

the call in the Brazos County field notes for a point in the East line of No. 113 will yield to course and distance and the call in said Brazos County field notes of 4486 vrs. North from the N. W. cor. of Madison County survey will prevail.

Submitted. STANLEY, SPOONTS & THOMPSON,
Given. R. F. ARNOLD, for Plffs.

SPECIAL CHARGE NO. 2, BY PLAINTIFF.

Mrs. Agnes Platt, et al.,
vs. No. 92.
A. Vermillion, et al.

Special Charge No. 2, by Plaintiff.

You are further charged by the Court that if you find from the evidence that the call in the Brazos County field notes for a point in the East boundary line of No. 113 yields to the call for course and distance as hereinbefore set out; and if you further find that by allowing this call in the Brazos County School land of 4486 vrs. North from the N. W. cor. of the Madison County School land survey, the survey as so run and constructed will embrace within the Brazos County School land grant, the lands claimed by the defendants, then you will find for the plaintiffs the land in controversy.

Submitted. STANLEY, SPOONTS & THOMPSON,
Given. R. F. ARNOLD, for Plffs.

SPECIAL CHARGE NO. 3, BY PLAINTIFFS.

Mrs. Agnes Platt, et al.,
vs. No. 92.
A. Vermillion, et al.

Special Charge No. 3, by Plaintiffs.

You are further charged by the Court that in ascertaining the true location of a survey, you must follow as near as possible the footsteps of the original surveyor who located such grant, and if you find from the evidence that the original surveyor, who located the Brazos County School land grant, gave to such grant the call of 4486 vrs. North from the N. W. cor. of the Madison County School land survey and such original surveyor did run, or intended to run, such distance, then you must allow such call for course and distance in constructing such survey, and if you

further find from the evidence that by giving to the Brazos County School land survey this call of 4486 vrs. North, such survey will embrace the lands claimed by the defendants, then you will find for the plaintiffs the land in controversy.

Submitted. STANLEY, SPOONTS & THOMPSON,
R. F. ARNOLD, for Plaintiffs.

SPECIAL CHARGE NO. 4, BY PLAINTIFFS.

Mrs. Agnes Platt, et al.,
vs. No. 92.
A. Vermillion, et al.

Special Charge No. 4, by Plaintiffs.

You are instructed by the Court that the fact that a survey by giving it the calls and field notes embraced in the patent may have or may contain an excess in the number of acres does not affect the validity of such survey or its location, and you will not consider any question of excess in the Brazos County School land grant further than as a circumstance to aid you in ascertaining the true boundary line of said survey.

Submitted. STANLEY, SPOONTS & THOMPSON,
R. F. ARNOLD, for Plaintiffs.

SECOND SPECIAL INSTRUCTIONS ASKED BY
DEFENDANTS.

In the Circuit Court of the United States for the Northern
District of Texas, at Fort Worth.

Mrs. Agnes Platt, et al.,
vs.
A. Vermillion, et al.

Second Special Instruction Asked by Defendants.

Gentlemen of the Jury:

If you believe from the evidence in this cause that the beginning corner of the Brazos County School land was located on the ground and that the lines and corners of said school land grant were actually surveyed by the locating surveyor, and if you further believe from the evidence that the lines and boundaries of said school land survey can be more certainly and definitely ascertained by beginning at said beginning corner; thence running North 2386 vrs.; thence West to the East line of the

