

D-185

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 County Judge
 SARA PUGH
 County and District Clerk
 JIM SKINNER
 Sheriff
 V. G. HEIL
 Tax Assessor-Collector
 AVORA OWENS
 County Treasurer
 BRUCE C. SUTTON
 County Attorney
 J. T. CARNEY JR.
 Surveyor

COMMISSIONERS

J. C. COOLEY
 Precinct No. 1
 ROBERT VALADEZ
 Precinct No. 2
 TOM YARBRO
 Precinct No. 3
 REX IVEY JR.
 Precinct No. 4
 J. P. PARKER
 J. P. Precinct No. 1

COUNTY OF BREWSTER

Alpine, Texas

No Account

RECEIVED
 JUN 13 1964

11 June 1964

Jerry Sadler, Commissioner
 General Land Office
 Austin, Texas

General Land Office

Attention : R.C. Wisdom and V.E. Sterzing

Re: Dod Report on connecting line Block 213, T & St L and Block 15, GH & SA, Brewster County, Texas. May 15, 1913. Sketch files N.S. 2 & N.S. 3

Dear Sir:

Subject report with attached calculation sheet and accompanying map of same date have been received and carefully studied and compared with what I found on the ground.

I note that the call S45°30'W-5689 from BM 3301 (S.70 vs. and W.6 vs. from NW 2, Block 217, T & St L) does not agree with lat. and dep. on the calculation sheet. Do you have any additional data to clarify this point?
 On traverse from NE ~~2~~ 2, Block 15, GH & SA ~~Blk. 15~~ to NE 207, Blk. G-4--third call on Map of traverse S.45°30'E. 1765.4---on calculation sheet S.44°E. 1765.5. ??
 Again on traverse from NW 3, Blk. 213 to NE 2, Block 15--third from last call on map is S.65°15'W. 258. I find the Lat. to be South-108vs. whereas Mr. Dod calculates this to be 100.8.??? Does Ltr. of correction dated 5/17/13 clarify these differences?

I have tied Mr. Dod's lines on the West end of the Minchen Estate at various points from NE 20, Blk. 15, GH & SA to BM 3301 and found ~~found~~ various differences from 08' to 13'. For instance:: Dod's call for brgs. 475 vs. North 0° SW 35, Blk. 215---W. edge of gap in dyke, S.33°46'W. (ok); Mnt. on Hen Egg, S.33°30'E. is S.33°20'E. assuming that E. line 35 runs North. Running North from the 475 vr. reference md. we passed over several small mounds on line and at N. 1435 vrs. found Dod's NE 35, Mk'd. SE27. Total from Dod's point for corner-1909 varas. Continuing North and West and tie to my traverse from SE 20-215 (Durrell), my course is N.40°16'E- Dod's N.40°26'E. With nothing better to start with at SE 20, Blk. 215 I assumed that Durrell's brgs.:: N. pt. 9 Point-N52°E. and W. Pk. of West Corazon-S75°E. (the rock mound at SE 20, 215, from construction, type of rocks used, and markings looks very much like a Thompson product.)

Thanks for the Atlantic Refining Co. ltr. from Mr. Burkhart. I agree that much work should be done on the project of locating Thompson Original Corners, and re-organizing the T & St L and adjoining blocks. It appears that Mr. Stovell was best qualified for the job, but the odd part is that no one else seems to find any except the ones he placed and marked, except, of course, along the South line of Block 213, T & St L., all of which he ignored, and established Block lines and moved corners to suit his own purposes.

Counter 15837

File No. 5-262
Brewster County

Sketch File

Filed June 18 1964

JERRY SADDLER, County

By [Signature]

COUNTY OF BREWSTER

Alpine, Texas

No Account

JUN 13 1964

General Land Office

Jerry Sadler, Commissioner
General Land Office
Austin, Texas

Attention: R.C. Wisdom and V.E. Stearns

Dear Sir:

Subject report with attached calculation sheet and accompanying map of same date have been received and carefully studied and compared with what I found on the ground.

I note that the call S45°30'W-568' from BM 3301 (S.70 vs. and W.6. vs. from NW 2, Block 217, T & St I) does not agree with lat. and dep. on the calculation sheet. Do you have any additional data to clarify this point?
On traverse from ME 2, Block 15, GN & SA ~~to~~ to ME 207, Bk. G-4--third call on map of traverse S.45°30'E. 1765'.--on calculation sheet S.44°E. 1765.5.??
Again on traverse from NW 3, Bk. 213 to ME 2, Block 15--third from last call on map is S.65°1'W. 258'. I find the lat. to be South-188vs. whereas Mr. Dod's calculation this to be 100.8.??? Does lat. of correction dated 5/17/63 clarify these differences?

I have filed Mr. Dod's lines on the West end of the Wagon Rataste at various points from ME 20, Bk. 15, GN & SA to BM 3301 and found several differences from 08' to 13'. For instance: Dod's call for prgs. 475 vs. North SW 35, Bk. 215--W. edge of gap in dyke, S.33°46'W. (ok); Mt. on Hem Egg, S.33°30'E. is 9.33-90ft. assuming that E. line 32 runs North. Hanging North from the 475 vs. referred to, we passed over several small mounds on line and at N. 1A35 vs. found Dod's EE 35, Mt. d. 227'. Total from Dod's point for corner-1909 vs. Continuing North and West and tie to my traverse from SE 20-215 (Durrell), my course is N.40°19'E--Dod's N.40°26'E. With nothing better to start with at SE 20, Bk. 215 I assumed that Durrell's prgs.: N. pt. 9 Point-N25°E. and W. Pt. of West Corson-275°E. (the rock mound at SE 20, 215, from construction, type of rocks used, and markings looks very much like a Thompson product.)

Thanks for the Atlantic Refining Co. Ltr. from Mr. Gurnhart. I agree that much work should be done on the project of locating Thompson Original Corners, and re-organizing the T & St I and adjoining blocks. It appears that Mr. Stovell was best qualified for the job, but the odd part is that no one else seems to find any except the ones he placed and marked, except, of course, along the South line of Block 213, T & St I., all of which he ignored, and established Block lines and moved corners to suit his own purposes.

- COMMISSIONERS
- J. C. COOLEY
Precinct No. 1
 - ROBERT VALADEZ
Precinct No. 2
 - TOM YARBRO
Precinct No. 3
 - REX IVY JR.
Precinct No. 4
 - J. F. PARKER
Precinct No. 5

11 June 1964

Count 12837

Counter # 78958

D-18 J RECEIVED
JUN 13 1964

Mr. Burkhardt refers to Gard's survey of Minchen l. I can state that I worked with Mr. Gard long enough to know him as well as anybody, I have his plats and field books. I know the instrumentman he had from 1947 until 1954 and knowing all these things I feel that when joining their work it is necessary for me to see for myself.

During the months of May and June I have been on the ground in Blocks 215, 216, 217, 220, 221 T & St L in Block 9, H & TC and adjoining Blocks a total of 25 days attempting to make sufficient ties to enable me to make a correct map of the former Maurice Minchen and W.M. Olliver ranches.

The one and only Thompson Original corner which I am confident of having found is the SE corner of Section 72, Block 213, T & St L. At one time I was under the impression that the rock mounds at the NW corners of Sections 2, 3, 4, 5, and 6, Block 221 and at the NW2, 217, were Original corners found by Dod--do you have any knowledge of the facts in this case.?

It is evident from the Map of Dod's traverse, May 13th, 1913, that he did not find or did not report any Thompson corners. I can vouch for the fact that they are difficult to locate.

I have devoted enough time to traversing through Blk. 335, GC & SF and Blocks 240 & 241, T & St L, and Blk. 99, H & TC to see that I face the same difficulties in weeding out unreliable mounds of rock, some marked in various manners, which have been placed without any proper connection.

Up to this time --since April 13th--I have financed myself and field party on this work. Naturally I hope and expect to be paid eventually, but in the face of Mr. Burkhardt's protest I certainly request your cooperation in making final decisions.

We were governed strictly by Dod's surveys in/construction of SF 16104. Of course things might change materially if Dod's corners along North line of Blocks 217 and 221 are discarded.

On March 26th, 1956, I mailed the Commissioner a tracing of traverses which I had made on the ground in connection with Poole's survey of mining claims in Section 36, Blk. 217 and Section 2, Blk. 248, T & St L, and Dod's corner NE 169, Block G-4. Beginning NW 2, 217 (Dod), continuing thru NE 238, G-4 (Dod) to NE 238 (Dod), positively identified by Gard, Thee and myself at different times, over different routes. This 'Received March 28, 1956; D-749'. (You no doubt have Mr. Thee's elaborate series of lines and curlicues in your files. I had one look at his plat in the Federal Judge's Office in El Paso.) I have Mr. Gard's field book but no plat or recorded field notes. Each of us made the survey in connection with a suit over location of a lake. MINCHEN vs. AMENT. I was appointed by Federal District Judge R.E. Thomason. Again, in October 1958, I submitted a plat of Section corner ties from NE 210 to NE 238, Block G-4 (Received GLO October 29th, 1956. Your File D 563.) There is no question about the relative position of the Dod corners NE 169 and NE 238.) I have been and always will be of the opinion that this is a Rk. mound found by the Dod field party.

The resurvey of Block G-4, Dod, State Surveyor, was an enormous undertaking. Upon this survey depended the settlement of a law suit between two mining interests. The Chisos Mine, Terlingua, Section 295, Block G-4, was thought to be encroaching upon the neighboring mine in Section 70, Block G-12. The excess East-West of 387 varas in the two easterly tiers of Block G-4, and the reduced width of the most easterly tier in Block G-12 did much to relieve the strain on Mr. Perry, owner of the Chisos Mine.

Being a State Surveyor put Mr. Dod in a position where he could easily have been governed in his construction by instructions from the Commissioner, or an agent of the Commissioner, neither of whom were necessarily qualified to make decisions on problems confronted by the surveyor in the field.

Naturally any work done by Mr. Dod subsequent to his resurvey of Block G-4 would be expected to tie to G-4 for proof.

I assure you that the sketches and information forwarded to you from time to time are from surveys made by me on the ground, in person, and that they are for your information and any suggestions you may have to offer. I am qualified to make an accurate survey and will not be swayed in my findings either for friendship or for bonus.

This is a serious situation and I need your help.

Yours very truly,

J. J. Carney, Jr.
Counter 15838

File No. 5-262

Brewster County

Sketch File

Filed June 18 1964

JERRY SADLER, Com'r

By *[Signature]*

JUN 13 1964

...I can state that I worked ... I have his plate and ... I know the instrumentman he had from 1954 and knowing all ... I feel that when joining their work it is necessary for me to see for

The one and only Thompson original corner which I am confident of having found is the SE corner of Section 25, Block 237, T & St L. At one time I was under the impression that the rock mounds at the NW corners of Sections 21, 22, 23, 24, and 25 were original corners found by Dob--do you have any knowledge of the facts in this case?

It is evident from the map of Dob's traverse, May 1953, that mounds were found or did not report any Thompson corners. I can vouch for the fact that they are difficult to locate.

I have devoted enough time to traversing through Blk. 235, 236 & 237 and Blocks 240 & 241, T & St L, and Blk. 238, H & TC to see that I face the same difficulties in weeding out unreliable mounds of rock, some marked in various manners, which have been placed without any proper connection.

Up to this time--since April 1953--I have financed myself and field party on this work. Naturally I hope and expect to be paid eventually, but in the face of Mr. Burkhardt's protest I certainly request your cooperation in making final decisions.

We were governed strictly by Dob's surveys in construction of SE 1/4 of 25. Of course things might change materially if Dob's corners along North line of Blocks 217 and 221 are discarded.

On March 26th, 1956, I visited the Commissioner's office of Brewster County and had made on the ground in connection with Poble's survey of mining claims in Section 26, Blk. 217 and Section 2, Blk. 248, T & St L, and Dob's corner NE 1/4 of Block G-4. Beginning NW 1/4, 217 (Dob), continuing thru NE 238, G-4 (Dob) to NE 238 (Dob), positively identified by Gard. These and myself at different times, over different dates. This is received March 28, 1956, D-479. (You no doubt have Mr. These elaborate series of lines and curves in your files. I had one look at his plat in the Federal Judge's Office in El Paso.) I have Mr. Gard's field book but no plat or recorded field notes. Each of us made the survey in connection with a suit over location of a lake. MINCHEN vs. AMENT. I was appointed by Federal District Judge R.K. Thomson. Again, in October 1958, I submitted a plat of Section corner ties from NE 210 to NE 238, Block G-4 (Received G-4 October 29th, 1958. Your file D 269.) There is no question about the relative position of the Dob corners NE 1/4 and NE 238. I have been and always will be of the opinion that this is a R.K. mound found by the Dob field party.

The resurvey of Block G-4, Dob, State Surveyor, was an enormous undertaking. Upon this survey depended the settlement of a law suit between two mining interests. The Chasco Mine, Terlingas, Section 295, Block G-4, was thought to be encroaching upon the neighboring mine in Section 20, Block G-12. The excess East-West of 287 yards in the two easterly tiers of Block G-4, and the reduced width of the most easterly tier in Block G-12 had much to do with the strain on Mr. Perry, Surveyor of the Chasco Mine.

Being a State Surveyor but Mr. Dob in a position where he could easily have been governed in his construction by instructions from the Commissioner, or an agent of the Commissioner, neither of whom were necessarily qualified to make decisions on problems confronted by the surveyor in the field.

Naturally any work done by Mr. Dob subsequent to his resurvey of Block G-4 would be expected to tie to G-4 for proof.

I assure you that the sketches and information forwarded to you from time to time are from surveys made by me on the ground, in person, and that they are for your information and any suggestions you may have to offer. I am qualified to make an accurate survey and will not be swayed in my findings either for friendship or for honor.

This is a serious situation and I need your help.
Yours very truly,
[Signature]
County # 78959

June 18, 1964

Mr. J. T. Carney, Jr.
County Surveyor
County of Brewster
Alpine, Texas

Re: Your letter of June 11, 1964 and Discrepancies in
T&St.L Ry. Co. Blocks, Brewster County, Texas

Dear Mr. Carney:

Thank you for your letter concerning the captioned subject matter. We will endeavor to reply to your questions in a series of paragraphs with appropriate headings.

Re: Dod Report & Maps:

These instruments were filed in the General Land Office a number of years ago and apparently the information contained was for the purpose of supporting the Dod survey in the area. Any errors of closure in his traverse lines or errors in calculations are, of course, subject to verification and correction by present day surveyors.

The actual placement of a corner by the surveyor will control over his tie line or reference bearings, that is, if the corner can be identified independently of these other means in which there is a suspicion of error. We are enclosing a copy of Dod's letter of May 17, 1913, also his letters of May 1 and May 15, 1913 which may shed some light on the subject.

Re: Thompson Corners and Patented Corners:

You must realize that, in any discussion of the T&St.L Ry. Co. blocks and the Thompson corners, the resurveys by any subsequent surveyors on which patents have been issued must be taken into consideration. The patenting of a survey will fix the corners and lines of that particular survey, and this location, if later proven to be in error and in conflict with senior surveys, can only be corrected by the due process of law through the Land Commissioner.

Re: Protest by Atlantic Refining Co. on the acceptance of corrected field notes in the T&St.L Ry. Co. blocks by the land office:

In view of this protest, all new field notes for the effected area, submitted to this office for filing, will be carefully examined in the light of such protest and all parties concerned notified of any contemplated action to be taken in connection therewith.

Counter 15839

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File No. 5.263

Brewster County

Sketch File

Filed June 18 1964

JERRY SADLER, Comm'r

By W. H. [Signature]

Page 2

J. T. Carney, Jr.

Re: Availability of information and assistance from the General Land Office:

This office appreciates your conscientious work and willingness to resolve the knotty problems confronted by a surveyor in the Big Bend country. The records of this office are always available for examination and copies can be had for nominal fees; however, the actual interpretation of the various instruments is left to the examining surveyor who alone is conversant with his particular problem in the field.

If, upon completion of a survey, the surveyor submits his maps, reports or field notes to the General Land Office for filing, the personnel of the engineering division and the legal examiners will be available to assist him as needed.

In this latter connection, we might suggest that a rough preliminary tracing be submitted to the Land Office along with the surveyor's written report, or, more desired would be a personal conference with the surveyor.

It is presumed that you intend to furnish your client with a map of the completed survey, and it would be highly desirable if a tracing copy of this map could be filed in the General Land Office.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves
Encls.

Coarter 15842

Box 45

File No. 5.262

Brewster County

Sketch File

Filed June 18 1962

JERRY SADLER, Com'r

By W. H. Sadler

Correspondence

J. T. Carney, Jr.

Co. Surveyor

Re: T. & S. L. Ry. Co.

Surveys and

profits from

Atlantic Refining

Co.

April 27, 1966

Mr. Gilbert Felts
Box 47
Terlingua, Texas

Dear Mr. Felts:

Receipt is acknowledged of your letter of April 19, 1966 concerning your problem in locating proper corners for Sec. 110, Block G-5, and Sections 108 and 112, Block 341, Presidio County, Texas.

An examination of the records of the land office reveals that Sec. 110, Block G-5 is patented on the field notes of John T. Gano calling for rock mound corners without benefit of witness calls. Sections 108 and 112, Block 341 were surveyed by S. A. Thompson but also call for rock mounds only.

Mr. J. T. Carney, Jr., Licensed State Land Surveyor and County Surveyor of Brewster County, identified and re-established the SW corner of Sec. 52, Block G-12 in 1955, which corner is also the SE corner of Sec. 105, TC Ry. Co., Block 341. It is very likely that Mr. Carney can help you in this problem.

If we can be of any further assistance, please feel free to call upon this office.

Sincerely yours,

JERRY SADLER, COMMISSIONER

JS/ves
cc: Mr. T. J. Carney, Jr.
Box 641
Alpine, Texas 79830

140643; Bx. S-39885; Bx. S-41205
Rolled Sk. 106

Counter 15841