

May 31, 2008

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**Research Plan**  
**State of Texas to George W. Harris, Patent**  
**15 August 1871**

Burnet County, Texas, Deeds, Book 11: 230 (1871), patent, State of Texas to George W. Harris; County Clerk's Office, Burnet.

**Abstract:**

State of Texas to George W. Harris, patent. Edmund J. Davis, Governor granted to George W. Harris 160 acres of land situated in 'Burnet county on the waters of Cow Creek[,] a tributary of the Colorado River about 12 miles S 38 E of the town of Burnet by virtue of his affidavit before District Creek [Court] in and for said county ... dated April 11th 1871 in accordance with an act supplementary to an act to regulate the disposal of the Public domain of the State ... approved March 24th 1871[,] <sup>Beginning at B. O. Stavelys N corner a stone mound</sup> from which a live oak brs [bears] N39 E 15 ½ vs [varas] another brs N87 W 18 vs. Thence S 57 E with Stanlys [sic] line 209 vs to a stone mound from which a live oak brs S 75 W 26½ vs another brs N 51½ E 27½ vs. Thence N 33 E 520 vs to a stone mound a live oak brs N 72 E 5½ vs another brs N63 W 30 vs. Thence N 57 W 611 vs to a stone mound a live oak brs N 44½ E 25 vs another brs N 11 W 70 vs. Thence S 33 W 525 vs to a stone on Heines E boundary line. Thence S 10 E 20 W to Heines S E corner a live oak brs N 28 W 69 vs do [ditto Live Oak] brs 59 W 74 vs. Thence S 8 W 850 vs to Heines S W corner a spanish oak brs N 84 W 12 vs. Thence S 37½ E 1061 vs. Thence N 33 E 6 vs Stavelys W corner 956 vs to the beginning.' State and General Land Office seals affixed at Austin, 15 August 1871. Signed: Edmund J. Davis, Governor; Jacob Keuchler, Commissioner of the General Land Office. Filed, 10 January 1872; recorded 22 January 1872 by H. Posey, Clerk.

**Focus:**

The grantee, George W. Harris is bounded by Messers. 'Stanly,' Heines and Stavely. What relationships developed between the Harris families and their neighbors?

**Analysis:**

The Burnet County clerk's copy of the patent letter is typed. It is doubtful that the original copy was. Many counties in Texas typed the early county deeds and disposed of the originals. The date that this action occurred cannot be determined. This 'copy of a copy' may have introduced additional errors into the transcript and is considered a derivative. The evidence it contains is primary, as it was taken from the patent issued by the Texas General Land Office. The patent file in the Land Office in Austin would contain the original survey, field notes, affidavit, and the state's copy of the patent letter. These would be considered original evidence.

The patent was filed and recorded in January 1872 in the Texas General Land Office. This gap of five months for recording the patent at the state level is not considered abnormal.

The patent was the result of a 'supplementary act' dated 24 March 1871. The original act was passed by the Texas state legislature on 12 August 1870. The original act allowed every 'head of a family who has not a homestead' to be entitled to 160 acres with the condition that the land be occupied and improved for three years before the patent was granted. The 1870 bill also allowed single men of 21 years or older to patent 80 acres. This was considered a pre-emption act that allowed persons to gain legal rights to land in the public domain after statehood. Since George W. Harris patented 160 acres, it can be safely assumed he was married at the time of the patent. However, whether or not this was his primary homestead would have to be determined by looking at other patents and deeded property he held in the area.

The supplementary act of March 1871 had two provisions. Section one stated that any residents that 'have been forced to abandon their homesteads as pre-emptors' could return to their homesteads and complete the requirements, if done within twelve months. Section two addressed the ability for widows and legal heirs to complete the homestead requirements. Section one would have possibly applied to George W. Harris, however, only the original patent or the affidavit required to obtain the patent may shed light on the circumstances surrounding the use of this particular supplementary act.

Noting the date of the supplementary act—24 March 1871 and the date of the patent letter—15 August 1871, it is evident that there were not three years of residency between the two, as required by law. An assumption can be made that George W. Harris had occupied and improved this property for three years before applying for the patent. This would be proved by the affidavit or documented in the original patent file.

No payment was noted in the patent letter, however, the original law of August 1870 required a payment of one dollar per acre. Payment would be in evidence in the original patent file.

As required by the law passed for pre-emption property in August 1870, George W. Harris would have been required to file an affidavit that he had complied with the terms of the law. This affidavit was recorded in the Burnet County District Court on 11 April 1871 and 'should' show the first date or approximate first date of occupancy of the land. It may also show some of the neighbors bordering his property as witnesses, helping establish relationships. The original affidavit would have been carried to the General Land Office and be located in the patent file.

The land description states that the property is located 'on the waters of Cow Creek.' Because Southern surveys in metes and bounds (distance and points) can be incomplete or inaccurate, the location of the property may or may not be located on the creek. A plat would be required to determine this.

The metes and bounds are described in varas which equal roughly 2.777 feet per unit. The term 'brs' meaning *bears* or *bearing* is used and is a method of triangulating a given boundary point. The use of 'do' for *ditto* was common in Texas among some surveyors.

#### Research plan:

1. Search the 'Land Grant Database' of the Texas General Land Office on their web site for the abstract number of this patent and any others taken out by George W. Harris of Burnet County and order photocopies.
2. Using the 1870, 1880 and 1900 federal census enumerations, determine the members of the Harris, 'Stanly,' Heines, and Stavely households.
  - Census indexes and digital images, *Heritage Quest*
  - Census indexes and digital images, *Ancestry.com*
3. Check the Burnet County History for biographical sketches of George W. Harris and his neighbors and the history of the Cow Creek area.

4. Check the *Handbook of Texas* online for entries relating to the Cow Creek area of Burnet County.
5. Check the Burnet County marriage indexes for marriages between members of the Harris family and members of the neighboring families. Retrieve photocopies of any marriage documents as proof.
  - FHL microfilm 1,672,713, item 7; Marriage Index, Vol. A-G (male, 1852-1990)
  - FHL microfilm 1,671,494, item 1; Marriage Index, Vol. H-Z (male, 1852-1990)
  - FHL microfilm 1,671,494, item 2, Marriage Index, Vol. A-Z (female, 1852-1990)
6. Check the grantee and grantor indexes in Burnet County for the subsequent sales of the Harris property and the deeds of the neighbor's property and acquire copies of these deeds. This search should include any new given or surnames acquired through subsequent marriages of George W. Harris as a widower, his wife, as a widow and his children.
  - FHL microfilm 0,978,770; Grantor Index, Vol. A-Z (1852-1894)
  - FHL microfilm 1,672,493, item 1; Grantor Index, Vol. A-K (1894-1927)
  - FHL microfilm 1,672,493, item 2; Grantor Index, Vol. L-Z (1894-1927)
  - FHL microfilm 0,978,771; Grantee Index, Vol. A-Z (1852-1894)
  - FHL microfilm 1,673,494, item 1; Grantee Index A-K (1894-1927)
  - FHL microfilm 1,673,494, item 2, Grantee Index, Vol. L-Z (1894-1927)
7. Check the probate records for Burnet County for any probated estates or recorded wills for George W. Harris and his wife and the three heads of the neighboring households.
  - FHL microfilm 1,672,685, item 3; Index to probate records (1852-1990)
  - FHL microfilm 1,671,496, item 3; Index to probate records (1853-1980)
8. Plat the George W. Harris property from this patent and any other deeds in the Cow Creek area on a topographical map, along with those of his neighbors.