

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

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warriors at the disposal of the Mexican Government to prevent the incursions of hostile Indians into the frontier states. It is already insinuated that amongst hostile Indians killed in these States, several have been recognised as Seminoles.

The inhabitants of Tampico have objected to the reelection of the Governor José Cárdenas, by the Legislature, accusing that body of having prevented the attendance of several members, and thus securing the reelection, they wish the affair to be referred to the General Congress, most of the larger towns in the State, Tamaulipas, have joined with the people of Tampico and a revolution is expected in that State. It is also rumored that they are about to declare Tampico a free Port, commerce is in a very low state at that once flourishing place.

The answer of the French Government to the complaint of her Minister in relation to the exportation of the two and a half millions without paying duties, see dispatch n. 10, has been received, and it is said not to be so strong as was anticipated, but on the contrary rather favorable towards Mexico, nothing definitive however has as yet transpired.

I have the honor to enclose a paper containing the joint letter of resignation of the late cabinet, and one from Mr. Ramirez to the acting head of the Foreign Office in which he explains his views in regard to the Tehuantepec route:

I also enclose sundry documents relating to the claim of Mr. J. Brown of Vera Cruz, these documents are referred to your office for instructions.

I have...

Wm. Rich Chargé ad interim, a Webster.

Caja 97, rollo 16, vol. 15, p. 416-417.

17. La caída del presidente y la renovación

11 de septiembre de 1852. México. Sin firma, probablemente hecho por Rich de la legación, dirigido al Departamento de Estado.

The enclosures with the preceeding despatch relating to the claim of F. Bronner against Mexico, sent to Joint Commission under convention with Mexico of July 4, 1868. [La fecha parece un error pues debería decir 1848.]

Caja 97, rollo 16, vol. 15, p. 418.

13 de septiembre de 1852. Melrose. Conkling al presidente Fillmore de los Estados Unidos.

I am not quite sure that it is proper for me to trouble you with this letter, but trust nevertheless that you will take no serious exception to it.

In my answer to your letter offering me the mexican position I alluded to the haze and to health and life of going at midsummer into a tropical climate, without however intending to give any considerable prominence to it as one of my objections, for in reality its influence with me was but slight.

But when I subsequently wrote to you again expressing my willingness to accept the mission supposing that you might possibly have misapprehended me on this point, I took care to state that in the event of my appointment I should hold myself in readiness to set out for Mexico at any time when it should be deemed expedient for me to go. Having done this and taking it for granted that it would not be expected of me to depart of my own mere motion without instructions, I have thus far contented myself with awaiting your directions on the subject. Certainly without any desire on my own account to hasten my departure but yet with a perfect willingness at all times to repair to my fail[ure]. But in a conversation on the subject I had last week with judge Hall he asked me if I had distinctly made known my readiness to go I told him I had not, except in the manner I have already stated, in my letter to you. My object in addressing you is to ask that you will do me the favor to inform me or cause me to be informed if any thing further is incumbered on me in the respect and if so when and what I am to expect on the supposition that I am

to remain passive. It is important to me to obtain information for several reasons.

Judge Hall also spoke of the possibility of employing a public vessel to convey me and other official persons to Vera Cruz. I should be glad to be informed on this point...

I have been unable thus far to form any opinion of the manner in which I shall be obliged or shall find it expedient to live in Mexico, and I am more and more anxious to see Mr. Letcher on his return. I am therefore much obliged to you for your letter to my son though on learning of his application to you and I feared that he had taken what might appear to you an unwarrantable liberty.

In the hope that you may before long have leisure and inclination to answer me, I remain...

Caja 97, rollo 17, vol. 16, p. 7.

17 de septiembre de 1852. Washington. Charles M. Conrad a Alfred Conkling.

Que en cuanto a su carta al presidente, de fecha de 13 del presente, la habían pasado al Departamento de Estado con instrucciones pertinentes. Se las prepararían en unos cuantos días y le darían pasaje a Veracruz en un navío que saliera desde Norfolk o Pansacola. No sabían de Letcher y su llegada y, si fuera posible, esperaban que fuera a tiempo para que se entrevistaran.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, p. 335.

29 de septiembre de 1852. México. Miguel Arroyo a Rich.

Que el ministerio de Hacienda le dijo que una partida de americanos y mexicanos, acaudillada por Santiago Escricher y Fernando Cisneros, atacó a una escolta que conducía un

contrabando a Reynosa. Una vez aprehendido y, habiéndose apoderado de él, trasladó el contrabando a la orilla izquierda del Bravo, y en ella se refugiaron. A la vez se informaba sobre el suceso al Departamento de Guerra. Por acuerdo del presidente, lo comunicaban al ministro de los Estados Unidos.

Caja 97, rollo 16, vol. 15, p. 428.

1 de octubre de 1852. México. Miguel Arroyo a Guillermo Rich.

Como resultado de la nota relativa de la legación que está a cargo del señor Guillermo Rich, el infrascrito, oficial mayor encargado del Ministerio de Relaciones, tiene el honor de transmitirle copia de la comunicación que ha dirigido a este Departamento el señor gobernador del estado de Guerrero, sobre la causa que se sigue a los ciudadanos americanos Smith y Boon, y, al propio tiempo, ofrece a su señoría las nuevas seguridades de su distinguida consideración.

Caja 97, rollo 16, vol. 15, p. 426.

1 de octubre de 1852. Sigue la copia anexa al escrito anterior.

Que el prefecto del distrito de Acapulco escribió el 10 del corriente al Secretario de Relaciones que el juez le dijo, en referencia a los apresados Smith y el africano Jorge Boon, que estando sumariado Smith por heridas inferidas a otros extranjeros y mexicanos, y dejando a uno de los primeros ciego por la herida que le dio, forzó la reja del calabozo de la fortaleza con otros siete presos en la noche del 15 de julio último y se fugó sin haberse logrado su aprehensión. En cuanto al africano Jorge Boon, que se le conocía por Santo Nacido y estaba encauzado por la muerte alevosa en la persona del mexicano Eligio Medrano, decía que lo pusieron en libertad bajo fianza.

Luego se excusa por la tardanza de su contestación debida a que no tiene empleados.

Caja 97, rollo 16, vol. 15, p. 426-8.

2 de octubre de 1852. México. W. Rich a Webster.

This Government has at last called an extra session of Congress, to meet on the 15th. of the present month as will be seen by a copy of the decree enclosed, which also enumerates the purposes for which the session is called.

The President has not as yet found any one to accept the office of Foreign Relations, the other departments are filled, Mr. Aguirre justice and Mr. Prieto finance, and General Anaya war and marine.

The revolutionists in the State of Veracruz still hold out and the state appears to be somewhat inclined to pronounce against the Supreme Government.

The party of Blancarte in Guadalajara maintain their ground. General Uraga with his brigade was marching towards that city, when he was relieved of his command, by order of the President and Lt. Col. Castillo appointed in his place, and the brigade to be known hereafter as that of Castillo instead of Uraga; this brigade was almost the only one in which the Government had any confidence, and the men were very much attached to Gen. Uraga, who has always been considered as friend and supporter of the present Administration, and it remains to be seen what will be the result of this change; Gen. U. was offered the military command of one of the States, but declined, as he said it appeared he had lost the confidence of the Government, and would retire from active service. It is doubtful what will become of this brigade under present circumstances.

It is also said San Blas has declared for Santa Anna, as also two government vessels employed between there, *Altata Mazatlán*, and that General Marín who was sent to Ventosa to take troops to Mazatlán from Tchuantepet will be waylaid by these vessels and his men compelled to join the rebels.

On the 21st. of Sept. the President issued a decree restricting the liberty of the press, a copy of which I have the honor to enclose, which has created great excitement, several of the states have referred the document to their legislatures, declaring it unconstitutional, etc. most of the papers of this

city published the decree only, daily, the rest in blank, but as they were losing subscribers, a few days since they have filled up their columns with extracts from foreign papers, particularly with articles abusive of the United States.

To day the committee appointed for the purpose, open the proposals for the Tchuantepc contract, no decision is expected for a day or two, so soon as I can obtain copies of the various proposals, decision, etc. they will be sent to the Department.

I also have the honor to enclose copies of two communications received, from the acting Minister of Relations, one in relation to the prisoners Smith and Boon lately confined at Acapulco and the other in relation to a rescue made of contraband goods near Reynosa by a party of Mexicans and Americans and carried across to the left bank of the Bravo.

I have the honor...

Caja 97, rollo 16, vol. 15, p. 422-24.

11 de octubre de 1852. Washington. Charles M. Conrad a W. Rich, encargado interino de negocios en México.

Mandaban una comisión para investigar el fraude de George A. Gardiner en contra de los Estados Unidos al decir que era el dueño de una mina en Río Verde y que interrumpió el trabajo por culpa del gobierno o pueblo mexicano. En virtud de ello, le pagaron una fuerte reclamación presentada a la comisión. Las personas que mandaban en la comisión irían a Río Verde con la intención de obtener testigos para inculpar a Gardiner y recobrar el dinero que cobró. Se pediría al gobierno de México que protegiera a la comisión en su viaje y que instruyera a las autoridades locales para que les dieran facilidades en el desempeño de su tarea.

National Archives. Records of the Department of State. *Diplomatic Instructions. México. Vol. 16, doc. 1, p. 335-6.*

11 de octubre. Washington. Charles Conrad a Alfred Conkling.

Como ha sido nombrado enviado extraordinario y ministro plenipotenciario de los Estados Unidos en México, le enviaban los documentos que serían necesarios para el desempeño de su misión.

1. Una carta sellada acreditándolo ante el presidente de México y copia de la misma.

2. Poder autorizándolo a negociar una convención con México.

3. Un pasaporte especial.

4. Instrucciones personales impresas.

5. Una lista de agentes diplomáticos y cónsules de los Estados Unidos.

6. Una circular relativa a los gastos de la misión en el extranjero.

7. Una circular relativa a los cargos que hicieran los diplomáticos.

8. Circular sobre los salarios de los agentes que salieran con permiso.

Le pagaría 9,000 dólares al año. Le darían además el equivalente de un año y cuarto de su salario para que pudiera cubrir sus gastos de regreso al terminar la misión. El sueldo comenzaría el día del nombramiento y terminaría al despedirse del gobierno mexicano, de acuerdo con las órdenes que le dieran para su vuelta. Haría los cargos de gastos incurridos contra el gobierno, además de los causados por la legación, que no debían ser mayores de 1,200 dólares por año, de no estar autorizados especialmente.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico. Vol. 16, doc. 2, p. 337-8.*

13 de octubre de 1852. Washington. Charles Conrad a A. Conkling.

Le mandaban el nombramiento de Héctor C. Ames, cónsul de los Estados Unidos en Acapulco. Lo comunicaría al

Ministro de Relaciones mexicano con una nota solicitando el *exequatur*, que pasaría al señor Ames en su lugar de trabajo.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 3, p. 338-9.

14 de octubre de 1852. Washington. Charles Conrad a A. Conkling.

The mission to which you have been appointed is one of the most important connected with our foreign relations. Besides several weighty questions now pending between the two governments, others are continually arising out of the proximity of their territory and the constant intercourse between their respective citizens.

You have already been informed of the views of this government in reference to the most important questions now pending between the two governments. A few general instructions are all that are necessary for your guidance.

1. A communication affording a cheap and rapid means of transporting passengers and merchandizes across the Isthmus of Tehuantepec, has long been considered an object of great importance to the commercial world. To the United States in particular, it is difficult to estimate the value of such a communication. Mr. Trist who was first appointed Commissioner to negotiate a Treaty of Peace with México, was authorized to offer a large sum if she would agree merely to put our citizens and government upon the same footing as her own, in regard to crossing the Isthmus by any communication then existing or thereafter to be constructed. The proposition was rejected by Mexico on the ground that she had several years before transferred all her right in regard to this right of way, to one of her own citizens (a Mr. Garay), who had subsequently assigned them to British subjects. The British subjects alluded to, transferred all their rights to the grant to certain persons, and the same have now passed to an association of American citizens by whom it is now held.

This association have taken measures to construct a rail way across the Isthmus. With the knowledge and consent of Mexico, a survey was made for the purpose, which resulted in the discovery of an excellent harbor on the Pacific, the existance of which appears to have been heretofore unknown, and the want of which had always been thought to present an insuperable obstacle to the success of the undertaking. The enterprize was found to be in other respects of easier accomplishment than had been supposed. Unwilling, however, to embarf their capital in this undertaking without the guarantee of their own government, they applied to it for that purpose. Your predecessor was accordingly instructed to propose to Mexico a treaty on this subject. The proposal was acceded to, and on the 22nd. day of June 1850, a treaty was negotiated by which among other stipulations, México virtually recognized the validity of the grant, but the provisions containing this recognition not being as explicit as it was desireable they should be, it was sent back to Mexico for amendment without having been submitted to the Senate. A new convention was made, which was approved by the Senate and ratified by the President of the United States and was returned to Mexico to receive the assent of that Government. Before it was submitted to the Mexican Congress, however, that body adopted a decree by which they declared a former decree (of the dictator Salas) on which the validity of the original grant depended to be null and void. The Convention was subsequently rejected by a same body. In the meantime those who were engaged in making the survey were compelled, by an order from the Mexican Government, to leave the Isthmus before the survey was quite completed. It is understood, a law has recently been passed by the Mexican Congress authorizing the President to contract for the construction of a road across the Isthmus with any one who may undertake it.

The above is a brief history of this negotiation. For more minute information on the subject, you are referred to the correspondence between the two governments to be found in the archives of the Legation, and in a pamphlet recently prin-

ted by order of the Senate, whith a copy of which you have been furnished.

Continúa diciendo que México, habiendo rechazado la convención, repudiado la concesión, y habiendo hecho proposiciones a través del ministro de los Estados Unidos o del mexicano en Washington, resultaba indigno para los Estados Unidos hacer nuevos intentos de negociación. Pero el gobierno estaba deseoso de que se hiciera la comunicación del Istmo y estaba dispuesto a recibir proposiciones razonables. Si alguna surgiera, la recibiría y transmírīa sin dilación. No se podía predecir qué forma podía tomar la proposición.

I will suggest however, that this government would advise the holders of the grant not to insist upon a literal compliance with its terms, and if there be any clauses in it particularly obnoxious to the Mexican Government or people, those clauses might possibly be dispensed with, or essentially modified.

You will therefore, endeavor to ascertain what are the real objections to the grant, and whether and how they could be obviated or removed. It is understood, that the grant of so large a portion of her territory is very objectionable to that government. If so, it might possibly be exchanged for some suitable equivalent, such as a prolongation of the privileges beyond the period mentioned in the grant. It is possible that pride of the nation might be wounded by a direct recognition of the grant. If so this difficulty might be obviated by a direct cession of the right of way to the United States.

You will bear in mind, that the great and paramount object of this government is to obtain a right of way across the Isthmus. If this object can be attained through the grant to Garay, it would, in justice to the holders of that grant, prefer accomplishing it in that way. It will in no event do any act to prejudice their rights against Mexico growing out of said grant, but, if, all the efforts of the Government to obtain a recognition of the grant should be unsuccessful, it cannot permit the existence of a right which Mexico refuses to recognize, to present an insuperable obstacle to the prosecution of an enterprize in which the whole people of

the United States are so deeply interested. In case, therefore, no proposition should be made to you based upon the recognition of this grant, and you should perceive no indications of a favorable change in the views or actions of the Government relative thereto, you will cautiously sound the Government, with a view to ascertain, if practicable, whether it would be willing, on any and on what conditions, to cede the right of way to the U. S., taking care, however, to say nothing which may lead it to infer that Congress may not, as intimated by the Report of the Committee of the Senate, determine to enforce the performance of the grant.

I may be well to state, that Mexico has always professed to be anxious to open the communication, and it is said the President by virtue of the decree of Congress above referred to, has recently advertised for proposals for a contract for that purpose. It is suspected, however, that this proceeding is intended solely to delude the government and people of this country, by inducing a belief that the road is about to be made and thereby diminish their anxiety for the recognition of the grant to Garay. Supposing, however, that government to be sincere in this professions, it is believed that the object can never be accomplished by Mexican capital, and that no foreign capitalists will embark in so great an undertaking without some other guarantee for the protection of their rights than the power and good faith of the Mexican Government.

The only remaining subject of negotiation between the two Governments, of public importance, is in relation to the 11th. article of the Treaty of Guadalupe Hidalgo requiring the United States to restrain the incursions of the Indian tribes occupying the territory ceded by Mexico to the U. S. etc.

Continúa diciendo que el gobierno había cumplido porque con gran gasto mantenía una cadena de puestos militares a lo largo de la frontera mexicana y había ordenado a los oficiales que los dirigían considerar el territorio mexicano como sujeto a su protección, que castigaran a los indios por cualquier acto hostil en contra de México y que exigieran satisfacciones al igual

que si la falta se hubiera cometido contra los Estados Unidos. En todos los tratados con las tribus de la región, el gobierno había insistido en que se protegiera a los ciudadanos mexicanos y a sus propiedades al igual que a los de los Estados Unidos.

Sin embargo, las incursiones seguían. El territorio de ambos lados se consideraba mal poblado y bien adaptado para la guerra de depredación que practicaban las tribus. Había que pensar si la actividad de las tropas regulares no las aumentaba, pues cuando expulsaban del territorio norteamericano a los indios, éstos se refugiaban en el mexicano, donde podían continuar sus actividades con impunidad y se consideraban a salvo, porque las tropas no podían perseguirlos en territorio mexicano.

For these reasons, incursions by the Indians will continue to be made until the race is exterminated. The consequence is, that complaints will always be made that our government does not fulfil the obligations imposed upon it by the treaty. The character of the government for good faith will be impugned, and the prejudices and animosities which already exist between the citizens of the two countries will be greatly inflamed. With the view to remove this constant source of misunderstanding between the two governments, Mr. Letcher was instructed to propose to Mexico to release the United States from the above mentioned stipulations in consideration of a sum not to exceed [en blanco] millions of dollars, which was subsequently increased to [en blanco] millions of dollars. These instructions are to be found in two dispatches to Mr. Letcher, one dated the 24th. of August 1851, the other the 27th. Feby. 1852. It is understood, that Mr. Letcher sounded the Mexican Government on this question, and that some members of it were favorably inclined towards the project, but nothing was concluded. A new Cabinet has since come in and nothing is known of their views on the subject.

You will consider these instructions as still in force except that the sum of [en blanco] millions which you are authorized to offer is not exclusive of claims of our citizens for wrongs done by Mexico, but that they are to be deducted from the amount. It may be well here to remark, that a portion of

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the inhabitants of Mexico believe that under the stipulations above referred to, the U. S. are bound to indemnify Mexico for all losses sustained by her citizens in consequence of incursions of the Indians. It is not understood that this idea has been advanced by the government, but it is possible that some of those connected with it may put this interpretation of the 11th. Article, and may on that account greatly exaggerate its value to that country. If such be the fact, you will at once make known to that government that this construction is entirely inadmissible. It could never have been contemplated by either government that incursions of the Indians could be entirely prevented, and this government never intended to guarantee the citizens of Mexico against them. All that this government understood was to protect Mexico against them "with equal diligence and energy, as if the same incursions were committed or committed within its own territory, against its own citizens". This stipulation it has strictly complied with. A different construction of this clause in the treaty would make it an inexhaustible mine to those inhabitants of Mexico who dwell near the boundary of the U. S., and would subject the United States to the grossest frauds and most exaggerated demands. It would give rise to endless controversies between the two governments. In a population like that on the borders of the two countries it is often difficult to determine by whom a particular act of degradation was committed. Even when ascertained to have been committed by Indians it would, in most cases, be impossible to determine to which side of the line wandering tribes having no fixed habitations belong, if indeed, they can properly be said to belong to either. Besides, some of the tribes whose incursions into Mexico are most frequent occupy habitually, a portion of Texas which was not ceded to the United States by Mexico, and it may well be admitted whether under the treaty we are bound to protect her against their incursions.

En cuanto a las peticiones que reciba de americanos que piden ayuda para reclamar a México, actuará según su discreción. De hecho, no era su obligación intervenir en esos asuntos privados, a no ser que los casos fueran remitidos por el

departamento. A veces habría casos de urgencia, y no podía inhibirse por lo mala que era la justicia mexicana. Había reclamaciones contra México que todavía no se habían ajustado y le mandaban la lista para que insistiera. En este tema, como en el del paso, era conveniente dejar que México tomara la iniciativa.

In fact it is considered advisable to connect the two subjects as the settlement of one may aid materially in that of the other. If you discover that such a plan is likely to be acceptable to that government, it would be well to suggest that an attempt be made to settle by some general arrangement all pending questions and difficulties between the two governments including the claims of our citizens for wrongful acts of that government, its officers or agents since the treaty of Guadalupe Hidalgo and communicate the result to this Department.

Algunas de esas reclamaciones respondían a violaciones de las autoridades mexicanas al artículo 19 del tratado y estaban bien planteadas, por lo que no veían el porqué el gobierno no las reconocía, aun cuando no las pagara de inmediato; el caso era el de Belden y Co. Los ofendidos, preocupados por la tardanza del gobierno mexicano en pagarles, llevaron el asunto al senado de los Estados Unidos y éste lo refirió al comité de relaciones internacionales, donde juzgaron en su favor, y le mandaban una copia del fallo. Le ordenaban atender el caso en forma especial.

Querían que analizara las reclamaciones pendientes, procedentes de abusos del gobierno mexicano, para establecer la cantidad que alcanzaran los casos que estaban bien fundados según su opinión.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, núm. 4, p. 339-351.

16 de octubre de 1852. México. Rich a Webster.

The extra session of Congress was opened yesterday with the customary military parade. The president read his address,

which is short and refers only to the actual business: for which the session was called, I have the honor herewith to enclose a copy of the message.

The actual Government is in a very critical situation without money or troops, and with a very little sympathy from the states or people. It is said the present Congress will impeach the President and his cabinet.

The Legislatures of Vera Cruz, Puebla and Guanajuato, it is rumored today, have passed resolutions declaring general Arista inept (inepto).

A revolution has broken out in the state of Michoacan against the supreme government, the particulars of which have not as yet, reached here.

The revolutionary party in the State of Veracruz is said to be increasing and becoming more formidable and it will require a very strong force to suppress it.

The state of Jalisco has almost unanimously proclaimed for Santa Anna as Dictator.

Mazatlán still remains separated from the state of Sinaloa and has demanded a territorial government.

As regards to the Tchuantepet question I presume nothing will be done during the present unsettled state of affairs.

I have the honor of forwarding, under a separate envelope, the proposals of the Guanajuato company and those of Felipe García for the opening of the interoceanic communication, and various notices of Mr. Ramírez' opinions upon that subject etc.

Mr. Edward Smith arrived here on the 11th. instant and agreeably to your (private) instructions I furnished him with the funds necessary for him to proceed in his route, he took \$1,250. (one thousand two hundred and fifty dollars) in drafts and cash, and left here for Queretaro on the 14th. I have drawn on the Department of the above sum of 1,250 in favor of Martinez del Rio Brothers, and enclose Mr. Smiths receipt for that amount.

Caja 97, rollo 16, vol. 15, p. 432-432.

5 de octubre de 1852. México. El Universal del 6 de octubre.

Nota escrita por Miguel Buenrostro. "Tehuantepec".

Antes de ayer, a la hora en que entraba en prensa nuestro periódico, recibimos el pliego que insertamos en seguida, y contiene las propuestas que presentó la compañía del Sr. García para la apertura del istmo de Tehuantepec.

Por la rápida ojeada que hemos dado a ese documento, nos parece que no eran exagerados los informes que se nos habían dado; sin embargo, nos abstendremos todavía de emitir nuestro juicio, porque esperamos que los demás licitantes publiquen sus respectivas propuestas:

La del Sr. García, que hasta ahora parece la mejor y la que cuenta con más simpatías, dice así:

Exmo. Sr. Felipe García y compañía, asociados para presentar a V. E. esta postura, en virtud de la convocatoria de 29 de julio último, referente a la vía de comunicación interoceánica que debe abrirse por el istmo de Tehuantepec, se han decidido por la segunda de las bases, porque tanto el gobierno como la empresa misma hallarán en ella medios más adecuados para llevar a cabo las obras y garantías más seguras para sus respectivos intereses.

Esta sociedad ha creído que debe limitarse a la construcción del camino, por ser lo único para lo que el gobierno necesita de elementos ajenos, pues el establecimiento de líneas de vapores, que por medio de la navegación de altura mantengan la correspondencia con el extranjero, es una cosa para la cual, en sentir de todos los hombres entendidos, no necesita el gobierno mexicano hacer sacrificio de ningún género.

Abierta la comunicación interoceánica, puede tenerse absoluta evidencia de que ambos mares del Istmo se llenarán de buques sin pretender privilegios ni excepciones que puedan economizarse en provecho de la nación. Por lo que hace al artículo 7 de la convocatoria, la barra del Coatzacoalcos por ser invariable en su dirección y calado, no necesita gasto alguno para mantenerse en franquía: ni por la parte del Pacífico ha de ser gran cosa lo que haya de hacerse.

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Puede muy bien el gobierno, con cortísimas erogaciones poner esos puertos en completo estado de servicio. Y si, como ya se dijo, la comunicación con el extranjero ha de ser tan activa cuanto parecía desearse, desaparece todo motivo plausible de conceder privilegios y excepciones para el establecimiento de líneas de vapores que hagan viajes de altura para mantener la comunicación o para conducir la correspondencia; pues esto daría un resultado enteramente contrario a las miras del gobierno, atacando la concurrencia de bajeles, cuando debe fomentarse por medio de las franquicias que reclama el comercio marítimo.

Pero si estas reflexiones no fueren de algún peso para consideración del Gobierno Supremo la sociedad que suscribe se atreve a indicarle que al menos, la contrata de que habla la 5^a de las reglas establecidas por el preámbulo de la convocatoria, se aplace para cuando la noticia de los adelantos del camino haya surtido efecto en el extranjero. Entonces el gobierno supremo apreciará la lealtad y exactitud de estas observaciones, y si aún fuese necesario conceder tal privilegio, lo hará en vista de los datos recientes y seguros.

Cualquiera que sea la resolución suprema sobre este punto, esta sociedad cree que el cumplimiento del artículo 17 de la convocatoria no le corresponde, supuesto que no hace postura al establecimiento de línea de vapores para el tráfico de altura. Y si solicita privilegio para la navegación interior por el Coatzacoalcos y sus tributarios, es para impedir que otra empresa venga a embarazar a la que habla en sus medios de acción y en los elementos de que necesita para expeditar los trabajos y para abbreviar la travesía del Istmo, haciendo más corto el tránsito por tierra.

Como por el artículo 11 de esta postura, la empresa cede a beneficio del gobierno el total producto de todos los derechos que hayan de establecerse conforme al artículo 31 de la convocatoria, dicha empresa no se considera en el caso del artículo 35 de la misma.

Por el artículo 28 de la convocatoria, se ofrecen a la empresa los terrenos baldíos necesarios para el camino y sus dependencias. Mas debe tenerse presente que para la

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conservación de los medios de transporte, la compañía necesita mantener en macheros de dos mil quinientos a tres mil cabezas de tiro, y que si éstas se hubieran de mantener con posturas y granos comprados, el gravamen sería enorme. Tiene, pues la empresa la necesidad de procurarse esos forrajes en los terrenos mismos por donde el camino haya de abrirse, y debe hacerlo emprendiendo siembras cuantiosas que al mismo tiempo sirvan para disminuir la necesidad de víveres extranjeros y para dar un poderoso impulso a la agricultura y al comercio de aquellos puntos. Desea por tanto que la concesión de terrenos baldíos sea más franca; y si no fija su pretensión acerca de esto, es por no introducir novedad en las condiciones impuestas por la convocatoria, y crear así un tropiezo: pero confía en que el Supremo Gobierno persuadiéndose de la buena fe con que aquella procede, y la imperiosa necesidad que tiene de proporcionarse elementos al menor costo posible se prestara gustoso a una concesión moderada, aunque bastante a su objeto: concesión que nada cuesta al gobierno, y que sin embargo, es para la empresa de mucha importancia.

En apoyo de esta pretensión, permitirá V. E. a la compañía mexicana invocar los liberales principios que consignaron los reglamentos de las colonias militares, los cuales al simple ciudadano por sólo avecindarse en la Sierra Gorda, en la frontera y aún en el mismo Tehuantepec, le concede una fanega de sembradura. La empresa, para arraigar a los jornaleros en un trabajo de nueve años, sostenido en temperaturas mortíferas y abrasadoras, necesita estímulos por medio de gores que no puede proporcionarlos de otro modo. Y esto envuelve también una mira política profunda, perfectamente combinada con el espíritu del artículo 14 de esta postura, en el cual rogamos a V. E. se sirva fijar seriamente su atención.

La sociedad que suscribe ha medido cuidadosamente el tamaño de los obstáculos con que tiene que luchar para la realización de una empresa de tal magnitud; pero después de una madura reflexión se ha persuadido de tener en su seno elementos que no tienen otras compañías. Ella se forma

de sujetos que conocen prácticamente la naturaleza de este negocio, que han vivido y trabajado muchos años en la costa, desafiando los rigores del clima; que tienen toda la fuerza de voluntad necesaria para entregarse allí al trabajo personal que esta empresa demanda, y que, por íntimo conocen la población de aquel país, los elementos y los hombres que de allí pueden sacar para dar cumplimiento a su compromiso.

Contando pues con estos medios de acción y con los demás que son necesarios, formaliza su postura en los artículos siguientes:

1. La empresa abrirá el camino de herradura que hoy existe hasta ponerlo en estado de carretera por medio de re-tajes, terraplenes, ademes o estacadas, y por cualquier otros adecuados a un camino de esta clase. Los puentes que fueron necesarios se harán de madera; pero tanto éstos como las demás obras concernientes a la carretera, serán construidas a satisfacción del gobierno. Deben también edificarse galerones para abrigo de los trabajadores, alojamientos para pasajeros y almacenes para las mercancías, carros, trenes, etc.

2. A los seis meses de expedida la patente del privilegio que aquí se pretende, darán principio los trabajos para la carretera, y un año después quedará enteramente concluida con todas las oficinas que le correspondan. En el mismo día en que la carretera esté expedita comenzarán sus trabajos las líneas de diligencias y de carros que establecerá la empresa.

3. La ruta que debe llevar el ferrocarril se señalará por el gobierno, de acuerdo con la empresa, previo el reconocimiento científico que ésta hará para buscar la linea más corta y más accesible, aprovechando lo que se pueda de la navegación interior de los ríos. En virtud de esta operación están designadas las obras que deban ejecutarse, tanto para la construcción del camino, como para mantener expedita la navegación por el Coatzacoalcos y sus tributarios. La empresa queda obligada a construir dichas obras bajo el sistema que el gobierno señalará, así como un faro que se levantará en el punto que el gobierno estimará conveniente y que será mantenido por cuenta de la empresa.

4. La construcción del ferrocarril dará principio dos años después de expedida la patente y siete años después de haber comenzado, quedará enteramente concluido con todos sus trenes almacenes, oficinas, etc.

5. La empresa garantiza el cumplimiento de esta postura con la cantidad de trescientos mil pesos (\$300,000) que depositará en créditos activos contra el erario, reconocidos y liquidados para hacer efectiva la pena convencional en los casos y términos prevenidos por el artículo 14 de la convocatoria.

6. La empresa acepta las condiciones establecidas por los artículos 15, 18, 19, 26, 27, 28, 30, 32 y 34 de la convocatoria. También acepta el artículo 16 y en cumplimiento de lo que por él se previene declara; que todos los individuos de que se compone esta sociedad son mexicanos.

7. Igualmente acepta la condición del artículo 20 ampliándolo a favor del gobierno de esta manera: "La empresa queda obligada a transportar gratis las tropas y empleados del gobierno, así como las armas, municiones y efectos de la nación."

8. Asimismo acepta la condición del artículo 29 con la siguiente adición: "También introducirá libres de todo derechos, los ómnibus, diligencias y carros, con sus respectivos útiles y enseres que necesite para el establecimiento y conservación de las líneas de transporte."

9. Igualmente acepta la condición del artículo 33 ampliando a favor del gobierno en los términos siguientes: "Todos los trenes, útiles, herramientas, oficinas, etc. pertenecientes al ferrocarril, se entregarán al gobierno, al expirar el término de la contrata, en buen estado de uso; sin que la empresa pueda reservarse cosa alguna para sí. No se consideran pertenecientes al ferrocarril los edificios que la empresa construya para alojar pasajeros o con otros objetos de especulación industrial o mercantil".

10. La contrata se celebrará por cincuenta años, contados desde la fecha de la patente. Desde el día que el ferrocarril esté concluido hasta el día en que expire el término de la contrata el gobierno percibirá la tercera parte líquida de las

utilidades del mismo ferrocarril y las otras dos terceras partes se aplicarán a la empresa. Pasados los cincuenta años, el gobierno se aplicará íntegro dicho producto. La empresa se conforma con la aclaración hecha en 21 de este mes al artículo 24 de la convocatoria.

11. Esta sociedad no tiene pretensión alguna sobre el producto de los derechos que se establezcan en el Istmo, conforme al artículo 31 de la convocatoria, en consecuencia, el total producto de los expresados derechos se aplicará íntegro al gobierno. La empresa formará la tarifa de los repetidos derechos y la someterá a la aprobación del gobierno

12. El gobierno concederá a la empresa privilegio [progre]sivo por nueve años para establecer toda [clase de] medios de transporte en el camino provisional carretero que se encarga de abrir por el istmo de Tehuantepec.

13. También se le concederá privilegio [rotó] por el tiempo de la contrata para la navegación por el río Coatzacoalcos hacia el interior y otros ríos tributarios del mismo Coatzacoalcos.

14. La empresa no empleará en las obras del camino a más extranjeros que los absolutamente necesarios en calidad de maestros, oficiales, [rotó] dientes o sobrestantes. Pero los simples jornaleros serán mexicanos, a fin de evitar que con pretexto de trabajadores se introduzcan al Istmo un número crecido de aventureros con intento de apoderarse de él.

Méjico, agosto 30, 1852.

Caja 97, rollo 16, vol. 15, p. 36.

6 de octubre de 1852. México. El Universal, 3^a columna, “El negocio de Tehuantepec”.

Al informar que se están presentando proposiciones para construir, comenta que el gobierno debe insistir en que las compañías que reciban la concesión se comprometan —según ellos, *sine qua non*— a hacerse cargo de cualquier responsabilidad que reporte la nación por la anulación del privilegio

de Garay. Según los últimos datos que tenían del *Picayene* de Nueva Orleans, la suma que la compañía de Nueva Orleans pedía por indemnización alcanzaba la cantidad de cinco millones y medio de pesos. Parecía que el senado y el gobierno americano estaban dispuestos a apoyar semejante demanda. Fuera lo que fuere lo que debieran pagar, ello debía de cubrirlo la compañía receptora de la concesión.

Caja 97, rollo 16, vol. 15, p. 437.

11 de octubre de 1852. Washington. Charles M. Conrad a William Rich, encargado interino de negocios en México.

Le indican que mandaron a México una comisión para investigar el fraude de George A. Gardiner por haber dicho que era el dueño de unas minas en Río Verde y que las autoridades locales y el pueblo le interrumpieron su trabajo. Por estos supuestos hechos la comisión pagó una cantidad importante a Gardiner en calidad de reclamación apoyada en el tratado de Guadalupe Hidalgo. Los comisionados irían a Río Verde a comprobar que tal mina existía o para lograr los testimonios adecuados en contra de Gardiner para que devolviera el dinero, por lo que se rogaba al gobierno mexicano que diera las facilidades para que se llevara a cabo la misión encomendada.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, doc. núm. 1, p. 335-6.

11 de octubre de 1852. Washington. Charles M. Conrad a Alfred Conkling.

Había recibido el nombramiento de enviado extraordinario y ministro plenipotenciario de los Estados Unidos en México, y le adjuntaban los documentos necesarios para acreditarlo en la misión:

1. La carta sellada acreditándolo ante el presidente de México.
2. El poder autorizándolo a negociar una convención con México.
3. Un pasaporte especial.
4. Una instrucción personal impresa.
5. Una lista de los agentes diplomáticos y los cónsules de los Estados Unidos.
6. Una circular relativa a los gastos de la misión.
7. Una circular referente a la forma de girar de los agentes diplomáticos.
8. Una circular relativa a los salarios de los agentes cuando abandonaran sus puestos con permiso.

Su salario consistiría en nueve mil dólares anuales. Aparte le concedían el salario de un año y un cuarto para que cubriera los gastos de regreso a los Estados Unidos al concluir su misión. El sueldo comenzaría el día de su nombramiento y terminaría al despedirse del gobierno mexicano después de que así se le ordenara, giraría en contra del Departamento de Estado y los gastos de la misión no excederían de mil doscientos dólares al año.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico*. Vol. 16, doc. 2, p. 237-8.

14 de octubre de 1852. Washington. Charles M. Conrad a A. Conkling.

Le dicen que la misión que le encargaron es de la mayor importancia y que, aparte de algunas cuestiones existentes entre los dos gobiernos, hay otras que surgen de la proximidad del territorio y del trato constante entre los ciudadanos respectivos de los dos países.

Ya le habían informado de los puntos de vista del gobierno con referencia a lo más especial de lo pendiente, pero unas instrucciones generales le serían de beneficio para que guiara su conducta.

1. Lograr una comunicación rápida para transportar mercancía y productos a través del istmo de Tehuantepec había sido un objetivo considerado de importancia para el mundo comercial. Especialmente para los Estados Unidos resultaba difícil estimar el valor de semejante comunicación. El primer comisionado para negociar el tratado de paz, el señor Trist, fue autorizado a ofrecer una cantidad importante sólo para que se pusiera a los ciudadanos de los Estados Unidos en igualdad con los mexicanos, de manera que pudieran usar el paso que existiera o que fueran a construir. México rechazó la proposición diciendo que ya había dado ese derecho a uno de sus ciudadanos (un tal Garay), que después los transfirió a sujetos británicos. Esos británicos los traspasaron a una cierta persona y en el momento estaban en manos de una asociación de ciudadanos americanos. Esta asociación tomó las medidas para construir un ferrocarril a través del Istmo. Con el conocimiento y el consentimiento de México se hizo un estudio que llevó a descubrir un excelente puerto en el Pacífico, aparentemente desconocido hasta el momento, cuya existencia era el secreto del éxito de la empresa. Tal pareció que la empresa sería más fácil que lo supuesto. Pero no queriendo arriesgar su dinero, sin la garantía de su gobierno, así la pidieron, y su predecesor tuvo instrucciones para arreglar un tratado sobre el tema. Lo aceptaron el 22 de junio de 1850, cuando se negoció el tratado en el que México reconocía la validez de la concesión; pero como el artículo no era suficientemente explícito, lo devolvieron para que se enmendara, sin someterlo al senado americano. Se hizo una nueva convención, aprobada por el senado, y el presidente de los Estados Unidos la devolvió a México para que la aprobaran. Antes de que el congreso mexicano la conociera, lanzó un decreto por el cual se puso en duda la validez de la concesión y se consideró nula. La convención se rechazó al llegar y, mientras tanto, quienes hacían el estudio en el Istmo tuvieron que abandonarlo sin acabar. Se entendía que el gobierno mexicano había aprobado una ley por la que el congreso autorizaba al presidente a contratar la construcción de un camino en el Istmo con quien pudiera construirlo.

La antecedente era la historia de la negociación:

Mexico having rejected the Convention and repudiated the grant, and having made no proposition whatever either to our Minister there or through her representative here, this government cannot consistently, with a due regard to its own dignity, make any overtures to renew the negotiation. Nevertheless, this government anxiously desires that some arrangement should be made whereby the communication across the Isthmus may be established, and would listen to any reasonable proposition for that purpose. If, therefore, any such proposition should be made, you will receive and transmit it without delay. It is impossible to anticipate what form such a proposition may assume. I will suggest however, that this government would advise the holders of the grant not to insist upon a literal compliance with its terms, and if there be any clauses in it particularly obnoxious to the Mexican government or people, those clauses might possibly be dispensed with or essentially modified.

You will, therefore, endeavor to ascertain what are the real objections to the grant, and whether and how they could be obviated or removed. It is understood, that the grant of so large a portion of her territory is very objectionable to that government. If so, it might possibly be exchanged for some suitable equivalent, such as a prolongation of the privileges beyond the period mentioned in the grant. It is possible the pride of the nation might be wounded by a direct recognition of the grant. If so, this difficulty might be obviated by a direct cession of the right of way to the United States.

You will bear in mind, that the great and paramount object of this government is to obtain a right of way across the Isthmus. If this object can be attained through the grant to Garay, it would, in justice to the holders of the grant, prefer accomplishing it in that way. It will in no event do any act of prejudice to their rights against Mexico growing out of said grant, but, if, all the efforts of the Government to obtain a recognition of the grant should be unsuccessful, it cannot permit the existence of a right which Mexico refuses to recognize, to present an insuperable obstacle to the prosecution of an enterprise in which

the whole people of the United States are so deeply interested. In case, therefor, no proposition should be made to you based upon the recognition of this grant, and you should perceive no indications of a favorable change in the views or action of the Government relative thereto, you will cautiously sound the Government, with a view to ascertain, if practicable, whether it would be willing, on any and on what conditions, to cede the right of way to the U. S., taking care, however, to say nothing which may lead it to infer that Congress may not as intimated by the Report of the Committee of the Senate determine to enforce the performance of the grant.

Había que reconocer que México siempre quiso abrir la comunicación, y se decía que, en vista del decreto de que se habla arriba, el presidente había abierto el concurso de proposiciones para contratar con una compañía. Se sospechaba que ese procedimiento intentaba desanimar al gobierno y al pueblo de los Estados Unidos haciendo creer que el camino estaba a punto de ser construido y que por ello se disminuiría el empeño en cuanto a que se reconociera la concesión de Garay. Suponiendo que así hubiera sido se consideraba que el capital mexicano nunca podría lograr el cometido y ningún capitalista extranjero se embarcaría en semejante empresa sin otra garantía y protección de sus derechos que la buena voluntad del gobierno mexicano.

2. El único otro tema de negociación entre los dos gobiernos, con importancia pública, se refería al artículo 11 del tratado de Guadalupe Hidalgo y centraba su atención en las incursiones indígenas que ocupaban el territorio cedido por México a los Estados Unidos.

El gobierno americano había cumplido, a gran precio, manteniendo los puestos militares a lo largo de la frontera con México, y los oficiales tenían que considerar tan importante la protección del territorio mexicano como la del norteamericano. Además debían castigar a los indios que atacaban a México. En todos los tratados con las tribus indias de la región, el gobierno insistía en los mismos puntos, para que fueran protegidos los territorios y los ciudadanos con sus propiedades, al igual que los propios.

Sin embargo, las incursiones continuaron porque, en ambos lados de la frontera, el país era adecuado para las depredaciones, por la falta de población en aquella zona, y resultaba muy difícil prevenir tales depredaciones, por mucho que se quisiera hacer. Cuando se les expulsaba de un lado, los indios se refugiaban en el otro, y se consideraban a salvo porque las fuerzas locales no los podían perseguir al otro lado. Cabía dudar, incluso, si los ataques de las tropas no aumentaban la actividad indígena. Por estas razones, consideraban que las incursiones de los indios continuarían hasta que se terminara la raza. Siempre se quejarían de que el gobierno americano no cumplía con el tratado y no se tomaría en cuenta la buena fe del gobierno.

En un intento de solventar el problema, el señor Letcher fue instruido para que ofreciera dinero al gobierno de México con el fin de que aceptara liberar a los Estados Unidos de esa obligación, disponiéndose a ofrecer varios millones de dólares. Esas instrucciones estaban fechadas el 24 de agosto de 1851 y el 27 de febrero de 1852. Se tiene entendido que Letcher intentó tratar el asunto con el gobierno mexicano y, aunque algunos estaban en favor, nada se concluyó, y del nuevo gabinete llegado al poder nada se sabía.

Consideraría esas instrucciones como válidas, excepto que la suma no era exclusiva de las reclamaciones de los americanos en contra de México, sino que debían ser deducidas de esa cantidad. Había que decir que muchos creían que los Estados Unidos debían pagar por todos los atropellos indios en contra de los mexicanos y que también era posible que las cantidades se exageraran, incluyéndolas en el artículo 11 del tratado. Si así fuera, haría ver el error pues, de continuar la cláusula, terminaría siendo un abuso en contra los Estados Unidos. Incluso algunos indios de los atacantes habitaban una parte de Texas que no pertenecía a los Estados Unidos.

Con frecuencia los americanos pedirían ayuda en sus reclamaciones y él actuaría de acuerdo con su discreción, pues no estaba obligado a hacerlo, excepto si lo mandaba el Departamento de Estado.

En cualquiera de los asuntos tratados se consideraba más importante dejar que México tomara la iniciativa.

In fact it is considered advisable to connect the two subjects, as the settlement of one may aid materially in that of the other. If you discover that such a plan is likely to be acceptable to that government it would be well to suggest that an attempt be made to settle by some general arrangement all pending questions and difficulties between the two governments, including the claims of our citizens for wrongful acts of that government, its officers or agents since the treaty of Guadalupe Hidalgo and communicate the result to this Department.

En muchas de las reclamaciones el gobierno mexicano violó el artículo 19 del tratado y México debía reconocerlas aun cuando no pagara de inmediato. Entre esos casos estaba el de J. A. Belden y Co., y el reclamante, impaciente porque no le hacían el pago, reclamó al senado, y éste lo refirió al comité de relaciones exteriores que informó en su favor. Debería tratarlo con el gobierno mexicano.

Le pedían que hiciera una evaluación de lo que representaban las reclamaciones en el momento y de cuál era la justa consideración de los casos.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, núm. 4, p. 339-351.

14 de octubre de 1852. Washington. Charles Conrad a A. Conkling.

Además de las instrucciones generales que había recibido, había dos cuestiones importantes que tenía que atender:

1. Se había decidido, de acuerdo con el tratado de Guadalupe Hidalgo, que se nombraría una comisión para delinear la frontera, pero cuando ya se hacía la erogación del dinero para que saliera, el congreso puso como condición que nada se gastara antes de incluirse El Paso en su territorio, de acuerdo con lo establecido por el mapa de Disturnell. Y no se podría continuar el trabajo de momento

porque los presupuestos anteriores dedicados a la comisión se habían agotado.

2. Varios señores habían sido enviados a México para investigar el fraude de Gardiner. Habían escrito a Rich y le enviaban copia de la comunicación porque la debía considerar como dirigida a él mismo.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, doc. 5, p. 352-3.

16 de octubre de 1852. Washington. Charles Conrad a Alfred Conkling.

Dice que el abogado del distrito le había externado la opinión de que Henry May, nombrado jefe del comité del senado para investigar el caso Gardiner, debía estar autorizado para asegurar la presentación personal de los testigos en los mejores términos posibles, pagando sus gastos en la forma que el presidente indicara. El presidente ya había dicho que se encargara de facilitar los fondos necesarios para que se pudiera cumplir con la comisión de May. Ordenaban que le dieran dinero por adelantado y que rindiera cuenta.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, doc 6, p. 354.

20 de noviembre de 1852. Washington. Edward Everett a Alfred Conkling.

Le manda copia de la carta del 16 del presente y de los documentos que la acompañaron, enviada al Departamento de Estado por K. Mills y Co. de Boston, relativa a una queja de Moritz Speyers en contra del gobierno mexicano por impuestos excesivos cargados a mercancías que importaron por Matamoros durante el año anterior y el corriente. El reclamante había llamado directamente la atención de la legación

en México. Si consideraba que podía lograr algo, debía intentarlo.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol 16, doc. 7, p. 355.

20 de noviembre de 1852. México. W. Rich a Webster.

Que de acuerdo con el despacho recibido con anterioridad, el señor May, que pasó por ahí el 5, ya se había ido a San Luis Potosí el día 11, llevando todo lo que se requería.

Nada sabía del capitán Edward Smith, que salió para San Luis el día 9, excepto que había presentado un giro por 100 dólares a la legación.

The congress have impeached Mr. Aguirre, Minister of Justice, for issuing the decree against the press in September last. They are now engaged in deciding upon the various proposals for constructing the Rail Road across the Isthmus of Tehuantepec; the proposals of a Mr. Bellange appear to have been received with the most favor, I enclose the "Monitor" of this morning containing the opinion of the commission of Congress, appointed for this purpose of deciding upon the proposals. The Congress has also decided that Mr. Esparza late Minister of Finance, committed a misdemeanor in allowing the exportation of the two and a half millions, last indemnity, free of duties.

The revolutionary party in Guadalajara is daily gaining strength, and fears are entertained that it may extend itself to this capital, ere long.

An insurrection has taken place in the state of Sonora; the French settlers engaged in mining, headed by Count Raousett de Boulbon have beaten the Mexican forces, and taken possession of Hermosillo, it is also reported that they have sent to upper California for reinforcements and that they intend to retain possession of the State.

The correspondence will be forwarded first opportunity by judge Conkling with his despatches.

I have sent num. 1 and 2 of the "Archivo", the new Government organ, it appears to be a very useful publication, and shall continue to forward it, unless otherwise directed, I also send a copy of the Documents relative to the opening of an interoceanic communication by the Isthmus of Tehuantepec printed by order of Congress.

I have... W. Rich.

Caja 97, rollo 16, vol. 15, p. 450-51.

20 de noviembre de 1852. México. El Monitor Republicano.

Congreso General. Dictamen de las comisiones unidas de industria y primera de hacienda de la cámara de diputados, sobre las propuestas que se han presentado para la apertura de una comunicación inter-oceánica por el istmo de Tehuantepec.

Obsequiando el acuerdo de la cámara, sus comisiones de industria y primera de hacienda unidas, examinaron de toda preferencia el expediente formado por el gobierno a virtud de la ley expedida en 14 de Mayo último, para la apertura de una vía de comunicación interoceánica por el istmo de Tehuantepec; consideraron la dirección que se dio al negocio, analizaron las diversas proposiciones hechas para llevarlo a su término y comparando las unas con las otras, escogieron las que en su dictamen ofrecen mayores ventajas a la república. Las comisiones han trabajado sin descanso en el breve tiempo de que han podido disponer, que en verdad no fue ni el transcurrido desde que el expediente vino a sus manos; habiendo empleado dos días en promover la unión de las tres compañías mexicanas que han hecho propuestas para la comunicación de los dos mares. Malogrado este designio, confían, sin embargo, las comisiones en que la cámara no les imputará esa corta moratoria, en gracia del propósito que se buscaba, y que por otra parte han merecido igual consideración en otras naciones donde se han generalizado estas empresas, y son exactamente conocidas.

Mientras más clara es, y apremiadora, la necesidad de dar punto a este negocio, mayor hubiera sido la complacencia de las comisiones en verlo atinadamente preparado para la resolución del cuerpo legislativo.

Desgraciadamente las cosas han pasado de otro modo. La licitación admitida por un instante, fue luego abandonada sin una razón poderosa para justificar el cambio; alejado el sistema de mejorar las posturas, llegóse hasta vedar la publicidad; y llevado en secreto el negocio, no se conservó siquiera la libertad de negociar con el postor que mereciera la preferencia; inventáronse alternativas en los puntos más graves, y distando muchísimo de la igualdad en el sentido del interés público, los extremos que se proponían, guardóse sin embargo, por una expresa decisión, una absoluta reserva sobre el partido que el gobierno había de escoger: propusieronse condiciones verdaderamente extraordinarias, cuyo examen haremos después. Vinieron luego las resistencias, y las dudas y aclaraciones que provocaba incessantemente la falta de plan en la conducta, y de precisión y claridad en las ideas, embrollaron de tal suerte el negocio, que la misma comisión elegida hacia el fin por el gobierno para ilustrar su juicio, no pudo avanzar un paso en el desempeño de su encargo, porque tampoco pudo comprender jamás el sentido ni los fundamentos de algunas de las instrucciones que se le habían comunicado.

Así pasó el tiempo, y el actual ministerio, considerando como lo ha dicho con razón, que un alto interés nacional demandaba la decisión pronta del negocio, ha iniciado la aprobación de las primeras propuestas dirigidas por D. Alejandro Ballangé a reserva de someter en seguida a la calificación del congreso, la escritura en que han de consignarse siempre que sea servido de aceptarlas. En caso contrario el gobierno anuncia que presentará sucesivamente y bajo cierto orden, los otros proyectos redactados por las demás compañías que aspiran a obtener el privilegio, porque con la simple repulsa no se dominaría la situación.

Ahora no incumbirá a las comisiones calificar la graduación de los proyectos: deben sí, informar a la cámara sobre

las ventajas e inconvenientes que hayan advertido en las proposiciones de Bellangé, a cuya aprobación se inclina el gobierno. Como se han publicado ya todas las posturas, las comisiones conceptúan de inútil copiar el extracto que de ellas han formado; y harán sólo notar sus principales puntos de diferencia, que también son los cardinales del negocio; exponiendo someramente las razones del dictamen que en breve calificará la sabiduría de esta cámara.

La primera circunstancia que llamó la atención del gobierno, fue el señalamiento de precio a la vía de comunicación. Esta calidad apreciable que acompaña a las solicitudes de semejantes privilegios en los países donde más abundan los caminos de hierro sólo se encuentra en las propuestas de Bellangé y de Calderón. El precio de este último es más alto.

Son gravísimas las razones con que generalmente hablando puede sostenerse la utilidad de la designación de precio. Póngase coto al repartimiento de acciones, que de otro modo podría llegar a ser un amplísimo recurso del fraude, y ocasión de daños incalculables para la inmensa multitud de familias. Sólo de esta manera es posible someter a reglas determinadas la enajenación de las mismas acciones antes de llenar sus gravámenes. El precio fijo conduce con más facilidad que el indefinido a la pronta adquisición de la empresa por parte del gobierno. Son más eficaces las gestiones de éste cuando se circunscriben a velar en la construcción de las obras, que cuando se entienden a la necesidad de ellas, y a lo que realmente se expende en practicarlas.

¿Podríamos nosotros desviarnos de esta senda, olvidando que nuestro conflicto presente nace de nuestra inexperiencia en esta clase de negocios? ¿Cómo no hemos de emplear la más diligente solicitud en atenuar los compromisos de la nación, reservándonos siempre los medios de corregir los errores en que es natural incidimos, cuando no pueden lisonjearse todavía de haberlos disipado enteramente, ni los pueblos en que la legislación ha perfeccionádose a proporción que se conocían mejor estas empresas, y todos sus puntos

incidentales? No tenemos práctica ni antecedentes, ni medios suficientes de ilustración, ni un gobierno afirmado, ¿y nos aventuraríamos con una imprudencia rara, mucho más que las naciones libres de todos estos defectos?

Verdad es que el simple cálculo de gasto debería acompañarse con un presupuesto minucioso. Pero a más de que este dato no serviría de mucho, después del sigilo en que se mantuvieron las propuestas, no por eso la designación de precio deja de ser una circunstancia ventajosa. Y en lo que toca a la moderación del cómputo, el presupuesto de Mr. Barnard que asciende a 7.847,896 pesos sólo es inferior al de Bellangé en 652,104 pesos; diferencia que en ningún modo parecerá excesiva, si se reflexiona en la natural valencia de estos cálculos, y mucho más, tratándose de una obra tan dispendiosa.

El precio por otra parte, es inferior a la suma de utilidades que se reservan los empresarios por precio indeterminado, y el tiempo en que se retiene el camino, es también más corto, como se prueba de los cálculos adjuntos a este dictamen.

La tercera ventaja de esta postura consiste en no requerir prestación alguna del gobierno, salvo las que exigiese la ocupación de los terrenos de particulares en la extensión precisa para la construcción del camino. Que el estado de nuestra hacienda no permite suponer en ella un desahogo para satisfacer este pacto, y que por la falta de su cabal cumplimiento, habían de ponerse en peligro las ventajas que en él se fundasen trayendo para el país males de gran tamaño, son cosas tan evidentes, que las comisiones perderían el tiempo en demostrarlas.

Otra condición ventajosa del contrato es la de hacer partícipes en el negocio a los pueblos del Istmo, con que la obra tendrá para su ejecución un auxilio no despreciable, y se fortificará en aquellos habitantes el sentimiento de resistencia a una invasión extranjera. En las empresas piráticas será de grande utilidad esta disposición de los ánimos y no será del todo infructuosa en peligros más serios.

Ventajas son éstas, que compensan más que suficiente la concesión por su justo precio, la libertad de derechos al ex-

portar los frutos que de esos terrenos recojan, y en fin, las pequeñas diferencias en el tiempo señalado para concluir la obra, comparándolo con el que designan algunas de las otras compañías. El plazo para la construcción del ferrocarril excede en dos años al fijado por Calderón, y en uno al que señalaron las compañías de Sloo, de García y de Guanajuato.

No por esto creen las comisiones que esta contrata deba aprobarse sin alteración alguna, y que sus cláusulas solas basten a preservar de todo detimento los intereses y derechos de la República. En las condiciones expresas, el ministerio ha ofrecido reducir a los términos de la convocatoria, la concesión de los materiales de los baldíos.

He aquí sin embargo, algunos puntos no previstos en la convocatoria que deben ser corregidos en la ley. Parecía incomprensible la razón porque en la cláusula 4, después de las palabras intereses a razón de 6 por ciento al año, se añaden éstos, capitalizados según se convenga. Con efecto, no pudiendo menos de ser eficaz la garantía del pago, puesto que consiste en el mismo camino que retendrán en prenda los empresarios, no se alcanza cómo podría llegar un caso que autorizara la onerosísima condición, de acrecer el capital, con los réditos no pagados, a fin de que los causara la suma de éstos y aquél reunidos. Y aunque por las aclaraciones que se han obtenido después, resulta que la capitalización abraza solamente a los gastos, las comisiones proponen que para mayor claridad se haga esta enmienda, requerida por la relación viciosa de la cláusula.

Ni es tampoco digna de aprobación la 2^a parte de la condición 10, en que se propone que las cuestiones suscitadas sobre la inteligencia del contrato, se resuelvan por arbitraje, sin apelación ni otro recurso. Ciento es, que el congreso puede adoptar este expediente en algunos casos, mas no debe desprenderse de sus facultades naturales para pesar en cada uno de ellos los fundamentos y los términos de un arreglo discrecional. Ni obrarían consiguiente consigo mismo, si después de haberse dedicado asiduamente al arreglo de este grande y delicadísimo negocio abandonara la decisión de sus incidencias no conocidas y quizás muy graves (por-

que tal calificación podrán merecer las que gusten de escoger los empresarios para objetos de disputa), si abandona, repetimos, esta decisión a la fe y talentos del hombre que en cada cuestión hubiera de intervenir en el laudo.

En cuanto a lo demás, los poderes de los contratistas, los medios de proveer a la legítima, cumplida y permanente representación de la empresa, la incolumnidad del derecho nacional en la imposición de determinadas contribuciones, las reglas a que han de someterse los trabajos y la declaración del abandono de la obra, las precauciones que demande la seguridad del Istmo, y las que se dirijan a reprimir el contrabando, las reglas para la distribución de acciones, y para la libertad de hipotecar los rendimientos del camino, los límites de la faja de tierra que se han de conceder a los empresarios, la preservación de los caminos públicos existentes, estos pormenores son de un interés palpable; algunos de ellos están comprendidos en la convocatoria: quizás habremos omitido alguno de no menor importancia. Pero los que el gobierno considera dignos de fijarse, hallarán su conveniente colocación en la escritura que ha de someterse a la calificación del congreso, como arriba dijimos.

“Pero existen ciertas reclamaciones, han dicho algunos, y México no podrá satisfacerlas, ni resistir a sus tendencias, cuando se presenten con el apoyo de una potencia extranjera, que está decidida a prestárselo. Por tanto si las empresas nacionales para abrir el camino del Istmo, no afrontan esta emergencia, no merecen tampoco ser consideradas.”

De este modo habríamos de desechar forzosamente las proposiciones de los contratistas mexicanos, por las otras aun gravosísimas, con tal que comiencen los interesados la responsabilidad en que gratuitamente se supone que incurría la nación, al disponer de esta parte en su territorio: dura extremidad, a la cual sólo podíamos ser arrastrados por una guerra injusta e irresistible.

Cualesquiera que sean las reclamaciones, de los interesados en el privilegio de Garay, únicamente podrán ventilarse

en los tribunales de la nación, cuando provoquen un juicio de equidad y propendan a obtener un resarcimiento de daño, pero de ningún modo cuando se dirijan contra la ley que anuló la prórroga de aquel privilegio ni la que ahora expida el congreso, haciendo una nueva concesión en el sentido que crea más conforme a la prosperidad nacional. La ley de mayo de 1851 es conforme a nuestro derecho público, y al de todas las naciones, que somete a la ratificación del poder regular y legítimo, los actos verificados por uno discrecional y transitorio. En una república, sobre todo, más que en ninguna otra forma de gobierno, tiene lugar la antigua máxima de que un pueblo no puede quedar obligado sin que él lo consienta, por los medios que se ha reservado para expresar su voluntad.

Por esto las comisiones no pueden asentir a la condición que en un tiempo se propuso a los empresarios, para que se comprometieran a responder por el monto de aquellas demandas, si llegaban a ser acogidas. Explicóse luego esta cláusula, manifestando que en ella no importaba otra cosa sino la renuncia del derecho para la evicción y saneamiento, renuncia que la república no podía proponer, si no es rebajando enormemente la utilidad que aguarda de la comunicación interoceánica, y alejando indefectiblemente de la concurrencia a todas las compañías nacionales. ¿Cómo podría justificarse una declaración de debilidad en lo que más justo es, y más trascendental para los intereses de la República?

Hoy está llamado el congreso a dar una prueba más de la disposición que lo anima, y que sin razón se le ha negado, para proveer a la comunicación de los dos mares. Ni la nación, ni sus autoridades, han entorpecido esta grande obra; que si ella no está concluida, es cabalmente porque la avidez con que acogimos las proposiciones de los que ofrecían llevarla a cabo; nos inspiró abundantes concesiones de gracias a los empresarios, y no nos dejó penetrar su verdadero secreto, ni precavernos contra sus gravísimas faltas.

La resolución que ahora tomemos, no podrá imputarse al temor de una guerra, pues que desechamos aquellas propues-

tas, con que algunos prometían alejar aquel conflicto de nosotros. Tampoco la ley será una provocación. Verdad es que las comisiones no han tomado en cuenta la impresión que esta medida cause en aquellos individuos, que en la república del norte juraron la ruina de México; porque saben que ellos nunca respetaron nuestro derecho y que si dominaran en los consejos de su nación la república mexicana no tendrá un solo día de tranquilidad.

Pero se nos ha atribuido tantas veces, que por sólo un egoísmo envidioso y estéril no ponemos mano a esta obra, en que está interesado el mundo que conviene apresurarnos a concluirla, disipando las dudas y errores de todos los gobiernos y de todos los hombres imparciales; ganando de este modo muchas probabilidades favorables, si se llegase a declarar el designio de despojarnos.

Temiendo fatigar por más tiempo la atención de la cámara, las comisiones han omitido expedir otras consideraciones menos importantes, y se apresuran a terminar este informe ofreciendo a su ilustrada deliberación el siguiente proyecto de ley, por el cual queda sustanciadamente aprobada la iniciativa del gobierno.

Art. 1. En la cláusula 4^a, se aprueban las bases sobre precio determinado, de la contrata para la construcción de una vía de comunicación, por carretera y ferrocarril, presentadas por D. Alejandro Bellangé, a nombre de una sociedad de mexicanos, en 30 de agosto dc este año, con las modificaciones siguientes:

1^a En la cláusula 4^a, después de la palabra “capitalizados”, se intercalarán éstas: los costos.

2^a La cláusula 10^a terminará en las palabras: como en él se previene, suprimiendo el resto.

Art. 2. El gobierno someterá a la calificación del congreso, la escritura que mande extender con arreglo al artículo anterior.

Sala de comisiones de la cámara de diputados. México, Noviembre 16 de 1852. Larraínzar, Zetina Abad, Gutiérrez, P. Ramírez, F. Ocampo, Enciso, Fuente.

Cálculo

Al pie se hacía un cálculo de lo que podría costar la construcción de la vía interoceánica de acuerdo con las proposiciones de las diferentes compañías:

Compañía mixta Sloo

Pedía una legua de terreno a lo largo de cada lado, lo que significaba más de 130 leguas y dos tercios cuadradas, cuyo precio era imposible de determinar.

Además, esta compañía presentaba una tabla de costos:

1^a Por 40 años la compañía recibiría el 65 por ciento de los productos y el 45 por ciento por otros 40 años. La vía costaría, en consecuencia, 50.000,000.

2^a Por 50 años le darían dos terceras partes de los productos, y por los 25 siguientes una tercera parte. La vía costaría 56.000,000.

3^o Por 60 años el 70 por ciento y costaría la vía 56.700,000.

4^a Por 50 años el 80 por ciento y costaría 54.000,000.

5^a Por 50 años el 75 por ciento y los 10 siguientes el 25 por ciento, y costaría 53.990,000.

Con lo que resultaba que cualquiera de las proposiciones de la compañía Sloo costaba al gobierno más de 50 millones de pesos y la vía quedaba en poder de los empresarios por lo menos 50 años.

Compañía guanajuatense

No habían hecho el cálculo del costo en las proposiciones, pero como en una cláusula, la 4, se decía que no sobrepasara de 80 años el término para reembolsarse el capital que invertiera, se supone que por todo ese tiempo el gobierno no recibiría nada y, según cálculos que hicieron, se pensaba que el resultado sería 108 millones y el término medio del tiempo sería de 40 años, en los que se calcula en la cantidad de 54 millones de pesos el costo de la vía. Pero además habría que sumar lo que fuera en calidad de recompensa, como se pedía al congreso por la 11^a cláusula de la compañía.

Compañía mixta Stevens

Pedía diez millones de pesos en bonos pagaderos con los productos del camino.

Réditos al 6 por ciento en 13 años, capitalizados cada 6 meses, que duplicaban el capital y en 20 años lo triplicarían. De réditos solamente calculaban 20.000,000.

El 10 por ciento de productos en 20 años, que también pedían a 2.700,000.

Esa propuesta significaba un total de 32.700,000

Compañía unida nacional Bellangé

Precio por las obras: 8.500,000.

Réditos calculados comenzando cuando se hiciera el pago total: 4.031,419.

El 10 por ciento de los productos que se pedía por 10 años después de pagados capital y réditos: 1.350,000.

Total del costo de comunicación: 13.881,419.

La cantidad que resultara del capital y de los réditos correspondientes se pagaría en diez años y dos meses y el gobierno percibiría durante ese tiempo el 10 por ciento de los productos de la vía de comunicación.

Compañía nacional García

Esta compañía se había unido con la de Bellangé y no había necesidad de calcular lo que costara conforme a las propuestas.

Este cálculo se fechaba en 16 de noviembre de 1852. Firmaban Larraínzar, Zetina Abad, Gutiérrez, Ramírez, Ocampo, Enciso y Fuente.

Caja 97, rollo 16, vol. 15, p. 452-3.

S/f, 1852. Documentos relativos a la apertura de una vía de comunicación inter-oceánica por el istmo de Tehuantepec. Mandados imprimir por acuerdo de la Cámara de Diputados. México, Tipografía de Torres, 1853.

(La publicación presenta decreto del congreso comunicado por Mariano Arista, Comunicación de la Sec. de Relaciones, Convocatoria, Aclaraciones a la convocatoria, Propuestas de la compañía mixta para la construcción, Concesiones para la navegación, Proposiciones de Felipe García y Compañía, Proposiciones de Bellangé, Proposiciones de la compañía de Guanajuato, Proposiciones de Stevens.)

Caja 97, rollo 16, vol. 15, p. 456-478.

22 de noviembre de 1852. México. Conkling al Secretario de Estado.

I am just informed by a highly intelligent gentleman, who, I am perfectly sure is incapable of deceiving me, that he is assured by a person in whom he has full confidence, and whose official and social relations give him extraordinary means of obtaining correct information, that a secret convention has been entered into between England and France for the purpose of extorting from this government the management of its customhouses, including the surrender of the customs, ostensibly, and partly, also in reality with a view to obtain payment of debts due from Mexico to English and French subjects, though mainly for the purpose of excluding American influence and interference in Mexican affairs; with a stipulation however, to allow either a certain share of the imports collected, or a gross sum, to this government sufficient to keep it in motion. This statement is said to rest for authority on an unequivocal official communication now on file in the department of foreign relations, from the Mexican minister in Paris.

The utter and notorious inability of this government to meet its pecuniary engagements, owing in a very great degree to the enormous frauds and peculations, which it is not too much to say, the Mexican government has no power to prevent of the officers of the customs, furnish plausible grounds

for such a demand, and a motive for submission to it. I have the Honor.

En postdata explica que no numeró la carta ni la archivó en la legación porque prometió que nadie la conocería, ni siquiera el secretario de la legación.

Caja 97, rollo 17, vol. 16, p. 18-19.

22 de noviembre de 1852. México. Conkling a su Gobierno.

Explicaba al Departamento de Estado que el comunicado anterior relativo a La Habana lo escribió en el barco, con marejada gruesa y mareado por el movimiento; por ello, aunque veraz, el documento resultó defectuoso. La razón principal que tenía para volver sobre aquel tema era observar que en Cuba había personas que lo representarían ante el capitán general, un verdadero soldadote investido de autoridad civil. Sin embargo, consideraba justo decir también que el general Cañedo le parecía un señor educado y cortés, que buscaba obtener información correcta en todo cuanto fuera de su incumbencia y, desde luego, en lo referente a los ciudadanos americanos, a quienes escuchaba con suma paciencia. Incluso le pareció correcto todo lo que le expuso, al tratar de la circunspección necesaria para cuando se hicieran los reglamentos de comercio en contra de barcos americanos, procurando mostrar el deseo de un espíritu dispuesto a evitar dificultades futuras. Aunque su contestación suponía que todo era razonable y que estaba guiado por un gran sentido del deber, pronto aceptó que sus órdenes en contra de los barcos no eran correctas y dijo francamente que las invalidaría; pero, por otra parte, confesó temer que se le acusara por haber actuado intimidado por la presencia de un fuerte vapor de guerra, y que se perjudicaría su prestigio ante los cubanos. Frente a esa idea prefería morir mil veces antes que aceptar semejante acusación. Por otra parte, estaba convencido de la buena fe del gobierno norteamericano y apreciaba el trabajo difícil del Ejecutivo al tratar de mantener en vigor las obligaciones

neutrales en contra de los impulsos populares, cuando se hablaba del problema de los navíos en los puertos de Cuba. Confiaba en las buenas intenciones del general.

Caja 97, rollo 17, vol. 16, p. 15-17.

23 de noviembre de 1852. México. Conkling al Secretario de Estado.

Explica que el primero del mes arribaron simultáneamente a Veracruz los barcos Powhatan y Fulton. Con él venían y viajaron hasta la ciudad, a donde llegaron el día 3, los comisionados encargados de recoger testimonios en contra de Gardiner.

Se reunió con Rich, el encargado interino de negocios, quien informó al Ministro de Relaciones Yáñez de la llegada de los comisionados que iban a San Luis, y para ello rogaban obtener las facilidades necesarias, que les ofrecieron. Sin embargo, no pudieron salir hasta el 11, y en el intervalo el señor May recogió más datos y aún mandó a un señor Wright a obtener documentos originales y firmados por Gardiner. Según su opinión, creía que el material sería suficiente para condenar a Gardiner.

Sentía que sus cartas credenciales y la mayor parte de su equipaje se hubieran quedado en Veracruz, y por ello no pudo presentarse ante el gobierno mexicano; en cuanto llegara pediría la audiencia, pues sabía que el presidente estaba impaciente. Sin embargo, había aprovechado el tiempo en asuntos de la representación.

Tehuantepec

Congress has been in session since the 15th. of last month; and ever since about the time of my arrival the project of an interoceanic communication across the Isthmus of Tehuantepec has occupied no inconsiderable share of the attention both of the Executive and Legislative branches of the Government; as well as of the public at large.

After the adoption and abandonment in succession of various inconsistent modes of deciding upon the proposals invited by the Government for executing this important work, they have at length been formally opened and referred to the Chamber of Deputies; but it having been discovered that some of them have been in fact made known long ago, and additional ones received from those who possessed this knowledge, it has just been decided to receive new proposals from those who had a right to complain of this break of good faith and they are availing themselves of this license.

Of the means resorted to, and, as it is said openly invited by the deputies to obtain votes, I abstain from speaking.

Well informed persons are of opinion that the experiment will fail altogether, and it is asserted also that the New Orleans Company are exerting their influence to ensure this result, in the hope that the United States will maintain their pretensions by force of arms.

Political Condition of the Country

The insurrectionary movements in various parts of the Republic are constantly assuming new phases, and are every day becoming more formidable. At their origin they were local in respect both to their scope and their objects, and isolated. But late accounts show them to be taking a wider range, and tending to unity of purpose and action. One of the earliest, and the one until lately, regarded as the most important, is that in Jalisco. It assumed an aspect the more grave, on account of the promulgation of what is now familiarly denominated the "Jalisco Plan". (See newspaper "El Universal" enclosed). It was signed in the city of Guadalajara by a great number of priests and other influential persons, and was obviously the result of mature deliberation. It proposed the complete subversion of the present Government, and the recall of Santa Anna, and invited the cooperation of the other States. Within the last few days it has become invested with much additional interest and importance by the reported accession to it of the pronunciamientos in other states, and especially the states of Tamaulipas and Veracruz. In the meantime the

revolutionary party of Jalisco is said to be encreasing in numbers, and the Government troops are reported to have gone over to it, though it is believed here that only a small part of them have done so. The proposal to recall Santa Anna, appearing to meet with a cold reception out of Jalisco, the revolutionists there are understood to have expressed a willingness to drop him; but recently, in Veracruz, where the revolutionary movement has been revived with new vigor, there is reported a strong manifestation in his favor. In the State of Sonora a company of Frenchmen numbering about two hundred led on by Count Raousset, who is understood to be a man of talent and intrepidity, have come into collision with the Government troops and defeated them. This company entered Sonora with the express consent of the Government to work the mines of Arizona; but meeting with annoyances and opposition from a Mexican Company of which a personage very high in office and other influential persons are said to be members, a quarrel ensued, with the result I have mentioned. The Count has published an appeal to the people, proposing to assert the independence of the State, and he is said to be aiming at its "annexation" to France.

Acts of insubordination of minor importance have also occurred at Mazatlan and at Materey. [sic]

The Government are making such efforts to suppress these wide spread disorders as a Government thus distracted, without money and without military force worthy of the least reliance, may be supposed to be capable of making. Intelligent men do not hesitate to predict its speedy dissolution.

The frontier States are said to be desirous of annexation to the United States.

Boundary Survey

Very soon after my arrival, pursuant to your instructions, I prepared and caused to be transmitted to Mr. Yáñez, the Minister of Relations, a note relative to the boundary survey, under the 5th. article of the Treaty of Guadalupe Hidalgo, a copy whereof I have the honor herewith to enclose, marked A. No answer has yet been received to this note.

The Schooner Eclipse

Among the subjects which the Secretary of Legation supposed might appear to me to require my attention, is an application to the Mexican Government for the release of the Schooner *Eclipse* of New York, Captain Arnold.

The *Eclipse* arrived at Tabasco in July last, from Brazos Santiago, in ballast intending there to take in a cargo of dye wood; but was seized, and at length, as Capt. Arnold Hates, condemned by the collector; though for what cause this Legation has never been distinctly informed to this day. According however to the 110th. article of the Mexican tariff, vessels arriving in ballast at a port, after having discharged their cargo at another port for the purpose of taking in a cargo of the products of Mexico, dyewood for example, and having funds on board for that purpose, are required to exhibit a certificate, or manifest, properly verified at the first port, or at some intermediate port, showing the possession and amount of such funds. But, in the case of the *Eclipse*, it appears that there was no money on board to be used in the purchase of dye wood, but only the money received for freight on the original cargo, and which Capt. Arnold Hates he designed to use to defray current expenses. It appears also, that he complied with all that was required of him at Santiago, by the officers of the Customs, and departed thence, as he states, "under instructions from the Collector". He had no manifest on his arrival at Tabasco, of the money, (about \$1,200), he had received for freight, but showed it to the officers who visited his vessel, it was by them carried on shore, but afterwards restored, with the exception of fifty dollars, which was retained. Possibly the oppressive and ruinous treatment to which Capt. Arnold has been subjected, may have been ostensibly founded on the article of the tariff I have mentioned. But from what daily happens in this country, it is more likely to have been an act of lawless rapacity designed to enrich the perpetrators.

On looking into the papers and records of the Legation touching this case, and assuming that they disclosed all its essential features, the conclusion seemed to me irresistible that the *Eclipse* ought at once to be released, reserving the claim

of Capt. Arnold (who I infer is the owner of the vessel) to reparation for the great injury he had already suffered. I accordingly prepared and caused to be transmitted to the Minister of Relations a note of which, as also of the antecedent correspondance on the same subject, I have the honor to enclose a copy marked B., to this note, I regret to add, no answer has yet been received.

Case of Mr. Speyers

From the records of the Legation, I further learned that an application had been made orally, by my immediate predecessor as early as July last, in behalf of Mr. Moritz Speyers, a naturalized citizen of the United States, for the release of a large quantity of goods detained at the cities of Monterrey and Linares in the State of New Leon, and for the surrender of bonds to a large amount exacted of him as the condition on which he was permitted to retain the possession to dispose of other goods also of great value, all of which had been imported into Matamoros by Mr. Speyers, under what is familiarly known here as the "Avalos tariff". At the instance of Mr. Speyers, who is now here, and in accordance with my own sense of what was due to him, I prepared and caused to be transmitted to the Minister of Relations a note, a copy whereof marked C, I have the honor herewith to enclose. To this, note no answer has been received, but Mr. Speyers informs me that he has received the most satisfactory assurances from the Minister of Finance to whom the case has been referred, and who represents himself as only waiting to be called upon by the Minister of Relations for a report.

Consul at Acapulco

On the 12th. instant I received a letter from Mr. Francis W. Rice, late Consul at Acapulco, a copy whereof is herewith transmitted, marked D.

There had been a previous correspondance between the Chargé d'affaires ad interim and Mr. Rice, a copy of which is herewith also transmitted marked E.

It may not be amiss to add, that this Government has expressed its lively satisfaction at the appointment of Mr. Foster, in whose behalf, moreover numerous testimonial from the

most respectable residents of Acapulco, have been forwarded to this Legation, attesting his entire fitness for his station.

I have also the honor to enclose copies of the notes received from the Minister of Relations, vis: October 18th. complaining of the U.S. Consuls on the Pacific interfering with the postal arrangements of the Government, particularly at Acapulco. October 28 notifying the Legation of the appointment of Mr. Yáñez to the office of Minister of Relations. October 27th. reporting the closure and blockade of the port of Mazatlán, also statement relative to the "Avalos tariff", pertaining to the claim of Mr. F. Bronner, the other papers connected with, which were transmitted to the Department with despatch No. 21 of Sept. 11th. 1852.

Caja 97, rollo 17, vol. 16, p. 20-25.

24 de noviembre de 1852. México. Conkling al Secretario de Estado.

Rectifica el nombre del capitán general gobernador de Cuba, que en vez de Cañales es Cañedo.

Caja 97, rollo 17, vol. 16, p. 20.

24 de noviembre de 1852. México. Conkling al Departamento de Estado.

Dice haber recibido la circular comunicándole la muerte de Daniel Webster y que hará correr la noticia de acuerdo con el protocolo.

Caja 97, rollo 17, vol. 16, p. 55.

25 de noviembre de 1852. México. Conkling al Secretario de Estado.

At a late hour yesterday, a note was received from the Minister of Relations communicating a decision of the case

of the *Eclipse*; mentioned in the accompanying despatch No. 1; a copy of which note is herewith transmitted. It will seem that it has been decided to release the vessel on payment of which it is alledged, or rather assumed, Captain Arnold had no manifest; whereas in his letter to this legation, and his memorial to the Government, he expressly asserts that he had such manifest; nor, until the receipt of the note of Mr. Yáñez, have we ever heard any intimation to the Country. I am very far from believing it now. He hopes of perfumery, are represented by Capt. Arnold, to have been waste \$80 and to have been carried out to Santiago on account of his brother, in the expectation of finding a market for them there; but, as he further states, having been disappointed in this expectation he made a manifest of them and carried them to Tabasco, where he exhibited them by whom he was visited on his arrival. They were taken from him and have never been returned, and now it seems he is to pay their value in addition. Considering the great length of Captain Arnold's detention already, and his great anxiety to return home as evinced by his letters, we do not however see it expedient to renew the correspondence for the purpose of asking for the evidence on which this part of the decision is founded.

A copy of the note of the Minister of Relations will be transmitted to the Consul at Tabasco without delay.

Caja 97, rollo 17, vol. 16, p. 56.

26 de noviembre de 1852. México. Yáñez a Guillermo Rich.

Acompaña copia de la comunicación que, con fecha 25 de noviembre, le fue dirigida por el Ministerio de Hacienda, en la que se resuelve absolver a la goleta *Eclipse* de la pena de confiscación a que había sido condenada.

Caja 97, rollo 17. vol. 16, p. 56.

29 de noviembre de 1852. México. Alfred Conkling a Edward Everett.

Soon after my arrival, a question presented itself for consideration respecting which I entertain a decided opinion, and should entertain no doubt at all, were it not that one of my late predecessors by the records of the Legation to have entertained the opposite opinion. As this opinion is now pressed upon me with great earnestness, as conclusive and obligatory, and as the question is of considerable practical importance, I am desirous of obtaining your decision upon it for my guidance. It is whether, a minister of the United States has authority to make an original appointment of a Consul at a place where none has yet been appointed by the President. No such anything is conferred by any act of Congress, nor can I find that it has ever been recognized by the Government of the United States, in any form. In one of the paragraphs of the printed instructions to our minister relative to Consuls, it is said that "in case of any vacancy in their offices which may require the temporary appointment of a fit person to perform the duties of the Consulate, such appointment will be made by the Minister or Chargé d' Affaires, with the consent of the Government of the Country in which he resides; he giving immediate notice thereof to this Department".

This, it will be seen, not only does not assert the authority in question, but, according to the well known principle of law, "expressio unius, exclusio est alterius", seems by implication to exclude it. I have, moreover, searched in vain for any such authority in all the treaties on international law to which I have access. I am of opinion, also, that there are grave objections to the admission of this power; or, at least, that if it exists, it ought to be defined and regulated by statute. I beg here to repeat, that if I am in error, I shall be glad to be so informed.

Caja 97, rollo 17, vol. 16, p. 58.

30 de noviembre de 1852. México. Conkling al Secretario de Estado.

Le comunica que en esa mañana presentó sus cartas credenciales, y que la recepción fue cordial y satisfactoria. Explica que durante su viaje lo alcanzó un ayudante del presidente para informar cómo, de haber sabido de su llegada a Veracruz, le hubieran mandado una escolta de honor. El mayor Mejía le dispuso una guardia para el resto del viaje que lo acompañó hasta las puertas de la ciudad. También recibió una nota del señor Yáñez, hablando de la participación de ciudadanos norteamericanos en un proyecto de ataque en contra de la ciudad de Camargo por Carbajal.

Caja 97, rollo 17, vol. 16, p. 58-59.

1 de diciembre de 1852. México. Conkling al Secretario de Estado.

Explica que un ciudadano respetable de los Estados Unidos, el señor Gillespie, se dirigía a los Estados Unidos y ofrecía llevar sus despachos; los que entregó la noche anterior en un paquete para el Departamento de Estado, todavía debían salir en dos barcos ingleses que los transportarían. Había comunicado, según las instrucciones recibidas, el fallecimiento de Daniel Webster, y habiendo conocido el nombramiento del señor Ames, como cónsul de Acapulco, esperaba que pronto llegara a su puesto, pues ya le había enviado el *exequatur*.

Caja 97, rollo 17, vol. 16, p. 61.

24 de diciembre de 1852. México. Conkling a Edward Everett, Secretario de Estado.

Ratifica las dificultades de comunicación existentes y el haber confiado al señor Gillespie el paquete de despachos al

salir en un buque británico, vía La Habana y Charleston, alrededor del día 15; esperaba que con la ida del señor May y sus compañeros podría informar de los sucesos, según sus impresiones anteriores, al comienzo de sus obligaciones oficiales.

*El Estado Político de la República
Al parecer no habían sucedido cambios espectaculares desde el último despacho.*

Owing chiefly to infidelity on the part of the followers of Count Raousset de Bourbillon the movement leaded by him in the state of Sonora and noticed in my former despatch, has been suppressed.

But in other parts of the country new insurrections have broken out, and still others are threatened. Last week a pronunciamiento was apprehended in the city, and is understood to have been deferred only to await the result of a battle expected to be fought by order of the Government, two or three days since, at or near Guadalajara between a considerable body of Government troops under the command of General Muñoz and the largest body of insurgents yet organized in any part of the Republic.

This battle is looked to by both parties here as likely to decide the question so long, doubtful, whether the President will be able longer to maintain his post as the Executive head of the Republic. This, on the part of the Government, was frankly stated to me a day or two ago by the acting Minister of Foreign Relations. No doubt is entertained that news of decisive victory over the Government troops would be immediatly followed by a pronunciamiento here, which the Government would not have the power successfully to resist, and to which it would doubtless therefore quietly yield. Whether a victory over the rebels at Guadalajara would be followed by a correspondent result on the other side is less certain. The issue of the affair will be known here in a few days, and should the information come in season and be worth communicating, I will note it at the end of this or in a separate despatch.

Conversation with the Minister of France

I lately held a conversation with Mr. Levasseur, the Minister of France, the substance of which, in accordance with the mutual understanding with which we parted, I proceed to narrate.

Deploring, as I could not but do, the existing state of things in this country, at once so destructive of its prosperity, so disastrous to the interests of our citizens holding commercial intercourse with it, and, withall, so disgraceful, I felt myself warranted in proposing to Mr. Levasseur to call with me upon the President (well knowing that the latter would take no exception to the step) and urge upon him the adoption of measures better adapted to the pressing emergencies of the Republic, and more in accordance with his official responsibilities, instead of the temporising policy he had hitherto pursued.

Mr. Levasseur concurred with me fully with respect both to the nature and the exigencies of the case. He differed with me only in nearly desespareting of success where I had cherished a hope of attaining it. It is not my purpose at present to trouble you with any further details touching the particular object of this interview with Mr. Levasseur as it would yet be premature to do so. But in the course of our long conversation I observed to him, that, considering the injuries, losses and embarrassments to which the people of other nations are subjected in attempting to prosecute commerce with this country, the former would perhaps best consult their own interests by withdrawing from such intercourse altogether; but that, notwithstanding these impediments the vast natural resources of México would insure its continuance, and that since my arrival here, recent as it was, I had seen enough to satisfy me that it was vain to expect any change for the better until the government of the country should be placed in other than Mexican hands. Mr. Levasseur having promptly assented to this remark, I added that I thought it might not be amiss for the great commercial nations to consider whether it would not be both just and expedient for them, to assume, so far at least as relates to commerce, the government of a country

whose pretensions, to any capacity for self government, were so clearly preposterous, and whose rulers are either totally ignorant or wantonly regardless of the plainest principles of international ethic.

Mr. Levasseur at once expressed his concurrence in abstract propriety of this suggestion, but added that he was apprehensive that its adoption would be productive of discords, springing from diversities of interest among the parties, fatal to the object in view; and he proceeded to point out this diversity, especially as between England and Spain, on the one hand and France and the United States, on the other. I told him I had not overlooked the difficulties of the case, but that they did not appear to me to be insurmountable. That as to Spain, there be no need of her becoming a party; and, in dealing with the problem in question, sound policy would require that the parties should studiously endeavor, in a spirit of liberality and compromise to guard beforehand as far as possible, against all causes of disagreement, by stipulations very carefully devised for that purpose. In conclusion I told Mr. Levasseur that in what I had said on this subject, he must by no means consider me as speaking in my representation character, for that I had no instructions express or implied in regard to it. He assured me that such was his understanding of the matter, and that he also desired to be understood to have been speaking in his private character; but that he should like to communicate, what had thus passed unofficially between us, to his government, and proposed that I should do the same. Not perceiving any objection to this proposal, as I could not doubt that proper care would be taken in both countries to avoid all publicity on the subject, I assented to his proposal. I abstain from troubling you with any formal indication of the opinions I expressed to Mr. Levasseur, because whatever you may think of their soundness, I am persuaded that you are already familiar with the facts on which they rest.

It may not be amiss also to mention the assumption as unquestionable, by Mr. Levasseur, of covert intrigues on the part of the English Government to prevent any adjustment of the Tehuantepec question. The motive he ascribes to England

for this interference, is a design long cherished and steadily pursued, to appropriate to herself the whole of Yucatan; a desiring which, as he supposes they imagined, might be frustrated or impeded by the creation of new interests on the part of the United States in the vicinity. It was, he added only by the imputation to England of such a design, that he could account for the fact that he has persisted in furnishing arms and subsistence to the Indians of Yucatán to enable them to maintain their hostile attitude towards the Mexican authorities; without which aid, he said, the Indians would at no time have been able to hold their ground for a single month. I told him the United States would never permit England to make such an appropriation so long as they had power to prevent it; that the people of the United States had their minds made up on this point; and that I thought England was aware of this, and was not likely to disregard it. He answered that he did not suppose England contemplated a forcible conquest of the country and, at any rate, would probably await a favorable opportunity when the United States might be indisposed or "unable" to interfere. I replied that this was regarded in the United States, not as a question of property but of dominion, and that it was contrary to their settled policy to allow European Governments to extend their domains in this continent, that there was no probability of any change of sentiment in this respect, and that as to our ability to maintain this policy, it was not likely soon to be diminished.

Closure of Ports

The insurgents having got possession of Tampico and promulgated a new set of commercial regulations to suit themselves, that port has been declared closed to foreign commerce and the coasting trade. Information was given to this Legation to that effect, by a note from the acting Minister of Foreign Relations, a copy of which marked A, I have the honor herewith to enclose: and a few days later a printed copy of the decree itself was communicated, a copy whereof is also herewith transmitted marked B.

The like step has, for the same reason, been taken with respect to the port of Altata, as will appear by the printed

copy of a decree communicated at the same time, and herewith enclosed marked C.

To give effect to these decrees and the policy by which they were dictated, orders have been transmitted to the officers of the customs throughout the Republic and communicated to this Legation, a copy wherof marked D. is herewith enclosed.

Tehuantepec

Under the instructions with which I have been furnished, I have not felt myself authorized to open any negociation with this government in regard either to Tchuantepc, or to the 11th. article of the Treaty of Guadalupe. Of the former subject it is sufficient to observe that not the slightest progress appears to have been made towards its adjustment since the date of my last dispatch.

11th. Article. Indian Depredations

With respect to the latter subject it seems proper to mention what has recently taken place in the Mexican Congress. By a majority of one vote, a bill was passed, a few days ago, to confer on the Executive extraordinary powers for the purpose of raising moneys. This bill was clogged with several conditions one of which was that no treaty should be made with the United States absolving them from their obligations under this article. In a conversation a day or two since, with Mr. Arroyo, the acting Minister of Foreign Relations, I asked him the reason of this prohibition; he answered that Mexico would never consent to release us from this article and spoke of the unpopularity of such a step. This answer is in accordance with the well known design of this people and government, eventually to exact from us a very large sum for losses, real or pretended, alledged to have been suffered in consequence of our failure to fulfil the stipulation contained in the above mentioned article. One motive for the restriction in question may also be the utter want of confidence, which I am sorry to say appear to be general in the present Executive. He has thus far seen fit to keep aloof from all parties alike, and is consequently trusted by none.

Boundary Survey

To the explanatory note respecting the boundary survey mentioned in my despatch N° 1. no answer has been returned, and I have no reason to believe that it has occasioned any serious dissatisfaction or inconvenience.

Letters of Security

I have the honor to enclose herewith a copy of a letter recently received from Mr. Charles C. Müller on the subject of what are here called "Letters of Security", marked E, together with a copy of my answer. These letters are required by the laws of the Republic to be taken out annually by all foreign residents, as the condition on which they are allowed to remain and pursue their avocations. They are obtained by the Consul, on his official certificate of the citizenship of the applicant, of whose person the certificate contains a minute description. The charge for each letter is four dollars, two of which is paid to this Government and the remaining two dollars to the Consul. I enclose a newspaper containing an official notification on the subject showing the rigor with which it is designed to enforce the law. Mr. Müller in common with others of our countrymen, supposes this exaction in the case of American citizens to be an infraction of treaty stipulations. The view I have taken of the subject may be seen in my answer to his letter, and I think that on looking into the question you will see that these complaints are not without plausibility. But whatever may be the true interpretation of the treaty, Americans, in common with all other foreigners will be treated as delinquents unless they comply with the law (passed I think in 1824) requiring these letters, until it shall, in consequence of remonstrances on the part of our Government, be formally renounced; and so I shall continue to advise our countrymen until I shall be otherwise instructed. To those who reside at a distance from a Consul or indeed, from the Capital, this requirement is very onerous.

Since the date of my last dispatch I have received several letters relating to a dispute between Mr. Rice, late Consul at Acapulco, and Mr. Foster who was, shortly before my arrival, appointed by the Secretary of Legation acting as Chargé

d'Affaires, to fill an expected vacancy in the office, to be occasioned by the intended departure of Mr. Rice. This gentleman had informed the Chargé of his wish to leave his post and at the same time recommended the appointment of a person whom he named, in his place. The Chargé considering Mr. Foster well qualified for the post appointed him. It happened however that the two gentlemen were of the most unfriendly character, and these it was that led to the subsequent difficulties between them, Mr. Rice remained and refused to give up the office and the archives to Mr. Foster and the latter persisted in demanding them. I had learned before leaving the United States that Mr. Rice having originally been appointed in the recess of the Senate, was nominated by the President at the last session of Congress and that his nomination had been subsequently withdrawn.

I was the bearer, moreover, of a comission to Mr. Ames as his successor. Under these circumstances it was that very soon after my arrival here I wrote to Mr. Rice in answer to his letter, a copy whereof was transmitted with my despatch N° 1, informing him that as the Senate had not confirmed his nomination he was no longer in office, and advising him at once to surrender the flag [ilegible] to Mr. Foster. Mr. Rice did not however acquiesce in my views, and the correspondance on his part and on the part of Mr. Foster was continued until at length the controversy was superseeded by the arrival of Mr. Ames. The correspondance is so voluminous, and without so little consequential, that I do not think it worth while to give the Secretary, otherwise laboriously occupied, the trouble of copying it for transmission.

I have the honor to inclose here with an original letter from Mr. Forbes Consul at San Blas, to the Department of State, and by him sent to this Legation for transmittal.

Among the subjects on which I was specially instructed was that (and the only one of a private nature) of the claim of a Mr. Belding against Mexico for damages to a large amount for injuries to his property. I saw Mr. Belding in Washington and he assured me that he would either come to

Méjico in person or send me a more full and exact statement supported by the requisite proofs, relative to his claim. This has not yet been done: and for this reason, and because the men at the present in power have, ever since I came here, been much in the situation of persons strugling for life in the water, and little disposed therefore to trouble themselves with any thing but their own safety, I have not seemed advisable to bring Mr. Belding's case to their notice.

No answer having been returned to my note relative to the claims of Mr. Albert Speyers, a copy wherof was transmitted with my despatch N° 1. I adressed to the Minister of Relations a second note on the subject, a copy of which I have the honor herewith to enclose marked F; I regret to say that no decision has yet been made in the case, and I regret not less to be constrained to add, that in the course of the oral discussions of which it has since been the subject, a degree of insincerity and tergiversation has been manifested by the Mexican Ministers, perfectly revolting to every sentiment of truth and decency. They intend, I think, at some time to release the goods and to surrender the bonds, but they intend also to extort from Mr. Speyers a large sum of money as the consideration of this tardy act of unquestionable justice.

Caja 97, rollo 17, vol. 16, p. 63-70.

17 de diciembre de 1852. México. Miguel Arroyo a Alfred Conkling.

Le informa que el puerto de Tampico está bloqueado por el Ministerio de Guerra, según el comunicado del día 15.

Caja 97, rollo 17, vol. 16, p. 71.

8 de diciembre de 1852. México. Decreto de Mariano Arista dirigido a Guillermo Prieto.

El Exmo. Sr. Presidente se ha servido dirigirme el decreto que sigue:

“Mariano Arista, general de división y presidente constitucional de los Estados Unidos Mexicanos, a los habitantes de la República, sabed: Que de conformidad con lo dispuesto en el art. 3º del decreto de 8 de Octubre del año próximo pasado, que cerró la aduana de Camargo, y haciendo uso de la facultad que me concede la ley de 22 de febrero de 1832, he tenido a bien decretar lo siguiente:

Art. 1º La aduana marítima de Tampico, mandada trasladar a la barra a consecuencia de la sublevación del puerto, queda desde hoy definitivamente cerrada al comercio extranjero de escala y cabotaje.

Art. 2º Los efectos que se hayan importado e importen por el referido puerto de Tampico, desde la fecha en que se sustraído de la obediencia del gobierno no podrán ser internados, bajo la pena de comiso.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio del gobierno federal en México, a 8 de Diciembre de 1852. Mariano Arista.—A D. Guillermo Prieto.”

Y lo comunico a V. para su inteligencia y fines consiguientes.

Dios y libertad. México, diciembre 8 de 1852.

Caja 97, rollo 17, vol. 16, p. 71.

4 de diciembre de 1852. México. Circular del Secretario de Hacienda a E. Villalba.

Con esta fecha me dice el Exmo. Sr Ministro de Hacienda lo que sigue:

“Habiéndose sustraído el ‘Puerto de Tampico’, de la obediencia al supremo gobierno, el Exmo. Sr. Presidente en uso de sus facultades, ha tenido a bien declararlo cerrado para el comercio extranjero y de cabotaje; y como por tal providencia queda también inhabilitado para recibir cargamentos del interior de la república, o para expedir los importados que haya en él, el mismo Exmo. Sr. Presidente se ha servido disponer

se observen las prevenciones siguientes, que se harán extensivas a todos los puertos, se hallen o puedan hallarse en lo sucesivo en el mismo caso que hoy el de Tampico.

1º Ninguna aduana marítima, fronteriza o recaudación interior, expedirá documento de ninguna clase, desde la fecha del recibo de esta orden, que resguarde cargamentos con escala o final destino 'al puerto de Tampico', ni aun pagando previamente los derechos correspondientes.

2º Las aduanas marítimas, fronterizas y recaudaciones interiores de la república, decomisarán en el acto todo cargamento que llegue a los puntos de su respectiva demarcación, procedente del 'Puerto de Tampico', resguardado con documentos de los empleados que la revolución haya colocado en él.

3º Sólo serán admitidos en el interior de la república los cargamentos que procedentes de la Barra de Tampico, donde provisionalmente ha colocado el gobierno la aduana marítima, vengan resguardados con guías, pases o salvoconductos autorizados con las firmas del administrador D. Manuel María Quiroz o contador D. Francisco Berea.

4º Los efectos extranjeros, que antes del recibo de esta orden, se hubieren guiado con escala o final destino 'al Puerto de Tampico', no podrán continuar su camino a él; pero pagando previamente en el punto que se encuentren, los derechos que deban adeudar, podrán cambiarse los documentos con que caminen, por otros que le dará la recaudación del ramo en dicho punto, para lugares de la república que no se hayan sublevado.

5º La puntual observancia de las prevenciones anteriores, será bajo la más estrecha responsabilidad de las jefaturas de Distrito, sus auxiliares, interventores del derecho de consumo y empleados de toda clase, a quienes de cualquier modo corresponda su cumplimiento, o la facultad de hacer que se cumplan, bajo la irremisible pena de destitución de sus destinos. De orden del Exmo. Sr. Presidente lo digo a V. S. para que lo circule a las oficinas del resort de esa sección de su cargo."

Lo traslado a V. para su puntual cumplimiento.
Dios y libertad. México, diciembre 4 de 1852.

Caja 97, rollo 17, vol. 16, p. 73.

8 de diciembre de 1852. Washington. Edward Everett a Alfred Conkling.

Le mandan nota recibida en el Departamento de Estado de D. R. Atchison, senador, y de John Miller, diputado, relacionada con el apresamiento de Bolívar Newman en la ciudad de Durango. Le envían material que le explicará las circunstancias por las que fue apresado. Comentan que el caso parece difícil, por lo que examinará los hechos y, si viera que Newman fue apresado injustamente, hará las gestiones para que lo pongan en libertad.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, núm. 8, p. 356-7.

30 de diciembre de 1852. México. Decreto de Mariano Arista comunicado por el Secretario de Relaciones.

El Exmo. Sr. Presidente se ha servido dirigirme el decreto que sigue:

Mariano Arista, general de división y Presidente constitucional de los Estados Unidos mexicanos, a los habitantes de la República, sabed: Que habiéndose sustraído de la obediencia del supremo gobierno el puerto de Veracruz; haciendo uso de la facultad que me concede la ley de 22 de Febrero de 1832, y en virtud de lo dispuesto por el art. 3º del decreto de 8 de Octubre del año próximo pasado, que cerró la aduana de Camargo, he tenido a bien decretar lo siguiente:

Art. 1º Queda cerrada desde hoy la aduana marítima de Veracruz para el comercio extranjero de escala y cabotaje.

Art. 2º Los efectos que desde esta fecha se hayan importado por aquel puerto, no podrán ser internados, bajo la pena de comiso.

Por tanto; mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio del Gobierno Federal en México, a 30 de Diciembre de 1852.—Mariano Arista.—A D. Guillermo Prieto.

Y lo comunico a V. para su inteligencia y fines consiguientes.

Dios y libertad. México, diciembre 30 de 1852.

Caja 97, rollo 17, vol. 16, p. 84.

31 de diciembre de 1852. México. A. Conkling a Edward Everett.

Since the date of my accompanying despatch, N° 7 I have had the honor to receive your circular of the 8th. of November, and your despatch N° 7 relative to the application of Mr. Mauritz Speyers.

With respect to this claim it is only necessary to observe that it is the same that I deemed it to be my duty to bring to the notice of this Government by an elaborate note soon after my arrival here; and the same that is mentioned at the conclusion of my accompanying despatch.

In the 10th. of November, before the departure of Mr. May and his associates in the Commission to collect evidence against Gardiner, I advanced at his request and in pursuance of my instructions, the sum of four hundred dollars, and in like manner since their return on the evening of the 24th. instant, the further sum of One thousand six hundred dollars, making in the aggregate the sum of two thousand five hundred dollars [\$2,500] for which I took duplicate receipts, one of which I have the honor to transmit herewith; and for which sum I have drawn, under date of yesterday, on the Department of State.

Caja 97, rollo 17, vol. 16, p. 80.

1 de enero de 1853. México. Alfred Conkling a Everett.

Mr. May and his associates left this city at an early hour yesterday morning. This despatch is N° 8, I am to send it to Veracruz by the British Courier to leave tomorrow morning. I have deferred its preparation until this evening, in the hope of being able to inform you of the result of the attack mentioned in my despatch N° 7, by the government troops on the insurgents at Guadalajara. But even yet no certain information has been received by the Government, unless as some suppose, it came at late hour last night and it is suppressed. The latest news made public was received forty-eight hours ago and importred that the combat had been waging during two days in the heart of the city of Guadalajara (the third city in the Republic); that the government troops had succeeded in gaining possession of the greatest part of the city, but that the commanding general Miñón had been wounded by a gefe, shot in the nose by which he was disabled.

On going to the national palace today with the other ministers, to make a congratulatory adress to the President, and to witness the opening of the new Congress, it seemed clear, from the aspect of things there, that little hope was entertained of the ability of general Arista to keep his post many days longer. Indeed, it seems improbable that he will be able to do so, even in the event of a victory over the rebel forces at Guadalajara; several additional pronunciamientos having been made, or first heard of, within the last two days, especially one at Veracruz, to which the government troops stationed in the city and the castle became parties, with the exception of the chief officers in command, who fled. These hostile demonstrations now number at least twenty, and have occurred in thirteen or fourteen states.

I think there will be no bloodshed in this city, and that the President will meet with no personal violence.

By a decree this moment communicated to this Legation by the Minister of Relations, a copy whereof is herewith marked A the port of Veracruz is declared closed.

An incident occurred here day before yesterday illustrative of the strains to which the existing government is reduced, and of the crude notices prevailing here among men of the highest official station, concerning subjects respecting which it behooves them especially to be better informed. I should not, however, have thought it worth while to mention this incident at all, but for the apprehension inspired by reports that cause, to my knowledge last evening, that it may lead to unwarrantable references to me at Washington.

A gentleman called on me day before yesterday in company with an aid of the President and informed me with great animation that they had come on very important business; that he had just left the President and called his instance; that having suggested to the President the propriety of endeavoring to secure the continuance and support of other nations, the United States in particular, and he spoke also on England and France, by inducing them if possible, to send a naval force for the protection of foreign commerce with Mexican ports against lawless interference by insurgents against the government, the President warmly approved the suggestion, and requested him at once to communicate with me on the subject and, if I thought it advisable, with the English and French ministers also. I answered him that as events were now obviously verifying rapidly to a decisive crisis, the remedy he proposes would be too tardy for the exigencies of the case. No, said he, it could be accomplished in ten days. I asked him how. He answered by the minister agreeing at once to transmit orders by the British packet now about to proceed to Havana requiring such American English and French vessels of war, as might happen to be at or near that port, to repair without delay to the gulfic ports of Mexico to act in the manner proposed! I told him I had no power to take such a step without express authority from my government, and I had no doubt the other ministers would with equal promptitude disclaim it. He seemed surprised at this, and then spoke of a treaty for the purpose. I told him a treaty would require ratification by the Senate of the United States and by the Mexican Congress. He then suggested a

secret treaty, a suggestion which was warmly seconded by the officer who accompanied him. I explained to him the fallacy and impracticability of this expedient also. The conversation then took a more general turn relative to the disorders reigning throughout the Republic, in the course of which I explained my deep regret at their existance, and observed that the remedy he proposed, even if it could be reasonably adapted, would be wholly inadequate, on account of the utter want of fidelity on the part of the administrative functionaries, and especially of the officers of the customs who were at all times ready to concur in any scheme of fraud at the expense of the government and country. This is the substance of all that passed between these gentlemen and me, and we parled without any intimation from him, or any suspicious on my part, that he was to go to the United States. Nor, indeed, do I believe that he had then thought of going. But, yesterday, I learned that he was to leave the city immediatly for that purpose; and last evening it was currently reported that he was going at the request of the President and with my knowledge and approbation and even in pursuance of my advice. Nothing, as I have shown, could be further from the truth. God forbid that I should desire to interpose any obstacle to his success; but this precautionary explanation I seem due to my reef. This gentleman is an american by birth, who has been many years in this country. I believe him to be an honorable man; but he is little skilled in public affairs.

Caja 97, rollo 17, vol. 16, p. 82-84.

1 de enero de 1853. México. Alfred Conkling a Edward Everett.

Notifica que incluye respuesta de Yáñez, el Ministro de Relaciones Exteriores, a su nota de octubre 30 de 1852, donde anuncia el deceso de Daniel Webster.

Caja 97, rollo 17, vol. 16, p. 85.

4 de enero de 1853. México. Alfred Conkling a Edward Everett.

I had the honor yesterday to receive your despatch N° 8 relative to the supposed imprisonment of Bolívar Newman in the city of Durango. In inquiry I am satisfied that the person referred to is the same whose release on trial, under the name of Bolívar Newman, was demanded by Mr. Letcher nearly a year ago, and who, together with Parker W., Fearch N., West J., Jugles and others, was liberated last spring in May as I infer, it appears also that he soon afterwards went to California, and I am informed that his arrival in that State was at the time mentioned in a San Francisco newspaper.

Caja 97, rollo 17, vol.16, p. 87.

7 de enero de 1853. México. W. Rich a Edward Everett.

Recibió su despacho número 7 fechado el 11 de diciembre. Incluye una copia de la carta del Secretario de Estado, del 11 de septiembre de 1852, donde consta que recibió instrucciones de pagar a Edward Smith hasta dos mil dólares. Smith fue a Washington con los apoderados de Henry May.

Al cobro de Edward Smith por dos mil dólares, el 28 de diciembre, entregó cuatrocientos en documentos en favor de S. S. Hargous Esq., con lo que se completa la suma autorizada para pagar a Edward Smith.

Caja 97, rollo 17, vol. 16, p. 88.

7 de enero de 1853. México. A. Conkling a E. Everett.

In one of my despatches sent by Mr. May chief of the Gardiner comission a few days ago, I informed you of the probability that a combat between the Government forces and the pronunciados at Guadalajara, the issue of which was not then known, would probably lead, in the event of its

resulting adversely to the Government, to the deposition or resignation of the President of the Republic. A day or two later it was ascertained that the Government troops had been compelled to retire with severe loss. The news being received about the same theme, that the standard of revolt had been raised at the important points of Veracruz and Jalapa: General Arista, night before last, at midnight, delivered his resignation, which is understood to have been signed a day or two before, to the President of the Supreme Court, Don Juan Bautista Cevallos, who by the Constitution, in the event of the acceptance of the resignation, was to succeed to the Presidency. General Arista immediately afterwards left the city with a strong military guard. It is not publicly known where he went. Yesterday the resignation was presented to Congress and after some delay in the Chamber of Deputies, a majority of whose members are said to have been opposed to it, it was accepted by both houses, and by the Senate with great unanimity.

Immediately afterwards the resignation was formally communicated to the members of the Corps diplomatique by a note from the Minister of Relations, a copy whereof I have the honor herewith to enclose marked A. The succession of Mr. Cevallos was only "provisional" until the chamber of Deputies should elect a person to fill the office "ad interim", that is until the expiration of, the current Presidential term, about 2 years hence. There is said to have been no less than eighteen aspirants to the office. Yesterday the Chamber of Deputies proceeded to an election, which resulted in the choice of Mr. Cevallos. No one seems to expect that the events I have narrated will extinguish or materially check the revolutionary spirit so ripe throughout the Republic. In reply to the question propounded this morning, to a Mexican gentleman well acquainted with the subject, whether the revolution was now ended, he answered "no: it is but just begun". It seems very likely that Mr. Cevallos will either shortly be compelled to resign; or be driven by a violence from his post.

As early as the 4th. inst. serious apprehensions were generally entertained here of a rising of the populace in favor

of a party called the "Puros", and that the numerous "leperos", who have attached themselves to this party, would avail themselves of so favorable an opportunity to pillage the city. This led to an association of most of the foreign residents here for mutual security. About 300 Frenchmen, 200 Germans 200 Spaniards, 25 Englishmen and 20 American severally associated themselves for this purpose and agreed to act in concert.

They are well armed and vigilant; and it is generally supposed that the peace of the city during the last two nights is to be mainly ascribed to this well timed organizations. As the Foreign Minister had assumed the responsibility of advising this measure, they deemed it proper to address a joint note to the Minister of Relations, a copy whereof, marked B, I have the honor herewith to enclose; and one of the last official acts of General Arista, was to dictate the answer to this note, a copy of which marked C is also herewith transmitted.

No changes in office have yet been made consequent in the resignation of Genl. Arista. The post of Minister of Relations has been vacant several weeks, no one of the several persons to whom it has been offered, being willing to accept it, except on conditions which the President deemed inadmissible. The functions of the office have been and still are, exercised by Mr. Arroyo, chief Clerk.

The vacancy occurred by the resignation of Mr. Yáñez, a man of some talent and considerable energy, but egotistic and of an arbitrary temper. He is understood to have done what he could to drive General Arista from power, and to possess great influence with the leaders of the Revolution. He is now spoken of as Minister of Foreign Relations.

Meeting with an intelligent and well informed Mexican gentleman at an early hour on the morning of the 4th. instant, and when it had become well understood that General Arista was about to resign, and being assured by this gentleman that the revolutionary leaders meditated the execution of the most obnoxious persons among the adherents of Genl. Arista, I proposed to my colleagues, at the conclusion of the business

which had brought us together, that we should, unite, not officially, but in our character of impartial observers, and humane men, in an emphatic oral representative to Mr. Yáñez, that, in our opinion, such a proceeding would be a gross violation of justice, and especially to those by whom it should be perpetrated, and without apology; and to express to him our earnest hopes that he would exert his influence to prevent so atrocious an outrage: this proposal received the unanimous and cordial assent of all the Ministers, and Mr. Doyle, her Britanic Majesty's Minister, undertook to deliver the message. To show that there was no want of cause for this step, I need only mention the fact this moment made known to me, that General Urraga [sic], the commander of the victorious pronunciados at Guadalajara, is known to have sent a message to Mr. Muñoz y Ledo, Governor of the State of Guanajuato who, though not, as it is said, approving the policy of General Arista, has remained true to his allegiance, to the effect that he designed to hang him. If, as I am not without some apprehension, this step on the part of the Ministers shall appear to you impertinent, I can only say by way of apology, in addition to the humane motive by which it was dictated, that Foreign Ministers near this government, have long been in the practice of expressing their opinions with little reserve to public men here, and that, so far as I am informed, exception has never been taken to his freedom.

Caja 97, rollo 17, vol. 16, p. 89-92.

6 de enero de 1853. México. Miguel Arroyo a Alfred Conkling.

El infrascrito Oficial Mayor del Ministerio de Relaciones Interiores y Exteriores tiene el honor de poner en conocimiento de S. E., el Sr A. Conkling E. E. y M. P. de los E. U. de A., que el E. S. Presidente de la República, Gral. de División D. Mariano Arista, a causa del mal estado de su salud y obligado también por los sucesos políticos, se ha visto precisado a separarse del ejercicio del Poder Ejecutivo

renunciando a la Presidencia y depositándola conforme a la Constitución, en el E. Sr. Presidente de la Suprema Corte de Justicia Dn. Juan B. Cevallos.

El infrascrito al comunicar lo expuesto al Sr. Alfredo Conkling disfruta la honrosa satisfacción de reiterarle las protestas de su muy distinguido aprecio.

Caja 97, rollo 17, vol. 16, p. 93.

7 de enero de 1853. México. Miguel Arroyo a Alfred Conkling.

El infrascrito Oficial Mayor Encargado del Ministerio de Relaciones, tiene la honra de poner en conocimiento de S. E. el Sor. Enviado Extraº y Ministro Plenipº de los Estados Unidos de Amerª, que la Cámara de Diputados del Congreso general, en uso de las facultades que le conceden los artículos 96 y 99 de la Constitución Federal, ha electo Presidente interino de la República al E. S. D. Juan Bautista Cevallos, quien habiendo prestado anoche el juramento correspondiente ha entrado a ejercer el Supremo Poder Ejecutivo.

S. E. tendrá mucha satisfacción en recibir a las dos de la tarde de este día al Cuerpo Diplomático, y de Conformidad el infrascrito lo comunica al E. S. Enviado de los Estados Unidos de América, reproduciéndole su muy distinguida consideración.

Caja 97, rollo 17, vol. 16, p. 93.

5 de enero de 1853. México. Ministros de Estados Unidos, Inglaterra, España, Francia, Guatemala y Prusia al Ministro de Relaciones de México.

Les soussignés Envoyées Extraordinaires des Etats Unis, d'Angleterre, d'Espagne, de France, de Guatemala, et Ministre

resident de Prusse, considérant que la crise politique qui agite le pays peut, d'un instant à l'autre, troubler l'ordre de la Capitale et compromettre les intérêts des nombreux étrangers qui l'habitent, jugeant qu'il est de leur devoir d'aviser aux moyens de garantir eux mêmes la sécurité de leurs Nationaux respectifs, pour le cas où le Gouvernement, embarrassé et affaibli par les luttes qu'il soutient, se trouverait dans l'impuissance de les protéger lui même contre les éventualités d'un mouvement populaire, qui, sous prétexte de servir, ou combattre, un parti politique, n'aurait pour but, que le pillage des propriétés.

En conséquence les soussignés ont l'honneur de prévenir le Suprême Gouvernement que leurs nationaux respectifs, organisés et armés pour aider à conserver l'ordre dans Mexico comme ils l'ont si heureusement fait dans d'autres circonstances, sont prêts à défendre eux mêmes leurs propriétés et à protéger leur familles contre toute éventualité qui surgirait des luttes politiques dont la capitale peut devenir le théâtre d'un moment à l'autre.

Cette détermination des soussignés est provoqué surtout par les informations qui leur ont été données touchant une distribution d'armes qui aurait été faite, dit on à une classe d'hommes peu capables de s'en servir autrement que pour satisfaire leur esprit de désordre et de pillage.

Les soussignés espèrent que les mesures qu'ils proposent de prendre pour concourir au maintien de l'ordre public, dans la capitale, seront comprises et appréciées, non seulement par le Gouvernement, mais encore par tous les bons citoyens et par tous les partis politiques, entre lesquels les Étrangers résidants à Mexico sont fermement décidés à garder une rigoureuse neutralité qui leur est commandée par le respect qu'il doivent à l'hospitalité internationale dont ils jouissent au Mexique.

Les soussignées etc. etc.

Caja 97, rollo 17, vol. 16, p. 94-5.

5 de enero de 1853. México. Miguel Arroyo a los ministros de Estados Unidos, Gran Bretaña, España, Francia, Guatemala y Prusia.

Les contesta que es innecesario que los extranjeros colaboren en defender el orden y sus familias así como sus bienes. Además anuncia que el gobierno ha tomado todas las medidas necesarias para conservar la paz, el orden y castigar a todos los que cometan desmanes.

Caja 97, rollo 17, vol. 16, p. 95.

8 de enero de 1853. Washington. Edward Everett a Alfred Conkling.

Sir:

In your despatch N° 4, of the date 29 November, last, you inquire "whether a minister of the United States has authority to make an original appointment of a Consul at a place where none has yet been appointed by the President", expressing at the same time, your opinion that no such authority is conferred, and the grounds of your enquiry, it is only necessary to say, that the Department entirely concurs in the view you have taken of this subject.

Your despatches to N° 10, inclusive have been received.

National Archives. Records of the Department of State. *Diplomatic Instructions. Mexico.* Vol. 16, doc. núm. 9, p. 357-458.

20 de enero de 1853. Washington. Edward Everett a Alfred Conkling.

Sir:

I enclose herewith a copy of a letter from the Honorable Volney E. Howard, Representative from Texas, requesting this Department to obtain from Mexico through your aid,

certain documents relating to the title, charte, etc. of San Antonio, Texas.

As it is presumed that the government of Mexico can have no reason for refusing a compliance with this request, I will thank you to embrace a convenient opportunity of obtaining permission to have the copies made.

Mr. Howard, you will observe, promises that the expenses incurred shall be promptly reimbursed.

I am...

National Archives. *Records of the Department of State. Diplomatic Instructions. Mexico.* Vol. 16, doc. núm. 10, p. 358-359.

22 de enero de 1853. México. Alfred Conkling a J. Miguel Arroyo.

The undersigned Env. Extrº and Minº Plenº of the U. S. of A. begs leave respectfully, but very earnestly and decidedly to invite the immediate attention of H. E. Mr. Arroyo acting Minister of Foreign Relations to a subject in regard to which the undersigned can no longer disguise his opinion that he has much to complain of in the treatment he has met with at hands of the Mexican Government since his arrival at this Capital. The undersigned refers to the application in behalf of Mr. Moritz Speyers for the surrender of certain bonds exacted of him for duties and for the release of certain merchandise imported into Matamoros near the close of the year 1851, under what has come to be familiarly known as the Avalos Tariff. These goods by an act of arbitrary power on the part of those then in authority, were forcibly taken from Mr. Speyers, have in like manner ever since have been forcibly detained. His claim was recommended to the early attention of the undersigned by his predecessor, and on looking into it soon after his arrival, finding it to be of the nature he has described, deemed it to be his imperative duty to bring the application anew to the notice of this government without delay. He accordingly prepared, and

through the Secretary of Legation still acting as Chargé d'Affr. ad interim, transmitted to H. E. the Minister of Relations a note upon the subject, under date of Nov. 19th., scarcely doubting (for the unders' would have deemed it disrespectful to the Mexican Government seriously to doubt) that he would soon be favored with a satisfactory answer: Having found himself mistaken in this expectation, the unders' on the 7th. day of December last, addressed another note to H. E. the Minister of Foreign Relations, respectfully requesting a speedy decision in the case. To this note he received a brief answer under date of Dec. 9th, to which the undersigned begs leave to refer H. E. Mr. Arroyo who, the unders' is persuaded, will not fail to regard it as the unders' is constrained to consider it, purely evasive. Having waited in vain several weeks longer, the unders' sought and obtained a personal interview on the subject with the Min. of Finance, to whose department he understood the consideration of the subject primarily to belong. This gentleman immediately entered into a narrative of the facts of the case, which the unders' was gratified to perceive, in no essential particular differed from that which the unders' had given in his note of the 19th. of Nov. already referred to. In short, the undersigned understood H. E. distinctly to admit the justice of the demand; but in conclusion, he added that Mr. Speyers must pay a sum of money as the only condition on which it could be allowed! The undersigned thereupon observed to H. E. that if such a condition was to be exacted, the unders' felt bound to believe it must be supposed to rest on some principle susceptible of distinct enunciation and of vindication; and the unders' took the liberty of inquiring what that principle was. To this inquiry no answer, intelligible to the unders', was given by H. E. and the interview ended. Thus the matter rests to the present moment; but in the meantime the undersigned has received specific instructions from his Government which make it his indispensable duty, now again strenuously to invoke the justice of the Government of H. E. Mr. Arroyo in behalf of this deeply injured American citizen. If H. E. Mr. Arroyo is not already

sufficiently acquainted with the facts and circumstances of the case, the unders' confidently trusts that H. E. will do Mr. Speyers and the unders' the justice to read his note of the 19th. of Nov. already mentioned. It was very carefully prepared with a strict regard to truth and sound reason. If it contains any error of fact or any sophistry, the unders' is not conscious of it. Whatever doubts, if any, may have heretofore been entertained of the power of the Executive branch of the Govent' of H. E. Mr. Arroyo, by its own independent act, to afford the required relief, the unders' presumes they no longer exist, since the late grant by the Legislature of extraordinary power to the Executive. The undersigned, moreover, cherishes the hope that the distinguished citizen now at the head of the Executive, as he has been, to preside in the highest judicial tribunals of the country, and habitually to regard the claims of justice as paramount to all others, will feel pleasure in a prompt recognition and enforcement of this great principle on the present occasion.

The undersigned respectfully asks as immediate order for the release of all goods imported according to the Avalos Tariff, belonging to Mr. Speyers and detained at the cities of Monterey and Linares, and the surrender of all bonds exacted of him and signed by Mr. Armida as his surety, on account of other goods so imported.

If the interests of Mr. Speyers have hereto been prejudiced by interference on the part of third persons acting under the guise of friendship for him, the undersigned begs leave to assure H. E. that such persons were no other than impertinent meddlers, acting without authority from Mr. Speyers; and if his just claims have encountered opposition from any other extraneous quarter however respectable, the unders' in behalf of his Government protest to against any acquiescence on the part of H. Ex.'s Government, in all such unwarrantable interposition.

The undersigned avail, himself.

Caja 97, rollo 17, vol. 16, p. 107-109.

4 de enero de 1853. Acapulco, México. Héctor C. Ames a Albert Conkling.

My opinion has been asked by American residents here as to whether they were obliged under the treaty between the United States and Mexico, to apply for a letter of security (*carta de seguridad*) to enable them to reside in this country, some of the gentlemen deny the right of the Mexican Government to exact such a letter, as being contrary to art. III of the Treaty of 1831, which says "The citizens of the two countries respectively, shall have liberty freely and securely to come with their vessels and cargoes to all places to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively": and also as being repugnant to the IX Art. of the same treaty: vis: "Nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside. The fee demanded for a *Carta de Seguridad* it is asserted is a charge, contribution or tax", which Mexican Citizens have not to pay, and which consequently cannot according to the terms of the Treaty be demanded from Americans. I have promised the gentlemen to request your opinion unpon the matter, in order to guide them in their course of conduct. Instructions as to this matter may have already been sent to my Predecessor Mr. Rice; but I find upon examining the Consular Records, all the correspondence from the U. S. Legation at Mexico was carried away by him; so that I may frequently have to recur to the Legation for advice upon subjects upon which instructions have been already sent.

I would also ask whether, under the IXth. article of the Treaty, the officials of this Port, have a right to demand of every American citizen passing through the Country, two and one half dollars for a Passport: such charge not being demanded from Mexicans. I would also bring to your notice the case of George Bond. Bond is still under bonds; but neither a judicial trial can be obtained for him, nor his legal discharge.

The U. S. Sloop of War, *Portsmouth*, Capt. Dorning, arrived here last week. She will sail about the tenth of this month for San Juan, Panama and the Sandwich Islands.

Caja 97, rollo 17, vol. 16, p. 110-111.

21 de enero de 1853. México. Alfred Conkling a C. Ames, Consul en Acapulco.

Esperaba que hubiera recibido las instrucciones anteriores e insistía que el problema que establecía era si el impuesto anual de las autoridades mexicanas a los americanos por la expedición de cartas de seguridad era compatible con las estipulaciones a que se refería del tratado de 1831. Eso no era nuevo y su opinión era que, habiendo preguntado hacia cinco o seis semanas sobre el mismo problema, había respondido que en su despacho próximo al Secretario de Estado había mandado copia de toda la correspondencia, diciendo además que creía necesaria la atención del gobierno sobre el asunto, reclamada con gran interés por los ciudadanos residentes en México. Aun cuando se considerara que las cartas de seguridad, de acuerdo con el artículo 9 del tratado, tenían que ver con la renovación anual, también había que considerar que esas cartas se extendían a todos los extranjeros por varios años desde antes del tratado, y que México nunca las había derogado en relación con "nuestros ciudadanos"; y México entendía que esas órdenes de continuar otorgando cartas de seguridad nunca merecieron la protesta del gobierno de los Estados Unidos.

Por tanto, resultaría absurdo para cualquier cónsul americano o ministro aconsejar que no respetaran esa ley; el resultado sería una multa y pena de cárcel, ya que los casos solamente podrían tratarse en los juzgados mexicanos, donde con toda seguridad se perderían.

Su pregunta sobre los pasaportes parece estar dependiendo de la contestación sobre las cartas de seguridad, y que ambas cosas son justificables porque los ciudadanos americanos

tienen que tener evidencia clara de su ciudadanía, aunque sólo fuera para que pudieran gozar de los títulos de los que les beneficia el tratado.

También le había insistido en que veía con sorpresa su afirmación en cuanto a que su predecesor se había llevado la correspondencia entre la legación y el consulado de Acapulco; esto, decía, adicionado a otros actos muy singulares de su parte, “me indica que no estaba demasiado cuerdo”.

Caja 97, rollo 17, vol. 16, p. 114.

21 de enero de 1853. México. Alfred Conkling a Jonas P. Levy en Veracruz.

I regret to inform you that your letter of the 27th. of last month was not received at this Legation until the 10th. inst. and that at that time I was confined by severe illness to my bed, as I have ever since been until the last few days. I am very far, therefore, from having designedly treated your letter with neglect.

Whether this will find you still at Veracruz, and if so, whether at liberty or otherwise I can only conjecture, but as you desired to go the U. S. very soon after the date of your letter I hope you had the good fortune to regain your liberty in season to do so.

I must repeat to you, however, what I said to you at my first interview with you nearly two months ago, that no man can relieve himself of ameniability to the laws of a foreign country where he may happen to be, or deprive the judicial tribunals of that country of jurisdiction over his person for the purpose of compelling him to obey its laws, or to pay the penalty of their violations, by any form of appeal to the Government of his own country, either directly or through its Minister. Now it seems fairly inferrible from the course long since adopted and steadily pursued towards you by the Mexican authorities that you are supposed to have infringed their laws. Whether you have so or not, is a question

to be decided on a proper investigation before the court in which you are prosecuted: and, unquestionably the proper course for you at the outset would have been and still is, to obtain professional assistance and make your defence, instead of relying on protest and threats not likely to be treated with much regard by the Courts, and, what is worse, entitled to none whatever. Your notice of the efficacy of a passport is equally fallacious. It renders you none the less amenable to the laws and tribunals of the country. Suppose a man after obtaining a passport should be found to have committed a homicide, can it be supposed that his passport would protect him from prosecution and punishment?

I remain Your obedient servant.

Caja 97, rollo 17, vol. 16, p. 115-116.

8 de enero de 1853. México. J. Miguel Arroyo a A. Conkling.

El E. S. Presidente interino de la República se ha servido nombrar a Su Excelencia el señor Don Juan Antonio de la Fuente, Ministro de Relaciones Interiores y Exteriores, quien habiendo hecho el juramento de estilo ha entrado al ejercicio de sus funciones.

El infrascrito Oficial Mayor de este Ministerio, al tener el honor de participarlo a S. E. el S. A. Conkling enviado extraordinario y ministro plenipotenciario de Estados Unidos de América le reitera las seguridades...

Caja 97, rollo 17, vol. 16, p. 116.

10 de enero de 1853. México. Juan Antonio de la Fuente a A. Conkling.

Que entre sus obligaciones, una de las más importantes es fomentar las relaciones con naciones amigas, y cree que

mejorarán si cuenta con la ayuda de los representantes extranjeros.

Caja 97, rollo 17, vol. 16, p. 116-117.

12 de enero de 1853. México. Periódico El Orden.

EDITORIAL

Abandonado el primer puesto del gobierno de la República por el general que lo había ocupado dos años, y cuya ciega imprevisión y [torp]eza no le hizo conocer sino ya en los momentos en que oyó tronar sobre su cabeza la tormenta revolucionaria, que los hombres de quienes se sirvió para su elevación dirigiéndose muchas veces por sus consejos en los actos de su administración, no podrían salvarlo sino más bien apresurar y hacer más terrible la catástrofe de su caída, y por lo tanto se le vio temeroso de entregar el poder al funcionario que la ley designaba para recibirla, si bien dc[bió] ser después de admitida la renuncia por el Congreso general, el Exmo. Sr. D. Juan B. Cevallos, vino a hallarse depositario del gobierno [ilegible] bien que de la República, de la ciudad de México en las circunstancias más críticas y difíciles que pueden darse. Vio que a él se encargaba la guarda del orden público, la seguridad de los habitantes y de todos los intereses sociales amenazados, no por los que de antemano deseaban vivamente proclamar en la capital el Plan de Jalisco, sino por los hombres de la facción, que seduciendo al populacho habían brindado al ex presidente con la [ilegible] de la dictadura, y cuyo movimiento tumultuario había de tener lugar al hacer la renuncia de la presidencia. Por otra parte, esperábasc y no sin razón, que la noticia de evasión del general Arista diese aliento a partidarios numerosos de la revolución; y por consiguiente, que de una hora a otra la capital fuese el teatro de una sangrienta contienda y se hallase envuelta en los horrores de la anarquía.

En medio de estos tan fundados temores empezó a ejercer sus funciones el nuevo gobierno; temores que se acrecentaron

en aquél aun cuando después de haber nombrado las cámaras al mismo ciudadano para que continuase en el gobierno como presidente interino se supo que los de la facción que habían querido sostener a todo trance al general Arista, al ver admitida la renuncia y el resultado de la elección, se habían pasado luego al lado de la revolución. Este incidente, sin embargo, fue, a lo que presumimos, el que hiciera que los hombres de mejor sentido suspendan la ejecución de su proyecto, temiendo sin duda las consecuencias de un desorden, y no tanto, que la revolución se detuviese por sí misma al ir ya a colocarse el laurel del triunfo con el pronunciamiento de la capital.

Hemos hecho esta rápida reseña de los hechos que han pasado en el día 6, por parecernos conducente, antes de ocuparnos del que es objeto de nuestro artículo de hoy, y manifestar, según creemos haber comprendido, la política que se propone seguir el gobierno que se ha erigido en medio de tales circunstancias, y que parece contar con el apoyo de varios de los miembros de ambas cámaras.

Los que lo componen, y el Sr. Cevallos el primero, han debido sin duda conocer que sólo a un conjunto de inesperados accidentes debería atribuirse que su poder no hubiese durado sino algunas horas, pues que en el estado en que se hallaban los ánimos nada hubiera sido más fácil que una temible conflagración, si en el transcurso de cinco días ha podido tenerse alguna confianza, y las medidas que la autoridad política y militar hayan tomado, deben haber contribuido mucho para evitar los peligros a que se halla expuesta la capital, no por eso ha podido descansarse en una absoluta seguridad.

El gobierno actualmente no ha podido dejar de conocer lo difícil y comprometida que es su posición; y que no era posible intentar el combatir a la revolución ni destruir ninguno de los hechos que ha producido, y que son otras tantas conquistas obtenidas por su poder moral y por las victorias de sus armas. En este convencimiento, ha creído que era ya indispensable para conseguir la pacificación de la República, sancionar estos hechos, y transigir en cuanto es posible con

las exigencias de la revolución. A este fin, según entendemos, y como nosotros lo entienden muchos, se dirige la solicitud de facultades extraordinarias que ha concedido ya la Cámara de diputados, y que probablemente aprobará el Senado; y lo que ha dejado traslucir las miras políticas que se tienen, son las palabras de lenidad y conciliación que uno de los señores ministros nombrados pronunciara en la cámara, al contestar a la interpelación que se le dirigiera sobre el uso que el ejecutivo pensaba hacer de esas facultades.

Se ha creído, pues, que quitado el principal obstáculo, que era la presencia del general Arista en el poder y los hombres que lo rodeaban, se vendría fácilmente a términos pacíficos y conciliatorios que, cambiada la política con el cambio del personal de la administración, los pronunciados podrían esperar concesiones sobre ciertos puntos del programa de la revolución, y que parecen considerarse como los que más principalmente le han dado impulso y la han propagado en diversos Estados de la República: se piensa, por último, que accediendo a ciertas reformas que demandan los intereses locales, puede así nulificarse el objeto político de la revolución, es decir, la caída del sistema cuyas reformas pueden también prometerse...

Caja 97, rollo 17, vol. 16, p. 120.

19 de enero de 1853. Tampico. Periódico El Comercio de Tampico.

Del Trait d'Union tomamos lo que (?)

BOLETÍN MEXICANO

Dimisión y partida del general Arista.—Nombramiento de un presidente interino.—El nuevo gabinete.—Situación.

El 9 de enero de 1851, la Cámara de diputados proclamaba al Sr. general Arista, presidente constitucional, por cuatro años, de los Estados Unidos Mexicanos; el 6 de enero de 1853, dos años después, casi día por día, el Sr. general Arista se huye de la capital, a la una de la madrugada, deja su

dimisión en manos del empleado encargado del Ministerio de Relaciones, y abandona el poder, al que se reconoce impotente de conservar.

En enero de 1851, el resultado de las elecciones que nombraban al Sr. general Arista para la presidencia, era acogido favorablemente por la inmensa mayoría del país, se auguraba el advenimiento del nuevo presidente como el principio de una era de fuerza y energía en la administración.

En enero de 1853, después de dos años en el poder sin fuerza, sin energía, sin plan fijo, el general Arista cae tristemente; nadie lo siente; algunos intereses privados se alarman con su ida; ningún afecto leal y sincero se levanta; la inmensa mayoría del país aplaude.

Es que el general Arista no ha realizado la esperanza que había hecho concebir; es que se ha mostrado débil en vez de fuerte; indeciso en vez de ser resuelto; es que se ha dejado dominar por la situación en vez de dominarla; es que se ha dejado rodear mal, y aconsejar mal; es que, nosotros se lo habíamos predicho, se ha dejado [ilegible] por sus amigos...

Pero contemos los sucesos. En el momento que nuestro número del miércoles último iba a la prensa, se hablaba mucho de la dimisión y fuga del general Arista; se ve que ambas previsiones se han realizado. Los reveses experimentados por el general Miñón delante de Guadalajara; la negativa sistemática del senado para conceder al ejecutivo facultades financieras; la revolución de Veracruz; la inminencia de un movimiento en la capital federal; todos estos poderosos motivos han hecho comprender al general Arista que ya no podía sostener el puesto...

...A las 12 1/2 de la noche, en presencia del Sr. Anaya, ministro de la guerra y del Sr. Arroyo, encargado del Ministerio de Relaciones, el Sr. general Arista entregó la presidencia al Sr. D. Juan B. Cevallos, presidente de la Suprema Corte de Justicia, a quien la Constitución designaba por su sucesor, y a quien había hecho llamar a palacio; a la una de la mañana, él partió para su hacienda de Anacamilpa, distante unas veinte leguas, escoltado por cincuenta hombres de caballería de policía, y por un destacamento,

del 5º regimiento; dos de sus ayudantes de campo lo acompañaban...

Los Sres. Prieto y Arriaga, ministros de Hacienda y Justicia, no han sabido lo que ha pasado durante la noche, hasta el jueves hacia las cinco de la mañana; el Sr. general Arista había escrito al Sr. Arriaga invitándolo a asistir a la renuncia de la presidencia en manos del Sr. Cevallos, y a traer consigo al Sr. Prieto; pero entregada muy tarde la dirección, la carta no ha podido llegar a su objeto. Los Sres. D. Ponciano Arriaga y D. Guillermo Prieto han publicado estos hechos en un impreso que se ha fijado en las paredes de la capital...

El Sr. Cevallos, ya designado por la Constitución como presidente interino ha sido ratificado por el Congreso...

Como hombre político, el Sr. Cevallos es poco conocido; no es fácil prever la marcha que adoptará; el ministerio aún no está formado oficialmente.

Según nosotros la revolución debería concluirse, pero nada nos asegura que así sea, la prueba de ello está en los temores de pronunciamiento que no han cesado en México.

La lucha va a empeñarse, actualmente, entre los partidarios y adversarios del general Santa Anna; los santanistas se agitan mucho; han enviado, ya, una comisión a encontrar a su candidato...

El "Diario de la Marina", de La Habana, ha escrito, en efecto, lo que fue con fecha 24 de diciembre:

El "Star", del 27 de noviembre, anuncia haber recibido de Cartagena, un diario reciente según el cual el ex presidente de México, "D. Antonio López de Santa Anna, [que reside desde su destierro en las cercanías de Cartagena] debía partir dentro de pocos días para su patria, a fin de ponerse allí al frente del movimiento que se ha intentado en su favor."

CONCILIACIÓN. Se asegura que el nuevo gobierno se dispone a poner en libertad y a volver a llamar a la capital, a las personas presas o desterradas por causas políticas, por el general Arista. Esto sería el principio de una era de conciliación y de unión entre los partidos...

VERACRUZ. Las fuerzas pronunciadas ascienden ya a 1,600 hombres sin entrar en ese número la guarnición de Ulúa.

A ÚLTIMA HORA. Circula la voz de que en una nueva salida que ha hecho una sección de tropas de Guadalajara, han sido completamente derrotadas y dispersas las fuerzas del general Miñón.

El gobierno está en la precisa obligación de mandar inmediatamente extraordinarios para que cesen estos estragos.

(*El Siglo XIX*)

GUADALAJARA. La mayor parte de las fuerzas del general Miñón, se han pasado a los pronunciados, quienes cuentan ya en sus filas más de cinco mil hombres. Dentro de pocos días entrarán en la capital de la República.

DERROTA DEL GENERAL MIÑÓN. Las últimas noticias que circulan sobre Guadalajara son alarmantes y en extremo funestas. Se dice que habiendo emprendido un nuevo ataque el general Miñón fue derrotado por las fuerzas que mandaba Blancarte, resultando de esta refriega, entre muertos y heridos más de trescientos hombres. También se dice que el general Miñón ha perdido la vista a causa de una fuerte hemorragia que le sobrevino, por lo mal cicatrizado de la herida que recibió en la nariz.

(*El Ómnibus*)

MINISTROS EXTRANJEROS

Estos señores se han reunido con el objeto de tomar en consideración las circunstancias en que se encuentra la capital, y los peligros de un trastorno en el orden público. Parece que el resultado de la reunión fue comunicar al gobierno la necesidad de formar un cuerpo de extranjeros destinado a defender las propiedades amenazadas. Encontramos esto muy natural en virtud de los rumores que han corrido, aunque el gobierno debe hacer todo lo posible para que desaparezca esa necesidad.

(*El Siglo XIX*)

Caja 97, rollo 17, vol. 16, p. 124-125.

2 de febrero de 1853. México. Alfred Conkling a Edward Everett. (Despacho núm. 14.)

This despatch must unavoidable be short although there are not wanting materials for a long one, because I had the misfortune about the first of last month to be prostrated by a severe attack of fever from which I am not yet wholly recovered, and which has obliged me to defer writing until to day, just upon the eve of the departure of the British Courier for Veracruz, preparatory to the sailing of the British Steamer by which I hope to be able to forward this despatch.

Political Condition of Mexico.

In my last despatch N° 12, I informed you of the resignation of Genl. Arista and the succession to the Presidency of this Republic of Don Juan Bautista Cevallos. Immediately after he had entered upon the duties of his station, Congress conferred on him extraordinary powers (*facultades extraordinarias*); a concession repeatedly and earnestly sought in vain by his predecessor, from time to time, during the last 6 or 8 months. A few days later, the new President submitted to Congress a proposition to call a convention to revise and amend the Constitution. This proposal was ill received, and led to an angry debate in the house of Deputies, in the course of which several members indulged in strong denunciation of the President, to the extent of imputing to him treasonable designs. The session being protracted until a late hour at night, the President not liking the aspect of things, sent an officer with an armed military force to disperse the members, which was done at the point of the bayonet. The doors of the Chambers were closed. A considerable number of the deputies immediately proceeded to the Convent of San Francisco with the design of there reuniting and protecting against this violent act, but found its entrance effectively guarded by soldiery. During the next two or three days irregular meetings were held by some of the members of the two Chambers, at which they affected still to exercise the powers of a Congress, and, declaring on assuming the office of President to be vacant, chose the Governor of the State of Puebla to fill the

post. This led to the arrest, temporary imprisonment by order of the President of four or five senators and deputies. Efforts were also made to excite popular insurrections in this city for the purpose of deposing the president by force. But all these expedients of the malcontents proved nugatory; and several States having directly or indirectly declared their determination to support the President in the stand he had taken, he is thus far triumphant. The truth is, this Congress had but a feeble hold upon public sympathy or respect, and I am constrained to add, deserved less. A confidential note sent to me a few days ago by the acting Min^o of Relations, a copy whereof marked A I have the honor herewith to enclose, will show the confidence then entertained, and, as I think, still entertained, by the President in his ability to maintain the position he has assumed. The dissolution of Congress was immediately followed by a decree convoking a convention to meet at the Capital in June next to revise the Constitution. I understand this measure will be acquiesced in, that it has been well received by many influential leaders of the revolutionary movements by which the tranquility of the Republic has so long been disturbed, and that it has had the effect, to a considerable extent, to quiet the public mind. Still there are not wanting well informed persons who regard the existing condition of things as altogether precarious. It is well known that a wide spread conspiracy has long been on foot for the recall of Santa Anna, to which several men of talent and influence resident in this city are parties. Recent events have not had the effect to repress this movement. My own opinion is the Genl. Santa Anna will prudently decline all overtures of this nature.

Mr. Cevallos has proved himself to possess boldness and decision, and in a conversation which, at his instance, I had with him, ill as I was, a few days since, [he desired to consult me on a question of international law], he appeared to me to be a man of clear perception and bound understanding, and to be actuated by patriotic motives. Advertising to his judicial career as President of the Supreme Court of the Republic, and to the fact, of which he said he was aware, of my having

also been long engaged of judicial duties, he assured me of his new station by the same sacred regard to the principles of justice that had governed him as a judge.

Subsequently he applied this observation to the existing differences between our own country and Mexico, and feeling assured, as he was pleased to observe, from his knowledge of my character, that I could not fail to entertain correspondent sentiments, he expressed a confident hope that we should be able in due time, to adjust all matters in difference between the two countries. I assured him that I had listened with lively satisfaction to what he had said. I added also that I had been an attentive observer of passing political events since my arrival in this capital, & that it seemed to me that he now had an opportunity to render incalculable services to his country, and at the same time to secure to himself an enviable fame; and that should it be his good fortune to reap these happy fruits, his success would afford me the sincerest pleasure. He thanked me warmly, but added, that he was fully sensible of the difficulties that beset his path, and of his liability to error; that he stood in needs of the counsel of wise and patriotic men; that he was seeking for such men to fill his cabinet, [the Ministerial posts are all vacant except that of war], that he had thus far been unsuccessful, partly on account of the supposed precariousness of the tenure by which he held his post, a difficulty, however, which he said would soon cease by the daily increasing public confidence in the stability of his administration; and he concluded by an earnest expression of his wish and hope that I would from time to time frankly and without reserve favor him with my opinion and advice. Disclaiming the arrogance of supposing myself competent, especially after a residence only so brief in the Republic, for so difficult and responsible a task, I assured him that should it be his pleasure at any time to consult me, I would most cheerfully impart to him the fruits of my best reflections on any subject concerning which he might desire to know my opinion.

One of the chief causes of popular discontent, so generally prevalent for many months past throughout the Republic, and the one of all others probably the most reasonable

and best defined, is the system of prohibitions and the scale of high duties adopted to by this government, through the intrigues and influence of a few wealthy manufacturers, to the serious prejudice in several respects, of the general interests of the country.

Accordingly the revolutionists, as fast as they acquired the assendency at the several ports of the Republic, proclaimed a new system of commercial regulations by which prohibited goods, consisting chiefly of cotton fabrics, were admitted on payment of moderate duties and the duties on other merchandise reduced. This led, towards the close of Genl. Arista's Administration, to decrees declaring these ports closed against all external commerce; all which has been stated and explained my previous despatches. These decrees have been rescinded by Mr. Cevallos, and regulations differing but little from those promulgated by the pronunciados have been provisionally adopted, with the declared purpose of establishing a well digested and permanent system of imports as soon as it can be matured. Copies of these decrees were communicated to this Legation and are herewith transmitted marked B and C.

Tehuantepec.

I regret that the incessant agitation, for three months past, in itself a great moral and political evil, of the Tehuantepec question, has even yet led to no practical result, though it is now confidentially said that a contract, for the construction of a rail road across the Isthmus, is likely to be concluded in a few days with an American Citizen named Sloo and "his associates"; and that I shall be invited to negotiate with the Mexican Government a convention designed to secure the successfull prosecution of the work, and its beneficial use when completed. Whether this expectation is to be fulfilled is a question concerning which I shall not hazard an opinion. Should it be verified, I should regard it as so great a misfortune to have the proposed negotiation postponed indefinitely on account of the supposed want of authority in our Minister here to entertain it, that although my instructions on the subject were not framed with a view to the

contingency of a new Contract for the execution of the proposed work, and are not therefore in terms applicable to such a case, I think I shall venture, keeping steadily in view the spirit of my instructions, and the policy of the Government as manifested in its part acts relative to the subject, to engage in the proffered negociation without awaiting further instructions, which however, it is, in my opinion, of vital importance that I should receive as soon as they can be prepared after the terms of the new contract shall be made known to our Government.

11th. Article of the Treaty of Guadalupe.

With respect to the 11th. article of the Treaty of Guadalupe Hidalgo, it is a significant fact that as it is well understood with an especial view to that article, Congress in granting extraordinary powers to the President, saw fit to except the authority to alter existing treaties. Still, however, I am of opinion, that the President would not on this account, hesitate to enter into a treaty on the subject of that article, and I am not without hopes that he will before long consent to do it.

Case of Mauritz Speyers.

I regret that no decision has even yet been made upon the application in behalf of Mauritz Speyers for the release of his goods to a very large amount and for his exoneration and that of his sureties from certain bonds exacted of him on account of other goods, although I lost no time in obeying your instructions on the subject, contained in your despatch N° 7, as will be seen by reference to my note to the acting Minister of Foreign Relations, a copy of which I have the honor herewith to enclose marked D.

I have the honor also to transmit herewith a copy of a letter lately received from Mr. Ames, the American Consul at Acapulco, requesting my opinion respecting the right of Mexico to exact letters of security and passports from American Citizens, and of my answer thereto marked E. Referring also to my former despatch accompanied by a letter from Mr. C. C. Müller and of my answer thereto, relative to the same

subject, I respectfully repeat my suggestion of the expediency of an early attention to the questions propounded by Mr. Ames and Mr. Müller.

Caja 97, rollo 17, vol. 16, p. 98-102.

2 de febrero de 1853. (Por la noche). México. Alfred Conkling a Edward Everett, Secretario de Estado.

After closing my accompanying despatch N° 14, I received, through the Secretary of Legation, an oral message from Mr. Arroyo the acting Minister of Foreign Relations to the effect that a contract between the Mexican Govent. and Mr. Sloo for the construction of a Railway across the Isthmus of Tehuantepec would certainly be signed in the course of a very few days, and that the Mexican Minister at Washington would be immediately so informed.

Such an instrument is known to have been prepared and drawn up in from by legal gentlemen by order of the President, several days ago, and to have ever since been before the President, by whom it has been most carefully revised and corrected. Its provisions have been the subject of so much anxious thought and earnest disension, that it seems reasonable to conclude that they are well adapted to the interesting and important end in view. I think it probable that a copy or abstract of it will be forwarded at once to Mr. Larainzar.

It having thus become my duty at the eleventh hour [the Courier leaves at an early hour tomorrow morning], to advert again to this subject, I avail myself of the opportunity to subjoin a word of explanation relative to my observation contained in the accompanying despatch of my intention not to decline to enter into a negociation on the subject should I be invited to do so.

My apprehension touching the principle on which the Government of the United States saw fit to interpose in this affair after the assignment of the Garay Contract to American

citizens (the New Orleans Company), is this: not that the Government considered itself under any obligation to these assignees, at their instance, and for their gratification or profit, thus to make themselves parties to this contract, in its nature primarily, and as Mexico has always insisted, exclusively, cognizable in the Mexican Judicial tribunals; but that the United States, without violating any principle of international law, might, at their option, insist on the recognition by Mexico of the rights claimed by these assignees, and in doing so, might further insist on stipulations from the Mexican Government, deemed necessary to the accomplishment of the great enterprise in view, and to its practical utility when completed: and that considering the vast importance of the work to the whole American People, it was fit and proper for their Government to avail itself of the opportunity thus presented, to interpose in the manner it did. If I am right in my interpretation of the past official language and acts of the Government on this subject, it would seem to follow that I should be fully warranted by the spirit of my instructions, in concluding such a treaty with the Mexican Government, relative to the new contract, as the Government of the United States deemed it proper to offer with regard to the Garay grant. If the assignees of this grant have a claim to indemnity for expenses incurred, or question concerning which it does not become me to express an opinion, there are other modes of exacting it less objectionable than that of refusing to recognize and sanction the proceedings of the Government of Mexico, about to be consummated designed and adapted to secure the accomplishment of the chief end in view. Nor is it to be disguised that there are very urgent reasons for giving a preference to the new grant. The truth is, the self love of the Mexican people has been severely wounded by what they regard as the unwarrantable pretensions and unjust demands of the United States in the late negociations relative to the Garay grant, in so much, that it is scarcely an exaggeration to say that this grant has become a stench in their nostrils from one extremity of the Republic to the other, and that it can never be enforced except at the cannon's mouth. It may not be amiss to also

observe, that while the ministers of other nations near this Government seem gratified at the prospect of the new contract I have mentioned, they can but ill disguise their sympathies with Mexico in its dissatisfaction with the past.

I will only add, in conclusion, that should the favorable opportunity which now seems likely to be afforded of negotiating a satisfactory convention with Mexico be lost there is imminent danger, in a country where every thing relating to its government is so fluctuating, that the loss will be irretrievable.

Regretting the want of sufficient time for the more suitable preparation of this and the accompanying despatch.

Caja 97, rollo 17, vol. 16, p. 117-119.

3 de febrero de 1853. México. Alfred Conkling a Edward Everett.

By the British Courier which left Mexico at an early hour this morning for Veracruz, I transmitted two despatches Nos. 14 and 15, prepared yesterday and last night to be carried to Washington by Mr. Yturbide, whom I appointed bearer of despatches for that purpose, and who had already left town for Veracruz.

These despatches were very hastily written and under adverse circumstances as therein stated and explained. In number 14, adverting to the probability of my being invited before long to negotiate a convention with the government of Mexico relative to the construction of a transit-way across the Isthmus of Tehuantepec I took occasion to observe that under the peculiar circumstances of the case, I should feel myself warranted in accepting such an invitation. After closing that despatch at a late hour of the day, I received an oral message from the acting Minister of Relations inferring a very high degree of probability that a contract would be entered into by his government within two or three days for the opening of this transit-way.

Deeming it to be my duty to communicate this fact to you, I prepared despatch number 15 for that purpose, and availed myself of the occasion to add some explanatory remarks touching the observation I have mentioned contained in my despatch N° 14.

From the day of my arrival in Mexico to not more than 8 or 10 days ago, the President and his ministers had held their posts by a tenure so extremely precarious, and were so exclusively occupied in endeavoring to devise the means of repressing or quieting the spirit of rebellion so ripe throughout the Republic as to render it idle able to think of entering into any negociation with this government on any subject whatever. On the receipt of my instructions, and the day before my embarkation at New York, I read them and laid them aside. Finding on my arrival here the condition of things I have described, I saw no reasons for reverting to those parts of my instructions which relate to the Tehuantepec transit-way, and the 11th. article of the treaty of peace, and accordingly left them to sleep in their repository. Under these circumstances it was that about the first of this month I was seiged with a fever from which only three or four days ago I had so far recovered as to be able to resume my official labors, and some necessary correspondence with Consuls, and others required all my strength until it was high time to commence the preparation of a despatch to your Department to be forwarded by the opportunity I have mentioned; and it was only just at that time that circumstances occured which made it proper to speak of the subject of Tehuantepec at all. If thus happened that I was obliged to write on the subject without referring to my instructions and with little reflection relative to the subject though I was not altogether [*unmindful?*] that it was not quite safe to do so. On recurring to it today, and examining my instructions and powers, I deeply regret to find that the impression under which I wrote that I was fully out-haiged to conclude a convention with the government on the subject as well of Tehuantepec, as of Indian depredation is unfounded; my full powers being limited to the making of a treaty upon this latter subject, while in regard to the former

I am only directed to receive and transmit to your Department any proposition relative thereto which might be offered by the Mexican Government.

While I can not but regard this disability as a quail misfortune, I rejoice that it is discovered in season to prevent me from doing anything or holding any language to the Mexican Government at variance with the truth and in season to enable me so promptly to place myself in a just attitude with my government. The mortification this mistake occasions me I must bear with what fortitude I may. But in leaving, if you determine, without presuming to express any opinion of my own, what the exigencies of the case require; I trust the circumstances I have narrated will be deemed a reasonable apology for the error into which I have fallen. There is not even yet any information of the arrival of the British Packet, and I am not entirely without hope that this despatch may reach Veracruz in season to be delivered to Mr. Yturbide for carryance, in which case it will be delivered to you simultaneously with the despatches Nos. 14 & 15.

Caja 97, rollo 17, vol. 16, p. 134-6.

4 de febrero de 1853. México. Alfred Conkling a Edward Everett.

I have the honor herewith to transmit to you copies of a letter and of a statement accompanying it received last evening, and also of my answer thereto, all marked A.

I abstain from any comments on the subject to which they relate, because I have no information concerning it except what they convey, and shall await your instructions in regard to it should you see fit to give any.

I send also a letter just received from Mr. Samuel A. Belden, and of my answer thereto respecting a very large claim he has against the Mexican Government, and which I am expressly instructed to urge upon its attention. Mr Belden as it

will be seen, has also another claim of more recent origin of which I had not before heard.

Caja 97, rollo 17, vol. 16, p. 137.

31 de enero de 1853. Puebla, México. W. C. McRea a A. Conkling.

My Dear Sir, Mr. Isaac Bluminkron has presented me with a statement which I herewith enclose you. I am acquainted with Mr. B. and believe the statement which he has made to be a true one and worth your examination and action. And as Mr. B. assures me that Mr. Wesche has already forwarded papers to the U. S. setting forth certain claims against our Government, which claims Mr. B. believes to be invalid it would doubtless be only necessary to obtain said papers from the U. S. and examine the books of said Wesche referring particularly to the time of the foundation of his claims. Doubtless immediate action in the matter will prevent any further intrigue of the part of Mr. W.

With the hope that B's. statements may have its desired effect which is to prevent imposition upon the Government of the U. S.

Caja 97, rollo 17, vol. 16, p. 137.

4 de febrero de 1853. Puebla, México. Isaac Bluminkron.

I, the undersigned, being a citizen of the U. S. of North America, and now resident in this city; having learnt certain facts, connected with the matter now in litigation between the Governt. of the s'd United States, and John H. Wesche also a resident in this city, feel it to be my duty as a citizen of the s'd U. S. to lay before you as the Represent of the s'd Governt, the above mentioned facts. The s'd facts are these— During the Governorship of this city, by Col^o Childs, he was

about to conclude a contract with the s'd I. H. Wesche for a supply of Tobacco, but in consequence of Instructions which he the s'd Col. Childs received from the Head Quarters of Genl. Scott in Mexico that contract was sought to be annulled. In consequence of thus annulling the contract, the s'd I. H. Wesche, laid claims for damages, against the s'd Governmt. of the U. S. to the amount of two hundred and thirty eight thousand dollars. And among the things, the s'd I. H. Wesche alledges, that he had to pay the sum of ten thousand dollars, which sum had been legally recovered from him, in default by him in the completion of certain bargains entered into under the aforesaid contract.

Now, the indersigned makes statement, that the Papers purporting to be certified proofs of the payment of the said sum of ten thousand dollars, and as such forwarded to the U.S. were falsely made; and the undersd. is prepared to furnish proofs if called upon that the said papers are false.

And the undersd. further states, that the s'd Papers do not represent any corresponding entries in the Books of the s'd I. H. Wesche.

Relying upon the above facts, for the liberty, the undersigned begs to recommend, that the said Papers be placed immediatly in the hands of some competent person, for examination and to be compared with the Books of account, of the said I. H. Wesche, and also that certain persons, whom he the undersd. can produce, be examined as to the validity of the said papers, and the manner in which the said Papers were made out, and this undersd. begs to reccomend, should be done promptly and before the said I. H. Wesche has any notice of this communication or time to defeat its object.

Caja 97, rollo 17, vol. 16, p. 139.

*4 de febrero de 1853. México. Alfred Conkling a W. C. McRea.
(Anexo A.)*

Sir, your letter of 31 jany. accompanied by Mr. Isaac Blumkron's statement relative to a claim for indemnity which

he supposes to have been preferred by the I. H. Wesche against the U. S. was duly recd. last evening. This voluntary attention on your part to the interests of our country is highly commendable. I shall loose no time in forwarding to the Dep. of State copies of Mr. B's statement and of your letter. Do me the favor if you please, when you meet Mr. B. to return my thanks to him for the information he has given and his offer of assistance in the premises and to assure him that I abstain from addressing him only because I fear that a correspondance with him in person might possibly lead to a knowledge or suspicion on the part of Wesche that steps are being taken to defeat his meditated fraud on the Govent, of the U.S.

Caja 97, rollo 17, vol. 16, 139.

6 de febrero de 1853. México. Alfred Conkling a Edward Everett. (Despacho 18.)

In my despatches Nos. 14 & 15 which I had the honor very recently to transmit to the Department of State, I gave you reason to expect that a contract for the construction of a transit way across the Isthmus of Tehuantepec would very soon be entered into by the Mexican Government.

It is now my duty to inform you that although very serious doubts subsequently arose and continued until within the last 24 hours, whether this expectation would be verified, the contract is at length concluded.

I transmit herewith, marked A, a copy of a communication received at a late hour last night announcing this result, and also a copy marked B, of the correspondent decree, a printed copy of which I received from the Minister of Foreign Relations this morning, accompanied by a note a copy whereof, also marked B, I have the honor likewise to enclose. The contract itself I have not seen. I am promised a good translation of it as soon as it can be made, and will, without delay forward a copy of it to your Department.

I transmit also herewith a copy of my note of this morning, in answer to the two notes above mentioned. I am not sure it may not appear to you that in speaking as I have done of the conduct of the President I have departed from the strict line of official duty, and it is due to myself therefore to state that in an interview with the President, at his instance, two days since, and at a very tripling crisis, we had a free conversation in the subject of the Tehuantepec question, in the course of which I became convinced that he was governed by the motives and acting in the spirit described in my note; and I am quite sure, situated as he is, that what I have written will be very grateful to his feelings, and I am not without hope that it may strengthen him in his responsible, harassing, and, I am sorry to add, still somewhat precarious position. You will observe that I have expressed my willingness to "receive overtures". In assuming that I have authority to do this, although a contingency has arisen not contemplated by my instruction, I trust I am not mistaken in supposing that I have the requisite authority. Still my situation with respect to this subject is embarrassing, and I earnestly solicit early and explicit instructions in regard to it. There is likely under any administration of the Mexican Government, to be no little difficulty in obtaining its assent to all that the United States may deem it necessary or expedient to insist on but it seems quite clear that the present time is far more propitious to success than any likely to occur, should Mr. Cevallos be compelled to retire, as he may well be before the lapse of many months, or even sooner. Perhaps it may be thought proper immediately to entrust me with the power to sign a treaty; and in that case, as some time is likely to be unavoidably consumed in ascertaining the most favorable terms which can be obtained from Mexico, it may happen that little or no time will be lost. I hope I am not mistaken therefore in supposing I am competent to entertain a negotiation with a view to this end, because if I am not, I am for all practical purposes wholly powerless.

It may not be amiss to add in conclusion of what I have deemed it necessary to say on this subject, in the conversation

to which I have referred between the President and myself, it was distinctly understood by him that I was not speaking officially, but in the character of a friend, a character with which, as I explained in a former despatch, it was his pleasure to invest and regard me.

It affords me sincere pleasure to state that a favorable decision has at length been obtained in the case of Mr. Speyers. It is the act of the President himself, and creditable to his intelligence and love of justice qualities by which, in comparison with his most distinguished countrymen in general, I think he is preeminently distinguished. I transmit herewith a copy, marked C, of the note from the Minister of Foreign Relations announcing this decision.

Caja 97, rollo 17, vol. 16, p. 142-4.

5 de febrero de 1853. México. J. Miguel Arroyo a Alfred Conkling.

El infraescrito Oficial Mayor actualmente encargado del Despacho de la Secretaría de Relaciones, tiene el honor de dirigir esta comunicación al E. S. Alfredo Conkling, Enviado Extrº y Minº Plenº de los E. U. de América, para informarle que, conforme a la ley expedida por el Congreso general el día 14 de mayo de 1852, y la convocatoria publicada en su consecuencia el 29 de julio del mismo año, el E. S. Presidente interino usando de las facultades con que se halla investido, ha tenido a bien convenir y mandar extender el competente documento legal aprobando las propuestas que para la apertura de la comunicación inter-oceánica por el istmo de Tehuantepec se le hicieron a nombre de una Compañía Mixta por los S. S. Dn. Ramon Olarte, Dn. Manuel Payno, y Dn. José Joaquín Pesado, a nombre de A. G. Sloo y socios. El infrascrito al tener la satisfacción de participar a S. E. el Sor. Conkling, una resolución que debe ser muy grata para todo el mundo civilizado, espera que S. E. secundando los deseos del E. S. Presidente de la República, la

transmitirá inmediatamente a su gobierno haciéndola apreciar debidamente, y que S. E. será el primero que como la mejor prueba [sic] de aprobación dará su asentimiento a la pronta celebración de un tratado de neutralidad que ofrezca a todas las naciones del globo ventajas de gran cuantía, y estreche al mismo tiempo más los lazos de paz y unión que ligan hoy a las dos Repúblicas vecinas.

El infrascrito tiene el honor con este motivo, de reiterar a S. E. el Sor. Ministro Plenipotenciario de los Estados Unidos de América, las seguridades de su distinguida consideración.

Caja 97, rollo 17, vol. 16, p. 144-5.

5 de febrero de 1853. México. J. Miguel Arroyo a Alfred Conkling.

El infrascrito Oficial Mayor, Encargado del Ministerio de Relaciones, tiene el honor de remitir a S. E. el Sr. Alfredo Conkling, ejemplares del Decreto expedido por el E. S. Presidente interino de la República aprobando las propuestas para la apertura de la vía inter-oceánica por el istmo de Tehuantepec de que habló a S. E. en nota de esta misma fecha; y a la vez tuve la honra de reiterarle su muy distinguida consideración.

Caja 97, rollo 17, vol. 16, p. 147.

5 de febrero de 1853. México. Decreto de J. Miguel Arroyo.

El Exmo. Sr. Presidente interino de la República Mexicana, se ha servido dirigirme el decreto que sigue:

El presidente interino de los Estados Unidos Mexicanos a los habitantes de la República sabed: Que considerando que la apertura del istmo de Tehuantepec, ha llegado a ser ya, no sólo una exigencia comercial del mundo todo, sino una necesidad

política para conservar la integridad y soberanía de nuestro territorio; que de no resolverse esta cuestión en el angustiado plazo que acaso queda para terminarla con toda independencia y dignidad, se vería tal vez envuelta y complicada con las cuestiones políticas, y la República en graves compromisos que redundarán en perjuicio de todos los habitantes; y considerando por último, que aprobándose las proposiciones de la Compañía Mixta, a la cual se han unido las de Oaxaca y García, y los Estados de Oaxaca, Tabasco y Chiapas, no sólo resultarán grandes bienes materiales a la nación, sino que quedarán resueltas pacífica, tranquila y honrosamente las cuestiones que ha ocasionado este negocio; he tenido a bien decretar, usando de las facultades con que me hallo investido, y de conformidad con la ley de 14 de mayo de 1852, y la convocatoria publicada en 29 de julio, lo siguiente:

Artículo único.

Se aprueba con las modificaciones y aclaraciones que constan en la escritura de esta fecha, y que se hará pública, las proposiciones que para la apertura de la comunicación inter-oceánica por el istmo de Tehuantepec, presentó la compañía mixta nacional y extranjera, bajo el nombre de A. G. Sloo.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio del gobierno general, en México a 5 de febrero de 1853.—Juan Bautista Cevallos.—A D. J. Miguel Arroyo.

Caja 97, rollo 17, vol. 16, p. 147.

6 de febrero de 1853. México. A. Conkling a J. Miguel Arroyo.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America, loses no time in replying to the note which he had the honor to receive, at a late hour last evening, from his Excellency Mr. Arroyo, Actg, Minister of Foreign Relations, announcing the long delayed decision, now made by His Excellency the

President of the Republic of Mexico, in obedience to the law enacted by the Genrl. Congress on the 14th. of May last, and of the Convocatoria promulgated in pursuance thereof, on the 29 of July last, having for their object the speedy construction of a transit-way across the Isthmus of Tehuantepec, for the purpose of facilitating the communication between the Atlantic and Pacific Oceans.

Deeply impressed as the undersigned is with the vast importance of this noble entreprize, he fully concurs with His Excellency, Mr. Arroyo, in the opinion, that this decision cannot fail to be gratifying to the whole civilized world: and fully aware, as the Undersigned is of the numerous and almost insuperable difficulties which surrounded the subject, and of the patriotic and selfsacrificing spirit, and the firmness and integrity of purpose, with which His Excellency the President has encountered and at length overcome these difficulties, the Undersigned cannot doubt that His Excellency the President has secured for himself the merited gratitude of his country and the applause of all commercial nations.

The undersigned will hasten to communicate to his Government the decision and decree of His Excellency the President; and in the mean time will be happy, in accordance with the invitation contained in His Excellency Mr. Arroyo's note; and with his own instructions, to receive from this Government any overtures likely to result, as the Undersigned earnestly hopes they may, in a Treaty suited to the exigencies of the case and adapted to secure the happy fruits so eloquently described by His Excellency, Mr. Arroyo.

The undersigned also has the honor to acknowledge the receipt, this morning, of the note of His Excellency Mr. Arroyo enclosing printed Copies of the decree in question.

The Undersigned has great satisfaction in renewing to His Excellency Mr. Arroyo the assurances of his high respect and distinguished consideration.

Caja 97, rollo 17, vol. 16, p. 148-9.

7 de febrero de 1853. Lunes. México. Alfred Conkling a Edward Everett, Secretario de Estado. (Despacho 20, escrito durante la tarde.)

Since the date of my despatch N° 18 yesterday, there has been another turn of the Calaidescope of Mexican politics, as you will observe by refering to the accompanying Newspaper of this date. General Uraga thercin mentioned, has been the most powerful of all the insurgent chiefs, He arrived here night before last in company with Col. Robles, leaving his troops, numbering about 3,000, at a place many miles distant. Robles was sent, just before the resignation of General Arista, with the rank of General by brevet, to Guadalajara, to assure the command of the Government troops, superceeding General Miñón, who had been repulsed in a battle with the rebel forces under Uraga. He came also unattended by his troops. On the accession of Mr. Cevallos to the Presidency, soon after the arrival of Genl. Robles at Guadalajara, they concluded, instead of fighting, to visit the Capital; and, as you will observe, they are now inclined to act the part of dictators. As their forces united could not probably be successfully resisted by the Government forces at the disposal of the President Mr. Cevallos is under the necessity of treating with them. Still, however, there seems good ground for expecting that he will, not several months to come, at least, maintain his position at the head of the Government.

The Tehuantepec contract is well received by the public and has, I think, had the happy effect of adding to the popularity and strength of the President. He is I have no doubt by far the ablest civil ruler Mexico has ever had, and yet I understand that many are dissatisfied with his elevation to the Presidency, because he is not by profession a soldier! But there is no limit to the absurdities of this unhappy people.

Caja 97, rollo 17, vol. 16, p. 157.