

RESEARCH IN THE TEXAS LAND RECORDS

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Texas had been a Spanish possession for more than 300 years when Mexico won its independence from Spain in 1821. During this period, Spain issued less than 100 land grants. In 1821, there were only about 2500 settlers in Texas and most of them were living at San Antonio, Nacogdoches and Goliad.

The Anglo colonization of Texas began in the fall of 1821 when Stephen F. Austin led the first group of settlers into Texas. The Mexican Revolution delayed the issuing of land to the settlers until the Colonization Law of 1823 was passed. Austin was authorized to settle 300 families in his first colony. The settlers in Austin's first colony became known as the "Old Three Hundred." Each settler who claimed to be a rancher was authorized to receive a league (4428.4 acres) and each farmer received one labor (177.1 acres). All of Austin's colonists claimed to be both ranchers and farmers and received a league and a labor (4605.5 acres).

The Colonization Law authorized the settlement of 15,000 families in the province of Texas. The Mexican government made settlement contracts with individuals known as empresarios. Each empresario was to receive five leagues and five labors (23,027 acres) for each 100 families settled. The empresario contracts were limited to six years and were canceled if 100 families were not settled before the expiration date of the contract. Thirty-five empresario contracts were issued between 1823 and 1832 but many of them were canceled when they did not settle 100 families before the expiration date. Thirteen empresario's failed to meet any of their contract obligations. Austin, the most successful empresario, issued 1540 land titles to fulfill the requirements of five contracts.

The Spanish term for a league square was "A Sitio de ganado mayor" which translates to a ranch for cattle. Therefore, the settler who claimed to be a rancher was awarded league for a cattle ranch. A labor was the quantity of land considered sufficient for one family to work as a farm. Therefore, the settler who claimed to be a farmer was awarded a labor for a family farm. All Mexican land grants were written in Spanish and all land was measured in varas. The units used for land measurement in Texas before 1836 are as follows:

One vara = 33 1/3 inches; 36 varas = 100 feet
One league = 5000 varas square = 4428.4 acres
One league = 13,888.9 feet square = 2.63 miles square
One labor = 1000 varas square = 177.1 acres
One labor = 2777.8 feet square = 0.53 miles square

After Texas won its independence from Mexico, the Texas General Land Office (GLO) was quickly established and John Borden was appointed as the first land commissioner. His first responsibility was to locate and gather all records of land grants made under the Mexican colonization laws, the records of Mexican land titles and the records of land grants from Spain. The result of this effort is now part of the Spanish Collection in the General Land Office Archives.

To administer Texas land grants, the GLO established a land district in each county to register land certificates. Each GLO land district had its own surveyor and a Board of Land Commissioners to consider headright claims, award land certificates and receive fees. The Boards of Land Commissioners in each county opened in February 1838 to receive claims from veterans and old settlers and to all other individuals six months later. Reports of land certificates and notes of field surveys were sent to the General Land Office, where they were checked for

conflicts, plotted on the county land maps and patents were awarded to the land owners.

Land grants issued in Texas fall in the following categories:

First Class Headright: Issued to those who arrived before March 2, 1836, and had not received a land grant from Mexico. Heads of families received one league and one labor (4605.5 acres), while single men received 1/3 league. Recipients were not required to live on the land.

Second Class Headright Issued to those who arrived between March 2, 1836 and October 1, 1837. Heads of families received 1280 acres, while single men received 640 acres. Recipients were required to live in Texas for three years, perform the duties of citizenship and pay the fees.

Third Class Headright: Issued to those who arrived between October 1, 1837 and January 1, 1840. Heads of families received 640 acres, while single men received 320 acres. Recipients were required to live in Texas for three years, perform the duties of citizenship and pay the designated fees.

Fourth Class Headright: Issued to those who arrived between January 1, 1840 and January 1, 1842. The land issued and the requirements were the same as Third Class Headrights, plus the requirement to cultivate 10 acres.

Pre-emption Grant: Similar to the headright grants, pre-emption grants were made after statehood. From 1845 to 1854 homesteaders could claim 320 acres. From 1854 to 1856 and 1866 to 1898, up to 160 acres could be claimed. Homesteaders were required to live on the land for three years and make improvements such as building a house or barn.

Bounty Grants: Land certificate awarded for military service during the Texas Revolution. The amount of land depended upon the length of service: 320 acres for each 3 months of service up to 1280 acres. In addition, soldiers were awarded grants of 240 acres for guarding the frontier. There were no restrictions on the sale of certificates and many veterans sold a 640 acre certificate for \$100 or 15.63 cents per acre.

Donation Grants: Land certificate issued for participation in specific battles during the Texas Revolution. Those who participated in the siege of Bexar, the battle at San Jacinto (including those who guarded the baggage at Harrisburg), and the heirs of those who fell at the Alamo and Goliad were eligible for 640 acres. These certificates could not be sold during the lifetime of the recipient.

Military Headright Grants: Land certificate issued to fulfill promises of land made to soldiers willing to fight for independence. This grant was in addition to the bounty and donation grants. Military headrights were similar to the civilian headright grants except that soldiers arriving without their families during one of the qualifying periods were considered as heads of families if their families followed later. In addition, permanently disabled troops were each granted a league of land.

Republic Veterans Donation Grant: Land certificate issued to veterans or the widows of veterans of the Texas Revolution and signers of the Declaration of Independence. The law of 1879 provided 640 acres but proof of indigence was required. The law of 1881 provided 1280 acres and the indigence requirement was dropped. In addition, the veteran was required to have been entitled to a bounty grant.

Confederate Script: Land grant created in 1881 providing 1280 acres to confederate soldiers who were permanently disabled, or widows of confederate soldiers.

Colonial Grants by the Republic of Texas. To encourage new settlers, the Republic of Texas chartered four immigration companies to bring colonists to the Texas frontier. The colonists received grants similar in amount and requirements to fourth class headrights, with the requirement of building a house and placing 15 acres in cultivation. The following charters were awarded to immigration companies:

Peters Colony: This contract was made in 1841 for four grants in north Texas along the

Red River. The contracts were taken over by the Texas Emigration and Land Company.

Fisher-Miller Land Grant: Contract made in 1842 to settle 600 families in central Texas along the Colorado River. This grant was sold to the Society for the Protection of German Immigration. German immigrants founded the towns of New Braunfels and Fredericksburg in this colony.

Mercer Colony: Contract made in 1844 and the subject of serious legal problems. It was located south and east of Dallas, bordering on the Peter's colony. The contract was held invalid by the U. S. Supreme Court in 1882.

Castro's Colony: Contract made in 1842 to settle 600 families on two grants along the Rio Grande. Henri Castro founded the town of Castroville in present Medina County with French immigrants.

Loan and Sales Scrip. Loan scrip was a land certificate issued to provide for or repay loans made to the government of Texas. The Provisional Government of Texas used loans backed by land to fund the Texas Revolution and purchase needed supplies such as guns and ammunition. Sales scrip was a land certificate directly sold to raise money for Texas. There were many categories of land scrip and each category had a name such as "Sam Houston Scrip" which was authorized in 1836 to negotiate a loan for \$20,000 to purchase guns and ammunition for the Texas Revolution.

To receive land in Texas, it was necessary for the emigrant to appear before the Board of Land Commissioners established in each county and prove their qualifications for a headright land grant. The emigrant was then given a certificate for the quantity of land that he was qualified to receive. The owner of the headright certificate would then select the land that he wanted from the vacant and unappropriated public domain. Then he presented his certificate to the County Surveyor, who would locate the land in relation to previous surveys and prepare his field notes on the tract of land. The settler would then occupy the land to complete the residency requirements.

When the residency requirements had been accomplished, the land certificate, the field notes and a plat of the survey placed on the county land map would be forwarded to the Texas General Land Office. Upon receipt of these papers, a check would be made on the land office map to see if the survey conflicted with any prior survey. If there was no conflict and the patent fee had been paid, a patent was made out and, after a copy was made for land office records, the original patent was sent to the owner of the land.

A land patent is the document used by the State of Texas to convey public lands to an individual. The patent is the land title issued on an original land survey. The settler must deliver his copy of the land patent to the County Clerk to record the description and ownership of the land in the deed book.

The Texas General Land Office is the repository of the land certificates, survey notes, maps and land patents for all land distributed by Texas. These files provide the legal foundation for the ownership of all land in Texas today. The GLO staff is available to assist genealogists in researching these records. They will research the GLO land records for your ancestors for a fee.

The Texas General Land Office has compiled an Abstract of Land Titles for each county. The county Abstract of Land Titles is an alphabetical listing of each original grantee for all land patents in each county. This county abstract provides a cross reference to the patentee, certificate number, patent number and GLO file number for each original survey in the county. A microfiche of this abstract is available in the Dallas Public Library (Ref. # 4). A reprint of Volume One covering the Counties in East Texas is also available in the Dallas Public Library (Ref. # 5)

When a tract of land is sold, the seller signs a document called a deed which declares the conveyance of the land to the purchaser. The seller then delivers the deed to the purchaser as

evidence of the passage of title. The purchaser delivers the deed to the County Clerk who records the deed in the deed book.

To determine the history of the title to a given parcel of land it is necessary to examine the records in the office of the County Clerk. Beginning with the original patent, a chain of title can be compiled by running each name separately until the whole chain of deeds, mortgages and contracts is put together. If breaks in ownership are found, probate minutes and indexes must be checked for wills, administration, and guardianship. In addition, judgment indexes must be examined to complete the search for the chain of title.

The large number of land transactions has made this method slow, unwieldy and impractical. To simplify this task, abstract companies have made extracts of all land records of the County and all suits filed affecting the land. The extracts are arranged in a system keyed to all original surveys or land titles in the County and the system is kept current by posting of new land transactions. They have indexed the money judgments under the names of the defendants, the probate minutes under the names of the decedents, the affidavits of heirship under the name of the decedents and the divorces and suits affecting legal status under the names of both parties. With this system it is easy to compile the complete recorded history of the title to any parcel of land in that County.

The genealogist should not overlook the services of the abstract company when tracing an ancestor through the land records. The abstract companies are private businesses and for a small fee they will research their records for information on a specific ancestor. Many abstract offices will assist a genealogist by allowing them access to their records for a fee of twenty to thirty dollars per hour to conduct their own search and make copies of important documents.

The Texas General Land Office (GLO) has published maps for each county showing all of the original land surveys in each county. This map can be very useful for identifying the location of the land grant for early settlers in Texas. These maps can be purchased from the Texas GLO for \$15.00 each.

Arphax Publishing Company (www.arphax.com) is publishing a series of Texas Land Survey Maps with roads, railways, waterways, towns, cemeteries and cross-referenced data from the Texas General Land Office. This information is published in a series of map books for each county containing all of the original survey's in each county. This is a work in progress with over forty counties completed. The Dallas Public Library has a standing order to purchase each county map book as it is published. Go to **www.arphax.com** to see if your county has been published.

The Texas General Land Office (GLO) has provided a **SURNAME INDEX** and a **LAND GRANT SEARCH** for all of the original Texas surveys. (Search procedure as follows)

1. Go to **www.glo.texas.gov** and click on: **WHAT WE DO > HISTORY & ARCHIVES > OUR COLLECTIONS > LAND GRANTS**
2. Select: **LAND GRANT SEARCH** then: select the **COUNTY**, then enter **SURNAME, GIVEN NAME** and select **SEARCH**.
3. Record the **ABSTRACT NUMBER** and the **COUNTY**.
4. You can also select **SURNAME INDEX** in Item 2 for a complete listing of all surnames in the Land Grant Database.

To view a GIS map of your ancestor's Land Grant:

1. Click on the **GIS MAPS** icon (@ upper right of page)
2. Select: **LAUNCH OTLS APPLICATION**
3. Under **SELECT MAP LAYERS** add check marks to select: **CURRENT SURVEY** and **LABELS > UPDATE MAP**
4. Under **LAND OFFICE SEARCH > SEARCH BY: ABSTRACT NUMBER**
5. Select the **COUNTY** and enter the **ABSTRACT NUMBER > SEARCH**

Texas Internet Sites

Texas State Archives ----- <http://www.tsl.state.tx.us/>
 Texas General Land Office Archives (GLO) ----- <http://www.glo.state.tx.us/archives>
 Texas GLO Name Search Form --- <http://www.glo.state.tx.us/archives/service.html#genealogy>
 Texas GLO Map Collection ----- <http://www.glo.state.tx.us/archives/mapscol.html>
 Maps of Texas ----- <http://mapsoftexas.com/gene.htm>
 Texas Army Roster (1836) ----- <http://earlytexashistory.com/Tx1836/txindex.html>
 Republic of Texas Claims ----- <http://www2.tsl.state.tx.us/trail/republicsearch.jsp>
 Texas Adjutant General Service Records ----- <http://www.tsl.state.tx.us/arc/service>
 Military Rolls of the Republic of Texas ----- <http://www.mindspring.com/~dmaxey>
 Texas Death Records ----- <http://vitals.rootsweb.com/tx/death/search.cgi>
 Early Texas Newspaper Abstracts ----- http://www.censusdiggins.com/tx_news.html
 The Old 300 Database ----- <http://www.bchm.org/gene/gene.html>
 Handbook of Texas Online ----- <http://www.tsha.utexas.edu/handbook/online>
 Texas Roots Top 100 Gen. Sites ---- <http://www.topsitelists.com/homestead/texas/topsites.html>
 Lone Star Junction, Texians Online Database ----- <http://lsjunction.com>
 Genealogy In Texas and Beyond ----- <http://home.myweb.net/~de>
 Early Texas History ----- <http://earlytexashistory.com>

REFERENCES: (With call numbers for Dallas Public Library)

1. The Spanish Archives of the General Land Office of Texas	336.1	T246S
2. Guide to Spanish and Mexican Land Grants in South Texas	976.4	T636G
3. Index to Spanish and Mexican Land Grants	333.16	T246I
4. Abstracts of All Original Titles of Record, 8 Volumes, microfiche	333.16	T355A
5. Texas Land Title Abstracts, reprint of Vol. 1 in Item 4 (East Texas)	929.3764	T355
6. First Settlers of the Republic of Texas, Headright Land Grants	929.3764	E68F
7. Republic of Texas Second Class Headrights	929.3	T4ZP
8. Bounty and Donation Land Grants of Texas, 1835 to 1888	333.16	M651B
9. Stephen F. Austin's Register of Families	929.3764	A937S
10. The First Census of Texas, 1829 - 1836	929.3	T4ZM
11. 1830 Citizens of Texas	929.3764	W584E
12. 1840 Citizens of Texas	929.3764	W584E
13. Republic of Texas Poll Tax Lists for 1846	929.3	T4ZMR
14. Tax Payers of the Republic of Texas	929.3764	D712T
15. Residents of Texas, 1782 to 1836	929.3764	R433
16. Founders and Patriots of the Republic of Texas	929.3764	D238F
17. Citizens of the Republic of Texas	929.3764	C581
18. Defenders of the Republic of Texas	976.404	D313
19. Muster Rolls of the Texas Revolution	929.3764	M991
20. Republic of Texas Pension Applications Abstracts	976.4	R426
21. Character Certificates in the General Land Office of Texas	929.3764	W584C