked in paragraph 4 of letter from Acting Chief Counsel of May 9.

4. Another deed will be drawn and again submitted to Mr. Benson for his signature, together with another attempt to elicit some information as to the tax records. This deed, if we are successful in securing its execution, will be recorded and in due time forwarded for acceptance.

5. The correction in the land description stated in the letter of May 9 is noted and will be embodied in the new deed.

C F HARVEY

Copy to Chief of Construction,  
Denver.

El Paso, Texas, August 7, 1918.

Mr. P. H. Benson,  
1064 Third Street,  
San Diego, Cal.

Dear Sir:

Referring to our correspondence of last May in reference to the quitclaim deed which you executed, you are respectfully advised that it does not appear to be possible to put that deed in such shape that it will operate as a satisfactory grant to the Government. The reason for this is the manner in which the deed was drawn and acknowledged, as explained in our letter of May 17. An error is also found in the land description. All of this we very much regret, and we have drawn another deed which is inclosed herewith for your signature and due acknowledgment and return to this office. If you object to paying for this further acknowledgment, kindly have the notary public forward his bill to this office and we will pay it. The land described in the inclosed deed is identical with that in the former deed.

Trusting you will appreciate our position in this matter, and thanking you for past favors,

Very truly yours,

C F HARVEY

Assistant District Counsel.

incl.

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

August 3, 1918.

**From** Acting Chief Counsel

**To** District Counsel P. W. Dent, El Paso, Tex.

**Subject:** Donation deed dated December 26, 1917, from P. N. Benson to land for right of way purposes - Rio Grande Project.

1. Reference is made to office letter of May 9, 1918, returning the above mentioned deed. Please advise the present status of this matter.

*Ottoman Hamuli*

Copy to C. of C.  
P. M., El Paso, Tex.



El Paso, Texas. May 17, 1918.

Mrs. P. N. Benson,  
1064 Third Street,  
San Diego, Cal.

Dear Madam:

This office is in receipt of your letter of May 15, 1918, saying that your husband, and not yourself, signed the deed inquired about. The person who handled this matter in this office is no longer here, and consequently we are somewhat at a loss to know the circumstances of the grantor. The deed as it now stands, reads, "P. N. Benson, a feme sole . . . assigns all her right, title, etc. . . to have and to hold all her right, title, etc. . . . unto the said United States of America, its successors," etc. Mr. Edgar O. Hodge, the San Diego County notary public who took the acknowledgment took the same as "the person described in, and whose name is subscribed to the within instrument, and acknowledged to me that she executed the same." In the light of all this information we labored under the impression that a woman executed the instrument, but now find we were very much mistaken, and wish to ask your pardon for our lack proper information in the matter.

However, the deed will have to be corrected over Mr. Benson's signature if he is still living, and if he is not living, we will have to have you execute another deed. This will involve changes in the wording of the instrument as above noted and a new and proper acknowledgment.

If Mr. Benson is not living and you are called upon to execute another deed, we must have answer to all our inquiries with reference to the provisions of a possible will, or lack of any will, as stated in our letter of May 13. In fact, please consider this letter as a repetition of all the questions asked in the second, third, and fourth paragraphs of our letter of the 13th.

Again, we may be entirely wrong about the decease of anyone, but some pencil notes in our files indicate that P. N. Benson is deceased. If we are wrong, we trust you will appreciate the situation and, as stated in our former letter, that you will realize that we must make the necessary showing as to title.

Thanking you for a prompt reply,

Very truly yours,

P W DENT CFH

District Counsel.

El Paso, Texas, May 13, 1918.

Mrs. P. N. Benson,  
1064 Third Street,  
San Diego, Cal.

Dear Madam:

Referring to the quitclaim deed dated December 26, 1917, in which you granted certain right of way for the Juan d' Herrera lateral system of the Rio Grande project of the Reclamation Service, we desire to secure information as to the following:

Whether the land was formerly held by yourself and your husband as community property. This question would be largely determined by the fact of whether or not the land was acquired by Mr. Benson during his marriage to you; and if this is the fact, by further inquiry as to whether the land was acquired under any circumstances which would make it his separate property. We take it that this is part of the land conveyed by one A. I. Mortson in deed dated August 28, 1903.

Who are the heirs to the land by the decease of Mr. Benson, if any exist besides yourself.

Whether Mr. Benson left a will, and if so, what were the provisions in the will as to the land in question. We do not find any record of probate proceedings in the name of P. N. Benson, and on this account think it probable that no will was left. If a will exists, kindly recite exactly and at length all provisions that in any way relate to the land and your authority to deal with it.

Whether it is customary for you to sign papers "P. N. Benson," and some explanation as to the assuming of these initials, which also appear to be those of your deceased husband.

We regret very much to have to bother you with all of the above, especially in view of the fact that you were willing to make this donation grant without payment, and trust that you will appreciate that all of the inquiries are made in good faith and not because we think there is any irregularity whatever. However, it is necessary for this office to make a certain informal showing as to title, even where the land is donated to the Government, and we are asking for the above information merely with a view to clearing up the conveyance, which can undoubtedly easily be done after we hear from you.

Thanking you,

Very truly yours,

P. W. DENT CFBistrict Counsel.

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

WASHINGTON, D. C.

May 9, 1918.

From Acting Chief Counsel

To District Counsel, P. W. Dent, El Paso, Texas.

Subject: Donation deed dated Dec. 26, 1917 from P. N. Benson,  
to land for right of way purposes, Rio Grande project.

1. The above mentioned deed transmitted with project manager's form letter of April 11, 1918 is herewith returned.

2. The description appears to be incomplete. Following the line S. 37°29' E., 383.6 ft. which intersects the East line, Sec. 27 (line 12 of description) there should be inserted after the word "feet" the following; "thence, S. 37°29' E. 114.5 ft. to Sta. 158+32<sup>7</sup>".

3. It appears from the certificate accompanying the deed that the tract or tracts of land across which the right of way extends was conveyed to P. N. Benson from A. I. Mortson by deed dated Aug. 28, 1903 (recorded in Bk. 65 p.563); that P. N. Benson is now deceased and that his widow Elizabeth Benson executed the deed to the area conveyed to the United States in the name of her deceased husband, P. N. Benson. The deed is acknowledged in the same form as executed. It also appears that the property is not assessed either in the name of P. N. Benson or his widow Elizabeth Benson, but that an occupant on the land recognizes Mrs. Benson as the owner.

4. Please report (a) whether the property across which the right of way extends is community property as defined at article 4622 Sayles' Texas Civil Statutes 1914, (b) who are the heirs of the deceased and did he leave any children; (c) whether the decedent left a will and (d) how the proposed grantor, P.N. Benson who is described in the deed as "feme sole" acquired her interest in the property.

Encs.  
Deed  
Blue print  
Certificate  
Form letter of trans.

*Ottawa Hamel*

Copy to C. of C.  
Copy P.M., El Paso, Texas.

El Paso, Texas, Dec.31, 1917.

County Clerk,  
El Paso, Texas.

Dear Sir:

Herewith is inclosed quit-claim deed dated  
December 26, 1917, from P. N. Benson to the United  
States for right of way Juan d'Herrera Lateral System.

Please record same.

Very truly yours,

Asst. District Counsel.

*[Handwritten initials]*

MRS. P. N. BENSON  
MILLINERY  
1064 Third St., Cor. Third and C

MAIN 3890



San Diego, Cal., May 15 1918

District Council  
El Paso Tex

Gentlemen

In regards to signature  
of quit claim deed  
Peter N. Benson my husband signed  
that deed in person

Respectfully

Mrs. P. N. Benson

MRS. P. N. BENSON  
MILLINERY

1064 Third St., Cor. Third and C

MAIN 3890

Office of District Counsel  
San Diego, Cal., May 23 1918  
Dear Mrs. Benson.

Gentlemen  
In replying to your letter of May 14 in  
regards to deed signed by P. N. Benson  
for the United States will say that 0 in  
persons speak before Mr. Edgar D. Hodge  
a Notary Public of San Diego County who  
took the acknowledgment and there should be  
nothing irregular about it.  
Yours very truly,  
P. N. Benson