



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

FAGAN DICKSON
FIRST ASSISTANT

April 24, 1948

Hon. L. E. King
County Attorney
Sabine County
Hemphill, Texas

Opinion No. V-553

Re: Authority of Commis-
sioners' Court to at-
tach land to a Stock
Law District which is
not adjacent thereto.

Dear Mr. King:

Your request for an opinion is substantially
as follows:

"Can the Commissioners' Court of
the County, upon the petition of 13
freeholders, none of whose land adjoins
the Stock Law District that was creat-
ed by the Municipality, order the terri-
tory attached to the Municipality, where
there is a tract of land between the
Municipality and the 13 petitioners whose
owner has not petitioned to become a part
of the Stock Law District?"

"I have advised the Commissioners'
Court that they could not join the Muni-
cipality (which has a Stock Law District)
and run their lines through the tract that
adjoined the Municipality (but was between
the Municipality and the petitioners) with-
out the consent of the owner of the tract
so intervening."

Article 6931, V. C. S., is as follows:

"Whenever there is territory between
two (2) subdivisions of a county which
have adopted a stock law, or when there
is territory adjoining a subdivision which
has adopted a stock law, in a county, or
in an adjoining county, and in such terri-
tory there are less than fifty (50) free-
holders, an election shall be ordered on

a petition of a majority of the freeholders residing in such territory by the Commissioners Court of the County in which the territory lies, and the election shall be held as provided by law in other cases relating to the adoption of the stock law. If there be less than twenty (20) freeholders in such intervening or adjoining territory, then on petition of a majority of the owners of the land to said Commissioners Court, the said Commissioners Court shall issue an order extending the stock law to said territory and the same shall be included in the territory of such adjoining subdivision; in cases where there are no freeholders on such intervening or adjoining territory, then on the petition of the owner or owners of the land to said Commissioners Court, the said Court shall issue an order extending the stock law to said territory, and the same shall be included in the territory of such adjoining subdivision; and any person or persons who own lands adjoining any other lands which have been added to territory in which a stock law prevails, shall have the same right, and on petition of the owner or owners of such lands to the said Court, the said Court shall issue an order extending the stock law to said territory, and the same shall be included in the territory of such adjoining subdivision."

Your factual situation reflects that the land of the petitioners does not adjoin the Stock Law District but that there is a tract of land intervening between the Stock Law District and that of the petitioners.

The construction placed upon Article 6931, V. C. S., in the case of *Tubbe v. Sample*, 62 S.W.(2d) 362 (Civ. App. error dismissed, 1933) is to the effect that any defined territory which adjoins a Stock Law District may be added to such district upon petition of the owners. In requiring the attached lands to be adjacent to the district or subdivision to which they are added for stock law purposes, it was the evident intent of the Legislature to prevent the attaching of segregated tracts or territory not actually connected with the

stock law district, thus insuring that such district shall at all times be a single, well defined subdivision.

It will be readily seen that the tract of land referred to in your request does not come within the meaning of Article 6931 and, therefore, it is the opinion of this department that the Commissioners' Court may not join land to a Stock Law District which is not adjacent but has an intervening tract of land between the district and the territory to be joined.

SUMMARY

A Commissioners' Court may not attach land to a Stock Law District where such land is not adjacent but has an intervening tract of land between the Stock Law District and the territory to be attached.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By 
Burnell Waldrep
Assistant

BW:mw

APPROVED:


FIRST ASSISTANT
ATTORNEY GENERAL