THE SMU LAW QUADRANGLE: TITLE HISTORY

by

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The Southern Methodist University Law Quadrangle lies in the NW corner of a 33-acre tract which constitutes the north end of the University campus. (See Fig. 1.) The 33-acre tract was a part of the Jefferson Tilley Survey. It was acquired by the United Methodist Church through a chain of conveyances which was separate from the conveyances by which the rest of the campus (west of Airline Road) was acquired. The tract is bounded by Airline Road and Hillcrest Avenue on the east and west and by Daniel Avenue and McFarlin Boulevard (extended) on the north and south. The Law Quadrangle covers 6 acres and is bounded by University Boulevard (extended) on the south and by Athens Street (extended) on the east.

A narrative statement follows of the chain of conveyances affecting the title to the 33-acre tract. This statement is based on an abstract of title supplied by the Stewart Title Company of Dallas, Texas.

1. The Republic of Texas passed legislation in 1841 for the purpose of encouraging immigration. Under this legislation W. S. Peters and 19 associates entered into agreement (4 contracts in all) with the Republic (later the State) to bring settlers to North Texas, including most of Dallas County. The Commissioners for the W. S. Peters Colony set about using the rectangular system of survey (the same as the Federal Government System). The intersection of the First Principal Meridian and Base Line was a point near the confluence of the Elm and West Forks of the Trinity River, southwest of what is now the Southwestern Medical Center. The Commissioners had authority to issue certificates for land to immigrants,

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who eventually got patents (deeds) from the Republic or State after satisfying conditions of survey, use and occupation.

2. The land with which we are concerned was located in the north half of Section 23 of Township 1 North, Range 1 East of the First Meridian and Base Line of the surveys of the Colony of W. S. Peters. (See Figures 2 and 3.) Section 22 was surveyed before Section 23, and the description of the N1/2 of Section 23 took as its beginning point the NE corner of Section 22.

3. Section 22 was known as the John Scurlock Survey. This section was bounded by what are now Lovers Lane and Mockingbird Lane on the north and south and by Hillcrest Avenue and Preston Road on the east and west. (See Figure 4.) On April 1, 1850, the Commissioners of W. S. Peters Colony issued to Scurlock, by virtue of headright, Certificate No. 26 granting him the right to survey and claim 640 acres of land. On April 24, 1855, Governor E. M. Pease conveyed by patent to John Scurlock Section 22 as it had been located on the ground.

4. On March 15, 1850, Jefferson Tilley executed a bond for deed to the N1/2 of Section 23 in favor of Alexander Cockrell. Tilley covenanted to convey the land when he received a patent. The consideration for the bond was $300. On May 7, 1850, Tilley was awarded Certificate No. 485 for 640 acres by Thomas W. Ward, Commissioner for the W. S. Peters Colony. The type of certificate (3d class) indicated that Tilley came to Texas between 1837 and 1840. On the same day Tilley executed a power of attorney to Alexander Cockrell to locate and survey the N1/2 of Section 23 of T1N, R1E, of the First Principal Meridian and Base Line, to get a patent from the State,
and to convey to Frances Daniel. On the previous day (May 6) Cockrell had executed a bond for title in favor of Frances Daniel. Cockrell covenanted to convey when he received a patent or otherwise acquired the land. The recited consideration for the power of attorney and Cockrell's bond for title was $275.

5. John M. and Frances Daniel were early settlers in Dallas County. By 1850 they owned or had rights to almost 1800 acres of land, most of it located north of Section 23. They operated a dairy farm. Frances died without a will in November, 1853. At the time, her husband was confined to an insane asylum in Alabama. He was 70 or 80 years of age and probably died soon thereafter. Frances and members of her family are buried in the private cemetery located on Airline Road between Rosedale and Milton Avenues. The family homestead was probably located some distance to the east.

6. On February 18, 1854, Governor E. M. Pease executed a patent granting to Tilley the N1/2 of Section 23. The description was by metes and bounds and started at the NE corner of the John Scurlock Survey. The description was defective, omitting the first call of 950.4 varas (1/2 mile) to the south. On June 4, 1914, a patent was issued to Tilley by Governor O. B. Colquitt, correcting the defective description and confirming the earlier grant. The tract in question was bounded by what are now Lovers Lane and McFarlin Boulevard (extended) on the north and south and Greenville and Hillcrest Avenues on the east and west. (See Figure 4.)

7. On April 5, 1854, Tilley by his attorney in fact (Cockrell) conveyed the N1/2 of Section 23 to the heirs of Frances Daniel.

8. On September 9, 1855, Scurlock conveyed to Frances Daniel that
part of the N1/2 of Section 22 which lay east of the center line of the East
Prong of Turtle Creek. (See Figure 4.) The area was 157 1/2 acres, the
consideration was $315, and now Frances owned 477 1/2 acres between what
are now Lovers Lane and McFarlin Boulevard (extended). The attentive
reader will note that on the date of Scurlock's deed, Frances Daniel was
dead. Presumably her heirs took under the deed, difficulties in this regard
being cured by the passing of time.

9. In December, 1853, proceedings were brought in the Dallas County
Court to administer Frances Daniel's estate. The administrator was James A.
Smith, who was designated by Frances' oldest son Jesse. In July, 1854, an
inventory was filed showing separate and common property of the deceased
and her husband, John M. In January, 1855, a distribution of 14 slaves was
made among Frances' children. Frances' husband John M. was not mentioned.
Since 9 of the slaves had been shown as John M.'s separate property in the
1854 inventory, one may infer that he was now deceased. An order of parti-
tion entered by the court in January, 1855, included the land later conveyed
by Scurlock. Undoubtedly, Frances had a contract of purchase with Scurlock.

10. Frances Daniel had 8 children: William J., Eliza Ann Windham,
Jesse L., Francis R., John F., Thomas R., Margaret S. Smith and Isabella
F. Harwood. All but Isabella were over 21 years of age when the order of
partition of January, 1855, was entered. On April 26, 1858, a report of
partition was approved by the court. Final distribution was accomplished by
court order on January 26, 1859.

11. The partition and distribution divided the Jefferson Tilley Survey
plus the 157 1/2 acres in the John Scurlock Survey into 4 lots. (See Figures
Lot 1 extended from what is now Greenville Avenue to Airline Road and from Lovers Lane to a line south of Rosedale Avenue. Lot 4 was a rectangle of equal dimensions directly below Lot 1, bounded on the south by what is now McFarlin Boulevard. Lot 2 extended west of Lot 1 to the center line of the East Prong of Turtle Creek. The north-south dimension was longer than that of Lot 1, extending from what is now Lovers Lane to Daniel Avenue. Lot 3 lay below Lot 2, being bounded by what are now Daniel Avenue and McFarlin Boulevard (extended) and Airline Road and the center line of the East Prong of Turtle Creek. Lot 3 contained 106 acres, 33 of them comprising the north end of what is now the SMU campus. (See Figures 1 and 5.)

12. Lot 3 was distributed to Jesse L. Daniel. In 1867 or 1868 Francis R. Daniel, owner of Lot 2, planted a Bois d'Arc hedge on the north side of a fence dividing the two lots. It was agreed that the hedge should mark the line between the lots. The hedge actually extended along the south side of what is now Daniel Avenue. Hence, Lot 3 does not include any part of Daniel Avenue. This information is supplied in an affidavit of 2 children of Francis executed in 1911. (Francis died in 1903.)

13. Jesse L. Daniel died intestate in 1903. He had 6 surviving children: Thomas B., Robert A., John W., Margaret Daniel Finley, Rachel Daniel Hood (a widow) and Sarah Daniel Grier. On March 11, 1903, Thomas B. conveyed his 1/6 interest in Lot 3 to Robert A. On December 28, 1903, John W. conveyed his 1/6 interest to Robert A. Thus, at the end of 1903 Robert A. owned a 1/2 interest in Lot 3.

14. Robert A. died testate on September 30, 1908. He was about 50 years of age, a bachelor, and had no children. He devised his 1/2 interest in Lot 3
in equal shares to his brothers and sisters and his nephew James Hamilton Church Daniel. In the course of administration of Robert A.'s estate, the brothers and sisters bought the interest of James Hamilton Church Daniel. As a result, each of the brothers and sisters of the deceased received 1/5 of his 1/2 interest in Lot 3; in other words, a 1/10 interest. The several interests of the brothers and sisters became: Thomas B., 1/10; John W, 1/10; Margaret Daniel Finley, 1/6 plus 1/10 equals 4/15; Rachel Daniel Hood, same calculation, 4/15; and Sarah Daniel Grier, same, 4/15.

15. Before Robert A. Daniel died, he and his 3 sisters leased Lot 3 to S. T. Hyde for 10 years from November 1, 1907. The lease was recorded on January 27, 1908. Buildings were put up in the area now occupied by Fondren Library. The rent was $200 a year, and the lessee paid the taxes. On March 3, 1911, the lessee conveyed the leasehold to A. V. Lane, Trustee, for $300.

16. On January 20, 1911, John W. Daniel conveyed his 1/10 interest in Lot 3 to L. M. Finley. On February 27, 1911, Finley conveyed the 1/10 interest to F. L. McNeny. The latter gave 3 notes for $610 each and executed a deed of trust. Kendall was trustee. Finley transferred the notes and lien to S. H. Finley on November 1, 1911, and S. H. Finley transferred them to J. H. Wilkins the same day. Wilkins released the lien in part in 1912, and on March 14, 1914, the remainder of the lien was released. The 1/10 interest was now free and clear.

17. On January 28, 1911, L. M. Finley obtained a 90-day option to purchase Thomas B. Daniel's 1/10 interest in Lot 3. The option was in favor
of Finley or his assignee. On March 3, 1911, Thomas B. conveyed his 1/10 interest to F. L. McNeny. The consideration was $3180, and McNeny executed a deed of trust to J. S. Kendall to secure payment of 3 notes totaling $1830. In July, 1911, Thomas B. transferred the notes and lien to Kendall, and the latter transferred them to L. R. Bergeron. On March 18, 1914, the notes were paid and Bergeron released the deed of trust. The 1/10 interest was now free and clear of lien.

18. On February 24, 1911, Rachel Daniel Hood conveyed her 4/15 interest in Lot 3 to McNeny. The price was $8480, and McNeny executed notes for $5000 and a deed of trust. Kendall was trustee. In 1912 Rachel Daniel Hood sold the notes to B. L. Morrison. On February 26, 1914, McNeny paid off the notes, and Morrison released the deed of trust. The 4/15 interest was now free and clear of lien.

19. On February 27, 1911, Margaret Daniel Finley conveyed her 4/15 interest in Lot 3 to McNeny. The consideration was $8480, and McNeny executed 3 notes for $1640 each, as well as a deed of trust. Kendall was trustee. On March 14, 1914, McNeny paid off the notes. J. H. Wilkins, holder of the last 2 notes, released the deed of trust lien. The 4/15 interest was now free and clear.

20. By deed recorded on March 3, 1911, Sarah Daniel Grier conveyed her 4/15 interest in Lot 3 to A. V. Rozelle. A consideration of $14,133.33 was recited.

21. As a result of the purchase transactions in early 1911 (described in Paras. 16-19), McNeny owned an 11/15 interest in Lot 3 (1/10 plus 1/10 plus
4/15 plus 4/15 equals 11/15, subject, of course, to deed of trust liens. On May 10, 1911, McNeny conveyed to Southern Methodist University, a Texas corporation, his 11/15 interest in the part of Lot 3 which lay in the John Scurlock Survey (73 acres). The consideration was $20,725 and assumption of the lien obligations. On the same day A. V. Rozelle conveyed to Southern Methodist University his 4/15 interest in the same 73 acres. The consideration was $942.33 cash. Now Southern Methodist University owned the complete title to the part of Lot 3 which lay to the west of Hillcrest Avenue. (See Figure 6.) When the lien obligations were paid off in 1914, Southern Methodist had an unencumbered title.

22. Still on the same day, May 10, 1911, Rozelle conveyed to the Trustees of the Methodist Episcopal Church South in the State of Texas his 4/15 interest in the rest of Lot 3. That is, he conveyed his interest in the 33 acres on the east side of Hillcrest, which now constitutes the north end of the Southern Methodist University campus. The deed recited that the 33 acres were "to be used as a campus of the Southern Methodist University." The same day, McNeny conveyed to the Trustees of the Methodist Episcopal Church South in the State of Texas his 11/15 interest in the 33 acres. The consideration was $10,362 and assumption of McNeny's lien notes. When the liens were released in 1914, the Trustees of the Church had an unencumbered title to the 33 acres.

23. On February 10, 1914, James Hamilton Church Daniel executed a deed to Southern Methodist University quitclaiming his interest in Lot 3 and confirming that he had by an earlier lost deed conveyed his interest under the will of Robert A. Daniel to the brothers and sisters of Robert A. Daniel. On February 25, 1914, A. V. Lane, Trustee, released to Southern Methodist
University the 10-year leasehold on Lot 3 which he had purchased from
S. T. Hyde.

24. On June 8, 1916, the Trustees of the Methodist Episcopal Church South
in the State of Texas conveyed the 33 acres to the members of the Educational
Commission of the Methodist Episcopal Church South and their successors as
Trustees to hold and manage the property subject to the discipline and usage of
the Methodist Episcopal Church South as declared from time to time by its
General Conference.

25. Deeds confirming this last grant were executed by McNeny,
Rozelle, and Southern Methodist University on June 1 and 8, 1916.

CONCLUSION: The title of the Trustees named by the United Methodist Church
(successor to the Methodist Episcopal Church South) in the 33 acres constituting
the north part of the Southern Methodist University campus is good and
merchantable. The title coming down the chain of conveyances from the
State of Texas, as shown by the abstract, is clear and without defect. It is
to be noted that the irregularity of John Scurlock's deed to Frances Daniel
in 1855 (when she was dead) does not affect the 33 acres, which lie entirely
within the Jefferson Tilley Survey.

To recapitulate, the 33-acre tract on which the Law Quadrangle stands
is in the southwest portion of the Jefferson Tilley Survey, a 320-acre tract.
This half section was patented to Tilley by the State of Texas on February 18,
1854, and was by him conveyed to the heirs of Frances Daniel on April 5 of the
same year. Title to the 33-acre tract has come by a chain of conveyances to
rest in Trustees named by the United Methodist Church. The tract is bounded
on the north by the south side of Daniel Avenue, on the west by the center line of Hillcrest Avenue, on the south by the center line of McFarlin Boulevard (extended), and on the east by the east side of Airline Road. The east-west dimension is 475 varas (1319.4 feet) and the north-south dimension 425 varas (1180.5 feet). (See Figure 7.)
Figure 1. Southern Methodist University campus (west of Airline Road).
Fig. 2. Township 1 North, Range 1 East, of the First Principal Meridian and Base Line of the Surveys of the Colony of W. S. Peters (in Dallas County, Texas).

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Each section 1 mile square.

Fig. 3. Section 2 and North 1/2 of Section 23 in T1N, R1E.
Fig. 4. Frances Daniel heirs acquire portion of John Scurlock Survey (shaded), September 9, 1855.
Fig. 5. Partition of Jefferson Tilley Survey and northeast portion of John Scurlock Survey (total, 477 1/2 acres) among Frances Daniel heirs, Lot 3 being set over to Jesse Daniel.

Fig. 6. Division of Lot 3 in 1911.
Fig. 7. North part of SMU campus, being the east end of Lot 3 (originally set over to Jesse Daniel, son of Frances Daniel).
The SMU Law Quadrangle is a 6-acre plot lying in the northwest corner of the 33-acre tract which constitutes the north end of the SMU campus. See Figure 1. The 33-acre tract, herein referred to as "the locus", was acquired by the University in 1911. The chain of conveyances leading to the acquisition is shown below.

State of Texas

April 24, 1855.
Patent conveying Sec. 22, T1N, R1E, 1st Princ. Mer. & Base Line of Surveys of Colony of W. S. Peters. See Figures 2 and 3.

John Scurllock

February 18, 1854.
Patent conveying NL/2 of Sec. 23, T1N, R1E, 1st Princ. Mer. & Base Line of Surveys of Colony of W. S. Peters, containing the locus. See Figures 2 and 3.

Jefferson Tilley

Confirming patent issued on June 4, 1914.
Frances Daniel died intestate in November, 1853. Her heirs were 8 surviving children, and she owned more than 2000 acres of land. The real estate was partitioned and distributed among her children in 1859. Among the tracts partitioned was the 477 1/2-acre tract consisting of the Jefferson Tilley Survey and the 157 1/2 acres conveyed by John Scurlock. See Figure 4. The 477 1/2-acre tract was divided into 4 lots, which were distributed to 4 of the children. See Figure 5. Lot 3, containing the locus, was distributed to Jesse Daniel.

Frances Daniel (d. November, 1853)

January 26, 1859.
Partition decree distributing 477 1/2-acre tract (Jefferson Tilley Survey plus 157 1/2 acres deeded by John Scurlock).

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<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3 (containing the locus)</th>
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<td>John F. Daniel</td>
<td>Francis R. Daniel</td>
<td>Margaret S. Smith</td>
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Lot 3

Jesse Daniel

Died intestate in 1903.

Heirs of Jesse Daniel

1/6 undivided interest

Thomas B.
March 11, 1903, deed.

1/6

John W.
December 28, 1903, deed.

1/6

Robert A.

1/6

Margaret
Daniel Finley

1/6

Rachel
Daniel Hoad

1/6

Sarah
Daniel Grier

Lease, 10 years from November 1, 1907.

S. T. Hyde
March 3, 1911, conveyance of leasehold

A. V. Lane, Trustee
February 25, 1914, release of leasehold

Southern Methodist University
As a result of the 1903 conveyances from his brothers, Robert A. owned a 1/2 undivided interest in Lot 3. His sisters owned 1/6 interests. Robert A. died testate on September 30, 1908. He was a bachelor and devised equal interests in his 1/2 interest to his 5 brothers and sisters and a nephew.

Robert A. Daniel
Died September 30, 1908.
Devised of his 1/2 interest in Lot 3 (subject to lease).

1/12

James Hamilton Church Daniel (nephew)
Lost deed circa 1909

February 10, 1914, release and confirmation of lost deed.

Southern Methodist University
By virtue of James Hamilton Church Daniel's lost deed, the 5 brothers and sisters each received an undivided 1/10 interest in Lot 3 under Robert A.'s will. The total interests held by the brothers and sisters were:

Lot 3

1/10 undivided interest.  
→ Thomas B.  
  → John W.  
    → Margaret Daniel  
      → Rachel Daniel  
        → Sarah Daniel Grier  
          → Deed recorded March 3, 1911.

1/10  
→ January 20, 1911, deed.  

1/6 equals 4/15  
→ Margaret Daniel Finley  
  → Rachel Daniel Hoad  
    → L. M. Finley  
      → February 24, 1911, deed.  
        → A. V. Rozelle  
          → May 10, 1911, deed to his interest (4/15) in 33 acres lying to the east of Hillcrest Avenue (the locus). See Figure 6.

4/15  
→ Same, 4/15  

→ F. L. McNeny  
  → March 3, 1911, deed.  
    → Lien released, March 14, 1914.  
      → February 26, 1914.  
        → May 10, 1911, deed to his interest (11/15) in 33 acres lying to the east of Hillcrest Avenue (the locus). See Figure 6.
June 18, 1916, deed to locus. See Figure 7.

Trustees, Methodist Episcopal Church South in State of Texas

June, 1916, confirmatory deed.

Members of Educational Commission of Methodist Episcopal Church South and their Successors as Trustees. (The United Methodist Church has succeeded to the position of the Methodist Episcopal Church South.)