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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*

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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. *Diplo-matic 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*

*y, en especial, que esa determinación sea acompañada por la aprobación del lamentado presidente y, por lo mismo, hacia todos los actos que había desarrollado desde su llegada a México. Teme no poder salir antes de finalizar el mes de septiembre o a principios de octubre.*

A single word in regard to the Tehuantepec treaty. Any agreement you may think fit to make with the grantee, of the privilege who is now in Washington, fixing the tolls be promptly ratified, as I think, by the Mexican Government. The opposition to the treaty in this country appears to be very decided. Still I am inclined to the opinion that it will be ratified by the Mexican Congress. I have the honor...

Caja 97, rollo 15, vol. 14, p. 318.

*13 de agosto de 1850. Anexo y sin firma a la de Letcher. Núm. 32.*

It appears that from somebody or other an attempt will be made to recover in Washington for spoliations and damages caused by the Comanches in this state (Durango) since the year of 1848 under the treaty of Guadalupe Hidalgo. Mr. Randall is charged, by whom I cannot learn, to propose to all those who have suffered to remit to him a plain statement of substantiated facts, of losses they may have sustained from indians since the peace of 1848 offering to pay to them 23 1/2 per cent of the amount recovered, whatever that may be. He has passed circulars to all the principal "Hacendados" and is collecting documents in the shape of the one enclosed.

Now what does all this mean? Is there really any likelihood that the cabinet in Washington will listen to these claims or is it a manœuvre of the Mexican Government to use these claims, as a set off against to bann or other claims as strikes me not to be impossible? Mr. Randell's movers must be in Mexico but if English, American or Mexican I cannot learn.

Caja 97, rollo 15, vol. 14, p. 323.

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

Que han recibido los despachos que envió y el tratado firmado por el señor Pedraza y por él mismo, el 22 de junio, sobre el asunto de la comunicación a través del istmo de Tehuantepec. Suponen que tiene conciencia de que los derechos que pertenecieron a José de Garay correspondían, ahora, a los ciudadanos de los Estados Unidos. Le avisan que se tradujo y se publicó en los periódicos de los Estados Unidos. Esos ciudadanos privilegiados se acercaron al Departamento de Estado para comentar que no se consideraban debidamente protegidos en sus intereses. Por ello, antes de someter el tratado al senado, le informan para que logre que el gobierno mexicano consienta modificarlo, de tal manera que ofrezca la seguridad para la cual se negoció.

Ésta es otra razón por la que se espera que no use el permiso que le dieron para retirarse. Le ofrecen nuevas instrucciones para la modificación del tratado en el futuro próximo.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 41, p. 206-207.

24 de agosto de 1850. Washington. Daniel Webster a Letcher.

*Le transmiten un borrador-proyecto del tratado de Tehuantepec. Se basa principalmente en el tratado que él mismo terminó. Las diferencias principales están apuntadas al margen de la copia de su tratado, que también le mandan; creen conveniente que las enmiendas se advirtieran en el mismo orden en que aparecen.*

1. The object of this amendment to the preamble is to obtain a distinct recognition of the fact that the purpose of the treaty is to encourage the prosecution of the enterprise by a Company composed of citizens of the United States, as contradistinguished from the citizens or subjects of any other nation. If the preamble were to express the word "Company"



only, it might lead to the inference that the parties to the treaty were indifferent as to the government to which the members of the Company might owe allegiance. It cannot be doubted that the Mexican Government will absolve the government of the United States from any obligation to consent to such an understanding, and will therefore accept the proposed amendment.

2. It is necessary that the stipulated protection should be extended to all persons within the limits mentioned in the grant. If it were to be limited to the grantees and the persons actually employed in the work of construction, it would be tantamount to a restriction of the grant itself in contradiction to its very terms, and might therefore render it nugatory. Without entering into particulars, it is obvious that many persons may be employed by the Company for other purposes than the mere construction of the work. If, however, protection were to be withheld from them and they were to be subjected to the annoyances of which there are so many examples in the history of our relations, with Mexico, the work could not go on, or if completed would be useless for its intended purposes. It is hoped therefore that the Mexican Government will agree to an amendment which is so necessary to a just understanding of the obligation intended to be imposed by the Article.

3. The second Article as it stands would protect the work only. The amendment proposes to extend this protection to the interests involved therein, and to all persons within the limits of the territory defined by the grant. From what has already been said, this is obviously necessary for the sake of clearness.

4. If the force stipulated to be employed for the purpose of protection were to occupy the line of the work, only, it is apparent that their services would be of no avail to protect the rights of the grantees. Those rights would be susceptible of violation in many parts of the granted territory other than the mere line of the work. It is necessary, therefore, that the protecting force should have liberty to operate in any part of that territory.

5. It is manifest that if the 4th. Article were to go into effect without the change proposed, it would invest the person authorized to request the aid of the U. S. with entire discretion over the matter. This certainly, besides conferring undue power on an individual who might be hostile to the enterprise, would render the whole treaty valueless. By proposing, therefore, to limit his discretion and by requiring the U. S. to withdraw their assistance when this shall no longer be necessary, we ask nothing that is not reasonable. It is obvious, too, that Mexico might herself be called upon in vain to protect the persons and interests concerned when such protection might be necessary. If, therefore, she should fail to give the protection herself and should also fail to ask the United States to bestow it, the grantees would be utterly unprotected. The amendment makes a provision for this contingency, which seems to me to be quite necessary, and would be sufficient for the object without trenching upon any of the rights essential for Mexico to reserve.

6. The purpose of the amendment to the sixth article is under the existing laws, only, applicable to the case, and to deprive the government for the time being of the arbitrary power of passing what might be called an *ex post facto* law applicable to the confiscation in the particular case only. It cannot be doubted that the government of the Mexican Republic will see the propriety of the amendment.

7. The amendment suggested to the seventh article has been occasioned by the facts that there is no Spanish word which corresponds in meaning to the English word "corporation", and that the Spanish word "corporación" may be correctly translated by the English words "body politic".

8. If in time of war the neutrality were to extend to only a marine league from the "termini" of the communication or from the lines of coast of the territory comprised in the grant, vessels plying to and from those "termini" might be waylaid and captured and the communication interrupted. It would not be lawful to—say sixty miles. If the proposed insertion after the word territories were to be omitted, it might afford a pretext to molest both vessels and persons, contrary to the

terms of the grant. Those words would consequently be necessary for the protection of the grantees.

It would also be advisable to have a stipulation exempting those intending to cross the Isthmus from providing themselves with the passports required by the Mexican laws of all persons from abroad. The laws of New Granada upon the subject of passports are believed to be as stringent as those of Mexico. Our late treaty with that Republic admits of a construction by which our citizens crossing the Isthmus of Panama were not exempted from the operation of those laws. This occasioned them great inconvenience. Upon a proper representation of the matter, however, to the government of New Granada by the Chargé d'Affaires of the U. S. at Bogotá, that Government promptly discontinued the exaction. It is hoped, therefore that the Mexican Government will consent to a stipulation which will not allow a pretext for a similar exaction from citizens of the United States who may have occasion to cross the Isthmus of Tehuantepec.

9. In granting their protection to citizens of the U. S. who may undertake the work for facilitating the communications between the two oceans across the Isthmus of Tehuantepec, this Government has a right to expect that those citizens will discharge their duty to the public by levying no more than reasonable tolls upon passengers and merchandize choosing that route. It would seem to be but reasonable that a treaty which requires such onerous obligations of this government, should also secure to it a voice in regard to those tolls equal to that of the Mexican government.

You will also notice that the word "privileges" has been substituted for "privilege" wherever the latter occurs in the original treaty. This change is rendered necessary by the fact that the Mexican decrees confer various privileges. If therefore the singular were to be used, it might afford a pretext for that Government to restrict the grantees to the enjoyment of one privilege only.

While the specified amendments are deemed indispensable for the object of the instrument, which is to protect the interests of our citizens in the Tehuantepec enterprize

from domestic violence and foreign aggression, they, none of them appear to me to infringe upon the rights of sovereignty which Mexico holds in the territory further than she has herself voluntarily relinquished the same by her decrees. The rights of that Republic are explicitly acknowledged by the Convention, and this Government has no disposition to violate or to disturb them. It is true that it may be difficult to persuade some of the leading characters in Mexican affairs of our sincerity upon this point. Still, the task may not be insurmountable if the subject should be presented to them in proper lights. It is accordingly commended to your utmost diligence and discretion.

It is believed that the region of country referred to in the Decrees, though clearly within the limits of the Mexican Republic, has hitherto been little if at all under the control of the government of that Republic. This should be ascribed to the fact that there has been no occasion for such control. The inhabitants are mostly indians and, compared at least with the savages on the northern frontier of Mexico, peaceable in their disposition and pursuits.

When, however, foreigners with their property shall repair to that quarter, there is imminent danger that a change would be brought in the character of those people and that, stimulated by jealousy or by avarice, they would seek to annoy and plunder them at every point where they might be defenceless. It cannot be expected that the Mexican Government will maintain on the Isthmus a body of troops sufficient for the protection of persons and property. As little can it be expected that foreigners with their capital will go thither unless they shall feel as confident of protection at all times and in all places as if they were in their own country. The distance of Tehuantepec from the Mexican capital, and from every other part of the Republic, whence an effective force could be sent, combined with the difficulties of communication, would make it impracticable for that government to render any assistance in a case of emergency, and in any other case, the little apparent interest which the Government would have in discharging the duty of protection, would be

sure to impair the efficiency of any it might ultimately give. If, however, the right of protection should be conceded to his government upon the terms now asked for, that communication between the two oceans might be depended upon, the region of country through which it passes would soon become settled with an industrious and thriving population and Mexico would enjoy all the real benefits of sovereignty therein while she would at the same time be relieved from one of the most onerous of its duties.

If these and other suggestions which will occur to you should fail to render the draft of a treaty now sent acceptable to that government, you will inform the Minister for Foreign Affairs that the Government of the United States relying upon the honor of Mexico as expressed in the decrees above adverted to, will take it for granted that the Mexican Government requires no treaty stipulations to induce it faithfully to comply with the engagements which those decrees contain. If, however, contrary to all just expectation, Mexico should violate those engagements or should suffer them to be violated, this government, under all the circumstances of the case, will be compelled to view that as a national grievance justifying and requiring it to demand amends for such violation, and for the future to take upon itself the protection of its citizens who are the holders of the grant.

The Mexican government will bear in mind that, upon a certain memorable occasion, this government intimated a desire to acquire for itself the right of way across the Isthmus of Tehuantepec, and was answered that the privileges with reference to that Isthmus had some years previously been granted to an individual who had subsequently conveyed them to British subjects. The present holders are the assignees of those British subjects. Hence the validity of their title is conceived to have derived a peculiar sanction, which the honor of this government demands should be maintained unimpaired. This obligation, however, does not derive its main force from the circumstance that the rights and interests of individuals alone, are involved. The American public at large

has a great and obvious interest in the Tehuantepec passage. When they shall understand that their Government has been baffled in an honorable effort to secure for them the benefits of that passage, by a reference to the previous grants, and that their fellow countrymen, having become proprietors of the privileges embraced by those grants have, by the acts or omissions of the Mexican Government been thwarted or annoyed in their exercise, they will expect that their Government will take them under its protection, and this expectation will be fulfilled. We are willing that the means and the measure of the protection due to them by both Governments shall be limited and defined by solemn treaty stipulations. If Mexico should reject our overtures for this purpose, we will extend our protection to them alone, according to our own sense of right and duty and as future events may require.

Perhaps if upon a suitable occasion you were to hint, in connexion with this subject, that the money due to Mexico for the extension of the limits of our territory pursuant to the Treaty of Guadalupe Hidalgo, has not yet been payed in full, and that contingencies might happen which would warrant this government in withholding it, an impression might be produced favorable to the result of your negotiation.

I am...

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 42, p. 207-224.

*30 de agosto de 1850. Washington. Webster a Letcher.*

Los señores Samuel A. Belden y Co. de Brownsville, Texas, escribieron al presidente, y Turner y Renshaw de Nueva Orleans al Departamento de Estado, quejándose de una violación de las autoridades mexicanas a los privilegios e inmunidades, convenidas en el artículo 19 del tratado de Guadalupe Hidalgo, por una cantidad de tabaco importada por ellos a Matamoros antes de la entrega de

la aduana a los mexicanos. Parece que sus razones son fundamentadas y, de ser así y comprobarse que agotaron todos sus recursos sin obtener justicia, Webster hará lo posible para ayudarlos por conducto del Ministro de Relaciones Exteriores.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 43, p. 224-5.

*10 de septiembre de 1850. Washington. Daniel Webster a Buckingham Smith.*

Lo nombran secretario de la legación en México. Le mandan instrucciones impresas de oficio y desean que vaya a México lo antes posible; le han pedido al Secretario de la Marina el pasaje en un barco de Pensacola a Veracruz y éste ha dado ya las órdenes para que se lo den en el Schooner *Flirt* que sale de Pensacola. Irá a embarcarse y avisará al Departamento de Estado la fecha de su llegada.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, p. 225-6.

*12 de septiembre de 1850. México. J. M. Lacunza a Letcher.*

El infrascrito, Ministro de Relaciones Exteriores, tiene la honra de dirigirse a S. E. el Sr. R. P. Letcher, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América, para comunicarle que según los despachos que por extraordinario ha recibido el Supremo Gobierno del Estado de Chihuahua, de las autoridades políticas y militares, resulta que entre las tribus de indios bárbaros, que están hoy dentro de los límites de los Estados Unidos, se prepara una incursión sobre las fronteras de México y que según las denuncias hechas por algunos indios esta invasión es originada porque varios americanos han de-

salojado a los indios salvajes de los terrenos que ocupaban. Amenazada la seguridad de los estados fronterizos, el Gobierno Supremo atenderá al deber de protegerlos y sin dar entero crédito a los avisos que provienen de los indios, ha acordado que el infrascrito, instruyendo de estos hechos al Sr. Letcher le inste porque el Gobierno Americano, en el caso presente, obre conforme a lo estipulado en el artículo 11 del Tratado concluido, entre Mexico y los Estados Unidos en la ciudad de Guadalupe Hidalgo.

En ese artículo considerando que una gran parte de los territorios, que para lo futuro iban a quedar dentro de los límites de los Estados Unidos, se halla ocupada por tribus salvajes, que han de estar en adelante bajo la exclusiva autoridad del Gobierno de los Estados Unidos, se estipuló que el mismo Gobierno de los Estados Unidos contendiera las indicadas excursiones por medio de la fuerza siempre que así sea necesario. Se convino además en que el Gobierno de los Estados Unidos tendrá muy presente la santidad de esta obligación, siempre que tenga que desalojar a los indios de cualquiera puesto de los indicados territorios o que establecer en él a ciudadanos suyos, cuidará muy especialmente de que no se ponga a los indios en necesidad de buscar nuevos hogares por medio de incursiones sobre los distritos mexicanos.

El gobierno del infrascrito persuadido de que tales estipulaciones atienden al mutuo interés de ambas Repúblicas y a la causa de la civilización, no duda un momento que el Gobierno de los Estados Unidos se apresurará a obrar de conformidad con el tratado para reprimir las incursiones que se preparen contra Chihuahua.

Alimentando esta fundada esperanza, el Gobierno Mexicano, por el digno conducto de S. E. el Sr. Letcher, excita al Gobierno Americano a que aproxime a los límites de las dos Repúblicas las fuerzas que destine contra los bárbaros, para que puedan obrar en combinación con las fuerzas mexicanas, bajo el concepto de que, según los datos que se tienen de la línea divisoria, que debe atenderse es el Río Bravo y el límite entre Sonora y los Estados Unidos.



El infrascrito al hacer esta comunicación, al Sr. Letcher espera que surtirán los efectos que apetece su Gobierno y aprovecha la ocasión... José Ma. Lacunza.

Caja 97, rollo 15, vol. 14, p. 321-322.

*12 de septiembre de 1850. México: Payno, Sec. de Hacienda, a Letcher.*

Le indica que los documentos de Musson y Co. de Nueva Orleans demuestran que tienen en su poder doscientas mil libras de bonos ingleses y, como el expediente completo se ha mandado al congreso de la nación, no pueden acordar nada sobre el caso. Esperan que el congreso resuelva pronto.

Caja 97, rollo 15, vol. 14, p. 366.

*14 de septiembre 1850. México: Letcher a Daniel Webster, Sec. of State.*

Le dice que acaba de recibir del Ministro de Relaciones de México una comunicación sobre los asesinatos y crueldades cometidas diariamente por las tribus indígenas en contra de los habitantes que residen en la frontera norte de México y llama la atención al gobierno de los Estados Unidos sobre el artículo 11 del tratado de Guadalupe Hidalgo.

A copy of this communication I have the honor herewith to enclose. It is unquestionably true, that the population of Mexico, residing in reach of the Indian tribes, are in suffering condition. It is equally true they are altogether indisposed to help themselves. They never attempt to encounter the indians in battle. The only exertion, they appear disposed to make, when the enemy approaches, is to run. It is exceedingly difficult to defend such people, occupying as they do such an extensive border of mountainous country.

I have taken occasion to express these sentiments, several times (in the most respectful manner), to some of the leading members of the Cabinet; and at the same time, to assure them that it was the wish and the purpose of my Government to endeavour to comply strictly with every stipulation contained in the treaty. And I think, I may venture to say, the Mexican Government is satisfied, that such is the fact.

Probably it would be proper, in connexion with this subject, to apprise you that there is a plan now in progress, to get upon claims against the United States growing out of Indian depredation upon Mexican citizens, upon the ground that the 11th. article of the Treaty of Guadalupe Hidalgo has not been fulfilled on the part of the United States.

An Englishman appears to be the leader of this movement.

I have no just reason to believe this Government has any agency in the matter whatever.

I enclose you a few extracts from private letter, upon this subject. In fact I have information from various sources, in confirmation of what is contained in these extracts.

I have the honor...

Caja 97, rollo 15, vol. 14, p. 320.

**16 de septiembre de 1850. Washington. Buckingham Smith al Sec. de Estado.**

Ha recibido su carta donde lo nombran secretario de la legación en México y también las instrucciones impresas. Acepta la comisión y se apresura a cumplir con los arreglos hechos para su transporte a Veracruz.

Caja 97, rollo 15, vol. 14, p. 325.

*17 de septiembre de 1850. Washington. Daniel Webster a Smith.*

Para evitar que se desilusione por no obtener pasaje de Pensacola a Veracruz en el barco que pueda designar el Ministro de Marina, también el Secretario de Finanzas le facilitó pasaje en el *Cutter Revenue* que sale de Mobile o de Nueva Orleáns. Si no encontrara el *Flirt* a su llegada, podrá ir a Nueva Orleáns y utilizar esos otros medios.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, p. 226-27.

*18 de septiembre de 1850. Washington. Webster a Smith.*

El Departamento de Marina había hecho arreglos diferentes para llevarlo a Veracruz. Le ordenan que vaya a Charleston para embarcarse en la nave mandada allí para que lo reciba y lo transporte.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, p. 227.

*18 de septiembre de 1850. Washington. Webster a Letcher.*

Al señor V. Galloso, amigo de Soulé de Luisiana, las autoridades de México le confiscaron mercancías, cerca de Jalapa, cuando esas mercaderías se protegían con el artículo 19 del tratado de Guadalupe Hidalgo. Quiere que, si no consigue la reparación, le den apoyo. Mandará a Letcher las pruebas necesarias y le ordenan que haga lo posible para que le reparen el daño.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 44, p. 228.

24 de septiembre de 1850. Washington. Webster a Letcher.

Escribe el señor J. H. Causten protestando porque el gobierno mexicano tarda en ofrecer las pruebas de sus casos de reclamación de acuerdo con el tratado de Guadalupe Hidalgo. Que vuelva a presentar el caso al Ministro de Relaciones. Debe decir que si, por descuido mexicano en cumplir con las estipulaciones referidas, los quejosos no lograran establecer su derecho a la indemnización por parte de los Estados Unidos, México será obligado a reparar los daños.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 45, p. 228-229.

27 de septiembre de 1850. Washington. Daniel Webster a Robert Fletcher.

Le envían la carta recibida por P. A. Hargous el día anterior, relativa a la deuda del gobierno mexicano en favor de su hermano el señor L. S. Hargous. Como ya conoce el caso, no cree que tenga que mandarle instrucciones especiales. Esperan que por sus buenos oficios conseguirá la ayuda que pide la carta.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 46, p. 229-30.

30 de septiembre de 1850. San Agustín, Flo. Buckingham Smith al Sec. de Estado.

Ha recibido la comunicación del 18 del mes, diciéndole que el barco que lo llevará a Veracruz lo recibirá en el puerto de Charleston.

Caja 97, rollo 15, vol. 14, p. 325.

22 de octubre de 1850. Washington. W. S. Derrick (Secret. int-rino) a Buckingham Smith.

Que fue recibido su telegrama de ayer y le contestan que se ha preguntado al Departamento de Finanzas sobre el "cutter" Crawford y contestaron que, como se tiene que emplear para un quehacer del Departamento de Estado, no le pueden servir. Derrick le aconseja a Smith que se vaya a Nueva Orleans y se embarque en el Duane.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, p. 230.

22 de octubre de 1850. México. Letcher a Daniel Webster, Secretario de Estado.

The morning after I had the honor to receive your dispatch of the 24th. of August, num. 42 (twelve days ago) I submitted to the notice of the Minister of Foreign Relations the several alterations you desired to make to the Tehuantepec treaty, expressing at the same time the confident hope, that his Excellency would find no difficulty in readily yielding his assent to each, and all of them.

In reply to this observation, he remarked, his Government had been most severely, and shamefully censured for agreeing to the treaty as it now stands. That he was sorry to say it was quite unpopular in his country. That he himself had been denounced as a vile traitor for the part he had taken in it. Still he was resolutely determined he said fearless of all consequences to do any and everything he could to carry out in good faith a measure of so much importance to the two Republics.

After looking over the amendments hastily, he objected in the most positive and decided terms, to the one proposed to the 4th. article after the word Mexico "or the United States". "Sir said he, it is utterly impossible for Mexico to consent to that amendment under any circumstances."

He objected also in terms equally strong to the amendment proposed to the 11th article in the following words "*and of the Government of the United States*".

Upon being requested to suspend his opinion and to take a little more time for cool reflexion he consented to do so, promising to spend the next day (Sunday) at my lodgings where the whole subject could be calmly discussed, and deliberately considered. Accordingly he made his appearance early the next morning accompanied by the minister of Finance.

Immediately after breakfast, each ammdement was taken up in the order in which they stand, and discussed until 3 o'clock.

In the first instance, objection was made to the alteration of the preamble in the words following "*citizens of the United States*." It was proposed to strike out these words and insert the following: "of the legal holders of the privilege". Upon this point the discussion was of some length and on my part sufficiently warm and animated.

I doubt whether the alteration in its present form can be carried. The Minister could not be prevailed upon by all the arguments, all the prosecution, all the appeals, and all the inducements I could employ to abandon the ground he occupied the previous day in opposition of the amendments to the 4th. and 11th. articles.

All the others he finally agreed to adopt as they stand, and consented to take another night's reflexion in regard to those which appeared to him so highly objectionable.

The next morning I called at the appointed hour, when His Excellency immediately informed me, after the most mature deliberation he could not possibly change the opinion he had already advanced and that it occasioned him much pain to be compelled to tell me so.

A further discussion of an hour ensued. He adhered most obstinately and fiercely to his objections. Whereupon I took the liberty to tell him in very plain language, I was not at all satisfied with his opinions or with his reasons; and therefore requested to be heard before the President and the Cabinet upon the points in dispute.

To this he cheerfully agreed, and the next day at 11 o'clock was the time fixed upon for this meeting by the *permission* of the President. At the appointed moment I found the President and his Cabinet all in attendance. They gave me a cordial reception, and the most attentive and respectful hearing imaginable, for an hour and a half and upon taking leave I was assured in the kindest manner I should have everything I desired, that they could possibly give me.

The second night after this interview it seems a Cabinet council was held from 6 to 10 o'clock to decide upon the controverted points. Some eight or ten leading numbers of both houses of Congress I understand were present upon the occasion, and after full consultation I deeply regret to tell you, the two amendments in question were immediately rejected. The result was communicated to me by the Minister of Relations the following day (five days ago) substantially in these words. "I hardly have the heart or courage to make known to you the decision of last night by the President and all the Cabinet. The President is grieved, every member of the Cabinet is grieved, and I am most especially grieved to inform you Mexico, with the strongest desire to maintain the most intimate relations with the United States, is unable to concede the two amendments to the treaty you have insisted upon with so much earnestness."

After interchanging a very few words I took my leave.

The chief arguments urged against the amendments in question appear to be these:

1st. That they infringe upon the sovereignty, the honor, the dignity, and national pride of Mexico.

2nd. To adopt them would be at once to paralyze, to disgrace, and in short to overthrow the present administration.

3rd. That a treaty with such provisions would be rejected by the Mexican Congress (probably) without a single dissenting voice, and therefore would be of no use to the United States, whilst at the same time it would be the ruin of the party in power.

It is proper to say since the final decision was had, the President, and every member of his Cabinet have manifested

the deepest concern, least you should be displeased at the result. General Arista who is the master spirit of the Government is exceedingly uneasy. Every day or two a message is sent by some of the members of the Cabinet expressing regrets and hoping I am not dissatisfied. The only answer I have made is, Mexico has committed a great error.

It may also be proper to add, during the various discussions which took place in relation to the points in dispute I availed myself of a suitable occasion to say, in the event Mexico refused to enter into a fair treaty for the protection of the enterprise, my Government, in justice to her own citizens who had made large investments in the undertaking, was determined to take the affair into her own hands.

The answer was substantially this. "Your Government is strong. Ours is weak. You have the power to take the whole, or any portion of our territory you may think fit. We have not the *faculty* to resist, we have done all we could do, to satisfy your country and to gratify you personally. We can do no more."

"It is the policy and the wish of Mexico (it was said) to be upon the most friendly footing with the United States. What is required of us we cannot grant. If Mr. Webster knew our exact condition if he knew the precarious tenure by which we hold power, the violence and strength of the opposition, the refractory spirit of the states and the peculiar prejudices of our people, *surely* he would not exact such terms."

I have given you all these details to enable you to see the whole ground.

This Government is on the brink of bankruptcy and revolution. Both of these events I verily believe will take place in four months if not sooner.

A confidential agent I have reason to believe, was sent off to the United States last night, by the Government with full powers to negotiate with you the payment of the next indemnity. He will offer you four and a half per cent premium and interest off. If that won't do, he will offer five per cent, and probably as high as five and a half, or even six per cent. The truth is, the Government is terribly cramped



in her financial operations and is disposed, I think, to make great sacrifices to obtain a little *ready cash*.

The claim of Mrs. Ann Wright of Washington city (ten thousand dollars) has been allowed by the Mexican Government. She will be paid in instalments, one thousand dollars every two months.

The claim of Capt. Wyse has also been acknowledged, amounting to very nearly seven thousand dollars.

I shall succeed probably in obtaining some five or six other claims before I leave. My purpose is to remain here until I receive permission to return. My anxiety to see my family is very great and I should be most happy to return as speedily as practicable.

A single word more. I had the honor a moment since, to receive a message from General Arista. He begged me to say to you he expected to be the next president of this Republic and in that event you need feel no apprehension in regard to notice to the United States to furnish the necessary military force to protect the work, if the treaty were made. Notice, he said, should be given to your entire satisfaction.

Intimations were thrown out during the progress of the negotiation of a willingness on the part of Mexico to appoint two agents instead of one, to reside upon the line of the work. I refused to entertain in any such suggestion, and nothing more was said upon the subject.

It appears Congress has passed a bill by large majorities in each house, appropriating two millions and a half of the American indemnity, towards the payment of the debts due to British Creditors.

Whether the United States Government will be disposed to advance the indemnity for the special purpose of paying British Creditors in exclusion of her own citizens, some of whom hold large claims against Mexico, indisputably just, is a question no doubt which will be duly considered at the proper time by the Government of the U. S.

Enclosed you have a copy of the act alluded to. R. P. Letcher.

Caja 97, rollo 15, vol. 14, p. 326-31.

23 de octubre de 1850. México. Lacunza a Letcher.

El infrascrito, Ministro de Relaciones Exteriores, tiene el honor de dirigirse a S. E. el Sr. Letcher para manifestarle la resolución del Gobierno Mexicano acerca de las adiciones y enmiendas que, por el Gobierno de los Estados Unidos, se proponen al Tratado firmado en esta capital para abrir una comunicación entre los dos mares por el istmo de Tehuantepec.

De tres clases son las referidas adiciones: la primera consiste en correcciones puramente gramaticales en el texto inglés, y éstas no habrá dificultad en que sean aceptadas. La segunda consiste en algunas frases que explican y aseguran los compromisos y derechos estipulados y éstas, salva [sic] siempre una revisión en la redacción, tampoco tendrá dificultad el Gobierno del infrascrito en admitirlas. La tercera clase finalmente contiene aquellas que limitan los derechos de México o amplían los de los Estados Unidos de América de una manera que el infrascrito no cree conveniente a México, y que el Gobierno de esta República está por consiguiente resuelto a no admitir. El infrascrito cree de su deber estenderse un poco más sobre los puntos a que se refiere.

La primera de estas adiciones es la que parece restringió el objeto del tratado a la protección de una compañía de ciudadanos Norteamericanos para la conclusión de la empresa. El gobierno de México no puede consentir en que la acción del tratado recaiga en una compañía compuesta únicamente de ciudadanos americanos; la intención por parte del Gobierno de México es que el privilegio concedido primitivamente al mexicano en caso que sea traspasado a personas o corporaciones pertenecientes a cualquiera nación del mundo sea sin embargo protegido por el tratado; pues la protección se estipula no tanto en beneficio de la compañía empresaria cuanto para facilitar la grande obra de la comunicación de los mares.

El segundo punto en que no puede consentir México es en la existencia de un comisionado del Gobierno de los Es-

tados Unidos del Norte que pueda, por sí, pedir el auxilio de fuerza armada a su gobierno. El Sr. Letcher recordará que desde las primeras conferencias que mediaron sobre este asunto, ya con el infrascrito, ya con el Sr. Gómez Pedraza, manifestó el mismo Letcher grande empeño en que en algún caso la prestación del auxilio de fuerza armada pudiese darse por el Gobierno de los Estados Unidos sin la explícita petición de México: y recordará igualmente el Sr. Letcher que, sin embargo de que esta idea fue presentada por S. E. bajo diferentes formas en distintos proyectos, siempre encontró una oposición invencible por parte de México hasta llegar a manifestar el infrascrito y el Sr. Pedraza que sería imposible concluir el tratado si no se estipulaba de la manera más terminante y clara que la fuerza armada de los Estados Unidos del Norte no prestaría su auxilio sino en el caso, tiempo y términos en que explícitamente fuese llamada por el gobierno de México o sus agentes.

Ahora que se vuelve a renovar esta pretensión de que un comisionado de los Estados Unidos esté autorizado para pedir el auxilio de su gobierno, y el infrascrito dice renovar porque ya el Sr. Letcher la había propuesto en las primeras conferencias, el Gobierno Mexicano se ve en el caso de rehusarla de nuevo. S. E. el Sr. Letcher empeñado en llenar las instrucciones de su Gobierno se sirvió solicitar una audiencia del E. S. Presidente, y el infrascrito, para demostrar al Sr. Letcher que no era una obstinación de su parte esta negativa al mismo tiempo que su decisión para complacerle personalmente, se apresuró a procurarle una audiencia. Aunque en ella expuso el Sr. Letcher con la circunspección y talento que le caracterizan cuantas razones tuvo por convenientes, sin embargo el Gobierno mexicano después de una madura deliberación entre todos los miembros del Gabinete tuvo el sentimiento de encontrar que le era imposible complacer en este punto al Sr. Ministro de los Estados Unidos del Norte.

La entrada de fuerzas militares extranjeras en el territorio de una nación se ha tenido siempre como un atentado a su soberanía a menos que se verifique en virtud de una petición

expresa de esa misma nación. El derecho de hacer esa petición es de tal manera inherente a la soberanía que no puede delegarse en ningún otro y mucho menos en el representante de la nación que debe suministrar la fuerza armada. Como el infrascrito no puede persuadirse que las pretensiones de los Estados Unidos del Norte sean menos-cabar en lo más mínimo la soberanía de México y por otra parte el deber de su gobierno sea el de no consentirlo en caso alguno, el infrascrito se lisongea con la esperanza de que el Gobierno de los Estados Unidos no insistirá en esta pretensión; y por orden del E. S. Presidente de esta República declara que con semejante condición no se llevará adelante el tratado.

La tercera adición que el infrascrito se ve precisado a no admitir es la que da participio al gobierno de los Estados Unidos del Norte en el señalamiento de los derechos de tránsito. También esto lo considera el gobierno de México como una cosa que afecta a la soberanía. Entre las atribuciones de ésta se encuentra la de señalar las contribuciones que puedan cobrarse en su territorio. Este punto ha sido igualmente que el anterior uno de los que solicitó el Sr. Letcher desde el principio de las conferencias y uno de los que motivaron vivas discusiones. El argumento en que se fundaba el Sr. Letcher consistía en que los Estados Unidos del Norte iban a aventurar grandes capitales en la empresa, mas el infrascrito se permitirá observar que no es el Gobierno de los Estados Unidos sino algunos ciudadanos de éstos los que podrá suceder que adelanten capitales: que a estos ciudadanos se les permite la debida intervención en el señalamiento de los derechos; pero que no debiendo recaer la empresa jamás en ningún Gobierno ni cuerpo político extranjero nunca el gobierno de los Estados Unidos podrá pretender los derechos de un socio en esta empresa. La más exagerada pretensión, que en este punto pudiera tener el gobierno de los Estados Unidos del Norte, sería la de retirar su protección o separarse del Tratado si la cuota de los derechos impuestos no convenía a sus intereses pero en ningún caso la de contribuir autoritativamente al señalamiento de estos derechos. Por estas razones se

ve obligado el gobierno mexicano a rehusar su consentimiento a esta adición.

Al manifestar el infrascrito al Sr. Letcher la resolución del Gobierno de México en cuanto a los puntos referidos tiene el gusto de protestarle que en ella no se mezcla ninguna desconfianza personal relativa a las buenas intenciones del Sr. Letcher ni de las personas a quienes hoy felizmente está confiada la administración del Gobierno de los Estados Unidos del Norte, pues que a todas las supone animadas de los sentimientos más favorables respecto de México; sino que la expresada resolución es dictada únicamente por el deseo de que se conserve intacta la soberanía de la República Mexicana y el infrascrito no duda que esta resolución es la misma que en un caso semejante adoptaría el Gobierno de los Estados Unidos de América.

Si prescindiendo el Gobierno americano de las adiciones espresadas desea que se proceda a hacer las demás, el infrascrito luego que reciba el aviso del Sr. Letcher se apresurará a dar al Sr. Plenipotenciario de México las instrucciones correspondientes.

Con este motivo tiene el honor el infrascrito de ofrecer a S. E. el Sr. Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América, las seguridades... José Ma. de Lacunza.

Caja 97, rollo 15, vol. 14, p. 335-8.

31 de octubre de 1850. *Charleston, Buckingham Smith a Webster.*

Que el *Isabel* saldrá mañana al amanecer para La Habana, donde podrá embarcarse a Veracruz. De acuerdo con lo ordenado por el Departamento de Estado, procederá de inmediato a la ciudad de México. Ha cambiado el itinerario por la dificultad que hubo para tomar el barco *Hirt*. En este nuevo itinerario encuentra los medios para poder llegar como es debido.

Caja 97, rollo 15, vol. 14, p. 331.

4 de noviembre de 1850, México. Letcher a Webster.

Manda documentación a través de un americano de confianza llamado G. I. Puyes.

Se mantiene como agente de Peter E. Trevall, que es el apoderado de Andrew Curcier, como se dará cuenta por los documentos, había una reclamación contra México que sumaba un millón de dólares o más.

Al tratarse de un caso tan especial y por la magnitud de la suma, espera que le den instrucciones.

Las comunicaciones del agente a Letcher hacen el resumen del caso.

Caja 97, rollo 15, vol. 14, p. 332.

6 de noviembre de 1850, México. Letcher a Webster.

*Comunica haber recibido los despachos hasta el número 45.*

The case of Samuel Belden and Co. of Texas to which you refer in dispatch 43 was investigated very carefully some months ago, so soon as the documents, in support of the claim, came into my possession.

The results of the investigation, was a decided conviction, on my part, that the claim was not only just, but well established by proof. It was therefore, brought to the notice of the Minister of Foreign Relations on the 29th. of June last.

No decision, as yet has been made in the case. Assurances however have been given from time to time, that it shall be disposed of as soon as practicable. When that will be, remains to be known.

I shall continue to urge a decision.

In reply to your instructions N. 45 I have the honor, most respectfully to assure you from the first week of my arrival in this city, up to the present moment, I have used every possible effort, to procure the Documents referred to by Mr. J. H. Causten in his letter to the State Department of the 20th. September.

The Minister of Relations has formally declared, all the records connected with claims, pending before the Board of Commissioners (*he could obtain*) had been transmitted to the Mexican Minister in Washington for the benefit of the claimants. Many of the vouchers applied for, he feared, had been destroyed during the American occupation. Others were at very distant points in the Republic and he had been endeavouring to procure them, and confidently hoped to do so in a few weeks. The truth is, the Public Records, are in a state of great confusion, never having been arranged since the close of the war. The Minister, I think, will exert himself to procure all the Documents required. I took occasion to impress upon him the consequences which would inevitably follow in case his government failed to comply with the treaty in this particular.

The claim of Thomas I. Slaughter, to which my attention was called by your predecessor, in his dispatch N. 33 has been acknowledged and will be paid by this Government upon proper application.

The morning after my dispatch N. 33 was sent off, I received from the Minister of Foreign Relations a communication in relation to the Tehuantepec Treaty, a copy of which is herewith enclosed.

The election of General Arista to the Presidency is *certain*. etc. etc.

Caja 97, rollo 15, vol. 14, p. 334.

*30 de noviembre de 1850. México. Decreto traducido al inglés por Letcher.*

Ministry of Finances.

His Excy. the President of the Republic has been pleased to direct me the following decree:

The President of the United Mexican States to the inhabitants of the Republic make it known that the General Congress has decreed the following;

Art. 1. All the Interior Debt contracted up to the publication of this Law and comprised in Art. 2 of the regulations of 4th. march ultmo. remains consolidated in a general fund.

Art. 2. Twenty per centum of the products of the maritim and frontier Cumston Houses arising from import, internation, tonnage and export duties are applied to the payment of the interest of the debt and of the gradual extinction of this Capital.

Art. 3. From the 1st. day of the month following the publication of this law the interest of the new consolidated fund will be 3% p. annum, and the annual amount destined to the gradual extinction of the capital will be 300,000. Only in the event that the 20% expressed heretofore will be more than sufficient to pay the interest and the 300,000 the rate of interest will be augmented 1/2% every five years until it will reach 5% which will be the maximum. The dividends will take place every 4 months.

Art. 4. If the 20% expressed heretofore will be more than sufficient for the object in question, the Supreme Government will make up the deficiency out of the other branches of the Revenue; but if at a later period said 20% should augment, the Government will have to be reimbursed of the advances.

Art. 5. If after paying the interests and separating the \$300,000 for the extinction of the capital there was a surplus, the same will be devided by equal shares between the Government and the fund called "of extinction of Capital".

Art. 6. The actual titles of the Interior Debt will be exchanged against new titles in which this law will be inserted integrally, the former ones being rendered null and void. The creditors will present said titles to the offices which the General Government of each state or territory will designate. The presentation of said titles will be effected six months after the publication of law in the capital of each state or territory by those creditors residing therein; and one year after its publication in the city of Mexico by those creditors residing out of the Republic.



The creditors who will let that term pass without presenting their titles will lose the interests during all the time elapsed up to the day of the presentation, and with regard to the capital they will be subject to the effects of "Law on Prescription".

An exception is made in favor of the creditors who may not have procured their titles in due course from the authorities appointed to extend them.

Art. 7. The creditors who for any motive whatever had not settled their accounts, on the day of publication of this law, will have the term of 90 days to do it with the Government and the committees that had an intervention in the same, according to the basis established by the law itself.

Art. 8. The creditors who might not have conformed to the preceding Art., if they represent credits of those classified in the following article and do not manifest any opposition to the basis which this law establishes, will have to subject themselves to the settlement awarded to their respective classes. But should they express by refuse to admit said basis, then the capital will be deferred, capital and interests for 10 years and, after the expiration of that term, they will enter into the common fund and if said credits are entitled to interest, they will be regulated by this law. In the like manner the credits not classified will be deferred unless some settlement be affected in the above mentioned period.

Art. 9. The conventions made in virtue of the law of the 19th. February last between the Governments and the majority of the committees of Congress with the attorneys of the following credits are approved:

1. The debt anterior to the Independence and legally acknowledged and liquidated will enter into the New Fund losing 50% of its capital and 80% of its interests.

2. That of the twenty per cent will enter into the new fund losing the interest due up to date of the publication of this law in the cities where the respective Custom Houses are applying thereto 20% out the duties which may be owed up to that date. Five hundred thousand dollars of the American Indemnity of 1.851,418.52 with the corresponding interests is

applied to this debt and one half of their bonds which were annulled in the act.

3. The copper debt will enter into the new fund at par with original value, whatever may have received up to this date will be applied to payment of interests due and the balance of the interest will be ceded to the Government.

4. Money loaned to the Government without being mixed with any other conditional arrangement in which credits form part of the capital (excepting forced loans) and which gains no interest or only a legal one will be paid 50% out of the indemnity of 1.851,418.52 and 50% will go to the new fund.

5. The debt of the Employees will enter into the new fund in this manner: at 80% that which may be held by the employees or their lawful heirs and at 15% if in the hands of other parties.

6. The contracts of effects will be paid 30% in cash out of the indemnity of 1.851,418.52 and 70% in bonds of the new fund. The credits bearing interest will be allowed only the legal interests 6% and said interest will enter into the new fund.

7. Claims of "the forced occupation during the war with the United States" if acknowledged and qualified will receive 40% out of the indemnity of 1.851,418.52 the remaining 6% will go into the new fund.

8. The conduct of Jalapa and Perote taken possession of in 1822 enters into settlement as follows. The capital of 64,104.70 will be paid with the indemnity of 1.850,418.52 and the interests will be paid with bonds of the new fund amounting to 33,206.5.

9. The floating debt for loans with admission of credits if thus consolidated to wit: the proportion of credits arising from money loaned will receive 35% in cash out of the american indemnity, the balance will enter at par into the fund; the interest will be settled as established for the class to which they may belong and all interest due is ceded to the nation.

10. The convention called 5% will receive 40% out of the indemnity and 60% in bonds of the new fund. The payment of the 40% will be effected by halves out of the instalments of the year 1851 and 1852.

Art. 10. In the settlement of the convention called "of Padre Moran", the Government will select, of the two extremes proposed, the most advantageous to the nation.

Art. 11. The dues to soldiers from sergeant down who may have been wounded during the wars with the Exterior or with the Indians will entertain the new fund for its nominal value if presented by and in the power of themselves or their heirs. The debt belonging to hospitals and charity establishments will enter also at par into the new fund provided the debt will have always remained in the power of said establishments.

Art. 12. In order to carry into effect the convention above mentioned, the Government will be at liberty to dispose of 2 millions and 1/2 out of the money to be paid in may prox. by the U. States and out of the surplus of the funds affected to gradual extinction of capitals, after separating the amount destined to the debt contracted in London.

Art. 13. A Committee of Public Credits is formed to act in conformity with the laws and to be controlled by the Government, and its attributions are the following:

I. Directing the Custom Houses, maritimi and frontier.

II. Consulting the establishment or suppression of those which will be considered convenient.

III. Watching the true and exact collection of duties.

IV. Collecting from the Treasury the amount belonging to the Interior Debt and applying the same in conformity to the law rendering accounts thereof.

V. Provoking and carrying to effect the collection of all dues to the "Public Treasury" of all denominations: liquidating, making liquidations and transactions with the approbation of the Government, whatever the committee might collect, will be equally divided between the Government and the interested Delegation.

VI. Taking all the necessary steps for the destructive smuggling and designating the points where Custom Houses officers will be established to protect the Public Revenue.

VII. Regulating the comptability of the Custom Houses.

VIII. Making the creditors pay the charge incurred for controlling the operation of the Custom Houses.

IX. Proposing to the Government the persons considered apt to fill the stations at the Custom Houses and provoking the suspension of the unworthy employees in effecting this latter part, however, it will be necessary to conform to the following article.

Art. 14. The Government has full powers to dismiss Custom House officers after consultation of Ministers and of Public Creditors say their Committee. The dismissal will not be dishonouring nor will it cause any change to take place in the salary of actual employees, if although separated from the service they had right to the same by the laws in existence at time when they were appointed. But if the Government ordered judgement by the courts the salary of said employee will be lost or modified as the sentence may ordain it. The newly appointed employees will have no right to "Montepío", jubilación, cesantía, etc. if they were removed from office.

Art. 15. The Committee of Public Credits will be composed of a President elected by the Government and of 5 Directors elected by halves by the Government and the public creditors. The duration of the presidency will be 6 years and the president can be reelected. The Directors will be removed by this every year between those appointed by the Government and the creditors in the absence of the president, the committee will be presided by the oldest director named by the Government. No resolution will be ever taken if the three directors appointed by the President are not present.

Art. 16. The salary of the President will be 5,000 per annum and 4,000 that of the Government Directors. All will be paid out of the fund belonging to the Creditors.

Art. 17. The Committee of P. Credits will have an office and the clerks therefor will be named by the Government being presented by said committee. They will serve under the conditions stipulated by article 14. The expenses of said office will not exceed the annual sum of 15,000 and the same will be paid by the Creditors.

Art. 18. The counterfeiters of the Bonds of the Public Debt will suffer the punishment inflicted on the money counterfeiters.

Art. 19. In the dispositions contained in article 13 and the following, the Congress reserves the faculty of making at all time the alterations which it may consider convenient to Public Service.

Manuel Carpio, Speaker of the Chamber of Deputies. Luis G. Cuevas, Speaker of the Senate. Nicanor Herrera, Deputy and Secretary. José I. Villaseñor, Senator and Secretary.

In order that the same be printed, published, circulated for its execution.

Palace of the General Government at Mexico, this 30th. day of November 1850. Signed José Joaquín Herrera.

To Sor. Manuel Payno.

Caja 97, rollo 15, vol. 14, p. 349-354.

*30 de noviembre de 1850. México. Reglamento, anexo a Letcher núm. 41.*

And the President of the Republic in virtue of the faculty which the article 110th. of the Constitution concedes him has issued the following rules.

*Prevention for the liquidation and conversion of the interior debt.*

*Article 1st.* All the creditors of the debt anterior to the Independence are held to present personally or thro' attorneys, their voucher or titles to the Contaduría-mayor, that agreeably to the existing laws they be examined if they have been legally issued if they are duplicated or falsified and if the whole or part of their value capital or interests have been paid; The creditors of the debt posterior to the Independence will present their vouches or titles to the Tesorería-General to examine their validity and legality and if the whole or part has been paid, or have been converted in other species of documents or certificates. After that verification will have

been made which the Contadores mayores or Tesoreros generales will certify in their respective cases, the holders of those documents will pass them to the liquidating section mentioned in the following prevention.

*Article 2nd.* A liquidating section is established composed of three employees designated by the General Government with the following attributes. *1st.* To liquidate the total amount of the different classes or credits that will have already been acknowledged by the Contaduría Mayor or Tesorería General, for the value they actually represent, capital and interests and the amount for which they will be admitted in the consolidating fund agreeably to the agreements already confirmed by the legislative body, or to those that the Government jointly with the committee will enter into in virtue of the 7th. article of this law. *2nd.* To watch under the most rigorous responsibility the legality of all the documents presented and particularly the certificates under the denomination of deposits or loans with the qualifications of prompt reimbursement examining the items of debit and credit of the books of the *Tesorería General* and the *expedientes* necessary, with the view to avoid the fraud applying half money to certificates which although may appear to proceed from money, have the origin from paper (credits) bought at low rate in the market, and introduced in the *Tesorería General* in change of a certificate. All such documents that will not prove in a satisfactory manner that their documents are of pure money without mixture of any kind of paper-credits, will have no right to enjoy the advantages established by the condition of the 9th. article, and the conversion in that case will take place any agreeable [*sic*] to the kind of credits composing said document. *3rd.* The liquidation of the debt of the employees will be made in the following manner. The department to which according to the laws the employee belongs will establish his account currently including the sums due to him to date of the publication of this law, and of the amounts which, agreeably to the vouchers of the same department, he will have already received in money, and in receipts sold by him, with which he has been debited,

amount in favor or against the employe will result from the examination, should he be indebted to the nation he will be subjected to a deduction of one third of his nett payed in the following months; and if a balance results in his favour a certificate will be issued to him. Will not be included in the fund, the salaries ordered in the rules of the law of the 24th. of november 1849 which will be made when the state of the revenue will permit. The discounts made agreeably to the article 10th. of the same rules will be taken in consideration at the time of forming the liquidation, and the remainder will be admitted in the fund. the departments will be governed in that liquidation by model no. 1. The document and copy of the liquidation will be presented to the liquidating section who will note all those sums and when done the interested parties will show proof to the legitimate and primitive owners or legal heirs. It is prohibited to the chief clerks of the Departments, under penalty of destitution, to convert into certificates the receipts of salaries, wages, pensions or which now circulate held by purchassers. These in the term of 60 days will be under the obligation to present their documents to the liquidating section, that this may compare them with the liquidations of the Departments that it may ascertain the correctness of the liquidation and distinguish the debt held by primitive owners and in second hands. The credits of the employees held by purchassers will caducate [...] days after the publication of this law or rules in the respetive localities. Persons depending on the Government or private individuals who will colude to represent as primitive debt that held by purchassers will be delivered over to the respective authorities to be judged as counterfeiters. The liquidations of the military employes, widows, pensioners, etc. are to be present to the liquidating section, thro' their respective attorneys. 4th. Respecting effects furnished the liquidating section will examine, if they have been positively furnished, or of the interested party have not delivered the whole or part and the premium and interest which besides the price was agreed upon by the Government or its agents legally authorized in no liquidation of credits will, any amount, be admitted for damages.

5th. Concerning credits proceeding from forces of occupation, the interested parties will prove when, the time, under what circumstance and by what persons the property was taken and the amount claimed. If the amount should appear excessive to the liquidating section they will communicate it to the parties in time that they may enforce their right before the commissioners of the public credit. 6th. Any fraction that in the liquidation will not amount to dollars 25, will be given up to the public revenue, should the interested party consent in it, he may pay the difference in money to the *tesorería general* which proving the voucher will be delivered to him. 7th. To execute all those operations the chief of the liquidating section is authorized to from the ministers and all departments the *expedientes*, notices, documents etc. that may be necessary, and the said departments furnish them with promptitude so as not to delay the work. 8th. The liquidating section will open the following books - Fund of 20% - Copper bond - loans in Mmoney - Minería - Tolls - Averia - Debts of employees - Civil Pensions - Military Pensions - Balances in favor of individuals of the army of serving and under wounded in foreign war - Forced occupation during the war with the United States - Convoy of Perote and Jalapa - Floating debt - Convention of 20% - Convention of 5% - Convention of Padre Moran - Hospitals - Houses of Establishment of Charity - Debts not included in the arrangements - Bars of silver of San Luis - Heirs of the emperor Montezuma - Cultivators of tobacco bonds of the former company. The entries made in those books after the liquidation will be agreeably to the model No. 2, This books of liquidation of the employees will be kept according to Model No. 3. 9th. All the bonds, certificates, documents and other titles of the debt anterior and posterior to the independence will be sealed and signed after presentation and examination with the seal of the *Contaduría Mayor*, *Tesorería General* and liquidating section and signed in the most visible place, by the chief of said departments, and without those requisits and those established in the anterior preventing they cannot be converted into bonds of the new



consolidated fund. All the present documents will be delivered to the liquidating section and to the Ministry and to the commissioners of the Public credit, in its respective cases with duplicated invoice, a copy will remain in the respective department and another with the receipt of the head clerk will be held by the party interested for security.

*Article 3rd.* When the operations of the liquidating section will be concluded, in the manner referred it will pass to the Government for its approval the liquidations according to the classifications of the article 2nd of the rules of 4th march of the present year, and although the different interested parties are not deprived to attend to their respective liquidations, the total operation will be made direct and jointly with the attorneys who have represented before the Government the creditors of the various funds referred to in the said rules of the 4th march and article 1st of this law.

*Article 4th.* When the liquidations will be concluded and approved by the Government the creditors through their attorneys will present themselves to the Commissioners of the public credit, who are authorized to examine again the documents and to rectify the liquidations, and should they find any thing amiss they can inform the Government, but if all be right, they will change the present titles for the bonds of new consolidate fund opening the books where those operations will be kept according to model N. 4. At the time of making the change agreeably to the 6th article of the law they will destroy the old titles making a whole in the center of the diameter of an inch doing that in the presence of the Directors and of a Notary of Finance who will certify the whole operation. The old bonds or titles destroyed, with their respective index, will be deposited in the chest of the Treasury of the Commissioners under the responsibility of the treasurer and President. Every one of these operations, will be noted and registered in a book signed by the Directors and countersigned by the Minister of Hacienda and an extract will be published in the news papers for the information of the Public.

*Article 5th.* For the change of the present line of the 20%, 6%, conventions and tobacco, the anterior rules will be observed in what will be convenient and entering in the conversion without having been acknowledged and qualified previously for its amount and interest with a view to fulfill the agreements signed by the attorneys of those credits.

*Article 6th.* At the time of destroying the old titles and delivering to the interested parties the new, they will also receive a draft payable by the *Tesorería General*, of the american indemnization, for the sum mentioned in their respective agreements and of those made with the Supreme Government in jointly with the committees within 90 days; but concerning the credits for purely money, effects furnished, forced occupation and floating debt, no money will be paid before the expiration of the 90 days, time at which the different respective attorneys will have made known in an apparent manner the amount of the credits of that kind that will come in conversion.

*Article 7th.* The creditors of the Nation residing in the capitals of the states who will not be able or not be willing to name attorneys in this capital can present themselves to the respective commissioner before whom agreeably to the laws and rules they can prove and liquidate their debts without prejudice to the revision and operations of the *contaduría mayor*, liquidating section and *tesorería general* in their respective case, and that in no event the change of old titles for new will be made in no other place but the capital of the Republic with the requisites and formalities prescribed.

### *Of the new consolidated fund*

*Article 8th.* To comply with the 1st. and 6th. articles of the law and to operate the conversion of the present titles of the interior debt, being to the amount of forty millions of dollars will be emitted with the respective of the initials, number, color etc. value filling as per model No. 5:

|             |                       |                   |            |
|-------------|-----------------------|-------------------|------------|
| 1. letter A | white no. 1 to        | 4,000 at 25 pesos | 100,000    |
| 2. letter B | pink no. 1 to         | 10,000 at 50      | 500,000    |
| 3. letter C | yellow no. 1 to       | 10,000 at 100     | 1.000,000  |
| 4. letter D | blue no. 1 to         | 10,000 at 500     | 5.000,000  |
| 5. letter E | green no. 1 to        | 5,000 at 1,000    | 5.000,000  |
| 6. letter F | white and pink 1 to   | 2,500 at 5,000    | 12.500,000 |
| 7. letter G | white and green 1 to  | 1,000 at 10,000   | 10.000,000 |
| 8. letter H | white and yellow 1 to | 295 at 20,000     | 5.900,000  |
|             |                       |                   | 40.000,000 |

*Article 9th.* Those bonds will be printed in a special paper, thin, all linen, and with the marks and countermarks of precautions which will be privately established, each emission will be bound in books so that the bonds can be irregularly cut, keeping the price that will remain in the book, the number emission, initial and value of the bond cut off. [vacío] cut off from the bond, will serve to show the payment of the interest; which when cut off the bond, will be of no value.

*Article 10th.* Those bonds will be delivered by the Ministry of Finances under corresponding index, to the commissioners of the Public Credit who will deposit them in the vault of the Treasury from where with the formalities already mentioned they will take out the necessary to effect the change against the actual titles.

*Article 11th.* Six months from the day that the convention will commence to take a detailed notice will be published by the news papers of all emissions made of the new consolidated fund and the old title will be taken out in a public place and burnt in presence of the ministers of the treasury and of the directors and of the Junta certifying the whole a notary of Hacienda. That operation will be repeated every three months until it is announced that the convention is closed.

*Of the manner the creditors are to elect the members of the directing commission of the Public credit.*

*Article 12th.* The creditors of the interior debt of the Federal Treasury will [be] precisely named in the commercial

exchange of the capital on the 6th. inst. At 2 p. m. the creditors present will elect a president and two Secretaries and will proceed to propose nine persons that the Government may chose three agreeably to the article 15th. of the law, the votation will be taken on the majority of capitals.

*Operations to be practised by the tesorería General and Departments of Minería, Tolls, Tobacco, Maritime and Frontiers Custom houses.*

*Article 13th.* The same day that the law will be published in this capital the *Tesorería General* of the Federation will close its accounts and will make a ballance of cash and, that operation concluded, the Treasurers will successively pass to the departments of Minería, tobacco, tolls, sealed paper and treasury of the judicial power to practice the balance of cash and take a copy of the indexes of the archive of said departments.

*Article 14th.* The day following the Treasury will continue its accounts opening immediately auxiliary books to keep the account current of the new branches that return under the direction of the Federal Treasury, stating on a sheet the expenses of administration and other which said departments cause legally and opposite the statement of the products concerning the tobacco the account will be kept for the 20% which agreeably to costs belong to the Government, holding subject to or remitting to the disposition of the holders of English bonds the corresponding part causing to come into the Treasury and the departments expressed will expend nothing without previous order furnished the Government even for those of administration, the corresponding aprobation of the Government will be required.

*Article 15th.* In the act of receiving the law, the Maritime and the frontier custom houses will close accounts making the balance of case and forming at the same time a statement of the sums under collection to the date that the law was recieved: an other of the 20% of the duties which to that same day have been caused by the vessels and another

in the same for what belongs to the copper fund. All those notices are to be sent by first mail in a certified package to the Ministry of Finances.

*Article 16th.* Immediately after receiving this law, the collectors of each of the maritime and frontier custom houses will cease to separate the various funds and to remit to the treasury the respective drafts holding the products subject to the Disposition of the *Tesorería General* and not making payment or expence except the indispensable and rigorous of administration.

*Article 17th.* From the 1st. of January 1851 the Maritime and frontier custom houses will separate solely 20% of the duties of importation and internation, tonage, etc... exportation for the payment of interest and amortization of the interior debt equally to article 2nd. of the law, holding those funds to the disposition of the commissioners of the public credit or remitting them in drafts to the *Tesorería General* to be applied to their object agreeably to orders and intructions that will be communicated before the 1st. january. The custom houses will keep an account of the 20% applied to the consolidated national fund agrably to the model No. 6.

*Article 18th.* The part destined in the maritime custom houses for the holders of the English bonds will continue to be separated in the form adopted till now, keeping an account current with entire separation of the others agreeaby to model No. 7.

*Article 19th.* The want of execution, to say the non fulfillment of the prevention of the law or of these rules in the part of the employes to whom they are encomended, will be chastized with penalty of suspension or destitution according to the gravity of the fault.

*Article 20th.* Eight days after its instalation the board of Commissioners of the public credit will precisely form the particular rules necessary to their labours and organization.

*Article 21st.* The departments of Minería, Tolls, Amortization of credits of copper and Treasury of the Judicial Power

will only remain for two months in liquidation and all the branches immediately under the control of the ministry of Hacienda (finances) to which they will remit their accounts in due time if nothing else be disposed.

*Article 22nd.* The Government reserves the faculty to make the convenient alterations and variations to these rules as experience or particular causes may require or demand.

I communicate it to you by Supreme order and other corresponding purposes. God and Liberty, Mexico Nov. 30-1850  
"Payno" To Mr...

Caja 97, rollo 15, vol. 14, p. 355-362.

#### 6. Las reclamaciones, apoyo para el tratado

4 de diciembre de 1850. Washington. Daniel Webster a R. P. Letcher.

*Sienten que el gobierno mexicano no haya aceptado enteramente el tratado relativo a Tehuantepec. Como Letcher les ha dicho que los norteamericanos tienen objeciones imposibles de retirar contra los artículos 4 y el 11 del borrador, se consideró necesario hablar con los concesionarios, a fin de instruirlos para que firmen sin insistir en esos artículos, y los mexicanos aceptaron. Por tanto, lo autorizan a firmar el tratado, en caso de que no consiguiera condiciones más favorables en los artículos 4 y 11, que habían firmado con anterioridad el 2 de junio. De todas maneras procurará que el tratado sea lo más favorable posible a los intereses de los Estados Unidos y de los concesionarios. Esperaban que el tratado firmado pudiera llegar a los Estados Unidos para que el senado lo considerara en las presentes sesiones.*

The right of the Mexican Government to dispose according to its pleasure of the instalments which it may have received and may receive from this Government under the Treaty of Guadalupe Hidalgo, cannot be disputed. We should certainly be glad if any pending claims of citizens of the U. S.,