

File 3455. Bosque & Conyell Cos  
Octr. 1879

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MILAM PREEMPTION

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July 9, 1880  
Book 15 79  
Page 6 79

Coleman Healty.

100 acres

Act May 26 1873

H

On two patented surveys in  
names of Henry Smith B. 180  
and John Hamrick B. 265  
Octr. 18<sup>th</sup> 1879

Thomson

The Surveyor's Explanation  
only proves that the Henry-  
Smith & J. Hamrick are found  
to be excessive, but this office  
cannot admit of a vacancy between  
the east line of above surveys and  
the west line of H. Ballard for  
the reason that Hamrick's north-  
east corner & Ballard's northwest  
corner have identical bearing true  
April 7/91 H. Prussler

J. M. Robertson

Cancelled Abst Vol 21

Mgl. 15139

Oct 17  
E 1/2 79



# Proof of Settlement under Homestead Act.

The State of Texas,  
County of Booque,

BEFORE ME, the undersigned, District Clerk in and for the County aforesaid, this day came and personally appeared Coleman Heathy, a resident citizen of said County, who being by me duly sworn, declares that he is a bona fide settler upon One Hundred and Sixty acres of vacant public land, situated in said County, and surveyed for him on the 3<sup>rd</sup> day of September 1879, by James M. Robertson, a 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 First day of January 1875, that he is a married man, and that he makes this affidavit for the purpose of obtaining a title to the same for a Homestead, under an Act supplementary to "An Act for the Benefit of Actual Occupants of the Public Lands," approved May 26th, 1873, and Acts prior thereto; and that he has not a Homestead other than the above.

AND also at the same time came and personally appeared, J. W. Perry and M. Red, two credible resident citizens of said County, to me well known, who being duly sworn, depose and say that Coleman Heathy, the person first above named in this affidavit, has actually settled upon and cultivated as a Homestead, the land surveyed for him on the 3<sup>rd</sup> day of September 1879, by the Surveyor aforesaid, for the period of three years, and they nor either of them have any interest in the said land.

Coleman Heathy  
J. W. Perry  
M. Red

Sworn to and subscribed before me, and I hereby certify that J. W. Perry and M. Red are credible and trustworthy citizens of said County.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County, at office, this 11<sup>th</sup> day of September 1879.  
John H. Johnson  
Clerk of Dist. Court, Booque County.



File 3488.

Milam Preemption

Coleman Heally

Certificate of occupancy

*No fees paid*

filed Sept 26 79

*Charles Fisher,*

*Chief Clerk*

\_\_\_\_\_  
*Coleman Heally*  
Settler.

PROOF OF  
SETTLEMENT OF LAND



21  
The State of Texas Field notes of a survey of 160  
County of Bosque acres of land made for C. Beatty  
by virtue of his certificate of occupancy issued  
by the County Clerk of Bosque County on the 2nd  
day of June A.D. 1879. said land is situated in Bosque  
and Coryell counties the beginning corner of same  
being in Bosque County about 18 miles Sth of  
Meridian. Beginning 612 varas S 30° E from  
the N.W. corner of Henry Mailard's most western  
survey a pile of rocks in said west boundary  
line for the N.E. corner of this survey; Thence S 30° E  
2358 varas to the S.W. corner of Henry Mailard's  
a pile of rocks in prairie; Thence S 60° W 383 varas  
to a pile of rocks in the east boundary of a survey  
made for Henry Smith; Thence N 30° W 2358  
varas to a pile of rocks in the east boundary of  
the most eastern survey in the name of John  
Blanchard; Thence N 60° E 383 varas to the place of  
beginning. Surveyed September the 3rd A.D. 1879

Simony [C  
Brocker [C

James M. Robertson  
County Surveyor Bosque Co Texas

The State of Texas, I James M. Robertson Surveyor of Bos-  
County of Bosque que County do hereby certify that  
the above survey was made on the above date and in  
accordance with the present laws, and that said  
survey is correct and the above field notes recorded in  
my office in Journal No 6 page 284 Bosque County

James M. Robertson  
County Surveyor Bosque Co Texas



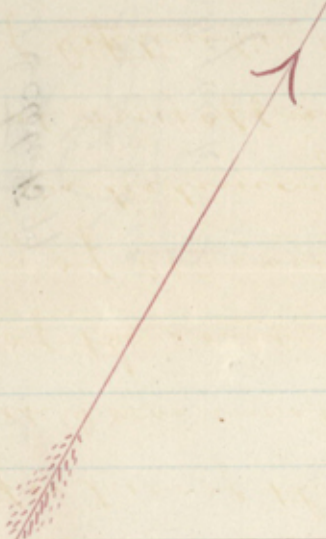
Explanation!Explanation!Explanation!

I began at the S.E. corner of the Thomas W. Hibbs land one of the bearing trees a Live Oak marked still standing and the Spanish Oak stump found. I then ran S 60° W crossing the branches as called for in the Hibbs field notes until I come to the lost branch called for in the south line of said survey which should have been only 1590 varos but proved to be 1720 varos. At this point I subtracted the 1590 varos from 4850 varos the length of the south line of said Hibbs giving said Hibbs the benefit of its natural calls. I then ran on S 60° W until my measurement from the branch lost named gave out. Here I turned N 30° W entered timber at 750 varos crossed a fork of Hog Creek at some 90 varos gain in the Hibbs calls; crossed Hog Creek at a gain of 94 varos and continued this line passing Hibbs N.W. corner to the place where I began Mr. Heath's pre-emption. I measured from the N.E. corner of J.R. Stille's and S.E. corner of Henry Smith's to the line I was running for the west boundary of Thomas W. Hibbs and found it to be 383 varos. By reference to the field notes of Henry Mailord and John Hamrick it will be observed that they call for trees of the same kind some course and distance yet I was unable to find said trees or any evidence of the same. By this measurement there is a vacancy of 383 varos.

In testimony whereof I hereunto set my hand at my office in Meridian on this the 11th day of September A.D. 1879.

James M. Robertson  
Surveyor Roanoke County Texas





John Hamrich

Henry Metlerd

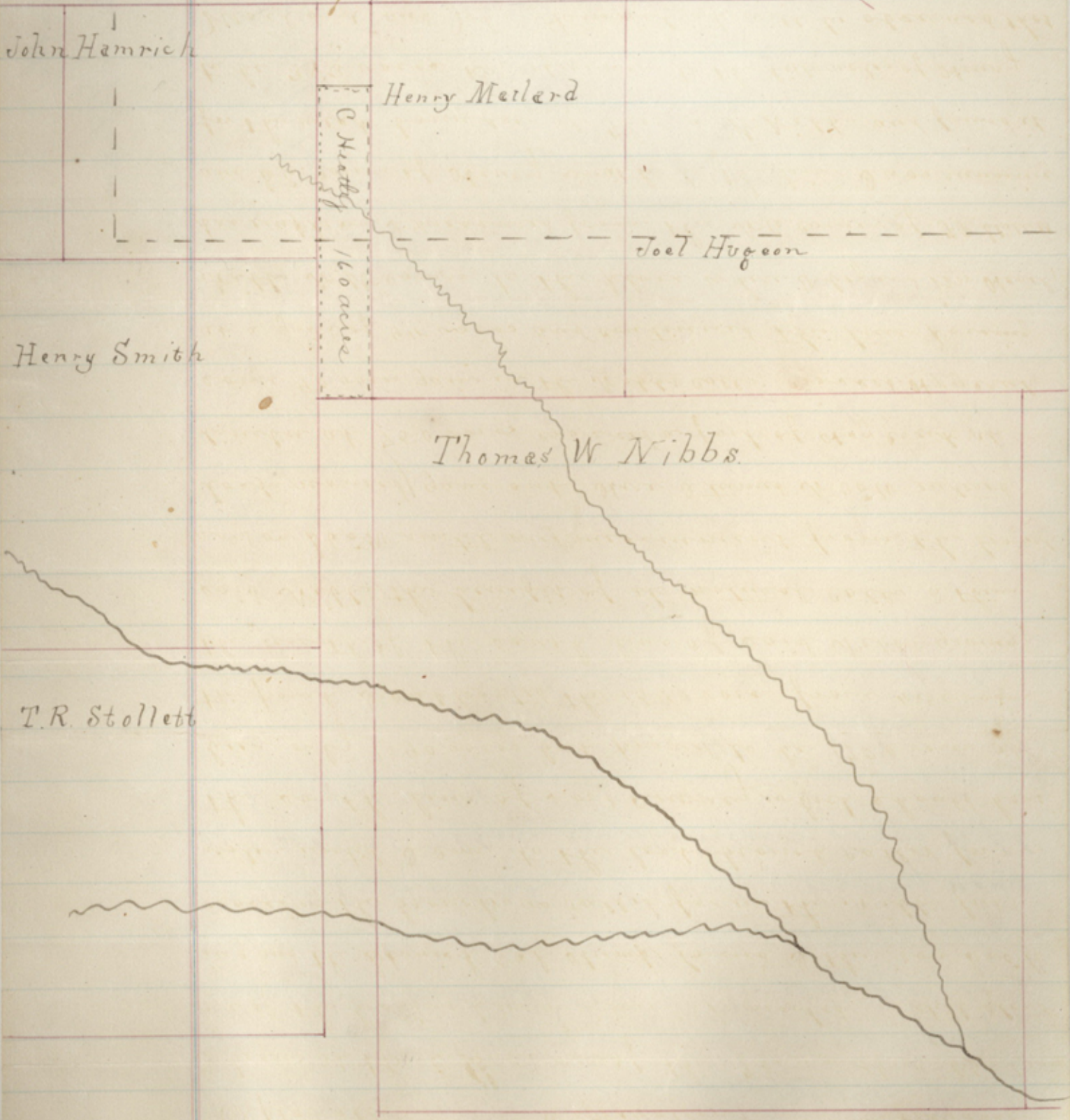
C. Matley  
160 acres

Joel Hugson

Henry Smith

Thomas W Nibbs

T.R. Stolleth





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Milam Preemption

Coleman Heally

160 acres  
Field notes  
and Explanation  
Recorded in Coryell Co

Filed October 15/79

Rhoads Fisher  
Chief Clerk

FILING FEE PAID

OCT 15 1879

cash 17  
3/11/79

C Heally  
Preemption

Bosque & Coryell Counties

Jas M Robertson  
County Surveyor B. Co Tex

I D A Stammack County Surveyor for  
Coryell County do. certify that the above named  
forgoing instrument is recorded in Book  
B. Page 529 & 8. of the Records of my office  
Sept 17<sup>th</sup> 1879, D. A. Stammack, C. S. & C.

The State of Texas  
County of Bosque  
I James M. Robertson County  
Surveyor of Bosque County  
Texas do hereby certify that the foregoing plat is  
correct on the ground according to my survey  
To wit: of a half & fourths square my name  
and seal at office in Meridian Texas Sept  
11<sup>th</sup> A. M. 1879

James M. Robertson,  
Co. Surveyor, Bosque Co, Texas



The State of Texas, & Explanation in regard  
County of Bosque, to 160 acres of Land made  
for C. Heatty, on the line of Bosque and  
Learyell Counties, to wit. In determining  
whether or not there was a vacancy between  
the Henry Smith, Jno Haurich, and J. R.  
Stollett, and the Henry Mailord and Thos.  
W. Kibbs, I began at the S. E. corner of  
The Thomas W. Kibbs, a pile of rocks, from  
which a Live Oak mk'd. M bears S 7° N 15 vs,  
and a Spanish Oak S 19° E 21 vs., The Live  
Oak found marked as above, and stump  
of Spanish Oak found, I then, with  
sworn chain carriers, started S 60° W,  
crossed a branch at 140, another at  
1290, and another at 1710. Upon will,  
by reference to Kibbs field notes, ob-  
serve a gain, or over run as it is  
called, in the distance to the last  
named branches. At the last  
branch I gave it all the over-  
run, subtracted 1590 from 4850,  
and found I must run 3260 rods  
for the S. W. corner of Kibbs, which  
I measured out, but when I meas-  
ured out the 3260 from the last  
branch, I found no corner, however, the  
grass was tolerably high, and it might



have been overlooked. I then turned N 30° W from the point where my 3260 gave out, from the lost branch, entered timber at about 700 vs, crossed Hog Creek, or a prong thereof, at 1360 vs, crossed the main prong of Hog Creek at 3270 and continued this course until I came to a point S 60° W, from where the North line of Hibbs struck the timber, and found a gain of 3 or 400 vs. I then went to the plainly old marked line, being the east boundary of Stallett, Smith, and Honourich, and measured to the line I ran for Hibbs west boundary.

Now, you will observe that the Hibbs, Stallett and Honourich surveys were made by Capt. Erath in 1845, while in 1847, two years thereafter, the Mailord, Hageon, Von Zacharias, & Thomas surveys were made by Capt. George Green.

Now, it may be possible that the original surveyors did intend that these surveys should close, however, we have no evidence to that effect, hence, must be governed by the original field notes.



Viz: First, Natural calls, Second, Artificial calls, Third Course and distance Now, all of these have been used, and yet these surveys lack 383<sup>vs</sup> of closing, and can it possibly be claimed that these surveys must be recognized as closed up? Texas has been swindled enough after giving men calls, marks, and distance much less an extra amount. You will observe that these surveys do not call for each other. Now, it may be argued that the N.E. corner of the most eastern Ino Hornrich, and the N.W. corner of ~~Hornrich~~<sup>meadows</sup> is one and the same corner, but I have been on the ground, and it is a very rough place, and no Spanish Oaks that can be identified as the trees <sup>can be found</sup>, and as to the branch, there is 3 or 4 branches, there, and if they hold, you still leave a vacancy. Again, the north line of the most eastern Hornrich is not marked, though it runs through the timber &c. Now, can this land be patented. Now, I, James M. Robertson, County Surveyor of Bosque County, Texas, do hereby



3/ File 3488  
Milam Preemption  
C. Heally.  
160 Acres

Surveyor's Certificate  
for  
Colman Heally  
Preemption

Surveyor's Explanation

Filed Dec 8 79  
R. H. Fisher,  
Chief Clerk

3488

certify, that all the statements above  
are true and correct, and that I  
I gained my information in regard  
to the above distance, by an act-  
ual survey on the ground, with  
known chain carriers.

To Certify of which I herewith set  
my hand at my office  
in the town of Meridian  
this the 4th day of  
December AD 1879.  
James M. Robinson,  
County Surveyor Boggs Co. Miss.



**AFFIDAVIT FOR PRE-EMPTION.**

**THE STATE OF TEXAS,**

COUNTY OF BOSQUE.

Before me,

*F. M. Ballier*

Clerk of the

*County*

Court of Bosque

County, this day personally appeared

*C. Hately*

to me known, who after being by me duly sworn, upon his oath deposes and says: that he is now a bona fide settler upon *One Hundred & Sixty* acres of Land, that he believes to be of the public vacant lands of the State of Texas; that he is improving said land for a Homestead, and has no other; and further that he is a *Married* man

and makes this Affidavit for the purpose of obtaining a Home. Said Land is situated in Bosque County, about *18* miles *"S"* from Meridian, on the waters of *Neils* Creek: beginning *on the West boundary of*

*Henry, Marshall and survey,*

and more particularly described by the accompanying field notes.

Given under my hand and the seal of the

*County*

Court of Bosque

County, at office, in the Town of Meridian, this

*2<sup>nd</sup>*

day of

*June*

A. D. 187

*9*

*F. M. Ballier*

Clerk

Court, Bosque County, Texas.

By

*F. M. Ballier*

Deputy.





No. \_\_\_\_\_

*C. Hatley*

**Affidavit for Pre-emption.**

ISSUED

the *2nd* day of *June* 187*9*

*J. M. Ballie*

C. C. B. Co.

By *J. M. Ballie* Deputy.

M. Strickland, Stationer and Printer, Galveston.

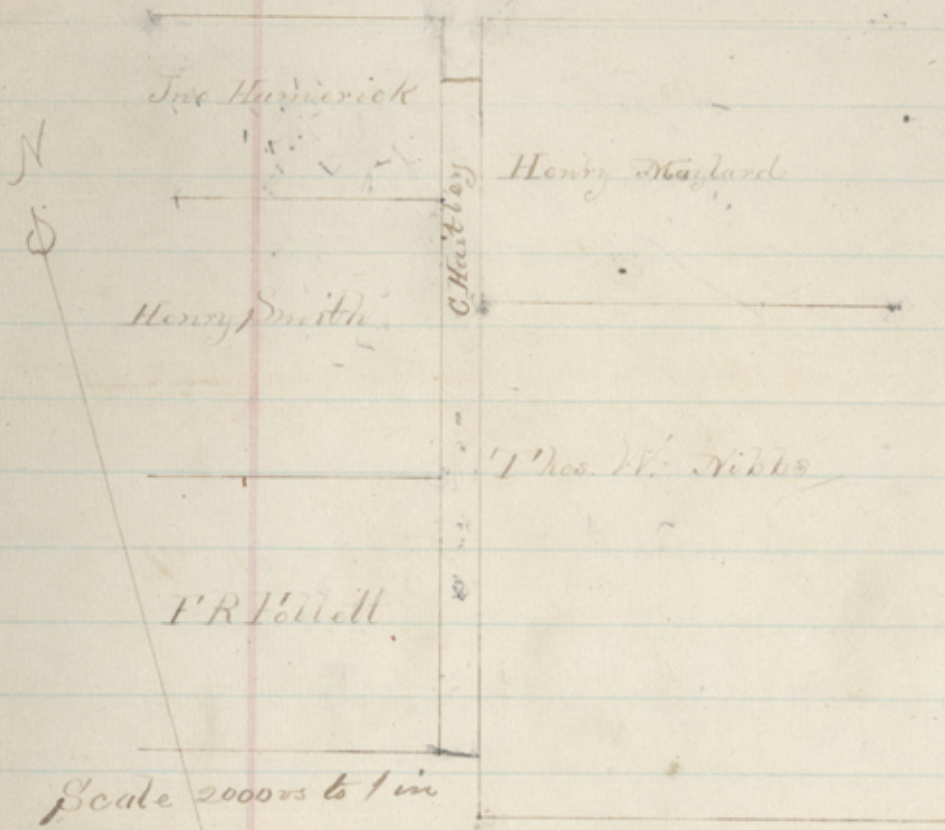


*Wm. Hatley*  
*Pre-emption*  
*Affidavit & designation*  
*Filed Feb 9 80*  
*Proas Printing*  
*Galveston*

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Gen. W. C. Walsh  
 Com<sup>r</sup> G. L. O.  
 Austin Tex.

I hereby certify that the above sketch represents the true position of the H. Maynard T. W. Tibbs T. R. Tollett Henry Smith, & Jno Hamrick surveyed by actual measurement on the ground.

I am satisfied that the locator (G. B. Erath) intended to exhaust the vacancy between the Hamrick & Maynard, but the one does not call for the other - and the bearing trees being gone, & there being no other natural or artificial object to close them, we must conclude that the locator made a mistake in his calculations.

Hoping that this Certificate, will secure Mr. Hatley's Patent - I am

Respectfully  
 A. T. Wilson - Sur. Cornell Co



File 3488

Milam Prampston

Cert. Dir. Coryell

Proctor

Examined

7/21/87

Ward

Coe Herrold