

Carlos Bosch García

*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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INSTITUTO
DE INVESTIGACIONES
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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

of Tehuantepec for the purpose of facilitating the communication between the Atlantic and Pacific Oceans, the President of the United States has for this purpose conferred full powers on Robert P. Letcher accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States to the Mexican Government, and the President of the Republic of Mexico has conferred like powers on his Excellency Gómez Pedraza, and the said plenipotentiaries after having exchanged this full powers, which were proved to be in proper form, have agreed to the following articles;

Article 1st.

Individuals upon whom the Mexican Government may have bestowed or may have hereafter bestow the privilege of constructing a Road, Railroad or Canal, across the Isthmus of Tehuantepec, and those employed by them, shall be protected in their rights of persons and property from the commencement to the completion of the work.

Article 2nd.

For this purpose either party shall be at liberty, subject to the restrictions and limitations hereinafter expressed to employ such naval or military forces as may be deemed necessary which shall be hospitably received in the harbours of the Isthmus, or allowed to occupy the line of the work or so much thereof as may be indispensable, Mexico on her part engaging to furnish all the forces requisite for the protection of the works from its inception, during its progress until its final completion. And United States on her part engaging the contingency it becomes actually necessary and not otherwise she being duly apprized of that necessity by the Mexican Government of in any other satisfactory manner forthwith to furnish the aid required.

Article 3rd.

In order to make more secure and certain the protection referred in the preceding article, both of the property of the grantees and the persons employed in the construction of

the work, it is understood in case of foreign invasion or internal revolution or from any other cause which may render it impracticable for the Mexican Government to make a requisition of assistance from the United States, the latter will have the right of itself to furnish the said necessary to protect the work. But upon the removal of the embarrassments which may have presented the Mexican Government from fulfilling her engagement, order and safety being restored, the forces of the United States shall leave the Mexican territory without delay.

Article 4th.

The like protection in the same mode shall be extended to the work when finished.

Article 5th.

In entering into the compact the United States hereby solemnly disavow the least intention of acquiring rights of sovereignty of jurisdiction or of property of any kind or description over the Isthmus of Tehuantepec or over any other portion of the Mexican territory. On the contrary, Mexico shall hold complete exclusive and undisputed jurisdiction over the entire region of country embraced by the contemplated improvement.

Article 6th.

It is agreed that Mexico shall have the full power to concede the same privileges (but not greater) herein stipulated for her benefit and that of the United States to any or all other commercial nations of the world or to the citizens or subjects of such nations, whenever she may think proper.

Article 7th.

In case the Mexican Government shall at any time have reason to suppose that the holders of the privilege for constructing the Road, Railroad or Canal, the second article may have failed to comply with the terms upon which the privilege may have been granted and shall cause to be prepared a

statement of the grounds of its complaint, which with the counter statement of the parties shall be referred to the decision of three disinterested Referees, one to be chosen by the Mexican Government, one by the party holding the privilege and the other by the United States who shall hold their session in the city of Mexico and their decision shall be final between the parties.

If that decision should result in a forfeiture of the grant the property of the grantees in the work shall be sold at auction to the highest bidder. public notice being given at least four months previous thereto by a publication in two leading Newspapers in the city of Mexico and two also in the city of Washington. The sale to be conducted by a commissioner who shall be designated by the aforesaid Referees. The proceeds of sale shall be paid over to the Grantees, their assignee or their proper agent, by the commissioner, he retaining a sum sufficient to pay reasonable costs and charges incident to the sale including also a compensation to the Referees.

The Commissioner for the faithful performance of his duty shall execute the bond with an adequate penalty, payable to the Referees, for the benefit of the grantees, their signees etc. etc. with two or more securities approved by the Referees.

Article 8th.

No foreign Government or corporation shall be allowed to purchase the property. The right to purchase the same shall accrue to individuals only and shall be accompanied by an obligation on the next of the purchaser or purchasers to prosecute the enterprise to its completion upon the terms required by the Mexican Government of the Grantees whose right may have been forfeited or upon such other terms or conditions as the Mexican Government may have the legal right to affix or impose.

Article 9th.

When the privileges of the grantees shall have been forfeited pursuant to the 7th article of this convention the

obligation of the constructing parties to continue the protection of the work shall be suspended; but shall be renewed when the work shall again be prosecuted in the manner stipulated in 2nd. article but in no other manner.

Article 10th.

No higher rates shall at any time be charged for the transportation of passengers, being citizens or officers of the United States or for freight upon goods or merchandise belonging to them or to the Government of the United States on the Road, Railroad or Canal referred to in this convention, than may be charged on the transportation of Mexican Citizens or officers of the Mexican Republic, or on the property belonging to them or the Mexican Republic. And in case of an increase or diminution of such rates, the change shall apply alike to both Governments and to the citizens of both.

Article 11th.

As it is a matter of the first importance that this great enterprise shall progress with the least possible delay, and as it appears to be impracticable at present from the want of correct estimates of the probable cost of the undertaking, for the Grantees to establish the rates of transportation upon a satisfactory basis, to remedy this difficulty it is agreed by the parties that two commissioners shall be appointed, one by the President of the United States by and with the advice of the Senate, and the other to be appointed by the President of Mexico, by and with the advice of the Congress, with full authority to enter into a written contract with the Grantees or their agent within the period of six months from the date of the ratification of this treaty fixing and regulating the tolls or rates for persons and property upon the Road, Railroad or Canal.

Article 12th.

And as experience may point out the necessity of modifying such rates or tolls, so as to protect the commercial

community from undue exactions on the side, and to insure on the other side fair profit to the holders of the privilege upon the capital invested in the enterprise, it is further stipulated within the period of six months from the time the work may be finished and put in operation, the aforesaid commissioners or such others as may be appointed by each government in the mode designated in the preceding article shall be fully authorised to make a new agreement with the Grantees or their agent, reestablishing the rates upon a just and equitable footing.

Article 13th.

The holders of the privilege by themselves or by their legally empowered agent, shall, before the ratification of this treaty, or within three months thereafter file their written assent to the same with the Minister of Relations in the city of Mexico and also with the Secretary of State in the city of Washington and upon the failure to do so, this convention shall be considered null and void, otherwise to be in full force.

Article 14th.

This convention shall be ratified by the President by and with the consent of the Senate of the United States and by the President of the Mexican Republic with the approbation of the Congress thereof and the certificates of ratification shall be exchanged at Washington within four months or sooner if possible.

Caja 97, rollo 15, vol. 14, p. 284-289.

7 de junio de 1850. Washington. John Clayton a R. Letcher.

Le manda carta de I. J. Slaughter en contra del gobierno mexicano por los pagos ilegales que tuvo que hacer de doble impuesto sobre ciertas mercancías que llevó a México. Tal parece que había pedido ayuda a su predecesor. Si después

de examinar el expediente con cuidado encuentra que amerita la interposición, lo presentará al Ministro de Relaciones.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 33, p. 201.

9 de junio de 1850. México. Letcher a Clayton.

Se excusa y admite los comentarios que le hicieron sobre sus despachos y explica que su secretario particular lo dejó, y lo mismo el Secretario de la Legación. Tuvo que recurrir a un empleado poco preparado y ése fue el resultado. Además, estuvo la mayor parte del tiempo en la cama. Le repone copias correctas de los despachos que fueron mal escritos...

Caja 97, rollo 15, vol. 14, p. 295.

10 de junio de 1850. Washington. J. Clayton a P. Letcher.

Le envían la confirmación del nombramiento del senado de los Estados Unidos como enviado extraordinario y ministro plenipotenciario en México. Se recibieron sus despachos del 20 al 24, pero falta una copia.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 32, p. 200-1.

12 de junio de 1850. Washington. J. Clayton a R. Letcher.

Le manda el nombramiento de cónsul en Chihuahua a nombre de Benjamin Riddells. Le ordena que pida el *exequatur* y luego se lo mande a Riddells.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 34, p. 202.

17 de junio de 1850. México. Letcher a Clayton.

Le indica que ha retirado de la Tesorería 461,979.55 en pago de lo faltante de los dos millones de la indemnización mexicana debida el día 31 de mayo, según negoció. Le incluye los recibos debidos. Giros por 461,979.55.

<i>3 1/2% de comisión:</i>	<i>16,169.28</i>
<i>dos recibos por</i>	<i>350,000.00</i>
<i>y dols.</i>	<i>128,148.83</i>
<i>que representan la suma de</i>	<i>478,148.83 pesos.</i>

The Mexican Government, I am sorry to say, will be very much cramped in the financial operations, during the whole of this year. The Minister of Relations and the Minister of War have manifested great anxiety to make an arrangement with the United States, to anticipate the payments of the next instalment. Having no instructions to enter into any negotiation touching this subject I have told them so frankly, suggesting at the same time, that any proposition which the Mexican Government might desire to make, through their Minister in Washington, in relation to this subject, would no doubt, be promptly answered by the Government of the United States.

Caja 97, rollo 15. vol. 14, p. 295.

1 de junio de 1850. México. Los ministros tesoreros. Los ministros tesoreros generales de la Federación.

(Al margen) Principal,

Certificamos que según consta del libro principal de cargo a fojas 116, 116 vuelta, 117 vuelta, 118 vuelta, 119, 120, 120 vuelta y 121 vuelta, se ha recibido de D. Leonel Davidson a nombre de S. S. Roberto Letcher, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América, la cantidad de trescientos cincuenta mil pesos, (350,000) en cuenta de los tres millones quinientos cuarenta mil pesos que debieron ser pagados por el mismo gobierno el día de ayer

conforme a lo estipulado por el artículo 12 del tratado de paz... firman los de siempre.

Caja 97, rollo 15, vol. 14, p. 297.

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

Sir,

The Tehuantepec Treaty has not been completed.

I confess my disappointment, mortification and vexation in not being able to bring this negotiation to a satisfactory result, in time for this Packet.

The whole matter, as I had very just reason to believe, was finally settled, arranged and agreed upon on the 3rd. inst.

There was nothing more to be done, except to have the instrument copied in a fair hand, and then to be signed sealed and delivered.

Mr. Lacunza conducted the negotiation on the other side, and as I understood from him Mr. Pedraza, the negotiator appointed by the Government was fully apprized of every article under discussion and consented to the Treaty as agreed upon.

Mr. P. kept the document in his possession until late yesterday evening and then returned it with amendments and additions altogether inadmissible.

Thus the affair stands at present.

Your instructions of the 23rd. day of April No. 27 never reached me until the 8th. instant. The Treaty agreed upon did not literally come up to your instructions, but did, I think, in substance.

I still believe the Treaty will be made. But the influences which are working in opposition to it, are quite formidable.

Your dispatches up to No. 29 inclusive, I had the honor to receive the 8th. inst.

No progress can possibly be made in regard to private claims. The prevalence of Cholera has put a stop pretty much to official business. I have the honor...

Caja 97, rollo 15, vol. 14, p. 289.

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

Sir,

Triplicate receipts, for the payment of the two million of the Mexican Indemnity, according to your instructions have been retained and filed in the Legation.

Dates and amounts as follow:

Receipt of 27th February 1850	\$ 185,876.78
Receipt of 5th March 1850	258,674.66
Receipt of 14th March 1850	234,121.90
Receipt of 11th April 1850	257,177.83
Receipt of 27th April 1850	100,000.00
Receipt of 6th May 1850	82,000.00
Receipt of 11th May 1850	404,000.00
Receipt of 1st June 1850	350,000.00
Receipt of 5th June 1850	128,148.83
	2,000,000.00

These receipts are also recorded in the Book containing the correspondence with the State Department.

Caja 97, rollo 15, vol. 14, p. 299.

24 de junio de 1850. México. Letcher a Clayton.

Sir,

The Tehuantepec treaty is concluded and I have the honor to transmit it to you, by a special messenger, Mr. Mamelin of New Orleans a gentleman of high respectability.

It is not such a treaty, in every particular, as I desired to make, but is the best that could be obtained. It is the same, with the exception of a very few verbal alterations, which was agreed upon on the 3rd. instant, five days before the arrival of your instructions of the 23rd. of April in answer to my dispatch of the 16th. of march N. 8—After receiving your

instructions whether to sign the treaty or not, became a question of the most perplexing character.

To refuse my signature to the treaty, after having agreed to it would be to put an end to the negotiation, and as a matter of course, to place me in a position altogether embarrassing. Viewing the subject in all its aspects and consequences, believing that your instructions would not be violated in the spirit, knowing that further delay would be fatal to all hopes of a treaty in future, and impelled also by other considerations of expediency and policy, I have ventured to accept and sign it as it is.

You will see that I have been careful to exclude all idea of a guarantee on our part, of the sovereignty to Mexico; confining our eventual interference, only to the *protection of the route, and the territory immediately adjacent*, and that only in the case of a summons from Mexico. With regard to the admission of other nations to the same advantages, there can be no possible doubt or difficulty, as Mexico is ready, at any moment, to allow all the nations of the commercial world to enjoy the same privileges, upon the same terms, as those conceded to the United States, if application should be made to her Government; but she considers it due to herself, that such application should be addressed to her directly.

I have the honor...

Caja 97, rollo 15, vol. 14, p. 305.

24 de junio de 1850. Washington. J. Clayton a R. Letcher.

John W. Weeks, ex miembro del congreso de New Hampshire, quiere saber la temperatura dentro y fuera de la mina de Real del Monte, para propósitos geológicos. Espera que le pueda satisfacer sin que se necesite pagar nada.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 35, p. 202.

24 de junio de 1850. Washington. Clayton a Letcher.

Le transmite el nombramiento de Charles R. Webster como cónsul de los Estados Unidos en Tehuantepec y Huatulco. Ordena que lo comunique.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 36, p. 203.

28 de junio de 1850. Washington. Clayton a Letcher.

Le transmiten el nombramiento de Nicholas A. McClure como cónsul en Acapulco. Que lo comunique.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 37, p. 203-4.

2 de julio de 1850. México. Circular.

Circular a los agentes diplomáticos extranjeros residentes en esta capital.

El infrascrito, Ministro de Relaciones Exteriores tiene el honor de poner en conocimiento de S. E. el Sr ———, que siguiendo el Gobierno Supremo de la República sus ideas constantes de promover todo aquello que a ésta le pueda ser útil fomentando su industria y comercio, al propio tiempo, a todas las naciones del mundo, que con razón fundan su prosperidad y engrandecimiento en los mutuos beneficios que reportan haciendo extensivos sus inventos y mejoras, ha celebrado un convenio con el Sr. Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos del Norte con el fin de facilitar la comunicación entre los Océanos Pacífico y Atlántico por el Istmo de Tehuantepec y del cual el infrascrito tiene la honra de adjuntar a su Excia. una copia. A este convenio falta sólo la aprobación del Congreso a quien oportunamente se le pasará para tal objeto. Por el artículo

9º de dicho documento, observará el Sr ----- que el Gobierno se reserva la plena facultad para conceder iguales privilegios de los estipulados con los Estados Unidos a las naciones comerciantes del mundo y a sus nacionales, que juzguen conveniente, con sólo las condiciones que en el propio artículo se mencionan.

El infrascrito al dar conocimiento de lo expuesto a S. E., cumpliendo con lo que igualmente previene el artículo citado, espera que dando cuenta a su gobierno manifieste lo que juzgare conveniente practicar en ese asunto.

El infrascrito tiene la honra de reiterar a S. E. las seguridades de su muy distinguida consideración.

J. M. Lacunza.

Caja 97, rollo 15, vol. 14, p. 312.

13 de julio de 1850. México. Letcher a Clayton.

Le dice que tiene la precaución de repetir el envío de su despacho del 24 último con la copia del tratado de Tehuantepec, acompañada del despacho núm. 29.

The Minister of Foreign Relations I am happy to say, after due consideration, wisely (as I think) determined to adress a circular to all the Foreign Diplomatic Agents residing in this city cordially inviting the cooperation of their representative Governments, in the great object designed to be secured by the Treaty. Enclosed you have copies of this circular both in Spanish and English. Thus you perceive, your liberal purpose of extending to all the nations of the commercial world, which may enter into a similar guarantee for the protection of the enterprise, as that given by the U. States, is fully accomplished.

Wether the Mexican Congress will ratify the Treaty, even if it should prove acceptable to the United States, is exceedingly questionable. The opposition to it, at present, appears to be quite violent. Some of the leading points in the city, have denounced it, in terms of great bitterness. My impression

is, it will not be submitted to Congress for ratification before January, unless the Government should ascertain clearly its power to carry it through successfully at an earlier day.

Congress will probably meet about the 20th of september or 1st. of october.

Your dispatches from no. 30 to 34 inclusive I have had the honor to receive. The Cholera for the last 70 days, has in a great degree put a stop to the transaction of official business. All the private claims, referred to in your dispatches, will be urged with zeal and energy, that you may rely upon. The prospect of obtaining any claim, I must again beg leave to say is not encouraging.

I have the honor...

Caja 97, rollo 15, vol. 14, p. 306.

19 de julio de 1850. Washington. J. Clayton a P. Letcher.

Le autorizan a volver a los Estados Unidos cuando le plazca. Hubiera sido posible concederle el permiso antes, pero la conveniencia de los asuntos públicos... El ex presidente de los Estados Unidos expresó su entera aprobación sobre su conducta. El departamento le comunica su agradecimiento por la habilidad y celo que puso en todas sus obligaciones.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, doc. 39, p. 204-5.

26 de julio de 1850. Sin firma. Sin destinatario.

Private. I understand that it is in contemplation to make a claim on the Government of the U. S. for losses incurred by the people of all these frontier States from the incursions of the indians since march 1848. This claim, from what I can

UNAM - IHH

understand, it is not proposed to make diplomatically thro' the Mexican Government, but direct on that of the U. S. and it would appear, that some parties in the U. S. have originated it, overtures having been made to some "hacendados" in this direction and, as I understand, offers made to them to undertake business without charge, recovering only in the event of success a certain proportion of the amount recovered, and the parties interested only paying the preliminary expenses such as procuring documents etc. etc. If this information is considered of any consequence, you might communicate it in a certain quarter, but I have particular reasons for wishing that my name should not be mentioned in connection with it, and that it is not mentioned to other people in such a way as to lead to the supposition that it came from here at all.

Perhaps after all it may be an underhanded attempt of the Mexican Government to get up claims with which to make an offsett against those of the U. S.

Caja 97, rollo 15, vol. 14, p. 324.

5. La firma del tratado para Tehuantepec

1 de agosto de 1850. Washington. Webster a Letcher.

Le avisan que, de acuerdo con las cirunstancias y con referencia al permiso que le dio su antecesor, el presidente prefiere que se quede en su puesto hasta que se vea que los intereses públicos no sufrirán por su ausencia.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 40, p. 205-6.

13 de agosto de 1850. México. Letcher a John Clayton.

Dice haber recibido el despacho núm 39 de 19 de julio. Agradece que le hayan concedido el permiso para ausentarse