

July 9, 1935

Mr. Rupert C. Allen,  
Licensed land surveyor,  
Perryton, Texas

Dear Sir:

I have taken up for attention your letter of June 28th in which you asked for information in connection with your establishment of the East line of Ochiltree county, which is the West line of Lipscomb county.

For your information I shall state that the North line of Texas is that which was run by Clark, and which was re-established by the Boundary Commission. You stated that in May and June 1933 the U. S. Land Office established closing corners on North lines of Ochiltree and Lipscomb counties, and asked whether this department has copies of any reports of this work. No such reports have been submitted to this department, and therefore, I can not advise you in reference to these corners placed in 1933. If you will address a letter to Hon Fred W Johnson, Commissioner of General Land Office, Department of Interior, Washington, D. C., I believe you can obtain that information from him.

Under the Act defining the boundaries of Lipscomb county it will be entitled to 30 miles West of the 100th meridian, as extended Northward in 1860 by John H Clark, from the Jones-Brown line established in 1859. This Jones-Brown line was extended beyond the Canadian river nearly 20 miles, and Clark extended it Northward.

In 1875 C L DuBois re-established the line and corners were also identified by Ehud N Darling; this is the line which was re-traced by Arthur D Kidder in 1903 when he re-established the true 100th meridian. I believe that this 100th meridian referred to above is <sup>not</sup> in the East line of H&TC block. I am informed that when the latter were laid out they were placed for the purpose of safety, a little to the West of where such meridian line might be.

Under the Act defining the boundaries of Lipscomb county, its East line is longer than 30 miles, due to the fact that its South line was called to run West from the 102nd mile post on the 100 meridian.

The district court of Hemphill county, January term 1908, in Cause #280 Dallam County VS Hartley County, gives instructions for the determination of the boundary line between those 2 counties. I presume you are familiar with this decree.

In 1908 H B Spiller and A H Doucette ran out the lines necessary to determine this boundary line, in accordance with the instructions from the court. A copy of the above mentioned decree and county line report are on file in this office. You will find this report entered in the Minutes of the District court in Vol 3 pages 32-55 and 105, Hemphill county. From this report it can be determined that these 2 surveyors stated<sup>g</sup> what they believed was the E N Darling 102nd mile stone on the 100th meridian, and from that point ran due West to determine the boundary between Dallam and Hartley counties.

There is on file a set of field notes for the North line of Hemphill county, as made by surveyors W H H Cunningham for Hemphill county, and H B Spiller, surveyor for Lipscomb county, showing this line to have been surveyed October 2, 1889. It is quite possible that this line can now be re-traced and no doubt, has been accepted as correct by the 2 counties mentioned. If it has, then it would be binding between those 2 counties. But it would not necessarily determine the SE corner of Ochiltree county, as the latter should be established from the 102nd mile post on the 100th meridian, as mentioned heretofore. If you desire copies of any of these county line reports and sketches, I shall be glad to furnish them to you for the statutory fees, as required for each.

In conclusion I might state that the statute authorizes the Land Commissioner to give instructions only when surveyors disagree, and it appears that I would have no jurisdiction in this county line matter, as such disagreements does not appear to

exist at this time. Therefore, what I have said above is not in any sense in the nature of instructions to you, but more in the way of suggestions for your consideration. I shall be glad at any time to give such assistance as I can. You may feel free to call upon me for any information available here.

Field notes of the South boundary line of Ochiltree county, as made by Hedgecoke, have been recognized by this office. It may be, however, that the exact SE and SW corners of this line may be subject to correction if they are not properly located. That will be something for you to determine.

Very truly yours,

Acting Commissioner

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*Ochiltree Co*

located. That will be something for you to determine. This line may be subject to correction if they are not properly filed. It may be, however, that the exact 22 and 24 corners of county, as made by Hedgecock, have been recognized by this office. Field notes of the North Boundary line of Ochiltree Co will upon me for any information available here. At any time to give such assistance as I can. You may feel free the way of suggestions for your consideration. I shall be glad in any sense in the nature of instructions to you, but more in exist at this time. Therefore, what I have said above is not

Very truly yours,

Walter Commissioner

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