

LAND GRANTS

The history of land grants in Texas is a long and complex one. The earliest grant was made by the Spanish crown to establish a mission and presidio in East Texas in 1716. In 1731 town lots in San Antonio de Béxar were granted to **Canary Islanders**, and by the mid-1700s larger livestock grants were being made along the San Antonio River valley. In later years, the titles were issued by the governor of the province, who received a small fee, as did the local officials who participated in the process. Ranching lands further away from the town were generally held informally in the early years of **Spanish Texas**, and only regularized in later years. Private land grants in what is now South Texas did not begin until the mid-eighteenth century. Settlers in the colonies founded by **José de Escandón** in South Texas requested individual land allocations as early as 1753, but not until 1767 did a Spanish royal commission begin the work of surveying and granting possession of land to individual colonists at the Rio Grande *villas* of Laredo, Mier, Camargo, Revilla (later Guerrero), and Reynosa. The commissioners, Juan Armando de Palacio and José de Ossorio y Llamas, were instructed to survey the various settlements and jurisdictions, to distribute the land to individual settlers, and record all transactions. The land was to be divided on the basis of merit and seniority, with the colonists divided into three categories: original, old, and recent settlers. Due to the shortage of water and the importance of **irrigation** for agriculture in the region, the commissioners surveyed long, thin strips of land, each with narrow frontage on a water course. These elongated quadrangles were known as *porciones*. The *porciones* in each of the five settlements was assigned a number. Many of the

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grants, especially the larger ones, also acquired names, usually derived from saints' names, physical or natural characteristics of the region, or events. The grants were finalized by an act of juridical possession several months later. The transactions were recorded in documents known as *Acts of the Visit of the Royal Commissioners* (*Autos de la general visita*). Some 170 *porciones* granted in what is now Texas are entered in the five *visitas*. In addition to the grants with water frontage, the royal officials also made larger grants at the back of the *porciones* or along the [Gulf of Mexico](#). Most of these grants, which were intended for grazing, went to influential citizens of Camargo and Reynosa. They often covered large expanses of land, the largest being the 600,000-acre Agostadero de San Juan de Carricitos grant to José Narisco Cabazos. The small number of grants initially made to women usually went to recipients whose husbands had died after the grants were initiated and before they were perfected, or to women who were heads of households. A number of women, particularly from wealthy or influential families, were in possession of large parcels of land by the end of the colonial period.

Land grants in other regions followed somewhat different patterns. Along the upper Rio Grande few formal grants were made. In Nacogdoches and other areas along the northern frontier, families usually received land through oral agreements with local officials. With the beginning of American incursion into the Nacogdoches area in the 1790s, however, many families sought to formalize these grants in order to preserve their rights. Despite the granting of large areas of land in the north, the number of inhabitants of the region remained

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small. In an effort to populate the area, Spanish officials experimented with a policy to entice settlers from the American frontier with promises of land, religious tolerance, and special privileges. In 1820 the Spanish government passed a measure to open Texas to foreigners who would respect the laws and constitution of the country. In January 1821, **Moses Austin** was promised a contract to land on the Brazos River in exchange for bringing 300 Catholic families from Louisiana. After his death in June of that year his son, **Stephen F. Austin**, assumed the contract. Though the grant was declared void after the **Mexican War of Independence**, Austin succeeded in negotiating a new contract under President **Agustín de Iturbide's** colonization law of 1823 (*see* **MEXICAN COLONIZATION LAWS**). After Iturbide's downfall in March 1823, the new Mexican government passed the state colonization law of March 24, 1825, which opened the way for Americans to settle in the northern province of **Coahuila and Texas**. In exchange for a small fee, heads of families could obtain as much as a league or **sitio** (4428.4) acres of grazing land and a **labor** (177.1 acres) of cropland. Under the provisions of the decree foreigners had to take an oath promising to obey the federal and state constitutions, practice Christianity, and prove their morality and good habits. Upon agreeing to these conditions and establishing residence, foreigners became Mexican citizens. The wording of the decree as it pertained to **slavery** was vague and did not immediately prohibit the importation of slaves. Individuals could petition for grants directly, but more often applications were handled by immigration agents, or **empresarios**. An **empresario** selected colonists, allocated land, and

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oversaw the enforcement of Mexican law. In compensation he was entitled to five leagues and five labores for each 100 families they settled. Between 1821 and 1835, forty-one empresario grants were made, the majority going to emigrants from the United States. Among the most important empresarios were **Green DeWitt**, who secured a contract to settle 400 families west of the Lavaca River and south of the **Old San Antonio Road**; **Benjamin R. Milam**, who received a contract in 1826 to settle three hundred families between the Guadalupe and Colorado rivers; and **Sterling C. Robertson**, agent for the Nashville Company who obtained a contract in 1825 to settle 800 families. Other important empresarios included Haden Edwards, Robert Leftwich, Frost Thorn, Martín De León, James Power and James Hewetson, John McMullen, James McGloin, Lorenzo de Zavala, David G. Burnet, and Joseph Vehlein^{qqv} (see **ANGLO-AMERICAN COLONIZATION**).

Officials of Tamaulipas, which included much of what is now South Texas, also sought to encourage colonization of its vacant lands through the colonization law of 1825. Grants were made to Mexican ranchers, but the attempts to attract large numbers of settlers proved unsuccessful. In 1836 the first **Congress of the Republic of Texas** declared that the Texas boundaries extended to the Rio Grande, but the state of Tamaulipas continued to issue land titles in the trans-Nueces region until the **Mexican War** ended in 1848. As a provision of the **Treaty of Guadalupe Hidalgo**, which ended the boundary dispute with Mexico, the new state of Texas officially recognized the land grants made under Spanish and Mexican rule as valid. To quell confusion, in 1848 Governor **Peter H. Bell** called on the legislature to

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conduct an investigation of claims arising from the Tamaulipan and Chihuahuan cession. In 1850 the legislature instituted a board of commissioners to oversee the process and appointed William H. Bourland and James B. Miller^{qv} as commissioners. The recommendations of the commissioners are contained in a document known as the Bourland and Miller Report, now in the archives of the **General Land Office**. In February, 1860, the legislature passed a measure that gave the responsibility for confirming Spanish and Mexican titles to the district courts.

The **Republic of Texas** made many *headright* grants, that is, grants given on the condition that specified requirements be met by the grantees. Under the Constitution of 1836 all heads of families living in Texas on March 4, 1836, except Africans and Indians, were granted "first class" headrights of one league and one labor (4,605.5 acres), and single men aged seventeen years or older, one-third of a league (1,476.1 acres). By later laws "second class" headrights of 1,280 acres to heads of families and 640 acres to single men were granted to those who immigrated to Texas after the **Texas Declaration of Independence** and before October 1, 1837, and who remained in the republic for three years and performed the duties of citizenship. "Third class" headrights of 640 acres for heads of families and 320 acres for single men went to recipients who immigrated to Texas after October 1, 1837, and before January 1, 1840. In 1841 "fourth class" headright certificates of 640 acres for family heads and 320 acres for single men were granted conditionally to residents who immigrated to Texas between January 1, 1840, and January 1, 1842. A total of 36,876,492

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acres was granted by the republic in headright certificates. In order to attract settlers, the Republic of Texas also made colonization contracts with various individuals to establish colonies in the republic and receive payment in land. In addition to large grants made directly to the contractors, settlers in such colonies were granted 640 acres each, if heads of families, or 320 acres, if single. Land grants made under colonization contracts amounted to 4,494,806 acres. As a further inducement to settlers, in 1845 the Congress of the republic passed the first Pre-emption Act, which gave to persons who had previously settled upon and improved vacant public lands, or who might thereafter settle upon and improve them, the right to purchase (pre-empt) up to 320 acres. Pre-emptors, or homesteaders, were required to cover their locations with valid certificates within three years. Under the state government this period was extended to January 1, 1854. By an act of 1853 homestead grants of not more than 320 acres were made available to those who had settled under the Pre-emption Act. This act was replaced by the Homestead Act of 1854, which reduced homestead grants to 160 acres and required a residence of three years. The policy of homestead grants was continued under acts of 1866 and 1870 and under the [Constitution of 1876](#). The amount of land disposed of under the pre-emption and homestead laws of Texas is recorded at 4,847,136 acres.

Both the republic and state granted lands for military service in the form of bounty and donation grants. An act of December 21, 1837, provided for donation certificates of 640 acres each to all persons who had engaged in the [battle of San Jacinto](#), to all who were wounded the

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day before, and to all who were detailed to guard the baggage at Harrisburg; by the same act bounty warrants were granted to those who had participated in the siege of Bexar, the Goliad campaigns of 1835 and 1836, and the battle of the Alamo,^{qqv} or to their survivors. By an act of 1879 certificates for an additional 640 acres were granted under stringent restrictions to indigent veterans of the **Texas Revolution**. An act of 1868 granted warrants to Texans who had fought in the Union Army, but no land was ever claimed under this law. In 1881 the state voted to issue bounty warrants for 1,280 acres to Confederate veterans who had been permanently disabled in service. Bounty and donation grants for military service amounted to a total of 3,149,234 acres.

Vast areas of Texas lands were also granted in return for making internal improvements: building **railroads**, canals, and **irrigation** ditches, constructing **shipbuilding** facilities, clearing river channels, and, during the **Civil War**, manufacturing firearms and munitions and constructing highways. Lands granted to railroads amounted to 32,153,878 acres, or nearly one-fifth of the total area of the state. For other internal improvements a total of 138,640 acres was granted (*see* **LAND GRANTS FOR INTERNAL IMPROVEMENTS**).

Finally, special education land grants totaling 172,319 acres were made by the Republic of Texas to private colleges and seminaries. Other lands were subsequently set aside for state educational and eleemosynary institutions, but they are more appropriately classified as **land appropriations for education** rather than grants.

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Citation

The following, adapted from the *Chicago Manual of Style*, 15th edition, is the preferred citation for this article.

Aldon S. Lang and Christopher Long, "LAND GRANTS," *Handbook of Texas Online*

(<http://www.tshaonline.org/handbook/online/articles/mpl01>), accessed June 19, 2013. Published by the Texas State Historical Association.