



General Land Office, STATE OF TEXAS.

CHARLES ROGAN, COMMISSIONER.
JNO. J. TERRELL, CHIEF CLERK.

Austin, Texas,

Mr.

Dear Sir:

Replying to yours asking about the Homestead Donation claim mentioned below, I beg to call your attention to the decision of our Supreme Court in the case of Hogue vs. Baker, which was rendered on May 23rd, 1898, and is reported in 45 S. W. Rept., at page 1004. In that case the facts agreed on by both opposing sides showed that the State had already disposed of more land than it had a right to under the Constitution and that the remainder of the public domain, or vacant land, equitably belonged to the School Fund, hence there was no more public domain, or vacant land, subject to be taken up under either the homestead law or scrap act. As the State had disposed of more than its half of the domain some doubt arose as to validity of a patent should it be issued now on such claims. Therefore no patents will be issued on this character of claims until after the Legislature acts upon the report of the condition of the account between the State and the School Fund as to its land matters which I presume will be taken up at its next session. After that is done you may write this Department about this and you will be advised as to what can be done. Under the present conditions of the law this is all that can be told you now, as no idea can be given as to what the Legislature may do, though I presume it will give owners the preference.

Very respectfully,

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Commissioner.

counter # 75449

Old Miscellaneous

File 14

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Counter # 75450