



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

February 18, 1960

Honorable Doug Crouch  
District Attorney  
Tarrant County  
Fort Worth, Texas

Opinion No. WW-805

Re: Whether conveyances  
from the Veterans Land  
Board may be filed for  
record without acknowledg-  
ment.

Dear Mr. Crouch:

You have requested an opinion on whether conveyances from the Veterans Land Board, pursuant to Section 17 of Article 5421m, V.A.C.S., Acts 1949, 51st Leg., p. 592, Ch. 318, as amended Acts 1957, 55th Leg., p. 491, Ch. 238, § 6, may be filed for record without an acknowledgment.

Section 17 of Article 5421m states in part:

". . .When the entire indebtedness due the State under the contract of sale is paid, the Board shall execute a deed under its seal to the original purchaser of the land or to the last assignee whose assignment has been approved by the Board."

Article 6624, V.A.C.S., states:

"Letters patent from the State of Texas, or any grant from the Government, executed and authenticated pursuant to existing law, may be recorded, without further acknowledgment or proof."

The purpose of an acknowledgment is stated in 1 Tex. Jur.2nd, Acknowledgments, § 2, as follows:

"Except where acknowledgment is made a prerequisite to an instrument's validity, the purpose of acknowledgment is to furnish evidence

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of the identity of the one who executed the instrument and the genuineness of his signature . . . in order that the instrument may be recorded. . . ."

Thus, Article 6624 allows proof of execution for recording purposes to be made by showing that conveyances referred to therein have been executed and authenticated pursuant to the law under which they were issued in lieu of requiring such proof by statutory acknowledgment.

No Court has construed the meaning of "grant" as used in Article 6624, supra.

"Grant" is defined in Black's Law Dictionary, Fourth Edition, as: "A generic term applicable to all transfers of real property," and as

"An Act evidenced by letters patent under the great seal, granting something from the King to a subject."

Texas Courts have construed "grant" to mean: "A technical term made use of in deeds of conveyances of lands to import a transfer. . . ." Harlowe v. Hudgins, 84 Tex. 107 (1892).

"Under the Constitution and statutes of the Congress of the Republic a 'grant' meant a final title or patent." Giles v. Ponder, 275 S.W.2d 509, Tex.Civ.App. (1955), affd. 293 S.W.2d 736 (1956).

Article 6624, supra, was added, in its present form, by the codifiers of 1879. Commenting on its origin, the Supreme Court in Jones v. Phillips, 59 Tex. 609 (1883), stated:

"The Article first above quoted Article 4329, now Article 6624 is found in the Registry Act of May 12, 1846, (Pasch. Dig., Art. 5006) as follows:

"Each recorder shall record all titles issued by the Commissioner of the General Land Office presented for record, provided such titles or such copies are attested with the seal of the General Land Office."

The phrase "or any grant from the Government" in Article 6624, was meant to broaden the definition of the "grant" which

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sometimes equates its meaning with that of "patent", since "letters patent" were specifically mentioned.

While the phrase "grant from the Government" would include conveyances from the Spanish and Mexican Governments which were subsequently recognized by treaty and by statutes of the Republic and State of Texas, it is our opinion that the term "grant" was not intended in Article 6624 to be restricted to original conveyances of land from the sovereign. The use of "any grant" makes it evident that the meaning of "grant" was not so restricted.

Deeds by the Veterans' Land Board, a duly constituted agency of the State of Texas, pursuant to Article 5421m, supra, are conveyances of legal title to land from the government. These deeds are authenticated by the seal of the Veterans' Land Board.

It is therefore our opinion that a conveyance from the Veterans' Land Board, when executed and authenticated pursuant to Article 5421m, supra, is a "grant" within the meaning of Article 6624, supra, and may be recorded without statutory acknowledgment.

SUMMARY

Conveyances from the Veterans' Land Board may be filed for record without an acknowledgment when executed and authenticated pursuant to Section 17 of Article 5421m, V.A.C.S.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By



Joe A. Osborn  
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JAO:ljb

APPROVED:

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