

Rockwall Co. vs. Kaufman County.

Statement of the Case.

Rockwall County was created in 1873 wholly from the Territory of Kaufman Co.

The dividing line between the Counties was run well marked upon the ground and each mile designated by a post as required by law, and by Surveyors legally appointed and Qualified to run said line.

The act of March the 1st 1873. bounding Rockwall County. (Revised Statutes) makes its place of beginning at North E. Corner of Dallas Co. Thence E. to S.E. Corner of Callis Co to E line of Hunt Co. Thence South with W. line of Hunt to S.W. Corner of said Hunt Co. Continuing South two miles to Stake for South E. Corner of Rockwall County. Thence West to East boundary line of Dallas Co. &c

From the South E. Corner of Callis County to the South West Corner of Hunt County is 9 miles and 1022 rods (see certified copy of Field notes of Kaufman Co hereto attached.) and to a point 2 miles South of said S.W. Corner of Hunt Co. makes the East line of Rockwall County 11 miles and 1022 rods long.

Rockwall County was bounded by the legislature with reference to the point recognized as the South West corner of Hunt Co. in 1873.

and the point recognized as the South West Corner of Hunt Co. was located 9 miles and 1022. varas. South of the South E. Corner of Callin Co.

See Certificate of W. L. McLaughlin Commissioner of the Land Office, hereto attached.

The Boundary line ran by Brewer and Barnes. The Surveyors appointed by Russell and Kaufman Counties. to run the dividing line. in 1873, placed ~~made~~ the South E. Corner of Russell County in the line of the Elizabeth Jones Survey, about 1400. varas. North 45. E. from her South Corner.

The original field notes of Kaufman County show that the distance from the S. E. Corner of Callin Co. to the South West Corner of Hunt Co is 9 miles and 1022. varas.

See certified Copy, of original field notes of Kaufman County hereto attached.

The original line between the Counties. was well marked, and defined upon the ground; and mile posts were set every mile. on said line. and said original line. marks. and mile posts. still exist. and the original line is easily traced by said marks and posts. and is indicated by map. attached to affidavit of Surveyor J. A. Pruitt

Map and affidavit are hereto attached.

The report of the two surveyors appointed by Ross Wall County and Kaufman County to run the boundary line between the Counties, was made to the Commissioners Court of Ross Wall County and was approved by said Commissioners Court, and entered of Record and Certified Copy sent to Land Office. See Affidavit of J. D. Chambers hereto attached. The records of Ross Wall County were destroyed by fire in 1875 and certified copies of records cannot be supplied.

In 1883 a dispute arose between the Counties as to the South West Corner of Hunt Co. and the true location of the line between Ross Wall and Kaufman Counties. The disputed questions were referred to the Com'rs of the Gen. Land Office. Col Walsh in 1883. On the 3rd day of Oct 1883. Com'rs Walsh, sent instructions to the Surveyor of Ross Wall Co. and before the line was run Walsh sent different instructions to the Surveyor of Kaufman Co. See hereto affidavit, also letter of Walsh, hereto attached.

Commissioner Walsh, decided and approved, a line run by Lewis, upon wholly separate proceedings.

This line has always been ignored by Rowell county because Rowell County had no instructions to run any line except the line described in Mr Walsh's letter to Hunt, dated Oct 3rd 1883. Subsequent to 1883. repeated efforts have been made by Rowell County, to have the matter settled, but in a suit taken up from Kaufman County and passed upon by the Supreme Court and reported in Vol 65 in which the validity of the record of a title to land was presented to the Court. The Supreme Court virtually decided.

That the original line ran between the Counties was the true line, and

That the line being well defined and easily traced upon the ground that all acts of the Commissioners Courts, of the two Counties and the decision of Commission Walsh were void and of no effect, and that the line established by removing the S.W. corner of Hunt Co. which had been recognized as the true corner of Hunt Co since 1846, 2500 yards north, was of no effect.

Between the original line as run by Brewer and Barnes and the

line established by Kaufman County
There is a strip of Territory. 14 miles
long and 2500 rods wide.

Both Counties are exercising Jurisdic-
tion over this disputed strip.

Both Counties are levying and collect-
ing Taxes. prosecuting criminals. &c.

This territory includes about one
ninth of the territory of Rockwall
County and about one twelfth
of her taxable values. its citizens
work roads. serve on juries, and
vote in both Counties. Some of its
citizens record their land titles in
one County and some in the other.

In fact such a condition of
affairs exist upon this strip as
requires a decision by competent
authority. Rockwall county exercised
exclusive jurisdiction over this
strip from 1873 to 1883. Kaufman
County in all that time recognizing
it as the territory and property of
Rockwall County.

In the name of the tax payers,
road workers, voters and citizens
residing upon the territory lying
within ~~the territory~~ the two lines.
The original line and the line established
by Kaufman County in 1883 or 84.

I respectfully refer the within
statements and evidence to the

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Honorable. W. L. McLaughrey Commissioner of the General Land Office of the State of Texas, and most earnestly request a decision as to which of the two lines, the original line run in 1873, or the line run by Kaufman County ten years thereafter is the true line between Rockwall and Kaufman Counties.

Respectfully Submitted,

A. B. Hartman

County Judge

Rockwall County
Texas