

File 278

Houston Preemption  
about 1811

Joseph Smith  
135 Acres

Act. Aug 12<sup>th</sup> / 70

Correct on map of  
Houston County  
Sept 2 / 82 26 Acres.

Patent to Wm M. Stow  
Sept. 16 / 82 Fisher

Patented Sept 19 / 82  
Wm M. Stow  
Carlington

Sept 7 / 82  
munk ptd  
Edw  
M...

Ord. in Abst. Vol. 6

Mgl. 6858 M. M. P. R. R.  
Aug 30 / 72  
Dec 22 / 74

Contents.

- No. 1. Affidavit & Desi.
- " 2. Field Notes.
- " 3. Cert Dec 1874
- " 4. Transfer  
Sept 16 / 74  
Jackson
- " 5 & 6 Transfers No. 8681  
Mellin
- " 7. Cor field Notes  
Sept 8 / 82  
Mahomed

500 deposited & copies  
by B. F. Duran  
Crockett. —  
Man R Miller

A. B. Vol. P.

The State of Texas }  
Houston County }.

Field Notes of a Survey of 160 Acres of  
Land made for Joseph Smith by virtue  
of his preemption affidavit to  
said Survey is Situate in Houston County  
on the waters of San Pedro Creek. ~~Situate~~ <sup>nine</sup> ~~is~~ <sup>is</sup> ~~about~~  
miles N 22 E from the Iron of Crockett  
Beginning on Stephen Bennetts South line  
380 vs West of his South East Corner Stake  
Black Jack brs S 11 E 3 1/4 vs -

Thence South 950 vs to Stake Pine brs + 85 E  
4 varas

Thence N 950 varas to Stake Pine brs + 70  
9 vs

Thence N 950 varas to Stake on Bennetts  
South line. Black Jack brs + 80 E 2 1/2 vs

Thence East with Bennetts line 950  
vs to the place of Beginning <sup>beginning</sup> ~~of~~ ~~the~~ ~~survey~~  
Surveyed June 2<sup>nd</sup> 1871

Beny Stearn { } Mark Miller  
Jepu Allen { } As for A Co

The State of Texas }  
Houston County } hereby Certify that  
the foregoing Survey  
was made by me according to law  
and that the lines marks and  
corners are correctly described  
therein and that the foregoing field  
notes are duly recorded in  
my office in Book B of Preem.

tion Claims on Page 228 of the records  
of my office this Sept 14<sup>th</sup> 1874  
Mark Miller  
Co Sur & Co

21  
Jan 27<sup>th</sup>  
Houston Preemption  
File notes of 160  
Joseph Smith

filed Sept 16<sup>th</sup> 74  
Mark Miller

Cancelled by marker fieldmark

550 22  
C. 74

The State of Texas } Before me the undersigned District  
County of Houston } Clerk in and for the County, appeared  
this day came and personally appeared B. S. Hearn  
a resident citizen of said County, who being by me duly sworn  
declares that he is bona fide settled upon one hundred & sixty  
acres of vacant public land situated in said County and Surveyed  
for Joseph Smith on the day of  
by Mark Miller Surveyor of said County, that he  
has occupied and improved the same as a homestead for a  
period of three consecutive years beginning on the 12 day of  
Sept 1871 that he is the head of a family and that  
he makes this affidavit for the purpose of obtaining a title to  
the same for a homestead under "An act to regulate the  
disposal of the Public lands of the State of Texas, Approved  
August 12<sup>d</sup> 1871" and that he has not a homestead other  
than the above -

And also at the same time came and personally appeared  
W. S. Hester & W. J. Ashmore two credible citizens of  
said County, to me well known who being duly sworn depose  
and say that B. S. Hearn the person first above  
named in this affidavit, has actually settled upon and cultivated  
as a homestead the land surveyed for him on the day of  
187 by the Surveyor of the same for the period of  
three years, and they or either of them have any interest in the  
said land.

Bergamin S Hearn  
William S. Hester  
W J Ashmore

Sum to and subscribed before me and I hereby certify that,  
Wm Hester & W. J. Ashmore — are credible and trust-  
worthy citizens of said County,

In testimony whereof I have hereunto set my hand  
and affixed the seal of said County, this the 12<sup>th</sup>  
day of Sept 1874 -

O. C. Aldrich Clerk Dist Ct. N. C.

B. S. Hearn  
affidavits

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Given Sept 16. 1874.  
J. W. C.

③ File 278  
Hanston Preemption  
Cendry Occupancy  
B. S. Hearn  
File Sep 10/74

State of Texas }  
Houston county }  
Know all men by these  
Presens that I Joseph Smith  
Of the county of Houston and state aforesaid  
For and in consideration of the some of one  
hundred and fifty Dollars to me in hand  
Secured by Benjamin S Hearn of the same county  
and state the receipt whereof is hereby fully  
acknowledged her this day and doo by these presens  
bargain grant sell and diliver reliece and convey  
unto the said Benjamin S Hearn his heirs and assigns  
for ever all of the following described tract or  
parcile of land lying and being situated in  
Houston county on the waters of San Pedro creek  
About 8 miles notheast of crockett and bounded  
and lying south of the Benit League and  
being the said land settled on by me  
Joseph Smith and surveyed by M Miller  
County surveyor as per a preemption  
I do have and to holde the same unto the  
said Benjamin S Hearn his heirs and  
assignes forever and I the said Joseph  
Smith do here agree to warrant and defend

the title to the same to him the said  
Benjamin S Hearn his heirs and assigns  
for ever against the claims of all persons  
claming the same or any part thereof  
By through or under me and no further  
given under my hand this the 3<sup>rd</sup> Day  
of september 1873 Joseph <sup>his</sup> Smith  
mark

Witness

W S Lester

Mark Miller

The State of Texas }  
Houston County } Before me the undersigned  
Authority this day personally appeared

Joseph Smith a man to me well known and  
whose genuine signature appears to the at-  
tached and foregoing deed of date Sept 3<sup>rd</sup>  
1873 and acknowledged that he had  
signed and delivered the same for  
all the purposes and considerations  
therein expressed and witnessed

by witness whose name I have here to  
set my hand and Notarial Seal  
at office in Sweetwater on this  
12<sup>th</sup> day of September 1874  
Wm. Miller

④ file 278  
Concord Township  
Joseph Smith  
No 3 Township  
B. B. Heam  
Giles Sept 16. 74  
Wm. Miller

State of Texas  
Houston County

Know all men by these presents that we Joseph Smith and Mary Smith of the County of Houston and State aforesaid for and in consideration of the sum of one hundred Dollars to me in hand paid by Benjamin S Hearn of the same County and State the receipt where of is hereby fully acknowledged have this day and do by these presents bargain grant sell deliver release and convey unto the said Benjamin S Hearn his heirs and assigns for ever all of the following described tract piece or parcel of land lying and being situated in Houston County on the waters of Sanpedro creek about 8 miles Northeast of Crockett and bounded and lying south of the Benit League and being the said land which we settled upon and had surveyed by Mark Miller County Surveyor as a preemption to have and to hold the same unto him the said Benjamin S Hearn his heirs and assigns forever and we the said Joseph Smith and Mary Smith do here agree to warrant and defend the title to the same to him the said Benj S Hearn his heirs and assigns forever against the claims of all persons claiming the same or any part thereof by through or under me and no further this march the 7<sup>th</sup> 1878 his

Joseph <sup>mark</sup> Smith  
Mary <sup>mark</sup> Smith

The State of Texas } Before me W. A. Champion a  
County of Houston } J. P. and ex officio Notary  
Public This day personally appeared Joseph Smith  
and Mary Smith a man to me well known  
who acknowledges that he signed and delivered  
the above and foregoing instrument of writing  
or deed for the purposes therein contained  
and set forth and at the same time  
personally appeared Mary Smith wife of  
said of said Joseph Smith parties to a certain  
deed or instrument of writing bearing date March  
9th 1878 and hereto annexed and  
having been examined by me privately  
and apart from her husband and  
having said deed fully explained she  
the said Mary Smith acknowledged that  
the same to be her own act and deed  
and declared that she had freely and  
willingly signed the same for the purposes  
therein contained and set forth and that  
she wishes not to retract

Witness my hand and official  
Notarial seal this the 9th day of  
March 1878 W. A. Champion J. P.  
and ex officio Notary Public  
Houston County

5) File 278

Monston Preemptive

Joseph Smith  
wife ~~Transfer~~  
Co

B. S. Hearn

File no 8/81

Rhoads Fisher  
Chf Clerk

NO 4

NO 3 6 7

NO 1

LIBRARY

CONFIDENTIAL

The State of Texas, Know all men by  
this present that  
we B. S. Hearn & L. W. Hearn the wife  
of said B. S. Hearn of the County of Houston  
& State of Texas, for and in consideration  
of the sum of Two Hundred Dollars.  
to us in hand paid by Wm M Stow of  
the County of Houston & State of Texas the  
receipt whereof is hereby fully acknowl-  
edged have bargained, sold, transferred & con-  
veyed & do by this present bargain, sell, transfer  
& convey unto the said Wm M Stow his heirs  
& assigns forever, all the right title & interest  
we have in and unto the following des-  
cribed tract or parcel of land containing  
one Hundred & sixty acres of land situated  
in Houston County Texas, on the waters of  
San Pedro Creek, about 11 miles N. E. from  
the Town of Crockett, & being the same 160  
acres of land surveyed for Joseph Smith by  
Wm B Miller C. S., T. C. on the 4th day of August  
1871 -  
& for a more full description of said survey reference  
is here made to the "Field notes of said survey now  
on record in the land office. Together with  
all & singular the rights, minerals heredit-  
ary interests & appurtenances to the same belonging  
or in anywise incident or appertaining, to  
have & to hold the same unto him the said

Wm M Stow, his heirs, & assigns forever and  
we the said, B. S. Hearns & L. W. Hearns the wife  
of said W. S. Hearns, do hereby agree to  
warrant and forever defend the title  
to the foregoing described premises unto him  
the said Wm M Stow, his heirs & assigns  
forever against the claim or claims of  
all persons whomsoever, claiming or  
to claim the same by through or under  
us.

In testimony whereof we have  
hereto set our hands & seals, using  
several for seals, this the 21<sup>st</sup> day  
of February A. D. 1878 -  
Witness,

B. S. Hearns  
L. W. Hearns

The State of Texas Before me D. F. D. Moore  
County of Houston } a Notary Public in and  
for the County of Houston Personally appeared  
B. S. Hearns a man to me well known who  
resides in Houston County Texas, who acknowl-  
edged that he had signed & delivered the  
foregoing Deed or instrument of writing being  
date the 21<sup>st</sup> day of February A. D. 1878. To  
Wm M Stow for all the uses, purposes and  
considerations therein contained & expressed

and at the same time personally appeared  
L. W. Hearn the wife of the said B. S. Hearn  
Parties to the foregoing Deed or instrument  
of writing bearing date the 21<sup>st</sup> day of February  
AD 1878, who after being by me privately Examined  
separately & apart from her said Husband &  
having the said Deed or instrument of writing  
read & fully explained to her, She the said  
L. W. Hearn wife of the said B. S. Hearn  
acknowledged the same to be her Voluntary  
act & deed & declared that she had willingly  
signed, sealed & delivered the same and that  
she wished not to retract it;

To certify which I hereto sign  
my name & affix my seal this the  
21<sup>st</sup> day of February AD 1878 -  
B. F. Dusen  
Notary Public, H. Co., T.

6/ File 278

Newton Prescription

B. S. Hearn wife

To 3 transfers

Wm. M. Stow

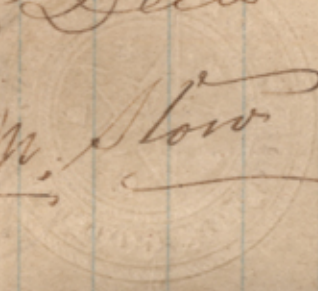
Filed Nov 8/81

Rhoads Fisher  
clerk

B. S. & L. W. Hearn

of 3 Deeds

Wm. M. Stow



The State of Texas } Survey No.  
 Houston County } The Corrected field  
 notes of a survey of 135 Acres of land  
 surveyed for Joseph Smith by virtue of his  
 Preemption Affidavit No. - Said  
 Survey is situated in Houston County Texas  
 on the waters of San Pedro Creek about ~~the~~  
 miles N 22° E from the Town of Crockett.  
 Beginning on Stephen Bennetts S. B. line  
 375<sup>00</sup> feet from his S. E. Corner - thence from  
 which a B. fact. brs S 11° E 3 1/4<sup>00</sup> - Thence  
 South at 840<sup>00</sup> intersects Joel Youngs' N. E. B. line  
 a Pine 18 in mt. X brs. S 10° W 3<sup>00</sup> - Thence N 45° W  
 with said line at 390<sup>00</sup> said Youngs North Corner,  
 2 Pines mt. X. brs. N 70° E 7<sup>00</sup> - Thence S 45° W with  
 said Youngs' N. E. B. line at 545<sup>00</sup> corner a Pine  
 12 in mt. X brs S 30° E 3<sup>00</sup> Do 8 in mt. X brs. N 77° W 2 5/10<sup>00</sup>  
 Thence that at 288<sup>00</sup> corner, a Pine brs N 70° E 9<sup>00</sup>  
 Thence North 950<sup>00</sup> to a stake for corner on Stephen  
 Bennetts S. B. line a B. fact. brs N 80° E 2 5/10<sup>00</sup> -  
 Thence East with said Bennetts line at 950<sup>00</sup>  
 the place of Beginning - Resurveyed August  
 the 23<sup>rd</sup> A. D. 1882 -

Wm Stow } Chain } B. F. Duren  
 Samuel Allen } Men } Co. S, Houston County, Texas

The State of Texas }  
 Houston County } A. B. F. Duren County Surveyor of Houston  
 County, hereby certify that I have been upon the -

found and corrected the foregoing survey according to law  
& that the limits boundaries & corners, together with the marks  
both natural & artificial are correctly described & the  
field notes of same are duly recorded in Book C,  
of Preemption Claims on Page 68. —

Given under my hand at Office in Houston Co Tex.  
this August 25<sup>th</sup> A.D. 1882, — B. F. Duran  
Co. S. Houston Co., Tex.

7 File 278

Houston Preemption

Joseph Smith  
See field notes

135 acres

Filed Aug 20<sup>th</sup> 1882

Charles H. Fisher  
Chy. H.

Correct on map of  
Houston county  
O Sept 2/82 — 24 have

Patricia Sept 19/82  
Burrington

Aug 30  
1882