

Copy from  
Original letter

H. L. MOBLEY  
COUNTY JUDGE OF ARMSTRONG COUNTY  
CLAUDE, TEXAS

Austin Texas. May 3, 1914.

Mr. W.R.Gibson,  
County Attorney,  
Claude Texas.

Dear Sir:-

Some days ago you wrote this department with reference to the Statute and requirements as to surveying the boundary line between the counties of Armstrong and Donley. We wrote you in reply to that letter advising that insofar as we could see there was no necessity of a survey of that line, as according to our records the line had already been run and established. I am just in receipt of another letter from Mr. R.G.Carraway of Childress in reply to the letter I wrote him concerning the same matter and as he is very insistant in his request for information, I have looked into the matter again and must confess that the advise given you in our former letter was erroneous. It was based upon a misapprehension of the facts. Going to the bottom of the ~~xxxxx~~ question, I find that the line as stated in our former letter was in fact run and established by Mr. Gray in 1901 and there is an endorsement on the file containing the field notes and other papers showing that this line was approved in 1902. I find however, that all the records here show as to the authority for such work is an order ~~xxx~~ by the County Court of Armstrong County ordering a survey of the boundary line of that county to be run by James L.Gray, who is appointed by the Commissioners Court to do the work, and fixing his pay, and then again, there are field notes of the lines ~~xxxxxx~~ ~~xxxxxx~~ of that county here as run by him,

There is an order on file based of the Commissioners Court  
employing Mr Gray to do the work

Now, under the Statute, the County court, in order to have its county boundaries run and established must make an order appointing a surveyor to do the work and specify the lines to be run and the corners to be established and marked. The Statutes also provides that it shall be the duty of the court making such order, to cause a copy thereof to be sent to the County Courts of the Counties interested in such boundaries etc. The Statutes then further provides what ~~xxxx~~ the other counties interested shall do, and it seems that under the Statute it is the County Court who should make the order and appointment, and not the Commissioners Court. Therefore it seems that if as stated in your letter the order has been made by the Commissioners Court the procedure should be begun

#2

H. L. MOBLEY  
COUNTY JUDGE OF ARMSTRONG COUNTY  
CLAUDE, TEXAS

anew in the County court.

Article 806 of the Revised Statutes of 1895 provides that where the surveyors above provided for fail to agree as to the true boundary lines between their respective Counties, the records of such disagreement etc, shall be reported to the Commissioner of the Land Office, and it shall then be the duty of this department to give the surveyors the proper advise as to the starting point and such other information there specified.

Mr. Carroway has called upon the department for advise as to where he should begin etc. In surveying the line between the Counties. From the Statutes ~~holdingz~~ quoted you will see that the department has no authority to give any such advise. It is only in case of a disagreement of two or ~~more~~ surveyors that we can give any advise.

Now, as to the line I have above mentioned, Which has already been run between these two counties it may be mathamatically correct but in the absence of the same haveing been made as ~~xxxxxx~~ defined by the Statute, it would probably be of no binding force whatever, hence the County Court of the Counties interested~~xx~~ can proceed to establish such line in accordance with the Statute.

I am mailing to Mr. Carroway a carbon Copy of this letter and trust the same will do sufficiently for his information, and I wish to assure both~~xxz~~ you and Mr. Carroway that I am willing and glad to to co-operate with the parties interested in adjusting ~~xxxx~~ the matter properly, but I can not afford to as an Official, do any act that is not authorized nor required by the Statute~~pe~~.

I wish to call your attention to, and this is purely for your personal/ information, the case of Stephens County vs ~~RxxRixxxaxSxxxxx~~ Palo Pinto County, which is reported in 155 S.W. page 1006. This is a case construing Art. 822 of the revised Statutes of 1895. That Article has been carried forward into the Revised Statutes of 1911 and is Art. 1400. It is possible that the case cited would not apply to the controversy between Donley and Armstrong Counties, because the line has not been legally established as defined by that Statute. If the question should arise however, in a judicial proceeding, and the Court should hold that the line had been legally run, then the next question would arise whether or not a re-incorporation of this Article into the Revised Statutes of 1911 would be a re-enactment of the same. I suggest *these matters* to you however, purely for your information and it should not be regarded as any expression of opinion on my part as as an official.

Yours truly

J.T. Robison

Commissioner

(Signed)

counter 50142

A'



General Land Office.

State of Texas.

Austin.

J. T. ROBISON, COMMISSIONER.

~~J. H. WALKER, CHIEF CLERK.~~

J. M. MELSON, CHIEF CLERK.

-3- W. R. Gibson.

I wish to call your attention to, and this is purely for your personal information, the case of Stephens County vs Palo Pinto County, which is reported in 155 S.W. page 1006. This is a case construing Art. 822 of the Revised Statutes of 1895. That Article has been carried forward into the Revised Statute of 1911 and is Art. 1400. It is possible that the case cited would not apply to the controversy between Armstrong and Donley Counties, because the line has not been legally established as defined by that statute. If the question should arise, however, in a judicial proceeding, and the Court should hold that the line has been legally run, then the next question would arise whether or not a re-incorporation of this article into the Revised Statutes of 1911 would be a re-enactment of the same. I suggest these matters to you however, purely for your information and it should not be regarded as any expression of opinion on my part as an official.

Yours truly,

Commissioner.

Hutch/hm

*Mailed special copy of letter in Vol- 641-  
page 263-*

*counter 50146*



# General Land Office,

State of Texas.

Austin.

J. T. ROBISON, COMMISSIONER.

J. M. MELSON, CHIEF CLERK

-2- W. R. Gibson.

*Court*  
provides what the other counties interested shall do, and it seems that under the statute it is the county ~~clerk~~ who should make the order and appointment, and not the Commissioner's Court. Therefore it seems that if as stated in your letter the order has been made by the Commissioner's Court the procedure should be begun anew in the County Court.

Article 806 of the Revised Statute of 1895 provides that where the surveyors above provided for fail to agree as to the true boundary lines between their respective counties, the records of such disagreements etc. shall be reported to the Commissioner of the Land Office, and it shall then be the duty of this department to give the surveyor's the proper advice as to the starting point and such other information there specified.

Mr. Carraway has called upon the department for advice as to where he should begin etc. in surveying the lines between the counties. From the statute quoted you will see that the department has no authority to give any such advice. It is only in the case of a disagreement of two or more surveyors that we can give any advice.

Now, as to the line I have above mentioned which has already been run between these two counties, it may be mathematically correct, but in the absence of the same having been made as defined by the statute it would probably be of no binding force whatever, and hence the county court of the counties interested can proceed to establish such line in accordance with the statute.

I am mailing to Mr. Carraway a carbon copy of this letter and trust the same will do sufficiently for his information and I wish to assure both you and Mr. Carraway that I am willing and glad to co-operate with the parties interested in adjusting the matter properly, but I cannot afford to as an official, do any act which is not authorized nor required by the statute.

counter 50145

G'



General Land Office,

State of Texas.

Austin.

*Armstrong Co.*

J. T. ROBISON, COMMISSIONER.  
J. H. WALKER, CHIEF CLERK.

May 2, 1914.

J. M. MELSON, CHIEF CLERK

Mr. W. R. Gibson,  
County Attorney,  
Cloyd, Texas.

Dear Sir:

Some days ago you wrote this department with reference to the statute and requirements as to surveying the boundary line between the counties of Armstrong and Donley. We wrote you in reply to that letter advising that insofar as we could ~~see~~ *see* there was no necessity for a survey of that line, as according to our records the line had already been run and established. I am just in receipt of another letter from Mr. R. G. Carraway of Childress in reply to the letter I wrote him concerning the same matter and as he is very insistent in his request for information, I have looked into the matter again and must confess that the advice given you in our former letter was erroneous. It was based upon a misapprehension of the facts. Going to the bottom of the question, I find that the line as stated in our former letter was in fact run and established by Mr. Gray in 1901 and there is an eddorsement on the file containing the field notes and other papers showing that this line was approved in 1902. I find, however, that all the records, here show as to the authority for such work is an order by the county court of Armstrong County ordering a survey of the boundary line of that county to be run by James L. Gray, who is appointed by the Commissioner's Court to do the work. There is an order of the Commissioner's Court on file here employing Mr. Gray to do the work and fixing his pay, and then again, there are field notes of the lines of that county here as run by him.

Now, under the statute, the County Court, in order to have its County boundaries run and established must make an order appointing a surveyor to do the work and specify the lines to be run and the corners to be established and marked. The statute also provides that it shall be the duty of the Court making such order, to cause a copy thereof to be sent to the County Courts of the counties interested in such boundaries etc. The statute then further

*See letter to E. F. Ritchey, Co. Atty., Clarendon Tex. - 5/7/17*

Armstrong Co. Bd. of Line #3

County 50193

5-2-1914  
~~Donley Co. Bd. of Line~~

Armstrong  
and  
Donley Cos.

as an official. I am not prepared to give you any information on my part as to whether or not you have any right in the matter. I suggest that you should consult with the County Attorney. I am not prepared to give you any information on my part as to whether or not you have any right in the matter. I suggest that you should consult with the County Attorney.

It is possible that the case of the County vs. King (1906) is a case which has been carried forward into the Revised Statutes of 1899. That is, the case of the County vs. King (1906) is a case which has been carried forward into the Revised Statutes of 1899. That is, the case of the County vs. King (1906) is a case which has been carried forward into the Revised Statutes of 1899.

I wish to call your attention to the fact that I am not prepared to give you any information on my part as to whether or not you have any right in the matter. I suggest that you should consult with the County Attorney.

Mr. Carroway has called upon the department for advice as to where he should begin etc. in reviewing the line between the Counties. From the Statutes regarding the surveyors the proper advice as to the starting point and it shall then be the duty of this department to give the records of such department etc. respectively furnished. The records of such department etc. respectively furnished. The records of such department etc. respectively furnished.

Article 606 of the Revised Statutes of 1899 provides that there are surveyors whose duty it is to show in the County Court.

CLAUDE, TEXAS  
COUNTY JUDGE OF ARMSTRONG COUNTY  
H. L. MOBLEY

OFFICE OF THE SECRETARY OF THE ARMY

WASHINGTON, D. C.

MEMORANDUM

RECEIVED 22 SEP 1914  
U. S. ARMY  
GENERAL INVESTIGATIVE DIVISION

(2) <sup>3</sup> / 5-2-1914  
Armstrong Co. Bdry line

I wish to call your attention to the fact that the report of the Armstrong Co. Board of Directors, dated May 2, 1914, is being referred to in the report of the Board of Directors of the Armstrong Co. dated May 2, 1914, as being a copy of the report of the Board of Directors of the Armstrong Co. dated May 2, 1914. The report of the Board of Directors of the Armstrong Co. dated May 2, 1914, is being referred to in the report of the Board of Directors of the Armstrong Co. dated May 2, 1914, as being a copy of the report of the Board of Directors of the Armstrong Co. dated May 2, 1914. The report of the Board of Directors of the Armstrong Co. dated May 2, 1914, is being referred to in the report of the Board of Directors of the Armstrong Co. dated May 2, 1914, as being a copy of the report of the Board of Directors of the Armstrong Co. dated May 2, 1914.

Very truly yours,

General Investigator

Enclosure

100-2-1914 - 50147

100-2-1914

counter 50147

G<sup>2</sup>