

# BOSQUE

## LETTER

Fall 2010

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### Early Land Grants

The Brazos River was the core site of several early colonies negotiated by Stephen F Austin from Spain. A major legal battle was fought between Austin and Dr Sterling Robertson for ownership of what was known as "the upper (Brazos) colony", and later known as the Robertson Colony. The majority of the colonists were from Tennessee, and like most pioneers they were looking for land, and lots of it, and opportunity.

Robertson won the legal battle and became an "empresario" of land that followed the Brazos from the San Antonio Road up to Possum Kingdom, east to present day Dallas and west to present day Lampasas.

Later the Robertson Colony became part of the Milam District, then Milam County. The headquarters for the colony was originally called Sarahville de Viesca, later the name was changed to Nashville-on-the-Brazos. These grants were issued according to the length of time a person had been in Texas and family size, and they are known as Head-right grants. Many acres were granted, however most of these grantees never stepped foot in Bosque County. Land was a valuable commodity at this time, and was like money in the bank. Galveston was the main port of entry, with land agents on every corner. Land was moving so quickly, property title could get quite tangled.

Sarah Hensley's 24 Labors were traded at least four times in three months, and eventually a strange court case evolved. I am still researching this and will update later.

These grants were assigned a number when they were filed with the General Land Office, which is the number you see below. When the Bosque County Central Appraisal Authority

came into existence they were issued another number, which makes it very confusing for title work.

According to the Texas General Land Office the earliest land grants surveyed out of what is now Bosque County were the following, by date:

**Miguel Rabago** (Rabajo) #7 - January 13, 1834 - not much information could be found on this, only that the original grant was from Spain to Victor Blanco (Blanco County is named for him), he sold to Stephen Austin, who later sold to Rabajo. This survey is in the southeastern section and is partially in McLennan County and is 48,712.4 acres, making it the largest and the oldest county recorded survey. A large area of McLennan County and southern Bosque County were once part of this original grant, and later sold or granted in smaller leagues and labors.

**I Addison** #3 - May 18, 1835 - Originally surveyed for Isaac Crouch, this survey contains 4428.4 acres or one League, and is in the northeastern section, bordering Somervell County at Eulogy.

**Ennis Hardin** #6 - May 27, 1835 - 4428.4 acres surveyed by J.B. Chance, surveyor for Sterling and Elisha Robertson. Hardin served in Captain J.B. Chance's Washington Company as a 2<sup>nd</sup> Sergeant. On Chance's survey crew sometimes you see the name Goldsby Childers and George B Erath as chain bearers. Childers was the man that Neill McLennan named a creek after in southeastern Bosque County, however the name was misspelled on an early map and has been ever after called Childress Creek.

**William Fisher** #4 - July 4, 1835 - This survey was challenged in court, but was not successful. The original field notes refer to passing the mouth of Darington's Creek, now known as Steele Creek. It contains 4250.4 acres also surveyed by J.B. Chance. Fisher served in the 2<sup>nd</sup> Regiment Texas Volunteers of the Republic of Texas.

**Sarah Hensley** (Hansley) #5 - July 5, 1835 - Sarah was listed in the First Census of Texas as having four children, therefore she was granted one Labor at Viesca (near present day Marlin) and 24 Labors (4250.4 acres) on the Brazos River, just south of Steele Creek. With the little information that could be found from property records, the title to this League of land must have been very cloudy. One man named John D Fink of New Orleans bought the land through his attorney in 1856 from a land agent named David Brown. His attorney sold the property four more times. When Mr. Fink died in 1861, the land was left (in his will) to the "poor Protestant orphans of New Orleans", so he obviously believed the property was still his. Meanwhile, Sarah Hensley sold the property in 1857 to James Johnston for \$8,848.00. Hard times must have befallen Mr. Johnston, because 4048 acres of this tract were auctioned off on the courthouse steps in 1863 for War Taxes. The highest bidder was J.W. McKissick who bid **\$23.40**, then sold the land in small tracts. One 250 acre tract sold for \$1500.00!

**James S Steele #8** – August 17, 1835 - James S. Steele's son was William H. Steele, who served as Land Commissioner for Sterling Robertson. His signature is on all these original grants, however he signs his name in Spanish as Guillermo H. Steele. The Steele survey is on the Brazos, in the Steele Creek or Steiner community. The creek that flows through this area was listed on very early maps as Daringtons Creek and is now known as Steele Creek. The survey contains 4428.4 acres, which is a full League.

**George Chapman #1** – September 4, 1835 - This survey contains 1107.0 acres, as Mr Chapman was single. The Smith's Bend and Coon Creek areas are located in this survey. He later fought in the Texas Revolution and Mexican War.

**Mary Cole #2** – September 7, 1835 – Mary Cole was another widow with children, and was granted one Labor in Viesca and 24 Labors along the Brazos. Highway 22 runs through this survey at Laguna Park.

**Ann Wheelock #9** – September 20, 1835 – Ann Wheelock was the daughter of one of the earliest settlers of Robertson's Colony, E.L.R. Wheelock. The Walling Bend area is in this survey, which contains 4250.4 acres or 24 Labors.

There are many connections to Bosque County and Robertson's Colony other than land. A large group of militiamen, later the Texas Rangers, were formed to defend the Colony. Some of these Rangers surveyed Bosque Territory and struck off their own lands along the Bosque River, such as: Anson Darniel, John C Pool, Lowery Scrutchfield, F.T. Duffau, William H King. George B Erath started as a chain bearer in Nashville-on-the-Brazos. Andrew Montgomery, a Ranger, surveyed land for Mary Cole and Sarah Hensley. Mr. Montgomery, along with J.M. Steiner, donated land for the county seat of Bosque County. Another colonist was Memucan Hunt, who served as general, legislator, and Secretary of the Navy of the Republic and has a total of five surveys in Bosque County.

My research was from the Texas General Land Office online, Handbook of Texas, *Papers Concerning Robertson's Colony in Texas*, Bosque County deed records. The Collection has all nineteen volumes of the Robertson Colony Papers, and I invite you to visit and learn more about this. These volumes are a portal to the early lives of Texians, and to the foundation of our great state.

If you visit the Texas General Land Office online, you can see these grants in their original state, written in Spanish. Some of these documents are very fragile and are in need of preservation, so contributions to this work are welcomed, through the GLO.

# The Mysterious Case of the Kell Brothers

In the early 1850's the Kell family moved to Milam County from Rusk County. This family consisted of father James and mother Elizabeth, and five sons. The oldest was Archibald -32, then Matthew - 22, Abraham - 21, Francis M - 17 and Scott - 15. Later the older brothers moved to the Bosque Territory, and then James and Elizabeth followed. In 1854 Archibald bought the 1256.5 acre head-right survey of William H King, the one which lay about five miles south of the confluence of the Bosque River and Meridian Creek (site of present day Clifton). In 1855 Archibald deeded this tract to his younger brother Frank "for the natural love and affection which I have for my brother". The Kell brothers were very busy buying, selling and trading large tracts of land in Bosque County, and raising stock.

Archibald was elected as the first County Treasurer on August 7, 1854, and Presley Bryant was elected as the first Sheriff. Mr. Bryant had served as a Texas Ranger before coming to Bosque County. Archibald and Matthew Kell and Presley Bryant entered into a business agreement, in which the Kell brothers loaned money to Bryant. On the 27<sup>th</sup> of June, 1855, Bryant signed a promissory note to pay back the money or give the brothers fifty bushels of corn. When the note came due Mr. Bryant refused to pay the money or the corn, so Matthew filed a civil suit. The case was heard before a jury and they ruled that Presley Bryant had to pay. An attachment was filed and one crib of corn and fifteen head of hogs were taken from Bryant by a deputy.

Bad blood developed between the tight-knit Kells and Bryant because on the 29<sup>th</sup> of September, 1855, Bryant was charged with "Shooting with Intent to Kill Archibald Kell". He was arrested and bond set for \$500.00. Archibald Kell died on October 12<sup>th</sup>, 1855, from his wound, and Bryant was arrested and charged with murder on October 15<sup>th</sup>. The case never came to trial, because Presley Bryant ran to Johnson County, abandoning his wife, Ruth, and their five children. In a Johnson County history book it reports that Bryant was seen leaving a gambling establishment in Buchannon (county seat of Johnson County at that time), and he was later found dead on the side of the road.

In 1856 Abraham Kell was charged in Johnson County with "Assault and Battery With Intent to Kill and Murder on the Body of Presley Bryant". He was arrested in February of 1859 and was bonded out. Very soon after this Abraham Kell moved to Goliad, along with his brother Scott. The warrant was never served, so the case against Abraham was eventually dropped. Matthew Kell and his father, James, moved with their families to Coryell County where they continued to ranch. Frank M Kell stayed in Bosque County, establishing the current city of Clifton, until he moved north to Wichita Falls.

Commissioners Court minutes only mention that on the August 20<sup>th</sup> session John Marshall is listed as sheriff, and Presley Bryant's accounts have been rejected. Also during a special term an election was called for October 25, 1855, "to fill the vacancy occasioned by the death of Archibald Kell".

In this day if a county sheriff killed a county treasurer the case would be notorious and the news coverage would be monumental, so I was amazed that there was not more information about this event. Frontier justice was a way of life for the early pioneers, men were as good as their word, and blood was definitely thicker than water.

Research: Bill Pallmeyer papers, census records, Commissioner Court minutes, Bosque County deed records

## 2011

The year 2011 is fast approaching and this is just a reminder of a few anniversaries that should be remembered:

Texas will celebrate 175 years – yeehaw!

Bosque County Courthouse will turn 125 years old!

September 11, 2011 will be the tenth year since the attacks on New York and Washington.

**Gloria Hewlett has contributed memorials to the following veterans:** Hans Mansur, Lloyd Matson, Walter May, Harvey O McFadden, Lloyd McLennan

### **Gifts, Donations and Memorials:**

Carl Vick donated an 1870 speller, photos of Meridian High School in the forties, his diploma from Baylor, discharge papers from both Army and Navy and two bricks that are stamped “Bosque”. Mr. Vick was a schoolteacher for many years in several local schools. He also talked about how the superintendent of Meridian schools opened up an adult training school for veterans of WWII around 1950. He had already graduated from Baylor, and since he was a veteran of WWII himself, he had great pleasure in teaching English and typing to his fellow veterans. Welding, mechanics, typing, and appliance repair were a few of the courses offered.

Bobby Wellborn donated these items on Aug 11, 2010:

MSS189 – old family bibles and records of George Chaffin estate. Bobby’s parents, JT & Lillie Wellborn were the executors of the George Chaffin estate.

Large stone mile marker, that reads “IREDELL 4 MILES”

Bobby found this stone on Signal Top Mountain, just west of Flat Top Mountain in 1963.

Bobby was working for Charles Pettitt’s grandson, Clint Booth, who later sold this land to Flat Top Ranch.

## Chisholm Trail

Frank Norris with the National Park Service has contacted the Bosque Collection about the history of the Chisholm Trail through Bosque County. The NPS wants to designate the trail from Kansas down to south Texas, with markers along the route. The trail would be classified a National Historic Trail. Kimball Bend is well documented as a crossing for the cattle in the 1870s and 1880s. The NPS is looking for areas that might show tracks or wear from the cattle and wagons that moved through Bosque County. Please contact the Collection at 254-435-6182 if you know any sites that could be marked and photographed, and included in this project.

## Photo Essay Contest

The Bosque Collection is sponsoring a photographic essay contest. A series of at least three photographs are necessary to enter, and the subject of these photographs must be Bosque County. The entries should be placed on a display, and they should all have captions. Anyone between the ages of 8 to 108 may enter. More details will follow about entry deadlines and judging, or call the Collection at 254-435-6182.

## Volunteers

Many thanks to recent volunteers who helped at the Collection: Linda Grams, Neland McMichael and Angela Blair. These fine folks are wonderful to work with and so very helpful.

**The Collection** will begin a project on the history of education in Bosque County. If anyone has stories or photographs to share, please contact the Collection at 254-435-6182.

**Thank you to all members who continue to support the Bosque Collection!**

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The mission of The Collection is to gather, document, record and preserve the history of Bosque County.*