

HISTORY OF THE MATTER REFERRED TO  
BY HARRIS

Shirriffs

Counter 51556

Dear Sir:

I received your letter of July 25 relative to the County Boundary Suit styled Cochran County, et al vs. Hockley County, et al, decision in which was handed down December 16, 1940 in the Judicial District Court, Lubbock County, later carried to the Supreme Court and just recently refused application for writ of error.

You also asked if I would consider presenting this matter to Judge Alexander and the Attorney General before they refuse the application to be presented to reconsider this refused application.

Since receipt of your letter I have made a careful examination of all the records pertaining to this line, beginning with the creation in 1876 of the four counties involved, all of which were to be laid in and around a common corner, i. e. S. W. Lamb, S. E. Bailey, N. E. Cochran and N. W. Hockley.

In 1910 the North, West and South lines of Lamb County were surveyed by W. H. Tilson, County Surveyor of Lamb County at that time, and a corner established as the S. W. corner of Lamb County and the S. E. corner of Bailey County.

On February 7, 1914 the Honorable C. H. Curl, then County Judge of Lamb County, was advised that field notes of the North, West and South lines of said county, made by W. H. Tilson, were on file in this office and that same had been applied on the official map of Lamb County; also that this office had no knowledge of any irregularities in the procedure in making the survey. Therefore, as far as this office was concerned these field notes would be recognized until same were superseded by other or cancelled by the courts.

Between March 14 and October 26, 1916 a resurvey of the Lamb-Bailey County line was made by W. D. Twichell and W. J. Williams, Twichell representing Lamb County and Williams representing Bailey County. In this survey, a retracement of the Tilson line, the corner as established by Tilson marked by a stone 17" x 13" x 11" marked W. H. T. on top and L on end was found, identified and accepted as the S. W. corner of Lamb County and the S. E. corner of Bailey County. On January 13, 1917 the field notes of this survey were approved and accepted by B. D. Woodlee, County Judge of Castro County, Bailey County being attached to Castro County for judicial purposes, and on January 27, 1917 they were approved and accepted by L. E. Ensign, County Judge of Lamb County.

MEXICO

NEW

BAILEY

LANE

TALIE

THOMAS LINE  
 WILSON COUNTY  
 CRENS COX  
 CRENS LINE REJECTED  
 WILLIAMS LINE REJECTED

30 MILES HARRIS

COCHRAN

HOCKLEY

LUBBOCK

HARRIS PROPOSED LINE

30 MILES

At the instance of Hockley County this boundary line was surveyed during the year 1938 by W. J. Williams, taking for his starting point the recognized common corner of Hockley, Cochran, Terry and Yoakum Counties and running on a course N 20° 15' 50" W to the Tilson's S. W. corner of Lamb County according to the instructions as set out in the letter by Commissioner Wm. H. McDonald, above mentioned. However, Cochran County refused to accept or recognize this survey and suit was brought in the 99th Judicial District Court of Lubbock County to have the boundary line finally adjudicated. In this suit, styled Cochran County et al, vs. Hockley County, et al, Cause No. 8502 in the judgment of the Court, December 16, 1940, it was decreed that the line, as surveyed between Lamb and Bailey Counties in 1916 by Williams and Twichell, and the line as surveyed between Hockley and Cochran Counties by Williams in 1938, both recognizing the Tilson corner as the common corner of Bailey, Lamb, Cochran and Hockley were correct as set out in their field notes.

In view of all the evidence as set out above, and as has been frequently stated in the past, the matter of adjustment and determination of county lines in this State is one which must be settled by the counties affected, unless such counties are unable to agree and they refer the matter to the Land Office to be determined. In this particular case this latter course has already been taken, an opinion expressed and instructions given which have been upheld and confirmed in court. Also, the Tilson corner and the lines to and from same have been recognized by this department all down the years since the year 1910, and further, as in the Revised Civil Statutes of 1911, Article 1400, Page 332, it is clearly set out that "The County Boundaries of the counties of this State, as now recognized and established, are adopted as the true boundaries of such county," it would seem that for this department, at this late date, to intervene in an attempt to reverse the opinions of this office as held, and of the courts as ruled, would be presumptuous, and it is my opinion that this matter had better be left to the courts for final solution.

Sincerely yours

Wm Shirriffs

When the controversy arose between Cochran and Hockley Counties as to the N. W. corner of Hockley County and the N. E. corner of Cochran County, pursuant to an order in the County Court of Cochran County, May Term, 1937, copy of which was served on Alvin R. Allison, County Judge of Hockley County, you were appointed and directed to survey the Cochran-Hockley Boundary Line, and on June 12, 1937, W. J. Williams was appointed by the County Court of Hockley County to represent that county.

Apparently you failed to agree as to the correct location for this line and statements are on file setting out your reasons. Thereupon the opinion of this department, then under the administration of Mr. Wm. H. McDonald, was requested by the Honorable Alvin R. Allison, County Judge of Hockley County, and the Hon. G. A. Graham, County Judge of Cochran County, and accordingly, on August 5, 1937, a letter expressing the opinion of this department, and giving instructions as to the location of the line, was mailed to these gentlemen and copies mailed to you and W. J. Williams, Surveyor, Plainview, Texas. Quoting in part from this letter, I find the following:

"We are therefore forced to the conclusion that in so far as this office is concerned, unless and until the southwest corner of Lamb County and the southeast corner of Bailey County is adjudicated to be in some place other than that established by the said Tilson, we are under the legal obligation to hold and consider that the southwest corner of Lamb County and the southeast corner of Bailey County is at said point established by the said Tilson.

This being the situation, you are instructed in accordance with Art. 1589 Revised Civil Statutes of Texas, that unless and until the aforesaid southwest corner of Lamb County and southeast corner of Bailey County is adjudged and decreed to be at some place other than that established by the said W. H. Tilson, the proper manner in which to run the west line of Hockley County and the east line of Cochran County is to begin at the common corner of Hockley, Cochran, Yoakum and Terry Counties, which point was agreed upon by the surveyors, and from that point proceed in a straight line to the aforesaid southwest corner of Lamb County and southeast corner of Bailey County as established by the said W. H. Tilson in 1910 and recognized and approved by the then Commissioner of the General Land Office."

Cochran <sup>5</sup> Hockley

County Line

1940

Hockley Co. Bdry line