

E. F. RITCHEY
COUNTY ATTORNEY
DONLEY COUNTY
CLARENDON, TEXAS

1002

Clarendon, Texas.
April 28th, 1917.

Hon. J. T. Robinson,
Austin, Texas.
Dear sir:-

There is considerable confusion and bother to the people living along the Armstrong and Donley County line over the exact location of this line. Some of them do not know in which county to render their property for taxes. Both counties are very anxious to have this matter settled once and for all time.

I understand that a survey was made sometime ago under an agreement between the two counties, and report made to your office of the same, but for some reason it has never been recognized as the correct line so far as I have been able to find. What objections have you to this line, and wherein is it incorrect?

I would also like to know if there is a line between these counties recognized by your department, and if so, where is it? If there is not such a line, then what kind of a line will your department recognize? We want to know the exact trouble so that it can be corrected.

Your early reply to this enquiry will be greatly appreciated.

Yours very truly,

E. F. Ritchey
County Attorney
Donley County
Texas.

RECEIVED

APR 30 1917

Referred to Map

This was intended
for ans. to E. F. Ritchey
Co. Atty - 4/28/17 -
but never sent -
see letter 5/7/17 ^{instant} close

~~Answering~~ Your letter of the
28th Ult - in reference to the boundary
line between Armstrong and
Dorsey Counties received - and note
your inquiry concerning a survey
of said line, ^{made} some time ago under
agreement between the two counties, and
~~you~~ desire to know what objections
this office has to this line and wherein
is it incorrect etc - The ~~field notes~~
of the survey referred to I presume was
that made in June 1914 by R. G.
Corraway and Frank Elston - Field notes
of which were received in this office Dec-
3rd 1914 - Before stating our reasons
for not approving these field notes I desire

to call your attention to the following;

By referring to the Statutory

description of the twenty five most

northern Panhandle Counties of the State

it will be noted that they all call to

ties together and have ^{the} common corner - The sixteen

eastern counties of the above twenty five

call to be 30 miles square with courses

N, S, E + W - Beginning with the north

tier, they build from the extreme N.E. corner

of the State west along the State line; the

second tier then builds east along the south

line of the first tier; ~~and~~ the third tier along the

second ^{and} the fourth tier along the S. line of the third,

all calling to join and have common corners

as above stated. Therefore a proper

construction of these counties would be

to begin at the N.E. corner of the State and

give the north tier, viz, Lipscomb,
Ochiltree, Hansford, and Sherman ^{Counties}

30 miles each along the State line -
and from these corners extend lines
south on true meridians, and from

points 30 miles apart along the 100th
Meridian, ^{South} measured from the N. E. Corner
or from the second mile post or call for on said meridian
of the State, [^] run true parallels west.

Such lines ^{and their intersections} will form the correct
boundaries and corners of said counties.

It will be understood that by reason of
the divergence of the meridian lines in
going south, that the south line of each
county will increase in length, in other
words its south line ^{E+W} will be longer than its
north line - hence under this construction
the north line of Dealey County would be about
30 1/2 miles ^{E+W} long [^] instead of 30 miles.

Now ^{according} to the field notes in question the beginning
point, ^{for the} N. W. corner of Donley ~~County~~ and
N. E. corner of Armstrong Counties appear
to have been established by running
from the 42 mile post on the 100th
Meridian ~~thence~~ west ^{60 miles} on a tangent
perpendicular to a meridian through
said 42 mile post. Thence south 30 miles
perpendicular to said tangent for the
common boundary between said Counties.

This method does not establish this ^{according to} line ^{the}
Statutes creating and describing said Counties
which call for Donley County to begin
at the common corner of Armstrong,
Carson and Gray Counties - ^{while} Approximate
Calculations show the north west corner
of Donley County as herein fixed to be
about 630 rs. south and one mile and 120 rs.

east of the intersection of the
parallel through the 42 mile post
~~on the 100th meridian~~ and the meridian
through the N.W. corner of Schitree
county, which intersection is ^{mathematically} the correct position
for the N.W. corner of Donly County -
Therefore this line being out of
harmony both in construction and
position on the ground is not
approved. Furthermore, ^{field notes of} a boundary line
between Armstrong and Donly Counties were
filed in this office May 6th 1901 and approved
April 25th 1902, ^{as delineated on the office map of Armstrong Co. of date 1904.} If this line is incorrect I can see
no reason for setting it aside for the adoption
of another that is also incorrect.

~~6~~ ~~9~~ 1917

~~Armstrong Co. Bdry line~~

Donley Co Bdry File No 7

Courtesy 52647

May 11, 1917.

Mr. E. F. Ritchie,
County Attorney,
Clarendon, Texas.
Dear Sir:

I am in receipt of yours of the 23th ultimo and also a letter from Mr. J. S. Stallings, County Attorney of Armstrong County of the 27th ultimo, both making inquiry with reference to the boundary between Armstrong and Donley Cos.

In your letter you refer and inquire about a survey of that line made some years ago under an agreement between the two counties and you wish to know what objections this office has to that line etc. From this I presume you have reference to a line run in June of 1914 by R. G. Caraway and Frank Eiston. The field notes for of their line were received in this office in December of that year. For your information will state that line seems to be more than one mile east of the true position for same. I merely make this suggestion and will further add there are field notes of a survey of the boundary between these counties made in March 1901 by J. L. Greg, special surveyor. These field notes were filed in this office on the 6th of May 1901 and were approved by this department on the 25th of April 1902. These field notes are of record in Vol. 1, pages 263 to 274, Minutes of the Commissioner's Court of Armstrong County. It was according to this line that the boundary as shown on the official map of Armstrong County dated June 1904.

Now, inasmuch as the line run in 1901 has been approved by this department, will say that if the interpretation of the law as to county boundaries as laid down in the case of Stephens County vs. Palo Pinto County, 155 SW 1006 is correct, then the line as established, approved and recognized in 1901 is by virtue of that

121 EFR.

statute and decision the true boundary line between the counties and assuming that the decision is correct and applies to those boundaries established, such as the above mentioned county line between your county, this department will adhere to that decision and continue to recognize the boundary as established in 1901 until that boundary is set aside by proper judgment of Court. I take this view notwithstanding the department went into the question as to the validity of the 1901 line in 1914.

I am mailing to Mr. J. S. Stallings a carbon copy of this letter by way of reply to his. From what is here stated you will understand that this department will hereafter continue to recognize the Gray line until it is set aside by judgment of Court.

Very truly yours,

Hutch/m

Commissioner.

~~5~~
~~10~~
1917
Armstrong Co. Barry line
Donley Co Barry File No 7

GENERAL LAND OFFICE, AUSTIN, TEXAS, 11 - 5 - 35

J. W. MacArthur Chief Clerk Acting Commissioner of the
General Land Office of the State of Texas, do hereby certify that on
the reverse hereof and attached hereto is a true and correct copy
of the original.

now on file in this office together with all endorsements thereof.

IN TESTIMONY WHEREOF, I, Hereunto set my hand and
affix the seal of said office the day and date
first above written.

J. W. MacArthur Chief Clerk Acting
Commissioner of the General Land Office



General Land Office.

State of Texas.

Austin.

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

May 11, 1917
1917.

Mr. E. F. Ritchie,
County Attorney,
Clarendon, Texas.
Dear Sir:

I am in receipt of yours of the 28th ultimo and also a letter from Mr. J. S. Stallings, County Attorney of Armstrong County of the 27th ultimo, both making inquiry with reference to the boundary between Armstrong and Donley Cos.

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Per Com. 7



General Land Office.

State of Texas.

Austin.

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

-2- HR.

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Very truly yours,

Commissioner.

Hatch/isa

④. 8 1917

Armstrong Co. Bdry line

Donley Co Bdry File No 7

E²

General E. H. ...

State of Georgia

... ..

E. F. RITCHEY
COUNTY ATTORNEY
DONLEY COUNTY
CLARENDON, TEXAS

1068

Clarendon, Texas.
May 16th, 1917.

Hon. J. T. Robinson,
Austin, Texas.
Dear sir;---

In reply to your letter of the 11th inst., concerning the boundary line between Donley and Armstrong Counties, I note that you say your department recognizes the survey made in 1901 by J. L. Gray, Special Surveyor, as the true boundary line between these counties. That is the line the Commissioners Court of this county recognizes as the correct one, and the one we have been insisting upon being recognized.

But since receiving your letter, the officials of Armstrong County in communication with us about this matter refer to a letter from your department about the 1st of May 1914, in which they intimate that you hold the Gray Survey was not made in accordance with the statutes controlling boundary lines and for that reason would probably be of no binding force whatever.

Both counties are very anxious to settle this matter without the necessity of having to settle it by a law suit, but with these two contradictory letters from your department on this same matter, in case you did so rule in your letter of May, 1914, we are at a loss to know just how to proceed; and want to know which line your department is going to recognize as the correct one, that is the line surveyed in 1914 or 1901.

In your letter to me you state that the Caraway line seems to be more than a mile east of the true line, and that has been our contention all along and is the reason why we are insisting upon this other line.

Awaiting your reply, I beg to remain,

Yours very truly,

E. F. Ritchey

RECEIVED

MAY 18 1917

Referred to Map

*Made
5/21/17*