

4496

(Copy)

Austin, Texas,
Apr. 27th, 1906.

Hon. John J. Terrell,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

We are in receipt of your letter of this date to the Attorney General, in which you say:

At intervals for some months this Department has, in connection with State Surveyor W. D. TwiSchell, been considering with your Department the proper construction of the surveys of Block 1, H. & O. B. Ry. Co., Block 8, Tyler Tap Ry. Co. and surveys lying to the North of Block 1, H. & O. B. Ry. Co. and West of Block 8, Tyler Tap Ry. Co., Garza county; also Block 1, G. C. & S. F. Ry. Co., Block 7, E.L. & R.R. Ry. Co., Block 1, E.L. & R.R. Ry. Co., Block 2, G.C. & S.F. Ry. Co., Lynn county. In connection with this there has been submitted to you the map, filed in this office January 6th, 1906, and known as the T. H. Seay Survey, and otherwise the data shown by records and other evidence of the facts found on the ground by the State Surveyor; and the evidence known to be shown by the field book of the one who makes the locations, as well as the known evidence of the chain carriers. It was also made known to you that the purpose of this consideration was to determine if the State could break the calls of some surveys, and thus hold for school land the large excess known to exist in these blocks as developed by the State Surveyor's work on the ground.

If you have reached a conclusion in the matter, I would be pleased to have your decision."

From a careful consideration of the data and evidence which has been submitted to me in this matter by your department and the State Surveyor, W. D. TwiSchell, and of the Statutes of this State in connection with the decisions of our courts of last resort applicable to the question here presented by you, I have been forced to the conclusion that we could not reasonably hope to succeed in breaking the calls and establishing a vacancy as indicated by said Seay map. And I am confident that our investigation of the matter has been practically exhaustive.

I am, therefore, of the opinion that an attempt on behalf of the State to break said calls and establish such vacancy would be impracticable, profitless to the State, and inadvisable.

Respectfully,
(Signed) W.E. Hawkins,
Office of Assistant Attorney General.

*BF files on strip
w/ this date
5/22/1906*

counter 30478

to connect with others, as now allowed by the covers of the individual surveys

*Received from Special Agent
Charles W. ...*

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If you have reached a conclusion in the matter, I would be pleased to have your decision."

From a careful consideration of the data and evidence which has been submitted to me in this matter by your department and the State Surveyor, W. D. Twixchell, and of the Statutes of this State in connection with the decisions of our courts of last resort applicable to the question here presented by you, I have been forced to the conclusion that we could not reasonably hope to succeed in breaking the calls and establishing a vacancy as indicated by said Seay map. And I am confident that our investigation of the matter has been practically exhaustive.

I am, therefore, of the opinion that an attempt on behalf of the State to break said calls and establish such vacancy would be impracticable, profitless to the State, and inadvisable.

Respectfully,
(Signed) W.E.Hawkins,
Office Assistant Attorney General.

*SF files on this up to this date
Hawkins
5/22/1906*

counter 30978

*Pages April 27 1906
Obvious gap vacancy
W.E. Hawkins, Apr 27 1906*

connect with others, as now claimed by the owners of the individual surveys