

THE American Surveyor

A FOOT IN THE PAST... AN EYE TO THE FUTURE Winter 2007

Rocky Mountain High

Texas-New Mexico Boundary

Perhaps the most incorrect of any land line

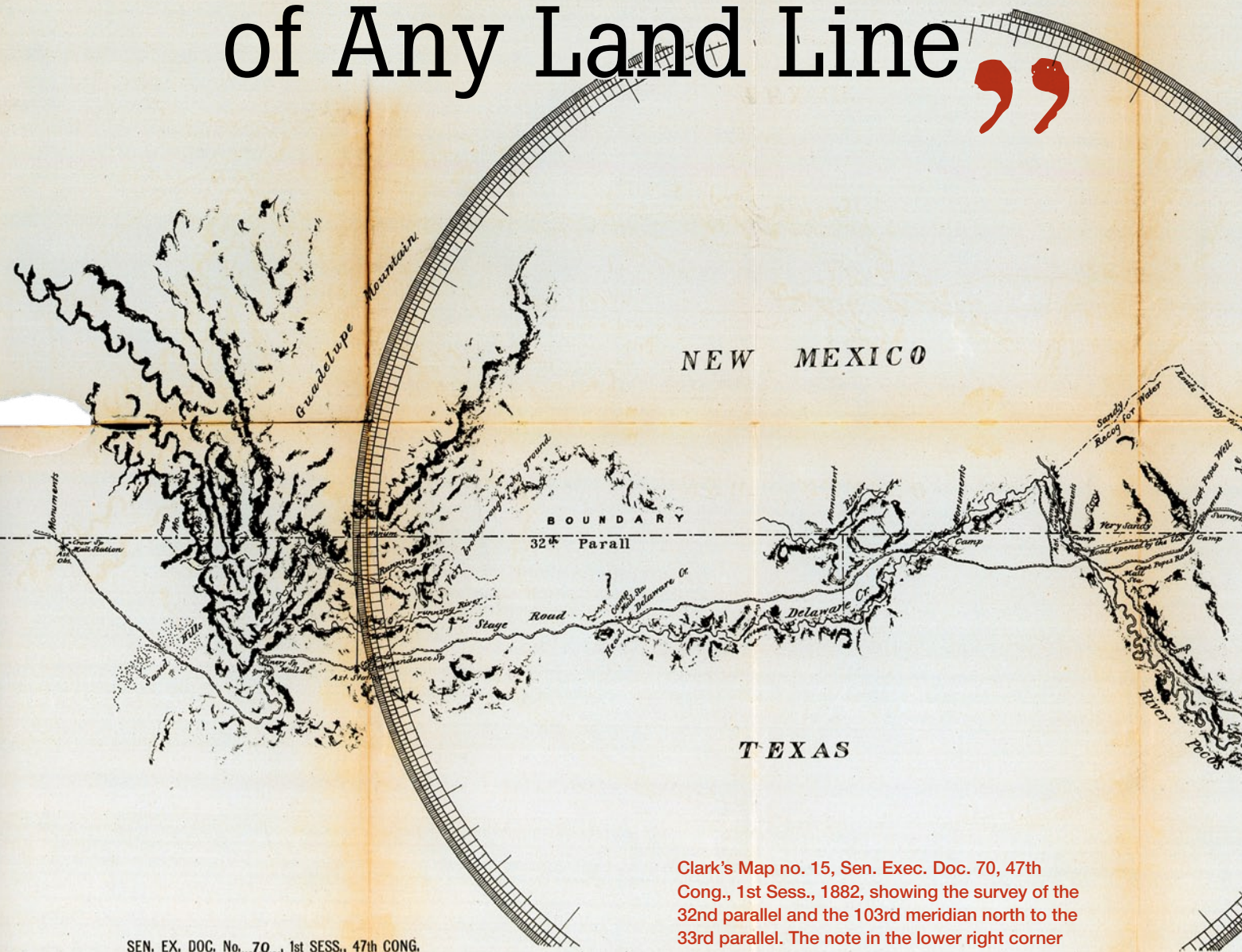
RTN-101: OnGrid

An initiative in support of RTN development

Layout Technology

Combining laser and RTK for precision staking

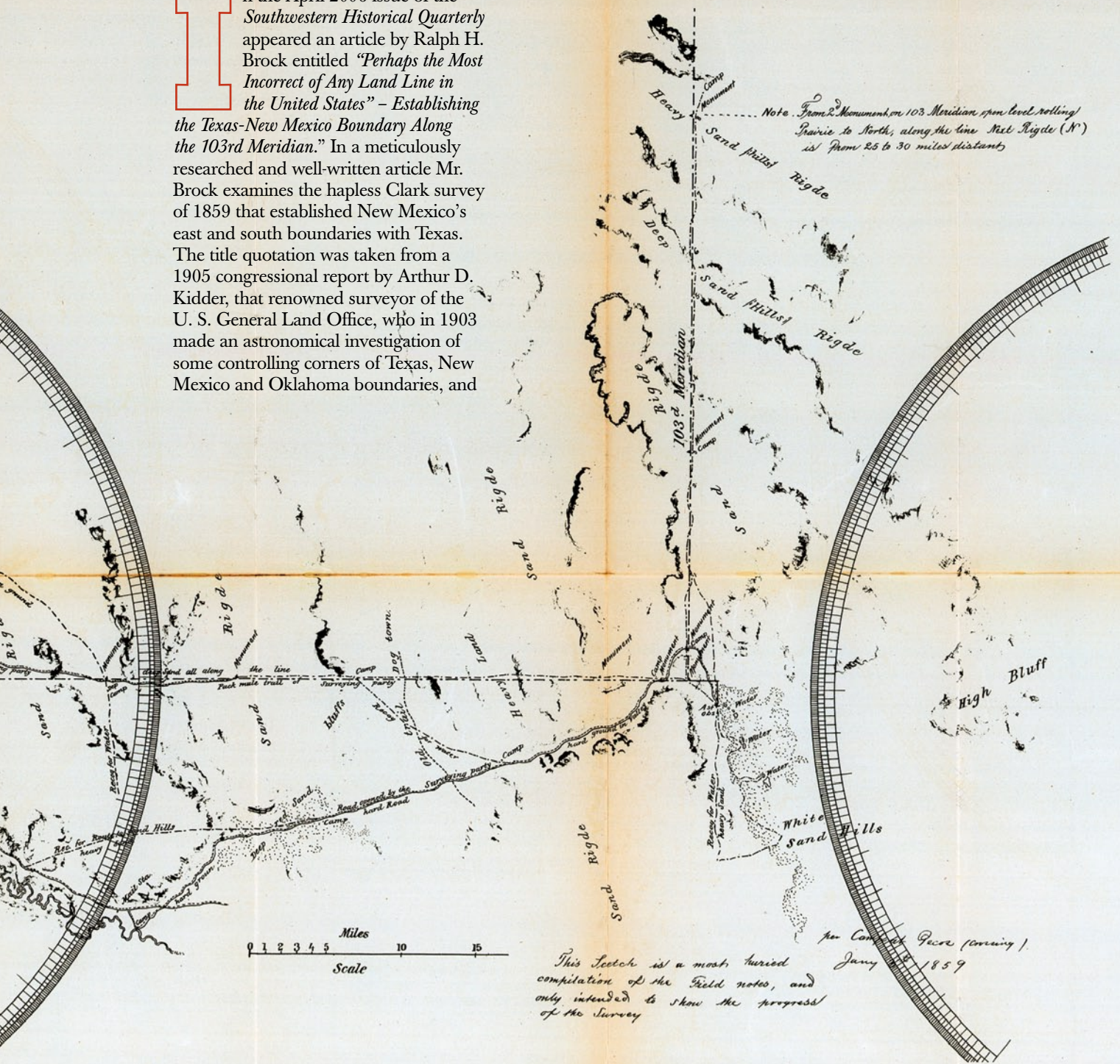
“ Perhaps the Most
INCORRECT
of Any Land Line ”



SEN. EX. DOC. No. 70., 1st SESS., 47th CONG.

Clark's Map no. 15, Sen. Exec. Doc. 70, 47th Cong., 1st Sess., 1882, showing the survey of the 32nd parallel and the 103rd meridian north to the 33rd parallel. The note in the lower right corner reads: "This Sketch is a most hurried compilation of the Field notes, and only intended to show the progress of the survey."

In the April 2006 issue of the *Southwestern Historical Quarterly* appeared an article by Ralph H. Brock entitled "Perhaps the Most Incorrect of Any Land Line in the United States" - *Establishing the Texas-New Mexico Boundary Along the 103rd Meridian.* In a meticulously researched and well-written article Mr. Brock examines the hapless Clark survey of 1859 that established New Mexico's east and south boundaries with Texas. The title quotation was taken from a 1905 congressional report by Arthur D. Kidder, that renowned surveyor of the U. S. General Land Office, who in 1903 made an astronomical investigation of some controlling corners of Texas, New Mexico and Oklahoma boundaries, and



»» By Fred Roeder, LS



“Historical Diagram of Texas,” Franklin K. Van Zandt, *Boundaries of the United States and the Several States*, Geological Survey Professional Papers no. 909 (Washington, D.C.: Government Printing Office, 1976)

a hundred years after the 1891 approval by Congress, the New Mexico State Senate voted unanimously to ask the attorney general to negotiate to redraw the line. In 2003 and in 2005 that same body voted again unanimously, this time to sue the State of Texas for the return or compensation for 603,485 acres that were, in the words of the 1991 bill: “*summarily taken from the territory of New Mexico by the powerful state of Texas*” [emphasis added].

Newspaper columnists on both sides of the line are having a field day with this. “We think this perennial question about the ‘land grab’ fits nicely with Gov. Richardson’s demand that the hot air balloon be declared New Mexico’s official aircraft,” writes the *Las Cruces Sun-News*. The general public is fed a few sketchy and misunderstood facts, and too many surveyors are only superficially familiar with the details of the problem. A scholarly examination and dispassionate treatment of the events leading to the survey and its acceptance is long overdue and author Brock has eminently succeeded in providing it.

Ralph H. Brock, an attorney, a resident of Lubbock and self-described amateur historian, practices civil, criminal and appellate law in Texas State and Federal Courts. With a Texan’s love for the history of his native state and a lawyer’s expertise at research, Mr. Brock begins his narrative at the source of Texas’s boundaries, the second (secret) Treaty of Velasco, where the victor of San Jacinto, Sam Houston, handed captured Mexican President Santa Anna a boundary description of the new and independent Texas Republic. Mexican protests, a war with Mexico, and annexation by the United States notwithstanding, Texas made her boundary claims stick. To avoid further unpleasantness and also to get some badly needed cash, she sold her claims north of the 32nd parallel and west of 103 longitude to Uncle Sam for 10 million dollars in a deal



who referred to the 103rd meridian as quoted above.

The error in Clark’s location of the 103rd meridian, that was to cost New Mexico about two-thirds of a million acres of its territory, has been known since at least 1882 when the owners of the giant XIT Ranch in the Texas panhandle employed surveyors to locate their western boundary, 150 miles of which ran along the state line. Congress approved the Clark survey in 1891 and the error became an issue when New Mexico applied for statehood in

1910 and attempted to recover the lost land. A year later Congress again, this time by joint resolution, reaffirmed the Clark line and made its acceptance by New Mexico Territory a condition for granting statehood. The Clark survey was officially restored in 1911, and in 1912 New Mexico became a state with a boundary defined by it, and all lived happily ever after?

Well, not quite. Hurt feelings caused by real or imagined injustices in the division of real estate have a penchant for immortality. Thirty-two days shy of


dubbed “the Compromise of 1850”, an act of Congress that also created the boundaries of the newly established Territory of New Mexico. In fascinating detail, Ralph Brock describes the bickering and haggling in Washington and in Austin that led to the creation and acceptance of what are essentially today’s state lines.

Eight years after the Act of September 9, 1850, Congress appropriated up to \$80,000 to pay for a survey of the

reach an understanding of how this important state-boundary survey turned into “Perhaps the Most Incorrect of Any Land Line in the United States.”

To locate the intersection of the 103rd meridian with the 32nd parallel, Clark was instructed to project the meridian of *Frontera*, a point established in 1855 by Emory on the Mexican boundary survey near what is today the Sunland Park Mall in El Paso. Thus the location of the south end of the 103rd meridian became

well as his office work still incomplete, Secretary of the Interior Smith ordered the Commission to terminate at once. Clark complied. Historian Brock does not leave us here, but continues to trace the road to New Mexico’s statehood with the Clark line as her eastern boundary. That, too, is not the end of the story, nor is it the end of Brock’s excellent narrative, for he takes us all the way past the numerous attempts by the New Mexico legislatures to force the attorneys general to sue Texas, and their (the N.M. attorneys general) consistent refusal to do so, down to the present day. It is a well-told and carefully documented journey.

It has been the experience of this reviewer that a lot of people laugh when learning about the antics by the folks in Santa Fe, and are quick to opine, that New Mexico’s chances to reclaim the lost strip are zero. They are almost certainly correct, but in dismissing the claim to the 103rd meridian one must be careful not to get carried away. Boundary law notwithstanding, the location of state boundaries is a political matter, and politics has been called “the science of how who gets what, when and why”. Who knows? New Mexico’s motto, *Crescit eundo* (It grows as it goes) may yet come true. 

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Fred Roeder graduated as a structural engineer in 1955 from Blankenburg Engineering School in what was then East-Germany. He came to the U.S. in 1957, served in the U.S. Army from 1958-60, then as a geodetic surveyor for an aerial mapping firm in Albuquerque from 1961-69. Roeder became a registered land surveyor in New Mexico, Arizona, Arkansas and Oklahoma. From 1969 to 1994 he served as a cadastral surveyor and lands staff officer for the U.S. Forest Service in those four states. Roeder has written extensively on historic and current land matters, and is a frequent contributor to the New Mexico Professional Surveyors (NMPS) *Benchmarks* newsletter. Many of his survey tales can be found in his book *Antepasados*, published by NMPS.

“THE ERROR IN CLARK’S LOCATION OF THE 103RD MERIDIAN... COST NEW MEXICO ABOUT TWO-THIRDS OF A MILLION ACRES OF ITS TERRITORY.”

boundaries of Texas from the Rio Grande to the Red River and appointed John H. Clark to serve as commissioner, astronomer and surveyor for the United States. It had become fashionable for surveyors who had taken some readings on the sun, Polaris, and a few selected stars to call themselves astronomers and Clark was no exception. Educated as a naturalist, Clark was turned into a surveyor by William H. Emory on the international boundary survey, and one suspects that politics had much to do with his appointment. Unfortunately, the same was true on the Texas side where the appointment as commissioner went to William R. Scurry, a lawyer and military man, who was joined by surveyor Chas. A. Snowdon, and later by Anson Mills, “a surveyor and West Point dropout from Indiana.”

In describing the survey operations Ralph Brock relies heavily on official and private correspondence by all parties involved. Harmonious cooperation between the two commissions was absent from the start and soon degenerated into finger-pointing and name-calling that led to the resignation of the Texas commission, with the southeast corner of New Mexico not yet established. Brock’s skillful presentation of the chain of events combined with the many excerpts from letters of the principal players, allow the reader to

a matter of measuring the computed length of the 32nd parallel, and the error may well have occurred in the chaining. After monumenting New Mexico’s southeast corner almost four miles west of where it should have been located, Clark turned north, but after reaching the 33rd parallel discontinued the line for of lack of water. He then proceeded to run the meridian south from a point on the 37th parallel that was established in 1857 by Col. Joseph E. Johnston of the First Cavalry, a survey on which Clark had been “chief astronomer”. The point was intended to mark the 103rd meridian, but in a review of Clark’s computations in the Washington office an error of 11,582 feet had been discovered, showing that the monument was too far west. Even though Clark corrected the error, later examination showed that the corrected point was still more than two miles too far west.

Running the meridian south, Clark discontinued the line after reaching the 34th parallel, concluding that the survey was “for all practical purposes” completed, even though he had left a gap of about 69 miles. He never knew that the lines he had run from the south and the north would not meet. Author Brock examines the entire episode in engaging detail. In January 1862, with the Civil War well underway and Clark’s field work as