

THE UNIVERSITY OF TEXAS
AUSTIN 14
April 20, 1953

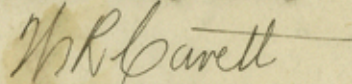
W. R. CAVETT
AUDITOR, OIL AND GAS PRODUCTION

Mr. J. A. Conklin
204 South Oaks Street
San Angelo, Texas

Dear Mr. Conklin:

Enclosed is a memorandum prepared by Mrs. Harwood at the request of Judge Scott Gaines. Should you wish any other information on the subject from this end of the line, please feel free to request it.

Yours very truly



W. R. Cavett
Fourth Floor
Land Office Building

BCH/nm
cc: Mr. Jack G. Taylor
Judge Scott Gaines
Mr. E. J. Compton
General Land Office

MEMORANDUM

Louise G. Harwood
to J. A. Conklin

At the request of Judge Gaines, a report of my findings after comparing Mr. Simpson's sketch and letter with the records of the General Land Office and Mr. Frank Friend's field notes are here given you. A copy of Mr. Simpson's sketch is also enclosed.

A study of these records, if correctly interpreted, leads me to the conclusion that the question is mainly one of fact. The work of each surveyor appears to be more or less in agreement except in two instances:

1. The correctness of Friend's location of the West line of University Blocks 3-4 and 5; and
2. The monument at the SW corner of Section 32 and Friend's location of the SE corner of Section 32, Block 58, University land, and their consequent effect as to the correct location of the North and South lines of Block 58 and the East line of Blocks 58-10-11 and 12.

Let us first consider the West lines of University Blocks 3-4 and 5. Friend according to his report of the re-survey of Blocks 1 to 13 and 58, University lands, Crockett, Reagan and Upton Counties, Field Note Vol. 10, Page 135 to 136 inclusive, states that the outside boundaries of these blocks were established solely according to the positions of original rock mounds found and identified.

Friend shows two original corners on the East line of Block 13, University land, Crockett County, one at the juncture of the NE corner of Section 6, Block 13, and the SW corner of Section 36, Block 5, the other at the NE corner of Section 7, Block 13. At the West common corner of Blocks 3 and 4 he finds the undisputed "Dagger" corner and establishes the West lines of Blocks 4 and 5 by a line joining these monuments. He then establishes the West lines of Block 3 by projecting the same line to its intersection with the South line of Block 58 for the NW corner of Block 3 and the SW corner of Section 9, Block 58.

Simpson on the other hand makes no mention of the original corners on the East line of Block 13 or the "Dagger" corner at the juncture of the NW corner of Block 4 and the SW corner of Block 3. Instead Simpson finds a rock mound 1953.8 varas N 87° 05' 35" West from the rock mound for the original SE corner of Survey 9 and the SW corner of Survey 10 which Simpson states he finds in the same position as reported by Friend. Simpson marks this as his SW corner of Survey 9, Block 58. He also reports the finding on the ground of a rock mound which he contends is

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the original SE corner of Section 5, Block 58. Running a connecting line between the rock mound at the SE corner of Section 5, Block 58 and the rock mound 1933.8 varas from the rock mound at the SE corner of Section 9, Block 58 which he and Friend agree upon as to position, Simpson establishes his West line of Block 3. Thus Simpson's West line of Block 3 falls 50.8 varas East of Friend's line at the NW corner of Section 1, Block 3.

A question Mr. Wallace, Chief Clerk of the General Land Office, would like to have answered is, "Did Frank Friend find the rock mound found by Mr. Simpson 1933.8 varas West from the rock mound at the SE corner of Survey 9, Block 58, and the rock mound found by Simpson for the SE corner of Survey 5, Block 58 and, if so, what were his reasons for disregarding them?"

Let us next consider the location of the North line of Block 58, University land, Reagan and Upton Counties. Friend reports that the common corner of Sections 1 and 2, Block 3 and Sections 9 and 10, Block 58 calls for a stone mound (R. M. Thompson field notes) and he described in detail a rock mound found on the ground near this common corner. 1900.8 varas North of this old rock mound, Friend marks a point as being in the North line of Block 58 (remember Simpson agrees as to the position of this rock mound).

At the common corner of Sections 5 and 6, Block 10 and Sections 31 and 32, Block 58, Thompson's field notes call for a stone mound. Friend identifies this mound on the ground and finds a point 1900.8 varas North of this stone mound. Friend then fixes the North line of Block 58 by a line with East and West extension joining this point with the point marked 1900.8 varas North of the rock mound near the common corner for Surveys 1 and 2, Block 3 and Surveys 9 and 10, Block 58.

Mr. Simpson states that he finds in the same position as reported by Friend the rock mound called for in the Thompson field notes for the SW corner of Section 10, Block 58 (SE corner of Survey 9). Mr. Simpson also reports the finding of a rock mound which he identifies as the SW corner of Survey No. 32. Simpson then fixes the South line of Block 58 by projecting a line from the rock mound found by both him and Mr. Friend as follows: "from the original SW corner of Survey No. 10 through the original SW corner of Survey No. 32 to the original SE corner of Survey No. 32". He then locates the North line of Block 58 1900.8 varas North of this South Line.

Thus it would seem from this end that the problem is based on factual information as shown on the ground. If the rock mound found by Friend

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near the SW corner of Section 10, Block 58 and the rock mound found by him at the SW corner of Section 32, Block 58 are one and the same as the two rock mounds used by Simpson in establishing the South line of Block 58, then it would appear that according to the statement of each surveyor the North line of Block 58 between these two points would be one and the same. Simpson's map, however, does not bear this out.

This brings us to the respective locations of the SE corner of Survey 32, Block 58. Friend asserts that with nothing else to control, a point which is even one mile or 1900.8 varas, East of the rock mound identified as the original NW corner of Section 6, Block 10 (SW corner of Section 32) marks the NE corner of Block 10 (SE corner of Section 32, Block 58). He establishes his East line of Blocks 58, 10, 11 and 12 by projecting a line with North South extensions through this point to a point established by him at the SE corner of Block 12.

Simpson on the other hand finds the SE corner of Survey 32 in this manner (the Thompson Field notes call for Survey 32 to begin at the stone mound at the SE corner of Block 31--the SW corner of Block 32--thence East 1900 varas to an earth mound). Simpson calls attention to the fact that in 1884, H. B. Tarver, just five years after Thompson made his survey of Section 32, Block 58, in his field notes for the J. H. Whatley survey calls for a large earth mound at the SE corner of Section 32 and gives mountain bearings. Simpson using a point with these bearings runs North $89^{\circ} 16' 20''$ West 1915.2 varas to the rock mound called for at the SW corner of Survey 32. Simpson appears to claim that on the ground Friend actually located the SE corner of Section 32 as he, Simpson, shows it on the enclosed sketch which disregards the original ground location of the SW corner of Section 32 reportedly used by Friend in constructing the North line of Block 58.

Mr. Wallace would like to know

1. Whether the original rock mound at the SW corner of Survey 32 called for by Mr. Friend is one and the same with the one called for by Mr. Simpson to be at the SW corner of Survey 32. Simpson indicates bearings on his map for the SW corner of Section 32 but he fails to indicate whether he found any of the bearings for this SW corner of Section 32 recited by Mr. Friend for the SW corner of Section 32--see Friend's field notes for Section 32, Block 58, University lands, Upton County; and,
2. If this corner is agreed upon between them, then is the concrete monument set by Frank Friend for the SE corner of Survey 32

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actually located on the ground 1900.8 varas East of the rock mound at the SW corner of Survey 32 found by Friend or did Friend in setting his monument for this SE corner of Section 32 ignore the ground location of the SW corner of Section 32?

Louise C. Harwood

April 20, 1953

UPTON COUNTY

SKETCH FILE NO. 39

Memorandum by Mrs. L. C. Harwood RE
University blocks 3-4-5, also blocks
58-10-11-12 in Upton and Reagan counties.

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