

August 10, 1953

Mr. J. D. Freeman
1013 Brazos Street
Austin, Texas

Dear Mr. Freeman:

In reply to your recent inquiry concerning the proper construction to be made of Block 32, Public School Land, in Crane County, you are advised as follows:

The case of State vs. Flick, 180 S.W. 2d 371, states that the Land Commissioner adopted and approved Dennis' Corwin's map including University Blocks 30 and 31 and Public School Land Block 32, Crane County, but did not approve Corwin's "field notes" of such blocks, and held that said Blocks 30, 31, and 32 should be located on the ground by extending the T. & P. surveys upon which Corwin's map was based. Such construction will allow said Blocks 30, 31, and 32 to contain excess acreage in proportion to the excess acreage contained in the T. & P. surveys.

Corrected field notes of the surveys within Public School Block 32 should be compiled and filed in this office as the Estes field notes covering such surveys are in error in that Estes failed to allow for the excess acreage contained in the T. & P. Blocks, having located his surveys, course, and distance from the Northeast corner of University Block 30 in accordance with Corwin's so-called "field notes." The unpatented surveys in said Block 32 can be patented upon corrected field notes based upon the construction in accordance with the case of State vs. Flick.

Several sections in said Public School Block 32 have been patented on Estes field notes. Such field notes can be located on the ground and do not conform with the construction given in the case of State vs. Flick.

At this time, I do not have in mind the proper procedure for remedying the errors made in issuing patents on sections in said Block 32 based on Estes field notes. It is apparent, however, that the exterior lines of Block 32 should be established on the ground by a resurvey in accordance with the instructions given W. D. Twitchell by Charles Rogan, Commissioner of the General Land Office, on November 21, 1900. Such letter appears in the case of State vs. Flick, 180 S.W. 2d 371, at Page 379.

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If upon resurveying the sections within Block 32 in accordance with the instructions given above, it develops that some of the unpatented surveys are in conflict with the patented surveys, the corrected field notes of such unpatented surveys should, of course, include only that area not in conflict with the patented surveys. In the event the corrected field notes covering unpatented surveys in Block 32 adjacent to Block B-27 conflict with the unpatented surveys in Block B-27, priority should be established by determining which school surveys were first sold. If the conflicting surveys were sold on the same date, the surveys in Block 32 are senior as Dennis Corwin's work was prior in time to Twitchell's.

Trusting this information may be of assistance to you,
I remain

Sincerely yours,

DENNIS WALLACE, CHIEF CLERK
AND ACTING COMMISSIONER
OF THE GENERAL LAND OFFICE

JTS:ow

File No. 28 - Sketch Files

Crane County

Letter of Aug 10, 1953
Pertaining to Block 32-PSL

Filed 12/21, 1953

BASCOM GILES, Com'r

H. H. Pfeiffer

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