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THE UNIVERSITY OF TEXAS
UNIVERSITY LANDS
LEGAL AND SURVEYING DEPARTMENT
P. O. BOX 2119, UNIVERSITY STATION
AUSTIN, TEXAS 12

February 19, 1944

SCOTT GAINES
LAND ATTORNEY

J. H. WALKER
LAND OFFICER

Hon. Bascom Giles, Commissioner
General Land Office
Austin 14, Texas

Dear Bascom:

For some years I have been making occasional investigations on the ground and in the record regarding the correctness of the Friend survey of the West Escondido System of University land in Pecos County. This system is composed of Blocks 21, 22, 23, 24, 25 and 26, comprising 148 sections of 640 acres each, 94,720 acres in all. Mr. Friend's survey is a marvel of mathematical exactitude, enclosing the exact acreage, no more no less than the original survey contains. It will be noted that in his field notes and report he does not accept a single stone mound to be found in the field as one of the originals called for by the locating surveyor, R. M. Thomson. Friend swings his survey to the West Escondido Spring and puts himself on the ground by course and distance, running 16' off the cardinal courses.

In the event no ground marks could then be found and identified, Mr. Friend would be correct in his theory if when Thomson made his survey a meridian had been established at Fort Stockton and Thomson had adjusted his compasses to it as required by the Act of 1873. As it happens, no meridian had been established, and it seems that in accordance with the statute Thomson adjusted his compasses with the San Antonio meridian and on a variation of 10° E. The convergence of the meridians through Fort Stockton and West Escondido is 16' and to parallel the Stockton meridian Friend ran 16' E.

The producing well on Section 36, Block 145 T. & St. L., recently brought in and the prospective developments in that area have caused considerable activity among those interested in land boundaries. The field is said to be full of surveyors working in behalf of the land owners and vacancy claimants. Because it is believed Mr. Friend has placed the east boundaries of Blocks 25 and 26 too far west and cut off about 600 acres of land held for 60 years by the University, without a clear compensating gain on the west, and because of the imminent danger of an early invasion of the cut-off strip 9 miles long within the University enclosure, I am calling your

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attention to the situation and referring the matter to the proper University authorities for such action as they may choose to take.

The East Escondido System and the West Escondido System were surveyed practically at the same time, by the same surveyors and the same chainmen, with the same compasses and on the same variation, 10° E. On your map of Pecos County the East Escondido System is delineated on a variation of 10° and the West Escondido System on a variation of 11° 30' E. One or the other of these delineations must be wrong. I am persuaded that under the decisions of our courts (9 C. J. p. 166, sec. 9, and the "Encyclopedic Digest of Texas Reports" No. 3, p. 32) the East Escondido is correctly delineated. The fact that in 1911 R. M. Thomson, the original surveyor of University land, held this view and surrendered land to conform to it is a convincing proof of what he did in 1879.

The field notes of Sections 1, 2, 3, 4, 5 and 6 call for stone mounds at their seven west corners, that is to say, at the southwest and northwest corners of each section. Our University Surveyor, Mr. J. A. Conklin, when working for Mr. Friend, found old stone mounds as follows: No. 1 is 103.7 varas East of Friend's SW corner of Section 1; No. 2 is 117.7 varas East of the SW corner of Section 2; No. 3 is 142.5 varas East of the SW corner of Section 3; No. 4 is 136.4 varas East of the SW corner of Section 4; No. 5 is 200.1 varas East of the SW corner of Section 5; and No. 6 is 214 varas East of the SW corner of Section 6. There are three rock mounds in close proximity to each other at the northwest corner of Section 6. The east fence is approximately a mile east of this chain of mounds. Lines on a variation of 10° from West Escondido Spring would reach these mounds about as closely as could be expected in old time surveying. If they are proved to be the original mounds or if it should be decided that the West Escondido System should be laid out according to its calls, the University, I am sure, will offer field notes correcting the exterior Friend surveys.

Blocks 144 and 145 were probably laid from the old rock mound "on top of the mountain." A run of 4650 varas north from the northwest corner of Section 19, Block 19, as fixed by you, and 6830 varas west on a variation of 10° E would terminate at a point not far from the old rock mound.

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The mound taken by Simpson as marking the northeast corner of Section 1, Block 21 University, is not an original marker. It is not many years old. I am not prepared to believe that in the sense of the term as Thomson understood and used it that either Simpson's or Friend's corner is "on top of a mountain." Their points are on the mountain all right, but if either were making an original survey, would he have designated the point as "on top of a mountain"? I do not think so.

Sincerely yours,

J. H. Walker

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SKETCH FILE

File No. 79

PECOS County

STA. BY MR. J. H. WALKER
RE. UNIV. BLKS 21 TO 26

Filed FEB 23, 1944

BASCOM GILES, Com'r

William Prescott
File Clerk

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