

Place with Lamb County Line file

June 11, 1934

Mr. A. L. Harris,
1724 - 13th St.,
Lubbock, Texas

Dear Sir:

I have your letter of May 23rd enclosing your field notes of the Hockley-Terry county line, also corrected field notes of section 8 blk 0, and sections 1 and 2 blk 00. These will have my attention just as soon as they can be reached for examination.

You also write in reference to the matter of the Hockley-Lamb county line, particularly as run by W. H. Tilson in 1910, and request this department to disapprove or void that line and accept the line between these two counties as run and marked recently by yourself.

In order that you may understand the position of this department, you are advised as follows:

The Revised Civil Statutes of 1925 set out the procedure to be followed in the matter of determining the location of a county line, and sending copies of the field notes thereof to the General Land Office before they are accepted by the county court of the county or counties affected. *after*

Article 1582 of said statutes, provides that the Commissioner shall give notice to the county court of a county where the county line is not sufficiently definite, and well defined, etc.

58 S.W(2) - P.24. According to Lynn county et al VS Garza county et al (trial court) Findings of Facts 12th, I find that the South boundary line of Baylor, Lamb, Terry, Floyd and Martin counties is a well established line upon the ground, and has been for many years recognized as an established line ---", it appears to me that there is no occasion for the Land Commissioner to give notice to the county court of any uncertainty as to the position of this county line.

A L Harris

-2-

In 1931 W. J. Williams marked the line between Hale and Lamb and began at your corner - a concrete pyramid 4 feet high in Millington's mound and 4 pits, the Southwest corner of Hale county, and Southeast corner of Lamb county, and ran North 0° 27' 30" West. This line has been accepted by both counties, and the field notes filed in the General Land Office and approved.

It may be that W H Tilson went too far West in locating the Southwest corner of Lamb county; however, that would be a matter for Lamb and Bailey counties to settle; I am not advised as to how that line is now marked and recognized.

You refer to my letter of December 15, 1933 concerning the Tilson line. I quoted in part from a letter to C.H. Curl from this department dated February 7, 1914. I quote the letter in full below:

"Replying to your letter of the 2nd instant, relative to the field notes of the boundary lines of Lamb county, beg to advise that there are field notes of the North, West and South lines of said county, made by W H Tilson in 1910 on file in this office, and same have been applied on the official map of Lamb county. This office has no knowledge of any irregularities in the procedure in making this survey, therefore, so far as this office is concerned, these field notes will be recognized until same are superceded by others or cancelled by the courts.

In conclusion, I would refer you to Revised Civil Statutes of 1911, Art. 1400, page 332, "The county boundaries of the counties of this State, as now reorganized and established, are adopted as the true boundaries of such county and the Acts creating such counties and defining the boundaries are continued in force."

See also 155 S.W.Reporter, page 1006, Stephens Co. VS Palo Pinto Co."

Mr Tilson was also written on September 10, 1910, September 26, 1910 and October 23, 1910 as follows:

A L Harris

-3-

LB $\frac{1000}{102}$

"I have your letter of the 22nd ult. with which you enclosed certified copy of the field notes of a survey of the north, west and south boundaries lines of Lamb county. The statute which provides for the manner in which the boundary lines of a county shall be established, does not provide for the approval of the field notes by the Commissioner of the Land Office. Article 804 provides that the field notes shall be returned to the County Court and spread upon the minutes of that court, and a certified copy sent to the Commissioner of the Land Office. I presume that the action of the County Court in permitting the field notes to be spread upon the minutes of that court is equivalent to an approval of the survey. Hence, I will file the copy of the field notes you have sent. But this office has nothing to do with the ordering of the survey, the directing of it, or the approving of the field notes. The department is only required to file a copy of the field notes that may be furnished by the county clerk and observe them in platting the boundary line on the official map. However, I will say that the field notes you have sent, give such few connections with land surveys through which the lines pass, that they are practically of no use. It will be impossible to so plat them on the map that one will be able to calculate the area of fractions of surveys that are thrown into Lamb County by being cut by the county line, and I will not be able to correct the abstract of surveys through the county lines passes for the purpose of guiding the tax assessor in making correct assessments of surveys through which the line passes."

LB $\frac{1001}{457}$

"I have your letter of the 19th inst. in regard to field notes of the boundary lines of Lamb county surveyed by you last May. I note that you propose to send additional data which will give the connections between the lines and the surveys through which they pass. This office does not expect you to connect with any private surveys or subdivisions as we do not take cognizance of them in any way. It will be sufficient if you will connect the county lines with ~~that~~ each original survey through which they pass so that from the data you may furnish this office can calculate the area of each part of the survey that falls on either side of the county line. The matter of surveying the E. line of the county must be left entirely with the County Court of either Lamb or Hale county. This office can not direct the Court of either county to cause it to be surveyed, and I therefore do not deem it prudent to voluntarily advise either Court in the premises."

A L Harris

-4-

"I beg to acknowledge receipt of your letter of the 22nd inst with which you enclosed additional field notes on the survey of the county lines of Lamb Co. showing connections made with original grants through which the lines pass and also a letter from G. T. Gallaway to you, concerning these additional field notes. These field notes and plat accompanying them, I understand you have sent in order they may receive my approval and be returned to you and later be sent to the County officials of Lamb Co. I am herewith returning the field notes and plat and beg to respectfully state my reasons for not approving same.

The survey of the county lines of Lamb Co was not ordered by this Department and was not made under the direction of this department and I know nothing whatever about it except what your field notes show. The field notes to be filed in this office, should be for the observance and guidance of this office and the survey which they represent should be approved and be made final before they are sent here for such observance and guidance. The county boundary lines of every county in Texas are subject to the supervision and control of the County Court and Commissioner's Court and are not under the supervision of this office. The provisions of the statute which specifies the manner in which the boundaries of a county shall be established are very plain and place the whole matter under the direction of the County Court. Whatever lines the County Court of a county shall cause to be legally established will be observed and followed by this Department, but this Department does not take the initiative and approve a survey of the boundaries of a county that has been ordered by the County Court and should be approved by it.

Whenever these field notes I am returning shall be approved by the County Court of Lamb Co. and recorded and a certified copy furnished this office, I shall be pleased to observe them and make such corrections on the map and printed abstract of surveys as may be found necessary to conform with the boundary lines as surveyed by us."

It would appear from field notes of connections by Tilson, submitted to this department under date of November 18, 1910, appearing in County Court minutes, Book 1 page 62-64 that he identified by them the west line of Lamb county. I do not know whether this line has been recognized by the two counties.

LB 1005
201

A L Harris

-5-

Under the above circumstances, I do not believe that this department would be justified in taking the action which you suggest.

Yours very truly,

Commissioner

Blucher:eb