

# **BALLÍ FAMILY ORGANIZATION**

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Unity is our bond.”  
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**March 14, 2022**

**FROM: Coalition Leaders**

**NOTICE:** To the Heirs of Spanish & Mexican Land Grants

**RE:** CASMLGH Report # 19-Periodic Special Report

As we mentioned in our regular final report # 18, January 7, 2022, we will only publish future reports when we have new and important information to provide you, either through The Voice of Change Network, or a special coalition report, or both. We see the need, at this time, to explain the fundamental issue of our rights to revenue from unclaimed mineral estates, especially since one of our heirs groups has provided us new information based on their excellent research.

**First** of all, as promised, our coalition leaders continue to attempt, by press releases, to get our story out to the public. So far nothing has come out in the media, so we will continue. We do know that various news networks and independent reporters are investigating our cause, and it is only a matter of time when our dilemma will be national and international news.

**Secondly** we have contacted five (5) law firms about taking our case, and all have declined. When we talk about a lawsuit against Texas, and possibly some oil and gas companies, firms are intimidated, and shy away from getting in the line of fire, not to mention all the administrative work to enroll thousands of heirs.

**Thirdly**, we are waiting on the results of our grievances filed with the Texas Bar Association on Mrs. Eileen McKenzie Fowler, and the Michigan Bar Association on Jeffrey and Cherie Morganroth. We hope pressure will be brought to bear to have them return our litigation cost fund payments, but if not we will seek a law firm to file a lawsuit against both, and we will ask for damages.

As regards our basic right to minerals, claims filed for many of us by Mrs. Fowler were all rejected by the State of Texas. Based on our research, and reading between the lines of the HB724 proceedings in 2014, we are certain that Texas knows we have a right to these unclaimed minerals. They have said they are pleased we are legal heirs, but that we do not have the right to these revenues. The question is why do they take this contrary position?

To begin with, if Texas has received unclaimed mineral payments from the oil and gas companies, they have probably deposited them in the general fund, and spent them on other expenditures such as roads and education. They should have set up a trust fund. It could be that the oil and gas companies never paid in the money per the 1986 Getty Compromise Settlement Agreement.

In addition Texas has no current system to validate our claims as they never kept records of production. They could obtain that information from the Texas Railroad Commission, that maintains those records, but apparently there is no formal communication between the two agencies.

For example, if Mrs. Fowler files a claim for let's say, \$ 5,000, for a client for their share of mineral production on a land grant based on her records, Texas has no way of knowing if that amount is correct. Having no accountability system they just reject the claim. The easy way out for them is to tell the heirs, "Get Lost." State officials and their bureaucrats have no abiding interest at all in working on our behalf.

The position of Texas officials is that the minerals from the original land grants belonged to the King of Spain, later Mexico, later the Republic of Texas, and then the U.S. State of Texas, and that the original grantee did not have title, and so descendants are not entitled to these revenues. However, we went to the publication of the Texas General Land office's New Guide to Spanish and Mexican Land Grants in South Texas by Jerry Patterson Land Commissioner in 2009. Pages 165-168, titled Appendix III: "Sal del Rey" and Mineral Rights in Texas, says in part, on "On March 30, 1839 James M. Manning, deputy surveyor of San Patricio County, completed what may arguably be the costliest public land survey ever made in Texas. In the course of events this survey would lead to relinquishment by Texas of most of its mineral wealth."

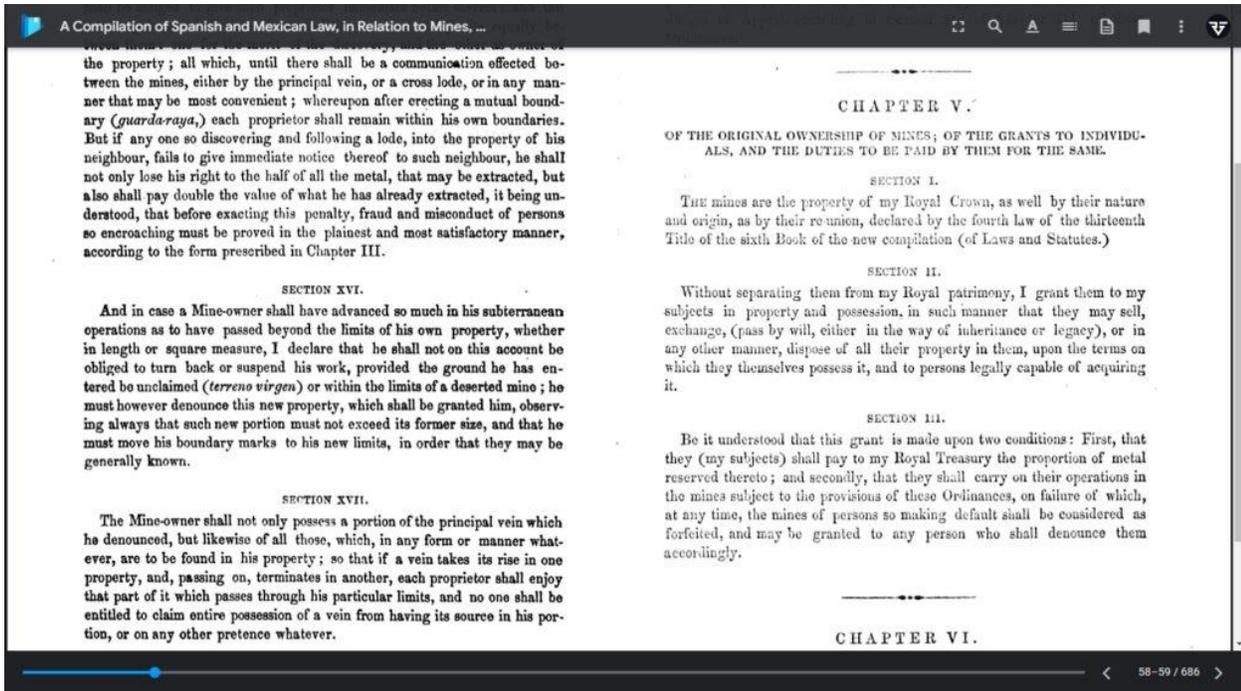
The survey was to settle a mineral dispute over a famous salt lake, **Sal de Rey** that is part of the La Noria de San Salvador de Tule land grant, issued by the King of Spain to **Capt. Juan Jose Balli** in 1798. Oil and gas were unknown at the time so not much importance was given to those deposits. Further on, the article says that in the Constitutional Convention of 1866, "an ordinance was introduced that proposed giving away the state's mineral interest to existing surface owners." It slipped in almost unnoticed in the 1867 constitution.

The effect, according to the General Land Office, was "retrospective."...owners of land granted by the successive sovereigns (Spain, Mexico, The Republic of Texas and Texas, before adoption of this amendment, would be given complete ownership of the minerals in their lands." This was discussed at the HB724 Commission hearings. The commission said they felt it was not retroactive and that only owner families living on those lands after 1866 were entitled to those minerals. Yet our families were still living in the lands. The later Constitutions amended in 1869 and 1876 (The current one) carried this law over. Our research indicates that The Texas General Land Office is mistaken that Spain had title to the minerals. We believe that when Mexico gained their Independence, they felt they had title, and The Texas Republic conquering Mexico, and later becoming a state of the Union said they had title. In our opinion they had no right to title and confiscated the mineral rights prohibited from exploitation by international law.

We were pleased to hear from an heir group that has have been researching this mineral issue quite extensively. They sent us an excerpt from a book written in 1851 by John Rockwell, an Attorney at Law, titled, A Compilation of Spanish and Mexican Laws, in Relation to Mines, and Titles to Real Estate, in Force in California, Texas and New Mexico and in the Territories Acquired under the Louisiana and Florida Treaties.

When Annexed to the United States, Volume I.” Chapter V, Section I says, “ The mines are the property of my Royal Crown, as well as by their nature, as by their re-union, declared by the fourth law of the thirteenth Title of the sixth Book of the new compilation (of Laws and Statutes).

**Section II** says “Without separating them for my Royal Patrimony, I grant them to my subjects in property and possession, in such manner that they may sell, exchange, (pass by will, either in the way of inheritance or legacy), or in any manner, dispose of all their property in them, upon the terms on which they themselves possess it, and to persons legally capable of acquiring it.”



**Section III** says, “Be it understood that this grant is made on two conditions: First that they (my subjects) shall pay to my Royal Treasury the proportion of metal reserved thereto; and secondly, that they shall carry on their operations in the mines subject to the provisions of these Ordinances, on failure of which, at any time, the mines of persons so making default shall be considered as forfeited, and may be granted to any person who shall denounce them accordingly.”

It appears this king being noted was Charles IV in 1792-94, but we are trying to secure the actual document signed by the king. What the king is explaining are Spanish laws dating back to 1504, whereby the kings of Spain required that 20% of minerals would go to the crown, but the owners of the land on which these minerals were located could keep 80%. This was called payment of the “Royal Fifth.” Anyone reading Spanish Colonial History and Mexican history know that owners of these mines became millionaires, such as the four founders of the silver rich mines of Zacatecas, Mexico.

We inform you to state, in our opinion without a doubt, as legally declared heirs of the Spanish and Mexican Land Grants, that we are entitled to our share of unclaimed minerals. As we have explained before, all citizens of Texas also have a right to unclaimed minerals in other oil and gas fields such as the Eagle Ford Shale and Permian Basin fields. Many citizens of Texas are being cheated of their rights.

As we talk to new law firms, we will ask their assistance in researching these laws, in addition to possible case law, that may exist in Texas cases where a judge has already confirmed the right of other Texas citizens to unclaimed minerals. However, we plan to pursue going to a court of law first to obtain a specific ruling of our rights, before we consider further litigation, simplifying our case.

We will consult with an interested law firm if we may be able to get a hearing in court on this issue only. This would be a hearing with no possible adversaries like the ones Mrs. Fowler requested to adjudicate us. Then we can consider an actual lawsuit for damages after 35 years of noncompliance with the Getty Compromise Settlement Agreement. The most fundamental decision we need is for a court is to affirm our right.

The statements we have made in this report are the work of laymen. We will require the work of a competent law firm to do legal research, corroborate our research, and present this evidence properly to a judge. We feel that what we have discovered is a process that will settle the basic issue of rights without encountering unnecessary opposition, and possibly violence.

Our coalition leaders cannot guarantee ultimate success, although we feel confident we have reached a new level of strength and advantage. What we can promise is that we will work ceaselessly day and night to resolve this matter once and for all, and bring justice to our families, long-delayed and denied.

The Texas Legislature will meet again January, 2023. Later this year, about late summer or early fall we will recommend a letter writing campaign to our state representatives and senators in addition to all candidates for state office.

At that time, in a special report, we will provide an outline of key points for you to mention in your own words. We will recommend that a special committee of legislators be formed to review and resolve our cause. We do not want another commission, like the corrupt 2013 HB724 Commission that failed us. We will also want a new law firm to represent us before the special legislative committee so that we obtain proper damages from Texas, hopefully, in a settlement without going to court.

Thanks and Regards,  
Coalition Leaders

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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