

Hon. W. C. Walsh
Commissioner of the General Land Office.

In the matter of dispute about the County line between the Counties of Nueces and Aransas imperatively controlled by you under Section 8 of the Act of April 22nd 1879, the Surveyors of said counties having disagreed; - in behalf of the County of Nueces I would respectfully submit for your consideration:

Section 10 of the Final Title of the Revised Statutes provides as follows:

" That no statute, or part of a statute, creating, adding to, or organizing any county, or establishing any county seat in this State shall be affected or impaired by the repealing clause of this title, or by any law relating to the establishment of county boundaries contained in this Act."

The Articles 711, 869, 884 & 893 Revised Statutes, defining the boundaries respectively of the Counties of Aransas, Nueces, Refugio and San Patricio, are conflicting in their descriptions, the question at issue between Nueces and Aransas Counties should be determined in accordance with the Laws creating, and adding to, and establishing county lines in force prior to the adoption of the Revised Statutes; and respectfully call your attention to the following Acts:

Nueces County is created April 18th 1846; the last Act altering any boundaries of said county is dated February 3rd 1858.

Aransas County is created by Act of September 18th 1871 and in this Act an alteration of the boundaries of Nueces Co. is not expressed, Nueces Co. is not even

XVI. Leg. p. 138.

Rev. St. p. 719.

Rev. St. p. 118, 144,
147, 148.

I. Leg. p. 90.

VII. Leg. p. 105

XII. Leg. Sec 2 Sec 2
page 1.

mentioned therein. The territory to comprise
Aransas County is taken solely from Refugio Coun-
ty; one part of Refugio Co. was created into the new
County of Aransas, and the other part remained as
a separate County under the former name of
Refugio. Sections 2, 3, & 7 of said Act make provis-
-ion for the organization of the two parts of Refu-
-gio Co. into two separate counties. There is also
an Act to provide for the Division of the records
in Refugio and Aransas Counties dated December 1st 1871.
And above all the title to the Act creating Aransas Co.

XII Leg. Sec. 1st Sess.
P. 57.

XII Leg. Sec. 1st Sess. p. 1.

reads: "An Act to provide for the creating of two
counties out of the territory now embraced within the
limits of Refugio County, and to provide for their
organization."

In Section 1 of the Act creating Aransas
County the sentence covering that part of the bound-
-ary now in dispute reads as follows:

"Beginning at the boundary of the State on
the Gulf of Mexico, opposite the center of the chan-
-nel of Aransas Pass, between the islands of St.
Joseph and Mustang; thence with the line between
the Counties of San Patricio and Refugio to the
center of Aransas river, &c."

There is an error in this description in this,
that the place of beginning, a point very explicit-
ly designated, does not lie in any part of the
line between the counties of San Patricio and Refu-
-gio, hence it is an impossibility to run from said
starting point with said line. There are many
miles between said starting point and any part of
the said line. This gap is formed by the line between

" of the Bay to the mouth of the Bayou that connects
" the said Bay with Aransas Bay, thence in a
" direct line to the mouth of Aransas river." The point
how far East San Patricio County shall join Corpus
Christi Bay is designated as the mouth of the Bayou
that connects said Bay with Aransas Bay, instead of
the S. E. corner of the J. N. Yeagin survey No. 5

Taking all these Acts together it will appear
that prior to the Revised Statutes the following
description covers the disputed boundary, as
designated by the several Laws:

Beginning at the Boundary of the State
on the Gulf of Mexico, opposite the centre of the
channel of Aransas Pass, between the islands
of St. Joseph and Mustang; thence to the middle
of the channel on the outer bar of Aransas Pass
and along the middle of said channel to a point
opposite the landing at the point of St. Joseph's
Island; thence in a direct line to the South-
East corner of the Samuel Highland survey,
thence with the shore to the western mouth of
the Bayou that connects the Corpus Christi
Bay with Aransas Bay; thence in a direct line
to the South corner of survey No. 13 in the name
of Larkin Martin; thence with the western
margin of Copano Bay to the mouth of
Aransas river.

All of which is respectfully submitted
Austin, the 9th day of March 1880.

W. Van Rensselaer

Agent for Nueces County

boundaries of Aransas County herein before alluded, caused by omitting the word "Nueces." It is not shown upon what grounds the authorities of Aransas County claim the territory, thus cut off from Nueces County, and which territory has not been a part of old Refugio County, at least not since 1858.

Misled by the Revised Statutes, no doubt, the authorities of Aransas County have fallen into an other Error when they claim, that the line between San Patricio and Refugio (near Aransas) runs in a direct line from the S. E. corner of survey N^o 13 in the name of Larkin Martin to the N. E. corner of John N. Sequin survey N^o 5, and with the Eastline of said survey to the Nueces Bay &c.

The Revised Statutes on the margin refer to the Acts of December 8th 1857 and January 23rd 1858. But the latter Act repeals a part of the Act as quoted in the Revised Statutes and in stead thereof directs as follows: "and that the northern boundary line of Nueces County shall be the Nueces river and the Southern boundary of San Patricio Co. shall be the Nueces river and Corpus Christi Bay, the same that were prior to the passage of said Act."

The same that were prior to the passage of the Act of December 1857, refers back to the Act of February 12th 1852 and are described as follows: "Commencing where the Texas county line crosses Nueces river, thence down the Eastbank of Nueces river to Corpus Christi Bay, following the meanders

RS. p. 148. Art. 893

VII. Leg. p. 10
" " p. 65

VII. Leg. p. 65.

IV. Leg. p. 90.

boundaries of Refugio County, as it was before the creation of Aransas County.

P.D. p. 183.

VII Leg. IX, Sess.
p. 104

The Act cited P.D. Art. 39 is an Act changing a portion of the boundary of the counties of Calhoun Victoria and Refugio.

P.D. p. 184

VII Leg. p. 105

P.D. Note 320 explains, that the boundaries of Refugio County are dependent upon the description of boundaries of the adjacent counties, the above recited Act of February 3rd 1858 establishes the boundary between Nueces and Refugio Counties; and this boundary, which has been dividing Nueces from Refugio ever since 1858 is the line now claimed by the authorities of Nueces county; as the dividing line between Nueces County and that part of Refugio County now constituting Aransas County.

Nueces County does not claim any new territory, but to retain all territory the Law of 1858 placed under its jurisdiction, and over which no dispute has ever arisen until this late day.

From the report of J. W. Porter Surveyor appointed by the County Court of Nueces County it appears, that the county of Aransas claims the following line: "beginning at a point on the boundary line of the State of Texas in the Gulf of Mexico, opposite the middle of the channel between Mustang and St. Joseph's Island, thence to the middle of said channel and continuing in the same direction till its intersection of the line (or extended line) between the Counties of San Patricio and Refugio, thence with the line between San Patricio and Refugio; &c.

The part written thus is no where in any Law, and is intended to bridge over the gap in the

Nueces and Refugio counties, and considering that Aransas County was created out of the territory of Refugio County, it will appear that the word "Nueces" was omitted (accidentally) in the Law, and the same was intended to read: "thence with the line between the counties of Nueces, San Patricio and Refugio to the center of Aransas river."

The Act creating Aransas County when referring to a line of Refugio Co. means old Refugio Co., because after the Act became a law the said line became the boundary between the counties San Patricio and Aransas, and old Refugio County having a common boundary with Nueces County the same remained unaltered, forming the boundary between Nueces County and Aransas County.

The boundary between the counties of Nueces and Refugio is defined in an "Act to define the jurisdiction over certain tide water and islands therein named." February 3rd 1858.

"Be it enacted by the Legislature of the State of Texas, that the following limits shall be comprised within the county of Nueces to wit: All of Corpus Christi and Aransas Bays lying South and West of a line drawn from the middle of the channel on the outer bar of Aransas Pass and along the middle of said channel to a point opposite the landing at the point of St. Joseph's island, thence in a direct line to the southeast corner of Samuel Highland survey on the main land, including within said limits Mustang, and the various small islands in said waters South and West of said line."

There is no Act in existence defining the

¹
Aranson Co
vs
Arness J. Bdy

Statement of
Differences between
Respectiv Surveyors

Decided Apr 23/80

W. Maub
Comr

Arness