

Categories of Land Grants in Texas

The successive governments of Texas, the Crown of Spain, Mexico, the Republic of Texas, and the State of Texas, all issued land grants in Texas under their various laws governing distribution of the public domain. As a result, understanding the land grant process can be confusing. This handout provides a quick, easy reference to the categories of land grants in Texas.

Please note that while we have attempted to provide as much information as possible, there were always special circumstances under which land was granted in Texas that may not appear on the list below.

Useful Definitions

Certificate: A document issued by the government of the Republic and State of Texas, usually by a County or District Board of Land Commissioners, the General Land Office, the Texas Court of Claims, the Adjutant General, or the Secretary of War, entitling a grantee to a certain number of acres of land in the unallocated public domain. No specific parcel of land was connected to this document – it was the responsibility of the grantee to find their own land and have it lawfully surveyed. These certificates could be sold or transferred. The right to locate, survey, and patent the land passed to the assignee, although for the purposes of reference, the name of the original certificate holder is retained as a means of identifying the surveyed tract. For some types of grants two certificates were issued – a conditional and an unconditional. A conditional certificate was issued in order to give the grantee the right to occupy a portion of the public domain, while the unconditional certificate was issued only after the completion of certain requirements (i.e. the land had to be lived on for three years, a portion of the land had to be cultivated).

Title: Document by which land was conveyed from the public domain into private ownership. Titles were issued by the governments of Spain and Mexico.

Patent: A form of land title by which land was transferred from the government to the private sector. Patents were issued by the Republic of Texas and continue to be issued by the state government.

Empresario: An individual who contracted with either the state of Coahuila y Tejas (Mexico) or the Republic of Texas to introduce colonists.

Texas Land Measures

The basic unit of measure for surveying in Texas is the vara, which is equal to 33 1/3 inches; 36 varas = 100 feet

League: 4428.4 acres

Labor: 177.1 acres

Conversion Guide

- 1900.8 varas = one mile = 5280 feet
- 5645.4 square varas = one acre = 4840 square yards = 43,560 square feet
- One league = 5000.0 varas square = 4428.4 acres = 13,889 feet square
- One labor = 1000.0 varas square = 177.1 acres = 2,778 feet square
- 1900.8 varas square = 640.0 acres = 5280 feet square
- 1344.0 varas square = 320.0 acres = 3733 feet square
- 950.4 varas square = 160.0 acres = 2640 feet square
- To reduce varas to feet – multiply by 100, then divide by 36
- To reduce feet to varas – multiply by 36, then divide by 100
- To reduce square varas to acres – multiply by 177, then divide by 1,000,000
- To reduce square feet to acres – multiply by 23, then divide by 1,000,000

U.S. Land Measure

The Gunter chain = 66 feet

10 square chains = 1 acre

Spanish and Mexican Land Records, 1720-1836

The Spanish Collection of the General Land Office contains the land titles issued by Spain (1720-1821) and Mexico (1821-1836) in Texas, along with associated documents such as character certificates, registers of families and field notes. See the GLO handout "Spanish and Mexican Records in the Texas General Land Office" for a description of these materials.

Headrights, Republic of Texas, 1836-1845

In order to build a tax base and encourage settlement in the new Republic of Texas, immigrants were granted land by the government. The amount of acreage issued was based on the time period in which an immigrant arrived in Texas.

First-class headrights were issued to those who arrived before the signing of the Texas Declaration of Independence on March 2, 1836. Heads of families were eligible for one league and one labor of land (4605.5 acres) and single men were eligible for 1/3 of a league (1476.1 acres).

Second-class headrights were issued to those who arrived between March 2, 1836 and October 1, 1837. Heads of families were eligible for 1280 acres and single men were eligible for 640 acres.

Third-class headrights were issued to those who arrived between October 1, 1837, and January 1, 1840. Heads of families were eligible for 640 acres and single men were eligible for 320 acres.

Fourth-class headrights were issued to those who arrived between January 1, 1840, and January 1, 1842. The amounts issued were the same as for a third class headright with the added requirement that 10 acres be cultivated.

Colonization Laws of the Republic of Texas

Four empresario colonies were established under contracts with the Republic of Texas: Peters' Colony (1841), Fisher and Miller's Colony (1842), Mercer's Colony (1844), and Castro's Colony (1842). Heads of families were eligible for 640 acres of land, while single men were eligible for 320 acres. The land had to be located within the confines of the colony, and settlers were required to cultivate at least 15 acres in order to receive a patent.

Preemption Grants, Republic and State of Texas

From 1845 to 1854, individuals could claim 320 acres of land from the unappropriated public domain. The amount was reduced to 160 acres in 1854, and the grant program was cancelled in 1856. Preemption grants of 160 acres were reinstated in 1866 and continued until 1898. To qualify for a preemption grant, settlers were required to live on the land for three years and make improvements.

Military Land Grants, Republic and State of Texas

The Republic and State of Texas both issued land grants as additional compensation for those who served Texas in the military. The government of Texas, for most of the 19th century, had very little cash with which to pay soldiers, so our most abundant resource — land — was used to supplement the meager military pay.

Bounty grants for military service were issued by the Republic of Texas to soldiers who served in the Texas Revolution and to those who enlisted in the army before October 1, 1837. The amount of land granted varied depending on length of service. Each three months of service provided 320 acres, up to a maximum of 1280 acres. Often the heirs of a soldier who died in battle would be granted the full 1280 acres on the assumption that the fallen soldier would have served for the duration of the war. Under a separate law, the Republic of Texas extended bounty grants from 1838 to 1842 to soldiers guarding the frontier.

Donation grants were issued by the Republic of Texas for participation in specific battles of the Texas Revolution. Soldiers who fought in the Siege of Bexar and the Battle of San Jacinto, including the baggage detail at Harrisburg, received certificates for their service. The heirs of those

who fell at the Alamo and Goliad also received certificates. It must be noted that the Congress of the Republic continually changed the acreage allotted under these grants, so there were Donation grants for differing acreages, although most certificates were issued for 640 acres. In addition, donation grants were also provided by the State of Texas, under an act of the legislature passed in 1879, to surviving veterans of the Texas Revolution and signers to the Texas Declaration of Independence. To qualify for this type of donation grant, a veteran must either have received a bounty grant or been eligible for one. The donation law of 1879 provided 640 acres of land and required proof of indigence. This law was amended in 1881 and increased the donation amount to 1280 acres and dropped the indigence requirement. This donation program was repealed in 1887.

Military headrights were issued to those volunteer soldiers who arrived in Texas after March 2, 1836, and before August 1, 1836, and who received an honorable discharge from service. This program ensured that those who arrived and served during this time period received the same amount of land as the original Texas colonists — that is, the same amount of land as allotted by a first-class headright. Military headrights were also issued to the heirs of those who fell with Fannin, Travis, Grant and Johnson. The confusing nature of the law, passed in 1838, seems to have limited the number of such headrights actually issued.

Confederate scrip certificates were provided by the State of Texas to Confederate veterans from Texas who were permanently disabled, or to their widows. These grants were in the amount of 1280 acres of land. The law providing for this grant program was passed in 1881 and repealed in 1883.

Loan and Sales Scrip, Republic and State of Texas

Loan scrip was a land certificate issued to provide for or repay loans made to the government of Texas. Sales scrip programs were a means of selling off the public domain to generate revenue. Most of the scrip issued was done in order to cover the costs associated with the Texas Revolution and as a way to pay off the debts incurred by the Republic of Texas.

Bryan Scrip, December 6, 1836

Scrip issued to William Bryan equal to the amount of debts owed to him for the loans made during the Texas Revolution.

Sam Houston Scrip, December 10, 1836

President Sam Houston was authorized to negotiate a loan for \$20,000 to purchase ammunition and munitions of war by issuing land scrip at a minimum of \$.50 per acre.

Toby Scrip, December 10, 1836

The president of the Republic of Texas was authorized to issue scrip for the amount of 500,000 acres to be transmitted to Thomas Toby of New Orleans and sold at a minimum of \$.50 per acre.

White Scrip, December 10, 1836

David White was authorized as an agent of the Republic of Texas in the city of Mobile, Alabama, to sell land scrip at a minimum rate of \$.50 per acre.

Erwin Scrip, June 3, 1837

Issued to repay a \$50,000 loan to Texas made on January 20, 1836, when Stephen F. Austin, Branch T. Archer, and William Warton contracted with James Erwin and others in New Orleans.

First Loan Scrip, May 24, 1838

The president of the Republic was authorized to issue land scrip to stockholders as payment for the first loan to Texas "...to fulfill and carry into effect the contract of compromise made on April 1, 1836, between the [interim Texas government] and the stockholders in the first loan [for \$20,000] negotiated in New Orleans on January 11, 1836."

Funded Debt Scrip, February 5, 1841

Any holder of promissory notes, funded debt or any other liquidated claims against the government of Texas could "surrender the same, and receive in lieu thereof, land scrip." The scrip was issued at a rate of \$2 per acre.

General Land Office Scrip, February 11, 1850

The commissioner of the Texas General Land Office was authorized to issue land scrip at \$.50 per acre for the liquidation of the public debt of the late Republic of Texas.

Sales Scrip, February 11, 1858

The commissioner of the Texas General Land Office was authorized to issue land scrip in certificates of not less than 160 acres at \$1.00 per acre for the sale of the public domain.

Internal Improvement Scrip, Republic and State of Texas

Internal Improvement Scrip was issued as a means of paying for infrastructural development in Texas. Land was granted in lieu of payment in cash to contractors and investors. All legislation authorizing internal improvement scrip was repealed in 1882.

The Central National Road Scrip, 1844

Scrip certificates issued in various amounts to road commissioners, surveyors and contractors for building a road from the Red River to the Trinity River in what is now Dallas County.

Scrip for building steamboats, steamships and other vessels

Certificates for 320 acres were issued for building a vessel of at least 50 tons, with 320 acres for each additional 25 tons. Sixteen ships were built taking advantage of this 1854 law.

Railroad scrip

Several laws providing scrip for building railroads were passed, beginning in 1854. Although the exact provisions varied, generally a specified amount of land was provided for each mile of rail constructed. The Constitution of 1876 provided 16 sections (640 acres to a section) per mile. Railroads were required to survey an equal amount of land to be set aside for the state (later designated for the use of funding the public schools).

Scrip for building factories

Enacted by the legislature in 1863, certificated for 320 acres of land were issued for each incremental \$1000 valuation of the completed factory.

Navigation scrip for the building of ship channels and the improvement of rivers and harbors

Beginning in 1854, scrip certificates were issued to pay for the construction of ship channels and other waterway improvements. Various amounts of land were issued for each mile of improvement made. For example, 320 certificates for 620 acres each were issued for the building of a ship channel eight feet deep and 100 feet wide across Mustang Island.

Irrigation canal scrip

Certificates were issued to companies for the construction of irrigation canals under laws passed in 1874, 1875 and 1876. The amount of acreage given was based on the class of ditch constructed.

School Land, State of Texas

Sale of lands to fund the school system of Texas began in 1874. Until 1905, the amount of land that could be purchased as well as the price, method of purchase and eligibility requirements varied a great deal. Legislation in 1905 required that the school lands be sold through competitive bidding. Purchasers could buy a maximum of four sections with residence required in most counties, or eight sections with no residence required in other designated (western) counties.

The End of the Unappropriated Public Domain in Texas

In *Hogue v. Baker* (1898) the Texas Supreme Court declared that there was no more vacant and unappropriated land in Texas. In 1990 an act was passed "to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the state, and to adjust the account between said fund and said state; to set apart and appropriate to said school fund, the residue of the public domain..." Thus all of the remaining unappropriated land was set aside by the legislature for the benefit of public schools.