

DIXIE KILGORE
COUNTY AND DISTRICT CLERK
DAWSON COUNTY

2806

LAMESA, TEXAS
Sept. 14th, 1917.

RECEIVED
SEP 17 1917
Referred to Map

Hon. J T Robison,
Land Commissioner,
Austin, Texas.
Dear Sir:-

In re---F-115438.

Replying to yours of the 11th inst., relative to filing Field Notes of Northwest quarter of Section 6, Certificate 2688, Block 36, Township 5-N, in Dawson County.

Am herewith returning field notes with certified copy of the judgment in the case of Weaver vs Higginbotham as per your request, Dodd's position of the N W Cor of 6 Blk 36, T 5-N, referred to was arrived at in his investigation and resurvey of the W H Godair Block 01 whose report I presume you have filed in your office in which report ~~the~~ refers to a boisd'arc stk mkd "8" at or near the N W Cor. 6, The stake referred to was placed by me on preliminary work, my determination after further investigation along the north line of Block 36 T 5 N placed the position of the corner thirty varas further west which would be about 18 vrs west and one vara North of Dodd's position, later in November 1913, Mr. W D Twichell and myself were on the ground and Mr. Twichell concurred with me as to the true location, Dodd, Twichell and myself, arrived at practically the same location, you might say that we were together, Estes in his location took course and distance from the Coffee corner 12 miles East taking his course by projecting over the Coffee corner from same monument on the North line of Block 34, T 5 N His distance is even 12 miles from the Coffee corner, which shows a distance of 560 varas beyond Dodd's position of the N W Cor. 6, Blk.36, T 5 N and shows a real shortage of 560 varas between Dodd's position and the Coffee corner, which is true.

Some years ago there was a judgment which placed the N W Corner of Sec.6, Blk.35 T 5 N six miles West from the Coffee corner and again this judgment does likewise, so all shortage would be thrown in Block 36.

The main contention in this suit was between the Estes position and the Dodd position and in conference between attorneys for Weaver, Higginbotham and L C Cumpton, the matter was determined what they all and severally would acquiesce in, hence the order of Court for the survey as it was made. This settlement does not seem to be incorporated in the judgment of record, so I am sending you a copy of same, ^{attached} the original of which I am keeping for my records.

Hoping that I have been clear in the statements,

I am Very truly,

C. B. Ballard
County Surveyor, Dawson County, Tex

am

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No.41.

F M WEAVER.

VS

HIGGINBOTHAM, HARRIS CO. ET AL.

In order to settle the matters in litigation between the Plaintiffs and Defendants in this cause, it is agreed by and between the parties hereto that the Jury, now empaneled to try this case, shall be discharged by the Court and all of the matters and facts shall be submitted to the Court for trial as before him.

It is agreed by and between the parties to this suit that the Northeast corner of Section 1, Block 36, Tsp.5 North and the Northwest corner of Section 6, Block 35, Tsp. 5 North, is truly and correctly located at an iron pipe set in the ground for said corner by R E Estes, Surveyor of Midland County and that said pipe bears South 75° 15' West, six miles from what is known as the Coffee corner, located at the Northeast corner of Section 1, Block 35, Tsp.5 North and the Northwest corner of Section 6, Block 34, Tsp. 5 North on the North Reservation Line of the T & P Ry., Co.

It is further agreed that a line projected westward from the Estes' corner at the Northeast corner of said Section 1, Block 36, Tsp.5 North, on the following course, to-wit; South 75° 35' West, shall be so projected and shall be the dividing line between all lands owned by the Plaintiff, F M Weaver, on the North thereof, and all lands owned by the Defendants, respectively on the south thereof, save and except as follows, to-wit; That portions of Sections 1 and 2, Block 01, Godair lands, lying to the South of Section 8, D L Cunningham lands West of League 2, Taylor County School Land, and East of Section 101 Block M, E L & R R Ry., Co., Lands,

It is further agreed that the Northwest corner of Section 6, Block 36, Tsp. 5 North, is correctly and truly located at a point on said projected line hereinabove referred to, 62 varas North and 280 varas East of an iron pipe set in the ground by R E Estes heretofore as for the Northwest Corner of said Section 6, Block 36, Tsp. 5 North. Said projected line, hereinbefore referred to, shall be carried Westward from the

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last named point between the lands of the Plaintiff on the North and the lands of Higginbotham Harris-Co., and L C Cumpton, the dividing line between the Northern jog of Cumpton's land and Plaintiffs Taylor County School Land League No.2, shall be as follows; Begin on said line 6480 vrs west of the N W Cor. Sec.6, Blk.36, Tsp. 5-N, so placed; Thence North $14^{\circ} 25'$ West, 760 varas to a point in the West line of said League No.2, and the Southeast corner of the D L Cunningham Survey No.8; Thence South $75^{\circ} 35'$ West, 1400 varas to a point in the East Line of Section No.101, Block M; Thence South $14^{\circ} 25'$ East, 760 varas to a point at the Southeast corner of Section 101; Thence South $75^{\circ} 35'$ West along the South line of Section 101, 102, 131 and 132, Block M, for the terminus of this Line, and

It is further agreed that a Line running South between Sections 6 and 18, Block 36, Tsp. 5 North, on the East, and the lands of the Defendants, Higginbotham, Harris-Co., in League 277 on the West, shall be projected Southward from the Northwest corner of said Section 6, as herein placed, as follows; South $14-1/2^{\circ}$ East, or a course which will connect the Northwest corner of Section 6, as herein placed with the Northwest corner of Section 6, Block 36, Tsp. 3 North in Martin County, Texas.

It is further agreed that said line south, as herein delineated, is binding upon the parties to this suit only as to said Section 6 and said Section 18, said Section 7 not being in this suit.

It is agreed by Higginbotham, Harris-Co., and L C Cumpton, that the East boundary line of the L C Cumpton Land, shall be the distance of 4516 varas Westward from the Northwest corner of Section 6, Block 36, Tsp. 5 North, as herein placed, and the West boundary line of the L C Cumpton Lands shall be the East Line of Section 101, Block M, as herein placed, and a projection of said East Line Southward to the North Boundary Line of the Glasscock County School Land.

It is agreed by and between F M Weaver, Plaintiff herein and L C Cumpton, one of the Defendants herein, that the respective lands owned by them hereinabove referred to, shall be bounded as hereinbefore set out and; that each party shall conform to said lines and that all land belonging to the Plaintiff, F M Weaver, North of the Dividing Line, as herein agreed upon and which falls within the premises of L C Cumpton, as they are now upon the ground and within the enclosure of L C Cumpton,

shall be sold by the said Weaver to the Defendant, L C Cumpton, at the agreed valuation of Fifteen Dollars per acre, said acreage to be ascertained by the Surveyors who will be chosen by this court to locate the corners and lines specified in this agreement. The Defendant L C Cumpton, agrees to purchase said land at said price and he is to have his option as to terms, that is, he is to have the land on a credit upon the execution of Vendors Lien notes therefor, payable annually at 8 per cent, and the time which he shall have for the payment of said purchase price shall be not exceeding ten years, or such time as they may agree upon hereafter.

It is further agreed that Dawson County shall have a first class road, running West from the town of Lamesa, sixty feet in width, the centre of said road to be the Line described as projected from Survey 6, Tsp. 5 North, Block 35, in so far as the lands are owned by F M Weaver or Higginbotham, Harris-Co.

F M WEAVER.

JNO. G. HARRIS.

J M HIGGINBOTHAM.

R W HIGGINBOTHAM.

L C CUMPTON.

Sketch "B"
Dawson Co. SK. Files,
Agreement &
Surveyor's Letter,
Filed Sept. 17, 1917,
J. J. Robison, Court,
J. D. Medick, for File CLK.

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