



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

September 28, 1967

Honorable Ogden Bass  
Criminal District Attorney  
Brazoria County  
Angleton, Texas

Opinion No. M-137

Re: Construction of Section 17  
of House Bill 266, Acts of  
the 60th Legislature, R.S.,  
1967, Chapter 565, amend-  
ing Section 3 of Article  
2338-19, in reference to  
the enlargement of the  
jurisdiction of the Domestic  
Relations Court of Brazoria  
County.

Dear Mr. Bass:

In your request for an opinion from this office you  
state the following:

"The Brazoria County Court of Domestic Re-  
lations was established by Chapter 307, Acts of  
the 59th Legislature, Regular Session, 1965,  
codified as Article 2338-19, Revised Civil Stat-  
utes of Texas (1925). Section 17 of House Bill  
266 purports to amend Article 2338-19, supra,  
by adding certain language to Section 3 thereof.  
Section 3 sets forth the jurisdiction of the  
Domestic Relations Court which is concurrent  
with the District and County Courts of Brazoria  
County, Texas, in certain classes of cases.  
Identical language is contained in other sections  
of the bill purporting to effect changes in the  
jurisdiction of other specified courts of do-  
mestic relations.

"Our county is engaged in an extensive  
right-of-way acquisition program. My office  
represents the county in the necessary condem-  
nation suits, many of which are tried by the  
judge of our domestic relations court pursuant  
to Sections 7 and 8 of Article 2338-19, supra.

It appears that some of the titles to right-of-way purchased by the county for county roads will have to be cleared by trespass to try title actions. It would be advantageous to us to have the resident domestic relations court judge try these cases rather than having to try these actions in the district courts which we share with three other counties. Our domestic relations court judge is concerned about his jurisdiction to try such cases and would appreciate having your opinion in this matter prior to entertaining or refusing to entertain jurisdiction.

"Therefore, in your opinion, has the jurisdiction of the Domestic Relations Court of Brazoria County been enlarged by House Bill 266 to include general jurisdiction of suits for trial of title to land, for the enforcement of liens thereon, for trial of the right of property and the issuance of writs of mandamus, habeas corpus and injunction in cases other than those between spouses, or between parents, or between them, or one of them, and their minor children, or between any of these and third persons, corporations, trustees or other legal entities?"

Section 17 of said House Bill 266 amends Section 3 of said Article 2338-19, in part, concerning the jurisdiction of said court as follows:

"Section 3. The Court of Domestic Relations for Brazoria County shall have the jurisdiction concurrent with the District Courts in Brazoria County . . . of all suits for trial of title to land and for the enforcement of liens thereon, of all suits for trial of the right of property, and said Court and the Judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction."

The Legislature has the authority to create new courts and may legally authorize a domestic relations court to exercise some of the general jurisdiction of a District Court. Jordan v.

Hon. Ogden Bass, page 3 (M-137)

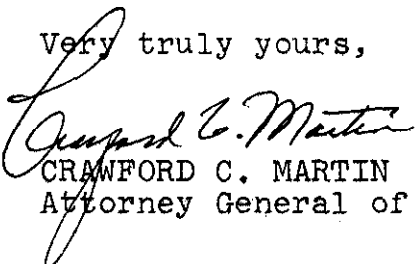
Crudgington, 149 Tex. 237, 231 S.W.2d 641 (1950).

It is clear that the Legislature by enacting Section 17 of House Bill 266 intended to and did enlarge the jurisdiction of the Brazoria County Court of Domestic Relations, so as to include the general jurisdiction of suits for trial of title to land, for the enforcement of liens thereon, of all suits for trial of the right of property, and said court and the judges thereof were granted power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

S U M M A R Y

Section 17 of House Bill 266, Acts of the 60th Legislature, Regular Session, 1967, Chapter 565, amended Section 3 of Article 2338-19, Vernon's Civil Statutes, so as to confer jurisdiction upon the Domestic Relations Court of Brazoria County to try suits for trial of title to land, for the enforcement of liens thereon, for trial of the right of property, and said court and the judges thereof were granted the power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Jack Sparks  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Kerns Taylor, Chairman  
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A. J. CARUBBI, JR.  
Staff Legal Assistant