

*F. J. 31 150*  
*1861*  
*Milam Co. Chap 3*

*B. at 51 - C. at 55*  
*James Paul*  
*St. Louis*  
*Oct 49*

*Correct on map. Oct. 28/48*  
*Frank P. D.*  
*Courbaun*

*Count of Paulding*  
*to Miss. of James Paul*  
*Qu. 3 - C. 3*

*Patented Oct 28/48*  
*Espey Hotchkiss*

*No 721 Vol 6*  
*Boone at 51*  
*Comell " 55*  
*County average vol VII*

*Milam Co*

*Volume VI*

*Page 475*

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*1. Certificate*  
*2. Field notes.*

*3. Protest*

*Oct 19/48*  
*delivered to*

*Sheet*  
*Oct 28/48*

CERTIFICATE NO. 49

REPUBLIC OF TEXAS, } BOARD OF LAND COMMISSIONERS,  
SABINE COUNTY. } *Boyd* JANUARY SESSION. 1858

*Monday 5th*  
THURSDAY, THE FOURTH DAY OF THE MONTH.

The board of Land Commissioners, met agreeable to law.

—Present: JOHN BOYD, President; MARTIN D. WHITE and JOHN H. McRAE, Assistant Commissioners, DO certify that

*James Bailey*  
— *appt* — appeared, took and subscribed to the oath prescribed by law, as a resident citizen of Texas;

*Francis & Beat*  
*Therred & Moses Parker* — appeared as witnesses, who after being duly sworn say upon their oaths, that the said

*James Bailey* — was a resident citizen of Texas at the date of the Declaration of Independence, and that he has continued to be so to this day, and that he was a *Married* man at that time and the head of a family; the said *James Bailey* — emigrated to Texas in the year *1835* which entitles him to receive one *league & labor* of land in said Republic.

(SIGNED)

*John Boyd* President.  
*John H. McRae*  
*M. D. White* } Assistant Commissioners.

ATTEST:

*William A. Harris* Clerk.

Republic of Texas } I J. A. Hood County Clerk  
County of Milam } and for said County do certify  
that the within Certificate was recommended for Patent by  
the Board of Surveying Commissioners appointed to detect  
fraudulent Land Certificates

Given under my hand and seal  
of Office at Calumet this 28<sup>th</sup>  
day of October A.D. 1845

Republic of Texas } J. A. Hood. C. Record  
County of Milam }

This is to certify that  
James Bailey has had surveyed for him  
by J. E. Scott deputy Surveyor of the Washita  
Colony 24.822.693 Square Varas by virtue  
of the within Certificate March 24<sup>th</sup> 1838

J. A. Grant  
County Surveyor

File 731

Milam C. L. Kelly

Adm'g W. C. Kelly

J. P. Bailey

1 Co. Habro



Republic of Texas

County of Milam

Survey for James Baily of

26 laborers of land situated

on the middle prong of the

bosque <sup>about 20 miles from the Brazos</sup> being the

quantity of land to which

he is entitled by virtue of certificate

No 49 issued in Sabine County

beginning 1450 acres S 60 W from

the N. E. corner of a survey made for

<sup>E. Garcia</sup> ~~Garcia~~ for the S. E. corner of this survey

from which a post oak marked W bears

N 20 E, 10000 acres and another marked B bears

S 20 E, 20000 acres thence N 30 W, 26500 acres

a branch 40000 acres to the N. E. corner

in prairie thence S 60 W 7200 acres a

branch 49999 acres a creek 65000 acres

to the N. W. corner from which a Chestnut,

oak tree marked T bears N 14 E, 15000

and a post oak bears S 5 E, 40000 acres

thence S 70 E, 11000 acres crosses the

middle prong of the bosque 40000 acres

to the S. W. corner on a Spanish oak

from which another Spanish oak marked

A bears S 60 E, 90000 acres and another bears

N 85 E, 60000 acres thence N 60 E, 37000

crosses a creek 60000 acres bosque

6430 ascend a bluff 65000 acres

to the Beginning Surveyed 26 July 1844

Containing 10 laborers of arable 16 laborers

pastor land

Moore M. Hughes } Chair

L. Joffe } Carriers

George Green Marsh

I solemnly declare the above

survey made according to law

at the time above written Geo. D. Guthrie Secy

Nashville Novemb 10 1845 County of Milam

Fill  
Bosque 186  
Coryell  
731

Milam & Chapin

Field Notes 26<sup>th</sup> Oct

J. P. Bailey

Rec'd 88  $\frac{40}{100}$  dolls in the  
Promp. notes of the late  
Republic for Govt. dues on  
the within field notes

J. R. Jones

Patented 28<sup>th</sup> Oct 1848  
Hotchkiss

Examined & Recorded

James Bayley

26<sup>th</sup> Oct

Winford Bayley

Republic of Texas }  
County of Feltwell } I do Certify that I have Ex-  
amined the within field notes and find them  
correct and the Survey made according to law  
Given at Caldwell this 10<sup>th</sup> day of December 1845.  
James Howlet  
Clerk

731 Milan /

Coryell City Texas June 19th 1877.

Commissioner Gen. Land Office

Sir:

By reference to the records of your office you will find that first Class Certificate No. 47 recommended and issued by the Trailing board of Land Commissioners for Sabine County in 1837 in favor of James Bailey was located and surveyed in what was then Milan County and Milan Land district 1845 by George B. Erast and the original field notes together with a copy of a plat of the survey with the Certificate of the County Surveyor at the time James Hostet endorsing and approving the same was returned to your office in October 1848 and a patent for the same embracing substantially the field notes as returned

George B. Eratt was issued in the name  
of the heirs of James Bailey.

Since the issuance of the patent there  
have been created out of what was  
then Milan County several new counties  
so that the land embraced in the survey  
above named now lies in the two counties  
of Conyell and Bosque. There has never  
been any dispute about the boundaries  
of said survey until recently a man  
by the name of Samuel Bingham  
has caused a survey to be made by  
which he seeks to deprive the heirs of  
James Bailey of a large portion  
of the land embraced in this survey.  
I most earnestly entreat of you  
sir to look closely to this matter  
and not to issue a patent for this  
pretended survey of Bingham's  
until the controversy is settled.  
I have already filed my application  
in the proper court for an order to  
establish my boundaries or those  
of the James Bailey survey in strict

accordance with all the forms of  
Law. My attorney Messrs. Foster & Butler  
of Meridian will doubtless corres-  
pond with you and the subject  
who can and will place the matter  
before you in a clear and more  
forcible light than I can -  
the above however are substantial  
facts of the. I would apologise for  
troubling you with so lengthy a  
letter when I know your correspon-  
-dence is so extensive but there  
is no other manner by which I can  
avoid so great a wrong and in  
the mean time I wish to have the  
honor to be

Very Respectfully

Thos. H. Bailey



3.

File 731  
Milam 1<sup>st</sup> Clap

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Protest

Filed June 25/77

J. W. Commr