

The Samuel Heath Land Grant

A Timeline of Origin, Vacancy, Heirship, and Dispersal, 1835–1909

This timeline traces a single 1,476-acre First Class headright survey — granted for the settlement of Samuel Heath in Milam District, later resurveyed on Rush Creek in what became Comanche County, Texas — from its origin through nearly four decades of vacancy, its emergence into the hands of a claimed heir, and its dispersal across at least eight separate sales between 1874 and 1882. A final section follows the downstream chain of title through 1909. Each entry is sourced to a specific transcribed document, hyperlinked to its full transcription; family tree profiles for the principal figures are linked where they first appear.

Family tree profiles: [Mulvina \(Melvina\) Lavina Shannon Roberts](#) | [Elias Roberts](#) | [Texas genealogy resources index](#)

1. Origin of the Grant (1835–1854)

May 1835

Samuel Heath arrives in Texas, per later sworn testimony before the Board of Land Commissioners.

Source: [GLO Case File, Certificate No. 567 — 1838 estate certification \(uploaded scan\)](#)

July or August 1836

Samuel Heath dies in Texas — a single man, unmarried, having resided in the country roughly 13–15 months. His death predates the Republic's headright system reaching its final administrative form and predates any survey of his land.

Source: [GLO Case File, Certificate No. 567 — 1838 estate certification \(uploaded scan\)](#)

August 2, 1838

The Board of Land Commissioners for Washington County certifies John Lott and J. W. Word as administrators of Heath's estate, and confirms his heirs' entitlement to one-third of a league (1,476.1 acres) as a First Class headright — the standard allotment for a single man who had arrived in Texas before March 2, 1836. Certificate No. 567 is issued. The heirs are referenced only collectively; no specific heir is named.

Source: [GLO Case File, Certificate No. 567 \(uploaded scan\)](#); *First Class headright terms per Texas GLO and TSHA Handbook of Texas, "Land Grants."*

May 2, 1853

The tract is finally surveyed — Survey No. 15, Milam District — on Rush Creek, a branch of the Leon River, roughly 100 miles above the three forks of the Little River. Surveyed by Wm. Armstrong, District Surveyor of Milam District; chain carriers S. H. Holmes and E. Goodnight.

Source: [GLO Case File, Certificate No. 567, Field Notes \(uploaded scan\)](#)

February 6, 1854

The survey and field notes are examined and certified correct by Wm. Armstrong, District Surveyor, and recorded in Book K, page 394, at Cameron, Texas.

Source: [GLO Case File, Certificate No. 567, Field Notes \(uploaded scan\)](#)

July 22, 1854

Patent No. 107 (Vol. 11) is issued to the heirs of Samuel Heath, deceased, under the seal of Governor Elisha M. Pease. The tract is subsequently indexed as Abstract No. 420 in Comanche County land records.

Source: [GLO Case File, Certificate No. 567 \(uploaded scan\)](#); confirmed independently in the Comanche County land abstract index ([usgwarchives.net](#)) and in the 1909 Chilton citation and judgment.

2. The Vacant Estate (1838–1874)

For roughly thirty-six years after the 1838 certificate, and twenty years after the 1854 patent, the land record shows no formal action to identify or seat a specific heir. The tract likely continued to be carried on Comanche County tax rolls under Samuel Heath's name throughout this period — a common administrative pattern for patented-but-unclaimed land, and one that does not by itself indicate anyone by that name was still alive.

3. Establishing Heirship (1874)

March 23, 1874

Elias Roberts and Jno. S. Moore swear before Robertson County Justice of the Peace and Notary W. H. Davison that Mrs. [Melvina Roberts](#), wife of [Elias Roberts](#), is the just, bona fide, and sole heir of Samuel Heath, deceased, and the legal distributee of his estate.

Source: [Affidavit of Heirship, Melvina Roberts, Robertson County \(full transcription\)](#)

July 18, 1874

The bond for title between Elias & Melvina Roberts and A. K. Steele (300 acres, \$600 gold, secured by a promissory note) is acknowledged before J. D. Bonner, Clerk of the District Court, Comanche County.

Source: [Bond for Title, Roberts to Steele, 1870s \(full transcription\)](#)

July 20, 1874

Both the March 1874 heirship affidavit and the July 1874 bond for title are filed for record in Comanche County on the same day — the point at which Melvina Roberts's claim to the Heath estate enters the public land record.

Source: [Affidavit of Heirship; Bond for Title, Roberts to Steele](#)

4. The Roberts Possession and Sales (1874–1882)

Once heirship was established, Elias and Melvina Roberts — acting almost entirely through agents holding power of attorney (W. Carnes, and separately J. F. Woodward) rather than in person — sold off the Samuel Heath tract in at least eight parcels over eight years. The pattern is one of steady, serial liquidation rather than settlement: no document in this set shows the Roberts family residing on or working the land themselves.

Date	Instrument	Grantee	Acreage	Consideration
Jul 18, 1874	Bond for Title	A. K. Steele	300 ac.	\$600 gold (note)
Apr 24, 1875	Deed	A. K. Steele	200 ac.	\$400
May 29, 1875	Deed	John T. L. Whitworth	≈300 ac.	\$335
Jul 15, 1875 (filed)	Bond for Title	A. K. Steele	160 ac.	\$320 (2 notes)
Nov 11, 1876	Deed	James J. Randolph	100 ac.	\$100
Dec 1–18, 1876	Deed	A. K. Steele	—	—
Jun 2, 1877	Deed	William Pendergrast	169½ ac.	\$50 + notes (≈\$102)
Sep 2, 1882	Deed	S. P. Burks	50 ac.	\$80

All figures per the individually transcribed deeds and bonds linked above (1874–1882). The Dec. 1876 A. K. Steele deed's exact date is uncertain: the deed itself is dated Dec. 1, 1876, while a later 1890 deed citing it as its source instrument gives Dec. 18, 1876.

5. Downstream Chain of Title (1877–1901)

Feb 3, 1877 (deed) / Feb 8, 1877 (recorded)

A. K. Steele and wife Elizabeth Steele convey 100 acres north of Jimmy's [Jimmie's] Creek — explicitly identified as land “conveyed to me by Elias and Melvina Roberts through their agent Wm. Carnes” — to Andrew Grist.

Source: [Deed, A. K. Steele & wife to Andrew Grist, 1877 \(full transcription\)](#)

March 1, 1884

Emma Londermilk sells 168½ adjoining acres to A. K. Steele — the corner later used repeatedly as a reference point for the 11-acre “second tract” in subsequent Roberts-subdivision deeds.

Source: Referenced in [Deed, Eubanks to Steele, 1889](#) and [Deed, M. T. Steele to E. C. Steele, 1901](#).

October 1889

J. N. Eubanks and wife M. A. Eubanks convey the 100-acre Roberts subdivision (north of Jimmie's Creek) plus an adjoining 11 acres to Mart T. Steele and Erwin C. Steele for \$600 plus notes, expressly citing the original Carnes-Roberts deed for description.

Source: [Deed, Eubanks to Steele, 1889 \(full transcription\)](#)

November 6, 1890

Elizabeth Steele, a feme sole, conveys a small 1½-acre subdivided lot — part of the Roberts subdivision, citing a Roberts deed dated December 18, 1876 (Deed Book 17, p. 43) — to E. C. Steele and M. T. Steele.

Source: [Deed, Elizabeth Steele to E. C. & M. T. Steele, 1890 \(full transcription\)](#)

January 28, 1901

M. T. Steele and wife E. J. Steele convey the same 100-acre Roberts subdivision, plus the 11-acre Londermilk-corner tract, to E. C. Steele alone for \$850 plus a \$150 note — again citing the original Carnes-Roberts deed. Acknowledged before J. W. Neill, County Clerk.

Source: [Deed, M. T. Steele & wife to E. C. Steele, 1901 \(full transcription\)](#)

A repeated legal formula

Every deed in this downstream chain — 1877, 1889, 1890, and 1901 — describes its land by referring back to “the deed from said Roberts” rather than re-stating fresh metes and bounds. The original 1876 Carnes-Roberts deed for this particular 100-acre subdivision functioned as the controlling title document for at least twenty-five years after Melvina Roberts sold it.

A photograph relating to Col. John Neill and a Comanche campaign is also on file [here](#) — possibly connected to J. W. Neill, the County Clerk who acknowledged the 1901 deed above, though that connection is unconfirmed and not established by any document transcribed in this set.

6. The Remnant and the Courts (1909)

February 10, 1909

John B. Chilton files suit (Cause No. 2772, Comanche County District Court) in trespass to try title against “the unknown heirs of Samuel Heath, deceased” and “the unknown heirs of Melvina Roberts, deceased” — seeking title and possession of 20 acres out of the Heath survey (Abstract No. 420) — land Chilton claims to have possessed, cultivated, and paid taxes on for five to ten-plus years under registered deeds.

Source: [Citation by Publication, Chilton v. Heirs of Heath & Roberts, 1909 \(full transcription\)](#)

February 20, 1909

A citation by publication is issued, to run for eight consecutive weeks in a Comanche County newspaper, since the heirs of both Samuel Heath and Melvina Roberts — both by this point deceased — could not be served directly.

Source: [Citation by Publication, 1909 \(full transcription\)](#)

[1909, judgment date not specified in the excerpt transcribed]

The Court rules for the plaintiff: Chilton is confirmed and quieted in possession of the 20-acre tract against the unknown heirs of both Samuel Heath and Melvina Roberts, with no writ of possession needed since Chilton was already in possession.

Source: [Judgment \(excerpt\), Chilton v. Heirs of Heath & Roberts, 1909 \(full transcription\)](#)

This 20-acre parcel appears to be a small residual sliver of the original Heath survey that was never formally conveyed by Melvina Roberts or her successors. Its quiet-title resolution in 1909 — thirty-five years after Melvina's heirship affidavit, and roughly seventy-three years after Samuel Heath's own death — closes out the visible public record of this specific tract. [Elias Roberts](#) had died June 23, 1896, in Hockley, Harris County, Texas, and [Melvina Roberts](#) is likewise recorded as deceased by the time of this suit.

Sources

Family tree profiles

- [Mulvina \(Melvina\) Lavina Shannon Roberts](#) — Hurley Family Tree, familytree-search.org (b. October 15, 1826, Washington, Hempstead, Arkansas; m. Elias Roberts April 25, 1860, Blue Ridge, Falls County, Texas; property record for the Samuel Heath headright claim listed at “about 8 miles northeast of the city of Comanche,” Comanche County, Texas, 1874–1882).
- [Elias Roberts](#) — Hurley Family Tree, familytree-search.org (b. December 25, 1823, Tennessee; d. June 23, 1896, Hockley, Harris County, Texas; residence 1880, Bremond, Robertson County, Texas).
- [Texas genealogy resources index](#) — familytree-search.org.

Primary documents (transcribed from OCR scans in the course of this research)

- [GLO Case File, Certificate No. 567 / File No. 1193 \(Milam District, First Class\) — uploaded scan, including 1838 estate certification and 1853 field notes.](#)
- [Affidavit of Heirship, Melvina Roberts, Robertson County, March 23, 1874 \(filed July 20, 1874\).](#)
- [Bond for Title, Elias & Melvina Roberts to A. K. Steele, 300 acres, dated/acknowledged July 1874.](#)
- [Deed, Elias & Melvina Roberts to A. K. Steele, 200 acres, April 24, 1875.](#)
- [Deed, Elias & Melvina Roberts to John T. L. Whitworth, May 29, 1875.](#)
- [Bond for Title, Elias & Melvina Roberts to A. K. Steele, 160 acres, June/July 1875.](#)
- [Deed, Elias & Melvina Roberts to James J. Randolph, 100 acres, November 11, 1876.](#)
- [Deed, Melvina & Elias Roberts to A. K. Steele, December 1876 \(date variously given as Dec. 1 and Dec. 18\).](#)
- [Deed, Elias & Melvina Roberts \(by J. F. Woodward\) to William Pendergrast, 169½ acres, June 2, 1877.](#)
- [Deed, A. K. Steele & wife Elizabeth to Andrew Grist, February 1877.](#)
- [Deed, Elias & Melvina Roberts to S. P. Burks, 50 acres, September 2, 1882.](#)
- [Deed, J. N. Eubanks & wife to Mart T. & Erwin C. Steele, October 1889.](#)
- [Deed, Elizabeth Steele to E. C. & M. T. Steele, November 6, 1890.](#)
- [Deed, M. T. Steele & wife E. J. Steele to E. C. Steele, January 28, 1901.](#)
- [Citation by Publication, Jno. B. Chilton v. Unknown Heirs of Samuel Heath and Melvina Roberts, Comanche County District Court, Cause No. 2772, February 1909.](#)
- [Judgment \(excerpt\), same cause, 1909.](#)

Supporting historical sources

- Texas General Land Office, “Headright and Military Land Grants,” [glo.texas.gov](#).
- Texas State Historical Association, Handbook of Texas Online, “Land Grants,” “Land Speculation,” and “Proctor Reservoir.”
- Comanche County, Texas land abstract index ([usgwarchives.net](#)), confirming Abstract No. 420 / Samuel Heath entry.
- U.S. Army Corps of Engineers, Fort Worth District, “History of Proctor Lake” (Rush Creek as a tributary of Proctor Lake, Comanche County).