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Weatherford, Texas, Sept 30, 1918.

Hon J T Robison,

Austin, Texas.

Dear Sir:- You will no doubt recall an interview I had with you at Waco recently at the close of the late State Convention and the matter under discussion, ~~is~~ i.e the question of the existance of scrap land northeast of Ranger on the Stephen-East <sup>land</sup> County line and now on the official maps shown, to be covered by the Sam'l Smith survey, and your suggestion that I see Messrs A H Kirby of Ft Worth and E W Frye of Graham. Well, I saw them and made a satisfactory deal with them, and now herewith hand you a plat or map of that section of country which I wish to use to present to you the facts which I found on the ground in my work there in September, 1889. And I ask that, before you read this report that you first look up a report I made of these findings to that office, after making the T A Flournoy and Z C Collier surveys and, I think, before filing their field notes, and also get the repl y made me by that office. If I remember correctly the reply intimated that, in view of the facts as I presented them the change of position on the map should never have been made. But that since it had been done so many years before, and all the lands, or nearly so, that would be covered if it were moved back to its original position on the map were then patented by the State and had for years been occupied by their claimants, the question of changing it back would be left up to the courts; and I was instructed to file the field notes above mentioned.

I have traced the Samuel Smith survey in red ink to show its present location on the official maps and have given the objects at found by me at its S W, southezn and northern S E corners. I have indicated the Smith survey as I think it was actually surveyed by C W Holt on the ground, in solid black lines, the south line running east from the S E corner of the Francis W Harmes survey, noting the objects called for at the same corresponding corners above given;

II.

and have also indicated the location of the lines of the original Sam Smith survey by a black dotted line east from the S E corner of the patented Smith survey to a point within the Dan'l R Kinchelo Sur #7, and thence north to the South line of the L C Dennison, except the the south line of the original should be extended to a point directly south of the N W corner of Sur 1, E L & R R R R Co, the rock mound there called for being unquestionably the N E cor of the original Smith. I have indicated the pre-emption surveys covering the Smith as here located and mapped by dotted lines in black. I also show the Stephens-Eastland Co line as established by my survey, and also show the County line in red ink as run by S P Newcomb under order of County Court of Stephens County about the year 1862, taking for his beginning the S W corner of Palo Pinto as established by J J Metcalf in 1857, showing also the Metcalf line in red ink. I refer you to the field notes of the B B B & C R R Co Sur No 1 patented to S M Swenson in which it takes for its beginning the 27th mile post, a L O marked XXVII, on the <sup>West</sup> East line of Palo Pinto County. I have seen this tree often, which stands in S A Satterfield's yard and when I last saw it the above letters were all plainly legible. This was also made the beginning corner of other surveys back in the 70's., being a well known land mark. Metcalf's S W corner of Palo Pinto Co was also a well and widely known land mark, and the same is true of the old S P Newcomb line run for the south line of Stephens Co. I call your attention to the fact that the S E corner of the Francis W Harnes and the S W corner of the original Samuel Smith surveys are identical, both surveys having been made by Geo B Erath, the former calling for the latter and giving the same bearings <sup>trees</sup>, but that neither calls for rock mound or other monument as marking the corner, only witness trees being called for. C W Holt, who as Deputy Dist. surveyor of Palo Pinto Land Dist under J J Metcalf, on Sept 3, 1873, made the corrected survey, in which he calls for approximately half the area of the original survey, makes his field notes out to read "Beginning at the S W corner of Dan R Kinchelo survey - stone mound- L O East 10 vrs, L O N 15° E 13 vrs." , while the field notes of the Kinchelo survey ~~thinks~~ describes this corner only as an unmarked

III.

point on the north line of the Wm C & C Boswell survey 1600 vrs west of the N E corner of the latter survey, thus making its location to be determined by depend<sup>a</sup> upon course and distance from the latter corner. Likewise the N W corner of the Kinchelo was or is an unmarked point to be determined by course and distance, while Holt calls for it and gives it two mesquite witness trees. It is unnecessary for me to take up your time and my own to discuss the significance of what a surveyor for one reason or another may make ~~a certain corner~~ his "beginning" in his field notes. As you know, it does not signify anything, unless in this case it is to lead the Land Office to believe he has certainly removed a conflict. Hence we must look for these objects he has called for - any and all of them - and if any one of them can be identified with certainty then you have something certain and definite to start on. I see that J H Huddleston, County Surveyor of Eastland Co. by a certified plat without date but filed in your office Dec 3, 1879, reports that he found and identified on the ground the corners of the Samuel Smith survey, which was made the authority for giving the Smith its present location on your official map, but he failed to give the particular objects by which he identified these several corners. I have a very clear idea that had he done so with perfect fidelity and candor the change would never have been made on the map and several tracts of land now patented would never have been patented. I am ~~now~~ unable now to recall who it was who carried me to this "Beginning" corner as shown in the Huddleston plat, but he was an old settler in that section and knew all the land lines and corners the surveyors had used in recent years; knew Mrs P A Berry and her father, S Gafford; knew John Hale and his reputation for finding people vacant land for homesteading for \$50 a tract, and usually about where they wanted it, and told me he knew they paid him \$50 a tract for finding this land for them. When we reached the corner I found it to be a rock mound on the west bank of Palo Pinto creek, at a rather picturesque spot with two L O witness trees, but I found neither approximately the course, and only one approximately the distance called for. (See descriptions on plat). But what was

IV.

equally disconcerting was the fact that here was a most striking and permanent natural object, a creek hewn out by the powers of nature in the limestone, and no mention made of it, - an object any prudent surveyor locating lands in a wild, sparsely settled country would have mentioned as a means to aid those in after years to locate his corners. From this point I ran north finding a marked line, and at 1145 vrs ~~xxxxxx~~ crossing this same creek FOUR times and no mention made of that, at which point I was in scattering post oak timber with some mesquite timber scattered about. But I found neither rock md nor witness trees. In fact there were no mesquite trees close enough for the witness trees called for. From this point I ran East with a marked line, and at 485 vrs came to another rock mound about 20 vrs west of the same creek. There were some elm trees around, but none the course called for, <sup>and not marked</sup> But I did find a marked post oak, <sup>standing</sup> but neither the course or distance. (See Plat). I then went back to my starting point and ran west, again on an old marked line, at 1709 vrs - or rather I ran west with the old marked line gradually bearing to the right - and at 1809 vrs offset North 18 vrs to old rok md on this marked line from which a L O brs N 64 1/4° E 18.4 vrs. And I made a dilligent search for other witness trees and corner but they were not there. The party with me assured me that he knew that to be the reputed S W corner of the Smith survey - the corner as then recognized. This corner I found to be 331 vrs south and 57.2 vrs west of the N W corner of the Boswell survey, which last corner was well identified by rock mound and its two witness trees. I then made a close search for the Holt beginning corner at the S W corner of t he Kinchele survey but without any success at all.

In this connection, and at this point I wish to call your attention to one very material call in the field notes and to <sup>three</sup> ~~four~~ statements made in Holt's field notes and certificate, all of which I consider very significant, and I believe pertinent.

First is the call for the East line of the Francis W Harmes survey, a line which was certainly known to J J Metcalf (See his field notes of the L C Dennison survey) and presumably known to Holt, and certainly at that time a well marked line.

V.

(There is now and has been for the past thirty odd years a public road running along the entire west line of the original Smith survey, so that all trees close ~~en~~ enough to have been marked for the line have long since been cleared away.)

2. At the close of his field notes he says "containing 2 labors of arable land -remainder pasture land."

To locate the survey from the S W corner of the original Smith survey ~~y~~ the corrected survey will contain approximately that quantity of arable land, but the further it is taken eastward toward its present mapped position the less ~~ar~~able land it contains, until when you reach the position Huddleston gives it you will not have exceeding 50 acres arable land.

3. In his certificate he states that the survey was made according to law, that "all the marks natural and artificial are truly described." To locate the survey from the S E corner of the Harnes survey there is not a creek nor branch to be crossed, and his certificate <sup>as to natural objects</sup> would not be contradicted by a single fact on the ground.

4. In his certificate he states affirmatively that this survey "is a correction of a ~~previous~~ survey previously made on same land by virtue of certificate described in foregoing field notes." A glance at the plat will show you that this statement would not be true according to the Huddleston plat, but that a very large percent would be outside the original survey on other land. Did not the law require that this correction be made within the confines of the original survey, or a new file to be laid? And do not the records in your office show that this was a correction made to clear the Smith ~~with~~ of conflict with the Kinchelo survey?

The S W corner of the <sup>Smith</sup> ~~Holt~~ survey <sup>as corrected by Holt</sup> is described as a rock mound either on or on a projection of the Harnes East line, with a P O bearing S 76°E 13 vrs. The original Smith survey did not call for rock mound or other monument at its S W corner, but called for one P O S 78°E 15 vrs and another South 16 vrs. There is now no rock mound at this corner, because it would be in a public and heavily traveled road; and for like reason there has been no tree South 16 varas. But there is standing an old marked witness tree, a post

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oak with the same mark as all the other witness trees I have mentioned, i.e.,  $\bar{X}$ , and while I am not able to state that it will give the course and distance called for by either Holt or Erath, yet it will be very close to it, if it does not give it exactly. And from the S E corner of the Harnes survey an old marked line runs East, every tree close enough and old enough to be marked has the mark, three hacks. But the line soon runs into farms so that there are now only three trees left standing. But at 1692 yrs we are at a point in a field where the abundance of live oak sprouts betray the fact that there were live oak trees all about there before the field was cleared.

Now to <sup>minutely</sup> sum the matter up, to locate the Smith survey so as to make its west line coincide with East line of the Harnes survey, and quite likely one corner as described identified by a witness called for, but certainly the line<sup>3</sup>. We also have the quantity of arable land <sup>as called for</sup> satisfied. The call for natural objects are satisfied as there would be none to call for. We would have the corrected survey laid within the boundaries and upon the land of the original survey as stated in the certificate, and we have a marked line on the south and what has been a well marked line on the west.

If the Hudleson location is ~~taken~~ we have every one of the above statements contradicted, and the contradiction backed up by two marked lines leading north and east and ~~two~~ <sup>three</sup> corners not described in any set of field notes, the marking of which I am not able to account for. But the south line I can account for as the old Sam P Newcomb south line of Stephens County, which can be easily traced clear across the north part of Eastland County. And as careless as Newcomb showed himself to be in his measurements, this beginning corner may be Newcomb's 4th mile monument. It's within ~~300~~ about 260 yrs of the right place, and that difference may have been made by him in crossing the canyons east of there where he could not make measurements on the ground.

Bear in mind I was over this ground just about 10 years after Hudleson, about 13 years after Hale and about 16 years after Holt. There appeared to have been very little timber out and removed from

*We have the base for the marked line of Sam Newcomb survey satisfied*

VII.

the localities about the S W., S E., the angle corner or the northern S E corner of the Smith survey as indicated on the Hudleson plat and certificate. The people of that section used cedar for posts, and they could find far more desirable fuel wood up on the flats north and west of there. In fact there was no one then living where it would be right convenient to get timber there.

Yours truly,

*A. N. Brown*

Received of  
A. N. Brown  
the sum of  
\$100.00  
for  
the purchase of  
land  
of the  
Smith survey  
at  
the  
angle corner  
of the  
Smith survey  
as indicated  
on the  
Hudleson  
plat and  
certificate.  
Witness my  
hand and  
seal of  
office  
this 1st day  
of  
November  
1880.

*Handwritten notes, possibly a list or ledger entries, including numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.*

VII.

the localities about the S.W., S.E., the angle corner or the northern  
S.E. corner of the Smith survey as indicated on the Hudson plat  
and certificate. The people of that section used cedar for posts,  
and they could find far more desirable fuel wood up on the flats  
north and west of there. In fact there was no one then living where  
it would be right convenient to get timber there.

Yours truly,

*T.W. Browne*

~~No 22~~  
17  
Sketches  
Eastland Co.

T.W. Browne's SK & Explana-  
tion showing surveys a-  
round the Dan R Kinchelo  
Surs - 9-30-18, 10-1-18,

Counter 21607