

No. 196-B

GARZA COUNTY ◊ IN THE 104TH JUDICIAL
VS. ◊ DISTRICT COURT OF
LYNN COUNTY ◊ TAYLOR COUNTY, TEXAS.

J U D G M E N T

Dec. 3rd, 1930.

2
Be it remembered that heretofore to-wit on the 7th day of April, A. D. 1930, the above entitled and numbered cause was called for trial, whereupon the plaintiff Garza County, and the defendants, Lynn County, Lubbock County, Terry County, Yoakum County, Cochran County, Hockley County and Crosby County, appeared by their respective counsel and announced ready for trial, but the County of Kent, although duly served with process herein as required by law, came not and wholly made default; and a jury being waived, the matters of law and fact were submitted to the court, who, having heard the pleadings, the evidence and the argument of counsel, did take the matter under advisement and consideration until this date, and here and now does enter the following judgment disposing of the matters in controversy between the parties to this suit, to-wit:

3
The court finds from the evidence that the true and correct southeast corner of Lubbock County, southwest corner of Crosby County, northwest corner of Garza County and the northeast corner of Lynn County is marked, fixed and described on the ground as follows:

4
A large stone 4 x 12 x 20 inches set in ground and marked on the north side SEC LCo and SWCC Co, and on the south side NEC Ly Co, and NWC Gar Co, an earth mound built around said stone 2 ft. high, pits N, S, E and W 2 x 2 ft. 12 in. deep, also four stones set in the ground, N, E, S and W at about 6 varas, which said large stone was placed by J. B. Jones who surveyed the east and south lines of Lubbock County in the year 1892, and made a report thereof to the Commissioners Court of

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Lubbock County, Texas, said report bearing date of May 12, to 28, 1892, and filed for record June 30, 1892, and recorded on pages 148 to 172 of Vol. 7 of the Deed Records of Lubbock County.

5 That the boundary line between Lubbock County and Crosby County is a line surveyed and marked on the ground by J. B. Jones in the year 1892, having for its south end a large stone last above mentioned, known as the Jones southeast corner of Lubbock County; that the south boundary line of Lubbock County and the north boundary line of Lynn County is marked and designated on the ground and known as the J. B. Jones line which he surveyed and marked in the year 1892, having for its east end the Jones southeast corner of Lubbock County as above described, and extends westerwardly from said Jones southeast corner of Lubbock County as shown by his said report bearing date of 12th to 28th days of May, 1892, and having for its western end a corner which is described in said report as follows:

6 An earth mound 2 ft. high built over a stone 5 x 16 x 20 inches set in ground and marked on the west side SEC H Co and NEC T Co, and on east side SWC L Co and NWC L Co pits N S E and W 2 x 2 ft. 12 in. deep, said corner is north of a basin about 500 vrs.

7 The court further finds that the Jones southwest corner of Lubbock County as above described is also the common corner of Lubbock, Lynn, Terry and Hockley Counties, same being the northwest corner of Lynn County, the northeast corner of Terry County and the southeast corner of Hockley County; that the west line of Lubbock County and the east line of Hockley County, Texas, is established and marked on the ground and is known as the J. B. Jones line surveyed in the year 1892 and extend northward as marked by him and as shown in his said report from the said common corner of Lubbock, Lynn, Terry and Hockley Counties, and as above described, and ending at the southwest corner of Hale and the northwest corner of Lubbock County, as marked by the said Jones, as fully shown in said report.

8
The court further finds that the northeast corner of Garza County and the northwest corner of Kent County is not marked on the ground, but that said corner should be located on the ground at a point thirty miles east of the J. B. Jones southeast corner of Lubbock County as herein described at a point in the south line of Dickens County, and that said line as so constructed shall be the north boundary line of Garza County and the south boundary line of Crosby County, and said corner when so established shall be the northeast corner of Garza County and the Northwest corner of Kent County - that is to say, in order to mark on the ground said northeast corner of Garza County, and the northwest corner of Kent County the surveyors shall begin at the J. B. Jones southeast corner of Lubbock County as hereinabove described and set forth, and run a straight line eastwardly to the southwest corner of Dickens County and thence follow the south boundary line of Dickens County, if the same be necessary, to a point thirty miles eastward of the J. B. Jones southeast corner of Lubbock County, and the line thus run shall be the south line of Crosby County and the north line of Garza County and the corner as thus marked thirty miles eastward of the J. B. Jones corner shall be the northeast corner of Garza County and the northwest corner of Kent County.

9
The Court further finds that the North boundary line of Terry County, the South boundary line of Hockley County, the North boundary line of Yoakum County and South boundary line of Cochran County, have never been marked or established on the ground, and the court is of the opinion that the proper method of surveying the north boundary line of Terry County, the South boundary line of Hockley County, the North boundary line of Yoakum, and the South boundary line of Cochran County is to begin at the J. B. Jones Southwest corner of Lubbock County, as hereinabove described and run said line on a due west course from said point on the parallel to its point of intersection with the boundary line between the State of Texas and New Mexico,

and that the Northwest corner of Terry County, the Southwest corner of Hockley, the Southeast corner of Cochran and the Northeast corner of Yoakum County is a common corner and should be fixed at a point in said line so projecting as aforesaid thirty miles West of the J. B. Jones southwest corner of Lubbock County, and said line when so marked shall be the North boundary line of Terry County, the South boundary line of Hockley County, the North boundary line of Yoakum County, and the South boundary line of Cochran County, and the corner so established in said line at a point thirty miles west of the J. B. Jones Southwest corner of Lubbock County, shall be the Northwest corner of Terry County, the Southwest corner of Hockley County, the Northeast corner of Yoakum County, and the Southeast corner of Cochran County.

10 The Court is further of the opinion and finds that the boundary line between Kent County and Garza County is a straight line running true North and South, having for its north end the corner as hereinabove described, to be marked and established on the ground in the manner as herein adjudged thirty miles eastward of the J. B. Jones southeast corner of Lubbock County, and extending due south on the meridian to the north boundary line of Scurry County; that the boundary line between Lynn County and Garza County is a straight line extending due North and South, having for its north end the J. B. Jones southeast corner of Lubbock County as hereinabove described, and extends due south on the meridian to the north boundary line of Borden County; that the boundary line between Lynn County and Terry County is a straight line extending due north and south, having for its north end the J. B. Jones southwest corner of Lubbock County as hereinabove described and extending due south on the meridian to the north boundary line of Dawson County; that the boundary line between Terry County and Yoakum County is not marked on the ground but its true location is a straight line extending due north and south, having for its North end the common corner of Terry, Yoakum, Hockley and Cochran Counties,

as heretofore adjudged herein, and from said point extending due south on the meridian to the north boundary line of Gaines County.

11
V
That the boundary line between Hockley County and Cochran County is not marked or established on the ground, but is a straight line extending due north and south, having for its south end the common corner of Terry, Yoakum, Hockley and Cochran Counties as heretofore adjudged herein, and from said point extending northward to the southeast corner of Bailey County and the southwest corner of Lamb County.

12
It is therefore ordered, adjudged and decreed by the court that the true and correct southeast corner of Lubbock County, southwest corner of Crosby County, northeast corner of Lynn County and northwest corner of Garza County is located, marked and described on the ground as follows:

13
A large stone 4 x 12 x 20 inches set in ground and marked on the north side SEC LCo and SWCC Co, and on the south side NEC Ly Co, and NWC Gar Co, an earth mound built around said stone 2 ft. high, pits N, S, E and W 2 x 2 ft. 12 in. deep, also four stones set in the ground N, E, S and W at about 6 varas, which said large stone was placed by J. B. Jones who surveyed the east and south lines of Lubbock County in the year 1892, and made a report thereof to the Commissioners Court of Lubbock County, Texas, said report bearing date of May 12, to 28, 1892, and filed for record June 30, 1892, and recorded on pages 148 to 172 of Vol. 7 of the Deed Records of Lubbock County.

14
It is further ordered, adjudged and decreed by the court that the boundary line between Lubbock and Crosby Counties is the line as surveyed and marked on the ground by J. B. Jones in the year 1892, having for its south end the large stone last above mentioned, known as the Jones southeast corner of Lubbock County.

15
It is further ordered, adjudged and decreed by the court that the common south boundary line of Lubbock County and

the north boundary line of Lynn County is marked and designated on the ground as the J. B. Jones line which he surveyed and marked in the year 1892, having for its east end the Jones southeast corner of Lubbock County as above described, and extends westwardly from said Jones southeast corner of Lubbock County as shown by his said report bearing date of 12th to 28th days of May, 1892, having for its west end the corner which is described in said report as follows:

16
An earth mound 2 ft. high built over a stone 5 x 16 x 20 inches set in ground and marked on the west side Sec H Co and NEC T Co, and on each side SWC L Co and NWC L Co pits N S E and W 2 x 2 ft. 12 in. deep, said corner is north of a basin about 500 vrs, and that said corner is the common corner of Lubbock, Lynn, Terry and Hockley Counties.

17
It is further ordered, adjudged and decreed by the court that the west line of Lubbock County and the east line of Hockley County is established and marked on the ground and is known as the J. B. Jones line surveyed in the year 1892 and extends northward as marked by him and as shown in said report from the said common south corner of Lubbock and Hockley Counties, and as above described, and ending at the southwest corner of Hale County and the northwest corner of Lubbock County, as marked by the said Jones, as fully shown in his said report.

18
It is further ordered, adjudged and decreed by the court that the north boundary line of Garza County and the south boundary line of Crosby County is a straight line extending eastward from the J. B. Jones southeast corner of Lubbock County as hereinabove described to the southwest corner of Dickens County; and that the northeast corner of Garza County and the northwest corner of Kent County is at a point thirty miles eastward of the J. B. Jones southeast corner of Lubbock County at a point in the south boundary line of Dickens County; that is to say, the northeast corner of Garza County and the northwest corner of Kent County shall be marked on the ground at a

point in the south boundary line of Dickens County thirty miles eastward of the J. B. Jones southeast corner of Lubbock County in the manner as hereinabove provided; and the east line of Garza County and the west line of Kent County shall have for its north end the common corner as so established, and from said point shall extend due south on the meridian to the north line of Scurry County.

19 It is further ordered, adjudged and decreed by the court that the east boundary line of Lynn County and the west boundary line of Garza County shall have for its north end the J. B. Jones southeast corner of Lubbock County as hereinabove described, and from said point shall extend due south on the meridian to the north line of Borden County.

20 It is further ordered, adjudged and decreed by the court that the west boundary line of Lynn County and the east boundary line of Terry County shall have for its north end the J. B. Jones southwest corner of Lubbock County as hereinabove described, and from said corner shall extend due south on the meridian to the north line of Dawson County.

21 It is further ordered, adjudged and decreed by the Court that the north boundary line of Terry and Yoakum Counties and the south boundary line of Hockley and Cochran Counties shall be a line beginning at the J. B. Jones southwest corner of Lubbock County as hereinabove described and from said point shall extend a true West course on the parallel to the point where said line intersects the boundary line between the State of Texas and New Mexico, that is to say, said line shall be marked on the ground by beginning at the J. B. Jones southwest corner of Lubbock County, Texas, as hereinabove set out, and from said point shall run a true West course to a point where it intersects the boundary line between the State of Texas and the State of New Mexico, which said line shall be the North boundary line of Terry and the South boundary line of Hockley County, and the North boundary line of Yoakum and South boundary line of Cochran County.

22
It is further ordered, adjudged and decreed by the court that the northwest corner of Terry County, the northeast corner of Yoakum County, the southwest corner of Hockley County and the southeast corner of Cochran County is a common corner and shall be fixed in the aforesaid line as established in the preceding paragraph of this judgment at a point thirty miles west of the J. B. Jones southwest corner of Lubbock County.

23
It is further ordered, adjudged and decreed by the court that the west boundary line of Terry County and the east boundary line of Yoakum County is a straight line extending due North and South, and having for its north end the common corner of Terry, Yoakum, Hockley and Cochran Counties as heretofore adjudged, and from said point extending due southward on the meridian to the north line of Gaines County.

24
It is further ordered, adjudged and decreed by the court that the west boundary line of Hockley County and the east boundary line of Cochran County is a straight line extending south and north, having for its southern end the common corner of Hockley, Cochran, Yoakum and Terry Counties as heretofore adjudged, and from said point extending due north on the meridian to the southwest corner of Lamb County and the southeast corner of Bailey County.

25
It is further ordered, adjudged and decreed by the court that each of the parties hereto pay the respective costs incurred by it herein, except costs of surveying, which is not entitled to be taxed as cost, that is to say, each county is hereby adjudged to pay the costs incurred by it in this litigation, and the Commissioners Courts of the respective Counties to this suit are here and now adjudged and required to settle and pay to the Clerk of this court the amounts of costs by them owing upon notice from said Clerk of the respective amounts thereof.

26
It is further ordered, adjudged and decreed by the court that all relief prayed for by any party to this suit and not hereinabove granted be and the same is here and now denied.

To which action of the court in rendering the foregoing judgment Garza County and Lynn Co. Texas, then and there in open court excepted and gave notice of appeal to the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas, at Eastland, and upon motion said County is hereby granted eighty days after the adjournment of this term of court within which to file bills of exceptions and statement of facts.

W. R. Chapman

Judge Presiding.

Garza Co. vs Lynn Co.

THE STATE OF TEXAS

COUNTY OF TAYLOR

I, Belle Wellborn, Clerk of the District Courts within and for Taylor County, Texas, do hereby certify that the foregoing is a true and correct copy of the Judgment of the Court in Cause No. 196-B, Garza County Vs Lynn County, as same appears of record in Vol. A, page 677, Civil Minutes of the 104th District Court.

Given under my hand and official seal at office in Abilene, Texas, this the 7th day of June A. D. 1937.

Belle Wellborn

District Clerk Taylor

County, Texas

By Gala McKee Deputy.

Garza Co Bdry Line 4

No. 196-B

In the 104th District Court of
Taylor County, Texas

GARZA COUNTY

VS

LYNN COUNTY

Certified Copy of Judgment

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