



General Land Office,

AUSTIN, TEXAS, October 16th 1875

Hon. Wm^m Alexander,

Attorney General.

Sir:

I have the honor to transmit herewith a communication from Robt. M. Elgin, Esq, arguing that under act of Feb. 8th, 1860, to amend the 3^d section of the act of Jan^y 30th, 1854, "to encourage the construction of railroads by donations of land," a like number of acres of land need not be surveyed for the Company & the State; that less than 320 acres being considered a half section & more than 320 acres a whole section, it follows that if the survey for the company & for the State are both over or under 320 acres, it complies with the law. The ruling of this office has required a like number of acres to be surveyed for the company and for the State.

Agreeably to request Mr. Elgin's argument is submitted for your official opinion thereon.

Very respectfully,

Paul Knechler
Commissioner.

Attorney General's Office, Oct. 17, 1871.

Respectfully returned with the opinion that the Commissioners can so construe and act under the Statute of 1854 as to secure to the State an equal quantity of land to that obtained by a Railroad Company.

No opinion is expressed as to whether the State could constitutionally grant any part of its public domain as a gift to a private corporation, nor as to whether it could authorize a survey to be made by any other than a duly qualified Surveyor.

Alexander
Attorney General

Old Miscellaneous File 9

Austin, Texas

Oct 17. 1871

Wm Alexander
Attorney General

Opinion in reference
to construction of the
Act of Feb'y 8, 1860,
requiring alternate
sections to be surveyed
on certificates issued
under that Act.