

February 18, 1952

Mr. Fred R. Cotton  
Weatherford, Texas

Dear Fred:

The following is a chronological review of the events which served as the basis for the statement made in our summary on Page 12 of the pamphlet, "History and Disposition of Texas Public Domain".

Unrest between the settlers of Texas and the Mexican Government led to the clash between forces at Gonzales October 2, 1835 and the setting up of a provisional government in San Felipe in November, 1835. Other well known historical battles followed and some of the defeats led to confusion in the provisional government and its consequent failure.

A convention was called March 1, 1836, Texas Independence was declared and a constitution adopted. David G. Burnet was named provisional president of the Republic and set up his government at Harrisburg. The government had to flee before the advancing Mexican Armies and their Headquarters were removed to Galveston, later to Velasco and finally to Columbia.

The Provisional Government was in dire need of money and being rich in land the Provisional President, "David G. Burnet", at Velasco on May 24, 1836 appointed Thomas Toby as their agent to raise money by the sale of land by the manner and

Mr. Fred R. Cotton  
February 18, 1952  
Page 2

method set forth in the authority. According to the records of the Land Office the first fifteen Toby Scrip Certificates for 640 acres each, were sold to Samuel H. John, Jr. on June 21, 1836. A thorough search has failed to show that these Certificates were ever used by the purchaser.

Certificate No. 16 issued on July 9, 1836 was sold to Stuart Perry of New Orleans, Louisiana and a tract of land was surveyed in Bexar District, said tract being situated in what are now Coleman and Brown Counties and patented on July 3, 1847 to Stuart Perry.

In October, 1836 at Columbia the first Congress of the Republic met and the Constitution previously adopted by the Convention of 1836 was ratified by the people. By a joint resolution of the Senate and House of Representatives of the Republic a bill was passed: authorizing the President to issue Land Scrip to be sold by agents. This Act in effect ratified the Act of David G. Burnet, Provisional President of the Republic authorizing Thomas Toby to be an agent for the sale of Land Scrip.

Since the pamphlet was meant only as a brief introduction to the subject of Texas Public Lands and not as a comprehensive history, it was, of course, impossible to include all such details as those set out above as preceding and leading up to Act of December 10, 1836, which was one of the first official Acts of the new Republic under its ratified constitution by which it attempted to raise money to offset its public debt. The opportunity to furnish those details to interested parties is, however, always welcome, and I hope

Mr. Fred R. Cotton  
February 18, 1952  
Page 3

that the information we have given will be of value  
to you.

Sincerely yours,

BASCOM GILES

GILES/mlc

# Texas Scrip

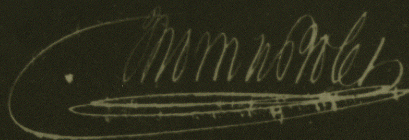
No 1

First

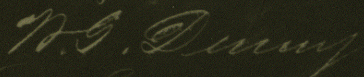
1000 Acres of Land

Jeremiah Brown of Texas, and his legal representatives are entitled to One thousand acres of the public lands of Texas to be located in the Republic of Texas conforming with the provisions of the Government of the said Republic issued to the undersigned agent on the 24<sup>th</sup> of May last past - This scrip is issued by an express order of the Executive Government bearing date of 10<sup>th</sup> August, the said Jeremiah Brown having given to the Government a valuable consideration for the same, and is transferable by endorsement on the back hereof in the form to wit - "For value received, I hereby transfer assign and set over all the right title and interest which this scrip gives me to the land herein named to A. B. or his legal representatives" Which assignment must set forth the residence of the purchaser, be dated and signed by the seller in the presence of two witnesses who must also sign; and no other act of sale or transfer shall be required to enable the purchaser or purchasers to enter the said land and to take possession thereof -

In testimony whereof - I Thomas Toby, Agent aforesaid, hereunto subscribe my name and affix my Seal at the City of New Orleans on this eighteenth day of August 1835



Witness





To all to whom these presents shall come

Greeting

I know ye, that the Executive Government of Texas, exercising the Plenary powers conferred upon them, reposing special trust and confidence in the Ability & Integrity of Thomas Toby, a Citizen of New Orleans of the State of Louisiana, have nominated and by this act do nominate and appoint him their Lawfull Agent for the purpose of Raising money for the Government of Texas, in the manner and form and by the rules and articles hereinafter prescribed, viz.

Article 1<sup>st</sup> The said Thomas Toby is authorized to sell of the Public Lands of Texas, such amount as he may be from time to time instructed by the Executive Government of Texas, at such price or prices as he may think proper, and be able to procure; Provided, however, no sales shall be made at a less price than fifty cents per acre -

Article 2<sup>d</sup> No sales shall be made of lands to be located in smaller tracts than six hundred forty acres -

Article 3<sup>d</sup> - The Agent upon making sale of any lands shall issue scrip to the purchaser which shall be evidence of his or his assignee's right of location for so many acres of land as are evidenced in the scrip -

Article 4 - No preference shall be given to any person or persons who may have obtained lands from the Government of Texas, or who may hereafter obtain them, over those purchasing from Thomas Toby under this power, in time or mode of location, inasmuch as it is the object of this Government to organize Land Offices as soon as practicable, adapted to the condition of the Country; of which due notice will be given to the world in time for all to attend to making their locations on equal and equitable terms

Article 5<sup>th</sup> - The holder of scrip shall receive his title without any other expence than the purchase money, and should there by mistake or otherwise, be a location made upon lands to which there is a previous title, the holder may withdraw his location or title, and make a location on other lands, by paying the additional expence and charges of location Survey &c -

Article 6<sup>th</sup> - In order to hold lands purchased by virtue from Thomas Toby, a residence in Texas shall not be necessary

Article 7<sup>th</sup> - The Agent upon making sale of any lands, shall issue under his signature - First - Second and Third - First shall be delivered to the purchaser - Second forwarded to the Government & the third retained in his Office as a record -

Article 8<sup>th</sup> - The proceeds of sales of said lands shall be held and disposed by order of the President, and countersigned by the Secretary of the Treasury -

Article 9<sup>th</sup> - There shall be but one Agent possessing authority to dispose of the Public Lands of Texas, who shall hold his powers during the pleasure of this Government and the necessity of raising means in the manner contemplated by this power -

100

And the said Thomas Wby is hereby invested with all power and Authority to Carry this Trust and Agency into effect and we do Ratify and Confirm all that he may lawfully do. in and about the premises

Dated at Velasco, this twenty fourth day of May, One thousand eight hundred thirty six -

(Signed) David G. Burnet

Wm M. Jack Secretary of State  
Bailey Mardeman Secy of the Treasury  
Lorenzo de Zavala Vice Pres  
Mirabran B. Lamar Secy of War  
P. W. Grayson . . . Atty. General

To be taken on  
the San Gabriel  
reporting the 1280  
Acres Sw for holding

For value received, I hereby transfer, assign and set over all the  
right title and interest which this scrip, gives me, to the  
Land herein named unto Noah Harrington Junior of  
New Orleans State of Louisiana, or his legal representatives,

Thus done at the City of New Orleans, this Twentieth  
day of August in the Year one thousand Eight Hundred  
and thirty six -

Witness -

No 1

1000 Acre Land  
Located on Pease  
Creek

Dec 27 1836  
Milam  
Debit 1000 Cents  
Dremlah Dream of

Current Miscellaneous Information

Appointment of Thomas Toby as agent  
(May 24th, 1836) to raise money for  
the Government by the sale of land.

Certificate No. 1 for 1000 acres of  
land. Milam S-87.