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*Documentos de la relación
de México con los Estados Unidos.
Volumen V. Tomo II. Documentos desde
la caída de la concesión de Garay hasta
la entrega a la empresa privada, 1848-1853*

México

Universidad Nacional Autónoma de México,
Instituto de Investigaciones Históricas

1994

834 p.

(Serie Documental, 20)

ISBN 968-36-3330-7

Formato: PDF

Publicado en línea: 13 de mayo de 2016

Disponible en:

<http://www.historicas.unam.mx/publicaciones/publicadigital/libros/docsmexeu/05t2documentos/caida.html>

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proceedings of the Mexican State authorities, against some of our citizens, a copy of which I enclose for your inspection.

If there be anything objectionable in all this I beg to receive your correction.

The Minister of Relations a few days ago, in a personal interview, it is proper to say, declared, in the most positive terms, his intention to do ample justice to all the citizens of the United States, who had claims against his government. He did me the honor to add, he would allow any claim I said was just and right. Without meaning to doubt the sincerity of the veracity of his Excy. I will only say, time will prove whether his declaration was any thing more than a compliment or not.

I have the honor...

Caja 97, rollo 15, vol. 14, p. 252.

11 de abril. México. Letcher a Webster.

Sin embargo, en 23 de marzo, Letcher denunciaba que el estado de Durango y también el de Guadalajara habían confiscado propiedades de norteamericanos, en contra de lo ofrecido por el presidente, y que los Estados Unidos tendrían que pedir indemnización por daños y perjuicios.

Anexo al folio anterior.

3. Tehuantepec

11 de abril de 1850. México. Letcher a Clayton, privada.

I expected to be “patted on the back” a *little* bit for the 2 million negotiation—I was disappointed.

I am afraid you did not like it. Well, I can assure you the party on the other side do not relish it, by any means. *Time* will show the bargain will operate.

Well I must try to be more lucky another time. I must make you a good treaty for the canal or road across the Isthmus of Tehuantepec if I can. If there is any faith, any reliance or any sense in this people I think I shall accomplish that object.

When I wrote you by the coast packet I was sick, vexed and worried to death. Of course I am not bound by any thing I said.

If I obtain leave to return home, and its left to my discretion, I shant go, because I shall not be able to do all I hope to do in less than 3 or 4 months.

I have not told the Minister of Relations that there is any intention of withholding a portion of the indemnity—I mean to hold back that *Card to the Court*, and shall not play it out unless by your order or approbation—I know perfectly well it is the only possible card that can be played with effect.

I can get nothing from the States except now and then a Herald from N. York.

Your... Letcher.

Caja 97, rollo 15, vol. 14, p. 270.

12 de abril de 1850. México. Letcher a Clayton.

A pesar de las promesas que el ministro le hizo de devolver el dinero tomado indebidamente al capitán Budd, esto no había ocurrido.

Letcher remite a Clayton la contestación que le dieron, para que se formara una idea de cómo no se podía tener confianza en las promesas del ministro en ningún aspecto.

Se desecharon las reclamaciones de Butterfield y de Huntington en su totalidad y de inmediato Letcher hizo una protesta dos días atrás en contra del gobierno mexicano. El ministro no había contestado y dudaba de que hubiera dado orden para que hicieran el pago.

La reclamación representaba sesenta mil dólares y la demanda se hizo por un poco más de los once mil.

Caja 97, rollo 15, vol. 14, p. 272.

11 de abril de 1850. México. Recibo.

Recibo por la cantidad de 257,177.68 enviada por Letcher al gobierno mexicano a cuenta de los tres y medio millones que deberían ser pagados por el gobierno de los Estados Unidos el 31 de mayo de 1850, de acuerdo con el artículo 12 del tratado de Guadalupe Hidalgo.

Caja 97, rollo 15, vol. 14, p. 271.

12 de abril de 1850. México. Letcher a Clayton.

I have this day drawn upon the Secretary of the Treasury for two hundred and forty eight thousand four hundred and eighty one dollars (\$248,481.00) in part payment of the Mexican indemnity which falls due the 3rd. of May next. To cover this amount at a premium of 3 1/2 per cent you have enclosed receipt for two hundred and fifty seven thousand one hundred and seventy seven dollars and eighty three cents (257,177.83)

Recapitulation

Draft	248,481.00
premium 3 1/2	8,696.83
Receipt	257,177.83

Very respectfully...

Caja 97, rollo 15, vol. 14, anexo al 270.

17 de abril de 1850. Washington. J. Clayton a R. Letcher.

Le envía una carta que recibió del comité de comisionados diciendo que la petición y esa carta que se refiere a los documentos de Francis Mayer debe turnarla, junto con los documentos, en la forma apropiada.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 26, p. 195.

23 de abril de 1850. Washington. J. Clayton a R. Letcher.

Para complacer la petición de P. A. Hargous, de Nueva York, remite a Letcher una carta sobre el asunto de una compañía que dice se va a formar en Nueva Orleans para mejorar la comunicación interoceánica a través del istmo de Tehuantepec. Fue agradable la información que Letcher envió sobre sus gestiones ante el gobierno mexicano. Sobre las instrucciones que pedía, le muestran que no hay deseos de monopolio y que prefieren que las demás naciones colaboren; pero después de haberse firmado el tratado original las demás naciones podrían tener concesión. Con Inglaterra habían firmado ya que todas las naciones que colaboraran en la protección de Tehuantepec tendrían los mismos beneficios de tránsito que los Estados Unidos, en consecuencia de cualquier tratado que éstos firmaran con México. Letcher quedaba en libertad de tratar el asunto con México.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 27, p. 196-7.

26 de abril de 1850. Fortaleza de Perote. Nicolás Saldaña a Mariano Arista, Ministro de Guerra y Marina.

Mi respetable Señor General y amigo, que aprecio.

El extranjero José W. Smith de cuya suerte V. E. deca [sic] saber, no ecsiste en esta fortaleza y aunque por los que se encuentran en ella, Frances Edmundo Roberts y americano Benjamín Bernett, quise descubrir su paradero, contestan no tener conocimiento de su persona, que he sentido mucho, por no tener el gusto de obsequiar la favorecida de V. E. de 24 del actual, como deca su afmo. súbdito amigo que le estima y servidor que atte. B. S. M. Nicolás Saldaña.

Anexo a Letcher-Clayton núm. 21.

Caja 97, rollo 15, vol. 14, p. 277.

29 de abril de 1850. Washington. J. Clayton a R. Letcher.

Le mandan y esperan que comunique la comisión de Wills de Haas, nombrado cónsul en Sisal. Le pedirá el correspondiente *exequatur* al gobierno y lo remitirá al cónsul.

Las reclamaciones del señor Ducoing y la nota de Lacunza del 10 del presente acompañada de expedientes, ya se recibieron. Le llaman la atención sobre aquella parte de las instrucciones que tiene que ver con los despachos y su forma. Es indispensable que los numere y con un margen del tamaño suficiente, para encuadernarlos sin que se estropeen. Que no mande sino las copias de lo que le escribe el Ministro de Relaciones.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 28, p. 197-178.

3 de mayo de 1850. Washington. Clayton a R. Letcher.

Le envía un escrito de los residentes de Eagle Pass mostrando la molestia que para ellos significa no tener aduana en la ribera derecha del Río Grande y opuesta a la población. Lo instruyen para que comente el tema con el gobierno mexicano, en la esperanza de que no la instalen.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 29, p. 198-199.

8 de mayo de 1850. Washington. Clayton a Letcher.

G. Musson escribió al presidente sobre las reclamaciones que le interesan en contra del gobierno mexicano. Como no se trató de violencia sobre el interesado o sus bienes por parte del gobierno mexicano, sino sólo en contratos, sus buenos oficios se limitarán a obtener satisfacción.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, núm. 30, p. 199.

11 de mayo de 1850. México. Letcher a Clayton.

Roger W. Smith is not confined in the Castle of Perote, as you will perceive by the enclosed letter from the keeper of the prison to the Secretary of War.

Upon inquiring, I regret to learn he was in prison in this city, for a considerable time, upon a charge of theft, and robbery also. He left here in July last in company with Trishman of bad fame, with the avowed intention of going to California. But the belief is, he has attached himself to a band of robbers, probably as the leader in some distant part of this country. He was heard of about four months ago. He was called whilst here doctor Smith. My information in regards to him is derived altogether from americans of respect and ability, Doctor Yearley, Mr. Maxwell and Mr. Thorn.

It is really painful to me to be compelled to give this history of an American citizen respectably connected, but my duty is to answer your inquiry according to the truth.

Will you be kind enough to inform general Shields, from whom I received a line, making the same inquiries of the purpose of this communication?

Your obedient. R. P. Letcher.

Caja 97, rollo 15, vol. 14, p. 276.

10 de mayo de 1850. México. Letcher a Clayton.

John Parrot, cónsul de Mazatlán, presentó la renuncia a su puesto y no se había nombrado a otro. Lo peor es que Letcher no sabe de ningún ciudadano americano capaz de desempeñar el puesto y que quisiera hacerse cargo de él. Mientras más pronto el gobierno pueda hacer el nombramiento mejor, pues el cónsul es necesario en ese lugar.

Caja 97, rollo 15, vol. 14, p. 275.

11 de mayo de 1850. México. Letcher a Clayton, núm. 22.

Explica que el Ministro de Relaciones insiste en negar el pago de la reclamación de Butterfield y Huntington de la que, obedeciendo instrucciones, había presentado una demanda, cuya copia va marcada con A.

El ministro le envió un testimonio que recibió desde Tabasco, pidiendo la reconsideración al gobierno americano. Rechazó la petición y devolvió el documento después de examinarlo. Todavía el Ministro de Relaciones buscó una entrevista personal y, después de escucharlo, le dijo con paciencia que no se consideraba autorizado a conferenciar después de haber presentado la demanda.

El funcionario mexicano intentaba hacer llegar el asunto por conducto del embajador en Washington. La verdad era que, habiendo partido el testimonio de donde venía y después de tanto tiempo de la transacción, no le impresionaba lo más mínimo.

Antes de su llegada, el señor Walsh presentó la demanda y el ministro le dijo que la dejara dormir hasta que Letcher estuviera presente, porque entonces la arreglarían. Con mucho retraso después de su llegada, le denegaron el testimonio de Tabasco.

La reclamación se presentó por un cargamento de harina y pan que habían quemado, cuyo valor era de 11,146.24 dólares, con interés desde noviembre de 1848.

Caja 97, rollo 15, vol. 14, p. 278.

13 de mayo 1850. México. Letcher a Clayton.

Le manda anexa la traducción sin refinar del plan de un tratado ofrecido por el señor Pedraza, quien es el negociador por la otra parte.

En sobre diferente le manda su segunda proposición marcada con el núm. 2.

Caja 97, rollo 15, vol. 14, p. 281.

Anexo 1 a la carta de 13 de mayo de Letcher a Clayton.

Article 1st.

The person to whom the Government of Mexico may have conceded the privilege of constructing a route of communication by land or water between the Atlantic and Pacific, Crossing the Isthmus of Tehuantepec, or the individual or individuals who may obtain a like privilege from the fact of the first conceded not having been legally preserved, will be protected in their persons and property from the beginning until the end of the work.

Article 2nd.

Said protection will be constantly given by the Government of Mexico during the construction and as long afterwards as the privilege lasts but the United States of the North will not proceed to fulfil said obligation without being requested to do so by the Mexican Government and in the manner and terms asked for by said Government without this clause being interpreted in any way that may render it lawful to lend assistance which may require the use of force or right of any kind before being requested and much less against Mexican authorities, since it belongs exclusively to the Government of Mexico to remove whatever obstacles may be presented.

Article 3rd.

In order to make more secure and indefectible, the protection of which the preceding article speaks, to the property of the contractors and to the persons employed in the construction, it is agreed that in the unforeseen case of foreign invasion or of internal revolution, which may make it impos-

sible for the Mexican Government to make the acquisition from that of the United States, the latter will proceed of itself to make such disposition as may be necessary for the protection offered until the embarrassments cease which prevent the Mexican Government from complying on its parts, but matters being placed in their legal, common and ordinary state, Article 2nd. remains in its full force.

Article 4th.

In entering into this agreement the United States of the North declare solemnly that they have not the least intention of acquiring rights of sovereignty or property of any kind over the Isthmus of Tehuantepec or over any other part of the Mexican territory, on the contrary the two Governments form an alliance in case it may be necessary to protect and sustain the sovereignty in perpetual dominion of the Mexican Republic over the projected route of communication and over ten leagues on both sides.

Article 5th.

The fare that shall be charged, to passengers who cross the aforesaid route of communication being citizens or officers of the United States of the North, will be the same as are charged to Mexican citizens or officers of the Mexican Government. The charges that may be determined upon for goods and merchandize that may be carried in Mexican vessels and in case of increase or diminution of said charges or duties, the goods or merchandize under the flags of both nations shall be treated alike.

Article 6th.

It is agreed that the concessions of which the preceding article speaks, the Mexican Government will have power to concede to the individuals and commerce of other nations when it may judge proper.

Article 7th.

Whatever dispute may arise, between the contractors and the Government of Mexico, shall be decided by one arbitrator

chosen by such a party and in case of disagreement by a third named by the two parties; appeals and other resorts that may be attempted shall be directed to the Supreme Court of Justice of Mexico, according to the ordinance of *Minery*; if the decision of that tribunal should be the loss of privilege, the property of the grantors (concesionarios) in the work will be sold at public sale to the best bidder, advice being given to the public of the time and place, seventy days beforehand at least.

Article 9th.

Both governments compromise themselves to do all that may on their parts to maintain the neutrality of the route and of ten leagues on each side as territory of Mexico, not only in time of peace but in that of war, although the war may be with one of the two nations, or between themselves it being understood that the passage will be free and secure in time of peace for every class of transportation of goods and merchandise, arms and munitions but in time of war it will only be free for such goods and merchandize as may not be contraband or prohibited by the laws of war.

Article 10th.

This treaty will be ratified by the President of the United States of the North, with the previous consent of the Senate and by the President of the United States of Mexico, with the previous approbation of Congress; and the ratifications will be exchanged in Washington within six months counted from the day of date or sooner if possible; it being agreed that neither of the parties will be obliged to submit the preceding stipulations to his respective government, until an arrangement may have been made with the actual holder of the privilege or (if this privilege is no longer legal) with other contractors to whom the Mexican Government may concede it conformably to Article 1st., but within twenty days after having made said arrangement and having passed a copy of it to the Plenipotentiary of the North, this treaty shall be presented for the ratification of both governments.

Caja 97, rollo 15, vol. 14, p. 282-4.

30 de mayo de 1850. México. Letcher a Clayton.

I have this day drawn upon the Secretary of the Treasury, for the sum of five hundred and sixty six thousand one hundred and eighty three dollars fifty eight cents (566,183.58) in past payment of the Mexican indemnity which falls due the 31st Instant.

To cover this amount at the premium of three and a half per cent, enclosed are three receipts for the sum of Five Hundred and eighty six thousand dollars (586,000.00).

Recapitulation draft	566,183,58
Which with 3% premium	19,816.42
Makes	586,000.00

Herewith is also enclosed a duplicate Receipt for the advancement made on same amount the last month. It has been altogether impossible for me to prevail upon the Mexican Government to receive at once the entire amount due the 31st instant in the first place, Congress would not allow the Government to receive it only in small portions. And since Congress adjourned having now the authority to receive it, they refuse, until necessity absolutely compels them to take a little more. Your...

Caja 97, rollo 15, vol. 14, p. 290.

4. Los esfuerzos en busca de las garantías en Tehuantepec

Recibido en 30 de mayo de 1850 en Washington. Contraproyecto presentado por Letcher al gobierno mexicano. Anexo B.

The United States of America and the Republic of Mexico being alike sensible of the advantages which must accrue to both of them from the completion through the enterprise of individuals of a mode of transit across the Isthmus