

A. B. MARTIN
L. S. KINDER

G. D. RUSSELL
D. ZIMMERMANN

Martin, Kinder, Russell & Zimmermann

ATTORNEYS-AT-LAW

PLAINVIEW, TEXAS.

Oct. 2nd, 1917.

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

Dear Mr. Robison:-

Some time since I had some correspondence with you as to the appointment of a surveyor upon a boundary agreement to make a survey of the sections in Block C-9, Floyd County, Texas. These people are very anxious to have their land lines settled, and have entered into the agreement which I enclose you and are asking the appointment of W. J. Williams, of this place, to make the survey. I am sure that you know his reputation as a surveyor, and that he is one of the most competent engineers in the west, and at the same time honest, and I wish you would please, if you can do it, appoint him to do this work as soon as convenient.

Kindly return me the agreement with which you have no use.

Very truly yours,

LSK/MH.

L. S. Kinder

RECEIVED

OCT 4 1917

Referred to Map

No enclosure

Cook

counter 44548

H'

868.

A. B. MARTIN
L. S. KINDER

C. D. RUSSELL
D. ZIMMERMANN

Martin, Kinder, Russell & Zimmermann

ATTORNEYS-AT-LAW

PLAINVIEW, TEXAS.

Oct. 20th, 1917.

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

RECEIVED
OCT 2 1917
Referred to Map

Dear Sir and Friend:-

October 2, 1917, I wrote you with reference to the appointment of a surveyor to run the lines of the sections in Block C-9, Floyd County, Texas, and stated in the letter that I enclosed you the boundary agreement, but a few days afterwards notice that I had failed to enclose the same. I now enclose it so you can examine the same.

I ask the appointment of Mr. Williams to do this work for the reason that these people have unanimously agreed on him to do the work, and the further fact that he has done a great deal of surveying contiguous to these lands and by the work done has settled a great many of these disputes among the people in that part of Floyd County.

Personally, it looks like that it would be better to have Mr. Lider do this work, but as a matter of fact these people for some reason or other will not have him to do it. When they had me to prepare this agreement I especially insisted that they agree on him, but I could not prevail upon them to have him do the work. You know that with people, most of them, they entertain about the same ideas towards a surveyor that they do towards a doctor and always have someone especially in mind that they want to treat them. Mr. Williams intends to have Mr. Lider along with him and assist him in this work, as he has always done in all the surveying in that part of the country. These people are very anxious to get their lines settled for all time to come, and for that reason I hope you can see your way clear to appoint Mr. Williams. If I were having this work done myself, I would just as soon have Mr. Lider do it as anyone, but these people would never agree on him, and I think to assist them in settling their troubles and to get the benefits of fixed boundary lines it would be well enough to appoint any good, competent surveyor.

So far as I know the work of these two surveyors has not conflicted. If so, there has been no material difference.

With regards, I am,

Truly yours,

L. S. Kinder

LSK/MH.

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2491

W. JEFF WILLIAMS

RECEIVED

NOV 17 1917

Referred to Map

Plainview, Texas, November 15, 1917.

General Land Office,

Austin, Texas.

Gentlemen:

Herewith I hand you fieldnotes for the following sections of school land located in Floyd County for the purpose of correction of the area and to furnish you with the information by which you may have the account corrected to conform with the actual acreage:

Section No. 14, Block M.14, Hale and Floyd counties, for R.M.Ellerd, Plainview, Texas.

Section No. 128, Block D.2, Floyd county for W.C.Ooley, Plainview, Texas

Section No. 8, Block M.14, Floyd County for W.C.Clements, Plainview, Texas and

Section No. 90, Block G.M. Floyd County for W.D.Long, Lockney, Texas.

Also I am inclosing sketch to be used with these notes showing original corners and distances and directions from them to the lands in question.

Also I include letter from Col. R.P.Smyth, county surveyor of Hale county, portions of which letter I have underscored for the purpose of showing the date at which he first saw the earth monument at the N.E. corner of section No. 81, Block D.2, mentioned in the inclosed fieldnotes. His "8 feet in diameter" seems to refer to the mound and not the trench surrounding it.

All improvements to the westward of this corner have been made in accordance with it in Blocks D.2, D.5, and D.6, in Hale and Floyd counties

The constructions used in making these surveys is in accordance with a suggestion made to me by Mr. Robison while I was discussing this matter with him in his office and also because of a suggestion made to Mr. W.D.Long in a letter from your office. It is also in conformity with plan used in west part of Swisher to handle strip through Block M.6. Original fieldnotes indicate excess rather than vacancy through north part of Floyd County. Respectfully,

W. Williams

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R. P. SMYTH
LAWYER AND LAND AGENT
PLAINVIEW, TEXAS

Nov. 15th. 1917.

Hon. J. T. Robinson, Commissioner,
Austin, Texas.

Dear Sir:-

Mr. W. J. Williams, Surveyor, has asked me to write you a letter giving the result of a survey made by me in the year 1884 in the N.E. part of Floyd County.

At that time I was employed by certain parties to mark out the west line of Blks. D-2 & D-6, Hale and Floyd Counties, for the purpose of this work I secured from the General Land Office a working sketch of Block G-M, N.E. part of Floyd County.

Parties here pointed out an Earth Mound, 8' dim. as the S.W. Cor. Surv. 79 Blk. G-M, also a Cedar tree as a witness tree to S.E. Cor. Surv. 75 same blk.

In commencing this work I followed down the Quetequa Creek to the second falls where I found a rock monument at foot of bluff. From this monument I ran out for the Cor. as called for at the junction of two branches, my course and distance brought me out upon the side of a hill, some distance to my right was what I would call was the junction of two hill gullies, some 8 or 10 large stones were scattered about. Running from my point into the creek for a cotton wood tree called for I came out to the left of a cottonwood grove, searching among these trees I found a marked tree, bringing my line to this tree, I found by calculation that if I would change my variation I was using, I think it was 80'' that required change, would bring me out at the junction of the two, as I called them, hill gullies and also land me at the marked tree. Running west from this corner I well identified the corner S.W. No. 68, this was identified by its calls. Satisfied that I had found the true corners as well as the variation on which the work was originally put in, I ran for the nearest and easiest point of the Plains, came on the Cap Rock about the middle of the east part of survey No. 71, ran by and tied to the Cedar tree called for in the calls for the N.W. Cor. 71, made a good fit: Then west three miles fitted the Earth Monument S.W. Cor. 79, continuing west six miles, my instrument line ran center over a large earth monument 8' in Dim. the measurment was within the circle of the trench. Before that time no one in this part of the country seems to have known any thing about this monument, from this pt. I ran south three miles thence west to the west line of Blk. D-6, without finding any mound or other marks.

Some time after this while in the Land Office I examined the field notes of the surveys in Blk. G-M and found that the variation was printed

RECEIVED yours truly.

NOV 17 1917

Referred to Map

R. P. Smyth

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W. JEFF WILLIAMS

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RECEIVED

NOV 24 1917

referred to Map

Plainview, Texas, November 22, 1917.

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

Dear Sir:

Herewith I am handing you official bond, following your letter of instruction and appointment dated October 27, in which you appointed me surveyor to make a resurvey of Block C.9. Floyd County.

For your information as to conditions on the ground which you may find of assistance in giving me instructions, I am inclosing also a small sketch of the northern part of Floyd County. This sketch shows Original corner at S.E. 19, Block D.1, also original corner at N.E. 51, Block G.M. as well as a large earth monument at the S.E. corner of section No. 20, Block C.9, which has the same appearance in size and age as the corner at the S.E. corner of section No. 19, D.1. I found this monument in 1903 when it was well grassed over and seemed to be as old as the other, that is S.E.19, D.1 monument. Inclosed with a letter to your office dated November 15, 1917 and containing sketch and fieldnotes of sections 8 and 14, Block M.14, section No' 128, Block D.2 and section No. 90, Block G.M. I handed you a letter written by Col. R.P.Smyth, present county surveyor in which he stated that he found this monument at an earlier date, I think in

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W. JEFF WILLIAMS

the year 1889.

All improvements to the westward from this west monument have always attempted to be located from this corner using a course determined by projecting the line from the S.E. corner of section No. 19, Block D.1 over the monument above mentioned as the S.E. corner of section No. 20, Block C.9. This system extends to Plainview in Hale County.

Upon the sketch herewith I have encircled 20 sections in Block D.2 which I have surveyed, in company with the surveyor of Floyd county and in conformity with the above outlined plan.

Thanking you for the confidence reposed in me by this appointment, I am yours respectfully,

W. J. Williams

E'

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November 27, 1917.

Mr. W. J. Williams,
State Surveyor,
Plainview, Texas.
Dear Sir:-

In compliance with two letters from Judge L. S. Kinder, of Plainview, Texas, under date of October 2nd, and October 20th, 1917, you were appointed on the 27th day of October, 1917, State Surveyor to resurvey Block C-9, in Floyd County. You having qualified under said appointment as required by law, you are now instructed as follows:

The field notes of survey No. 1 and other surveys in the north tier of Block D1 call for and tie to the corners of surveys in Block B4-AB&M. The field notes of Survey No. 1, Block D2, call to begin at a large earth mound eight feet dia. and 5 feet high at S E corner of Survey No. 19, Block D1, which earth mound you now claim to find and identify. While the field notes of Survey No. 19, Block D1 do not describe this earth mound, the two blocks of surveys were made by J. Summerfield in March 1878 and it is presumed that said large earth mound, if made by Summerfield, is a common corner of surveys Nos. 19 and 30, Block D1, Survey No. 1, Block D2, and Survey No. 79, Block GM. Subsequent work in that territory indicates an excess N and S between this earth mound and the south line of Block B4; therefore, if such excess actually exist, same should be apportioned between the four tiers of surveys in Block D1, lying north of said marked corner and the south line of Block B4. Likewise, according to the calls in the field notes of surveys in Block C9, for common corners of surveys in Blocks B4 and D1, the same construction and apportionment of excess should be given surveys in said Block C9.

Yours very truly,

Clark/LNC

Commissioner.

See also a letter to Mr. W. J. Williams dated 12/14/17 of certain surveys under said correction.

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286-7*

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Dec. 10, 1917.

Mr. W. J. Williams,
State Surveyor,
Plainview, Texas.
Dear Sir:-

This office is in receipt of your letter of the 1st inst., and note your views concerning the construction of a proposed re-survey of block C-9, in Floyd county under appointment and instructions from this office. Also note what you say concerning the disturbance it would cause to make the survey otherwise than proposed by you, etc.

In reply begto advise that before this office gave you instructions concerning this work, a thorough investigation of the records here was made with the view of ascertaining the correct construction of several blocks of surveys involved in that territory and after a consultation of the Commissioner, Chief draftsman, and others of this department, the conclusion was reached that blocks D-1, D-2, C-9, and GM could not be separated from blocks B-4, B-5 and M-14, hence the letter of instructions to you under date of Nov. 27, based on this finding and conclusion was accordingly given.

In passing on questions of this kind, it is always the purpose of this department to give such construction to surveys and blocks of surveys that will most correctly conform to and harmonize with the field note calls, based upon actual facts, original marks and corners, etc. found and identified on the ground, which will accurately locate same, according to the foot prints and intentions of the locating surveyors. Otherwise a resurvey that would give a different location from the original would not be sustained by the courts.

Therefore, while the construction given by this department concerning a resurvey of these lands may not please some of the settlers and land owners, it is a matter of fact and law that I do not believe can be severed to meet their wishes. Hence, (it) the field notes of a resurvey of these surveys are expected to be approved by this department, I must insist that the instructions given you concerning same be strictly followed.

Yours truly,

Clark/w

Commissioner.

counter 4555

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January 17, 1918.

Mr. C. F. Merrick,
Lockney, Texas.
Dear Sir:-

Answering your letter of the 2nd inst., relative to a letter from this office under date of Dec. 11th, concerning excess in the four north tiers of surveys in block D 2 Floyd county, beg to advise that our conclusion as stated in that letter was based on the maps and field note calls of surveys in the several blocks involved and is, I believe, the proper construction to be given same.

However, if the owners of the four north tiers in question will enter into a written agreement taking their lands course and distance as called for in original field notes constructed from the SE corner of section 103 said block D 2, and SW corner of section 16, block C 9, on a line projected west from the earth monument recognized as the SE corner of section 20, block C 9, and NE corner of section 81, block D 2, have said agreement properly executed and recorded in the county clerk's office of Floyd county, and file same in this office, together with corrected field notes of each survey made accordingly, same will be accepted and approved by this office. This would leave a long narrow strip of vacant land along the N line of said block D 2, subject to file, this strip being less than 400 yrs wide, will have to be paid for in cash, and should be in one survey. The application may be made jointly by all the owners, in said four tiers involved, or by one or more of them or they may choose.

C F M -2-

This manner of adjustment for surveys in block C 9 was suggested to Mr. G. A. Linder, county surveyor of Floyd county a few days ago, when he was here and I suggest that you take the matter up with him with a view of getting all parties, or owners of surveys interested to join you in such adjustment.

If the above mentioned agreement and adjustment can not be made, then your survey No. 124, block D 2, can only take its pro-rate part of the excess as heretofore stated.

Yours truly,

Commissioner.

Clark/w.
c.c. Mr. G.A.Linder,
Floydada, Te-as.

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General Land Office

State of Texas

Austin

April 18, 1918.

W. W. WALKER, CHIEF CLERK

See letter to Howard J. Trigg, Ansonville, Tex - 7-11-18 along same lines -

Mr. W. B. Hatchett,
Route No. 1,
Lockney, Texas.
Dear Sir:-

Having been absent from this department on office business on different occasions for some time, I have not been able to give more prompt attention to the matter of W J Williams' resurvey in Floyd county.

While the Legislature was in session that body considered a bill having for its purpose enabling the owners of land that contained excess and the State to get together and adjust matters on a proper basis, but the bill was defeated on the ground that they did not have time to consider a bill of that importance at this time, but would let it go over to the regular session.

Having myself studied the question quite diligently, and having made a more thorough investigation of the law in relating to such matters, I have reached the conclusion that no more surveying is going to be approved by me without further legislation, where resurveying gives excess acreage to private sections, unless there is something on the ground placed there by the original surveyor, which would make the distance between the corners of the survey greater than the surveyor called for.

Taking that view of the matter, I shall decline to approve the resurvey made by Mr. Williams, but if the people there want to get together and eliminate the excess out of the private surveys and place it in the school surveys, that arrangement would be satisfactory. otherwise would have to wait for legislation that



General Land Office

State of Texas

J. T. ROBISON, COMMISSIONER
J. H. WALKER, CHIEF CLERK

-2-

will authorize owners of private surveys to buy such excess as may be contained in those surveys. Under the present law this department has no authority to sell excess acreage as long as it remains in a private survey, nor do I think this department is authorized to recognize the private survey to contain excess.

It is my earnest desire that every person who is interested in this excess acreage and shifting of surveys can maintain their patience in this matter until we can probably get some legislation that will benefit and abundantly protect every man in the integrity of his improvements, and the land lines. That shall be my permanent effort, and I hope you all will believe me when I tell you I am going to do the very best I can for each one of you whenever we can get some law that will permit a proceeding that will do exact justice to all.

Yours truly,

Robison/w.

Commissioner.

RECEIVED

JUN 3 1918

Referred to Map

Lockney Tex - 4-30-1918

Mr J. T. Robinson, Land Commissioner
Austin Texas

Dear Sir. In reply to your letter of the 18th Beg to say that I thank you for your Decision on the Survey made by Mr W. J. Williams of Block C 7 in Floyd Co. and I wish to assure you that this meets the approval of the People along the south line of Block B. 4. and as I stated to you in my last letter am sure eighty per cent of the People in the Disinterested Block say absolutely that this Exces should stay pure Between the Blocks. Now why do these People see this that way. The only reason I assure you is this would

Protect the Improvements of
land holders in B4 and not
Move a single improvement
on the entire 20 sections in
Block C9. on the other hand it
would move four sets of improve-
ments on section 20 and by in
Block B4. alone. Now I wish to say
to you I have contended with that
office with Fair Principals
and am sure I have been
Honest in the matter and have
not intended to misrepresent
a single statement. and we are
willing to let the Legislature Body
settle this matter. but I state just
Here this does not meet the
approval of some of the land.

Holders in Block C 9 at all
they met together April 30th and
they agreed to send two men to
that office Surveyor W J Williams
and Mr. B. Hatchet for the Pur-
pose of insisting on your approve-
ing W. J. Williams Survey and if
that won't pass they intend to test
the contract they made with you
By Law. Now this seems foolish
to the People of Floyd Co.

Now all we People will ask of that
office is to stand by your Decision
and let the Legislature say who is
right in this matter. I Beg your
Pardon for worrying that office so much.

Very Resp

Walter Griffith

RECEIVED

JUN 10 1918

Referred to Map

Mr Robison

Austin Texas
 Dear Sir a few of potheaded
 Leaders of B C 9 have met &
 have a good to find a community
 down there to see you I dont know
 on what ground. I heard they
 want to make a mother survey
 commence at the NW corner of B C 9
 Run south and put the strips
 on the south that would make
 water 10 times worse

The majority had agreed in B C 9
 or willing for the survey to come
 at S W corner of B C 9 Run off our
 sections leave the strips where it
 is give the strips land to the
 five section on the north Respectfully
 counter 44563 J T Robbs #15

FLOYD COUNTY
ROLLED SKETCH NO. V

Correspondence

counter 49661