

POSSIBLE COURT ACTION

Liberty-Harris Strip Also Is 'No Man's Land'

2-10-63
BY OSCAR GRIFFIN
Chronicle Reporter

The ebbing and flowing of a centuries-old bayou and a 50-year-old map by a county surveyor may touch off a "border war" between Harris and Liberty counties.

But, unlike the residents of the "no man's land" between Harris and Montgomery counties, the residents of the 1250 acres between Liberty and Harris counties couldn't care less which county they live in.

A 120-acre tract of "no man's land" on the San Jacinto River has had no home county to call its own for 127 years. Located in northeast Harris County—or southwest Montgomery County—it was publicized in a story Jan. 27 in The Chronicle because neither county will claim it.

Maps Confusing

The cattle and small game on the land nestled in a bend of Cedar Bayou between Harris and Liberty counties don't pay much attention to maps. But maps can be confusing, too.

Those on file with the General Land Office show the land belongs to Liberty County. Naturally, the maps of Liberty County show the land belongs to it. Even some of the maps in Harris County show the land belongs to Liberty County—but not all of them.

And therein lies the dispute. Harris County Commissioners Philip Sayers and Kyle Chapman said it is "quite possible" Harris County owns the 1250 acres. They say the line was never determined.

Liberty County Judge T. J. Hightower said Harris County will have a fight on its hands if it tries to claim the land. "We don't want anyone trying

to grab our land," the judge said.

Dividing Line

The land in question is between Farm Rd. 1960 and Hwy. 90-A, just east and south of the point where F.M. 1960 crosses the bayou.

Near that point, the line that serves as the boundary between Harris and Liberty counties intersects Cedar Bayou. Then the meandering stream divides Harris from Liberty and Chambers counties.

North and east of F.M. 1960, Cedar Bayou winds deep into Liberty County—on some maps. And this points up the confusion over the true eastern boundary of Harris County.

General Land Office records say the eastern boundary begins at the northwestern line of Liberty County, "thence with said line to the head of Cedar Bayou; thence down said bayou to its mouth."

Some mapmakers, therefore, ignore the part of Cedar Bayou in Liberty County.

A. C. Stimson of 2119 Elmen, Harris County surveyor for 14 years, contends the head of Cedar Bayou always has been located northwest of Dayton in Liberty County—in the middle of the North Dayton oil field.

See Court Case

There is nothing to substantiate the General Land Office records, he said.

Stimson thinks if Harris County went to court, it could legally claim all the land inside the line from the head of the bayou—almost 25,000 acres.

Even without going to court, Stimson thinks Harris County has a legitimate claim to the 1250 acres in the bend of the bayou. His reasoning is based on a survey of the Harris-Liber-

ty county line made in 1913 by H. O. Compton, then Liberty County surveyor.

Compton's survey showed the disputed 1250 acres in Harris County. His survey line intersected Cedar Bayou about three miles south of the present point of intersection.

Two Houston mapmakers—on some of their maps—agree with Compton and include the 1250 acres in Harris County. A WPA map of the 1930s shows the 1250 acres in Harris County.

Some Show Dispute

Some maps, however, show the 1250 acres to be in dispute.

A recognized Harris County plat map indicates that Harris County commissioners set the county line along the Compton survey in 1929 and included the 1250 acres in Harris County.

Harris County collected taxes on the property regularly until 1942. Some landowners there paid taxes to Harris County until the late 1950s, said G. B. Jordan, Liberty County tax assessor-collector.

Jordan is accepting taxes for the land, assessed at \$10 an acre. The tax rate is \$1.20 per \$100 valuation.

"The money we get off that land wouldn't pay for the survey it would take to see who the land really belongs to," Jordan said. "If Harris County wants it, we'll trade it for part of the Ship Channel."

Recalls Early Dispute

Hightower was on the Liberty County bench in 1941 when Stimson tried unsuccessfully to get Liberty County to give the land to Harris County.

The judge remembers meeting with Stimson and the Harris County engineer about the boundary dispute. "We were nice and polite to them," he recalls,

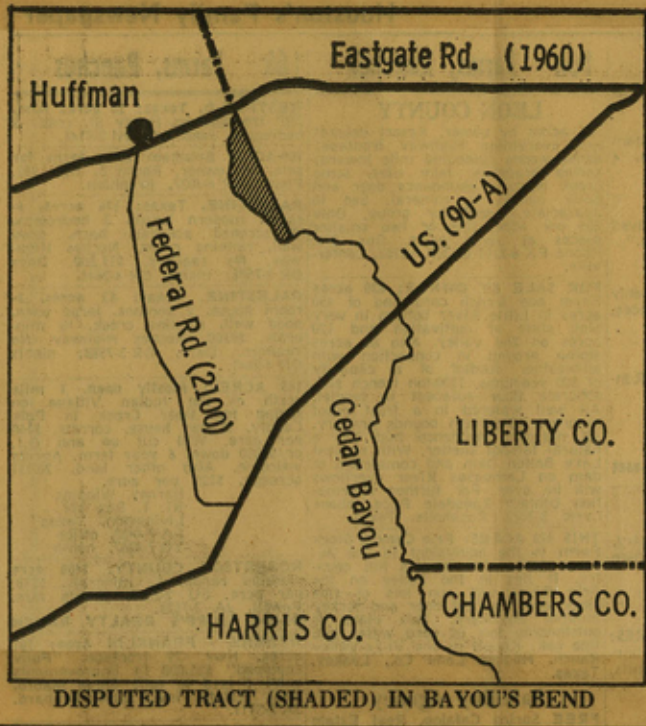
"but we weren't about to give Harris County the land then and we're not about to now."

Elwood Bailey, veteran Liberty tax office employee, said the trouble stems from Cedar Bayou.

"How does anyone know where the head of Cedar Bayou was in the 1830s?" he asked. "Compton intersected the bayou just below the head in 1913, but the head isn't there any more. No telling where it was when the original survey was made."

Bailey also disputed Stimson contention that Harris County could claim 25,000 acres of Liberty County by going to the present head of the bayou.

Peach Creek, in Montgomery County, was used as a county boundary in the 1800s. It is no longer located where it was then. Using that creek, Bailey figured out a way for Liberty County to claim a large chunk of Harris County.



DISPUTED TRACT (SHADED) IN BAYOU'S BEND

Y

7

1968

Harris
Liberty

Harris Co. Bdry. line

Summers Pass

Herrville

Columbus

Jim Meadows

Austin Area

East Texas

Harris Co.

McLain Co.

210 ACRES GO
LAND

CONTACT RANCH

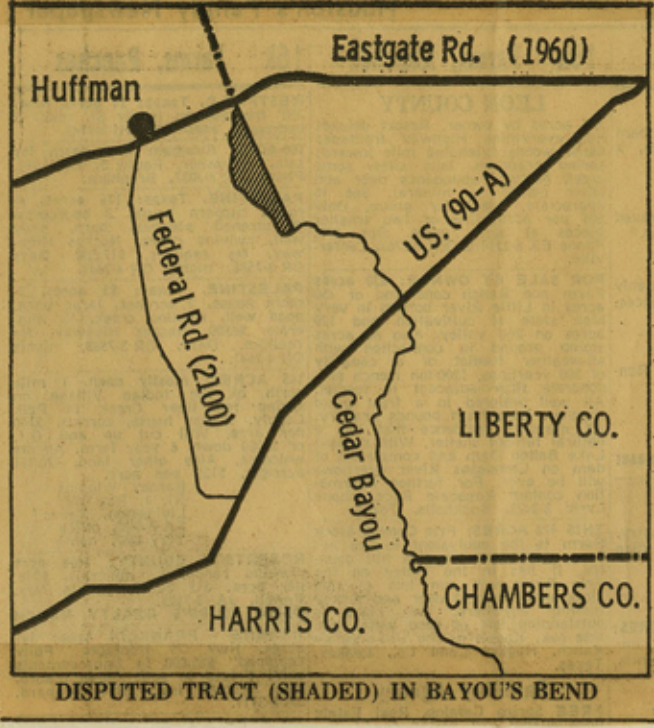
LEE COUNTY

GUEST RANCH

CHARLEY H. ...

County ...

88469



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