

File No. 34

TERRELL County

Sketch File

Filed Oct. 3 19 60

BILL ALLCORN, Com'r

By V. E. Higgins

- 1- Office memo re. const. of
T.C. Ry. Co., Blk. A-2
C.C.S.D. & R.G.N.G. Ry., Blk. B-2
E.L. & R.R. Ry. Co., Blk. C-3
G.C. & S.F. Ry. Co., Blk. C-4
Pecos & Terrell Co.
- 2- Ltr. from C.C. Cool
- 3- Ltr. to C.C. Cool

Sketch File 34
Terrell Co.

Top-Open

BILL ALLCORN
COMMISSIONER
GENERAL LAND OFFICE
AUSTIN 14, TEXAS



counter 37984

September 30, 1960

Cool & Stilley
P.O. Box 574
Midland, Texas

Attention: Mr. Clifford C. Cool

Dear Mr. Cool:

This will acknowledge receipt of your letter of recent date in which you point out the history surrounding the survey work done in TC Ry. Co. Block A-2, CCSD&RGNG Ry. Co. Block B-2, EL&RR Ry. Co. Block C-3, and GC&SF Ry. Co. Block C-4 in Pecos and Terrell Counties.

In addition to furnishing us certain information, you have asked us to advise you what construction to place on the above referred to blocks, and after thorough checking of our records and a conference with various parties here in the Land Office, it has been determined that the Land Office in the past few years, has adopted the construction as reflected in J. A. Simpson's survey and map of the area, which is filed in the General Land Office.

I am enclosing herewith a memorandum which is self-explanatory and which points out the results of our findings and our conclusions. The conclusions in the above referred to memorandum conform with the above information.

File No. 34
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BILL ALLCORN, Com'r
By [Signature]

Sincerely yours

BILL ALLCORN, Commissioner

By

Jack Giberson, Director
Legal Division

JG:jer
cc -

Mr. V.A. Walston
P.O. B x 3180
Houston, Texas

Mr. Edward D. Brandt
P.O. Box 2180
Houston, Texas

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COOL & STILLEY
CONSULTING ENGINEERS - LICENSED LAND SURVEYORS
REGISTERED PUBLIC SURVEYORS
2211 INDUSTRIAL AVE.
P. O. BOX 574 MU 4-8296
MIDLAND, TEXAS

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RECEIVED
SEP 13 1960
General Land Office

CLIFFORD C. COOL
J. C. STILLEY
G. E. SAUNDERS
O. ALSOP

September 12, 1960

Honorable Bill Alcorn, Commissioner
General Land Office
Austin, Texas

Dear Sir:

I am considering doing survey work in Pecos and Terrell Counties in the four blocks laid down by H. C. Barton in 1881, namely: T.C. R.R. Block A-2, C.C.S.D.&R.G.N.G. R.R. Co. Block B-2, E.L.&R.R. R.R. Co. Block C-3 and G.C.&S.F. R.R. Co. Block C-4. The purpose of this work is to locate and prepare corrected field notes on those sections not yet patented and also prepare corrected field notes on certain patented sections which contain excess acreages in order to purchase the excess.

I have made a study of the General Land Office records regarding the original and subsequent survey work in these blocks. This study raises several questions as to the proper method to be used in re-establishing the boundary lines of sections in these Barton blocks. Before submitting these questions for your consideration I will outline briefly the results of my study of the General Land Office records.

In 1881 H. C. Barton surveyed Block A-2 (100 sections), Block B-2 (80 sections), Block C-3 (20 sections) and Block C-4 (64 sections), embracing in all 270 sections. More than half of the 270 sections were patented on Barton's original field notes. Barton called most of the section corners to be stakes and mounds, however at some corners he called for "stone mounds" or "pile of pebbles". Some of the stone mounds had witnesses. Others called to be stone mounds in valley or on side of mountain, while none of the pebble corners were witnessed. Only nine of the stone mounds Barton called for had witnesses, while the remaining 24 stone mounds and seven pebble mounds were without witnesses. All nine of the witnessed stone mounds were in the

File No. 34
TERRELL County
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Filed Oct. 3 1960
BILL ALLCORN, Com'r
By [Signature]

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east and north part of Blocks A-2, C-3 and C-4 with the most northwesterly one being at the northwest corner of Section 3, Block C-4.

In report dated August 13, 1929 (File No. 29-B, Pecos County) Mr. J. A. Simpson reported that he had found practically all of Barton's original stone or pebble corners in Blocks A-2, C-3 and C-4. However only five of these corners had witnesses, the balance being just stone or pebble mounds. In this report Simpson stated he had previously found Barton's original northeast corner of Section 43, Block A-2, which Barton witnessed. As result of his 1929 work Simpson submitted a sketch (CSF 11690 filed in General Land Office, July 9, 1929), showing his work in the most southwesterly part of Block A-2 and another sketch (File No. 29, Pecos County, filed in General Land Office, August 2, 1929), showing his work in the western part of Block A-2 and in the central part of Block C-4. This latter sketch was endorsed by the General Land Office as follows: "This construction of surveys in Blocks C-4 and A-2 not accepted by Land Office. Surveys in Block Z appear O.K. 9-16-29. Mc" In a letter dated 9-6-29 from the Acting Land Commissioner to E. B. Chandler and Company, the following excerpt is taken:

" . . . Mr. Simpson's plat and corrected field notes are at such variance with the records of this office that the office hesitates to approve same without further information from Mr. Simpson in regard to his findings and identification of corners on the ground. It is noted on his plat that he marks several of the corners "H. C. Barton" which would indicate that he recognizes such corners as original made by Mr. Barton, the locating surveyor. But inasmuch as there seems to be no description of said corners in the field notes by Barton by which said corners can be identified by bearings of any kind there would seem to be some doubt as to accepting points short of course and distance as called for in the original field notes. Mr. Simpson's work would seem to cause a general disturbance in the location of surveys in Block C-4 . . . "

I find no record of patents having been issued on Simpson's corrected field notes based on his 1929 work. It would appear that the Land Commissioner was reluctant to accept unwitnessed or unidentifiable stone mounds as being original Barton corners. Proof of this is demonstrated by Mr. Simpson's subsequent work in 1936 and depicted on Terrell County rolled sketch "J.A.S." filed in the General Land Office, September 22, 1936. As a result of Simpson's 1936 work 21 or more unpatented sections in Block B-2 were patented on his field notes and at least four sections that had been patented on Barton's original field notes were issued deeds of acquittance. In Block A-2 at least 31 sections were patented and 11 deeds of acquittance were issued based on Simpson's 1936 work. In Block C-3 at least three

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sections were patented on his field notes while in Block C-4 at least 25 sections were patented and at least 70 deeds of acquittance were issued on Simpson's 1936 field notes. It is interesting to note that on sketch "J.A.S." the northwest corner of Section 3, Block C-4 is the most westerly corner that Simpson designates as original.

Out of the 270 sections in these four blocks at least 112, or almost half, have either been patented or issued deeds of acquittance using Simpson's 1936 corrected field notes. In his 1936 work Simpson accepted only identifiable or witnessed corners as being original Barton corners which corners Simpson used to control the location of the sections depicted on sketch "J.A.S."

At the present time there are some unpatented sections in nine of these blocks but the exact number I do not know.

Trusting that the foregoing has given you a clear picture of what has gone before, I would appreciate your advising me at your earliest convenience which of the following methods I should use in locating the boundary line of Sections in these four blocks:

1. Should I disregard Simpson's 1936 work and use the unwitnessed corners in the western portion of these blocks as being original Barton corners?
2. Should I follow the construction shown on Simpson's sketch "J.A.S.", thereby conforming to past acceptance by the General Land Office?

Yours very truly,

Clifford C. Cool
Clifford C. Cool

CCC/vr