

E. McCORD.
R. S. BOWEN.
E. A. LINDSEY

— ESTABLISHED IN 1875. —

OFFICE OF

McCord, Bowen & Lindsey,

Real Estate and Insurance Agents.

Coleman, Texas,

19 Aug., '91.

Hon. W.L.M'Gaughey, Austin, Texas.

Dear Sir:- My attention having been called to a dispute as to the north west corner of survey No II in the name of W.M.Co. situated about 3 miles north of the Colorado river in this county, I went down and examined the same yesterday in company with Judge Evans and the county Surveyor and a Mr. M'Ilrath.

We found the tree that Mr. E. Freidenhaus, the State Surveyor describes as the bearing to the said corner, which bears from a stone mound, N.7 E. 103 varas. We found his ^{stone} ~~tree~~ mound with gas pipe driven down in the middle of it S7W.103 vars from the said tree.

We also found his new bearing as he describes it..

I examined the tree very carefully with the naked eye and also with a magnifying glass but could not find any axe mark or any other artificial mark on the same, except ^{what} has been put on the said tree very recently, say six months. There are some cat faces on the tree, but no axe marks. I have ^{no} interest in this matter, that could

31440

Courtesy 18763

B

J. E. McCORD.
R. S. BOWEN.
E. A. LINDSEY

—ESTABLISHED IN 1875.—



McCord, Bowen & Lindsey,

Real Estate and Insurance Agents.

Coleman, Texas,

M^r Gaughey 2

influence my judgment. The tree that is growing by the side of this tree on the east of the same and that has come up from the same roots is much the larger tree and has no decay on the side where the mark should be and would have been the best tree for a bearing and naturally a surveyor would have marked it in preference to the tree that the State Surveyor claims to have found the mark upon.

I submit further the survey was made in the year 1874 only seven years ago and even a very dim mark would show very plainly at this date. There is a very small portion of the tree on the side where the mark should appear that is effected by storm or cyclone that he mentions. There would be only about one fourth of one prong of the X that would be in contact with the decayed portion of the tree referred to by him, and this is where he claims to have found the mark. If he found it here then it ought to be plainer where the bark has not been disturbed. In conclusion I must say that this is no bearing I was never more positive of any fact than I am of this.

Very truly,
R. S. Bowen, Esq. Surveyor

Vertical handwritten notes on the left margin:
The tree
is
marked
by
the
State
Surveyor
in
1874
and
is
the
best
tree
for
a
bearing
and
naturally
a
surveyor
would
have
marked
it
in
preference
to
the
tree
that
the
State
Surveyor
claims
to
have
found
the
mark
upon.

Vertical handwritten notes on the right margin:
Counter 18764
Coleman Co. Tex.

File 42 Statement of R. S. Bowen
Ex Co Surveyor.
Filed Aug 21/91

I was never more positive of any fact than I am of this.

Very truly,
R. S. Bowen, Ex Co Surveyor

found it here then it ought to be plain where the bark has not
been disturbed. In conclusion I must say that this is no bearing
to my mind, and this is where he claims to have found the mark. It he
X that would be in contact the decayed portion of the tree referred
mentions. There would be only about one fourth of one front of the
the mark should appear that is effected by a storm or cyclone that he
date. The tree is a very small portion of the tree on the side where
years ago and even a very dim mark would show very plainly at the
I submit further the survey was made in the year 1874 only seven
that the State Surveyor claims to have found the mark upon.
naturally a surveyor would have marked it in preference to the tree
mark should be and would have been the best in preference to the tree
is much the larger tree and has no decay on the side where the
tree on the east of the same and that has come up from the same roots
influence my judgment. The tree that is growing by the side of this

M. Gardner S

Statement of Bowen

Test Estate and Insurance Agents

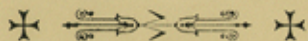
OFFICE OF

W. C. Clark, Attorney & Solicitor

PRINTED AND PUBLISHED BY 1876

W. C. Clark
Counter 1876

J. T. EVANS,
ATTORNEY AT LAW,
Special Attention Given to Land Matters.



Coleman, Texas, Aug 11th 1891.

796

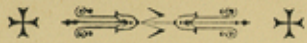
Hon W. L. McGaughey
Com^d Gen L^d office
Austin Texas

Dear Sir

I had an occasion on yesterday
to examine a survey corner in this Coleman
County. that J. E. Friczenhaus State Surveyor
reported to you he had found the N W
Corner of the Waco Mf. Co. Survey No 11. This
report was filed in your office May 11 1891
File No 40. I found the corner as he
has described it - to you except every
thing was freshly made the stone mound
was freshly made the marks he claims
to have found are not ex. marks, that
were made by a surveyor or any body else
The tree he claims to of found the old cross
or part of a cross on iron prong of a double
Live Oak this prong is about 7 ins in
dia and is leaning S W. on the N E side
of the tree the tree is decayed up and
down the tree. I cannot now state the

J. T. EVANS,
ATTORNEY AT LAW,

Special Attention Given to Land Matters.



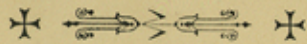
(2)

Goleman, Texas,

1891.

length of this decayed part, has now become in part dry and hard and in a snarly place in the wood is little cracked this is where Mr Friedenhaus claims to have found his old mark. I used a magnifying glass in examining these marks I could not see the resemblance of any old mark that had been made by any sharp edge tool except the little cracks were a little trimmed which appeared to have been done with a knife recently. If this should be made for a cross it is on the wrong side of the tree the st mark is a little SW from the tree and the cross is on the NE side of the tree and the portion of the tree which is next to the ~~tree~~^{st mark} is now green and has a good coat of bark on it. The east prong of the tree is about 10 ins in dia and is the most preferable tree for the surveyor marks which now is freshly marked by Mr Friedenhaus for a bearing tree for his corner I was

J. T. EVANS,
ATTORNEY AT LAW,
Special Attention Given to Land Matters.



(3)

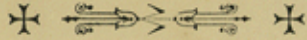
Coleman, Texas,

1891.

County Surveyor for 4 years for
Coleman County I did most all the
field work and think I know an old
Surveyors Mark when I see one. I
examined for the witness trees of this
Survey Corner on two occasions in 1885
& 1886. I used time an diligents I examined
the trees Mr Friedenhaus Claims to bear the
old marks I could not then see any thing
that would resemble such. I was very
much interested in wanting to find the
trees I found a old st md. about 400
vars North and 200 vars East of Mr
Friedenhaus Newly Made Corner I
have no interest in this matter only I
donut want my work changed unless
it is done in a just way. I was very
careful in all of my Surveying and
now feel as competent to trace the foot
prints of former Surveyors as Mr Frieden
haus I donut believe the locating Surveyor
evr made any witness trees to this

J. T. EVANS,
ATTORNEY AT LAW,

Special Attention Given to Land Matters.



4

Coleman, Texas, 1891.

Corner I donat think he was ever on
the ground. In justice to you and
the citizens who will be injured by the
Survey made by Mr Fiedenhous I write
this

Yours truly
J T Evans

Ex^{or} Surveyor & Ex^{or} Co-Judge of
Coleman County Texas

File #2

Protest by

W J Evans Esq

Co Sur & Es Co Judge

Filed Aug 21/91

Coleman Co

Wm Broun

Chief Cler

Also see within

R S Bowen's statement

counter 18770

COUNTY SURVEYOR,

COLEMAN COUNTY.

J. A. McElrath, Surveyor.

5740

Coleman, Texas, July 9th, 1891

Hon, W.L. McGaughey Com, r of

Gen, l land Office Austin Tex.....:Dear Sir

I J.A.McElrath County Surveyor do here by Notify you to not let J.E.Friedenhaus State Surveyor, file In General land Office any field Notes purporting to bound Surveys of land In Coleman County Texas the locations of which are claimed to be Govern or controll by lines or connections run by said J.E.Friedenhaus State Surveyor on April, 29 & 30 and on May ~~xxxxxx~~ 1, 2, 4, & 5, 1891 for reasons given below to wit:::He claims to of found the true N.W. corner of the Waco Mfg, Co. Survey No. II Identifying same by bearings~~xxxx~~ which he claims to be very plain.

now In reply I will say that before Mr. Friedenhaus was ever appoined to make Survey mention above I was called upon. to make a Survey near this ^{Point} and had occation to look for corner named herein at which time I examined the same double live Oak that Friedenhaus pronounce as the bearing to the N.W. corner of said No. II and went away thoroughly satisfied that there was no marks on the tree as call for in field Notes. upon receiving a copy of his sketch and explanations as certifiéd to me from your Office I thought to go and make futher examination of tree. for which purpose I on July the 8th In accompany with the following men ~~xxxxxx~~ John, W. Gibson Givens, Hudson W.R. Lowrie, W.H. Cornelus went to where the tree stood. we found the tree to be a double live Oak. (Note tree a double live Oak does he say so) the East part of the tree to be much larger than the west part on the East prong we found a new made cross three Ax hacks above and likewise below. on the west prong we found where some one had chipped out recently ~~xxxx~~ a few chipps suiting for work done by Friedenhaus as described his report, but we failed to find the old Ax work he speaks of and all six of us came away convinced that there are no such marks as he (Friedenhaus) claim on the tree. as to the men that Iname as going toothe tree with me ^{that} are willing to be but under Oath as to the above facts. and futher it is my aim to take four or five Surveyors to the above tree. and let them make statement as to their findings. under Oath and send it to you. and I will state here that if you have any doubts as to me being honest. which has been reported you had. you will never have a better time than this to come and see for yourself. I would take pleasure In carrying you to some of the contested points. and also as far as it is In my power see you ~~xxxx~~ you wellcared for In general. if you will come let me know the day.

Respectfully yours:::J.A.McElrath County Surveyor

Respectfully Yours:::U.A. McElrath County Surveyor

You will be glad to hear that I have been able to find the
confessed points and also as far as it is in my power see
for yourself. I would like to see you to some of the
You had better never have a better time than this to come and see
You have any doubts as to my being honest. Which has been reported
findings. Under oath and send it to you and I will state here that I
Surveyors to the above facts and let them make statement as to their
as to the above facts and let them make statement as to their
name as going to the free with me and willing to be put under oath
such marks as he (Friedenhaus) claim on the free. as to the men that
he speaks of and all six of us came away convinced that there are no
scrapped his report but we failed to find the old Ax work
perhaps few chips sitting for work done by Friedenhaus as ge-
Prong we found where some one had chipped out recently

How made cross three Ax marks above and likewise below. on the west
first to be a double five Oak does he say so) the East part of the
Oak. (Note free a double five Oak does he say so) the East part of the
went to where the free stood we found the free to be a double five
old in accordance with the following men ~~W.H. L. Justice, W.H. Cornelia~~
and make further examination of free for which purpose I on July the
explanations as certified to me from your office I thought to go
as call for in field notes. upon receiving a copy of his sketch and
went away thoroughly satisfied that there was no marks on the tree
name pronounced as the bearing to the N.W. corner of said No. 11 and
time I examined the same double five Oak that Frieden-
near this and had occasion to look for corner named herein at which
to make survey mention above I was called upon. to make a survey
now in reply I will say that before Mr. Friedenhaus was ever appointed
to be very plain.

Mr. Co. Survey No. 11 Identifying same by bearing which he claims
low to wit:::He claims to of found the true N.W. corner of the West
April, 23 & Co and on May 1881 I. S. & C. 1881 for reasons given be-
of corrections to be said G.E. Friedenhaus State Surveyor on
the locations of which are claimed to be. Govern or control by lines
No. 11 purporting to be of Surveyors of Land in Coleman County Texas
U. A. McElrath State Surveyor, file in General Land Office and field
I. A. McElrath County Surveyor do here by notify you to not let
of corrections to be said G.E. Friedenhaus State Surveyor on
the locations of which are claimed to be. Govern or control by lines
No. 11 purporting to be of Surveyors of Land in Coleman County Texas
U. A. McElrath State Surveyor, file in General Land Office and field
I. A. McElrath County Surveyor do here by notify you to not let

Letter of J. A.
McElrath Co. Sur-
-vayor

Filed July 13/91
J. A. McElrath
Chf. Clk

Colman Co. Sta. July 22nd, 1881



1 .The State of Texas.
 2 Coleman County:::To the Hon, W.L.McGaughey Commission
 3 .-er of General land Office :::: :We the undersigned do hereby stat
 under oath that we accompanied J. A.McElrath County Surveyor of
 Coleman County State of Texas to the Live Oak claimed by Mr J.E. Frie-
 denhaus State Surveyor to be the witness tree to the N.W Cor.of
 Waco Manufacturing Co.Sur. No.II, and that he had found old axe marks
 corresponding to the description of marks and bearings given in field
 notes of said Waco Manufacturing Co Sur.No II.Upon close examination
 of said trees <the same being a double Live Oak tree>forking at the
 ground- We failed to find any marks on the said tree other than of
 recent date that would lead us to believe it a bearing tree to, or
 having any connection to land corners, and we think it a clear case
 of mistaken identity, and would respectfully request you to give the
 matter due consideration

Witness our hands at Coleman this the ,11th

day of July A.D.1891

J. W. Gibson
J. H. Givens
C. K. Hudson
W. R. Lowrie

Sworn to & subscribed before me this
 the 11th day of July A.D. 1891,
 H. D. Walker, Clerk,
 County Court, Coleman Co., Texas.

Coleman Co, Sk.
File 42

Affidavit of
J W Gibson
et al

Filed July 14/91
Wm Braullette
Chief Clerk

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Counter 18774