Hays County.

File No 1

Abst - 502

Josiah Whitley

Travis. PRE-EMPTION.

160 Acres

Old wrapper within

Act

Patented 10/29/73
to original

No. 266 vol 1

Mgl. 54.

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9 Hays

Hays Co. /71. 73.

File 1.

Travis Preemption

Josiah Whitley

March 24 " 1871

160 acres

Act August 12 " 1870 Cert No 1.
Hays Co.

Covers a 160 acres survey in the name of J. Cooper file 2. 195½, and conflicts for about 58 vs. with another 160 acres survey in the name of C. Brooks file S. 380; otherwise correct on map of Hays Co. March 6/71 C. C. Stremme
Oct. 8. 73. Jessen.

Correct for patenting.
Oct 28/73.
Fisher.

Patent to Josiah Whitley
Octbr 29/73 Jacob Kinchel C

Patented to Josiah Whitley
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C. C. Feb. 13. 71. Richardson

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O M Jackson

8 Cert of record
Oct 29. 73
Ed Bock

B. C. Hardin
Co S. Hays Co wants
Patent. fas on Tyrant.
Condition furnished Surveys
October 14/73 [illegible]
Oct. 22/73
Ward.

Hays Co / 73 75

File 1.

Travis Pre-emption

Josiah Whitley

160 acres

Act of Aug. 12. 70

Mar 24. 71

& mkd ptd.

Patented Oct. 29. 73

Mkd Pt. Reg

No 266 Vol 1

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1. Affidavit
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7. Affidavit
8. Cert of record
Nov 8. 73
Book
9. Old wrapper

B. C. Hardin was
patent
Dec 18 '73
$500 in Dets

Gillelan

The State of Texas
County of Hays

Before the undersigned Authority personally appeared Josiah Whitley applicant and Rubin Neel T. V. Leach witnesses, to me well known, who being duly sworn, according to law, declare that Josiah Whitley is bona fide settler 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 12th 1870. and that he has not a homestead.

Josiah his X mark Whitley
T. V. his X mark Leach
Rubin his X mark Neel

Sworn to and subscribed before me this 26th day of September A.D. 1870.

In testimony whereof I have hereunto affixed my Official Seal and Signature

Ed. J. L. Green
Clk. Dist. Court, Hays Co, Tex.

Designation No. 1

To the County Surveyor of Hays County:

By virtue of the accompanying affidavits No. 1 made in accordance with the 1st Section of An Act to regulate the Disposal of the Public Lands in the State of Texas, approved August 12th 1870, I hereby apply for a Survey of the following premises, including my improvements: viz: Beginning at a stone corner S. 45° W 170 vrs from the N. W. of the William Ward Survey now owned by Joseph F. Brown. Thence S. 45° E varas intersecting the Saultybaugh Survey. Thence S. 45° W varas. Thence N 45° W varas. Thence N. 45° E vrs to the place of Beginning. containing one hundred and Sixty acres.

Josiah his + mark Whitley Col

No 1

Josiah Whitley
Dessignation for
Location

Filed Sept 26th 1870
B. C. Hardin
Co. Surveyor

1

Filo 1.
Travis Preemption
Josiah Whitley
affrt. No 1.
Filed Novbr 14 1870

No. 1

# THE STATE OF TEXAS,

County of Hays

I, B C Hardin Surveyor of said county, do hereby certify that Josiah Whitley is, in good faith, settled upon land surveyed for him by the undersigned Surveyor of Hays County on the 24th day of October 1870 as appears by reference to the field notes herewith returned, in compliance with the provisions of the ~~third~~ first Section of "An Act to regulate the Disposal of the Public Lands of the State of Texas," approved August 12, 1870; that he is an actual settler on (160) One hundred and Sixty acres of land situated in said county of Hays and has not a homestead. The above facts having been proved to me by the affidavit hereto attached, and being true to my knowledge. That is to say that he has cultivated and improved a portion of said land this year, and is now improving and cultivating the same; by mistake he built his house on Located land, adjoining thereto

Remarks

In Testimony Whereof, I hereunto sign my name officially, this the 25th day of October 1870

B C Hardin

Surveyor of Hays County.

NOTE.—When your blank certificates and reports are exhausted, notify the General Land Office, and others will be sent.

TRACY, SIEMERING & CO., Printers, Austin, Texas.

2

No. 1

Travis Preemption

Josiah Whitley

affst

Filed Novr 14, 1870.

San Marcos Hays County October 25th 1870
Hon Jacob Kuechler
Commissioner Genl Land Office

Enclosed find return of plat and fieldnote, of Dessignition No 1. of 160 Acres. of Land Surveyed for Josiah Whitley together with application and Certificates

This Survey covers Survey No 20. made for J. A. Smith, March the 10th 1870. and field notes returned to Land Office, Made by virtue of Certificate No 16/21 Class second Quantity 406 65/100 Acres Issued to the Hrs of John Cooper by Joseph Spence Commissioner of the Genl Land Office August 6th 1868

The applicant Josiah Whitley, was occupying cultivating and improving said land, on and prior to the 10th of March, 1870. and is still in possession of, Cultivating and improving the same. By misrepresentation or mistake his House is not set on the land, other improvements on it- This Survey Conflicts 53 55/100 vs with the Charles Brooks. preemption Brooks. has not occupied any portion of his preemption for a period of more than 20 months In a word no improvement on the Brooks Survey, save a 10 or 12 foot pen 1 log high and they are Rotten; premises Considered I. Consider the Brook file vacated,

Previous files and field notes represent a space of 850 vs. between the Geo Sultzbaugh (survey 500) and the Francis M. Stovall error. only 900 vs for I have chained it repeatedly

The old County maps show a new space between the Sultzbaugh and Wm Word; conflicts with the Wm Word S. about 637 vrs; Word Conflict with the T. J. Chambers League 1750 vrs;

County map show vacancy of about 1100 vrs, between the 3/4 League survey No 1, ptd to Elijah Clark and the Francis M. Stovall, survey insted of a vacancy Stovall conflicts 586 45/100 vs; these Errors have given me considerable trouble — (in new map please correct) see accompanying plat.

Respectfully

B. C. Hardin
Surveyor of Hays. Co

Explanatory Letter

3 Pl.
Travis Preemption
Expl. Letter
Filed Novb 14 1879

| Bearing | Dist | Lat N + | Lat S | DP E + | DP W | D M D | Area |
|---|---|---|---|---|---|---|---|
| 1 N45E | vrs 1003.55 | +709.61 | | +709.61 | | +709.61 | = + 50 35 32.16 |
| 2 N45W | 900. | +636.4 | | | -636.4 | +782.82 | = 49 81 86.64 80 |
| 3 S45W | 1003.55 | | 709.61 | | -709.61 | -563.19 | = 39 96 45.25 58 |
| 4 S45E | 900 | | -636.4 | +636.4 | | -636.40 | 40 50 04.96 |
| | | | | | | 5645 | 180 63 79.02 39 = 319.999 / 2 = 159.999+ |

For finding content of a square or oblong plat of land Davie lays down shorter rules.

5645 ) 1003.55 / 900 / 903 19500 = 159.99+ Acres

Problem 1. Art 108; page 82

4

File 1

Travis Preemption

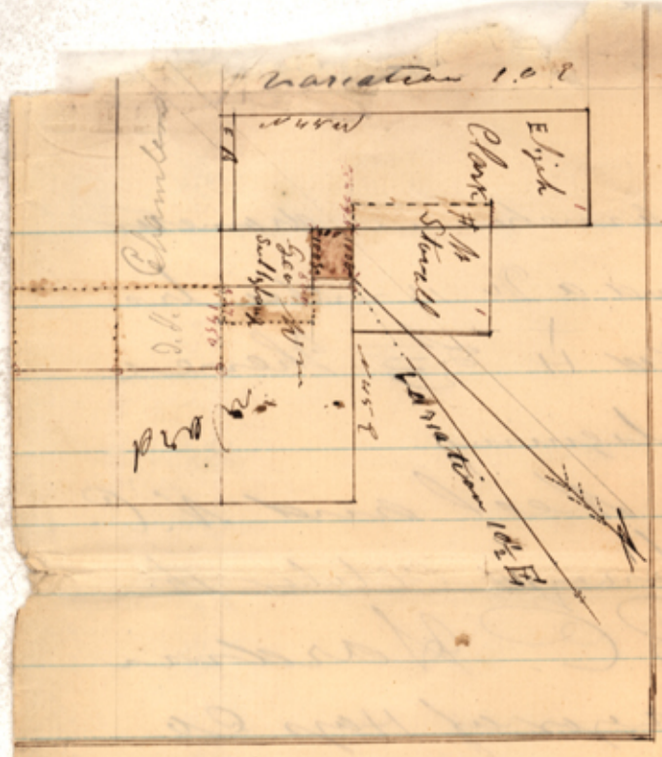
Josiah Whitley

calculation

Filed Novbr 14th 1870.

Calculation

of Contents




State of Texas No 1
County of Hays Dessignation
Quantity 160 acres
of Land Surveyed for
Josiah Whitley, by
Virture of his Dessignation
No 1. Filed September the
26th 1870; Made in accordance
with Section (1) of an Act of the Legislature to Regulate
the Disposal of the Public Lands of the State of Texas approved
August 12th 1870. Located about ~~6000 vrs~~ 3½ miles North of ~~from the~~
San Marcos ~~Spring in a North Easterly Direction~~
Begining ~~170~~ 256 varas S45W from the West Corner
of the Wm Ward League on the S.E. line of Survey No 1
ptd to Francis Stowall, a stone mound for corner
from which an Elm 5 inches in diameter bears S27W 2
varas an other 7 inches in diameter bears N23E 3 vrs
each Marked H Thence S45W 1003 55/100 vrs with the F.M.
Stowall line to a stone mound set on the East
line of the Elijah Clark 3/4 League No 1, from
which a Metzcoit 12 inches in diameter bears N30E
13 varas distant, Marked H Thence S45E
900 varas to the West Corner of the Geo. Sultz-
baugh Survey (No 500) a stone mound for corner
from which a Live Oak 13 inches in diameter bears
S15W 15 varas, an other bears N7½E 45 varas dist.
about 12 inches in diameter both Marked X
Thence N45E 1003 55/100 varas to a stone
Mound set on the Sultzbaugh line

From which a live oak 6 inches in diameter bears S 52 E 22 varas and a Do 13 inches bs N 82 W 29 varas Each Marked H Thence N 45 W 900 varas to the beginning

Chain Carriers. Rubin Neel and N. C. Kielough

Surveyed October the 24th AD 187

B. C. Hardin
Surveyor of Hays Co

2

Designation
Survey No 1,
Hays

Josiah Whitley

Quantity 160 acres

5

No 1

Travis Preemption

Preliminary 160 acres.

Josiah Whitley

Filed Novbr 14, 1870.

Covers a Survey in the name of J. Cooper 2-195½; otherwise correct on map of Hays County.
Oct. 8. 73.
Jexfen

Patented to Josiah Whitley
Oct. 29. 73
Doericke

C. E. Feb. 13. 71. Richardson

Travis 1

Corrected field note of the Josiah Whitley, preemption No 1.

Begining 256 vs. &c

I here with that the above is correct as to dist. from the ward, and the Com will please correct original to correspond to the above

B C Hardin
Surveyor of Hays County

6 File 1

Travis Preemption

Correction

Oct 1st 73

Corrected
field notes
of the Josiah
Whitley. Memp

Filed Oct. 1. 1873
W E C Kelsey
Chf Clk

Correction
inserted in
Fieldnotes.
Oct. 7. 73
Jessen

The State of Texas
County of Hays

Before me, the undersigned, District Clerk, In and for the County aforesaid, this day came and personally appeared, Josiah Whitley a resident citizen of said County who being by me duly sworn, declares, that he is a Bona Fide Settler upon One hundred & Sixty acres of vacant public Land, Situated in said County, and Surveyed for Josiah Whitley on the 24th day of October 1870, by B. C. Hardin Surveyor of said County; that he has occupied and improved the same as a homestead for the period of three consecutive years, beginning on the 26th day of September 1870, 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 12th 1870, and that

he has not a homestead other than the above -
And also at the same time came and personally appeared James A. Smith and George Leinneweber two credible resident citizens of said County, to me well known, who being duly sworn, depose and say that Josiah Whitley the person first above named in this affidavit, has actually settled upon and cultivated as a homestead the land surveyed for him on the 24th day of October 1870 by the Surveyor aforesaid, for the period of three years, and they nor either of them have any interest in the said land,

Josiah Whitley
Jas A Smith
George Leinneweber

Sworn to and subscribed before me, and I hereby certify that Jas A. Smith and George Leinneweber are credible and trustworthy citizens of said County
In testimony whereof, I have hereunto set my hand, and affixed the seal of said County, this 8th day of Oct, 1873, Ed. J. L. Green
Clerk, Dist. Court Hays Co
Texas

DISTRICT COURT HAYS COUNTY TEXAS

7 File 1

Travis Preemption

Josiah Whitley,

affidavits of Occupancy

Filed Oct 18th 73

[illegible]

Chf Clk

The State of Texas }
County of Hays }

I here with certify that preemption No. 1 made for Josiah Whitley; containing 160 acres, surveyed Oct 24th 1870 was made by me according to Law; Field notes correctly set forth and duly Recorded in Book C. page 12 and duly returned Oct — 1870.

Witness my Hand and Official Signature, this October 23d 1873. B. C. Hardin Surveyor of Hays County

The Com missioner will please attach the above to the proper file

The omission was an over sight, in the Surveyor.

Yours Respectfully
B C Hardin
Surveyor of Hays Co

Davis 1-8

8 File 1.

Travis Preemption

Josiah Whilley

160 acres

Certificate of record
from Surveyor

Filed Oct 29. 73
W. E. E. Kelmer
Chf Clerk