

143

PECOS COUNTY ROLLED SKETCH NO. 143

STATE OF TEXAS

vs

STANOLIND OIL & GAS COMPANY



Answers to direct and cross interrogatories

— Cause No. 2409 —

In the District Court  
Of Pecos County, Texas

83rd Judicial District

(See Mineral Lease 13549)

J. EARL RUDDER  
COMMISSIONER  
GENERAL LAND OFFICE  
AUSTIN, 14, TEXAS

counter 148359

NO. 2409

*Land Office  
Copy*

STATE OF TEXAS | IN THE DISTRICT COURT OF  
VS. | PECOS COUNTY, TEXAS,  
STANOLIND OIL AND GAS COMPANY, ET AL | 33RD JUDICIAL DISTRICT.

TO THE STATE OF TEXAS OR ITS ATTORNEYS  
OF RECORD, HON. WM. McCRAW, ATTORNEY  
GENERAL, HON. GRADY CHANDLER AND HON.  
RUSSELL RENTRO, ASSISTANTS ATTORNEY  
GENERAL:

You will take notice that five days after the service hereof we shall apply to the Clerk of the District Court of Pecos County, Texas, for a commission to take the deposition of J. H. WALKER, who resides in Travis County, Texas, in answer to the attached interrogatories, which answers when so taken will be offered in evidence on the trial of the above cause, in behalf of the defendants hereinafter named.

DIRECT INTERROGATORIES TO BE PROPOUNDED  
TO THE WITNESS J. H. WALKER

INTERROGATORY NO. 1.

Please state your name, residence and occupation?

INTERROGATORY NO. 2.

If you have answered that you are the present Commissioner of the General Land Office of the State of Texas, then please state how long you have held said office and how long, if at all, prior to the time you became Land Commissioner you were connected with the General Land Office of the State of Texas, if you were, and in what capacity?

INTERROGATORY NO. 3.

Were you, or not, in 1919 connected with the General Land Office of the State of Texas; and, if so, what were your duties, or what was the name or title of the position you held, if any, in the General Land Office in said Year?

Who was Commissioner of the General Land Office of Texas during 1919?

INTERROGATORY NO. 4.

Attached hereto is a purported copy of a letter written by the Commissioner of the General Land Office dated June 19, 1919, addressed to Captain R. S. Dod. Please examine this purported copy and state whether or not there is in the records of your office an

INTERROGATORY NO. 4 - Continued:

original letter corresponding to this purported copy?

If you have answered that there is such a letter, please attach a certified copy of such letter to your answers hereto and mark the same for identification, indicating in your answer how you have marked the same.

INTERROGATORY NO. 5.

If you have answered the foregoing interrogatory and have attached a certified copy of a letter dated June 19, 1919 and signed by the then Commissioner of the General Land Office addressed to Captain R. S. Dod, then please state whether or not you have any independent recollection as to the circumstances under which said letter was written.

If you have stated that you have such independent recollection, then please state so far as you can now remember, what connection you had with the preparation of said letter dated June 19, 1919, if any.

And if said letter dated June 19, 1919 was in answer to any inquiry on the part of Captain R. S. Dod, then please attach a certified copy of such inquiry to your answers hereto and mark the same for identification, stating how you have marked the same; and state, so far as your recollection extends, who actually dictated said letter dated June 19, 1919?

And please state whether, prior to the time that said letter was written, there had been any conference in the Land Office with respect to the subject matter of said letter dated June 19, 1919, and the names of those, if any, who participated in said conference; and what conclusion, if any, was reached in said conference with respect to the subject matter of said letter; and who, if anybody, gave any instructions to the person who actually wrote or dictated the letter dated June 19, 1919, addressed to Captain R. S. Dod?

In answer to the several questions contained in this interrogatory, please give all the information, so far as your present recollection extends, concerning your connection with the writing of said letter and what transpired in the Land Office, within your knowledge, connected with the writing of said letter in any manner.

INTERROGATORY NO. 6.

If you have answered that the letter dated June 19, 1919, and addressed to Captain R. S. Dod, above referred to, was actually dictated by Judge Clark, an employee of the Land Office, then please state specifically whether or not he did so under the instructions of the then Commissioner of the General Land Office?

INTERROGATORY NO. 7.

Please state whether or not the records in your office show a written application of inquiry addressed to the Honorable J. T. Robison, Commissioner of the General Land Office of the State of Texas, dated the 14th of January, 1928, signed by John H. Tyler, of Austin, Texas, describing land situated in Pecos County, Texas, and bounded on the north by Survey No. 107, C. T. & M. C. Ry. Co. and Surveys No's 101, 102, 103 and 104 T. C. Ry. Co.; and on the east by Survey No. 62; and on the south by Surveys No's 34, 35, 36 and 37 in Block 194; and on the west by Survey No. 381 in Block 194?

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INTERROGATORY NO. 7 - Continued:

Please state whether or not you have ever had any connection with said letter of inquiry or the vacancy claim made thereunder, in your official capacity either as Chief Clerk of the General Land Office or as Commissioner of the General Land Office; and whether or not you have ever inspected the records and the data on file in the Land Office, for the purpose of determining whether said records showed a vacant area south of said Sections 101, 102, 103 and 104, T. C. Ry. Co. Surveys and the north line of I. G. Yates Survey No. 34 $\frac{1}{2}$ , Pecos County, Texas?

If you have answered that you have inspected such records and data, please state whether or not, in order to determine whether such vacant area existed, it was necessary to determine the construction which should be used in locating Runnels County School Land Survey No. 3, said county?

INTERROGATORY NO. 8.

If you have answered that you have had under consideration the alleged vacancy claim referred to in the preceding interrogatory and also the method of construction by which said Runnels County School Land Survey No. 3 should be located, then state what was the ruling of the Land Office, if you know, while you were Chief Clerk thereof, with respect to the method of construction of Runnels County School Land Survey No. 3; and also what has been your own ruling with respect to the method of construction to be used in locating Runnels County School Land?

And if so, please state what was the determination of the Land Office as to the method to be used for the construction of said Runnels County School Land Survey No. 3 before you became Commissioner of the General Land Office, within your knowledge; and also what has been the determination of yourself as Land Commissioner as to the method to be used in constructing Runnels County School Land Survey No. 3; and what that method was; and the full details thereof; and the reasons therefor?

INTERROGATORY NO. 9.

Do you carry on your records file No. 13549-A, representing your file number of an oil and gas lease in Pecos County, Texas?

INTERROGATORY NO. 10.

Do you have file wrappers for the title papers, the bonus and rental receipts, and the royalty payments that have been made under the lease bearing your file number 13549-A?

INTERROGATORY NO. 11.

Do you have in your office, and as a part of your official records, a regular ledger sheet bearing file No. 13549-A, Pecos County, upon which is made entries of monies received by you as either bonus, rental or royalty payments made from the lease represented by said file number?

INTERROGATORY NO. 12.

Do not the file wrappers, as well as the ledger sheets and the other official records of your office, bear a notation that the oil and gas lease carried under your file No. 13549-A is a producing oil and gas lease?

*count 48362*

INTERROGATORY NO. 12-A.

If in answer to the foregoing interrogatories you have stated that you did participate in a conference with respect to the letter described in Interrogatory No. 4, with other officials and employees of the Land Office, and have stated the names of such participants, then please state whether or not any such officials or employees so participating in said conference are dead and, if so, state the names of those who have died since, if any, and the approximate dates of the deaths of such persons?

INTERROGATORY NO. 12-B.

Were you, or not, acquainted with Jacob Kuechler, a former Land Commissioner of the State of Texas?

If so, when and where did you become acquainted with him and how long did you know him, if you did, during his lifetime?

INTERROGATORY NO. 12-C.

If you have stated that you were acquainted with Jacob Kuechler during his lifetime, and the length of such acquaintance, then please state the nature of such acquaintance and how well you knew the said Jacob Kuechler?

INTERROGATORY NO. 12-D.

If you have answered that you were acquainted with Jacob Kuechler in his lifetime, then state whether or not you are acquainted with and know the handwriting of the said Jacob Kuechler?

If you have answered that you are acquainted with the handwriting of the said Jacob Kuechler, then state fully and in detail how you became acquainted with, and how you learned to know, the handwriting of the said Jacob Kuechler?

Please state whether or not you ever had any correspondence with said Kuechler; and, if so, please state the nature of it, whether official or private, or otherwise?

Please state whether or not there are in the Land Office any documents which you know to be in the handwriting of the said Jacob Kuechler. If so, please state the nature and character of such documents and whether there are few or many, if any?

INTERROGATORY NO. 12-E.

Please state whether or not you have seen in the office of the State Librarian some documents that appear to have been connected with the survey of Block One, I. & G. N. Railway Co. Surveys in Pecos County, Texas?

If so, do you now have such documents before you? If so, in whose custody are such documents at the present time?

If you have such documents before you at the time of answering these interrogatories, please describe these documents fully and in detail and attach a photostatic copy thereof to your answers hereto and mark the same for identification? Have you done this?

If you have described such documents and have attached a photostatic copy of each of them to your answers hereto, then please answer the following interrogatory:

INTERROGATORY NO. 12-F.

Please state whether or not such documents referred to in Interrogatory No. 12-E are in the handwriting of Jacob Kuechler, if you have answered that you know the handwriting of said Kuechler?

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INTERROGATORY NO. 12-F - (Continued).

If only a part of said documents are in the handwriting of said Kuechler, then state particularly and in detail what parts of said documents are in the handwriting of said Kuechler, if you state that any parts of said documents are in said Kuechler's handwriting?

INTERROGATORY NO. 12-G.

Had you examined the documents referred to in Interrogatory No. 12-E on previous occasions?

If so, state approximately when and how many times you had examined such documents?

If you have stated that you have examined such documents on previous occasions, then please state whether or not you have compared said documents, or any part thereof, with any other documents known by you to be in the handwriting of Jacob Kuechler?

If you answer that you have made such comparison, then state what documents were used by you as a handwriting comparison, as above referred to, and attach photostatic copies of such documents so used as a handwriting comparison to your answers hereto, marking the same for identification?

INTERROGATORY NO. 12-H.

If you have answered that you have compared the documents referred to in Interrogatory No. 12-E to certain other documents, photostatic copies of which you have attached to your answers hereto, then please state whether or not after such comparison you arrived at any conclusion or opinion as to whether or not the documents asked about in Interrogatory No. 12-E were in the handwriting of Jacob Kuechler?

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INTERROGATORY NO. 13.

Do you not show in your official records and in your file wrappers and upon the ledger sheets of your office that McMan Oil & Gas Company was once the owner of the oil and gas lease bearing your file No. 13549-A?

INTERROGATORY NO. 14.

Do not all of the file wrappers, ledger sheets and supplemental file wrappers of your office show that you carry the lease designated under file No. 13549-A as containing 50-7/8 acres?

INTERROGATORY NO. 15.

Have you, or not, on the records of your office likewise designated that Stenolind Oil and Gas Company is now the owner of said lease, bearing your file No. 13549-A?

INTERROGATORY NO. 16.

Do not the records of your office likewise reveal that said lease bearing your file No. 13549-A is also shown to be 50-7/8 acres out of the south part of Section 104, Block 194, T. C. Ry. Company Surveys, Pecos County, Texas?

INTERROGATORY NO. 17.

Does not the file wrapper in your office also reveal that the lease which you carry under file No. 13549-A is also designated "their Smith A lease"?

INTERROGATORY NO. 18.

By such notation is it not intended that your records shall reveal that the lease carried in your office under your file No. 13549-A is carried by Stenolind Oil and Gas Company as its Smith A lease?

INTERROGATORY NO. 19.

Do not your records also bear out the fact that the lease carried under your file No. 13549-A was also designated by the McMan Oil & Gas Company as its Smith A lease?

INTERROGATORY NO. 20.

Do not the records of your office, the official maps of your office, and the information on file in your office, likewise show that you have always regarded, and now regard, the south 50-7/8 acres of Section 104, Block 194, T. C. Ry. Company Surveys, as file No. 13549-A, as an area lying immediately north of and adjacent to the north line of Section 34 $\frac{1}{2}$ , Block 194, Pecos County, Texas?

INTERROGATORY NO. 21.

Have you not always carried in your office, upon your official maps and sketches, and among the records of your office, from the information on file in your office, the lease under file No. 13549-A as the south 50-7/8 acres of Section 104, immediately adjoining Section 34 $\frac{1}{2}$ , the south line of which 50-7/8 acres, on your records, shows to be coincident with the north line of Section 34 $\frac{1}{2}$ ?

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File No. 13549-A

INTERROGATORY NO. 22.

Has not your office been paid the sum of \$25,000.00 in cash, as one-half of the bonus for an oil and gas lease executed by Ida May Ramsey and husband, G. W. Ramsey, to J. W. Quinn, C. W. Hoffmann and K. F. Page, upon the south 50-7/8 acres of Section 104, carried in your office under file No. 13549-A?

INTERROGATORY NO. 23.

Has not the McMan Oil & Gas Company and its successor in title, Stanolind Oil and Gas Company, paid to your office each year the rentals at the rate of 12 $\frac{1}{2}$ ¢ per acre for the years 1927 and 1928, and at the rate of 10¢ per acre for the succeeding years of 1929 to 1935, upon the south 50-7/8 acres of Section 104, designated in your office under file No. 13549-A?

INTERROGATORY NO. 24.

Have you accepted those rentals?

INTERROGATORY NO. 25.

Have you, or not, transmitted those rentals to the State Treasurer of the State of Texas?

INTERROGATORY NO. 26.

In the acceptance of those rentals, did you, or not, accept them in accordance with the records of your office designating that same were being paid upon the south 50-7/8 acres of Section 104, lying immediately north of and adjoining the north line of Section 34 $\frac{1}{2}$ ?

INTERROGATORY NO. 27.

Did you, or not, accept the bonus of \$25,000.00 as a part of the bonus to be paid upon an oil and gas lease executed and delivered, conveying the south 50-7/8 acres of Section 104, lying immediately north of and adjoining the north line of Section 34 $\frac{1}{2}$ ?

INTERROGATORY NO. 28.

Do not the records of your office show that you have been regularly paid royalties from an oil and gas well producing oil and gas from the lease designated in your files as No. 13549-A, and pleaded by the State in its original and amended petitions in the case of State of Texas vs. Stanolind Oil and Gas Company, et al, No. 2409, in the District Court of Pecos County, Texas, to be located upon the land sued for and described in those petitions?

INTERROGATORY NO. 29.

Have you compared the description in those petitions with the records and maps of your office?

INTERROGATORY NO. 30.

Does, or not, the land described in those petitions, upon which is alleged to be located one oil well, encompass the area that has been carried upon your official records and your official maps as the south 50-7/8 acres of Section 104, T. C. Ry. Co. Survey, under your file No. 13549-A?



INTERROGATORY NO. 31.

Have you accepted the bonus, the rentals and the royalties that have been paid upon the area and from the well located upon the area described as the south 50-7/8 acres of Section 104, with the intention that same were being paid to you and received by you as bonuses and rentals paid and royalties produced from a well located upon land, a part of Section 104, and within the confines of Section 104, T. C. Ry. Co. Survey, Pecos County, Texas?

ATTORNEYS FOR EMPIRE GAS & FUEL COMPANY,  
PEERLESS OIL & GAS COMPANY AND MARATHON OIL CO.

ATTORNEYS FOR HUMBLE OIL & REFINING COMPANY.

ATTORNEYS FOR STANOLIND OIL AND GAS COMPANY.

ATTORNEYS FOR SHELL PETROLEUM CORPORATION.

counter 48367

No. 2409.

THE STATE OF TEXAS

VS

STANOLIND OIL & GAS  
COMPANY, ET AL.

IN THE DISTRICT COURT OF

PECOS COUNTY, TEXAS,

83RD JUDICIAL DISTRICT.

-- --- --  
CROSS INTERROGATORIES TO WITNESS J. H. WALKER  
BY PLAINTIFF, THE STATE OF TEXAS.

CROSS INTERROGATORY NO. 1:

Is the letter of June 19, 1919, from the General Land Office to R. S. Dod, asked about by the defendants in their Direct Interrogatories, the only letter and correspondence which passed between him and your office on this subject?

CROSS INTERROGATORY NO. 2:

Please state whether or not in addition to the letter which the defendants have asked you about, of date June 19, 1919, there were sent into your office by Captain Dod several plats, proposed field notes, and reports advising the Land Office of Captain Dod's own views as to how Runnells County School Land, Survey No. 3, should be properly located, before he was told by the Land Office to locate it in a different manner.

CROSS INTERROGATORY NO. 3:

Please state whether or not Captain Dod, having been sent into the field as State surveyor, prior to June 16, 1917, returned to your office a nine page report in writing called his "Report of Progress", dated June 16, 1917, addressed to the Commissioner of the General Land Office.

CROSS INTERROGATORY NO. 4:

State whether or not this report did not conclude with certain questions upon which the advice of that office was asked by him, including, among others, the question as follows: "Whether Runnells County School Land should be put in from S.W. 70 based on N.E. 69, or put in adjacent to Block 194."

CROSS INTERROGATORY NO. 5:

Please attach a copy of such report of progress to your answers.

CROSS INTERROGATORY NO. 6:

State whether or not the above report of progress by Dod was accompanied by a map by Dod called "Plat of certain sections of land, and so forth", received in the General Land Office June 28, 1917, and referring to letter-book 1232, page 476.

CROSS INTERROGATORY NO. 7:

Please attach a copy of said plat to your answers.

CROSS INTERROGATORY NO. 8:

In response to the report and plat just inquired about, state whether the Commissioner of the General Land Office advised R. S. Dod on June 29, 1917, by letter of that date in which Dod was told, among other things, by the sixth paragraph thereof: "Survey No. 3, Runnells County School Land should be located from the S.W. Corner of No. 70 based on N.E. corner of Survey No. 69, Block 1, and not adjacent to Block 194.

CROSS INTERROGATORY NO. 8a:

Please attach copy of said letter of June 29, 1917.

CROSS INTERROGATORY NO. 9:

State whether or not you find that there was any other correspondence, field notes or maps passing between the Land Office, Dod, or Mr Yates, with respect to Runnells County School Land, Survey No. 3, or the then proposed Survey No. 34 $\frac{1}{2}$  until March 29, 1919, when your office received a letter written by Dod to Yates, dated February 3, 1919, and containing field notes for Survey No. 3, which Captain Dod, as State Surveyor, was presenting as correct for that survey.

CROSS INTERROGATORY NO. 10:

If you say there was any correspondence, plats or field notes passing in the interim, please attach copies to your deposition.

CROSS INTERROGATORY NO. 11:

Was there received in your office the letter from Dod to Yates dated February 3, 1919, and the field notes presented by Captain Dod for Survey No. 3, marked "resurvey October, 1918," and endorsed by notation in the Land Office of date March 29, 1919?

CROSS INTERROGATORY NO. 12:

State whether or not the field notes so presented did not locate Runnells County School Land by tying it to the Southwest corner of Survey 70, Block 1, and then ran south 4912 varas and no farther for the south line of such survey.

CROSS INTERROGATORY NO. 13:

Please attach copy of said letter and said field notes referred to.

CROSS INTERROGATORY NO. 14:

Please also attach another set of field notes which was either attached to the letter and field notes just inquired about, or was received separately, which bears a further endorsement, "Filed November 8, 1919," purporting to be the field notes of Survey No. 3, as resurveyed in October, 1918, by Dod, as State surveyor, and state whether these field notes also showed Runnells County School Land, Survey No. 3, to run 4912 varas south and no more, from the south line of Survey 70, in Block 1.

CROSS INTERROGATORY NO. 15:

State whether or not there was received by the Land Office on May 20, 1919, field notes for Survey 34 $\frac{1}{2}$ , shown to have been adopted by A.M. Lea, as county surveyor, on May 8, 1919, marked "cancelled by corrected field notes", and not shown to have ever been approved in the blank appearing.

counter 48369

CROSS INTERROGATORY NO. 16:

State whether or not these field notes presented by Dod, if accepted, would have placed the north line of Survey 34 $\frac{1}{2}$  at a point which, as measured by Dod, would be 4912 plus 1209 varas south of the south line of Survey 70.

CROSS INTERROGATORY NO. 17:

Please state to the Court and jury whether up until this time there had been any attempt on the part of the Land Office to instruct or compel Dod to locate the south line of the Runnells County School Land, Survey No. 3, 215 varas farther south than the 4912 varas called for in the west line of said Survey, according to its field notes and patent.

CROSS INTERROGATORY NO. 18:

If you say there were such instructions, what form did they take, and if in writing, please attach a copy.

CROSS INTERROGATORY NO. 19:

Now referring to your letter of June 19, 1919, asked about in the Direct Interrogatories, in which some reference is made to a supposed excess in actual distance over call distance between Survey 70 and some of the Surveys farther south, please state whether your office had any information on the subject as to either the identification of supposed corners south of Survey 70 or the course or distance between the same, other than as contained in such reports as had been filed in your office by the different surveyors who had surveyed in that area.

CROSS INTERROGATORY NO. 20:

State whether or not from your knowledge and the records of your office O. W. Williams in 1892 had made a survey which he reported to the General Land Office, filed April 7, 1894, showing that instead of there being any excess of actual distance over call distance on the ground between the southeast corner of Survey 70 and the southeast corner of Survey 61 in Block 1, there was in fact a shortage.

CROSS INTERROGATORY NO. 21:

State whether or not as a result of the survey made by O. W. Williams, as inquired about, and reported to your office, there was inserted in Block 1 new surveys, between such points as an excess in north and south actual distance over field note call distance, *developed*

CROSS INTERROGATORY NO. 22:

State whether or not what are known as the Swisher Surveys were inserted down south of Survey 61 as a result of the finding of an excess by O. W. Williams, as reported by him.

CROSS INTERROGATORY NO. 23:

About how far south in miles or varas was this excess found to exist below the south end of the Runnells County School Land?

CROSS INTERROGATORY NO. 24:

Was any excess reported by Williams to have been found in the surveys in Block 1 opposite either Runnells County School Land, Survey No. 3, the T.C.Ry. Surveys, or what is now known as Survey 34 $\frac{1}{2}$ ?

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CROSS INTERROGATORY NO. 25:

Will you please attach a copy of the Swisher Surveys and any data, correspondence or plats in your office showing how they happened to be inserted?

CROSS INTERROGATORY NO. 26:

If there were any other surveys besides the Swisher Surveys which were inserted in Block 1, as a result of finding any excess, please attach the field notes and any data showing how their existence was determined.

CROSS INTERROGATORY NO. 27:

Please state whether or not you have computed the shortage in actual distance in southing from the southeast corner of Survey 70 to the southeast corner of Survey 61, as shown by the plat and traverse thereon filed by O. W. Williams in your office in 1894.

If you have not done so, please do so, and state how much shorter the actual southing was found to be than the southing called for in the intervening field note calls.

CROSS INTERROGATORY NO. 28:

State whether or not from your knowledge of drafting, surveying, and reading plats and traverses this is not reflected by the apparent conflict shown on the plat between Survey 545 and Survey 67.

CROSS INTERROGATORY NO. 29:

From your examination of the map or plat made from O. W. Williams' survey in September, 1892, and filed in your office in 1894, please state whether the south line of the Runnells County School Land is located thereon 4912 varas south of the southeast corner of Survey 70, as such latter point was found and identified by Williams on the ground in 1892.

CROSS INTERROGATORY NO. 30:

If the T.C. Ry. Surveys Nos. 101, 102, 103, and 104 should be located according to their corrected field note calls by O. W. Williams, made in September, 1892, of 1209 varas north and south, (in the same month that this traverse shows to have been made), according to his report filed in your office in 1894, state whether or not the south lines of the same would be 4912 varas plus 1209 varas south of the south line of Survey 70 and the southeast corner of that Survey, as then identified by O. W. Williams on the ground.

CROSS INTERROGATORY NO. 31:

Relating the T.C. Ry. Surveys 101, 102, 103 and 104, according to their corrected field notes, to the traverse of O. W. Williams made in September, 1892, as reported to your office in 1894, in accordance with such report and map, independently of the true location of Runnells County School Land, Survey No. 3, please state whether or not the south line of such T. C. Ry. Surveys fall any farther south than 4912 plus 1209 varas from the point taken to be the southeast corner of Survey 70 by O. W. Williams.

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CROSS INTERROGATORY NO. 32:

If you have stated that the Swisher Surveys and any others you may have named were inserted in the River Block (Block No. 1, I.&G.N. R.R. Survey) to take up north and south excess found to exist south of Survey 61 as reported by O. W. Williams, then please state whether or not the failure to likewise insert surveys north of Survey 61 does not indicate to you that no excess was found to exist on the ground north of Survey 61, as shown by the survey made on the ground in 1892 and reported to your office in 1894.

CROSS INTERROGATORY NO. 33:

Now, to resume the matter of the correspondence with Dod in 1919 and 1920, please answer the following questions:

Did you after the letter of June 19, 1919, receive at the Land Office a further report by Dod of about 21 pages, accompanied by letter dated February 10, 1919, styled "R. S. Dod's report on resurveys in Pecos County, I&GN Block 1," filed November 18, 1919?

CROSS INTERROGATORY NO. 34:

If there was a further report correcting this report filed on the same date as noted thereon, if it relates to this area, please attach a copy, otherwise stating it does not.

CROSS INTERROGATORY NO. 34-a:

CROSS INTERROGATORY NO. 35:

At the same time state whether there was filed in the General Land Office on November 18, 1919 a plat (in two parts) returned by R.S. Dod, as State Surveyor, still reflecting that the south line of Rannels County School Land, Survey No. 3, should be located 4912 varas south of the southeast corner of Survey 70, at the point taken to be such corner by the Surveyor R.S. Dod.

Please attach a copy of this plat showing the plat or map as returned by Dod, and also the lines in red added as inquired about.

CROSS INTERROGATORY NO. 37:

Please state whether or not these additions in the Land Office had the effect of attempting to locate the southeast corner (and south line) 215 varas farther south than the east line distance call of said Survey No. 3, as contained in its field notes and patent.

CROSS INTERROGATORY NO. 38:

State whether or not by the same process the south lines of the T.C.Ry. Co. Surveys were also attempted to be brought 215 varas farther south.

CROSS INTERROGATORY NO. 39:

If you have answered in response to the Direct Interrogatories that Judge Clark, formerly chief draftsman in the Land Office, dictated the instructions of June 19, 1919, which thereafter resulted in the putting of the red lines upon the plat, please state whether or not he is the same Judge Clark who also dictated the letter of June 29, 1917, which instructed the same Captain Dod to locate the east line of Block 194 farther east than the field note calls of surveys in that block placed it, saying: "If there is excess east and west in surveys in Blocks C-3 and C-4, to which surveys Blocks 178 and 194 tie, such excess should be accordingly given to surveys or tiers of surveys extending N. and S. through said blocks 178 and 194," which instruction was held by the Supreme Court of Texas to be an

erroneous one, in the Turner case, which involved land in the same general area.

CROSS INTERROGATORY NO. 40:

After the instructions were given to Dod and his map changed by the lines in red and his previous field notes above inquired about marked "cancelled", state whether or not Dod did not then return to the Land Office his final corrected field notes on Survey 34 $\frac{1}{2}$ , as well as on Runnells County School Land Survey No. 3.

CROSS INTERROGATORY NO. 41:

Please attach copies of these final field notes on the two surveys inquired about.

CROSS INTERROGATORY NO. 42:

State whether or not as a result of such instructions from the Land Office, Dod attempted in such final field notes and report, if any, to locate the south line of Runnells County School Land, Survey No. 3, 215 varas south of his previous location of that line, in order to accord with the red lines placed on the map and the instructions he had received.

CROSS INTERROGATORY NO. 43:

Please state whether or not, after such instructions were received, he also returned corrected field notes to the Land Office on Survey 34 $\frac{1}{2}$ , placing the most westerly north line thereof 215 varas south of the monument he had previously placed on the ground, and reported to your office as having been marked by him S.E. 104 DOD Oct. 15, 1918.

CROSS INTERROGATORY NO. 44:

State whether or not from his field notes finally made in accordance with the instructions of your office it appears that he then called for the monument above described to be in the most northerly west line of said Survey 34 $\frac{1}{2}$ , 215 varas north of its re-entrant corner and on account of such instructions referred to the same, in his corrected field notes, as having been theretofore "marked by mistake".

CROSS INTERROGATORY NO. 45:

State whether or not as a part of such process to conform with the instructions and red lines on the map as reflected by his final field notes for Survey No. 3, approved by the Land Office January 31, 1920, it does not appear that he, in his field note calls for the west line of Survey No. 3, did not set a point 215 varas south of where he had previously placed his rock mound for southwest corner of said Survey No. 3, which rock mound formerly placed by him for southwest corner of said Survey No. 3, prior to such instructions, had the following bearings: "fr. wh. and. edge cap brs. S. 13 deg. 52 min. E., high point shp. top hill brs. N. 78 deg. 53 min. E."

CROSS INTERROGATORY NO. 46:

If you have answered in response to Direct Interrogatories that any conference was held in connection with the letter of June 19, 1919, or at the other times inquired about, then state whether or not any of you gentlemen who so conferred had ever been on the ground and attempted to identify any of the points claimed to be corners or any of the distances or courses actually present on the ground, or whether all you gentlemen knew about it was gained solely from the records, data and reports on file in the Land Office.

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CROSS INTERROGATORY NO. 47:

State whether or not from your knowledge and any records, data or reports in the Land Office the west lines and corners of the surveys in Block 1, opposite Runnells County School Land, Survey No. 3, or the surveys in that area, were actually ever located by natural or artificial objects on the ground, or whether the same were unmarked lines and corners, projected from the east along the river, and office work at least to that extent.

CROSS INTERROGATORY NO. 48:

In the Direct Interrogatories you have been asked to base your answers in many instances upon the official maps in the General Land Office: We will now ask you to give the designation or dates of the successive official maps for Pecos County, and attach copies thereof.

CROSS INTERROGATORY NO. 49:

If you have said that the map of 1873 and other sketches is the first official map of that area then please state whether or not that map shows either the T.C. Ry. Surveys or Survey 34 $\frac{1}{2}$  thereon.

CROSS INTERROGATORY NO. 50:

If you have stated that the next map was the map of 1895 then state whether or not that map shows Survey 34 $\frac{1}{2}$  thereon.

CROSS INTERROGATORY NO. 51:

State whether or not the map of 1917 is the last official map of Pecos County in the General Land Office and now in current use as the only revised official map of the county.

CROSS INTERROGATORY NO. 52:

State whether or not that map shows Survey 34 $\frac{1}{2}$  thereon.

CROSS INTERROGATORY NO. 53:

We will ask you to look at this official map and call to your attention that dotted lines with arrows at each end appear in the space north of the T.C. Ry. Surveys and the south line of Runnells County School Land:

Please state whether or not these lines indicate that Surveys 101, 102, 103 and 104 call for the south line of Runnells County School Land, Survey No. 3, and that the location of said surveys within the vacant area north of Block 194 was not determined.

CROSS INTERROGATORY NO. 54:

State whether or not present and previous official maps of Pecos County, Texas, do not show that each of the surveys in Block 1, opposite Runnells County School Land and this area, are 950 varas each north and south.

CROSS INTERROGATORY NO. 55:

State whether or not the other sketches placed on the map of 1873 were put on progressively as the surveys came into existence.

CROSS INTERROGATORY NO. 56:

Will you please tell us about when Captain R. S. Dod died?



CROSS INTERROGATORY NO. 57:

State whether or not the General Land Office of the State of Texas makes rulings orally or in writing.

You have been asked a number of questions about a lease on 50-7/8 acres, carried under file number 13549-A. In connection with your answers to those Direct Interrogatories, please answer the following questions:

CROSS INTERROGATORY NO. 58:

State whether or not the \$25,000.00 bonus payment inquired about is held by the State Treasurer in a suspense account or whether it has been finally paid into the School Fund.

CROSS INTERROGATORY NO. 59:

If you say that the same has been held in suspense account, then please state why the same was placed and held in suspense account.

CROSS INTERROGATORY NO. 60:

If you have answered that this was done at the request of the McMann, Humble, Shell, or Stanolind, then please state whether your office received notification from more than one of these companies and which ones making the payment under protest.

CROSS INTERROGATORY NO. 61:

State whether or not these defendants also made any statement in their protest as to the question of whether the location of this lease and the lines in the T.C. Ry. Surveys 101, 102, 103 and 104 were certain or uncertain.

CROSS INTERROGATORY NO. 62:

State whether or not the royalties were so paid under protest and held in suspense account for like reasons.

CROSS INTERROGATORY NO. 63:

State whether or not your office has received on each month since 1930 or prior thereto a continuing protest from each of these oil companies against each monthly payment made of royalties and re-assuring your office of the uncertainty of the location of their lease and lines.

CROSS INTERROGATORY NO. 64:

If either of the above companys has been running oil for the other and been making a protest in behalf of such company for whom the oil was run, please state as to both surveys 102 and 104 T.C. Ry. Surveys, who has made these various protests and in whose behalf.

CROSS INTERROGATORY NO. 65:

You have been asked about rental receipts on the 50-7/8 acres: How much have the rental receipts been per year?

CROSS INTERROGATORY NO. 66:

You have been asked in your Direct Interrogatories about Jacob Kuechler. In connection therewith, please answer the following questions:

Did you ever see Jacob Kuechler write anything?

CROSS INTERROGATORY NO. 67:

Did you ever receive a letter from Jacob Kuechler?

CROSS INTERROGATORY NO. 68:

Did you have any personal acquaintance with Jacob Kuechler other than to know him by sight?

CROSS INTERROGATORY NO. 69:

Did you not know Ernest Von Rosenberg <sup>Sr.</sup> during his lifetime?

CROSS INTERROGATORY NO. 70:

What relation was he to Jacob Kuechler?

CROSS INTERROGATORY NO. 71:

State whether or not in connection with what you have been asked about Jacob Kuechler, that you have it as a matter of family history from Ernest Von Rosenberg, Sr., that Camillo Kuechler was the oldest son of Jacob Kuechler and where he was educated. If so, please state.

CROSS INTERROGATORY NO. 72:

State whether or not you have it as a matter of family history from Ernest Von Rosenberg and the understanding and tradition in the Land Office since you have been there, that Camillo Kuechler computed the meander calls for the surveys in Block 1, I&GN R.R. Co. Surveys, in Pecos County, Texas, instead of his father.

CROSS INTERROGATORY NO. 73:

You have been asked to go and look at some records in the University Library, and particularly about two field books. Do you know anything about Jacob Kuechler's handwriting, except such opinion as you might arrive at from comparing the handwriting appearing in those field books with records in the Land Office, bearing Jacob Kuechler's handwriting?

CROSS INTERROGATORY NO. 74:

Please state how many field books you find in the University Library which are kept there together as having come from the Kuechler family?

CROSS INTERROGATORY NO. 75:

State whether or not there are eleven or twelve.

CROSS INTERROGATORY NO. 76:

Please examine the field book bearing the following inscription on its fly-leaf or inside cover, "October 30, 1873, Camillo Kuechler," and containing field notes through the book.

Please attach photostatic copies of the first four or five pages of this book, showing the inscription and the first several pages that follow, as a sample.

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CROSS INTERROGATORY NO. 77:

Referring to the two books about which you have been asked in the Direct Interrogatories, and to those portions of the books which apparently deal with surveys along the River in this area, please state whether or not the same appear to you to have been written in the same or different handwriting.

CROSS INTERROGATORY NO. 78:

If you have expressed the opinion that by comparison the small book referred to as Book A appears to be in the handwriting of Jacob Kuechler, will you please state whether that book is in the same condition now as when you first saw it?

CROSS INTERROGATORY NO. 79:

How much, if any, of it appears to be missing from the time you first saw it?

CROSS INTERROGATORY NO. 80:

Upon your inspection of these two books, referred to as Books A and B, we call to your attention that certain figures and words appear to have been written over.

Will you please examine such places and tell us whether the changes were also made in the handwriting of Jacob Kuechler, if you have attempted to identify his handwriting?

CROSS INTERROGATORY NO. 81:

Please state whether or not in file six, Crockett County, in your office there is a plat showing the I&GN R.R. Co. Surveys, Block 1, on both sides of the Pecos River; that is to say, both in Pecos and in Crockett Counties, same being marked "Filed in General Land Office February 13, 1877.

If so, please attach copy of same to your answers.

CROSS INTERROGATORY NO. 82:

Please state whether or not the plat above mentioned was filed in the Land Office at about the same time that the field notes on the Crockett County surveys of the I&GN R.R. Co., Block No. 1, were filed.

CROSS INTERROGATORY NO. 83:

Please state to whom this plat is traditionally attributed in the Land Office.

WILLIAM McCRAW,  
Attorney General of Texas,

H. GRADY CHANDLER,  
Assistant Attorney General  
of Texas.

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*Saved office copy*

No. 2409

THE STATE OF TEXAS

VS.

STANOLIND OIL AND GAS COMPANY, ET AL

IN THE DISTRICT COURT OF

PECOS COUNTY, TEXAS

83RD JUDICIAL DISTRICT

The deposition of J. H. Walker, taken before Ethel Wood Roberdeau, notary public in and for Travis County, Texas, on the 13th of Aug. A. D. 1935, in the City of Austin, Travis County, Texas, to be read in the above entitled and numbered cause.

ANSWERS OF THE WITNESS J H WALKER TO THE DIRECT INTERROGATORIES.

To Interrogatory No. 1 he answers:

J. H. Walker, Austin, Texas, Commissioner of the General Land Office.

To Interrogatory No. 2 he answers:

I have been Commissioner since September 12, 1929. Prior to my appointment as Commissioner I had been Chief Clerk of the office from January 17, 1909 ( with an intermission of three months in 1914) to the date of my appointment as Commissioner. I entered the office as Spanish translator January 17, 1899, serving two years. One of my duties was the calculation of areas for leasing and patents.

To Interrogatory No. 3 he answers:

I was connected with the General Land Office in 1919 holding the position of Chief Clerk. I had general supervision of the operations of the office under the direction of the Commissioner. J. T. Robison was Commissioner of the General Land Office in 1919.

To Interrogatory No. 4 he answers:

There is an imprint copy of said letter in the records of the General Land Office. I attach hereto a certified copy of the same and mark it Exhibit "A".

To Interrogatory No. 5 he answers:

I have an independent recollection of the circumstances under which said letter was directed to be written.

I had nothing to do with the actual wording of the letter

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but discussed with Mr. Robison, the Commissioner, and Judge Clark, chief draftsman, at that time as to what instructions or directions should be given Captain Dod.

My impression at the time was that the Land Office was answering some special inquiry from Captain Dod as to some of the points discussed in the letter, but I have not been able to find such inquiry on his part, and the letter itself shows that it was in answer to his report of the re-survey of the areas described in the letter, which report was received in this office February 13, 1919. Judge S. C. Clark, chief draftsman, dictated the letter of June 19, 1919.

Yes, there had been a conference prior to the dictation of the letter as to its subject matter. Those present were the Commissioner, J. T. Robison, the chief draftsman, S. C. Clark, and I. The conclusions expressed in the letter as to the correct manner of making the survey were reached, and Judge Clark was given instructions to write Captain Dod in accordance with said conclusions, by Mr. Robison.

My recollection is that I was first called in the conference for the reason that Judge Clark had developed from the records that in August, 1899, I had passed on an application to lease an area in Pecos County which involved the proper location of some of the sections in Block 1, I&GN Ry. Co. and those lying to the East, the vacancy being South of the area re-surveyed by Captain Dod. In the investigation in 1899 I consulted two of the Kuechler field books then in the hands of a relative of Mr. Kuechler. In the conference, or conferences, I took part in the discussions of the several points raised, and my impression is I agreed to all of the conclusions set out by Judge Clark in the letter to Captain Dod dated June 19, 1919.

To Interrogatory No. 6 he answers:

The Letter of June 19, 1919, was written under the specific instructions of the Commissioner of the Land Office.

To Interrogatory No. 7 he answers:

The records show such application of inquiry.

I do not recall having anything to do with the preparation of the original answer to John H. Tyler, but in recent years I have inspected the records and data on file in the Land Office with a view to determining whether there is a vacancy between the areas mentioned.

The existence of the vacancy depends upon the position of the four railroad surveys 101, 102, 103 and 104, which in turn depend for their position upon the location of Runnels County School Land League No. 3.

To Interrogatory No. 8 he answers:

The method of constructing the Runnels County School Survey No. 3 determined in the conference mentioned, and which was the ruling of the Land Office to be correct, is that said league, being an office survey without independent corners of its own, or marks on the ground, should take its position from its ties to the I&GN Ry. surveys in Block No. 1, and that said ties were of equal force and dignity, and that all its calls, thirteen in number, for said railway surveys, should be respected. This would make the West line 5127 varas long instead of 4912, as called for by Durrell, and as Captain Dod in his report of February 10, 1919, proposed to run said line. To have accepted Dod's original proposed survey would have cast aside two calls for the I&GN Ry. surveys and reduced the area to 4270 acres. To follow the footsteps of an original surveyor one should go in the same direction he does, if he can be so followed. In this case it was, and is, the only practicable method, as to reverse

and run South from the Southwest corner of Section 70, and run 4912 varas, and thence East, the surveyor could not determine when he reached the back line of 65 except by the same method he would have used had he followed the footsteps of the surveyor in the direction taken. My ruling has been that the foregoing is the correct method of construction of said school league, tying it into the Kuechler surveys of Block No. 1.

The method used, as stated in the preceding paragraph, namely, that the survey, having no ground marks and no calls for surveys other than those in Block No. 1, I&GN Ry. Co. Pecos County, League No. 3 Runnels County, would take its position on the ground in accordance with all of its calls for said surveys as made by Kuechler. I have followed the method indicated in the preceding paragraph for constructing the Runnels County School Land League No. 3, that is that it will take its position on the ground from its thirteen ties to the Kuechler surveys in Block No. 1.

L. W. Durrell surveyed League No. 3, February 7, 1881, and according to his corrected field notes re-surveyed it June 8, 1882. The sketch of his corrected field notes as well as the worded calls therein shows how he tied it into I&GN Block No. 1. On Durrell's map or sketch filed with his field notes to Block No. 194, GC&Sf, January 2, 1884, Durrell again gives the identical map ties that he gives in his sketch on his corrected field notes of League No. 3.

To Interrogatory No. 9 he answers:

Yes, the basic file number is 13549, 13549-A being an auxiliary file to carry title papers in connection with the lease, and bonus and rentals.

To Interrogatory No. 10 he answers:

Yes, but the basic file number is 13549, in which the royalty receipts are carried.

To Interrogatory No. 11 he answers:

Yes, there is kept in this office a ledger account with the lease, but it is under the basic file No. 13549.

To Interrogatory No. 12 he answers:

Yes, the basic and auxiliary files bear such notation to the effect that the lease is producing.

To Interrogatory No. 12-A he answers:

The two other participants in the conference mentioned are dead, Mr. J. T. Robison died September 6, 1929, and Judge S. C. Clark died June 10, 1933.

To Interrogatory No. 12-B he answers:

I do not recall having ever seen Jacob Kuechler but once.

To Interrogatory No. 12-C he answers:

My acquaintance with him personally, if it could be called an acquaintance, was limited as stated in the foregoing answer.

To Interrogatory No. 12-D he answers:

Jacob Kuechler having been Commissioner of the Land Office for a term of years, and having also much business with it, I have become fairly well acquainted with what is reputed to be, and what I believe to be, his hand writing.

Frequent examinations of field notes over the signature of Kuechler, and copies of letters signed by him, and letters bearing his signature, is the basis of my acquaintance with his hand writing. He dealt with the Land Office as a surveyor and as an individual.

I have never had any personal or official correspondence with Jacob Kuechler.

There are numerous documents and papers in the Land Office which I believe to be in the hand writing of Jacob Kuechler, such as letters and field notes.

To Interrogatory No. 12-E he answers:

Assuming you mean the State University Librarian, I have seen some documents apparently connected with the survey of Block 1, I&GN. I have examined such documents. They are in the custody

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of the State University Librarian. The two documents relating to such survey/<sup>shown me</sup>are what are usually termed field books. They are small pocket note books. The larger one appears to be in its original binding, with a flap. The smaller one is not bound.

I am attaching herewith photostat copies of such books, and mark them for identification 1-B and 2-B.

To Interrogatory No. 12-F he answers:

The small book, B-1, appears to be largely, if not altogether, in the hand writing of Jacob Kuechler.

Part of the large book, Exhibit B-2, contains the hand writing of another person in addition to that of Kuechler. In my opinion Mr. Kuechler wrote the first three pages, and the last page.

To Interrogatory No. 12-G he answers:

Yes, I had examined the larger of said books, and another Kuechler field book, on previous occasions, but I do not recall having ever examined the small field book (Exhibit B-1) previous to my examination of it some days ago in the University Library. In August, 1899, I had occasion to examine two of what are known as Kuechler's field books. The larger of the two mentioned (Exhibit B-2) and another book in which the writing of a second person predominated. I am not a hand writing expert, but have compared the books in question with what is believed by me to be the hand writing of Jacob Kuechler.

I am attaching certified copy of a letter written July 30, 1875, to the Commissioner of the General Land Office, and signed Jacob Kuechler as illustrative of his writing with a pen, marking the same Exhibit C, and also copies of two sets of field notes examined by me in 1899 bearing his signature, and marking the same Exhibits C-1 and C-2.

To Interrogatory No. 12-H he answers:

The hand writing of four pages in the larger of the books (Exhibit B-2) is in the hand writing of Jacob Kuechler and practically all the writing, if not all, in the small book (Exhibit B-1) is in the hand writing of Jacob Kuechler.

To Interrogatory No. 13 he answers:

Yes, with the qualification that the basic number is 13549.

To Interrogatory No. 14 he answers:

Yes.

To Interrogatory No. 15 he answers:

Yes.

To Interrogatory No. 16 he answers:

Yes, as I construe such records.

To Interrogatory No. 17 he answers:

Yes.

To Interrogatory No. 18 he answers:

Yes.

To Interrogatory No. 19 he answers:

Yes.

To Interrogatory No. 20 he answers:

As a basis for my answer to this interrogatory let me explain that an official map of a county being compiled from field notes in accordance with the courses and distances given should be read and interpreted according to the explanatory signs and references thereon, as well as the outlines of its surveys. The line picture of the relations of surveys on such maps is not always a final or decisive representation of the relative positions of the surveys. It is not humanly possible to compile a stable and constant line picture of the land surveys in any county. The tie and separative marks and references are constituent parts of a map and should be considered in its interpretation. Thus on the official map of Pecos County, Texas, the tie marks between

League No. 3 and the four T.C.Ry. surveys show a joinder between said league and the railway surveys, and the figures along the northern line of Block 194 show that between said railway surveys and the GC&SF Block 194, other surveys have been admitted. As an interpretation of said map from 1919 until the first part of 1934 I attach a sketch, and mark it Exhibit "D". There has been a slight change in the eastern boundary of Section 104 since that date. On the basis of the foregoing explanation I answer, yes.

To Interrogatory No. 21 he answers:

In view of my explanation in answering Interrogatory No. 20 I answer this interrogatory, yes.

To Interrogatory No. 22 he answers:

Yes.

To Interrogatory No. 23 he answers:

Yes.

To Interrogatory No. 24 he answers:

Yes.

To Interrogatory No. 25 he answers:

Yes.

To Interrogatory No. 26 he answers:

Yes, as the position of said survey has been held by this Department.

To Interrogatory No. 27 he answers:

No. I received the items amounting to \$25,000.00 and transmitted the same to the State Treasury to be held in the suspense account.

To Interrogatory No. 28 he answers:

Yes, according to the constructions of the surveys by this Department.

To Interrogatory No. 29 he answers:

Yes.

To Interrogatory No. 30 he answers:

Yes, as such records and maps have been construed by this Department.

To Interrogatory No. 31 he answers:

I have received the payments, and am holding all of the bonus and part of the rental and royalties in suspense at the request of the remitters.

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Witness

Sworn to and subscribed before me, under my official hand and seal, this the 13 day of August, A.D. 1935.

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Notary Public in and for Travis County,  
T E X A S.

STATE OF TEXAS    |  
                          |  
COUNTY OF TRAVIS |

I, Ethel Wood Roberdeau, a notary public in and for Travis County, Texas, do hereby certify that the foregoing answers of J. H. Walker, the witness before named, were signed and sworn to by said witness before me.

---

Notary Public in and for Travis County,  
T e x a s.

*Suited  
Office  
copy*

NO. 2409

The State of Texas

VS

Stanolind Oil & Gas Co., et al

In the District Court,

Pecos County, Texas,

83rd Judicial District.

The deposition of J. H. Walker, taken before Ethel Wood Roberdeau, notary public in and for Travis County, Texas, on the 13 day of August, A.D. 1935, in the City of Austin, Travis County, Texas, to be read in the above entitled and numbered cause.

ANSWERS OF THE WITNESS J. H. WALKER TO THE CROSS INTERROGATORIES.

To Cross Interrogatory No. 1 he answers:

No.

To Cross Interrogatory No. 2 he answers:

Yes.

To Cross Interrogatory No. 3 he answers:

Yes, he sent in such report of Progress dated June 16, 1917, marked Exhibit "E".

To Cross Interrogatory No. 4 he answers:

Yes.

To Cross Interrogatory No. 5 he answers:

A copy of such report is hereto attached and marked Exhibit E.

To Cross Interrogatory No. 6 he answers:

Yes.

To Cross Interrogatory No. 7 he answers:

A copy of said plat is hereto attached and marked Exhibit F.

To Cross Interrogatory No. 8 he answers:

Yes, in paragraph 7 of said letter.

To Cross Interrogatory No. 8-a he answers:

A copy of said letter is attached hereto and marked Exhibit G.

To Cross Interrogatory No. 9 he answers:

Yes. I find a letter written to Captain Dod dated October 5, 1917, but no reply from him was received by the Land Office.

To Cross Interrogatory No. 10 he answers:

A copy of said letter is hereto attached and marked Exhibit H.

To Cross Interrogatory No. 11 he answers:

Yes, the letter and two sets of field notes, one set endorsed in pencil "H.G. 3/29/19 Blucher".

To Cross Interrogatory No. 12 he answers:

Yes.

To Cross Interrogatory No. 13 he answers:

Copies of said letter and said field notes are hereto attached and marked Exhibits E-1 and I-2 and I-3, respectively.

To Cross Interrogatory No. 14 he answers:

Said field notes, each set attached to the letter, are endorsed "filed November 8, 1919" and copies are hereto attached and marked Exhibits I-1, I-2, and I-3. The West line of Survey No. 3 in said field notes is given as 491 $\frac{1}{2}$  varas from the South line of Survey No. 70, Block 1, I&GN Ry. Co.

To Cross Interrogatory No. 15 he answers:

Yes.

To Cross Interrogatory No. 16 he answers:

Yes.

To Cross Interrogatory No. 17 he answers:

Not within my knowledge nor from my investigations of the records.

To Cross Interrogatory No. 18 he answers:

As stated, I find no such instructions.

To Cross Interrogatory No. 19 he answers:

I am unable to find any record of such information.

To Cross Interrogatory No. 20 he answers:

Yes.

To Cross Interrogatory No. 21 he answers:

Yes, according to my interpretation of the records.

To Cross Interrogatory No. 22 he answers:

Yes, according to my interpretation of the records.

To Cross Interrogatory No. 23 he answers:

The first Swisher survey is 13-3/4 miles south of the Runnels County School Land as the same appears on Williams' sketch.

To Cross Interrogatory No. 24 he answers:

No.

To Cross Interrogatory No. 25 he answers:

I am attaching hereto a copy of the field notes of the Swisher surveys and marking them Exhibit K-1 and K-2, but have been unable to develop any correspondence on the subject or plats.

To Cross Interrogatory No. 26 he answers:

The only survey I find inserted on account of excess is a small survey between 69 and 70 made by J. J. Goodfellow, a copy of his field notes <sup>and report</sup> being hereto attached and marked Exhibit L. and L-1.

To Cross Interrogatory No. 27 he answers:

Yes. A shortage of 177 varas.

To Cross Interrogatory No. 28 he answers:

Yes, but the scaling of Williams' map shows <sup>a conflict of</sup> 250 varas.

To Cross Interrogatory No. 29 he answers:

Approximately. The distance scales on Williams' map 5010 varas.

To Cross Interrogatory No. 30 he answers:

According to Williams' sketch the distance would scale 1209 varas plus 5010 varas.

To Cross Interrogatory No. 31 he answers:

I am unable to connect the T.C.Ry. Co. surveys Nos. 101, 102, 103 and 104 to Williams' traverse between the Southeast corner of 70 and the Southeast corner of 61, but by taking the difference between the southings of his entire traverse to the Southeast corner of Section 1, Block C-3 and the northings from the latter corner to the South line of the T.C.Ry. Co. surveys I find the distance between the South line of 70 and the South line of said T.C.Ry. Co's as corrected by Williams to be 6201 varas, which is an excess of

80 varas over the call distance in the field notes of the Runnels County School Land League No. 3 and the West line of the T. C. Ry. Co. surveys.

To Cross Interrogatory No. 32 he answers:

I cannot state that his failure to attempt the insertion of a survey indicates he found no excess, but his traverse between 70 and 61 indicates that he found no excess. Besides, the joinder calls and river end markings of the lines might have prevented separating the surveys, and, too, Williams was apparently working for the owners of the I&GN surveys, and doubtless would have followed their directions.

To Cross Interrogatory No. 33 he answers:

Yes, and a copy is attached and marked Exhibit E-1.

To Cross Interrogatory No. 34 he answers:

No further report by Dod was filed on this same date affecting this area.

To Cross Interrogatory No. 34-a he answers:

Yes. The papers were received on February 13, 1919, but marked filed November 18, 1919.

To Cross Interrogatory No. 35 he answers:

Yes.

To Cross Interrogatory No. 36 he answers:

A copy of said plat is hereto attached and marked Exhibit L-2.

To Cross Interrogatory No. 37 he answers:

No, an endorsement on the sketch shows the red lines were placed there January 14, 1920, after Dod completed his work.

To Cross Interrogatory No. 38 he answers:

No, if you have reference to the red lines on the Dod sketch.

To Cross Interrogatory No. 39 he answers:

Yes, limiting my answer to Judge Clark's identity.

To Cross Interrogatory No. 40 he answers:

I will answer "yes" after the instructions were given to Dod, "but I cannot so answer after " his map changed by the lines in red."



To Cross Interrogatory No. 41 he answers:

Copy of said field notes are hereby attached and marked Exhibits M-1 and M-2.

To Cross Interrogatory No. 42 he answers:

Dad appears to have followed his instructions, but as stated in my answer to Cross Interrogatory No. 37 the red lines appear to have been placed there January 14, 1920.

To Cross Interrogatory No. 43 he answers:

Yes. In the corrected field notes of the invalid survey numbered 34 $\frac{1}{2}$  by him as State surveyor, and in the original field notes of the original survey, also numbered 34 $\frac{1}{2}$ , made by him as licensed land surveyor.

To Cross Interrogatory No. 44 he answers:

Yes.

To Cross Interrogatory No. 45 he answers:

Yes. With the exception that the red lines do not show to have been on the map until after the corrected field notes of No. 3 were received in the General Land Office, and in the first bearing mentioned it should read "Fr. wh. W. edge cap brs. S. 15° 52' E."

To Cross Interrogatory No. 46 he answers:

I had not been on the ground, but I cannot answer as to the other two conferees.

To Cross Interrogatory No. 47 he answers:

Apparently the West lines were unmarked and were projected.

To Cross Interrogatory No. 48 he answers:

The map of 1873. The " map of 1873 and other sketches." The Crockett Co. map of 1878, which was used for that part of Pecos County involved in this suit. Pecos County map of 1895. Pecos County map of 1896. Pecos County map of 1907. Present official map of 1917 now in use. Copies of that part of said maps relating

to the area involved in this suit, and hereto attached and marked Exhibits N-1, N-2, N-3, N-4, N-5, N-6, N-7.

To Cross Interrogatory No. 49 he answers:

The first official map appears to be that of 1873. It does not show the T. C. Ry. Co. surveys nor Survey 34 $\frac{1}{2}$ . The map of 1873 and other sketches do not show the T. C. Ry. surveys delineated, but the file numbers in red ink are therein and the pencil marks separating them from Runnels County School League No. 3.

To Cross Interrogatory No. 50 he answers:

The map of 1895 is the fourth map. It does not show Survey 34 $\frac{1}{2}$ .

To Cross Interrogatory No. 51 he answers:

Yes.

To Cross Interrogatory No. 52 he answers:

As county maps are construed in this office it does show Survey 34 $\frac{1}{2}$  by file number but not by delineation.

To Cross Interrogatory No. 53 he answers:

I have looked at the official map and will state that the dotted lines with arrows at each end indicate a common line between Runnels County School Land No. 3 and the T. C. Ry. surveys but have no further significance.

To Cross Interrogatory No. 54 he answers:

Yes. Such surveys are drawn to a scale of 950 varas in width on a basis of 4000 varas to the inch.

To Cross Interrogatory No. 55 he answers:

Yes.

To Cross Interrogatory No. 56 he answers:

August 27, 1924.

To Cross Interrogatory No. 57 he answers:

If its decisions may be called rulings, such action is both oral and written.

To Cross Interrogatory No. 58 he answers:

It is held in the Suspense Account.

To Cross Interrogatory No. 59 he answers:

It was held at the direct request of the remitters Humble Oil & Refining Company and Shell Petroleum Corporation, who appear to have been acting also for the Stanolind Oil & Gas Company.

To Cross Interrogatory No. 60 he answers:

The information came directly from the Humble Oil & Refining Company and Shell Petroleum Corporation with a copy of letter to those companies written by the Stanolind Oil & Gas Company, attached thereto.

To Cross Interrogatory No. 61 he answers:

In the copy of the Stanolind's letter to the Humble and the Shell mentioned above is the following paragraph:

" As will no doubt appear from your records, said payment out of oil is held in suspense by reason of various litigation and controversy in the nature of boundary suits affecting the titles to said Section 104 and the oil produced therefrom, and also because of the uncertainty existing with respect to the construction, operation and effect of said 'Relinquishment Act,' as affected by Senate Bill 310 of the Texas Legislature which became law under date of March 13, 1931."

To Cross Interrogatory No. 62 he answers:

Beginning September, 1930, the royalties were paid under protest and are held in Suspense Account.

To Cross Interrogatory No. 63 he answers:

Yes. Since September, 1930.

To Cross Interrogatory No. 64 he answers:

The Shell has been running the oil and protesting on its own behalf.

To Cross Interrogatory No. 65 he answers:

\$5.08 on Lease No. 13549.

To Cross Interrogatory No. 66 he answers:

No.

To Cross Interrogatory No. 67 he answers:

No.

To Cross Interrogatory No. 68 he answers:

No.

To Cross Interrogatory No. 69 he answers:

Yes.

To Cross Interrogatory No. 70 he answers:

Nephew.

To Cross Interrogatory No. 71 he answers:

At the time of my many conferences with Ernest Von Rosenberg, Sr., beginning January 17, 1899, I am under the impression that Camillo Kuechler was the only surviving son of Jacob Kuechler. The latter had two other sons who died young. Camillo Kuechler, as I recall, was educated at the Military Institute then in Austin.

To Cross Interrogatory No. 72 he answers:

Yes. Either from Ernest Von Rosenberg, Sr. or G. M. Calloway, probably from both. Mr. Calloway was an employee in this office under Mr. Kuechler as Commissioner, and served almost continuously for fifty-two years.

To Cross Interrogatory No. 73 he answers:

My knowledge of Jacob Kuechler's hand writing is based on letters addressed to the Land Office bearing his signature, field notes written over his signature, and other papers relating to transactions with which he appears to have been connected.

To Cross Interrogatory No. 74 he answers:

Among the Kuechler papers 11 of the books might be classed as field books.

To Cross Interrogatory No. 75 he answers:

My answer is 11.

To Cross Interrogatory No. 76 he answers:

I attach four copies of pages from said book which were furnished me by Miss Winnie Allen, archivist of the library of the University of Texas, attached and marked Exhibit "O".

To Cross Interrogatory No. 77 he answers:

The small book designated as Exhibit B-1 appears to me to be in the same handwriting throughout, but the second exhibit, designated as B-2, appears to have been written by at least two different persons.

To Cross Interrogatory No. 78 he answers:

I never saw the small book prior to the 25th of April, 1935, when I saw it in the State University Library.

To Cross Interrogatory No. 79 he answers:

For the reasons stated in the foregoing answer I do not answer this interrogatory.

To Cross Interrogatory No. 80 he answers:

I am unable to answer this question.

To Cross Interrogatory No. 81 he answers:

Such plat exists in the archives of this office, and a copy is hereto attached and marked Exhibit "P".

To Cross Interrogatory No. 82 he answers:

Yes.

To Cross Interrogatory No. 83 he answers:

Kuechler.

Sworn to and subscribed before me this the \_\_\_\_ day of August, A.D. 1935.

\_\_\_\_\_  
Notary Public in and for Travis County  
Texas.

STATE OF TEXAS

COUNTY OF TRAVIS

I, Ethel Wood Roberdeau, a notary public in and for Travis County, Texas, do hereby certify that the foregoing answers of J. H. Walker, the witness before named, were signed and sworn to by the said witness before me.

\_\_\_\_\_  
Notary Public, Travis County, Texas

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