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December 01, 2021

NOTICE: To the Heirs of Spanish & Mexican Land Grants
RE: Guide to Spanish Land Grants Royalties

Below is the update from the Coalition:

In this guide you will learn about:

1. The history of the Mexican and Spanish Land Grant Heirs
2. The laws that protect the land grant mineral rights and royalties
3. History of the Texas Spanish and Mexican Land Grants

History
King of Spain (the sovereign)

In 1519, the explorer Alonso Álvarez de Piñeda became the first European to map the Texas Gulf Coast. However, it would be another nine years before any Spaniards explored the Texas interior. In 1528, another expedition, led by Pánfilo de Narváez, set sail from Spain to explore the North American interior.

People settled from Spain and from Mexico and later the King of Spain granted the land and all the rights to the land to the owners.

Laws that protect the Spanish Land Grants

Private title to all land in Texas emanates from a grant by the sovereign of the soil (successively, Spain, Mexico, the Republic of Texas, and the state of Texas).
TEXAS CONSTITUTION OF 1866 – 1879 AFFIRMED BY THE SUPREME COURT

At the time the King of Spain and Sovereign granted these rights, it was not known that Texas was rich in Oil, Gas and Mineral resources

Under the laws of Spain and Mexico, mines and their metals or minerals did not pass by the ordinary grant of the land without express words of designation. In one of the earliest acts of the Congress of the Republic of Texas, this rule was adopted, and it was continued in force after Texas had become a state. A grantee of land before 1866, therefore, had no interest in the minerals in the land unless that interest was expressly granted. By a provision of the state Constitution of 1866, which was carried over in substantially the same language into the constitutions of 1869 and 1876,qqv the state released to the owner of the soil all mines and mineral substances therein. This constitutional provision had a retrospective effect; the landowner was given complete ownership of the minerals in all lands that passed from the sovereign before the effective date of the Constitution of 1876. [source]

http://www.tshaonline.org/handbook/online/articles/gym01

Since 1876, it has been assumed that a grantee of land from the sovereign has received all minerals unless they are expressly reserved. Since 1895 substantial acreage of the public domain has been conveyed by the sovereign with retention of rights to the minerals. Under the Relinquishment Act of 1919, as subsequently amended, the surface owner is made the agent of the state for the leasing of such lands, and both the surface owner and the state receive a fractional interest in the proceeds of the leasing and production of minerals. A considerable portion of the land of the state has been allocated to various educational and eleemosynary institutions, some of which have not been sold but merely leased for mineral development.

Relinquishment Act of 1919

The extent that a landowner also owns the minerals in his tract, he may legally sever such minerals from the surface estates. The owner of the minerals may produce them himself. The usual practice, however, is for a lease to be executed by the mineral owner to an operator who undertakes to develop the minerals. Although several lease forms are in use, their provisions are generally uniform; the significance of the variant provisions is not to be minimized, however. Typically, under a lease the operator assumes all expenses of operations to develop the mineral resources in return for a conveyance of 7/8 interest in them; the landowner or lessor retains 1/8 interest-free and clear of all costs. This interest of the mineral owner or lessor is what is correctly known as royalty, although the term is sometimes more loosely used to describe an undivided interest in minerals arising out of an instrument other than a mineral lease.

Legally, oil and gas are minerals. About 2/3 of the 254 counties in Texas produce oil. About 54,000,000 acres of land in the state were under oil and gas lease in 1947. Since the mid-1950s oil and gas royalties have increased. The basic royalty on oil and gas was increased from 1/8 to 1/6 by the public school and other state land boards in 1955 and by the Board for Lease of University Lands in 1960 on gas and in 1961 on oil. The practice of overriding royalties being utilized as a portion of leasing and development promotion fees in the oil and gas industry, in amounts ranging from 1/32 to 1/4, has increasingly become a common practice. By 1995 royalties for state-run lands of the Permanent School Fund had a minimum standard of 6.25 percent of the gross value. Royalties in Texas, however, are usually negotiable and depend on a number of factors, including the type of mineral and deposit.

Texas Law

Rather than holding the Relinquishment Act unconstitutional, the Court “construed” the Act in a way that would pass constitutional muster. It held that the Act did not relinquish the oil and gas to the landowners; instead, it made the landowners the agent of the State for the leasing of oil and gas rights and granted to the landowner the right to one half of all bonuses, royalties, and other benefits accruing from those leases.

Texas Property Law, enacted in 1840, authorizes and gives them the right to file claims against mineral proceeds from unclaimed oil and gas wells whose owners have never been found, which are located in the respective land grants awarded their ancestors. This was challenged by Getty Oil but they lost and The Getty Agreement of 1986 was enacted.

https://voiceofchangenetwork.com/the-getty-agreement-copy-and-info/

BIBLIOGRAPHY:
Ann Van Wynen Thomas and A. J. Thomas, Jr., “Sal del Ray: Who Owns the Mineral Rights in Texas,” Journal of the American Studies Association of Texas 13 (1982).

Here is a video with a brief introduction about it here on this video
https://www.youtube.com/watch?v=kd4YIYp2CIw

San Antonio personal injury lawyer, Thomas J. Henry, routinely gets settlement in the $35-$50 million range for his clients, so the possible proposed damage figure of $250 billion for about 5,600 adjudicated heirs did not seem out of line.

Our claims are not only the unclaimed mineral rights, it is about all of our mineral rights, they were never supposed to pass from landowner to landowner. This means the original landowner receives all the 1. Royalties 2. Bonuses and 3) other

Citing:
Commission un-credible reports:

1) https://voiceofchangenetwork.com/hb724-commission-exposed-uncredibility-analysis-part-1/

2) https://voiceofchangenetwork.com/dont-give-hope-faith-commission-report-scripted-untrue-ambiguous/

HISTORY OF SPANISH AND MEXICAN LAND GRANTS
(extracted from heirs guide)

Land Grants under Spanish rule were conveyed roughly between 1750 and 1810. Grants under Mexican rule were bestowed between 1810 and 1836, but Mexico continued to grant these property privileges in South Texas even after the Republic of Texas came into being.

Spanish land grants began as a result of a visit by a royal commission in 1767. The grants were termed porciones and land was divided based on merit and seniority. The grants were long, thin strips of rectangular land, each with narrow frontage on the Rio Grande and were assigned a number. Other grants north of the porciones and along the Gulf of Mexico acquired names usually derived from saints names or from physical or natural characteristics of the region. These later grants were intended for grazing and went to influential citizens of the towns of Camargo and Reynosa on the border. The largest of these was the 600,000 acre Agostadero de San Juan de Carricitos grant to José Narciso Cabazos.

The Treaty of Guadalupe Hidalgo, ending the boundary dispute with Mexico and the state of Texas, officially recognized the land grants under Spanish and Mexican rule as valid. In 1848 Governor Peter H. Bell called on the legislature to conduct an investigation of claims. A commission was appointed headed by William H. Bourland and James B. Miller as commissioners. In 1860 the legislature gave the responsibility of confirming Spanish and Mexican titles to the district courts. The Bourland Miller Commission recommendations and report are in the Texas General Land Office. Sources: (1) Greaser, Galen. New Guide to Spanish and Mexican land Grants in South Texas. Austin: General Land Office, Jerry Patterson, Commissioner, (3) Aldon S. Lang and Christopher Long, “LAND GRANTS,”

Handbook of Texas Online, (http://www.tshaonline.org/handbook/online/articles/mpl01), accessed August 10, 2012. Published by the Texas State Historical Association.

MINERAL RIGHTS IN TEXAS

Grants of land to early South Texas settlers from Spain or Mexico generally did not convey the minerals with the land, but exceptions could be made. Mineral ownership was reserved for the Spanish crown and Mexican nation. The Republic of Texas and the State of Texas continued this rule. On January 20, 1840, Texas adopted the English common law, but stated that the law would not apply to minerals, among other things.

A dispute over ownership of the famous South Texas salt lake, "El Sal del Rey" on the San Salvador de Tule grant, a tract granted to Juan José Ballí in 1798 by Spain, changed the law. Lawsuits resulted in a subsequent proposal to amend the Texas constitution of 1866 restoring mineral interests to existing owners, and the effect was retrospective.

The 1866 provision carried over to the constitutions of 1869 and 1876, the present constitution of Texas. Since the dispute was over salt, and oil and gas were not factors in the decision at the time, the state unwittingly gave away the rights in oil, gas, sulfur, and other minerals to landowners. Afterwards, owners could sell the land and minerals, sell the land and retain mineral interests, or vice-versa. The courts eventually held that oil and gas could be defined as minerals. Texas laws governing surface rights are complex and different provisions address the ownership of land. Sometimes land could be acquired under less than straightforward circumstances and these cases are generally governed by sections of the law related to what is termed "adverse possession." Different statutes of limitation govern the right to full possession of land and therefore the laws relating to land rights and mineral rights are different. Once ownership of land is legally established, regardless of how it was obtained, the surface rights are lost forever. Not so with minerals. Sources: (1) Greaser, Galen. New Guide to Spanish and Mexican Land Grants in South Texas, Austin: Texas General Land Office, Jerry Patterson, Commissioner, 2009. (2) Willis, J.D. LL.M., David J." Adverse Possession in Texas," http://www.lonestarlandlaw.com, accessed August 12, 2012.

UNCLAIMED SURFACE AND MINERAL ESTATES

Normally under Texas property law when a person sells a piece of land and no mention is made of the minerals contained, the rights pass on to the purchaser. In the case of land grants, if no mention is made of the transference of minerals by sale or conveyance of the land, the minerals are retained by the seller and pass on to his or her heirs.

As has been heretofore noted, the rightful owner of land in Texas must claim title within a certain period of time or possession vests in the current claimant. Not so with minerals in what is termed "Unclaimed Mineral Estates." The "known" mineral estate is that portion of a tract of land for which there is a recorded title. Unclaimed mineral estate is that portion of a tract of land for which ownership of the minerals is "unknown."

The amendment included in the 1866 Constitution stated, "That the State of Texas hereby releases to the owners of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the Legislature may impose."

Most of the property owners in South Texas as of that ruling were the descendants of the original Spanish and Mexican land grantees, and the unclaimed mineral estates belong to them according to the laws of descent and distribution. These laws of distribution and descent defer to a valid will but, in the absence of such, various statutes define how property is to be distributed. It might be noted that an unclaimed mineral estate may exist for owners in Texas other than the descendants of Spanish and Mexican land grants provided that in a sale of surface rights mineral rights were retained and became an unclaimed mineral estate. Sources: (1) Cisneros, Al. "History, http://www.landgrantjustice.org, The Land Grant Justice Association, Inc., accessed August 9, 2012. (2) Greaser, Galen. New Guide to Spanish and Mexican Land Grants in South Texas Austin: Texas General Land Office, Jerry Patterson, Commissioner, 2009.

A program to assist descendants of Spanish and Mexican Land grantees to recover royalties due them from unclaimed mineral estates was initiated several years ago by Attorney licensed in Texas, whose principal offices are located in, Texas. This project was initiated by her in conjunction with her then law partner, the late retired Judge Felix Salazar. In consultation with other area attorneys a system was developed to assist claimants in a practical and economic fashion.

The first step in the process is for the descendant to be able to prove with valid documentary evidence his or her ancestry to the land grantee.

The next step is to file for what is called a Declaratory Judgment in state court that legally establishes, by court action and the judge's signature, that the descendants are valid and "known" heirs of the land grantee. The term "heir" is both a genealogical and legal term. This action does not by and of itself validate a legal claim by the descendant, but paves the way for ultimate justice.

The third step is to determine what terms the "net mineral estate." Normally this is performed by a title search of county records by certified professionals that calculates what percent of a land grant contains an "unknown" mineral interest. By a mathematical formula based on the number of oldest living descendants, termed "primaries," their share of the mineral estate can be calculated, currently represents over 11,000 adjudicated heirs eligible for first claims. As recipients of their estates, their children and grandchildren are secondary and tertiary claimants.

THE CLAIMS PROCESS AND CURRENT BARRIERS

After completing various grant packages with declaratory judgments and net mineral estate determinations, contacted the comptroller prior to filing claims and was informed that no claims had ever been honored against the unclaimed mineral proceeds of original land grants in Texas, and that there was no current process and legal basis on which to pay valid claims. Information gathered indicated that the first Unclaimed Property Act was passed in 1961. The comptroller did not receive any type of unclaimed property prior to that date. Pursuant to a legal case brought by the Getty Oil Company and concluded in 1986, all liabilities of the oil and gas companies for unclaimed mineral deposits were forgiven in the past. In turn the oil and gas companies contributed to a new fund and were required to make deposits every three years for unclaimed mineral proceeds and these funds were to remain in a special unclaimed property fund in perpetuity until claimants come forth.

Obviously, program brought about a new phenomenon, a significant amount of claimants as "known heirs" coming forward for whom Texas was unprepared to respond. Funds deposited in escrow for net mineral estates are available from 1985 and into the future. Unfortunately, as a result of the Getty settlement, claims for funds generated since the inception of oil and gas explorations over a hundred years ago were forgiven and eliminated.

Nonetheless, fund deposits dating from 1985 to the present can be legally claimed for declared heirs and for future royalties. A word of caution is in order. There are grants that have little or no production and it is not economically feasible to pursue any claims in these instances, keeping in mind that future discoveries of minerals in those properties may make later claims possible. Sources: (2) Getty Oil Company, et al. v. Ann Richards and Jim Mattox, Case # 85-335 Federal District Court, Corpus Christi, Texas, 1986.

Below is the link to above article:
https://voiceofchangenetwork.com/guide-to-spanish-land-grants-royalties/

The group is accepting donations to help pay for current and future expenses. Let's all do our part and help. Click on the link below for more information and on how to place your donations:

https://voiceofchangenetwork.com/we-need-and-are-asking-for-your-support-please-read-this-important-update/

Please stay tune, stay safe, stay connected and let us know how ***you can help***.

"We cannot always expect justice to prevail but we must never cease to seek it."

Respectfully,
Federico Blanco Balli