

Houston

Houston 81.

File 623

abt. 1296- 27

Houston

**PRE-EMPTION.**

Abst - 1296

J. M. Cunningham

160 acres

OK

Act. May 26/73

Correct an map Houston Co.  
Dec. 6-07. Hummick

Pat App Orig 17/6/07  
March

Patented Dec. 9/1407

No. 159 Vol. 33

Kessick

Mkt Pat Reg

Mkt Pat Map

Mgl. 16914 abt. Vol. 27  
abt. " " 32

New 30  
to 2/11/71

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Nov 28/81

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order for pat 12/30/07  
Haukin

Must pat for p 10

500 12/4/07

J. E. Spruce  
Gravel and

B. F. Dura

erock etc

No.  
The State of Texas }  
County of Houston. } Before the undersigned Authority  
— personally appeared J. M. Cunningham  
applicant and A. G. B. ~~Trimmer~~ <sup>Trimmer</sup> and Samuel Hall  
witnesses to me well known who being duly sworn ac-  
cording to law declare that J. M. Cunningham is  
bona fide settled upon vacant public domain  
the same described in the accompanying file  
under "An Act to regulate the disposal of the  
public lands of the State of Texas" approved  
August 12 1870, and acts subsequent  
thereto, and that he has not a homestead.

James M. Cunningham

A. G. B. Trimmer

Samuel <sup>his</sup> Hall

Sworn to and subscribed before me this 20<sup>th</sup>  
day of December 1880

O. C. Aldrich

Clark County Clerk Houston County

No. Designation.  
To the County Surveyor of Houston County:  
By virtue of the accompanying affidavits  
No. — made in accordance with the Section of  
an "Act to regulate the disposal of the Public  
Lands in the State of Texas" approved August  
12 1870, I hereby apply for a Survey of  
the following premises including my improve-  
ments, viz: Beginning at

In Commemoration  
of the  
Presumption of the  
out

John A. Fisher  
The 9th of  
December 1858

John A. Fisher

12-20-80  
11-22-81  
11-28-81

File 623  
Houston Presumptive  
J. M. Cunningham  
effedent  
Filed Nov 28/81  
Rhoads Fisher  
Deputy

John A. Fisher

Faint handwritten notes in the left margin, including the name "Rhoads Fisher" and other illegible text.

The State of Texas } Survey No.  
 Houston County } The filed  
 note of a survey of 160 acres of land sur-  
 veyed for J. M. Cunningham by virtue  
 of his Preemption affidavit No. — Said  
 Survey is situated in Houston County on the  
 waters of the Elkheart creek about 11 miles  
 N 13° E from the Town of Crockett — Beginning  
 at the S. E. corner of Mrs C Yarbro's Preemption Surv.  
 on Collins Aldrich's N B line a Post Oak 12 in circ.  
 Y. bro N 70° E 8<sup>00</sup> & a Bell Haw tree circ<sup>d</sup> Y bro N 80° E  
 6<sup>00</sup> — Thence West with said Yarbro's line at 50<sup>00</sup>  
 Conroy creek at 560<sup>00</sup> pass her S W corner at  
 950<sup>00</sup> set stake from which a sand stake 10 in  
 circ<sup>d</sup> X bro S 3° N 10<sup>00</sup> — Do 11 in circ<sup>d</sup> X bro N 18° E  
 12<sup>00</sup> — Thence South at 950<sup>00</sup> corner, whence a sand  
 stake 10 in circ<sup>d</sup> X bro S 85° N 15<sup>00</sup> — Do 12 in circ<sup>d</sup> X  
 bro N 77° N 20<sup>00</sup> — Thence East at 950<sup>00</sup> set  
 stake per corner on said Aldrich's N B line a Pine  
 12 in circ<sup>d</sup> X bro N 87° E 10<sup>00</sup> & a Post Oak 10 in  
 circ<sup>d</sup> X bro S 80° E 12<sup>00</sup> — Thence North with said  
 Aldrich's line at 950<sup>00</sup> to the place of Beginning  
 Surveyed November the 22<sup>00</sup> 1881 —  
 J. S. Cunningham } Chair } B. F. Duren  
 S H Yarbro } Men } Co. 3. Houston Co., Texas

The State of Texas } J. B. F. Duren Co Surveyor  
 County of Houston } of Houston County Texas —

Hereby certify that I have made the foregoing survey according to law, that the limits, boundaries and corners, together with the marks both natural and artificial are exactly described and that the field notes of same are duly recorded in Book 6 of Pompton Claims on page

Given under my hand at Office this  
the 24<sup>th</sup> day of November A.D. 1881-

B. F. Dawson

C. S. Houston, Co. Lyas

2 File 623  
Houston Preempt  
J. M. Cunningham  
160 acres  
Field notes  
Filed Nov 28/81

Rhoads Fisher  
De Clerk

Correct on map Houston Co.  
12-6-07 Harnicutt

Patented Dec. 9/1909  
Keller

Houston P-623

GRAPELAND, TEXAS,

December 23<sup>rd</sup> 1907

Hon John J. Serrall

Austin Texas

Dear Sir

Please deliver to J. E. Spence  
of Grapeland Texas, Land Patent No. 159  
Vol 33 issued to Heirs of James M. Cunningham  
for certain lands situated in Houston County  
Texas, He being the present owner and  
holder of said Land, and oblige

Yours Very Truly  
S. E. Cunningham Wife  
of James M. Cunningham (Deceased)

File No.

623

Houston County,

Precept Land.

order for pat

Filed 12 - 30 1907

J. T. Robison adq  
Com'ry

Hawkins

File Clerk.

How P. 623

PROOF OF SETTLEMENT UNDER HOMESTEAD ACT.

THE STATE OF TEXAS,

County of Houston

*Justice Peace & Corroffice Motary Public*

BEFORE ME, the undersigned County Clerk in and for the County aforesaid, this day personally appeared Mrs S J Cunningham, Wife of J M Cunningham (Deceased) *also her husband*

a resident citizen of said County, who being by me duly sworn, declares that ~~he~~ <sup>she</sup> is a bona fide settler upon 160 acres of vacant Public Land, situated in said County, and surveyed for

J M Cunningham (Deceased) on the 29<sup>th</sup> day of November A. D. 1881, by B. F. Dimes

Surveyor of said County; that ~~he~~ <sup>she</sup> and her husband J M Cunningham (Deceased)

has occupied and improved the same as a homestead for a period of three consecutive years, beginning on the 22<sup>nd</sup> day of December A. D. 1894; that ~~he~~ <sup>she</sup> is J. N. Spence

*is now the owner of said land* and that ~~he~~ <sup>she</sup> makes this affidavit for the purpose of obtaining a title to the same for a Homestead, under Chapter Nine, Title LXXIX of the Revised Statutes; and that he has not a Homestead other than the above.

And also at the same time came and personally appeared J. N. Parker and W. T. Warner two credible resident citizens of said

County, to me well known, who, being by me duly sworn on their oaths depose and say that J. M. Cunningham (Deceased) and his wife S J Cunningham <sup>did</sup> the person first above named in this affidavit ~~has~~ actually settled upon and cultivated, as a Homestead, the

land surveyed for J M Cunningham (Deceased) on the 22<sup>nd</sup> day of November A. D. 1881, by the surveyor aforesaid, for the period of three consecutive years, and they nor either of them have any interest in the said land.

S. J. Cunningham  
J. N. Parker  
W. T. Warner

Sworn to and subscribed before me, and I hereby certify that J. N. Parker and W. T. Warner are credible and trustworthy citizens of said county.

GIVEN under my hand and seal of office, at Graptuland Texas this 29<sup>th</sup> day of November A. D. 1897

Jno A Davis J P Mos Clerk  
County Court, Houston Co., Texas.

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Home P-623

M. Cunningham

Proof Occupancy

Feb 17/28/07

John J. Durrell  
Cov<sup>2</sup>

Mason

1893

Settler:

SETTLEMENT OF HOMESTEAD.

OF

PROOF

E 600

89