

STERLING COUNTY
Rolled Sk. 23 A.

entry 4932

J. F. JOHNSON

LICENSED & REGISTERED STATE LAND SURVEYOR

TEXAS -- NEW MEXICO

PHONE 2-1981

BOX 225

MIDLAND, TEXAS

June 21, 1955

RECEIVED

JUN 30 1955

GENERAL LAND OFFICE

Colonel John Perkins
1128 Petroleum Life Building
Midland, Texas

Dear Colonel Perkins:

In compliance with your request of this morning, the reasons why I think Mr. Rawls survey of Block 31, T-5-S, T&P RR Co., Sterling County, Texas, should be set aside are listed below:

1. The original field notes of Survey 1, Block 31, T-5-S, call for a rock mound at the S. W. corner of Survey 19, Block 31, T-4-S, also the S. E. corner of Survey 48, Block 32, T-4-S, said rock mound being 32 miles S 13° E from the 105 mile on the center line of the T&P reservation. These notes were signed by Murray Harris on April 12, 1876. The notes for Survey 1, Block 32, T-5-S, call for a rock mound at the N. W. corner of Survey 1, Block 31, T-5-S, for its N. E. corner and the call from the 105 mile on the center line of the T&P reservation. These notes also were signed by Murray Harris, but dated April 29, 1876.

2. From the above it is impossible to place the N. W. corner of Survey 1, Block 31, T-5-S, 489 varas to the East as Mr. Rawls is trying to do, no matter what the position of the S. W. corner of said Block 31 is. From the original field notes, it can be assumed that Murray Harris intended for the West line of said Block 31 to run on South along the same ^{position} from the 105 mile on the T&P center line. I have heard, but do not know for a fact that the South line of the T&P reservation was run by W. C. Powell, and that his survey did not tie in with Murray Harris. I am enclosing a letter marked "1" that might have some bearing on this.

3. The only type of construction that can possibly be used here, in my opinion, is a slant line from the original rock mound at the N. W. corner of Survey 1, Block 31, T-5-S, to a rock mound thought to be an original at the N. W. corner of Survey 14, Block 31, T-5-S. Thence a straight line South to the so-called original rock mound at the S. W. corner of Survey 30, Block 31, T-5-S. In any type of construction, lines have to be run from original corner to original corner. I am enclosing a map marked "A" drawn by Kellis and Becket with a line drawn to illustrate this. This line is green. The red line is my opinion of how Murray Harris intended the block lines to be.

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4. In 1927 Mr. Kellis and Mr. Becket made an extensive survey of this area and filed a map in the General Land Office which was rejected as being incorrect. In 1929 Mr. H. L. George also filed a map of this area which was also rejected. The Land Office said that it was impossible for a jog to be placed in the block lines between T-4-S and T-5-S; that the Block line had to run straight South from the common corner of the four blocks. Mr. Rawls construction of this area is the very same as Mr. Kellis and Mr. Becket's and Mr. George's construction.

Of the above four reasons, I believe that No. 1 is the most important because it definitely establishes the position of Blocks 31 and 32 in relation to the center line of the T&P reservation. I do not believe that this position can be moved to satisfy a point on the South reservation line. It is very possible that the so-called original corner at the S. W. corner of Block 31, T-5-S, is not the true original corner as set by Murray Harris.

If I can be of any further help to you on this matter, please let know.

Very truly yours,

J. F. Johnson
J. F. JOHNSON

JFJ/mj

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RES 12-18-22

MEMORANDUM

January 17, 1956

Kuykendall v. Spiller
Civ. App. 299 S.W. 522(1927)

This case involves the correction of patents and was brought about when Spiller filed for a mineral permit on the S. $\frac{1}{4}$ of the section contending that the area was not patented at the time he filed.

The entire section (Sec. 2, S.P.R.R. Co. Survey, Jack County) was surveyed originally as the companion under a railroad ~~xxxx~~ alternate script certificate on March 22, 1875.

In 1883 Benjamin Stevens applied to purchase "the S. $\frac{1}{4}$ of Sec. 2." This land was surveyed for him March 13, 1883, and was ~~xxxx~~ generally described as follows: "160 acres out of Sec. 2 beginning at its S.W.C., Th. E. 690 vr.; Th. N. 1309 vr.; Th. W. 690 vr.; Th. S. 1309 vr. It will be noted that these notes ~~S~~lice the acreage off the Southern end of the section. In 1886 Stevens sold the "South $\frac{1}{4}$ of Sec. 2" to B. W. Clendenon.

In 1896 Clendenon himself applied to purchase from the state the N. $\frac{1}{2}$ of the S. $\frac{1}{2}$ of Sec. 2.

In 1904 George Spiller resurveyed the Stevens Tract describing it as "the S. $\frac{1}{4}$ of Sec. 2" but he begins 160 vr. N. of the S.W.C. of Sec. 2 thus leaving outside of these field notes a strip 160 vr. wide and extending across the South end of Sec. 2. Patent was issued to Clendenon, assignee, of Stevens, based on the Spiller Survey.

In 1926 Clendenon, then the owner of all of Sec. 2 and of the Jr. survey to the south had both tracts, the S. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the S. $\frac{1}{2}$ surveyed by Sylvan Sanders, showing the S. $\frac{1}{4}$ to lie across the bottom of the survey and the N. $\frac{1}{2}$ of the S. $\frac{1}{2}$ to lie immediately north of the S. $\frac{1}{4}$. Clendenon filed affidavits stating that he and his predecessors in interest had occupied the two 160 acres tract in respective areas ^{as} described by the Sanders Surveys.

The commissioner cancelled the erroneous patent on the S. $\frac{1}{4}$ and issued a corrected patent on it and another patent on the N. $\frac{1}{2}$ of the S. $\frac{1}{2}$ in accordance with the Sanders notes.

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Prior to the issuance of the corrected patent on the S. $\frac{1}{4}$, Spiller had filed his application for the mineral permit, contending that he was ~~relied~~ upon the erroneous original patent.

The court held against Spiller saying that ~~xx~~ ^{relying} ~~xx~~ ^{there} was no reliance.

The important thing of this case to our immediate problem of relocation of a patent is that the owners had actually occupied from the ~~general~~ beginning the tracts as described in the Sanders survey and had occupied the S. $\frac{1}{4}$ in the fashion described in its original ~~survey~~. Thus, this is really not a case of relocating the patent, but simply making the patent description conform ~~to~~ the actual occupancy and the general description contained in the purchase applications.

Note also common ownership of all surveys affected.
" " Spiller was not attempting to protect or recover a pt. already established, but rather was attempting to initiate a pt.

LEFT IN OFFICE BY
MR. W. J. POWELL
SEPT 11-1950

W.S.

MEMO

--- RETURN IF REQUESTED.

SURVEYS IN GLASSCOCK COUNTY

W. H. A.:

It seems that Mr. Greer is bringing up some old controversy in regard to the corners of Section 24, Block 32, Township 5 South as being too far north and west. This was the same trouble he had with Sections 33 and 34, same block and township two years ago and afterward it was run out to his entire satisfaction by beginning the lines from the true and original work that had been established many years ago. The location of the block line between 31 and 32 and the south boundary of Block 32 is and has always been in the proper location. Mr. Greer seems to back up his troubles by beginning at the southeast corner of Section 34, Block 33, and running a line eastward to the southeast corner of Section 36, Block 32, Township 5 South, and finds some old corners which he says makes Block 32 about correct but it doesn't leave sufficient land for 33. If this controversy should get into the Courts, they would rule against him because the courts hold that in the formation of the Texas & Pacific surveys the center line was established as beginning east and working westward, therefore making the block line between 31 and 32 the senior line.

The fact that there are a number of erroneous and bogus lines and corners has been established in this particular country by different surveyors, and Mr. Kellis, the present County Surveyor, will cooperate in this fact. But there will be no difficulty in locating all these surveys correctly if the surveror will go to the trouble and expense in finding the old original work and check same before he establishes any of the corners.

It seems to be the intention or disposition of some in this country to create vacancies and then make application to the General Land Office for same, and that is precisely what is being done by trying to shift the location of Section 24, Block 32, Township 5 South too far north and east, and this is run in from some of these old bogus lines. I know this to be a fact because I went over some of these lines about two years ago with Mr. Kellis.

M. H.

Dallas,
Feb. 12,
1918

J. F. JOHNSON
BOX 225
MIDLAND, TEX

W. J. POWELL
501 THOMAS BLDG
DALLAS, TEX

RES. NO. 118 of 11/2/52

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Sterling City, Texas March 15, 1926

Honorable J. T. Robison, Comm. G. L. O.
Austin, Texas

Dear Sir:

Complying with your request of March 9, requiring additional information about surveys No. 7, 8 and 11, Blk. 31, Tsp. 1-S, T & P Ry Co. in Sterling County, and why the E. corner of Sec. 8 is east of the N.E. Cor. of Survey 10, I beg to explain that the sketch as well as the map I compiled in 1919, together with the official map of the Land Office appears to be erroneous -- the plat furnished by me with the field notes of Surveys 7 and 8 are correct according to actual surveys on the ground, taking the old 80 mile T & P Reservation line as a base line and the south common corner of Blks. 31 and 32, Tsp. 5-S, T & P Ry. as the place of the beginning.

As before stated, only the outer boundaries of these blocks were originally surveyed and marked. In making a survey of the lands north and east of the Block lines 31, I have constructed all surveys from the corners of those lines.

Surveys 7, 8 and 11 were constructed from this old Reservation line which was plainly marked, and I checked from known corners on the W. line of Block 31 and found a discrepancy of only 4 vrs.

In running the S. line of Surveys 7, 8 and 11, I began at the S.E. Cor. of Survey 12. Thence N 77 E at 1901 vrs. pass N.E. Corner of Sec. 18, at a point 679 vrs. S 13 E of the S. block line of Blk. 22, H. & T. C. Ry; at 3802 vrs. I pass an old rock md. the N.E. Cor. of Survey 10, at a point 124 vrs. S 13 E of the S. block line of said Block 22; at 4129 vrs. intersect the S. line of Block 22, for E. Corner of Survey No. 8.

In 1916, Mr. Murray Harris (now deceased) one of the original surveyors of Block 31, made a survey of Surveys 7, 8 and 11, and I herewith submit a copy of his sketch for your inspection, which I would like to have returned for use in this office.

You will note that Mr. Harris gave the W of Survey 8 as 156 vrs. that of 7, 722 and that of 11, 1284; while I gave them 124, 679 and that of Survey 11, 1234. I assume that perhaps Mr. Harris took an old drift fence for the S. line of Blk. 22, which was, in most places, too far north.

I think I can explain why most maps (including my own) show the E. Corner of Survey 8 is W. of the NE Cor. of Sec. 10. If you construct these surveys from the N. common corner of Blks. 31 and 32, Tsp. 5-S, and the S. common of Blks. 31 and 32, Tsp. 4-S, the S. lines of Surveys 7, 8 and 11 will be 188 varas farther N. and 493 varas farther W. than they really are when constructed from the S. Reservation Blk. line. This construction would blot out Survey 8 and leave only a small area in Survey 7.

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I have recently completed an exhaustive survey of the outer lines of Block 32, Tsp. 5-S and find that the N. line of Said block is 492 vrs. shorter than the S. line and an excess of 188 vrs. exists between the N.W. Corners of Secs. 15 and 1, Block 31, Tsp. 5-S.

In surveying this block, I began at the S. common corner of B Blocks 31 and 32, Tsp. 5-S, thence S 77 W 6 miles; thence N 13 W 8 miles and 200 varas. Thence, N 77 E 5 miles and 1417 vrs. the S. Corner of Nlks 31 and 32, Tsp. 4-S. Thence, S 13 E 8 miles and 188 varas. I ran N 13 W from here on line between Blocks 31 and 32, Tsp. 4-S, 6 miles and found most of the original corners. I did this to verify their S. common corner.

I conclude there is a jog existing between these blocks of 492 vrs. A line of three corners are to be found between the S. E. Cor. of Sec. 24 and Sec. 1, Block 32, Tsp. 5-S.

I submitted a report of this matter including a sketch of the work to the Land Office last spring, but it was returned for report when a complete survey was made. I have recently completed the field notes and found my former conclusions correct.

I have been over this ground often and feel that I am sure of the correct position of these surveys, but if your department finds error in my work, or desires further explanation, I will gladly give it — if I can.

Yours truly,

(S) W. F. Kellis

County Surveyor of Sterling Co.

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POWELL & POWELL
Consulting Engineers

Dallas, Texas

November 17, 1941

File 251-88

Section 5, Township 5 South, Block 31, Sterling County
Conflict with H. & T. C. RR. Block 22

Mr. Ray McDowell
Building

Dear Mr. McDowell:

The above named section was patented for 508.58 acres. It's land card shows 203.58 and the tax rendition is 203.58 acres. According to our present information there is actually about 59.5 acres in this section on the ground.

Block 22, H. & T. C. RR. Company, was originally surveyed by J. De Cordova in May 1867, making it senior to the T & P RR. surveys. The block was resurveyed by George M. Williams in March 1906. Williams marked with rock mounds numerous corners in the interior of Block 22, but apparently did not mark the south line of the block. W. F. Kellis resurveyed Block 22, H. & T. C. RR. Company, part of it in 1909, and the southern part in 1922 and 1925. In the latter resurvey he established the Southeast and Southwest corners of the block and at the same time made corrected field notes for Sections 7, 8 and 11, and our fractional Sections 7 and 11 were patented on Kellis's field notes in 1926.

Block 31, Township 5 South, T. & P. RR. Company, was originally surveyed in April 1876. Sections 1-14 were surveyed by Murray Harris, 15-24 were surveyed by W. C. Powell, and 25-30 by James L. Peck. In the original survey Mr. Harris found the Southwest Corner of Block 22, H. & T. C. RR. Company, in Section 3, Township 5 South, Block 31, and it was from this location of the H. & T. C. block that the patent call for 508.58 acres in Section 5 was determined. Williams's resurvey of H. & T. C. Block 22, places the South line of that block about 1400 varas farther south and the West line about 850 varas farther east than the location shown by Murray Harris.

W. F. Kellis made a number of surveys in this block and in 1925 resurveyed the block basing his work on the undisputed original Southwest Corner of the block and the well marked and well recognized South line of the reservation and tying in to the South line of H. & T. C. Block 22 as referred to above. (See General File No. 212) In 1927 Kellis and Claude Becket made a joining survey of the West line of Block 31, Township 5-South, to which they tied the Southwest Corner of H. & T. C. Block 22 as established by Kellis from Williams's resurvey.

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November 17, 1941

From these resurveys of Kellis and of Beckett and Kellis as platted up on our map in 1927 it is possible to determine the actual location and area of the fragment of Section 5 at its SW Corner as it now exists on the ground. On June 29, 1939, I gave you a memorandum showing 56.54 acres for the fragment of Section 5. This area was computed on the bearing of S 86°15' E for the S line of H. & T. C. RR. Company, Block 22, as shown in error on our map of 1927. In his field notes of Sections 7, 8 and 11, Mr. Kellis makes the bearing of the S line of H. & T. C. Blk. 22, South 86 3/4° East, and I have used that bearing for computing the dimensions and area of fractional Section 5, finding an area of 59.26 acres.

In my memorandum of June 29, 1939, I showed a fragment of 0.37 acres at the NW Corner of Section 5 that was computed using the bearing of N 3°15' E for the W line of H. & T. C. Blk. 22, at right angles to the S line. However, I doubt that the assumption that the W line of Blk. 22 is perpendicular to the S line is correct. Mr. Kellis, in his report of his resurvey of Blk. 22, dated January 30, 1926, states that he ran the W line of the block S from an old rock mound at the NW Corner of Section 30. If the correct bearing of that line from the SW Corner of Blk. 22 is North instead of N 3°15' E, there is no fragment of Section 5 at its NW corner and Mr. Kellis's sketch accompanying his report does not show such fragment. There is not enough land involved to justify a survey to determine whether or not such a fragment exists.

Very truly yours,

POWELL & POWELL, ENGINEERS

W. J. Powell

WJP:man

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POWELL & POWELL
Consulting Engineers

Dallas, Texas

December 10, 1941

251-88

Mr. W. F. Kellis
Sterling City, Texas

Dear Mr. Kellis:

The Land Office has returned to us the field notes of Survey No. 5, Block 31, Tsp. 5 South, Sterling County, and I am forwarding to you herewith a copy of the letter from the Land Office on which I have numbered the paragraphs for reference.

I have discussed this matter with the Land Office and they have withdrawn the criticism expressed in paragraph 2 that the survey was not actually made on the ground provided you have enough information to write field notes for each of the two tracts of Section 5.

With reference to Paragraph 3 of the Land Office letter, I did not have the benefit of your field notes of Section 2 but have now obtained a copy of same and I am inclosing herewith photostat of your sketch submitted with those field notes.

With reference to Paragraph 4 of the Land Office letter, if the W line of H. & T. C. Block 22 runs N 4° E as you call for in field notes for Section 2, there is a small fraction at the NW Corner of Section 5, which I have not been able to compute because I do not know definitely the distance from SW Block 22, H. & T. C. to SE Corner of Section 2.

You will know how to take care of the matter discussed in Paragraph 5 of the General Land Office letter.

If you have in your files enough information to prepare field notes for the two tracts in Section 5 and will prepare same for us the General Land Office will accept such field notes. We shall be glad for you to do any field work that you may consider necessary to supplement your information in this connection, and I would like for you to consider matters discussed in the following paragraphs in connection with the necessity of such field work.

We need, of course, the distance from SW Block 22, H. & T. C. to the SE Corner of Section 2. Apparently we need also a more definite tie of Section 2 to the W line of Block 31, Tsp. 5 South. I am inclosing herewith copies of some computations that I have made from which you will note that your field notes for Section 2 give a good closure, but the remaining area of Sections 1 and 3,

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Page #2

December 10, 1941

based on Section 2, does not close at all. I conclude from my computations that the SW Corner of Section 2 is 3749.5 varas S 13° E from the N line of Block 31 and that the same corner is 1625.8 varas N 77° E of the W line of Block 31 or else that the NW Corner of Section 2 is 1852.2 varas from the NW 1, Block 31 instead of 1900 varas. Since Section 1 must be a full section it appears that the 1578 varas in the tie line must be wrong.

There appears to be an inconsistency between your field notes of Section 2 and your construction of Block 31, Tsp. 5 South as described in your letter dated March 15, 1926, copies of which are in the file I sent you recently. In 1926 you constructed the block line between 31 and 32 straight through from the common South Corner of those two blocks, making a jog of 492 varas on the North Block line; we followed that construction in 1927 based on the survey made by you and Mr. Becket and constructed Block 31, Tsp. 5 South from its SW Corner. But your field notes of Section 2, dated July 9, 1928, indicate that in locating Section 2 you ignored the former construction and located Section 2 from the SW Corner of Block 31, Tsp. 4 South. Section 2 has been patented on your field notes. This brings up a number of question as to the proper construction of Sections 1, 2, 3, and 4 in Block 31, Tsp. 5 South. I think that creating a jog and separating common corners is incorrect constructing anywhere in the T. & P. Ry. Surveys and I believe that the correct construction of the line between Block 31 and 32, Tsp. 5 South, is either a straight slant line between the established and recognized N and S Block Corners or else, and perferably, a straight line from the N Block Corner to the old rock mound at NW 1/4 Block 31, if the validity of that rock mound asan original corner can reasonably be established; if not, the line should be drawn to the nearest original corner that can be established.

Such construction would leave your location of Section 2 correct but would change the lines of the adjoining sections. Such construction will also materially affect the area of Sections 1, 12, and 13, Block 32, Tsp. 5 South and Sections 1, 3, and 4, Block 31, Tsp. 5 South, and it seems to me that there was a property owners agreement based on our map of the Kellis-Beckett survey of 1927; however, I do not see how Section 1, Block 31 or Section 1 of Block 32 can be pulled away from the old rock mound for the common corner of Blocks 31 and 32, Tsp. 4, because the plain intent of the original survey was to make it also the common corner of Blocks 31 and 32, Township 5 South.

Sec 2
Blk. 31
Tsp. 5 S

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DA⁶

AES 12-18-41

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Page #3

December 10, 1941

I would like very much to have your comment on my views as expressed above and also your opinion as to the validity as original corners of the old rock mounds found along the line running N 13° W from the original SW Corner of Block 31, Tsp. 5 South.

With kindest regards, I am,

Very truly yours,

POWELL & POWELL, ENGINEERS

W. J. Powell

WJP:mam
cc. Ray McDowell
Inc. letter
photostat
computations

counter 49074

DA⁷

27th CO RA 25A

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W. F. Kellis, Licensed State
Land Surveyor

Sterling City, Texas,
December 14, 1941

Mr. W. J. Powell
Dallas, Texas

Dear Sir:

I have your enclosure of December 10th, enclosing F/N and sketch of fractional part of Survey 5, Block 31, Tsp. 5 South, T. & P. Ry. Co., Sterling County, together with your letter and Land Office letter concerning same.

Will say that I will comply with the requirements of the Land Office in regard to F/N of fractiant part of Survey 5.

As to the North part of Survey 5, that unless I can find sufficient data for making F/N of this part I may be forced to go on the ground and do some field work. This, of course, will expense you for this service, however, I may find sufficient data without this.

As to Survey 2, Mr. J. L. Glass, the owner of Survey 2, found it necessary to patent this survey, requested me to make field notes that would be acceptable to the Land Office (the land office had previously rejected the F/N'ts that I made in 1928). So I constructed the survey to include all the land between Block 22, H. & T. C. and sections 1 and 3 of Block 31 T 5 S.

In doing this, I was forced to recede from the conclusions of Claud Becket and I when we surveyed this Block in 1926.

I now hold that the N. W. corner of Section 1, Block 31, and the N. E. corner of Section 1 in Block 32, is common. That the old rock mound for this corner is tied by the N. E. corner of Section 48, Blk. 32, Tsp. 4 S, and N. W. corner of Section 1, Block 32 T 5S, these last named corners still have the stumps of the original bearing trees on the ground. I have seen these bearing trees when they were standing and had the original marks on them.

After much thought, I have reached the conclusion that Section 1 and 1, tied as they are by a common tied corner cannot be pried apart, notwithstanding the jog. Section 1 in Block 31 depends for its existence on its N. W. corner which is the N. E. corner of Section 1, Block 32.

counter 49075

RES 42 218 20 201702

DA⁸

W. F. Kellis

Page 2

That Survey 2 depends on the N. E. corner and East lines of Section 1, and the East line of Section 3 and includes the area between these surveys and Block 22, H. & T. C. Ry. Company.

Ignoring the jog of 489 varas as agreed by Becket and I, there is no shortage in Section 1 and 3, but a little excess.

But Whatinell, am I going to do about that darn jog?

As you say, both section ones being initial surveys, must be full. In making the F/Ns of Survey 2, I left them full and then some.

I would thank you for any suggestion in getting this matter adjusted. With kindest regards, I am,

Yours truly,

(Signed) W. F. Kellis
Licensed State Land Surveyor

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POWELL & POWELL
Consulting Engineers
Republic Bank Building
Dallas, Texas

File: 251-88

May 6, 1942

Mr. W. F. Kellis
Sterling City, Texas

Dear Mr. Kellis:

After a long but unavoidable delay I have an opportunity of writing you further concerning surveys in Blocks 31 and 32, Tsp. 5 South. After receipt of your letter of December 27, 1941, I put in a good deal of time studying the field books of the surveyors who ran out these lines and have platted all the information attainable from such books on a white print of our 1927 map which I am forwarding to you herewith with request that you return it for our files when you are through with it for the reason that it is hardly practicable to make a copy at this time. I find that the surveyors involved in this territory are L. S. Banks, W. C. Powell and Murray Harris. Banks and Powell were quite obviously cooperating in the winter of 1875 by running parallel lines and tying into each other at each block or Tsp. line. They ran in that manner through Tsp. 1 South through Blocks 27 to 32; then in December, 1875, Banks ran the line between 33 and 34 from the center line to the South boundary line, and Powell at the same time ran the line between Blocks 32 and 33 from the corner he had already set on the South line of Tsp. 1 to the South boundary line of the reservation running Westerly at each Tsp. line to tie with Banks at the mid point of Block 33. Powell's line of December 1875 is shown in red on the plat. Banks' line, of course, does not enter into our present problem. Upon completion of his line, Powell moved West and ran North back to the center line in Blocks 34 and 35 which, of course, also has no bearing on our present problem.

In another field book, I find Powell beginning another line at T30 T31 S36. He gives no other identification of this corner and I can find no notes which show when or by whom it was set and must conclude that it was set by Murray Harris whose field books we do not have and who was running line in conjunction with Powell in April, 1876. Powell started this line on April 12, 1876, ran South to the South boundary of the reservation, then ran South $76^{\circ} 03'$ West, Var. $11^{\circ} 44'$ along the South boundary to a tie with his December line from the North at the SW corner of Block 32 T5S with the notation that he struck 106 varas West and either 26 varas or 264 varas South, this note being difficult to read. On this line he established corners, and I am confident that they are the corners which are recognized by you and others today as the original corners.

On April 27, 1876, Powell started at the center line and ran again the line between Blocks 32 and 33 all the way to the South boundary line of the reservation and that line is shown in green on the plat. At S24 he ran N $76^{\circ} 03'$ East to the South line of the W and NW RR Block and gave a tie to one of its section corners; at S32, on the North line of Tsp. 5 South, he ran N $76^{\circ} 03'$ East, 3 miles, where he "struck 101 varas East and 45 varas South of corner put in by Harris."

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DA¹⁰

May 6, 1942

There is considerable doubt in my mind, and I have not been able to remove the doubt by studying over the two sets of notes, as to whether or not Powell's two lines for the line between Blocks 32 and 33 followed the same line on the ground. It appears most likely that the line of April, 1876 veered to the West considerably from the line of December, 1875; the two lines had starting points 8 miles apart and may never have been together. We find that at the North line of Tsp. 5 South, the April line struck $326 \frac{2}{3}$ varas West and $64 \frac{1}{3}$ varas South and that tie must refer to a corner set by Powell in December, because there is no record of any other surveyor on that line. We find further that at this point he corrected his variation making this note: "The increase in the reading on the Vernier was made in order to get a straight line between T32 T33 S32 and T32 T33 S40." I think this may very well account for the apparent jog in the line between Block 32 and Block 33 at the North line of Tsp. 5 South, but there is some apparent evidence that the line should have an angle in it rather than a jog.

I have recently furnished to Mr. C. A. West, of the Continental Oil Company, much the same information that I am giving you in this letter. Mr. West is undertaking some surveys in Blocks 32 and 33, Tsp. 2S and 3S and has promised to furnish us with a complete record of his surveys, particularly with reference to any information that he can find on the ground relative to Powell's two lines. It may be better that we withhold our final conclusions until that information is available.

It is obvious from Powell's reference to the corner put in by Harris and from the fact that Harris returned the field notes for the Northern part of Block 32, Tsp. 5S and 4S and also for the Northern part of Block 31, Tsp. 5S, that Murray Harris must have run the line between Blocks 31 and 32 in those Townships; but in the absence of his field books, his starting point and his manner of running the lines are in doubt. T30 T31 S36 (Powell's starting point for his line West along the South boundary) is approximately on the South line of H and TC RR, Block 22. It seems probable to me that Harris may have located this point, possibly by running along the block line from the South line of Tsp. 1 across the senior railroad surveys and then he may have run out the South and West lines of the H and TC and W and NW surveys and in conjunction with that work, he may have put in the line between Blocks 31 and 32. It is obvious that he was running S77 West from the SE corner of 48 B32 T4S when he established the corner at SW 46 which Powell calls for. The facts as we have them today seem to me to indicate that Harris did run out or follow these lines of the senior surveys and that he probably started off of the South line of the W and NW Block to run the line between Blocks 31 and 32; that he ran this line all the way to the South boundary line and there finding that he was far to the West of Powell's SE 48 B32 T5S, he moved over to Powell's corner and ran back North 13 West, setting the corners, which you have found on that line, and tying in the SW corner of Block 22, H and TC RR Company.

counter 99078

DA "

May 6, 1942

Taking everything into consideration, it seems perfectly obvious that Harris created the condition which is bothering us now and was responsible for the job concerning which he warned you. He probably knew it was there but didn't know exactly how it happened.

Also, taking everything into consideration, it seems to me that the only logical construction we can make now is a straight line between the SE corner of Section 48 B32 T4S and the old rock mound at the NW corner of Section 14 B31 T5S and then construct the interior lines of Block 32 T5S as straight lines between the recognized established corners on the North and South lines of that Block, perhaps holding our construction of the West line of that Block pending development by Mr. West of further information with regard to Powell's double line.

The above suggested construction will no doubt do considerable violence to established land holders, but I believe it is the only logical construction that we can make. Some variation as to the interior lines of the Block might be made by the agreement of the property owners concerned, in order to avoid controversy and injustice, and something similar to that will no doubt have to be done with reference to Sections 1, 12 and 13 in Block 32 and Sections 1, 3 and 4 in Block 31.

I shall appreciate your further comment after study of the information sent you herewith.

With kindest regards, I am,

Very truly yours,

W. J. Powell

WJP/kw
cc: Ray McDowell

RECEIVED
MAY 12 1942
COUNTY CLERK

DA 12

counter 49079

C O P Y

July 13, 1954

Mr. M. D. Rawls
Box 22
Water Valley, Texas

Dear Mr. Rawls:

In accordance with our conference of this date re T & P RR, Blocks 32 and 33, Tsp. 5S, Sterling and Glasscock Counties, this office has agreed to approve the construction as proposed by you and represented on your map of Blocks 31, 32 and 33, Tsp. 5S.

This decision has been reached after a review of the new evidence presented by you both orally and by your map. The following pertinent factors, some of which have not been heretofore called to the attention of this office, are decisive:

The recovery of the original corners on the lower East line of Block 31, Tsp. 5S.

The location of the original corners along the South lines of Blocks 31, 32 and 33, Tsp. 5S, these corners having heretofore been identified by H. L. George, W. F. Kellis and Claude Beckett, whose maps are on file in the General Land Office.

The location of the original North corners of Block 33, Tsp. 5S by all previous surveyors, with which you are in agreement.

The check line run by Mr. W. C. Powell along the West line Block 32, Tsp. 4 and 5S and the North line of 32, Tsp. 4S has an error in the tie to the SE corner of Survey 46, Block 32, Tsp. 3S of 541 varas.

The construction of the block line between Blocks 31 and 32, Tsp. 5S meets with the approval of the J. L. Glass Estate.

Sincerely yours,

COMMISSIONER OF THE GENERAL LAND
OFFICE

VES:dm

C O P Y

counter 49050

This is a misconception; tie was to sec 46. Blk 30 W + NW R/L. Sur.

MEMORANDUM

July 13, 1956

This letter points out that there was an error in the tie to the "SE corner of Survey 46, Block 32, Tsp. 3S of 541 varas". According to Rawls' report, Mr. Rawls was of the opinion that when Powell was running his check line between Blocks 32 and 33 and was running northeasterly along the N line of Block 32, Tsp. 4S attempting to find the Harris corners, he failed to meet Harris by 541 varas, in that he intersected the S line of 46, 541 varas W from its SE corner. Both Mr. Sterzing and Mr. Rawls apparently misinterpreted the notation in the Powell field book which stated "at 765½ varas intersection S line 46, 541 varas W from SE corner". The Section 46 to which reference was being made was a section in Block 30, W & N W RR. Co. Survey and was not a reference to any T & P location. Consequently the Rawls and Sterzing conclusion that Harris was some 500 varas too far W with his work is erroneous and without foundation.

The notation in the Powell field book, therefore, does not assist us in relating the Powell work to the Harris work.

In the letter furnished by L. H. Moncrief, surveyor from Shell Oil Company, dated 12-12-55 there is an indication that Shell made a rather comprehensive survey in the area covered by Tsps. 3 and 4S and Blocks 32 and 33. Moncrief points out that the T & P Surveyors set two corners in the area of the SW corner, Block 32, Tsp. 4S and he refers to field book 124, page 47 and field book 117, page 30. Shell found the distance between the two corners to be 335.7 varas, and the course between them, N 63° 48' E.

coenter 49051

COPY COPY COPY

October 18, 1950

Mr. J. F. Johnson
Box 225
Midland, Texas

Dear Mr. Johnson:

I have carefully considered the question of the construction of the division line between Blocks 31 and 32, Township 5S, T. & P. Railway Company Survey, in Sterling County, since your appearance in the General Land Office on September 11, 1950.

After reviewing all of the information available from the records of the General Land Office and from the data which you presented, I have concluded that I cannot now change the construction or location of the block line from that previously adopted by this office.

This question of construction was presented in 1927 and at that time, Mr. W. J. Powell was advised that the surveys in these blocks should have common lines and corners throughout and that there should not be a break along the block line of Blocks 31 and 32 between Township 4S and Township 5S.

In 1929, there was submitted for the consideration of the General Land Office a report and plat compiled by Mr. H. L. George of a survey of Township 4S and Township 5S, Block 32, T. & P. Railway Company Survey, in Sterling and Glasscock Counties. Mr. George's construction of the surveys was similar to that presented by you. The location of the surveys as advanced by Mr. George was rejected by this office.

Patents have been issued for the surveys in this vicinity on the basis of the construction as adopted by this office revealed by the official maps of Sterling and Glasscock Counties, and I do not believe that it would be within my jurisdiction to authorize a change which would cause conflicts and irregularities in the location of the surveys in the area in question.

Counter 49052

at

at
Sterling Co R19 2K 5CA

X Steering Co. No. 24
Frank Foster

I regret the delay in replying to your inquiry,
but the extensive investigation which this matter required
made it impossible for me to answer sooner.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

JC:ow

cc: Mr. W. J. Powell
501 Thomas Building
Dallas, Texas

counter 49053

at'

4
to

Book 124 p50
" " 47
" 117 30

McCombs }
T.H. Seay } -1906
basket
+ Kelhis 1927

sterling x
9.

See ant 84

121 Ten 361

Dolan v Walker
495Wzd698

629/10/29
Op. 61

Sec. 19 Blk 36
J & B Dry Co.

Midland &
Blascoch

Bet Sc. 19757

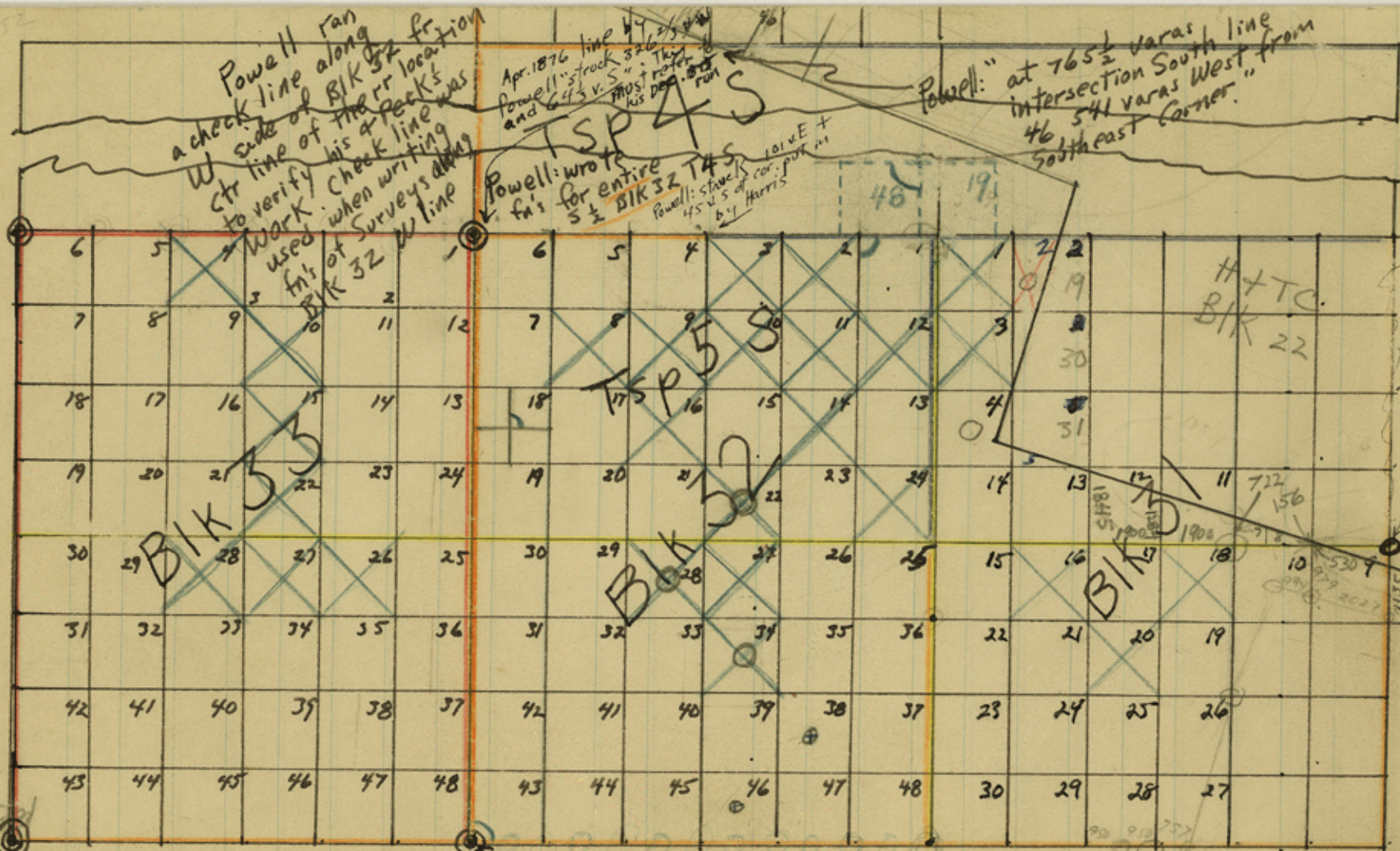
Whitaker, Lurpin,
Derr

or	5.59	\$	at	15	\$	-	83.85
	Deedafac.						5.00
							<u>\$ 88.85</u>

6-13-51

counter 49059

7/3/54
 SEC 8 for E 1/4
 541 vrs



7/3/54

O Cor. Pat. Request
 X Excess Applications

Peck & Powell failed to meet by 269 vrs in latitudes at this point

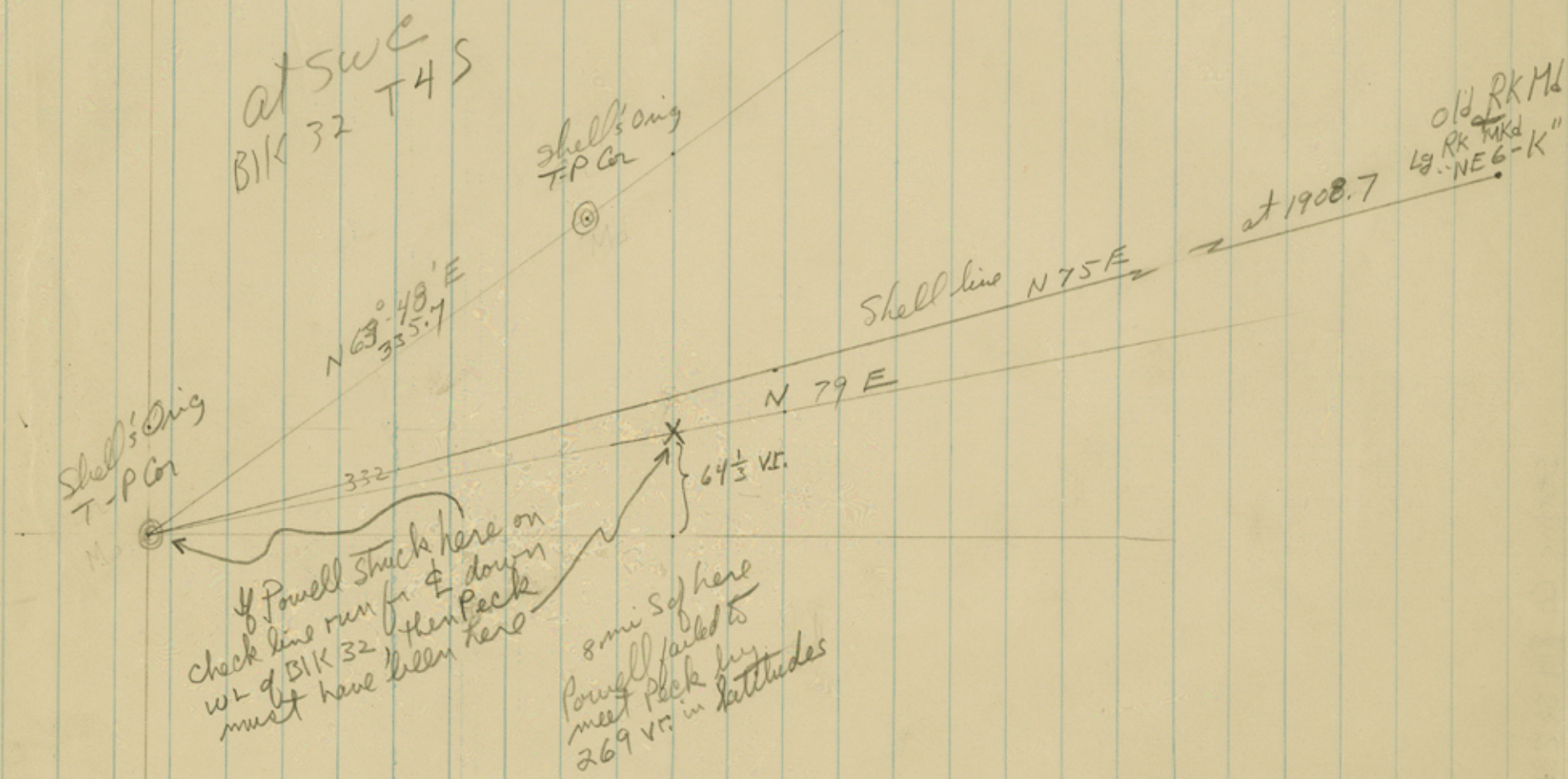
Powell
 Harris
 Peck
 George found Cor 1929

Orig. fn. for #48 BIK 32 T45 by W.C. Powell
 Beg. Earth Hd + 4 pits - NE of 47
 Th N 77E 1900 St + Rk Hd to which Mess 11 diam. brs N 37 W 37 Mk'd. T31 T32 S31 TPRR 8 66329
 Th S 13 E at 950 St + E. Md 42 pits at 1900 St + Rk Hd. St MK'd T31 T 32 S32 TPRR 63770
 Th S 77 W at 950 St. E. Md 42 pits at 1900 St + Rk Hd to which Mess 6 diam. brs 561 E 83 vrs Mk'd T32 S 32 W 1 TPRR 63769
 Th N 13 W 1900 3771

Pat. fn's for #48 BIK 32 T45 by J.H. Ramo
 Resor. 7/16/52
 Beg. at NW 48 + NE 47 sk set for Cor
 Th N 77 E 1903 to Old Rk Md set in E L BIK 32 for NEC this sur
 Th S 13 E 1901 to Old Rk Md set in E BIK L of 32 for S L of T45 for SEC this sur
 Th S 77 W along S L of T45 for 1903 to Old Rk Md Th N 13 W 1901 counter 49055

101 vis E
 45 vrs S
 460 feet
 by Powell
 Bost 124
 P50

Powell's starting pt for his line W along SBL of Reservation



W. 5 M N 74 1/2 E laged 8 2/3 vs.
" 572 E " 15 vs.

W 4 1/2 D.M. N 46 E 3 2/3 vr
M 5" x N 81 3/4 E 30 vr

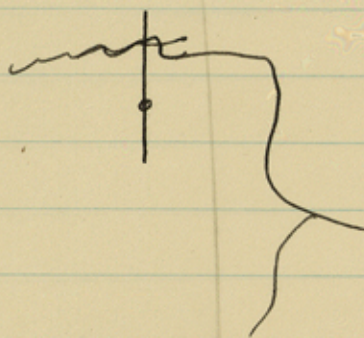
W 4
W 3 1/2 M 554 1/2 E 13 vr
W 3 stone mound

stopped at p 56 Book 115

In Book 117 (Powell's Book No 2)

p. 33 on line betw T 4 S + T 5 S in Blk 33, 3 mi w. of line betw
Blk 32 + Blk 33 Powell states:

SK + RM S 32 W 3



37 vr West
370 vr South } Tally supposed
to be by

Note from S 32 to
S 29 1/2 remeasured.
S 29 1/2 found to be 300 vr long
line corrected error
thrown in the lines
S 32 to S 40 + S 40 to
S 40 W 6 - all of said
corners except S 40 W 6
being 300 vr too far south.

See also
Book 117 pp 33-44

On Sun. Jan. 2, 1876

Powell ran line betw

Blk 32 + Blk 33 fr.

S 32 to S 40, then

along S Bl. of Res.

to S 40 W 3. at least cor. "

the used this note: " N 2
E 98 1/2

Notes of the corners put in this
day are 300 vr too far S 13° 57' E
to be noticed in field notes. Tho
same with W 3 1/2, W 4, W 4 1/2, W 5 + W 5 1/2

counter 19057

3
L

Book 115 p 41-44 Book is called Banks No. 2.

Sat. Jan 1, 1876

Course S 13° 57' E
Var. 11° 50 1/2'

on line betw BIK 33 + BIK 34 at 32 Mi S of E

stone md - Meg 12" S 32, ~~119~~ S 19 1/2 W 6 1/2
Dead Meg 5" \bar{X} N 36 1/2 W 109

Course: 'E on line betw Tsp 45 + T 55

N 76° 05'
Var 11° 47'

S 32 W 6

" W 5 1/2

" W 5 - Meg 2" Blazed S 76° W 20 vrs.
at 888 vrs drain & going slightly W of N.

" W 4 1/2

" " 4

" " 3 1/2

" " 3

Course S 13° 57' E
Var. 11° 50 1/2' Online betw
BIK 33 + BIK 34
in T 55

Note The corners of this line fr. S 32 1/2 to
S 39 1/2 including both are 300 vrs S of paper place.

Sunday Jan 2, 1876
Book 115 p 45-52

- ~~S 33~~
- 32
- 32 1/2
- 33
- 33 1/2 D.M 8" \bar{X} S 70° E 145 vrs.
- 34 M 4" S 44 3/4 W 175 vrs.
- 34 1/2 M 2" \bar{X} S 49 1/2 E 8 1/2 vrs
- 35 M 2" S 73 W 4 1/2 vrs.
- 35 1/2
- 36 M 4" S 78 1/4 E 5 1/2 vrs
- M 4" S 31 1/2 W 5 vrs
- 36 1/2 M 10" S 47 E 24 3/4 vrs
- 37 M 7" S 81 E 29 1/3 vrs
- 37 1/2
- 38 M 8" \bar{X} N 57 1/4 W 4 1/2 vrs
- 38 1/2 M 6" ~~S~~ \bar{X} S 35 E 67 1/2 vrs
- 39 M 3" Blazed N 67 1/4 E 20 vrs
- M 2" \bar{X} N 63 1/2 E 15 2/3 vrs
- 39 1/2 3M 2" \bar{X} N 53 1/2 E 11 vrs
- 40 M 2 1/2" Blazed N 51 W 13 vrs
- " 3" S 66 W 12 1/3

Book 115 p 53-55
Course N 76° 05' E
Var 11° 47' E

#0 mi W 5 1/2 M 2" N 44 E 11 1/3 vrs.
counter 49058 L 4

(3 1/2) 2 1/2 SK + Rmd
 (3) 3 " "
 (2 1/2) 1 1/2 " "

(struck 65 1/3 S)
 Intersection of S line of ϕ 46 Blk 30
 W + NW RRG
 541 vs. W. f. its SEC.

Apr 30 1876
 R 40-47
 Course
 513-57E
 Var 11-47
 Index 11.54

This is the line betw Blk 32 + Blk 33 T45
 ↓ 24 1/2 mi. SK RM M " 5 11 1/2 E 37 3/8; do 5" 522 E 41
 25 " " 4 pits " 6" N22 W 20 1/3; " 6" S31 E 20
 25 1/2 " " 2 pits " 5" 565 E 29 2/3; do 8" 58 1/2 E 50 2/3
 26 " " 4 "
 26 1/2 " " 2 " " 5" N23 E 7 1/3
 27 " "
 27 1/2 " "
 28 " " 4 pits
 28 1/2 " " 2 "
 29 " "
 29 1/2 " " 2 pits
 30 " " 4 " M 5" S49 W 11 2/3
 30 1/2 " "
 31 " "
 31 1/2 " "
 32 " "

Course
 N76-03E
 Var 11-47
 ϕ 48-50

(struck W 326 2/3; 564 1/3)
 This is the line betw. T45 and T55 in Blk 32
 ↓ Shows creek course NE
 interesting 2/3 fr. 6 mi. to 5 1/2 mi.
 (5 1/2) 1/2 mi SK md + 2 pits
 (5) 1 mi " RM - shows junction of 2 creeks (Course
 E) almost 1 mi N of
 pt. halfway betw 5 and 5 1/2 mi.
 (4 1/2) 1/2 " st md + 2 pits - shows creek course NE
 about 0.7 of distance
 betw 5 and 4 1/2
 (4) 2 " st md + 4 pits
 (3 1/2) 2 1/2 SK + RM
 (3) 3 " (struck 101 vs. E
 45 vs. S) } of Cor put in
 by Harris

May 4, 1876 (Monday)
 Course 513-57E
 Var. 11-47
 Index 13.11
 " The increase in the
 reading on the vernier
 was made in order
 to get a straight
 line between T32, T33,
 S32 and T32, T33, S40"
 p. 51-58

32 1/2 R.M.
 33 R.M.
 33 1/2 SK + RM M 5" N31 E 30
 34 st md + 4 pits
 34 1/2 SK + RM M 6" N89 1/2 E 13; do 6" S57 W 16 2/3
 35 SK + RM M 6" N40 E 70 2/3; do 7" S70 W 59
 35 1/2 " "
 36 " " M 8" N58 W 36
 36 1/2 " "
 37 " " Rock Marked
 37 1/2 " "
 38 st md + 4 pits
 38 1/2 " " 2 " M 6" S58 E 24 2/3; M 6" N34 E 1 Var
 39 " " 4 " M 8" S10 E 28 1/2; M 7" S42 W 12 2/3
 39 1/2 " " 2 " M 8" N16 1/2 E 33; M 7" S14 E 28
 40 (struck 5 vs N. 24 vs. W)

Powell's Field Book 10 our book 124

Apr. 27, 1876

Course S 13° 57' E Var. 11-47 Index 11.54

Book 124
p 12-19

Begins at $\frac{1}{2}$ BIK 32 - BIK 33

$\frac{1}{2}$ mi	SK + Road	mesg 10" N 38 E 74	
1 mi	"	"	
1 1/2	"	"	
2	"	"	
2 1/2	"	"	
3	"	"	
3 1/2	"	"	
4	"	5 2/3 N, 8 W	
4 1/2	"	"	
5	"	4 pits	
5 1/2	"	7 1/2 pits	
6	"	4 pits	
6 1/2	"	+ 2 pits mesg 6" S 24 W 8 2/3	
7	"	"	
7 1/2	"	"	
8	"	cedar 8" N 77 1/2 W 14 1/3	26 2/3 W
	"	5" S 76 W 55 2/3	15" N
8 1/2	"	mesg 5" S 78 E 130	
9	"	6" S 54 1/2	
9 1/2	"	m 8" N 88 E 114 2/3	
10	"	6" N 77 E 117 2/3	(could be 47 2/3)
10 1/2	"	5" S 82 E 20 1/3	
11	"	6" N 23 1/2 E 16 1/3	
11 1/2	"	"	
12	"	"	
12 1/2	"	+ 2 pits	
13	"	+ 4 pits m 8" S 4 1/2 E 43 2/3	
13 1/2	"	2 pits	
14	"	4 "	
14 1/2	"	2 "	
15	"	4 "	
15 1/2	"	2 "	
16	"	4" m 6" N 10 7/8 E 12 1/3	
16 1/2	"		
17	"		
17 1/2	"		
18	"		
18 1/2	"		

Apr 28, 1876
Book 124
p 20-27
same course
& var.

Apr. 29, 1876
same course
& var
p 28-35

18 1/2	+ (to sk line) 59	69 2/3 vk. W of SEC 59	
	W + NW AK 29)		
19	SK and R Md	mesg 5" N 46 E 23 1/3	
19 1/2	SK R Md.	"	
20	"	mesg 10" N 13 W 175	
20 1/2	"	"	
21	"	"	
21 1/2	"	m 10" S 75 E ---; mesg 6" N 77 E 119	
22	"	m 8" S 79 E 15; do S 37 E 20	
22 1/2	"	"	
23	"	"	
23 1/2	"	m 8" N 71 E 80; do 3" S 76 W 28 2/3	
24	"	(struck W 25 1/3; S 62 1/2)	

Course
N 76-03 E
Var. 11-45
p. 36-39

(5 1/2)	1/2 mi	This is N line BIK 32 T 45	mesg 5" N 32 W 8
(5)	1 "	SK + Road	4 pits m 7" N 35 E 71; do 5" N 39 E 35 1/2
(4 1/2)	1 1/2 "	"	"
(4)	2 "	counter 49060	mesg S 22 1/2 E 42
		stream course SE crosses line at 1 1/4	



SHELL OIL COMPANY

MIDLAND AREA

MAILING ADDRESS
P. O. BOX 1509
MIDLAND, TEXAS

GENERAL OFFICES
PETROLEUM BUILDING
MIDLAND, TEXAS

December 12, 1955

D-357

#24
OK

8

General Land Office
Austin 14, Texas

Attention Mr. V. E. Sterzing

Dear Sir:

Investigation of the matter referred to in your letter of December 8 reveals that we have not made any surveys south of the north boundary of Block 32, T-5-S. In 1937 a retracement survey was made of the entire south boundary of Block 32, T-4-S, as a part of a rather comprehensive survey made in this portion of Glasscock County.

At that time we retraced the west boundary of Block 32, T-4-S, and at the southwest corner found evidence of two corners set by the T&P Surveyors in this vicinity. These are separated by the course and distance of N63° 48'E - 335.7 varas. N75°E from the most western of the above monuments at a distance of 1908.7 varas we found an old rock mound and a large rock marked "NE 6-K". At 4771.7 varas we found an old rock mound which we took to be the original monument at the mid-point of the south line of Section 45, Block 32, T-4-S. Thence N71° 38'E at a distance of 862.0 varas we found the monument on the north bank of Lacy Creek called for in patented field notes by W. F. Kellis covering the South Half of Section 46, T-4-S. Thence N75° 08'E at 1904.6 varas we found Kellis' patented southeast corner of Section 46. Thence N74° 55'E at 1902.6 varas we identified the original southeast corner of Section 47, T-4-S. From this corner the County Line Mile Post No. 19 bears N31° 07'W - 249.0 varas. Continuing N74° 55'E at 1902.6 varas a large rock marked "SE 8-K" from which the original northeast corner of Section 48 bears N14° 57'W - 1905.4 varas.

For the discrepancy in course and distance between the mid-point of the south boundary of Section 45 and the southwest corner of Section 46 by Kellis, you are referred to the error of closure shown in the original T&P Field Book No. 124 at page 50. For information on the two monuments set by the T&P Surveyors for the southwest corner of

RECEIVED

DEC 13 1955

GENERAL LAND OFFICE

counter 49061

General Land Office

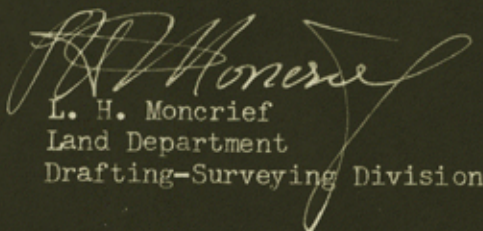
2

D-357

Block 32, T-4-S, you will find that the most western monument is described in Field Book No. 124 at page 47. The most eastern monument is described in Field Book No. 117 at page 30. There are two sketches on file in your office which might be helpful in connection with your problem. These are a sketch by Paul McCombs and T. H. Seay made in 1906 and another by Claud Becket and W. F. Kellis made in 1927.

We have no information on the occupation or the relative position of controlling monuments in the Block 32, T-5-S.

Yours very truly,


L. H. Moncrief
Land Department
Drafting-Surveying Division

RECEIVED
DEC 13 1955
GENERAL LAND OFFICE

counter 49062

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

33028

February 2, 1955

33029

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The estates of J. L. Glass and Mattie J. Glass, deceased, are the owners of the following described tract of land lying in Sterling County, Texas, to-wit:

Section No. 2 in Block 31, Township 5 South,
T & P Ry. Co. Survey, Abstract 1162, File 2-74509,
Patent No. 271, Vol. 82-A, dated November 30,
1941.

It is hereby requested that the above patent be cancelled for the reason that it conflicts with adjoining railroad surveys, as surveyed upon the ground, and that new patent issue on the corrected field notes which accompany this request.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

RECEIVED

52572

MAY 24 1955

GENERAL LAND OFFICE

Harvey D. Glass
James David Glass

Independent Executors of the
Estates of J.L. Glass and
Mattie J. Glass, deceased.

RECEIVED

MAR 15 1955

GENERAL LAND OFFICE

Counter 99063

THE STATE OF TEXAS, :
COUNTY OF STERLING. :

Before me, the undersigned authority, on this day personally appeared Harvey D. Glass and James David Glass, independent executors of the estates of J. L. Glass and Mattie J. Glass, deceased, known to me to be credible persons, who after being duly sworn each on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 2 day of February, A.D. 1955.

Walter B. Durbin

Notary Public, Sterling County,
Texas.

RECEIVED

52572

MAY 24 1955

GENERAL LAND OFFICE

RECEIVED

MAR 15 1955

GENERAL LAND OFFICE

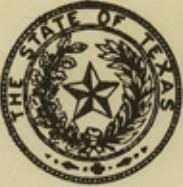
counter 49664

According to info now available, i.e. Patented
field notes of Kellis & Tarver, and corrected
fn's of Rawles - no conflict appears to exist,
as is alleged in affidavits submitted with requests
for corrected patents. Rawls visited office 9/24
& advised conflict does exist on ground &
he has agreed to send us copy of his traverse
map to show it. He claims grounds of Kellis
& Tarver are on ground in conflict with orig. positions
of several surveys. He will
counter 49065 (over) I'

Suggest to W. Rankham
that requests for
cancellation of patents
be withdrawn &
new fr's be used
only to correct
abstract.

9/26/55
JFB

counter 49066



General Land Office
State of Texas
Austin

J. EARL RUDDER, COMMISSIONER
DENNIS WALLACE, CHIEF CLERK

September 8, 1955

Mr. Worth B. Durham
Lawyer
Sterling City, Texas

Dear Mr. Durham:

We have received your letter of August 16, 1955 and its various enclosures. The application for the purchase of excess in Sections 16, 18 and 20, Block 31, Tsp. 5 S, Sterling County are being put on the docket for evaluation by the School Land Board at its next meeting which is scheduled to take place the third Tuesday of September, September 20, 1955.

3.04
1733

Field notes have been filed on the S pt. of Sec. 10, N pt. of Sec. 10, Sec. 12, and Sec. 26, all of Blk. 31, Tsp. 5 S. Before we can issue corrected patents on the first three tracts mentioned, as requested in your letter, we must have a \$1.00 filing fee for each of the three affidavits, and \$3.04 to cover the cost of recording the corrected patents in Sterling County. The latter amount must be by separate remittance payable to J. Earl Rudder, Commissioner.

3.00
1732

If we can be of further service, please do not hesitate to call upon us.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks
Robert J. Brooks
Attorney

RECEIVED

SEP 13 1955

GENERAL LAND OFFICE

RJB:pt
Files: 89024
75312
65731

3.00
3.04 rec fee

Thanks!

Worth B. Durham

I2

6

counter 49067

September 8, 1955

Mr. Worth B. Durham
Lawyer
Sterling City, Texas

Dear Mr. Durham:

We have received your letter of August 16, 1955 and its various enclosures. The application for the purchase of excess in Sections 16, 18 and 20, Block 31, Tsp. 5 S, Sterling County are being put on the docket for evaluation by the School Land Board at its next meeting which is scheduled to take place the third Tuesday of September, September 20, 1955.

Field notes have been filed on the S pt. of Sec. 10, N pt. of Sec. 10, Sec. 12, and Sec. 26, all of Blk. 31, Tsp. 5 S. Before we can issue corrected patents on the first three tracts mentioned, as requested in your letter, we must have a \$1.00 filing fee for each of the three affidavits, and \$3.04 to cover the cost of recording the corrected patents in Sterling County. The latter amount must be by separate remittance payable to J. Earl Rudder, Commissioner.

If we can be of further service, please do not hesitate to call upon us.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks
Attorney

RJB:pt
Files: 89024
75312
65731

I 3

counter 79068

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

March 12, 1955.

Hon. J. Earl Rudder, Commissioner,
General Land Office,
Austin, Texas.

Re: David Glass et al matters,
Blks. 31 & 32, T5S, T&P.,
Sterling & Glasscock Counties.

Dear Sir:

Thank you for your letter of March 8, concern-
ing the above matter.

The Affidavit regarding Section 2 has now been
notarized, and is returned to you herewith for filing.

Also enclosed is my check in the sum of \$5.50,
to pay for filing 7 affidavits and 2 sets of field notes.

Also enclosed is separate check, in the sum of
\$9.08, for regarding fees of corrected patents, when
issued.

With best regards, I am

Yours Truly,

Worth B. Durham
Worth B. Durham

C
w

33028 5.50
33029 9.08
↑

*See reg
#35692*

*Div. Rec
Check is not
endorsed -*

RECEIVED
MAR 15 1955
GENERAL LAND OFFICE

counter 49069

Date 5/24 1955

Hon. Bascom Giles
Land Commissioner

Dear Sir:

Attached is \$ 1.00 Dollars

Cash ✓ fees ✓
Check to cover
Draft rental

~~Interest on the following:~~

copy of letter

14

52572

1.00

Please mail receipt
copies
statement

to Mr.

Roy. E. Glass

RECEIVED

MAY 24 1955

GENERAL LAND OFFICE

Street

1510 Shafter

City

San Angelo Tex

Order by

Street

City

counter 49070

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

March 30, 1955.

Hon. J. Earl Rudder, Commissioner,
General Land Office,
Austin, Texas.

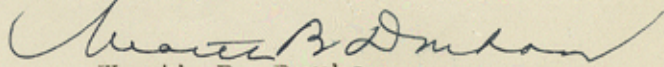
Re: David Glass et al matters,
Blks. 31 and 32, T5S, T&P,
Sterling & Glasscock Counties.

Dear Sir:

Enclosed herewith is my check, duly signed, in
payment for the recording fees for Corrected Patents, when
they have been issued in connection with the abovematter.

I am sorry that I failed to sign the same, but
overlooked it, somehow.

Yours Truly,


Worth B. Durham

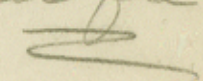
W

35692

RECEIVED

APR 1 1955

GENERAL LAND OFFICE

908 Rec fee


6

counter 49071

Leon Oil has lease on ^{N 500 ac} #2
Jack. Hawkins - Farmington ^{250 ac} #2 - 811 Michigan
Midland, Tex.

John Deminger
Mc Burnett Bldg } - Roy. Aunes
San Angelo

#1 owned by TVL is under lease to several operators. Shift eastward would put one of its wells in another #. Has 4 wells
Rymouth Oil Co. has part of #1.

counter 49072

oil operator is ^{an} owner who must join in request for cancellation of patent.

Will 4, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55

<p>Hammy</p> <p>BK 32 22 TSS 27 34</p> <p>BK 32 28 TSS</p> <p>claims & interests</p> <p>in BK 32 23 TSS 35 21</p>	<p>Frank</p> <p>3 8 9 16</p> <p>lead in 15</p> <p>Jennie May</p> <p>30 BK 31 22 119 H+TC</p> <p>5 21-31-55 lead 5-31-5</p>	<p>Ray</p> <p>20 22 32 19</p> <p>2 BK 31 TSS</p> <p>math. ad.</p> <p>Mattie</p> <p>2 18 14 10</p> <p>lead 1-31-55 5/2 22; 1/2 28 11/2 27; BK 33-55</p>	<p>James</p> <p>1 12 15 24</p> <p>4 BK 31 TSS</p> <p>34</p> <p>W 50 ac of 1/2 27 + 5/2 5240 ac 28 BK 33-55</p>
-------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

T 4 5	33	40
T 5 5	33	41
5/2	31	35

Photostat of plat purportedly by orig surveyors indicates Powell surveyed N/2 Bk 33 TSS + Peak the 5 1/2. Plats taken for field books.

D-781

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

RECEIVED

AUG 17 1955

GENERAL LAND OFFICE

3

August 16, 1955

Hon. J. Earl Rudder, Commissioner
General Land Office
Austin, Texas

Dear Sir:

Enclosed herewith, all duly executed, are applications to purchase excess acreage and supporting information sheet and corrected field notes, all with regard to the purchase of the excess acreage lying in patented surveys lying in Sterling County, Texas, and described as follows, to-wit:

- Sec. 16, Blk. 31, Tsp. 5 South, Cert. 2/253;
- Sec. 18, Blk. 31, Tsp. 5 South, Cert. 2/1534;
- Sec. 20, Blk. 31, Tsp. 5 South, Cert. 2/254 .

Also enclosed are affidavits for cancellation and issuance of new Patent and supporting field notes on the following surveys lying in Sterling County, Texas, and described as follows, to-wit:

- S. part Sec. 10, Blk. 31, Tsp. 5 South, Patent No. 282, Vol. 28, dated May 14, 1904, Cert. 2/252;
- N. part Sec. 10, Blk. 31, Tsp. 5 South, Patent No. 393, Vol. 33-A, dated April 11, 1927, Cert. 2/252;
- Sec. 12, Blk. 31, Tsp. 5 South, Patent No. 92, Vol. 39, dated November 20, 1909, Cert. 2/1533.

Also enclosed are field notes on Sec. 26, Blk. 31, Tsp. 5 South, Cert. 2/256.

Thanking you for processing the above, I am

Yours truly,

Worth B. Durham
Worth B. Durham

W

WBD:ve

Encl. 7

counter 49074

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 26, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
Commissioner, General Land
Office
Austin, Texas

Dear Sir:

Enclosed herewith are Affidavits requesting
cancellation of Patents to certain lands lying
in Sterling and Glasscock Counties, Texas.

Each Affidavit requests reason for can-
cellation based on either original or corrected
notes, and where corrected notes are concerned,
same are attached hereto.

Thanking your for your attention hereto,
I am

Yours truly,

Worth B. Durham

Worth B. Durham

WBD:ve

Encl.

*affid ff.
fn ff.*

*Rambis sketch
& Report.*

counter 49075

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The estates of J.L. Glass and Mattie J. Glass, deceased, are the owners of the following described tract of land lying in Sterling and Glasscock Counties, Texas, to-wit:

Section No. 34 in Block 32, Township 5 South, T. & P. Ry.Co. Survey, Abstract 1255, School File 63769, Patent 166, Vol. 83-A, dated December 26, 1941.

Request is hereby made that the above patent be cancelled for the reason that the same is in conflict with the adjoining railroad surveys, and that new patent be issued on the original field notes covering said tract of land.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

Harvey D Glass
James David Glass

Independent Executors of the
Estates of J.L. Glass and
Mattie J. Glass, Deceased.

The State of Texas, :
County of Sterling. :

Before me, the undersigned authority, on this day personally appeared Harvey D. Glass and James David Glass, Independent Executors of the estates of J.L. Glass and Mattie J. Glass, deceased, known to me to be credible persons, who after being duly sworn each on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 26 day of February, A.D. 1955.

Worth B. Durham

Notary Public, Sterling County, Texas.

counter 49076

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The Estates of J. L. Glass and Mattie J. Glass, deceased, are the owners of the following described tract of land lying in Glasscock County, Texas, to-wit:

Section 28, Block 32, Township 5 South, T. & P. Ry. Co. Survey, Abstract 838, School File 63771, Patent 165, Vol. 83-A, dated December 26, 1941.

Request is hereby made that the above patent be cancelled for the reason that the same is in conflict with the adjoining railroad surveys, and that new patent be issued on the original field notes covering said tract of land.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

Harvey D Glass
James David Glass

Independent Executors of the Estates
of J.L. Glass & Mattie J. Glass,
Deceased.

The State of Texas, :
County of Sterling. :

Before me, the undersigned authority, on this day personally appeared Harvey D. Glass and James David, Glass, Independent Executors of the Estates of J.L. Glass and Mattie J. Glass, deceased, known to me to be credible persons, who after being duly sworn each on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 24 day of February, A.D. 1955.

Worth B Durham

Notary Public, Sterling County, Texas.

counter 49077

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The Estates of J. L. Glass and Mattie J. Glass, deceased, are the owners of the following described tract of land lying in Sterling County, Texas, to-wit:

Section 4 in Block 31, Township 5 South, T & P Ry.Co. Survey, Abstract 1139, School File No. 73363, Patent No. 101, Vol. 42-A, dated February 16, 1929.

It is hereby requested that the above patent be cancelled for the reason that it conflicts with adjoining railroad surveys, as surveyed upon the ground, and that new patent issue on the corrected field notes which accompany this request.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

Harvey D Glass
James David Glass
Independent Executors of the
Estates of J. L. Glass, and
Mattie J. Glass, Deceased.

THE STATE OF TEXAS, :
COUNTY OF STERLING. ::

Before me, the undersigned authority, on this day personally appeared Harvey D. Glass and James David Glass, Independent Executors of the Estates of J.L. Glass and Mattie J. Glass, deceased, known to me to be credible persons, who after being duly sworn each on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 24 day of February, A.D. 1955.

Worth B. Durham
Notary Public, Sterling County,
Texas.

counter 49078

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED
FEB 28 1955
REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The undersigned David Glass is the owner of the following described tract of land lying in Sterling County, Texas, to-wit:

Section 46, Block 32, Township 5 South, T & P Ry.Co.
Survey, Abstract 1253, School File 66327, Patent 527,
Vol. 37, dated April 6, 1909.

Request is hereby made that the above patent be cancelled for the reason that the same is in conflict with the adjoining railroad surveys, and that new patent be issued on the original field notes covering said tract of land.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

David Glass

The State of Texas, :
County of Sterling. :

Before me, the undersigned authority, on this day personally appeared David Glass, known to me to be a credible person, who after being duly sworn on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 24 day of February, A.D. 1955.

Worth B. Durham

Notary Public, Sterling County, Texas.

counter 49079

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The Estates of J. L. Glass and Mattie J. Glass, deceased, are the owners of the following described tract of land lying in Sterling and Glasscock Counties, Texas, to-wit:

Section No. 22, in Block No. 32, Township 5 South,
T. & P. Ry.Co. Survey, Abstract 1256, School File
63770, Patent No. 164, Vol. 83-A, dated December 26,
1941.

Request is hereby made that the above patent be cancelled for the reason that the same is in conflict with the adjoining railroad surveys, and that new patent be issued on the original field notes covering said tract of land.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

Harvey D Glass
James David Glass

Independent Executors of the Estates
of J.L. Glass & Mattie J. Glass,
deceased.

THE STATE OF TEXAS, :
COUNTY OF STERLING. :

Before me, the undersigned authority, on this day personally appeared Harvey D. Glass and James David Glass, Independent Executors of the Estates of J.L. Glass and Mattie J. Glass, deceased, known to me to be credible persons, who after being duly sworn each on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 28 day of February, A.D. 1955.

Worth B Durham

Notary Public, Sterling County, Texas.

counter 49080

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

February 2, 1955

RECEIVED

FEB 28 1955

REFERRED TO LAW

Hon. J. Earl Rudder
General Land Office
Austin, Texas

Dear Sir:

The undersigned David Glass is the owner of the following described tract of land lying in Sterling County, Texas, to-wit:

Section 38, in Block 32, Township 5 South, T. & P.
Ry. Co. Survey, Abstract 1052, School File 66329,
Patent No. 529, Vol. 37, dated April 6, 1909.

Request is hereby made that the above patent be cancelled for the reason that the same is in conflict with the adjoining railroad surveys, and that new patent be issued on the original field notes covering said tract of land.

The old patent has been lost or destroyed, so that the same cannot be surrendered herewith.

Yours truly,

David Glass

The State of Texas, :
County of Sterling. :

Before me, the undersigned authority, on this day personally appeared David Glass, known to me to be a credible person, who after being duly sworn on oath stated that the above recited facts are true and correct.

Given under my hand and seal of office this 24 day of February, A.D. 1955.

Worth B. Durham

Notary Public, Sterling County,
Texas.

Counter 49081

1510 Shafter
San Angelo, Texas.
June 7, 1955.

Mr. Robert J. Brooks, Attorney
General Land Office
Austin, Texas

Dear Sir:

Enclosed I am sending the affidavit of ownership for section
2, block 31, Twp. 5 S., T & P Ry. Co., Sterling County, Texas.
I presume that you have already received a copy of the will
and the order for probate of the will which was to be sent by
Mr. W. W. Durham, clerk of Sterling County.

Sincerely

Roy E. Glass
Roy E. Glass

(6)

RECEIVED

JUN 8 1955

GENERAL LAND OFFICE

counter 49082 ji

COMMISSIONERS
R. T. FOSTER, PRECINCT 1
FOSTER CONGER, PRECINCT 2

G. C. MURRELL, COUNTY JUDGE
EX-OFFICIO SCHOOL SUPERINTENDENT

COMMISSIONERS
RALPH DAVIS, PRECINCT 3
E. F. MCENTIRE, PRECINCT 4

W. W. DURHAM,
COUNTY AND
DISTRICT CLERK
SALLIE WALLACE
COUNTY TREASURER
GARLYN HOFFMAN
COUNTY AGENT



W. O. (BILL) GREEN,
SHERIFF, TAX
ASSESSOR-COLLECTOR
WORTH B. DURHAM,
COUNTY ATTORNEY
A. W. DEAREN,
JUSTICE OF THE PEACE

STERLING COUNTY
STERLING CITY, TEXAS

May 31, 1955

6

Mr. Robert J. Brooks, Attorney
General Land Office
Austin, Texas

Dear Sir:

We enclose herewith Certified Copies of the following:

1. Will of J. L. and Mattie J. Glass
2. Codicil
3. Order Probating Will & Granting Letters Testamentary No. 574
4. Order Probating Will & Granting Letters Testamentary No. 481.

We are sending these instruments at the request of Dr. R. E. Glass, 1510 Shafter, San Angelo, Texas.

Yours very truly,

W. W. Durham

By *Garlyn Hoffman*
Deputy

W. W. Durham, County Clerk,
Sterling County, Texas

enc/reg

RECEIVED

JUN 1 1955

GENERAL LAND OFFICE

counter 99083

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(30) 101

DA132

W. P. MARSHALL, PRESIDENT

SYMBOLS

DL=Day Letter

NL=Night Letter

LT=Int'l Letter Telegram

VLT=Int'l Victory Ltr.

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

D SGA019 PD=SANANGELO TEX 18 853AMC=

=GENERAL LAND OFFICE, COMMISSIONER

1955 MAY 18 AM 9 41

=AUSTIN TEX=

=AS PART OWNER OF SECTION 2, BLOCK 31 TWP 5-S, STERLING COUNTY STOP I OPPOSE CANCELLATION OR CHANGE OF PATENT PLEASE WITHHOLD ANY ACTION ON NEW FIELD NOTES PREPARED BY M D RAWLS UNTIL I CAN HAVE THEM CHECKED=

=ROY E GLASS=

RECEIVED

MAY 18 1955

GENERAL LAND OFFICE

8

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

counter 49084

J³

WORTH B. DURHAM
LAWYER
STERLING CITY, TEXAS

June 14, 1955

RECEIVED

JUN 15 1955

GENERAL LAND OFFICE

General Land Office
Austin
Texas

Attn: Mr. Dennis Wallace
Chief Clerk

Re: J.L. and Mattie Glass Estates Lands,
Blocks 31 & 32, T5S, T&P Ry.Co. Survey,
Sterling & Glasscock Counties, Texas.

Dear Mr. Wallace:

I represent the Estates of J.L. Glass and wife, Mattie J. Glass, both deceased, and the duly qualified and acting Independent Executors of said Estates, Harvey D. Glass and James David Glass.

We have heretofore forwarded you certain papers with relation to the correct survey of the lands lying in said Blocks and owned by said Estates, and Mr. M. D. Rawls, who has been employed to survey the same, has had conferences and correspondence with you in regard to the same subject matter.

Mr. Rawls states that he has talked with you with reference to the cancellation of existing and re-issuance of new patents on some of the tracts of land involved, for reasons stated in the affidavits accompanying such request, and that you stated that Mr. Roy E. Glass had indicated to you that he was the owner of some of these lands and questioned the authority of the Executors to make such request to you.

As the files of your office will show, there has been uncertainty and conflict with regard to the location of the boundary lines of the lands lying within these blocks for more than 30 years, and it was the desire of all parties to work out this survey problem and to get the thing finally settled. Several conferences were held with your office in order to place the correct interpretation upon the works of the earlier surveyors.

counter 49085

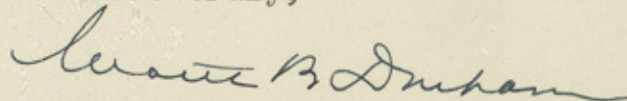
J⁴

With this end in view, the survey was authorized to proceed, and Mr. Rawls went into the field and did his work there. This was with the knowledge and consent of all parties, including Roy Glass. Mr. J. L. Glass first died, and then Mrs. Glass died during last winter, and the Wills of them have been probated in Sterling County, Texas, and in which the said Harvey D. Glass and James David Glass were appointed as Independent Executors and they duly qualified as such. The latter estate is still very much in administration, and will of necessity remain in administration for two or three more years at the minimum. For that reason, the Independent Executors named in said Will and being the same persons who executed the Affidavits, heretofore filed with you, are the proper persons to file the same.

I would therefore ask that you proceed with the normal processing of the papers filed with you in order that the correct location of the boundary lines of all of the lands involved may be made.

Appreciating your attention hereto, and with best regards, I am

Yours truly,



Worth B. Durham

WBD:ve

counter 49086

APR 22 1955

J5

6

1510 Shafter St.
San Angelo, Texas
May 27, 1955

Mr. Robert J. Brooks
General Land Office
Austin 14, Texas

RECEIVED

MAY 30 1955: Sec. 2, Blk. 31, Twp. 5-S
T. & P. Ry. Co. Sur.
Sterling County, Texas

GENERAL LAND OFFICE

Dear Mr. Brooks:

In complying with your request made last Tuesday when I talked with you, I have asked Mr. W.W. Durham, the county clerk of Sterling County, to send you a certified copy of my father's and mother's will, as well as a copy of the order admitting the will to probate. There is nobody in Sterling City to make a photostatic copy, so he is making certified copies of both instruments. My lawyer here in San Angelo, Mr. Lloyd Kerr, is preparing the affidavit of ownership, which he will send to you in a few days.

I went to Sterling County yesterday and out to Section 2, Block 31, Twp. 5-S, and located some of the markers put up by Mr. Rawls, the surveyor. His survey line, the west side of Section 2, is about 1/2 mile east of the fence line that runs between Section 2 and Section 3, and also between Section 2 and Section 1. This fence was put up before August 27, 1909, the year my father bought Section 2. The fence originally ran all the way between Section 2 and Section 1. However, several years ago part of the fence was taken down, and it now runs approximately where I have sketched it on the map. This fence originally ran south from a marker, a rock marking the S.W. corner of Section 20, Blk. 31, Twp. 4-S.

I have also noted the common corner between Block 32, Twp. 4-S; Block 32, Twp. 5-S; Block 31, Twp. 4-S; and Block 31, Twp. 5-S. I believe that Mr. Rawls omitted this marker in his survey map. The rock marker is at the intersection of the east-west fence line and a fence line that runs north from this corner. This marker has chiseled in the rock: K SE 48. Also, there are two large flat rocks, as I have indicated on my drawing, and they have the letter "K" chiseled into the rock. I have been to this corner many times before 1922, the year that I left the ranch. If my memory serves me correctly, this marker was there before 1918. I helped carry the surveyor's chain for W.F. Kellis when he did some surveying in Twp. 4-S some

counter 99087

J6

time before 1918, and we came to this corner in making the survey.

The enclosed map that I have drawn is as nearly accurate as I could estimate from being on the ground and using my map of Sterling County.

Very truly yours,

Roy E. Glass

Roy E. Glass

RECEIVED

MAY 30 1955

GENERAL LAND OFFICE

counter 49088

PERKINS & BEZONI ✓
ATTORNEYS AT LAW
SUITE 1118 PETROLEUM LIFE BUILDING
MIDLAND, TEXAS

JOHN PERKINS
FRANK BEZONI
H. J. RUCKER
RICHARD B. SANE, JR.

June 28, 1955.

TELEPHONE 2-8610

RECEIVED

JUN 30 1955

GENERAL LAND OFFICE

Re: Glass Estate property
Location of the East line of Block 32, T-2-S,
T. & P. Ry. Co. Survey, Glasscock and
Sterling Counties, Texas.

Commissioner, General Land Office,
Austin, Texas.

Dear Sir:

This letter is written in behalf of Jack M. Hawkins, Trustee, who is the operator of a lease covering a part of Section 2, Abstract 1162, Block 31, H. & T. C. Ry. Co. Survey in Sterling County, Texas.

We are informed that application has been made to the Commissioner of the General Land Office by representatives of the Glass Estate, requesting that the patents covering Section 2, Block 31, T-5-S, T. & P. Ry. Co. Survey be surrendered and new patents issued by the Commissioner of the General Land Office.

In this connection, we are informed that the controversy has arisen as to the correct location of the Eastern boundary line of Block 32, T-5-S, T. & P. Ry. Co. Survey.

It would appear that the surveys which have been submitted to you by W. F. Kellis, County Surveyor of Sterling County, Texas, if approved by you, would have the effect of moving the Northwest corner of Section 1, Block 31, T-5-S, T. & P. Ry. Co. Survey a distance of 489 varas east of its present location; this, then, would have the effect of moving the East line of Survey 1 the same distance further east and, in the event this should occur, then the oil, gas and mineral lease operated by J. M. Hawkins, Trustee, would be seriously affected in the two producing oil wells located in the Western part of Section 2, in that they would be transferred to Section 1, Block 31, T-5-S, T. & P. Ry. Co. Survey in Sterling County. Mr. Hawkins does not have a lease in any portion of Section 1.

For this reason, he is of the opinion that he is interested in the proposed change and desires to enter his protest to any such change.

counter 49089

J7

2.

It is our opinion that the correct Northwest corner of Block 31, T-5S, T. & P. Ry. Co. Survey is at the Southwest corner of Survey 19, Block 31, T-4-S, and the Southeast corner of Survey 48, Block 32, T-4-S.

We attach hereto a copy of report made to us by J. F. Johnson, of Midland, Texas, Licensed and Registered State Land Surveyor, dated June 21, 1955, and we are of the opinion that the solution suggested by him is the only feasible solution of the survey, particularly in view of the fact that this corner, above mentioned, is, in the opinion of Mr. Johnson and other surveyors, the original corner, as placed for the four blocks, by the original surveyor; and we are informed that such corner is called for in the field notes of the following surveys:

Survey 19, Block 31, T-4-S,
Survey 1, Block 31, T-5-S,
Survey 1, Block 32, T-5-S,
Survey 48, Block 32, T-4-S.

This, then, could have the effect of following the line as appearing on the map of Mr. Kellis of the Northwest quarter of Section 14, Block 31, T-5-S, and from thence a straight line to this original corner; same being the original Northwest corner of Survey 1, Block 31, T-5-S, the Northeast corner of Survey 1, Block 32, T-5-S, the Southeast corner of Survey 48, Block 32, T-4-S, and the Southwest corner of Survey 19, Block 31, T-4-S; and, if such construction should be approved, then the oil wells owned by Mr. Hawkins will remain a part of Section 2, Block 31, T-5-S, T. & P. Ry. Co. Survey.

We will very much appreciate your careful consideration of this matter, because we know there is no desire on the part of the General Land Office to disrupt ownerships.

Thanking you, we are,

Yours very truly,

PERKINS & BEZONI


John Perkins.

JP/S

counter 49090



SCALE: 1000 YARDS = 1 INCH
 VARIATION: 13° 05' E.

The State of Texas }
 Sterling County. }
 & hereby certify
 that the foregoing sketch truly
 and correctly shows the position,
 lines, boundaries, corners, courses,
 distances and connections of sur-
 -veys Nos. 2 and 4, in Block 31, Tsp.
 5. South, T.P.P. Ry. Co. in Ster-
 -ling County, Texas, and their rela-
 -tion to surrounding surveys af-
 -fecting them.

Witness my hand at Sterling City,
 Texas, this the 16th day of October
 1928.

W. B. Brown
 Surveyor of Sterling County, Texas

Counter 49091

J2

This is a copy of a sketch which M.D. Rawls, County surveyor of Sterling
County and L.S.L.S., says is in his County Surveyors Records. 2/1/56
J. Brooks

See
H.L. George
Survey of this
same area

counter 49092

Sterling Co Rld SK 23A

LLOYD KERR
LOUIS D. GAYER

KERR & GAYER
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
SAN ANGELO, TEXAS

P. O. BOX 174
TELEPHONE 9188

May 18, 1955

Commissioner, General Land Office
Austin, Texas

Re: Survey 2, Block 31, Township
5-S, Sterling County

Dear Sir:

This will confirm the telegram from me this morning opposing cancellation of the Patent and a proposed change of boundaries reducing the acreage of this section.

The reasons for this opposition are that I am interested in this survey; the tracts to which lands would be transferred from this section, under the re-survey by Mr. Rawls, are owned by different parties; some old fences would not be located on the new boundary line; the proposed change could complicate interests of lessees under existing oil and gas leases, and various other mineral interests; there are two small producing wells in the area, ownership of which would be changed, which were located for Mr. Hawkins, of Midland, under a farm-out to him from Lion Oil Company, on the land as it was surveyed for Mr. Hawkins by Mr. Frank Johnson.

R. E. Glass
Dr. R. E. Glass

LK:RN

(6)
+H

RECEIVED

MAY 19 1955

GENERAL LAND OFFICE

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59

August 24, 1956

RE: Section 2, Block 31, Tsp.
5-S, Sterling Co., Texas

Mr. Jack M. Hawkins
811 West Michigan
Midland, Texas

Dear Mr. Hawkins:

This is in response to your inquiry into the status of an application by Harvey D. Glass and James David Glass, executors of the estate of J. L. Glass and Mattie J. Glass, deceased, to cancel the outstanding patent of the captioned section based upon a survey recently made by M. D. Rawls.

According to my understanding of the law, the Commissioner of the General Land Office has the power to cancel patents where there is a partial conflict, as provided by Articles 5409 and 5410, V. A. C. S. A request for such a cancellation must first come from the owner or owners of the land in question who must file an affidavit averring complete ownership of the land in question. Since it is apparent that the said executors are not such owners for the reason that you, and possibly others share in such ownership, we are not in a position to grant their request. We feel that under the circumstances, the presently outstanding patent can be cancelled by us only upon a directive from a court of competent jurisdiction.

Due to the complex nature of the over all problem arising out of the Rawls survey, the matter is being kept in a state of pendency, until all the various facets can be thoroughly considered.

Yours very truly,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks
Attorney

RJB:mvw

counter 49094

November 28, 1956

W. C. Faulkner & Co.
Box 2641
Odessa, Texas

Attention: Mr. Bill Masterson

RE: Section 2, Block 21, Township 5 S,
T. & P. Ry. Co. Survey, Sterling
County, Texas

Dear Mr. Masterson:

Section 2 was patented October 30, 1931, on field notes prepared by W. F. Kellis, describing 759 acres, and resulting from a survey made by him on the ground, July 9, 1928. As described in the patent, the survey was to begin in the west line of Section 19, Block 22, H. & T.C. Ry. Co. Survey, at a point 107.5 varas south 4° west of its northwest corner, which point was monumented by a stone marked "NE 2 K" on the south face, and "SE 20 K" on the north face. The north line was described as running south 76° west with the south line of Section 20, Block 31, Township 4 S, 1688 varas to a set stone in an old rock mound, marked "SW 20 K", for the southwest corner of Section 20 and the southeast corner of Section 19.

On April 7, 1954, Mr. M. D. Rawls resurveyed Section 2 for the purpose of correcting the patent. His field notes describe 474.1 acres. They begin at the northeast corner of Survey No. 1, Block 31, Township 5 S in the south line of Township 4 S, Block 31, at a 2" galvanized iron pipe marked "NE 1 R", set in concrete in a stone mound. The north line of Section 2 is described as running north $75^{\circ} 44'$ east with the south line of Township 4 S, 1221 varas to the west line of survey No. 19, Block 22, H. & T.C. Ry. Co., at a 2" galvanized iron pipe marked "NE 2 R" set in concrete in a stone mound, from which a 2" galvanized iron pipe marked "NW 19 R" set in concrete in the stone mound bears north $2^{\circ} 15'$ east 114.4 varas.

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K¹

W. C. Faulkner & Co.
November 28, 1956
Page 2

While application has been made to cancel the present and outstanding patent and issue a new one, so as to describe the land in the fashion shown by the Rawls field notes, this office has been unable to take the requested action, since we have received several protests by persons owning various interests in Section 2. Under the law as set out in Articles 5409 and 5410, Vernon's Annotated Civil Statutes, the power of this office to cancel patents, except in the case of ministerial errors, is limited to applications joined in by all owners of the land involved, where they seek to remove their survey from conflict with senior surveys. Under the circumstances, we feel that the matter is one for judicial consideration, and can not be settled by administrative action of this office.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks
Attorney

RJB:jw

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K²