General Land Office.

State of Texas.

Austin.

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

July 2, 1912.

Hon. John S. Mason, Co. Surveyor Rockwall Co.,
Rockwall, Texas.
Hon. H. Y. Kincy, Special Surveyor Hunt Co.,
Greenville, Texas.
Gentlemen:-

I am in receipt of your joint certificate of disagreement relative to the boundary line between Hunt and Rockwall Counties, accompanied by an order of the County Court of Hunt County, dated May term 1912 and in words as follows:

"It appearing to the court that the boundary line between Hunt County and Rockwall County is in dispute between said counties, etc."

Also accompanied by an order of the County Court of Rockwall County dated June term 1912 and in words as follows:

"It appearing to the court that the original boundary line between Rockwall and Hunt Counties is in dispute between said counties, etc."

In the discussion of the matter by representatives of Hunt and Rockwall Counties it developed that there are two well defined lines marked on the ground between those two counties.

In Art. 799 Rev. Civ. St. 1895 these words are found:

"Whenever it shall appear to the satisfaction of the County Court of any country in this State, ---------that the boundary or any part thereof of the county is not sufficiently definite and well defined, etc."

It will be noted that the order simply says the line is in "dispute". The representatives of the two counties say there are two well defined lines, therefore, it would seem the purpose of your submission to this Department is to have one of

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No. 2.

It occurs to me the statute does not confer upon this Department the a thority of determining between established lines, but authorizes it to designate where a line may be run when there is no line. A ruling made by this Department in favor of or against any established line would not have the effect of making such line good nor of invalidating it. That is a judicial function and must be determined by the proper court. The foregoing leads me to say it is believed this Department has no jurisdiction over this controversy.

Yours very truly,

Robison/Nolen Commissioner.

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