

CROCKETT CO. RL'D. SKETCH
88-N (Flat Folder)

S. F. 16304

Surveyor's Report

Exhibit "A"

counter 44132



I, H. W. Stoneham, a Licensed Land Surveyor of Texas, do hereby certify that the above plat truly represents a survey of the lands thereon shown as made by me upon the ground, according to law, and in accordance with my construction of the original field notes of said survey, as explained in my report herewith submitted, made under order of the District Court of Tom Green County, Texas in Cause No. W. M. Noelke vs P. L. Childress, January 17th 1923. That the limits, boundaries and corners, together with their marks and measurements between same are truly set forth and described in said plat and field notes and report submitted herewith; that said survey was made during the months of January, February, March, April and May, 1923, and further checkings of lines made thereafter later in the year 1923. Witness my hand and official seal this sixth day of May 1928.

H. W. Stoneham
Licensed Land Surveyor of Texas.

The State of Texas. 0
County of Crockett. 0

13

Sketch File No. 51147
Beaufort
Crockett County

Stanchard Sketch
Carolina Hedick Sur No 6

Filed July 16th 1931
J. H. Walker, Comm.

O. T. Plushes
File Clerk

Descriptive:
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.....

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S. F. 16304
EXHIBIT "A"

RECEIVED

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W. M. Noelke. . .

vs. No. 5525 :

P. L. Childress. . .

In the District Court of Tom Green County,
Texas.
May Term, 1929.

General Land Office

Comes now, H. W. Stoneham, a Licensed Land Surveyor of Texas, heretofore on the 17th day of January, 1928, appointed by this Court, by agreement of parties hereto, to make a survey of the lands in controversy herein, and begs leave to report therein as follows:

That in accordance and in pursuance of said order of Court, I procured from the General Land Office at Austin, Texas, certified copies of the field notes of the lands adjacent to and surrounding the land in controversy, that is, the P. L. Childress Survey No. 1, Block PP2, situated in Crockett County, Texas, and lying between Block "PP" (on the North) and Block "EH" (on the South) as shown by the plats, and the field notes thereof, recorded in the records of surveys in Crockett County, Texas and in the papers filed in this case-----and also made diligent search of the records at Ozona, in Crockett County, Texas, for further and additional data to be used in making said survey.

Since the tract of land in controversy is a Scrap File and located on an alleged vacant tract of vacant and unappropriated (or unsold) school land, it was necessary to locate the original surveys surrounding same, from their original (or corrected) field notes as shown by the surveyors records and patent records, and since the known and witnessed corners in this particular section of the country are few and far between, and more often than not, very inaccessible, long and tedious lines have had to be run, and carefully checked. The parties to this controversy had already before them the plats of (and field notes too) and reports of surveys made prior to the filing of this suit, by Col. R. S. Dod made in 1911 and 1921 and also of Frank F. Friend made at various and sundry other times, also that of Thompson McDonald made in 1900, and since it seemed that these were all being questioned either in one feature or another, it was necessary to make a complete and exhaustive survey from all directions.

Since the location of the lines and corners of Block 14, of the University Lands made by R. M. Thompson in November 1879, were tied by a call for location from the lower (or Southeast) corner of Section #1949, in the name of Christ L. Stiesser at the old Pontoon Bridge on the stage road between Fort Concho and El Paso, the South-east corner of Section #2, Block 14, University land being called to be a stone mound 5070 varas East and 4520 varas North of said corner, our beginning point on the West was the Pontoon Bridge corner as shown on the plat submitted herewith, and the result of the run was the location of the South-east corner of said Section 2, Block 14, University land as shown on this plat submitted, and this corner coincides with the same corner recognized and fixed as that corner by Col. R. S. Dod in his report in 1921, and I believe is the corner now generally recognized by Mr. Friend and other surveyors, as the South-east corner of said Section No. 2, Block 14, University lands.

The river surveys Nos. 88, 87, 76, 75 and 84 were surveyed by Jacob Keuchler and have beginning calls for the North bank of the Pecos River (east bank) and Section 88 has a definite tie call to the Christ L. Stiesser No. 1950, and by locating the Stiesser No. 1950 (all the corners of which were found on the ground, and reversing calls No. 88 was located in a very satisfactory manner. The Northern corners of 87, 86, and 85 were located by running from the river bank North the distance called for in the original field notes, as shown on plat. The North line and East line of Section 84, Block 1, I & G N R R Co. were located by reverse calls being complied with also, except that on account of recent erosion of the North (east bank) bank of the river, the East line of 85 (being the West line of 84) the West line of Section 85 was allowed to control, since there was no crossing worthy of mention at it's point of beginning.

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Report of Stoneham, Surveyor.

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In making the survey by this method there was almost an absolute coincidence of my lines with those made by Mr. Dod in April 1921 which he built from river surveys from the South towards the North as shown by his plat submitted herewith, the result of the survey from this side with only a few small differences in distance being almost exactly as that made by Col. Dod---however with variances from other points to the East as will later be shown.

Surveys Nos. 1, 2, 3 and 4, Block PP, G. C. & S F R R Co., were surveyed by Will H. Bonnell, Deputy Surveyor, Bexar District, May 25th 1882 and were tied by their calls of beginning, to Sections 1 and 2, Block 14, University lands, which we have just located as reported above, and I think that he was probably on the ground with at least a part of this work, either at that time or prior thereto, but the character of the land and it's inaccessibility probably precluded anything except a superficial survey of anything except enough lines for the purpose of making a tie call and a legal certificate of actually having been on the ground, however his notes of this and other surveys adjoining indicate that he made a careful plat of his work and endeavoured to make his field notes comply with the facts of location (actually) on the ground. In making my survey I have made the simple tie to the South-east corner of Section 2, Block 14, University lands and ran East three miles and South 1 mile (1900 vrs) to locate the South-east corner of Section 4, Block PP" as shown on plat herewith submitted, and I think there will be no controversy among all the surveyors who have heretofore surveyed in this locality, but that the corner set is the correct South-east corner of Section 4, Block "PP", though there may be the question as to whether or not, it is in conflict ~~xx~~ with Section 9, Block 13, University lands---the location of which will be shown later.

Section No. 1, Block "TM" in the name of T. J. Murphy as surveyed by R. S. Dod, in April 1921, was surveyed and it's corners located on the ground, as shown on the plat herewith submitted. The only difference being that according to my survey of Block 13, of the University lands said Survey 1, Blk "TM" will not join the West line of Block 13, University lands (as called) because it's marked corners are some 500 varas West of said West line of Block 13, U L.

Since the South-west corner of Section 9, Block 13 of the University Lands is called as the beginning point for the P. L. Childress No. 1, and also as the beginning point of the Caroline Hedick No. 6, which are alleged to be in conflict in this controversy, it was necessary to locate same on the ground, and since it's Southwest corner was called to be an earth mound 6 feet wide 3 feet high made in November 1879 by R. M. Thomson and all the other calls of the section being earth mounds, it is usually presumed that in all probability these corners were never actually set in on the ground, or even if so it would seem every improbably that nearly fifty years later one would hardly expect to find even a trace of them. All the corners of this block are either earth mounds or rock mounds without bearings or witnesses of any kind, and since it was apparent from a search of the records that several surveys had been located on this particular body of land by surveys having a reputation of marking same well and in a manner permanent, it was necessary to go back to the initial call for beginning corner of Section No. 1, Block 13, University lands.

The initial or beginning call for the North-east corner of section 1, Block 13, University lands, is "an earth mound 3 feet high and six feet at base, twelve miles West and 5 five miles South of the North-west corner of Georgetown Railroad Co., Survey No. 1 on which is located Grierson Springs".

A careful inspection of the field notes of surveys between this corner and Grierson Springs failed to disclose any corner of the original survey having bearings or witnesses from which it could be positively identified or for that matter having a call from which it could be even much more than guessed at, since rock mounds, both large and small, very old, old, and recent were to be found in any direction both on and off of our lines and the lines of other surveyors which were on the ground, therefore it was necessary to make the run from Grierson's Springs.

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Report of Surveyor, Stoneham

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Field notes of the Georgetown Railway Company Survey No. 1 were procured and the run from the Spring itself made to locate the corner, and while there are several corners in the immediate neighborhood of the corner we located as the North-west corner of said Section No. 1, which is a stone mound with an iron pipe and marked, the difference is on a few varas either way, and would make little, if any, difference in the final result. From the Georgetown R'y Co., Survey No. 1, North-west corner we ran West (Variation 10 30' East) at each mile end or within from 1 to 5 varas we found a corner, and wherever a rock mound was called for in the original field notes, an aged, very old rock mound was found, and as a rule intact. I believe that in every case where we had a rock mound called for in the original field notes the mound was found, and that it was the original corner---though none of them had bearings. At the end of the sixth mile going West we had a call for "two large rocks 8 feet high on the side of a hill" but the end of the sixth mile fell in a level valley at a fence corner where there was an iron pipe, but at the end of the 7th mile exactly the two large rocks described in the call for the sixth mile were found, this of course, positively fixed the error as being one of compilation of field notes, and at the end of each mile thereafter, and until the end of the twelfth mile going West wherever rock mound were called for they were found at or within three or four varas of the end of the mile; (TWELVES MILES WEST)

At the end of the twelfth mile we turned South (Var; 10 30 E) and at the end of the 1st mile found a stone mound, at the end of the second mile found "Stone mound in valley" as called in field notes, at the end of the third mile "stone mound on top of hill" as called, at the end of the fourth mile an old stone mound, and at the end of the fifth mile, a stone mound and few varas furth on a large stone mound, set by Mr. Dod and marked "SE36" in July 1919 as shown by his plat herewith submitted. The Dod corner was adopted as the correct SW corner of Section 36, Block 5, University Lands, that being also by call the South-east corner of Section 1, Block 13, University Lands, the North-east corner of Section 36, Block 5, University Lands, was also, of course, the North-east corner of Section 1, Block 13, University Lands. (FIVE MILES SOUTH) The North-east corner of Section 1, Block 13, University Lands as established by R. S. Dod in 1919 and as adopted by me is 22,859 varas West and 9525 varas South of the North-west corner of Georgetown R'y Co., Survey No. 1, that is, almost exactly twelve miles West and five miles South thereof, as called for in the original field notes, and is sustained by an almost continuous and unbroken line of old rock mounds as called for in the original field notes. As a check on this corner for proper location we went back to the Grierson Springs section, the North-west corner of Section 1, Georgetown R'y Co., and ran these South 6 miles and West 12 miles to the South-west corner of Section 36, Block 5, University Lands (which is also the North-east corner of Section 6, and SE corner of Section 1, Block 13, University Lands, the excess to each mile going South and West from said Grierson Springs corner being practically the same as that noted on the run West and South from the same corner.

In support of this location will say that it would seem that R. M. Thompson, the original University Land Surveyor, began his work at the North-west corner of Section 1, Georgetown Railway Co., surveys, to construct Blocks 1, 2, 3, 4, 5, 6, in November 1879, and to judge from the dates given the Blocks were numbered in the order in which they were surveyed, as for instance, Section 36, Block 5 is certified as surveyed November 18th 1879, and Sections 1 and 6 (as well as the balance of Block 13) are certified as surveyed the same date, ~~while~~ while Block 14, is certified as being surveyed November 26, 27, 28 1879, and since Section 36, Block 5 and Section 1, Block 13, are certified as being surveyed the same day, it seems unlikely that they were separated on the ground by any space at all, ---for they are called to join each other. One might presume that after surveying they threw in 500 varas as a safety against shortage, but in view of the apparent care in placing corners at the end of each mile this does not seem likely, therefore I see no reason for including excess within the boundaries of the University Block 5, ~~but~~ since to do so, places it in conflict with other surveys made without ~~any~~ reason for expecting such a situation.

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Report of Surveyor, Stoneham.

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It seems more like that they ran on West the three miles to the North-west corner of Block 13, University Lands, and finding that they were on the brink of almost unscalable cliffs and mountains, decided to cut Block 13 to the three mile square it is, with practically all of it on top of the mesa, and thereafter to drop over to Pontoon Bridge for a known beginning point (which they actually did do,) as appears from the date of the record of the survey and the beginning point used. They were probably short of supplies and there was probably a store at the Pontoon Bridge, as well as a well known beginning corner, for they used it and ran East 5070 varas and North 4320 varas for the South-east corner of Section 2, Block 14, University lands. R. M. Thompson, or his authorized deputies, were probably in possession of data from the General Land Office together with working sketches and plats, which gave them the approximate distances, between Pontoon Bridge and Grierson Springs, and in his run East and North from Pontoon knew that there was excess distance ~~xxxxxxx~~ between the East line of Block 14 and the West line of Block 13, as he dropped 2 miles plus something over 500 varas, between the blocks, probably on account of not wanting the extremely rough land for the University and probably on account of not wanting to have to work out the very rough country in making the survey---probably both reasons were good and sufficient, and are real, since both are true enough.

THE CHIEF POINT OF VARIANCE between the survey which I have made and that made by Col. R. S. Dod in March 1921, and discussed in his report filed in April 1921, is the location of the North-east and South-east corners of Section 1, Block 13, University Lands. In this report he only mentions the original N E and SE corners of Section 6, Block 13 U L found on the ground, no mention being made in this report as to identification of same, however in a previous report of his work in 1918 he does mention that he was shown these corners of Section 6, Block 13 by Mr. Friend and discusses same at some length, I believe, as having been found by Mr. Friend in 1907, ----Subsequently, it seems that Mr. Friend was on the ground in another survey, and found another Old Rock Mound 101.2 varas East and 251.3 varas North of the corner which he had previously shown to Mr. Dod as found in 1907, which he then believed to be the SE corner of Section 6, Block 13, U L. This last corner was found by Mr. Friend in 1925, or was reported that year. If he is right with reference to this last corner, of course, the corner shown Mr. Dod in 1917 as found in 1907, for same corner is wrong and all of Mr. Dod's connections made therefrom, are wrong.

There was every reason to believe that the South-east corner of Section 1, N. E. corner of Section 6, Block 13, as established on the old 1907 Friend corner was wrong, and that it must properly be North and East a considerable distance, as was indicated in Mr. Dod's run from Grierson's Springs Georgetown Survey No. 1, plat of which is attached to this report, --and putting this corner further north and east would tend to take the Western sections of Block 13, University land out of conflict with surveys to the West, and I presume that this at least, in part, accounts for Mr. Friend's search of and for corners further North and East and the consequent finding of the four flat rocks he takes for the SE corner of Section 6, Block 13, U L.

This corner is described as a "stone mound "3 feet high and 6 feet at base near the road" (meaning the old stage road as that was the only road there at the time, and is yet clearly and well defined, with stumps of the old telegraph poles and glass wire insulators strung along the side of the road. The mound found by Mr. Friend is near the road, and is nearer right by the distance stated from the old 1907 corner shown by him to Dod in 1917 or 1918, at least by the distance above stated, but since the initial call for the location of the block is 12 miles West and 5 miles South of the North-west corner of ~~Block~~ Section 1, Georgetown R'y Co., surveys, as heretofore mentioned, I believe that that call, in the absence of anything which cannot be positively identified, should control and will control, and this places the corner above 325 varas further East and _____ varas North of the rock mound described in his 1925 survey, however this has but little bearing on the area of the land in controversy in this suit, though it has the effect of causing a separation of the West line of Block 13

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Report of Surveyor, Stoneham.

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and the East line of Section 4, Block "PP" and the Section 1, Block "TM" surveyed by Mr. Dod for T J Murphy, as shown on the plat herewith submitted, -- by something like 400 varas, and in moving North leaves the T J. McLaughlin Survey No. 56 with less area in conflict with the surveys to the South.

CAROLINE HEDICK #6: (Original Field Notes) The above location of the SW corner (and NW corner) of Section 9, Block 13, has considerable bearing on the location and position and some as to area of this tract; as in case the survey is held tied by the original notes as being in a square 2688 varas each way, since being pulled North it will lose by being put in greater conflict with Sections 3 and 4, Blk PP, but it will gain some of this back by the area between Section 4, Block "PP" and the West line of Section 9, Block 13, U L.,

CAROLINE HEDICK # 6 (Corrected Field Notes) The above location of the SW cor of Sec 9, Blk 13, U L, seems to be that in contemplation, at least, if not actually found by Will H. Bonnell in making the survey upon which are based the corrected field notes of this tract, as filed in the General Land Office as shown in this report, except that I seem to have the NW corner of Section 9, Blk 13 some 154 varas further North than he surveyed or platted it to be. These corrected field notes of the Caroline Hedick as they stand corrected by Will H. Bonnell, Deputy Surveyor, are fairly consistent with the facts as I find them on the ground.

CAROLINE HEDICK #6 (Corrected by Thompson McDonald in 1900) These field notes describe an entirely different tract of land to that in controversy here, and would seem to constitute a prior sale of the area covered by the Survey No. 1, Block "TM" sold to T. J. Murphy in 1919. See copy of his plat and field notes herewith submitted.

NONE OF THE ABOVE FIELD NOTES OF CAROLINE HEDICK SURVEY #6 include all the area between Block "HH" on the South, Block "PP" on the North and the River Survey No. 85 of the West and the T J. McLaughlin and Survey No. 52, Blk "HH" on the East, though the original field notes do include a part of the area as shown, the corrected field notes by Will H. Bonnell cover a still greater area, but none of them include all the area between the surveys above mentioned, as do the P. L. Childress Survey No. 1, Field Notes.

THE P. L. CHILDRESS SURVEY NO. 1, Block "PP2" field notes as surveyed by F. F. Friend, County Surveyor of Crockett County, Texas, unless actually marked on the ground covers the entire area, not appropriated by the Caroline Hedick No. 6, in one or the other of it's field notes, depending of course, on that held by the Court to be the holding field notes, if any; if actually marked on the ground as indicated by the survey of F. F. Friend, then that part lying outside of it's marked boundaries and between the South line of Block 13, U L as surveyed by me, is open---and ~~is~~ if not marked and held to it's beginning corner, (which I have moved North and East) it will then be in conflict with the Survey No. 52, Block "HH" on it's 3rd, 4th and 5th calls, since the T. J. McLaughlin will follow Block 13 East, ---if marked that space which the McLaughlin moves Easterly with Block 13 will be open unless the corrected field notes of Will H. Bonnell for Caroline Hedick #6 are held as holding---in which case of course, the P. L. Childress #1, Blk PP2 would not hold. Since it is difficult to show each and every phase and result on one plat, this discussion of results will probably seem somewhat long-drawn.

SURVEYS in BLOCK "HH" according to their field notes are built off of, and have their initial calls from, surveys around and adjoining the Archer County School Lands, none of which have corners with bearings which can be identified on the ground, on account of which it was found necessary to go to the center corner of the ARCHER COUNTY SCHOOL LANDS which is described as a large rock mound from which a Cedar marked X bears North 89 East 254 varas; another Cedar bears North 83 30' East 190 varas, also marked "X"; the original corner, with the bearing first mentioned with it's mark was found, and the ~~st~~ stump of the 2nd bearing tree was also found at it's proper position, and another tree from same stump was marked "X" by me counter 49139

Report of Surveyor, Stoneham.

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The identification of this corner is as near perfect as can be expected and is, I am sure, the corner generally accepted as the original center corner of the Archer County School Lands; FROM this corner we ran North 5000 varas, setting in a large stone monument and marking same for identification, making a careful search for other corners. We found a large stone monument, with flag therein something over 200 vrs South and about 100 varas West, evidently set for this corner, which caused us to go back to the corner and re-trace our line and check same for errors in measurement, but we found neither error in course or measurement and were forced to the conclusion that whoever set the flag and monument had erred in both. From our new corner, the NE corner League #3, Archer County School Land we ran East 5100 varas (the called distance in field notes) and found a large Stone mound, supposedly the original SE corner of the Richard Pillow Survey No. 1, North and West of us, distances and courses shown on plat, and while this is only a stone mound, without bearings, and out of position, subsequent work warrants the conclusion that it is original (the original corner).

We then went back to the North-east corner of League #3, Archer County School Land, as established by us, and ran ~~xxxxx~~ West (Variation 10 30' East) 5000 varas and set in stone mound with large center stone on South bank of a branch, marked NW Lea #3, Archer Co. S. L. --- We found other mounds both new and old in the vicinity evidently intended for this corner, but since no bearings were called for in original field notes, we let course and distance control for the time anyway, in fixing this corner. (N. W. ARCHER CO SCHOOL LAND)

From this corner we ran West 689 varas called for the South-west corner of the James Wiley Survey No. 2, and set in rock mound and marked same. (Found several other corners (mounds of stone) in the vicinity probably intended for this corner by other surveyors) but fixed the corner from course and distance, since bearings to identify same were lacking in original calls. (SW JAMES WILEY NO.2)

From the SW (as fixed by us) of the James Wiley No. 2 we ran North 5200 varas (distances called in field notes) and set stone mound in valley---having marked intermediate corners of surveys to the West as we came along the line.

From this corner we ran on North _____ varas and West _____ varas, and found the set "stone 3 feet high" marked (recently) "original NE 3". This stone is mentioned by Mr. Dod in his survey, and is called for in the original field notes, and it seems that it probably the original corner, however the stone has been down and could have been moved and if there were any original marks on it they are not now to be found, ---it is out of position several hundred varas both ways from where it should be if properly located relative the center of the Archer County School Lands Center corner, but when you run on East as we did and as Col. Dod did, 3805 varas and find the three stones in the mesquite flat far from any other stones (or stony ground) as called for in the original field notes for the NE corner of the James Wiley No. 2, and the old rock mound at 5069 varas further on East at the NE corner of the Richard Pillow it seems that there can be no question but that we must accept this 3 foot set stone as the original NE corner of the Obid Marshall No. 3, and NW corner of the James Wiley No. 2, notwithstanding it's position relative the Archer County School Land center corner---therefore all the surveys in Block "HH" were constructed as shown on the plat submitted herewith, making the corners of Sections 51 and 52, tie into Block 13, University Lands as indicated on the plat submitted herewith.

It seems likely that Will H. Bonnell must have ran the connection from the center of the Archer County School Lands to the correct corner at SE corner of Block 13 as well as South-west corner thereof, for his calculations would have been correct in locating the T. J. McLaughlin Survey No. 56, and the J. H. Stewart No. 7½ but for the excess between the NW corner of the Wiley and Archer Co. center cor.

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Report of Surveyor, Stoneham.

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Numerous random lines were run to try out leads from very old rock mounds which were found in and around corners in Block 13 of the University lands, and various other sections in connection with this work, the details of which are not treated herein.

All lines have been very carefully run with transit with fore and back sight, and measured both with chain and with stadia measurements. A constant variation of 10 30' East has been used on all lines except in the run from Pontoon Bridge north and east in Block 14, University lands where about 11 East was used.

The expense of the survey has been considerable as the country in which this work has had to be done is very rough and inaccessible, poorly watered causing lots of lost time in going to and from camp to work on this account alone, and a considerable portion of this work was done in the short days of the year 1928, in the latter part of January, February, March, April and May, 1928. We put in fifty-two working days during the months mentioned in the field with a full crew at fifty dollars a day, this sum including all expense of pay for chain-carriers, flag-men, axe-men, cook, groceries, gasoline, oil, tires and other incidental expense in connection with field work, and is the usual and customary fees charged by me (and others I believe) for this character of work. This item alone is \$2600.00, and in addition a trip to the General Land Office at Austin of three days, including expenses there, transportation, etc., at fifty dollars a day, making \$150.00, also \$60.00 paid for certified and photo-static copies of field notes used in making survey, and ten days at \$35.00 per day in compilation of and platting field notes and the preparation of this report of the work, making an aggregate sum due me amounting to \$3160.00.

Respectfully submitted,

H. Stoneham

Licensed Land Surveyor of Texas.

File No. *Rld. Sk. 88-N*
Crackett County
SF-16304 Exh. A-flat felder
Filed *Dec. 3* 19 *73*
By *H. Forbes*
BOB ARMSTRONG, Com'r

Crockett Co. Rolled Sketch 88-N

File No. Rid Sk 88-N

Crockett County

SF-16304 Exh. A

Filed Dec. 3 1973

BOB ARMSTRONG, Com'r

By H Forbes

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SURVEY REPORT

S F 16304 CROCKETT CO., TEXAS

Wm. C. Wilson, Jr.

Licensed State Land Surveyor

county 24193

R/d. SK. #88-N

WILSON, WILLIAMS, LANGOHR
AND ASSOCIATES

LICENSED STATE LAND &
REGISTERED PUBLIC SURVEYORS
PHONE 915/653-3916 - P. O. BOX 3326
1514 WEST BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

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General Land Office

December 1, 1973

File No. R1d Sk 88-N
Crockett County
Surveyor's Report
Filed Dec. 3 1973
BOB ARMSTRONG, Com'r
By H. Forbes

Honorable Bob Armstrong,
Commissioner
General Land Office
Austin, Texas 78701

RE: REPORT OF SURVEY
MADE FOR S F 16304,
CROCKETT COUNTY, TEXAS

Dear Sir:

I have conducted extensive research and survey on the ground of the above reference, pursuant to your letter of August 13, 1973, appointing me as surveyor to represent your office in this matter and I conclude my work with the filing of this report together with the accompanying sketches, plats, and maps.

The area covered by the above reference is described in Application to Purchase filed by Mr. E.B. White, Jr. of Midland, Texas, as being "situated in Crockett County, Texas, about 44 miles North 63° West from Ozona, the County Seat, and is bounded as follows, to-wit: On the North by the South boundary line of Section 36, Block 5, University Lands Survey; on the East by the West boundary line of Survey 5, Block BB-2, and the most Northerly West boundary line of Section 51, Block H; on the South by said Section 51, Block HH; and on the West by the East boundary lines of Sections 6 and 7, Block 13, University Lands Survey".

My instructions from your office were to conduct an impartial survey and return an impartial report disclosing the actual facts as they exist on the ground, also that all recognized existing corners affecting the existence or non-existence of a vacancy should be shown, and all work must be tied to accepted points. In an effort to fully comply with your instructions, I will discuss several possible constructions for the Surveys adjacent to this alleged unsurveyed tract of land.

HISTORY AND RESEARCH

The history of this area, insofar as it affects the existence or non-existence of S F 16304, begins in April 1879, when Mr. C.D. Foote located Georgetown R.R. Co. Surveys 1 and 2 in the Southwestern part of what is now Reagan County, Texas. At that time, this was in Tom Green County. One of the major land marks of the area, Grierson Springs, is located on Georgetown R.R. Co. Survey 1, thus the location of this Survey became well known to all of the Surveyors of that era and many simply referred to it as "Survey 1, upon which Grierson Springs is located".

The next lands located in this area were surveyed by R.M. Thomson in November, 1879 and consisted of thousands and thousands of acres of University Lands. The Blocks of University Lands that will be pertinent to this discussion are Blocks 1, 4, 5, 6, 7 and 13.

Working in this area during the same years, 1880 and 1881, were Mr. S.A. Thompson and Mr. H.C. Barton. Among other Surveys located by Mr. Thompson, he was the original surveyor of the Archer County School Lands, the Surveys lying to the North thereof, and a part of

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REPORT OF SURVEY MADE FOR S F 16304, CROCKETT COUNTY, TEXAS

Block HH, lying to the South and Southeast of our subject area. Mr. Thompson's work is of considerable importance to the question at hand and will be discussed thoroughly later in this report.

According to some of the correspondence found in the General Land Office, Mr. Barton was with the Surveying Party of R.M. Thomson in the location of the University Blocks, and perhaps this explains why we find no connecting lines and few if any identifiable corners called for by Mr. Barton other than those made during the Survey of the University Lands and to which he adjoined with subsequent Surveys. Mr. Barton was the original surveyor for Washington County R.R. Co., Block 3 and Survey 1, 2, 3 and 4, lying immediately to the North thereof, as well as T.W.N.G.R.R. Co., Block G and G.C. & S.F. Block B2.

Mr. H.B. Tarver appears on the scene in March of 1881 and as far as is pertinent to this discussion, located H. & G.N. Surveys 1 and 2, lying to the West of the Southwest part of University Block 4.

The next and final original surveyor in this area was Mr. W.H. Bonnell who, according to his Field Notes, surveyed in this area from 1881 thru 1887. Mr. Bonnell prepared Field Notes for the balance of Block HH, calling only for those corners as established by Mr. S.A. Thompson, as far as identifiable corners are concerned. Mr. Bonnell also returned Field Notes for Block BB2, which lies to the East and borders this alleged area. Mr. Bonnell was also the original surveyor for Block PP lying to the West of University Block 13.

A number of resurveyors have worked in this area as will be discussed later in this report.

We now have all of this area supposedly segregated from the Public Domain with the University Block 5 and 13, lying to the North and West. Survey 51, Block HH, being patented on the original notes by Mr. Bonnell, and Survey 5, Block BB2, also Patented on the original Field Notes by Mr. Bonnell and these Surveys lying to the South and East of the alleged vacant area. This then is the situation that existed when Mr. Bonnell made his adjoinder call for the University Blocks and brings us to the questions (1) Where is the correct line of the University Blocks and (2) Did Mr. Bonnell know where this line was when he called to adjoin same and (3) Did subsequent Surveyor Mr. Frank F. Friend monument these University Block lines in the correct position.

In conducting my research for this Survey, I ordered many Field Notes and sketches, but I believe no purpose would be served to list each of these as it would encompass several pages and I trust that it will suffice to refer to each pertinent item as it is discussed later herein. A great number of the Field Notes are reflected on our "S F 16304 working sketch No. 1 and No. 2" which are filed herewith. The area researched was considerably larger than shown on these working sketches in order to obtain any data that would shed light on this project. This included research in the General Land Office Rolled Sketches, Sketch Files, Connecting Lines, and so forth, for Upton, Reagan, Tom Green (Upton and Reagan were originally in Tom Green County) as well as Crockett County. I also searched the old records at San Antonio (Old Bexar District Seat) as well as the County Records of Crockett and Tom Green Counties and certain private records.

Sketch number 6 of the Crockett County Rolled Sketches in the General Land Office, shows the basic picture of development as of 1877 for this area, which consist of the surveys along the Pecos River, located by Mr. Jacob Kuechler, and reveals that the balance of this area was at that time Public Domain.

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I prepared "S F 16304 Plat A", which is a copy of said Sketch 6 with additions made by me, to depict this area as it was developed through 1879. This essentially consists of adding University Blocks laid down by Mr. R.M. Thomson, et al, in 1879.

"S F 16304 Plat B" shows the development of this area through 1883, with the area located by W.H. Bonnell shaded, thereby allowing the balance of this Plat to depict the area as Mr. Bonnell must have viewed it when he appeared on the scene in 1881. This Plat was compiled by using the sketch and connecting line returned by Mr. S.A. Thompson under date of June 1880 and February 1881 (see Sketch File 17 of the Crockett County Sketch filed in the General Land Office) which connecting line was from Grierson Springs to the N.W. corner of Block 29 of the University Lands near Fort Lancaster, together with the original Field Notes returned by Mr. Thompson of Surveys laid down by him. I also used the original Field Notes returned by Mr. H.C. Barton which are indicated on the Plat and of course, the original Field Notes of the University Lands were also used and the connection line by Mr. R.M. Thomson, the original University Lands Surveyor, is shown.

Mr. Bonnell's Field Notes indicate in the certificate that the Survey was made "---according to law, in the field, ---" and other than this I find no evidence whatsoever that Mr. Bonnell was actually on the ground in this immediate area, neither by records nor by ground data. In his Field Notes, Mr. Bonnell calls for adjointer to the adjacent Surveys including the University Blocks, however he does not call for any of the monuments that were called for on any of these Surveys other than those made by Mr. S.A. Thompson in Block HH. In my opinion, it is very clear that Mr. Bonnell used Mr. S.A. Thompson's connecting line and original Field Notes in order to determine the relation of the Surveys laid down by Mr. Thompson to that of the University Blocks to the North. By simply computing Thompson's connecting line to North, South, East and West distances and subtracting Thompson's original Field Note calls, together with the calls in the University Blocks, one readily arrives at the same Field Note distances which Mr. Bonnell recited in Block HH and Block BB2. If all the data Mr. Bonnell was using were correct, then his adjointer calls to the University Blocks would have likewise been correct, however, as will be explained in detail later herein, Mr. Bonnell was misled by two things that Mr. S.A. Thompson did of which Mr. Bonnell was not aware.

The following statements are true even if Mr. Bonnell was working with or for Mr. S.A. Thompson, as some Surveyors suspect, for just as Mr. Bonnell was not aware of these problems, S.A. Thompson could not have been aware of them based upon the work he did. First, S.A. Thompson had some excess in his distances as he ran his connection South from Grierson Springs. Second, S.A. Thompson made an error of 182.15 varas (short) between the S.E. corner of Survey 13 and the N.E. corner of Survey 13 as he ran North in Block HH. This together with the excess in his connecting line amounts to his N.W. corner Survey 7, Block HH (also known as "C" rock corner and being identified as corner No. 87 on my Survey map) being over 400 varas South of where it appeared to be from the Field Notes and connecting line calls. This is so even though there is about 200 varas excess in the University Blocks Southward from Grierson Springs.

Mr. Bonnell was further and more seriously misled by the fact that there is, if Mr. Friend was correct, almost 600 varas excess in the University Blocks Westward from Grierson Springs, while S.A. Thompson had a shortage in Westing with the result that Mr. Thompson's corners in Block HH are about 700 varas East of where Mr. Bonnell thought them to be, relative to Block 13 of the University Lands.

It appears very unlikely, that if Mr. Bonnell were on the ground, that he would have accumulated as much excess (almost 600 varas) in Surveying Westward $4 \frac{1}{3}$ miles, from S.A. Thompson's corners in Block HH, as did the University Surveyors in Surveying

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Westward 12 miles from Grierson Springs, or that he knew of S.A. Thompson's East-West shortage. It is also unlikely he would have the over 400 varas North-South excess in less than 3 miles, equal to that S.A. Thompson had in some 25 miles of connection line and Field Notes plus S.A. Thompson's 182.15 vara North-South error.

I have evidence that Mr. Bonnell was on the ground in some of Crockett County, as hereinafter discussed, but do not believe he was ever on the ground in this immediate area.

"S F 16304 Plat C" shows the configuration Mr. Bonnell attempted to give this area after surveying on the ground a lone connecting line rather far afield from this area. This connection and his Plat filed in 1887 are Crockett County Rolled Sketch File 37 and a sketch found in Bexar Scrip file 52157 in the General Land Office. The computation of Bonnell's connecting line corresponds very closely to his figures shown on his Plats and also the Field Notes which he filed on each of the Surveys he attempted to locate between Block BB2 and Block HH. These Field Notes bear the notation "This is entirely in conflict with superior and Patented Surveys--", and "Latest sketch in this File shows there is no room for this Survey--" and so forth.

In my opinion, Mr. Bonnell proved to one and all, by this latter work, that he did not know what the relation was between S.A. Thompson's work and that of the University Lands Surveyors, other than that which was revealed from Record data of that time (1883). However, based on this latter work, although much detached from the immediate area, Mr. Bonnell thought that he now knew this relation. Again, Mr. Bonnell, while actually tying University Block 29 to University Block 50, was still to a great extent dependent on and misled by the same connections, Field Notes, excesses and errors, which had earlier led him astray.

The result of his ground work was that, because of discrepancies in his own work, he now had the relative position of S.A. Thompson's work and the University Lands work about as much too far apart as he previously had them too close, as far as North-South is concerned. He was also attempting to pull apart the Blocks on which he formerly returned Field Notes reciting them as one system of Surveys. In considering East and West position, Mr. Bonnell's Plats and Field Notes indicate he now thought the East line of University Block 13 was about 3/4 mile farther East than he previously had thought, in relation to S.A. Thompson's work in Block HH, when said East line of Block 13 should have been about 1/4 mile West of where Bonnell first thought it to be. Thus he now thought the relation of S.A. Thompson's work in Block HH to Block 13 was about 1 mile less than it actually is.

The above proves, very definitely in my opinion, that Mr. Bonnell had no idea what the relative position of S.A. Thompson's work in Block HH and the University Blocks was, other than from Record Data and his one lone connecting line. One can see the same results in several places, by close examination of the records, wherever Mr. Bonnell wrote Field Notes, in the entire area of Crockett County bounded by the University Blocks on the North, East and South (at Fort Lancaster) and this subject area on the West.

In an apparent attempt to discover what was wrong, Mr. Thompson McDonald surveyed a connecting line in 1900, which purported to run from S.A. Thompson's work in the vicinity of the Archer County School Lands Northward to the South line of the University Lands Block 5. This work appears to only add to the confusion because Mr. McDonald indicates therein, that he found no discrepancies at all in this area.

There has been considerable surveying done in this area by subsequent surveyors as is evidenced by the numerous stone mounds that can be found today, several of which were apparently placed as corner for the same Survey but differ considerably in position.

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Among these subsequent Surveyors were Mr. Frank F. Friend-1907, 1925, and 1935; Mr. L.L. Farr-1911; Mr. R.S. Dod -1913, 1919, and 1921; Mr. E.C. Saunders-1923 and 1925; Marland Oil Company-1926 and 1927; J.A. Simpson-1928; H.W. Stoneham-1928; J.J. Goodfellow-1921 and 1941; and possibly some others who may remain unknown.

In 1954 Mr. James M. Flanigan conducted a Survey of practically the same area now filed on as S F 16304. The Applications for which Mr. Flanigan was surveying were S F 15660 and S F 15685. These files bear the notation "Rejected-No Vacancy".

On November 30, 1966, S.F. 16240 was filed on this area by Good Faith Claimant Mrs. Ruth Noelke Schlinke. This file bears the notation "Void for Failure to Complete Within Time Allowed-April 24, 1967".

SURVEYING ON THE GROUND

I began my Survey at the same place which the University Surveyors called to begin, as did resurveyors Dod, Friend, Saunders, and Stoneham, and according to marks on a rock there, so did Mr. H.B. Tarver and at some unknown date A.N. Lea. I refer of course to the N.E. corner of Georgetown R.R. Co., Survey 1, originally surveyed by C.D. Foote in April 1879. This corner has been well referenced to Grierson Springs by the several Surveyors as originally called by Mr. Foote, and witnessed with several additional marks as can be noted on my Survey map filed herewith. I referenced this corner to U.S.C. & G.S. Triangulation Station "SHELL" thereby assigning it Y and X Coordinates relating it to the Texas Coordinate System-Central Zone as defined in Article 5300a of Vernon's annotated Civil Statutes. My work, in all ties and closes on five of these Triangulation Stations, four of which are shown on my maps filed herewith and the other being Station "ARCHER".

I Surveyed Westward to the N.W. corner of Georgetown R.R. Co., Survey 1, finding corners as indicated on my "S F 16304 Survey Maps No. 1, 2, 3, and 4" as filed herewith. Referring to said Maps, I Surveyed Westward 12 additional miles to the N.W. corner of University Lands Block 5 and closed on U.S.C. & G.S. Triangulation Station "DANGER". Then I surveyed Southward 6 miles to the S.W. corner of Block 5 and I then Surveyed 2 more miles Southward to the S.E. corner of University Lands Block 13. I then Surveyed Westward 3 miles to the S.W. corner of said Block 13 closing this work on U.S.C. & G.S. Triangulation Station "MURPHY".

I then returned to the S.W. corner of University Lands Block 5 and Surveyed Eastward to the S.E. corner of said Block 5, same being the S.W. corner of University Lands Block 6 and closed this work on U.S.G.S. Triangulation Station "MEX".

I then returned to a reference point near the S.E. corner of University Lands Block 13 and Surveyed Easterly tying in corners as shown on said Maps, to the N.E. corner of Survey 8, Block HH. This corner is identified as No. 87 on my Maps and is also known as the "C" rock corner being the same as called for by the original Surveyor Mr. S.A. Thompson.

From this corner I Surveyed Southerly tying in rock mound corners in positions called for by S.A. Thompson to the S.E. corner of Survey 13, Block HH on the North line of Obid Marschall Survey 3, at which point I discovered that Mr. Thompson had dropped about 200 varas (my actual measurement 182.75 varas) in the last mile, being the East line of said Survey 13.

In search of proof of this, I surveyed Easterly along the North line of said Survey 3, the North line of J. Wiley Survey 2, and the North line of Richard Pillow Survey 1, to the N.E. corner of said Survey 1. As indicated on my Survey Maps, I found corners which

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appeared to be those made by Mr. Thompson, some of which have been perpetuated by the addition of brass disk in concrete monuments. I closed this work on U.S.C. & G.S. Triangulation Station "ARCHER".

As further evidence of authenticity of these corners, I refer you to Maps prepared by the late J.A. Conklin filed herewith for the information contained therein. One of these is dated November, 1963 to March, 1964 and shows Archer County School Land Leagues 2 and 3 and the Richard Pillow Survey and the Heirs of James Wiley Survey. The other Map is dated September and October, 1963 and shows Archer County School Land Leagues 1 and 4. These Maps indicate that Mr. Conklin set the concrete monuments in many of what he describes as S.A. Thompson's original corners.

It appears there can be no question but that these are the corners originally set by Mr. S.A. Thompson in 1881. I have also closely examined copies of Mr. Thompson's Field Books which further sustain this fact.

My computations reveal that the position of the "C" rock mound (corner No. 87 on my Maps) at the N.W. corner of Survey 7, Block HH relative to the N.E. corner of Georgetown R.R. Co., Survey 1, at Grierson Springs (corner No. 6 on my Maps) is 150.86 varas farther East and 617.09 varas farther South than called to be by Mr. Thompson due to some excesses and shortages in his work.

I also surveyed from the East line of University Lands Block 13, Westward to the N.W. corner of said Block 13. I have shown all corners recovered with the calculated Y and X Coordinates and indicated which Surveyor I believe established each corner. As considerable time has passed since the latest corners were established, all now appear very old or of about the same age. However, since we have found several mounds of stone set apparently for the same corner, we must endeavor to determine which, if any are original and which were made by subsequent Surveyors.

In regard to the corners which I have indicated as having been made by Mr. E.C. Saunders, I have examined his Field Book wherein he surveyed South from the N.W. corner of Georgetown R.R. Co. Survey 1 at Grierson Springs to the S.E. corner of University Lands Block 6 and then surveyed Westward 12 miles to the S.W. corner of University Lands Block 5. Mr. Saunders states therein, that he did this surveying in June, 1925, and that he found a large old rock mound which I have determined is the one I have shown as No. 96. Mr. Saunders and Mr. Friend and others, all seem to agree on this being an original corner made by R.M. Thomson, the original Surveyor of the University Lands.

Mr. Saunders' Field Book also reveals that he found a large rock mound (6 feet diameter) in the same position as that which I have indicated as No. 81 on my Survey Plats. His Field Book further reveals that he made all of the other corners along this line being Numbers 91, 135, and 62 as indicated on my Survey Maps.

According to his report and sketch dated June 22, 1919, and being Upton County Sketch Files 10 and 11 in the General Land Office, Mr. R.S. Dod indicates that he began Surveying at the N.E. corner of Georgetown R.R. Co., Survey 1 and Surveyed Westward finding stone mounds indicated on my Survey Maps as Numbers 11, 15, 21, 23, 141, and 33. Mr. Dod also states in his report that this line was previously surveyed by Mr. L.L. Farr in 1911.

Mr. Dod also Surveyed Southerly along a line he thought was the West line of the University Lands Block 5, making corners at each mile. Some of these which I have recovered, are numbered 142, 52, and 61 on my Survey Maps.

Having made corner which I have indicated as Number 61, for his position for the S.W. corner of University Lands Block 5, Mr. Dod then tied to the stone mound found by Mr. Friend in 1907 for this

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same corner, stating that it was 542 varas West and 357 varas South from his corner. Mr. Dod examined the East line of Block 13 on South from this point and states that he is satisfied that this is the line as determined by Mr. Friend in 1907.

In the same report, Mr. Dod states that he surveyed North and West on a staggered line in University Lands Block 4, to the Northwest corner of said Block 4 or what is known as the "Dagger corner". Mr. Dod found that the "Dagger corner" was also over 500 varas West of his position (his call, S.86°W. 585 varas). At the close of his report and in a cover letter accompanying same, being Upton County Sketch File "R" in the General Land Office, Mr. Dod requests that the Commissioner of the General Land Office study his report and instruct him as to what changes if any should be made and what further work might be necessary. In answer to this request, Commissioner J.T. Robison wrote to Captain R.S. Dod, letter dated May 15, 1920 and found in letter book 1354 at page 145 in the General Land Office, a letter of which the following is a partial quote.

"After careful study of the original Field Notes of these Blocks, I have reached the conclusion that Blocks Numbers 5 and 13, University Land, can not be separated for reason that they were made by the same Surveyor on the same date, Survey number 1, Block 13, calling for the lines and corners of Survey 36, Block 5, with same description. Therefore if Block number 13 is properly located on the ground by what you believe to be original corners as shown by your Plat & Report, then the Southwest corner of Survey 36, Block 5, University Land, should be made to coincide with the Southeast corner of number 1, Block 13, and extend the West line of said Blocks 5 and 4 from this corner North to the "Dagger corner" for Northwest corner of Block 4."

"I note what you say with reference to the uncertainty in the identity of this (Dagger corner), but considering that it is so near in line with the Southeast corner of Survey number 1, Block 13, and that it has been recognized and used by other Surveyors in locating other Surveys in that vicinity, I believe its adoption for Northwest corner of Block 4 will be more harmonious with adjoining Surveys than to fix a new point by course and distance for that corner. However, should you make any new discoveries concerning this corner that would otherwise establish its original location, you will of course, adopt same."

In August and September, 1925, Mr. Frank Friend made an extensive Survey of this area as is evidenced by his sketch and report, being Crockett County Rolled Sketch "C R V" and Crockett County Sketch File 60, in the General Land Office, obtaining about the same results as did Mr. Dod. Along the East line of University Lands Block 13, Mr. Friend found corners 101 varas East and 250 varas North of the corners he found in his run from Pontoon corner to the East line of Block 13, in 1907, and appears to prefer these over those found in 1907. The only one of these corners I was able to recover is marked number 65 on my Survey Maps. However, in 1935, Mr. Friend again uses his 1907 corners for the original corners such as at the S.W. corner of University Lands Block 5 and monumented all of the University Lands Blocks as shown in his numerous Corrected Field Notes and Survey Maps on file in the General Land Office.

According to his report and various correspondence, Mr. Friend used what he thought to be the original corners, including the "Dagger corner" to determine the outside Block lines where other Blocks adjoin the University Lands, and prorated interior Block and Survey lines and otherwise set these as he saw fit. Mr. Friend does not use corner I have shown as number 81, as an original corner, but indicates that corners which I have shown on my Survey Maps as numbers 96, 59, and 64, are the original corners as far as this area is concerned.

I was very elated upon recovering corners number 67 and 72 as

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can easily be understood upon reading my description of these corners and observing the photographs taken of each and filed herewith along with about 58 additional photographs of other corners to which we will continue to refer from time to time in this report. These corners were in approximately called distance position for the University Lands Blocks and by appearance were what I would expect to find based upon the calls of the original University Surveyors, however, I could not understand why these corners failed by at least 500 varas to fit a position that would allow the N.W. corner of Survey 25, Block 5, University Land to fall on top of a high hill as called for by the original Surveyors. At this point, I surveyed 1 mile West into Block 13, from corner number 64, also checked position 1 mile West from corner number 65 and likewise from corner number 67 and found that there was nothing to be recovered except the one lone rock marked as corner number 128 and in position Westward from corner number 64. It was at this time that I decided I must go to the Northwest corner of Block 13 and search this area for possible original corner. I recovered as indicated by my Survey Maps corner number 133 some 505 varas Northeast from corner number 131 which is Mr. Friend's position for the N.W. corner of Block 13. Again referring to the photographs filed herewith, one can readily observe that this corner number 133 was about what one would expect to find based upon the original University calls, however, I was concerned because it was marked and the original University Surveyors call for no such marks, however this could have been done by a subsequent Surveyor.

Fully realizing that this position as heretofore stated was not fitting the call at the N.W. corner of Survey 25, Block 5, I still felt compelled to go to the N.W. corner of Block 4, University Lands known as the "Dagger corner" and search this area for additional corners that might have been overlooked by Surveyors Dod, Friend, Goodfellow and others. Referring again to the photographs filed herewith, one can observe the large rocks around the monument set by Mr. Friend at the position he recognized for the "Dagger corner" and also the very definite rock mound which is an original witness call Southwest about 374 varas from the "Dagger corner", the photographs of which are marked Dagger WIT. MD. I also photographed the small rock mound made by Mr. Dod in his position for the N.W. corner of Block 4 and then I photographed a mound of rocks consisting of about a wagon load as the terminology goes, which was in an old eroded road bed. This is photograph marked N.W. 1, Blk. 4, "Road" and this corner is in about the correct position to fit a Northward projection of corners number 72, 67, 61, 52, and 42, however these rocks very definitely show evidence of scraping and otherwise being disturbed in recent years and it appears very unlikely that this is an old Survey corner, rather a load of rocks dumped to divert water and halt erosion.

In connection with the aforesaid N.W. corner of Survey 25, Block 5, University Land, I call your attention to the fact that corner number 51, as shown on my Survey Map and being the monument set by Mr. Friend for this corner, is in a header at the West foot of a hill and this can be observed in photograph showing View-126 to 51. Corner number 126, which is on the West brow of the top of hill is the corner accepted by Mr. J.J. Goodfellow as the original corner for this position as is evidenced by his car axle driven therein. Corner number 52 on my Survey Maps and the photographs is that made by Mr. R.S. Dod for the N.W. corner of said Survey 25 and is at the North toe of this high hill. Corners marked number 53, 55, 56, and 57 on my Survey Maps and in the photographs filed herewith, are all on top of the high hill as called for by the original Surveyor of the University Land. This can be further observed by using the originals of my Survey Maps as overlays to the U.S. Geological Survey Topographic Map filed herewith, these Maps all being the same scale.

Because I could not get a pattern out of the large mounds that I was finding, number 67, 72, and 133, that would fit a position on top of the high hill called for by the original Surveyors at the N.W.

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corner of Survey 25, Block 5, I began to carefully re-examine each bit of the voluminous data which I had obtained from the General Land Office and various sources and found a sketch in Bexar Scrip File 51147 by H.W. Stoneham. I had heretofore not placed much value on this sketch or on Mr. Stoneham's work, as I had encountered some of his work several years ago a few miles South of this area and found that it was, although well marked, considerably out of position. However, upon a close examination of this sketch I found that Mr. Stoneham indicated that he used the stone mound made by Mr. Dod at the S.W. corner of Block 5, University Lands and that he indicated 1 mile South of this point that there was a 6 foot high stone mound and that at the S.E. corner of Block 13 there was another stone mound. These stone mounds fit in position where we find corners marked number 67 and 72 on our Survey Map.

Mr. Stoneham did not indicate whether he found these mounds or made them although he does show large circles around these that would indicate he thought they were original, however he shows the same large circle around the Dod S.W. corner of Block 5, University Land. Upon further investigation I noted that his certificate on the Plat indicated that the Survey was made under order of the District Court of Tom Green County in 1928 and that there was suppose to be a report with this map. This report was not on file in the General Land Office, however I was able to obtain a copy thereof from the Clerk of the District Court of Tom Green County and file same herewith marked "S F 16304-Exhibit A". Mr. Stoneham's work was conducted in an effort to locate the C. Hedick Survey 6, Block CC2, which is located to the Southwest of the S.W. corner of University Lands, Block 13. In his report, Mr. Stoneham makes no mention of either of the old stone mounds in position identified on our Survey Maps as numbers 67 and 72 and it would seem that if he found these instead of making them, that he would certainly have mentioned this in support of his construction of the University Blocks in an Eastward position.

I call your attention to the fact that a copy of the Judgment, adjudicating the Field Note description for C. Hedick Survey 6 as prepared by Mr. Stoneham, is found in Bexar Script File 51147 in the General Land Office. Also Mr. Stoneham's Field Notes are found in this same File and although notation on the back thereof says see Court Decree and Surveyor's Sketch, there is an additional note that says "Cancelled by Corrected Field Notes". These Corrected Field Notes were prepared by Mr. J.J. Goodfellow in 1941 and said Survey 6 was Patented on those Notes in 1941. Mr. Goodfellow's Survey of this area is fully depicted on his map filed as Upton County Rolled Sketch No. 25 in the General Land Office. Of particular interest in this matter is the fact that Mr. Goodfellow indicates that he accepted Mr. Friend's West line of University Block 5 as monumented in 1935, as the correct West line of the University Block and also recognized Mr. Friend's East line of University Block 13 as being the correct line. The alternate Surveys in T.W.N.G.R.R. Co., Block G, lying to the West of University Lands Block 5, were Patented on Corrected Field Notes of Mr. Goodfellow which are in the same position as that depicted on said Upton County Rolled Sketch 25.

SURVEY CONSTRUCTION - - S F 16304 SURVEY MAP NUMBER 1

The construction on this Map is based on the assumption that the Stoneham line is the Correct East line of Block 13, and the Dod corner as adopted by Stoneham which is labeled Number 61 on this Map, is the correct S.W. corner of University Land Block 5 and that corner Number 96 is the original S.E. corner of University Land Block 5 and S.W. corner of the University Land Block 6. It is also based on the assumption that the adjoinder calls of the Field Notes in Block HH and Block BB2, for the lines of University Lands Blocks 5, 6, and 13 are correct. This is approximately the same position one would obtain with a called distance location for the University Blocks Westward and Southward from the N.E. corner of Georgetown R.R. Co. Survey 1.

The distance Westward from the line of S.A. Thompson corners in

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Block HH to the East line of University Land Block 13, thus constructed, is 8458.34 varas and this prorates at 57.71 varas per mile. Constructing the Surveys in Block BB2, Eastward by their original called distances from this East line of Block 13 places the most Westerly East line of Survey 12, 62.36 varas Westward from the West line of Survey 4, Certificate 486, while constructing Block BB2 according to the original passing calls in each Field Note for corners in Block HH and Washington County R.R. CO., Block 3 creates a conflict of 309.35 varas with the West part of said Survey 4, Certificate 486.

Since the relation of corner number 61 and corner number 96 is only 2.84 varas less per mile than the called distance along the South line of University Land Block 5, the called distance Eastward construction in Block BB2 would fit very well the passing calls in the original Field Notes of Surveys in Block BB2 for the Surveys in said Block 5 and if one were to use a construction honoring all the passing calls, it can be seen on this Survey Map that there would be an ever increasing Northwest Angle to the North-South lines of Surveys in Block BB2.

Several severe problems are encountered in attempting to use this construction for the University Land Blocks. First of all the distance between the Northeast corner of Block 13 and the N.W. corner of Survey 25, Block 5, University Lands, would be short about 560 varas if the original call "Stone mound on top of high hill" is honored at the N.W. corner of said Survey 25, Block 5. The North line of Block HH and the South line of Block BB2 intersect the East line of Block 13, thus constructed, only 166.80 varas North from its S.E. corner which is 602.2 varas short of the call in the original Field Notes of Survey 51, Block HH. If the original call in said Survey 51 were honored, this would leave a gap of about 620 varas between its most Southerly North line and the South line of Block 13, University Land, a portion of this gap being claimed by the University under the Frank F. Friend Survey. There would likewise be an area lying West of Block 13 which is claimed by the University under the Frank F. Friend Survey and an area over 500 varas wide lying West of University Land Block 5, thus constructed, also claimed by the University under the Frank F. Friend Survey. This construction would also create an area of land unclaimed by the University lying North of the North line of University Land Block 13 as located by Frank F. Friend and another area unclaimed by the University under the Frank F. Friend Survey lying between Mr. Friend's East line of Block 13 and the thus constructed East line of Block 13 or West line of Block BB2. This latter area would be over 500 varas in width and near 2 miles in length.

This construction also reveals that it would be necessary to exceed the called distance along the East line of Survey 5, Block BB2, by 589.63 varas to reach the thus constructed South line of University Land Block 5.

SURVEY CONSTRUCTION - - S F 16304 SURVEY MAP NUMBER 2

The construction depicted on this Survey Map is identical to that of Survey Map 1 as far as University Land Blocks are concerned, however the construction of Block HH and Block BB2 are based on called distances from what I believe to be the stronger calls that were made by Mr. Bonnell, the original Surveyor, for monuments in Block HH as previously established by S.A. Thompson. The adjoiners to the University Land Blocks are not honored thus allowing all of the passing adjoiner calls in Block BB2 for Surveys in Block HH to be exactly as they are in the original Field Notes. All of the same severe problems exist under this construction as those mentioned in discussion of Survey Map No. 1 except that the calls in Block HH and Block BB2 are now uniform. This construction also leaves an area of unsurveyed or vacant land lying West of the West line of Block BB2

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and East of the thus constructed East line of University Land Block 13 and South of the thus constructed University Land Block 5 and North of the most Southerly North line of Survey 51, Block HH, containing 186.32 acres of land.

The area of land unclaimed by the University under the Frank F. Friend Survey lying East of his East line of Block 13 and West of the thus constructed East line of Block 13, South of Mr. Friend's South line of University Block 5 and North of the most Southerly North line of Survey 51, Block HH contains 350.69 acres of land.

On this Map I have shown the Patented lines of Surveys in Block BB2 which were Patented on Corrected Field Notes as indicated and thus reveal the discrepancies between those lines and the lines of Surveys in Block BB2 according to this construction. These Patent lines are not shown on Survey Map number 1, however these Maps are of the same scale and can be used as overlays to determine that the same discrepancies exist based on that construction although to a some what lesser extent.

SURVEY CONSTRUCTION - - S F 16304 SURVEY MAP NUMBER 3

The construction on this Survey Map is based on the assumption that Mr. Frank Friend correctly monumented all of the lines representing the outer Block lines of the University Lands and indicates the problems created when attempting to honor the ajoinder calls of Field Notes in Block HH and Block BB2 for Surveys in the said University Land Blocks. In my opinion there are too many points in favor of the Friend location to allow any other construction. As previously stated herein, the Land Commissioner had instructed the use of the "Dagger corner", unless another acceptable corner could be found, and there is no evidence to indicate that any one has found another acceptable corner to this date, and I certainly have not. This construction would also leave a common line between the West line of University Land Block 5 and the East line of T.W.N.G.Ry. Co., Block G as Patented on Corrected Field Notes by J.J. Goodfellow and therefore not disturbed a long standing recognized line. Further it fits the old stone mound Mr. Goodfellow found and identified as the original N.W. corner of Survey 25 in University Land Block 5, corner number 126 on my Survey Maps and this corner fits the original call "Stone mound on top of high hill". Holding to this corner number 126 and to the "Dagger corner", there is no other corner that will fit for the S.W. corner of University Land Block 5 except the corner used by Mr. Friend which is number 59 on my Survey Maps.

There are numerous corners along the North line of University Land Block 6 and University Land Block 5 from the N.E. corner of Georgetown R.R. Co., Survey 1 Westward to the N.W. corner of Block 5, however this line has been Surveyed so many times by so many different Surveyors that there is only 1 corner on this line that is definitely identifiable as an original corner, this being the one shown as number 141 on our Survey Maps. The original Surveyor called for an 8 foot high rock on hill side at the N.W. corner of Block 6 and the N.E. corner of Block 5, and we find two 6 foot by 6 foot by 6 foot boulders about half way up the side of a high mountain on its East slope. Of course this corner is 1 mile too far West, but this probably was an error in compiling the Field Notes. There are several monuments along this line that are in about the correct position for original corners, however nothing will identify them definitely as such.

From this original corner, number 141, I find there is 597.05 varas excess distance to reach the N.W. corner University Land Block 5 and S.W. corner University Land Block 4 which would be on the line previously discussed running from the "Dagger corner" at the N.W. corner of Block 4 Southward through corner number 126 to corner number 59. If one were to recognize some of the monuments found along this North line of Block 5, he would be led to believe that all of this excess was in the last mile, however I do not believe that any of these corners are definitely identifiable and therefore this excess would

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prorate at 119.41 varas per mile for the 5 miles from said corner number 141 to the aforesaid N.W. corner of Block 5. Corner number 96 on my Survey Maps seems to be that which has been accepted as the original S.E. corner of University Land Block 5 by all subsequent Surveyors, as the original corner, and the distance from this corner to corner number 59 at the S.W. corner of Block 5 is found to be 428.98 varas in excess of the original called distance. This amounts to 168.07 varas less excess in 6 miles along the South line of Block 5 than found in 5 miles along the North line of Block 5 and also the bearing along the South line of Block 5 is about $3/4^\circ$ left of the bearing along the North line of Block 5. However, I believe that this construction is the most reliable in that it fits the calls along the West line of Block 5 and at the N.W. corner of Block 4 (Dagger corner) and it has been recognized for at least 38 years as the correct construction by the University and the General Land Office as well as many subsequent Surveyors.

The East-West distance from the line of S.A. Thompson corners in Block HH to the East line of University Land Block 13 is 722.17 varas more than the original call and, on this construction, we find this prorates at 167.15 varas per mile excess. The North-South distance from the most Northerly N.W. corner of Survey 51, Block HH to the S.E. corner of Block 13, University Land as monumented by Frank Friend is 261.19 varas short of the call if adjoinder is honored. I find that attempting to honor these adjoinder calls creates a conflict of 721.7 varas as you progress Westward from the S.E. corner of University Land Block 13 and about the same amount of conflict would be found at any point where Block HH approaches adjacent Surveys including the I. & G.N.R.R. Co. Surveys along the Pecos River. It thus appears that if adjoinder calls from Block HH to University Lands Block 13 are honored, there would be repercussions in the form of conflicts and discrepancies for miles of Surveys to the West of this area.

By constructing Surveys in Block BB2 called distance Eastward from the East line of University Land Block 13 as monumented by Frank Friend, I find that this is approximately the same pattern used by Mr. Friend and others in preparing Corrected Field Notes on certain of these Surveys upon which Patents subsequently issued, however those Surveys in Block BB2 which are Patented on the original Field Notes would be considerably distorted when attempting to honor all of the adjoinder calls recited therein. This Map also reveals that called distance Eastward through Survey number 12 fails to reach the West line of Survey 4, Certificate 486 by 547.06 varas and of course if adjoinder calls to the Surveys in Block HH and Washington County R.R. Co., Block 3 were honored, there would be a conflict at this point of 309.35 varas, however the Corrected Patent on Survey 12 has extended and rearranged the original calls so that the same will conform to the West line of said Survey 4 and also the West line of the J. Lout Survey 4 which lies immediately East of the North part of said Survey 12, Block BB2. I also found that it was necessary to extend the East line of Survey 5, Block BB2 Northward 327.79 varas over its original call to reach the South line of University Land Block 5.

The problems found in this area are caused by the great amount of excess in the University Land Blocks Westward from Georgetown R.R. Co., Survey 1 and the fact that the original corners in Block HH set by S.A. Thompson are 617 varas farther South and 150 varas farther East than Mr. Thompson's connecting lines and Field Notes recite them to be. To attempt to honor the adjoinder calls recited in Block HH and Block BB2 for University Land Blocks, would in my opinion, be a gross error in that it would not just eliminate the question of a vacancy of near 600 acres lying between these Blocks, it would in fact create conflicts amounting to 1000 to 1200 acres in lands in the Western part of Block HH which would affect various land owners not involved in this matter. In other words, it would give about 1000 acres additional land to the four tiers of Surveys lying immediately West of the line of original S.A. Thompson corners and by forcing conflicts with Senior Surveys to the West, reduce that part of Block HH

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lying West of these first four tiers by a like amount.

SURVEY CONSTRUCTION - - S F 16304 SURVEY MAP NUMBER 4

This Map shows the same construction as Survey Map number 3 as far as the University Land Blocks are concerned and shows a called distance construction for Block HH and Block BB2 based on the original line of corners in Block HH as set by the original Surveyor S.A. Thompson. In my opinion this is the proper construction that should be applied to this area for all of the reasons stated in regard to the University Land Blocks under the above discussion of Survey Map number 3. In regard to Block HH and Block BB2, this construction allows the errors created by Mr. Bonnell's erroneous assumptions, to remain just where they should be. This construction does not disturb any of the long standing, recognized lines by divesting property from one area and awarding it to another area through a shift of lines to honor adjoinder calls that were made by mistake and through conjecture by Mr. Bonnell in 1882 and 1883.

The conflicts and discrepancies between the Surveys in Block BB2 Patented on the original Field Notes, and those Patented on Corrected Field Notes, remain the same to a more or less extent under any of the four constructions herein discussed.

It can be seen on this Survey Plat that the occupied position along the East line of Surveys 26 and 34 Block HH is very close to called distance position as I have constructed it for these Surveys. If the adjoinder call to the East line of Block 13 University Land were honored, this line would move 501.45 varas Westward and this would amount to 835 acres of land for the North-South 5 miles of line this would affect.

On the lower Southwest portion of this Map I have shown part of the I. & G.N.R.R. Co., Block 1 Surveys along the Pecos River based on previous Surveying by me, in which I recovered some of the original corners made by Mr. Jacob Kuechler in 1876. As can be seen on this Plat, there were some early conflicts between Block HH and this Block 1, and as revealed on our working sketch, these Surveys were corrected out of conflict by Mr. R.S. Dod in 1921. His report dated March, 1921, and identified as Crockett County Sketch File "HH" in the General Land Office relates the work that he did in this regard. From this report one can ascertain that the corner marked on our Survey Plat as number 76 was most likely made by Mr. Dod and due to the fact that corners number 73, 74 and 90 fit this position so well, I believe they were also made by Mr. Dod. Corner number 139 may also have been made by Mr. Dod, as he states in his report that he made a mound at the N.W. corner of Survey 52, Block HH, however corner number 139 does not fit very well with the position of corner number 76. Mr. Dod did not Survey along the line of original corners set by S.A. Thompson in Block HH, but Surveyed Westward along the North line of J. Wiley Survey 2 and Obid Marschall Survey 3 and then Westward and Northward, thus he did not know of Mr. Thompson's error in the East line of Survey 13, Block HH and therefore his position is near 200 varas North of the correct position.

I have also noted on the lower Southwest portion of this Map, the position that the Survey lines in Block HH would take if adjoinder calls to the East line of Block 13, University Land, were used. This position is 721.70 varas Westward from the called distance construction which, as far as East and West is concerned, is about the same position used by Mr. Dod, and would not only shift about 1000 acres of land as previously stated but would almost wipe out Survey 49 Block HH and other Surveys not shown.

SUMMARY

Based upon the construction depicted on S F 16304 Survey Map number 4, I find that there is 524.57 acres of vacant, unsurveyed land lying West of original Survey 5, Block BB2, East of University Land Block 13, South of Survey 36, University Land Block 5, and

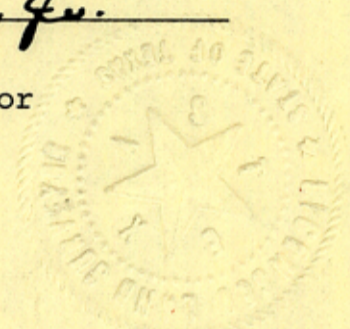
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West of the most Easterly West line and North of the most Southerly North line of Survey 51, Block HH, Crockett County, Texas. This area is fully shown and dimensioned on said Survey Map and I herewith return Field Notes for said S F 16304 based upon the same. To the best of my knowledge there are no producing oil or gas wells within 5 miles of this area.

Respectfully submitted this 3rd day of December 1973.

Wm. C. Wilson, Jr.

Wm. C. Wilson, Jr.
Licensed State Land Surveyor
San Angelo, Texas



File No. Rid Sk. 88-N
Crockett County
Filed Dec. 3 1973
BOB ARMSTRONG, Com'r
By H Forbes