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⇒ LAND OFFICE ⇒

❖ E. S. GRAHAM, ❖

State of Texas,
Young County. }

Graham, June 25, 1886.

*To Owners of Peters' Colony or Texan Emigration & Land Company
Lands:*

THE DROUTH—There has been no general rain over the Colony Counties to this date, since Thanksgiving-day of last year, November, 1885, sufficient to fill water courses, holes, tanks and cisterns and refresh weak springs and wells. During the Winter and Spring, rains were very light but frequent enough and sufficient for farmers' purposes only, up to 10th April, between 14th and 15th of May, furnace-like hot blasts of wind occasionally prevailed; such a spell as periodically heretofore has prevailed, after, but never before, the 20th of June, so intensely hot as to rapidly dry out most heretofore permanent waters, and soon, in varied time and degree, gardens, grass and small grain crops, succumbed, but amazingly well did well tilled, clean fields of corn withstand the ordeal, until 17th of June, when, again, hotter winds prevailed, forcing Thermometers to mark 106° to 115°, literally destroying all the growing crops except cotton, which, clean and at its age, well endures such weather, and with seasonable rains soon—of which there is poor prospect—would make half to full average crop. Very partial showers set in again over the very dry portion, say West half of the State, about 3rd of June, and while the greater area has to date had no rain, heavy rains have fallen in spots and there so renewed vegetation as to wear the air of having never had a drouth, and could be believed but for there and everywhere in view, fields of stunted, dried out corn and absence of new grain and hay stacks, showing the deception.

Over the Colony Counties, the disaster is complete to garden, orchard, oat, corn and hay crops, and so of half the fields of wheat, the exception only 5 to 8 bushel per acre.

LIVE STOCK, in many localities, went into last winter in bad fix, unrecovered from the effects of the previously remarkably severe winter. A dry winter and also dry and late cold spring retarded growth of grass and kept lessening the supply of water, followed by a spell so long and severely hot and dry, not only suspended growth but here and there so parched grass that the tread of animals would crush it to dust, and with every passing day occasioned the longer distance to be traveled back and forth between grass and water, so impoverished and weakened stock in numerous small and several large districts of country, occasioned from material to serious and even almost entire loss of stocks, in numbers for the season of year, heretofore unprecedented and simply incredible.

IMIGRATION was comparatively large during 1885, mainly people of limited means, whose purchases of lands were almost exclusively of State School and Asylum lands at \$2.00 per acre, one-tenth cash, balance on or before 30 years, 5 per cent. annual interest. The fine crops of '85, the success and profits from various interests and enterprises owned in the State by people abroad, so encouraged and fixed interest and attention of others induced thousands of prospectors whose favorable reports wonderfully increased inquiry and sight seeing during the Winter and Spring, gave promise of the moving in of thousands of the better-to-do class, those who would regard highest ruling prices for our lands as cheap enough, willing and able to buy and improve them, which together with the widely known fact abroad that many extensive and new railroad lines would be built this year, developed investment demand for lands and establishment of many new enterprises, altogether promised more vigorous, brighter and better times than ever before. This tide of benefits had just set in, when the Labor troubles began in Texas and on railroad lines thereto, and like an overwhelming ocean wave, rapidly swept on and spread throughout the states, occasioned apprehension of serious delay or worse troubles, and suddenly about stopped all travel and inquiry from abroad. Its effects unhinged and embarrassed business everywhere, suspended many of both newly in-

cepted and contemplated enterprises, the main factor of great local prosperity and progress. All this supplemented with comparative failure of crops, unprecedented losses of live stock and none of any kind on the range now marketably fat as heretofore, have simply collapsed or greatly modified and deferred all our big, bright prospects for this year, into an indefinite future, when the favorable conditions and promises of last spring may again exist, not probable within a year hence.

UNJUST TAXATION was imposed on Peters Colony lands in Throckmorton county for the year '81, which were rendered at \$1 per acre, while the B. B. B. & C. R. R. lands, as large a block and in all respects as good or better, were rendered under value, at 50c. per acre, and passed by the County Board of Equalization, who raised that of Colony lands to \$2 per acre; whereupon I instructed Mr. E. T. Hilliard, my tax agent, not to pay my taxes and requested that he inform you of my action in purpose of united resistance; I alone contested the case for four years through the Courts, with common benefit to all interests concerned, for it deterred that and other Counties from similar acts, until last year, when four Counties excessively raised valuations. In consequence, I have informed the Cisco Land and Col'g Agency, that if said four or other Counties in which I own lands, do not evenly tax for worth other wild lands as my own for this year, not to pay my taxes: wherefore, I commend my action to you, for far better to resist and at once terminate what, otherwise, would run into and practically result in confiscation. It is expedient to inform those who believe I conduct a general tax agency that I do not. Mr. Chas. J. Meng, of Louisville, Ky., first and for many years, until his bad health prevented, personally rendered and paid taxes on quite all the Colony lands, thereafter, for several years, performed by various agents throughout Texas until 1876, when said Hilliard, then a resident of this place, solicited the business, only after I had made a close trace and inquiry of his antecedent business career, I recommended him, who, and his successors, Graham, (but not myself) Hilliard and Spiller, Hilliard and Spiller, Hilliard and Holman, Fleming, Moore and Hilliard, and later, and now Cisco Land and Collecting Agency, have since rendered and paid my taxes in the Northern half of the State—except in Young County, which I personally attended to. A large tax business well attended to, is one man's business, familiar with all the tax laws accurate, reliable and prompt, and these qualities combine in their tax clerk Mr. L. E. Brannin, long and well known to me, and in whom I trust that our confidence will not be misplaced.

Taxes are payable after 1st of October to last day of February, after which expensive legal costs attach, and doubly so to redeem after sale for taxes; and when to be paid on in more than one County, unavoidably requires time, hence tax moneys should be placed in January, or earlier, and it is well for vendors to remember this law of Texas, "The owner of land on the 1st day of January is bound for the taxes of that year."

LEASING LANDS.—I would recommend absolute refusal to lease tracts for Headquarter purposes, almost regardless of any rate of rental offered; also, non-leasing of tracts on open market for sale, even with privilege reserved and to sell and have possession at any time, except some few tracts peculiarly so situated that, however much and adroitly Lessees might essay to work their artful dodges in order to prevent sale and continue their lease, they cannot successfully do so. After much experience and observation of the prejudicial effects from leasing land, I have for several years applied said rule to my own, especially my Colony lands, which are kept on open market for sale. The forms of Lease commonly used give Lessees advantage over Lessors, while my special form provides and prescribes in all respects in the interest of Lessors.

So much of lands and permanent waters have been inclosed of late years, which, with the effects of the recent drouth, has awakened "Free Grass Stockmen"—those who would not buy lands and are averse to any person doing so FOR USE, thereby restricting their range, to realize that they must buy or lease and inclose pastures or move their stock to where, now as in the past, this country abundantly furnished both—numbers of them within the past two weeks have asked for prices of certain lands, but owing to prevailing low prices and heavy loss of stock and no marketable beeves but few are in fix to buy; nor will be soon. Depart whence as many as may, no doubt, as heretofore, their place will be filled by a similar class from further east. This inquiry is confined to owners of small stocks, the large ones are moving out and on, chiefly to Old Mexico, which forecloses all prospect of any more large pastures, and assures selling out of existing ones in this part of the State into smaller ones and farms, and to their extent and even at higher figures, will limit demand for Colony lands, because they, as numerous other larger tracts than ours, afford the main prerequisites to farmers and small stockmen of solid acreage and satisfactory shape for economic inclosing, which has never been afforded them over the yet very sparsely settled One Million and Eighty Thousand Acres of Peters' Colony lands, located over a stretch of from 40 to 90 by 150 miles of country, in small (320 acre) tracts, originally divided by Lottery among its shareholders: since the number of owners has greatly increased by partition of many Estates, so that rarely an owner has two adjoining surveys, hence readily perceived that each separate interest is so intimately blended, all are alike concerned and subject to whatever of abuses, decline or rise of the whole interest, long and yet depreciated and prejudiced by roving stockmen, in a region where repeated tests have proven it far below average good farming sections, with, of late, heavy taxation imposed by the County Boards of Equalization, comprised of

more or less of the elements of great ignorance, prejudice and partial bias, whom an iniquitous statute law invests with plenary "power without appeal," so reads the law. The only relief is to enjoin sale for taxes, which legally requires bond in double the amount in controversy, charge imposition of unequal and unjust taxation and claim equity through the higher Courts. In this statement of prejudicial causes and effects, it is proper to advert to a matter which I anticipated would in time, and now presents, unfavorably for these lands. Those of you at your meeting holden three years ago at office of the Bank of Louisville, Ky., will remember I said, "whether or not, right or wrong, to break faith and solemn treaty stipulations with the Indians of the Indian Territory, ere long it would be done, and in advance of it, it became us to unite and give reasonably every facility for and hasten settlement of the Colony lands. For of all the country North of the Gulf of Mexico and West of the Mississippi River, it excels in climate and the even distribution of its fertile soils, excellent timbers and pure waters, and as well, richest, most desirable, beautiful and attractive; and once opened up for settlement, would fill with population to overflow, be the time five or twenty years, before Colony lands would be the recipient of much more than mere roving, trespassing stockmen." In the very recent report of the Committee on Indian affairs is this most significant sentence: "Our present plan of dealing with them was proper and useful in building them up, but now repressive and injurious to them; the time is near when their interests and the welfare of the United States require that they be brought out of the danger of disturbing the harmony of the great sisterhood of States or of derogating from the honor or welfare of the Federal Government."

The large block of Colony lands in Callahan and Eastland Counties comprises many rich and desirable surveys, have been convenient by railroads for several years, being cut and paralleled on the South by the T. & P. R'y and on the North by the Texas Central Waco branch to Albany, continues sparsely settled, and just so very many localities, where seven years ago, the most of Colonists from Canada and the older States found and fixed their choice and in most cases offered as much or more than the same lands would command to-day if wanted FOR USE—WHEN ONLY GOOD PRICES OBTAIN, taxes and interest since, considered; show the equivalent of 50 per cent. or more loss, or the proposition reversed, that much more than they will bring now or probably three years hence, even with more railroad facilities, as illustrated by the Callahan County block, clearly show, there has not been and there must be general assent among owners to meet the demand and choice of buyers FOR USE on reasonably fair offers; the only chance to soon, if ever, make your respective interests satisfactorily profitable, and show also that OWNERS OF ABOUT TWENTY PER CENT. OF THESE LANDS are responsible for their present unsatisfactory market value and unsaleable or exchangeable condition, whose one tract almost invariably, and sometimes two or three tracts interfere to block these small tracts, the case probably in a greater ratio than 24 out of 25 opportunities for sales and often at from 25 to 50 per cent. more than other lands of equal quality fetch, simply because their choice and able and willing to pay such difference for what best suits them. In five instances, the case since last January and in enough within the past seven years to have absorbed the Colony lands three times over, is distressing that so small a minority absolutely controls the whole interest, emanating from a fact which time has made obvious; that desirable settlers won't isolate themselves, and said interference prevents them forming communities, and from these causes—"FLAT REFUSAL TO SELL AT ALL"—more than probable, without knowledge of the interest, inconsistently ignores information, content to imagine something great for it by and by, "FAILURE TO REPLY TO OFFERS, REPLY TOO INDEFINITE," would require 15 to 20 days more waiting, seldom done in this big country, which offers wide range for choice and prices, "IF THE OFFER IS AS MUCH OR MORE THAN IS OFFERED FOR ADJOINING TRACTS, WILL ACCEPT AND CONFIRM SALE"—thereby indicating willingness, at the same time, utter disregard of comparative real value, "I ACCEPT THE OFFER, PROVIDED, NETT TO ME"—in the face of, not only the customary but invariable rule here, that vendor pays for selling, desolves such sale either a gratuitous business act or to essay compensation from buyer—which would simply give him gross offence and place Agent in the attitude of a blackmailer; so you see, it is here as elsewhere, the world over, expected to do the usual and customary thing, "I ACCEPT THE OFFER, BUT WON'T PAY MORE THAN \$"—a most nominal fee, when heretofore and yet, 8 to 10 per cent. is customary on sales of wild lands, which rates are rarely cut, except in special cases, by one agent to antagonize another.

"THE OFFER IS NO BETTER THAN ONE REJECTED FOR SAME TRACT SEVERAL YEARS AGO, TAXES ARE NOW SO MUCH HIGHER, IS PROOF OF A BETTER VALUE"—hundreds of tracts, won't to-day, if wanted for use, bring more than highest offers for them within the past ten years, the amount of annual taxes is an unreliable indicator of quality or value. "YOU SOLD SURVEY NO . . . FOR ME AT \$. . . PER ACRE, AM WILLING TO SELL AND URGE SALE OF MY OTHER TRACTS AT SAME OR BETTER FIGURES"—when perhaps both its superior quality and location conspired to the sale at an extreme value, and perhaps at the same time, an adjoining tract was sold for half the money, their respective merits considered, both equally well sold.

Some owners imagine great worth of, and accordingly fix price for a tract, in some instances, if inspected by them, would so repulse their previous ideas of it, would tempt them to disclaim owning it.

It was understood at your first general meeting holden in Louisville, Ky., that I be allowed six per cent. on sales, and accordingly have so charged, and an insignificant fee in many cases, where, after the lapse of thirty years, so many corner and bearing trees have been burned, requiring long connecting lines run to re-establish the survey, and on average, not as high rate as $2\frac{1}{2}$ or 5 per cent. on lands in old settled sections, where almost every neighbor can indicate the boundaries of a tract.

CERTAINLY NONE WILL DENY YOUR PRIVILEGE TO INTERPOSE ANY OF SAID CONDITIONS, but after thoughtful consideration, that your interest in colony lands, even with whatever of near surrounding settlements and railroads, is to-day, very little, if any, more valuable than ten years ago, must impress conclusion that your views have been maintained at too great sacrifice of your respective interests, as it has been to the whole interest, and continued, is in unenviable contrast to the POLICY OF 80 PER CENT. OF THOSE IN INTEREST WITH YOU, who, all along, have recognized that freehold settlers are necessary to both create, maintain and promote substantial market and enhancement of values, and accordingly willing, anxious sellers at fair prices of course; and especially desirable farmers, one of whom is rarely ever found in a country, except where local conditions invite and admit of chance to form reasonably compact communities, whereby only, they can secure mill, shop, school, church, postal and social advantages.

It is population, their activities and influence alone that will sustain and yield all and best possible of benefits to the present holders of these lands.

I have received letters from numbers of owners within the last few months, inclosing letters relative to Colony lands, from Messrs. Webb & Webb, late attorneys and insurance agents, Houston, Texas, now of Albany, in same and also land agency business, whose many letters to me of similar and other tenor, with purpose that I substitute them for my special agents there, whom I dare venture to say are better known in and know more of these lands than any other person in that section, and none more vigilant, active and efficient in meeting with and inducing buyers, and to show and sell lands—as at other points I have them to do, only and strictly at values indicated from time to time by myself. I refused to do their wish, hence, their endeavor to supplant my work. Their active partner, the Junior's zeal and perhaps vanity, which no doubt will abate as he grows older, to mildly state the case, led him to exceed reasonable presumption and exaggeration in claim of exceptional ability and means to handle these lands, and as to their town being supplied with fuel from them, is, no doubt, to a limited extent true, for it commonly holds over the newer settled parts of the state, which many persons and myself have worked against before Grand Juries and by prosecutions, but impossible to entirely suppress until more compact settlement obtain; however, most of the Shackelford county block of Colony lands being prairie, afforded but little fuel and was denuded of most that it had in the palmy days of Ft. Griffin, nearby, years ago.

Their knowledge and judgement of these lands, perhaps reflected in their valuations of tracts 25 to 50 per cent. less than some have since been sold for. None can doubt but that best service in owner's interest is to know the varied qualities and intrinsic value of tracts, then to neither offer, accept or recommend a sale for less, and especially on offers of 25 to 50 per cent. less such values, unless owners orders to do so require it. For others as for myself, I manage for best price possible and true, thereby, have sometimes missed a very good sale; but mistakes will happen, and better such than worse. A sacrifice, such as on single tracts has been made, of my knowledge, through other agents, that would have paid commission on sale of half-dozen well sold tracts. You may rely that some Colony tracts are so deficient in all desirable qualities, that if sold for \$640 to \$720 are as well sold as most other of these lands at prices ranging from \$960 to \$1600 each.

My knowledge of the character and value of the Colony tracts, derived from many years of travel over them and six years work of one among the best of field surveyors in my employ, the data private in my office are more replete of the Colony work than the combined knowledge of it of all the County Surveyors and Land Agents in the Colony Counties, because they never felt the same interest and purpose nor employed the means to secure it, and with little occasion to work over them, accordingly know but little of them. My Expense Account Peters' Colony Agency is charged with every legitimate expense of advertising, surveying and other incidentals, but not with one dollar for personal service, and credited with every fee from that source, presents the very unsatisfactory deficit, or loss of over 50 per cent.—a huge bonus for the trouble and empty honors. Information of character and value of tracts have often been asked for and given, not suspecting it would be used to the prejudice of my legitimate business, but in no few cases has been done, AS GUIDANCE, to promote exchange of properties, and worse, direct sale to parties whom I had really worked up to purchase; and worse still, have my valuations apply or cut them on offers through other agents, thereby making my service an enabling facility between you and without compensation to me, is candidly too bad, and how much worse, will leave it to those who would scorn to do such thing. Therefore, be assured that, though in Texas for my health, I am in public service for compensation and reasonably ask not to be troubled with matters where the motive, completed, would prejudice my business and in the long run would degrade your interests, as in above last stated case.

Regardless of the extent of each interest and however anxious an owner to dispose of tracts, none, not one, have been able to do so to settlers. Beyond about equal proportion to respective interests in them; indicate how closely mutual and inextricable the fix of each interest, and likewise the prejudicial and repressive effects of the past divided management, an assurance that if anything more satisfactory and better attends, it must come from a united and uniform action of each and all through ONE GENERAL SALE AGENCY, as recommended from your three several meetings since 1875, held in Louisville, Ky., after widely published notice to all concerned. But as the advice of the majority in interest, which all past experience and results have proven, would have been best promotive of all interests, has been unheeded, they will never call another meeting, and if attained, can now only come from a common consent. It is a well known fact, reached after repeated sad experiences in cities, that many agents for the same properties, invariably embarrass, frequently prevent and rarely ever admit of advantageous sales, which, with even greater force, applies to Colony lands, for reasons already ascribed, and the following in favor of said policy and agency: It would naturally tend to create and maintain more active values, would arrest and terminate the derogating effects of many agents, whose divers representations, business methods and expedients complicate and depreciate the interest, detract the power to readily obtain prices corresponding to the merits and value of respective tracts, raise doubts and confound many strangers who seek purchase; strengthen the already too potent power of stockmen, to both embarrass and prevent sales, thereby continue free pasturage into the time when they can discount actual values, as in repeated instances before the recent case of Mr. Davis in Throckmorton County, the effects of which permeate throughout the Colony, to delay and defer other local buyers, who, could they realize that such chance was beyond their control, would buy or move out; you thereby have sealed pernicious and detrimental results on your remaining interests.

☞ Having a list of the allotment of Colony lands and much data of subsequent transfers and partitions of same, in order to further have them, without recourse and expensive examination of the records in the several Colony Counties, in purpose to avoid indicating tracts that might be bought, which have been sold and to know by whom occupied. Please carefully give numbers of all surveys sold and to whom—except tracts sold by me for you, which would be unnecessary—for which I would feel obliged and in advance tender thanks.

Most of you know that I have been an unflinching, close, steady worker for the Colony interest and whatever of failure and disappointments may be wholly ascribed to lack of proper co-operation of those in interest. Sorry so little has been accomplished by me for you all. I trust a closer alliance and better success may early attend this interest.

Uniformly, I have been cautious, impartial and prompt as possible in all matters of sales and collections, and any seeming undue delay has been from causes purely unavoidable on my part.

Thanking those of you who have continued your faith and confidence in me,

I am very truly yours, E. S. GRAHAM.

☞ Mr. A. O. Smith, of Louisville, Ky., has just given a fresh reminder of his audacious, unbusiness-like methods, which, for several years he has practiced on clerks and collectors and no few of attorneys and land agents in this and other Colony Counties, until, to say the least of him, he is regarded inappreciable of favors and a hard transgressor of business rules, when, more easily, he could have acted to have won esteem and favor.

E. S. GRAHAM.