PECOS CO. ROLLED SK. 147

FLAT FOLDER

E.H. COX S.F. 15880

EXHIBITS

APRIL 9th 1957.

Report of Hearing

TRANSCRIPT

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TRANSCRIPT OF HEARING

S. F. 15880

PECOS COUNTY ROLLED SKETCH 147
(FLAT FOLDER)

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HEARING OF THE APPLICATION TO PURCHASE AN ALLEGED VACANT AREA IN PECOS COUNTY, TEXAS, SCRAP FILE NO. S. F. 15880, FILED BY E. H. COX, HELD BEFORE THE HON. EARL RUDDER, COMMISSIONER OF THE GENERAL LAND OFFICE, IN AUSTIN, TEXAS, APRIL 9, 1957.

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B E F O R E

HON. EARL RUDDER, COMMISSIONER

OF THE GENERAL LAND OFFICE

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A P P E A R A N C E S

Hon. Fred Williamson, Surveyor, Temple, Texas.

PROPONENTS:

Hon. E. H. Cox, Fort Stockton, Texas, appearing in behalf of himself, Applicant

Hon. Alvis Vandygriff, 1202 Perry-Brooks Building, Austin, Texas, appearing in behalf of Mr. E. H. Cox, Applicant

Hon. W. N. Colburn, Temple, Texas, appearing in behalf of Fred Williamson & Company.

Hon. D. C. Williams, 1709 So. 41st Street, Temple, Texas, appearing in behalf of Fred Williamson & Company

Hon. J. B. Miller, Ozona, Texas, Box 158, appearing in behalf of the H. O. Word Estate

OPPONENTS:

Hon. John A. Ward, III, P. O. Box 2880, Dallas, Texas, appearing in behalf of Sun Oil Company

Hon. W. J. Burkart, P. O. Box 2819, appearing in behalf of Atlantic Refining Company

Hon. W. A. Stroman, 215 N. Washington Street, San Angelo, Texas, appearing in behalf of himself

Hon. Kenneth Roberts, Houston, Texas, appearing in behalf of Humble Oil & Refining Company

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Hon. John K. Meyer, Houston, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. Clayton W. Williams, Box 546, Fort Stockton, Texas, appearing in behalf of himself

Hon. A. B. Kelly, Box 1600, Midland, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. D. E. Smith, Jr., Box 1600, Midland, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. V. A. Walston, P.O. Box 2180, Houston, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. Wendell S. Westerfeld, Box 1600, Midland, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. Wm. W. Stewart, University of Texas, appearing in behalf of The University of Texas

Hon. J. A. Conklin, 1317 Eavans, San Angelo, Texas, appearing in behalf of The University of Texas

Hon. Burnell Waldrep, 1611 Woodlawn, Austin, Texas, appearing in behalf of The University of Texas

Hon. Louise C. Harwood, 4th Floor General Land Office Building, Austin, Texas, appearing in behalf of The University of Texas

Hon. Myrtle C. Young, 4th Floor Land Office Building, Austin, Texas, appearing in behalf of The University of Texas

Hon. W. R. Cavett, Austin, Texas, appearing in behalf of The University of Texas

Hon. Arch Clark, P. O. Box 2880, Dallas, Texas, appearing in behalf of Sun Oil Company

Hon. Kirby Hillin, Dallas, Texas, appearing in behalf of Sun Oil Company

Hon. David W. Stephens, Drawer 1290, Fort Worth, Texas, appearing in behalf of Gulf Oil Corporation

Hon. Maurice R. Bullock, Box 336, Fort Stockton, Texas, appearing in behalf of H. W. Winfield, Pryors, Frost National Bank, Trustee

Hon. H. K. Engleman, 1820 South Armstrong, Bartlesville, Oklahoma, appearing in behalf of Phillips Petroleum Company

Hon. M. P. Ball, 1525 Johnstone, Bartlesville, Oklahoma, appearing in behalf of Phillips Petroleum Company

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Hon. T. F. Henson, Box 1290, Fort Worth, Texas, appearing in behalf of Gulf Oil Corporation

Hon. Horace N. Burton, P. O. Box 791, appearing in behalf of Phillips Petroleum Company

Hon. E. D. Brandt, P. O. Box 2180, Houston, Texas, appearing in behalf of Humble Oil & Refining Company

Hon. K. M. Jastrow, Box 791, appearing in behalf of Phillips Petroleum Company

Hon. Marvin D. Fertsch, Trust Officer, Frost National Bank, Trustee for Myra S. Pryor et al, P. O. Box 1600, San Antonio, Texas, appearing in behalf of Pryor Trust and Agency

Hon. I. T. Pryor, Jr., 401 Bushell, San Antonio, Texas, appearing in behalf of himself

Hon. Layton A. Webb, 330 Central Building, Midland, Texas, appearing in behalf of Sinclair Oil & Gas Company

Hon. J. D. Freeman, 1013 Brazos, Austin, Texas, appearing in behalf of Pan American Petroleum Corporation

Hon. T. A. McIver, P. O. Box 1410, Fort Worth, Texas, appearing in behalf of Pan American Petroleum Corporation

Hon. R. A. Estes, 2512 Harvard, Midland, Texas, appearing in behalf of Humble Oil & Refining Company

OBSERVERS:

Hon. Jim Rogers, Attorney General's Office, Capitol Station, Austin, Texas, appearing in behalf of the Attorney General of Texas

Hon. Clifford C. Cool, Box 574, Midland, Texas, appearing in behalf of himself

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TRANSCRIPT OF PROCEEDINGS

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PREPARED BY THE GENERAL LAND OFFICE

FROM RECORDING OF HEARING

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MORNING SESSION

9:00 O'CLOCK A.M.

APRIL 9, 1957

AUSTIN, TEXAS

MR. RUDDER: ... (Not recorded) Either pick up the mike here, or get close enough to it that it will be recorded, on the table here. Whoever is on the witness stand will please hook up the chest mike around his neck and talk into it. We have two secretaries here, and we hope to get a complete and accurate recording of all the testimony to be given here today. These hearings, as most of you know, are of an informal nature, and the Land Commissioner is required to rule on it. It will be my decision, but, of course, I'll take into consideration all testimony given here and all the information available in our office and elsewhere. Keep in mind, also, that you have recourse to the court against my decision, whichever way it happens to go. I recognize that as a privilege of yours, and it certainly will not be held against anybody if he wants to disagree with whatever the decision may be.

This is a hearing on the application of Mr. E. H. Cox of Fort Stockton, Texas, to purchase an alleged vacant area in Pecos County. The application is numbered S. F. 15880, and covers an area in Pecos County, about 10½ miles Southeast from Fort Stockton, the county seat, and is bounded as follows: Bounded on the Northwest by C C S D & R G N G R R Co., Blocks 172 and 198 - W. B. Tunnell; On the Northeast bb Surveys 5 and 5½, T. C. Ry. Co. Block 5, same being S. F. 12978 and 39545; On the Southeast by University Blocks 24, 23, 22; On the Southwest by S. F. 13005 and S. F. 13006. The purpose of this hearing is to afford the Applicant and all interested parties the opportunity to present evidence and arguments to support their contentions as to whether or not the vacancy exists as alleged, and to present information to the Commissioner which, when reviewed in connection with the information already filed in the Land Office, will provide a sufficient basis for him to determine the vacancy question.

Under the usual procedure, the Applicant and other proponents and opponents are all given the opportunity to make an opening statement. Then the surveyor appointed under the law by the Commissioner of the General Land

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Office will be sworn in and will give a narrative report of his findings. He will then be examined by the proponents and cross-examined by the opponents.

Additional evidence and witnesses may be presented by both sides. All interested parties and Applicant are permitted to make a closing statement.

Ordinary court rules of procedure are not imposed here, but we do ask that you keep the questions and discussion within the bounds of relevancy.

Are there any questions, now? If not, we will have first the opening statement by the proponent, if he cares to make one.

VANDYGRIFF: Mr. Commissioner, we would like to waive any opening statement. My name is Alvis Vandygriff, I am a practicing attorney in Austin, Travis County, Texas. I represent E. H. Cox, applicant herein. I would like to say at this time that we would like to waive any opening statement, reserving our rights to make the statement at the conclusion and submit the case at this time for the testimony of the surveyor, appointed by the Commissioner to make this survey. I would like to add one other identifying mark, and possibly the Commissioner covered that, but all records of the Land Office will be considered as evidence by reference and will not be required to brought into the court.

MR. RUDDER: Does the opponent have an opening statement that he would like to make:

BULLOCK: I am Maurice R. Bullock, attorney of Fort Stockton, Texas, and I am representing H. L. Winfield, one of the affected land owners, the Prior group, including Mr. I. Prior, Jr., and other members of his family, and the Cross National Bank, who are the owners of lands affected by this application. The parties whom I represent likewise waive any opening statement at this time in view of the fact that the proponent has not made an opening statement, which we are in a position to reput or controvert.

MR. RUDDER: Does anyone else have an opening statement?

WALDREP: Mr. Commissioner, I am Burnell Waldrep, representing The University of Texas, and in view of the waiver on the part of the proponent we also waive until a later date in the proceedings.

MR. RUDDER: Does anyone else have an opening statement to make? We have with us this morning a man that I would like to have stand up and be recognized, Jim Rogers, of the

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Attorney General's office, head of their land department, whom we have asked to sit in on all of our vacancy hearings, because down the road somewhere we may have to call on him to either back up or help on our judgement we hand down. Thank you, Jim.

MR. ROGERS: Thank you, Commissioner.

MR. RUDDER: Are there any other opening statements that would like to be made? If not, will the surveyor stand up and be sworn? Bob, will you administer the oath, please?

MR. BROOKS: Will you raise your right hand? Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth?

WILLIAMSON: I do.

MR. RUDDER: I presume you all know Fred Williamson, of Temple, who has been hired to do this work on the behalf of the Land Office. Mr. Williamson, will you proceed with your narrative?

WILLIAMSON: Yes, Sir. Can I use this desk, too?

MR. RUDDER: If any of you need any help from our staff, please feel free to call upon us. I have Bob Brooks on my right, as attorney from the Land Office; Dennis Wallace, Chief Clerk; John Graham, an attorney and surveyor; and Mr. Shirriffs, who is head of our Engineering Department. All of you feel free to call upon any of these, including myself, for any help or for anything you want.

WILLIAMSON: The Commissioner, in his statement, outlined the area covered in the application. Of course, the description in the application was brief and didn't cover very much detail. There are many other surveys that are involved in the application. They are too numerous to mention, and any of them that are pertinent I hope I will touch on as we go along. The University blocks involved, being Blocks 26, 24 and 23, immediately adjacent to the area applied, as well as Blocks 21, 22 and 25, were surveyed by R. N. Thompson, in December, 1879. Mr. Thompson surveyed the University Blocks. The field notes were dated December, 1879. Some 148 sections were all described as being 1900 varas square, the one exception being Section 7, in Block 21. He stated that he used a declination of 10° East. The records, as we have been able to work them out, reflect that in the 148 sections in question, Mr. Thompson put stone mounds at some thirty corners. The thirty corners, you might say, are not too many corners for a person in my profession to go back and attempt to recover today. I have copies of each of the 148 sets of field notes. I'll

read them if you would like to have them, or I will dispense with them with a sketch that I have made covering his surveys.

MR. RUDDER: I think that if it is relevant to the situation here that they should be read, or whatever ...

WILLIAMSON: Well, I don't think that they are particularly relevant except for this one thing, that in reading the field notes, we discovered that some seven chainmen were used. The majority of the time two chainmen worked together, and, as a rule, those two chainmen worked in an entire block or in a large portion of a block, and the reason that I wanted to bring that up is that it would give a person the impression that not one, but probably three, field parties were employed and used by Mr. Thompson. As I stated, there were only some thirty corners where stone mounds were called for. Unfortunately, Mr. Thompson never did describe any of these mounds. He didn't autograph any of them, and if he ever gave any bearings off of these mounds, I haven't been able to determine that fact. I do not have Mr. Thompson's original notes. I have not had access to Mr. Thompson's original notes, and I understand that they are not available. They are not in the Land Office, to the best of my knowledge. At any rate, that was the way that Thompson left his survey. Another thing, when Mr. Thompson made his survey, he made no adjoinder calls, and there is no reason why he should, in view of the fact that there were no adjoinder surveys at that time. I believe that the records so reflect. Mr. Thompson did make some tie calls. He called for the tie with Survey No. 150 at Fort Stockton from 10 to 20 miles away. He called for the head of West Escondido Springs. And he also called for a connection with Survey No. 19, Block 19, of the University Lands. In May, 1874, some five years prior to Thompson's work, I. W. Tays surveyed the J. N. Shaffner Survey N . 310. That's 3rd class Certificate No. 7283, if you all would like that in your notes. Mr. Tays called for a stone mound at each corner, and especially the Northwest corner being a rock mound, as he termed it, in a mescal camp, and he gave the bearing of Escondido Springs as South 75° East, 225 varas. In 1881, Mr. Durrell surveyed the T & S L Block 144 as being immediately adjacent to the East of the University lands in question. The field notes on Survey No. 7, of Block 144, Mr. Durrell called for a stone mound at the Northeast corner, a stone on the top of Table Hill for the Southeast corner. He called for adjoinder with the North line of Section 1, in Block 21, and he called for adjoinder with the East line of Section 1 in Block 25. Now, we have a typographical error in my report, wherein I state that it's the East line of Section 21, Block 25,

and that should be corrected to read "Section 1, in Block 25". In Section 8, Block 144, Mr. Durrell calls for rock mounds at the Northeast and Southeast corners, and for the West line to adjoin with the East line of Section 21, in Block 25, and in Section 19, Block 144, Mr. Durrell calls for a stone mound in the Northeast and Southeast corners of the section and for adjoinder with the East line of Section 3, in Block 125. Durrell did this work in 1881, two years after Mr. Thompson's work, and I think that it's logical to conclude that he was in a far better position to recover Thompson's work than we are today. I would further like to call your attention to the fact that Mr. Durrell stated that he used the variation of 11° East, and that his sections are 1900 varas square. His surveys in Block 144 and in Block 145, T & S L, continued to the North, and all of his West sections in these blocks called for adjoinder with the East line of Block 25 and Block 26 in the University Lands. In 1910, a State surveyor by the name of W. T. Hope ran a tie line from Escondido through Block 144, and on his map and in his report he states that he recovered the stone mounds at the Southeast corners of Sections 7, 8 and 19, in the said Block 144. He further referenced some of these mounds to crosses cut in the rock, and by other means, to more or less identify a mound as being a mound in question. In June, 1885, O. W. Williams, at that time deputy county surveyor of Pecos County, Texas, surveyed the William Henley Survey, that is Scrip File 51564, and in March, 1889, he made a correction survey. In both surveys, Mr. Williams places the East line of the University Land 801 varas West of the West line of the Shaffner Survey. According to his survey, Escondido Springs is 1,018.33 varas East of the University line, that being some 81.67 varas in conflict with Mr. Thompson in an Easterly and Westerly direction. By the same reasoning, Mr. Williams places Escondido Springs 2606.23 varas South of the Northeast corner of Section 1, Block 21, University Lands, rather than the 2680 varas called for by Thompson. I want to point these out for the fact that, within the period of four or five years, Escondido Springs has already begun to move around. In 1881, Durrell surveyed Block 140 of the T & S L land, and in Section 4 of the said block, he described the Northwest corner as a rock marked AML, and the Southeast corner to be a large stone on top of an earth mound, from which the West end of Table Hill bears South 45° West. In Section 7 of the same block, Mr. Durrell described the Northeast corner as a rock mound from which three deep water holes or springs bear North 18° East 300 varas, another North 60° West, another South 71° West.

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And may I have my map of Pecos County, please? It may be that I got those corners reversed, let me check my map. That is correct. He described Section 3 in Block 140 as having its Southwest corner the same as the Southeast corner of Section 4, and the Northeast corner of Section 24, Block 26 of the University lands, which he described as a large earth mound, as being 375 varas East of the said Southwest corner of Section 3 in Block 140. That was in 1881, two years after Mr. Thompson made his survey. Mr. Durrell described these two corners as being 375 varas apart in several others of his reports, tie lines and field notes. It would appear from the record that Mr. Durrell knew the relationship between the two rather intimately. In August, 1876, Mr. Thomas C. Nelson surveyed the Commanche Creek Irrigation Survey No. 516, and in November, 1876, Mr. Nelson surveyed the Torress Irrigation & Manufacturing Company Survey No. 30, and in May, 1879, he surveyed the Torres Irrigation & Manufacturing Surveys No. 547 and 548. In surveys and field notes, Mr. Nelson calls for a stone or stone mound at all the corners, and he used the declination of 11° 30'. Mr. Nelson, in the field notes on 530 and 516, 548, 547, made no direct ties at that time between these two systems of surveys by any bearings or such as that. In November, 1881, Nelson surveyed the T. C. Railway Company Survey No. 5 in Block 5, using a declination of 11°. In July, 1882, we find correction notes made by E. W. Bates for the T. C. Railway Company Surveys 6 and 14, in Block 5. The notes might not even be called correction notes, and, apparently, from what I can find out, Nelson's notes are not, but anyhow, Mr. Bates' notes are the ones that are on record, and it would appear that whoever originally had written the notes was confused as to the numerical fix, or continuity, of the surveys in question. His adjoinder calls were erroneous. In 1881, Mr. Nelson surveyed the E. J. Carlton Survey No. 600. Mr. Durrell furnished several sets of correction field notes on Survey 600 in 1882 and 1883. The current set of correction field notes on this survey were made by Mr. Clayton Williams, in 1921. In August, 1883, Mr. Durrell surveyed the W. B. Tunnell sections 1 and 2, in Block 198, and used the declination of 11°. Mr. E. M. Lea surveyed Section 3 in Block 198 in 1907, and, in the same year, furnished a set of correction field notes, and Mr. Lea used the declination of 11°. In August, 1882, Durrell surveyed Sections 1, 2 and 3 in the Corpus Christi, San Diego, Rio Grande Narrow Gauge Railway Company, Block 172. In 1881, he surveyed Sections 19 and 20 in Block 118, T. & S.L. Company, and, in the same year, he surveyed Blk. 132 in the T. & S.L. Railway Company. In 1936, Mr. Frank Friend filed new notes for Blocks 21, 22, 23, 24, 25 and 26 of the University land, this being a part of his contract for the resurvey of the University Land. ____ (inaudible).

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MR. RUDDER: Are ;ou offering this as an exhibit, now?

WILLIAMSON: Yes, Sir.

MR. RUDDER: Mark this Exhibit A. Is that on file in the Land Office?

WILLIAMSON: Yes, Sir.

MR. RUDDER: Would you make the reference calls into the record, so that they will be available by reference as well as ...

WILLIAMSON: Do you want me to read that as my testimony?

MR. RUDDER: Yes, please, Sir.

WILLIAMSON: This map is a map of University lands, Blocks 21-26, Pecos County, Texas. The certification reads as follows: "This map of University Land and other lands adjacent thereto, showing natural and artificial objects, original corners found and corners set during this resurvey, is true and correct, being based upon a survey made upon the ground in June, July, August, 1936", signed, "Frank S. Friend, Special Surveyor of University Land, San Angelo, Texas, January 19, 1939". I won't spend much time with this map, because I am sure you are all thoroughly familiar with it. I would like to go over Mr. Friend's statement. He says "This is a map of the University Land and adjacent land ..." I have not been able to find any adjacent land or adjoinder on this map at any place. Mr. Friend does use the tie call, but I find no reference to an adjoinder survey; anything adjoining it at all is not on there. It seems to me that that is strange, in view of the fact that so many junior surveys have been placed around this survey in the intervening years. Enough for that one. Next, he states that it shows the natural and artificial objects on there, and there are some. A highway coming through here; we show a fence along the East line, East of the East line; we show a fence East of the West line; we show some fences through the interior, some relative to the South line; a few windmills. I don't find any other natural or artificial objects on there. And, next, "original corners found". Now, Mr. Friend, in his legend, says that a double circle, one circle within another, designates an original corner. In my examination of the entire 148 sections, I can not find one of those symbols on the entire map. I do find, over to the East of it, probably some 1,000 varas, or something like that, that he found some original corners

over in the railroad block over there, and that he has the double circles around them. How they are original corners, I don't know. Now a corner set during the resurvey is one circle by itself. There are a great many of those symbols on this map; in fact, you might say that all corners shown on this map are the little single circle designating a corner set. Now, I would like to read into my testimony Mr. Friend's report, filed with the Commissioner of the Land Office. Do you wish to number this as an exhibit?

MR. RUDDER: I think it can simply be put in by reference.

WILLIAMSON: Alright, this report is in University Book U.T., Volume 15, covering Blocks 21, 22, 23, 24, 25 and 26, in Pecos County. The report is signed by Frank Friend. It is dated March 25, 1939, at San Angelo, Texas, and I am going to read it in its entirety. "Blocks 21, 22, 23, 24, 25, and 26, University Land, Pecos County, is part of the public domain reserved by the Constitution for the support and maintenance of the University of Texas. These blocks were surveyed about the middle of December, 1879, by R. N. Thompson, of the firm of Holt and Thompson, contractors for the project. This contract stipulated that the land should be placed, if not on, then as near living water as possible. Evidently the existence of Escondido Springs accounts for this particular part of the fulfillment of the contract. Of the more than 30 mounds called for by Thompson in the field notes of these blocks, not one could be found that could be certainly identified. Therefore, nothing remained but to place these blocks on the ground according to the nearby call for West Escondido Spring, contained in the field notes of Section 1, Block 21, which is called, in substance, a stone on top of mountain, 1100 varas West and 2680 varas North from the said Spring. West Escondido Spring is very definite, which is proven by the fact that the Northwest corner of Survey 310, on which the spring is located, is nearer than 1½ varas to its called position. The called distance for the Northeast corner of Section 1, Block 21, lands us on top of a high hill, but no evidence of a stone for a corner could be found. A rock mound marked SE 7 stands South 30° 06' East 38.6 varas from where we placed our monument, but this mound evidently can not be more than ten or twelve years old. In our search for a North point, we used, in order that these surveys might lie conformably to other existing lands in the area. It was found by placing them paralell or perpendicular, as the case may be, to Blocks 16 - 20 would more nearly bring about that equitable position. Therefore, the lines forming the East line of University Blocks 21, 25 and 26 are parallel to the West line of Blocks 19 and 20 as we had placed the later-mentioned blocks on the ground. Glancing at the isodonic chart shown on the inset at the upper right-hand corner of the general map at the

back of this volume, it would seem that the East lines of Blocks 25 and 26 run a little less than 17 minutes to the right of true North. Should the North blocks lines of 21 and 23 be extended West to a point 16 miles West of Fort Stockton, it would then be running TRUE", that is capitalized in this report,"West. After locating our point as called for from Escondido Springs, course and distance only control our construction." Signed "Frank Friend, Special Surveyor of University Land." That is the report covering 148 sections of land.

MR. RUDDER: This will be entered in the record by reference?

WILLIAMSON: Yes, Sir. I read that because I wish to go back and refer to portions of it. I wonder what Frank Friend was looking for when he went out and looked for an original Thompson mound, when Thompson didn't describe his mounds. That's the first thing that I wonder. I wonder, further, when Thompson put in the original survey, if he got involved with this true isodonic line, and such as that. I thought in his field notes that he said he used a declination of 10° East, and that was what he used. Those are two things that enter my mind, and I wonder how Mr. Friend expected to retrace Mr. Thompson, even had he found the rock on top of the hill. I wish to mention the fact that Mr. Friend calls for his tie in Block 19 over the other University stuff, but he withdrew those field notes. Further, in Mr. Friend's survey, the stone mounds that Mr. Holt recovered in 1910 and identified as the original mounds placed by Durrell in 1881, and two years after the University lands were surveyed by Thompson, these mounds being, according to Mr. Durrell's field notes, one mile East of the University lands. Mr. Friend does call for those mounds in question. He calls for three of them, and gives the bearings for two of them. Further, in Mr. Friend's notes, he calls for stone mounds, for bearings, and, I believe in one case he calls that he passed over a stone mound on his way to set his corner. As I stated before, there were a number of junior surveys put on the ground between 1879 and 1936, but Mr. Friend makes no mention or ties to these surveys. We started our survey in this area by occupying Miller Azimuth Station, located in the interior of the University blocks in question, and proceeded to the West side of the University blocks, to determine if, first, we could find any of Thompson's work, hoping to be aided particularly by a survey made by Mr. Rider, in December, 1926, and by another survey made in January, 1927. The survey made in December, 1926, was made by Mr. Rider in order to furnish the field notes for the patenting of Survey No. 5½, Block 5, T. C. Ry. Co., Scrap File 12978. The second survey was made to furnish correction field notes for

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E. J. Carlton Survey No. 601½, S. F. 8083. In his surveys, Mr. Rider recovered the Northeast corner of Section 8, in Block 140, and also the Northwest and Southeast corner of Section 4. He found the AML rock at the Northwest corner of Section 4 to be somewhat out of position, and we found that it was, and investigation of the Land Office records will reveal that numerous other surveyors have found that stone and recovered it, and that it does not fit in a true position from a mathematical standpoint. We found that the rock at the Southeast corner of Section 4, which Rider said was marked "W", we found a rock at that point, which would be here (points to plat), but did not find, or at least I couldn't discern, any "W" marked on the rock. Fact is, it was almost impossible to discern the AML marking on the AML rock. We found a bottle at the Northwest corner of Section 24, Block 26, of the University land, and found that the distance between that corner and the rock at the Southeast corner of Section to have a distance of 374.5 varas. I believe Rider found it to be 372.8 varas. These two corners being called to be 375 varas apart by Durrell in his field notes. The rock at the Southeast corner of 4 is a large flat rock on top of the ground, there are some smaller rocks around it which could or could not have been a part of the original stone. As I stated, the rock is on top of the ground. There's a fence corner at this point. It is entirely possible that the rock could have been shifted some few varas in position. According to affidavit of record, the beer bottle at the Northwest corner of 24 and 26 was placed by Mr. A. N. Lea, former County Surveyor of Pecos County. He states in his affidavit that the bottle was placed, or rather the affidavit states that the bottle was placed by Mr. Lea in the center of an earth mound. Mr. Rider found a stone at the Southwest corner of Section 24; the stone was marked SW 24. We found the same stone. Mr. Lea told Mr. Rider, according to Mr. Rider's report, that Mr. Lea, himself, had placed that to mark the corner on 24. Mr. Rider found the distance from the Northwest corner of Section 24 to the Southwest corner of 24 to be 1915.8 varas, and we find the distance, for all purposes, to be the same. In 1926, Mr. Rider found a stone marked at the Southwest corner of 826, and we recovered the same stone. Mr. Rider called for a rock mound at the Southwest corner of Section 31, in Block 24; we found a mound at that point. I would like to call to your attention that Thompson called for a mound at the Southwest corner of Section, and, in fact, Thompson only called for two stone mounds in the entire length

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of the West line of the University block. In his plat and report, Mr. Rider indicates that he found all the corners in Survey No. 516, that was originally surveyed by Nelson in 1876. He found all the corners on that; we did recover the Northeast and Northwest corners. Mr. Rider also found all six corners of Section 5, Block 5, of the T. C. Railway Company Survey. He found the Southwest corner to be out of position. We also found the stone at that corner to be out of position, the same amount indicated by Mr. Rider. The most Northerly Northwest corner of Section 5 and the Northeast corner of Section 5 have been recently fenced; that's the, it's on the map. Scattered rocks, that could have been a mound, are still in evidence, and the courses and distances between the post and the mounds are compatible with the original calls. The same applies to the Southeast corner section. We find the stone that Rider placed for the Northeast corner of 5½. We find that the courses that were adopted by us are within four minutes of those used by Mr. Rider. In Mr. Rider's correction field notes for 601½, he calls for a stone mound at the Northeast corner, a 3/4" iron pipe at the Northwest corner, a rock marked "B" in the West line, and a 3/4" iron pipe at the most Westerly Southwest corner of 601½. We found all of these corners to be in place as described by Mr. Rider. In 1921, Mr. Clayton Williams, then County Surveyor of Pecos County, furnished correction field notes for the E. J. Carlton No. 600. He calls to begin at the Northwest corner of Section 24, in Block 26, of the University lands, to go South 3836 varas to the Southwest corner of Section 9, in Block 26. Our calculations indicate the distance was 3832.7 -- compatible. He then went West 1155 to a corner in the East line of Survey No. 601. Mr. Rider found that to be correct, and so did we. Mr. Williams then went North 45.4 varas to the Northeast corner of Survey 601, at that point a 3/4" iron pipe marks the corner. At this time, I would like to point out that we have what has been used and recognized as the Northwest corner of 24, the Southwest corner of 24 or the Northwest corner of 9, the Southwest corner of 9, and the Southwest corner of 8, and the stone mound at the Southwest corner of 31, covering an area of some four miles. I would like to introduce at this time another exhibit. Mark this "B"?

MR. RUDDER: What is it?

WILLIAMSON: This is outside of your records.

MR. RUDDER: Alright, Sir. Mark it Exhibit B.

WILLIAMSON: This is the sworn statement, affidavit, or what have you, by C. H. Webster, Chief Engineer for the Panhandle

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and Gulf Railway Company, do hereby certify that this map correctly shows the alignment of the location of the said Railway Company's line, and the width, and the amount of right-of-way taken to the State Public School and University lands, in Pecos County, in said State." It's of record at the County Clerk's office in Pecos County, Texas. In this map, it shows that the Railway Company passed the South line of Section 24 at a point 775 feet north of the Southwest corner. We find that compatible with the position that it's in today. That was in 1904. ____(inaudible) Volume 12, page 251. ____(inaudible) To sum up our ___(inaudible) and footsteps through that area, we recovered and found in position the corners that I mentioned that were found and set by Rider, and we feel confident that, if further survey were indicated, that the balance of the corners found by Rider would be found, and found in position. Now Mr. Rider's map shows that he has done some extensive surveying on the Comanche Creek Irrigation surveys to the West, and had recovered what he stated were original corners. We then proceeded to traverse the line from the Southeast corner of 5½, across Sections 614 and 18, Block 5, in order to locate the corners set by Nelson for the Torres Irrigation Company Surveys No. 530, 547 and 548. Nelson, having surveyed 530 and 76 and 547 and 548, called for a stone at the corners. Out of the twelve corners called for by Nelson, we recovered eight that are unquestionable. In view of the fact of the three year lapse from the time that he made these three surveys, it is possible that the Southwest corner of 548 and the Northwest corner of 530 were intended to be the same stone, and it is further possible that the Southwest corner of 530 and the Northwest corner of 547 were supposed to be the same stone. We found, however, that No. 530 may have been slightly West of No. 548 and 547. We further found that these three surveys, as a whole, are further East of 516 than it has been supposed by other surveyors. We then proceeded to survey along the West line of Blocks 23 and 24, University land, and recovered what we believed to be the stone mounds called by Thompson to be the Southwest corner of Section 6, in Block 23. The line was continued South and nothing further was found relative to the Southwest line. We then ran a tie line to Escondido and tied in the spring, and also what we believed to be the remains of the Stage House called for by Mr. O. W. Williams in his survey of the Henley in 1889, and a single large stone in a mescal oven. We then proceeded to tie in a series of stone mounds referred to by Mr. J. H. Walker, in a letter to the Land Commissioner in 1944, and I would like to read that letter, please.

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MR. RUDDER: It can be referred to in here and entered as of record in the Land Office.

WILLIAMSON: The Land Office record, this letter is No. 79 in the Sketch File at the Land Office. The letter appears to have been written on the stationery of the University Land, The University of Texas, Legal and Surveying Department, Post Office Box 219, University Station, Austin, Texas. It carries the officers on here of Scott Gaines, Land Attorney, and J. H. Walker, Land Officer, dated February 19, 1944. "Honorable Bascom Giles, Commissioner of the Land Office, Austin, Texas. Dear Bascom: For some years I have been making occasional investigation on the ground and in the record regarding the correctness of the present survey of the West Escondido system of University land in Pecos County. This system is composed of Block 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 contained. It will be noticed 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 or in Thompson. Friend swings his survey to the West Escondido Spring, and puts himself on the ground by course and distance, running 16 minutes off the cardinal courses. In the event no ground mounds could then be found and identified, Mr. Friend would be correct in his theory, if, when Thompson made his survey, a meridian had been established at Fort Stockton, and Thompson had adjusted his compasses to it as required by the Act of 1873. As it happens, no meridian had been established, and it seemed that, in accordance with the statutes, Mr. Thompson adjusted his compasses with the San Antonio meridian, and on a variation of 10° East. The convergence of the meridians through Fort Stockton and Escondido is 16 minutes, and the parallel to Fort Stockton meridian, Friend ran 16 minutes East. The producing well on Section 36, Block 145, T. & S.L., recently brought in, and the prospective developments in this area has caused considerable activity from those interested in land boundaries. The field is said to be full of surveyors working in behalf of the land owners and vacancies claimants, because it is believed Mr. Friend has placed the East boundary of Block 25 and 26 too far West, and cut off about 600 acres of land held for 60 years for 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 nine miles long within the University enclosure, I'm calling your 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 and the West Escondido system were surveyed practically at the same time, by the same surveyors and by the same chainmen, with the same compasses and on the same variations," Mr. Walker underlines "on the same variations". "10° East. 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' East. One or other of these delineations must be wrong. I am persuaded that under the decisions of our courts, 9 Corpus Juris., page 166, Section 9 in the Encyclopedic Digest of Texas Reports, No. 3, page 32, the East Escondido is correctly delineated. The fact that in 1911, R. N. Thompson, the original surveyor of University lands, 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 called for stone mounds at the southern West corner, that is to say at the Southwest and the Northwest corners of each section. Our University surveyor, Mr. J. H. Conklin, when working for Mr. Friend, found old stone mounds as follows: No. 1 is 103.7 varas East of Friend's Southwest corner of Section 1; No. 2 is 117.7 varas East of the Southwest corner of Section 2; No. 3 is 142.5 varas East of the Southwest corner of Section 3; No. 4 is 136._(fractional digit inaudible) varas East of the Southwest corner of Section 4; No. 5 is 201.8 varas East of the Southwest corner of Section 5; and No. 6 is 214 varas East of the Southwest 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 the West Escondido Springs would reach these mounds as, 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 call, the University, I'm sure, will offer field notes correcting the exterior Friend survey. Blocks 144 and 145 were probably laid from the old rock mound 'on top of the mountain'" (and he quotes "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° East would terminate at a point not far from the old rock mound. The mound taken by Simpson as marking the Northeast corner of Section 1, Block 21, is not an original marker. It is not many years old. I am not prepared to believe that in sense of the term that Thompson understood and used it, that either Simpson or Friend's corner is on top of the mountain. Their points are on the mountain, alright, but if either were making an original survey, would he have designated the point as on top of the mountain? I donot think so. Sincerely yours, J. H. Walker". If the mounds referred

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to are the mounds that we _____(inaudible). We believe that we found the mounds that had Mr. Walker so perturbed, with the exception of one. The one mound being in a wash at the bottom of a very rough mesa, and the mound could still be there and covered up. I don't know. We did recover what we believe to be those mounds. We then proceeded to tie in some of the mounds referred to by Holt in his survey of 1910, and that Mr. Friend again referred to in his field notes of 1936, and recovered two of them. We then went back to the West side and recovered the Northeast corners of Section 13 and Section 14, in T. & S.L. Railway Company Block 132. From these corners we ran North and recovered the stone mound at the Northeast corner of Section 19, Block 118, T. & S.L., and continued North and recovered the stone mounds that, in our opinion, is the Northwest corner of the W. B. Tunnell Survey No. 2, in Block 198. We continued that line to the North, and intersected the South line of Survey No. 547, and found that the intersection point was West of the point called for in the field notes for Section 20, in Block 118, T. & S.L., and was also West of the point called for by Lea in his correction notes for Survey 3 in Block 198. As we stated before, Mr. Thompson used the declination, so stated in his field notes, of 10° East when he surveyed the University Block 79. It is obvious that lines that would re-establish him should be in the vicinity of one degree off of true North. It should further be pointed out that Thompson did not describe his mounds, and that he gave no bearings from any of his corners other than the Northeast corner of Section 1, Block 21. It is further evident that Thompson only ran and marked every other mile. From the beer bottle at the Northwest corner of Section 4, in Block 26, University Land, to the stone mound on top of the mesa that marks the Southwest corner of Block 6, Section 23, is 19,100 varas. The course between the two corners calculates to be one degree, no minutes and 44 seconds West. Examination of my plat will show that between the various corners as we have recovered on the West line that there is not more than four to five minutes variation between these corners. There is an average excess of around ten varas to the mile. When a person compares that with the construction that you find in Blocks 18, 19 and 20, University Lands, then these corners fit exceptionally well. It is true that Thompson calls for two mounds on that line, and I believe that the mounds we found that are 11,430 varas apart, or an average of 1905 varas to the mile, and on a course of 1°, 0', 28" East, and I believe that is about as compatible as you could get. Mr. Lea stated that he placed a beer bottle for the Northwest corner of Section 24 in Block 26, that he placed it in the original mound.

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He further stated that he placed the stone in the Southwest corner of Section 24. Those were all found by Rider, and we found them. I don't know who placed the stone that marks the Southwest corner of Section 8, Block 26, but Rider found it in 1926. I don't know who placed the stone mound at the Southwest corner of Section 19, Block 24, right here (points to plat), but that mound is 3806.6 varas South of the stone mound at the Southwest corner of Section 31, Block 24, that Thompson calls for. I would further point out that the University fence is always within a few lines parallel to the line projected by these corners, and for many years have been accepted as on or near the true line. The stone mounds in Block 25 in the University Lands that Mr. Walker talked about are not in a straight line, but the course from the most Northerly mound to the South mound is 0° 49' 13" West, and an average for the mile of 1877.8 varas. In February, 1929, Mr. Frank Friend made a survey and furnished correction field notes for Survey No. 1, Block 215, Jane N. McCallum (S-3-1153). In these notes, he described the East line of Block 21 of the University Land to be 0° 41' West, and that's awfully close to what I found those stone mounds to be. _____ (portion not recorded, change of record) ... a matter of five or six years, I don't know. The distances between the mounds in Block 25 and the line established through the various mounds found on the West side of University Blocks are roughly an average of 1898.6 per mile. The relationship between the mounds in Block 25 and the mounds in Block 144 in the T. & S.L. survey, or the so-called Holt mounds, is not compatible. For an excess of around 90 varas per mile exists, but on the other side, when you compare with the notes that have been furnished on the University lands for Block 19, it's not bad at all. With these things in mind, I can not fail but consider that the mounds found by Lea, Rider and other surveyors on the West line of the University block reflect the true West line of the block as located by Thompson in 1879. Mr. Friend stated, in his report, that he put in the University block on course and distance from Escondido. I believe that I pointed out that there is, there was confusion within five years of the original survey as to the location of Escondido. I know that the surveyors in here have examined the records over there, and it's hard to find any two surveyors that will come to the same conclusion, as far as the records are reflected there, as to the location of Escondido. Mr. Holt didn't find it where other people said they found it, and it's water. Mr. Friend, I think, turned in about as fine an engineering job as a man could ever do. Those mounds are, to quote Mr. Walker, it's a marvel of mathematical exactitude. But I want to point out this,

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that if Mr. Friend, with his engineering ability, and if Mr. Thompson had been blessed with the same ability, then, if Mr. Friend on his corner here (points) if he actually had located the same point and had used it, from that point on he could never have been on Thompson, because they were using different sized sections, and they were using different declinations. The distance from this corner, of the Northeast corner of 1 in 21, to the Northwest corner of 24, in 26, in the Northerly direction, is nine miles. Roughly, for one degree, you will vary 33-1/3 varas to the mile, and in nine miles that comes awfully close to 300 varas, and that's how far Friend would be off of Thompson if he had been on the original corner. Mr. Durrell put in, the T. & S.L. block 140, and 144, three years after R. N. Thompson made his original survey. I believe that it is logical to assume that at the time Mr. Durrell put those surveys in, that the earth mounds and the indeterminate corners that were used by Thompson were still there, that Mr. Durrell could find them, and when he put his stone mounds in 144 and said that they were a mile from East line of the University, I believe that he had evidence to cause him to put those mounds in that position. I believe that when he put in the 140 to the Northwest, and offset the University blocks by 375 varas, that he had evidence found on the ground to show him where to put that offset. And it's still there. Mr. Friend's construction takes the acreage of every junior survey on the West side of the University block. The patent on 5½ would be eliminated, for all practicall purposes, if Mr. Friend were correct in his construction. The Tunnell No. 1, surveyed by Durrell in 1883, according to his field notes, and his chainmen on that job were Joe Brown and Dolores Gonzales -- I'll throw that into the record for what it's worth -- Anyhow, he said that he began at the Southeast corner of Survey No. 5 in Block 5. That's where the stone mound was set by Nelson, and had been later recovered by Rider in 1926, and that we find now destroyed, and a post in its place. He calls to begin at that corner and to go South, and he states that at 976 varas he passed the Southwest corner of Section 30, in Block 24, and he goes to the West line of 18, 19, 7 and 6, goes 8115. fraction varas to a stake in a mound. Then he goes West 990 varas to a stake in the mound in the East line of 547. Then he went North around 547, 530, all around through T. C. Rilway Company Blocks 18, 14, 6 and 5, and got back to the place of beginning, so that he got through with it, he encompassed an area 1244 acres. In my construction of the Tunnell No. 1, I follow his beginning call and go South, I find that he's in conflict with 547 and 530. You ought to remember that he was also confused as to the location of 547, as stated in his field notes on Section 20, in 118, T. & S.L. He said over there that he hit 547, and then went West 1010 varas, and there wasn't that much to go with, there was only 189.6 varas in

there. Anyhow, my construction along the Tunnell No. 1, I find 1221 acres in it. That would be about 20 some-odd acres shy of what Mr. Durrell thought he had. Mr. Lea made a survey of Section 3 in Block 198, and he states in his original field notes that he started at the Northwest corner of the Tunnell No. 2 and ran 916 varas to the South line of 547. The Land Office didn't like those notes, because of what they had over here in Section 20, 118. They asked him to correct them to make them compatible, and he did. He changed his field notes and made them fit what they called for. He did use the Southeast corner of 547, and ran from there to the University line, and we find his distance from that corner to the Uni ersity line to be approximately correct. In Durrell's field notes for Tunnell No. 2, in Block 198, he calls to begin in the West line of Section 19, Block 23, University lands, and go North 5372 varas to a stake in a mound, then go West 1344 varas to a stake in a mound in the West line of Section 20, Block 118, and then South and East to the place of beginning. We find on the ground as we reconstruct that that there is an excess of 21.9 varas North and South, and we then we call 1344 East and West. I'd like to make one more mention here, that the Northwest corner of Sectin 7 in Block 25, that's the three mounds that Walker calls for. In the plat that I have prepared of Thompson's surveys, there were three groups of chainmen to reach that corner. I don't believe it's entirely within the realm of fantasy to state that those three sets of chainmen and the three parties could very easily have gone up in that corner and set a corner. I think that's entirely possible. Examination of Thompson's notes will find that a particular corner is described differently in the adjacent field notes, which I think further bears out the theory that Mr. Thompson was using more than one party. I think Mr. Walker believed that Mr. Thompson was using more than one party. Because he stated that his compasses, and instrument men, chainmen, always in the plural. So, in consideration of all that, I have submitted field notes for what I believe to be two vacancies, adjacent to the West line of the University blocks.

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IT BEING 10:50 O'CLOCK A.M., THE HEARING RECESSED UNTIL 11:00 O'CLOCK

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(11:00 O'CLOCK A.M.)

RUDDER: Next we will have the direct examination by proponents of the vacancy. If you will sit at that table where you will be heard...

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VANDYGRIFF: Mr. Commissioner, at this time I should like to introduce my _____(inaudible) counsel in this matter, Mr. Jas. K. Presnal, of Austin, Texas, and Mr. Tunnell Ashley, of Fort Stockton, Texas.

RUDDER: Put your name in the record, please, Mr. Vandygriff.

VANDYGRIFF: My name is Alvis Vandygriff, representing E. H. Cox, the Applicant herein. Mr. Williamson, what was the date of your appointment as the surveyor to survey this alleged vacancy? Do you remember?

WILLIAMSON: No, Sir, I don't. I don't have that file with me.

VANDYGRIFF: What was the date you filed your report in the office? Do you have that date?

WILLIAMSON: The Land Office has it marked "Received," looks like February 14, I can't read it.

VANDYGRIFF: February 14, 1957. Is that the original you hold in your hand?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: You had that introduced, then, in evidence, and read from that as you testified in your narrative form to the Commissioner, is that right?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Mr. Williamson, you also testified by another instrument there, that I don't believe is in record, and I wonder if we might introduce that into the record, that being the working sketch that you prepared from the copy of the Thompson notes?

WILLIAMSON: Wasn't it introduced? I don't

VANDYGRIFF: I don't believe it was marked as an exhibit or anything. I'd like it to be considered as evidence for the Commissioner. He is offering into evidence, it will be marked as Exhibit C, I believe, the working sketch as prepared by Mr. Williamson. Mr. Williamson, I believe you referred also to the field notes of Survey 310, the J. N. Shaffner Survey, but did you reference that as being considered as a part of this record?

WILLIAMSON: No, Sir.

VANDYGRIFF: Would you give a citation of that?

WILLIAMSON: I don't have the, a copy of the Shaffner Survey.

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VANDYGRIFF: It is identified in the Land Office records as Survey No. 310, J. N. Shaffner Survey, is that correct?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Shall we refer to that, then, for reference, and consider that a part of the evidence?

WILLIAMSON: _____(inaudible)

RUDDER: We shall consider it.

VANDYGRIFF: Now, Mr. Williamson, you began your survey at the Southeast corner of 5½, is that right? As you have depicted the field notes filed in this record, did you find the vacancy to cover?

WILLIAMSON: That was the beginning call.

VANDYGRIFF: That was your beginning call in the field notes. Now, you based your findings there upon what, Mr. Williamson?

WILLIAMSON: I based my findings there on the relationship of the mounds as called for by Nelson, as later recovered by Rider _____(inaudible)

VANDYGRIFF: Now, did you identify those as being the same calls called for by Rider?

WILLIAMSON: Yes, Sir, to the best of my ability.

VANDYGRIFF: As a surveyor, you would consider those as being the same mounds there that were called for ____(inaudible)

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Mr. Williamson, in your survey, did you first attempt to determine whether ...

RUDDER: Let me interrupt you, Mr. Vandygriff, please. Could you and Mr. Williamson both speak a little louder, please? They're having a little difficulty hearing you back there.

VANDYGRIFF: Mr. Williamson, _____(inaudible) the time you were appointed, did you first attempt to locate all the information available to you that would enable you to follow the footsteps of the original surveyor in determining what existed on the ground in the area under question?

WILLIAMSON: I made an examination in the Land Office that was as extensive as I was capable of doing, with the little knowledge tht I had of the area at the time the award was made.

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VANDYGRIFF: When you made that survey, did you determine from the information found that there were original monuments called for in the field, in the information available?

WILLIAMSON: I presume that you mean the original monuments set by Thompson.

VANDYGRIFF: Yes, Sir.

WILLIAMSON: Now, Mr. Thompson didn't set any monuments.

VANDYGRIFF: Did Mr. Thompson call for any mounds or anything of that nature?

WILLIAMSON: Mr. Thompson called for stone mounds. Several of his stone mounds he gave the size of them. He called for single stones, he called for earth mounds, and at many of his corners he called for nothing.

VANDYGRIFF: Was it your desire, and your attempt, to locate the things that were called for by Mr. Thompson when you went to the field?

WILLIAMSON: I felt that his true picture, were it to be attained, that that would be absolutely necessary.

VANDYGRIFF: Beginning with that, then, did you go into the field and make the examination of any findings that would correspond, in your opinion, to what Mr. Thompson found?

WILLIAMSON: I believe I did.

VANDYGRIFF: In the thirty monuments called for by Mr. Thompson, how many do you estimate that you recovered in the 148 sections?

WILLIAMSON: If my memory serves me correctly, we recovered eight or nine stone mounds that, in my considered belief, were placed by Thompson's men.

VANDYGRIFF: Mr. Williamson, you're not attempting to tell the Commissioner here that those are Thompson's monuments or anyone else's monuments. Isn't that correct?

WILLIAMSON: Mr. Vandygriff, I don't see how any surveyor could go on the stand and swear that he found a Thompson mound for certain in that area. On the other hand, I don't see how he could go on the ground and swear that he wasn't.

VANDYGRIFF: From your findings, it would be your _____(inaudible) that, to the best of your opinion, that these are the same monuments that were actually discovered there by Thompson.

WILLIAMSON: In my opinion, they are, yes Sir.

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VANDYGRIFF: Now, Mr. Williamson, in the construction of the area that you have determined here, there is apparently a 375 vara offset at the Southeast corner of 3, and the Southwest corner of 4. Is that correct?

WILLIAMSON: The Southwest corner of 3, and the Southeast corner of 4.

VANDYGRIFF: Pardon me. I have my direction written wrong. At the Southeast corner of 4 and the Southwest corner of 3. Did you go on the ground at that spot?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: What, if anything, did you find to exist there today?

WILLIAMSON: I found no remains of the earth mound called for by Thompson. I did find a beer bottle, upright in the ground with the neck protruding, and roughly 375 varas West of that I found a large stone on top of the ground. I found no earth mound at that point; Durrell had called for an earth mound, so had Thompson, but I didn't find an earth mound at either point.

VANDYGRIFF: In locating this corner ____(inaudible) identifying the Southeast corner of 4, what, if anything, did you do with regard to the survey of, the entire survey of Section 4? That's T. & St. L. Block No. 140.

WILLIAMSON: We located the AML rock that was called for at that corner. We made no attempt to go any further to the North and to the West, for, as I stated, many maps and affidavits on record in the Land Office by surveyors that are more capable than I am, have recovered all of that. They've been used extensively.

VANDYGRIFF: Did you find any monuments on the ground called for in the original field notes that you could identify today?

WILLIAMSON: Do you mean by monuments, any stone mounds ...

VANDYGRIFF: Any stone mounds or any natural objects called for.

WILLIAMSON: We found two stone mounds on the West line. They were two stone mounds that were originally called for. We found these mounds to be within five or six varas per mile of the distance that Thompson said he had put his mounds. As I stated before, Thompson gave no bearings from his mounds; he identified his mounds in no manner that I've been able to determine in his field notes. But there are two mounds on the ground that will fit very well the conditions called for by Thompson.

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VANDYGRIFF: Then, from the information that you had gained, is there any doubt in your mind as to the present location of the South line of T. & St. L. Block 140, more particularly Section 3 and Section 4, the Southeast and Southwest corners of those two sections, respectively?

WILLIAMSON: I didn't understand your question, Mr. Vandygriff.

VANDYGRIFF: Is there any doubt in your mind as to whether or not you located the original position of the Southwest corner of Section 3 and the Southeast corner of Section 4 in T. & St. L. Block 140?

WILLIAMSON: Mr. Vandygriff, as I have stated before, the rock is in position, it's a large rock on top of the ground. It's entirely possible that that rock 50, 60, 70 years ago could have been several varas in any direction from the place where I found it. I believe that the rock today is within a very few varas of the point where Durrell placed it. Now, that's my considered opinion.

VANDYGRIFF: When you were in this particular position, which is the Southwest of 3 and the Southeast of 4, did you take bearings on any other object?

WILLIAMSON: Durrell called for a bearing on Table Hill, and we made the shot on that. ____(inaudible) I did not do enough work inside the T. & S.L. block to be able to state exactly the relative courses that were originally established inside of Block 140 that would be relative to what I was using. But even without doing that I found that there is a difference of some 20 minutes between the ____(inaudible) considered to be the point on the end of Table Hill. I believe that we were shooting the same point.

VANDYGRIFF: Is that compatible with what the original called for there?

WILLIAMSON: The original, as I said, we were 20 minutes difference in what we shot and what Durrell had called for in 1881.

VANDYGRIFF: Travelling in an Easterly direction, then, from that, at 374.5 varas, what, if anything, did you find there?

WILLIAMSON: Beer bottle.

VANDYGRIFF: A beer bottle? Was it identified in any other manner? I mean by that, was it called for in any field notes that you have examined in the course of your examination preparatory to this survey?

counter 18442

WILLIAMSON: I don't remember whether Rider calls for the beer bottle at that point or not. I do know that the affidavit is on record as to Lea's statement.

VANDYGRIFF: When you refer to an affidavit, will you properly identify it, and let's put it into the record here?

WILLIAMSON: Well, I don't have it. It was filed in the Land Office, and ...

VANDYGRIFF: Who made the affidavit?

WILLIAMSON: The affidavit was made by Hugh George, Licensed State Land Surveyor at San Angelo.

VANDYGRIFF: Do you know when it was prepared, or when it was filed in the Land Office?

WILLIAMSON: It was filed last February.

VANDYGRIFF: Is it part of the record in this case, then?

WILLIAMSON: It could be made a part of the case by referring to all their records.

VANDYGRIFF: We pointed out and ask that it be considered by the Commissioner.

RUDDER: Here's one affidavit ____(inaudible). I don't know whether it's the one or not?

VANDYGRIFF: I hand you this instrument and ask you to please identify if this is the affidavit to which you referred.

WILLIAMSON: This is the affidavit I referred to. Yes, Sir.

VANDYGRIFF: What was the reason for that affidavit, or the nature of it? Can you explain that?

WILLIAMSON: I believe I could probably explain it best by reading it. May I do that?

VANDYGRIFF: Yes, Sir.

WILLIAMSON: "During the months of July and August, 1943, I was engaged to make a survey in Pecos County, which made it necessary for me to locate on the ground Blocks 140, 141, 144 and 145, Texas and St. Louis Railway Company. Also, it was necessary to know the locations of Blocks 25 and 26, University Lands. I began this survey on July 19, 1943, and completed it on July 16, 1943.

counter 18443

Two or three days prior to July 23, 1943, I discussed with A. N. Lea, the then County Surveyor of Pecos County, the location of the original Northwest corner of Block 26, University of Texas land. Mr. Lea told me at that time that, many years previous, he had found the orignal earth mound set by the University surveyor at the Northwest corner of Block 26, University land. Mr. Lea further stated that at that time this mound was well formed, and it was the only earth mound in the vicinity, and it was 375 varas East of the Southeast corner of Survey 4 of Block 140, T. & S. L. Company, and he therefore accepted this old mound as being the original Northwest corner of Block 26, University land. And that he placed a brown beer bottle in the center of this old mound with the neck of the bottle upward. Mr. Lea further stated that he had not seen the beer bottle for several years, but it was still there the last time he paid a visit to this vicinity. In July 23, 1943, I found the old brown beer bottle with the neck upward, which at this time was beginning to turn to a blue hue because of many years exposure to the sun. At the time I first saw this bottle, there was a slight circular depression around it that appeared to be four feet in diameter, with the bottle in the center. The circular depression indicated to me at that time that it was outside of an old earth mound and that the depression was remaining evidence of the excavation that had been made to construct an earth mound. This bottle in the center of what I took to be an old earth mound was located 375 varas East of what I also took to be the original Southeast corner of Survey 4, Block 240, T. & St. Louis Railway Company, as set by L. W. Durrell, the original surveyor of this block. I was certain that the old beer bottle that I found July 23, 1943, is the same beer bottle that was placed there by Mr. Lea. I also have personal knowledge that Mr. Lea is now dead _____ (inaudible). February 8, 1957, H. L. George, Licensed State LandSurveyor."

RUDDER: Is it your desire that this be entered?

WILLIAMSON: Yes, Sir.

RUDDER: We'll put it in by reference. This is a letter by Hugh Geoge, February 8, 1957, received at the Land Office February 14, 1957. An affidavit by him, on his stationary.

VANDYGRIFF: Mr. Williamson, were you able to locate this point that is referred to there as the beer bottle corner?

WILLIAMSON: We found the beer bottle, yes, Sir.

counter 18449

VANDYGRIFF: Did you travel in a Southerly direction from that particular point in an attempt to locate anything that would call your attention to the fact that there may have been a line ____(inaudible) there or a fence constructed there?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Now, how far South did you proceed, Mr. Williamson?

WILLIAMSON: ___(inaudible) South some ten or twelve miles.

VANDYGRIFF: Right. ____(inaudible) is there a fence at that particular point going South at this time?

WILLIAMSON: There is no fence between the beer bottle corner and the railroad.

VANDYGRIFF: Now, you mentioned the railroad. Is that the railroad that you referred to by reference of a plat that was introduced here?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Did you have occasion to check the railroad in on your field book? As it has been called going South there?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: How close does your field book refer to the distance there as compared with the distance as given by the plat of the Railroad company?

WILLIAMSON: There was, the distance given by the railroad engineer from the intersection of the railroad center line to the West line of Block 24, to the Southwest corner of 24, and the distance that I found there was within ten feet of each other, roughly.

VANDYGRIFF: Continuing South and crossing the railroad, what did you find after you crossed the railroad with respect to a fence?

WILLIAMSON: A fence picks up there and continues South.

VANDYGRIFF: Does that fence pick up on a line that would run in a Southerly direction as the line from the beer bottle corner?

WILLIAMSON: Roughly, yes, Sir.

VANDYGRIFF: Continuing on across the railroad and with the West line, do you locate any monument of any kind? At the Southwest corner of 24?

counter 18445

WILLIAMSON: Roughly a mile South of the beer bottle corner there is a stone set in the ground. The stone is roughly 12 inches square, probably 14 inches projecting out of the ground. The stone is inscribed SW 24, if I remember correctly.

VANDYGRIFF: From your examination of _____(inaubible) would you say that it had been there for a long period of time?

WILLIAMSON: It's been exposed to the weather someplace a long period of time, and I presume that was the place, because the carving was deep, it didn't have, it certainly wasn't ___(inaudible) scratch in the rock with a _____(inaudible) pin. It was done with a chisel or some other object. I would say it had been there for many years.

VANDYGRIFF: Then, with respect to the ____line, was it in the proximity of the _____(inaudible) line? That particular monument that you located?

WILLIAMSON: It was some two or three varas West of the fence.

VANDYGRIFF: Then, crossing back over the railroad track and going back North to that particular beer bottle corner, did you find any evidence of it having been a _____ there in times past?

WILLIAMSON: There is evidence that, at some time, there was a fence through there. You can find a few scraps of wire, a few old staples, and it's very meager.

VANDYGRIFF: Then, going South again from the fence line, how far does that fence continue, to your knowledge?

WILLIAMSON: Well, it goes South there some five or ten miles that I know of.

VANDYGRIFF: Does it continue in approximately the same course?

WILLIAMSON: Approximately the same course, yes, Sir.

VANDYGRIFF: Going up and down that line, did you find any other evidences of there being any marks as to boundary lines or survey lines, or any other monument that could be compatible to an ordinary finding of where a block line would be?

WILLIAMSON: As you go South through that line, down that line, there are many stone mounds and stones along the line. As I stated in my preliminary report, speech or whatever you want to call it, narration, that some of those I believe I know who placed them there, and some of them I don't know who did place them there. But

they are compatible one with the other. One was a ____ (inaudible). You can take what might be on the extreme South of the line and calculate a course and distance between that one and the beer bottle. You find that, considering the fact that we're supposedly working with sections, that they fit. Now, they don't fit like Mr. Friend put his stuff in. No, Sir, they won't fit that way. They fit better than the stuff does over in 19 and 20. You find that terrain to be entirely level so that you actually have no difficulty in any manner about running _____(interruption, inaudible).

VANDYGRIFF: When you say level, do you mean perpendicular or horizontal?

WILLIAMSON: Both. (laughter) No, the country is mesa country, and of course the top of the mesas are fairly smooth. But the rough part is between the bottom and top of your mesas.

VANDYGRIFF: Did you encounter any mesas and any valleys on that line going South?

WILLIAMSON: Many.

VANDYGRIFF: Now, Mr. Williamson, based upon what you found on the ground, your opinion, expressed from that, and your findings, did you determine where, in your opinion, the West line of University blocks 24 and 26 and 23 would be located?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Does your map fairly depict that particular location?

WILLIAMSON: I think it does.

VANDYGRIFF: Do you have anything further to offer in this testimony which would support that particular finding as you have placed the West line of University blocks 26, 24 and 23?

WILLIAMSON: Mr. Vandygriff, there may be that I have other stuff that I have forgotten, information or data, but at the present time I don't recall.

VANDYGRIFF: You have attempted to locate, as best you could, using all of the information available on the University blocks as they were originally surveyed by Thompson, is that right?

WILLIAMSON: Mr. Vandygriff, I have attempted to do what I think should always be done, and that is to follow the original footsteps. I may be wrong, and I'm not a lawyer,

I believe this: that if I can't find Thompson, then I don't think I'm wrong if I follow Durrell, because Durrell followed Thompson two years after he was there. It might have rained an awful lot in those two years there, but I doubt it. I believe that the stone mounds that, and other things, that he called for were there. I believe that in the amount of surveying that has been done there and the corners that have been set there by surveyors between myself and Thompson, and I had every right to seriously consider the correctness of those men's reports. In other words, I believe that I have followed Thompson's footsteps.

VANDYGRIFF: Let me ask you this. Did you ever have occasion to read the provision under which Mr. Friend was employed, or engaged, to go out and resurvey the University blocks out there?

WILLIAMSON: I read through them once hurriedly.'

VANDYGRIFF: Do you remember anything with respect to the directions given to him?

WILLIAMSON: As I understand it roughly, I can't quote that verbage, I thought that he was supposed to go out and resurvey the University blocks. That was what I, that was the gist of what I got out of it.

VANDYGRIFF: In the course of the surveys you had here, did you ever have occasion to run across some of Mr. Friend's monuments as they were placed there by him in 1936, 7 and 8, I believe?

WILLIAMSON: I'll put it this way. I found a bunch of monuments out there that people said were Friend's monuments, that Mr. Friend set them. _____(inaudible) quite a few of them, and they carried the inscription that Mr. Friend called for in his field notes, so I presume that those are the so-called Friend monuments.

VANDYGRIFF: The ones that you did discover, did you find that they would be compatible or comparable to yours? As to the location that you found the University block to exist in today?

WILLIAMSON: Oh, no, no.

VANDYGRIFF: What was Mr. Friend's construction there? How would his compare with your construction with respect to location on the ground?

WILLIAMSON: Mr. Friend, as a rule, was West of my construction.

VANDYGRIFF: Approximately how far?

counter 18448

WILLIAMSON: It varies, depending upon your North or South location. At the North end, I believe Mr. Friend was some 380 or 385 varas West of me, and some _____(inaudible) or 20 varas North. Mr. Friend at that point was over in the railroad block.

VANDYGRIFF: I was going to ask you that question. In an examination of the Southeast corner of Section 4, Block 140, T. & S.L., did you have occasion to run across a monument that was supposed to be placed there by Mr. Friend, or was identified as Mr. Friend's monuments?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Where is this located with respect to the corner as at you have found it and it has been established on the ground?

WILLIAMSON: Well, that's located just about where Mr. Friend said he found it. Mr. Friend, on his field notes for that corner, uses the stone called for by Durrell for a bearing. He calls it to be South and East of his monument.

VANDYGRIFF: By Mr. Friend's construction, then, the University block would extend over into T. & St. L. Block 140, and be West of the location of the University block as you have placed it, by how many varas? Do you remember?

WILLIAMSON: It would be about 380 varas to the North.

VANDYGRIFF: And North?

WILLIAMSON: About twenty varas.

VANDYGRIFF: Does that hold pretty well true with respect to the other monuments that you located that Mr. Friend was supposed to have established?

WILLIAMSON: No, you've got to remember that Mr. Friend wasn't running on the same declamation that Mr. Thompson used. As you go South, as a consequence, they eventually cross. They would have to ____(inaudible).

VANDYGRIFF: You say Mr. Friend did not run on the same declamation. What was the declamation that Mr. Thompson said he ran on?

WILLIAMSON: Ten degrees.

VANDYGRIFF: What was the declamation that Mr. Friend said he ran on in establishing these?

WILLIAMSON: I don't know.

VANDYGRIFF: Did he, he gave you a chart there which he calls, what?

WILLIAMSON: He calls it an isodonic chart.

VANDYGRIFF: Were you able to decipher from that exactly what declamation Mr. Friend was using?

WILLIAMSON: No, Sir. I'm not very versed in that part of _____ (inaudible)

VANDYGRIFF: Did you have occasion to examine Mr. Friend's field notes to determine whether or not he was running on a declamation or whether he was running on true North?

WILLIAMSON: He stated he was running 16 minutes off of true, and, as I said, I used the Coast & Geodetic Azimuth, which could be wrong, and I found him to be about 10 minutes off of true. In using that isodonic chart, somehow or other you might get him over there and straighten him out, I don't know. I was trying to follow Thompson, not to follow ...

VANDYGRIFF: ___(inaudible) Azimuth which you have referred to is accepted practice of variation, isn't that right?

WILLIAMSON: Well, that station down there has been used quite a bit.

VANDYGRIFF: You referred, in your narration, that, you referred to some field notes made by Mr. Friend on the Jane McCallum survey. Do you happen to have those with you, Mr. Williamson?

WILLIAMSON: I meant to introduce those. Didn't I?

VANDYGRIFF: No, Sir.

RUDDER: You may introduce them by reference.

WILLIAMSON: These are correction field notes made by Mr. Frank Friend for the Jane McCollum Survey No. 1, Block 215. That is, I'm sorry, I can't read the file number.

RUDDER: What's the date on them, Mr. Williamson? That will take care of it.

WILLIAMSON: They're dated February 5, 1929. This is S-31153 -- no, it's S-51153.

VANDYGRIFF: Please refer to the field notes that have been handed to you and identified as part of the record at this time, and tell me whether or not Mr. Friend calls for a variation or declamation in those notes.

WILLIAMSON: Yes, a variation of 12° East.

VANDYGRIFF: Will you read those notes, please, for further identification with regard to the University lines, or the lines of the University blocks?

counter 18450

WILLIAMSON: I'll just read the description of this. "Beginning at a point for the Northeast corner of Survey No. 1 and the Northwest corner of Survey No. 10, Block 125, T. & S. L. Railway Company, that point being 1906.9 varas due West of the original stone mound at the Southeast corner of Survey No. 9, this block, for the Southeast corner of this survey. Thence N 5° 56' 30" E 1922.4 varas, to a point 1906.9 varas West of the Northeast corner of Survey No. 9, this block. Thence North, at 1919.0 varas pass a large stone mound in the valley, the original Southwest corner of Survey No. 7, this block, at 2654.6 varas a point in the West line of Survey 7, for the Northeast corner of this survey, from which (illegible) the original stone set on end at the Northwest corner of Survey 7 bears North 1172.3 varas. Thence West 946.6 varas to a point in the East line of Survey No. 14, Block No. 21, University of Texas lands, 1203 varas South, no degrees, 41 minutes West of itsNortheast corner, said distance being the field note call of Survey No. 1, William G. P. Henley. Thence South 0° 41' West, following the East line of Block 21, University lands, at 4435.0 varas pass the Southeast corner of Survey No. 22, University lands, at 4567.5 varas a point in the North line of Survey No. 1, Block 125, T. & S.L.. Thence East 802.1 varas to the place of beginning." Dated February 5, 1929. Frank Friend.

VANDYGRIFF: How long was that before he conducted his survey of the University blocks?

WILIAMSON: He surveyed the University blocks in May, 1936, and this was surveyed in 1929, it would be seven years.

VANDYGRIFF: Did Mr. Friend change the course that he ran the Jane Y. McCallum as against the University blocks, there? Do you have any recollection as to whether or not he used the same variation or declamation?

WILLIAMSON: Well, in this he states that he uses a declamation of 12° East. As I said, I don't know what declamation Mr. Friend used on his survey, resurvey, of University lands. I do know that there should be around 41 minutes difference, because he's got 41 minutes difference in the University line.

VANDYGRIFF: The university line -- explain that, please.

WILLIAMSON: I can't explain it.

VANDYGRIFF: Can you tell us what the significance of that variation change is? Or the difference?

WILLIAMSON: The only thing that I can state is that the man wrote a set of field notes in 1929 and described the land as being on 0° 41'. Seven years later he stated it was on 0°.

VANDYGRIFF: Then actuallly, in the period of seven years he changed his course some 41 minutes. Is that right?

WILLIAMSON: It appears to me that that's what happened. Yes, Sir.

VANDYGRIFF: It corresponds with what the records _____(inaudible) say.

WILLIAMSON: It's what the records do recite.

VANDYGRIFF: Now, let's go back to the construction coming Eastward, then, and coming toward the University blocks. The original surveyor that established the monuments there that you say that you located was Mr. Nelson. Is that right?

WILLIAMSON: You're on the West side.

VANDYGRIFF: We've gone West. Now we're coming ...

WILLIAMSON: The older surveys on the West side in the vicinity were made by Nelson. Yes, Sir.

VANDYGRIFF: Where did Mr. Nelson begin his surveys? Do you remember?

WILLIAMSON: I can't honestly say, because I might state that these surveys were where he stopped, and not where he began. Because the surveys that are adjacent to the University are tied in to other surveys that he made to the West.

VANDYGRIFF: Were you able to recover the monuments that Nelson says that he established over there, to your satisfaction?

WILLIAMSON: Yes, Sir. Most of them.

VANDYGRIFF: Are they on the ground today?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Have you properly depicted those with respect to the location of University Block as you found it?

WILLIAMSON: I believe I have. Yes, Sir.

VANDYGRIFF: Fine. And you have tied that in with more recent surveys as to whether or not they had located on the ground as called for by Nelson. Is that right?

counter 18452

WILLIAMSON: You mean Nelson's work?

VANDYGRIFF: Yes, Sir.

WILLIAMSON: Well, I think everybody in the country's been surveying out there. _____(inaudible).

VANDYGRIFF: Is there any evidence of the fact that they are erroneously located?

WILLIAMSON: Well, you find that Nelson has an excess. At least we find an excess between his stones. Nelson did one thing that Thompson didn't do. Thompson marked his stones; he marked a great many of them, by putting either a cross or a plus mark on them, and we found quite a few of the stones that had a mark on them. But the _____(inaudible) stones, he might call for a distance that we invariably found an excess in the distance. As I stated, he surveyed 530, some two or three years prior to the time that he surveyed 547 and 548. It's not too common a practice fora surveyor in that short a time to actually go back and resurvey, re-run his work, and it's entirely possible, as I stated in my report, that he meant for these corners to be going South. But we find, in comparing the three surveys, that two, one to the North and one to the South, _____(inaudible) out of position to 530 in the middle. Not enough to be of any consquence. You might say just enough to say that a human being had surveyed it.

VANDYGRIFF: There are monuments there _____(inaudible) showing the position on the ground. Is that right?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: You found those monuments?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Following Mr. Nelson, the next surveyor to survey extensively in that area was Mr. Rider, I believe.

WILLIAMSON: Mr. Durrell.

VANDYGRIFF: Mr. Durrell located which particular tract?

WILLIAMSON: Mr. Vandygriff, Mr. Durrell surveyed back there when he got in that part of the world _____(inaudible). He surveyed the T. & S.L. block, and the University land, he surveyed a bunch of Nels(inaudible) between Nelson's work and the University.

counter 18453

VANDYGRIFF: Mr. Durrell's work, how does that compare, say, to Mr. Thompson's work on the University? What was the date of Mr. Thompson's, do you remember?

WILLIAMSON: Thompson was in 1879.

VANDYGRIFF: Mr. Durrell followed in about what date?

WILLIAMSON: The earliest date affecting us that I find is 1881, and I believe the latest one is about 1883.

VANDYGRIFF: Do you recall, where was the work in 1881, with respect to the University blocks?

WILLIAMSON: Those field notes are for T. & S.L. 140 and 144, specifically 145. He did that in 1881.

VANDYGRIFF: Do you recall having an occasion to examine any of those field notes? With regard to Block 140 and 144, as they call for or refer to the University North line of Block 26?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Is there any particular significance you attach to those notes with regard to a passing call or anything else as to the University block?

WILLIAMSON: Well, there are passing calls, and he calls for the joinder, but he calls _____(inaudible) 375 varas. Now, why they did that, I don't know.

VANDYGRIFF: ____(inaudible) East and West, or North and South?

WILLIAMSON: East and West. He's offsetting East and West.

VANDYGRIFF: Does that compare with what you found to exist on the South line of Section 3 of Block 140?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Now, did Mr. Durrell ever survey Section 600, which is known as the E. J. Carlton Survey?

WILLIAMSON: Mr. Durrell has about three or four sets of field notes for that survey.

VANDYGRIFF: Did you have occasion to examine all those field notes?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Do you find them compatible to what would ordinarily be found under those conditions, or what was the reason for rejecting them?

WILLIAMSON: I don't know why he kept writing correction field notes. I've got a pretty fair idea why he did, or as to who told him to, but I don't know.

VANDYGRIFF: Do you know whether or not the E. J. Carlton 600 has been patented or not?

WILLIAMSON: I understand that it hasn't been.

VANDYGRIFF: Who made the last survey, according to your findings in the Land Office records, on Survey 600, E. J. Carlton?

WILLIAMSON: Mr. Clayton Williams.

VANDYGRIFF: Mr. Clayton Williams is present at this hearing. Did Mr. Williams occupy any particular position at the time he conducted this survey?

WILLIAMSON: He was County Surveyor of Pecos County.

VANDYGRIFF: Do you know, of your own knowledge, whether or not he was the son of Judge O. W. Williams?

WILLIAMSON: I have no personal way of knowing it, but I would say by common knowledge that the Judge had two sons who were surveyors, Clayton and _____(inaudible).

VANDYGRIFF: The Judge, himself, was a surveyor?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: He did conduct extensive surveys in the area.

WILLIAMSON: Yes, Sir. I believe he did.

VANDYGRIFF: Immediately South of Section 600, E. J. Carlton, what do you find there?

WILLIAMSON: 601½.

VANDYGRIFF: 601½. Is that considered a fill-in survey?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Who made the survey for that?

WILLAIMSON: It was originally made by Lea.

VANDYGRIFF: By A. N. Lea?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Did A. N. Lea occupy any official position in Pecos County?

counter 18455

WILLIAMSON: County Surveyor of Pecos County for many years out there.

VANDYGRIFF: How many years? I believe we've got that of record.

WILLIAMSON: _____(inaudible).

VANDYGRIFF: With respect to the Survey 601, I believe, tell me whether or not the field notes in that particular section on file call for anything that's compatible with what you found on the ground while you were out there.

WILLIAMSON: You mean 601½?

VANDYGRIFF: 601½, I'm sorry.

WILLIAMSON: 601½ is now described in the Land Office by the correction field notes furnished by Mr. Rider, in 1927. We found the corners that Mr. Rider found, and he said that he found the corners that Mr. Williams set here.

VANDYGRIFF: Now, the findings that Mr. Rider depicts on his map and also in his field notes, how does that compare with the West line of the University block as you have established it?

WILLIAMSON: Very well.

VANDYGRIFF: In the close proximity, or is it, would it be compatible?

WILIAMSON: I'd say that it was, for all purposes, the same line.

VANDYGRIFF: Continuing South, then, what do you find immediately South of 601 on this line?

WILLIAMSON: You find Survey No. 5, Survey No. 5½, that's in Block 5, T. Ry. Co.

VANDYGRIFF: Survey 5 is identified as Survey No. 5 in which Block, do you remember?

WILLIAMSON: Block 5.

VANDYGRIFF: Is that T. & St. L.?

WILLIAMSON: No, that's T. Ry. Co.

VANDYGRIFF: T. Ry. Co.?

WILLIAMSON: T. C. Railway Company.

VANDYGRIFF: T. C.. What is 5½ identified as?

WILLIAMSON: 5½was a survey that Mr. Rider furnished the field notes for the patenting in 1926.

VANDYGRIFF: Was that originally a vacant area? Or considered as a vacant area by the Land Office? Were those field notes furnished as a result of an application to purchase vacancy?

WILLIAMSON: The Land Office regarded it in 1926 as being unsurveyed land, and patented it.

VANDYGRIFF: Then it is known as the what, I. W. Pryor survey No. 5½?

WILLIAMSON: I don't know whether it's Pryor or not, but it's 5½, in Block 5, by my identification.

VANDYGRIFF: Did you have occasion to examine the field notes that are on file of that particular tract?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Is that particular tract patented at the present time?

WILLIAMSON: To the best of my knowledge it is, yes Sir.

VANDYGRIFF: Do you happen to have those field notes available with you?

WILLIAMSON: I believe I have.

VANDYGRIFF: Mr. Williamson, I hand you a photostatic copy of an instrument _____(inaudible) patent records, which I believe we will identify as being from the County Records. That's comparable to the field notes that are found in Scrap File 12978 of the Land Office records. We've got to check that. The records are going to be brought over after lunch. Now, let's see if you, if you will identify that as to the location on the ground, using the field notes that are incorporated therein.

WILLIAMSON: They appear to be. Yes, Sir.

VANDYGRIFF: Can you take the field notes that are delineated there and trace it with regard to your particular map, there? Can you point that out to us? From your beginning point to your ending point.

WILLIAMSON: Well, this begins at a point in the West line of 8, Block 26, University land,

VANDYGRIFF: Let me interrupt, please, Mr. Williamson. Do you say in the West line of Section 8, Block 26, University land, is that the West line as you have shown it, or as it would be shown if it were Mr. Friend's survey?

WILLIAMSON: No, that's considerably East of Mr. Friend's monuments.

VANDYGRIFF: His monuments today.

counter 18457

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Then, as you believe Thompson to have established it, and as you have shown it on your map here? That's the beginning point there. Is that right?

WILLIAMSON: That is right.

VANDYGRIFF: Alright, then, continue on around that particular survey, will you?

WILLIAMSON: Well, then he goes South 2754.9 varas to a rock mound in the West line of Section 30. The next call, for the rock mound at the Southwest corner of Section 31, and then he goes Southeast 7° 49' West 301.9 varas to an old rock mound found at the Southeast corner of Survey 5, Block 5, the Southwest corner of 5½. That would be his point located here (points) on my map. Then he went North 0° 7' East to the East line of Survey 5, 2769.2 varas to a rock mound found at the Northeast corner of said Survey 5. And then he went back 340.8 varas to the place of beginning. It occupies this area right through here (points), roughly a mile and a half long.

VANDYGRIFF: Mr. Williamson, on the ground were you able to identify this particular tract as it is called for in these particular field notes?

WILLIAMSON: I think I did.

VANDYGRIFF: Do you know the date of his field notes? Or the date of the patent. I believe we don't have the date of the field notes here.

WILLIAMSON: I have Mr. Rider's report, and plat, and I presume that the date of his field notes would be the same. That was December of 1926.

VANDYGRIFF: On the ground you were able to identify those calls as Mr. Rider points them out to be?

WILLIAMSON: Yes, Sir. Mr. Rider turned in a rather comprehensive report. In fact, it's, I think it's the kind of report that I wish that I could make. It's not very lengthy, but it's full of meat, and in this Mr. Rider states that the County Surveyor had told him that he had set a couple of corners, and that, Mr. Rider doesn't say so, but you get the impression that he didn't know whether he did or not, so he was going to prove it. And that was the reason that he stated here that he had gone up to the North into Survey No. 40 and did some extensive work there, and then on into the West into the Comanche Creek survey, and he checked this and found it to be correct, and then he adopted those corners as the County

Surveyor had pointed them out to him.

VANDYGRIFF: Mr. Williamson, can you refer, please, to that report and ...

WILLIAMSON: The date was December 4, 1926.

VANDYGRIFF: Will you refer to that report and please identify it for the purpose of the record, to be considered by the Commissioner?

WILLIAMSON: Well, the report is part of S. F. 12978. The report accompanying the field notes and the plat _____(inaudible) to the Commissioner of the Land Office.

VANDYGRIFF: The report and plat are to be considered.

RUDDER: We shall consider them.

VANDYGRIFF: Mr. Commissioner, I have a stopping point here if you would like ...

RUDDER: You have a stopping point here?

VANDYGRIFF: Yes, Sir. I've still got a little more, but I have a stopping point.

RUDDER: Will an hour be enough for everyone to get lunch? Any objection to that? I have exactly 12:00 o'clock, so we will assemble here at 1:00 o'clock and continue the hearing.

****

THE HEARING RECESSED UNTIL 1:00 O'CLOCK P.M.

****

(1:00 O'Clock)

RUDDER: Mr. Vandygriff will proceed with his examination.

VANDYGRIFF: Mr. Williamson, when we recessed at noon-time, we had referenced into the record a survey of 5½, calledSurvey 5½, Block T. P., and more particularly identified as S. F. 12978 in the records of the General Land Office. I hand you here a plat that is in that particular file and ask you to please identify it.

WILLIAMSON: That appears to be the original plat filed by Rider in the proceeding mentioned.

VANDYGRIFF: Will you please accept our reference to consider it?

RUDDER: We shall so consider it.

counter 18459

VANDYGRIFF: I hand you here the copy of the field notes, original field notes, and ask you please to identify as to the maker of those notes.

WILLIAMSON: These appear to be the original field notes of the survey in question.

VANDYGRIFF: Is there attached to those field notes a small plat?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Is it the particular area we've had under discussion here as Block 5½?

WILLIAMSON: It appears to, yes, Sir.

VANDYGRIFF: How do they correspond to the field notes that you identified before noon?

WILLIAMSON: Very well.

VANDYGRIFF: Are there reference calls to any monuments shown on this, or natural objects on the ground?

WILLIAMSON: He calls for a, rock mounds, either found or set at each, all four corners.

VANDYGRIFF: Any bearing calls?

WILLIAMSON: No Sir, not off 5½.

VANDYGRIFF: Are there any bearing calls off of the tract that is depicted on the little plat there?

WILLIAMSON: He shows some bearing calls off of the Northeast corner of No. 516, and also the Southeast corner of 516.

VANDYGRIFF: Did you have occasion to check any of those calls, Mr. Williamson?

WILLIAMSON: We checked the calls at the Northeast corner of 516.

VANDYGRIFF: They correspond with what you found there?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: We offer this, also.

RUDDER: We shall so consider it, as an exhibit by reference.

VANDYGRIFF: Mr. Williamson, I want to continue down the South line of the area that you have depicted on this map as being vacant area, and take you to the Southern-most point of the Tract 1 that you have shown in your field notes

counter 18760

here, and ask you whether or not you find anything on the ground there that stops you from continuing on through the entire area.

RUDDER: Let me interrupt, please. Would you point out Tract 1 so that all can see?

VANDYGRIFF: Tract 1 is identified as beginning at the South of Section 5½ and continuing in a Southerly direction to what is called the Tunnell No. 3.

RUDDER: That would be a large "vacancy" tract No. 1 that you're referring to. Is that correct?

VANDYGRIFF: Yes, Sir. Vacancy Tract 1, in accordance with the field notes that you have filed. In your Southerly direction, as you are following and preparing the field notes which you have filed here as Tract 1, what did you find at the Southern-most point of this particular tract?

WILLIAMSON: We stopped, for the South end, at the North end of the Tunnell No. 3. Now that may, or may not, be correct. That happens to be my interpretation. The Tunnell No. 3 will not fit on the ground in all respects by the patented field notes. I used on that two corners that were found, and by using those two corners, I used course and distance to establish the relationship of No. 3 with the West line of the University, and when I did that, it stopped. In other words, the Tunnell No. 3, by my construction, and by Mr. Lea's field notes, does go to the West line of the University. Therefore, a vacancy at that point does not exist.

VANDYGRIFF: You have referenced in what is called the Tunnell No. 3 this morning, did you not? The corrected field notes by A. N. Lea?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: And I believe you referenced that to the fact that A. N. Lea was called upon to file corrected field notes, which he did, covering this particular tract that we have identified as Tunnell No. 3.

WILLIAMSON: Yes, Sir.

VANDYGRIFF: In the corrected field notes that you have examined of Tunnell No. 3, do you say that Mr. Lea calls to go to the University block? To the West line of the University block? To the University block as you have established as you believe Thompson had it, or would it be to the West line of the University block as Mr. Friend established it?

counter 18461

WILLIAMSON: It's as I have established it.

VANDYGRIFF: Would it require that distance to takein the full call that has been called for in the corrected field notes?

WILLIAMSON: Roughly, yes.

VANDYGRIFF: Then, going back up to Survey, that we will refer to as Vacancy tract No. 1, that is bounded on the West by the W. B. Tunnell No. 1. Is that correct?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Now, in the construction of W. B. Tunnell No. 1, I believe you made reference this morning to the fact that there were some eight or eleven calls in the original notes. Is that correct?

WILLIAMSON: I don't believe I stated how many there were, but I believe there's about ... let me count them ... there's about thirteen calls in the Tunnell original field notes.

VANDYGRIFF: In that number of calls, you have attempted to reconstruct or reestablish how many of those that would correspond with the information that you have found?

WILLIAMSON: Mr. Vandygriff, I only found the field notes as written by Mr. Durrell. I only found them to be in error in about three places. Mr. Durrell, when he left what he supposed was University line, he went West 547 and, as I pointed out before, it's apparent that Mr. Durrell was confused as to the location of that survey. Surveying that he had done before in that area indicated that. He is in conflict, as slight amount, with those two senior surveys, but otherwise I would say that it materially fits. Now, as I said, I wouldn't want to state before these, this gathering, that my construction of Lea's No. 3 and between that and the Tunnell No. 1, as to the location of the North line of No. 3, is not open to criticism. I placed an excess between the North line of the Tunnell and the South line -- I mean an excess in distance, by my construction, that is there. The rest of the calls, with the exception of the conflict that he has with 530 and 547, are compatible.

VANDYGRIFF: Respecting all the calls in the W. B. Tunnell No. 1 and constructing it as you have upon this map and on the ground, would the East line of the Tunnell No. 1 reach the West line of the University block as you have established it?

WILLIAMSON: Well, I don't think I established it.

VANDYGRIFF: As you found it. As you have depicted it on your map.

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Will it reach that point?

WILLIAMSON: No, Sir, it will not reach the West line of the University.

VANDYGRIFF: What is the distance on the North that it will lack reaching the University block line?

WILLIAMSON: About 300 varas.

VANDYGRIFF: And on the South?

WILLIAMSON: I think it's less than a hundred varas. About 158 varas.

VANDYGRIFF: Are the lines converging as you come South?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Alright, then, skipping over into what we will identify as the Vacancy field notes No. 2, identified as lying on the East of the Tunnell No.2 and West of University Block 23, Section 6, 7, 16 and so forth, further South.

RUDDER: It's 6, 7 and 18, isn't it, Mr. Vandygriff:

VANDYGRIFF: Section 18, is it? In block 23. I'll ask you, in the construction of that, did you tie to the established monuments that you found on the ground from the Durrell survey of the T. & St. L. Blocks 118 and 132, as were resurrected or discovered by Sillman in 1950?

WILLIAMSON: I checked his work. Mr. Silliman was writing corrected field notes and, in his field notes, he stated that he placed the inch and a half galvanized iron pipe in the stone mounds that he had found. We found the iron pipes in the stone mounds, and found them to fit what Mr. Silliman called for. I feel that the two mounds that we found North of there materially aid and substantiate what we did find down there, of Mr. Silliman's work. In other words, I can state that, in my mind, those series of mounds do correctly represent the East line of the railroad blocks there, the T. & S.L.

VANDYGRIFF: The Tunnell was constructed after the railroad blocks, is that right?

WILLIAMSON: Apparently so. They, Tunnell calls for the railroad blocks.

counter 18463

VANDYGRIFF: Then it would appear that they were possibly constructed from the railroad blocks there. Is that right?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Then, constructing that as you have found it on the ground, will the Tunnell No. 2, as you have constructed it, reach the West boundary line of University block 23?

WILLIAMSON: No, Sir.

VANDYGRIFF: By course and by distance?

WILLIAMSON: It won't reach them by distance.

VANDYGRIFF: Have you also taken into consideration the construction of the C.C.S.D.&R.G.N.G. Railroad Co. Block172 with regard to your setting in the W. B. Tunnel No. 2?

WILLIAMSON: To a limitted extent, in view of the fact that the area that we were involved with those alphabetical railroad surveys is limited, and in view of the fact of other factors that we found out there that probably are not worth mentioning at this time.

VANDYGRIFF: All of those you did takeinto consideration in establishing as you have shown it on your map?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Mr. Williamson, before we recessed for lunch, there was reference to a field notes by Mr. Frank Friend regarding the Jane Y. McCollum Survey. I believe there are discrepancies in there that we failed to point out. I would like to call them to your attention at this time and ask you please to refer to the calls and more especially the calls with regard to the Henley survey. What do you find ...

WILLIAMSON: If you recall reading that, I wrote that, after Mr. Friend had left the Northeast corner, that he called to go West 946.6 varas to a point in the East line of Survey 14 in Block 41. Now, Mr. Friend's call in its entirety is a little ambiguous. It's a little hard to tell what he means when he says that the distance between the field notes called for Survey No. 1 and the Wm. Henley. I have checked, to the best of my ability, the field notes call given across between the Block 125 and the University Block 21, and I find that Mr. Henley called it to be, Mr. O. W. Williams, rather, called it to be 801 varas in his original survey, and also in his correction field notes, being over 100 varas at variance with what Mr. Friend calls for. And as I said, the balance of that is ambiguous, and I don't know exactly what he means at that point. Of

course, we do know that he changed the course of that line in the seven-year period that elapsed between filing those notes and the time he filed his University notes.

VANDYGRIFF: Mr. Williamson, in the construction you have placed upon the findings that you have presented here to the Commissioner, you have attempted to cnstruct the University blocks as they were originally constructed by Thompson, going as far as he calls to go, and recovering the mounds he referred to, you have, from the East, coming West, attempted to reestablish the railroad tracts and the individual surveys there, I'll ask you, in that construction, do the two system of surveys meet? In your opinion?

WILLIAMSON: I believe this. That the West side of the University blocks meet the East side of the various tracts to the West. If you use the patent field notes and the correction field notes, and such as that, with the exception of the area that we believe to be unsurveyed. I find no hyatus in that. I don't find that the construction that we find, and we used, and has been recognized and used for many many years, that does not affect or hurt any of the other surveys in there.

VANDYGRIFF: Is the construction you have placed upon it, is it comparable to that construction that appears to have been placed upon it by the Land Office in the granting of the vacancy for 5½ and the field notes as they have been filed in the E. J. Carlton and the 601½?

WILLIAMSON: Yes, Sir.

VANDYGRIFF: Now, one last question. Do you happen to know this chainman named Dolores Gonzales?

(laughter)

VANDYGRIFF: That's all.

RUDDER: Is there any other examination by the proponents?

STROMAN: My name is W. A. Stroman, San Angelo, Texas, and I own the land on which this vacancy is alleged to occur. Mr. Williamson, I just want to ask you one or two questions to clear up my acreage _____(inaudible) these surveys that is adjoining the W. B. Tunnell. It lies West of this alleged vacancy?

WILLIAMSON: Yes, Sir.

STROMAN: Did you make any calculations whether or not this alleged vacancy, if it is a vacancy, or declared to be a vacancy, that I would still have acreage in these three surveys?

WILLIAMSON: Mr. Stroman, you have, in my opinion, and by my calculations, more acreage in 530, 547 and 548 than your patent calls for.

STROMAN: And in 18, also?

WILLIAMSON: I don't know about 18. 18 should have its complement.

STROMAN: That satisfies me. Thank you very much.

RUDDER: Would anyone else like to examine the witness in behalf of the proponents? If not, we will have the cross-examination by the opponents. Are there more than one who wants to examine the witness in behalf of, by opponents?

BULLOCK: My name is Maurice R. Bullock. I am an attorney at law residing at Fort Stockton, Texas, and, in this hearing, represent H. L. Winfield, I. T. Pryor, the Frost National Bank, Trustee, and, I. T. Pryor, Jr., rather, and other interested land owners who are affected by the alleged vacancy. The parties whom I represent oppose the application for the vacancy. I'd like to ask, Mr. Williamson, where do you reside, Sir?

WILLIAMSON: Temple, Texas.

BULLOCK: Temple. How long have you been engaged in the surveying of lands in Pecos County, Texas. When was your first survey in that county?

WILLIAMSON: About four months.

BULLOCK: About four months. Is that all?

WILLIAMSON: Yes, Sir.

BULLOCK: Is this particular survey, with respect to which you have filed the field notes for this application, your first actual surveying job in Pecos County?

WILLIAMSON: Yes, Sir.

BULLOCK; I believe that you stated, did you not, that Mr. L. W. Durrell surveyed nearly all that country surrounding these University blocks on nearly all sides. Is that right?

WILLIAMSON: He surveyed a great deal of it.

BULLOCK: And I believe you said that his surveys on the East joined the University surveys. Is that correct?

WILLIAMSON: Yes, Sir.

BULLOCK: The surveys to the North of the University Block 26 likewise joins the University survey, do they not?

WILLIAMSON: Yes, Sir.

BULLOCK: I believe you stated, did you not, that it was certainly reasonable to believe, and you did believe, that, at the time Mr. Durrell made his surveys surrounding the University blocks, that he should have been able to, and probably did find, Thompson's original markers so that he could follow them on the ground.

WILLIAMSON: Yes, Sir.

BULLOCK: Did I correctly understand this, that you believe, from your findings and exmination of the field notes that that was true with respect to Durrell's surveys on the East, on the North, and also on the West of the University blocks?

WILLIAMSON: No, Sir. I didn't say on the West.

BULLOCK: You didn't say on the West. Now, then, with respect to what has been referred to as the "beer bottle corner" at the Northwest corner of Survey 24, Block 26, University land, do you believe that you have found Mr. Durrell's actual location there?

WILLIAMSON: I feel rather certain of it. Yes, Sir.

BULLOCK: And you feel that Mr. Durrell was on the ground at that time, and that that point is the same point that you now find for the Northwest corner of Survey 24, Block 26, University land.

WILLIAMSON: _____(inaudible). Yes, Sir.

BULLOCK: As you come down that same line, what, if anything, is there to cause you to believe that Mr. Durrell did not know where the line was all the way between the two points on the line which you have, where you have placed it?

WILLIAMSON: There are quite a number of things that make me believe that could be possible. In the first place, at the North end, and you are familiar with the country down there than I am, at the North end, the two corners in question are 375 varas apart. It's entirely conceivable that a surveyor could overlook something at that point unless it was very prominent.

BULLOCK: Yes, Sir.

WILLIAMSON: Now, coming South, the next point is the Southwest corner of 24. Mr. Thompson didn't place anything at that corner if I remember correctly. Coming down to the next corner, on 9, I presume that probably Durrell found that, because in his field notes he left the

University corner and traversed that line. The field notes on 600 substantiate that theory. You go into the next survey, Mr. Durrell had nothing to do with it, that was written by Mr. Lea in 1907. He traversed further, and the next point that you find that Mr. Durrell is interested in is down at the Southeast corner of No. 5. Now, Mr. Durrell did not say that the Southeast corner of No. 5 was on the University line. I believe Mr. Durrell was pretty efficient surveyor, and if he had been on the line he would have called for it. It probably occured to him that he was close to or passing or with it that he should make reference to the University. Now, he did tie to the railroad blocks. He made a slight error at the South end which he had made before, and it's logical to assume that he took his old notes and probably used some of them in making this up. It's been done before, is still done, and will probably keep on being done. Now going on South, the next tract of land in there Mr. Durrell did not survey. That was done by Lea in 1907. Now, continuing South, into Tunnell No. 2, I think that I found his corner, against the railroad block over there. I think I found it. In other words, I'd say that Mr. Durrell pretty well knew where the stuff was and, to the best of his knowledge at that time, used it.

BULLOCK: Would you also agree that, when you get down here offsetting Block 23, University land, at the Southwest corner of Survey 6 and the Northwest corner of Survey 7, that that stone mound which you say is a stone mound called for by Thompson, which you believe you can identify now, don't you think certainly that at the time Mr. Durrell made his survey he knew where that stone mound was, also?

WILLIAMSON: I don't know whether that's true or not. That stone mound is in a place that, Durrell might not go up to that. The stone mound that you're talking about is about two and a half miles North of his beginning point. It's entirely possible that he might not have traversed the line. He might have left the line off in making his traverse.

BULLOCK: Let's go back here and check some of these field note calls that were made, to see what Mr. Durrell and the other surveyors called for with respect to those pertinent surveys. I show you, Mr. Williamson, a certified copy of the field notes on file in the General Land Office with respect to Survey 600 by Thomas C. Nelson, dated November 30, 1881, and ask you if you are familiar with those field notes.

WILLIAMSON: These are the original field notes that were filed for 600.

BULLOCK: You recognize, do you not, that those field notes, those original field notes call for adjoinder with the University?

WILLIAMSON: It begins at a stake in a mound for the Northwest corner of Survey No. 24, Block 26, University land, Pecos County. Thence South 3800 varas to a stake in mound for the Southwest corner of Section No. 9, and the Northwest corner of Section No. 8, Block 26, University land. I would call that adjoinder.

BULLOCK: I next show you a certified copy of field notes for the same survey 600 by L. W. Durrell, dated August 3, 1882, and ask you to examine those field notes with respect to calls for adjoinder.

WILLIAMSON: This begins at an earth mound -- is the first, second or third correction field notes?

BULLOCK: I would not know for sure whether it was the first or second. I believe it's dated the first or second, but I, ...

RUDDER: Will you please refer to it by date and let it stand on its ____(inaudible).

WILLIAMSON: This is dated August 3, 1882. Do you want me to read these notes?

BULLOCK: The part that would connect with the University blocks, yes Sir.

WILLIAMSON: This begins at an earth mound at the Northwest corner of Survey No. 24, Block 26, University land, for the Northeast corner of this survey. Thence South 3800 to the Southwest corner of Survey. No. 9 in said block 26.

BULLOCK: That will be sufficient. So you recognize there, do you not, Mr. Williamson, that Mr. Durrell apparently, from the field notes and from his work on the ground, apparently knew where the West line of University block, along Survey 600, was all the way down, do you not?

WILLIAMSON: That's the impression you get. Yes, Sir.

BULLOCK: Mr. Commissioner, I would like, at this time, to introduce, for purposes of cross-examination, Opponent's Exhibit A, being a photostatic copy of field notes recorded in Volume A-3, at page 268, of the records of the County Surveyor of Pecos County, Texas, purporting to be field notes of a survey by L. W. Durrell, of Survey No. 600, for Mrs. E. J. Carlton, in Pecos County, Texas, dated August 3, 1882, and apparently not on file in the General Land Office. This is for purposes of examination only. Or, no, I'll introduce that for all purposes, if I may. Mr. Williamson, are you familiar

with these particular field notes of Mr. Durrell dated August 3, 1882, which are on file in the County Surveyor's office in Pecos County, and apparently not on file in the General Land Office?

WILLIAMSON: Isn't this the same date as that last set of field notes?

BULLOCK: Same date, yes, Sir.

WILLIAMSON: Yes, Sir. I've read these notes.

BULLOCK: You note, do you not, that these field notes also say "Beginning at an earth mound at the Northwest corner of Survey 24, Block 26, University land, for the Northeast corner of this survey; thence South in the West lines of Surveys Nos. 24, 9 and 18, in said Block 26, 3915 varas to a rock marked 'C' for the Southeast corner of this survey", and so forth. You are familiar with those notes, aren't you?

WILLIAMSON: Yes, Sir. I've read them.

RUDDER: Let me ask you a question, Mr. Bullock. Is that "18" or "8"?

BULLOCK: It looks like 18, but, now that I look at it again, I believe that it's 8. That would be the second Durrell field notes that we have discussed. Mr. Durrell compiled at least one other set of field notes on that same Survey 600, dated November 27, 1883, did he not? Do you have a copy of that here?

WILLIAMSON: Yes, Sir, I have a copy of all those. November 27?

BULLOCK: Yes, Sir. That one likewise calls for adjoinder all down that University line, does it not?

WILLIAMSON: Yes, Sir.

BULLOCK: And it would indicate to you, would it not, that at least down that far he knew where the University line was and was following Thompson _____(inaudible).

WILLIAMSON: Yes, that's the appearance of it.

BULLOCK: If I may, I'd like, in the interest of time, to introduce all of these field notes by reference, to which we refer during our examination. I next call your attention to the field notes of County Surveyor Clayton W. Williams, made in 1921, covering the same Survey 600. You are familiar with those notes, and they call for adjoinder, do they not?

WILLIAMSON: Yes, Sir.

counter 18470

BULLOCK: Did you, are you acquainted with the two sets of field notes, one of which was dated July 2, both of which were dated July 2, 1907, by A. N. Lea, covering Survey 601½? One of which was cancelled and one of which was corrected and filed in the Land Office? The second one was the one on which it was patented on Rider's basis of correction or new patent issued on that survey. 601½.

WILLIAMSON: E. J. Carlton, yes, Sir.

BULLOCK: Do you recognize as a surveyor that all three of those field notes likewise call for adjoinder with the University block, and indicate that these surveyors, Lea and Rider, are also, also knew the location of the West line of the University blocks to be substantially as Durrell had found it to the North?

WILLIAMSON: I don't know if it would be substantially as Durrell found it. I would state that they all call for the University line, yes Sir. If I might, before we go on, because my memory is not too good, I would like to present the three sets of field notes that Mr. Durrell, on 600, which I have copies, I'd like to enter them as Exhibits. For this reason, that Mr. Durrell dated two sets of field notes on August 3, in 1882, one of which he filed in the Land Office, theother he filed inthe County Surveyor's office. The one striking similarity in these three sets of field notes, and there's only one similarity, or two, are the fact that he calls for the University line, and the other fact that in every one of these sets of field notes he called for a passing call 375 varas from the Northwest corner of Block 24, Section 24, in Block 26. I'd like to have that in the records. Those are the two similarites.

RUDDER: How do you want us to mark these?

WILLIAMSON: They're mine.

RUDDER: It's a little irregular to put them in at this time.

BULLOCK: It's satisfactory with me to put them in, Mr.Commissioner.

(Exhibits entered)

BULLOCK Mr. Williamson, with respect to survey 5½ by Mr. Rider, about which you've already testified, and concerning which I believe you have entered field notes, you recognize, do you not, that that survey does connect with the University survey?

WILLIAMSON: It calls for it, yes, Sir.

BULLOCK: And calls for adjoinder with the University surveys to the East of his survey 5½?

counter 48471

WILLIAMSON: Yes, Sir.

BULLOCK: Now, I would like to ask you, with respect to the W. B. Tunnell Survey 1, Block 198, concerning which L. W. Durrell filed field notes dated August 27, 1883. I show you a certified copy of such field notes and ask you if you are familiar with those field notes.

WILLIAMSON: Yes, I've read them.

BULLOCK: Those field notes say, do they not, "beginning at a stake and mound at the Southeast corner of Survey No. 5, Block No. 5, in _____(inaudible) of Texas Central Railway Company, for the Northeast corner of this survey". Now that is the same corner where you said the rocks were apparently scattered and you didn't find them and identify them at this time, is that not correct?

WILLIAMSON: No, Sir, that is not correct.

BULLOCK: What did you find?

WILLIAMSON: You said that I said I couldn't identify them.

BULLOCK: What did you say?

WILLIAMSON: Mr. Nelson called for a stone mound at that corner in 1876. Mr. Rider, in 1925, according to his field notes and plat of record, recovered that stone mound and so stated. He also recovered the stone mound at the Northeast corner. In the interim, someone has built a fence, and one of the curses of my profession are fence builders who tear up mounds so they can put the corner post right on the corner. I consider that's what took place at that corner. Therefore, in relation to all the other factors involved, and weighing their value, I believe that the, whoever put the post in put it on the corner, and that the remnants of the mound are still there.

BULLOCK: I see. Alright, so that you're basing your location of that particular point on what Mr. Rider says that he found _____(inaudible) scattered rocks.

WILLIAMSON: Plus the fact that Mr. Nelson calls for them.

BULLOCK: Now this survey 5 we've been talking about, Mr. Nelson surveyed that, and Mr. Durrell had never surveyed it prior to the time that he put in this survey.

WILLIAMSON: I have no knowledge of it if he had.

BULLOCK: As far as we know he never did survey that survey No. 5.

WILLIAMSON: Yes, Sir.

BULLOCK: Now, then, he had surveyed and connected with several points up and down the West line of the University

prior to this time, had he not?

WILLIAMSON: He had surveyed some mile North of there, on the other side of the mesa there.

BULLOCK: Yes, Sir. Now, then, the next call in this set of field notes, is it not, is "thence South 976 varas past the Southwest corner of Survey No. 30, Block 24, University lands, and with the West line of surveys No. 19, 18, 7 and 6 of said Block 24, University land, 8115.2 varas." That's with the West line.

WILLIAMSON: I noticed that.

BULLOCK: Do you have any reason now at all to believe that he didn't know where the West line of the University block was, but he was on the line a mile?

WILLIAMSON: Yes, Sir.

BULLOCK: How is that?

WILLIAMSON: Because he, you can't leave the Southeast corner of 5 and go South and go with the University.

BULLOCK: He had surveyed connecting the University block before, but he had not surveyed this survey 5, that was another man's work, wasn't it?

WILLIAMSON: I don't know that he did. He didn't furnish any field notes for it.

BULLOCK: Wouldn't you agree, though, that these field notes would indicate to you that the surveyor, Mr. Durrell, intended to connect with the University line since he says "with the West lines of these University surveys"?

WILLIAMSON: I would say that that was ambiguity in his field notes, and it's impossible for a man to occupy two points at one time. I would feel, as a surveyor, that if I could find the corner that he described as his beginning corner, that I would be inclined to use that and take the theory that he was erroneous in his assumption as to where that corner was located.

BULLOCK: Alright, in that connection, I call your attention to what purports to be a small sketch, or plat, of this survey, of these field notes of this survey by Mr. Durrell, wherein he purports to depict the adjoinding surveys. Have you studied that plat?

WILLIAMSON: Yes, Sir. This plat substantiates what I have said. That, he shows in his plat that he started at the Southeast corner of 5, but he was mistaken as to the location of the Southeast corner of 5 relative to the University block.

BULLOCK: As a matter of fact, he shows 5 to be in the University West line on this plat, does he not?

WILLIAMSON: Yes, Sir. That's the way he shows it.

BULLOCK: And he shows to continue all the way down these other sections adjoining the University.

WILLIAMSON: All the way down he makes that same assumption.

BULLOCK: So that, regardless of whether he actually may or may not have made a mistake, which we can't prove one way or the other now, could we? We can't prove for sure where he went on the ground at this time, can we?

WILLIAMSON: I guess you couldn't, well, you could reconstruct, yes.

BULLOCK: But you, as a surveyor, would concede, would you not, Mr. Williamson, that the plat plus the field notes plus the calls for adjoinder with the University land, would indicate to you, would it not, that Mr. Durrell intended that this survey 1, Block 198, join the University.

WILLIAMSON: Yes, Sir.

BULLOCK: I should like to ask you about Survey No. 2, Block 198, and particularly with reference to field notes by L. W. Durrell dated August 27, 1883, being the same date as the last inquired-about field notes, and ask you to examine this certified copy of these field notes and the small plat attached thereto.

WILLIAMSON: That would indicate that it was done on the same date.

BULLOCK: Read, if you will, the two beginning, the first two calls of that. The beginning and the next two calls.

WILLIAMSON: Beginning at a stake in a mound at the Northeast corner of Survey No. 1, Block 172, made in the name of ... I'll just skip all that. Thence North, at 656 varas passing the Northwest corner of Survey No. 19, Block 23, University lands, in the West line of Surveys 18, 7 and 6, Block 23, University lands, 2372 varas to a stake in a mound for the Northeast corner of this survey. Thence West 1344 varas to a stake in a mound in the East line of Survey 20, Block 18, for the Northwest corner.

BULLOCK: I call your attention also to the plat drawn on these field notes, and ask whether ornot that would indicate an intention to join with the University blocks in this survey?

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WILLIAMSON: It might indicate the intention, because, again, I think, he did this the same day, and he could probably be working under the same delusion that the corner he had found was in the University block. If he thought it was there, of course he didn't say that he was in the beginning, he didn't say that he started in the University block. He makes these passing calls, and on the plat he shows that there is a connection between the two in his plat.

BULLOCK: Going back to the one that you just referred back to, the one on Survey 1, Block 198, do I understand you correctly when you say that this call "with the West lines of surveys 19, 18, 7 and 6, said Block No. 23, University land" is a passing call? And not a locative call?

WILLIAMSON: If you'll read the rest of that, I'll state that it's a passing call. You didn't read the first part of it.

BULLOCK: Alright, reading the first part of it, where he does call to pass one point, "thence South, at 976 varas passing the Southwest corner of Survey No. 30, Block No. 24, Uniersit lands, and with the West lines of Surveys No. 19, 18, 7 and 6, said Block 24, University lands". Now, do you say that that is not a locative call?

WILLIAMSON: Passing call.

BULLOCK: Why?

WILLIAMSON: He said "passing".

BULLOCK: How about the part "with" the line.

WILLIAMSON: The West part of the University was intended to be a straight line, and the way I have constructed it, considering the terrain, it is remarkably straight. So, if he passed one corner, he would have to pass the rest of them if he continued the same way he was going when he passed that corner. Now, that's my interpretation of it.

BULLOCK: Alright. It was based on that interpretation, then, that you do not honor that as a call for adjoinder.

WILLIAMSON: Not on that along, Mr. Bullock.

BULLOCK: That and the other things about which you testified.

WILLIAMSON: Yes, Sir, and that I've testified and know about.

BULLOCK: Yes, Sir. Now, is there anything that you know about that you have not testified about? That would cause you to believe that Durrell did not connect with the University on his surveys there?

WILLIAMSON: On the Tunnell No. 2? I think that I have possibly, through inference, and mention, have brought them out. I'm glad you asked me that question, because perhaps I can clarify some of my thinking on this. We go back to our Northwest corner and it's relationship in the, , between the Southwest corner of Section 3 and the Northwest corner of 24 that Durell called for. Now, there's this one inconsistency that constantly reoccurs in Durrell's notes through here, and we have reason to believe that Durrell, in a way, knew that it was inconsistent. For instance, this line here, as established on the line,

RUDDER: Will you describe the line for the record, please?

WILLIAMSON: I'm sorry. The West line of Block 26, if you follow Thompson with his 10° declination, you couldn't very well go South. I believe that would be correct. But he called for it to go South with that line. Now, when he was up at this point, he, at the Northwest corner of 24, in relation of that with the Southeast corner of 3, in his original field notes for the T. & S. L. blocks, he stated that he was 375 varas off of the line. Now, Mr. Durrell next stated that he was 375 varas off of those two corners in the field notes you were referring to in Section 600. Now, he has various, for instance in Survey No. 601, he has a tie line in there in which he again refers to that. Whereupon many surveyors between the time of Durrell and the present haven't found that condition to exist at that point. Now, I would like to point out that, we'll say from an engineering standpoint, that it would be impossible to have that condition exist up there, and come down to 547 and have the same condition exist at that point, that Mr. Durrell calls for. In other words, Mr. Durrell could not be right in allof these statements. Therefore, you've got, in my opinion, to accept the better evidence and use it.

BULLOCK: So with respect to this better evidence, do you happen to have with you a copy of the original field notes of Survey 5? Survey 5, Block 5?

WILLIAMSON: No, Sir, I don't.

BULLOCK: Someone has been kind enough to furnish us with a certified copy of the field notes by Thomas C. Nelson, dated November 25, 1881, covering Survey 5, Block 5, made for Cesario Torres, land Scrip No. 1829, issued to the Texas Central Railway Company. You have testi fied, as I recall, that the Southeast corner of that

surveywas identified by rock mounds. Is that correct?

WILLIAMSON: Rider found a rock mound.

BULLOCK: Rider found a rock mound which he identified as being the original corner?

WILLIAMSON: That is correct. That's the way I remember it.

BULLOCK: I'll ask you to read, if you will, into the record, the field notes as shown by that certified copy of the entire survey, with particular reference to the Southeast corner.

WILLIAMSON: Beginning at a stone marked / for the Southeast corner of Survey No. 516 in the name of Comanche Creek Irrigation Company. Thence North 1609 varas to a stake in mound for a corner of this survey. Thence East 600 varas to a stake in mound, the Northeast corner of this survey. Thence South 2790 to a stake in mound for the Southeast cornerof this survey. Thence West 2242 to a stone marked / for the Southeast corner of Survey No. 4, Block 5, and the Southwest corner of this survey. Thence North 1181 to a stake in mound for the Northwest cornerof this survey. Thence East along the South line of Survey 516, C. C. I. Company, 1642 varas to the place of beginning.

BULLOCK: Now, ordinarily when they refer to a stake in mound they refer to an earth mound, don't they?

WILLIAMSON: That's right. Yes, Sir. You know, I've always wondered why Durrell called for a stake in mound at that corner.

BULLOCK: Continuing with respect to Survey No. 2, Block 198, you will recall that those field notes state "Beginning at a stake in mound at the Northeast corner of Survey No. 1, Block 117, made in the name of C.C.S.D. & R.G.N.G. Railway Company". Now that is the one we just talked about that was tying with this Southeast corner of 5, this Survey No. 1, is it not?

WILLIAMSON: No, you've got No. 2 there.

BULLOCK: But I say, that when this one ties... No, I beg your pardon. This one ties to another survey to the South. I beg your pardon, Sir. Now, this is down at a point, is it not, where you believe that Mr. Durrell probably knew where he was and was on the University line? As you found it?

WILLIAMSON: That's the one where he uses the passing call.

BULLOCK: Alright, and at that point, you have no reason at all there to doubt that he knew where the University West line was, do you?

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WILLIAMSON: Yes, Sir, I do.

BULLOCK: Why do you have reason to doubt that he knew where it was down there, Sir?

WILLIAMSON: If you will remember, earlier than this, that Mr. Durrell had put in the railroad blocks to the West. He put some stone mounds over there. The stone mounds are still there. So, when, so he ties to those surveys over there on the West side. It's No. 118 and 132, if my memory serves me correctly. I have found, as I believe I testified, a stone mound that, although it's not called for by Durell, because he calls for a stake in mound, and perhaps we're using the wrong assumption when we say that when a man calls for a stake in the mound that he's just spoofing, he never was there, anyhow. And perhaps when he said that he meant a stake in a stone mound, because _____(inaudible) it was in a very good location to that point. Now, the Corpus Christi Railroad block to the South, the one he used the beginning corner on, calls to tie into, as you know, a corner on Block 114 and 132. Now, if you use Durrell's field notes that he has up there on No. 20, in Block 118, that's the, where the Northwest corner of this survey terminates, you find that if you use what he uses there in his field notes that he gets quite a discrepancy in the North-South distance in his Tunnell No. 2. But if you use this mound that's up there, it fits very well between those points, which makes you believe that probably Durrell, so far as that West line was concerned, he set it there upon the ground. As we have said before, I believe the records reflect pretty well that Durrell was lost as to the location of 547, which is more or less what you might call a key survey in there, being senior, to the rest of them. Now, if he was lost on that, and attempted to take his surveying a little here and a little there, which, considering the number, or amount of work he did on the same survey, it's logical to assume, with that error in view, in attempting to write his field notes by a calculative course to the line, he could very easily be of error. So, with my construction, I felt that I was forced to take what I was able to go on the ground and actually put my hands on rather than to take the other calls that, as I say, I regard as being passing calls.

BULLOCK: Then this call "Thence North, at 656 varas passing the Northwest corner of Survey No. 19, Block No. 23, University lands, in West lines of Surveys 18, 7, and 6, said Block No. 23, University lands" is simply a passing call?

WILLIAMSON: That's my opinion, yes, Sir.

BULLOCK: Alright, Sir. You think, then, that the fact that he says "in the West line" of it, and that he puts it adjoining on his plat, it still does not indicate that he intended to adjoin.

WILLIAMSON: I think it carries out my supposition that Mr. Durrell was mistaken as to the location of the University line in the vicinity.

BULLOCK: Now, then, I call your attention to a certified copy of field notes for Survey 3, by L. W. Durrell, the C.C.S.D. & R.G.N.G. Ry. Co. Block, and ask if you are familiar with these field notes? I beg your pardon, Sir. The ones I handed you are the ones for Survey 3, N. P. Wilson Survey, by A. N. Lea. This is the one dated July 1, 1907. I'll ask you if you're familiar with that particular set of field notes.

WILLIAMSON: Yes, Sir.

BULLOCK: Now, there was a correction made of that same survey under the same survey, under the same date, not by A. N. Lea.

WILLIAMSON: Yes, Sir.

BULLOCK: Do you recognize that each of those field notes call for adjoinder with the University surveys to the East?

WILLIAMSON: Yes, Sir.

BULLOCK: And, do I understand you correctly, then, that you are of the opinion that A. N. Lea, who came in there a number of years later, found the true University line, but Mr. Durrell, who was there ahead of him, did not find it? Is that your understanding?

WILLIAMSON: At that point.

BULLOCK: Alright. Now, then, we go on South to Survey 1, Block 172, Corpus Christi San Diego & R.G.N.G. Railroad Survey. Are you familiar with the survey of that tract made by L. W. Durrell, August 23, 1882?

WILLIAMSON: I have read the field notes, yes, Sir.

BULLOCK: Alright, I show you those field notes, and in particular, I would like to call your attention to this call ending the field notes: "thence East 1344 varas to an earth mound in the West line of Survey No. 30, Block No. 23, University land, for the Southeast corner of this survey". Now, didn't you testify a while ago that you thought it was reasonable to believe that you did believe that in 1881 that L. W. Durrell should have been able to identify it, and you believe he did exactly identify Thompson's earth mound?

WILLIAMSON: I think it's possible he did it again in this instance. You haven't identified which of those surveys it is, have you?

BULLOCK: This is Survey 1, Block 172. Do you think he knew where he was at that point?

WILLIAMSON: I think it's possible, yes, Sir. He calls for something definite in the University line. I would have to refer to my plat, which I've made an exhibit of, to verify whether or not the earth mound was called for there by Thompson.

BULLOCK: Alright, now "to an earth mound in the West line of Survey 30, Block 23, University lands, for the Southeast corner of this survey; thence North, at 1542 varas passing the Northwest corner of said Survey 30." Now, you certainly wouldn't say that this was just a passing call, would you?

WILLIAMSON: He said he started in the line, so...that's adjoinder.

BULLOCK: Alright, and the Southwest corner of Survey No. 19, Block No. 23, University lands, 2686 varas to an earth mound in the West line of said Survey No. 19, for the Northeast corner of this survey. So that all up that line he's tying to the line and earth mounds, and indithat he, L. W. Durrell, knew where he was on that University West line then, at least at that point.

WILLIAMSON: At that point, yes.

BULLOCK: So that there would be adjoinder between this survey No. 1, Block 172, and the University.

WILLIAMSON: That is probable, yes, Sir.

bullock; Now, with respect to Survey No. 2, Block 172, I show you a certified copy of the field notes by L. W. Durrell, likewise dated August 23, 1882, the same date as this other. The date that we now think he knew where he was. In these field notes, I call your attention to these particular calls: "thence East 1344", he started "Beginning at an earth mound at the Southwest corner of Survey No. 1", the one we just completed, the one where he knew where he was, and then goes over to the other side and comes back and, I want to just get this part here, "thence East 1344 varas to an earth mound in the West line of Survey Nos. 6, Block 22, University land, for the Southeast corner of this survey; thence North, at 328 varas passing the Northwest corner of Said Survey No. 6 and the Southwest corner of Survey No. 31, Block No. 23, University lands, 2686 varas to an earth mound at the Southeast corner of Survey No. 1, in this block, for the Northeast corner of this survey." So that, and he has the plat there, the same plat he shows in the other surveys where

shows adjoinder with the University, and he has the same type of passing reference here that -- you believe, though, that down here he did know where he was, and he probably was with the University line.

WILLIAMSON: I think it's possible he found it down there.

BULLOCK: So that you would not question, at least, that the calls for adjoinder should prevail at least in these cases.

WILLIAMSON: Those could be so constructed, in my opinion.

BULLOCK: Don't you think they should be, actually, under these circumstances.

WILLIAMSON: That's not for me to judge.

BULLOCK: Alright, Sir. Now, we have the field notes for Survey No. 3, made the same day, by Mr. Durrell, same Block 172. In those, I ask you if you are familiar with those, or this particular call: "thence East 1344 varas to an earth mound in the West line of Survey 7, Block 22, University lands, for the Southeast cornerof this survey; thence North, at 1114 varas passing the Northwest corner of Survey No. 7, and the Southwest corner of Survey No. 6, Block No. 22, University, 2686 varas to an earth mound, at the Southeast corner of said Survey No. 2, for the Northeast corner of this survey", and that's tying right up the same line and also would indicate adjoinder with the University, would it not?

WILLIAMSON: It could be so interpretted, sir. Yes, Sir.

BULLOCK: I show you the field notes of Survey No. 4, Block 172, and call your attention to, by L. W. Durrell on the same date, and call your attention to these particular calls: "thence East 1344 varas to an earth mound at the Southwest corner of Survey No. 18, in Block 22, University lands, for the Southeast corner of this survey; thence North at 1900 varas passing the Northwest corner of said Survey No. 8, 2686 varas to an earth mound at the Southeast cornerof Survey No. 3 in this block, for the Northeast corner of this survey." That would seem to indicate connecting or adjoining survey with the University block, would it not?

WILLIAMSON: Those are much better than these others. Yes, Sir.

BULLOCK: Alright, now, then, it's true, is it not, that you have found that in the surveys to the East that Mr. Durrell

connected with the University surveys. To the North he connected with the University surveys North of your alleged vacancy strips, Mr. Durrell connects with them, and South of your vacancy strips he connects with them. But you believe he probably meant only passing calls, and not connecting calls, of the areas that you consider vacancies. Is that the symptoms of your position here?

WILLIAMSON: Not exactly. The question is not fully phrased, because, taking in just what you have stated, and no more, I will state "yes".

BULLOCK: And the only reason you would state other than "yes" would be these other matters about which you've testified which lead you to believe that Mr. Durrell may have been mistaken at some of those corners?

WILLIAMSON: Yes, Sir, I think there is better evidence for reconstruction.

BULLOCK: Are you familiar with what is known as Rolled Sketch 20, in the records of the Land Office, prepared by L. W. Durrell some few years later than this survey. I don't have a copy of that; do you have one with you, Sir?

WILLIAMSON: Yes, Sir.

BULLOCK: I don't care to enter this as an exhibit, I merely wish to refer you to this Rolled Sketch 20 which would be in evidence by reference, anyway, and ask you if it is not true that along this line that we have been questioning, the adjoinder line, the West line of University Blocks 23, 24 and 26, and the surveys to the West of there, do you know if two circles -- one to the South of it, at the Northwest corner of Survey 18, University land, and the Southwest corner ofSurvey 7, in Block 23, then on up North to this famous "beer bottle" corner, what appears to be the Northwest corner of Survey 24, both circles, with a dotted line running all the way between them -- show adjoinder of those surveys. That's shown on this sketch.

WILLIAMSON: This sketch shows the adjoinder, yes, Sir.

BULLOCK: Yes, Sir. Now, does it also indicate a dotted line to show he ran the line, doesn't it?

WILLIAMSON: No, Sir.

BULLOCK: It doesn't show that he ran that line?

WILLIAMSON: No, Sir.

BULLOCK: But it does show that on that _____(inaudible) line we were talking about, he does show adjoinder.

WILLIAMSON: Yes, Sir.

BULLOCK: Alright. I have no further questions at this time, Mr. Commissioner.

RUDDER: We'll take a ten minute break. It's 2:35, now.

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THE HEARING RECESSED UNTIL 2:45 O'CLOCK P.M.

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(2:45 P.M.)

RUDDER: Is there anyone else who opposes this vacancy as alleged, who wants to cross-examine the witness?

BURTON: Mr. Commissioner, I'm Horace Burton, representing Phillips Petroleum Company, and I live in Midland, Texas. The Phillips Company has, holds leases on both sides of the vacancy strip reported by Mr. Williamson. We hold leases from the State on University lands, to the East of the vacancy, and we also hold leases from fee owners to the West of the vacancy, and we appear in opposition to the granting of the strips. Mr. Williamson, if the, if effect is given to the calls for adjoinder of L. W. Durrell, which Mr. Bullock has just questioned you about, there will be no vacancy in this area. Is that true?

WILLIAMSON: That's the statement that you've made.

BURTON: Yes. Assume, now, that, if effect is given to the calls for adjoinder, then no vacancy would exist.

WILLIAMSON: That's not a decision for me to make in this respect.

BURTON: I don't ask you to make a decision. That is true, that the adjoinder calls must be broken to put in vacancy.

WILLIAMSON: If there are adjoinder calls, yes, Sir.

BURTON: Alright. Now, if the West line of the University block is located on the monumented position of Mr. Friend, it will substantially take up that vacancy, will it not?

WILLIAMSON: Along with the rest of the land in there.

BURTON: So, in order to report this vacancy, and in order for the applicant to sustain it, it would be necessary to first break the calls for adjoinder, and secondly rescind the West line of the University, monumented by Mr. Friend. Is that true?

WILIAMSON: I would have to first point out the fact that Mr. Friend was in an errorneous position, and second that, if there were adjoinder calls, they would have to be broken, yes, Sir.

BURTON: Now, when you describe and _____(inaudible) Mr. Friend's field notes for Blocks 21 to 26, dated in 1936, I believe, did you find any certificate in that volume of field notes as to whether they were approved by the Commissioner of the General Land Office? I don't believe you mentioned that.

WILLIAMSON: No, I don't believe I did, either, and it states that they have been examined, approved and filed as of this date: April 13, 1939.

BURTON: You're reading from ...

WILLIAMSON: Let me read all of it. Do you want me to put this in reference?

BURTON: Yes, Sir.

WILLIAMSON: Alright. This is from Volume 15, relative to Blocks 21 to 26, Pecos County, University Land. And on one of the -- I don't guess you'd call it a fly-leaf -- one of the firstpages, this statement occurs: "I, Bascom Giles, Commissioner of the General Land Office of the State of Texas, do hereby certify that this book, designated as Book UT, Volume 15, contains field notes of all the sections in Blocks 21 to 26, inclusive, University Land, in Pecos County, surveyed under an Act approved March 29, 1929, by Frank F. Friend, special surveyor of the University lands, which field notes number from page 1 to page 152, inclusive, have been examined, approved and filed as of this date. April 13, 1939. In testimony whereof, I hereunto set my hand and affix the seal of my office, at Austin, Texas, this 13th day of April, 1939. Bascom Giles, Commissioner of the General Land Office."

BURTON: Now, so far as you know, those field notes stand approved in the Land Office today?

WILLIAMSON: I don't know whether they do or not. I know that is in the front part of this book.

BURTON: In your location of the West line of the University, you say that you recovered two rock mounds, and identified them as original corners of the University surveys. Is that correct?

WILLIAMSON: I found two rock mounds; I believe I phrased it in this manner: that I found two rock mounds that, in relation and taking into consideration the rest of the

mounds and what have you that were found on the West line of the University, are in a position to be the mounds called for by Thompson. As I stated before, Thompson did not describe his mounds. They don't have a name on them, no bearings, no marks or letters.

BURTON: No bearings.

WILLIAMSON: No, Sir.

BURTON: And they don't say whether they're on top of mesas or at the foot of mesas.

WILLIAMSON: I believe that one of 21 did. That was a stone mound.

BURTON: Which one was that, Sir?

WILLIAMSON: Northeast corner of 1 in 21, he calls for a rock on a mound. On the West side he didn't locate them as being in a valey, on a flat, top of mesas, the side of mesas, or any of that.

BURTON: So that you identified those as original Thompson corners, then you've got to relate them to some other part of the work, to fit into the original Thompson survey?

WILLLAMSON: It will have to fit into other work. Yes, Sir.

BURTON: Now, you take the "beer bottle" corner as also in a position of Thompson's, for the Northwest corner of the University blocks, do you not?

WILLIAMSON: I take the "beer bottle" corner in view of the fact that surveyors who were much closer to the original than I used it and identified it as that. Now, if, I don't think Thompson called for a "beer bottle corner".

BURTON: What is the bearing, or the approximate bearing, of the North-South line from the "beer bottle" corner through the first rock mound four miles South of that point, and that rock mound is found at the Southeast corner, or Southwest corner, rather, of Survey 31, in Block 24, four miles South of the beer bottle?

WILLIAMSON: By my calculations, it bears about 1° West.

BURTON: 1° West?

WILLIAMSON: Roughly, yes. That is, going South. Going North it would be 1° East.

BURTON: And then, continuing the line through those two points, the beer bottle and the first rock mound four miles South to the rock mound which you recover at the Southwest corner of Survey 6, Block 23,University land, what is the bearing at that point?

WILLIAMSON: Practically the same. Just a shade over 1°. Now, that is by my calculations, and I don't want to present myself as being the mathematical wizard such as Frank Friend.

BURTON: Did you take any pictures of those corners?

WILLIAMSON: Yes, Sir.

BURTON: Do you have them with you?

WILLIAMSON: I have them. They're on color strip, and I have no projector. If anyone would care to examine the strips, they are welcome to do so.

BURTON: I hand you a picture and ask you to identify the picture if you have seen the location.

WILLIAMSON: Mr. Burton, before I, when I _____(inaudible) I'm going to say they "appear" to be.

BURTON: Fine.

WILLIAMSON: Now, this appears to be the beer bottle corner. The reason I say that, I didn't take the pictures. You appreciate my position, I'm sure.

BURTON: Yes, Sir. I'd like to mark this Phillips Exhibit No. 1. Now, at the rock mound four miles South of the "beer bottle" corner, you have taken a picture of that corner also, haven't you?

WILLIAMSON: I have pictures of all those through there.

BURTON: Please mark this Phillips Exhibit No. 2. I hand you our Exhibit 2 and ask you if you can identify that picture, or what appears to be a picture of?

WILLIAMSON: Mr. Burton, this appears to be a picture of a stone mound with a rock in the center of it. I wouldn't which one of the mounds it was. I just couldn't do. If you have seen those mounds, and I know you have, you know, yourself, that there is a great deal of similarity, and for me to take a picture that I don't have identified by other means, I wouldn't state. Now it appears to be very much the same as the mound I found up there at the Southwest corner of 31, Block 24. It has that appearance.

BURTON: Now, will you mark that Phillips' Exhibit 3? Let me state that there is some notes on the back of these pictures made by some person, and we are not offering the statement that is pencilled on the back of the pictures. This is Phillips Exhibit 3, and I'll ask you what that appears to be a picture of.

WILLIAMSON: That appears to be a picture of a mound that has an inscription below it, Southwest corner of 6, 23. It's got SW on it, I guess it's Southwest. I didn't put them on there.

BURTON: That appears to be a picture of a mound that you took to be an original Thompson mound, corner at the Southwest corner of ...

WILLIAMSON: It appears to be, yes, Sir.

BURTON: That mound is located on, is it on top of a mesa?

WILLIAMSON: Yes, Sir. On the edge of a mesa.

BURTON: The North or South edge?

WILLIAMSON: South.

BURTON: How many rocks are in that mound there? Do you happen to know, or did you count them?

WILLIAMSON: There's approximately, if I remember correctly, eight or ten stones.

BURTON: And there is an upright stone in the center of this mound?

WILLIAMSON: There is a stone on end, yes, Sir. It was.

BURTON: Was it on end when you first found it?

WILLIAMSON: Yes, Sir.

BURTON: And when did you first see it?

WILLIAMSON: Well, about two months ago, I guess.

BURTON: Did you take a picture of West Escondido Springs?

WILLIAMSON: No, Sir, I didn't take a picture of that. The only picture I took in that vicinity was that rock over in _____(inaudible). I took a picture of that. It's a good thing I did, too.

BURTON: Would you make this Phillips Exhibit 4, please? I hand you our Phillips Exhibit 4, and ask you if that is not a picure, appear to be a picture, of the head of West Escondido Spring, as you found it and show it in your survey?

counter 48487

WILLIAMSON: It has that appearance, yes, Sir.

BURTON: Does water appear to be issueing from the rock in this picture? From where does it appear to be issuing?

WILLIAMSON: Mr. Burton, I can't tell from this picture; in other words there is nothing in this picture, at least to me, would indicate where the water is coming from. From my own experience, this is either the place or phenomonally like it, but the water is either coming from this dark spot in the center of the picture, as I remember correctly, and it also comes out from under this ridge over here on the right-hand side of the picture.

BURTON: That all within a few feet?

WILLIAMSON: All within a radius of ten, fifteen, twenty feet; something like that.

BURTON: This is a picture of the head of the Spring, looking in what direction? Can you give us the direction?

WILLIAMSON: That appears to be looking West, and, Mr. Burton, I think we ought to have the date on this picture as to when it was taken. Perhaps if Mr. Tayes,

BURTON: There is a date on the back of the picture, December, 1956, and I'll let you assume it was taken that date.

WILLIAMSON: Yes, that's perfectly alright. I think that should go into the record.

BURTON: On your map, do you indicate the general course of West Escondido?

WILLIAMSON: No, Sir, I don't believe I have that on there. I'll answer your question, if you wish, that the Spring, or the body of water, whatever you care to call it through there, is, goes for 100 or more varas in practically the same course throughout, that far. I don't know that it has always been that way. There is evidence that someone has cut some canals that might have altered it some over the course of the years.

BURTON: Do you show West Escondido on your map?

WILLIAMSON: That's West Escondido at this point (points to his map).

BURTON: Alright, West Escondido. The print we have here on the table is a print of the Exhibit on the board, isn't it?

WILLIAMSON: Yes, Sir.

BURTON: Would you place, I'd like to place this where you can make some markings on it. (print placed on board) What is the, you don't show the course of the Spring on your map, which you returned with your report.

WILLIAMSON: No, Sir.

BURTON: What is the course of the Spring from the point which you show as the head of the West Escondido Spring?

WILLIAMSON: I can't answer that, because I didn't shoot it. I can tell you what it appears to be.

BURTON: Alright.

WILLIAMSON: It appears to be about South 74° East, or in that vicinity. About the same course that was called for by Tays in his original. By that you mean the body of water?

BURTON: Yes. From the head of the Spring it runs Easterly, or...

WILLIAMSON: In an East-South direction.

BURTON: And you observe that to be about 100 varas, did you?

WILLIAMSON: Well, more than that.

BURTON: Well, would you take your pencil and just draw the direction ...

WILLIAMSON: I'd say that's the direction of the flow of the water.

BURTON: Would you put a circle there around the point that you have found to be the head of the Spring? (Williamson does so) You are in disagreement with Friend's survey. I gather from everything you said that you do not agree with his location of the University surveys.

WILLIAMSON: No, Sir.

BURTON: You now say that you have recovered original Thompson corners.

WILLIAMSON: No, Sir, I didn't say that.

BURTON: Well, that's the way you constructed the West line of the University, isn't it?

WILLIAMSON: I found two mounds that could very well be original Thompson corners, but I wouldn't swear that they are, because I have no way of backing up my oath.

BURTON: Well, you returned field notes for vacancy on that proposition, didn't you?

WILLIAMSON: No, that's just a part of my proposition.

BURTON: You mean there's doubt as to whether the vacancy exists?

WILLIAMSON: Not in my mind.

BURTON: What is your opinion?

WILLIAMSON: My opinion is contained in my report and field notes. I think there is a vacancy there.

BURTON: And you think that on the basis of what you think are original Thompson corners.

WILLIAMSON: No, Sir, I didn't say that.

BURTON: Do you agree, or not agree, with the statement contained in Mr. Friend's report in 1939 that not a single original corner could be identified for certain.

WILLIAMSON: I believe,

BURTON: I believe that's his exact words.

WILLIAMSON: I believe he said that.

BURTON: Do you agree with that statement?

WILLIAMSON: I don't know whether he found them or not.

BURTON: I would like to find out whether you found them. And you say that you do not necessarily base your finding of the vacancy on the rock mounds which you report to be original Thompson corners. Now, do you or do you not think that you have identified those corners for certain?

WILLIAMSON: It is impossible for me, and I believe it is impossible for any other surveyor, to sit in any court in the State of Texas and swear that any individual mound was put there by Thompson, because you or some other lawyer would immediately ask me how I knew it was, and there is no way that I could prove that any particular mound was Thompson's mound.

BURTON: Then you agree with Mr. Friend's statement, don't you, that, at least as to those two that you are using on the West line of the University, that they cannot be identified with certainty as original corners.

WILLIAMSON: There's no way of doing it. Thompson didn't describe them.

BURTON: If you assume, let's just assume, that you have not found any original corners. I know that you don't agree with that, but let's make that assumption, that your "beer bottle" corner is not the original corner, and of course Thompson did not call for any beer bottle at that corner, did he?

WILLIAMSON: Not to my knowledge.

BURTON: And, make the assumption that the rock mound four miles South of that point is not an original corner, and that the second rock mound, ten miles South of the "beer bottle corner" is not an original corner. Now, wouldn't you construct and locate the University blocks 21 to 26 in the same way that Mr. Friend did?

WILLIAMSON: No, Sir.

BURTON: Well, wouldn't you begin at the beginning point for those blocks and run them out course and distance from the beginning point?

WILLIAMSON: If I run them out course and distance, I wouldn't run them out like Mr. Friend did.

BURTON: If you had no rock mounds or markers other than the beginning point, you've got to start there, haven't you

WILLIAMSON: Not necessarily.

BURTON: Well, where would you start? If you didn't have any corners?

WILLIAMSON: I will assume, for your convenience, that I would start by using the same corner that Mr. Thompson used as the first corner he described.

BURTON: Alright, what corner is that?

WILLIAMSON: The first corner, if I remember correctly, he used is the Northeast corner of Section 1 in Block 21.

BURTON: Do you have field notes of Section 1, Block 21?

WILLIAMSON: I believe I have. No.

BURTON: Do you have a working sketch?

WILLIAMSON: I have Mr. Friend's. Will that suffice?

BURTON: No, do you have your working sketch of Blocks 21 to 26?

WILLIAMSON: Is the one you're referring to?

BURTON: I would like you to read from the working sketch or the original field notes the beginning call of Survey 1, Block 21, of the University line.

counter 18491

WILLIAMSON: It's not on here.

BURTON: I assume that the records of the hearing will tell all the original field notes of ...

RUDDER: You can put them in by reference.

BURTON: I now hand you a certified copy of field notes of Survey 1, Block 21, dated December 15, 1879, signed by R. N. Thompson, and ask you to read the beginning call.

WILLIAMSON: "Beginning 35544 varas East from the Southeast corner of Survey 150 at Fort Stockton made for J. A. D. Montez, or 1100 varas West and 2608 varas North from the head of Western Escondido Springs, or", I can't read this _____(inaudible), it's over 68000 varas West, "and 4650 varas North, for the Northwest corner of Survey 19, Block No. 19, stone on top of the mountain."

BURTON: Now, that beginning call has, is for a stone on top of a mountain, with three references. Those three references are, No. 1, a connection to Survey 150 at Fort Stockton; is that correct?

WILLIAMSON: Yes, Sir.

BURTON: And a connection to Survey 19, Block 19, in the University lands.

WILLIAMSON: Yes, Sir.

BURTON: And those are blocks short distance to the East of Blocks 21 to 26?

WILLIAMSON: About six miles.

BURTON: And those blocks are located on the East Escondido Spring?

WILLIAMSON: They're in what's known as the East Escondido system.

BURTON: Yes, Sir. And then the third reference call in the beginning point is to the head of West Escondido Spring.

WILLIAMSON: Yes, Sir.

BURTON: At 1100 varas North, West, and 2680 varas North.

WILLIAMSON: Yes, Sir.

BURTON: Now, if, you haven't made the connection to Survey 150, Fort Stockton, have you?

WILLIAMSON: No, Sir.

BURTON: And have you made connections with Survey 19, Block 19?

WILLIAMSON: No, Sir.

BURTON: And you have located the head of the Spring?

WILLIAMSON: As it's out there now, yes, Sir.

BURTON: As you find it there.

WILLIAMSON: Yes, Sir.

BURTON: And at what point do you find, if you run 1100 varas West and 2680 varas North from the head of the Spring as you find it today, where would that point be located?

WILLIAMSON: Up on the edge of the mesa.

BURTON: Do you show that point on this map, your map?

WILLIAMSON: I don't believe I show it. If you go by course and distance. I show a stone mound as Mr. Friend's monument. They are so close together it is practically impossible to ascertain them on the map. There is some discrepancy according to my calculations.

BURTON: You locate that point as being almost the same spot that Mr. Friend now has his monument.

WILLIAMSON: It would be very close to it.

BURTON: A few varas?

WILLIAMSON: That's right.

BURTON: You'd locate that point as being almost the same spot.

WILLIAMSON: Yes, Sir.

BURTON: Marking that beginning point of the University survey.

WILLIAMSON: Yes, Sir.

BURTON: We have no disagreement about that connection, do you, as you now find the head of the Spring?

WILLIAMSON: I'm afraid I do. And that doesn't put me by myself. Because you can pick up tie lines, connection lines through there, any number of them, and you can slide that beginning corner up and down that creek by about as much as 200 varas. You can slide that Spring, I mean, I didn't mean the beginning point.

BURTON: Which way?

WILLIAMSON: East, and also to the West. It slides all the way up and down there. It's a very flexible Spring.

BURTON: But as you find the head of the Spring, and we just showed the Commissioner a picture of the head of the Spring, from that point on up to Mr. Friend's monument for the Northeast corner of Survey 1, you would measure that distance and direction of the Spring, would you not, as within a few varas?

WILLIAMSON: If I used the existing location of the Spring, and go the proper distance West and the proper distance North, I would be within a very reconcilable distance of where Mr. Friend has his monument.

BURTON: Now, from that point, how far is it to the West line of the University block?

WILLIAMSON: On whose construction?

BURTON: Course and distance according to the original field notes.

WILLIAMSON: If I were going to find Mr. Thompson.

BURTON: No, let's just take the field notes and give his exact calls, how many miles is it across from the beginning point to the West line of the University?

WILLIAMSON: 1900 varas. Oh, to the West line?

BURTON: Yes, Sir.

WILLIAMSON: Nine miles.

BURTON: And, how far is it from that point North to the Northwest corner of University blocks?

WILLIAMSON: Another nine miles.

BURTON: Alright, it's nine miles West and nine miles North, from the beginning point to the Northwest corner of the University. And, if you, that should be somewhere near the beer bottle corner, isn't it?

WILLIAMSON: If you follow Mr. Thompson.

BURTON: Within the circle, or within the vicinity of it?

WILLIAMSON: Somewhere in the vicinity, yes, Sir. That would be using mathematical exactitude.

BURTON: I would like to use that for just a minute, to see where that point would be located, if you ran a true bearing West and a true bearing North. Did you locate that point on your map?

WILLIAMSON: Do you mean, did I use true West and true North?

BURTON: The original field notes call for true West, do they not?

WILLIAMSON: Now, that is one of the questions.

BURTON: Well, there is no question about what direction they called for in the field notes signed by Thompson, is there?

WILLIAMSON: There's no question about the direction they called for.

BURTON: His lines for his blocks & his surveys, all throughout the West Escondido system, are for North-South lines and East-West lines, are they not?

WILLIAMSON: That's the way his field notes read, yes, Sir.

BURTON: Then, if you gave effect to his field notes, if you tried to follow them, wouldn't you run West and then run North? To follow his footsteps or run his lines?

WILLIAMSON: I would run his lines as he calls for using his declinations. _____(Inaudible)

BURTON: I'd like you to do that in a minute. First, I would like for you to calculate the position of the Northwest corner of the University if you just run true West and true North.

WILLIAMSON: I would say about where Mr. Friend has his monument. That would be some eight or ten varas off of where we started, because if I were going to use Thompson's 1900, and he's using 1900.8, it would create some difference.

BURTON: Where Mr. Friend has his monument at which point?

WILLIAMSON: Over in that railroad block. In Block 4, in Block 140.

RUDDER: You're talking about where Mr. Friend put his monument for the Southwest corner of Block 26? Is that what you're talking about?

BURTON: Yes, Sir. Mr. Friend's monument at the Northwest corner of Section 24, Block 26, University land.

counter 18795

WILLIAMSON: That's the mark that's on the monument, yes, Sir.

BURTON: So if you ran out those surveys, Block 21-26, and you fixed the Northwest corner course and distance on true bearings from the beginning point, you would be, land near Mr. Friend. You stated that.

WILLIAMSON: By using the same technique that Mr. Friend used, yes, Sir. No, I probably wouldn't. He's a better man than I am. I'd probably miss him.

BURTON: Within a few varas.

WILLIAMSON: Yes, Sir.

BURTON: If you will, Mr. Williamson, would you indicate that point, or Mr. Friend's monument, at the Northwest corner of Block 26, by the letter "Z"?

WILLIAMSON: Do you mean the monument that he has marked the Northwest corner of 24, 26?

BURTON: Yes, just make a large letter Z there where it can be seen. (Mr. Williamson marks map) Now, you have testified, I believe, that you would not use truebearings if you were trying to follow the footsteps of the original locator, and that you would use a bearing approximately 1° East and North. Is that correct

WILLIAMSON: Roughly.

BURTON: I would like for you to calculate that position at the Northwest corner of Block 26, using a bearing of 1° East and North, and starting at the same beginning point, at Section 1, Block 21.

WILLIAMSON: If I understand your question, you would like to have me start from that point, set my needle off by 1° and then run it. You'd like to know about where I'd wind up on that point?

BURTON: Yes. Use your course and distance, only, nothing else.

(Mr. Williamson places mark on map)

BURTON: How far, would you indicate that point you have just marked, with the letter W? And, how far would that point be North of the beer bottle?

WILLIAMSON: That would be some 300 varas.

BURTON: And now, if you go four miles South, to the rock mound which you have said is an original corner of R. N. Thompson, how far will that point four miles South be from your rock mound?

WILLIAMSON: Using the same construction that I used up here?

BURTON: Yes, Sir.

(Mr. Williamson marks map)

BURTON: Now, how far would that be North of the rock Mound that you, the rock mound reported by you to be an original corner?

RUDDER: You mean the one marking the corners of 31 and 30, in Block 26? Is that the stone mound you're talking about?

BURTON: Yes, Sir.

WILLIAMSON: In the first place, I didn't say it was a Thompson mound, but it would be, using that same theorem, it would be about 180 varas North, providing that rock mounds were set by correct procedure.

BURTON: It would be about 300 varas, approximately, North, wouldn't it?

WILLIAMSON: Why?

BURTN: Well, wouldn't it be the same distance that the other other point is fromthe beer bottle?

WILLIAMSON: I don't think so. You're right. I'm off. That would be the same distance. You're right.

BURTON: Just to show how you have this calculated, you have stated, in your report, on page 6, I belive, if you will, just read this entire paragraph that I am indicating on page 6 of your report to the Commissioner.

WILLIAMSON: "Mr. Friend stated in his short report accompanying his field notes for the resurvey of Blocks 21 through 26 that he found no mounds that could be identified as an original Thompson mound. He therefore started at the Northeast corner of Section 1, Block 21, by reference to W. Escondido Spring, and corners in Block 19, and proceeded to run sections 1900.8 square and within 16 minutes of true bearing, and so attempted to reestablish the University blocks in question. It is my opinion that if Mr. Friend had occupied any of Thompson's original corners, then both by using mathematical exactitude, that it would have been impossible for Mr. Friend to have ever occupied another original corner set by Mr.Thompson. Section 24, Block 26, is 9 miles South of Section 1, Block 21; a variation of 1° is approximately 33.3 varas per mile; at the end of 9 miles Mr. Friend would be some 300 varas West of Mr. Thompson."

BURTON: You say there that the variation that he offset would be 33 varas per mile, using the 1° variation, or declination.

WILLIAMSON: Roughly, yes, Sir.

BURTON: And so that would place that calculated point, or course and distance point, from the beginning point, 300 varas North of the rock mound located at or near the Southwest corner of Section 31, Block 24?

WILLIAMSON: I didn't follow you on that, Mr. Burton.

BURTON: Using a bearing 1° East and North, which is where you say you would reconstruct Thompson,

WILLIAMSON: No, I didn't say that, you're saying that.

BURTON: Alright, let's assume that.

WILLIAMSON: I'm going along with your construction.

BURTON: If you reconstruct the corners of the blocks in question from the beginning point course and distance, and using that bearing, 1° East and North, the course and distance point, or calculated point, for the Southwest corner of Section 31, Block 24, will be about 300 varas North of the rock mound which you show on your map as "stone mound, mound called for by Thompson". Is that correct?

WILLIAMSON: You're probably misreading that. I say a stone mound. And I say a "mound called for by Thompson". I don't state that that's the stone mound called for by Thompson. Another thing, our construction here is all relative to Mr. Friend's monument.

BURTON: Alright, let's continue. Upon the same theory, if you ran the line of University block course and distance from the beginning point, the, where would you find the Southwest corner of Section 6, Block 23?

WILLIAMSON: Relative to Mr. Friend's monument?

BURTON: No, Sir.

WILLIAMSON: The mound at the Southwest corner of 6, Block 23 ...

BURTON: You could make it relative to Friend's monument.

WILLIAMSON: You would still be 33 varas per mile to the North and to the East of where Mr. Friend places his monument.

BURTON: And that would be nine miles, and nine 33's would be about 300 varas.

WILLIAMSON: In one direction.

BURTON: It would be 300 varas, the calculated point, course and distance, on that theory, would be 300 varas North of the rock mound which you show, at that point.

WILLIAMSON: Well, it would 300 varas North -- I assume we are taking all these relative, because I have not calculated the position of these mounds relative to this assumed point that we're using, over at the Northeast corner of 1, in 21, and I would assume that we are using Mr. Friend's monument as beginning point. Therfore, I would say that this would have to be relative to Mr. Friend's point when we got over there. I don't believe I have calculated the set relationship of that mound with this thought in mind.

BURTON: If you were going to follow the footsteps of the original surveyor, would you begin at the beginning point and run his surveys out course and distance _____(inaudible) these markers and corners you find over here on the West fit his beginning calls?

WILLIAMSON: I wouldn't necessarily go to his beginning point. I would make a diligent effort to see if I couldn't recover some of the corners. Now, in just staying with Mr. Friend, for instance, he has evidence that in other surveys he definitely did that, and it was done. The records reflect that.

BURTON: You mean Mr. Friend?

WILLIAMSON: Yes, we were using him for an illustration, I just kept on using him.

BURTON: Your problem, and our problem, today, is to locate the original corners of R. N. Thompson, because he was the original surveyor. That's correct, isn't it?

WILLIAMSON: That is the problem.

BURTON: He began at a certain point in his field notes; that's where he says he begins, and that's the way his surveys were built; normally wouldn't you start at the beginning point and try to follow his footsteps?

WILLIAMSON: Now, Mr. Burton, you're an oil company attorney, and you work with surveyors, and you know that a surveyor knows and an attorney knows that the beginning corner on a survey is no better than the other corners. When you write the description, you've got to start somewhere. I have no way of knowing but what Mr. Thompson may have started someplace other than this, and merely used Escondido as his particular point for a tie. I don't feel, and I honestly don't feel it's any more important than any other artificial object or natural object

that might be located on the ground -- Escondido isn't any more important. I do know this, that in my investigation of the records, I believe that I have stated this, that within six years of the time that the original survey was put in by Tayes on the survey that includes Escondido, and the university block, that confusion had already arisen at that point as to the location. And then you come along ten years later and you find that the Spring has been moved 175 varas. So, I don't believe, at least for myself, and I may be wrong, but in my opinion, to take anything as flexible, and I'm not being facetious in that, as the location of Escondido, that I would search for something else. Now, I know in this particular case, and I'm going to take the one we're talking about in this instance, that I was up against a tough proposition, because my predecessor did not identify his mounds, he did not give me any bearings, but I would attempt to find something in there, and I would try to find something with a pattern. The majority of us are not the engineers that Mr. Friend was -- in the words of Mr. Walker, a "marvel of mathematical exactitude" -- and I would _____ (inaudible) that it is stated that Mr. Thompson was under contract, and he was working in rough country. It appears very much that he was using three parties. I would expect a certain amount ofconfusion. But if I find a pattern that will fit very closely to what Mr. Thompson had called for, that's what I would use, and that's what I did use. Right or wrong, that is my theory on it. I just don't agree with Mr. Friend's construction. I wouldn't agree with it if it was _____ (inaudible) construction, or anyone else's.

BURTON: You didn't begin your survey with Mr. Friend, did you?

WILLIAMSON: No, Sir.

BURTON: You began your survey on the West line of the University.

WILLIAMSON: Yes, Sir.

BURTON: And, let's take it that way. Let's assume that the beer bottle is in the position of the Northwest corner of Block 26, as located by, and called for by, R. N. Thompson. Then, I want to ask you to run your University surveys out course and distance from that corner, using a variation, using a true bearing, and using a bearing of 1° East, and ask you where that calculated point will place the beginning point of the University surveys.

WILLIAMSON: It would place it, it would not place it according to the beginning point in Escondido. But you would want me to do that and ignore everything that I might find on the ground.

BURTON: I would like you to do that at this time and mark it on the white print on the board.

counter 18500

WILLIAMSON: You want me to mark it by leaving the beer bottle corner?

BURTON: I want you to assume that that is the correct location of the Northwest corner of University Block, and the call is 9 miles South and 9 miles East, and if you go to that point, where do you land?

WILLIAMSON: You'd land down there South and East of Escondido.

BURTON: The question I asked you, was the beginning point of the University survey.

WILLIAMSON: Oh, I see. (Marks map)

BURTON:q How far South, approximately, is that South, Frank Friend's monument for the beginning point of Section 1, Block 21?

WILLIAMSON: About 300 varas South of it.

BURTON: And if you then go to that point, to the head of West Escondido, as you find it today, how far South of the head of West Escondido would you be?

WILLIAMSON: Between 200 and 300 varas.

BURTON: Alright, would you indicate that point?

WILLIAMSON: I've already done that. Do you want me to put a letter or something there?

BURTON: Yes, if you will put an A down at the point, right there, yes, Sir. If you'll just reference both those points with an A, and make an equal sign there and give the approximate distance that those points fall South. Between those points there you've marked "A" would be about 300 varas?

WILLIAMSON: About, yes, Sir.

BURTON: It would be mostly South, wouldn't it?

WILLIAMSON: South and East.

BURTON: Now, the Spring doesn't run South.

WILLIAMSON: It runs Southeast.

BURTON: It runs mostly East, doesn't it?

WILLIAMSON: Yes, Sir.

BURTON: As you have shown it on your map. So if you begin at the beer bottle corner, you can't back your construction to fit either, can you?

WILLIAMSON: No, Sir. counter 18501

BURTON: You can't make it fit the Spring as you find it today.

WILLIAMSON: No, Sir.

BURTON: And as Mr. Friend found it in 1935.

WILLIAMSON: Apparently it wasn't like Mr. Friend found it in 1935, because we have a slight discrepancy there today.

BURTON: But very slight. You testified within a few varas.

WILLIAMSON: Yes, Sir.

BURTON: Did you find the "B rock" on your survey?

WILLIAMSON: Yes, Sir.

BURTON: What is the appearance of the rock -- does it bear the, actually bear the letter "B"?

WILLIAMSON: There is a B that was inscribed with some sharp instrument.

BURTON: I wonder if you could maybe indicate on a piece of paper the size of the B. Is it a B made by, chiselled out?

WILLIAMSON: No, Sir, I said it was inscribed, with a chaining pin or something similar.

BURTON: A very light mark?

WILLIAMSON: Comparatively light.

BURTON: What would be the aproximate size of it?

WILLIAMSON: Mr. Burton, I don't remember the size of it. As I remember, it was approximately, it was about three months ago, and I honestly don't remember. I'd say the B was approximately like that (makes B on piece of paper). It may be larger and it may be smaller.

BURTON: The lines on it are that size?

WILLIAMSON: Comparatively speaking, yes.

BURTON: You could make out the B, though?

WILLIAMSON: The B is on the rock, yes, Sir.

BURTON: If you will -- do you still have your green pencil?

WILLIAMSON: Yes, Sir.

BURTON: Indicate a point 810 varas East of the rock, and mark that point with a Y. I'd like to talk to you a moment about your Southwest corner of Section 6, Block 23, at which point you report finding a rock mound that you think may or may not be an original corner. Now, how many other rock mounds did you find in that section?

WILLIAMSON: Quite a few.

BURTON: Do you show any of them on your map you returned, here?

WILLIAMSON: No, Sir.

BURTON: Can you tell us, did you tie or reference any of those mounds in?

WILLIAMSON: We cut them in as we passed. There was one mound pointed out by Mr. Cochran that was some two or three hundred varas West of there, and some ten or fifteen varas South, we didn't cut in.

BURTON: How far West?

WILLIAMSON: I'd say two or three hundred varas. I don't remember, we just walked over and looked at it, we didn't measure it.

BURTON: West of the rock mound that you show on your map?

WILLIAMSON: I can show you if you like, the mound would be about...

BURTON: If you will, indicate the approximate point.

WILLIAMSON: It would be over here, about like that (marks map).

BURTON: How far would that be from the fence, the University fence?

WILLIAMSON: It would be further from the fence than it is from what I show for the mound there, by some 30 or 40 varas.

BURTON: So that the distance from the, that mound to the fence would be something like 300 varas or more, you say?

WILLIAMSON: That's the way I remember it. We didn't set the mound in.

BURTON: You didn't tie it in?

WILLIAMSON: No, Sir.

BURTON: Was the mound located on the mesa, or at the foot of it?

WILLIAMSON: It was at the foot of the mesa.

BURTON: Which side of it?

WILLIAMSON: South side.

BURTON: Can you describe it?

WILLIAMSON: It was, I'd say a mound, must have contained 15 to 20 rocks; if I remember correctly, they were about four, six, eight inches in diameter, not particularly stacked, they were more spread out; they were flat. That's my recollection. I've seen so many stone mounds out there, it's easy for me to confuse them, but that's the way my memory serves me.

BURTON: What appearance of age does that mound have?

WILLIAMSON: Well, I'm not one of these experts who can tell you within six months how old a mound is, but I would say that that mound could be anything from 35 to 70-80 years old.

BURTON: It had the appearance of being man-made?

WILLIAMSON: I think it was man-made.

BURTON: Alright,

GRAHAM: May I interrupt? Mr. Williamson, would you simply write in "md." to identify the mound that has been under discussion? Thank you, Sir.

BURTON: I don't want to misunderstand you, so I will try not to state what you testify, but you purport to locate L. W. Durrell's West line of Block 132, and Block 118, do you not?

WILLIAMSON: Yes, Sir.

BURTON: And did you indicate that location? On your map?

WILLIAMSON: Yes, Sir.

BURTON: And at what point do you locate the Northeast corner of Section 13, Block 118 -- your position for that corner is shown on your map, is it not?

WILLIAMSON: Yes, Sir.

BURTON: And, Mr. Durrell was the original locator of Block 118?

WILLIAMSON: Yes, Sir.

BURTON: And he was also the original locator of the fill-in survey between Block 118 and the University block.

WILLIAMSON: Yes, Sir.

counter 48504

BURTON: And what was his East-West distance called from Block 118 to the West line of the University?

WILLIAMSON: 1344.

BURTON: At that point, 1344 varas. Would you indicate that point?

WILLIAMSON: This line to the West line of the University as I show it is 1344 varas from the East line of Block 118.

BURTON: Would you make a green circle at the point 1344 varas East of the Northeast corner of Section 13, Block 118. Do you have it?

WILLIAMSON: Mr. Burton, do you mean the Northeast corner of 13, Block 132?

BURTON: Yes, I think you're correct.

WILLIAMSON: That would be right there (marks map).

BURTON: At that point, East of Section 13, Block 132, where do you land?

WILLIAMSON: You land 1344 varas East of it.

BURTON: And, with reference to the monumented line of the University by Frank Friend.

WILLIAMSON: It's, I don't have the exact distance. Mr. Silliman, in resurveys, did tie those corners together. If I remember correctly, he was about 90 varas South of-- let me check that. He was 1324.4 varas East and 93 varas North. I presume these are correct, because our other calculations checked out pretty good over there.

BURTON: 1324 East. That would be Mr. Friend's position?

WILLIAMSON: No, Mr. Friend's monument is 1324 East, and 90-some varas North of the Northeast corner of 13, in 132.

BURTON: Now, in Durrell's field notes for Section2, Block 192, what is the East-West distance he gives for his North line?

WILLIAMSON: 1344.

BURTON: Alright, and you have indicated that point on your map, also, have you not, with a green dot?

WILLIAMSON: Yes, Sir.

BURTON: Would you mark that point X?

WILLIAMSON: If I can find my green pencil. (marks map)

BURTON: Alright, if you project a line due North from that point, and I would like you to do so, project a line due North from that point X to the South line of Block 140. Would you do that please and indicate the Northern terminus of that line?

WILLIAMSON: Mr. Burton, it would be so close to one that I already have marked, that I don't think it would be possible to differentiate it. It's about at point Z.

BURTON: For all practical purposes, it would be at point Z, yes, Sir. And point Z is, for all practical purposes, the Northwest corner of the University as monumented by Mr. Friend.

WILLIAMSON: Yes, Sir.

BURTON: And that line projected due North from Point X to Point Z, where would it run with respect with point Y?

WILLIAMSON: It would run through the point Y.

BURTON: And the line XYZ, for all practical purposes, is on the line monumented by Mr. Friend... Is that correct?

WILLIAMSON: Yes, Sir, that is correct.

BURTON: I take it that you disagree with running these lines true North, giving true bearings?

WILLIAMSON: Yes, Sir.

BURTON: Now, I would like for you to take the mound that you decided some moments ago was some 300 varas West of the mound reported by you to be the Southwest corner of Section 6, Block 24, and which is indicated on your map now by the letters md., and you describe that mound as being, having the appearance of being 65 - 75 years old, could be that old?

WILLIAMSON: Yes, Sir, it could be, or could be younger.

BURTON: I would like you to assume that that mound is actually located 400 varas West of the, your mound, and project a line through that mound, taking the same bearing which you used to fix the West line of the University, and ask you when that line intersects with the South line of Block 40, at what point will that intersection be?

WILLIAMSON: I'd have to guess at that. I'd say it would be about 375 varas off.

BURTON: It would be very near point B, would it not?

WILLIAMSON: It would be close to it, yes, Sir. counter 48504

BURTON: That is all I have.

RUDDER: Are there others who would like to cross-examine the surveyor? If not, does the proponent desire to further examine the surveyor?

VANDYGRIFF: I'm Alvis Vandygriff. Mr. Williamson, I'll begin with some of the questions that confronted you, by Mr. Bullock. I believe Mr. Bullock had contended that the, if the survey intended to cover a point and didn't, did he survey the area there. I believe there is some point there with respect to the original or tied calls that were called for by Mr. Durrell. Now if Mr. Durrell called for a tie and he didn't go there, do you think he actually surveyed the area?

WILLIAMSON: I don't know. It would call for a conclusion, and, unfortunately, one way of getting grey-headed is trying to reach that conclusion.

VANDYGRIFF: There was some mention of the "B rock corner". Would you elaborate on that just a little bit further? I think you had a little further information, and possibly covered it in your report, but I would like you to tell me what you found at the B rock corner, there.

WILLIAMSON: My first introduction to the B rock was in Rider's report. He stated that he found the B rock in position, and the examination of the field notes that had been written -- in other words, at that time I was examining the Land Office records -- I could not find, in the Land Office, any reference to the B rock, and, frankly, I was a little at a loss to know what, why the rock was present. I did find the B rock, and found it to be as Mr. Rider found it. Then, in the search of the records at the County Surveyor's office in Fort Stockton, I found a set of field notes that called for the B rock. Correction field notes. On this August 3, you know we found two sets of correction field notes. I'd like to have that one in the record especially, because it is not in the Land Office. The only conclusion I could reach after that was the fact that the same day Mr. Durrell discovered that somehow he was wrong, and didn't even make any attempt to file those field notes in the Land Office, but he did place the other notes of record. That's the only conclusion I could reach, because we have two sets of field notes on the same day, one he took the trouble to file, the other he didn't. That's my construction.

VANDYGRIFF: Mr. Burton asked you specifically about the beginning point there? Whether or not you began at the same point that Mr. Thompson calls for. Do you know whether or not Mr. Friend begins at the same point?

WILLIAMSON: No, Sir, I don't know.

VANDYGRIFF: Do you know whether Mr. Thompson actually began at the point that he calls for?

WILLIAMSON: No, Sir.

VANDYGRIFF: Is it a common practice in surveying to begin at some other point, and actually work it in as best you can? To cover the entire area that is to be surveyed?

WILLIAMSON: I don't know what common practice is. I know what my practice is. I usually try to investigate the record to see if somebody hasn't done a whole lot of this work for me. Then I will go to that point where I find that work has been done in a comparative matter of time, and, by a surveyor that I feel is competent, and see if I can begin to pick up what he has found and use that. I find nothing wrong with that proceedure, because eventually I am going to cover most of it, anyhow, and the chronological manner in which I go over a survey is, to me, I don't see that it has any significance.

VANDYGRIFF: There is some reference in the South corner here, there was so much assumed, I'm not exactly positive where you were when you were down at the South point of what is considered your field notes for tract No. 2, that you have returned here. Tell me, with respect to this 1344 vara call East and West, called for by Mr. Durrell, are you familiar with his calls through there?

WILLIAMSON: Mr. Durrell used the passing call of 1344 varas and a North and South call with a declination of either 11° or 11 degrees and 30 minutes, through all of the Corpus Christi and San Diego surveys, all four of them, and through the Tunnell No. 2 -- he used that system. And, if you use his construction, when you get up to 547, then he uses the mathematical equivalent for the South side of Survey No. 1. Mr. Durrell, in one of his reports, recognizes the fact that the University lines were not run off on the same declination that the other surveys were, but he put his 1344 varas for some 8 or 10 miles.

VANDYGRIFF: That would not coincide to the entire series there as being 1344 varas and arrive at the same identical point in a true north and south line on the West line of the University. Is that right?

WILLIAMSON: That's the way I believe Mr. Thompson put it in.

VANDYGRIFF: Mr. Williamson, do you have anything else to offer at this time with respect to the application?

WILLIAMSON: I think not.

counter 48508

VANDYGRIFF: I believe that is all, Mr. Commissioner.

RUDDER: Mr. Brooks, of our staff, has a question.

BROOKS: Mr. Williamson, do the records on file in the Land Office show that anyone has surveyed the West line of these University blocks in question, and positively identified Thompsn corners without qualification?

WILLIAMSON: I don't believe they do, not by the search I have made.

BROOKS: Then, we have nothing in our records to indicate that anyone who came subsequent to Thompsn was willing to embrace anything they found as his, without qualification.

WILLIAMSON: That is my impression, yes, Sir.

BROOKS: We're all in the same boat that you're in.

WILLIAMSON: Yes, Sir. You'll have to remember this. That a surveyor is confronted with a line 18 miles long; that in the entire 18 miles the man put only two monuments with any degree of permanency.

RUDDER: Mr. Graham, of our staff, has a question.

GRAHAM: Mr. Williamson, in the first part of this hearing, reference was made to Friend's report and to Thompson's field notes, which apparently called for a rock on top of the hill. I believe that would be coming off Escondido Spring, probably in Section 1 of Block 21, if I am not mistaken. Now, by running from the present location of the Spring, Thompson's course and distance, does that place you on top of the hill, or does it place you on the side of the hill?

WILLIAMSON: It's on the edge of a mesa. The mesa rises, and goes to the North and the East from that point. It, whether you would call that the top of the hill, I don't want to state that. It is on top of the mesa, it's not on the side of the mesa, because the mesa is a rather abrupt slope. It's certainly not down at the toe of the mesa. I know that Mr. Walker didn't particularly like where they put it, in their determination of that. They called it a hill, I call it a mesa, and it's not, it lacks a long ways of being so far on the mesa that you would get to the center of the mesa. I believe it's on the mesa, yes, Sir.

GRAHAM: Thank you. I have one other question. When you did your work, you had copies of Thompsn's original field notes for the University blocks?

WILLIAMSON: Yes, Sir.

GRAHAM: Where did you get those copies?

WILLIAMSON: Land Office.

counter 48509

GRAHAM: The Land Office, then, has the original copies of the field notes?

WILLIAMSON: No, I got them by copying each separate set out of the envelopes. If you've got the original field books, if you've got them I couldn't find them.

GRAHAM: I was referring to the original field notes.

WILLIAMSON: The original field notes are there, yes,Sir.

GRAHAM: Alright, thank you.

RUDDER: If there is no further questioning, we will excuse you temprarily, Mr. Williamson. Are there any further witnesses?

VANDYGRIFF: Mr. Commissioner, Mr. Clayton Williams, who is an interested party, would like to make a statement and we would like to ask him some questions.

RUDDER: Mr. Williams, will you raise your right hand and be sworn?

BROOKS: Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

WILLIAMS: Yes, Sir. I do. My name is Clayton W. Williams. I was born in Fort Stockton in 1895, and I am the son of O. W. Williams, who was previously mentioned with reference to some of these surveys. He came to Fort Stockton in 1884 as a deputy surveyor. That's only five years after your Thompson's survey. I want to state that I am interested in this affair because we own the N/2 of Survey 600, which adjoins, and the NE corner of which is the Northwest corner of the University Block 26. It is this "beer bottle" corner you were talking about. Now, I am not interested in any vacancy or any excess, simply our own farm, and, as has previously been mentioned, it was my survey which was the last corrected field notes on Survey 600. I'm a little disappointed to find in those field notes, which are of record in the Land Office, that they had no ties to Block 140, and I was almost certain that they did. So, I looked around in my records, and I found -- I don't think it's necessary for me to read the field notes under which my survey was made -- but, in this outline, a copy of field notes that I made...

RUDDER: These are copies of the field notes in the Land Office?

WILLIAMS: No, these are of record in the Pecos County Surveyor's office. I find in that that I have a tie which, I think, is very pertinent to the question here. If you

don't mind, I'll read this. "State of Texas, County of Pecos. Field notes for the Nort part of Survey No. 600, E. J. Carlton, Certificate 850. Field notes of a survey of 761.1 acres of land made for O. W. Williams, and being the North half of said Survey 600, located by virtue of Certificate NO. 850, issued to Mrs. E. J. Carlton by the Commissioner of the General Land Office, September 14, 1881. Beginning at a stake at the Northwest corner of Section 24, Block No. 26, University lands, same being 375 varas East of a large rock at the Southeast corner of Section No. 4, in Block 142, St. L. Ry. Co., from which the West end of Table Hill bears South 45° West; thence South at ___ varas crossing ___ (inaudible) railroad tracks, in all 1864.6 varas to a stake in the West line of said Section No. 24, Block No. 26, 53.41 varas North of the Southwest corner of said Section No. 24." Now, I think, that's not quoting here, I suspect the rest of this would be killing time. There are possibly one or two bearings there, but this will be submitted for the record.

RUDDER: Mark that "Williams Exhibit 1".

WILLIAMS: Then, I wish to say that we did tie in on that corner you have identified, the "beer bottle" corner here. I understand, from Mr. Williamson's information and survey, that the present survey of Mr. Friend is located up in Section 4, Block 142, St. L. In that case, it conflicts and overlaps the survey which I made, and I wish to add here, when I say "we" surveyed there, I was a young boy, and we didn't realize that all these things would come up in the future, and probably we weren't as careful as we should have been. If we had known a question like this would come up where somebody would simply ignore all these established surveys and lines in here, we probably would have taken all kinds of bearings and made all kinds of notations, but the land wasn't worth much money, and it isn't worth much now, unless somebody has an oil well close by. Now, under those circumstances, I'll get back to my saying "we". I had with me A. N. Lea, who has previously been identified here as identifying and recognizing that corner, that Northwest corner of Section 24, Block 26. I also had with me, my Father, O. W. Williams. They paid, not particular attention to this line or that line, they seemed to be familiar with them, and I took their word that that was the corner.

RUDDER: You're speaking of the "beer bottle" corner, Sir?

WILLIAMS: I'm speaking of the "beer bottle" corner. And as I recollect it, there was a very low mound there ___ (inaudible) with a stake in the middle of it. I have no recollection of the beer bottle, but I do remember the other things. And, I can visualize in my mind

as we were going South from that "beer bottle" corner the chainmen were going down the line of the fence, my brother, and -- I have a faint recollection of that-- there was a fence there. And I would also like to bring in the fact that, if Mr. Friend's survey was in 1936 or 1939, I've never been out to the ground since I made that survey, although we own the property. I have a statement from the General Land Office here. April 18, 1941 -- that's four or five years after Friend's survey. I would like to make it an exhibit, and deliver it for identification and make it public property here. I won't read it all, but it says in one part that field notes made by Clayton W. Williams, County Surveyor of Pecos County, based on the survey of March 18, 1921, covering said Section 600, was filed in the Land Office April 16, 1921, and approved by said office April 22, 1921, correcting the acreage in said section from 1280 acres to 1522 acres. Now, it shows, and if you'll read the rest of it you'll find that it calls for no conflict, they don't call any attention to the fact that Friend overlaps. Now, I submit that for record.

RUDDER: Make that Exhibit 2 by Williams.

WILLIAMS: It happened in my files that I also found some correspondence from Stanolind Oil and Gas Company with reference to title and the curing of such. I don't think this is pertinent to the question, but I do have here an affidavit from Ralph Johnson as to that fence on the East side of 600. I wish to submit that, also, for exhibit.

RUDDER: Mark that Williams Exhibit 3.

WILLIAMS: I don't think there is anything else I have to say, except that I am not an expert surveyor. I'm an engineer. I acted as County Surveyor for a short time there, and I have not followed up surveying since that tim e, and I have depended entirely upon these two old surveyors who were familiar with the country and that they recognized that North of the University, the South line of Block 140 as being a common line, and you can see from the field notes that that is used as an East and West line, and all the calls are North and South and East and West, and under those circumstances we run those lines very quickly, but we had a whole lot of time to spend on those subsequent surveys to the West. We had to try to follow each survey and identify the corners in order to avoid any conflict. There didn't seem to be any question as to that South line of 140 and West line of Block 26, University.

RUDDER: Does that complete your statement, Sir?

WILLIAMS: That's right, Sir.

counter 18512

RUDDER: Would anyone, the proponent, care to examine the witness?

VANDYGRIFF: I have a question, Sir.

RUDDER: Alright, Sir.

VANDYGRIFF: Alvis Vandygriff, questioning Mr. Clayton Williams. Mr. Williams, did you hold an official position in Pecos County in the year 1921?

WILLIAMS: Yes, Sir, I was elected County Surveyor in 1920 and served in 1921.

VANDYGRIFF: Mr. Williams, during the course of your tenure as County Surveyor, did you make the survey to which you have reference here? Survey 600?

WILLIAMS: Yes, Sir.

VANDYGRIFF: I believe you touched on it briefly, but will you elaborate upon the fact that you were at what was pointed out to you, the position there, as being what line? Was it identified as a line of...

WILLIAMS: The corner which was 375 varas East of this rock which was the Southeast corner of 4, in Block 94, I mean the corner 375 varas East of that, was represented to me as being the Northwest corner of University Block 26.

VANDYGRIFF: Does that correspond very close to where Mr. Williamson has placed the Southwest corner of Section 24, of the University Block 26?

WILLIAMS: Well, as I followed it, and it's pretty hard to follow all these imaginary lines that the lawyers have put us through here, and I finally gave up. What I'm talking about was actually on the ground, at that time.

VANDYGRIFF: Mr. Williams, in the course of your tenure of office as County Surveyor, do you also recall being called upon the survey a townsite in the Nort part of the South half of Section 600, in Pecos County?

WILLIAMS: I was hired by a fellow by the name of Grant, who had bought the North half of the South half of Survey 600, to draw him up a plat or a townsite plat.

VANDYGRIFF: Did you draw such a plat?

WILLIAMS: Yes, Sir.

VANDYGRIFF: I hand you here and ask you to identify it as a copy of the plat that you drew up.

counter 48513

WILLIAMS: Yes, Sir, that's a copy of the plat which I drew up, and it has my name on there as County Surveyor.

VANDYGRIFF: There is the date of...

WILLIAMS: It's dated July 2, 1921. Signed by me.

VANDYGRIFF: Was that a part ofthe official records of Pecos County?

WILLIAMS: I believe I saw this in the county records the other day, and they have borrowed it, or somebody has borrowed it from the county records and brought it up here for use.

VANDYGRIFF: Would you examine this instrument and tell me whether or not it clearly depicts what your records revealed as being the distance East and West of the South half of the, the North part of the South half of Section 600, so faras distance is concerned.

WILLIAMS: That reveals correct distances as we had it at that time. You remember I told you we had to make the adjoining survey, too, and this, of course, is in the survey in which we sent in corrected field notes, and this is made up under the footage based on that survey.

VANDYGRIFF: Would the Northeast corner of this townsite as you have indicated it be approximately 375 varas East of a line due South of the Southwest corner of Section 3, Block ____(inaudible).

WILLIAMS: I would say the East line of this subdivision, the extremity shown here, would be on the extension of the South line from the "beer bottle" corner.

VANDYGRIFF: Is that the line which you have identified as the University block line?

WILLIAMS: No, Sir.

VANDYGRIFF: We offer this in evidence as Proponent's exhibit, and ask, please if we could substitute a copy thereof, because this happens to be the county record. That is all for the proponents.

WILLIAMSON: Mr. Williams, I am Mr. Williamson, which probably adds to the confusion. But, did you state that when you and A. N. Lee and your father went on the ground to make this survey, that at the point that they pointed out as being the Northwest corner of 24 in Block 26 of the University land, that there was still a remnant of an earth mound? Did I understand that correctly?

WILLIAMS: Yes, Sir, there was still a remnant of an earth mound, and there was a stake.

counter 18514

WILLIAMSON: That's all. Thank you.

RUDDER: Does anyone wish to cross-examine Mr. Williams? Mr. Brooks has a question.

BROOKS: Mr. Williams, at the time that you discussed having been out there to make the survey of the Survey No. 600, or any time thereafter, did you ever personally see a Thompson original corner that you could identify?

WILLIAMS: As I told you before, I was going simply upon the observation and experience of my predecessors, and they were with me, O. W. Williams, who had surveyed there since 1884, and A. N. Lea, who has been mentioned as establishing or identifying that corner.

BROOKS: So you accept that as a matter of reputation, then?

WILLIAMS: Yes, Sir.

BROOKS: Were you aware at any time that any representtives of the University in an official capacity acquiesced in that reputation?

WILLIAMS: I don't understand your question.

BROOKS: Did anyone from the University ever communicate to you or indicate in any way that they accepted the line that was pointed out to you by your father and Mr. Lea as being the West line of the University block?

WILLIAMS: Well, we could reverse that question just as well, I don't see any reason why we should stand to order here just because the University says this or that or the other.

BROOKS: I'm trying to determine whether they ever acquiesced in it to your knowledge.

WILLIAMS: They could have, and could not. Not to my knowledge have they done anything.

BROOKS: Thank you.

RUDDER: Does anyone else have any questions? Thank you, Mr. Williams. Do the proponents have any further witnesses?

VANDYGRIFF: We would like to call Mr. Shirriffs. Mr. Shirriffs, would you come down and be sworn?

RUDDER: Mr. Shirriffs, will you raise your right hand and be sworn?

BROOKS: Do you solemnly swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

SHIRRIFFS: Yes, Sir. counter 48515

VANDYGRIFF: I am Alvis Vandygriff, interrogating Mr. William S. Shirriffs. Mr. Shirriffs, you have been sworn. You are an employee of the General Land Office?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: How long have you been employed at the Land Office?

SHIRRIFFS: Twenty years.

VANDYGRIFF: Twnety years. Were you an employee during the month of July, 1929? July, 1939? Let me correct that. Were you an employee on April 18, 1939?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: What was your official position at that time?

SHIRRIFFS: Head of the drafting department.

VANDYGRIFF: Was it within your jurisdiction to examine field notes or cause them to be examined that were submitted to the office for approval?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: Did you have occasion to examine or have examined the field notes that were submitted by Mr. Frank Friend, Special Surveyor from San Angelo , Texas, as the University blocks 21 through 26?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: I hand you the book which has been identified as Volume 15, and inside the fly-leaf I will ask you to identify this yellow copy of a letter as to whether or not you dictated that letter.

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: What does that letter say? Would you read it, please?

SHIRRIFFS: Dated April 18, 1939. Mr. Frank F. Friend, Special Surveyor, San Angelo, Texas. Dear Sir: I have received Book UT, Volume 15, containing field notes for all sections in Blocks 21, 22, 23, 24, 25 and 26, University lands, in Pecos County, and this is to advise you that I have signed the certificate and affixed the seal of this office thereon, as of April 13, 1939."

VANDYGRIFF: Mr. Shirriffs, do you have any recollection as to what examination was conducted with respect to Mr. Friend's field notes?

counter 10516

SHIRRIFFS: To the best of my knowledge, they were checked and approved as to acreage and closure, only.

VANDYGRIFF: Acreage and closure, only. Was there any attempt made to determine whether or not there were any joinders calls or any connecting calls in any of Mr. Friend's notes?

SHIRRIFFS: I wouldn't know that.

VANDYGRIFF: As to construction within the field, or within the area there? As to surrounding surveys?

SHIRRIFFS: As to whether there were adjoinder calls?

VANDYGRIFF: Yes, Sir.

SHIRRIFFFS: I don't remember that.

VANDYGRIFF: Now, is it the custom on submitting field notes of any kind coming into the Land Office to determine whether or not they comply with the construction as previously interpretted by the Land Office?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: Is that the usual custom?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: Was that the custom followed in this particular case?

SHIRRIFFS: I believe it was.

VANDYGRIFF: With respect to construction as to surrounding surveys?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: Then you did actually make a determination here that these surveys, as they were submitted by you, corresponded with the Land Office interpretation of the area. Is that right?

SHIRRIFFS: Yes, Sir.

VANDYGRIFF: Then it was not just the closure and course and distance that was checked. They were actually checked. Is that right?

SHIRRIFFS: Yes, Sir. We didn't go into an extensive examination.

VANDYGRIFF: Was there any examination to determine as to whether or not they were in conflict with any existing surveys?

SHIRRIFFS: I believe not.

counter 48517

VANDYGRIFF: You don't think that there was any made determining whether or not they were in conflict with any existing surveys?

SHIRRIFFS: No, Sir.

VANDYGRIFF: Did you find that these field notes, in the examination, and I realize this was a long time ago, Mr. Shirriffs, in the examination, did you find that in these field notes there were any calls for any other blocks, or adjoining blocks in the area?

SHIRRIFFS: I don't remember that.

VANDYGRIFF: That is all.

RUDDER: Anyone else to question Mr. Shirriffs? Are there any other witnesses to present at this time?

BURTON: I am Harris Burton. I would like to reference into the hearing field notes of Survey 601, signed by L. W. Durrell, dated August 3, 1882, wherein will be found a call for the "B rock". Survey 601, E. J. Carlton Survey, filed 3/8/20.

RUDDER: It is hereby accepted. At this time we will have closing statements by the proponents of the alleged vacancy if they care to make one. Do the opponents have a closing statement that they would like to make at this time? If there is nothing else to be presented at this time, the hearing is hereby closed.

****

IT BEING 4:55 O'CLOCK P.M., THE HEARING WAS ADJOURNED.

****

counter 18518

EXHIBITS FROM HEARING

S. F. 15880

SURVEYOR'S EXHIBITS

Exhibit A: Print of plat of University blocks 21 to 26, Pecos County, of survey made by Frank F. Friend, in June, July and August, 1936, plat dated January 19, 1939, and drawn by J. A. Conklin.

Exhibit B: Certified photostatic copy of portion of a plat of located line of the Panhandle & Gulf Railway through State Lands, Public School and University, filed in County Clerk's records of Pecos County.

Exhibit C: Pencil working sketch by Surveyor Williamson of Thompson's original #18.

Exhibit D: Photostatic copy of patent No. 238, Vol. 32-A, covering land covered by S. F. 12978, in Pecos County, issued January 27, 1927.

Exhibit E: Photostatic copy of corrected field notes of Survey No. 600, for 1280 acres of land, surveyed by L. W. Durrell, Deputy Surveyor of Pecos County, recorded in County Surveyor's records in Book A, No. 3, page 268 (1st set based on survey dated August 3, 1882).

Exhibit F: Photostatic copy of corrected field notes of Survey 600, for 1280 acres of land, surveyed by L. W. Durrell, Deputy Surveyor of Pecos County, recorded in County Surveyor's records in Book A, No. 3, page 275 (2nd set based on survey dated August 3, 1882).

Exhibit G: Photostatic copy of corrected field notes of Survey 600, for 1280 acres of land, surveyed by L. W. Durrell, Deputy Surveyor of Pecos County, recorded in County Surveyor's records in Book A, No. 3, page 303 (based on survey dated November 27, 1883).

OPPONENTS' EXHIBIT A (introduced by Maurice R. Bullock, Attorney):

Photostatic copy of corrected field notes of Survey No. 600, for 1280 acres of land, surveyed by L. W. Durrell, in County Surveyor's records in Book A, No. 3, page 268.

Pecos Co Rld SK 147

counter 48519 A'

PHILLIPS' EXHIBITS (OPPONENT'S)

Exhibit #1: Photograph

Exhibit #2: Photograph

Exhibit #3: Photograph

Exhibit #4: Photograph

Exhibit #5: Print of Surveyor Williamson's plat of survey made under this application, with markings by Williamson added thereto during hearing.

PROPONENT'S EXHIBIT:

Photostatic copy of plat of The Town of Grant, Pecos County, Texas, based on a survey made by Clayton W. Williams, County Surveyor of Pecos County, dated July 2, 1921.

WILLIAMS' EXHIBITS

Exhibit #1: Field notes for the N/2 of Survey No. 600, made by Clayton W. Williams on March 18, 1921, and recorded in the County Surveyor's records in Book A-3, page 314.

Exhibit #2: Certificate of Facts covering Section 600, dated April 18, 1941, for Mr. L. C. Link, Petroleum Building, Midland, Texas.

Exhibit #3: Affidavit of Ralph Johnson, setting forth affiant's possession of N/2 of Section 600 and ownership by Judge O. W. Williams, dated April 23, 1941.

Filed with exhibits, but not entered as exhibit: sketch made during hearing by Surveyor Williamson of B on Durrell rock for corner of Survey 160 (see field notes of August 3, 1882).

counter 48520

A2

University Land Block 26

University Land Block 24

University Land Block 25

University Land Block 23

University Land Block 21

University Land Block 22

TO FORT STOCKTON

TO SHEFFIELD

U.S. FORT STOCKTON & McCAMEY HIGHWAY

T. & P. R. R.

T. C. & McCAMEY

WM

1900.8

West 6861.5

North 15531

W. 11000 West Escondido Spring

W. 4048.0

S. 1940

S. 1954.5

S 0° 24' E 1907.9

2043.0

1768.8

26800

DURRELL'S PEAK

Texas & St. Louis Ry. Co. Block 125

University Land Block 19

Fort Stockton

ISOGONIC CHART & MERIDIAN CHANGES

Scale 1 inch = 4000 varas

Exhibit A.
by Fred Williamson

UNIVERSITY LANDS
BLOCKS 21 TO 26
PECOS COUNTY TEXAS

Scale 1 inch = 1000 varas

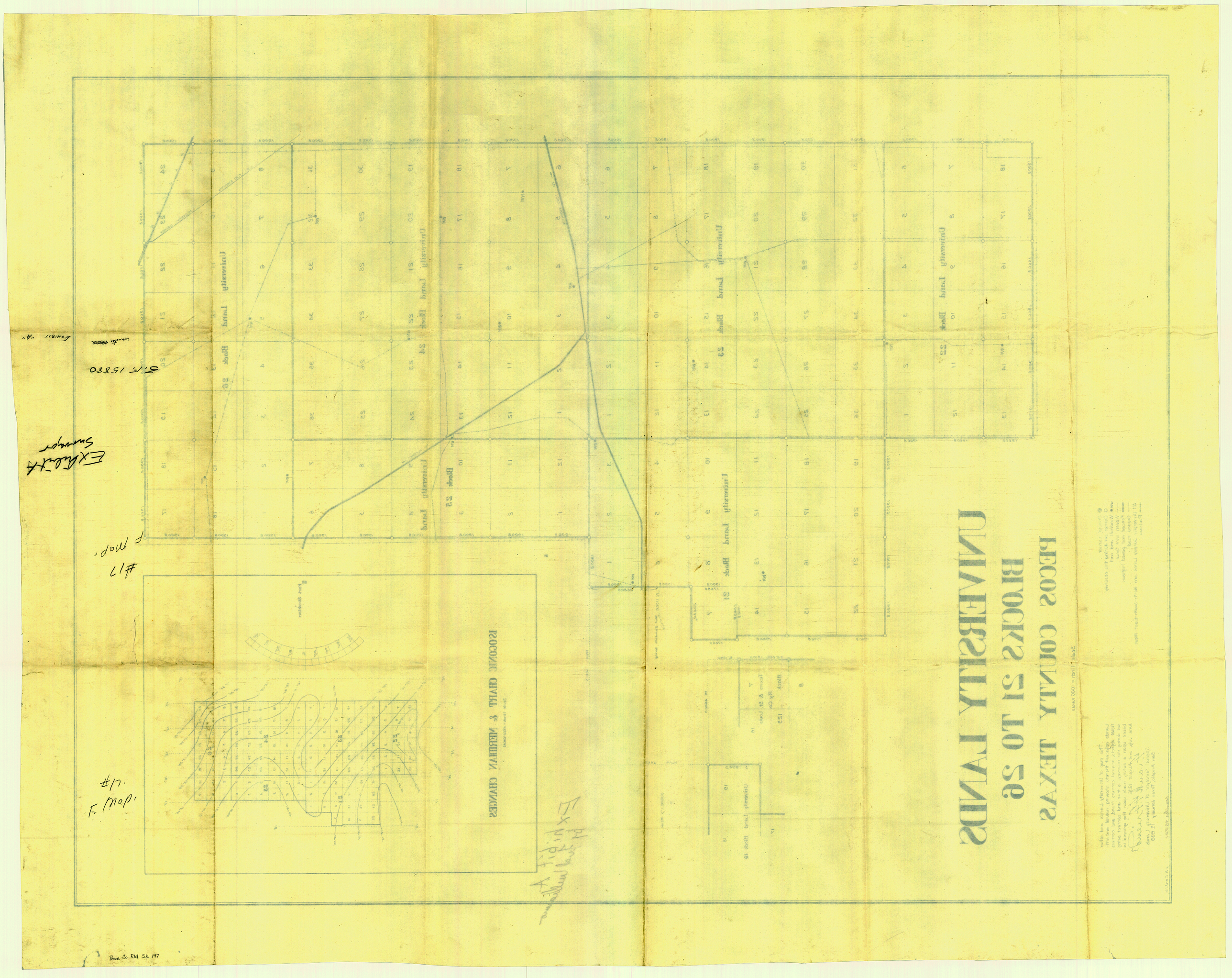
◎ Original corner
○ Corner set during this resurvey
WM● Windmill and well
~~~~ Woven wire fence
═══ Fenced and paved highway
—— Graded road
All University Survey Lines are North-South-East-West
—— Railroad

This map of University Lands and other Lands adjacent thereto showing natural and artificial objects, original corners found, and corners set during this resurvey, is true and correct being based upon a survey made upon the ground in June, July, and August 1938.

Frank H. Friend
Special Surveyor of University Lands
San Angelo, Texas January 19, 1939

counter 78521

J.A. Conklin
~~~~



PECOS COUNTY TEXAS
BLOCKS 21 TO 26
UNIVERSITY LANDS
Scale 1 inch = 1000 Varas
Exhibit "A"
S.F. 15880
Exhibit A
Surveyor
#17
F. Map.
#17
F. Map.
Pecos Co Rld Sk 147

THE STATE OF TEXAS)

COUNTY OF PECOS)

I, Delmon Hodges, County Clerk in and for Pecos County, Texas do hereby certify that the foregoing pages do contain a true and correct copy of a portion of a map or plat filed in the Deed Records of Pecos County, Texas, in Volume 12, Page 251,

IN TESTIMONY WHEREOF, Witness my hand and seal of office, at office in Fort Stockton, Texas, this the 4th day of April, A. D. 1957.

Delmon Hodges, County Clerk,
Pecos County, Texas.

counter 48523

THE STATE OF TEXAS)

COUNTY OF PECOS)

I, Delmon Hodges, County Clerk in and for Pecos County, Texas do hereby certify that the foregoing pages do contain a true and correct copy of a portion of a map or plat filed in the Deed Records of Pecos County, Texas, in Volume 12, Page 251.

IN TESTIMONY WHEREOF, Witness my hand and seal of office, at office in Port Stockton, Texas, this the 4th day of April, A. D. 1957.

#20

Delmon Hodges, County Clerk,
Pecos County, Texas.

Exhibit B
by Surveyor

S.F. 15880

counter 48529

Pecos Co Rld SK 147

O = stone.

◎ = stone md.

nothing = stake.

□ = Earth mound. : EM = Earth mon.

⊡ = st. mon. 3 high 6" base.

J.W. = Joseph Wyall - chain
J.F. = " Fletcher. "
L.W = Leo. Worthington "
C.E = Chas. Eanes.
J.G. = James Gitton
J. Mc. = James McNeill
J.D = Jim Denton.

counter 485 25

#18
Thompson
Orig

#18
Thompson

Exhibit C
by Surveyor

S.F. 15880

counter 48526

Pecos Co Rld SK 147

PATENT RECORD

The Dorsey Company, Stationers, Dallas, Texas—2355

Vol. Thirty-Two A No. 238

IN THE NAME OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

KNOW YE, I, Dan Moody Governor of the State aforesaid, by virtue of the power vested in me by law and in accordance with the laws of said State in such case made and provided, do by these presents Grant to I. T. Pryor, Jr., His heirs or assigns, forever, One Hundred Fifty-Seven & 18/100 (157.18) acres of Land, situated and described as follows: Pecos County, known as Survey No. 5½, Block 5, S.F. 12978, I. T. Pryor, Jr., about 11 miles N. 63 degrees E. from the County seat.

Bought and fully paid for on the application of I. T. Pryor, Jr., filed in the General land office January 5, 1927, under the laws regulating the sale of Public Free School Land.

Beginning at a rock mound set for the N.E. Cor of this Sur., in the W line of Sur 8, Block 26, University Lands, N 0 degrees 56 minutes E 251.3 feet, or 90.5 Vrs., from the S W Cor of said Sur8;

Thence S 0 degrees 56 minutes W., with W line of said Sur 8 and Surs 31 and 30, Block 24, Univ Lands., at 2006.8 Vrs passing a rock mound found at joint Cor of said Surs 31 and 30, at 2754.9 Vrs rock Md set for S E Cor of this Sur.;

Thence S 87 degrees 49 minutes W 301.9 Vrs to an old rock mound found at the S E Cor of Sur 5, Block 5, T C Ry Co Surs., and the S W Cor of this Sur., the S line of this Sur being a continuation of the S line of said Sur 5 as located on the ground;

Thence N 0 degrees 07 minutes E., with E line of said Sur 5 as located on the ground, 2769.2 Vrs to a rock mound found at the N E Cor of said Sur.5, for the N W Cor of this Sur.;

Thence N 89 degrees 55½ minutes E., in continuation of N line of said Sur 5, as located on the ground, 340.8 Vrs to the place of beginning.

One-sixteenth of the oil and gas and all of other minerals that may be in the above described land are expressly reserved to the public free school fund.

Hereby relinquishing to Him, the said I. T. Pryor, Jr., and his heirs or assigns, forever, all the right and title in and to said Land heretofore held and possessed by the said State, and I do hereby issue this Letter Patent for the same.

IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed, as well as the Seal of the General Land Office. Done at the City of Austin on the twenty-seventh day of January in the year of our Lord One Thousand Nine Hundred and Twenty-Seven.

Dan Moody (Seal)
Governor.

J. T. Robison (Seal)
Commissioner General Land Office.

S.F. 12978
*

Filed for record the 5 day of Feb. A.D. 1927, at 9 o'clock A M. and recorded the 7 day of Feb. A.D. 1927, at 9 20 A M

H L Winfield
County Clerk, County, Texas.

By Myrtle Moore Deputy.

*Certificate of Land Commissioner.

counter 48527

S.F. 12978

Ex "D"

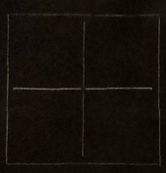
Ex D. by Williamson

Fn. in SF 12978

S.F. 15580

county 78528 Pecos Co Rd Sk 147

268 For Original Field Notes See Page 164
for 2d Correction of this Field Note See Page 275



Scale 4000 vs. per inch.
Variation 11° East.

The State of Texas,

County of Pecos
~~Pecos Land District.~~

Survey No. 600
Block No.

Corrected
Field Notes of a Survey of ~~640~~ 1280 Acres of land made for

The State of Texas

it being the quantity to which it is entitled
By virtue of Confederate Certificate No. 850 issued by the Commissioner of the General Land Office, on the 14 day of September 1881 To Mrs E.J. Carlton for 1280 acres of Land

Said survey is No. 600 ~~in block No.~~ in Pecos County, Texas, situated on the waters of Comanche Creek, a tributary of the Pecos river, about miles from

Beginning at an Earth Mound at the North West Corner of Survey No. 24 Block No. 26 University Lands for the North East Corner of this Survey Thence South in the West Lines of Surveys No. 24, 9 and 8 in Said Block No. 26, 4915 Varas to a rock Marked "C" for the South East Corner of this Survey Thence West 810 Varas to a rock marked B for a South West Corner of this Survey — Thence North 1115 Varas to a rock Marked E for inside Corner of this Survey — Thence West 1090 Varas to a Stake and Mound for a South West Corner of this Survey — Thence North 146 Varas to a Stone Marked A for an inside Corner of this Survey — Thence West 746 Varas to the South East Corner of Survey No. 70 made in name of C. Saverd — Thence North 950 Varas to the North East Corner of Said Survey No. 70 and the South West Corner of Survey No. 20 Block No. 5 for a North West Corner of this Survey — Thence East 1900 Varas to the South East Corner of Said Survey No. 20 for inside Corner of this Survey — Thence North 1900 Varas to the North East Corner of Said Survey No. 20 for inside Corner of this Survey — Thence West 1154 Varas to a Rock Marked D for a South West Corner of this Survey — Thence North 804 Varas to a Stake and Mound in the South line of Survey No. 34 in Block No. 140 made in name of The Texas and St Louis Ry. Co. for the North West Corner of this Survey — Thence East at 1525 Varas the South East Corner of Said Survey No. 34

1900 Varas to the place of beginning.

Bearings marked Surveyed August 3d 1882.

Olney Jacobs
Feliciano Reyes } Chain Carriers.

I, L. W. Durrell, Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made ~~on the ground~~ according to law, in the field and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.

L. W. Durrell
Deputy Surveyor Pecos County.

I, E. W. Bates, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my office in Book A No. 3 page 268

Given under my hand, at Ft Stockton this 4 day of August 1882.

E. W. Bates
County Surveyor Pecos County.

Exhibit E

Surveys

S. F. 15880

counter 48530

Pecos Co Rld Sk 147

For Original Field Notes see Page 164 & Correction on 275
Page 168
For 2d Correction See Page 303



Scale 4000 vs. per inch.

Variation 11° East.

The State of Texas,

County Pecos

~~Pecos Block 1 District~~

Survey No. 600

Block No.

Corrected 1280

Field Notes of a Survey of ~~640~~ Acres of land made for

The State of Texas

it being the quantity to which Corrected is entitled

By virtue of Certificate No. 850 issued by the Commissioner of the General Land Office, on the 14 day of September 1881. To Mrs E. J. Carleton.

Said survey is No. 600 in ~~block No.~~ in Pecos County, Texas, situated on the waters of Comanche Creek, a tributary of the Pecos river, about miles from

Beginning at an Earth Mound at the North West Corner of Survey No. 24 Block No. 26 University Lands, for the North East Corner of this Survey

Thence South 3800 Varas to the South West Corner of Survey No. 9 in said Block No. 26 for the South East Corner of this Survey — Thence West 1900 Varas to a State Mound for the South West Corner of the Survey

Thence North 146 Varas to a Stone Smoked A for inside Corner of this Survey — Thence West 408 Varas to State Mound for a S.W. Corner of this Survey — Thence North 950 Varas to a State Mound for a North West Corner of the Survey

Thence East 612 Varas to the S.E. Corner Survey No. 20 Block No. 3 T.C. Ry Co. — Thence North 1900 Varas to N.E. Corner of Same — Thence West 204 Varas to Rock Mound for a S.W. Corner of this Survey — Thence North 804 Varas to State Mound for the North West Corner this Survey

Thence East at 1525 Vrs. the S.E. Corner Survey No. 34 in Block No. 14 T. & St Louis Ry Co. 1900 Varas to the place of beginning.

Bearings marked Surveyed August 3d 1882.

Edney Jacobs

Felician Rees

Chain Carriers.

I, L. W. Dunnam, Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made ~~on the ground~~ in the field according to law, and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.

L. W. Dunnam

Deputy Surveyor Pecos County.

I, E. W. Bates, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my office in Book A No. 3 page 275

Given under my hand, at Ft Stockton this 31st day of August 1882

E. W. Bates

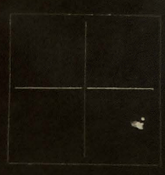
County Surveyor Pecos County.

Exhibit
F
Surveyor

S. F. 15850

counter 48532 Pecos Co Rld Sk 147

For Original note See Page 164
For 1st Correction See Page 268
For 2nd " " Page 275
For 3rd " See Page 311



The State of Texas,

Pecos Land District.

Survey No. 600

Block No.

Corrected

Field Notes of a Survey of ~~640~~ 1280 Acres of land made for The State of Texas

Scale 4000 vs. per inch.
Variation East.

it being the quantity to which it is entitled By virtue of Confederate Certificate No. 850 issued by the Commissioner of the General Land Office, on the 14th day of September 1881. to Mrs E. J. Carleton

Said survey is No. 600 in block No. in Pecos County, Texas, situated on the waters of Commanche Creek, a tributary of Pecos river, about miles from

Beginning at an earth mound at the North West Corner of Survey No. 24 Block No. 26 University Lands for the North East Corner of this survey — Thence South 3800 varas to the South West Corner of Survey No. 9 in said Block No. 26 for the South East Corner of this survey — Thence West 904 varas to a stake and mound in the East Line of Survey No. 601 made by virtue of same certificate — Thence North 125 varas to the North East Corner of said survey No. 601 — Thence West 996 varas to an earth mound for the South West Corner of this survey — Thence North 950 varas to a stake & mound. Thence East 204 varas to the South East Corner of Survey No. 20 Block No. 5 T. C. Ry Co. Thence North 1900 varas to the North East Corner of said survey No. 20 Thence West 204 varas to a stake and mound — Thence North 152 varas to a stake and mound — Thence West 761 varas to a stake & mound — Thence North 673 varas to a stake & mound for the North West Corner of this survey — Thence East in the South Lines Surveys Nos 35, 34 and 33 at 2286 varas passing a large earth Monument built for S. E. Corner No. 34 Block No. 140 Lex & St Louis Ry Co.

2661 varas to the place of beginning.

Bearings marked

Surveyed November 27 1883

Joe Brown
Dolores Gonzales } Chain Carriers.

I, L. W. Durrell, Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made on the ground according to law, and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.

L. W. Durrell
Deputy Surveyor Pecos County.

I, E. W. Bates, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my office in Book A No. 3 page 303

Given under my hand, at Ft Stockton this 5th day of April 1884

E. W. Bates
County Surveyor Pecos County.

By L. W. Durrell
Deputy Surveyor Pecos Co.

counter 48533

Exhibit

G

Surveyors

S. F. 15880

counter 18534

Pecos Co Rld Sk 147

PECOS CO. RECORDS VOL-A-3-P.268

268 For Original Field Notes See Page E 164
for a Correction of this Field Note See Page 275

26

The State of Texas,

County of Pecos
~~Pecos Land District.~~

Survey No. 600

Block No.

Corrected

Field Notes of a Survey of ~~640~~ 1280 Acres of land made for

The State of Texas

it being the quantity to which it is entitled

By virtue of Confederate Certificate No. 850 issued by the Commissioner of the General Land Office, on the 14 day of September 1881 To Mrs E.J. Carlton for 1280 acres of Land

Scale 4000 vs. per inch.
Variation 11° East.

Said survey is No. 600 ~~in block No.~~ in Pecos County, Texas, situated on the waters of Comanche Creek, a tributary of the Pecos river, about miles from

Beginning at an Earth Mound at the North West Corner of Survey No. 24 Block No. 26 University Lands for the North East Corner of this Survey Thence South in the West Lines of Survey Nos 24, 9 & 8 in Said Block No. 26, 4915 Varas to a rock Marked "C" for the South East Corner of this Survey Thence West 810 Varas to a rock marked B for a South West Corner of this Survey — Thence North 1115 Varas to a rock Marked E for inside Corner of this Survey — Thence West 1090 Varas to a Stake and Mound for a South West Corner of this Survey — Thence North 146 Varas to a Stone Marked A for an inside Corner of this Survey — Thence West 746 Varas to the South East Corner of Survey No. 70 made in name of C. Savers — Thence North 950 Varas to the North East Corner of Said Survey No. 70 and the South West Corner of Survey No. 20 Block No. 5 for a North West Corner of this Survey — Thence East 1900 Varas to the South East Corner of Said Survey No. 20 for inside Corner of this Survey — Thence North 1900 Varas to the North East Corner of Said Survey No. 20 for inside Corner of this Survey — Thence West 1154 Varas to a Rock Marked D for a South West Corner of this Survey — Thence North 804 Varas to a Stake and Mound in the South line of Survey No. 34 in Block No. 140 made in name of The Texas and St Louis Ry. Co. for the North West Corner of this Survey — Thence East at 1525 Varas the South East Corner of Said Survey No. 34

1900 Varas to the place of beginning.

Bearings marked Surveyed August 3d 1882.

Olney Jacobs
Feliciano Reyes } Chain Carriers.

I, L. W. Durrell, Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made ~~on the ground~~ according to law in the field and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.

L. W. Durrell
Deputy Surveyor Pecos County.

I, E. W. Bates, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my office in Book A No. 3 page 268

Given under my hand, at Ft Stockton this 4 day of August 1882.

E. W. Bates
County Surveyor Pecos County.

COUNTY RECORDS - BK. A-3 - P. 268
counter 48535

Exhibit #A
Opponents -

600

746
408
338

3800
1599
5399

612
338
950

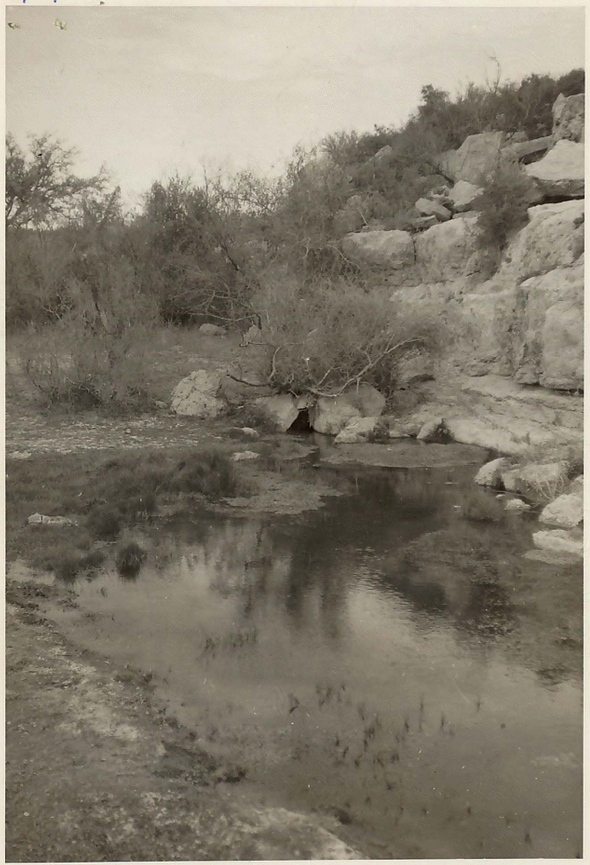
950
204
1154

3800
1599
301
5700

Pecos Co Rld SK 147

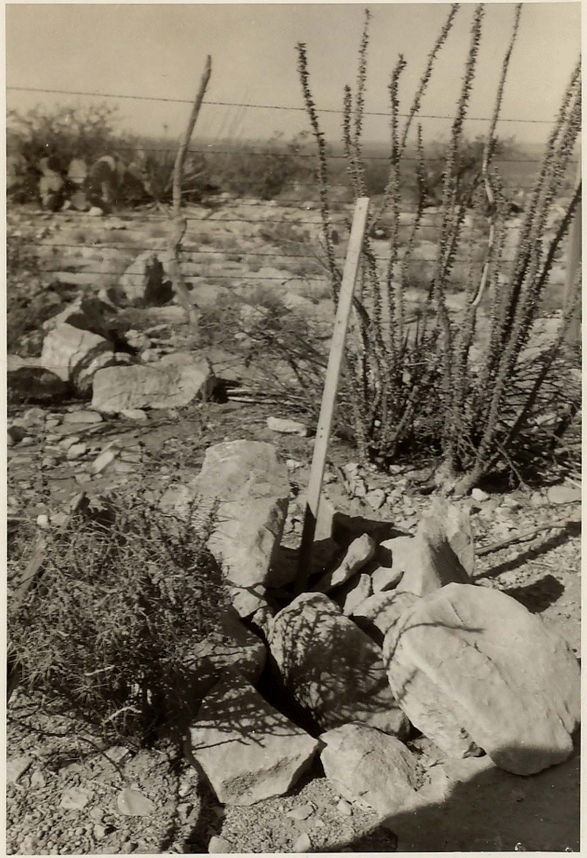
S.F 15880
counter 48536

1-7





1-1



Counter 42537



Phillips' Exh. #1
Opponents

S.F. 13880

Rk. Md. called for by Rider at NW. 30 Blk. 24 UTL in 1926

Phillips Exh. #2
Opponents —

Phillips' Exh. #3
Opponents.

3-28-57
Spry
Pecos Co Tex

I 20 H

At SE Cor UTL Blk 23 some 50 v. W of fence on S rim of E-W hill. Cluster of rocks one standing appear to have been set up recently but taken by F. Williamson as a Thompson md.

Head of West Escondido Spring.
(Dec. 1956)

Phillips Exh. #4
Opponents -

counter 48538

I, FRED WILLIAMSON, LICENSED STATE LAND SURVEYOR,
DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS
A SURVEY MADE BY ME ON THE GROUND IN NOV. & DEC., 1956
AND JAN., 1957.

Fred Williamson

I, Jack Silliman, County Surveyor of
Pecos County Texas, hereby certify that
a copy of this Plat is recorded in
Vol. 12, Page 381 of the Surveyors
Records of Pecos County, Texas.

Filed in G.L.O. Esp. 14, 1957.
Surv. by Fred Williamson, Nov. & Dec. 1956

R.R. S.E. 12880 E.H.Cox

PECOS CO. RLD. SK. # 142

SF 15880 PECOS COUNTY
1"=1000vs. Dec. 11°35'

Granted 78539

BLOCK 23 UNIVERSITY

BLOCK 25 UNIVERSITY

BLOCK 24 UNIVERSITY

BLOCK 26 UNIVERSITY

T & St. L. Ry. Co. Blk. 140

T & St. L. Ry. Co. 144

T & St. L. Ry. Co. Blk. 132

Blk. 118 T & St. L Ry. Co. DURRELL 1881

BLOCK 5 - T C Ry. Co.

C C S D & R G N G R R CO. BLK. 172
DURRELL 1882

CORR. SILLIMAN 1950

W.B. TUNNELL - 1/198 - 550520 - BY DURRELL 1883 - 11°

E. CARLETON - 600
S 33440
ORIG. 1881 BY NELSON CORR. 1882-1883 BY DURRELL
CORR. 1921 BY CLAYTON WILLIAMS 3/4 I.P.

STONE MOUND
STONE MOUND CALLED FOR BY THOMPSON
STONE MOUND BY RIDER 1926
STONE BY LEA NKD
FENCE
F.F. MON.
F.MON.
F.MON. NKD
STONE MOUND (?)
STONE MOUND CALLED EARTH MOUND BY THOMPSON 1879
"BEER BOTTLE" COR.
"MOOR. 24-26
DURRELL CALLS 375 V. IN 1881
LINE BETWEEN FRIEND MONUMENTS, IN RED
"AM." BY DURRELL -1881
ROCK RECOVERED LEA, RIDER ET AL
S.F. 3A-72
R.F. 103
SF 12978

HOPE CALLED ORIG. (WW)
STONE MOUND (WW)
"HOPE CALLS ORIG. IN 1910
STONE MOUND 21X; BEARINGS
"MESCAL OVEN"
ONE LARGE ROCK IN
OLD STAGE HOUSE
MONDIDO SPRING

N. 89°39E. - 13299
N. 89°41'E - 13286.8
N. 89°50'E - 13,289.6
N. 89°53'E - 13,288.4
N. 89°56'E. - 11,331
S. 89°27'E. - 11,378
N. 89°13'E - 3920.8
N. 1°01'E. - 3744.2
N. 00°35'E. - 3753.8
N. 1°07'E. - 1871.8
N. 00°39'E. - 1897.2
S. 00°25'E. - 3828.0
S. 00°18'W. - 3789
S. 00°04'W
S. 00°28'E. - 8202.5
SOUTH - 8191.2 CALL - S8115.2
1753.5
159.8
1880.2
1918.2
1914.1
1910.9
1807.7
1821.9
1917.4
1916.8
1915.9
3856.6
3856 BY WILLIAMS
CALL 5372
CALL 1344
CALL 950
CALL 1344
CALL 5372
CALL
335.1 ACRES
1883
1907
1926
1927
1879
1876
1881
1950
1882
1907
1907
1907

PECOS CO. RLD. SK. # 145

Re. S.F. 15880 E.H.Cox

Surv. by Fred Williamson, Nov. & Dec. 1956

Filed in G.L.O. Feb. 14, 1957

STATE OF TEXAS
COUNTY OF PECOS

I, Jack Gillingham, County Surveyor of Pecos County, Texas, do hereby certify that this plat is a correct representation of the survey made by me on the ground in Nov & Dec., 1956 and that the corners and boundary lines are as shown thereon.

Witness my hand and seal this 8th day of Jan., 1957.

Jack Gillingham
County Surveyor
Pecos County, Texas

STATE OF TEXAS
COUNTY OF PECOS

I, FRED WILLIAMSON, LICENSED STATE LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME ON THE GROUND IN NOV & DEC., 1956 AND JAN., 1957.

Fred Williamson

BLOCK 52 UNIVERSITY

BLOCK 54 UNIVERSITY

BLOCK 52 UNIVERSITY

BLOCK 52 UNIVERSITY

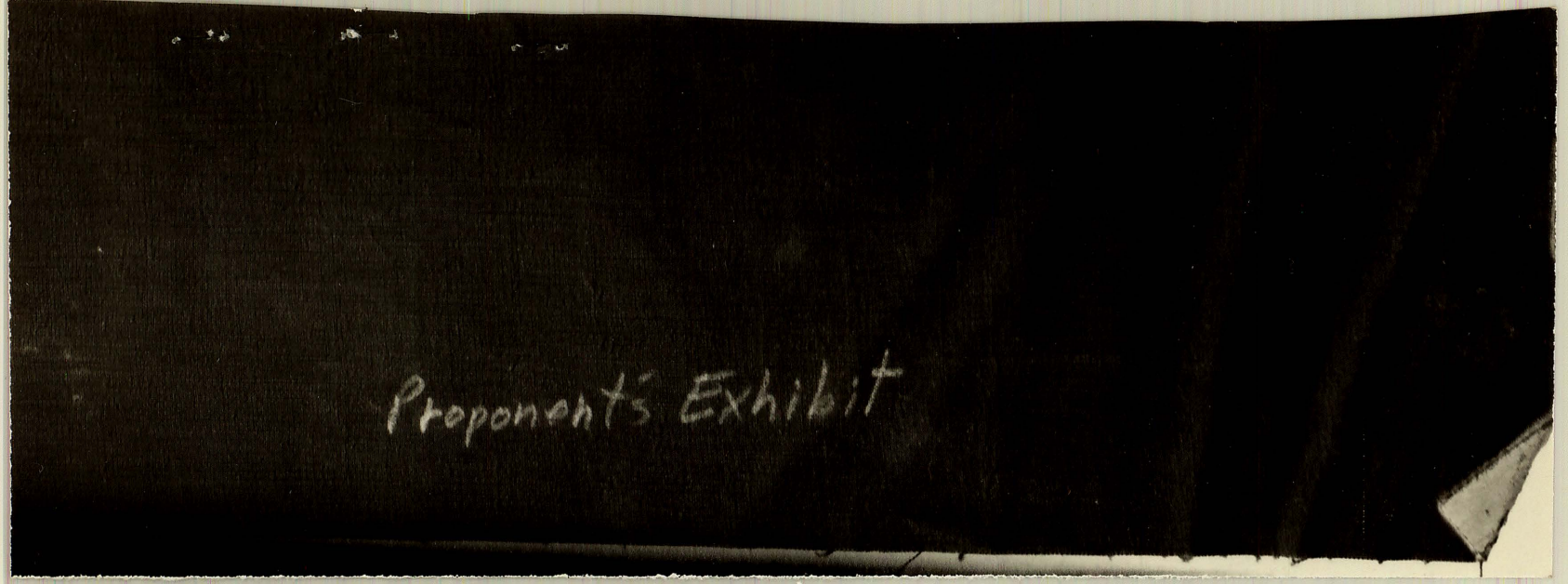
EXHIBIT
No 5.
WITH MARKINS ADDED

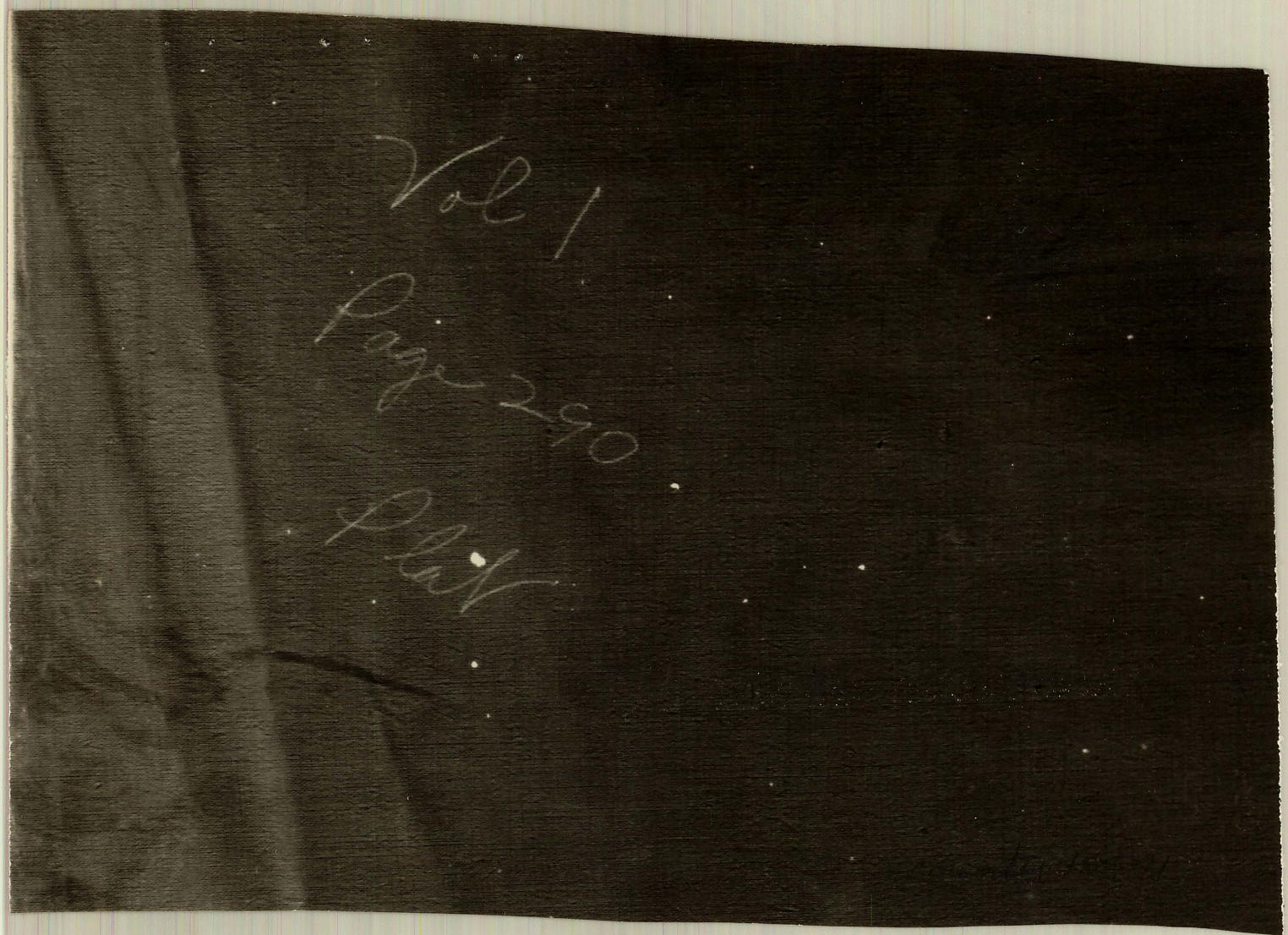
S.F. 15880

counter 18540.

Pecos Co Rld Sk 147

PECOS CO. RLD. SK. # 145


Proponent's Exhibit


Vol 1
Page 290

THE TOWN OF GRANT

PECOS CO., TEXAS

STATE OF TEXAS
COUNTY OF PECOS } I, Clayton W. Williams, County Surveyor, do hereby certify that I have surveyed E. J. Carlton Survey #600, and have platted into Lots, Blocks, Streets and Alleys the North One Half of the South One Half of Said Survey 600 being and situated in the County of Pecos, State of Texas

And I further certify that the plat on the margin of which this certificate is written correctly represents and shows the true location and dimensions of each and all of said Lots, Blocks, Streets and Alleys.

WITNESS MY HAND this 2nd day of July 1921

Clayton W. Williams, County Surveyor Pecos Co. Texas

STATE OF TEXAS
COUNTY OF PECOS } KNOW ALL MEN BY THESE PRESENTS: That I, J. W. Grant, owner of the land described in the above certificate of Clayton W Williams, County Surveyor, have caused the same to be surveyed, sub-divided, platted and laid out into Lots, Blocks, Streets, and Alleys as shown on the accompanying plat, for the purpose of establishing a townsite to be known as GRANT and I do hereby give, grant and dedicate all of the strips of land marked and designated on the accompanying plat as streets and alleys to the public to be used as streets and highway forever.

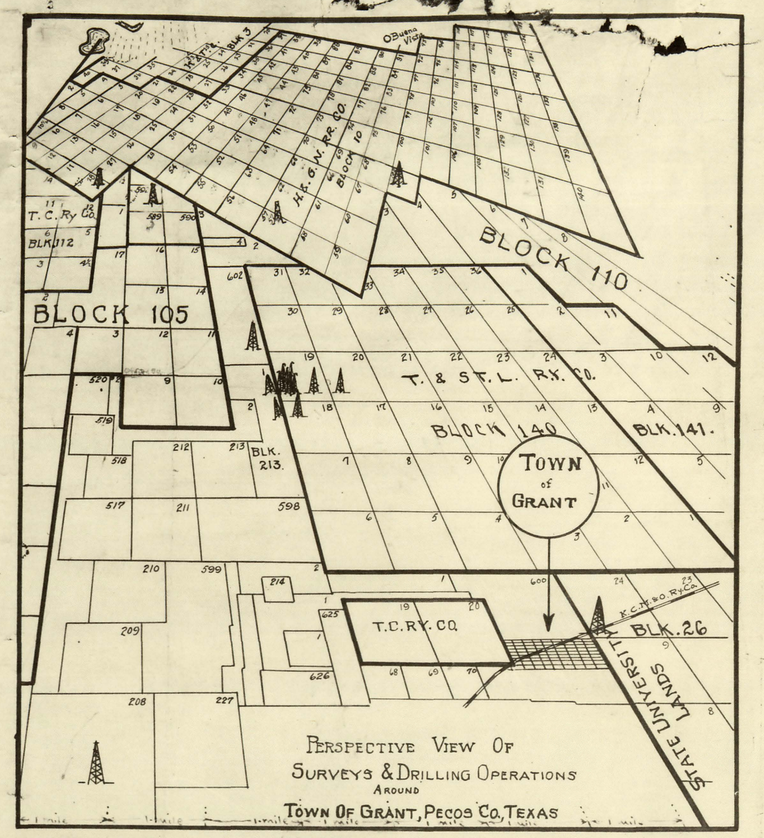
WITNESS MY HAND This 2nd day of July 1921.

J. W. Grant

STATE OF TEXAS
COUNTY OF PECOS } Before me the undersigned authority, personally appeared J. W. Grant, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

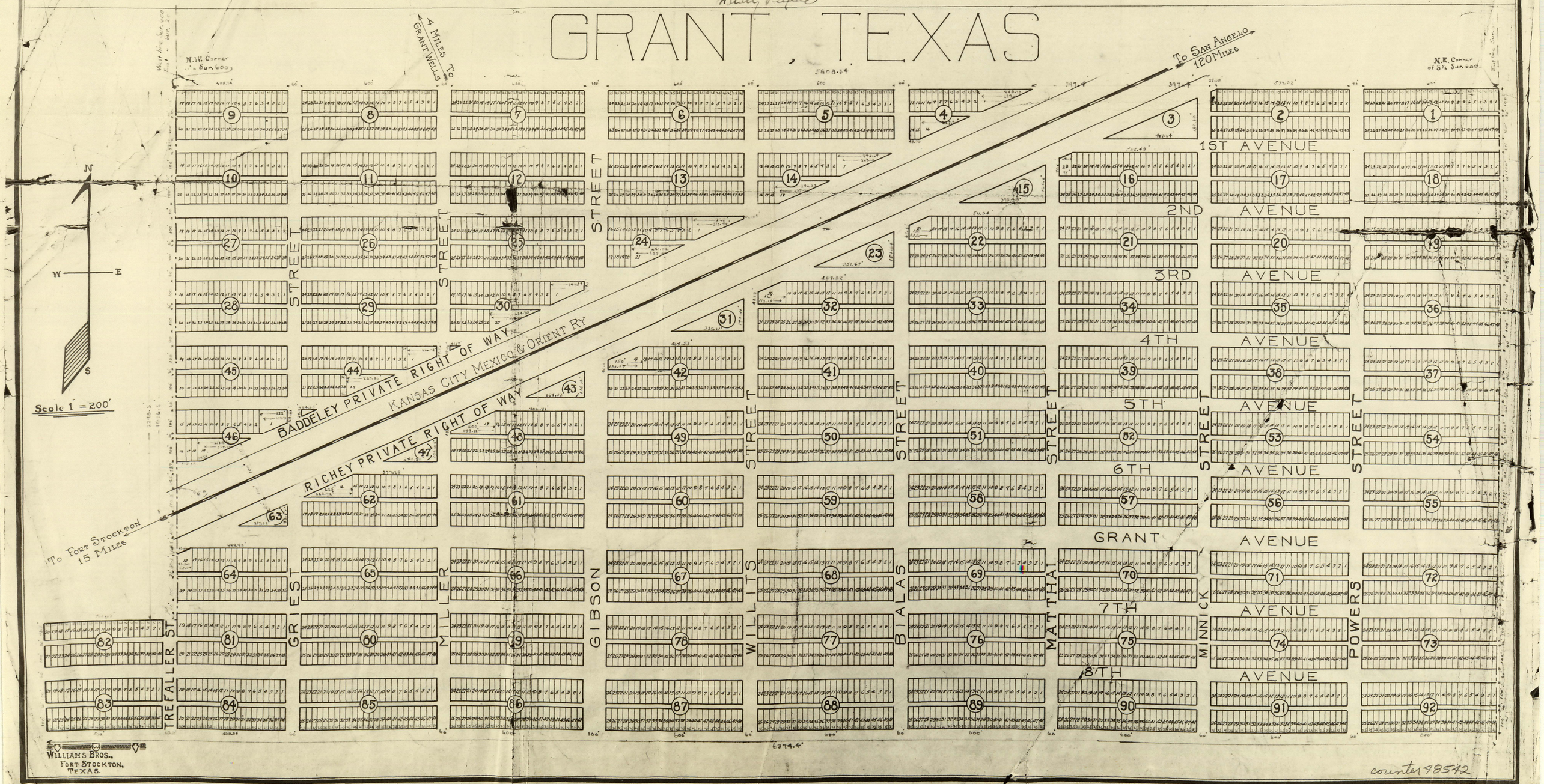
WITNESS MY HAND AND SEAL OF OFFICE, This 2nd day of July 1921.

K. E. Keahey
Notary Public



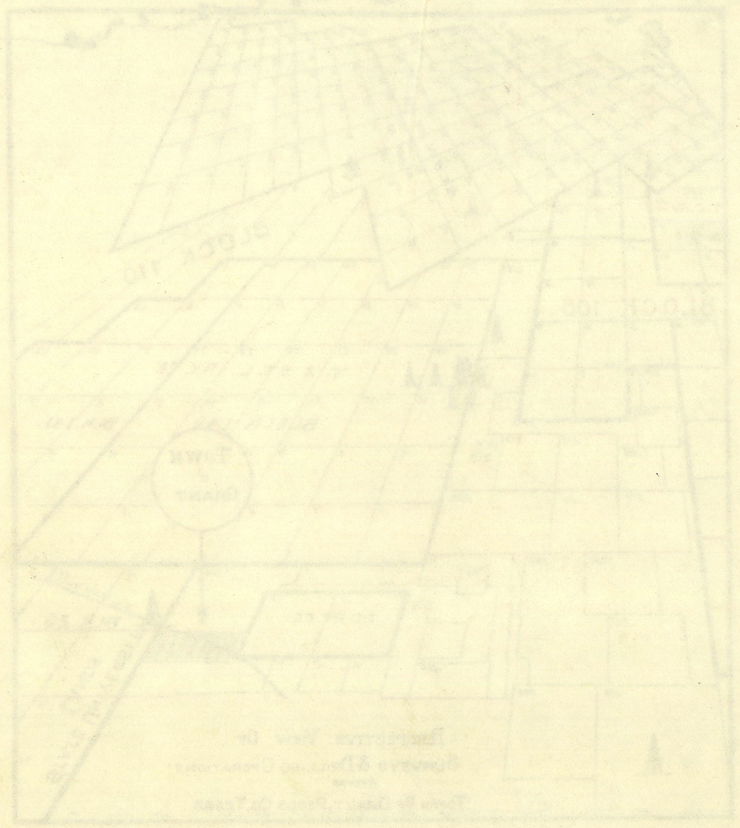
PERSPECTIVE VIEW OF
SURVEYS & DRILLING OPERATIONS
AROUND
TOWN OF GRANT, PECOS CO., TEXAS

GRANT, TEXAS



WILLIAMS BROS.,
FORT STOCKTON,
TEXAS.

county 48542



PROPONENT'S EXHIBIT

GENERAL LAND OFFICE, AUSTIN, TEXAS, April 11, 1957.
I, EARL RUDDER, Commissioner of the General Land Office of the State of Texas, do hereby certify that on the reverse hereof is a true and correct copy on a reduced scale of the original of this instrument, filed as Proponent's Exhibit in the General Land Office hearing at Austin, Texas, for S. F. 15880, on April 9, 1957, together with all endorsements therein.

Pursuant to the hearing for S. F. 15880 and the request therein of Proponent, E. H. Cox, by his attorney, this copy of Proponent's Exhibit is hereby substituted for the original Proponent's Exhibit.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office the day and date first above written.

Earl Rudder
Commissioner of the General Land Office

EARL RUDDER

Approved
Audit
Legal JPH
Engineering
Geology
Execution

S. F. 15880

counter 48573
Pecos Co Rld SK 147

Williams Exhibit #1

Scale 4,000 varas to the inch, Variation North ___ East.

THE STATE OF TEXAS)
: FIELD NOTES OF THE NORTH HALF OF SURVEY NO 600, Mrs. E. J. CARLTON, CERTIFICATE 850.
COUNTY OF PECOS)

Field notes of a Survey of 7621 acres (half) of land made for C. W. WILLIAMS and being the North (N½) of Survey No 600, located by virtue of Certificate No 850, issued to Mrs. E. J. CARLTON by the Commissioner of the General Land Office, September 14th, 1861;

BEGINNING at a stake at the Northwest (NW) Corner of Section No 24, Block No 26, University Lands, same being 575 varas East of a large rock at the Southeast (SE) Corner of Section No 4, in Block No 140, T & P L Ry Co., from which the West End of Table Hill bears South 45 degrees West;

THENCE south at _____ varas crossing the Orient Railroad tracks, in all 1864.6 varas to a stake in the West line of said Section No 24, Block 26, 53.4 varas north of the Southwest (SW) Corner of said Section No 24;

THENCE west at b_____ varas crossing the center of track of the Orient Railroad, in all 2091 varas to a stake in the East line of Survey No 20, Block 5, T C Ry Co., Certificate No ~~1846~~ 1836;

THENCE north with the East line of said Survey No 20 Block No 5, 1070.~~80~~ varas to a stone pile for the Northeast (NE) corner of said Survey No 20;

THENCE west 204 varas to a stake in the North line of said Survey No 20 at the Southeast (SE) corner of Survey No 1, J. H. Callahan;

THENCE north 152 varas to a corner of said Survey No 1, J. H. Callahan;

THENCE west 366 varas to a stake at the Southeast (SE) corner of Survey No 1, Mrs. L. Merchant;

THENCE north 642.6 varas to a stake in the South line of Survey No 5, Block No 140, T & P L Ry Co;

THENCE east 386 varas passing Southeast (SE) corner of said Survey No 5, 2286 varas a large rock at the Southeast (SE) corner of Survey No 4, said Block No 140, in all 2661 varas to the beginning.

Surveyed March 18, 1921.

J. C. WILLIAMS)
) C. C.
VERNON ROONEY)

I, Clayton W. Williams, Surveyor of Pecos County, Texas, do hereby certify that the foregoing survey was made according to law in the field, and that the limits, boundaries and corners with their marks natural and artificial, are truly described in the foregoing plat and field notes, and that I have recorded these field notes in my office in Book 43 Page 314.

Clayton W. Williams

Clayton W. Williams, County Surveyor
Pecos County, Texas.

S.F. 15880

counter 1854

Exhibit 2
by Williams

General Land Office
State of Texas
Austin

BASCOM GILES, COMMISSIONER
ALVIS VANDYGRIFF, CHIEF CLERK

April 18, 1941

I, Bascom Giles, Commissioner of the General Land Office of the State of Texas, do hereby certify that the papers, records and documents of said Office show:

That Section 600, Certificate 850, Mrs. E. J. Carlton, 1280 acres in Pecos County, was awarded to Florencio Nunes, October 16, 1909 on application filed in the Land Office September 30, 1909 to purchase same at $3.12½ per acre as a home tract, said Section having been classified as Grazing and appraised at $1.50 per acre;

That on July 30, 1914 the sale of said Section 600 was forfeited for non-payment of interest and said sale was reinstated on the records of this office September 8, 1914;

That field notes made by Clayton W. Williams, County Surveyor of Pecos County, based on a survey of March 18, 1921, covering said Section 600, were filed in the Land Office April 16, 1921 and approved by said office April 22, 1921, correcting the acreage in said Section from 1280 acres to 1522 acres;

That according to the will of Florencio Nunes, dated March 1, 1912, the N. 1/2 of said Section 600 was bequeathed to O. W. Williams and the balance of said Section 600 was bequeathed to Chon, Ignacio and Eulalia Nunes, and a copy of said will, as probated in the County Court of Pecos County, May Term, 1912, was filed in the Land Office October 20, 1923 and said N. 1/2 of said Section 600, containing 761 acres, was placed in a separate account in the name of O. W. Williams in whose name said tract now stands on the records of the Land Office;

That O. W. Williams, as assignee, made the required proof of occupancy on said Section 600 on June 1, 1927, and said proof was filed in the Land Office July 30, 1927;

That Chon Nunes, executor of the will of Florencio Nunes, deceased, conveyed the N. 1/2 of S. 1/2 of said Section 600 to J. W. Grant by deed dated March 4, 1921 and upon the filing of a certified copy of said deed in the Land Office January 28, 1929 said tract, containing 380.5 acres, was placed in a separate account

Reg #14

35811 Db

Coente 48545

B'

in the name of J. W. Grant, leaving the S. 1/2 of S. 1/2 of said Section 600, 380.5 acres, in a separate account in the name of Chon, Guadalupe, Ignacio and Eulalia Nunes, in whose names the S. 1/2 of S. 1/2 of said Section 600 now stands on the records of the Land Office;

That the sale covering said N. 1/2 of the S. 1/2 of said Section 600, 380.5 acres, was forfeited January 15, 1941 for non payment of interest and same so stands forfeited on the records of the Land Office;

That this certificate is written in lieu of and replaces Certificate of Facts written for Mr. L. C. Link, Petroleum Building, Midland, Texas, under date of April 14, 1941, covering said Section 600.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office the date first above written.

Bascom Giles

BASCOM GILES
COMMISSIONER OF THE GENERAL LAND OFFICE

Moore:hmc
Mr. L. C. Link
Petroleum Building
Midland, T e x a s
Files - # 110146
131279 & # 146574
NO FEE

S.F. 15880

(See enclosed interest statement for

account standing)

Db'

counter 18546 B2

Exhibit #3
Williams

State of Texas §
County of Pecos §

Before me, the undersigned authority, a Notary Public in and for Pecos County, Texas, on this day personally appeared RALPH JOHNSON, known to me to be of lawful age and a credable witness, who after being by me duly sworn upon his oath deposes and says:

" My name is RALPH JOHNSON and I am in the ranching business in Pecos County, Texas, haveing made my home here all of my life and I am now 37 years of age. During this period of time I have had occassion to become very familiar with the use and occupancy of most of the land located Northeast of the town of Fort Stockton. My father owned and operated a ranch , and our homestead was located on section 598, F. Gescheidle Survey in Pecos County. I have lived on this tract and ranched in this area all of my life During this time I have had occassion to know the the use and occupancy of the North half of Section 600, E. J. Carlton Survey, which has been owned, ####### by Judge O. W Williams for more than 25 years. I know of my own knowledge that as early as the year 1916 all of the North half of section 600 and all of Section number 20, Block 5, TCRR Survey was enclosed in one single pasture by a good substantial four wire fence and that the total number of acres so enclosed amounted to approximately 1600 acres. ## the fence remained unchanged until during the year 1924, at which time Pryor & Wilson removed the fence running along the East line of the North half of section 600 and placed a fence along the North line of sections 24 and 23 Block 26, University Land to enclose that part of sections 23 and 24 lying North of the rail road within the same pasture as the North half of section 600. There was at that time a fence along the right of way of the rail road. After Pryor and Wilson so enlarged their pasture the total number of acres enclosed with the North half of section 600 amounted to approximately 2300 acres of land. There have never been any improvements placed on the North half of section 600 and the fences have not been changed since 1923. The land has been used only for grazing purposes only. During the period from 1916 to 1936 the North half of section 600 was used by Ike Pryor and F. S. Wilson for grazing purposes under a lease from Mr. O. W. Williams. From 1936 to 1939 the land was used for grazing purposes by F. S. Wilson, who held it under a grazing lease from Judge O. W. William. During the period from 1939 to date Mrs. F. S. Wilson, widow of S. F. Wilson had continued the grazing lease from Judge Williams but in July of 1939 she sub-leased the tract for grazing to Lee Aldwell of San Angelo, who in turn sub-lease it me RALPH JOHNSON, this affiant. I am now in actual possession of the said 761 acres of landmand I recognize Judge O. W. Williams as the fee owner of same. I have never heard of any person claiming any of the North half of section 600 other than Judge williams. "

Ralph Johnson

Subscribed and sworn to be fore me, this the 23rd day of April A. D. 1941.

R. L. Warren
Notary Public in and for Pecos County, Texas.

S.F. 15890

Reg. #1

counter 98547

35811

THE STATE OF TEXAS,

County of Pecos

BEFORE ME,

the undersigned authority, a Notary Public in and for Pecos County, Texas, on this day personally appeared

RALPH JOHNSON

known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23rd day of April A.D. 1941

R. L. Walker

Notary Public in and for Pecos County, Texas

counter 48548

Pecos Co Rld SK 147

Humble oil

7 Instr $10.00

counter 48549

~~Also~~ to be filed, but not as an exhibit — (used in hearing but not entered).

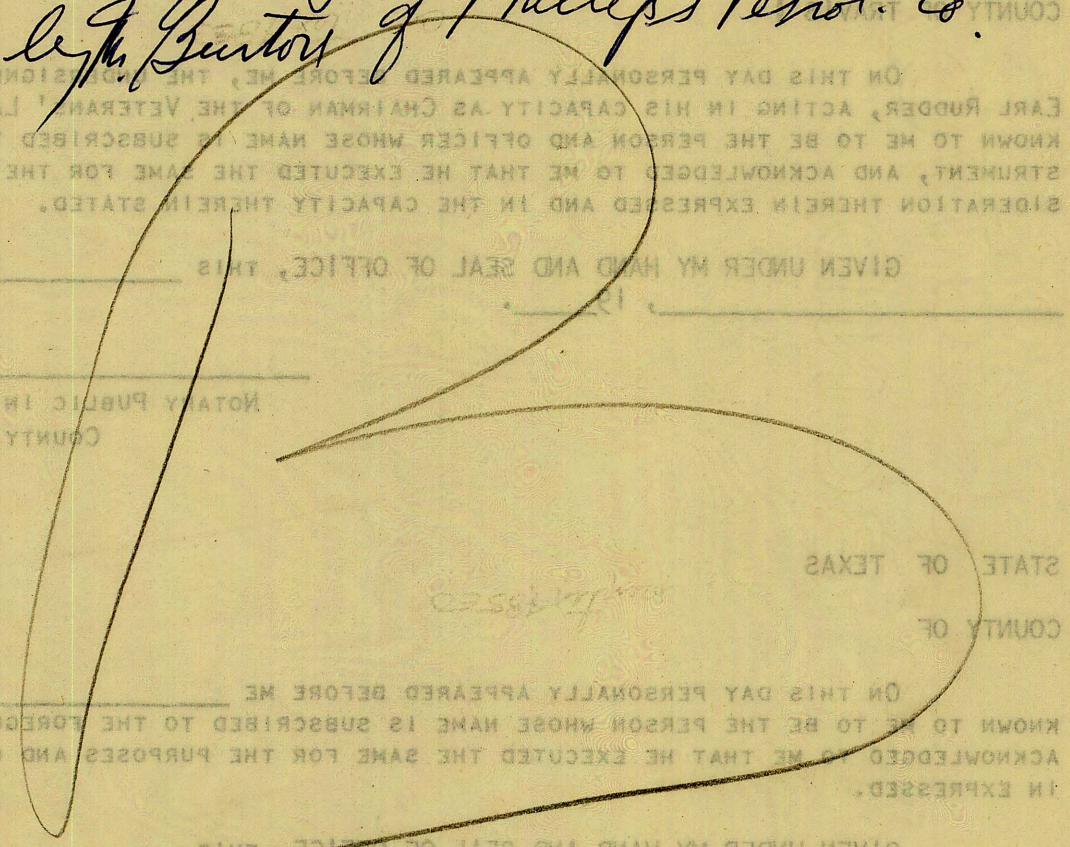
counter 48550

Dwell Rock for cor
S 1882 about which
Phillips Petrol. Co.

counter 48551

Pecos Co Rld Sk 147

This is sketch of Born Durrell Rock for cor Sur 160, fr's of Aug 5, 1882 about which he was asked by Mr. Burton of Phillips Petrol. Co.



counter 48551

Pecos Co Rld Sk 147

_____

ADDRESS

STATE OF TEXAS }

COUNTY OF TRAVIS }

ON THIS DAY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY, J. EARL RUDDER, ACTING IN HIS CAPACITY AS CHAIRMAN OF THE VETERANS' LAND BOARD OF TEXAS, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 19____.

_____

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF

ON THIS DAY PERSONALLY APPEARED BEFORE ME _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 19____.

_____

NOTARY PUBLIC IN AND FOR

_____

COUNTY, TEXAS

FORM REV: 9/6/55

counter 48552

D-191

8

CLAYTON W. WILLIAMS
STATE REGISTERED PETROLEUM ENGINEER NO. 2651
P. O. BOX 546
FORT STOCKTON, TEXAS

April 16, 1957

Earl Rudder, State Land Commissioner,
Austin, Texas.

Re: Recent Hearing on Vacancy
Application by Cox-
Pecos County, Texas;
Testimony Clayton Williams.

Dear Mr. Rudder:

For the purpose of clarifying the records of my testimony and to expedite your examination of such on the above referred to subject I inclose two photo-copies of field notes as reflected from the records of the Pecos county's Surveyor's books in Book A on pages 311 and 314. I call your attention to the field notes on page 311 in Book A-3, which should be those reflected in your office covering the corrected field notes of the entire survey 600, Mrs E.J.Carlton, upon the top of such page is"Note field Notes N/2-Page 314"

The second photocopy is the field notes,as reflected,of the North Half of the survey 600, Mrs E.J.Carlton, and is evidently a copy from the field notes I supplied you when a witness before the hearing.

Of course you realize that the point in these field notes is to show that at that time the Northwest corner of survey 24 in Block 26 of the University lands in Pecos County, Texas, was identified by both O.W.Williams and A.N. Lea and that the tie was made, showing that location as being 375 varas east of the rock being identified as the southeast corner of survey 4 in Blk.140 in these words:" Thence East 386 varas passing Southeast corner of corner of Survey No.5 said Block 140, 2286 varas a large rock at Southeast corner Survey No.4, said Block No.140, in all 2661 varas to the place of beginning." Where the beginning of this survey was"a stake at the Northwest(NW) Corner of Section No.24 , Block 26, University Lands" where it was then stated as being 375 varas East of a large rock at Southeast corner of section 4, in Block 140, T & St.L. Ry. Co.

This information is put before you in view of the fact that I mentioned page 311 of Book A, as being identified with the copy of field notes I presented as evidence, whereas this page 311 refers to page 314 of that book, and should properly tie down those field nots,as presented, as being on page 314 of that book.

Sincerely
Clayton W. Williams
Clayton W Williams

RECEIVED
APR 17 1957
GENERAL LAND OFFICE

counter 48553

B'

D-191

Orig - 164

For 1st Correction See Page 268
" 2nd " " " 275
" 3rd " " " 303

3
311

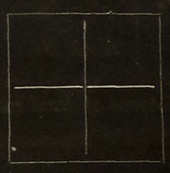
Note field Notes N½ - Page 314

The State of Texas,

Survey No. 600

Pecos Land District.

Block No.



Scale 4000 vs. per inch.
Variation 11° East.

Corrected 1522
Field Notes of a Survey of ~~1110~~ Acres of land made for Devisees and Heirs at law of Florencio Nunez, Decd, ~~by virtue of certificate Number~~

~~it being the quantity to which~~ By virtue of Certificate No. 850 to Mrs. E.J. Carlton is entitled issued by the Commissioner of the General Land Office, on the 14th day of September 18 81.

Said survey is ~~No.~~ situated ~~in block No.~~ in Pecos County, Texas, situated on the waters of Comanche Creek, a tributary of Pecos River river, about 14 ~~miles~~ miles North East from Fort Stockton, Texas.

Beginning at the North West corner of Section No. 24 Blk. No. 26 University lands for North East corner of this Survey — Thence South at 1918 varas passing S.W. Corner of said Survey No. 24 in all 3836 varas to S.W. Corner of Survey No. 9 Blk. 26 University Lands — Thence West 1155 varas to point in East line of Survey No. 601 — Thence North 454 varas to N.E. Corner of said Survey No. 601 —

Thence West 1090 varas to an inside corner of Survey No. 601 - Mrs E.J. Carlton —
Thence North 146 " to a Stone marked "601 - A" for a corner of said Survey 601 —
Thence West 50 " " " " set for S.E corner Survey No. 3 Mrs H. Reinhoover —
Thence North 950 " " " " " " N.E " said " " " —
Thence East 204 " " " " marked "S. E. 20" for S. E. Cor. Survey 20 Block 5 —
Thence North 1900 " " N.E. Corner of said Survey No. 20
Thence West 204 " " S.E. Corner of Sur. No. 1 J.H. Callihan —
Thence North 152 " " N. E. " " said Sur. No. 1 " " —
Thence West 366 " " S. E. " " Sur. No. 14 Marchant —
Thence North 642.6 varas to N.E. Cor. said Sur No. 1 — in S. line Blk 110
Thence East 2661 varas to place of ~~beginning~~ ~~to the place of beginning~~.

Bearings marked ..... Surveyed March 18 ~~188~~ 1921

Vernon L. Rooney
J. C. Williams
Chain Carriers.

I, ..., Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made on the ground according to law, and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.

.....
Deputy Surveyor Pecos County.

I, ~~E. W. Bates~~ Clayton W. Williams, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes, and find them correct; and that they are recorded in my office in Book A-3 No. 1 page 311

Given under my hand, at ..... this ..... day of ..... 188....

Clayton W. Williams
County Surveyor Pecos County.

counter 48557

RECEIVED
APR 17 1957
GENERAL LAND OFFICE

B2

D-191

314

The State of Texas,

Pecos Land District.

Field Notes of the North Half of Survey No. 600 Mrs. E. J. Carlton Certificate 850 ~~Block No.~~

Scale 4000 vs. per inch.
Variation 11° East.

Field Notes of a Survey of ~~640~~ 761 Acres of land made for O. W. Williams and being the North (N½) of Survey No. 600, located ~~it being the quantity to which~~ ~~is entitled~~ By virtue of Certificate No. 850 issued by the Commissioner of the General Land Office, ~~on the~~ Sept 14th, ~~day of~~ 1881; ~~18~~.

~~Said survey is No. in block No. in Pecos County, Texas, situated on the waters of , a tributary of river, about miles from~~

Beginning at a stake at the Northwest (N.W.) Corner of Section No. 24, Block No. 26, University Lands, same being 375 varas East of a large rock at Southeast (S.E.) Corner of Section No. 4, in Blk No. 140, T. & St. L. Ry. Co., from which the West End of Table Hill bears South 45 degrees West.

Thence south at ___ varas crossing the Orient Railroad tracks in all 1864.6 varas to a stake in the West Line of said Section No. 24, Blk 26, ~~53.4~~ 53.4 varas North of Southwest Corner of said Section No. 24

Thence west at ___ varas crossing the center of track of Orient Railroad in all 2091 varas to a stake in East Line Survey No. 20, Block 5, T. C. Ry Co. Certificate No. 1836.

1070.00 Thence north with the east line of said Survey No. 20 Block No. 5 ~~1070.00~~ varas to a stone pile for the Northeast (N.E) corner of said Survey No. 20

Thence west 204 varas to a stake in the North line of said Survey No. 20 at the Southeast (S.E.) corner of Survey No. 1, J. H. Callahan

Thence North 152 varas to a corner of said Survey No. 1, J. H. Callahan

Thence West 366 " to a stake at the Southeast (S.E.) corner of Survey No. 1 Mrs. L. Merchant

Thence North 642.6 varas to a stake in South Line of Survey No. 5, Block No. 140, T. & St. L. Ry. Co.

Thence East 386 varas passing ~~a large rock at~~ Southeast corner of Survey No. 5 said block No. 140, ~~in all~~ 2286 varas a large rock at Southeast corner Survey No. 4, said Block No. 140, in all 2661 varas to the place of beginning.

Bearings marked Surveyed March 18 ~~188~~ 1921

J. C. Williams
Vernon Rooney } Chain Carriers.

~~I ....., Deputy Surveyor Pecos county, do hereby certify that the foregoing survey was made on the ground according to law, and that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field-notes.~~

.....
Deputy Surveyor Pecos County.

~~I, E. W. Bates, Surveyor Pecos County, do hereby certify that I have examined the foregoing plat and field notes and find them correct, and that they are recorded in my office in~~ Clayton W. Williams Texas the foregoing survey was made according to law in the field and that the limits, boundaries and corners with their marks, natural and artificial are truly described in the foregoing plat and field notes and that I have recorded these field notes in my office in Book A-3 page 314

~~Given under my hand, at this day of 188~~

Clayton W. Williams
County Surveyor Pecos County.

JACK SILLIMAN
COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE ABOVE PHOTOSTAT WAS MADE OF PAGE 314, BOOK A-3 OF THE COUNTY SURVEYOR'S RECORDS OF PECOS COUNTY, TEXAS ON APRIL 15, 1957.

B3

RECEIVED
APR 17 1957
GENERAL LAND OFFICE

Jack Silliman
COUNTY SURVEYOR, PECOS COUNTY, TEXAS

counter 48535

H20

151

LOCATED LINE
OF THE
PANHANDLE & GULF RY.
THROUGH
STATE LANDS.
Public School AND University.
Right of Way 200 feet wide.
IN PECOS COUNTY TEXAS.

SCALE 1"=2000'

State of Texas } S.S.
County of Pecos }

I, C.H. Webster Chief Engineer of the Panhandle and Gulf Railway Company do hereby Certify that this Map Correctly Shows the Alignment of the Location of said Railroad Company's Line and the Width and Amount of Right of Way taken Through the State Public School and University Lands. in Pecos County, in said State.

Made this 28th day of April. 1904.

C.H. Webster
Chief Engineer.

State of Texas } S.S.
County of Nolan }

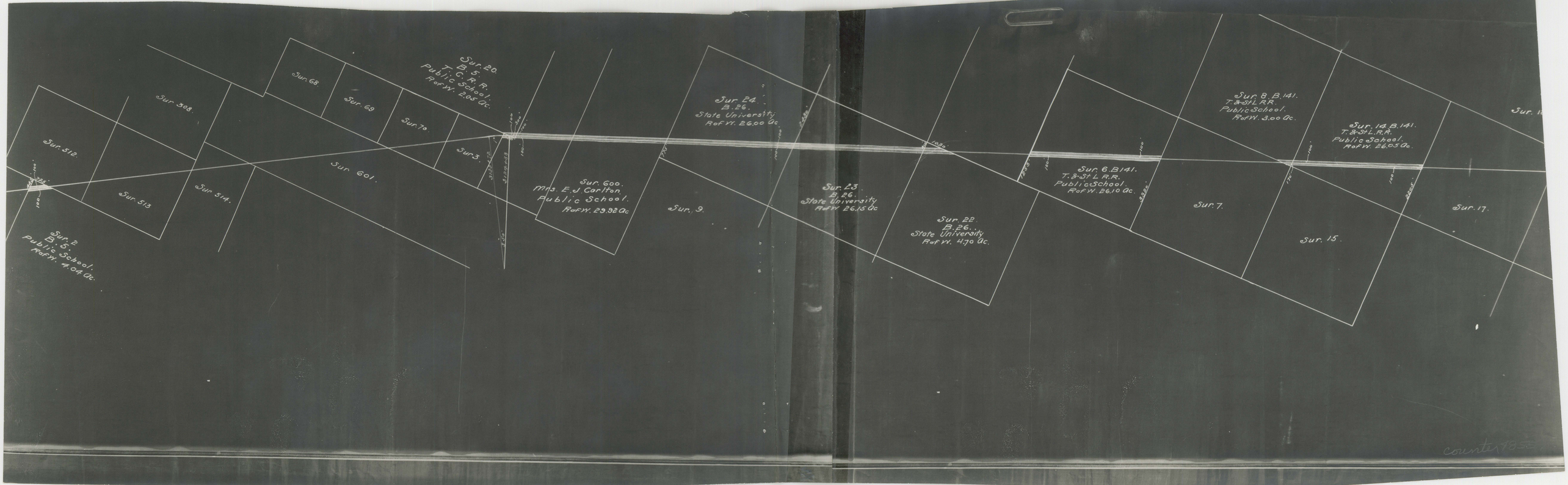
Before me, H.C. Hord, A Notary Public in and for Nolan County, Texas, on this day, personally appeared C. H. Webster, Chief Engineer for the Panhandle and Gulf Railway Company, Known to me to be the person whose name is subscribed to this Map. and Acknowledged to me that he executed the Same as being a true and Correct Map of the Right of way appropriated by said Railway Company and in the Capacity therein stated. and for the purposes and Considerations therein stated.

Given under my hand and seal of office this 24th day of June A.D. 1904.

H. C. Hord
Notary Public in and for Nolan County Texas.

The foregoing map filed for record in my office at 9 o'clock A. M. June 30- 1904, and duly recorded at 10 o'clock A. M. June 30- 1904

W. A. Haddon
County Clerk Pecos County Texas


Sur. 20.
B. 5. R.
T. C. R. R.
Public School.
Ref W. 2.05 Ac.
Sur. 68
Sur. 69
Sur. 70
Sur. 308
Sur. 512.
Sur. 513
Sur. 514.
Sur. 601.
Sur. 3.
Sur. 24.
B. 26.
State University
Ref W. 26.00 Ac.
Sur. 600.
Mrs. E. J. Carlton.
Public School.
Ref W. 29.32 Ac.
Sur. 9.
Sur. 2.
B. 5.
Public School.
Ref W. 4.04 Ac.
Sur. 23.
B. 26.
State University
Ref W. 26.15 Ac.
Sur. 22.
B. 26.
State University
Ref W. 4.70 Ac.
Sur. 8. B. 141.
T. & P. R. R.
Public School.
Ref W. 3.00 Ac.
Sur. 6. B. 141.
T. & P. R. R.
Public School.
Ref W. 26.10 Ac.
Sur. 7.
Sur. 14. B. 141.
T. & P. R. R.
Public School.
Ref W. 26.05 Ac.
Sur. 15.
Sur. 17.
Sur. 1