

Attorney General's Office.

C. A. CULBERSON, ATTORNEY-GENERAL.
R. H. HARRISON, ASSISTANT ATTORNEY-GENERAL.
Attends the Court of Appeals.
R. L. HENRY,
FRANK ANDREWS, } OFFICE ASSISTANTS.

Austin, March 25, 1891.

Hon. W. L. Mc.Gaughey,

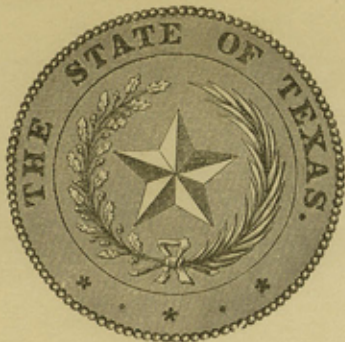
Commissioner General Land Office.

Dear Sir:-

Your letter of March 24th is received. You say:

*The Legislature of 1875 created the county of Morris and provided for its survey and organization, the terms of which you will see by reference to the acts for said year. The commissioners appointed by said Act met in accordance with the terms of the herein mentioned Act and employed one J. C. Henderson to survey the lines of said Morris County. The survey was made according to the Act creating the before mentioned county, in evidence of which the surveyor's certificate ^{is} hereto attached. The lines thus run were not posted, but they were sufficiently marked as not to be questioned where they ~~were~~ ^{were} located and have been recognized for all purposes of jurisdiction, revenue and taxation for fifteen years, nor has there been any conflict as to the location of those lines, nor is there any difference now as to location of these original lines; but insomuch as the tracts of land through which the Western boundary line of Morris County (which is the Eastern boundary of Titus County) ran, had never been surveyed and distances given from corners of surveys to said original line, Morris County desired that

Morris Co. Bary Line 3

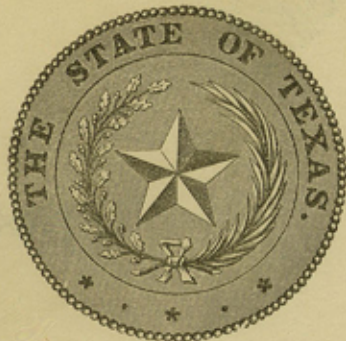


Attorney General's Office.

C. A. CULBERSON, ATTORNEY-GENERAL.
R. H. HARRISON, ASSISTANT ATTORNEY-GENERAL.
Attends the Court of Appeals.
R. L. HENRY,
FRANK ANDREWS, } OFFICE ASSISTANTS.

Austin,

this be done, so she passed an order last year (1890) requiring her surveyor to make this survey, and at the same time notified Titus County of the intention and asked her consent and cooperation. Accordingly the surveyors of Morris and Titus Counties met and began to run a line from the Court House of Titus County (beginning at the same place as the original surveyor) towards Morris County and at nine miles established the initial point; then from this point they began a new line between the counties of Morris and Titus. When Morris County heard of this action she at once convened her commissioners' court and called her surveyor from the field (who by this time had reached the terminus on Sulphur Fork of Red River) by virtue of his failing to comply with the instructions from his county, besides doing what the commissioners' court of Morris County considered it had no power to do, i.e. order the establishment of a new county line when the original one was sufficiently definite - See 65 Texas Jones vs Powers. But instead of relinquishing or discontinuing the work the surveyor of Titus County returned to the initial point established by the surveyor of Morris and himself and from this point continued and completed the new line South to Cypress which differs from the original line as the field notes show, which are now on file in the General Land Office.



Attorney General's Office.

C. A. CULBERSON, ATTORNEY-GENERAL.
R. H. HARRISON, ASSISTANT ATTORNEY-GENERAL.
Attends the Court of Appeals.
R. L. HENRY,
FRANK ANDREWS, } OFFICE ASSISTANTS.

Austin,

With these statements as facts; in your opinion, is the original line or the new line the legal and valid line separating the two counties ?"

With the understanding that the above are the facts, all the facts and the undisputed and exact facts, I should say that the original line (surveyed in 1875) is the established line. If the last survey was not intended to be made and was not made under Arts. 686 et sequa, and those articles ^{were not} followed such survey would not be regular.

It seems that under the uncontroverted facts, as you state them, the case of Jones v. Powers 65 Tex. is absolutely decisive of this case.

Very respectfully,

A handwritten signature in cursive script, reading "R. L. Henry".

Office Asst. Atty. Genl.