

2406
Lubbock, Texas.
Jan. 19, 1926.

RECEIVED

JAN 25 1926

Hon. J. T. Robison,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

Relative to the establishing of the east line of Lynn County under the order passed by Lynn County Court on the 11th day of August 1925; we, Sylvan Sanders, Surveyor representing Lynn County and W. D. Twichell, Surveyor representing Garza County wish to submit the following disagreement and request instructions from the Commissioner of the General Land Office in the manner provided by Statute for the establishment of County boundaries.

Under the order of Lynn County Court, Sylvan Sanders is instructed to begin at the SE corner of Lubbock County as marked by J. B. Jones, County Surveyor of Lubbock County in May 1892. Following the order of said court, surveyors met at the above mentioned corner on Nov. 23rd and the Garza County interest requested a postponement until the Garza County Surveyor had sufficient time to measure 30 miles west from the NW corner of Kent County.

The Garza County Surveyor has gone to the NW corner of Kent County and traced west following a parallel of north latitude 30 miles. This 30 miles point falls 144 varas north and 679 varas west from the Jones SE corner of Lubbock County. Measuring west from this 30 mile point 268½ varas and north 55 varas, we find a cement stone six inches square at top and 14 inches above ground marked for the common corner of Lubbock, Crosby, Lynn and Garza Counties, thru the center of this stone is a 2 inch galvanized iron pipe. Lying loose by the side of this stone is a sand stone 34 inches by 4 inches marked very old for the common corner for Lubbock, Crosby, Garza, and Lynn Counties. The Garza County Surveyor found rocks for mile posts, which practically fit this cement stone, extending to the east 18 miles. (See exhibit A attached by Surveyor for Garza).

Under the light of this measurement from the NW corner of Kent County; and under the light of the resurvey of the Jones line by A. L. Harris in Sept. 1921, the facts show that Garza County will be deprived of about 10 sections of land, which are included in the Statutory calls of Garza County if a line is run south from the Jones corner and if the course of the line of Lubbock is extended on the Jones course to the SW of Garza County, then Garza County will sustain a heavier loss.

The further fact that there is no line recognized as established between Garza and Lynn at or since the year 1911; and the further fact that there is no proceeding of any kind which makes Garza County a party to the establishing of the Jones corner

Lynn Co Bdry Line 7

requires Garza County to require that Garza County's west boundary should be established by following the description given in the act creating and defining Garza County; and Garza includes a full 30 miles west from the N.W. corner of Kent County as a beginning from which to establish a common line between Garza and Lynn Counties. Statutory calls for Garza and Lynn Counties does not contemplate that Lubbock County's east line should extend south 1° east; and a surveyor so tracing the east line of Lubbock County has no authority to divest Garza and other counties of their statutory area.

Lynn County insists Lubbock County lines were legally established by J.B. Jones Lubbock County survey in May 1892; and that they are affirmed by the court of Civil Appeals at Ft. Worth, Hale vs. Lubbock, 194 S W page 678.

The Jones line was recognized established and adopted as the common boundary between Lynn and Lubbock Counties before the Statutes of 1911 were adopted; and therefore the Jones SE corner of Lubbock County is the common established corner for Crosby, Lubbock Garza, and Lynn Counties; and the common line between Lynn and Garza County is correct when traced from the Jones S.E. corner of Lubbock due south to the Borden County north line. If this does not correctly establish the east line of Lynn County then, the correct position should be established by beginning at the north west corner of Young County which was permanently marked in 1856 and subsequently identified in good condition in 1894, this being the nearest available corner which was marked, recognized and established before the Panhandle Counties were established in 1876.

Loose stone referred to above was placed by W.R. Standefer in 1915 in an attempt to survey Lynn and Garza Counties lines same was never adopted.

The concrete stone and 2" iron pipe set by A.L. Harris in 1921 by mistake. He was attempting to retrace the Jones line between Lubbock and Crosby.

Respectfully submitted,

W.D. Twichell

Surveyor for Garza County

Sylvan Sanders

Surveyor for Lynn County

4480

OFFICERS
 C. H. CAIN
 COUNTY JUDGE
 W. E. SMITH
 COUNTY & DISTRICT CLERK
 L. C. HEATH
 COUNTY ATTORNEY
 MRS. ZOE LOWREY
 COUNTY TREASURER
 J. W. SIMPSON
 SHERIFF & TAX COLLECTOR
 J. S. WEATHERFORD
 TAX ASSESSOR
 MILIE M. HALSEY
 COUNTY DEMONSTRATION AGENT



COMMISSIONERS
 W. J. FAIRES, TAHOKA.
 J. S. WELLS, TAHOKA.
 J. B. MILES, TOWNELL.
 E. G. GEORGE, WILSON.

TAHOKA, TEXAS, January 23rd, 1926.

RECEIVED
 JAN 27 1926
 REFERRED TO MAP

Hon. J. T. Robison,
 Commissioner General Land Office,
 Austin, Texas.

Dear Sir:-

If you have not already received, you will receive within the next few days, a certificate of differences submitted by Sylvan Sanders, as surveyor for Lynn County, and W. D. Twichell, as surveyor for Garza County, for your decision and instruction in surveying the boundary line between Lynn and Garza Counties, and I would be very glad to be heard on it before the decision is made, but owing to the fact that my County Court convenes next week, it seems impossible for me to come to Austin for that purpose at any very early date.

Before undertaking any discussion of the merits of the contentions made by the Surveyors, I desire to relate a little of the history of the efforts of Lynn County to have its boundaries definitely established. In 1915, and before I became County Judge of the county, Mr. W. R. Standefer, surveyor, made an agreement with the Commissioners Court of Lynn County providing for the surveying and establishing of the east, west and north boundaries of the county, and proceeded to do some surveying, but no proper orders of the county court were ever made and no proper notices were served on Garza County, and his work was not satisfactory to the Commissioners Court of Lynn County and the same was never approved, however, Mr. Standefer, in some manner had his field notes recorded in the Deed Records of Lynn County, but the lines run by him have never been recognized by either of the counties. I became County Judge in 1916, and in 1917, I made an order providing for the surveying of the lines of the county and had notices served on the adjoining counties. The surveyors, W. R. Standefer, for Lynn and Garza, W. D. Twichell, for Terry, and H. G. Guinn, for Lubbock, met and disagreed as to the point of beginning, and certified their differences to your office for decision, and your decision was made under date of November 24th, 1917, holding to and respecting what is known of the Jones survey, made in 1892, and holding the S. E. corner of Lubbock County, the N. E. corner of Lynn County and the N. W. corner of to be a common point. This not being satisfactory to Garza County and the surveyor for both Lynn and Garza Counties being the same person, no surveying was ever done under this instruction. At the July Term, 1925, of the County Court of Lynn County, the present proceeding was started and proper notices were served on Garza County.

Lynn Co Bdry Line 7
 Garza Co.

(2)

OFFICERS
C. H. CAIN
COUNTY JUDGE
W. E. SMITH
COUNTY & DISTRICT CLERK
L. C. HEATH
COUNTY ATTORNEY
MRS. ZOE LOWREY
COUNTY TREASURER
J. W. SIMPSON
SHERIFF & TAX COLLECTOR
J. S. WEATHERFORD
TAX ASSESSOR
MILIE M. HALSEY
COUNTY DEMONSTRATION AGENT



COMMISSIONERS
W. J. FAIRES,
TAHOKA.
J. S. WELLS
TAHOKA.
J. B. MILES
TODDHELL.
E. G. GEORGE
WILSON

TAHOKA, TEXAS

Attention is called to an erroneous recital contained in the Surveyor's Certificate of differences now being submitted to your office, the recital being made in the second paragraph thereof that "under the order of Lynn County Court, Sylvan Sanders is instructed to ~~begin~~ begin at the S.E. corner of Lubbock County as marked by J.B. Jones, County Surveyor of Lubbock County in May 1892." I doubt the authority of the County Court to make a binding order directing the exact point of beginning in this manner, but be that as it may, here is the language of the order on that point, viz: "the surveying of the boundary line between Lynn and Garza Counties shall be commenced at the Northeast corner of Lynn County, the same being the Northwest corner of Garza County and the Southeast corner of Lubbock County." It will be readily seen that this makes no reference to the J.B. Jones corner. However, we believe that the Jones corner, which is easily located on the ground, is the correct point for these corners.

To my mind, the surveyor's certificate contains a great deal of "stuff" not at all pertinent to any issue submitted for a decision. As I see it, Mr. W.D. Twichell, Surveyor for Garza County contends that the point of beginning should be ascertained by surveying 30 miles west from the Northwest corner of Kent County, and that is all there is to his contention. The references to the Standefer markings found along this line and to the west of that point, as found by him, have no significance as supporting that contention. On the other hand, Sylvan Sanders, Surveyor for Lynn County, contends that the correct point of beginning is at the J.B. Jones Southeast corner of Lubbock County; or, in the alternative, that it should be determined by running west 150 miles from the Northwest corner of Young County.

I take it that, if the J.B. Jones Southeast corner of Lubbock County is at the proper place for that corner by a correct construction of surveys, the same is also the common corner for Lynn, Garza and Crosby Counties. It is not my purpose to make any argument as to the integrity of the J.B. Jones work, but I would suggest that, if that is not the correct corner, we are not improving the situation any by undertaking to run from what is supposed to be the Northwest corner of Kent County, for its position cannot be satisfactorily determined by any markings on the ground, and no two surveyors have been able to run 30 miles west from that purported corner to the same point, though several attempts have been made.

While I take it that your office is not concerned as to what

(3)

OFFICERS
C. H. CAIN
COUNTY JUDGE
W. E. SMITH
COUNTY & DISTRICT CLERK
L. C. HEATH
COUNTY ATTORNEY
MRS. ZOE LOWREY
COUNTY TREASURER
J. W. SIMPSON
SHERIFF & TAX COLLECTOR
J. S. WEATHERFORD
TAX ASSESSOR
MILIE M. HALSEY
COUNTY DEMONSTRATION AGENT



COMMISSIONERS
W. J. FAIRES, TAHOKA.
J. S. WELLS, TAHOKA.
J. B. MILES, TAHOKA.
E. G. GEORGE, COCKWELL.
WILSON

TAHOKA, TEXAS

will be the effect upon any particular county in establishing the correct line, Mr. Twichell makes the argument that, if a line is run south from the Jones corner for the line between Lynn and Garza Counties, Garza County will have about ten sections less than thirty miles square, and in this connection attention is called to the fact now, with the abstracts practically adjusted to the Jones line, Lynn County has considerably less than its quota.

Lynn County is not disposed to be contentious as to territory, but she does desire to have her lines definitely established, and she has been laboring to this end for a considerable time. We are fully convinced that the Northwest corner of Kent County is not sufficiently marked on the ground and is not a corner of sufficient integrity to be of any assistance in starting the survey.

It should be kept in mind that our surveyor did not participate in the preliminary survey from the supposed Northwest corner of Kent County.

We are trusting that your instruction to the surveyors will be such as to enable them to establish the line correctly.

Begging your pardon for the length of this, I am,

Yours very truly,

C. H. Cain

County Judge.