Hays Co. /75

File 489

Travis Preemption

Abst - 340

Ben N. McElroy

160 acres.

Act August 12th 1870.

Correct on map of Hays Co.
August 13/80. E Schutz

Patent to A. C. Wegner ofc.
Aug 14/80 Fisher

Patented Aug 14/80
Wallop

No. 124 - vol 11

mkd ptd
mkd Pat Reg

Mgl. 8020

c/o Aug 26 JHH 75

Contents.

No. 1. Affidavit & Desi
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March 13/75
Drugs.
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" 4. Cert. of occupancy
Aug. 7/80
Bock

$5.00 dep'd Aug. 7/80
by Ed J. L. Green
A. B. Vol. P.
San Marcos.

No 68 The State of Texas
County of Hays

Before the undersigned Authority Personally appeared. Ben. McKleroy applicant and W. M. Gibson and Albert Heaton to me made Known, who being duly Sworn, according to law, declare that Ben McKleroy 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 that he has not a homestead, and is the head of a family.

Ben. McKleroy
Wm. M Gipson
Albert Heaton

Sworn to and Subscribed before me this 5th day of September 1874.
In testimony Whereof, I have hereunto affixed my Official Seal and Signature,
Ed. J. L. Green
Clk. Dist Ct Hays Co Texas

No 68 Designation
To the County Surveyor of Hays County
By virtue of the accompanying affidavits

No 68

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 improvements viz: Beginning at A. H. J. Massey's S.E. Cor. of his preemption - thence with his line to the S.W. corner thereof - thence S — vs — Thence W — vs - thence — vs to the place of beginning - so as to include 160 acres of Land -

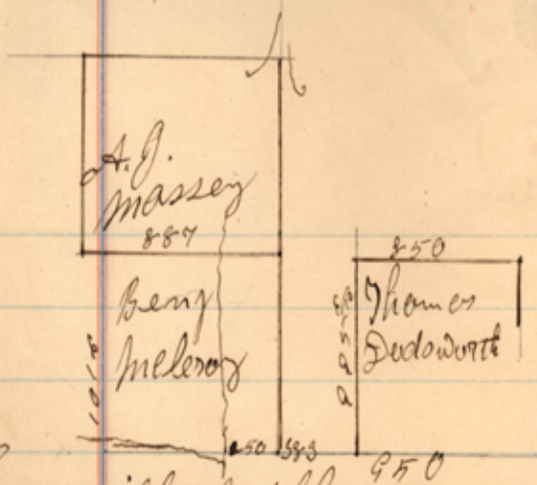
Ben McKleroy

I hereby certify that the above ~~is duly~~ Recorded on page 122, in Book C Record of Affidavits & Files kept in Surveyors Office of Hays County, witness my official signature this Saturday February 6, 1875

B C Hardin

Surveyor of Hays County Texas

Filed 1889
Travis Preemption
Ben N. McKleroy
Aff. & Designation
filed March 13/75
J. Jones C.



State of Texas, County of Hays

Plat and field notes of Preemption No

Containing 160 acres, made for Benj McLeroy; By virtue of his affidavit, and Designation No 68 Filed for Record in Surveyors office of Hays County at 30 minutes P.M. Sept 6th 1874; made in accordance With an act to regulate the Disposal of the public lands of the State of Texas approved August 12. 1870 The land hereinafter described is located in Hays County on head waters of Cypress fork of Rye Blanco and about 19 miles N 45 W from San Marcos; Beginning at the S.E. Corner of the A.J. Massey Preemption, a live oak marked + brs

Thence S 1016 vrs to a Stone mound on the N line of the Granvil Mills Sr Stone mound for Corner 383 vrs West from the N.W. Corner of the Thomas Dodsworth preemption; a small live oak marked M brs N 64½ E 17 vrs Thence West 887 vrs (at 250 creek) Stone mound on South side of a Ranni; a live oak marked X M brs N 9½ W 24 vrs a do marked X M brs N 24½ E 74 vrs Thence N 1016 vrs to Stone Mound on South line of the said A.J. Massey survey a live oak marked | brs S 31½ W 5 vrs a live Oak marked M. brs S 45½ E 32½ vrs; Thence E 889 vrs to beginning; Chainmen

T.

A. J. Massey & J. T. Hardin, & M. M. Justice;
Survey addapted February 6, 1875
I here with certify that the above
described survey was made and addapted
according to Law Field notes Correct
and duly Recorded in Book C page 246
Record of Field notes,
Witness my official signature this
6th day of February, 1875

B. C. Hardin
Surveyor of Hays County Texas

T1

2 File 489

Travis Preemption
Field Notes.

160 acres.

Ben. McDeroy.

Filed March 13/75
J. Jones C.

Correction on map of
Hays Co
August 13/80
E. Schütze

Patented Aug 14/88
Wallace

No
Preemption
160 Acres
Benj McLeroy

C 246

c Aug 26
c 1875

3-1

1723) Joint Acknowledgment. Notary Public—Van Beek, Barnard & Tinsley, Printers, Stationers, Lithographers and Blank Book Makers, St. Louis. (Class 6

STATE OF TEXAS, Limestone County. } *Before me* N. L. Waller a Notary Public of Limestone County, personally appeared Martha McElroy ~~and~~ ~~his~~ wife of B. N. McElroy who resides at ~~—~~ in Cooke County, Texas parties to the foregoing attached Deed ~~—~~

bearing date the 19th day of November 1878, ~~both of whom are~~ who is known to me, who acknowledged ~~severally~~ that ~~they~~ she had signed, sealed and delivered the same, for the purposes and considerations therein stated. And the said ~~—~~ Martha McElroy ~~—~~ having been examined by me privily and apart from her husband and having had the same fully explained to her, she, the said Martha McElroy acknowledged the same to be her act and deed, and declared to me that she had willingly signed, sealed and delivered the same of her own free will and accord, without fear or compulsion on the part of her said husband and that she wished not to retract it.

WITNESS my official seal and signature, at my office in the town of Mexia, this fifth day of January 1879.

N. L. Waller

Notary Public Limestone County, Texas.

The State of Texas, } I, Ed. J. L. Green, Clerk of the County Court in and
COUNTY OF HAYS. } for the County and State aforesaid, hereby certify that
the Deed of Conveyance hereto attached
from B. F. McElroy & Wife to A. C. Wagner
dated the 29th day of Novr A. D. 1878,
was filed for record the 28th day of February A. D. 1879 at 4 o'clock P M,
and duly recorded by me on the 25th day of March 1879 at 9 o'clock
A M., in Book "M" of Hays County Records for Deeds on pages
74 & 75.

IN TESTIMONY WHEREOF I hereunto set my hand and official seal
at office in San Marcos on this the day and year last above written.

Ed. J. L. Green
Clerk C C. Hays Co., Texas.

By _____ Deputy Clerk.

State of Texas }
County of Hays }

Know all men by these presents that we B. N. Mc Elroy and Martha Mc Elroy wife of said B. N. Mc Elroy of the County of Cook in the State of Texas for and in consideration of Five Hundred and twenty-seven dollars to us in hand paid to our full satisfaction the receipt of which is hereby acknowledged have this day and by these presents do sell transfer and convey unto A. C. Wegner of the County of Hays and state of Texas all our right title and interest in a certain preemption claim lying in in Hays County Texas and surveyed by B. Harden for B. N. Mc Elroy No Boundedon the North by A. J. Masey's south line on the East by Bodworth's survey on the south by the Granvill Mills survey for a more particular discription reference is made to the field notes on file in the Land Office in Austin Texas To have and to hold the same to him the said A. C. Wegner with all the rights members improvements and appurtanees thereunto belonging or in anywise appertaineng thereto

and we do hereby bind ourselves our heirs and legal representatives to forever warrant and defend this tittle to the said A. C. Wegner his heirs and legal representatives against the claim or claims of all persons claiming the same or any part thereof

In testimony whereof we have hereunto set our names and seals using scrawls for seals this 19th day of November 1878

B N McElroy (28)

M Ella McElroy (28)

State of Texas }
County of Hays }

Before me L Smith Notary public in an for the county of Hays personally appeared B N McElroy to me well known and acknowledged that he signed the above deed of transfer for the considerations and purposes therein written.

To certify which I have hereunto set my name and affixed my seal of office this 19th day of November 1878

L. Smith
Notary public

B. N. McElroy
& Wm. Deed to
A. C. Wegner

3 File 489.

Travis Preemption.

B. N. McElroy
and wife
To Transfer 160 acres
A. C. Wagner.

Filed Aug. 7, 80

Rhoads Tucker,
Chief Clerk

B. N. McElroy & Wife
To
A. C. Wagner

Deed

Filed for Record
February 28, 1879
at 4 O'clock P M
Ed L. Green
Clk. C. C. H. Co.

Recorded March 28, 1879. at
9 O'clock A. M. in Hays County
Record of Deeds book "M"
pages 74 and 75.

Fees Paid

The State of Texas }
County of Hays }

Before me the Undersigned County Clerk, In and for the County aforesaid, this day came and personally appeared A. C. Wagner a resident Citizen of Hays 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 B. N. McElroy — on the 6th day of Feby 1875 — by B. E. Hardin a Surveyor of said County, that he is assignee of the said B N McElroy — that he and his said vendor has occupied and improved the same as a homestead for the period of three ~~Consecutive~~ years, Beginning on the 6th day of February 1875, 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. 1870, and that he has not a homestead other than the above. ——

Also at the same time came and personally appeared Albert Heaton and M. M. Justice two credible resident citizens of said County, to me well known, who being duly sworn, depose and say that A C. Wagner assignee of

B. N. McElroy the person first above named in this affidavit, has actually settled upon, and cultivated as a homestead the land surveyed for said B. N. McElroy on the 6th day of February 1875 by the surveyor aforesaid, for the period of three years, and they nor either of them have any interest in the said land-

A C Weyer
Albert Heaton
M M Justice

Sworn to and Subscribed before me, and I hereby certify that Albert Heaton and M. M. Justice 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 26th day of February 1880.

Ed. J. L. Green
Clk C. C. Hays Co Texas

File 489
Travis Preemption
B. N. McElroy
Certificate of occupancy
Filed Aug. 7/80
Rhoada Fisher
Cty Clerk