

**OIL AND GAS LAWS OF  
TEXAS. OIL AND GAS  
RIGHTS IN STATE LANDS**

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Oil and gas laws of Texas. Oil and gas rights in state lands by Graham B. Smedley

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**GRAHAM B. SMEDLEY**

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OIL AND GAS LAWS

—OF—

TEXAS

1921 EDITION

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OIL AND GAS RIGHTS

—IN—

STATE LANDS

—BY—

GRAHAM B. SMEDLEY

Of the Austin Bar.

OIL & GAS LEGAL SERVICE  
MARTIN STATIONERY COMPANY  
Dallas Texas  
1921

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1921

## FOREWORD

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The reception extended the 1919 edition of this work was gratifying. The preparation of the present edition was postponed in order to include such legislation as might be passed by the Thirty-seventh Legislature.

The present edition includes a number of additional laws. The Validating Act of the Thirty-sixth Legislature is not as broad as anticipated and as shown by the paper of Mr. Smedley the provisions of the laws then in force may apply.

The paper of Mr. Smedley will be appreciated, as his studious research makes plain the many apparent conflicting statutes and opinions.

For convenience, the chronological order of the laws is continued.

The Conservation Law and the Pipe-Line Law are followed respectively by the Rules of the Railroad Commission.

We trust that this edition will prove of as great service as our other publications.

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OIL AND GAS RIGHTS  
In  
STATE LANDS



GRAHAM B. SMEDLEY

# ANALYTICAL INDEX

## OIL AND GAS RIGHTS IN STATE LANDS

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- I. Lands Subject to Prospecting.
  - 1. Lands in which State has Reserved the Minerals.
  - 2. Reservation of Minerals in Sales of School Lands Land since 1895.
- II. Laws Under which Oil and Gas Rights Are Acquired.
  - 1. Relinquishment Act of 1919.
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- III. Excess Within Sold School Land.
- IV. School Land Repurchased Under Relief Act of 1913.
- V. Fitzgerald vs. Robison.
- VI. Recent Acts of the Legislature.
  - Texas Constitution (Excerpts).
  - University Lands Act.
  - Sales Act of 1895.
  - Mineral Reservation of 1907.
  - Scrap Act.
  - Opinions of Attorney General.

# Oil and Gas Rights in State Lands

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## I. LANDS SUBJECT TO PROSPECTING.

Generally speaking, the lands, or areas, upon which rights to oil and gas may be acquired from the State, are Public School, University and Asylum Land, whether surveyed or unsurveyed, belonging to the State; fresh water lakes, river beds and channels, bays, inlets, marshes, reefs and salt water lakes, belonging to the State, and all lands heretofore or hereafter sold or disposed of by the State with reservation of the minerals. These are the different lands and areas as defined in the several laws on the subject; but by this general language a number of interesting and practical questions are suggested. Perhaps the most interesting of these is the question: What are the lands in which the State has reserved the minerals, or owns an interest in the minerals? There arise also such questions as: What river beds belong to the State? Where is the line between public and private ownership along the shore? What changes have been made by recent legislation in State ownership and control of oil and gas rights?

### (1) THE LANDS IN WHICH THE STATE HAS RESERVED THE MINERALS.

The history of this subject is written in the opinions of the Supreme Court in the following cases: *Cox vs. Robison* (105 Texas 426, 150 S. W. 1149); *Cowan vs. Hardeman* (26 Texas 217); *Schendell vs. Rogan* (94 Texas 585, 63 S. W. 1001); *Colquitt-Tigner Mining Company vs. Terrell* (95 Texas 452, 68 S. W. 154); *Greene vs. Robison* (109