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August 28, 1935

Mr. Rupert C. Allen,  
County Surveyor Ochiltree County,  
Perryton, Texas.

Mr. E. H. Ervin,  
Acting as Surveyor for Lipscomb County,  
Lipscomb, Texas.

Gentlemen:

In accordance with our agreement Monday, I am enclosing tentative instructions for the survey of the Lipscomb-Ochiltree boundary.

It appears that the Northeast corner of Ochiltree and the Northwest corner of Lipscomb have been legally established and approved by the Commissioner of the Land Office thirty-seven years ago. I cannot think any authority rests in me as Land Commissioner to change in any way the action of the Commissioner at that time. The only question that can arise in which I would be authorized to move is to determine the position of the corner established by Twichell. That probably can be found on the ground, otherwise it can be determined from its calls for other objects.

The matter can rest until September 10th, when the directions indicated will be approved and made final, unless in the meantime you are able to point out some error in the findings.

Very truly yours,

Commissioner

JHW-ewr

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Austin Texas  
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County Surveyor Ochiltree County,  
Perryton, Texas.

Mr. E. H. Ervin,  
Acting as Surveyor for Lipscomb County,  
Lipscomb, Texas.

Gentlemen:

In the matter of the boundary line between Lipscomb and Ochiltree Counties, involving a disagreement on your part as surveyors of the respective counties as to the places at which the boundary line should begin and end, which matter you have <sup>referred</sup> ~~submitted~~ to me as Commissioner of the General Land Office in accordance with Article 1589, Revised Statutes, I submit the following answer and directions as to how such line should be run.

At the regular August term, 1897, of the County Court of Ochiltree County, Texas, an order was entered employing W. D. Twichell to survey the North boundary line of Ochiltree County and establish the Northeast and Northwest corners of said county, and mark them in conformity with the statutes of 1895. The order contains specific dates when to begin to survey and to mark the corners. Notice of the order appears to have been served on the County Judge of Lipscomb County, who duly acknowledged it under date of September 1, 1897, which acknowledgment is certified by the County Clerk as being held in his letter files of 1897, a certified copy of which is on file in this office. A copy of Twichell's field notes of the North boundary of Ochiltree County was approved on the 5th day of May, 1898, according to the certificate of the County Clerk, and filed in this office July 18, 1898, and approved July 21st, that year. The original of the field notes extended to include other counties is on file in the Potter County sketch files. W. D. Twichell executed a bond August, 1897, in the sum of \$1,000.00, that he "correctly survey and mark the North boundary line of Ochiltree County." This bond was filed in the Land Office March 28, 1898.

Mr. Twichell describes the Northwest corner of Ochiltree County and the Northeast corner of Hansford County as established by him as being:

"large stone marked NW.OCHILTREE and NE. HANSFORD. Meridian observation, error 3' S. Clark's Monument # 10 bears West 363.7 vrs. N.E.corner Survey # 1 Block 45 H. and T.C. bears South 1219.3 vrs. and East 982 vrs."

The Northwest corner of Ochiltree County is 30 miles West of its Northeast corner, which he also calls the Northwest corner of Lipscomb County. At that corner he

" set large stone marked N.E.OCHILTREE,N.W.LIPSCOMB, in ground and dig 4 large pits. Long's mound and 4 pits N.W.corner of 1029 Bl.43 H. and T.C.brs.S.7 miles and 960 vrs. and E. 1 miles and 1848 vrs."

Mr. Twichell began his survey to determine the North boundary line of Ochiltree County at what he claimed to be the Northeast corner of Lipscomb County. His description is:

"Beginning at a monument in the drain of a ridge but not in a position where it is liable to be washed away marked on N. side 100 m. W.L. marked on E. side I.T., on S. side N.E.cor.Texas, marked on W. side 36 deg.30 min.N.L. A large stone set in ground the N.E.corner of Lipscomb County."

Mr. Twichell's topography is almost an exact reproduction of Clark's description, and fits to a "T" the Chaney-Smith monument in the Cimarron base line.

The distance between Clark's monument No. 10, which is in longitude  $101^{\circ} 5' 17''$  and the monument established by Gannett as the Northeast corner of Texas, according to measurements by Kidder and Gannett, is 60.57 miles. Twichell's two north lines of Lipscomb and Ochiltree take up 60 miles, leaving .57 mile or 1083.45 varas to be accounted for. Twichell places the Northwest corner of Ochiltree 363.7 varas East of Clark's monument No. 10. Running East from that corner to determine his starting point he would be 719.75 varas West of Gannett's monument.

The Legislature, in 1876, fixed the Northeast corner of Lipscomb

County at a point in the  $32\frac{1}{2}$  degree of latitude, 1629 feet North of the 132nd mile post on the 100th meridian. The question as to which 132nd mile post was meant by the Legislature having arisen, my answer is that it was the mile post recognized by Dinkins in his survey of Section 1, Block D, H&TC Ry. Co. in 1873. This was the only 132nd mile post, and in the only 100th meridian in that area disclosed by any of the State records in 1876, and the only 132nd mile post known to the Legislature at that time.

A meridian extended north from the Dinkins 132nd mile post will intersect the 100th meridian 703.44 varas West of the Gannett monument. This computation was made some years ago by the lamented Judge S. C. Clark, who for more than twenty years had charge of the county boundaries in the Land Office, and accords with the distance found by Gannett.

My finding, therefore, is that the Northeast corner of Lipscomb County as established by the Legislature in 1876 is 703.44 varas West of the Gannett monument marking the Northeast corner of Texas.

It is evident that Mr. Twichell was only a few feet from the true corner, if not at the true corner, of Lipscomb County, as established in 1876, when he began his survey to establish the north boundary of Ochiltree County. I am persuaded that his work is correct, and that the corner he established for Lipscomb and Ochiltree, particularly as it appears to have been agreed to by each county, should stand. It is so marked that it can be identified.

You, as surveyors for the two counties respectively, in accordance with Article 1589, R. S. 1925, are hereby directed to begin your survey at the corner established by Twichell for the Northeast corner of Ochiltree and the Northwest corner of Lipscomb, and run a line South to the Southwest corner of Lipscomb, as established by W. H. H. Cunningham and H. B. Spiller, if such corner is found to be in the line you are running South from the corner established by Twichell; otherwise

your line will terminate either in an extension of the Cunningham-Spiller line westward, if your line runs West of said Southwest corner of Lipscomb, or at its intersection with such line if your South line falls East of the Southwest corner of said county as established by Cunningham and Spiller.

For Ochiltree County the line from the Twichell corner will run 30 miles and no more, unless the line between Roberts and Ochiltree has been established. In the latter event the Ochiltree boundary will terminate in said established boundary between it and Roberts County.

*County Line 1/10  
Lipscomb Co.*

*Lipscomb - Ochiltree Line*

*For 1000 ft. of the line*

*between Lipscomb - Ochiltree Line*

*dated Feb. 28 1922*

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County Line File 4

LIPSCOMB Co.

Lipscomb-Ochiltree Line

For the purpose of establishing the boundary between Lipscomb and Ochiltree Counties, the line from the Twichell corner will run north and more or less parallel to the line between Roberts and Ochiltree Counties. In the latter event the Ochiltree boundary will terminate at the established boundary between it and Roberts County. 30 miles and more, unless the line between Roberts and Ochiltree has been established. In the latter event the Ochiltree boundary will terminate at the established boundary between it and Roberts County.

Copy of Tentative Instructions  
for locating Lipscomb-Ochiltree Line  
dated Aug. 28, 1935

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South line of the east of the southwest corner of said county as corner of Lipscomb, or at the intersection with such line if your Spiller line westward, if your line runs west of said southwest your line will terminate either in an extension of the Cunningham-

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Lipscomb Co. Entry line 4