

General and
State of Texas

State of Texas

State

Hutchinson Co
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THE STATE OF TEXAS vs. GUNTER, 10 Texas Court Reporter 517.

In this case the State of Texas sued Gunter for recovery of certain lands in Hutchinson county, which were located under veteran donation certificates in 1881 and patented. The State sought recovery on the grounds that the patents and locations by virtue of which these surveys were made were void because at the time they were located the land included in Hutchinson county was reserved from location under certificates by the Act of July 14, 1879. In the Act of 1879 Hutchinson county does not appear but "Hutchins county" does but there is no such county in the State. The amendment of the Act of 1879 by Act approved March 11, 1881 contains the same name: "Hutchins" county. The district court found that the land department had under the advice of the Attorney General construed these acts as not reserving lands in Hutchinson county from location by certificates and that therefore the lands were subject to location of certificates in Hutchinson county and a recovery by the State was denied, the trial judge admitting that the matter was one of much uncertainty but judgment was rendered for defendant upon the theory of the fact that this construction had been adopted by the executive department and that the public had acted accordingly and many certificates and located files were made in Hutchinson county. On appeal to the court of civil appeals this judgment was affirmed, and upon application for writ of error to the supreme court such application was denied. See 10 Tex. Ct. Rep. 517.

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JOHN J. TERRELL, COMMISSIONER.
J. T. ROBISON, CHIEF CLERK.

Austin.

State of Texas.

General Land Office.

