

PECOS CO. SKETCH FILE

File No. 80

PECOS County

RE S.F. 14312
AND LOCATION ONLY

Block 19
Filed Dec. 16th, 1942

BASCOM GILES, Com'r

William J. Smith
File Clerk

FOR ORIGINAL SEE S.F. 14312.

NO 2

counter 33918

counter 33919

but such surveys are to be located together as one block or one large tract. "The lines and corners found upon any part of the block of surveys belong to each and every tract of the block, as much as they do to the particular tract which they adjoin."

This theory has been applied and followed by this office over a long period of time and has been upheld in the courts many times.

In our opinion the East line of Block 19 is controlled by the Eastern Escondido Spring and the rock mounds found at the Northeast and Southeast corners of Section 1 of that Block, and that the Western line of said Block must be located by reversing the call in Section 1, Block 21, for the Northwest corner of Section 19, Block 19. When this is done, according to our information, a prolongation of the West line of Section 19, Block 19, will pass through the Middle Escondido Spring described in the field notes of the Massey Survey and delineated on Maurice Moore's sketch of Block 19 and also on Captain Walsh's map of University Land prepared by him in May, 1880. In our opinion these two sketches must be given great weight in locating Block 19. The North line of Block 19 takes its location from the Eastern Escondido Spring and the rock mound at the Northeast corner of Section 1, Block 19. The South line must take its position from a line extending through the "rock monument on the side of a hill" at the Southeast corner of Block 18. An East and West line through this mound fixes the South lines of Sections 3, 8, and 13 of Block 19 and all Sections below such a line must be held to course and distance.

The result of this construction throws excess in Block 19 East and West and eliminates any discrepancy between the West line of Block 19 and the East line of Block 180-1/2. There will be under this construction some excess North and South in Sections 2, 3, 4, and 5 of T. C. Block 180-1/2. We are attaching hereto a rough sketch outlining the construction we believe to be proper as set out herein.

From statements made by all parties to this controversy, we believe that it is the aim of all concerned to arrive at the final and proper location of the lines of the various surveys involved, once and for all, rather than any attempt to obtain additional land, and with this in mind, we have endeavored to properly relocate the lines in question so that the problem may reach a final termination. This office will accept and approve field notes prepared by the University on Block 19 in conformity with the construction set out herein. This office will also accept and approve field notes on Sections 2, 3, 4, and 5 in Block 180-1/2 which include the excess resulting in these sections from the construction so that the owners thereof can obtain record title thereto.

If I can be of further service in this, or any other matter, do not hesitate to call on me.

Sincerely yours,

BG:as
Attch.

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

Austin, Texas
December 16, 1942

Mr. J. L. Nutt
San Angelo, Texas

RE: S. F. 14312 and
Location University Block 19

Dear Mr. Nutt:

This office has completed its study of all the information presented in connection with the above mentioned problem, including a report of two of the personnel of this office after their investigation in the field.

It is our opinion that there is no vacant, unsurveyed school land between University Block 19 and Texas Central Block 180-1/2 which would be subject to your application to purchase S. F. 14312, and for that reason the same has this day been endorsed as follows:

"Rejected - No vacancy.
See my letter of even date
herein. 12-16-42.
(s) BASCOM GILES
COM'R "

In order to arrive at a solution to this problem, it was necessary for this office to relocate on the ground University Block 19. From a careful study of the various surveyors' reports and from our investigation on the ground we are of the opinion that there are only three unmistakable natural objects in the vicinity which are useful in locating Block 19. They are the Western, Middle, and Eastern Escondido Springs. The only other acceptable evidence we have discovered as to the proper location of Block 19 is three rock mounds; two are at the Eastern corners of Section 1, Block 19, and the other is at the Southeast corner of Block 18, all three of which are supported by the Eastern Escondido Spring, and the latter being also supported by its position "on the side of a hill," as called for in the field notes.

In order to relocate Block 19, University Land, according to the proper rules of construction, we have considered the various University Blocks put in by Surveyor Thomson in this area as one continuous piece of work, and have applied the "System" or "Block" theory of construction as set out in Standefer v. Vaughan, 219 S. W. 484, and recently approved in Beck v. Gulf Production Company, 113 S. W. (2d) 258, and Duval Ranch Company v. Rogers, 150 S. W. (2d) 880. This theory as stated by the Court is as follows:

"Surveys constituting a block are not to be treated as separate and individual surveys; nor can each tract be located independently of the rest, by its own individual lines or calls or course and distances,