



BASCOM GILES, COMMISSIONER  
ALVIS VANDYGRIFF, CHIEF CLERK

# General Land Office

State of Texas

Austin

September 18, 1940

The Federal Land Bank of Houston  
Houston, Texas

Attention: Mr. John L. Leslie

Re: Loan No. 22398  
J. F. Jordan  
C. & R. National Farm Loan Ass'n

Dear Sir:

An examination of the records relative to the Burrell Morris and surrounding surveys located in Houston County has been made, as per your letter of the 10th instant.

Certificate No. 81 issued to John G. Callison, assignee of Burrell Morris, February 15, 1838, entitled the holder to one league and one labor of land, and the certificate bears the endorsement "Surveyed February 24th, 1838, 20,548.972 square varas, by D. M. Brown, Deputy Surveyor for Houston County". It also carries this endorsement "Rejected by Travelling Board as fraudulent, May 1st, 1841, see page and report for Houston County", signed Robison 6/28/99. However in the same year (1841) by a judgement rendered in the District Court of Houston County, Spring term A. D. 1841, it was decreed that John G. Callison, assignee of Burrell Morris, recover a certificate for one league and one labor and the Clerk ordered to notify the Board of Commissioners of the existence of this order.

No further action seems to have been taken relative to this survey until June 10, 1872, when corrected field notes of a resurvey made April 25, 1872, by Mark Miller and embracing 4003 acres, were filed in this office, followed by another dormant period until August 10, 1908, when patent finally issued, this upon the above acreage.



In the meantime other surveys were laid in covering this same area, this apparently at a time when the interested parties were unaware that the Burrell Morris certificate had been found valid. The James H. Ashley was one of these surveys. It was patented to Stewart & Tullis, assignees, December 30th, 1872, but later cancelled, the file bearing the endorsement "Patent No. 163, Vol. 19, returned and cancelled on record, having issued in error, February 5, 1874" and we find a relocation was made in Bee County, San Patricio First Class 604.

Another survey made, was one for Stewart & Tullis by virtue of unlocated balance of certificate issued to John P. Philips. Patent to this was issued December 30, 1872, however, in a suit styled I. T. Heflin vs. Stewart & Tullis et al, No. 3049, District Court of Houston County, it was decreed "That the patent issued to the assignee of John T. Philips covering the land be cancelled, the same having issued long subsequent to the location and survey of the Burrell Morris League and Labor, under a valid certificate". Consequently, the file bears the endorsement "cancelled by decree of court."

A certificate issued to Nicholas Lynch, called for 1280 acres of Bounty Land. It was first located in Polk County, but found to be in conflict with other surveys and therefore abandoned. It was later relocated in Houston County, 640 acres being located adjoining the Ashley and in conflict with the Morris and the other 640 acres being located on the William Gillespie 3-16; these surveys were known as the Northern and Southern Surveys.

The William Gillespie, surveyed July 4, 1840, appears to have been abandoned, the field notes bearing the endorsement "Certificate not approved, forfeited for non-return of certificate by the 28th of July, 1872". Both the Lynch Surveys were patented December 1872, to Stewart & Tullis, however in a suit styled William B. Lynch et al vs Stewart & Tullis No. 4585, April 16, 1903, District Court, Spring Term, Houston County, it was shown that the transfers purporting to have been made by Nicholas Lynch, through Ellis J. Winters to Stewart & Tullis were forgeries and it was decreed that the patents issued to Stewart & Tullis as assignees being based upon forged transfers "be in all things cancelled and declared to be nullities" and it was also decreed in the same suit that the Southern Nicholas Lynch Survey was in conflict with the Burrell Morris Survey, same being held by the court



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to be a valid survey and entitled to patent by reason of judgment of the District Court of Houston County, of date June, 1841, the file accordingly was endorsed "Cancelled by Decree of Court 3-14-04 signed John J. Terrell, Commissioner."

From the above it would appear that the Burrell Morris patented survey now occupies the area shown on the General Land Office Map to be covered by the J. P. Philips, James H. Ashley and Southern Nicholas Lynch and that the Northern Nicholas Lynch Survey occupies the area shown as the William Gillespie Survey and that the patent covering the Northern Nicholas Lynch, although cancelled, was cancelled only inasfar as Stewart & Tullis was concerned and that this survey is still in Nicholas Lynch, but not patented.

The present General Land Office Map of Houston County was compiled in 1896, prior to the issuance of patent on the Burrell Morris and the cancelling of the other patents.

Trusting this is the information you require, I am,

Sincerely yours,

BASCOM GILES, COMMISSIONER  
OF THE GENERAL LAND OFFICE

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Houston Co. 25 Feb 1841  
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HOUSTON Co S.K.T.L. 35

LETTER OF EXPLANATION

RE BURRELL MORRIS,

N<sup>M</sup> GILLESPIE AND

NICH. LYNCH SURVEYS.

SEP<sup>T</sup> 18 - 1940

William Sheriff

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