

Atterfile
Volume 757

700/448

911/656

2411
913/337
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915/268

917/21

April 23 1909

Hen. J. T. Rebisen,

Austin, Texas.

Dear Sir:-

I am very much surprised ~~XXXX~~ that your office has been so inconsiderate of my feelings as to arbitrarily reject my resurvey of Block M24 in Hutchinsen county, without taking the construction up with me, and learning the cause of this construction, for I feel that I used every business precaution in this matter, and the position which I gave the Block was a result of an understanding between your office and the settlers on the ground. I have every reason to believe that Mr. Rebisen does not know the facts in this matter hence this explanation. If you will examine your files you will find that I reported that the people owning the land in Block M24 had agreed to resurvey the Block upon the basis that it be constructed from its beginning from the north, and that I

Handwritten initials and scribbles

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counter 27220

W. D. TWICHELL
AMARILLO, TEXAS

Letter Vol. 757

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Amarillo, Texas, 9/29/09.

Hon. J.T. Robison,
Austin, Texas.

10/2/09

Dear Sir:-

RECEIVED

When I was in Austin about one month ago you took up the matter of my resurvey of Block M-24 in Hutchinson County, and made a personal examination of the details affecting my resurvey of Block M-24 and so far as expressing any conclusion you found nothing adverse to the position which I had given the surveys and remarked that the opposition which Messrs. Hunnicutt and Rosenberg had to the resurvey might have some tangible foundation and since that foundation was not known by either of us, that you wished to hear their presentation of the matter before finally deciding this question. You also stated that you hoped to be able to reach this matter in about two weeks and that it would be impossible for you to consider it farther at that time for the office was overwhelmed with the unusual work of preparing to take over the accounts from the Treasury Department as provided by the last legislature. I have some conception of the enormity of this task and therefore am not surprised that a month has passed without hearing anything of your conclusion as to the resurvey of M-24. However, I wish to suggest that the parties on the ground will be glad to know your final conclusion in this matter for a number would like to extend their improvements during the winter and you will appreciate that they can do so more cheerfully and thoroughly when they know that your office has finally decided that their survey is correct and final. You will also appreciate that they will not care to carry material the distance they must to make improvements when there

Referred to Map

Oct 1 1909

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counter 27229

W. D. TWICHELL
AMARILLO, TEXAS

Amarillo, Texas, 9/29/09.

JTR/2.

is any uncertainty as to the result of this resurvey. I am occasionally receiving letters asking if this matter has been decided and I have explained to them that the office was overwhelmed with this unusual work, adding about the time which you indicated that the matter could be looked into. I think that the matter will not occupy any great amount of your time for we covered all the facts which can affect the location because of the records, and any outside matter which Messrs. Hunnicutt and Rosenberg or Lucas may have to present can hardly cover any considerable amount of your time and therefore I hope that you can spare the time which may be necessary and let me hear from you in the interest of the parties on the ground.

Yours respectfully,

W D Twichell

WDT/MJM.

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Coenter 27830

W. D. TWICHELL
AMARILLO, TEXAS

Let. in Vol. 830
3/9/10 JHM

February 28" 1910

RECEIVED
MAR 3 1910
Referred to Map

Hon. J.T. Robison,
Austin, Texas.

Dear Sir:

Touching Block M24 in Hutchinson county, which I had up with you personally while I was in Austin, I wish to state that judge Taylor of Canadian and Henrietta has been employed to represent McFarland and he says he has a surenough boundary lawyer to assist. he has gone over the case with me fully, and I have told him all that Earnest and Hunnicutt represent as reasons why Lucas is protected and he can see no reason why McFarland is not perfectly safe. He will be ready for trial at the next term of court which will meet March 7", provided we are able to get some maps and certified copies from your office, and Judge Taylor is at Plemons at this time seeing to what must be supplied to the county record.

I have a letter from your office inclosing all of the agreements between the owners in Block M24 except the agreement^s which ~~was~~ were signed in ink and on separate sheets from the other parties, by Cosby and V/Hatchett. You will remember that attorneys for these parties have been in your office, or communicated with Messrs Hunnicutt and Von rosenberg in some way, and it may be that this agreement has been delivered to them. If this is true I hope that it can be recovered or a statement furnished as to its whereabouts. I remember that I inclosed the agreements, signed in ink along with these~~y~~ which are now returned from your office.

I have a letter from your Mr. Earnest Vonrosenberg, stating that he is now ready to turn my corrected field notes for Hutchinson over to the binder as soon as I send blueprint maps to be bound with the field notes. I do not wish to pay for binding these notes until the McFarland

The agreements alluded to can not be found. No one in the drafting room has any recollection of ever having seen them. They were never exhibited to any lawyer or anyone else or delivered to anyone by an employee of the land office.

R 4

county 27231

W. D. TWICHELL
AMARILLO, TEXAS

Hon J.T.R. page 2.

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case is settled, which gives every promise to ^{be} at this term of the court beginning March 7". Many of these notes have ~~been~~ held in your office several years, since 1906 as I now remember the ~~resurvey~~ of the headrights, so it can do little damage to wait until this case is settled. I intended to inclose blueprints with the report and if I did not do so it was a mistake of the mailing clerk, who is not here at present. However if there are no maps for this purpose I will have some made and forward them to you .

Yours respectfully,

W.D. Twichell

*Recd April 25 1908
1015 2 Bk West Wash
oil barrel & case
reference of W.D. Twichell*

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counter 27232

Hutchinson Co

Letters of W. D. Twichell & Cow-
an, Burney & Goree,
in re to BIK M24- M24 etc.
Dated April 23, 1909.

W. D. Twichell

W. D. Twichell

PHOTO
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counter 27233

W. D. TWICHELL
M. D. BURNETT
M. D. BURNETT
M. D. BURNETT

April 28 1899

that shows you were directed to resurvey
 that block in the northern position, and
 I know nothing of an agreement entered into
 between you and some of the owners of
 lands in that block. However, I should
 have the agreement on file and a copy of
 a letter directing you to resurvey at that
 the northern position. I would not approve
 the resurvey because the record evidence
 here, the maps, and long recognition by this
 office are in favor of the southern position.
 This matter has been gone into fully,
 and my conclusion is the result of a consider-
 ation of all data bearing upon the
 position of that block.
 This matter has also had my personal attention.

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could see no objection to this construction since the owners insisted upon their acquired rights to run their land out from its beginning call, when there was no original corners upon the ground to reverse this beginning.

Before I began the resurvey of Block M24 your office wrote me to proceed with the work upon the basis that the people had agreed upon. I am aware that Dr. Lucas is injured by this construction, and that fact was apparent when I submitted my report as to what the people had agreed to do, and the proper time to interpose ~~an~~ an objection would seem to have been at that time. I still believe that the Office will stand by its honorable understanding, since the people have acted upon the instructions given me in July, and since they are standing upon the calls in their field notes. Please look up this correspondence and let me know if I was not right in proceeding after I had submitted the matter to your Office, and receiving the instructions which you gave me to make the survey.

Yours respectfully,

W. D. Twichell

7/19/71 p. 160

Mr. W. D. Twickell Big Springs, Tex.

Dear Sir: - I have received your letter of the 23rd ult. in regard to corrected field notes of your resurvey of block M24 situated in Hutchisson county. I do not find cause for changing my view of the records of this office indicate at block M24 was located in the southern position as were the other M blocks according to the McDean sketch. The map for almost twenty years has shown it in the southern position and the land office has sold school land and issued patents based upon that position. If those surveys are to be mared from the positions relative to block R2 in which they have been recognized by this office the courts are the power that should do it.

Yours respectfully,
 counter 27223
 Hutchisson Co. #18

W. D. TWICHELL.

AMARILLO, TEXAS.

1473-

Letter
No. 757

Amarillo, Texas. Jan. 15" 1909.

Hon. J.T. Robison,

Austin, Texas.

Dear Sir:-

When we were on the ground attempting to determine the position of block 47 H & T C R R Co. in the west part of Hutchinson County, we traced out the back end of the river surveys as called for by Maddox where from section 44 to section 40, Mr. R.A. Spurlock was present at the time and his understanding has been that your office had required me to make the resurvey in accordance with Maddox lines and therefore that the lines would fall nearly one half mile south of the Spiller position. He is in my office to day and we have gone over the matter together and he now understands that my survey has not disturbed the Spiller survey of sections 40 to 44 block 47 and this being the construction which he has been contending for suits him perfectly as reported by me; and the letters which he has written objecting to my resurvey was caused by the misunderstanding of the facts as recited above. This letter is dictated in the presence of Judge Spurlock and he and I have agreed upon the statement and he and I will sign the letter, as an explanation to your office.

Yours respectfully,

R.A. Spurlock W.D. Twichell

R2

counter 27224

W. A. TWICKELL
AMARILLO, TEXAS

Amarillo, Texas, Jan. 15, 1909.

Mr. W. D. Twickell
Amarillo, Tex.,
Hon. J. T. Robinson,
Austin, Texas.

Dear Sir:- I have your letter of the 13th inst.
in regard to sections 40 to 44 block 47, H. & T.
C. R. Co. in Hutchinson county, which Judge
R. A. Spurlock joined you in signing
I dealing with corrected field notes of your
resurvey, I shall bear in mind the fact
that opposition to it is with

1-17-09
the lines would fall nearly one half mile south of the Spiller position.
He is in my office to day and we have gone over the matter together and
he now understands that my survey has not disturbed the Spiller survey
of sections 40 to 44 block 47 and this being the construction which he
has been contending for with him perfectly as reported by me; and the
letters which he has written objecting to my resurvey was caused by
the misunderstanding of the facts as recited above. This letter is
dictated in the presence of Judge Spurlock and he and I have agreed upon
the statement and he and I will sign the letter, as an explanation of
Yours respectfully,
Your office.

counter 27225

Hutchinson Co. St. File #18

Cowan, Burney & Goree
LAWYERS
FORT WORTH, TEXAS

Mar. 31, 1909.

Mr. J. T. Robison, Commissioner,
Austin, Texas.

Vol. 985
p 252

Dear Sir:

Mr. H. B. Crosby has handed to us the letter of Mr. Ward of your office of March 18th in which you advise that the survey made by W. D. Twitchell of Block M-24 Hutchinson County, has not been approved, but on the contrary has been rejected by your office.

It is this survey against the confirmation of which we filed a protest. It appeared to us from the facts that we had before us that the survey created a vacancy to the south which was at the expense of the older surveys in this block, and particularly at the expense of the survey made for the Day Cattle Co. which was practically wiped out.

We felt, too, under the facts before us, that Secs. 3 and 5 were sacrificed in their measurements east and west so as to make sec. 3 lose more than 100 acres, and that such result was unjust to these older surveys, for under our information it appeared that these surveys were made from the older surveys on the east- that is, the Hall and Niel tracts, and that by all rules of construction Sur. 3 should run its full course and distance east and west, as well as north and south, and that if there should not be sufficient land in the block to give to that section its full quota, then the sacrifice should be at the expense of some of the junior surveys.

The result of the Twitchell survey, as we have stated, was to practically eliminate the Day Land & Cattle Co. survey, which is Sec. 21, by pushing Sec. 5 up on to this land, and creating a vacancy in the south of this block to be filed upon.

Our clients Mess. Crosby and Hatcher own sections 3 and 5 and it may be necessary for them to file suits to finally have their boundary lines adjusted, since they desire to fence their land and to take possession of it according to the best information they can get as to what are the true boundaries.

In view of the rejection of the Twitchell survey, would your office be so kind as to communicate to us the ground or reasons for declining such survey, and then send to us a plat or sketch of Block M-24 and the immediate adjoining lands, showing the boundary lines and distances as recognized by your office. We will be glad to remit your charge in the premises, and in advance beg to thank you for your early attention.

Very Truly,

Cowan, Burney & Goree

BKG

counter 27224

Messrs Cowan Burney & Gorce

St. Worth, Tex.

Dear Sir; In reply to your letter of the 31st inst. in regard to block M24 in Hutchinson county. My reasons for rejecting Mr. ^{Twickells} resurvey of that block are expressed in my letter of the 20th inst addressed to him on the subject as follows: "I have declined to approve your corrected field notes of the surveys in that block. It is my opinion that block M24 should stand as it is shown on the map in the southern position just as blocks M23 and M22 are shown and have been established by your resurvey."

Will add that I think the calls for the Hall and Neil surveys on the south and west will control the position of block M24 rather than the calls for the D & P. surveys on the north.

Am herewith sending you a plat showing surveys in block M24 as shown by the county map in use in this office. The fee is \$4.00 which you may kindly remit.

Counter 27227

4-22-69 H. W. Bennett

reward

Hutchinson Co. St. File #18

W. D. TWICHELL.
AMARILLO, TEXAS.

6/30

Letter 213
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16475

Amarillo, Texas, June 28, 1909.

Hon. J.T. Robison,
Austin, Tex.

Dear Sir:-

Please send me a plain copy of the field notes for surveys 49 and 50 in the north-western part of Hutchinson County and lying either in Block M 23 or between the surveys in Block M 23 and Block M 24. I also want a plain copy of section 30, Block M 23 which joins the two sections 49 and 50 mentioned.

To be more explicit, section 49 lies east of section 7 in Block M 24 and section 50 lies south of the same section 7 as shown by the official map in the Land Office. Block M 24 lies immediately east and north of the body of head rights in the west part of Hutchinson County.

Please forward these to me as early as possible and give charges for same and I will remit promptly provided I do not already have a credit on deposit in the Land Office.

Yours respectfully,

W.D. Twichell

3 Plain Envs \$1.50

Jan 8, 1922

" " 16475

WDT/MJM.

7/19 Gould

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