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BOUNDARY BETWEEN MEXICO AND GUATEMALA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of State relative to the boundaries between Mexico and Guatemala.

MAY 6, 1884.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

In answer to that part of the resolution of the House of Representatives of the 17th of January last respecting the question of boundary between the Republics of Mexico and Guatemala, I transmit herewith the report of the Secretary of State and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, May 6, 1884.

DEPARTMENT OF STATE,
Washington, May 6, 1884.

To the PRESIDENT:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 17th of January last, requesting the President, if in his opinion not incompatible with the public interest, to communicate to the House "any correspondence with the Governments of Mexico and Guatemala in reference to the boundary question between said Republics, and any offer on the part of this Government to mediate on the same," has the honor, in response thereto, to submit to the President the papers mentioned in the subjoined list.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

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LIST OF ACCOMPANYING PAPERS.

I.—REPORTS FROM THE UNITED STATES LEGATION IN CENTRAL AMERICA ABOUT THE BOUNDARY QUESTION BETWEEN GUATEMALA AND MEXICO.

- No. 1.—Mr. Logan to Mr. Blaine, No. 179, May 24, 1881.
 No. 2.—Same to same, No. 183, May 27, 1881.
 No. 3.—Mr. Blaine to Mr. Logan, No. 151, June 21, 1881.
 No. 4.—Mr. Logan to Mr. Blaine, No. 197, June 28, 1881.
 No. 5.—Same to same, No. 210, July 19, 1881.
 No. 6.—Mr. Frelinghuysen to Mr. Logan, No. 202, April 11, 1882.
 No. 7.—Mr. Titus to Mr. Frelinghuysen, No. 5, May 12, 1882, with accompaniments.
 No. 8.—Mr. Hall to Mr. Frelinghuysen, No. 20, September 29, 1882, with accompaniments.
 No. 9.—Same to same, No. 27, October 12, 1882, with an accompaniment.
 No. 10.—Same to same, No. 47, December 20, 1882, with an accompaniment.
 No. 11.—Mr. Davis to Mr. Hall, No. 36, January 19, 1883.

II.—GUATEMALA'S REQUEST TO THE UNITED STATES TO INTERFERE IN THE BOUNDARY QUESTION WITH MEXICO.

- No. 12.—Mr. Ubico to Mr. Blaine, June 15, 1881.
 No. 13.—Mr. Blaine to Mr. Ubico, June 16, 1881.
 No. 14.—Mr. Ubico to Mr. Blaine, June 19, 1881.
 No. 15.—Same to same, June 22, 1881.
 No. 16.—Mr. Montufar to Mr. Blaine, July 20, 1881.
 No. 17.—Mr. Ubico to Mr. Blaine, October 19, 1881.
 No. 18.—Mr. Blaine to Mr. Ubico, October 31, 1881.
 No. 19.—Mr. Blaine to Mr. Montufar, October 31, 1881.

III.—OFFER OF MEDIATION BY THE UNITED STATES TO MEXICO IN THE BOUNDARY QUESTION WITH GUATEMALA.

- No. 20.—Mr. Blaine to Mr. Morgan, No. 138, June 16, 1881.
 No. 21.—Same to same, No. 139, June 16, 1881.
 No. 22.—Same to same, No. 142, June 21, 1881.
 No. 23.—Same to same, No. 143, June 21, 1881.
 No. 24.—Same to same, telegram, June 23, 1881.

IV.—OBJECTION OF MEXICO TO THE MEDIATION OF THE UNITED STATES.

- No. 25.—Mr. Morgan to Mr. Blaine, No. 232, July 12, 1881.
 No. 26.—Same to same, No. 240, July 19, 1881.
 No. 27.—Same to same, No. 247, August 5, 1881, with accompaniments.
 No. 28.—Same to same, No. 253, August 11, 1881.
 No. 29.—Mr. Blaine to Mr. Morgan, No. 164, August 24, 1881.
 No. 30.—Mr. Morgan to Mr. Blaine, No. 259, August 25, 1881.
 No. 31.—Same to same, No. 273, September 22, 1881, with an accompaniment.
 No. 32.—Same to same, No. 287, October 6, 1881.
 No. 33.—Same to same, No. 289, October 20, 1881, with an accompaniment.
 No. 34.—Same to same, No. 297, November 2, 1881, with an accompaniment.
 No. 35.—Same to same, No. 304, November 9, 1881.
 No. 36.—Mr. Blaine to Mr. Morgan, No. 198, November 28, 1881.
 No. 37.—Mr. Morgan to Mr. Frelinghuysen, No. 335, January 10, 1882, with accompaniments.
 No. 38.—Same to same, No. 354, February 6, 1882.
 No. 39.—Same to same, No. 357, February 13, 1882.
 No. 40.—Mr. Frelinghuysen to Mr. Morgan, No. 232, February 16, 1882.
 No. 41.—Mr. Morgan to Mr. Frelinghuysen, No. 372, March 8, 1882.
 No. 42.—Same to same, No. 374, March 28, 1882, with accompaniments.
 No. 43.—Mr. Frelinghuysen to Mr. Morgan, No. 252, April 3, 1882.
 No. 44.—Same to same, No. 354, April 11, 1882.

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V.—FURTHER APPEALS FROM GUATEMALA FOR THE MEDIATION OF THE UNITED STATES DURING MR. MONTUFAR'S SPECIAL MISSION TO WASHINGTON.

- No. 45.—Mr. Montufar to Mr. Blaine, November 2, 1881.
- No. 46.—Same to same, November 7, 1881.
- No. 47.—Same to same, November 21, 1881.
- No. 48.—Mr. Ubico to Mr. Frelinghuysen, February 3, 1882.
- No. 49.—Same to same, February 4, 1882.

VI.—ATTITUDE OF PRESIDENT ARTHUR'S ADMINISTRATION ON THIS QUESTION.

- No. 50.—Mr. Romero to Mr. Frelinghuysen, March 9, 1882, with an accompaniment.
- No. 51.—Mr. Frelinghuysen to Mr. Romero, March 24, 1882.
- No. 52.—Mr. Romero to Mr. Frelinghuysen, April 29, 1882, with an accompaniment.
- No. 53.—Same to same, May 6, 1882, with accompaniments.
- No. 54.—Mr. Frelinghuysen to Mr. Romero, May 13, 1882.
- No. 55.—Mr. Romero to Mr. Frelinghuysen, June 23, 1882, with an accompaniment.

VII.—NEGOTIATIONS BETWEEN GUATEMALA AND MEXICO CARRIED ON AT WASHINGTON FOR THE SETTLEMENT OF THE BOUNDARY QUESTION.

- No. 56.—Mr. Montufar to Mr. Frelinghuysen, April 14, 1882.
- No. 57.—Mr. Frelinghuysen to Mr. Montufar, June 5, 1882.
- No. 58.—Mr. Montufar to Mr. Frelinghuysen, June 9, 1882.
- No. 59.—Same to same, June 15, 1882.
- No. 60.—Mr. Frelinghuysen to Mr. Montufar, June 27, 1882.
- No. 61.—Mr. Romero to Mr. Frelinghuysen, July 20, 1882.
- No. 62.—Mr. Montufar to Mr. Frelinghuysen, July 21, 1882.
- No. 63.—Mr. Romero to Mr. Frelinghuysen, July 22, 1882.
- No. 64.—Mr. Frelinghuysen to Mr. Montufar, July 24, 1882.

VIII.—FINAL SETTLEMENT OF THE BOUNDARY QUESTION THROUGH THE GOOD OFFICES OF THE UNITED STATES.

- No. 65.—Mr. Romero to Mr. Frelinghuysen, August 14, 1882.
- No. 66.—Mr. Davis to Mr. Romero, August 23, 1882.
- No. 67.—Mr. Romero to Mr. Frelinghuysen, September 27, 1882, with an accompaniment.
- No. 68.—Mr. Davis to Mr. Romero, October 2, 1882.
- No. 69.—Mr. Cruz to Mr. Frelinghuysen, October 14, 1882.
- No. 70.—Mr. Romero to Mr. Frelinghuysen, January 16, 1883, with an accompaniment.
- No. 71.—Mr. Morgan to Mr. Frelinghuysen, No. 614, May 9, 1883, with an accompaniment.
- No. 72.—Mr. Davis to Mr. Morgan, No. 406, May 28, 1883.
- No. 73.—Mr. Morgan to Mr. Frelinghuysen, No. 689, September 20, 1883, with an accompaniment.

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CORRESPONDENCE.

I.—REPORTS FROM THE UNITED STATES LEGATION IN CENTRAL AMERICA.

No. 1.

Mr. Logan to Mr. Blaine.

[Extract.—Confidential.—Published heretofore in Foreign Relations.]

No. 179.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala City, May 24, 1881. (Received June 17.)

SIR: In previous dispatches I have had occasion to mention the unsatisfactory relations between Guatemala and Mexico, arising from their unsettled boundary line.

I have now to report that these relations are growing still less satisfactory, and that an open rupture between the two countries is not an improbable result of the near future.

The state of Chiapas in Mexico, as well as Guatemala, belonged to the old captain-generaley up to the period of the termination of the latter, when the people of the former state elected to attach themselves to Mexico, under the short reign of Iturbide, whom the Guatemaltecos now charge with having forced the state from them. A certain portion of Soconusco, a province of Chiapas, has become the modern bone of contention between the two countries, not so much because of the value of the territory perhaps, as because of an important river, with a fair harbor on the Pacific, which traverses it.

Two or three expensive commissions have been appointed to survey and report upon a line to divide the two countries, whose work up to this time has not amounted to anything. In the mean time local disturbances, consisting of raids over the border, have occurred at intervals, until the feeling has become quite embittered.

* * * * *

In confirmation of the disposition of Mexico to make a rupture with Guatemala, is the fact I learned from a reliable person last evening that Mexico had lately sent 1,000 well-armed men into Soconusco, and that 2,000 more are expected soon to arrive there.

I give you these statements for what they are worth. I believe that Mexico has every disposition to come to an open rupture with Guatemala on the boundary question, and that she may do so. Barrios is intensely hated in Mexico, and he returns the feeling with compound interest. Though Barrios does not realize it, yet his government in one sense is a very weak one. * * * His old opponents * * * are held down with an iron hand, made up, so to speak, of muskets and brass bands. By themselves they can do nothing; but if Mexico, with a few thousand men, were to call away the Guatemala troops from the

capital to defend the borders, twenty-four hours would not elapse before the clericals would be massed into an aggressive army; and being in the majority, Barrios would soon be crushed.

* * * The conquest of Central America, however, would be a different thing. Were Mexico prosperous, and with ability to maintain an army and prosecute a war, Montufar's idea would not be an improbable one, nor would the mere conquest be a thing of very difficult accomplishment; but the Mexicans must certainly know that no republican form of government could hold together territory so separated by physical barriers as that comprising the countries herein spoken of. Nothing but the strong arm of an absolute monarchy, supported by ample resources of money, ships and men, could tie them into a single government. When railroads and telegraphs are built, so that quick communication can be had from Mexico to Costa Rica, such a project may be entertained. At present it is impracticable, and operating upon a smaller scale, the difficulty mentioned constitutes the chief obstacle against a federal union of the Central American states, as heretofore stated to the Department in my dispatches. But a single agency—the protectorate of a powerful country—can make such a union possible in Central America.

The situation, however, is sufficiently interesting to call for this report to you. I shall promptly inform you of any additional matter of interest.

I have, &c.,

C. A. LOGAN.

No. 2.

Mr. Logan to Mr. Blaine.

[Extract.—Published heretofore in Foreign Relations.]

No. 183.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala City, May 27, 1881. (Received June 17.)

SIR: My dispatch No. 179 informs you of matters relating to Guatemala in their connection with the adjacent Republic of Mexico. I have now to inform you that President Barrios returned yesterday from his visit to San Marcos, near the border. To-day I had a few minutes' interview with him, during which he informed me that he could not leave here until the 15th of June. His manner convinced me that he has already abandoned the idea of leaving, although, as other persons were present, I could get no opportunity to talk privately with him.

Later in the day, however, I talked further with Montufar about these affairs, when he told me plainly that every day they seemed more threatening. Information of the fact communicated to you in my No. 179, that regular troops were being sent to Soconusco by the Mexican Government, has just reached the Guatemala Government, and preparations are now being made to dispatch troops from this capital to the border. * * *

What Mexico may really be meditating you are probably better advised of, through our minister, Mr. Morgan, than myself. It is without doubt simply a question of ability with her, not one of disposition or desire. It seems altogether certain that the border raids, often resulting in loss of life, which have been frequent of late, must precipi-

tate a collision between the two Governments, if some basis of agreement be not soon reached. * * *

My policy has been, and will be, an evasive one, until instructions from Washington may be received. Montufar, who is altogether the best informed man upon our political system in Central America, tries to argue away the probable objections to be interposed by our Government against any unwarranted interference in the affairs of our neighbors, and especially the acquisition of territory, and rather regretfully, as it seemed to me, informed me that with the Democratic party in power the acquisition of Soconusco would be but a question of two days. All this amounts to nothing, however, except that when hope of assistance from the United States is abandoned Guatemala will undoubtedly make this proposition to one of the European powers. Great Britain, France and Germany are striving for commercial supremacy in Central America, and there are some possibilities in the case of a character not favorable to our own interests.

Hence, until I hear from you, my policy will be not to give the Barrios Government any positive encouragement of favorable action by the United States, and yet not peremptorily to crush every hope in that direction lest it drive them into another quarter.

Though the present threatening aspect of these affairs may again pass away without open hostilities between the two countries, yet I consider the situation sufficiently grave to recommend it to your careful consideration.

I have, &c.,

C. A. LOGAN.

No. 3.

Mr. Blaine to Mr. Logan.

[Published heretofore in Foreign Relations.]

No. 151.]

DEPARTMENT OF STATE,

Washington, June 21, 1881.

SIR: Your Nos. 179 and 183, of the 24th and 27th ultimo respectively, have just been received, and have commanded my earnest attention. The posture of affairs between Guatemala and Mexico, therein shown, had already received urgent consideration, on the representations of the Guatemalan minister, Señor Ubico, and an instruction to Mr. Morgan, at Mexico, had embodied the views of this Government thereon, for formal communication to the Mexican Government. The fuller details of the situation now received from you have led me to instruct Mr. Morgan still further, in a more explicit, but to a certain extent confidential sense.

The correspondence* in full is herewith transmitted to you for your confidential perusal. The distinctness with which the President's policy in the premises is set forth will, I think, make it unnecessary just now to give you the special instructions as to your conduct which you ask for at the close of your No. 183. I may say, however, that the President deems it no less incumbent upon Guatemala than upon Mexico to endeavor to so shape the course of the dispute as to avoid open hostilities and conduce to an honorable settlement in the interest of all parties. You will, of course, do all you consistently can in this sense.

I am, &c.,

JAMES G. BLAINE.

* For correspondence inclosed, see documents Nos. 12, 13, 20, and 22.

No. 4.

Mr. Logan to Mr. Blaine.

[Extract.—Published heretofore in Foreign Relations]

No. 197.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala City, June 28, 1881. (Received July 20.)

SIR: My dispatch No. 179, under date of May 24, and my No. 183, under date of May 27 ultimo, treat of the relations between Guatemala and Mexico; while my No. 195 informs you of a recent note, received by the former from the latter Government, of a very threatening character.

Mr. Montufar, the minister of foreign relations, showed me the whole correspondence to-day; and, having an opportunity to catch the steamer carrying my mail sent by the dispatch-bearer, I hasten to advise you of the posture of affairs.

The present difficulty relates to the same class of troubles detailed to you in my Nos. 179 and 183, viz, the questions of limits and raids over the border. It seems that in December last, a band of Mexicans appeared upon ground which has always been under the jurisdiction of Guatemala—ground occupied by Carrera, the former President of Guatemala—when Barrios and Grenados began their revolution against his Government, and upon which one or more battles were fought. This band carried off four Guatemaltecos as prisoners, among them an alcalde of the Government. The Jefe Politico of San Marcos, with 100 men, went to a place called Tonintaná for the purpose of a reconnaissance, but nothing further happening, they went back to San Marcos. Tonintaná is not in Soconusco, but considerably this side of it, and was not even claimed by Santa Ana when he took the latter from Guatemala. No claim to this portion of territory has ever been made by Mexico heretofore.

This occurrence has become the basis of a fresh correspondence upon the old subject between the Mexican minister at this capital and the Guatemala Government; the former claiming that Mexican territory had been invaded by Guatemala troops, and at a later period, demanding satisfaction through instruction of his Government. Guatemala then addressed Mexico directly, endeavoring to show that no offense had been committed, that Mexican territory had not been entered upon, &c. The Mexican Government replied that Guatemala was endeavoring to meet the questions at issue by a policy of delay; that the formation of a treaty which both Governments had agreed to, in amendment of the treaty of 1877, was being intentionally postponed by the Guatemala minister in Mexico, Señor Herrera; that the territory in question belonged to Mexico; that her dignity had been violated; and that satisfaction—which is understood to mean the punishment of the leaders of the force, Margarito Barrios and Manuel Rocas, a salute to the flag, &c.—was demanded, failing in which, the inauguration of hostilities is very plainly intimated by the note.

The Guatemala Government is greatly alarmed, of course, feeling its utter inability to cope with a power like Mexico. A pacific reply has been tendered, and the result of events is awaited.

Guatemala claims that Mexico is pushing her line further every year, and she is confident that it is the settled purpose of Mexico to slice ter-

ritory from Central America, and perhaps to absorb one or all of the states. She has proposed arbitration to Mexico upon the boundary question a number of times, but is always met with the reply that the dispute must be settled by themselves.

This is the Guatemala side of the story. If Mexico really have ulterior designs looking to the acquisition of territory, it seems important that the United States should be in position to consider whether or not her own interests are to be affected thereby. The Guatemala Government, in determining to cede Soconusco, or her right to it at least, to a foreign power, hopes to put a stop in that way to the aggressions of her powerful neighbor. The idea is not a bad one. I am confident that, as yet, no communication upon the subject with the representative of any other power has taken place. I have a belief, however, that should the United States decline any interest in these affairs, a proposition will be made in some other quarter. I shall watch the matter as closely as possible.

* * * * *

I have, &c.,

C. A. LOGAN.

No. 5.

Mr. Logan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 210.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,

Guatemala City, July 19, 1881. (Received August 16.)

SIR: Referring to your dispatch No. 151, under date of June 21 ultimo, which incloses copies of instructions to Minister Morgan in relation to the matters at issue between Mexico and Guatemala, I have to report that I have conversed with President Barrios in the spirit of your instructions to me, and find him to be in full sympathy with the ideas advanced by you in the whole matter. Nothing new has been developed in the affair, as sufficient time has not elapsed to hear from the Mexican Government in reply to Mr. Montufar's note spoken of in my No. 196.

As to the full merits of the dispute, it is, of course, difficult to form a judgment. It is hardly probable that Guatemala is wholly free of blame, it being a rare case that, in any dispute, one party is entirely right and the other wholly wrong. As Guatemala, however, is a very small nation compared with Mexico, she is in no position to be aggressive; and the probabilities of ulterior purposes by Mexico, as related in my previous dispatches, are, from *a priori* reasoning, very strong.

I shall keep you posted in relation to the march of events, as observed from my own standpoint.

I have, &c.,

C. A. LOGAN.

No. 6.

Mr. Frelinghuysen to Mr. Logan.

No. 202.]

DEPARTMENT OF STATE,
Washington, April 11, 1882.

SIR: I transmit herewith for your information the inclosed copy of a note* which I have received from the Mexican minister at this capital, of the 9th ultimo, respecting the boundary dispute between the Republics of Mexico and Guatemala, also a copy* of my reply thereto.

I am unable to furnish you with a copy of the printed pamphlet mentioned in the minister's note, one copy of the same only having been received here.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 7.

Mr. Titus to Mr. Frelinghuysen.

[Extract.—Published heretofore in Foreign Relations.]

No. 5.]

LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,*Guatemala City, May 12, 1882. (Received June 3.)*

SIR: Your dispatches Nos. 202 and 203 to Mr. Logan, the latter dated April 13, have been received at this legation.

Referring to the dispute between Guatemala and Mexico on the subject of boundaries, which is the subject of your No. 202, I have the honor to inclose certain documents which may give you some information of the state of affairs here. No. 1 is a translation of a note from the Mexican minister here to the Guatemalan minister of foreign relations, and No. 2 is the answer of the latter. These translations were very hastily made, but I think they will be found to be substantially correct. * * *

A few days after this correspondence, President Barrios sent a message to the assembly, asking for full powers to arrange the boundary question with Mexico as he thought best. His request was granted in a decree of which the following is a translation:

Only article. The President of the Republic, General J. Rufino Barrios, is authorized in an especial and ample manner, to arrange definitely, and in the manner which he may judge most beneficial to the true interests of the country, the question of frontiers pending with the United Mexican States.

* * * * *

I have, &c.,

FRANK H. TITUS.

* For inclosures, see documents Nos. 50 and 51.

[Inclosure 1 in No. 5.]

Mr. Loeza to Mr. Cruz.

MEXICAN LEGATION IN THE REPUBLIC OF CENTRAL AMERICA,
Guatemala, April 10, 1882.

MR. MINISTER: I have just received two copies of the report presented by your excellency to the legislature last month; which document I have read attentively, giving special attention to the portion referring to the relations between Guatemala and Mexico. Speaking of the question of boundaries, your excellency says that "*it is believed with sufficient reason that before the termination of the year the said question may be completely and satisfactorily arranged, it being impossible for the Government of Guatemala to have any other aspiration than that of maintaining its rights, and that the territory legitimately belonging to the Republic may not be dismembered, for whose integrity it has to watch according to the fundamental law.*" Your excellency also expresses your opinion that all the charges made against the Government of Guatemala in the report which the secretary of state and of the department of foreign relations of Mexico remitted to the Congress of the Union of my country, the 10th of last September, "*are absolutely destitute of justice.*" That the Government of which your excellency forms part is pleased that Mexico recognizes the judicial fact that the Uriarte-Vallarta convention has legally expired; "*and that the President of the Republic does not remember having proposed that a new convention be made with the intention of reviving the former ones.*" Finally, your excellency, penetrating into the slippery region of suppositions, affirms that "*it is hidden from no one, that if it were sufficient that the federal Government of Mexico should declare, upon its own authority, that to it belonged any part whatever of the territory of Guatemala, the day that it should be pleased to declare that the whole extent of the Republic belonged to it, your excellency's Government would have to acknowledge that resolution, and to recognize the legitimacy of the title which it would create, or else to give an offense which would necessitate a reparation.*"

I wish that your excellency's hope that during the present year the question of boundaries may be terminated in a satisfactory manner may as soon as possible be an accomplished fact, because the desire of my Government in regard to the affair is that the dividing line between the two Republics be fixed, perfectly determined, in order that there may be no room for doubts, and that the vexatious difficulties which are making themselves felt may be avoided.

As your excellency's report to which I refer contains asseverations which affect the good name of my country, and it may be necessary that they be removed, I remit to my Government a copy of the said document; but this does not prevent me from fulfilling the duty of expressing in the present note my dissent from the facts and appreciations given by your excellency, in order that at no time consequences may be deduced from my silence. I permit myself to rectify only the most important errors.

Although it cannot be considered as a serious hypothesis that it could occur to Mexico to declare of its own authority that all the Republic of Guatemala belonged to it, taking into consideration the elevated character and illustriousness of the functionary who formulates it, I am obliged to inform him that there is no fact authorizing a supposition of such a nature.

Mexico, Mr. Minister, prides herself on nothing so much as on her never deviating from rectitude. My country does not need nor wish for foreign territories: she possesses sufficient territory for a population ten times greater than that she has, and if your excellency will please to read the declarations that, competently authorized, are made by the editor of the *Diario Oficial* of the Government of the United Mexican States, in No. 59 of this periodical, dated the 10th of last month (of which I take the liberty of inclosing a copy), you will be convinced of the truth stated.

It is certain that the Government of Mexico recognizes that the effects of the convention of December 7, 1877, and those of its prorogation of May 3, 1879, legally ceased on account of the termination of the first period stipulated in the last, without the commission of experts having finished its labors in the first section of the frontier line, and as the most excellent President of this Republic does not remember, as your excellency says, having proposed that a new convention be made with the intention of reviving the former ones, I am able to clear up that fact.

In a note dated June 25, 1881, I had the honor to inform, among other things, the department under your very worthy charge, as follows: "*An incident which concerns the minister of foreign affairs of my country, in the note which causes this answer, is not referred to by your excellency in your very esteemed note which I have the honor to answer, and it is the fact that the undersigned, by order of his Government, had the honor to insinuate to the most excellent President of this Republic the convenience of celebrating a new convention, which should revive that of December 7, 1877, and that, having received such insinuation favorably, the First Magistrate himself dictated his agreement, that it might be transmitted to the minister of Guatemala in Mexico, in order that the treaty might be celebrated; and that Señor Herrera had not*

informed the department of foreign relations of Mexico that he was authorized to that effect." And the 29th of the same month, Dr. Lorenzo Montufar, in his character of secretary of foreign relations, which he was then, had the kindness to answer me, among other things, as follows: "Instructions were sent to Señor Herrera that immediately he address himself to the secretary (department) of state of the Mexican Republic, with the end of entering into negotiations over the new convention referred to in your excellency's esteemed note, which I answer to-day."

In consequence, when the secretary of foreign relations of Mexico stated in the report of last September that the most excellent President of this Republic had accepted the proposition which the Mexican Government made him, through me, to revive the said convention, he expressed a truth entirely indisputable.

Before closing, will your excellency permit me to express my surprise to see expressed, in the document to which I refer, that the Government of Guatemala is pleased that Mexico recognizes the juridical truth that the *Uriarte-Vallarta convention* has legally expired, because this manifestation of pleasure contrasts with that of the desire which your excellency says the Government has to come to a prompt and complete arrangement of the question of boundaries, when the scientific investigations stipulated in the said convention must have been exceedingly useful, furnishing the data necessary for its greater exactness.

Although at the risk, Mr. Minister, of abusing your excellency's kindness, I permit myself to ask you to be pleased to insert this dispatch in the *Guatemalteco*, providing there should be no objections.

Renewing, &c.,

F. LOAEZA.

[Inclosure 2 in No. 5.]

Mr. Cruz to Mr. Loaeza.

GUATEMALA, April 11, 1882.

MR. MINISTER: I have attentively studied the esteemed communication which your excellency was pleased to address me under date of yesterday, with the object of expressing your dissent to certain statements and observations contained in the last report made to the legislative assembly, and of rectifying the principal errors which, in your excellency's judgment, are contained in the portion referring to the relations between Guatemala and Mexico, in the said document, which for my part I also took care should reach your excellency's Government. I might from this moment abstain entirely from entering into discussion concerning the statements and observations contained in the said report; and so doing, would do no more than imitate the conduct which, in a recent and analogous occasion, the secretary of state of the Republic of Mexico saw fit to observe, when our minister addressed him, expressing the astonishment caused him by certain words used by the President in giving an account to the chambers, on the 16th of September last, of the state of the relations between Guatemala and Mexico. The answer which that elevated functionary gave him was, that without establishing a promiscuous precedent, the documents issued by the executive, in conformity to a constitutional requirement, to inform, not foreign countries, but the representatives of the nation, of its political state, although they might be given the greatest publicity for the information of the latter, could not be taken as a theme of discussion with foreign ministers, because they are acts of interior polity, although they may be found to contain references to exterior affairs. Without prejudice of the right to make use of this example, nevertheless, I do not make use of it now, through deference to your excellency, and because I do not wish to deprive myself of the pleasure of giving you an answer, rectifying in my turn the errors into which it appears to me you have fallen. The report presented to the assembly does not say, nor could it say in any part, that it is believed that Mexico is going to declare, of her own authority, that all the Republic of Guatemala belongs to her, nor does it say in any part that there is a presumption that such a thing will happen, or that there are facts which authorize that presumption or suspicion. The report only says, if your excellency will permit me to recall it to you, "that referring to the reclaim for the invasion of Tonintana, the representative of Mexico stated to this department that his Government denied the satisfaction asked, because it had declared that that territory was part of the Mexican soil and had given him orders to so communicate it."

It says "that on our part it was answered that Mexico was not competent authority to make a declaration of that nature, because the party himself interested in a question cannot be competent to decide it, and because nations cannot make themselves by their own authority, and by the title of their sole declaration, owners of a territory."

It says "that in spite of this the reclaim of the Government of Guatemala was not at-

tended to," and it says finally, to demonstrate roughly to what point the consequences might come, if one nation had to abide by the declarations made by the other in disputed matters, that "it is hidden from no one, that if it were sufficient that the federal Government of Mexico should declare upon its own authority that to it belonged any part whatever of the territory of Guatemala, the day that it should be pleased to declare that the whole extent of the Republic belonged to it, my Government would have to acknowledge that resolution, and to recognize the legitimacy of the title which it would create." I have not penetrated then, Mr. Minister, into the slippery region of supposition, because I have not said nor believed that that would happen, as I have not been able to believe nor say that Guatemala would ever agree to a resolution to this effect. The only thing I have wished to do, and have done, is to make manifest how inadmissible and absurd it would be to recognize in one of the contending parties the right to itself determine the question by means of the declarations it should see fit to make, imposing them upon the other as obligatory. For this purpose I have made use of a style of argument, very well known, which is that of pointing out the extremes to which the logical application of a principle would lead, in order that its falsity might be recognized by all who could see the impossibility of accepting its consequences. Your excellency knows perfectly that certain inflexible principles of justice are neither more or less in small things than in great. If a nation once believes itself to have the right to decide for itself that a span of territory which it disputes with its neighbor belongs to it, with the same right it could decide afterwards that it owned an immense territory which might be the matter in dispute. If in a question between two individuals for a few cents one of them could constitute himself judge, there would be no reason why he should not constitute himself judge in the same manner when the question might be for many millions of dollars. But as it frequently happens that, when treating of the relatively insignificant, all the importance of fixing an unsustainable principle is not clearly seen, it becomes necessary to apply that same principle to a greater extent and to present all that would happen in that case, that there may be no doubt that the principle should be repulsed, although in the very insignificant and small. They are, therefore, as I conceive, two things very different, to suppose, that is to say believe or presume, that a certain thing is going to happen, and to only feign the hypothesis that it might happen, in order to calculate the consequences of a principle. I agree perfectly with your excellency that it cannot be believed or seriously presumed that it could occur to Mexico of her own authority to declare that all the Republic of Guatemala belongs to her, but exactly the circumstance that that deed gives force to the argument presented to the assembly, choosing the most unrealizable hypothesis, that is to say, demonstrating the inexactitude of a principle by means of the absurd consequences that would have to be derived from the application of it. Referring to the remarks which your excellency is pleased to make respecting the fact that the President of this Republic does not remember having proposed that a new convention be made with the object of reviving those of December 7, 1877, and March 3, 1879, I must inform you, that this affirmation contained in the report, in virtue of data furnished me by the President, is in no wise opposed to what my predecessor said to you, on the 29th of June of the last year, about sending instructions to the minister of Guatemala with the object of entering into negotiations concerning the new convention to which your excellency refers, for continuing the study of the frontiers. It has not been said that a new convention is not desired or has not been authorized, because, as the report itself says, even without it no difficulty has been raised to prevent the Mexican engineers from continuing their labors in the territory of Guatemala; and furthermore, although it were unnecessary, there was no objection whatever to a convention limited exclusively to that, unless it should offer to reproduce some of the inadmissible provisions contained in the first. It was said, then, that there would be no objection to making a new convention, which should have the same object of continuing the study of the frontier, but not exactly a new convention in terms leaving subsistent the same ones of the first, which, as is mentioned in the report, encountered opposition in the council of state, and even among some of the members of the Guatemala cabinet, who were not inclined to ratify it, and it was only approved by the President of the Republic acceding to the request of the representative of Mexico, who assured him that that convention had no other object than that of a simple reconnaissance. I believe I am able to remove the surprise which your excellency has experienced at the contrast which you have judged to exist between the manifestation that the Government of Guatemala is pleased that Mexico recognizes the juridical fact that the Uriarte-Vallarta convention has legally expired, and the expression of the desire, which the Government asserts itself to have, of coming to a prompt and complete arrangement of the question of boundaries. I have not been able to find the difference of meaning between the two declarations, which your excellency supposes. The Government of Guatemala is pleased that Mexico recognizes the expiration of the Uriarte-Vallarta convention, because this having expired according to its judgment, as it declared to the assembly, it is natural to be pleased that the Government of Mexico, with which it was cele-

brated, shares in the same opinion; so that the two are agreed on that point. It is pleased that this expiration is recognized, because if the convention has no other object than the study or reconnaissance of the frontiers, it is entirely unnecessary, seeing that this can be done by means of simple notes, and that it is being done even without them, and because, if it have any other object aside from this, as was presumed from the terms in which it was expressed by the individuals of the council, and those of the cabinet who opposed its ratification, that peril is avoided, without prejudice to the making, if it were believed indispensable, a convention actually limited to its proper object. Therefore, the complacency that that convention, as it was conceived, has expired, and the sincere desire which animates my Government that a prompt and complete settlement of the question of boundaries be reached, are perfectly reconcilable. If, in order to reach it, there are any scientific studies which it may be indispensable or useful to make, nothing opposes their being made, if it were agreed to make them, and this were convenient, but without the terms and agreements of the Uriarte-Vallarta treaty being reproduced in the convention, but that it be made in terms which offer no difficulty, and be limited to providing that the studies and reconnaissances required be made. Under the condition of frankness which presides over my relations with your excellency, and of the publicity which my Government wishes all acts which interest the country to have, I have no objection to complying with your excellency's desire, that the dispatch which I answer be inserted in the official periodical, to which I promise to send, in the future, reclamations and other matters, which, from their nature and importance, may opportunely be brought to the knowledge of the public.

Reiterating, &c.,

FERNANDO CRUZ.

No. 8.

Mr. Hall to Mr. Frelinghuysen.

[Published heretofore in Foreign Relations.]

No. 20.]

LEGATION OF THE UNITED STATES

IN CENTRAL AMERICA,

Guatemala, September 29, 1882. (Received October 23.)

SIR: For several months past the Government of Guatemala has been receiving information of projected invasions of its territory by expeditions of armed forces, having for their object the enticing or compelling the inhabitants of the frontier, who are mostly Indians, into subscribing or adhering to public acts of annexation to the bordering states of Mexico. It is said that those expeditions have been preparing in Campeche, Yucatan, Tabasco, and Chiapas. The first of these invasions has taken place during the present month in the department of Peten; all the information in regard to it, thus far received, is contained in the accompanying copies of dispatches and letters to the minister of war of Guatemala, and which have been received during the past week. For convenient reference I inclose a tracing from an authentic map, showing what is believed to be the correct boundary lines between Mexico and Guatemala, and the location of the towns said to have been invaded, as well as those which are mentioned in the inclosures.

The first information comes from the alcalde of an Indian town named Silvituk. As well as can be made out, from a letter dictated by a person who can neither read nor write, it appears that the place was invaded, and that the inhabitants were compelled to go to the village of Teuchac and there declare their adhesion to Campeche. He charges, also, that deception was practiced upon them by a priest named Bersumsa, "who told them that the Republic of Guatemala was taken." This priest is a native of Campeche, and is well known to the Guatemalan Government.

The several communications embraced in the inclosures are numbered from 1 to 5. Nos. 2 and 3 are translations of dispatches from the military

commandant of Peten to the minister of war: they report the fitting out of an expedition in Tabasco, with the knowledge and consent of the governor, for the invasion of that department; that one commercial firm has given therefor the sum of \$5,000, and another has contributed 60 Winchester rifles; that the expedition would be sent by steamboat from Tabasco to a place called Tonosique, on the Umacinta River, six days from his headquarters. He reports also the invasion of the towns of San Antonio and Concepcion. The remaining letters and telegrams merely corroborate the general news of the invasion. This affair has given the Government of Guatemala a vast deal of trouble and anxiety, besides the expenses which it can ill afford to incur, of sending 500 troops from Coban to the frontier. I have time only by this mail to communicate the facts, and to say that the Government is reluctant to believe that the Government of Mexico has any knowledge of these hostile movements. At the earnest solicitation of the President of Guatemala, I cabled to you on the 26th the following:

President Orantes has information of invasion of Guatemalan districts Concepcion and San Antonio by Mexican troops, compelling inhabitants to declare for annexation to Campeche. President hopes invasion not authorized by Mexico. Five hundred troops sent to invaded districts. I apprehend hostilities may ensue unless Mexicans retire.

No suggestion of any action in the premises on your part has been made; it was desired only that the Government of the United States should be advised of these movements.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 20.—Translation of communications received by the Government of Guatemala in relation to the invasion of the department of Peten by Mexican armed forces.]

Governor Tuz to the prefect and military commandant of the department of Peten.

SAN JUAN SILVITUK, *September 2, 1882.*

SIR: I send this for your information, having received no reply to a dispatch I sent making known to you that forces were coming from Campeche to take possession of these places, which was carried out. A commission having been sent, they made us go down to Tanche (Tenchae) to subscribe to an act of adhesion of these towns to Campeche. Finding ourselves without resources for resistance we had to yield, but we offer not to take up arms against that department. This happened through the deceptions of the curate Bersimsa, who told us that the Republic of Guatemala had been taken and that we could not resist a state like Campeche. Hearing this, we were afraid, and we told them to continue; that we could not, inasmuch as we had taken an oath (to Guatemala probably), but afterwards we learned that you had sent circular orders, and these papers were taken in Tanche (Tenchae) and we had no knowledge of the orders which you sent us. Besides this, orders have been given to collect provisions for the troops that are going to Concepcion, or for your headquarters, I am not sure which.

This is all I have to make known to the respectable headquarters.

For the Governor, José M^a Tuz,

SALVADOR PERERA.

[Inclosure 2 in No. 20.—Translation.]

Military commandant, department of Peten, to minister of war.

PETEN, LA LIBERTAD, *September 4, 1882.*

DEAR SIR AND FRIEND: I write to communicate to you the news given me by a merchant who has just arrived from Tabasco. He says that in the capital of that state, with the knowledge and permission of the governor, a party of bandits is being formed to come and rob the department; that the house of Bulnes & Company has

given them \$5,000, and the house of Valenzuela, 60 Winchesters; that sixty persons were ready who were expecting to complete the number to one hundred, to go out; they will come to Tenocique in a steamer of the house of Bulues; that place is not more than six days from here.

Many of these rogues have been woodcutters in this department; have failed and wish to retrieve their fortunes by robbing and pillaging. The person who has given me this news is very respectable, and from the names of the individuals he mentioned, and whom I know, I believe it, because they are bandits capable of anything that is bad, and one of their pranks is to ruin the house of Jumet & Sastre, to which the Bulues are in hostility.

I will do everything possible not to be surprised, and will defend myself to the last. I have no other arms than 25 Remingtons, second class. I have therefore asked for 25 of first class, and I again ask you most earnestly to send them to me immediately with corresponding ammunition. With fifty men well armed I will teach these bandits a lesson.

* * * * *
I remain, &c.,

IGNACIO G. SALAS.

[Inclosure 3 in No. 20.—Translation.]

Military commandant, department of Peten, to the minister of war.

PETEN, LA LIBERTAD, September 13, 1882.

SIR: I have the honor to annex a dispatch from the alcalde and governor of the town of Silvituk (see No. 1), in which he communicates to me that the towns of the district of San Antonio have been invaded by forces from Campeche, who drew up acts in those towns annexing them to Campeche. Besides this, I have news that in the town of Concepcion, near the boundary of Campeche (state of), and 112 leagues from here, there are two hundred troops of Campeche that are preparing to march on these headquarters. * * *

I am, &c.,

IGNACIO G. SALAS.

[Inclosure 4 in No. 20.—Translation.]

Señor Cruz to minister of war.

COBAN, September 21, 1882.

SIR: I have bad news from Peten, given me by a person who has just arrived from there. There are two hundred men from Campeche in the town of Concepcion, preparing to march upon the capital of Peten.

I expect you to send me orders, and two competent officers for the emergency I deem expedient.

I am, &c.,

LUIS M. CRUZ.

[Inclosure 5 in No. 20.—Translation.]

[Telegram.]

COBAN, September 21, 1882.

To the Minister of War:

At this moment I have received a courier from the prefect of Peten, recommending the following telegram to be sent to you:

“On the 15th instant one of the spies sent to the frontier of Campeche returned, stating that forces from that state to the number of 200 men have invaded the department and are marching upon this capital.”

I await your orders.

LUIS MOLINA.

No. 9.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 27.]

LEGATION OF THE UNITED STATES,
Guatemala, October 12, 1882. (Received November 4.)

SIR: With reference to my telegram of the 26th, and dispatch No. 20, of the 29th ultimo, relating to the reported invasion of Guatemala territory by Mexican forces, * * * to-day the following telegram has been sent:

Telegram of the 26th ultimo of no immediate importance, Mexico having telegraphed orders to Tabasco and Campeche.

The immediate importance of my telegram of 26th ultimo reporting the invasion has ceased, a treaty of limits having been signed in Mexico on the 27th ultimo, and orders having been communicated by the Mexican Government to the authorities of Tabasco and Campeche to put a stop to further invasions of Guatemalan territory. This information is published in *El Guatemalteco* of the 7th instant, of which I transmit an extract and translation.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in 27.—Translation from *El Guatemalteco*.]

MEXICO AND GUATEMALA.

In the beginning of September last, the authorities of Peten advised the Government that in the state of Tabasco some forces were being organized with the intention of invading that department; subsequently, about the middle of the same month, they further reported that the organized forces of Campeche were invading the frontier posts, obliging the defenseless inhabitants of San Antonio and other remote places to sign acts of annexation to the Mexican Republic.

Without giving undue importance to the gravity of the news received as to the invasion of our territory by Mexican troops, at the very moment when a definite treaty was being concluded with Mexico, in virtue of the bases signed in New York the 12th of August, the Government of this Republic limited its action to the adoption of such measures of safety as the case demanded, until with better data than the reports of persons coming from those distant places it might be able to judge of its importance and gravity, and then to adopt measures tending to sustain the honor and the integrity of the country.

While awaiting further advices (difficult to obtain on account of the great distance to the borders of Peten), which the Government proposes to make public, a cable dispatch has been received from Mr. Herrera, the minister of this Republic in Mexico, announcing that the treaty defining the boundaries has been signed, and that the authorities of Tabasco and Campeche were promptly instructed to put a stop to all further disorder and to invasions of the territory of Peten, the late advices from there having, as a measure of precaution, been communicated to our minister.

The dispatch from Mr. Herrera is as follows:

“MEXICO, *October 5, 1882. (Received in Guatemala, 10.40 a. m.)*

“General J. M. ORANTES:

“To-day, on the inauguration of the great enterprise, the cable, I have the honor to salute you and your illustrious cabinet; it is most satisfactory to me, on this first occasion, to advise you that on the 27th ultimo a definite treaty with this Republic was signed and boundaries fixed from the Pacific to the Atlantic. I will send it by the mail of the 12th.

“The minister of the interior sent a telegraphic order to the governors of Tabasco and Campeche to stop promptly all disorders and the invasion of Peten, and to respect the state of affairs.

“MANUEL HERRERA, JR.”

It is therefore satisfactory to the Government to advise the Guatemalan people of the final termination of a question which, for many years, has caused the country grievances and disorders, and even while in the course of settlement has served as a pretext to the revolutionists to promote on the frontiers of Peten the disturbances already announced, which at this date will have completely disappeared through the measures adopted by both Governments. We congratulate once more the people of Guatemala, and their illustrious chief, General Barrios, to whose patriotic efforts is due the honorable and necessary termination of that question which was a perpetual menace to our liberty and tranquillity.

No. 10.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 47.] LEGATION OF THE UNITED STATES,
Guatemala, December 20, 1882. (Received January 16, 1883.)

SIR: Mr. Bâtres, minister of foreign affairs at Guatemala, has sent me copies of the documents relating to the final settlement of the question of boundaries between Guatemala and Mexico, consisting of the "preliminary bases," for a treaty of limits, signed in New York by President Barrios and Minister Romero on the 12th August, and the final treaty which was signed in Mexico on the 27th September ultimo. In his accompanying note of the 11th instant, the minister informs me that these documents are for transmission to the Department in compliance with the promise made to you by Mr. Fernando Cruz (the associate of General Barrios during his late visit to the United States) in his note of the 14th of October ultimo. Translations of these papers are also inclosed.

The minister has supplied me also with a copy and translation to English of President Barrios's message to the national legislative assembly of Guatemala, submitting the treaty to the approval of that body. The translation is a copy of one that has been sent to the consul of Guatemala in New York for publication in the United States. It may, therefore, have reached you, and in a more convenient form than the accompanying voluminous manuscript.

In connection with Article III of the treaty, I inclose for reference a tracing of a map showing the former boundaries, said to have been claimed by Guatemala, and the present limits, as established by the treaty of September 27, 1882. A number of maps by different authors, purporting to show the former boundary, have been published during the past thirty or forty years, and there are no two which agree. The one from which the tracing is made is believed to be nearly correct, and the lines designating the new boundary have been drawn by Mr. Iruugaray, the consulting engineer who was associated with the Guatemalan minister in Mexico in negotiating the treaty. According to this tracing it appears that Guatemala, in addition to the voluntary surrender of all claims to Chiapas and its department of Soconusco, loses territory equal in extent to the half of that state.

By reference to my dispatches Nos. 20 and 27, of the 29th September and the 12th of October ultimo, and to the tracing accompanying the former, it will be seen that the territory Guatemala loses embraces the districts then reported to have been invaded by the Mexican forces.

* * * * *

While the territory in question is of no special value or interest to Guatemala, the existence of well-defined boundaries, as established by this treaty, will no doubt save her in the future from further encroachments of her more powerful neighbor. The phraseology of the treaty appears to be borrowed in part from the treaty of Guadalupe Hidalgo.

General Barrios's message will, I am persuaded, be found of interest. I take from it the following extract, wherein he refers to the kind attentions he received in the United States, and by which he has been, I learn, profoundly impressed :

Before reporting to you the conditions of the concluded negotiations respecting the boundaries, I must declare publicly, upon this solemn occasion, that I received continually from the Government and people of the United States delicate proofs of esteem and consideration, the remembrance of which I preserve with affectionate gratitude, corresponding with my sympathies and respect for that generous and glorious nation.

He recites the complications connected with the settlement of the boundary dispute with Mexico, arising from the discussions carried on at the same time from different standpoints by the respective representatives of Guatemala in Washington and Mexico, the minister in Washington having represented that he had reached an agreement with the minister of Mexico in the United States to submit the whole question to the arbitration of the United States, while the Guatemalan minister in Mexico had reported that the Mexican Government would accept the project of a treaty presented by the minister, which included indemnification to Guatemala for the renoucement of all claims to Chiapas and Soconusco. There proved to be no foundation for either report. On the contrary he found, to his surprise, that the representative of Mexico in Washington was not authorized by his Government to enter into any definite settlement of the dispute; that Mexico had not intimated any wish to submit it to the arbitration of the United States, and that this arbitration or mediation could be obtained only upon the joint application of both parties. Although he does not refer again in the message to the subject of indemnification for the renoucement of all claims to Chiapas and Soconusco, the result shows that Mexico could not have entertained seriously such a condition.

President Barrios congratulates himself that in renoucing claims to the disputed territory he has relieved Guatemala of a menacing and barren question; he has learned that her rights to Chiapas and Soconusco are not sustainable, and for the following reasons: That Chiapas declared its separation from Spain and its annexation to Mexico before Guatemala had made any similar declaration of independence; that on the 29th of September, 1821, the authorities and people of Chiapas, by a public act, declared their wish to separate from Guatemala and to join Mexico; that with that object they sent a commissioner to express their resolution to the Mexican Government; that in 1824 the question was submitted to a popular vote of Chiapas, and the result was a large majority in favor of remaining with Mexico—96,829 for Mexico and 60,400 for Guatemala; that all the constitutions of Mexico since 1824 have included Chiapas as one of its departments or states; that Chiapas has participated in all the vicissitudes of Mexico from that time to the present, and has never by any act of the people or authorities expressed a wish to unite with Guatemala.

President Barrios concludes his message, requesting the legislative assembly to deliberate upon the treaty with perfect freedom and independence, without partiality or personal considerations for himself, as men who will have to render account for their acts to their country and

posterity. There is little doubt, however, but that the treaty will be approved by the legislative body, in accordance with the President's wishes, and, beyond a doubt, the wishes of a majority of the people of the country who have ever taken any interest in the question.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in 47.—Translation.]

Señor Bâtres to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS,
Guatemala, December 11, 1882.

Mr. MINISTER: Under date of the 14th of October of the current year the minister, Dr. Fernando Cruz, addressed a note to the honorable Secretary of State of the United States of America, in which he informed him, among other things, that when the President, General Barrios, returned to Guatemala, and when the treaty of boundaries with Mexico should have been received, the department of relations, which is under my charge, would have the honor to send to his excellency the Secretary of State of the great Republic which your excellency worthily represents, a copy of it and of the preliminary bases agreed upon in New York. To-day it gives me pleasure to fulfill that promise by sending to your excellency authenticated copies of the said documents, that you may be pleased to transmit them to the Secretary of State of the American Union, together with the messages which I have the honor to inclose. The treaty has already been submitted to the deliberation of the national legislative assembly, and of what it may determine I shall also take care to advise your excellency's respectable Government, which has been pleased to take such a kind interest in the question of boundaries which we have had with the neighboring Republic of Mexico.

I have, &c.,

ANTONIO BÂTRES.

No. 11.

Mr. Davis to Mr. Hall.

No. 36.]

DEPARTMENT OF STATE,
Washington, January 19, 1883.

SIR: I am in receipt of your dispatch No. 47, of the 20th ultimo, touching the satisfactory adjustment of the boundary differences between the Republics of Guatemala and Mexico. I have to remark, with pleasure, that this at one time threatening question seems to have reached a happy conclusion. The Department has received copies of the printed English version of President Barrios's message to the national assembly upon the subject to which you refer.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

II.—GUATEMALA'S REQUEST TO THE UNITED STATES TO INTERFERE IN
THE BOUNDARY QUESTION WITH MEXICO.

No. 12.

Mr. Ubico to Mr. Blaine.

[Translation—Published heretofore in Foreign Relations.]

LEGATION OF THE REPUBLIC OF GUATEMALA,
Washington, June 15, 1881. (Received June 15.)

SIR: As soon as the Central American Republics had shaken off the sway of Spain, Mexico, constituted then as an Empire by Iturbide, began to show its tendency to an increase of territory towards the south by encroaching on the boundaries of the said Republics. With that object the armies of the Mexican Empire passed through the whole of Guatemala, and were only stopped by the patriots of Salvador, who defeated them at a place which, in remembrance of such an event, bears to this day the name of "Mejicanos." Guatemala lost, nevertheless, the two important provinces of Soconusco and Chiapas.

Many years later the Central American territory was once more invaded by 400 men of the regular Mexican federal army, who were luckily driven from it. However, the slow and partial annexation of territory has not ceased one single day, showing well that if the form of government in Mexico has changed from the Empire to the Republic, the tendency to enlarge the territory and to overstep the boundaries towards the south has remained the same.

The Government of Guatemala, desirous of settling this affair in a manner in accordance with the international law of nations and with the established practice of civilized countries, has employed all possible means within its reach to obtain this favorable result, and unhappily without the least success up to the present day: far from it. Neither have the claims of our diplomatic agents been attended to, nor have the partial annexations of territory ceased, nor even the vexations from the Mexican authorities. An instance of these was the arbitrary imprisonment by said authorities of the Guatemalan agents sent, in accordance with the Mexican Government, to make a preliminary study which was to serve as a basis for the settlement of a definite boundary line between the two countries; also the imprisonment of agents of Guatemala who were making the census of the population of that country, and that of many local authorities of political and local jurisdiction, instead of which Mexican authorities have been substituted.

All peaceful means of conciliation appearing to be exhausted, my Government sees no resource left but to appeal to that of the United States as the natural protector of the integrity of the Central American territory.

The Government of Guatemala, from which I have special instructions on the subject, and the people of Central America will see with profound gratitude any demonstration that the Government of the United States may find fit to make to that of the Mexican Republic that may induce this latter to respect the integrity of the Central American territory, and also lead to the cessation of an abnormal state of affairs which, unfortunately, has lasted too long already.

Accept, &c.,

A. UBICO.

No. 13.

Mr. Blaine to Mr. Ubico.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, June 16, 1881.

SIR: I have had the pleasure to give attentive perusal to the note of yesterday's date, which you were pleased to address me concerning the question of boundaries between Guatemala and Mexico, in respect whereof your Government makes an appeal to that of the United States "as the natural protector of Central American integrity."

Few subjects can more cordially commend themselves to the good judgment and sympathy of the President than the preservation of peace and friendship between the Republics of Spanish America, in their common interest no less than in our own.

The President does not understand that your presentation of the causes and course of the long pending disagreement with Mexico as to the respective rights or territorial limits of the two countries, in the districts of Soconusco and Chiapas, calls upon him for any expression of opinion as to the extent of the just jurisdiction of either. It is not the policy or the desire of this Government to constitute itself the arbiter of the destinies in whole or in part of its sister Republics. It is its single aim to be the impartial friend of each and all, and to be always ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors, and in this it conceives that it responds to its simple and natural duty as the founder and principal upholder of the true principles of liberty and a republican form of government upon the American continent. The Government of the United States is above all anxious to do any and every thing which will tend to strengthen the indispensable and natural union of the Republics of the continent, in the face of the tendencies which operate from without to influence the internal affairs of Spanish America. It is especially anxious, in the pursuance of this broad policy, to see the Central American Republics more securely joined than they have been of late years in protection of their common interests. It feels that anything that may lessen the good will and harmony so much to be desired between the Republics of the American Isthmus, must in the end disastrously affect their mutual well-being. The responsibility for the maintenance of this common attitude of united strength is, in the President's conception, shared by all, and rests no less upon the strong states than upon the weak.

Entertaining these views, and without, however, in any way prejudging the contention between Guatemala and Mexico, the President has deemed it his duty to instruct the diplomatic representative of the United States in Mexico to set before that Government his conviction of the danger to republican principles which must ensue should international boundaries be disrespected, or force resorted to in support of rights not made clear by recourse to the peaceful procedure recognized by the modern code of intercourse.

In taking this course, the President is sure that Mexico, no less than Guatemala, will see therein the most signal proof of the impartial good will we bear toward both.

Accept, &c.,

JAMES G. BLAINE.

No. 14.

Mr. Ubico to Mr. Blaine.

[Translation.—Published heretofore in Foreign Relations.]

LEGATION OF GUATEMALA,
New York, June 19, 1881. (Received June 21.)

SIR: I have had the honor to receive your excellency's polite note of the 16th instant, in reply to that of this legation of the day previous in relation to the dismemberment of the territory of Central America by the Mexican authorities.

Your excellency is pleased to inform me that my appeal to the United States Government for protection has not been disregarded, and that you have tendered your mediation and good offices in order to put an end to the untoward state of things on the Mexican frontier, for which purpose you have sent suitable instructions to your representative in the Republic of Mexico.

The Government of Guatemala, to which I have communicated the decision adopted by your excellency, and to which I have sent a statement of the frank and friendly policy of your excellency's Government, as well as of your excellency's views and those of His Excellency the President, which are in every way calculated to inure to the benefit of the Spanish Americans in general and to that of Central America in particular, will duly appreciate the noble and generous course adopted by the United States Government, to which the inhabitants of the Guatemalan frontiers will be indebted for their future peace and tranquility.

By way of justifying its constant dismemberment of the territory of Central America, the Government of Mexico will perhaps allege unfounded rights, in which case that of Guatemala will submit the case on its part to the United States Government for arbitration, because it considers that it is the mission of that Government to settle the disputes that unfortunately arise on this continent.

With assurances, &c.,

A. UBICO.

No. 15.

Mr. Ubico to Mr. Blaine.

[Translation.—Published heretofore in Sen. Ex. Doc. 156, 47th Cong., 1st Sess.]

LEGATION OF GUATEMALA,
Washington, June 22, 1881. (Received June 24.)

SIR: Again feeling grateful for the friendly and opportune mediation of your excellency's Government in the matter concerning which I had the honor to confer with your excellency this morning, I have felt unwilling to leave Washington without expressing my gratitude to your excellency, in the name of my Government, together with the hope that you will kindly continue to give the same attention as heretofore to this matter, which is of so high importance to Central America.

With assurances, &c.,

A. UBICO.

No. 16.

Mr. Montufar to Mr. Blaine.

[Translation.—Published heretofore in Foreign Relations.]

DEPARTMENT OF FOREIGN AFFAIRS OF GUATEMALA,
Guatemala, July 20, 1881. (Received October 20.)

MR. MINISTER: I have been informed of the benevolent sentiments which actuate the Government of the United States on the subject of Central American unity, and especially of your desire to prevent a war between Guatemala and Mexico, growing out of the boundary question. ✓ Such a war seems to be daily more imminent, and there have been times when it was believed to be actually breaking out. ✓

The expressions to which your excellency has been pleased to give utterance in behalf of peace have been regarded by the Government of Guatemala as a fresh evidence of the sincere friendship of the United States Government, while the instructions transmitted to the American minister in Mexico have been considered as an additional proof of the warm interest felt by the United States in behalf of everything that tends to promote justice, good order, and progress in the New World.

The constitutional President of Guatemala instructs me to thank the enlightened Government of the United States in his name, and to express the sentiments of gratitude which he entertains, together with his desire to co-operate in the realization, in America, of the views relative to the welfare of the whole continent, which do so much honor to the American Union.

In obeying these instructions, which I am most happy to do, I have,
&c.,

LORENZO MONTUFAR.

No. 17.

Mr. Ubico to Mr. Blaine.

[Translation, published heretofore in Foreign Relations.]

LEGATION OF EL SALVADOR,
New York, October 19, 1881. (Received October 20.)

SIR: During the month of September last I received instructions from my Government to place in your excellency's hands the paper which I now have the honor to inclose.*

The painful circumstances in which your excellency was placed by reason of the late great national calamity have prevented me from transmitting this document to your excellency sooner.

I reiterate, &c.,

A. UBICO.

* For inclosure see note from Mr. Montufar to Mr. Blaine, July 20, 1881. No. 16.

No. 18.

Mr. Blaine to Mr. Ubico.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, October 31, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, accompanied by one addressed to me by his excellency Señor Dr. Lorenzo Montufar, minister of foreign affairs of Guatemala, of July 20 last, in which he conveys the thanks of his Government for the proffered mediation of the United States in the boundary dispute between his Government and the Mexican Republic.

I beg to confidently assure you of the very grateful appreciation with which the sentiments of the Guatemalan Government have been received, and of the desire of the President and Government of the United States that a full and impartial measure of justice should be accorded in each case, which, in the interest of the peace, prosperity, and happiness of the family of nations of this continent is so much to be desired, and to the accomplishment of which the good offices of this Government are ever ready when desired.

I avail, &c.,

JAMES G. BLAINE.

No. 19.

Mr. Blaine to Mr. Montufar.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, October 31, 1881.

SIR: I have had the honor to receive, through the courtesy of the minister of Guatemala at this capital, your note of the 20th of July last, wherein you tender the thanks of your Government for the proposed mediation of the United States Government of the settlement of the impending dispute between the Republics of Guatemala and Mexico, touching their boundary.

The very cordial manner in which the action of the United States has been received and acknowledged is most gratifying to the President and to this Government, whose object was solely in the interest of an impartial and amicable adjustment of the disputed points. Actuated by such desire, and cherishing the brightest hopes for the peaceful settlement of all difficulties between the representatives of republican governments upon this continent, and for their happiness and prosperity, the Government of the United States cheerfully lends its influence toward the attainment of so laudable an end, whenever called upon.

I avail, &c.,

JAMES G. BLAINE.

III.—OFFER OF MEDIATION BY THE UNITED STATES TO MEXICO IN THE
BOUNDARY QUESTION BETWEEN MEXICO AND GUATEMALA.

No. 20.

Mr. Blaine to Mr. Morgan.

-[Published heretofore in Foreign Relations.]

No. 138.]

DEPARTMENT OF STATE,
Washington, June 16, 1881.

SIR: In my instructions of the 1st instant and to-day I have so clearly amplified the spirit of good will which animates this Government toward that of Mexico, that I am sure no room for doubt can remain as to the sincerity of our friendship. Believing that this friendship, and the frankness which has always distinguished the policy of this country toward its neighbors, warrant the tender of amicable counsel when occasion therefor shall appear, and deeming such counsel due to our recognized impartiality and to the position of the United States as the founder, and in some sense the guarantor and guardian of republican principles on the American continent, it seems proper now to instruct you touching a point upon which we feel some natural concern. I refer to the question of boundaries and territorial jurisdiction pending between Mexico and Guatemala.

In the time of the Empire the forces of Iturbide overran a large part of the territory of what now constitutes Central America, which had then recently thrown off the Spanish domination.

The changing fortunes of war resulted in the withdrawal of Mexican forces from most of that region, except the important provinces of Soconusco and Chiapas, which remained under their control. Since that time the boundaries between the two countries have never been adjusted upon a satisfactory basis. Mexico became a Republic, did not forego claims based upon the imperial policy of conquest and absorption, while Guatemala, resisting further progress of Mexican arms, and disputing step by step the conquests already made, has never been able to come to a decision with her more powerful neighbor concerning the relative extension of their jurisdiction in the disputed strip of territory lying between the Gulf of Tehuantepec and the Peninsula of Yucatan.

Under these circumstances the Government of Guatemala has made a formal application to the President of the United States to lend his good offices toward the restoration of a better state of feeling between the two Republics. This application is made in frank and conciliatory terms, as to the natural protector of the rights and national integrity of the republican forms of government existing so near our shores, and to which we are bound by so many ties of history and of material interest. This Government can do no less than give friendly and considerate heed to the representations of Guatemala, even as it would be glad to do were the appeal made by Mexico, in the interest of justice and a better understanding. The events fresh in the memory of the living generation of Mexicans, when the moral and material support of the United States, although then engaged in a desperate domestic struggle, was freely lent to avert the danger which a foreign Empire threatened to the national life of the Mexican Republic, afford a gratifying proof of the purity of motives and benevolence of disposition with which the United States regards all that concerns the welfare and existence of its sister Republics of the continent.

It is alleged, on behalf of Guatemala, that diplomatic efforts to come to a better understanding with Mexico have proved unavailing; that under a partial and preliminary accord looking to the ascertainment of the limits in dispute, the Guatemalan surveying parties sent out to study the land with a view to proposing a basis of definitive settlement have been imprisoned by the Mexican authorities; that Guatemalan agents for the taking of a census of the inhabitants of the territory in question have been dealt with in like summary manner; and, in fine, that the Government of Mexico has slowly but steadily encroached upon the bordering country heretofore held by Guatemala, substituting the local authorities of Mexico for those already in possession, and so widening the area in contention.

It is not the present province of the Government of the United States to express an opinion as to the extent of either the Guatemalan or the Mexican claim to this region. It is not a self-constituted arbitrator of the destinies of either country, or of both, in this matter. It is simply the impartial friend of both, ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors. It is, above all, anxious to do any and everything which will tend to make stronger the natural union of the Republics of the continent in the face of the tendencies of other and distant forms of government to influence the internal affairs of Spanish America. It is especially anxious in pursuance of this great policy to see the Central American Republics more securely united than they have been in the past in protection of their common interests, which interests are, in their outward relations, identical in principle with those of Mexico and of the United States. It feels that everything which may lessen the good will and harmony so much to be desired between the Spanish-American Republics of the isthmus must, in the end, disastrously affect their mutual well-being. The responsibility for the maintenance of this common attitude of united strength is, in the President's conception, shared by all, and rests no less upon the strong states than upon the weak.

Without, therefore, in any way prejudging the contention between Mexico and Guatemala, but acting as the unbiased counselor of both, the President deems it his duty to set before the Government of Mexico his conviction of the danger to the principles which Mexico has so signally and successfully defended in the past which would ensue, should disrespect be shown to the boundaries which separate her from her weaker neighbors, or should the authority of force be resorted to in establishment of rights over territory which they claim, without the conceded justification of her just title thereto. And especially would the President regard as an unfriendly act toward the cherished plan of rebuilding strong republican governments in Spanish America, if Mexico, whose power and generosity should be a like signal in such a case, shall seek or permit any misunderstanding with Guatemala, when the path toward a pacific avoidance of trouble is at once so easy and so imperative an international duty.

You are directed to seek an interview with Señor Mariscal, in which to possess him with the purport of this instruction. In doing so, your judgment and discretion may have full scope to avoid any misunderstanding on his part of the spirit of friendly counsel which prompts the President's course. Should Señor Mariscal evince a disposition to become more intimately acquainted with the President's views after your verbal exposition thereof, you are at liberty to read this dispatch to him, and should he so desire, to give him a copy.

I am, &c.,

JAMES G. BLAINE.

No. 21.

Mr. Blaine to Mr. Morgan.

[Published heretofore in Senate Ex. Doc. 156, Forty-seventh Congress, first session.]

No. 139, confidential.]

DEPARTMENT OF STATE,
Washington, June 16, 1881.

SIR: To enable you to more intimately understand the contention put forth by Guatemala in the dispute of which my No. 138 of this date treats, and to appreciate the entire impartiality of the attitude of this Government in the matter, I transmit, for your confidential perusal, copies of my correspondence* with the Guatemalan minister on the subject.

I am, &c.,

JAMES G. BLAINE.

No. 22.

Mr. Blaine to Mr. Morgan.

[Published heretofore in Foreign Relations.]

No. 142.]

DEPARTMENT OF STATE,
Washington, June 21, 1881.

SIR: I had hardly completed my instruction to you of the 16th instant, No. 138, when information reached me from the United States minister at the Guatemalan capital, placing in a still graver light the condition of the relations between Mexico and Guatemala touching the possession of the territory of Soconusco. In fact, so serious is the apprehension caused in the mind of the President by these untoward reports, that I feel constrained to supplement my previous instructions to you on the subject with even more of energy and succinctness.

It appears now as though the movement on the part of Mexico was not merely to obtain possession of the disputed territory, but to precipitate hostilities with Guatemala, with the ultimate view of extending her borders by actual conquest. Large bodies of Mexican troops are said to be on their way to Soconusco, and the exigency is reported to be so alarming that plans for national defense are uppermost in the minds of President Barrios and his advisers. Frequent border raids into Guatemalan territory have inflamed the passions of the residents of the frontier country, and the imminence of a collision is very great. Of the possible consequence of war it may be premature to speak, but the information possessed by the Department intimates the probable extension of hostilities to the other Central American states, and their eventual absorption into the Mexican federal system.

I cannot believe it possible that these designs can seriously enter into the policy of the Mexican Government. Of late years the American movement towards fixity of boundaries and abstention from territorial enlargement has been so marked, and so necessarily a part of the continental policy of the American Republics, that any departure therefrom becomes necessarily a menace to the interests of all.

* For correspondence inclosed see Documents Nos. 12 and 13.

This is a matter touching which the now established policy of the Government of the United States to refrain from territorial acquisition gives it the right to use its friendly offices in discouragement of any movement on the part of neighboring states which may tend to disturb the balance of power between them. More than this, the maintenance of this honorable attitude of example involves, to a large extent, a moral obligation on our part, as the strong but disinterested friend of all our sister states, to exert our influence for the preservation of the national life and integrity of any one of them against aggression, whether this may come from abroad or from another American Republic.

No state in the American system has more unequivocally condemned the forcible extension of domain at the expense of a weaker neighbor than Mexico herself; and no state more heartily concurs in the condemnation of filibusterism in every form than the United States. It is clearly to the mutual interest of the two countries, to whose example the success of republican institutions on this continent is largely due, that their policy in this regard should be identical and unmistakable.

As long as the broader international diplomacy of our day affords peaceable recourse to principles of equity and justice in settlement of controversies like that between Mexico and Guatemala, the outbreak of a war between them would, in the judgment of the President, involve much further-reaching results than the mere transitory disturbance of the *entente cordiale* so much desired by the United States Government between all the American Republics. Besides the transfers of territory which might follow as enforced compensation for the costs of a war, it is easy to foresee the serious complications and consequent dangers to the American system, should an opening be afforded to foreign powers to throw their influence or force into the scale, in determination of the contest. Mexico herself has but too recently recovered from the effects of such a foreign constraint not to appreciate at its full force the consideration thus presented. The peaceful maintenance of the *status quo* of the American commonwealths is of the very essence of their policy of harmonious alliance for self-preservation, and is of even more importance to Mexico than to the United States.

I have adverted in my No. 138 to the desire of the United States that its neighbors should possess strong and prosperous governments, to the assurance of their tranquillity from internal disturbance and outside interference. While we wish this happy result for Mexico, we equally wish it for the other Spanish-American nations. It is no less indispensable to the welfare of Central America than of Mexico; and by moral influence and the interposition of good offices, it is the desire and the intention of the United States to hold up the Republics of Central America in their old strength, and to do all that may be done toward insuring the tranquillity of their relations among themselves, and their collective security as an association of allied interests, possessing, in their common relationship to the outer world, all of the elements of national existence. In this enlarged policy we confidently ask the co-operation of Mexico. A contrary course on her part could only be regarded as an unwise step, while any movement directly leading to the absorption, in whole or part, of her weaker neighbors, would be deemed an act unfriendly to the best interests of America.

It is desired that you should make earnest, but calm, representation of these views of the President to the Mexican minister for foreign affairs. In addition to embodying the main points of my previous instruction, No. 138, you will make use of such temperate reasoning as will serve to show Señor Mariscal that we expect every effort to be made

by his Government to avert a conflict with Guatemala by diplomatic means, or, these failing, by resort to arbitration. And you will especially intimate, discreetly but distinctly, that the good feeling between Mexico and the United States requires, and will be fortified by, a frank avowal that the Mexican policy toward the neighboring states is not one of conquest or aggrandizement, but of consideration, peace, and friendship.

I have written this instruction rather to strengthen your own hands in the execution of the delicate and responsible duty thus confided to you, than with a view to its formal communication to Señor Mariscal by reading and leaving a copy of it with him. If, in your discretion, the important ends in view will be subserved by your making the minister acquainted with portions hereof, you are at liberty to do so, while regarding the instruction as a whole in a confidential light, and as supplementary to my No. 138, which you have been authorized to communicate *in extenso*, if desirable.

I am, &c.,

JAMES G. BLAINE.

No. 23.

Mr. Blaine to Mr. Morgan.

[Published heretofore in Foreign Relations.]

No. 143, confidential.]

DEPARTMENT OF STATE,
Washington, June 21, 1881.

SIR: You will observe in my instructions of the 16th instant and today guarded suggestions that there is a possibility of foreign complications growing out of the Soconusco dispute. For your confidential information on this point I may observe that there is good reason to think that if driven to extremities Guatemala might cede her territorial rights in dispute to some European power. In view of the anxiety which several of these have shown of late to gain some footing, however slight, on the Pacific coast of the isthmus, this is a contingency not to be overlooked in any dispassionate consideration of the question.

I am, &c.,

JAMES G. BLAINE.

No. 24.

Mr. Blaine to Mr. Morgan.

[Telegram, published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, June 23, 1881.

Say to Mexican Government that the President very earnestly requests that any contemplated hostilities against Guatemala may be suspended, at least until the views of this Government can be fully communicated. Instructions are now mailed, and United States tenders its good offices in the interest of peace.

You will co-operate with Dr. Herrera, Guatemalan minister, in all wise steps looking to peace and friendly adjustment of all troubles.

BLAINE.

IV.—OBJECTION OF MEXICO TO THE MEDIATION OF THE UNITED STATES.

No. 25.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 232.]

LEGATION OF THE UNITED STATES,
Mexico, July 12, 1881. (Received July 28.)

SIR: In conformity with the instructions contained in your dispatch No. 138 (June 16), I sought and obtained an interview with Señor Mariscal on the 9th instant.

I informed him that the Government of Guatemala had made a formal application to the President of the United States to lend his good offices towards the restoration of a better state of feeling between Guatemala and Mexico, and I possessed him, as well as I could, with the contents and terms of your dispatch, taking care to impress upon him that the suggestions therein contained were prompted by nothing but the kindest feeling on the part of the President towards both countries, and that they were made in the interest of peace and harmony between neighboring Republics, in whose welfare the United States felt a natural and deep interest.

Señor Mariscal spoke quite earnestly with reference to Guatemala, insisting that it was Mexico that had cause of complaint against Guatemala, instead of Guatemala's having just cause of complaint against Mexico.

He informed me that some time since a convention had been entered into between the two nations for the purpose of fixing the boundaries thereof, and that the work was not completed because the time allowed therefor had not proved sufficient.

I asked him whether there was any imputation, on either side, of bad faith in not completing the work. He replied that there was not. I inquired of him whether it was true that parties sent out by Guatemala to study the land with a view to proposing a basis of settlement had been imprisoned by the Mexican authorities. He replied that one person had been so arrested, but that his arrest was due to the fact that he had, without permission, proceeded much farther upon conceded Mexican territory than he was authorized to do, and that he had been arrested, but that as soon as the fact of his arrest was made known to the proper authorities he was released, and that he was not in durance more than twenty-four hours.

I asked him whether Guatemala's agents for the taking of a census of the inhabitants of the territory in dispute had been also arrested and imprisoned. He replied that by the convention above alluded to it was agreed that pending the survey which was to be made, and the final settlement of the boundary between the two countries, the boundary should be considered the same as that which had existed in 1874, and that a Guatemala agent, who had gone on the Mexican side of that line for the purpose of taking a census of the people in that section (Mexicans), had been arrested.

In reply to the suggestion of the arbitrament of the President of the United States, he replied that whatever Mexico might be willing to accede to in the future, there was nothing at the present moment to arbitrate about. He said that Mexico had proposed to Guatemala to renew

the convention for the appointment of a commission to survey the tract of country which was in dispute, that the question of the appointment of such a commission was pending, and that until that question should be decided there was, in reality, no dispute to submit to an arbitrator. He also declared that if there had been any delay in the appointing of such a commission, the fault was altogether with Guatemala. He also said that troops had been sent to the frontier, as the President had announced in his message to Congress, but that they were sent there for the purpose of protecting Mexican citizens, and not with any view of making war upon Guatemala. Mr. Mariscal was very earnest in his denials of any cause of complaint on the part of Guatemala, and as to the want of any necessity of an arbitration, so much so, that I deemed it proper, in order that there might be no possible question hereafter either as to the letter or the spirit of your instructions, or their interpretation by me, to read to Señor Mariscal your dispatch, and offered to send him a copy thereof, which he accepted, and which I did.

I informed him that I should seek another interview with him in order that, after having carefully perused the dispatch, he might be able to give me his views again upon the subject thereof.

Mr. Herrera, the minister from Guatemala here, has frequently spoken to me in general terms upon the differences between his Government and Mexico, and not long since he said that practically there was war between them, and that his country would be forced to appeal to the Government of the United States for protection. In these conversations I took the part of a listener, at the same time that I felt naturally interested in the recital of the wrongs of which he complained, and which if they existed were calculated to breed trouble between the two countries; for no one, at least no one who wishes for the success of republican institutions, can look upon any disturbance between the several Republics of our continent without concern.

On the occasion of the opening of the Mexico and Morelos Railway, however, I read a speech of Mr. Herrera's, from which I inferred that if there had been any cause of disturbance between his country and Mexico it had been done away with. I therefore hoped and believed that the complaints of ill treatment, of which he had spoken to me, had disappeared.

I was consequently disappointed when I was informed by your dispatch that trouble still existed between them, and of a grave character.

The day after your dispatch was received Señor Herrera called on me. He had received a synopsis, at least, of your correspondence with the minister from Guatemala at Washington. I did not, of course, acquaint him with the nature of your instructions, but as I knew he was informed that some instructions had been given me, I went to his dwelling the following day in order that I might examine the maps of the country which he had and which are not in this legation.

In the interview I had with him, except as to the question of boundary, I limited myself to suggesting to him the propriety of not mentioning to any one that the President of the United States had offered his mediation in the matter.

On the 11th he called on me again, and read to me a portion of a dispatch which he had received from the Guatemalan minister at Washington of the 26th of June, in which he was informed that you had learned that Mexican troops had been ordered down to the frontier to be used offensively against Guatemala, and that you had sent me a telegram upon the subject. Also, that he (the Guatemalan minister at Washington) had telegraphed him (Mr. Herrera). I informed Mr. Her-

rera that I had not received a telegram from you upon the subject. He said neither had he. He expressed to me his intention of going to see the President, with the purpose of saying to him that unless the proposition, which had been made to submit the differences between the two countries to the arbitration of the President of the United States, was acceded to, he would leave the country and look to the United States for protection, and he asked my advice in the matter.

I replied I could give him no official advice upon the subject of his seeing the President in person, instead of Señor Mariscal, but I asked him, suppose the President replied to him that the alternative which he presented amounted to a declaration of war, and that he accepted it, what would he say? And in respect of his saying that he would look to the United States for protection, I told him that it appeared to me that this might be looked upon as a threat, which I did not think would be effective; besides which it was one which I did not think he was authorized to make, for I understood that up to now, at least, the President of the United States, while he had offered to mediate between the two countries, had not coupled this offer with an announcement to Mexico that she must accept his mediation or fight.

He inquired of me again what I thought he had best do. I replied that if I were in his place I should be careful, under all circumstances, not to do anything which could give the secretary for foreign affairs any reason to think that he had treated him slightly, and that the secretary certainly would be justified in thinking so if he sought the President, instead of calling on him, who was the official channel of communication between them, and that if I was in his place, situated as he then was, I should call on Señor Mariscal and say to him that I had been informed by the Guatemalan minister at Washington that the President of the United States had consented to act as arbitrator between our countries, provided both were willing that he should do so; that I was glad of this, as there could, I should suppose, be no objection to this, and that if Mexico consented, as I did not doubt she would, there would be no necessity for pursuing the question of appointing the commission which was then pending between us.

Later in the afternoon Mr. Herrera informed me that he had seen Señor Mariscal, but that his interview with him had been far from a pleasant or satisfactory one. The substance of it was, according to Señor Mariscal, that the wrong was all on the side of Guatemala; that there had been double dealing on her part; that while negotiations were pending here, Guatemala had sought the intervention of the Washington Government, and that that intervention was intended by Guatemala as a menace to Mexico, all of which had angered President Gonzalez when he was informed of it; that he would know how to reply to President Garfield's suggestion of arbitration, declining the same without giving offense to the United States, and that he was then preparing a statement of the differences between the two countries, in reply to the copy of the dispatch which I had left with him, which he would send me, he thought, the following day.

Mr. Herrera appeared somewhat concerned as to the future, but I endeavored to show him that his fears were not well founded.

I am, &c.,

P. H. MORGAN.

No. 26.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 240.]

UNITED STATES LEGATION,
Mexico, July 19, 1881. (Received August 4.)

SIR: I had another interview of Señor Mariscal on the 15th instant, at the department of foreign affairs, upon the subject of the differences between Mexico and Guatemala.

I informed him that since our last interview, an account of which I gave you in my dispatch No. 232, 12th instant, I had received other dispatches from you, from which it would appear that great interest was felt at Washington upon the subject of the unhappy disputes between the two Governments in question, and that I had felt it to be my duty before receiving his formal answer to the proffer made a few days since by the President of the United States to act as mediator between them, to make some further suggestions to him with reference thereto.

Señor Mariscal manifested something of excitement, I thought, and interrupted me by repeating the complaints which Mexico had, as he said, just grounds to make against Guatemala; of her want of fair dealing, and, in fact, duplicity in pretending to negotiate a convention with him for the appointment of commissioners to survey the strip of territory which was in dispute, with the view of finally settling the boundaries between the two countries, while she had been secretly attempting to obtain the interference of the United States in their disputes, thus rendering the appointment of a commission unnecessary. He insisted upon it that it was Guatemala that had committed acts of aggression upon Mexico, instead of Mexico upon Guatemala. He cited as a fact that it had been agreed between the two countries when the convention which had been entered into between them for the appointment of a commission to survey the territory in dispute—the convention which expired by limitation without having accomplished its work—that pending the settlement of the boundary question, the line of demarkation should be at a certain point, and that not long since Guatemalan troops had gone beyond that point, had planted the Guatemalan flag upon territory which was conceded to be Mexican, and had demolished certain monuments which had been erected thereon.

He spoke a great deal about the President of Guatemala, and the condition of the Government of that country. But to this I paid little attention, as I had not gone to him to discuss either the conduct of the one or the condition of the other. As soon as the opportunity presented itself I said I had been informed that Mexico had sent a large body of troops to the Guatemalan frontier, and I asked him if my information was correct. He replied that some troops had been sent there, but that the number was not large, with orders to retake possession of that portion of the territory which had been occupied by the Guatemalan troops, and to rebuild the monuments which had been destroyed. (These monuments, he afterwards informed me, were a number of crosses standing on pedestals of stone, but not erected as marking the boundary between the two countries.) I said to him, "Suppose the Mexican troops find troops from Guatemala on the disputed ground, and these latter deny the right of the Mexican troops to enter thereupon, what will be the result?" He replied that the Mexican troops would then endeavor to take possession.

I remarked to him that all this only confirmed the information which my Government had received, viz: that an angry feeling, to say the least of it, existed between Mexico and Guatemala, which angry feeling might at any time result in war, and that it was with the view of avoiding such a calamity that the President of the United States, as the common friend of both parties, would be willing to accept the position of mediator between them. He replied he did not think that the time for mediation had arrived; that a proposition for appointing a commission to survey the territory in dispute was then pending, and until that was disposed of, he did not see what could be done; that Mexico had been insulted by Guatemala, and that before any further negotiations were entered upon, matters should be replaced in their former position. Thereupon, I said, I had called upon him in the expectation that he would declare that Mexico entertained no hostile purpose against Guatemala, and I regretted to find myself mistaken, it being apparent to me that as Mexico had sent troops to occupy a disputed territory, if Guatemala had also sent troops there, the two armies were facing each other, and a conflict might ensue at any moment; that this was a state of things which the United States could only look upon as a calamity, which it was their duty, if possible, to prevent.

He repeated that Mexico had been insulted by Guatemala, and asked "What is she to do?" I answered at once, "Submit the question of insult, as well as the matters of interest which are in dispute between the two countries, to the arbitration of a common friend." I then directed his attention to the condition of affairs which would in all probability result from any open act of hostility on the part of either country; that one act of hostility would probably result in war, and that whatever might be the proximate cause of the war, or whatever might be the present purpose of Mexico to confine her efforts to maintaining what she claimed was the admitted boundary of her territory, there was no telling, when a war was once commenced, where it would end, and that a war once begun between Mexico and Guatemala would, almost of necessity, resolve itself, on the part of Mexico, in one of conquest, for, I said, the result thereof could scarcely be doubtful; that Mexico would insist upon Guatemala's paying the expenses of the war; that as she would not have the means of doing this, a portion of her territory would be taken from her, and that thus a movement would be inaugurated which would possibly result in the attempted absorption of all the Republics as far as the Isthmus of Panama by the Republic of Mexico; that this raised the question far above the consideration of the individual interests of Mexico and Guatemala; that the preservation of all the Republics on the continent in their present integrity of territory and under their present form of government was of the first importance, and that the United States could not look upon any act, on the part of either of them, which might result in breaking them up or reducing their present territorial limits, with anything but disfavor.

In evidence of the interest which the United States felt upon this subject, I reminded him of the position assumed by them towards France, then one of the most powerful Empires of Europe—when a great portion of Mexico was in the power of French troops, and when, but for the intervention of the United States, and this at a moment when they had only just emerged from a struggle upon which their life had been at issue—a struggle which had taxed their resources to the utmost to enable them to maintain a war which had lasted for years, and which had been waged upon a scale of enormous proportions, and without which action on their part it is possible that not only Mexico, but all the territory south of it,

as far as the Isthmus of Panama, would have become a French dependency, a result which the United States were prepared to take up arms, even in their then exhausted condition, against the French Empire, to prevent.

I called his attention to the fact that this was a question in which Mexico was as largely interested as any of the Republics of Central America; that the Government of the United States and the people of the United States were opposed to filibusterism in any of its forms, but that it would be a bad example for Mexico to set to the world if she were to set about conquering neighboring territory, and that this example I hoped she would be slow to give.

I endeavored to impress upon him the fact that Mexico had now sufficient territory to support in comfort and happiness a population of one hundred millions of people; that the small territory of Guatemala would add only a trifle to that which Mexico already possessed, and looking at the question under discussion from the standpoint of her own interest, it was evident to me that the course which it seemed to me she was prepared to pursue could do her no good, and might do her a great deal of harm.

I also suggested to him the evil consequences which would probably result from the mere fact of a state of war, upon the many and vast schemes of public improvement which were in progress of construction as well as in contemplation—schemes which, if carried out, would connect all of her territory, and make every portion thereof accessible, as well as give to her the means of communication with the United States by safe and rapid methods of transportation, all of which would certainly be disturbed, if they were not suspended, by a state of war; that the money which had been, up to the present moment, spent upon these works had come from the United States; that our people were ready and willing to furnish all that might be required to complete them, and that they felt, therefore, a natural interest that the sums which they had already expended should not be lost, as well as that their future undertakings should not be embarrassed by war.

I urged upon him that a war between any two of the North American Republics would be a reproach upon republican institutions, which would not fail to be made against them by those whose interest it was to oppose our form of government; that from this point of view, the question was one of importance to the entire North American continent, and that, when our common interests were threatened in this direction, it was, I thought, the duty of the United States to interpose their good offices to prevent it; that as the United States were the pioneers upon this continent of republican institutions, they were justified in offering their advice when they saw that a war was imminent between either of the Republics thereon, and that their position and disinterestedness seemed to render it only proper that their advice should not be lightly rejected. I assured him that the suggestions of which I was the interpreter were prompted alike from the purest feelings of friendship which the President entertained for both Mexico and Guatemala, as well as from his desire to see that the integrity of the two nations should not be impaired; that in the present advanced state of public opinion, diplomacy should first be exhausted, and after that arbitration, before war should even be thought of, and that I therefore earnestly hoped he would, in the reply which he had informed me he was preparing, admit the justice of the position I had assumed and signify the assent of President Gonzalez to the offer made by the President.

This is the substance of my remarks. My words, tone, and manner

were as conciliatory as I could make them, although I left, I think, no room for doubt as to my earnestness, or the views which I was instructed to present.

Señor Mariscal replied that the present purpose of Mexico was to cause the Guatemalan troops to evacuate the territory which they had, in the opinion of the Mexican Government, occupied without authority, and to replace the "monuments," as he called them, in the state in which they were prior to their demolition. This done, he would then be ready to renew negotiations for the purpose of appointing a commission to survey the territory in dispute, in order that the question of boundary might be finally settled. He denied that Mexico had committed any act of aggression upon Guatemala, and distinctly disavowed any intention on the part of Mexico to use her troops for the purpose of conquering any portion of the territory belonging to Guatemala, and stated that of this disavowal I might inform you. Thereupon I took leave of him.

In the meanwhile, nearly a fortnight has elapsed since I first brought the matter to Señor Mariscal's attention, and he has not furnished me with the written reply which he stated he would prepare, although I said to him in my last interview that I was anxious to forward it by this mail. I do not feel justified in waiting for it before informing you of what has occurred up to date.

I am, &c.,

P. H. MORGAN.

No. 27.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 247.]

LEGATION OF THE UNITED STATES,
Mexico, August 5, 1881. (Received August 19.)

SIR: I transmit herewith copy and translation of a note of 30th July from Señor Mariscal, as well as of the "memoranda" made by him of our interview of the 9th of July.

Mr. Mariscal, at the same time, sent me a copy of M. Matias Romero's "Refutacion de las Inculpaciones hechas al C. Matias Romero por el Gobierno de Guatemala"; also copy of "Bosquejo Historico de la Agregacion á Mexico de Chiapas y Soconusco"; a collection of official documents; "Question de Limitas entre Mexico y Guatemala"; "Chiapas y Soconusco, con motivo de la question limites entre Mexico y Guatemala," and a pamphlet upon the same subject by Juan N. de Pereda.

The first two are enormous volumes. I do not send them to you, as I am not requested to do so, and because I suppose they are in the library of the State Department.

Señor Mariscal's "memoranda" agrees, I think, substantially with the report of the interview I had of him on the 9th July. You will observe that he does not mention our second interview (July 15).

It is evident from Señor Mariscal's "memoranda" that Mexico is in no humer at present to acquiesce to any proposition to submit her dispute with Guatemala to an arbitration, and also, I think, that I was justified in saying to him that both countries occupied a hostile position towards each other which might, at any moment, resolve itself into a

state of war, and therefore that they should be willing to have their difficulties adjusted by a common friend.

Some time ago, as you are aware, Colombia proposed to the Republics south of the Rio Grande that an international congress should be held, with power to enter into a compact by which all matters of dispute arising between any two or more of them should be submitted to arbitration—the arbitrator to be the President of the United States.

Señor Mariscal has acknowledged the receipt of this proposition and has declared that the President would take it into consideration. But the *Diario Oficial* has lately declared that the Mexican Government would not accept the proposition. This declaration, the editor says, is not the decision of the Government, but I suppose no one can doubt the source from whence the editor derived his inspiration.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 247.—Translation.]

Mr. Mariscal to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, July 30, 1881.

MY DEAR MR. MORGAN: In the interview which we had on the 9th of the current month, I had the honor of intimating to you that I would prepare a memorandum which would express with greater precision the reply I gave you upon the important question which occupied us, and would also add some observations, which it was impossible for me to explain at the moment, relative to the contents of the note from the Department of State of your Government which you had read to me.

I have completed my memorandum, and inclose you a copy accompanying it, with several articles published in Mexico relative to the question of boundaries between this country and Guatemala.

I avail, &c.,

IGNACIO MARISCAL.

[Inclosure 2 in No. 347.—Translation.]

MEMORANDA.

On the 9th of the current month the honorable minister of the United States, having requested a special interview with the undersigned, minister of foreign relations, on a subject of great importance, came personally to the Department, and in a full and unreserved conversation explained the friendly sentiments entertained by his Government toward Mexico, referring at the same time to the note of the honorable Secretary of State, Mr. Blaine, a copy of which he had given to the undersigned some days previously, and in which this friendly spirit was most decidedly manifested.

In continuation he added that, in the matter he was about to present, his Government disclaimed all intention of officious interference, and had no other interest in view than that arising from a desire for the maintenance of that peace and harmony between neighboring and friendly Republics which was essential to the good repute and prosperity of republican institutions, as to the nations which had adopted such institutions; and the people who had first planted republicanism on this continent could not do otherwise than feel a deep interest in its successful and permanent establishment among the nations of the New World.

His Government, however, did not assume on such grounds to interfere in the domestic affairs or mutual relations of the other American Republics, but confining itself to sincere good wishes for their welfare it would make no pretensions to advance their interests otherwise than by its own example, and, when a proper occasion might present itself or circumstances appear to invite it, to offer a word of friendly counsel, disclaiming all selfish or interested purpose whatever, and trusting that it would be received in the same spirit in which it was offered.

When Mr. Morgan perceived that the undersigned had been fully impressed with the sincerity of the sentiments expressed in behalf of his Government he added these

words: "All that I have said to your excellency you will find better expressed, and the business to which it is applicable more clearly set forth, in the note of instructions from my Government which I will read to you." He then proceeded to read the note sent him by the Hon. Mr. Blaine, dated June 16th ultimo, informing him that the Government of Guatemala had formally applied to the Government of the United States, soliciting its friendly intervention for the purpose of re-establishing the good understanding between the two Republics which had been interrupted by the pending question of disputed boundaries.

After the reading was concluded, Mr. Morgan offered a copy of the note to the undersigned, who expressed himself pleased to receive it. He then added that if the Mexican Government would agree that the question of boundaries between itself and Guatemala should be referred to arbitration, he believed the Government of the United States would act as arbitrator, and that its decision would undoubtedly be both just and impartial, as it could have no other interest in the matter than the wish to assure peace and a better understanding between Mexico and her southern neighbor.

Mr. Morgan then went on discussing the question from various standpoints, enlarging upon the evils of war and observing that Mexico, even if victorious in a war with Guatemala, as from her decided superiority in the elements of power she undoubtedly would be, she must nevertheless suffer very seriously. In all probability her present promising movement in the direction of material improvement would be paralyzed, and still worse results might be anticipated from the evil example of two sister Republics having resorted to force to settle their difficulties.

The undersigned replied that he was fully convinced the Government of the United States had been actuated in this matter by the most friendly and disinterested motives, but that it had been misled by misrepresentation of the question by Guatemala. He would overlook for the present certain errors in the statement of historical facts, as well as of some events of more recent date, appearing in the note of the honorable Secretary of State; errors attributable, without doubt, to the partial representations of the Guatemalan Government, and the fact that the history of Mexico is not generally known, as he proposed to himself without delay to prepare a memorandum in which that which has passed at this interview shall be more clearly presented, the errors alluded to rectified, and certain ideas expressed by the honorable Secretary of State more fully and carefully considered. He limited himself for the time to showing that at no period has the claim which Mexico maintains to the territory in dispute between her and Guatemala been considered as founded on force or conquest; an assertion which can be clearly demonstrated at a more opportune moment.

The complaints of the Guatemalans, therefore, are not sincere, and the Government of General Barrios well knows how very different the facts are from the representations it has made to the Government at Washington.

Without any previous consultation with his excellency the President, he could assure Mr. Morgan that the friendly offers of his Government were highly appreciated by Mexico, nor was there any reason whatever to apprehend an appeal to force for the settlement of this controversy with Guatemala, in view of the fact that for many years it had been discussed peacefully and patiently, and it had always been the policy of Mexico to bring it to a friendly and satisfactory termination. The recent events of which the Guatemalan Government has complained have been matters of discussion in which it has not attempted to reply to the arguments advanced by Mexico—the later notes from this Government remaining unanswered. Their tactics have consisted in avoiding argument and relying on delays and evasions.

The question as it stands at present awaits the report of a commission of engineers appointed jointly by the two Governments for the purpose of studying the frontier. These appointments were made by virtue of a convention suggested by Mexico, in which it was stipulated that there should be a suspension of the negotiations upon the question of the boundary while the said commission should reconnoiter the frontier and establish certain points by astronomical observations which might be bases for further discussion.

The time fixed by this convention has expired before the commissioners have concluded their work, and Mexico, always anxious to bring about a fair and conscientious settlement, is endeavoring to renew the convention in order that the reconnaissance may be completed, as it seems impossible to discuss the question intelligently or to arrive at any satisfactory terms of agreement without a fuller knowledge of the ground. This will demonstrate two things to Mr. Morgan:

1st. That the Mexican Government strongly desires a just and peaceful solution of the controversy.

2d. That it is impossible to tell at present whether this question, or any branch of it, is in a proper condition to be submitted to arbitration.

Respecting that phase of the controversy which involves a question of the rights of Mexico to the state of Chiapas with the department or district of Soconusco which it has held in possession for so many years, the Government of Mexico has repeatedly declared that it cannot honorably entertain any discussion.

The pretensions of Guatemala which it is willing to discuss and on account of which the mapping and reconnoitering of the frontier has been undertaken, are those especially relating to the boundaries of Chiapas and Soconusco on the side of Guatemala, and even this portion of the question could not now be submitted to arbitration, because the information necessary for its proper decision is still lacking.

Mexico, however, is far from refusing positively all proposals for arbitration, but it does not consider it advisable at present for the reasons expressed, and will reserve the right to determine whether or not it might accept such proposals at some future time on certain points in regard to which arbitration might appear to be admissible.

Aside from these considerations and without making any formal proposition to that effect, Mexico would be very glad indeed to accept the United States in the character of an arbitrator in its disputes with Guatemala, having the fullest confidence in the justice and impartiality of this mutual friend of the two parties. The interview ended with promises from Mr. Morgan to send a copy of the note which he had read, and on the part of the undersigned to prepare this memorandum, which, in addition to the foregoing, will embrace some observations touching the contents of the note alluded to.

On examination of this important note, a copy of which was sent to the department the same day, I was impressed with the earnest desire evidenced by the writer to give assurance of the disinterested and friendly intentions of his nation. He uses the following words:

"Events still fresh in the memory of the present generation of Mexicans and occurring at a period when the United States, although herself engaged in a tremendous civil war, freely lent her moral and material assistance to avert a danger from a foreign Empire which menaced the existence of the Mexican Republic, should afford satisfactory evidence of the friendly disposition with which the United States regards all that concerns the welfare and existence of her sister Republics on this continent."

Indeed, Mexico can never forget that which the living generation of Mexicans experienced during the period to which the Hon. Mr. Blaine refers, when her people, exhausted, discouraged, and alone, struggled against the power of a foreign potentate assisted by a misguided faction of her own population, the United States did generously extend her moral support, with such unmistakable evidence of popular sympathy that had the circumstances been different Mexico would have received such other support as would have terminated her struggle some years earlier.

In the same dispatch we are told that the forces of the Emperor Iturbide, having occupied a great portion of the territory of Central America, were constrained by a change in the fortunes of war to abandon all, even Soconusco and Chiapas, and that after Mexico had adopted republican institutions she still persisted in claims to territory founded on the imperial policy of conquest and absorption.

In this statement several historical inaccuracies are apparent, one especially, which must be attributed to misinformation or an imperfect acquaintance with Mexican history. Even during the reign of Iturbide it was not by conquest, but in accordance with the free will and wishes of the inhabitants of Chiapas and Soconusco, that they were united to Mexico, as was equally the case with all the states of Central America except San Salvador.

Afterwards, availing themselves of the same liberty, these states withdrew from Mexico, and with Guatemala formed a Republic. Chiapas and Soconusco did not take part in this movement, but as Mexico had also become a Republic, they repeated their adherence to her and remained incorporated with her Government. It not being possible here to give a full historical account of these events, it may be sufficient to note the fact that several able and well-studied publications have appeared in relation to the persistent and reiterated pretensions of Guatemala, and showing clearly the right which from the beginning Mexico had acquired to this portion of her territory, founded not upon conquest but upon the free will of its inhabitants. Among the published documents affording unanswerable evidence on these points, may be noted those written respectively by Señor Don Matias Romero and Don Manuel Larriánzar—gentlemen well acquainted with everything relating to Chiapas and Soconusco; Señor Larriánzar being a native of Chiapas, and Señor Romero having lived in Soconusco, and having been obliged to abandon his property there, it having been ruined by Guatemalan invasions. But without reference to the contents of these publications a proper understanding of the inaccuracy of the Guatemalan statement of this question may be obtained from the very able and exhaustive dispatch with its accompanying proofs, which Señor Lafragna as minister of foreign relations directed to the Guatemalan minister in this capital on the 9th of October, 1875.

This dispatch, which was printed and published, triumphantly vindicates the original rights of Mexico to Chiapas and Soconusco, now assured beyond controversy by a possession of forty years' duration.

This dispatch, which it might be supposed would have elicited a serious reply from the representative of Guatemala, still remains unanswered, a tacit acknowledgment that it is unanswerable. It requires but a brief *résumé* of the points exhibited in this

lengthy dispatch to prove that the titles of Mexico have not been derived from absorption and conquest, as the calumniators of this Republic may have induced Mr. Blaine to believe.

The concluding portion of the document alluded to has the following:

"Summing up all that has been presented in this note the following points are demonstrated:

"1st. Chiapas was a province possessing equal rights with the others composing the captaincy general of Guatemala.

"2d. Chiapas on the 3d of September, 1821, seceded voluntarily from Guatemala and united herself with Mexico.

"3d. Chiapas on the 12th of September, 1824, united herself again with the Mexican states by the free vote of a majority of her inhabitants; the election, which resulted in a large majority in favor of Mexico, took place when there was no Mexican force anywhere within the territory.

"4th. Soconusco in 1821 was a portion of the province of Chiapas, and as such united herself to the Mexican Empire.

"5th. Soconusco in 1821 was a portion of the province of Chiapas, and by her free vote united herself to Mexico on the 3d of May.

"6th. The act passed on the 24th of July, 1824, in Tapachula, was revolutionary and illegal.

"7th. Central America recognized the supreme junta of Chiapas and agreed to respect its determination."

Without copying the whole *résumé* enough has been cited to convince any one that the Mexican Government does not base its original claim to Chiapas and Soconusco on the right of conquest.

In regard to recent events, there are four points of complaint urged against Mexico which the Government of Guatemala has made available in presenting its case to the United States.

1st. That diplomacy has been unavailing in bringing about an agreement with Mexico.

2d. That there was a preliminary convention and some steps taken to ascertain what were the true boundaries, but the commissioners appointed by Guatemala and sent to reconnoiter the ground for the purpose of obtaining a basis for a definite agreement had been thrown into prison by the Mexican authorities.

3d. That the agents of Guatemala charged with taking a census in the territory in question had been treated in the same manner.

4th. That the Mexican Government had been encroaching, cautiously but constantly, on the border territory which had formerly been under the jurisdiction of Guatemala, ousting her local officers and substituting those of Mexico in their stead, thus stretching her authority over the disputed area.

We will reply to these charges in their proper order:

I. The efforts to settle this question of boundaries diplomatically have invariably been initiated by Mexico. In 1832 the Mexican Government sent to Guatemala as envoy extraordinary and minister plenipotentiary Señor Don Manuel Diez de Bonilla; and in 1853 it sent Señor Don Juan N. de Pereda in the same character, without, however, obtaining any satisfactory result. Señor Pereda remained in Guatemala until 1858. In the frequent conferences which he had with Señor Don Manuel Pavon, then the Guatemalan minister of foreign relations, that gentleman constantly declined to enter into any treaty on the subject of boundaries, saying that Guatemala had proposed in the negotiations pending with Mexico to recognize simply the *statu quo* of the boundary lines between the two countries without any alteration whatever.

At length Señor Pereda was constrained to suspend official relations with the Guatemalan Government on account of its persistent refusal to treat on this question of boundaries and because in an ungracious and offensive manner it declined at his instance to send to the interior certain emigrants from Mexico who were conspiring against the peace of that Republic. There was no further attempt to negotiate on the boundary question until October, 1873, when Señor Lafragua, minister of foreign relations, directed a note to Señor Garcia Granados, chargé d'affaires for Guatemala, urging the necessity of a final disposition of that question. In effect he invited the Government of that Republic to name a plenipotentiary authorized to open negotiations at this capital.

Señor Uriarte, the new minister from Guatemala, replied, after a delay of several months (in July, 1874), and after making inquiry by letter of Señor Lafragua, if he would accept the proposed invitation, declared that he was clothed with full powers to enter upon the negotiations.

On the 21st of August Señor Uriarte presented a memorandum to serve as a basis for the discussion.

After various conferences, Señor Lafragua replied to the memorandum in a note dated October 9, 1875, which was accompanied by the project of a treaty to arrange

the boundaries between the two Republics. This important note of which we have spoken has never been answered, as previously stated.

In July, 1877, negotiations were renewed by Señor Vallarta as plenipotentiary on the part of Mexico, and Señor Uriarte, minister of Guatemala. The result was the convention of the 7th of December of the same year.

II. Reference is made to this convention in the note of the Hon. Mr. Blaine.

By this convention, as has been before indicated, a mixed commission was created, composed of Mexican and Guatemalan engineers, who were charged with the survey and mapping of the disputed district and the fixing of certain points astronomically for the purpose of furnishing some reliable data and throwing more light upon the question, continuing their operations during the discussion of the subject between the two Republics. In tenth article it was stipulated that during the suspension of negotiations both the contracting parties should respect and exact respect for "actual possession," neither making nor permitting any movement whatever in regard to boundaries, and suppressing every act of hostility, either proceeding from the authorities or the citizens of the respective countries.

The commissioners met at Tapachula on the 18th of November, 1878, and commenced operations. On the 26th of January, 1880, three engineers of the Guatemalan party accompanied by several natives appeared in the vicinity of Cuilco Viejo, a town of Soconusco, and set up a cross. The local authorities supposed that this meant a movement of the landmark Pinabete, recognized as a boundary between the two Republics, and which was situated eight leagues more to the north; the people of Tacaná pertaining to Guatemala having done the same thing several years before. Under this impression they interrogated the engineers, who, failing to give any satisfactory explanation of their action or to exhibit any papers by which their true character might have been understood, were in consequence arrested by the said authorities and afterward sent to Tapachula. Here they were immediately set at liberty by the political chief, who also gave them full satisfaction for their detention. This is the only instance in which Guatemala can complain of the arrest of her commissioners, and it would seem in this case that ample satisfaction had been tendered. At the time, the Mexican Government believed that the local authorities had acted under an erroneous impression, but subsequent acts of the Guatemalan Government have justified the surmise that this was actually an attempt to remove the boundary.

III. A similar attempt made some time previously had occasioned the arrest of the Guatemalan agents to whom we have alluded. In December, 1880, a commission composed of the alcalde of Tacaná and four other individuals went for the ostensible purpose of taking a census of the occupants of some ranches which, although a league distant from the town of Cuilco Viejo, were considered as included within its corporate limits. Although they went under the pretense of taking a census, their real object was to exercise some act of jurisdiction which might be used as evidence that these ranches belonged to Guatemala. It may be remarked that the inhabitants of Tacaná, of whose alcalde we are speaking, were the same people who moved the boundary mark of Pinabete some time before, which, if it had been permitted to remain, would have included the said ranches within the jurisdiction of Guatemala, and we may further note that they had located this landmark in the same spot where the engineers had erected their cross.

These agents spoken of, being in the act of violating an agreement by which they were bound to respect "actual possession," were therefore properly arrested and arraigned before the district judge, that they might be tried in conformity with the provisions of Mexican law.

The minister of Guatemala made reclamations in this case, insisting that these ranches did actually belong to his country.

In the reply which was given, dated the 27th of January ultimo, the inaccuracy of his assertions was clearly demonstrated by the authority of the official map recognized by Guatemala itself. It was evident that the said ranches were located within the provisional limits of Mexico, and that they belonged to this Republic.

In refutation of the charges against the Mexican authorities, made in the note of Señor Herrera, it can be shown by recent events that the abuses complained of are all chargeable to the Guatemalan authorities.

As Señor Herrera had based the rights of his country to the places indicated upon the fact that certain auxiliary alcaldes had been appointed by the authority of Sabinal, a town of Guatemala, the undersigned notified him that these appointments had been made, for the first time, while the stipulations of the convention were still in force, which bound the two countries mutually to respect the *statu quo* in regard to boundaries, and that for the rest the fact only proved that Guatemala had violated her faith pledged by the articles of said convention.

Señor Herrera confined his answer to saying that he would communicate the contents of this note to his Government, and up to date it has remained without further reply.

IV. The charges against Mexico under this heading, to the effect that she has been

generally and vaguely encroaching upon Guatemalan territory, are not only entirely false, but singularly reckless.

There exists a map of Soconusco, projected by Don José C. Ibarra, very carefully planned, which may be seen by reading the geographical and statistical notices of that department which appear upon the margin. Upon this map are marked in red lines the old boundaries, and with green those which appear to have been recognized more recently. The intervening space between these lines indicates the encroachments made by Guatemala, and finally, in a marginal note, the dates at which these advances were made have been distinctly specified.

Latterly these encroachments have continued, and the archives of the department of foreign relations are filled with the proceedings to which they have given rise from 1870 to the present day.

Without perhaps being the most notable, yet we may call attention to the invasion which had for its object the destruction of the property of Señor Don Matias Romero, in Soconusco, an event to which we have already alluded. Señor Romero is well known in Washington, where he resided for some years as the representative of Mexico. Notwithstanding the moderation and prudence which distinguished his character, he could not escape the outrages of an invasion, in which certain natives of Guatemala, by order of one of the officials of that State, entered his domain lying within Mexican territory, destroying his property, making prisoner of one of his dependents, and ill-treating others.

In November, 1875, he presented his complaint to the Guatemalan Government, but up to date has received neither acknowledgment nor redress.

In the same month and year the engineer Don Alexander Prieto, secretary of the Mexican legation at Guatemala, made a reconnaissance of the frontier under instructions from Señor Gareza, then our minister near that Government. He traveled and made the reconnaissance in company with Señor General Barrios, President of Guatemala (as we are informed by Señor Gareza in a letter to Señor Lafragua). The governor of Chiapas, in office 26th of November, 1875, was also in company.

The result of this visit was a topographical sketch prepared by Prieto, which is preserved in the department, and which, from the fact of its having been prepared under the inspection of President Barrios himself and for other reasons, should be regarded with suspicion by Guatemala. In this sketch the line of the actually existing boundary is laid down, as are also the points which were in dispute. This line therefore, should indicate the *statu quo* intended to be observed by the convention of 1877.

It will appear, then, from the notes of the Guatemalan minister himself, that his Government, so far from having respected these stipulations, has violated them in Ponintaná Las Chicharras, Cuilco-Viejo, and other points. The same Government has gone so far as to justify the acts of the alcalde Meño, who attempted to assassinate a Mexican surveyor and set fire to ranchos on Mexican soil. It has done more; in December of the past year it sent a force, or permitted it to be placed under the orders of the prefect of San Marcos (a department of Guatemala), which invaded our territory and destroyed the boundary mark of Pinabete (the same that was destroyed by the inhabitants of Tacaná, and which was afterwards replaced). The said prefect then proceeded to hoist the Guatemala flag precisely on the spot, near Cuilco-Viejo, where the mysterious cross had been planted by the Guatemalan engineers.

Remonstrances against such proceedings having been made to Guatemala, that Government refused to make any explanations to our minister, upon the pretext that the affair should be settled in Mexico, as Señor Loeza had no instructions to receive the explanations.

The minister of foreign relations, Señor Montufar, feeling himself embarrassed when our representative sent him the copy of a letter from the undersigned expressing great surprise at his conduct, replied that the occurrences in question had taken place on Guatemalan territory, without advancing any reason for his statement, and forgetting that the undersigned, in his unanswered note of 27th of January ultimo, had demonstrated the contrary.

In the mean time (since December 31, 1879) the terms of the convention of 7th of December, 1877, had expired before the scientific commission had completed its work. The Mexican Government then proposed to Guatemala that the convention should be renewed, extending the agreement for a sufficient time to accomplish the desired object, determining at the same time that its engineers should continue on the frontier, as they have done, in spite of the fact that the Guatemalan engineers had been withdrawn by their Government, and that without giving Mexico notice of their removal.

The President of Guatemala, however, has personally informed our minister that he was willing to renew the convention, and had sent instructions to this effect to Señor Herrera, the Guatemalan minister at Mexico. Nevertheless, Señor Herrera has for several months considered himself without instructions that would enable him to negotiate, and alleges that those sent him were not sufficiently explicit. At this date (July 11), when Señor Herrera called on the undersigned to speak of the friendly offers

of the United States, he was asked if Guatemala had yet sent the promised instructions to her minister. He intimated that he had them now as he had wished.

This conduct of his Government, insincere and apparently incomprehensible, now finds its explanation in the approaches which the President of Guatemala has, through his representative, made to the Government of the United States. President Barrios, if we may judge from the facts, has hoped to gain time by applying to a friendly Government, complaining of imaginary injuries on the part of Mexico, and giving a false coloring to her conduct while he was begging for friendly assistance.

In this application, however, it appears that he has failed to make any reference to the fact that at the solicitation of Mexico there was a pending negotiation for the renewal of the convention for the continuance of the reconnaissance and study of the frontier, a work which has been recognized and proclaimed by both Governments to be absolutely indispensable to enable them to fix the international boundaries, whether by diplomatic negotiations or any other peaceful means.

The omissions and misstatements of General Barrios's Government in its representations to the President of the United States, as well as the rest of his conduct in relation to this question of boundaries with Mexico, characterize his policy in this matter as entirely wanting in sincerity and frankness.

All of which clearly indicates that the Government of Guatemala has no wish to settle this question, unless from some secure vantage ground (which it hopes perhaps to attain), by which it may realize all its pretensions, and it would appear meanwhile that it is disposed to stop at nothing which might promise to subserve its ends in this direction, assuming new obligations without any intention of fulfilling them, and evading all responsibilities by fresh intrigues and subterfuges.

The facts briefly noted in this writing, in connection with others which we have not been able to present, authorize the suspicion that this Government in question, in applying to that of the United States, did not propose to itself (as might superficially appear) to find an arbitrator to settle the question of boundaries.

It is sufficiently obvious that Mexico could not under any circumstances submit her rights in Chiapas and Soconusco to arbitrament, as these states have for many years belonged to the Mexican Union and form an integral portion of the Republic. It is equally impossible properly to arrange the boundary line between this state and Guatemala without the preliminary knowledge of the ground in controversy, whoever might be the arbitrator that should undertake it.

The real object, therefore, in this apparent call for arbitration, can be nothing more than to gain time, as on other occasions, to continue the petty encroachments as heretofore, and to weaken the action of the Mexican Government to the condition of the simple defense of its own national territory.

The undersigned, for the purpose of preserving a record of that which occurred in his interview with Mr. Morgan and the observations suggested by the note of the Hon. Mr. Blaine, has prepared this memorandum, and in evidence thereof affixes his signature thereto.

MEXICO, July 25, 1881.

IGNACIO MARISCAL.

No. 28.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 253.]

LEGATION OF THE UNITED STATES,
Mexico, August 11, 1881. (Received August 25.)

SIR: Complying with the instructions contained in your dispatch No. 150, June 29, I addressed a note to Señor Mariscal on the 7th instant, in which I endeavored to point out to him the importance the United States attached to their having a recognized consular agent at Santa Cruz Point.

Thinking that I might fortify my application in a personal interview, I called at the foreign office on yesterday afternoon (10th instant), where I saw him.

I do not inclose a copy of my note to him, nor shall I now give the substance of my conversation with him upon the subject. This will be

done when I receive his reply to my note. I allude to the matter now merely as an introduction to a conversation which I had with him upon an entirely different subject, and to explain to you how it happened the conversation occurred.

As soon as I had concluded what I had to say upon the subject which had sent me to him, I arose to take my leave, whereupon Señor Mariscal inquired of me whether I had forwarded to you the documents relating to Guatemala which accompanied his note to me of the 30th July, 1881. I replied that I had not. In the first place, I said, one of them was too large to send through the post. In the second place, that I supposed they were already in the library of the State Department. In the third place, that they could only be of value to you at the present moment in case Mexico should agree with Guatemala that the differences between them should be submitted to arbitration, the arbitrator to be the President of the United States, and that as Mexico did not seem inclined, I regretted to see, to do this, it was unnecessary that I should burden my mail with so much matter.

Señor Mariscal commenced at once to speak of the conduct of Guatemala towards Mexico and the bad treatment Mexico had received at her hands, reiterating what he had said to me in our former interviews upon the subject, all of which I have reported to you. He appears to entertain a very bad opinion of the President of Guatemala, and to think that his appeal to the United States has a purpose beyond the settlement of the boundary between the two countries. He said, for instance, he had been informed that you had expressed an opinion favorable to the consolidation of the Central American Republics into one Government; that the President of Guatemala was favorable to such a project; that he would like, in such an event, to become the President of the new nation, and that he was endeavoring to obtain the influence of the United States to further his ambition in that direction. He seems impressed with the idea that General Barrios is Mexico's enemy, and that it would not be well to have his power increased.

I replied that I could not speak as to what your views were upon the question of a consolidation of these Republics into one; that I had been informed of a project of the kind which had been set on foot some time ago, to which the Presidents of each of the Republics were all agreed, and that nothing, I was told, had prevented its accomplishment save the fact that each of them insisted upon being named President of the country which was to be formed. I could, however, assure him that neither you nor the President had any views on the matter which were unfriendly to Mexico.

I took advantage of the occasion to again expose to him your views, as they are expressed in your dispatches to me upon the subject, of the differences between Mexico and Guatemala; and I said to him that, while I felt sure there was nothing in your dispatch, of which I had furnished him a copy, which could be tortured into an expression of unfriendliness towards this country, I hoped that nothing I had said in either of the interviews I had had with him had left any such impression upon his mind. He said, "Certainly not." I said to him that the great interest the United States felt in the matter was that there should be peace between the Republics of this continent; that it was apparent to me that Mexico and Guatemala were occupying a hostile attitude towards each other, which might at any moment result in a war, and that this should, it seemed to me, be avoided if possible, and that it was not only possible to avoid it, but easy to do so. I repeated to him that a war between the two countries would probably result in the conquest of

Guatemala, but that such an event might bring forth bitter fruit; that I understood the policy of the Government of the United States was to keep all the boundaries of the different Republics on the continent intact, and that the other Republics have as great an interest in the maintenance of this principle, as well as policy, as we have, and that we hoped Mexico agreed with us upon this point, and that she would not set the example to us of conquering the territory of her neighbor, who happened to be weaker than she is.

I alluded to the suggestion contained in your dispatch No. 142, June 21, 1881, to the effect that Guatemala, if pushed to the wall, might attempt to sell her rights to some other nation. He asked me, "What nation—the United States?" I answered, not the United States, but to some European nation. He laughed at the idea, but when I suggested to him that there might be more in this than he seemed to think there was, he said if such a thing were to happen Mexico would defend herself, and that in case of need the United States would come to her assistance. To which I replied that I did not doubt that the people of the United States would rather join Mexico in a war to prevent any European nation from obtaining a foothold on her border than to see a foot of territory added to Mexico by conquest. (I may add that on one occasion my colleague from Guatemala suggested the same possibility with regard to selling the right to Soconusco to some power—the United States or to a European Government. I replied that while I was not authorized to speak upon the subject I might, however, on my own account, say that the United States did not want the territory, and that they would not be well pleased to see it attached to the possessions of a European power.)

Señor Mariscal said that he would not say that Mexico would altogether refuse the arbitration proposed; but that there were some points of difference between the two countries which could not, under any circumstances, be submitted to question. He said, for instance, that Guatemala pretended to a title to the whole of the state of Chiapas, and that as Mexico held that territory first by conquest, and, secondly, by the expressed will of the inhabitants thereof, and had been in possession thereof for more than forty years, she would not now give it up or even admit that there was any question as to her title thereto. I at once replied that the first and most important question was that Mexico should acknowledge that there were differences between her and Guatemala, and then that she should consent to submit those differences to an arbitrator. He asked me what would be the course to pursue in that direction. I replied that I was not authorized to make any formal proposition to him upon that point, but I thought I was able to indicate to him a mode of procedure which would accomplish the object in view and restore peace and quiet to the two countries. He asked me to do so, and I said, in substance:

1. Mexico and Guatemala admit that there are differences between them.
2. They agree with each other that these differences shall be submitted to arbitration.
3. They agree that the President of the United States shall be the arbitrator
4. The President of the United States accepts the position.
5. The President of the United States then notifies Guatemala and Mexico that he is prepared to listen to their complaints against and demands upon each other.
6. Guatemala prefers hers (indeed she would occupy, as it were, the

position of plaintiff in a suit, Mexico that of a defendant). In it she claims that she has been despoiled of her territory of Chiapas, and that it should be returned to her.

7. Mexico answers and says that Chiapas belongs to her by conquest, by the vote of the inhabitants thereof, by an uninterrupted possession of nearly half a century, and that her title thereto cannot now be questioned. But that there is a question as to the proper boundary between the two countries which they are willing to submit to arbitration. If these facts were as stated, there could be little danger in submitting them to the appreciation of any candid man, and that if the President of the United States were satisfied of their correctness he would probably say to Guatemala that Chiapas was out of the question, and that the inquiry would have to be reduced to the question of boundary, and in this regard what was in reality the southern boundary of Chiapas.

8. That Guatemala would, of course, submit to his decision upon that point.

9. That if the representatives of the two countries charged with the presentation of their case before him could not agree as to where the boundary should be, Mexico would appoint a commissioner, Guatemala one, and the President of the United States would appoint a third, whose duty it would be to run what they considered to be a true line which would show what, in their opinion, should be the boundary between the two countries, any two of the commissioners to be competent to do the work in case the third one should fail to co-operate with them. That they might make unanimous report or a majority and minority report or a separate report.

10. That when this report was made the President of the United States would notify the parties in interest and advise them that he would hear them upon the subject at such a time as would suit their convenience.

11. That after having heard them the President would then determine where the boundary line between the two countries should be located, and thus their trouble would be at an end.

In the meanwhile, I said, there was to be no act of hostility on either side. ✓ Señor Mariscal appeared greatly interested in the subject. Indeed I left him not without hope on my part if the suggestions I made him, as above set forth, were submitted as a proposition, they would be accepted. ✓

I had written nearly this much when I received a visit from Mr. Herrera, the minister from Guatemala. He is exceedingly anxious upon this subject. He has, he tells me, received instructions from his Government to endeavor to come to an understanding with Señor Mariscal upon the subject of a commission which has been so long pending between them. I said that while I had no advice to give him, inasmuch as he did not think he would accomplish anything in the way of the appointing a commission, I should, were I in his place, wait until the question of submitting the differences between the two countries to arbitration should be finally decided before saying anything further upon the subject. He said he would.

I then told him that I had had an interview with Señor Mariscal on yesterday, and without telling him of the suggestions I had made, I told him how I thought the matter should be managed in substance, as I stated it to Señor Mariscal. Mr. Herrera agreed with me. I then said to him that I fancied the great difficulty in the way was Chiapas, and I said to him, almost in these terms, "Suppose Mexico would agree to the arbitration upon the condition verbally assented to between the

representatives of the two Governments, although not expressed in the written proposition, that upon the question of title to Chiapas, the President of the United States was to decide that Chiapas belonged to Mexico, and therefore was not to be considered in the arbitration, would Guatemala consent thereto?" ✓He replied in the affirmative. He said that it was a question of pride with his country; that he did not believe a judgment could be rendered in her favor thereon, and still they could not, of their own accord, give it up, but that if the United States were to say that Guatemala had no title now to Chiapas, the decision would be acquiesced in.✓

It occurs to me, therefore, that as the principal objection on the part of Mexico to submit to an arbitration is Chiapas, if Guatemala would consent in advance that a judgment should be rendered against her upon that point, an agreement to submit the other differences which exist between the two countries to arbitration could be arrived at.

I have, &c.,

P. H. MORGAN.

No. 29.

Mr. Blaine to Mr. Morgan.

[Published heretofore in Sen. Ex. Doc. 156, Forty-seventh Congress, first session.]

No. 164.]

DEPARTMENT OF STATE,
Washington, August 24, 1881.

SIR: I have to acknowledge the receipt of your dispatches numbered 232, 240, and 247 of the 12th and 19th ultimo and 5th instant, respectively, in relation to the differences between the republics of Mexico and Guatemala, relative to their boundary lines. These dispatches are full and valuable, and have been read with interest. You will continue to transmit promptly, as events progress, all information on the pending difficulties between those two countries.

I am, &c.,

JAMES G. BLAINE.

No. 30.

Mr. Morgan to Mr. Blaine.

[Extract published heretofore in Foreign Relations.]

No. 259.]

LEGATION OF THE UNITED STATES,
Mexico, August 25, 1881. (Received September 9.)

SIR: * * * called on me on the 17th instant. He was going for a few days to Orizaba, and had come "to give me good-by." He asked me very abruptly whether Mexico had made any answer to the proffer of arbitration made by the President of the United States to act as arbitrator between Mexico and Guatemala. He informed me that I had received a dispatch from you upon the subject; that a copy of that dispatch had been given to Señor Mariscal, and that the Mexican Government was furious. I asked him from whom he had

obtained all this information. He shrugged his shoulders and replied that I could answer yes or no. To which I replied that it was not necessary I should answer at all. He endeavored to renew the conversation, but I would not permit it.

In the afternoon I called on Señor Mariscal; I told him of the interview I had had with _____, and expressed my surprise that he should be informed of any negotiations which might be pending between us. * * * He replied at once that _____ must have obtained his information from Mr. Herrera. He however admitted that he had spoken to him upon the subject, but only in a general way. * * * In my opinion _____ has been employed by _____ to frighten Mr. Herrera, and he has succeeded in doing so, and he was sent to me for the purpose of ascertaining, if possible, to what lengths the United States would go in preserving the peace between the two countries.

The following day, 18th instant, Mr. Herrera called on me and informed me that the Guatemalan minister at Washington had written him that you had stated to him that in case Mexico refused the proposed arbitration and attempted to harm Guatemala, the United States would protect her by force, if necessary. As I have before stated to you, I have on several occasions, when Mr. Herrera has spoken to me upon the question now pending between his country and Mexico, said to him that if I were in his place I would keep away from Señor Mariscal as much as possible until Mexico should decide positively whether to accept the mediation of the United States or not. He always replied that he would.

On the evening of the 19th instant Mr. Herrera called at my residence. He had just had an interview with Señor Mariscal. He told me that Señor Mariscal had said to him that it was impossible to settle their disputes by arbitration; that Guatemala claimed the whole of Chiapas, and that even if he, Señor Mariscal, and the President were willing to give it up (which they were not), they would not be permitted to do so; that the only way the matter could be settled was by war; that the application of Guatemala to the United States for their intervention was an insult; that Mexico would not accept it, even if her refusal should result in a war with that country. At the same time he said Mr. Herrera need not fancy that such an event was at all probable, inasmuch as the United States had too great an interest in Mexico to jeopardize them by taking up Guatemala's defense, where she has no interest.

Mr. Herrera then said that he appreciated the difficulty which presented itself to Mexico submitting the questions at issue to an arbitration, and he inquired of Señor Mariscal whether it would not be possible for them to arrive at an understanding upon a different basis, viz, that Guatemala should cede all her claim to Chiapas and Soconusco, upon Mexico paying an indemnity to Guatemala therefor.

Señor Mariscal replied, after some reflection, that that might be possible, although he would give no positive answer; but he said arbitration was not to be discussed, repeating that he preferred war with the United States to that.

In my opinion Mr. Herrera made a mistake when he sought an interview with Señor Mariscal, and he made a greater one when he allowed himself to make the above proposition. Señor Mariscal, when he told him his suggestions might be entertained, said so only that negotiations might be resumed between them. Mexico has no money with which to purchase anything. If she had, she would not purchase territory from Guatemala. When she wants it, she will take it; and I submit to your

better judgment whether, if the negotiations upon this subject are to be continued, Mr. Herrera should not be advised to allow them to take their course; for you will, I think, readily perceive that if I make a proposition to the effect that the differences between the two countries be submitted to arbitration, and he makes a proposition to sell Guatemala's rights, we are playing at cross-purposes.

In my dispatch No. 253 (August 11, 1881) I expressed the hope that the Mexican Government would accept a proposition for mediation if made something in the form of the one I suggested. It is apparent that if they can resume direct negotiations with Guatemala, they will do so. It is very certain that Señor Mariscal's conversation with Mr. Herrera (as the latter reported it) was in tone and matter very different from the one held with me. It would indicate that Señor Mariscal had changed his mind since our interview, or that he had been instructed differently, and tend to confirm the suggestions of _____, that Mexico was "very angry," and gives good ground to fear that if the United States should now retire from the negotiation and leave Guatemala to herself, there will soon be nothing left of that already very small Republic.

I am, &c.,

P. H. MORGAN.

No. 31.

Mr. Morgan to Mr. Blaine.

[Extract published heretofore in Foreign Relations.]

No. 273.]

LEGATION OF THE UNITED STATES,
Mexico, September 22, 1881. (Received October 7.)

SIR: On yesterday I sent you a telegram, as follows:

MEXICO, *September 20, 1881.*

Secretary BLAINE,
Washington:

The President's annual message is considered threatening towards Guatemala. It announces that Mexican troops have arrived at the frontier State, and that others will soon join them.

Confirmatory of the threatening character of the message, I inclose an editorial taken from the Monitor Republicano of the 20th instant, and a translation of that portion thereof which relates to the subject before us, from which you will observe that the editor is of the opinion that the President's words give reason to believe that a declaration of war is imminent.

Referring now to your dispatch No. 164, August 24, 1881, in which I am instructed to continue to transmit promptly, as events progress, all information on the pending difficulties between those two countries, I have to report that from the date of my dispatch No. 259, August 25, 1881, up to last evening I have not had any conversation whatever with Señor Herrera, the Guatemalan minister—indeed in that interval I had seen him but once, and that was at a ball which he gave on the 15th instant, in commemoration of the anniversary of his country's independence. I had declined his invitation on account of the President's illness. At his earnest instance, however, and as the news had reached here that the President had been sitting up, and had gone to Long

Branch, I went to the ball for a few moments. It is well, perhaps, that I did so, as my absence might have been misinterpreted.

Neither had I had any conversation with Señor Mariscal upon the subject until yesterday. Although I had seen him several times in the meanwhile, he carefully abstained from alluding to it.

Yesterday evening, 21st instant, however, Mr. Herrera called on me. He directed my attention to the President's message, and particularly to that portion of it which refers to Guatemala, and which was the subject of my telegram. He appeared to be quite concerned about it. He informed me that Señor Mariscal had at his (Mr. Herrera's) house, on the night of the 15th, spoken with several persons upon the difficulties which were pending between Mexico and Guatemala; that the President of the United States had proffered his services as mediator between them; that the proffer had been declined. (One of the guests of Mr. Herrera had told me the same thing only a short while before.) I was careful not to say anything beyond assuring Mr. Herrera that the United States would view with concernment any trouble between the two countries, and that they would use every amicable means to prevent it. I did not, however, deem it imprudent to mention to him that I had informed you of the message by telegraph. Later in the evening I received Señor Mariscal's visit. He came in while the minister from Germany was with me. The German minister was speaking to me upon the subject of the pending difficulties between Mexico and Guatemala and the proposed intervention of the United States, and had stated that Mexico was very angry thereat, when Señor Mariscal came in, to whom I told the subject of the pending conversation.

The German minister soon left, and after a few moments' conversation upon other subjects, Señor Mariscal said, "And so you were speaking of the Guatemala question when I came in?" I said, "Yes." He asked me whether I had seen the President's message. I replied that I had read that "Napoleonic" document. He inquired of me why I characterized it thus. I replied that because of its warlike tone, as well as its manner, reminded one of the speeches which that Emperor was in the habit of delivering, or causing to be delivered, from the throne, when he considered himself in some sort the master of Europe. He asked me if I really thought it was so. I answered, "To such an extent that I had said to the minister from Guatemala, not long before he came in, who had spoken to me upon the subject, that it would, perhaps, have been better if he had kept the money which his ball had cost to purchase powder with." Señor Mariscal then repeated a great deal of what he had said to me in our former interviews concerning the grievances which Mexico had against Guatemala, adding that he proposed to send to Congress, with his department report, a copy of your dispatch No. 138, the 16th June, 1881, as well as his memorandum to me in reply thereto.

Alluding to the tentative of your dispatch, I said to him that when he came in I was explaining, in reply to a remark of the German minister that it was understood that the President of the United States had offered his mediation, and that he had proposed to take up the question as to whether Soconusco and Chiapas belonged of right to Mexico, which had angered the Mexican Government and people, that the President of the United States had not, through me at least, made any such proposition. I then took occasion to call Señor Mariscal's attention to the fact that there was not a press in Mexico (except the Official Journal) which did not contain, almost every day, something offensive to the people of the United States, a circumstance which, I told him, I re-

gretted very much, as it had a tendency to engender a bad state of feeling on both sides of the line, and that it was, I thought, particularly to be regretted in view of the friendly and sympathetic tone of the assurances contained in those of your dispatches, which, under instructions, I had read to him. I cited to him particularly the *Nacional*, a paper which was owned and published, I had been informed, by a nephew of the minister of Hacienda (Secretary of the Treasury). Señor Mariscal was obliged to admit, with some reservation, the truth of my observations, and said, in regard to the *Nacional*, that he would take occasion to speak to the editor and caution him upon the subject.

I particularly directed his attention to the warnings which were daily uttered against the grantings of concessions, &c., to Americans, and the baneful influences which, it was said, American enterprise would exercise upon Mexican interests, material and political, threatening as it did the national existence. In the same connection, I mentioned as an instance of these warnings the articles which were constantly appearing in the daily papers upon the subject of the branch of the Franco-Egyptian Bank here to the effect that the assent of Congress to the contract, celebrated between the President and the directors thereof, should be given upon the ground that it would do a great deal toward counterbalancing American commercial influence in the country, and I inquired of him how it was possible that the expenditure of, I might say, hundreds of millions of American money in Mexico, giving, as it did, employment to many thousands of its citizens, could be any detriment to the country. In respect of the Franco-Egyptian Bank, I called his attention to the suggestion which I had made to him upon the subject, to the effect that I believed if the Government of Mexico desired to establish a bank here one could be organized with American capital upon the basis of our own national banks; and I asked him which should be considered the safer institution, the one whose circulation was secured by United States bonds, or one whose circulation had practically no security; the one whose circulation did not exceed the amount of the security therefor, or the one whose circulation exceeded by three to one the amount of its nominal coin deposit; the one which would bring \$20,000,000 of bonds of the United States—more than equivalent to that sum in gold—into the country, or the one which would be enabled to take at least \$60,000,000 in coin out of it.

* * * * *

Going back to the Guatemala question I stated that the President of the United States when he consented to have it suggested to Mexico that he would act as arbitrator between the two countries, had been actuated by the purest feelings of friendship for both nations, and in the interest of a public peace which, once disturbed, might result in consequences little dreamed of by either party. Laughingly, I said that if the Mexican appetite for conquest had been excited, it was probably fortunate for us that Guatemala, and not Texas, was the meat it craved.

This is the substance of what occurred, although I do not pretend that the points touched upon are given chronologically.

Señor Mariscal reiterated that if there should be a war with Guatemala, it would be Guatemala's fault. He admitted that the course pursued by the United States was friendly in its character, although he persisted in saying the facts of the case had been misrepresented by Guatemala to you.

We parted on the best of terms, but he left me more than ever convinced that nothing would prevent a war between the two countries unless a positive position was taken by the United States, and I ven-

ture to suggest that unless the Government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it that what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 273 — Translation.—From Monitor Republicano of September 20, 1881.]

Another dark passage in the President's message is the one in which he refers to the diplomatic relations between Mexico and the Republic of Guatemala.

These are his words:

"With regard to Guatemala, it is painful to have to say that an equally favorable disposition is not observed in the course of the government of that country; on the contrary, there appears to be a certain interest revealed on its part in preserving indefinitely the same vagueness and uncertainty in its relations with Mexico as regards the international boundaries between the two countries. The Executive, notwithstanding, will make every effort to clear up a situation which is pregnant with evil for our country—as well as for Guatemala. If in pursuing these efforts the intervention of Congress should become necessary, I shall not fail to ask for it in proper season."

The words with which the President treats the Guatemala question are terrible; they indicate that certain of our relations with that republic are very tightly drawn, and, in truth, unless the official documents and acts of the Government of Guatemala show, as the President says they do, a special desire on its part to continue in its uncertain attitude towards this nation, it may be said that the sentence above quoted from General Gonzalez's message is a bold one.

It is a clear and explicit accusation against the Government of Guatemala, expressed in very harsh terms for a document such as a presidential message.

The public in general were not aware that matters had proceeded so far between the Mexican and Guatemalan Governments, and all methods of conciliation must have been very nearly exhausted when the chief of the nation speaks in such terms as these in the face of the nation to Congress.

The answer of the president of the chamber to the paragraph which we have copied upon the Guatamala question indicates in a greater degree the hostile feelings which exist between the two Governments. He said:

"It is with still greater pain that the Congress of the Union has learned that the Government of Guatemala has not manifested a disposition similar to that evinced by the United States to adjust its relations with our country, appearing, as it does, to wish to maintain in its present uncertainty the question of our national boundary.

"The members of both chambers hope that if, in truth, the cause of the attitude of the Government is the want of a recognized boundary between the two countries, this state of affairs will cease so soon as the scientific commission, named to this end by the Mexican Government, will have completed its labors, and that an amicable convention may end a question which has been so much debated, and which may result, if prolonged, in great evils to fraternal nations, which should be avoided.

"In the meanwhile, the representatives of the nation approve of the efforts which the Executive has made to obtain an honorable solution of so delicate a question, and it may rest assured that in this matter, as well as in the maintenance of the dignity and rights of the republic against all comers, it will have the support of the legislative power."

In our opinion this is a grave and delicate question; it is proper under all circumstances to guard and defend everything required by the national honor; it is proper, also, to bring to an end this question of boundary which has for such a length of time agitated the two countries, but this should be done with the circumspection and prudence which a matter of such a nature demands.

The words of the President to the chamber have made us believe that we were near to a declaration of war; that is to say, that methods of conciliation had been exhausted.

When diplomatic reserve shall permit, the republic will have the right to know what has taken place, for that which has been done in this direction looks towards the breaking up of the friendly relations between the two nations who have always traveled together in the best harmony.

We have no data upon which to express an opinion upon this grave emergency. We follow day by day the current of political events, and without a doubt, notwithstanding something has transpired with reference to this matter, we were far from believing that there was a threatened difficulty between Mexico and Guatemala; for the same reason, without more information upon the subject than we have gathered from the few words of the President, we can neither judge nor venture an opinion; we must wait for events; we must wait also for some word which the *Diario Oficial* may think proper to say to throw some light upon this question, which is the most important one as regards our diplomatic relations.

No. 32.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 287.]

LEGATION OF THE UNITED STATES,
Mexico, October 6, 1881. (Received October 20.)

SIR: I had a visit this morning from Mr. Herrera, the Guatemalan minister. He informed me that on the 4th instant he had had an interview with Señor Mariscal. I inquired of him with what purpose he had called on the secretary for foreign affairs? He replied that he had been instructed so to do by his Government, to ask the meaning of the large armed force which Mexico was concentrating upon the Guatemalan frontier. He informed me that Señor Mariscal had replied that there were some troops in that vicinity, and that others were on their way there; that their object was to protect the Mexican frontier from invasion, and to recover possession of the Mexican territory which Guatemala had taken some months ago. The number of Mexican troops, he said, amounted to about three thousand. Mr. Herrera says there are about 4,000.

I inquired of Mr. Herrera whether Guatemala had any troops in the neighborhood of the district which Señor Mariscal said it was the intention of Mexico to take possession of. He said there were.

I asked, "If the Mexican troops attempt to take possession of the territory in question will the Guatemalan troops resist?" He replied that they certainly would.

Mr. Herrera spoke long and earnestly about the differences between the two countries, and of his last interview with Señor Mariscal. The first was only a repetition of what I have heretofore reported to you, and of the last I have given you the substance.

I have seen Señor Mariscal several times since my last dispatch to you upon this subject, but he has never alluded to it. His official report thereon will soon be published.

I understand that he proposes to publish the copy of your dispatch to me, No. 138, a copy of which, under your direction, I left with him, as well as his reply thereto.

I am, &c.,

P. H. MORGAN.

No. 33.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Sen. Ex. Doc. 156, Forty-seventh Congress, first session.]

No. 289.]

LEGATION OF THE UNITED STATES,
Mexico, October 20, 1881. (Received November 4.)

SIR: Referring to my dispatches relating to the differences between Mexico and Guatemala, I inclose herewith an article taken from the *Diario Oficial* of the 15th October, to which is attached an extract from Señor Mariscal's report to Congress upon the affairs of his department; a translation thereof I also inclose.

I have nothing to add to what I have already written upon this subject.

I have not considered it necessary to inclose a translation of your dispatch No. 138, 16th June, 1881—published in the *Diario*, nor the "memoranda" of Señor Mariscal, the latter having formed an inclosure in my dispatch No. 247, 25th August, 1881.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 289.—Translation.—From the *Diario Oficial*, October 15, 1881.]

MEXICO AND GUATEMALA.

Some of the city papers deemed the words spoken by the President of this republic in his message to the Congress of the Union too bold, considering the conduct observed by the Guatemalan Government in its international relations with this country on account of the impending boundary question. We then requested those organs of the national press to defer their judgment relative to the terms in which the President had expressed himself on that solemn occasion until the course of events should have thrown enough light on the subject to justify the conduct of the Federal Executive.

The opportunity we desired has presented itself. The secretary of foreign affairs has just published a memorandum, which, in compliance with the constitutional precepts, was sent by him to the Congress of the Union. Two things worthy of note are found in this important document. One is the dignified line of conduct maintained by Mr. Mariscal in the various questions which have arisen about the events on the northern frontier; a line of conduct which has been censured by some, probably because it is not understood. The other is a statement which shows clearly what is going on between Mexico and Guatemala, arising from the want of loyalty shown by the Government of the latter country.

In thus expressing ourselves, we are authorized by the contents of the memorandum issued by the secretary of foreign affairs of Mexico. The extracts which we will publish from this document will show the Mexicans that whilst the President of Guatemala refuses to appoint a body of engineers to join with ours in defining the boundary line between the two republics, he solicits the intervention of the United States, thus calumniating (we can use no other word) Mexico's good name and equity. What precedes, our readers will find in the following extracts:

GUATEMALA.—Señor D. Ramon Uriarte, who was for five years envoy extraordinary and minister plenipotentiary for the republics of Guatemala, Salvador, and Honduras, having retired, Señor D. Delfino Sanchez was named in his place, and was received in public audience on the 7th of June, 1879. By leave of absence Señor Sanchez returned to his country, leaving as *chargé d'affaires ad interim* Señor D. Manuel Garcia Granados, who on the 17th of December of the same year announced that his mission ceased. Señor Sic D. Manuel Herrera having arrived in this capital as envoy extraordinary and minister plenipotentiary for Guatemala, Señor Herrera was received by the President of this republic, with the customary ceremony, on the 22d of December, 1879. He was afterwards received as minister for Salvador and Honduras.

Señor D. Francisco Diaz Covarrubias, who represented Mexico in Central America in the character of envoy extraordinary and minister plenipotentiary, having sent in his resignation on the 18th of February, Señor D. Manuel Diaz Mimiaga remained at the head of the legation as *chargé d'affaires ad interim*, and held this post until the

16th of March, 1881. On this date the Government of Guatemala received in solemn audience Señor General D. Francisco Loaeza as envoy extraordinary and minister plenipotentiary of Mexico. Señor Loaeza has the same post in the other Governments of Central America.

The time fixed for the carrying on of the works in charge of the mixed committee for exploring the boundary line between Guatemala and Mexico, in the convention of the 7th of December, 1877, not being sufficient, negotiations were established with the Government of that Republic, by means of their representative in Mexico, a negotiation prolonging the given time. The result was that on the 3d of March, 1879, a new agreement was signed which extended the time fixed for the working out of the two sections into which the line was divided. In conformity with this agreement the ratifications made were formally accepted, and the exploration of the first section ought to be terminated on the last day of December, 1879, and that of the second section in a term of six months, which should commence a month after the completion of the first. The said term having elapsed without the mixed committee having finished the work of the first section, the purposes of the treaty legally ceased. The Government of Guatemala, taking advantage of this circumstance, then withdrew its committee without any previous notice as is usual in similar cases. Notwithstanding this the Mexican committee continues its work on the northern frontier.

In order not to lose the result of the works already finished, and not to be without certain data for the future in the definite settlement of boundaries which, if not agreed upon, must prove disastrous, if we consider the immediate necessity of settling a question which has been discussed for the last fifty years, the Mexican Government, by means of its representative in Central America, proposed that a new convention should be made, renewing former ones, and introducing such reformatations which experience and careful study seem to render indispensable. General Loaeza presented to the Guatemalan Government the sketch of the new convention, with the clauses and amendments alluded to, which were accepted by the President of that Republic in a conference held with our minister; notwithstanding this acceptance, and the efforts made by the Mexican Government to conclude this affair soon, it has been found impossible, so far, to carry out the treaty.

The Mexican territory having suffered several invasions from Guatemala, it is my duty to give information concerning them, with their various incidents.

Towards the end of October of 1878, a party of ten men belonging to the Guatemalan Army, under the command of an officer named Margarito Barrios, made an incursion on the Mexican territory, near Tonintana, carrying off eight men bound, besides committing several other depredations.

On the 17th of December, 1879, our town, known by the name of Tuxtla Chico, suffered an attack from a band of thirty-five men, proceeding from Guatemala, and headed by some Mexicans who had emigrated to that country, where they conspired against the peace of Mexico.

In September of 1880 a new party of filibusters, composed of Mexicans (deserters) and several Central Americans, forty in all, and proceeding from Guatemala, came down upon Tuxtla Chico again. In this assault the invaders, besides being armed with rifles and pistols, carried a box containing inflammable cartridges which might destroy, not only the above-mentioned town, where they committed all sorts of outrages, but also a smaller one, named Mazatlan, to which they afterwards departed. At two leagues distance from this place they were overtaken by a body of Mexican cavalry, which routed them, killing one and taking another prisoner, and carrying off their arms, horses, and case of cartridges.

In December of the same year a fresh and more serious incursion took place, composed of a body of two hundred men from Guatemala, headed by the political chief of San Marcos, a department of that Republic. On the 13th and 14th a party of these destroyed the landmark of Pinabete, in order to place it near Cuileo Viejo, several leagues on this side of our territory. A hundred men commanded by Francisco Rodas, who is one of those most interested in appropriating the Mexican territory on that side, advanced at the points named Las Chicharras and Tonintana, placed a new signal at the place named San Antonio. To carry out these operations, the invaders took advantage of there being no Mexican troops there to impede them, and staid two days on the Mexican frontier, where they hoisted the flag of Guatemala. Against these successive invasions, each one assuming a graver character, the Executive has protested energetically, presenting the corresponding reclamations, giving the Guatemalan Government to understand that acts of this nature not only violate the treaty of the 7th of December, 1877, whilst it was in force, and of international rights in all times, but form offenses to Mexico made directly by Guatemalan officers or functionaries; offenses for whose reparation the Mexican Government requires of that of Guatemala not only the punishment of the guilty parties, but the satisfaction to which Mexico has an unquestionable right. The reclamations to which I refer have brought about an exchange of letters the issue of which is still undecided. On this point, as on the others

concerning the present memoir, I refer for details to the diplomatic correspondence which is now in press.

The Executive gives to these occurrences the full and serious importance they possess, because of the duty incumbent on it to uphold the territorial rights of Mexico and to defend the national dignity, and is therefore resolved to make the greatest efforts to right these evils and avoid their repetition for the future. One of the measures taken has been to send a competent force to the state of Chiapas, who have orders to guard the frontier, impede any fresh attempt at invasion, and not allow the removal of any landmarks, but replace those so boldly withdrawn.

The Government of Guatemala has addressed itself in a formal manner to the President of the United States, begging his mediation to put an end to the difficulties between the two countries. In accordance with this petition the Government at Washington has sent instructions to its representative, Mr. Morgan, to treat concerning the affair. In fulfilment of this, the United States minister called on the secretary for foreign affairs, and after fully explaining the friendly spirit of his Government towards Mexico, he went on to show that it did not wish to interpose its good offices between Mexico and Guatemala in an officious manner, nor with the pretension of meddling with the internal administration or the mutual relations existing between the two countries, but that it was only moved by the desire that peace and harmony should reign between two neighboring sister nations. He added that what he had just said in his Government's name would be found better expressed in the note on this subject addressed to him by Mr. Blaine, Secretary of State; a note which he then read and offered a copy, which was sent on the following day.

Mr. Morgan concluded by saying that if the Mexican Government accepted the medium of arbitration to settle the question of boundaries with Guatemala, he believed the Government of the United States would consent to be arbiter; assuring that in such case the decision it would pronounce would be most impartial, as it would have no other interest but that of re-establishing harmony and good understanding between Mexico and her southern neighbor.

The undersigned answered Mr. Morgan that he was convinced that the spirit guiding the Government of the United States was friendly and loyal in the step it was now taking. He made some important rectifications in recent historical acts stated in the Secretary of State's memoir, and showed that in the pretensions of Guatemala, as to the limits, there was one part about which Mexico would not and could not admit of a discussion, namely: That Chiapas, including Soconusco, belongs to Guatemala; Mexico having been in possession of those districts for years, and which form one of the States of the Mexican Union. It is clear that neither the dignity of the nation nor its political constitution can allow it to be questioned nor to submit to arbitration whether one of its integral parts belongs to it or not. The question between the two countries resolves itself in defining the borders of the state of Chiapas and Guatemala, which would then form the international boundaries. The discussion of this question was suspended in view of the unavoidable necessity of surveying the debated ground, which was being done by means of the convention between both governments, and which expired without the survey having been completed. Guatemala has consented to the renewal of the convention in order to finish the said examination, without which it seems impossible to come to an understanding as to the ground, or its divisions, or the arbiter which will eventually be named to settle the differences.

After making some observations which he judged opportune, as to the attitude of the Government of Mexico and that of Guatemala, he concluded by assuring Mr. Morgan that the good offices of his Government were fully appreciated by that of Mexico, but it not being possible yet even to say if this question, at least in the part indicated, would need arbitration, Mexico reserved to herself the determination of admitting it or not in the future. In respect to the points in which it might be necessary, if it were not for these motives, it would give the Government great pleasure in accepting the mediation of the United States as arbiter to settle the differences with Guatemala, if it were not formally proposed, as hitherto it has not; as the Government has the greatest confidence in the mutual friend of the two countries. When the conference terminated the undersigned promised to make a memorandum comprising the above, with some other explanations about the boundary question and about the contents of the note which Mr. Morgan had read.

The copies of the note referred to and the said memorandum are adjoined to the present memoir, marked with the numbers five and six.

In this important dispatch, a copy of which was sent to the ministry that same day, our attention is called by the strong desire to ascribe friendly motives to the following paragraph:

"The events yet fresh in the memory of the present Mexican generation, although they happened whilst the United States was suffering with a civil war, the latter country lent its moral and material support in annihilating the danger of a foreign empire which threatened the life of the Mexican Republic; this in itself is a satisfac-

tory proof of the purity and disinterested feelings of the United States towards her republican sisters on this continent."

In fact, Mexico will never be able to forget what the present generation of Mexicans then witnessed, referred to by the Hon. Mr. Blaine, namely, that the United States lent its generous moral support when Mexico was invaded by a foreign foe; her people were fighting against a European monarch, alone and without foreign resources. Neither will Mexico forget that if the United States had not been in the midst of a terrible civil war she would have done something more besides lending her moral aid, and the war might have been concluded some years sooner.

In the same note it is stated that the forces of the Emperor Iturbide having occupied a great part of the Central American territory, abandoned all this territory excepting Soconusco and Chiapas, and Mexico, being constituted a Republic, still claimed a right to what she considered the imperial conquests. In this there are several historical errors, and one of these especially, as before stated, founded on prejudiced information, or the history of Mexico is unfortunately little known. Even during the empire of Iturbide it was not conquest, but the voluntary wish of the districts of Chiapas and Soconusco that determined their annexation to Mexico, as it also decided the annexation of all the provinces in Central America excepting Salvador. Previously to this the provinces separated from Mexico and joined Guatemala in forming a Republic, excepting Soconusco and Chiapas, which Mexico converted into a republic, reiterated their intentions to remain incorporated with this latter nation. It not being possible to give here a detailed history of the events, suffice it to say that with the ever-recurring pretensions of Guatemala, it has caused several serious and well-written papers to be published, proving the right that Mexico has to that portion of her present territory, founding it not only on the conquest, but on the voluntary surrendering of these districts. Notably amongst the writers of these papers are Señor D. Manuel Larrainzar and Señor D. Matias Romero, men well known to have a thorough knowledge of affairs relative to Chiapas and Soconusco, the first being a native of the former State, and the second having lived in Soconusco, where he was obliged to abandon his property, ruined by Guatemalan invaders. Without alluding to the above-mentioned publications it will be readily understood how inexact are the statements in regard to Mexico's right to these districts which form a State of the Union, merely by reading the comprehensive article written by Señor Lafragua (while minister of foreign affairs) to the Guatemalan minister in this capital, dated 9th of October, 1875. This note, which so clearly points out Mexico's unquestionable right to Soconusco and Chiapas by a possession respectively of thirty and fifty years, and which ought to have provoked a serious discussion when first issued, is at the present time unanswered, as the Government of Guatemala leaves everything it finds a difficulty in answering. The most brief summary of that comprehensive note will show that Mexico is not entitled by conquest to those districts, as Mr. Blaine evidently believes, thus calumniating this republic. The following is found at the end of the document to which we allude.

"Making a summary of what has been said in the present note, the following points are proved: 1st. Chiapas was a province exactly like the others forming the general-captainship of Guatemala; 2d. Chiapas on the 3d of September, 1821, voluntarily separated itself from Guatemala and united itself to Mexico; 3d. Chiapas on the 12th of September, 1824, again united itself to the United States of Mexico by a free vote of the majority of its inhabitants (before it was proved that the voting was done without any Mexican force whatever, and that the majority was greatly in favor of Mexico); 4th. Soconusco in 1821 was a party of the administration of Chiapas, and as such united itself to the empire; 5th. Soconusco in 1821 was a party of the administration of Chiapas, and voted freely for the aggregation to Mexico on the 3d May; 6th. The act passed on the 24th of July, 1824, in Tapachula, was revolutionary and illegal; 7th. Central America acknowledged the supreme council of Chiapas and said she would respect its resolutions," &c.

Without copying the whole of the summary, enough has been said to convince anybody that Mexico does not found her primitive rights by conquest to Chiapas and Soconusco.

As to recent events there are four complaints against Mexico, which the Government of Guatemala has stated to that of the United States.

1st. That the diplomatic efforts made to come to an understanding with Mexico have been unsuccessful:

2d. That there is a Guatemalan examining committee sent to study the ground, and the said committee has been imprisoned by the Mexican authorities;

3d. That the agents of Guatemala, charged with making a census of the territory in question, have been treated in like manner; and,

4th. That the Government of Mexico has invaded cautiously, but constantly, the boundary domain which has until the present time belonged to Guatemala; substituting the local authorities which were working, by Mexicans, thus extending the area of the territory now disputed.

We will answer these statements in their order :

I. The diplomatic efforts made to arrange the boundaries with Guatemala have been made exclusively by Mexico. In 1832 the Mexican Government sent to Guatemala, as envoy and minister plenipotentiary, Señor D. Manuel Diaz de Bonilla, and in 1853 Señor D. Juan N. de Pereda, in the same character, but without obtaining any result. Señor Pereda remained in Guatemala until 1854. In the various conferences which he had with Señor D. Manuel Pavon, minister of foreign affairs of that republic, this gentleman would never consent to a treaty of boundaries, and said that Guatemala had resolved in the negotiations with Mexico only to acknowledge the *statu quo* of the boundaries and frontiers of both countries.

As the Government of Guatemala would not treat about the boundaries, Señor Pereda had to give up his official relations with it, also because in a disagreeable and offensive manner that Government refused to internate the various emigrants proceeding from Mexico, who were conspiring against the peace of this republic.

The question of boundaries was not discussed until October of 1873, when Señor Lafragua, minister of foreign affairs, directed to Señor Garcia Granados, chargé d'affaires in Guatemala, informing him of the necessity of settling the subject referred to; in effect he invited the Government of the said republic to open negotiations with this capital.

The new minister of Guatemala, Señor Uriarte, answered at the end of some months, in July, 1874, and after Señor Lafragua had asked him if the invitation would be accepted, as he was provided with the full corresponding power to enter into negotiations.

On the 21st of August Señor Uriarte presented a memorandum to serve as a basis for the discussion. After various conferences, Señor Lafragna answered the memorandum in the note dated October 9, 1875, to which was adjoined a project of boundaries between the two republics. This important note, which has before been mentioned, has, as we have said, remained unanswered.

In July, 1877, negotiations were resumed by Señor Vallarta, as minister plenipotentiary of Mexico, and Señor Uriarte, minister of Guatemala. The result was the convention of the 7th of December of the same year.

II. The note of the Hon. Mr. Blaine refers to this convention; by it, as we have before stated, a mixed committee of Mexican and Guatemalan engineers was formed, charged with the surveying and making of plans, fixing astronomically some localities, in order to clear up the data on this subject, the discussion about boundaries to be afterwards continued by the two republics.

In the Article X it was stipulated that during the suspension of negotiations about boundaries the contracting parties would religiously respect the actual possessions, not provoking any question relative to borders, and preventing any act of hostility on the part of the authorities and citizens of either republic.

The commissioners met at Tapachula and commenced work on the 18th of November, 1878.

On the 26th of January, 1880, three engineers of the Guatemala commission presented themselves in the neighborhood of Cuileo Viejo, a village in Soconusco, accompanied by several Indians, and planted a cross there. The local authorities believed the object of this operation was to remove the landmark of Pinabete, accepted as marking the boundary line between the two republics, and situate eight leagues more to the north, as had already been done some years before by some people of Tacaná, a place belonging to Guatemala. In this belief the above-mentioned engineers were interrogated, and these not giving a satisfactory account of their proceedings, nor presenting any document to prove their official character, they were arrested and sent off to Tapachula by the said authorities. Here they were at once set at liberty by the political chief, who amply apologized to them. This is the only case Guatemala can cite of engineers being imprisoned, and on this point she seemed to be fully satisfied. The Mexican Government thought the local authorities had made a false step in the matter. However, subsequent events prove that the Government of Guatemala really wished on that occasion to alter the landmarks.

III. A similar reason was the cause of the apprehension of the Guatemalan agents alluded to. In December, 1880, a committee, formed of the judge of Tacaná and four other persons, went to draw up a census of the inhabitants of several farms, which though a league from the Mexican town of Cuileo Viejo, form a part of the same. This commission did not go to make a census in a debated country, but rather to exercise their acts of jurisdiction, which afterwards might seem to prove it as belonging to Guatemala. It is noteworthy that the inhabitants of Tacaná, of whose judge we are speaking, were the parties who on a former occasion removed the landmark of Pinabete, and that the farms in question would be on Guatemalan territory if the said landmark had remained where they then placed it, and where afterwards the engineers of Guatemala placed the cross. The aforesaid commission who thus violated the convention to respect the actual boundaries was therefore justly arrested and consigned to the judge of the district, to be treated according to the Mexican laws.

The minister of Guatemala remonstrated against these acts, claiming that the farms belonged and always had belonged to his country. An answer was sent on the 27th of last January, demonstrating how inexact were his assertions respecting the farms situated within the provisional boundaries of Mexico, and that they belonged to this republic even according to the official map of Guatemala. Refuting the accusations made by Señor Herrera in a note directed to the Mexican authorities, it was proved to him by recent events that the abuses were committed by Guatemalan authorities.

As Señor Herrera founded the claims of his country to the above-mentioned places on the fact that there were situated there a few auxiliary judges, named by the authority of Sibinal, a village in Guatemala, the undersigned acquainted him with the fact that when the nominating of these judges took place for the first time, the convention which obliged both countries to respect the *status quo* as to boundaries was in force; thus showing that Guatemala had violated her compromise. Señor Herrera said he would give an account of that note to his government, which until now has remained unanswered.

IV. The accusations made against Mexico in this account, in which it speaks generally of the continual Mexican invasions on Guatemalan territory, are not only exceedingly bold but entirely false; there exists a plan of Soconusco, carefully formed by Señor D. José E. Ibarra, as will at once be seen by reading the geographical and statistical news of that department, which is on the margin on the same map, the ancient boundaries are marked in red ink, and with green those which have been lately acknowledged. The space between both lines marks the advances made by Guatemala; and at the conclusion of the marginal note, the different times of these advances are specified. Lately the invasions have continued. The archives of the department of foreign affairs are full of accounts of invasions which have occurred since 1870, until the present time; not least amongst the smaller invasions was the destruction of Señor D. Matias Romero's property in Soconusco. Señor Romero, well known in Washington, where he represented Mexico for several years, notwithstanding his impartial and prudent character, had his property (which was situated in Mexican territory) invaded by natives of Guatemala, by order of a prefect of that nation, destroying his effects, taking prisoner one of his dependents, and wounding others; in November, 1875, a complaint against this outrage was made to the Guatemalan Government, which up to this time has remained unnoticed; on the contrary, they have ascribed to Señor Romero the setting on fire of Guatemalan territory and other improbable crimes, which he has extensively refuted.

In the same month and year an engineer, Señor D. Alejandro Prieto, secretary of the Mexican legation in Guatemala, made a survey on the frontier, by order of Señor Garza, then minister to that country. The survey was made in company with Señor General Barrios, president of Guatemala, according to the letter addressed by Señor Garza to Señor Lafragua, and the governor of Chiapas in office on the 26th of November, 1875. From this visit resulted the plan got up by Prieto, which is at present in the office, and which, as it has been made under the inspection of President Barrios, and on account of other reasons, can hardly excite suspicion in Guatemala; in it is marked the line actually serving as boundary, and it also shows the points at present in dispute. The former line therefore must be the one referred to by the *status quo* stipulated in the convention of 1877. Therefore the actual dispatches of the minister of Guatemala prove that his Government, far from having respected the convention, has violated it in Tonintana Las Chicharras, Culco Viejo, and other points.

The said Government has actually reached the point of approving the attempts of Judge Meoño, who sought to murder a Mexican land surveyor, and burned farms in Mexican territory. It has done more. In December last it dispatched a force, or consented to its dispatch, by the prefect of San Marcos (Guatemalan department), which invaded our territory and destroyed the landmark of Pinabete (the same which was demolished by the inhabitants of Tacaná, and which had since been reconstructed). The said prefect then proceeded to hoist the Guatemalan flag exactly on the cross so mysteriously erected by the Guatemalan engineers near Culco Viejo. Complaints having presented in Guatemala against these acts, that Government refused to give our Government any explanation, under the pretext that the affair should be treated in Mexico because Señor Loaeza had no instructions to receive the complaint. Pressure being put on Señor Montfar, the minister for foreign affairs, by our representative, who forwarded to him a copy of a letter from the undersigned, in which surprise was expressed at such conduct, he replied that the spot where the acts referred to took place belonged to Guatemala, without explaining *how*, and forgetting that the undersigned, in his unanswered letter of 27th of January last, had demonstrated the contrary.

In the mean while the term of the convention of 7th December, 1877, had expired (31st of December, 1879) without seeing the conclusion of the work of the scientific commissioners. The Mexican Government proposed to that of Guatemala that the said convention should be reserved for a term sufficient to attain the desired object, and decided its engineers should continue on the frontier, as in effect they have con-

tinned, notwithstanding the fact that the Guatemalan engineers were recalled by their Government without even notifying this to that of Mexico.

The President of Guatemala informed our minister personally that he was willing to renew the convention, and had already sent his instructions to this effect to Señor Herrera. However, for several months he has not considered that he possesses sufficient power to negotiate in the matter, and alleges that the instructions to this effect do not possess sufficient clearness. On the 11th of July, when Señor Herrera presented himself to speak with the undersigned on the friendly step being taken by the Government of the United States, he made the observation that the Government of Guatemala even yet had failed to send to its minister the proffered instructions, showing that *in effect* he had already received them as his Government desired. This conduct of his Government, insincere and apparently incomprehensible, is now explained by the communication of the President of Guatemala (by means of his representative to the Government of the United States). It appears that President Barrios has wished to gain time by complaining of certain alleged injuries on the part of the Mexican Government, whose conduct he painted with false colors on seeking the interposition of the good offices of the United States. Notwithstanding, in the representation made by the Government, it appears to have been omitted to state that there was an impending renewal, solicited by Mexico, of the convention to go on with the survey and study of the frontier, a survey and study that has been pronounced by both Governments indispensable to the locating of international boundaries by diplomatic negotiations or any other pacific means.

The omissions are inexactitudes of the Government of General Barrios in their representations to the President of the United States, as well as the rest of its acts relative to the subject of boundaries with Mexico, denounces its policy as entirely wanting in sincerity and frankness.

The acts stated briefly in this article and others which we have not been able to take into account authorize our suspicions that the above-mentioned Government, in addressing itself to the President of the United States, does not propose, as it pretends, to obtain an arbiter to decide the boundary question. We are quite certain that Government will see the impossibility of disputing Mexico's right to Chiapas and Soconusco, forming as they have for years a state of the Union, an integral part of the republic; also how impossible it is to fix the boundaries between this state and Guatemala, before studying the contested ground, whoever the arbiter charged with the decision might be.

The object, then, in having arbitration can be no other than to gain time, as has been done before, continue the invasions, and enervate the actions of the Mexican Government in simple defense of their national territory.

The undersigned, with the object of consigning what passed in his conference with Minister Morgan, and the observations that the honorable Mr. Blaine's note gave rise to, has written the present memorandum.

Mexico, July 25, 1881.

IGNACIO MARISCAL.

No. 34.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 297.]

LEGATION OF THE UNITED STATES,
Mexico, November 2, 1881. (Received November 17.)

SIR: Complying with instructions contained in your dispatch No. 164, of the 24th of August last, that I should transmit promptly as events progress all information on the pending difficulties between Mexico and Guatemala, I have now to report that a few days since I received the visit of Señor Herrera, the Guatemalan minister. He had lately had an interview with President Gonzalez, and he expressed himself to me as not being at all satisfied therewith. He appears to believe that hostilities will soon break out between the two countries. Although I have on several occasions lately seen Señor Mariscal, he has never mentioned the subject to me. The only person at all connected with the Government with whom I have had any conversation upon the matter since my

last dispatch relating thereto, No. 289, 20th October, is Mr. Fernandez, the official mayor of the foreign office. Meeting him casually one morning in front of my dwelling, I requested him to send me a duplicate copy of Señor Mariscal's report to Congress, which I inclosed to you in my dispatch No. 291, 25th October. He introduced the subject of Guatemala, but spoke in very general terms. I said to him that I saw with great pain that a conflict between that country and Mexico was imminent; that I felt the United States had done everything in their power to prevent it, and that on my part I had endeavored to carry out my instructions in that direction. More than all, I said, I was grieved to see that my Government's intentions in the matter had been misinterpreted, for whereas it had never had any object beyond wishing to keep the peace on this continent between two neighboring republics, its kindly offer at mediation had been received as an officious interference in a matter which did not concern it, if not as a menace, and that until the subject should be mentioned to me by Señor Mariscal, in the absence of further instructions from you, I could say nothing further. Pleasantly, I said my great concernment in the matter was that, as the appetite is said to grow upon what it feeds upon, after Mexico had disposed of Guatemala she would not be satisfied until she had eaten Texas.

I spoke thus to Señor Fernandez, believing that he would report our conversation to Señor Mariscal, and in the hope that that gentleman would, when the occasion presented itself, introduce the subject, and thus give me another opportunity to present to him your views.

Several opportunities have occurred since then, but he has kept silent.

The subject is on every tongue. It is constantly discussed by the press, and I feel it my duty to say that nothing has occurred since I have been here which has excited so much bad feeling against us as this proffer of arbitration. Say what I may to the contrary, it is considered as a menace.

Every one I meet speaks to me upon the subject. To all I have held the same language. viz: that the United States had no other object in suggesting an arbitration beyond wishing to make a war between Mexico and Guatemala unnecessary, and that as regards Mexico it would be, I considered it, deeply to be lamented if she set the example of acquiring territory by conquest, and this course I shall continue to follow until otherwise instructed.

The *Trait d'Union* of this morning publishes a paragraph to the effect that Mexico has five thousand soldiers on the frontier of Guatemala, and that Guatemala also has a considerable number of troops there.

The articles and translation thereof I inclose.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 297.—From *Le Trait d'Union*, 1st of November, 1881.—Translation.]

The Mexican Government has, it appears, been assured that five thousand soldiers are already on the Guatemala frontier. The Guatemalan Government is also sending a considerable number of troops of the line upon her frontier.

No. 35.

Mr. Morgan to Mr. Blaine.

[Published heretofore in Foreign Relations.]

No. 304.]

LEGATION OF THE UNITED STATES,
Mexico, November 9, 1881. (Received November 25.)

SIR: I had a visit this morning from the Guatemalan minister. He brought with him two newspapers containing articles upon the subject of the differences between Mexico and Guatemala, in both of which the action of the United States Government was sharply criticised. As they are of the same character with those which I have on several occasions forwarded to you, I do not consider it necessary to inclose them in this dispatch.

Señor Herrera informed me that he had had an interview with Señor Mariscal since the interview which I informed you in my dispatch No. 297 (November 2, 1881) he had had with President Gonzalez. I called his attention to a paragraph which I had seen in the *Trait d'Union* newspaper, a few days ago, to the effect that the difficulties between Mexico and Guatemala were in a fair way of being amicably and honorably adjusted. He said that there was no truth in the statement. He, however, in the course of conversation said that there was a proposition pending by which Guatemala was to receive a certain sum of money from Mexico and a portion of territory adjoining, as I understood him, British Honduras, and that, this agreed upon, surveyors were to be appointed upon whose report a boundary line between the two countries was to be established. I inquired of Señor Herrera whether this did not show that negotiations were going on between him and Señor Mariscal. His answer was evasive. I said to him I thought it was proper I should know precisely how he was acting, as I considered it only due to my Government that it should be informed of what was going on.

I called his attention to the fact that great offense had been taken by the Mexican Government and the people at the offer of mediation which had been suggested by the United States, and I said it appeared to me if Guatemala was in earnest in asking for friendly assistance she should not do anything until that proffered assistance had been definitely acted upon. At all events I said to him I should inform you of the negotiations which were being carried on between them.

I have, &c.,

P. H. MORGAN.

No. 36.

Mr. Blaine to Mr. Morgan.

[Published heretofore in Foreign Relations.]

No. 198.]

DEPARTMENT OF STATE,
Washington, November 28, 1881.

SIR: Referring to your correspondence with this Department since its instruction tendering the good offices of the Government of the United States in aid of the amicable settlement of the differences between Mex-

ico and Guatemala, I have to remark that it would be a matter of the gravest disappointment if I found myself compelled to agree with you in the conclusion which you seemed to have reached in your last dispatch. Reporting in your No. 273, of September 22, 1881, your most recent conversation with Señor Mariscal, the Mexican secretary for foreign affairs, you say :

I venture to suggest that unless the Government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation.

“To leave the matter where it is” you must perceive is simply impossible, for it will not remain there. The friendly relations of the United States and Mexico would certainly not be promoted by the refusal of the good offices of this Government tendered in a spirit of most cordial regard both for the interests and honor of Mexico, and suggested only by the earnest desire to prevent a war useless in its purpose, deplorable in its means, and dangerous to the best interests of all the Central American republics in its consequences. To put aside such an amicable intervention as an unfriendly intrusion, or to treat it, as I regret to see the Mexican secretary for foreign affairs seems disposed, as a partisan manifestation on behalf of claims which we have not examined and interests which we totally misunderstand, certainly cannot contribute “to the increasing of the cordial relations which you know it is so much our desire to cultivate with Mexico.” ✓

But, more than this, “to leave the matter where it is” is to leave Mexico and Guatemala confronting each other in armed hostility, with the certainty that irritation and anger on the one side and extreme apprehension on the other will develop some untoward incident leading to actual collision. In such event no successful resistance can be anticipated on the part of Guatemala. Whether the claims of Mexico be moderate or extravagant, whether the cession of territory be confined to the present alleged boundary lines or be extended to meet the necessities of a war indemnity, there would be another lamentable demonstration on this continent of the so-called right of conquest, the general disturbance of the friendly relations of the American Republics, and the postponement for an indefinite period of that sympathy of feeling, that community of purpose, and that unity of interest upon the development of which depends the future prosperity of these countries.

The republic of Guatemala, one of those American Republics in whose fortunes the United States naturally feel a friendly interest, communicated to this Government that there existed between it and Mexico certain differences which, after much diplomatic consultation, had failed to reach satisfactory settlement. Recognizing the relation of the United States to all the republics of this continent, aware of the friendly services which this Government has never failed to render to Mexico, and presuming not unnaturally that Mexico would receive our amicable counsel with cordiality and confidence, the Government of Guatemala asked our good offices with that power for the purpose of inducing it to submit to an impartial arbitration those differences upon which they had been unable to agree. To have refused such a request would not only have been a violation of international courtesy to Guatemala, but an indication of a want of confidence in the purposes and character of the Mexican Government which we could not and did not entertain. In tendering our good offices, the Mexican Government was distinctly

informed that the United States "is not a self-constituted arbitrator of the destinies of either country or of both in this matter. It is simply the impartial friend of both, ready to tender frank and earnest counsel touching anything which may menace the peace and prosperity of its neighbors."

Before this instruction could have reached you, information was received that large bodies of Mexican troops had been ordered to the frontier in dispute. You were therefore directed to urge upon the Mexican Government the propriety of abstaining from all such hostile demonstration, in order to afford opportunity for the friendly solution of the differences between the two Governments. It is unnecessary now to repeat the reasons which you were instructed to submit to the consideration of the Mexican Government, and which were stated in the most earnest and friendly spirit, and which were communicated by you to the Mexican secretary for foreign affairs with entire fidelity.

I now learn from your dispatches that our information was correct; that Mexican troops have been ordered to the disputed boundary line, and that while the Mexican Government does not absolutely reject a possible future arbitration, it is unwilling to postpone its own action to further discussion, and does not receive the good offices of this Government in the spirit in which they have been tendered. The United States does not pretend to direct the policy of Mexico, nor has it made any pretension to decide in advance upon the merits of the controversy between Mexico and Guatemala. The Mexican Government is, of course, free to decline our counsel, however friendly. ✓ But it is necessary that we should know distinctly what the Mexican Government has decided. ✓ It is useless, and, from your dispatches, I infer that it would be irritating, to keep before the Government of Mexico the offer of friendly intervention, while on the other hand it would not be just to Guatemala to hold that Government in suspense as to whether there was a possibility of the acceptance of the amicable mediation which we have offered.

You will, therefore, upon the receipt of this instruction, ask for an interview with the secretary for foreign affairs. You will press upon his reconsideration the views which you have already submitted to him; assure him of the earnestness with which this Government desires a peaceful solution of the existing differences, and inform him of our profound regret and disappointment that the tender of our good offices has not been received in the spirit in which it was made. ✓ You will, if he affords you the opportunity, endeavor to enforce the practicability of the solution which you suggested, both to himself and the Guatemalan minister, by which the arbitration could be limited to the question of boundary without involving the title to the province of Chiapas. ✓

If the Government of Mexico should be disposed to accept an arbitration, limited in its point of settlement, as Mr. Herrera, the Guatemalan minister, indicated would be acceptable to his Government, you will ask the assurance of the Mexican Government that, pending the discussion necessary to perfect such an arrangement, all hostile demonstration should be avoided, and, if possible, that the Mexican troops should be withdrawn from the immediate vicinity of the disputed boundary. But this latter request you will not insist upon, if it should be an obstacle to obtaining the consent of Mexico to a limited arbitration.

Should the Mexican Government, however, decide that it was not consistent with its views to accept a friendly intervention in the differences between itself and Guatemala, you will inform the secretary for foreign affairs that you accept this decision as undoubtedly within the right of Mexico to make. You will express the very deep and sincere

regret which this Government will feel if it shall find the powerful republic of Mexico unwilling to join the Government of the United States in maintaining and establishing the principle of friendly arbitration for international differences on the continent of America. Mexico and the United States, acting in cordial harmony, can induce all the other independent governments of North and South America to aid in fixing this policy of peace for all the future disputes between the nations of the Western Hemisphere. And it would be a marked and impressive precedent, if, in a dispute with a weaker neighbor, Mexico should frankly consent to a friendly arbitration of all existing differences.

✓ You will further say to Mr. Mariscal that you are expressly instructed to call his attention to an expression of opinion which you have reported in your dispatch No. 253, of the 11th of August, 1881, as follows:

He (Señor Mariscal) appears to entertain a very bad opinion of the President of Guatemala, and to think that his appeal to the United States has a purpose beyond the settlement of the boundary between the two countries. He said, for instance, he had been informed that you had expressed an opinion favorably to the consolidation of the Central American republics into one government, that the President of Guatemala was favorable to such a project, that he would like in such an event to become the president of the new nation, and that he was endeavoring to obtain the influence of the United States to further his ambition in that direction. He seems impressed with the idea that General Barrios is Mexico's enemy, and that it would not be well to have his power increased.

Of course the Government of the United States has no information as to the personal ambitions of General Barrios, and it would deem any inquiry into, or consideration of, such a subject both unworthy and improper in any discussion of the great interests which concern the people of Central America and their relation to the kindred republics of this continent. I am unwilling to believe, and, if compelled to believe, would deeply regret that any such consideration could affect the temper or thought of the Mexican Government in determining its policy towards the republics of Central America. ✓

But in reference to the union of the Central American Republics under one federal government, the United States is ready to avow that no subject appeals more strongly to its sympathy nor more decidedly to its judgment; nor is this a new policy. For many years this Government has urged upon the Central American States the importance of such a union to the creation of a well-ordered and constitutionally governed republic, and our ministers have been instructed to impress this upon the individual governments to which they have been accredited, and to the Central American statesmen with whom they have been associated. And we have always cherished the belief that in this effort we had the sincere sympathy and cordial co-operation of the Mexican Government. Under the conviction that the future of the people of Central America was absolutely dependent upon the establishment of a federal government which would give strength abroad and maintain peace at home, our chief motive in the recent communications to Mexico was to prevent the diminution, either political or territorial, of any one of these states, or the disturbance of their exterior relations, in order that, trusting to the joint aid and friendship of Mexico and the United States, they might be encouraged to persist in their efforts to establish a government which would, both for their advantage and ours, represent their combined wealth, intelligence, and character.

If this Government is expected to infer from the language of Señor Mariscal that the prospect of such a result is not agreeable to the policy of Mexico, and that the interest which the United States has always manifested in its consummation renders unwelcome the friendly

intervention which we have offered, I can only say that it deepens the regret with which we will learn the decision of the Mexican Government, and compels me to declare that the Government of the United States will consider a hostile demonstration against Guatemala, for the avowed purpose or with the certain result of weakening her power in such an effort, as an act not in consonance with the position and character of Mexico, not in harmony with the friendly relations existing between us, and injurious to the best interests of all the republics of this continent.

The Government of the United States has the sincerest sympathy and the profoundest interest in the prosperity of the Spanish republics of America, and is influenced by no selfish considerations in its earnest efforts to prevent war between them. This country will continue its policy of peace, even if it cannot have the great aid which the co-operation of Mexico would assure; and it will hope at no distant day to see such concord and co-operation between all the nations of America as will render war impossible.

You will leave with Mr. Mariscal a copy of this dispatch.

I am, &c.,

JAMES G. BLAINE.

No. 37.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.—Published heretofore in Sen. Ex. Doc. No. 156, 47th Congress, 1st session.]
No. 335.]

LEGATION OF THE UNITED STATES,
Mexico, January 10, 1882. (Received January 26.)

SIR: Your dispatch No. 198, 28th of November, 1881, relating to the difficulties now existing between Mexico and Guatemala, was received on the 29th of December. On the same day I addressed a note to Señor Mariscal, asking him to name a day when I could communicate to him the contents thereof. A copy of my note I inclose.

Señor Mariscal replied on the 30th, fixing the following day (31st) for our interview. A translation of his note I inclose.

At the appointed hour (12 m.) I found myself in the reception-room of the department of state, and Señor Mariscal soon came in.

I stated to him that I had transmitted to you the substance of the interviews which I had had with him at various times upon the subject of the difficulties between Mexico and Guatemala, and the suggestion of the President that they should be submitted to arbitration; that I had informed you how the suggestion had been received by the Mexican Government and people, viz, as an intrusion into affairs which were of no concern to the United States; that I had informed you nothing since I had been here had created more ill-feeling towards the United States than this; that the President of Guatemala was regarded by him as a bad man, unfriendly to Mexico; that he supposed it to be the wish of the United States that the Central American states should be consolidated into one nation; that General Barrios was understood by him to favor that idea; that should it be carried out Barrios would wish to be the President of the new nation; that he was counting on the influence of the United States with the view of obtaining its countenance to his ambitious pretensions in that direction, and that it would not be in the interest of Mexico if his power should be increased. That I had

stated to you that one great obstacle, as I thought, to Mexico consenting to an arbitration was the question of title to Chiapas; that I had informed you I had suggested to him (Señor Mariscal) whether this question might not be eliminated from the controversy by an understanding between the Mexican Government and the Guatemalan Government to the effect that if the arbitration was accepted, and Guatemala set up a claim to that State, the arbitration should decide against Guatemala; that I had in a conversation with the Guatemalan minister made the same suggestion, without, however, having informed him that I had had any conversation with him (Señor Herrera) upon the subject; that Mr. Herrera had replied that his Government would be willing to agree that such an understanding should be had, and that I had informed you I was not without hope, if I should be instructed to make such a proposition, it would be accepted.

That I had stated to you further that, in my opinion, unless the United States were prepared to take the position that they would interfere positively to preserve the peace, it would be wiser on our part to leave the case where it was, as what had been done by us up to now had produced only irritation, had been of no service to Guatemala, and would not be in the future, while I felt convinced it would not tend to the increasing of the cordial relations which I knew it was the desire of the United States to cultivate with Mexico.

That this information I had given you as far back as September last, that the subject had received the consideration which its importance deserved, and that I had on the 29th instant received a dispatch dated on the 28th of November, which I proposed then to read to him. In order that there might be no misapprehension hereafter as to what I had said to Señor Mariscal on this occasion, I had written the substance of the above.

Señor Mariscal said that everything I had stated to you was exact, except with regard to the reception which the suggestion of arbitration had met with from the Mexican Government, and he protested that it had been received as an amicable one.

I replied that I might strike that expression out, as I intended what I said as prefatory only to the dispatch which I proposed to read, although the comments which I had seen in the press of the country of all parties, and what I had heard on all sides from every person with whom I had conversed upon the subject, would have justified such an assertion.

I therefore erased from the copy of the remarks which I had given him the words "Mexican Government."

I proceeded to read to him your dispatch and, when I had concluded, handed him a copy thereof.

I then said to him:

In obedience, therefore, to the instructions contained in the dispatch which I have just read to you, I formally suggest to the Mexican Government through your excellency—

1. That all the differences now unhappily existing between Mexico and Guatemala be submitted to arbitration.

2. That pending this arbitration the troops of Mexico be withdrawn from the immediate neighborhood of the Guatemalan frontier.

3. I inform you that the President of the United States is willing to accept the position of arbitrator between the two Governments.

4. I respectfully ask an early decision of your excellency's Government upon these suggestions.

Señor Mariscal said that the matter should have the attention which its seriousness required, and that he would send me a reply as soon as he possibly could.

The conversation then turned into a different channel, and I soon after took my leave of him.

More than ten days have elapsed since this interview. As I have had no response from Señor Mariscal I deem it proper to advise you of what has taken place.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 335.]

Mr. Morgan to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, December 29, 1851.

SIR: I have received a dispatch from my Government the contents of which I am instructed to make known to your excellency.

I have therefore to request that your excellency will name a day and hour when it will be convenient for you to receive me for that purpose.

I renew, &c.,

P. H. MORGAN.

[Inclosure 2 in No. 335.—Translation.]

Mr. Mariscal to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, December 30, 1851.

MR. MINISTER: In answer to your excellency's note of yesterday, in which you inform me of your desire for an interview in order that you may place me in possession of the contents of a dispatch received by you from your Government, I have the honor to say to your excellency that I will hold myself at your disposition at this department to-morrow, Saturday, the 31st, at twelve o'clock.

I renew, &c.,

IGNO. MARISCAL.

No. 38.

Mr. Morgan to Mr. Frelinghuysen.

No. 354.]

LEGATION OF THE UNITED STATES,
Mexico, February 6, 1852. (Received February 17.)

SIR: On the 3d instant I had an interview with Señor Mariscal, in which he took occasion to say that he had not replied to the proposition which I had made to him on the 31st of December last in obedience to your instructions contained in your 198, November 28 last, and which proposition is detailed in my 335, January 10 last, because before doing so he wished that there should be a Mexican minister at Washington who he could be satisfied would properly represent the views of his Government, and one who, like Señor Romero, thoroughly understood the questions now pending between Mexico and Guatemala.

He also said that, as there had been a change in the Department of State, the views of the Administration upon this subject might have undergone a change.

I repeated to Señor Mariscal what I have invariably said to him upon this subject, viz, that the United States had never intended to express any opinion upon the merits of the dispute between Mexico and Guate-

mala; that their solè desire was that the peace which now prevails on the northern portion of the continent should not be disturbed, and that when the President, at the instance of Guatemala, consented to act as mediator between them his sole purpose was, if possible, to prevent a war.

I repeated, also, what I had said to him on other occasions, that one great interest which the United States felt in the question was that Mexico should not set the example of extending her territory by conquest. I called his attention to the fact that it would not be a new departure in the policy of Mexico if she should agree to submit her differences with Guatemala to arbitration, inasmuch as this mode of settling any difficulty which may arise between her and the United States is recognized in the treaties between the two countries (Art. XXI, treaty of 1848; Art. VII, treaty of 1853). I could not, I said, find any good reason why Mexico should be willing to submit any differences which she might have with the United States to the arbitrament of a common friendly power, and refuse the same mode of settlement in her disputes with her southern neighbor. The conversation here turned into another channel.

In the meanwhile Señor Mariscal and Mr. Herrera are continuing their negotiations. Mr. Herrera informed me a few days since that he had fixed upon the sum of four millions of dollars as the indemnity which Mexico was to pay to Guatemala in consideration of the latter giving up all claim to Chiapas and Soconusco.

I have, &c.,

P. H. MORGAN.

No. 39.

Mr. Morgan to Mr. Frelinghuysen.

No. 357.]

LEGATION OF THE UNITED STATES,
Mexico, February 13, 1882. (Received February 23.)

SIR: In my dispatch No. 354, of 6th instant, reporting my interview with Señor Mariscal upon the subject of the difficulties existing between Mexico and Guatemala, I said:

In the meanwhile Señor Mariscal and Mr. Herrera are continuing their negotiations.

After that dispatch had been mailed Mr. Herrera called on me and left with me a copy of a memorandum of a treaty which he had submitted to Señor Mariscal. He also left with me quite a voluminous argument which he submitted to Señor Mariscal when he handed him the memorandum.

Although Mr. Herrera informed me that he had forwarded a copy of both documents to Washington, I have considered it proper to transmit a copy and translation of the memorandum, which you will find* inclosed. I do not forward a copy and translation of Mr. Herrera's argument, my purpose being merely to show you that negotiations were going on between the parties and the basis upon which Guatemala was willing to treat.

I have, &c.,

P. H. MORGAN,

* For inclosure, see Mr. Romero's note of May 6, 1882, inclosure No. 13.

No. 40.

Mr. Frelinghuysen to Mr. Morgan.

[Published heretofore in Sen. Ex. Doc. 156, Forty-seventh Congress, first session.]

No. 232.]

DEPARTMENT OF STATE,
Washington, February 16, 1882.

SIR: I inclose* translation of a note received at this Department a few days since from Mr. Ubico, late minister of Guatemala at Washington.

I do not share in Mr. Ubico's fear that the dispatches or policy of our Government will be misunderstood. As this apprehension is expressed in connection with the announcement of a treaty between Guatemala and Mexico, it is well to observe that the date of the presentation of the draft of the treaty clearly evinces that no such misapprehension of the policy of our Government had any effect on that event. Mr. Ubico does not give me a copy of the *projet*, nor a synopsis of its contents, nor even a detailed statement of its objects. I can, therefore, only instruct you generally that the President will look with favor upon anything tending to restore harmony and good will between the two governments, and expects you to use with judgment and discretion your best powers to advance anything that, in your opinion, will tend to that end.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 41.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 372.]

LEGATION OF THE UNITED STATES,
Mexico, March 8, 1882. (Received March 29.)

SIR: Señor Herrera, the Guatemalan minister, called on me this morning.

* * * * *

He asked me then whether I had read his argument. I answered that I had not. I said to him that I could repeat what I had said to him, to Señor Mariscal, and to every one else who had spoken to me upon the subject, that in so far as I was concerned I would not consent to give any ground for the belief that the United States were any party to what is called the Mexico-Guatemala question; that the only position which they could occupy was that of an arbitrator, and this only after both governments had agreed to submit their differences to arbitration. I said to them that when this happened, and I was instructed by you to make a report upon the questions which were pending between the two governments, I would then do all in my power towards informing myself as to the merits of the controversy, and give you the result of my investigation, but that until that time arrived I did not propose to pre-judge the question by reading the *ex parte* statements of either side.

*For inclosure, see document No. 45.

He said that Señor Mariscal had informed him he would take no decision upon his proposition until he had heard from Señor Romero.

* * * * *

I have, &c.,

P. H. MORGAN.

No. 42.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 374.]

LEGATION OF THE UNITED STATES,
Mexico, March 28, 1882. (Received April 18.)

SIR: I transmit herewith a copy and translation of the "memoranda" sent to me by Señor Mariscal of an interview which, at his request, I had with him on the 18th instaut, in which he communicated to me the answer of the President of Mexico to the proposition which, under instructions contained in Department's dispatch 198, 28th November, 1881, I had submitted to him on the 31st December last, to the effect that the differences existing between Mexico and Guatemala be submitted to arbitration; that pending the arbitration the Mexican troops should be withdrawn from the immediate neighborhood of the Guatemalan frontier; informing him that the President of the United States would be willing to accept the position of arbitrator between the two governments, the details of which are given in my dispatch, No. 335, 10th January, 1882.

Señor Mariscal says that the principal cause of excitement to Guatemala is the question of the right of Mexico to the State of Chiapas, including the territory of Soconusco, which forms a portion thereof; that this question Mexico has declared not to be a matter for discussion, or one which could be subjected to any judgment; and therefore that it would be impossible to submit all the differences between the two Governments to arbitration. But that if Guatemala would expressly consent to exclude the question of Chiapas and Soconusco from the discussion, Mexico would not find it inconvenient to submit the question of boundary which now agitates the two nations to a limited arbitration, although he says that once the pretensions of Guatemala to a state of Mexico are frankly abandoned, the question with reference to the boundary of Soconusco will be easily settled without the necessity of an appeal to arbitration.

That he cannot now give a definite answer to the proposition that, pending the arbitration, Mexican troops should be withdrawn from the frontier; that this would depend upon the circumstances which may arise pending the arbitration, should one be determined upon, the present object of Mexican troops on the frontier being to prevent the incursions of armed Guatemalians into Mexican territory which, Señor Mariscal says, Mexicans have suffered from for many years, and that the said troops are not there now for any purpose of invading Guatemala, a thing no one has thought of; that, within the limits above specified, the Mexican Government would be disposed to admit, and would admit with pleasure, the arbitration of the President of the United States.

* * * * *

I had always protested and had endeavored to show that the only interest the United States had in wishing to see the difficulties between Mexico and Guatemala healed was the desire she had that the peace of the continent should not be disturbed.

* * * * *
I have, &c.,

P. H. MORGAN.

[Inclosure 1 in 374.—Translation.]

Mr. Mariscal to Mr. Morgan.

DEPARTMENT FOR FOREIGN RELATIONS,
Mexico, March 20, 1882.

MR. MINISTER: I have the honor to transmit herewith a copy of the memoranda which I have drawn up of the conference which we held yesterday, in which I gave you the answer of the Mexican Government, and which I read to you, upon the proposition which your excellency made to me on the 31st December last upon the subject of the difficulties between Mexico and Guatemala.

I improve, &c.,

IGNO. MARISCAL.

Memoranda of a conference held on the 18th March, 1882, between the United States minister and the undersigned, secretary for foreign relations, respecting the difficulties between Mexico and Guatemala.

Having requested Mr. Philip H. Morgan to call at this Department this day at eleven o'clock, and he having presented himself at the hour named was immediately received, and the undersigned informed him that until now he had not been able to give him the answer of the Mexican Government to the propositions which had been made by Mr. Morgan on the 31st December last, as well because it was necessary that the question should be carefully studied, as well as on account of the illness of the President which prevented him from giving his instructions upon a question of such high importance.

Thereupon the undersigned read to Mr. Morgan his answer, as follows:

* * * * *
Coming down to the propositions which you submitted to me, I have been instructed by the President to answer in the following terms:

As respects the first, I must observe that the principal controversy which has excited Guatemala is the one which relates to the right by which Mexico holds the state of Chiapas, as one of the members of the Federal Union, including the territory of Soconusco, which forms part thereof; but, as has been explained on a former occasion, the Mexican Government finds itself in the absolute impossibility of discussing, or of submitting the rights of the nation to this portion of her territory to any judgment. For the same reason it is not possible to submit all the differences which exist between the two governments to arbitration as you propose should be done. But if the Guatemalan Government will agree to expressly exclude so much as relates to Chiapas and Soconusco, the Mexican Government will not find it inconvenient to submit to a determinate arbitration which would be limited to the question of boundary which then surged between the two countries. ✓

I say which then surged, because the pretensions of Guatemala upon the whole or a portion of that Mexican state frankly eliminated, the questions which have scarcely been mentioned with reference to the boundary of Soconusco would be from that time easily arranged without the necessity of appealing to an arbitrator.

The aforesaid pretensions of acquiring in whole or in part the territory to which I refer, or of obtaining a compensation therefor, whether the same has been expressly stipulated, or whether in a disguised form, has been and is the only difficulty between the two governments. If it should disappear by reason of a sensible abandonment which the Guatemalan Government would make of such unfounded aspirations, there would probably be no necessity for an arbitration to decide any point of difference upon the question of boundary (between the two countries), besides removing the great reason for disagreement which, up to now, has divided us.

✓The second proposition, to the effect that the Mexican forces be withdrawn from the frontier pending the arbitration, cannot be decided upon at the present moment; to maintain our forces upon our territory and near the line provisionally recognized by

Guatemala will depend upon the circumstances arising during the arbitration, if an arbitrator be agreed upon, or even if any agreement should be concluded to arbitrate. The object of maintaining a personal force on the frontier alluded to, whose numbers are far from alarming, is to prevent the incursions of armed Guatemalians, from which our frontier population has suffered because of the absence ordinarily of a Mexican soldier there. This Government has never in any way pretended to menace Guatemala with an invasion with these troops, and no one has thought of such a thing. ✓

Your third proposition consists in the formal offer that the President of the United States shall be the arbitrator between the two governments of Mexico and Guatemala.

✓Within the limitations expressed, that is to say, not including in the arbitration the right which Mexico has to the whole of the territory which to-day comprises the state of Chiapas, the Government of Mexico is disposed to admit, and will admit with pleasure, the arbitration of the President of the United States for the purpose of deciding any question which may require the employment of such a method and which is susceptible of being decided by it in determining the boundary of both nations. ✓

Notwithstanding, we cannot at the present time know if any such question has not up to date been discussed by Guatemala except so far as relates to its boundary with our country, and this always under the precautions and from the second point of view which has been above referred to.

Mr. Morgan said he would take the answer which had been given him into consideration, that he would transmit it to his Government, making explanation to this Department upon its contents, if, after having examined it attentively, he should deem it proper to do so.

IGNACIO MARISCAL.

[Inclosure 2 in No. 374.]

Mr. Morgan to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, March 24, 1882.

SIR: I have received your excellency's note of the 20th instant, together with a copy of memoranda of the conference which, at your request, I held with you on the 18th instant upon the subject of the difficulties between Mexico and Guatemala.

* * * * *

In respect to the answers which your excellency has made to the proposition submitted to you by me under instructions, in our interview of the 31st December, a proposition which had no other purpose than the laudable one, as I think, of obviating a war between two American republics, and which was made as the friend of both contestants, I have only to transmit them to my Government.

I renew, &c.,

P. H. MORGAN.

No. 43.

Mr. Frelinghuysen to Mr. Morgan.

No. 252.]

DEPARTMENT OF STATE,
Washington, April 3, 1882.

SIR: Your dispatch of the 8th ultimo, No. 372, reporting your interview with the Guatemalan minister in Mexico, Señor Herrera, touching the pending boundary troubles between Guatemala and Mexico, has been received.

Your course in the matter was prudent and is approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 44.

Mr. Frelinghuysen to Mr. Morgan.

No. 254.]

DEPARTMENT OF STATE,
Washington, April 11, 1882.

SIR: I transmit herewith for your information the inclosed copy of a note which I have received from the Mexican minister at this capital, of the 9th ultimo, respecting the boundary dispute between the republics of Mexico and Guatemala; also a copy of my reply thereto.*

I am unable to furnish you with a copy of the printed pamphlet mentioned in the minister's note, one copy of the same only having been received here.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

V.—FURTHER APPEALS FROM GUATEMALA FOR THE MEDIATION OF THE UNITED STATES DURING MR. MONTUFAR'S SPECIAL MISSION TO WASHINGTON.

No. 45.

Mr. Montufar to Mr. Blaine.

[Translation.—Published heretofore in Foreign Relations]

WASHINGTON, November 2, 1881. (Received November 4.)

MR. SECRETARY OF STATE: I have had the honor to receive your excellency's highly esteemed note of the 31st ultimo,† relative to the manifestation of appreciation and gratitude on the part of the department of state of Guatemala to the Government of the United States for having deigned to interpose its powerful mediation in the boundary question between Guatemala and Mexico.

The Government to which I belong feels deeply grateful, and now lays before your excellency, through me, some points of the question, which, although they are very well known at the Department of State of the United States, require, perhaps, some evidence for their better elucidation.

In Mexico it is asserted, and even taught in the schools, that the territory of Guatemala, previous to the conquest, was under the control of the Mexican Indians. The historian Juarros, in his compendium of the history of Guatemala, proves the contrary. The historian Garcia Pelaez proves the same thing by adducing a series of facts.

This, however, is not the subject of the question of to-day. The events of a less remote period are to be considered.

Charles V, King of Spain, and Philip II, his successor, declared the captaincy-general of Guatemala to be totally distinct from the vice-regency of New Spain, as may be seen in law No. 6, title 15, book 20 of the "Recopilacion de Indias." The same law clearly, decidedly, and precisely says that the territory of Chiapas and Soconusco belongs to the captaincy-general of Guatemala, and that it forms a part thereof.

This law did not remain written. It was nothing but the expression

* See documents Nos. 50 and 51 for inclosures in this dispatch.

† See No. 19.

of what had already existed before it was promulgated, and was faithfully and punctually executed until the era of independence.

Guatemala declared itself independent of Spain, together with all the provinces which composed the captaincy-general, on the 15th day of September, 1821.

Mexico established an ephemeral Empire, and the aristocracy and the clergy of Guatemala, disregarding the wishes of the people, united with that Empire through the use of violent means, according to the manifesto of January 5, 1822.

The annexationists, in order to carry out their designs, required the assistance of Mexican forces, and General Filisola, at the head of those forces, saturated the soil of Central America with blood. In Mexico, however, fortune did not favor them. The pronunciamiento of Cassamata destroyed the Empire, and General Filisola was obliged to return to his own country. His journey from Guatemala to Mexico, however, was not unproductive of advantage to him. There was a popular junta at Chiapas, which was installed April 8, 1823. That body resolved to convoke a general junta (council) to decide what was best to be done. That junta was convoked. It was put to vote whether Chiapas belonged to Mexico or to Guatemala, and, the question not having been settled, it was resolved that the province should be provisionally separated from both Mexico and Guatemala, and that it should have a government of its own until the adoption of other measures.

Such was the state of affairs when General Filisola returned to Mexico. On passing through Chiapas he dissolved the government of that province.

This proceeding called forth remonstrances and protests which were productive of no favorable results to the aggrieved parties. Recourse was had to arms, however, and the dissolved junta was again installed.

A new revolution, promoted by the party which favored Mexico, aided directly by the latter country, obtained a triumph. The reiterated manifestations of the aggrieved people of Chiapas and the representations of the Government of Guatemala called forth a resolution which was adopted in Mexico May 26, 1824, to the effect that there should be a free expression of the popular will.

But although liberty was talked of on one hand, on the other all the violent means possible were used in order to secure a result favorable to Mexico. Among the means of coercion was a Mexican division stationed on the frontier, which intimidated the people of the vicinity. The voting was to take place in presence of two commissioners, one a Mexican and the other a Guatemalan. They did not wait until the Guatemalan commissioner arrived, but, as soon as Mr. José Xavier Bustamante, the Mexican commissioner, made his appearance, business commenced, and Chiapas was declared to be united to Mexico on the 12th and 14th of September, 1824.

Such is the title by which Mexico possesses Chiapas.

The party in Soconusco which had voted against annexation to Mexico solemnly declared its allegiance to Guatemala, which was then an integral part of the Central American Republic. This declaration bears date of July 24, 1824.

The National Constituent Assembly of Central America, on the 18th day of August of the same year, declared Soconusco to be an integral part of Central America.

In the year 1825 there was an arrangement for peace made between the Central American Republic and that of Mexico. That arrangement is called the preliminaries of the year 1825. According to it both Re-

publics were to withdraw their forces from Soconusco, and that district was to remain under municipal government until its status should be defined by a treaty for the settlement of the boundary question. That arrangement was faithfully observed by Guatemala, but was infringed by Mexico.

In the year 1842 General Santa Ana sent forces against Soconusco and annexed it *de facto* to the country which he governed. Santa Ana profited by the revolution which dissolved the Central American Federation in 1839, and made five independent states of that country, which states are now called Republics. That outrage can form no legal basis.

Guatemala protested energetically, and she has ever conducted her relations with the neighboring Republic on the basis of that protest, and in no other way. The other sections of Central America likewise energetically protested.

Arbitration has been proposed to Mexico since 1824, but this she has never been willing to accept. At length she was told to appoint an arbitrator, and that Guatemala would abide by his decision.

This proposition, which was perhaps without an example in the history of the New World, was likewise rejected.

This is sufficient to enable the enlightened Government of the United States to judge of the justice of the cause of Guatemala.

What most strikes the attention in this matter, however, is that the district of Soconusco, which is Guatemala *de jure*, is not now, according to Mexico, what it was in the year 1842, when it was occupied by Santa Ana. It has grown, and is growing daily. Towns which were Guatemalan in 1843, and to which Mexico could then lay no claim, even admitting the annexation to be legal, are now Mexican, and to dispute this is called outraging the Mexican flag.

Soconusco is constantly increasing in extent, and it would not be surprising if it should one day extend to the palace of the old Spanish captains-general.

No treaties were concluded between Guatemala and Mexico from 1825 until December, 1877. At the latter date a convention was concluded in the city of Mexico which was signed by Mr. Uriarte, the minister of Guatemala, and by Mr. Vallarta, the secretary of state of the Mexican Republic.

It is proposed in that convention to make an examination of the frontier, and to have surveys made preparatory to conferences with regard to limits. The examination was to be made, by a mixed commission of topographers and astronomers, from the bar of Ocos to the hill of Izbul, within a definite time.

This treaty met with opposition in the cabinet of Guatemala because a hidden design was detected in it. For a mere survey of boundaries it is not necessary that a treaty should be signed by two Governments, nor is there any need of the forms required by the law of nations for permanent laws; an exchange of notes is sufficient. The real design of the Mexican Government was very clear. That Government intended that the hill of Izbul and the bar of Ocos should be declared by a treaty to be the fixed limits between the two Republics.

Such, however, were the assurances given by Mr. Diaz Covarrubias to the President of Guatemala that Mexico did not wish to prejudge the question, but simply to have it examined, that that high functionary at length, for the sake of peace, and relying upon the incessant protestations that the boundary question was not to be prejudged, ratified the treaty without the intervention of the legislative body, because the con-

stitution had not at that time been promulgated; and a previous enactment had invested the President with full powers in such cases.

The Uriarte-Vallarta treaty having been ratified on the basis that no question in relation to boundaries was to be prejudged, the mixed commission began its work, which it was unable to finish within the time fixed for that purpose. Mexico asked for an extension of the time on the same basis, viz, that no question in relation to boundaries was to be prejudged, and her request was granted. The time fixed again expired before the mixed commission had finished its work even on the first section. Mexico asked for another extension, which was not granted. Instead of the request being granted, it was declared that the treaty had become null and void because the second extension had expired before the termination of the work on even the first section.

The Government of Mexico asked for another extension, which was likewise refused. It demanded it peremptorily, and its demand was not acceded to. It almost threatened to declare war if the Uriarte-Vallarta treaty was not declared to be still in force, and we courteously replied that that treaty no longer existed, and that we would not give it new life.

The events which took place while the surveys were going on have left very deep traces, and clearly reveal the situation in which we are.

The place called "Cuilco Viejo," which was recognized as being Guatemalan after the occupation of Soconusco by Guatemalan authorities, and where the persons who rose in 1870 against the administration of General Cerna entered into as Guatemalan territory, was declared to belong to Mexico, and to enter that place is now considered as an offense to Mexico and as a punishable aggression against Mexican territory.

A Mexican surveyor has, from time immemorial, surveyed the land in districts owned by Guatemala. A commission of the Guatemalan municipality of the town called Malacatan set out for the purpose of occupying a position on the frontier. A Mexican force which was concealed in a wood fired on the party, killing the first alcalde and an individual of the municipality, and wounding four other persons.

A complaint was presented, and satisfaction demanded of Mexico, but no advantage to Guatemala resulted therefrom.

The Mexican authorities based their action on a report, according to which the place in the territory of Guatemala where the municipal commission was, belongs to Mexico.

In virtue of that report not only is no satisfaction given us, but satisfaction is demanded of us; we are aggrieved, and are asked to pledge ourselves not to commit any more offenses in future.

Pánfilo Roda, the alcalde of Tacaná, a Guatemalan town, undertook, in conjunction with four other men, to take a list of the inhabitants of that place. The Mexicans arrested the enrollers, and took them to Tapachula. The Government of Guatemala energetically demanded satisfaction; its demand, however, was attended with no favorable result. Indeed, so far from being favorable, the result was an adverse one, for, as the territory occupied by Mexico constantly increases in extent, it was asserted that the town in which it had been attempted to enroll the inhabitants was a Mexican town.

Don Carlos Gris claimed as Mexican territory a portion of land which has belonged to Guatemala from time immemorial. Complaint was made to Mexico in due form; it was, however, followed by no result favorable to Guatemala, because Mexico had determined that that land should increase her territory.

Not only was justice not done us in Mexico, but it was even declared that Guatemala was violating her pledges, and was acting the part of an aggressor.

Within the territory of Mexico revolutions are constantly going on against the frontier authorities; the revolutionists seek refuge in the territory of Guatemala; the Mexican minister in Guatemala requests that they be interned (*i. e.*, sent to the interior); his request is complied with by telegraph, the internment takes place, and the Mexican representative returns his thanks therefor.

The Mexican Government, however, instead of returning thanks, complains that the internment has not been ordered, and supposes that the failure to order it is due to the complicity of the Guatemalan authorities.

There are districts which, from time immemorial, have recognized no authority save that of Guatemala; the people of those districts are now required to pay their taxes to Mexico; the owners of property protest, but are forcibly compelled to pay; complaint is made to Mexico, and the Government declares that those districts belong to Mexico, or that their ownership is doubtful, and that such being the case, they cannot be exempted from the payment of taxes.

The mixed commission was busy with the survey of the frontier; our engineers had the right to enter the so-called Mexican territory, as those of Mexico had the right to enter ours; but the frontier authorities outraged our engineers, and threw them into prison. The Government of Mexico very energetically demanded satisfaction of that of Guatemala, on the ground that the latter had invaded the territory of Mexico.

This is what the invasion amounted to. The place called Tonintaná has, from time immemorial, belonged to Guatemala. The Government of Mexico recently declared, on its own authority, that Tonintaná belonged to Mexico; consequently to approach what is our own is invading Mexico. Parties of men enter our territory, without having any right to do so, and steal cattle; our authorities attempt to recover the stolen animals; and this is considered by the Mexican frontier authorities as an insult to Mexico; recourse is had to the federal Government, and that does not do us justice.

Acts of this kind are of constant occurrence; the offenses are repeated, and Mexican encroachments upon our territory still go on.

All this and much more that I have left unmentioned, in order not to make this note too voluminous, is proved by authoritative documents which I leave in the hands of Mr. Ubico, the minister of Guatemala at Washington.

Something recently occurred that is considered alarming. In the message of the President of Mexico there are expressions which were offensive to Guatemala, and wholly inexact. It was said that Guatemala seeks to defer the settlement of the questions, and to avoid having them defined, whereas the truth is quite the reverse, arbitration having been constantly proposed to Mexico, and that country having been recently told that there should not be two arbitrators, but one, and that that one should be selected by the Mexican Government, which proposition it did not see fit to accept.

There has appeared in the unofficial portion of the official newspaper an article which I accept only in that part which declares that Mexico is treating us unjustly; for the article contains considerations of an historical character with regard to events on the frontier of the United States which I am unable to accept.

That article was considered offensive by General Loaeiza, minister of Mexico, in Guatemala. He requested the Government to state whether

the article in question reflected the views of the Government. He was informed in reply, that it expressed the views of the editor of the paper and not those of the Government, but that the latter indorsed that part of it which vindicated Guatemala from the charge of being unwilling to have the questions defined, and of seeking to postpone their settlement. General Loaeiza said that he would inform his Government, and that he would ask instructions from it, which proceeding was thought to embody a fresh menace.

I have deemed it my duty to inform your excellency of all this in reply to your esteemed note of October 31, and I take pleasure in repeating that I am, &c.,

LORENZO MONTUFAR.

No. 46.

Mr. Montufar to Mr. Blaine.

[Translation.—Published heretofore in Foreign Relations.]

WASHINGTON, *November 7, 1881.* (Received Nov. 11.)

SIR: On the 2d instant I had the honor to address to your excellency a note in relation to affairs in Guatemala and Mexico.

I had not at that time received the report presented to the Mexican Congress by Mr. Mariscal, the minister for foreign affairs of that country. That document contains statements which are offensive to Guatemala, and which are not in accordance with historic truth.

It is asserted that when the second extension expired, the mixed commission not having finished its work, the effects of the Uriarte-Vallarta convention legally ceased. This is a juridical truth which I am glad to have admitted by Mexico.

I must, however, call your excellency's attention to what is said with regard to Guatemala's not having notified Mexico, as is customary in such cases.

In the report on foreign relations presented to the legislature of Guatemala in 1880 it was stated that the second extension was not sufficient for the completion of the surveys, and that if an extension was not asked for, the Uriarte-Vallarta convention would be considered as not existing. The report was approved by the legislature, and copies of it were sent to the minister of Mexico in Guatemala and to the department of foreign relations of the Mexican Republic. Notwithstanding this, no extension was asked for.

The extensions having absolutely expired, and no fresh extension having been asked for, it was declared that the second extension had expired in order that the convention might be considered as having ceased to exist.

This declaration, which was issued on the 10th day of December, 1880, was announced during an interview held at the department of state of Guatemala, to Mr. Diaz Mimiaga, chargé d'affaires *ad interim* of the Mexican Republic.

On the 11th of December of the same year the aforesaid declaration was transmitted to Don Manuel Herrera, envoy extraordinary and minister plenipotentiary of Guatemala in Mexico, that he might be able to furnish such information as the case required.

The Uriarte-Vallarta treaty having become null and void, Mr. Mariscal

says that General Loaeiza, the minister plenipotentiary of Mexico, proposed a new convention to the President of Guatemala, and that the President thought favorably of the proposal, but that the convention was not concluded.

I do not know the real facts of this matter; yet I must assure you that the President of Guatemala is now the constitutional head of the Government; that the constitution requires that international treaties shall be approved by the legislative branch of the Government, and that General Barrios never makes an offer the fulfillment of which depends upon another power.

If what Mexico desires is that a survey of coasts and frontiers be made, she does not need the Uriarte-Vallarta treaty for such a purpose, and still less does she need a renewal of that instrument; a simple exchange of notes is all that is required.

The Government of the United States wished to have a survey of our seacoasts made, but it did not make any treaty with Guatemala with that end in view; it simply wrote a note asking for authorization to have the survey made. A note was sent in reply stating that the survey might be made, and it was made.

Mexico may take, whenever it sees fit, the same course that was taken by the United States.

Mr. Mariscal says that a party of ten men, under the command of Mr. Margarito Barrios, invaded the territory of Mexico, via Tonintaná. This charge makes it appear as if the Guatemalan Government had committed a crime demanding expiation. Such, however, is not the fact. The district called Tonintaná has always been respected as Guatemalan territory. Forces of our Government do indeed enter Tonintaná, but that is not invading Mexican territory. The offense was committed by the Mexicans. They entered Tonintaná, and compelled the inhabitants to render service as Mexican citizens. The inhabitants, feeling aggrieved, addressed a complaint to the Government of Guatemala. Satisfaction was demanded of Mexico, and the federal Government declared that Tonintaná belonged to Mexico, and that to enter it was to invade Mexico. The Government of Guatemala said that Mexico was not an authority competent to make a declaration contrary to the evidence, and that it is customary for nations, in such cases, to submit to arbitration, and not to seize at will upon territory that does not belong to them. This remonstrance, like all those made by us, was treated with no attention.

Mr. Mariscal states that in December, 1879, and in September, 1880, bands of Mexican and Central American filibusters invaded Mexico, committing great outrages in the territory of that country. There are many persons in Chiapas and Soconusco who cherish personal resentment and deep hatred against some of the public functionaries. These persons are continually on the move.

No treaties exist between Guatemala and Mexico. The relations between the two countries rest on the general principles of the law of nations. Guatemala is consequently not obliged to intern Mexican delinquents taking refuge in her territory, and still less is she obliged to do duty as a jailer for the Mexicans. Nevertheless, for the sake of peace, and in order to show friendship to the Government of Mexico, she issued orders for all the internments that were asked of her. The orders were given by telegraph; these orders were executed, and the parties interned asked leave of the Guatemalan Government to return to their own country, stating that they had no means of subsistence. The Government of Guatemala replied that they were subject to the

orders of the representative of Mexico, and that they would not be allowed to return without his consent. This was doing more, much more, than was required by the law of nations.

The telegraphic orders for internment, which were sent in the presence of the representative of Mexico, and their execution called forth a very warm expression of gratitude on the part of that representative.

It is surprising that, notwithstanding all this, Mr. Mariscal should prefer charges against Guatemala for what he says took place in December, 1879, and in September, 1880.

Investigations were held by order of the Government of Guatemala, and they rendered it evident that not a single Guatemalan had taken part in the events in question; that Mexicans were the sole actors in them, and that they were influenced by personal resentments which they cherished, either rightfully or wrongfully, against Mexican officials.

The depositions taken show that mere local feelings, and nothing connected with the politics of the two countries, influenced the Mexicans thus to act against the said officials.

If charges are to be made against Guatemala on account of every revolution in Chiapas and Soconusco, the charges will be incessant, for revolutions are of constant occurrence there, and it is in evidence that the revolutionists are supplied with abundant resources from their own country.

I am sorry to remark that what is said in relation to the landmarks of Pinabete is wholly incorrect. The districts known as Chichanar and Tonintaná have belonged to Guatemala from time immemorial, and General Santa Ana, the Dictator of Mexico, never thought that his jurisdiction extended to them when he saw fit to violate the treaty of 1825 and invade Soconusco.

The Mexicans, by no authority save their own, without any notification or convention in the execution of their programme of encroaching upon our territory, placed a landmark in the district known as Pinabete.

If the placing of a landmark by Mexicans was sufficient to convert the territory of Guatemala into Mexican property, no boundary question would now exist, for the territory of Mexico would extend to Costa Rica.

Our authorities were under no obligations to suffer that mark to remain standing, since it was equivalent to a violent spoliation, without anything to justify it. The mark was consequently removed by the Guatemalan authorities of Tacaná.

This act, then, was not, as is asserted by Mr. Mariscal, an invasion of Mexico by Guatemala, but an unauthorized invasion of Guatemala by Mexico.

Mr. Mariscal says that the President of Mexico has protested energetically; but he does not say that the Government of Guatemala, in reply to his protest, furnished evidence of its right.

The secretary of state of the Mexican Republic says that Mexico can admit no question with regard to her ownership of Chiapas, including Soconusco, for those districts which now form a state have belonged to her for years.

This, Mr. Secretary, is a kind of public law that cannot be accepted. Dominion is acquired by titles which convey it, and force is not such a title.

A treaty concluded in 1825 was binding upon both Mexico and Guatemala. According to that treaty Soconusco was to remain neutral until the conclusion of a treaty defining the boundaries.

In the year 1842 General Santa Ana infringed that treaty by invading Soconusco with an armed force and annexing it to Mexico. That act was a violation of right, and cannot be a legitimate title of ownership.

What would become of the world if every nation could violate solemn treaties, invade the domain of weaker nations, seize their territory, and then allege that a proper sense of dignity did not permit them to submit what was already done to arbitration?

Since the year 1842 Guatemala has constantly protested against the usurpation of General Santa Ana; she has not admitted its legality for a single day, nor is there any instrument in existence that legitimizes it.

The outrage perpetrated by Santa Ana, moreover, cannot be forgotten, for it is daily producing the saddest results. It awakened in Mexico a desire for aggrandizement, and although that Republic possesses vast territories which are neither inhabited nor cultivated, it seeks to extend its limits southward, and to have its flag float over all Central America.

Thus it is that a question between Guatemala and Mexico is never settled, and groundless accusations are piled up against us, similar to those contained in Mr. Mariscal's report.

There is now a serious prospect of war between Guatemala and Mexico. We shall never make war, and shall never provoke it; the responsibility of shedding American blood shall not be on our heads; we shall, however, defend ourselves with energy and bravery; and so long as a hamlet or a cabin remains standing in Guatemala, the Mexican flag shall not float over it in peace. ✓

The United States of America are the natural guardians of the soil of all America. Were it not for the United States, the Spanish-American Republics would not now be independent. They are the natural protectors of the integrity of the continent, and history shows how nobly and worthily they have fulfilled their high mission.

The Government of Guatemala addressed your excellency in this sense in June last, through Mr. Ubico; I now do so again.

The Government of Guatemala lays its question with Mexico in the hands of the United States Government. It declares that in whatever manner the United States Government may see fit to settle this matter, its decision shall be cheerfully, strictly, and faithfully executed. ✓

I entertain the pleasing hope of receiving a favorable reply before the 20th instant, on which day a steamer sails from New York for Aspinwall.

I avail, &c.,

LORENZO MONTÚFAR.

No. 47.

Mr. Montúfar to Mr. Blaine.

[Translation.—Published heretofore in Foreign Relations.]

LEGATION OF GUATEMALA,

Washington, November 21, 1881. (Received November 21.)

MOST EXCELLENT MR. SECRETARY OF STATE: The undersigned, envoy extraordinary and minister plenipotentiary (on a special mission) of the Republic of Guatemala, has the honor to remind the honorable

Secretary of State that the credential letter which he had the honor to present requests that full faith and credit be given to whatever he may say on behalf of the Government of Guatemala. ✓

The undersigned, in view of that request, addressed to his excellency the Secretary of State a note bearing date of November 2, for the purpose of informing him, in a few words, of what had occurred between Guatemala and Mexico during a period which commenced before the establishment of the independence of both countries.

On the same ground the undersigned addressed to his excellency the head of the Department of State his note of the 6th instant, the object of which was to point out the errors with regard to the relations between Guatemala and Mexico which were contained in the report presented by Mr. Minister Mariscal to the Mexican Congress, and likewise (and this very particularly) to place the boundary question in the hands of the United States Government.

This is not the first time that this impartial Government has thus befriended a Spanish-American Republic. Venezuela placed her dispute with France in the hands of the United States Government. The American Government complied with the request of that little Republic, and a war was averted which would have been most disastrous to Venezuela.

A war between Guatemala and Mexico is now imminent. Such a war will be a calamitous one, and its results cannot be foreseen. Guatemala has but a million and a half of inhabitants; yet she is not alone: the little Republics of Salvador and Honduras are her allies.

The undersigned has credentials from Salvador and Honduras, which he has not yet presented.

Nicaragua is eminently Central American in feeling, and when there is danger of aggressions from without, she will become the ally of the threatened party, in order to maintain the integrity of what was once the country of all Central Americans.

The undersigned can say nothing just now with regard to Costa Rica, because, although he is well aware of the friendly disposition of the people of that Republic, he is not acquainted with the views entertained by Dr. Tomas Guardia.

The war, then, will not be between Mexico and Guatemala alone, but between Mexico and the greater part of Central America. Guatemala alone can raise more than 20,000 fighting men. The first engagements will be disastrous to Mexico, and will perhaps cause a revolution in that Republic, in which there is a party and a portion of the press which are opposed to war, which desire peace, and which tell the Government that its relations with Guatemala should be very different from what they are now.

If the Mexican parties unite, however, Guatemala will resist as long as there is a cabin standing within her borders.

The Government of the United States now has it in its power to save Mexico and Central America, as it saved Venezuela. If a proposition for settlement is offered by the Government of the United States, Guatemala will accept it, considering it not as an attempt to assert power or to secure dominion, but as an act of kindness and sincere friendship.

The undersigned hopes that the United States will render this additional service to her neighboring Republics, and that the new world will hereafter thus have one more reason to feel grateful to this powerful Republic.

Entertaining this pleasing hope, the undersigned has the honor to assure his excellency the Secretary of State that he is, &c.,

LORENZO MONTUFAR.

No. 48.

Mr. Ubico to Mr. Frelinghuysen.

[Translation.—Published heretofore in Sen. Ex. Doc. 156, Forty-seventh Congress, first session.]

LEGATION OF THE REPUBLIC OF GUATEMALA,
Washington, February 3, 1882. (Received February 3.)

SIR: As various documents relative to the territorial question between Guatemala and Mexico are already on file in the Department of State, I now have the honor herewith to transmit to your excellency a copy of another, which I have recently received.

I beg your excellency to be pleased to take this new document into consideration, that you may thereby be enabled to form an opinion as to the nature of Mexico's claim.

I reiterate, &c.,

A. UBICO.

[Abstract of the inclosure.]

The accompanying document is signed by Fernando Cruz, minister of foreign affairs of the Republic of Guatemala, under date of November 24, 1881. It is addressed to General Francisco Loaeiza, minister of Mexico in Guatemala, and its object is to transmit to General Loaeiza a report received by the president of the council of state in reference to one José Pérez, assistant alcalde of the village of Tonintaná,* held in confinement by Guatemala. It appears that Mexico has demanded satisfaction of Guatemala for the arrest of Pérez, and indemnity to him personally on the ground that he was a Mexican officer. (Guatemala charges him with treason.) A commission appointed by the Guatemalan Government presents this report on the subject to the council of state, in which it says that it sincerely desires that the right may prevail and justice be done, and that it believes Mexico will approve this view.

The commission says that since the Mexican representative in that Republic has demanded the release of Pérez, &c., it is proper in the first place to inquire whether he is a citizen of Mexico or of Guatemala, and to which Republic the locality in which he was arrested belongs. The commission then states that Mr. Pérez is a legitimate son of A. and M. Pérez, and that he was born at Tacaná, in 1845. There is no doubt or dispute whatever that Tacaná is a Guatemalan town, or that the parents of Pérez were Guatemalans. There is, moreover, no doubt whatever, that Vega del Volcan, the town in which he was arrested, belongs to Guatemala. This is stated in the indictment, and is admitted by Pérez himself. The latter was arrested for intriguing with the authorities of Soconusco, and for having co-operated with them in their attempts to induce the people of Tonintaná to refuse obedience to the authorities of Guatemala; he is further charged with having encouraged a Mexican invasion of Tonintaná. Although Pérez may allege that he has become a citizen of Mexico, yet Guatemala has a right to consider him as one of her citizens whenever he appears in her territory, because, even supposing—which supposition is not admissible—that Pérez is a foreigner in Guatemala, he is, nevertheless, subject to the authorities of that country as soon as he sets foot on its soil, and it is the duty of those authorities to hold him responsible for any acts that he may have committed on a foreign soil to the detriment of Guatemala's territorial integrity. These are principles of international law which are recognized by all the nations of the civilized world. The commission then quotes from the writings of Bluntschli and others† to show that every state is at liberty to decide by law what offenses are to be punishable within its territory, when such offenses have been committed by its subjects or citizens in a foreign country, and that most nations have asserted in their laws the principle that their subjects may be punished for crimes so committed. The commission adds that Guate-

* Tonintaná is claimed by both Guatemala and Mexico.

† Also from the penal code of Lower California.

mala has good reason to complain of the Mexican frontier authorities who are constantly committing abuses against Guatemala and her citizens, which abuses it trusts that the general Government of Mexico will take measures to suppress.

General Loaeza is informed in conclusion, by the Guatemalan minister of foreign affairs, that the report of the commission has been accepted by the council of state, by which body it has been submitted to the President of the Republic of Guatemala, who has approved it. The minister of foreign affairs trusts that General Loaeza and his Government will consider the report as fully justifying the position taken by Guatemala.

No. 49.

Mr. Ubico to Mr. Frelinghuysen.

[Translation.—Published heretofore in Senate Ex. Doc. 156, Forty-seventh Congress, first session.]

LEGATION OF THE REPUBLIC OF GUATEMALA,
Washington, February 4, 1882. (Received February 4.)

SIR: The press, both American and foreign, in commenting upon certain official documents which have recently been published, seeks to show that reasons have arisen for changing the foreign policy of the United States, and this is an error which very generally prevails.

The Senate has called for the correspondence relative to Central American affairs, including that which took place with the view of bringing about an amicable result of the territorial question with the Republic of Mexico.

The publication of these new documents will confirm the aforesaid error; I say error, because I am convinced that it has been designed merely to change the *form* and *manner* of carrying out the national policy towards the nations on the Pacific coast.

As such matters, however, always reach foreign countries in an exaggerated form, and as this erroneous interpretation may give rise to consequences most disastrous to the nations of Central America, *I beg your excellency to be pleased to transmit suitable explanations to Mr. Morgan, the American minister in Mexico, and to acquaint me with the sense of said explanations.*

I must inform your excellency that the Government of Guatemala, being actuated by a desire to terminate the present dispute, has informed the Mexican Government that it renounces its rights to the territories of Chiapas and Soconusco, and that its declaration to that effect is contained in a draft of a definitive treaty which was presented to the Mexican Government by the diplomatic representative of Guatemala on the 14th of January last.

By complying with the request contained in this note, your excellency will render a service to the just cause of the Central American nations, which will appreciate the good offices that you may see fit to interpose in behalf of their autonomy.

With the assurances, &c.,

A. UBICO.

VI.—ATTITUDE OF PRESIDENT ARTHUR'S ADMINISTRATION ON THIS QUESTION.

No. 50.

Mr. Romero to Mr. Frelinghuysen.

[Published heretofore in Foreign Relations.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, March 9, 1882. (Received March 9.)

Mr. SECRETARY: I have the honor herewith to send you a copy of a pamphlet printed in the English language, and containing various documents and data relative to the boundary question between Mexico and Guatemala.

You will see by these documents that the province of Chiapas, as long ago as September, 1821, voluntarily declared that it belonged to Mexico, and that, since that time, it has formed an integral part of the Mexican nation, it being declared in the Mexican constitution adopted February 5, 1857, that the state of Chiapas is an integral part of that Confederation.

The district of Soconusco is, and has been, an integral part of what was formerly the province, and is now the state of Chiapas, and has, with a slight interruption, shared the fortunes of that state, thus forming a part of the Mexican nation.

The Government of Guatemala has officially recognized and admitted, although indirectly, on several occasions, that the state of Chiapas forms a part of Mexico, and yet it recently solicited the mediation of the United States in this matter, which mediation was offered to Mexico by a note signed by the Hon. James G. Blaine, Secretary of State of the United States, and addressed to the Hon. Philip H. Morgan, United States minister in Mexico, under date of June 16, 1881.

When the Government of Mexico informed the United States minister residing at the capital of that country, as it did on the occasion of an interview held in the city of Mexico on the 9th of July following, that Mexico could not submit to arbitration her right to one of the states of the Mexican Confederation, since that was a fundamental point of her political existence decided by her constitution, the Hon. Mr. Blaine could not do otherwise than admit the force of this reasoning, and in the communication which he addressed to Mr. Morgan on the 28th of November, 1881, he said that the mediation of the United States was not offered for the purpose of deciding whether Chiapas and Soconusco formed part of the Mexican nation, but for that of settling the boundary question between Mexico and Guatemala on the basis that the state of Chiapas formed part of the Mexican Confederation.

This principle (which, as I have already remarked, has been repeatedly recognized by Guatemala herself) being accepted, the actual drawing of the boundary line between the former province of Chiapas and that of Guatemala, and between the Mexican states of Tobasco and Yucatan and the present Republic of Guatemala, would require a previous survey of that region, which is, to a great extent, uninhabited and unknown, and it would be impossible for such a line to be drawn unless such a survey should previously be made.

Both Mexico and Guatemala have agreed to the appointment of a mixed commission to survey that region. That agreement was em-

bodied in a treaty which was concluded September 7, 1877, wherein Guatemala recognized, by implication, the fact that Chiapas is a part of the Mexican Confederation.

The survey of the territory, through which the boundary line is to pass, being finished, it would be easy to draw that line, and probably Mexico and Guatemala would be able to reach an understanding on that subject.

If this should unfortunately not be the case, and both nations should desire the appointment of an arbitrator or the mediation of a friendly nation, in order to settle the differences that might have arisen on this point, it would then be time to think of making arrangements to that end; but to think at this time of deciding upon the proper course to be pursued in a hypothetical case, and one in which somewhat lengthy previous surveys would be required, would be, to say the least, wholly premature.

I have, &c.,

M. ROMERO.

DIFFICULTIES BETWEEN MEXICO AND GUATEMALA.

PROPOSED MEDIATION OF THE UNITED STATES.

SOME OFFICIAL DOCUMENTS.

NEW YORK: 1882.

DOCUMENT NO. I.

Mr. Blaine to Mr. Morgan, No. 138, dated June 16, 1881, printed *ante*, Document No. 20.

DOCUMENT NO. II.

CONFERENCE BETWEEN MR. P. H. MORGAN AND SR. DON IGNACIO MARISCAL.

Printed as an inclosure to Mr. Morgan's dispatch to Mr. Blaine, No. 247, dated August 5, 1881. (See Document No. 27.)

DOCUMENT NO. III.

THE QUESTION OF LIMITS BETWEEN MEXICO AND GUATEMALA.

[Extracts from a pamphlet containing the correspondence exchanged in 1874 between the minister of Guatemala in Mexico, Mr. Ramon Uriarte, and the Mexican minister of foreign affairs, Mr. José Maria Lafragua.]

Printed as inclosures Nos. 7 and 8 to Mr. Romero's note to the Secretary of State dated May 6, 1882, *post*, Document No. 53.

DOCUMENT NO. IV.

SEAL OF THE MEXICAN MINISTRY OF FOREIGN AFFAIRS. SECTION OF AMERICA.

[Extract.]

The minister of war has transmitted to this Department, in a dispatch dated the 5th instant, a communication from the governor of Chiapas, dated the 1st of October last, in which he says that he transmits a copy, containing 14 pages, of the depositions made by the criminals, Samuel Palmer and Florencio Garcia, and of the investigation made concerning their statement that the President of Guatemala favors the filibustering projects organized in that republic against Mexico.

From these documents it appears that Palmer and Garcia, the former a negro from Belize and the latter a Spaniard, the manager of the coffee plantation of Don Joaquin

Cárdenas, near El Rodeo, Guatemala, formed a part of the band of invaders who sacked the town of Tuxtla Chico on the night of September 20, 1880, García having acted as second in command. In their depositions they stated, among other things, that the expedition in question was organized and armed within the territory of Guatemala, with the knowledge of the commander of Malacatan, Don Joaquín Velasco, who promised the leader, Faustino Cárdenas, that he would offer no obstacle, and that the plan had for object to overthrow the existing authorities of the state of Chiapas, and to proclaim Don Pantaleón Domínguez; that the plan as well as the proclamation signed by Victor Fougier, an exile in that republic, were printed in Guatemala, but that these documents were thrown into a river when the invaders were overtaken by the Mexican troops sent in pursuit. García added that they also carried a box with bombs, though he did not know for what purpose.

in the record of the investigation made last March by the judge of first instance at Tapachula, appear the depositions of Dr. Charles E. Mordaunt, an American citizen; José María Chacon, resident at Tapachula; Timoteo Leon, a Guatemalan by birth but Mexican by naturalization; and Juan María Contiño, resident at Tapachula.

Mordaunt testified that he knows from the statements of several exiles and of some Guatemalans that the president of that republic has aided and continues to aid the revolutionists; that having seen the invaders of Tuxtla Chico at the time of their first incursion, he saw them again in the town of El Rodeo, Guatemala, engaged in trade with a capital furnished them by the President of Guatemala according to their own statement, and that he knows by the evidence of his own eyes that, on the two occasions when the Department of Soconusco was invaded, the arms and ammunition employed belonged to the Guatemalan army, that several Guatemalans accompanied the Mexican invaders, all of whom, on their return, were not molested but were aided by the said president.

Chacon testified that the President of Guatemala, Don Rufino Barrios, not only favors the filibusters but furnishes them arms, ammunition, and even explosive projectiles. This he knows from having been in December of last year at Costa Cuca, Guatemala, with Basilio Saenz, of Tapachula, a fugitive from justice for crimes not political. Saenz informed him that President Barrios had given him \$400 in cash, and loaned him \$3,000 for two years without interest, on condition that he would head a party of filibusters who should take possession of Soconusco, causing to be signed in the towns petitions in favor of annexation to Guatemala. This Chacon believes to be true, because Barrios himself has proposed to give the witness money and official positions with the same object of annexing Soconusco to Guatemala; that it is a notorious fact that President Barrios gives aid and comfort to all discontented Mexicans who arrive at his capital for political reasons, on condition of their taking up arms against Mexico, and that the week before last two small parties of Guatemalan soldiers invaded Mexican territory near Cuatpec, having penetrated two leagues within the municipality of Ayutla.

Timoteo Leon testified that it is true that President Barrios favors the filibusters who invade Mexico, which fact he knows because they are habitually organized and armed in Guatemalan towns in the presence of the authorities, who do nothing to impede them, although they have at their command the telegraph by which they might give information.

Lastly, Contiño gives a similar opinion, based upon the fact that the filibusters themselves have publicly boasted of the protection given them by President Barrios, and that Faustino Cárdenas, the leader in the sack of Tuxtla Chico, having been previously under arrest in Guatemala, was set at liberty in order to invade Mexico, and that, in all the attacks made upon Tuxtla Chico, the point of reunion of the invaders has been at San Vicente Cananú, very near the headquarters of the commander of Malacatan, Don Joaquín Velasco, who aided them with money and arms, all which is public and notorious by the admission of the filibusters themselves.

This document concludes with a dispatch from the judge, in which he excuses himself for the delay in sending the record of his investigation.

(Signed)

FELIX GALINDO,
Chief of the Section of America.

MEXICO, November 10, 1881.

DOCUMENT NO. V.

[A brief summary of the contents of a book published by Señor Don Matías Romero, bearing the title "Refutation of the charges made against the citizen Matías Romero by the Government of Guatemala."]

Among the principal complaints made by the Government of Guatemala to the Government of Mexico, respecting difficulties on the frontier of Soconusco, are those referring to the conduct of Mr. Matías Romero during the first two years that he resided on that frontier. These complaints were embodied in three notes, dated April 9, 12, and 14, 1875, addressed to the Mexican minister of foreign affairs by the Guatemalan

representative in Mexico, by order of General José Rufino Barrios, President of Guatemala, and printed as appendices to the "Memoir of the Mexican Foreign Office," bearing date December 4, 1875. Although the references made by the Mexican minister to these complaints in the memoir in question were perfectly conclusive as to the degree of importance which should be attached thereto, Mr. Romero sought and obtained from the foreign office, under dates of July 31 and August 2, 1876, permission for the publication of an extended refutation of the Guatemalan charges, as an appendix to the foreign office memoir of that year. This document, which was issued from the government press, consists of a quarto volume of three hundred and seventy-seven pages, of which one hundred and sixty-three are filled with Mr. Romero's refutation, and the remainder with eighty-three documents illustrative of the text.

This volume bears the title "Refutation of the charges made against the citizen Matias Romero by the Government of Guatemala." Mr. Romero, who is well known in the United States as the efficient minister plenipotentiary of Mexico during the war of intervention in that republic, was subsequently for several years minister of finances under Presidents Juarez and Diaz, member of the Federal Congress, and postmaster-general, and was recently instrumental in the organization in the United States of the Mexican Southern Railway Company, under the auspices of General U. S. Grant, who accompanied him to Mexico in the spring of 1881.

Mr. Romero begins his refutation by an analysis of the charges made against him, which he divides into seventeen heads, each of which is separately considered. The volume is divided into three parts. Part I is entitled "A statement of my conduct in Soconusco in respect to General Barrios and Guatemala." Part II consists of a "Reply to the charges made by General Barrios," and Part III is devoted to a consideration of the conduct of General Barrios toward Mexico, especially in reference to the frontier question.

At the outset Mr. Romero cites the language employed by the chief clerk of foreign affairs, Mr. Juan de Dios Arias, in the the "Memoir of Foreign Affairs," bearing date December 4, 1875, and that of his predecessor, the lamented statesman, Mr. José Maria Lafragua, in four notes addressed to the Guatemalan minister, Mr. Uriarte, under dates of July 4 and 8 and August 11, 1875, all relating to the said charges. These communications explicitly declare that such charges are unjust; that they rest upon insufficient and erroneous data, and that they are expressed in terms unsuited to diplomatic correspondence. The Government of Guatemala was therefore formally invited to exhibit proofs of the said charges, which invitation, it is needless to remark, was not accepted.

Mr. Romero then narrates at length the circumstances attending his settlement in Soconusco. Having resigned the Mexican ministry of finance on June 10, 1872, just before the death of President Juarez, on account of seriously impaired health, he thought it necessary to devote himself to active agricultural labors. His attention had been previously attracted to the department of Soconusco, whose agricultural resources and capabilities for improvement he had already been instrumental in promoting by several fiscal measures and by the publication of a memoir devoted to that subject. During a visit which Mr. Romero made to Soconusco, in September and October, 1872, his favorable impressions were confirmed. He then made the acquaintance of General José Rufino Barrios, now President of Guatemala, making him a visit in Quezaltenango, and establishing with him relations of confidence and even intimacy. General Barrios was highly pleased at the proposed establishment of Mr. Romero on the frontier of Soconusco, where he possessed, in Mexican territory, a *hacienda* called Malacate, which he offered for sale. General Barrios accompanied Mr. Romero on his return to Tapachula, the capital of Soconusco, where, at the instance of the latter, public demonstrations were made in his honor. At the request of General Barrios, Mr. Romero wrote a series of comments upon the Guatemalan project of a constitution, then under discussion.

As the result of this first visit to Soconusco, although his resources did not permit the purchase of the *hacienda* of Malacate, he resolved to establish himself near Tapachula, giving his chief attention to the cultivation of India rubber. He arrived there definitively with his family in February, 1873, and in the following month made a visit to the capital of Guatemala. He found General Barrios provisionally in charge of the presidency, to which he was formally elected two months later. The general received Mr. Romero with the greatest cordiality, expressed a desire that he should settle within the territory of Guatemala, offered him the necessary resources for the purchase of lands, and expressed a desire to become his partner in establishing a new coffee plantation on Mexican public lands adjacent to his *hacienda* of Malacate and to the Guatemalan frontier. The latter proposal alone was accepted by Mr. Romero, and an unsigned contract was drawn up. The confidence of General Barrios was at this time carried to the extreme of intrusting Mr. Romero with the drawing up of a decree establishing religious liberty in Guatemala in conformity with Mexican antecedents, and with the preparation of one or more editorial articles in defense of the provisional government of Barrios.

Returning by land to Soconusco, Mr. Romero visited the *hacienda* of Malacate to inspect the lands proposed for the coffee plantation, and then devoted himself to the formation of his own India rubber plantation, called the Hular de Zuchiate, on lands adjacent to the sea. In August, 1873, he again visited Malacate in company with the government surveyor, and effected the denouncement and survey of a tract of public lands adequate for the contemplated coffee plantation to the north of Malacate, adjacent to the reputed frontier of Guatemala, but taking care that the lands in question should be exclusively on Mexican territory. Contracts were made with the laborers resident in the vicinity for planting corn and for clearing the land destined for the coffee plantation, to which the name of "Cafetal Juarez" was given. President Barrios was duly and minutely informed by letters of all the steps taken in pursuance of his repeated requests.

In January, 1874, General Barrios visited his *hacienda* of Malacate and inspected, in company with Mr. Romero, the lands comprising the "Cafetal Juarez." He then expressed a fear that a portion of those lands belonged to Guatemala, and indicated what he conceived to be the frontier between the two republics in terms differing from what had been assumed as such by Mr. Romero—namely, the course of the small river Petacalapa. As the result of his inspection of the lands, General Barrios withdrew from the proposed partnership, leaving Mr. Romero free to form the projected coffee plantation on his own account, under promise of efficacious co-operation from the Indian laborers resident within the frontier of Guatemala.

During this visit of General Barrios to Soconusco he was informed that three Guatemalan exiles, residing at Tapachula, had formed a plot to assassinate him. Through the intervention of Mr. Romero, those individuals were arrested and kept in prison for some weeks. They were afterwards liberated by the local judge, against the opinion of Mr. Romero, on the ground of insufficient evidence. This circumstance highly displeased President Barrios, who habitually considered Mr. Romero responsible for everything that passed in Soconusco.

After the return of General Barrios, Mr. Romero continued his labors in the formation of the coffee plantation called "Cafetal Juarez," counting upon the good-will of Barrios, repeatedly expressed in letters bearing date February and March, 1874. Various reports reached the ears of Mr. Romero that Barrios had stated that the said plantation was in Guatemalan territory, and that the cultivation should therefore not be permitted; but the Guatemalan president denied in his letters the truth of these reports. On the 9th of May, however, the alcaldes of the Guatemalan town of Tadjomulco proceeded to the "Cafetal Juarez," with two hundred Indians, and after reading an order from the political chief of San Márcos, Guatemala, cut down with their *machetes* all the young coffee trees, and carried off prisoners to Guatemala the two men in charge of the plantation, one of whom was kept four days in the public prison of San Márcos. Mr. Romero was naturally averse to believe that this destruction had been ordered by President Barrios. He immediately informed General Barrios by letter of the outrage committed on his estate, and received a prompt reply disavowing the act, and giving assurance that orders had been sent to the Indians in question to abstain from further molestation.

The *mayordomo* of Mr. Romero, named Fermín Maldonado, on his return from his imprisonment in San Márcos, received information that a party of the Indians who had committed the former outrage had again assembled in a hut at Altaná, within Mexican territory. Desirous to avenge the wrongs he had suffered, he collected eight or nine laborers from the coffee plantation, and made an incursion to Altaná. The Indians fled at his approach, and he proceeded to burn down three huts and carry off four boxes of corn. He also caught one of the Indians of Guatemala, whom he sent prisoner to Tapachula, informing Mr. Romero by letter of what he had done. The huts were of the kind that may readily be constructed by three or four men in a single day, and were accordingly valued at \$1 apiece. The corn was estimated to be worth \$8. The total valuation of the loss was therefore eleven or twelve dollars, but the event figures in the charges made by General Barrios as the burning and sack of a Guatemalan town. Mr. Romero was ignorant of this act of his *mayordomo*, which he at once condemned on receiving information thereof. He wrote to the political chief of San Márcos offering to pay the damage incurred, and subsequently wrote in similar terms to President Barrios, disavowing all responsibility for the act of his *mayordomo*.

Meanwhile the Guatemalan exiles in Tapachula, three of whom had already been arrested, as before mentioned, for an alleged conspiracy against the life of General Barrios, were secretly preparing an invasion of Guatemala. The political chief of Tapachula, having received information of the fact, consulted Mr. Romero as to what should be done, and, by his advice, the leaders were arrested the same night. As there was not, however, sufficient legal evidence to justify their continued imprisonment, Mr. Romero wrote out a legal opinion to the effect that the President of Mexico should be solicited to expel them from the republic as "pernicious foreigners." This opinion, doubtless, displeased General Barrios, who desired more efficacious measures to be taken. An order was subsequently obtained from the governor of the State of

Chiapas for sending the prisoners to the State capital, but Captain Tellez, in command of a company of federal troops at Tapachula, refused to surrender them. The same officer co-operated with the prisoners respecting their projected invasion of Guatemala, seizing upon all the Guatemalan Indians in the vicinity to increase the ranks of his company. On the 27th of June the prisoners were allowed to give a ball in the house of Tellez, and, having intoxicated the federal troops, they were next morning placed under the orders of the Guatemalan exiles, nominally prisoners, for a filibustering expedition against Guatemala. They crossed the frontier the same day, committing various outrages and assassinations by the way, and on the following day were completely routed, near San Márcos, by Colonel Lopez, the political chief of that place, already mentioned. Three of the leaders were killed in action; four others were taken prisoners and were executed at San Márcos two months later. An attempt was subsequently made by General Barrios to connect Mr. Romero with this incursion. The facts were, that he had used all his influence to prevent its taking place, having even had an interview with the Guatemalan exiles while prisoners, in which he endeavored to dissuade them from any step of the kind. Moreover, at the moment of the invasion, Mr. Romero was at San Márcos, Guatemala, where he had gone to see the political chief, Colonel Lopez, respecting the destruction of his coffee plantation, and he only escaped falling into the hands of the filibusters by the accident of having taken a different road on his return. During this visit to San Márcos, Colonel Lopez avowed that the destruction of the "Cafetal Juarez" had been effected pursuant to orders of President Barrios, but he came to an understanding, apparently amicable, with Mr. Romero, as to the future conduct to be observed by both parties.

Since Mr. Romero could not be proved to be directly responsible for the filibustering expedition in question, General Barrios afterward undertook to hold him indirectly responsible, as having been the adviser of the sending of a Mexican federal garrison to Tapachula. It is true that, as early as September, 1871, before having visited Soconusco, Mr. Romero suggested, in an official document, the sending of such a force, and that, during the early part of his residence in Tapachula (September, 1873), he repeated the suggestion. This was, perhaps, the cause of the sending of the first installment of federal troops, consisting of but sixty men, who arrived in November, 1873. Unfortunately, through the ignorance and inaptitude of their commander, Captain Tellez, these men were, for the most part, seduced into the filibustering expedition against Guatemala, as above mentioned. The plan of sending such a force had, however, been warmly approved by General Barrios in letters to Mr. Romero. After the events above referred to, Mr. Romero solicited the sending of a more numerous federal force, under an officer of greater intelligence and confidence. In fact, a small battalion of federal infantry was sent from Acapulco, under the orders of Lieut. Col. Antonio Ponce de Leon, and arrived in Tapachula early in September, 1874. That officer had instructions to repel any invasion of Mexican territory by Guatemalans—instructions, doubtless, due in part to the destruction of Mr. Romero's plantation, which had created considerable interest in Mexico, and had been the subject of two official investigations. Colonel Ponce de Leon naturally wished to become acquainted with the line generally considered as the actual frontier with Guatemala, and invited Mr. Romero to accompany him. With an escort of ten soldiers they visited, in November, 1874, the "Cafetal Juarez," and adjacent localities, taking care not to pass the reputed frontier of Guatemala. Nevertheless, this reconnaissance gave great alarm to the frontier authorities of Guatemala, and was magnified by General Barrios into an outrage against that republic.

Previous to this event, and immediately after his return from San Márcos, in July, 1874, Mr. Romero, in fulfillment of a promise made to Colonel Lopez, addressed communications to the municipalities of Tajomulco and Sibinal, the authorities of which had participated in the destruction of his property. In these documents he gave his reasons for considering the lands in question to be Mexican territory, and, without entering further upon subjects of controversy, offered to pay the damages caused by the reprisals made by Maldonado at Altaná. These documents were sent by the municipalities to Colonel Lopez, at San Márcos, and by him to General Barrios. They elicited an angry reply from Colonel Lopez, in which the tenor of these documents was treated as an offense of sedition against Guatemala, which should be dealt with by the courts, and it was insinuated that Mr. Romero was an accomplice of the recent filibustering expedition.

Meanwhile, Mr. Romero had resolved to desist from the purchase of the lands forming the coffee plantation, but his agent in Mexico had already made payment of the price to the Government, and an official title had been issued to him in August, 1874, by which the Mexican Government became the guarantee that the lands were really Mexican territory. The possession of this document gave him an unquestionable right to Mexican protection, but he nevertheless resolved not to solicit such intervention, and to leave the territorial question to be decided by a treaty of limits. Consequently, he did not make any demand for diplomatic redress, nor even address any

complaint on the subject to the Mexican newspapers. From other sources, however, those papers received information on the subject, and the members of Congress from Chiapas spontaneously addressed a joint complaint on the subject to the ministry of foreign affairs. These publications and the complaint in question were wrongly attributed by President Barrios to direct efforts on the part of Mr. Romero, and caused great indignation on his part. In revenge, he caused to be written a letter from Guatemala to the Mexican journal, the Monitor, in which the destruction of the coffee plantation was described as a very small affair, and Mr. Romero was represented as a heartless speculator in international dissensions. In reply to this letter Mr. Romero, for the first time, addressed to the Monitor his own version of the facts, taking care, however, not to inculpate General Barrios, to whom he sent a copy. At the same time, he complained to General Barrios, by letter, of the attacks made upon him in the press, and received a reply in which the President of Guatemala explicitly denied all knowledge thereof, and expressed his full confidence and esteem, as was his custom. Until February, 1875, General Barrios, in his frequent letters upon business affairs, continued to write in similar terms, so that Mr. Romero was temporarily satisfied of the loyalty of his friendship.

At the close of 1874 the Indians of Tacaná, Guatemala, destroyed the boundary-post of Pinabete, and erected another at Cuilco Viejo, 8 leagues to the south. By order of Colonel Ponce de Leon it was replaced in February, 1875, the new one being destroyed. A few days later the Indians again destroyed the boundary-post. It was a second time replaced in March, and was soon afterwards destroyed a third time. Although Mr. Romero had no share in the acts of the federal commander, and was absent from Tapachula at the time of the second expedition to replace the boundary-post, he was held responsible in Guatemala for all that had occurred, and even charged with having intoxicated Colonel Ponce de Leon, in order to persuade him to violate the territory of Guatemala. In point of fact Mr. Romero declined a written invitation from the said colonel to accompany him on the expedition in question, and gave an opinion against the proposed replacement of the boundary-post.

In February, 1875, there was established at Tapachula, by the efforts of Mr. Romero, a printing press, from which was issued under his direction a small weekly journal, the Soconuscoense, of which only twenty numbers were issued. No attack upon Guatemala or upon President Barrios ever appeared in its columns, where the boundary troubles were spoken of with extreme moderation. Nevertheless, the official journal of Guatemala subsequently accused Mr. Romero of having published therein a multitude of lies and calumnies intended to promote a rupture between Mexico and Guatemala. Mr. Romero's contributions to that paper were few, and were signed by his name.

In January, 1875, Mr. Romero learned that ten Guatemalan Indians, who had been working on his coffee plantation, had been carried off prisoners by the authorities of the neighboring Guatemalan village of Toquian, for the crime of having dared to work there against their orders. Mr. Romero at once started for the plantation, and on the following day Colonel Ponce de Leon, hearing of the case, set out for that plantation with eighty men of the federal troops. Mr. Romero met him on his return two days later, and persuaded him to turn back without having reached the frontier. Nevertheless, this incident was represented by order of General Barrios as a new outrage committed upon Guatemalan territory.

In April, 1875, Mr. Romero left Tapachula for Mexico, to take his seat in Congress as deputy for Soconusco. Soon after his arrival he learned that the Guatemalan minister, Don Ramon Uriarte, had addressed to the foreign office three communications, by order of President Barrios, accusing him of being an incendiary, a plunderer, a filibuster, &c. As the facts upon which these charges are based have all been presented in the preceding narrative of Mr. Romero's residence in Soconusco, it is unnecessary to consider these charges in detail, as Mr. Romero does in the second part of his refutation.

In the third part of that document, Mr. Romero, turning the tables upon his accuser, produces formidable evidence to show the despotic and unprincipled character of the ruler of Guatemala, his cruelty toward the laboring classes of Guatemala, the utter lack of guarantees on the part of the unfortunate residents of that republic, the duplicity of General Barrios as a part of his methods of government, his unbounded ambition, and especially his fixed design, long since formed, of disputing the Mexican title to Soconusco and Chiapas. In this publication, bearing date in 1876, is correctly predicted and outlined (pages 158-161) the hostile conduct recently observed by Guatemala toward Mexico in regard to the question of limits. It is very remarkable that the recent attempt on the part of Guatemala to obtain the intervention of the United States should have been indicated five years ago in this document, which must be well known to General Barrios, though the Government of the United States is hitherto probably quite ignorant of its existence. Says Mr. Romero:

"It (the Government of Guatemala) has gone so far as to imagine that, in case of

a war, Guatemala might celebrate a treaty of alliance with the United States, with the object of carrying on a joint war against Mexico and dividing between them the spoils. It would not be strange, much less impossible, that, under certain circumstances, which are fortunately not probable at this time, the United States might wage against Mexico another war as unjustifiable and as disastrous as that of Texas; but whoever knows the position occupied in the world by the United States, the essential difference between the policy of their Government and that of Guatemala, the national pride of their people, and various other circumstances, which I consider it unnecessary to enumerate, will come to the conclusion that, if unfortunately the United States ever declare war upon Mexico, they will do it for motives of their own and not for those of any other nation; in their own name, and not as allies of Guatemala. It is really the height of blindness to imagine that Guatemala, by stimulating the greed of the United States, could drag them so low as to convert them into an appendix to herself!"

Yet this apparently is what the Government of Guatemala attempted to do in the summer of 1831, from which attempt she did not desist, even upon the advent of the administration of President Arthur.

PRINCIPAL EVENTS AFFECTING THE RELATIONS BETWEEN MEXICO AND GUATEMALA.

1821. February 24.—Plan of Iguala, by which General Iturbide proclaimed the independence of Mexico.
1821. September 3.—Adhesion of Chiapas to the plan of Iguala, and proclamation of annexation to Mexico.
1821. September 8.—Oath of independence from Spain taken by authorities of Chiapas.
1821. September 15.—Guatemala declares her independence from Spain.
1821. September 26.—Chiapas declares her absolute separation from Guatemala.
1821. September 27.—Entry of Iturbide into the city of Mexico, and formation of a provisional government.
1821. October 22.—Chiapas demands of Mexico the recognition of her separation from Guatemala.
1821. November 12.—The Government of Mexico accepts the annexation of Chiapas.
1822. January 5.—Guatemala signs an act of union with Mexico.
1822. January 15.—The regency of Mexico proclaims the perpetual incorporation of Chiapas into the Mexican Empire.
1822. February 4.—Formal incorporation of Guatemala into the Mexican Empire.
1823. Guatemala separates from Mexico.
1824. May 3.—Soconusco, lawfully represented in the supreme junta of Chiapas, voted freely for her annexation to Mexico.
1824. May 26.—The Congress of Mexico issues an act declaring the liberty of Chiapas to annex herself either to Mexico or Guatemala.
1824. September 12.—Chiapas, by the free vote of the majority of its inhabitants, solemnly ratified its final incorporation to Mexico, and in the first Mexican constitution was named as part and parcel of the latter republic.
1824. September 12.—Solemn declaration that Soconusco was included in the province of Chiapas, and united with it to Mexico.
1825. January 25.—Guatemala proposes with its troops to occupy Tapachula (Soconusco).
1832. Guatemala violates with her troops the territory of Soconusco.
1832. The Mexican Government sends to Guatemala a minister to settle the question of boundaries, but without effect.
1839. Guatemala manifests the intention to include Soconusco in one of her states.
1840. The alcalde of Tapachula (Soconusco) asks protection from Mexico against Guatemala.
1842. Mexico occupies Soconusco with its troops, in virtue of the solicitations of its inhabitants, of the free vote cast on the 3d of May, 1824, and the declaration of the 12th of September of the same year.
1842. The Guatemalan Government, through the British consul in Guatemala, applies to the English Government for mediation.
1842. October 10.—The English minister in Mexico, without instructions from his Government, inquires of the Mexican Government whether English mediation would be favorably received, and the Government of Mexico answers that there is no need therefor, as Soconusco is clearly a part of the Mexican possessions.
1853. The Mexican Government sends another minister to Guatemala for the settlement of the question of limits, but without success, in consequence of the opposition of Guatemala.

1854. The Guatemalan Government manifests a disposition to renounce its alleged rights to Chiapas and Soconusco, but on condition that Mexico should recognize in its favor the debt of that province; which Mexico declined to do in 1875, alleging that the debt, if any, should be recognized in favor of private creditors and not of the Guatemalan nation.
1873. October 20.—The Mexican Government declares that it cannot enter into any discussion on its right to Chiapas and Soconusco.
1874. May 7.—Guatemalan Indians destroy Mr. Matias Romero's coffee plantation, situated in Mexican territory.
1875. February.—Residents of Guatemala destroy the boundary mark called "Pinabete," and build another near Cuileo Viejo.
1877. September 7.—A convention is concluded in Mexico creating a joint commission of Mexican and Guatemalan engineers, in order to study the dividing line of the two countries on the eastern limit of Soconusco and Chiapas, with which Guatemala implicitly recognized that the rights of Mexico to the state of Chiapas were out of question.
1878. October.—A band, headed by Margarito Barrios, a Guatemalan officer, invades the Mexican territory at the point called "Tonintaná."
1879. December 17.—Thirty-five filibusters coming from Guatemala attack the Mexican village Tuxtla Chico.
1880. September.—Another band, consisting of forty filibusters from Guatemala, surprise again Tuxtla Chico.
1880. December.—The political chief of San Marcos (a department of Guatemala), at the head of two hundred men, invades Mexico, destroys the Pinabete boundary mark, erects another one several leagues within Mexican territory, and hoists thereon the Guatemalan flag.
1881. June 16.—The Secretary of State addresses a note to the American minister in Mexico, saying that the Government of the United States, at the request of Guatemala, offers its mediation on the question of limits.
1881. July 9.—Conference of the American minister in Mexico with the Mexican secretary of state on the proposed mediation of the United States.
1881. July 25.—Memorandum by Mr. Mariscal on said conference.

No. 51.

Mr. Frelinghuysen to Mr. Romero.

[Published heretofore in Senate Ex. Doc. 156, Forty-seventh Congress, first session.]

DEPARTMENT OF STATE,
Washington, March 24, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, in which you set forth the views of your Government touching the pending questions between the Mexican United States and the Republic of Guatemala.

I have given consideration to your statements, and remark that this Government, as you observe in substance, has not put itself forward as the advocate of any determinate solution of the issue between the two Governments. The intelligence which the President received pointed to the imminence of a collision between Mexico and Guatemala, which, as a duty imposed upon him by the friendship of the United States for both the parties, he desired to avert by the suggestion of pacific counsels, including, as was meet, that of arbitration if the difficulty could not be disposed of by other means. It is with feelings of relief that the President learns that the channel to a peaceful agreement lies open to both nations.

Accept, sir, the renewed assurance of my highest consideration.

FRED'K T. FRELINGHUYSEN.

No. 52.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO,
Washington, April 29, 1882. (Received May 1.)

MR. SECRETARY :

I have the honor herewith to send you a printed copy of the speech delivered by the President of the United States of Mexico, at the opening of the present session of the federal congress of Mexico on the 1st instant, in which you will see that I have marked the paragraphs referring to the pending difficulties with Guatemala by reason of the boundary question between the two countries. You will also observe that these paragraphs are in entire conformity with the statements made by me in the note which I had the honor to address to you in reference to this matter on the 9th day of March last.

I have, &c.,

M. ROMERO.

[Inclosure.]

PRESIDENT'S MESSAGE.

GENTLEMEN OF THE CHAMBER OF DEPUTIES AND SENATORS: * * * The good harmony which has for some time past existed between Mexico and the foreign powers with whom she has relations has been preserved, and has increased, and we receive from them frequent evidences of their friendly feeling towards us.

Our relations with Guatemala continue in the same condition they were in when I gave you an account of them in September last.

When treating of interests of such magnitude it is prudent, without neglecting them, to leave to time that natural influence which it sometimes advantageously exercises in bringing complicated questions to a solution.

I must, therefore, for your information, as well as for that of Mexico and of the Governments of Central America, explain clearly and succinctly what are the aspirations of my administration in our difficulties with Guatemala, and I hope that you will not deny to me the co-operation necessary to bring them to an end.

Perhaps the circumstance that in former times some of the republics which are grouped together in the center of the continent, formed part of the Mexican nation, has given rise to the idea that our republic, stimulated by its actual condition of tranquility and progress, wishes to possess itself, in whole or in part, of these political entities, which are now sovereign and independent, and annex them to our own territory—a lamentable error which might alienate from us the sympathy of the people thereof, from whom no conflict separates us, and with whom we desire to cultivate and strengthen, if possible, the most disinterested friendship.

When we possess a territory of the greatest richness, washed by two oceans, capable of supporting in prosperity a population of 100,000,000, it would be insensate in us to attempt the conquest of those countries, from which we are separated by great distances, and we would unceasingly repel in them those proper sentiments of liberty and independence which are as firmly rooted in their soil as they are in our own. And I solemnly declare to Congress, and to the nation which it represents, that my administration has no other views with reference to the questions which now exist with the southern republic, than the defense of the territory and dignity of Mexico, and looks only to the establishing of a well-defined boundary which will be adopted by a common accord between Mexico and Guatemala. If the Government of that country will renounce the unrealizable idea of reoccupying Chiapas and Soconusco, or of obtaining an indemnity for supposed damages for having been despoiled of the same, the sincerity of the policy which in these few words I have indicated would be soon made apparent.

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No. 53.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO,
Washington, May 6, 1882. (Received May 11.)

MR. SECRETARY :

I have read with interest a copy just received of the documents emanated from that Department referring to the difficulties existing between Mexico and Guatemala, which the President of the United States sent to the Senate with his message of the 17th of February of this year in response to a resolution of that Chamber of the 30th of the preceding January, asking for the correspondence on this matter.

Although those documents refer to questions which affect Mexico and Guatemala in a direct manner only, should the Government of the United States wish to form an exact opinion thereon without having anything but the reports on the subject, which are consigned in said documents, it would lack, in my opinion, the necessary data to be acquainted with them in all their incidents and details.

The last two representatives of Guatemala at Washington have certainly communicated to that Department inaccurate reports concerning those questions which are in open contradiction with historical facts, as can be demonstrated by means of documents and irrefragable proofs.

These reports have unfortunately been supported and maintained by the last representative of the United States in Guatemala, and this circumstance gives them more importance than they could otherwise have.

It is true that when the chairman of the Foreign Affairs Committee of the Senate asked you if there was any objection in printing said correspondence, you fairly and impartially thought fit to add thereto the note I addressed to you the 9th of last March on the same subject, presenting, although in a very brief and superficial manner, Mexico's views upon it; but as the information contained in that note is not sufficient either to duly appreciate this question, I have thought proper to lay our views before you in a more detailed and complete manner.

As the Government of the United States has to a certain extent admitted, on the other hand, the manifestations made on the subject by one of the interested parties, it seems proper and natural to afford them an opportunity of hearing the other side, and that is the object of the present note, wherein I propose to relate, with all possible conciseness, but without omitting any substantial facts, the events which have given rise to the boundary question between Mexico and Guatemala.

I will not, however, follow in this relation the line marked out by the representatives of Guatemala, but, leaving it entirely aside, I will relate with complete impartiality the historical facts such as they happened, stating places, dates, the names of the prominent persons that participated therein, and drawing the consequences derived therefrom, as this seems to be, in my opinion, the only proper manner of speaking of questions dating so very far back and containing some incidents which complicate them.

I will not occupy myself, either, in proving each one of the many inaccuracies contained in said reports, because this would lead me off from the main object of this communication, and because a simple, truthful, fair, and impartial relation of the events is the most conclusive, although indirect, that can be given to said reports and manifestations.

Our ancient history furnishes data to believe that even at the beginning of the sixteenth century Chiapas and Soconusco belonged to the Mexican Empire and that Moctezuma II carried his arms in 1505 as far as Nicaragua. I mention this fact because although it has no direct influence in the present matter, it is a proof against the immemorial possession which Guatemala maintains to have enjoyed, showing that there was a time so far back when that possession was interrupted.

After the Mexican Empire was conquered by the Spaniards Chiapas and Soconusco remained for the first few years subject to the colonial rule, as parts of New Spain. Both provinces were afterwards aggregated to Guatemala, which figured also for some years as a province of Mexico, till she finally established her *audiencia*.

These changes are of no significance whatever; as the whole continent being then ruled by Spain, the aggregation of one province to another was simply for the object of facilitating its administration, without creating thereby new nationalities nor granting new rights to him who thought to have them over the whole country. It is to be noticed, however, that Soconusco was considered, even during the colonial rule, as a government; that is, it was not made part of any of the other fractions composing the kingdom of Guatemala, till its importance having diminished on account of the abandonment in which it was left, it was reduced to a district of the intendency of Chiapas. It has therefore been demonstrated that Chiapas and Soconusco belonged to Mexico and that Soconusco formed part of Chiapas at least since 1790.

The independence of Mexico having been proclaimed for the second time in 1821, Chiapas was the first province of what was called the kingdom of Guatemala which made known its separation from Spain and its union to Mexico on the 3d day of September, proclaiming, on the 8th, its independence in the most solemn manner. This act, performed with the most complete liberty, is the first ground of the rights of Mexico; the observation which has some time been made concerning the duty of Chiapas to act in accordance with Guatemala being of no value whatever. When the province of Chiapas broke the link which subjected her to Spain, she recovered the full exercise of her independence, and by use of a perfect right incorporated herself to the Mexican Empire, as the other provinces of the general captaincy did, and as Guatemala herself did at last. Nobody doubted the right which she had to proclaim herself independent and call for a congress, nor that which Salvador performed in order to oppose her union to Mexico, even after that of the other provinces had taken place. Guatemala usurped, therefore, rights which were not hers, when she included Chiapas in her act of union to Mexico, signed on the 5th of January, 1822, since she confesses, in that same document, that Nicaragua, Comayagua, and Chiapas had been entirely separated from her.

In view of the difference which was noticed between the conduct of Chiapas and that of Guatemala, which latter, on proclaiming her independence on the 15th of September, 1821, constituted herself as a separate nation; the authorities of Chiapas declared again its separation from Guatemala on the 26th of the same month, and on the 22d of October appointed a commissioner to go to Mexico to further the complete separation from Guatemala, even in case the latter should submit herself to the Mexican Empire. This is the second ground of the rights of Mexico. (Inclosure No. 1.)

In consequence of such repeated proofs of adhesion, the governmental Junta of Mexico decreed, in a meeting held on the 12th of November, 1821, to offer to the province incorporated to the empire and to the

others (from Guatemala) which might afterwards do the same, all the protection demanded by their voluntary adhesion to our Government, without compromising the places which may be willing to follow another course.

This phrase is the clearest proof of the fairness of Mexico, since it shows that she did not pretend to use either force or intrigue, and that she considered only the free will of the people. It is to be noticed, however, that good many of the other villages which had belonged to Guatemala had made already public its adherence to Mexico, congratulating General Yturbe and the junta. These noteworthy documents are contained in the record of the proceedings thereof. One of these, and perhaps the one that attracts the most attention, is the letter of Lieut. Gen. Carlos Urrutia, who was then, in 1821, President of Guatemala, "offering his respectful homage to the sovereign junta and soliciting its protection, in order that the province of Guatemala should be incorporated to the empire." This was communicated to the junta on the 15th of December, 1821, and this body, after a report rendered by a committee, decided to answer Mr. Urrutia "That His Majesty applauding his good wishes, abstains himself from taking the steps indicated by Guatemala, as they are not in conformity with the liberal principles which direct his course." This answer needs no praise, as what is noble and worthy exalts itself.

The decision of the 12th of November, 1821, was published as a law by the regency on the 16th of January, 1822, declaring that Chiapas was forever incorporated to the empire. This solemn declaration, against which Guatemala made no protest in those days, is the third ground of the rights of Mexico, which acted, as has been seen, with so much circumspection and loyalty in this grave matter that she does not deserve the qualifications which have sometimes been made of her conduct.

The first official expression of Guatemala appears in the record of the meeting held on the 10th of January, 1822, in which the congratulation of the president of that audience was communicated to the governmental junta. On the first of February the act of submission and adhesion to the empire of the municipality of that city was communicated to the junta, and on the 4th the notice of the Guatemalan Government and the acts and proclamations made on the occasion of its incorporation to the empire, by virtue of the declaration of its provisional junta and of the consent of an absolute majority of its citizens, were read. Nicaragua, Honduras, and Costa Rica were then already incorporated to Mexico. It must be borne in mind that some of these provinces had expressly asked their complete separation from Guatemala; only Salvador remained.

The Government of Mexico was so scrupulous in all that relates to Guatemala that it, being impossible for the deputies of those provinces to be present at the meeting of Congress, on the 24th of February decided that a junta of natives or residents of Guatemala should elect substitutes, in order that the people which had joined the empire would be represented. The substitutes thus elected remained in Congress until the regular appointees presented themselves, one of whom, Mr. José del Valle, was the second minister for foreign affairs; a new token of consideration given to the citizens of that part of the nation.

As it is consequently impossible to disown the authenticity of the documents above mentioned, to deny the reality of the facts related, to at least interpret such manifest intentions, or to disfigure such explicit resolutions without intentionally closing one's eyes so as not to see the

truth, no doubt can either be had of the legality of the union of Chiapas to the Mexican Empire. We will now see how that union was ratified.

The overthrow of General Yturvide's throne in March, 1823, opened the door, as it was natural, to different pretensions, a necessary result of the new ideas which were budding throughout the country. Guatemala and the other provinces separated themselves, and Mexico, far from opposing it, favored the organization of that new society. Chiapas was at first wavering; a party, urged and sustained by Guatemala's agents, proclaimed its union to the same; another maintained its union to Mexico, and feelings of complete independence were not lacking. A supreme junta was organized, which was solemnly recognized by the Mexican Government. (Inclosure No. 2.)

Exaggerated reports concerning the situation of Chiapas brought about the dissolution of that assembly on the 4th of September, 1823; a plan of free Chiapas was issued; forces were raised, meetings were promoted—in sum, the province was for two months involved in the most complete confusion, until Colonel Codallos, in view of the edict and of the order of the Mexican Government, dated September 3 of same year, "to leave things in their present condition, so that the province would proceed with absolute liberty," agreed in the re-establishment of the junta on the 30th of October of said year, and on the 4th of November withdrew from Chiapas in order that it might be left to herself to act with entire freedom on the part of Mexico. It is not true, therefore, as has been said, that the junta was re-established after the withdrawal of the troops, who were only one hundred men of the Second of infantry and thirty of the Seventh of cavalry.

The assembly, on communicating its reinstatement to the supreme executive power of Mexico, in a note dated November the 10th, 1823, calls Colonel Codallos "well deserving of the country," and uses these expressive words: "The province entertains great and eternal gratitude to the illustrious chief, who, convinced of the general will of the people, respected it and did not wish to soil the luster of his arms." The Mexican chief recognized the assembly, which commenced its labors without any kind of pressure, as the Government had ordered the withdrawal of the troops since the 29th of May, leaving only the local forces, which, in Tuxtla, were influenced by the partisans of the annexation to Guatemala. It is, then, shown that if any fear was ever entertained for a moment that Chiapas would not have any freedom, it disappeared entirely with declarations and acts as solemn as they were sincere.

The Mexican Congress, not being satisfied with the liberty in which, in fact, it had left Chiapas, gave the last proof of its fairness by issuing a decree, on the 26th of May, 1824, declaring that Chiapas was free to decide its aggregation, suggesting for that purpose the meeting of a congress to resolve in three months such an important matter.

With the worthy object of affording perfect liberty to the representatives of Chiapas, the Mexican Government proposed, on the 26th of May, 1824, to that of Guatemala to withdraw from Chiapas all the troops that were there; to deposit the arms of those of Mexico in to the hands of the municipality of Ciudad Real, now called San Cristobal las Casas, and to situate five hundred men of each nation on the respective frontiers. Guatemala opposed all these measures on the ground that they deprived the junta of Chiapas of due liberty, and although the withdrawal of the Mexican troops was alone carried out, the Government of Guatemala insisted in its denial, alleging that the intelligence that the forces were to be stationed on the

frontier was enough to prevent there being the desired liberty at the polls. The most noteworthy thing she did was to protest against the withdrawal of the Mexican troops, when some of those of Guatemala remained in Chiapas. No Mexican troops were, at the time in which the supreme junta declared its aggregation, in this province or outside it for many leagues. With a view of avoiding that, the opinion of the representatives of Chiapas would be unduly influenced, the Mexican Government appointed a commissioner to be present at the junta, and invited Guatemala to do likewise. The two nations would in this way be witnesses of the legality of that supreme resolution. Guatemala refused its consent, notwithstanding that the junta informed it, on the 4th day of August, 1824, of the arrival of the Mexican commissioner, alleging that neither of the two nations ought to interfere in the decision. Mexico never pretended to interfere; she only wanted to avoid another kind of intervention, in order that the junta, in the presence of the two nations, might proceed as it best suited them. The Mexican Government did then all it could to remove all motives of complaint. These acts, maliciously interpreted, were then, however, and are yet the foundation of Guatemala's protests. (Inclosure No. 3.)

The junta of Chiapas ordered registers to be opened in all the districts which, without any pressure, there not being any armed force or any other elements which might restrict its will, should have its opinion freely expressed, and the junta, after mature deliberation and conscientious study of the acts, declared, in a solemn meeting held on the 12th of September, 1824, the aggregation to Mexico which had been voted by a majority of the parties, representing a population of 96,829 inhabitants against 60,400 who voted in favor of Guatemala, and 15,724 who did not express any decisive opinion, but who, were they to be added to those who voted in favor of Guatemala, would always leave in favor of Mexico a majority of 20,705 inhabitants, as the population of Chiapas was then of 172,953 persons. Among the votes cast for Guatemala figured unduly those of the whole of Soconusco, when the truth was that in this department there was also a majority in favor of the union to Mexico. (Inclosure No. 4.)

Chiapas thus ratified its final incorporation to the United Mexican States, appearing already in the first constitution of the latter as an integral part of the republic. It will not be out of our way to remember that while Mexico had given so many proofs of its desire to see Chiapas act with entire liberty, Guatemala, besides the resistance she opposed and the declarations she made, as has been said, protected, at least in Tuxtla, even after the resolution of the junta, a movement against the aggregation to Mexico, made by the military force which was there, in open violation of the orders of the Mexican Government and of the same junta. But this movement had no favorable result, and on the 7th of October a junta met at Tuxtla and unanimously decided the aggregation to the Mexican Republic.

Two reasons have been alleged why the declaration of September 12, 1824, should be invalidated. The first is the presence of the Mexican commissioner, who is said to have exercised pressure in the proceedings of the junta. In the first place when the commissioner arrived at Ciudad Real, on the 4th of August, the districts had already voted; therefore there was no pressure exercised, since the junta confined itself to count the votes, an act which nobody has ever dared to brand with the charge of falsity. The resolution, therefore, was not voted simply by the representatives of the districts, but by the districts themselves, the computing of the count having been made, not by the number of

the districts, but by the number of the inhabitants. This strengthened the incorporation, which was truly made by a majority of those who were interested in such a solemn act.

In the second place, supposing that the commissioner could exercise any influence, Guatemala cannot complain, since she was invited to send also a representative, but declined such a prudent invitation. Mexico did all in her power to remove any doubt in regard to the legality with which a matter of such great importance should be decided.

The second reason of alleged illegality consists in the presence of military forces. As I have said before, the Mexican minister declared that those Mexican troops were not in Chiapas, nor did Señor Zebadua allege they were; and although that gentleman pretends the mere news that five hundred men would be stationed on the frontier was sufficient to deprive the inhabitants of Chiapas of their liberty, still this argument cannot be seriously made, nor has it any value whatever when it is considered that the whole thing never went beyond the sphere of a simple suggestion made for the purpose that Central America should be persuaded of the sincerity of the Mexican Government, which did not pretend to take any advantage of any kind.

Hence, it is demonstrated that not only was the declaration of September 12, 1824, entirely legal, but it was so clear and free that it does not leave the shadow of a doubt in regard to the will of Chiapas.

These facts, which appear in official documents, establish in the most conclusive manner the right of Mexico to the province of Chiapas, and close the door against all discussion, because none is possible in view of the spontaneousness and firmness with which the incorporation was made. Chiapas was not a district of Guatemala, it was a province in every respect equal to Honduras, Costa Rica, Salvador, Nicaragua, and Guatemala herself, which, in fact, had no greater rights than the rest that formed the captaincy-general. What can she allege to sustain her posterior protests against the annexation of Chiapas to Mexico, since the action of that province was like that of the others?

If Chiapas could not unite herself to Mexico by her own action, neither could the other provinces, which asked to be separated from the capital. Nor could the latter act without counting with Salvador, because as their rights were the same, so were their obligations. Each province acted with entire liberty; and as Mexico respected the will of the people who would not unite, so Guatemala must respect that of Chiapas so definitely manifested. I now pass to the question of Soconusco.

Under the government of the Aztecs Soconusco was a province of the empire, and during a long time under the rule of the Spaniards was one of the four governments which they established in the kingdom of Guatemala, but since 1790 it was a district of the intendency of Chiapas. It therefore formed part of the latter in 1821; consequently it must suffer the fate of the province, without Guatemala being able to claim a special right to that territory or pretending to separate it from the other districts. Now, when Chiapas proclaimed its union to Mexico, none of the parts which composed it manifested opposition, and Guatemala herself consented, at least tacitly, as during the empire of Iturbide the provinces which formed the captaincy-general, and which were annexed to Mexico; did it with all their districts; it being noticed that if any of them presented resistance they would have taken care to show it; and in that regard the gubernative junta used the phrase, *without binding or compelling the places which wish to unite with other governments*. If, therefore, Soconusco *did not wish to unite with another government*, it is, without doubt, that in 1821 she was united, like Chiapas, to the Empire of Mexico.

When, in 1823, anarchy broke out in the province Soconusco suffered the commotion incident to the new condition of affairs; but she was not separated from Chiapas, since, on the 4th of July, 1823, Don Manuel Escobar entered the supreme junta as representative of the whole department of Soconusco, and on the 31st signed the decree of *bases*, in which Chiapas is solemnly declared "free and independent of Mexico and all other authority, and in a condition to decide whatever she might think best, this declaration being communicated to the Governments of Mexico and Guatemala."

We have, therefore, proved that Soconusco was at liberty to unite herself to Mexico or to Guatemala, or to form an independent nation, but not to separate her destiny from that of Chiapas, in whose junta she was legitimately represented, and whose resolutions she obeyed without any difficulty. The supreme junta reassembled, and on the 9th of February, 1824, Don Manuel Ignacio Escarra, as representative from Soconusco, came to it.

The junta, on the 24th of March, having under consideration that the constitutional bases of Mexico and Guatemala were already known; that both were liberal and both established the federation; that the form of government not being central, the distance to the respective capitals did not enter into the case, since each province should be constituted as it considered most to its advantage; that the people were in a condition to calculate for themselves the advantages or disadvantages of their union with one republic or the other, "desiring to give to all the people the most irrefutable proof of the respect with which it looked upon their public interests and happiness, re-enacted what had been provided by the circular of December of the year before, and hoping that without further delay all the districts should state frankly to which one of the nations they desired to be united, with the understanding that it being incumbent upon them to weigh the advantages or disadvantages of their action, the representatives who form this junta shall do, as organs of the general will, no more than solemnly declare what has been the decision of the people, upon the basis of the number of inhabitants, reporting to the nation in whose favor the incorporation has been decided, with authentic copies of all the documents and returns, and by these means, no town nor individual could believe that they had interfered with the rights of man in a matter so transcendently delicate to future generations.

In consequence of the decision of the junta, the city government of Tapachula resolved: That the people of Tuxtla and Escuintla, as well as all the rest of the people of the department, should choose representatives and publicly announce the day of meeting. This meeting took place on the 3d of May, 1824, and was attended not only by the delegates but also by the distinguished persons and inhabitants of Tapachula, and the circular of the supreme junta was read in a loud and clear voice, its contents being explained, and it being shown that upon the decision of such a delicate matter the future destiny of the district must depend. in order that they should reflect upon the decision. They decided by a plurality of votes that they wished to be annexed to the federal Government of the Mexican nation. (Inclosure No. 5.)

But, behold! without any known motive and giving way probably to extraneous influence, on the 24th of July, of the same year, Tapachula made a new declaration separating herself from Chiapas and declaring herself *to be a part of the supreme Government of the united provinces of Central America*.

It was said that this was done in consequence of the decree of the general congress, and of a note of the minister of foreign relations of

Mexico; but that cause was in every respect insufficient, because, in those documents, the liberty of the province of Chiapas, as she was constituted had been guaranteed; her arbitrary dismemberment had not been authorized. Those documents did not designate the acts which the junta should execute; nor did they revoke those already executed, ratifying only the recognition of the liberty of the province. A proof of the illegality of the declaration of Tapachula is that in the 4th article it is provided "to put a division under arms to sustain the decree." A useless precaution if the authors of it should have acted with the justification which governed the act of May 3.

On the other hand, as Soconusco had agreed to the formation of the junta and sent its representative twice to it, the new declaration made without any authority was an unlawful, an unjustifiable rebellion. The junta, therefore, gave it no consideration, and its work being ended issued the solemn declaration of September 12, 1824, which legally again annexed Chiapas, together with Soconusco, to the Republic of Mexico.

That act of Tapachula is the only title on which Central America relies; and to-day Guatemala pretends to establish her right to Soconusco. Article 1 of the decree of the 18th of August, 1824, expressly declares this; it says:

The province of Soconusco by virtue of its declaration is incorporated in the Republic of Central America.

The Government of Guatemala makes two arguments in defense of this declaration: (1.) That Soconusco was her province; (2.) And principally that as Mexico contends that Chiapas was at liberty to separate herself from Guatemala, so also it must be acknowledged that Soconusco was at liberty to separate herself from Chiapas. The first allegation is incorrect, because although Soconusco was a government of the old kingdom of Guatemala in 1821, it was only a district of Chiapas, and this is the name which was given it in the act of July 24. Consequently the social position of both parts was not as identical as was necessary in order that the rights of both should be the same; since, if this principle be admitted, the separation of each town, of each village, must be consented to, which would cause innumerable evils; but, even supposing that absolute liberty, even admitting that Soconusco could be separated from Chiapas, the truth is that she did not do it in 1821, nor in 1823, when the separation of the other provinces of Guatemala and the anarchy of Chiapas presented the most opportune occasion, and that, far from separating herself, she united more strongly her destiny with that of Chiapas, contributing to the formation of the supreme junta. Consequently not having made use of the right which was given her the first allegation of Guatemala is entirely destroyed.

So is the second, if it is considered that the true the only origin of the constitution of a society is the legal vote of the people who compose it. Soconusco accepted, obeyed, and sustained the supreme junta; she was legitimately represented in it; exercised in the most solemn manner her right of election, deciding on the 3d of May, 1824, in favor of the annexation to Mexico. In short, she exercised all the functions which correspond to a free and supreme people like herself. What more could she claim? She had done what the other districts of Chiapas did; what the other provinces of Guatemala had just done; what those that had composed New Spain had done before; what has been done and is done all over the world: the only thing which is possible to do when democratic principles recognized once as sacred and the representative system is established as the most convenient government for the interests of society.

But if Soconusco was at liberty to choose she was not at liberty to reverse the election; this done, the act was in every respect consummated; in attempting to reverse it no right was exercised; an obligation contracted in the most solemn manner was revolutionarily broken, because the fact that Soconusco had to obey the junta was an obligation, and a very sacred one. Señor Don Juan de Dios Mayorga, representative for Guatemala, in a speech made in the Congress of 1823 said: That "the junta should act in conformity with the mission which it had received from the people." Therefore, if it was obliged to act according to the will of the people, the people also had to obey the decisions which should be made within the legal powers of the junta; consequently Soconusco was obliged to obey the decree of annexation with all the more justice, in as far as it agreed with her own vote of May 3, 1824.

But let us suppose for a moment that on that day Soconusco should have voted in favor of Guatemala. If the assembly, when the votes of all the districts were computed, had declared that the majority was in favor of annexation to Mexico, Soconusco was bound to submit; since in consenting to the creation of the junta and giving it its powers, it had contracted the obligation of submitting to its final decision. In no other way can the representative system be conceived; if each part is considered perfectly at liberty to revoke the power conferred, to break the compact when made, the necessary consequences will be revolution, the triumph of power over right, and the dissolution of society.

As I said before, the decree of the Mexican Congress on which the second vote of Tapachula was founded cannot support that really seditious act, because in declaring that Chiapas was free to decide her destiny it did not in the least limit the power of the junta. On the contrary, Mexico in that decree recognized the junta, because it was issued after the junta had met, and that acknowledgment naturally carried with it a sanction of all the steps which the assembly might take in a matter so important. And as one of these had been to hear the opinion of the districts, and as that was done anterior to the decree, and this did not modify the situation of Chiapas in any respect, but rather confirmed the acts of the junta, this worked within its powers, performed its mission loyally, and should be obeyed by Soconusco and respected by Guatemala.

But both people, far from complying with such sacred obligations, placed themselves in a plainly seditious position. Soconusco, breaking her anterior and voluntary promises, turned her back on the junta, and made the declaration of July 24, and Central America, without waiting for the decision of the legitimate representatives of the province, and forgetting her spontaneous declaration, issued on August 18, 1824, the decree in which it was declared that Soconusco was incorporated in the Central Republic. That decree was in truth an undue act, and all the more grave, since it not only attacked the right, in every respect unquestionable, that the supreme junta of Chiapas had of deciding the independence of the province or its annexation to either of the nations, but it also put Central America in the most perfect contradiction with itself. When, in 1823, the formation of the junta was communicated to her, the national constituent assembly resolved, on July 21 (see inclosure No. 6):

That if at last Chiapas wished to be annexed to these United Provinces she would be received with the greatest pleasure, and then their happiness would be complete; but if the same Chiapas should think it more in conformity with her interests to remain separated, she should not be opposed, for she can always entirely rely upon the friendship, the fraternity, and the services of the State of Guatemala.

This solemn declaration contains three points of the utmost importance. (1.) The confession that Chiapas was separated from Guatemala, as it was left at liberty to *remain*, a sentence which confirms the legality with which the annexation to the empire in 1821 was verified. (2.) The most voluntary protest to abide by the decision of Chiapas, because "the United Provinces must respect the free will of those who are not resolved to enter into our compact." (3.) The most explicit acknowledgment of the supreme junta, whose wisdom and circumspection they justly commended.

There is still more: The Government of Guatemala sent to the Government of Mexico on October 3, 1823, a communication, in which it says it has "the firm determination not to oppose the decision of Chiapas if she wished to unite herself to Mexico." How, therefore, without waiting for the decision of the junta did that same Congress of Central America declare that Soconusco, by virtue of her declaration, became incorporated in the Central Republic? Was the unlawful and seditious vote of July 24 sufficient to usurp the powers of the supreme junta? The decree of August 18, 1824, broke the decision of July 21, 1823; and it can be said that the latter comprised the province of Chiapas and the former only the State of Soconusco, because when it was made, no exception to any part of the province was expressed, and Soconusco was comprised in Chiapas, as she had belonged to the old intendency, as she then belonged to the province, and as she had voted on May 3, as the other districts did. Even supposing that Soconusco was at liberty to reverse the first vote, Guatemala, not only for the respect which it owed the supreme junta, but for the respect it owed itself, was strictly obliged to wait for the decision of Chiapas. The resolution of July 21, 1823, was a compact as solemn as it had been voluntary; to break it only for a vote given in perfect rebellion was an act in every respect contrary to the principles of justice, and to wish to establish a right upon it was then and is now an entirely unsustainable claim. The junta of Chiapas in September, 1824, protested against the decree of August 18; and the Mexican Government, by virtue of the right which the solemn declaration of September 12 of the same year gave it, remonstrated in March, 1825, against the usurpation of the district of Soconusco.

As is seen, the contrast between the two Governments cannot be more complete. Mexico sought for the free expression of the will of Chiapas; Guatemala refused to co-operate in that act of justice. Mexico received in the confederation Chiapas and Soconusco, by virtue of the lawful resolution of a junta, recognized by Central America herself. Central America decreed by herself that Soconusco belonged to her by virtue of an illegal and revolutionary act. Mexico did not then appeal to force, having the necessary elements to do it, and waited during many months that the conviction might produce a favorable result. Guatemala, on January 25, 1825, prepared to occupy Tapachula with her own troops, thus opening the door to new and very grave difficulties.

This attitude, already really hostile, obliged the Government of Chiapas to prepare in June, 1825, to march troops to Tonalá, and the federal Government hastened the march of General Anaya, since the intention of Guatemala was no longer doubtful. The Mexican troops by entering Chiapas did in no way offend Guatemala, as they situated themselves in territory unquestionably Mexican. The federal Government was not obliged to give an account to Central America of her military movements, which were not subject to the will of a foreign country. So much the less when the arbitrary occupation of Tapachula

was a true threat to the tranquillity of Chiapas, which Mexico was obliged to preserve.

Then several communications were interchanged between the secretary of state of Mexico and the minister plenipotentiary of Central America, by virtue of which the troops of Guatemala were withdrawn and the Mexicans did not arrive at Soconusco, which district was left in a truly anomalous condition. It is pretended to give to the above-named communications the character of an agreement, for the purpose of establishing the strange opinion that Mexico violated all the laws, and attacked every right in occupying Soconusco in 1842. A slight examination of those acts will be sufficient to prove that the opinion which has been expressed in support of them is without any foundation.

Señor Don Juan de Dias Mayorga, representative of Central America, suggested, first, that the question should be submitted to the decision of the congress of Panama. Señor Don Lucas Alaman, the Mexican minister, declared, on August 22, 1825, that the means proposed were not acceptable; because the general congress had not been pleased to approve the stipulation of the treaty made with Colombia, in which it was desired to be stipulated that the congress of all the American States should perform the functions of umpire.

On the 24th Señor Mayorga said to Señor Alaman:

As the point in question reduces itself to a dispute about the boundaries of each republic; the object of a treaty is to regulate them, which treaty could be made, or let your Government send a minister to mine, or I can ask the corresponding instructions to frame it, as my Government instructed me that I can offer to present it within *five months*. This treaty itself could contain the most firm and sure guarantees for the independence and integrity of the territory on which it might mutually be agreed; it would be respected, and in this way all the necessary confidence for establishing a more solid friendship would be inspired. In the mean time the district of Soconusco should be free from the troops of either party, without prejudice to the rights of my Government, while its fate is being decided by the treaty which I propose.

Señor Alaman answered, on the 31st of August, the following, which, on account of the importance that has been given to this incident by Guatemala, I think it well to insert here *verbatim*:

By the communication of your excellency dated the 24th of last month, which I have communicated to the most excellent President of these States, his excellency has seen, with the greatest satisfaction, the means proposed by the Government of your excellency of submitting to the decision of the congress which has to meet in Panama, the question pending between this Government and yours relative to the district of Soconusco, and, although he does not think this suggestion acceptable, he believes, nevertheless, that other means more appropriate may be selected to terminate this question amicably. What your excellency has suggested meets the wishes of his excellency, who agrees that immediate steps should be taken to frame a treaty, for the purpose not only of regulating the boundaries between the two republics, but also of fixing upon a firm and solid basis their mutual relations in the future, for which, for the sake of brevity, it would be the best for your Government to give your excellency the necessary instructions, thus avoiding the delay which would originate by the traveling of the representative of this Government who might be sent to yours. In the mean time the troops and military authorities of the United Provinces of Central America shall evacuate the territory in the district of Soconusco as your excellency offered, so that the troops of these States will by no means pass the dividing line of that district, in which, moreover, free entrance will be given those who for political reasons may have seen it fit to emigrate, without requiring of them any oath; not putting them to any inconvenience in their persons, nor in the exercise of their respective rights, leaving everything in the state in which it was before the Government of your excellency proceeded to exact the oath to the constitution in the Central Provinces. In this way neither the Government of your excellency nor that of mine shall attempt to draw from that state contributions of men, money, or anything else; nor shall any other authorities than the local ones govern; and which, by their municipal charge, may perform the functions of government through lack of the elective functionaries of the superior authorities of the state or province to which said district may belong at the conclusion of the treaty.

In all these conciliatory measures, by which the Government of these States does not renounce in any way the right which this republic has to the district of Tapachula, the President hopes that the Government of your excellency will see a new proof of the desire which animates him to terminate this point in an amicable manner, making with the Government of the Central Republic a solemn compact which shall mutually guarantee the rights of both nations. Although, as the Government of your excellency will have seen, the Mexican division under General Anaya has not intended to invade the district of Soconusco, and that this conduct may alone be a sufficient guarantee of the peaceable intentions of this Government, still new orders shall be repeated to that general in regard to what he must observe as soon as your excellency may be pleased to inform me that you agree with the measures; offering to your excellency, by order of the President, all the assurance which you may desire on the part of this Government for the completion of this undertaking, it being very necessary that your Government should communicate its sanction to this system of peace and conciliation directly to General Anaya as soon as the troops which occupy the State of Tapachula are ordered to retreat, and to the government of the State of Chiapas, in order that it may direct the return of the emigrants and the continuation of traffic and communication between the said district of Tapachula and the rest of the State under its command, which probably will be interrupted or stopped with the exaggerated fears that will be conceived.

I have a true satisfaction in making to your excellency a communication, whose result may be to avoid the great evils which would follow an interruption of the friendly relations between the two nations and consolidate more and more their union and fraternity. I am, with the greatest consideration,

Your obedient servant,

LUCAS ALAMAN.

Señor Mayorga, on the same day, said the following :

I see with the greatest pleasure by your excellency's communication of to-day, that the means which I proposed in the communication I had the honor of addressing to you on the 24th of last month, have satisfied the wishes of his excellency the President. It will be very glorious for his excellency to terminate happily and amicably a matter which has already unfortunately assumed a hostile aspect between two brother people.

I shall transmit with satisfaction to my Government the note of your excellency, and at the same time I will ask for the corresponding instructions, not only in order that the present contention may be definitely terminated, but to mark out the boundaries of both republics, to guarantee their mutual integrity, and, in fine, to form a treaty of friendship, of union, of alliance, and of commerce, as becomes all the nations of America, and especially these two, which under so many names must be in eternal alliance.

My Government instructed me that I should propose to the Government of your excellency that this dispute be terminated by means of a treaty, *leaving in the mean time everything in statu quo*. In my note of the 24th, which I sent to your excellency, I offered, moreover, even without instruction from my Government that the district of Soconusco should be rid of the Central American troops, in which event, so is it to be from the Mexican troops, whilst it is being decided by the treaty to whom it must belong. I did not hesitate in making this promise, in view of the fact that my Government has not before had a single soldier in Soconusco, and that what caused it to send forces to that place was the news that a Mexican division was coming and feared that the district would be militarily occupied; but being sure that it will not be done, I did not hesitate in offering that it would be evacuated by pacific means in order to facilitate the treaty.

As to the return of the emigrants, although I have no instructions, it also seems to me that my government will agree that they may return without suffering any persecution, provided that they will not mix in politics, and that they await the destiny of Soconusco, which is to be decided by the treaty. That, in this interval, popular action must be avoided, and that in case there is any it must be of no value and effect, and the treaty should be celebrated as if there is none.

I regret not to be authorized by my Government to agree with the other measures which your excellency was pleased to express to me; under such circumstances I can do no more than to send them immediately for their consideration, with the request that the decision should be transmitted to me as soon as possible; but it will come at the same time as the instructions which I expect for the treaty that will decide the determination of the question, and the unalterable harmony of both republics. All of this I expect by the kindness of your excellency to be transmitted to his excellency the president of the republic, and accept the repeated protest of my consideration and respect.

I am your very obedient servant,

JUAN DE DIAS MAYORGA.

Therefore since the representative of Central America had no instructions, the note of the Mexican minister contained only a project of agreement *ad referendum*. The Congress of Central America approved the proposals of Señor Alaman; but in doing so it added the declaration that Soconusco should continue to be governed by the laws of Guatemala, and that the public functionaries of the district should obey the orders of the Central American authorities. The simple approval of the proposals of Minister Alaman could not have elevated them to the category of an international compact, because, to give them that effect, the approval of the Mexican Congress was necessary. What can be therefore its legal force when there were so many amendments in points of such importance? What value can be put on the decree of October 31, 1825, issued by the Congress of Central America, when in it, it is provided that Soconusco must still be governed by the laws of Guatemala; that is, in other words, deciding the principal point of the question which was agitated between the two nations? The most that can be said is that that decree contains a counter-project of agreement, which, consequently, should be presented to the Mexican Government; so that, in case of acceptance, it could be submitted to the approval of Congress in conformity with the federal constitution.

By what right could Central America contend that its decree should bind Mexico and have the force of an international compact when it had not been legally approved? That Congress was at liberty to decree what it pleased; but its resolutions in respect to Mexico were only propositions for an agreement, which in fact contained in themselves the germ of new evils, because they revealed the true intentions of Central America.

In the suggestions of Minister Alaman that the troops should be withdrawn, that the emigrants should not be molested, that taxes should not be imposed, and that the municipal authorities should alone govern in Soconusco he did not prejudice the question of the ownership of that territory, and only manifested with all loyalty the intention of Mexico, always worthy and never recognized, of leaving that people free and arranging amicably the question of boundary.

The correspondence on that subject was the declaration above cited, which, in truth, closed the door against all arrangement, because by virtue of it Central America decided that it had to continue to govern in Soconusco; that it did not give up its pretensions; it gave for granted a right unfounded in its origin and vicious in its application, and limited its gracious acceptance to the withdrawal of the troops, which perhaps was only on account of their proximity to those which General Anaya commanded.

The ideas of Guatemala could not be accepted by Mexico; but neither does it appear that the decree which contained them was ever communicated; nor is there any proof that the executive did ever give his consent to them, or presented the project to the general Congress. Consequently there was no agreement between Ministers Alaman and Mayorga. If there should have been, it could have no force, because Guatemala substantially modified it; and, in short, even giving to the communications of August 31, 1825, the value which they lack; and even supposing them approved without change by Guatemala, the agreement would be reduced to the class of a project, as it was not approved by the Congress of Mexico, an indispensable condition to the validity of any treaty.

Mexico, therefore, not only did not bind himself to respect the *statu quo* of Soconusco, but preserved the rights which the vote of May 3

and the declaration of September 12, 1824, made by the supreme junta of Chiapas gave her.

Merely political considerations, the incessant agitations for the consolidation of democratic principles, from which for a long time the republic suffered, the strife of the parties which to a certain extent enervated the action of the Mexican Government, and the hope, unfortunately not realized, that Guatemala would give up her pretensions, delayed this important business for a number of years. Soconusco remained in fact in a kind of neutrality, which, without being recognized by Mexico, gave, however, some reason to believe there was a tacit consent, what in reality was only toleration, in respect to that people and consideration for Guatemala. The territory was at times the scene of Central American invasions, at other times a refuge for political emigrants, and not seldom the haunt of criminals, its ruin being the necessary consequence of such direful elements.

In view of the above facts, what was really the condition of Soconusco? By right it was a part of Chiapas; in fact it was a kind of Hanseatic territory. But this neutrality which Guatemala has invoked in support of her pretensions was violated by her when Ministers Alaman and Mayorga had just signed the notes above inserted, since by a decree issued October 12, 1825, the State of Guatemala numbered Soconusco among the districts that formed the department of Quezaltenango. Was that unexpected declaration a worthy return for the frankness with which the Mexican minister of foreign relations had acted? Was this the way of leaving everything *in statu quo*, as Señor Mayorga proposed by express instructions from his Government. The decree of October 12, 1825, was only a confirmation of the one of August 18, 1824; it was the practical application of an illegitimate right; it was the completion of the seditious vote of Tapachula; it was the genuine expression of the fixed intention of Guatemala; it was the ratification of the wrong done to Mexico and the most complete contradiction of the protests of friendship and fraternity voluntarily offered in the supreme junta of Chiapas in the resolution of July 1, 1823.

And this was not the only violation of neutrality, because in 1832, on account of the conspiracy attributed to Don Manuel José de Arce, Colonels Raul and Martinez occupied the territory of Soconusco with troops from Guatemala, and remained in it even after the defeat of Arce, causing serious damage to that people, who complained to the Government of Chiapas.

Another highly notable violation was that done in 1839, when the Department of Los Altos became a State, because Soconusco was comprised in its territory. This act was the repetition of that of October 12, 1825, and proves conclusively that Guatemala considered that district as her own, in spite of her official declarations and friendly protests. What was then the *statu quo* of Soconusco? What was then the respect due the agreement of 1825 and the neutrality which was established by it?

These facts and some more which Licentiate Don Manuel Larrainzar refers to in his *Noticia Historica de Soconusco*, and other subsequent ones, which I do not use on account of the length of this communication, prove in the most conclusive manner that Guatemala, up to 1842, repeatedly violated the neutrality which she afterwards invoked, breaking the supposed agreement of 1825. Mexico in the mean time abstained from acting, which she could have done, in view of so many transgressions, because even admitting the legal constitution of the agreement, its violation unquestionably gave the right to consider it in every re-

spect broken. If there are different opinions on the due annulling of a treaty in consequence of the violation of any secondary article, there is no doubt in affirming that, according to the law of nations, the compact is completely dissolved when its essential foundation is violated. And the reason is very clear: in the first case, perhaps, the evil can be remedied and the infraction healed on account of the lofty objects of the treaty. In the second case there is no remedy, because the foundation of the compact once destroyed it is impossible to carry out the object for which it was made, and because that violation shows in the Government which did it a deliberate intention to antagonize the agreement, and breeds certain contempt towards the Government with which it was contracted, and to which an injury has been done, whose importance must not only be measured by the importance of the matter, but also by the dignity of the offended nation.

Now, therefore, what was the essential object of the agreement of 1825? The withdrawal of the troops, the return of the emigrants, and the abstaining from exacting taxes were the means that were considered necessary for accomplishing the desired end, which was the neutrality of Soconusco while the treaty of boundaries was pending. And can that neutrality be possibly conceived, in view of the decrees of 1825 and 1839, which declared that that district formed part of Guatemala? The neutrality implied doubt as to the ownership of Soconusco; the decrees established that ownership, and necessarily destroyed the foundation of the agreement, because Soconusco could not at the same time be neutral and belong to Guatemala. Such a confusion of ideas would be truly absurd, irreconcilable not only with justice but with reason, which cannot conceive doubt and truth united in the same act. And nevertheless, forcible it is to say, such was the condition of Soconusco until 1842, because its neutrality had a very strange character. There was neutrality for Mexico and ownership for Guatemala. Mexico had obligations and Guatemala rights. Soconusco, in respect to Mexico, was a free country, governed by its local authorities; in respect to Guatemala it was a district of Los Altos, governed by the laws of Central America. What, therefore, became of the agreement of 1825? Neutrality supposes the forbearance of the contending parties. Singular and perhaps unique was the neutrality of Soconusco; because, while Mexico abstained from action for seventeen years, Guatemala by her acts destroyed the title which she pretended to establish, first on the act of Tapachula and afterwards on the communications of Ministers Alaman and Mayorga. And all the above supposes a perfect treaty; as this never existed it must necessarily be concluded that the neutrality of Soconusco was only a fact which the Mexican Republic tolerated for seventeen years without contracting any obligation with Guatemala.

But, as everything in the world has its end, so did the toleration in respect to Soconusco have its; but the prudence of Mexico could not lower itself to weakness. The condition of that part of the territory was in every respect indefensible; its evils were being aggravated more and more every day and its future became every instant more and more unpleasant, and the happiness of the rest of Chiapas being exposed to danger, which the Government of Mexico was obliged to prevent at all cost.

On the other hand, the bad condition of affairs from which Soconusco suffered, and which were aggravated day by day, with acts not very benevolent on the part of Guatemala, had already produced their natural effect: aversion in respect to Guatemala and inclination in respect to Mexico.

Our revolutions, though unfortunate they may seem, have never gone so far as to destroy the unity of the nation. This or that party conquers; this or that form of government triumphant. The Mexican States or departments have remained united in the same tie which bound them together in 1821, as the revolution of Yucatan did not produce consequences of notable importance, and the one of Texas, in its origin, progress, and development, had a character in every respect exceptionable.

Guatemala, the prey to incessant struggle, had seen the federation of 1823 dissolved, as the provinces which then formed were States that recognized no common center. This circumstance had a decisive influence on the people of Soconusco, who, if, in 1824, had any opinion favorable to Guatemala, had seen disappear, one by one, all hopes of happiness.

Is it strange, indeed, that, from the depths of their bitter condition, those people should turn their eyes to Mexico, asking, as the mayor of Tapachula said on the 18th of May, 1840, "to hear the supplications of her orphans and put an end to their anxieties, so that their suffering would be over"?

Even admitting the supposed neutrality of 1825, Guatemala could not impede the new annexation of Soconusco, because neutrality carries with it the obligation that the contending nations should respect the *statu quo*; but it does not deprive the neutral people from acting according to their best interest.

Furthermore, the dissolution of Central America authorized the conduct of Soconusco, which, as appears from the act of July, 1824, did not unite herself to Guatemala but to the *United Provinces of Central America*.

Consequently, when those provinces were separated, when there was no central Government to represent them outside, when each one struggled to be independent without relying on the others, when in use of its particular sovereignty each one tried to enter on relations with foreign Governments, as Guatemala earnestly pretended at that time in respect to Mexico, Soconusco could rightly say that the agreement made in Tapachula had ceased, and consequently she was at liberty to decide her destiny again.

And if this is so, by supposing that the vote of July 24, 1824, was legal, what will be said when its complete nullity is proved?

Guatemala can allege no right to impede the annexation of Soconusco, because there was no agreement in 1825; because if there should have been one, it was violated, and because the only title which she could present at that time was totally void, and even supposing it valid, it became extinct on the dissolution of the *Federation of Central America*.

Why, therefore, does Guatemala complain of the occupation of Soconusco in 1842?

In view of the declarations of that people, having only considered their sufferings and desiring to save the dignity of the nation, wounded for seventeen years by acts really unlawful, the Government of Mexico resolved that Colonel Aguayo should occupy the territory which afterwards was declared united to Chiapas. In doing this it exercised the right which the vote of May 3, 1824, and the declaration of the supreme junta gave it.

The communications of 1825 imposed no obligations upon it, and the conduct of Guatemala still more authorized it by *sending* troops to Soconusco and exacting taxes, thereby infringing upon the only points on which an agreement had existed, and which, morally at least, would

produce for her some obligations, through respect to the decree of her congress.

Was the occupation of 1842 a crime for Mexico, and the often repeated violation of the neutrality a virtue?

Did Mexico infringe upon the law of nations by occupying a district that was hers in fact and in law in 1821, which has continued to be hers by right since 1824, and which, even supposing legal, the second vote of Tapachula expressed again her will to be united to the republic?

Must that will only be respected when it is in favor of Guatemala?

Did Central America comply with the obligations which were imposed upon it by the solemn declaration that it made to respect the decision of the supreme junta of Chiapas, which thought it more in conformity with her interests to remain separated from Guatemala?

Was it a proof of that respect to declare that Soconusco belonged to it by virtue of an illegal act, and without waiting for the decision of the junta in which Soconusco was legitimately represented.

Guatemala only relies upon the illegal vote of July, 1824; Mexico relies on the vote of 1821, on that of May 3, 1824, on the declaration of September 12 of the same year, and on the solicitations of 1842. Who has therefore the greatest number of titles to sustain the possessions of Soconusco? Which of those titles have the best foundation? That of Guatemala is supported by the illegal disavowal of the junta and by illegal revocation of the previous vote, that is, it has a vicious origin, because Soconusco had freely recognized the junta and expressed its opinion on May 3. The decree of Guatemala, made on the 18th of August, solely by virtue of that act, is also void, because Central America had recognized the junta and gave assurance that its decision would be respected. Was the second vote of Tapachula worth more than the first? Why did Central America so willingly accept it without waiting for the decision of the junta? The claims on which Mexico founds her right are, without doubt, the most solid. Nobody has ever doubted the vote of 1821. Guatemala did not remonstrate against the representation of Soconusco in the junta of Chiapas nor against the vote of May 3. The former and latter were, therefore, not only legal in their essence but were accepted by Guatemala, which only, on the 18th of August, resolved that the vote of July was superior to all, forgetting her official declarations. The resolution of the junta was, moreover, an act entirely legal, and the declarations of 1842 are legitimate. The decree of President Santa Ana, far from being a usurpation, was only the result of a right which was supported by the will of the people of Soconusco, expressed in so many different ways and with perfect liberty.

In view of the occupation of Soconusco, Señor Don Juan José de Aycinena, as secretary of the Government of the State of Guatemala, sent to the minister of foreign relations of Mexico a communication on the 12th of September, 1842, in which he defends the right of Guatemala, and alleges the reasons which according to his judgment establish the pretensions so earnestly sustained since 1824. As the principal arguments of Señor Aycinena have already been examined, and answered in this note, I shall only consider some special ones.

It is alleged to establish the right to Soconusco a law of the code of the Indies, in which it is provided that the *audiencia* of Guatemala must be composed of certain provinces, Soconusco being enumerated among them. That proof does not hold good, because, as I have said before, the congregation or separation of the districts or provinces under the colonial rule only had relation to the administrative part. Two portions that were united became separated when their respective prog-

ress gave them a certain importance; those that were separated became united when the decline of one made it less important. Thus it happened to Soconusco, which was a province in the sixteenth century, and at the end of the eighteenth was a district in the intendency of Chiapas. She could herself well have been the first province in the kingdom of Guatemala. It is certain that in 1821 she was only a district of Chiapas, which is sufficient for the question now before us. The argument founded on the laws of the Indies would be proof against the independence of the colonies, which had to follow the destiny of the mother country. The true and only argument in cases like this is the will of the people.

The argument which Señor Aycinena pretends to establish on articles 10 and 11 of the Mexican law of June 17, 1823, is as worthless as the preceding one. That law ordered the election of the constituent congress, and, as was natural, it conditionally included the province of Guatemala, not in conformity with the old territorial division, but considering nominally those which had been united to the empire. It is certain that Chiapas appears in the list, but it is also certain that Soconusco or Tapaclula, since under both names it was known, does not, an omission which gives as a result that the argument is *contra producentum*, since it demonstrates that Soconusco was considered a part of Chiapas. Article 10, far from going against Mexico, is in her favor, because it only says that *if the provinces of Guatemala wish to remain united to Mexico* the most exact census shall be used. A palpable demonstration of the good faith of the Mexican Congress, which left that people at liberty to establish a republic, as the gubernatorial junta left them in 1822. Chiapas did not unite herself to Mexico as forming part of Guatemala. In proclaiming her annexation to the empire she also declared that she was separated from Guatemala, although the latter could be united to Mexico. Consequently, the decree now under consideration did not restore the province to the dominion of its old capital; it only declared it free to express its will. What power had Mexico to decide that Chiapas belonged to Guatemala? Such making presents of people is absurd, contrary to nature, and condemned by modern civilization.

Although, as I have shown, the notes of Señor Alaman and Mayorga did not constitute a legal compact, I must mention and examine two phrases of Señor Aycinena, since Guatemala attempts to sustain the existence of that compact, and on it is founded, for the purpose of rudely attacking the Government of Mexico, the assumption that it broke an international compact and infringed upon the laws. Señor Aycinena says that the minister of Central America proposed that the territory of Soconusco should remain independent until some arrangement should be made by means of a treaty. Therefore, how is the independence of Soconusco explained, if, according to the decree of October 31, 1825, the territory was to be governed by the laws of Guatemala and its authorities had to obey those of Central America? Can a people be independent when subject to foreign laws and authorities? The decree of October 31 broke the supposed agreement, and the independence proposed by Señor Mayorga was only in writing. Soconusco remained, in fact, without any intervention of part of the authorities of Mexico, but was not free from the intervention of Guatemala. Who, therefore, broke the compacts and infringed upon the law of nations?

Strange, indeed, is the affirmation of Señor Aycinena, that the agreement "was accepted by the best of faith by the federal Congress of Central America in a decree of October 31, 1825;" because it is proved

that this decree opposed the agreement, which, although never having any force in respect to Mexico, it has always been invoked by Guatemala as the most solid foundation for her pretensions. If Guatemala should have accepted frankly and absolutely the propositions of Minister Alaman, she might say that, in good faith, she desired to terminate the question; but, having modified them to such an extent that they really became void, it is not possible to recognize in the decree the true intention which is attributed to it, with so much the more reason, since it is intended to sustain an agreement that did not have the approval of the Mexican Congress.

It results from the above that Mexico did not break any compact nor infringe upon any law by occupying Soconusco in 1842. But Señor Aycinena says:

That the neutrality has been recognized by all governments, that have held sway in the republic of Mexico for the long period of seventeen years, by means of her own acts and her ministers resident in Central America.

As Señor Aycinena does not mention these acts by name, it is not possible to examine the reasons which caused them, nor to judge of the bearing which they might have on the present question. Some, perhaps, were conditional; that is, they were to be executed under the supposition of some new agreement; others may have been the result of the necessity to prevent the crimes that were committed in Soconusco, where the criminals of both nations had taken refuge. Of this species is the communication addressed by Minister Almonte, on March 21, 1840, to the military commander of Chiapas, for the purpose of obtaining the extradition of condemned criminals, with the authority of Guatemala, and without breaking the neutrality.

But let the number and nature of those acts be what they may, and also the language that may have been used; the former and latter prove that Mexico tolerated an act, but they do not prove that she recognized a right; they prove that Mexico did not meddle with the interior administration of affairs in Soconusco; but they do not prove that she consented to the domination of Guatemala; they prove, in short, that Mexico considered what was necessary for the inhabitants of Soconusco, but they do not prove she authorized the annexation of that part of Chiapas to Guatemala. In fact, the neutrality did not have power to make legitimate the second act of Tapachula, nor the decree of Guatemala of August 18, 1824, the first being opposed to the previous vote and the second being opposed to the recognition which had been made of the junta. The neutrality, in fact, neither had power to nullify the first act of Tapachula nor the declaration of the supreme junta of Chiapas; the former done with perfect liberty, and the latter made with due legality. Consequently, the recognition of the fact of neutrality only proves that the Government of Mexico, for reasons which she alone can appreciate, tolerated for seventeen years the anomalous position which Guatemala took in respect to Soconusco; but it does not prove the acceptance of an agreement which lacked the approval of the Congress, and rendering null and void any act of the federal Government or of Chiapas amounting to a legal agreement to respect as a right acquired by Guatemala what was only tolerance on the part of Mexico.

If, therefore, the republic of Mexico was not bound by an international compact, it was at liberty to act as it did. In different ways the people of Soconusco had expressed the desire of being incorporated into Mexico, to whose protection they appealed to be freed from the evils which they suffered, and which, to a great extent, were the direct re-

sults of the dissolution of Central America, because the disorder which was naturally introduced in the general administration on the separation of the provinces must have also produced notable disorder in the body of each one of them.

The presence of Colonel Aguayo did not impose on Soconusco the imperious will of the Government of Mexico, and the proclamation made by that general under date of May 18, 1840, as it appears from the official letter of the mayor of Tapachula, reveals the appeal made by those people. To protect the free expression of the will of Soconusco was the only object of that small expedition, and the proceedings which took place in Tapachula, Taxtla, and Escuineta contain the most conclusive expression in favor of annexation to Mexico. Against those acts it is alleged that the people did not have their liberty, and that they were executed under military pressure; but a single fact is not presented to prove that pressure, nor in the long period of time which has elapsed since then has there been presented a claim of any kind. Consequently the reincorporation of 1842 was legitimate, and Guatemala lacks all rights to sustain the one which she believed to have before the independence was proclaimed in Chiapas on September 3, 1821.

The political commotion in Mexico prevented the taking up of this matter from 1842 until 1854, and although Guatemala maintained, until the year 1861, the diplomatic representative in Mexico, Señor Don Felipe Neri del Barrio, and although Mexico established a legation in Guatemala in 1850, at the head of which was Señor Macedo, who retired shortly, still the question of boundaries was not again taken up except in 1854, when the Government of Guatemala raised the question of pecuniary indemnification.

In fact, Señor Don Manuel F. Pavon, representative of that republic, presented on March 3 to Señor Don Juan N. de Pereda, minister plenipotentiary of Mexico, a draft of a treaty, article 6 of which said that Mexico should bind herself to liquidate that part of the credit which corresponded to Chiapas. On the 7th of the same month Señor Pavon presented the following:

During the time of the Spanish government in each province, the vice-royalty and captaincy-general had a general treasury with their respective charges, to *which the revenue of that province were specially pledged.*

In Guatemala, for example, there were burdens not only on account of the consolidation. There were also established many pious funds, ecclesiastical funds, and other institutions. There also existed places of deposit of particular goods in litigation, invested with interest either in cigars or in mints, &c., as it happened with the cargoes and property of Irazari embargoed here in Mexico and in Chili and Peru. There were also *juros* (funds), as, for instance, the \$80,000 of the university, besides pensions and other debts. When independence was made in 1821, Guatemala continued to recognize this debt, and has paid pensions, revenues, stipends, &c., &c., and others of those charges, although common to all. Chiapas, being now separated from Guatemala and united to Mexico, does not cease to share the responsibility.

But to-day the whole burden is upon Guatemala and the other States, and the means now proposed to divide it are founded upon the propositions which the national assembly has computed in various decrees for the adjustment of the English debt and the one of the interior. Owing to lack of exact data of population and wealth, and even of revenue, an equitable calculation has been made; and such is the arrangement which is proposed in respect to Chiapas. Guatemala in giving her consent that that department and Soconusco may continue as *they are*, that is, annexed to Mexico, desisting from the protests which it has made upon this subject for highly political considerations, proposes that Mexico should satisfy, as seems just, this indebtedness, for which each section is responsible *in solidum*, and in which many establishments and persons in this republic are interested. The proposition seems just and equitable.

The article therefore is modified and substituted with the following draft of agreement, which, with this explanation, he asks that it may be inserted in the protocol: "The plenipotentiaries, &c., having on this day provided in the agreement of bound-

aries between Mexico and Guatemala that the Government of Mexico shall release Chiapas from the obligation which she has to share, as a province of the Kingdom of Guatemala in the time of the Spanish Government. For the purpose of terminating this point it is stipulated as part of said treaty: (1.) Mexico shall give to Guatemala \$450,000 within one year, as the portion which belongs to Chiapas and Soconusco under statistics examined in the debt of the Kingdom of Guatemala anterior to the independence, subject to rectification if the Government of Mexico thinks some is to be made, for which purpose the legation or delegates shall be given full power in order that they may call for books and other necessary documents. (2.) Consequently the creditors to said indebtedness, whether for ecclesiastical funds, revenue, poor pensions, annuities, or anything whatsoever, shall look in this respect to Guatemala without having any claim against Chiapas or the Government of Mexico. (3.) For the purpose of facilitating the arrangement to which article 1 refers and removing any doubt which the liquidation may offer, and in order the agreement may be accepted by the Government of Mexico, a discount of 20 or 25 per cent. will be made on the part of Guatemala as soon as this agreement is accepted."

On the 6th of September, 1854, Señor Pavon presented a memorandum, a copy of which accompanies this communication. (Inclosure No. 7.)

In article 6 a claim is made for indemnification of the value of public lands and property. In the 7th article the payment of the debt imputed to Chiapas is insisted upon.

The plenipotentiary of Mexico expressed to Señor Pavon on the 7th of July that in respect to the subject of the debt of the old captaincy-general of Guatemala his Government would not consider the pretensions of Guatemala admissible, that Mexico should pay the portion which belongs to Chiapas, for the following reasons: (1.) Because the republic of Guatemala being part of what at one time formed the captaincy-general of its name, even supposing that the debt which is treated of to be reconcilable, Guatemala should be limited, as is natural and just, to answer for what was on her individual responsibility, and for nothing more. (2.) Because by article 1 of the treaty made between Mexico and Spain, the latter nation recognized the independence of all the countries Mexico was in possession of, and in which Chiapas was included. (3.) Because the part of the recognizable debt, if there was any, that might be fixed on Chiapas for the time in which she belonged to the captaincy-general, must be supposed to be included in what is called *interior debt*, acknowledged by the republic of Mexico anterior to the independence.

On the 20th of August, 1855, Señor Pereda presented to Señor Don Luis Batres, new representative from Guatemala, a declaration which, in the part relating to the debt, says:

In regard to the indemnification indicated by Señor Pavon in the above memorandum for the annexation of Chiapas, the Government of Mexico does not think it should accept the principle, nor consent to make compensation for which it does not judge the nation obliged. Chiapas, in anticipating the other provinces which with it formed the captaincy-general of Guatemala, to proclaim her independence on September 3, 1821, and in adhering in the most solemn and spontaneous manner to the plan made in Iguala on February 24, of the same year, by General Don Augustín de Iturbide, made use of a right which was common to all and to each one of the provinces that composed the dominions of Spain in this vast continent. But if by the annexation of that province to Mexico there should have been any right to indemnification for public land or for anything else, it seems beyond doubt that such a right could only exist on the part of Spain as sovereign or general ruler, as she was, of all these provinces; and under this supposition Mexico would be acquitted and released from such indemnification by the treaty of peace and friendship concluded in Madrid on the 28th of December, 1836.

By article 1 of that treaty "Her Majesty the Queen Regent of all Spain, in the name of her august daughter, Isabel II, recognized the Mexican Republic as a free, sovereign, and independent nation, composed of the States and countries specified in its constitutional law;" and amongst these States the department of Chiapas is mentioned by name in that constitutional law. By the same article Her Catholic Majesty renounced all claim, not only to the Government but to the ownership and territorial jurisdiction of said States and countries. Here we have, therefore, all there is in re-

spect to the point of indemnity which is contended for on account of the annexation of Chiapas.

Now in regard to the part which might belong to Chiapas in the particular debt of the old captaincy-general, and for which Mexico is claimed to be responsible, the above-named treaty does not in this respect work less in favor of the Mexican Republic. Article 7 of it says as follows: "In consideration of that the republic of Mexico, by a law of its general Congress passed on July 28, 1824, has voluntarily and spontaneously recognized as her own and as national all indebtedness contracted upon her treasury by the Spanish Government of the mother country and by its authorities, while they governed the now independent nation of Mexico until they absolutely ceased to govern it in 1821; and further, that there does not exist in said republic any confiscation of property which belonged to Spanish subjects, the Mexican Republic and Her Catholic Majesty, for themselves, their heirs, and successors, do mutually agree to desist from all claim or pretension which might arise on account of said points and to declare the two high contracting parties free and discharged from that hour forever from all responsibility in that respect."

But even if the above-named treaty with Spain would not protect Mexico from all responsibility on this side, full protection will be offered to her, even with excess by the amount charged upon the old royal treasuries of the intendency of Chiapas. This sum reaches \$569,056.66 proceeding from consolidated funds, royal loans, deposits, and annuities, all from religious corporations and individuals of that province, as is found in the two schedules which accompany this declaration, prepared by the departmental treasury of Chiapas. According to the one which Señor D. Manuel Pavon presented in the ninth conference, and prepared by the auditor of Guatemala, there would correspond to Chiapas as her portion of the debt of the old captaincy general, the sum of \$458,060.03, which when compared to the above gives a balance of \$110,996.63 in favor of Chiapas. The negotiation was then interrupted.

Besides Señor Pereda, in the memorandum that contained his whole mission, which he undertook ardently and patriotically, referred to a fact which gives place to new and important observations upon the matter now before me. The republics of Nicaragua and Costa Rica made separately a treaty with Spain, in which was an article "by which each one of those nations recognizes in the most formal and solemn manner, as a consolidated debt of the republic, the indebtedness, whatever kind it may be, for pensions, &c., that burden *that old province of Spain*, provided that they proceed from direct orders of the Government, or its authorities, until the complete evacuation of the country."

From this article two consequences of great importance may be deduced. The first is that if those two provinces have adjusted respectively their debt anterior to the independence, the same right must be recognized in each one of the other provinces that formed the old kingdom of Guatemala; since all were equal and all proclaimed their separation from Spain without, by that act, binding themselves together. And as Chiapas not only did that, but also in the most positive terms declared that she was separated from Guatemala, although the latter should be united to Mexico, it is clear that the indebtedness for which she would be responsible belongs to the province, and as such it is comprised in the treaty of 1836; because in it is recognized by Spain, as Mexico's own and national debt, the debt anterior to the independence of the republic, composed of States comprised in the constitution, among which Chiapas is named.

The second consequence is, that if each province has had the right to adjust its debt, and if that of Chiapas is comprised in that of Mexico, Guatemala had no concern in this matter, as she had none in the arrangements made by Nicaragua and Costa Rica. And it must not be forgotten that each one of those republics in the treaty relative to the debt, did not call herself *province of the kingdom of Guatemala*, but *old*

province of Spain, it being thus plainly demonstrated that each one was at liberty to act; that in proclaiming its independence from Spain, each one recovered its usurped sovereignty, and that consequently each one was responsible for its respective obligations. Let us suppose that Chiapas, on September 12, 1824, in place of declaring herself united to Mexico, had declared herself constituted as an independent nation; or that, having formed part of Central America, she should afterwards have separated herself, as the other States, and to-day was a republic like the rest of the old federation. Is it not certain that in both cases she would have the same rights as Nicaragua and Costa Rica? And if, in use of her right, she should have made, like those two republics did, a treaty with Spain, could Guatemala have prevented or in any way intervened in the arrangement that would be made? Therefore Chiapas, a State of the Mexican federation, is as independent of Guatemala as she would be if she were a separate republic. In the latter case the debt would be her own; in the first case it would attach to Mexico, as was provided in the treaty of 1836; but in neither case can the right of Guatemala to demand pay be recognized; nor much less to impose that payment as an indispensable condition to its consent, that a province equal to it could be annexed to Mexico. Has it been necessary for Salvador, Honduras, Nicaragua, and Costa Rica to ask leave of Guatemala to form themselves into independent republics? Why, therefore, is required of Chiapas what has not been required of the other provinces? The six were alike dependent on the Spanish Government; the six were equally free in 1821; and it is certainly a strange thing that only in respect to Chiapas, does Guatemala pretend to exercise rights not only of government but of territorial sovereignty, claiming ownership over the public lands. What would Guatemala think if Nicaragua should ask indemnity for the public lands of Guatemala? What would she think of the same pretensions on the part of Chiapas, an independent republic? Guatemala was not sovereign to Chiapas; she was her sister; her associate. In fact the two were subject to the same power; consequently there was no supremacy of any kind, and on separating both preserved their respective domain over public property, and the same rights they had to their respective territory. And as Soconusco, in 1821, did not belong to the province of Guatemala, but to that of Chiapas, it is without doubt that, having been annexed to Mexico, together with Chiapas, the destiny of that State was settled, and Guatemala has no power to exercise any right of any kind within its limits.

On the other hand, Señor Pereda, in comparing the liquidation made by the departmental treasury of Chiapas with the one made in Guatemala, said: "That even admitting the legality of the indebtedness, there was a balance in favor of Mexico due by Guatemala." This observation becomes very powerful, if it is considered that to-day the amount would not be still \$458,000, but a very much larger sum, owing to the accrued interest since 1854. Suppose for a moment that Guatemala had a perfect right, it would be necessary for her to prove that she had paid the interest from 1821 up to date; because in any other way Mexico would pay a considerable sum for unpaid interest, the settlement of which might possibly be obtained under very favorable arrangements; since the total debt in 1821, including the interest, being \$2,116,527.50, the part corresponding to Chiapas being \$211,652.75, according to the division, which, without giving her a hearing, was made in the auditor's office of Guatemala, on February 24, 1854.

Moreover, if, as is deduced from the statement of Señor Pavon, as well as the memorandum of Señor Uriarte of August 21, 1874, and from

the communication of Señor Herrera, of January 14, 1882, the sum liquidated by the treasury of Chiapas is not included in the general debt of Central America, there would be a notorious injustice in pretending that Mexico should pay a part of the debt of the other provinces, without the latter paying proportionally the special one of Chiapas, that has the same origin as the general one. It is seen, therefore, that under no circumstances can the Government of Mexico recognize a debt which Guatemala has no right to demand either for herself or by assuming the representation of the other provinces that formed her captaincy-general, because each one must only answer for the amounts which were specially charged on its own treasury, and to the security of which, as Señor Pavon said, *was specially pledged the revenue of each province*, which, on this account, was not obliged to answer for the debt of the others.

Having the succinct examination which I have made of the antecedents of the question of limits between Mexico and Guatemala, and of the reasons why Mexico does not feel under obligation to pay the pecuniary indemnification that has been asked of her, it is well to explain the considerations which arise from the facts referred to.

If these facts are examined impartially, and the observations that flow from them are studied, it will be impossible to find the reason on which Guatemala relies to sustain her pretensions in respect to Chiapas and Soconusco. Let the political or administrative relations of the provinces which formed the captaincy-general be what they may; let the bonds which united those provinces be what they may, the former ceased and the latter was broken in 1821. In proclaiming its independence each province recovered the rights that had been totally taken from them by foreign domination, and became perfectly at liberty to constitute itself as might best conform to its peculiar interest. That freedom of action, which is a principle of unquestionable truth, is the recognition of the sovereignty of the people, the foundation of modern society, and the essential fundament of the Mexican federation, as it was of the federation of Central America. If Chiapas should have formed part of Central America in 1823, and afterwards should have separated herself as the other States did, would Guatemala have the right to prevent the formation of a new republic? Would she have a right to give her *consent*, imposing conditions and making protests? Consent supposes superiority in the one who gives it; those that are equal among themselves do not ask for consent to act, and Chiapas, neither to constitute herself an independent nation, nor to declare herself a State of the Mexican federation, never had to ask the consent of Guatemala, as Guatemala did not have to obtain the consent of Spain in 1821.

But even destroying all political principles, even supposing possible the inheritance of the illegitimate dominion which the King of Spain exercised in this part of the world, the right would not be in Guatemala, but first in the old captaincy-general and afterwards in the federation of Central America. The circumstance, merely accidental, of the city of Guatemala having been the capital of both, as at some time Salvador was the capital of the second, is utterly insignificant in this case. The provinces were united by force under the Spanish scepter; the States were voluntarily united by the federation. Why, therefore, has a conquered province to have a right over one of her sisters in misfortune? Why has a free State to have a right over a State equally free? The captaincy-general—that is, the King of Spain—might in good will have been opposed to the independence of Chiapas, but he was not able to do it; consequently since September 3, 1821, the tie which united that

province with the others has been broken. The federation of Central America could not have any more rights than those which were conceded to it by the spontaneous will of the States that formed it in 1823. On July 21, of that same year Central America declared that—

If Chiapas wished to be annexed to it, she would be received with the greatest pleasure, and that if she should think it more in conformity with her interest to remain separated, it would not oppose her, as she could and should eternally rely upon the friendship, fraternity, and services of the State of Guatemala.

This solemn recognition of the supreme junta of Chiapas closed forever the door to all claim on the part of Central America, which not only did not preserve any rights, but rather contracted a formal obligation to respect the decision of the junta and to be eternally the friend, the sister of Chiapas. And as this province, on September 12, 1824, declared *it to be more in conformity with her interest to remain separated from Guatemala and to be united to Mexico*, it is beyond all doubt that Central America had no right to resist the formation of that State of the Mexican federation.

The union of Central America destroyed, the provinces were at perfect liberty; and in use of it each one constituted itself as it thought best, without the necessity of the consent of the others. What is, therefore, the right of Guatemala? It was the capital of the old kingdom; but, as I have said before, this circumstance is in every respect insignificant. It is the boundary of Chiapa; but vicinity does not give dominion, and this circumstance only proves the necessity of marking out the limits, which is what Mexico has been trying to realize for half a century. It is therefore demonstrated that Guatemala has no right to oppose the incorporation of Chiapa in the Republic of Mexico.

In regard to Soconusco, I have also shown that its incorporation was equally legitimate. I will only repeat, because it is the only title that Guatemala has presented, that even supposing the second vote of Tapachula, made in July, 1824, to be entirely legal, Guatemala did not acquire rights of any kind, because the vote did not unite the province of Soconusco to said State, but declared it "*part of the supreme Government of the United Provinces of Central America.*" Consequently, this federation dissolved; Soconusco was entirely free, and if in it Guatemala afterwards exercised any authority, that fact was due solely to the toleration of the Government of Mexico; but that fact cannot constitute a right.

Against all this Guatemala alleges: That Chiapa and Soconusco did not act with liberty in being incorporated into Mexico, having given way to military pressure, to undue influence, and to intrigues carried on by the Mexicans.

Laying aside what is vague and calumnious in these imputations, which are so common in cases like the present, I will examine those acts which, at first sight, may appear to give some ground for complaint. Those acts are the dissolution of the junta, executed by General Don Vincente Filisola; the disarming of Chiapa; the proximity of the Mexican troops; the presence of the commissioner in the junta; the protest of Tuxtla; the refusal of Mexico to submit the matter to the Congress of Panama; and the presence of the Mexican forces in Soconusco in 1842.

I have said before that the dissolution of the supreme junta was the result of the news which they had in Mexico about the condition of Chiapa. That information in substance was well founded, because it is beyond doubt that in the first six months of 1823 the province of Chiapa saw herself strongly combated by the most opposite interest.

The chiefs in the revolution against the empire spoke in one sense, Filisola in another. The friends of Mexico brought within their lines a portion of the inhabitants; those of Guatemala brought within theirs another part. In the one there was the desire to preserve; in the other the desire to recover. And in the midst of this whirlwind of opinion, an opening was made for the flattering idea of absolute independence, which would naturally dazzle with the cheerful outlook of the erection of a sovereign nation. And as the persons who communicated this information belonged to some one of those parties, they necessarily exaggerated it, drawing pictures, although true in substance, were incorrect in details and in the causes of the occurrences, such being the tendency of the men who figured in the province. Therefore the opinion was formed that Chiapa ran great danger, but in a very few days the Government of Mexico saw clearly, and a month after the call of the provincial deputation was disposed of it concluded to leave things *in statu quo*; the dissolution of the junta was a transitory act, and its reinstatement was the clearest proof of the good faith of the Mexican Government, which with a few battalions could have imposed, although unduly, its will not only on Chiapa, but on Central America, which still struggled to constitute herself, and which was herself passing through a period of serious difficulties.

The disarming of Chiapa, far from serving against Mexico, serves in her favor, since by it she deprived herself of the strong support which the influence of the military chiefs could give her. And as among the latter there were some partisans of Guatemala, who, far from laying down their arms, formed the insurrection in Tuxtla, who has just reasons for complaint in this particular, not Guatemala, but Mexico, who lost while Central America gained.

I have already said that when the incorporation was decreed there were no Mexican troops in Chiapa nor at a distance of several miles from it; consequently the charge founded on the military pressure is reduced to the personal opinion of Minister Zebadua, not being very favorable to the inhabitants of Chiapa, of the intention of the Mexican Government, which amounts to saying that if any nation should place 500 men on the frontier of Chiapa, it would be sufficient to deprive the supreme junta of its liberty. An idea never carried into effect cannot produce fear, and the argument so founded falls by its own weakness.

I have also said that when the commissioner arrived in Chiapa the districts had already voted, the computation of said votes being the act performed by the junta in the presence of that representative. He could not, therefore, have exercised any influence, and, moreover, Guatemala could have been but did not wish to be a witness to that solemn declaration.

The protest of Tuxtla was unanimously revoked in the meeting which was held on October 7, 1824, as soon as the citizens became persuaded of the advantages which would accrue to their district by annexation to Mexico; advantages which probably they would have been deprived of by the enemies of the incorporation, who at the same time perhaps exaggerated the dangers.

As Guatemala, in protesting in 1842 against the incorporation of Sonusco, mentions her proposition relative to submitting the decision of the question to the Congress of Panama, bringing in thereby a new charge against Mexico, I must say that it was not the fear of laying before that respectable tribunal a matter whose justice is proved that caused the Government of Mexico to refuse, but it was the opinion so fully ex-

pressed by the national Congress that rejected the clause in which the Republic of Colombia proposed that that Congress, representative of all the Spanish American nations, should have the character of umpire. So it appears in the text of the treaty. This reason of complaint, therefore, has no foundation.

In respect to the presence of the Mexican troops which, under Colonel Aguayo, went to garrison Soconusco in 1842, I have already said, and I must repeat, that Mexico was called upon by the authorities and citizens of that district, and that she only made use of the right which the act of May 3, and the declaration of September 12, 1824, gave her; it being certainly very notable that the name of obligatory agreement is given to a project which, as I have fully shown, never had the character of an international compact.

In the preceding paragraphs it has been necessary for me to repeat the observations made before, for the purpose of presenting all together the principal reasons on which Central America at one time grounded, and Guatemala now grounds, their complaint that the incorporation of Chiapa and Soconusco was due to abuses on the part of Mexico, which, far from acknowledging herself responsible for such charges, has against that nation very important claims, which, without prejudice to the present negotiation, she shall duly present in just defense of the rights of the republic and of the interest of her citizens.

It is therefore proved that there were no such abuses in the incorporations of Chiapa and Soconusco; but even admitting, without conceding, that there was some irregularity, what does this amount to in the face of the solemn ratification founded on the acquiescence of the people of Chiapa and Soconusco? The first for fifty one years and the second for thirty-three, have not made a single protest, have not expressed a single complaint, have not indicated any dissatisfaction whatever for their annexation to Mexico. They have suffered, like the other Mexicans, the evils of civil war and of foreign invasions; they have enjoyed the benefits of liberty and felt the tyranny of dictatorship, and with their talent in council, and their blood in battle, they have contributed to the defense of the national interest. A State of the federal republic, department of the central republic, Chiapa has been, during the long period of our eventful political life, the same province that spontaneously united itself to Mexico on September 3, 1821. When, in 1847, the federal Government was reduced to a few cities, without a treasury, without an army, and obliged to give way to the terrible law of war, why did not Chiapa separate herself from a people so afflicted by misfortune? When, in 1865, the federal Government was pushed by public misfortune to Paso del Norte, why did not Chiapa, situated at the other extreme of the country, and at a distance of 800 leagues, separate herself from a nation almost entirely governed by a foreign power? Those events, and several others, have been auspicious occasions for Chiapa to show any grudge she might have had against Mexico, to express the desire of abandoning the country, which she freely chose, and to whose destiny, prosperous or adverse, she had remained united with the most perfect liberty. If the State of Chiapa should be situated in the center of the republic, it could be said, the supposition being out of the limits of possibility, that her position by itself tied her hands, since any act on her part could be suppressed in a day. But situated in an extremity of the country and separated from the center by 300 leagues of really difficult roads, her constant fidelity is not the work of fear, but the worthy fruit of a sentiment as noble as it is spontaneous.

"What reasons," said Señor Lafragua in the note of October 20, 1873,

"can be alleged in the presence of a will so firm? What titles are worth so much as a faith so constant? What right is more solid than that which is founded on patriotism, so loyal and so refined?" In fact the simple doubt would be an offense, the more unmerited the more cruel; and this is the reason why the Government of Mexico cannot admit any discussion upon the possession of Chiapa and Soconusco.

Guatemala also blames Mexico for the delay which the termination of this matter has suffered; and this blame is also unfounded. From 1825 until to-day, Mexico has constantly proposed the immediate designation of the boundaries. So it appears in the communications of Señor Alaman, and in the protocol of Señors D. Manuel Diez de Bonilla and D. Juan Nepomuceno de Pereda, envoys of Mexico in that republic. Guatemala, on the contrary, has always evaded the designation of the boundaries, pretending the preservation of the *statu quo*, and thus postponing indefinitely the settlement of such an important matter. "My Government instructs me," said Señor Mayorga, on August 31, 1825, "to propose to that of your excellency that this dispute be terminated by means of a treaty, leaving in the mean time things in *statu quo*." Article 1 of the project presented by Señor D. Pedro Molino to Señor D. Manuel Diez de Bonilla, on April 14, 1832, said "that the differences or opposite pretensions should be terminated by amicable means or by the arbitration of another friendly nation;" and in discussing Article 13, he proposed that it should be said: "The commerce on the frontier, on the boundaries of both republics, &c., since his Government could not give up its right to the State of Chiapa." Señor D. Manuel Pavon, on March 3, 1854, proposed:

The border lines of Chiapa and Soconusco, on this side of Guatemala, like those of the district of Peten on the Yucatan side, all of them as have been recognized since before the independence, when said territories were part of the captaincy of Guatemala, shall continue to be as they are to-day, the boundaries or frontiers of the republics of Mexico and Guatemala.

Señor Pereda having proposed that, in order to fix the dividing line, a commission of surveyors and civil engineers should be appointed, Señor Pavon objected in the terms which are set forth in the copy annexed to that part of the protocol. (Inclosure No. 8.)

On October 4, 1854, Señor Pavon said in the thirteenth conference:

In respect to the project of the treaty of limits presented in the same conference by Señor Pereda, he declares, with the greatest regret, that he has not the power to accept it, and answers it with the observations and articles which are contained in the memorandum, which he exhibits in duplicate, signed September 6, proximo; of which he asks that one copy be annexed to the protocol of the conferences; and that the other be sent by Señor Pereda to his Government, of whose recognized intelligence Guatemala can do no less than expect a favorable reception, much more so taking into account the sympathies so often shown by his most serene highness, President D. Antonio Lopez de Santa Anna, towards the Government of his excellency, General Carrera.

In the memorandum a copy of which is inclosed, Señor Pavon said:

That on repeated occasions it has been proposed to the plenipotentiary of Mexico to give up the undertaking to make the special treaty suggested by him one named of limits.

And in Article 1 of his project of a treaty he proposed "that the boundaries between both republics shall continue to be what they actually are," &c. In that conference Señor Pereda insisted; and Señor Pavon not only repeated that there were obstacles in the way of accepting the treaty of limits, but also confessed that the Mexican minister had constantly called his attention, in different private conversations, to the points which he has indicated, concluding by distinctly declaring that on the part of Guatemala the negotiations were *in statu quo*.

On July 3, 1855, Señor Pereda again insisted upon the designation of the boundaries; and Señor D. Luis Batres, then representative of Guatemala, repeating the declarations of Señor Pavon "that it did not seem possible to execute any agreement except upon the principles of the memorandum, offered to look for some way, if possible, to overcome the difficulties which occur between the memorandum of Señor Pavon and the declaration of Señor Pereda.

The following events, which I have already referred to, prove that all the delays in the designation of the boundaries have been caused by Guatemala, since she has wished to make the designation of limits depend upon conditions unacceptable to Mexico, with the hope of obtaining what in the actual state of things is an impossibility.

Those official documents plainly prove who is to blame for the delay. Mexico has constantly tried for the designation of the boundaries, because she has considered it the only means of closing the door against claims which, perhaps of little importance in their origin, may be converted in the course of time into matters of great importance. Guatemala, on the contrary, has constantly opposed the designation of the boundaries, and has always pretended the preservation of the *statu quo*, leaving open in this manner a wide door to trouble among the individuals, which later may be converted into conflicts between the Governments. But all the earnest desire of Mexico has been made sterile owing to the earnestness with which Guatemala has maintained the rights which she thinks she has over Chiapa and Soconusco. Expecting some day to recover those places, or obtain pecuniary compensation, she has refused to put an end to a matter prejudicial to both nations, trying to make treaties of another kind, which cannot produce a good effect, while the material possession is not defined, in which each Government can exercise the authority that corresponds to it by law. It is certain, as Señor Uriarte said in his memorandum of August 21, 1874, that in 1854 Guatemala agreed to the incorporation of Chiapa and Soconusco, but did not consent to the nominal designation of limits, since, as always, she insisted upon the *statu quo*. Accordingly, as appears in article 1 of the memorandum of Señor Pavon, "*The limits between both republics shall continue to be what they actually are.*" This phrase clearly expresses the invariable idea of Guatemala, not to mark out the limits, and to leave by these means on foot all motives for trouble, and to leave alive all the elements of future conflict between the two nations. Moreover, the deference of Guatemala in 1854 had for its foundation the payment of a debt which Mexico cannot recognize, and the claim in regard to the public lands, which can neither be admitted, on account of having no foundation. It is difficult, indeed, to find the reason on which Guatemala relies to resist the designation of limits, because it is not possible even to suppose that that resistance involves the idea of preserving the rights which have been maintained up to this time, and the hopes which to this day have been kept alive. It is therefore in every way indispensable to put an end to a matter which has already done evil to the two countries, and which is so important for the future welfare of the two republics, which must live in the most perfect harmony.

The political disturbances which took place in the Mexican Republic from 1854 to 1861, the commencement of the French intervention, and those which brought about this same intervention up to 1867, prevented Mexico from even discussing this question and attending in any manner to Chiapa and Soconusco, especially this department, which was really left during all this period at the mercy of the Government of Guatemala. After the close of the French intervention and the re-establishment

of peace, the Government of Guatemala accredited, as its representative in Mexico, Mr. Manuel Garcia Granados, who broached again this question, stating that Soconusco belonged to Guatemala. The Government of Mexico replied to him, on the 20th of October, 1873, that Mexico could not admit any discussion in regard to the legitimacy with which Chiapa and Soconusco were integral parts of the united Mexican States. The representative of Guatemala did not give any answer to this note.

Mr. Ramon Uriarte arrived later at Mexico, with the character of envoy extraordinary of Guatemala, and presented, on the 21st of August, 1874, a memorandum wherein he tried to maintain that the incorporation of Chiapa and Soconusco to Mexico was illegal, and proposed a boundary line which left the greatest part of Soconusco on the side of Guatemala.

I inclose you, marked number 7, a copy of Mr. Uriarte's memorandum.

Mr. José Maria Lafragua, secretary, at that time, of foreign affairs, replied at length, on the 9th of October, 1875, to the memorandum of Mr. Uriarte, going into a detailed and reasoned discussion of all the incidents of this matter which is condensed in this note, and ending with proposing a draft of a boundary treaty recognizing the line that had in fact existed between the old province, at present State of Chiapa, including Soconusco, and the republic of Guatemala.

I inclose you copy of Mr. Lafragua's draft of the treaty and the fragments of his note of October 9, 1875, which refer to the foundations that he had to propose the said boundary line. The printed pamphlet which I sent to you with my note of the 9th of March, 1882, contains an abstract of this communication (Document No. III).

The representative of Guatemala did not reply at that time to this proposal; but later on the 7th of December, 1877, the said Mr. Uriarte, who was yet envoy extraordinary and minister plenipotentiary of Guatemala at Mexico, signed a treaty, with the secretary of foreign relations of that republic, wherein it was agreed that a commission, composed of two sections of engineers, appointed, respectively, by each of the contracting parties, should make a preliminary study of the ground over which it was considered that the line was to be located, designating at once the points which were to be more specially studied and the geographical position of which was to be fixed astronomically. I inclose you a copy of this treaty (No. 9).

These points are the same which are contained in the draft of the treaty presented by Mr. Lafragua on the 9th of October, 1875, and it seems clear that the Government of Guatemala, on accepting the same, and the study of these points, acknowledged, though indirectly, that the boundary line was to pass over them, that is to say, that Chiapa and Soconusco were to remain, as they are, integral parts of the Mexican confederation.

Mr. Montufar said, in the communication which he addressed to the Department of State, on the 2d of November, 1881, that this treaty had a hidden purpose. It seems to me that this censure does little honor to him and to the Government of his country, since he was secretary of foreign relations of Guatemala when the treaty was ratified by his Government, although he personally may not have signed said ratification.

This treaty had, however, no hidden design, but simply the object of making a preliminary study of the ground over which the boundary line was to be located. It is true that this study could have been made without the need of a treaty, but Guatemala preferred to do it by means of a treaty; and it seems strange that after having signed and ratified it she should assume the character of a person deceived and injured

thereby. Besides, the treaty referred not only to the preliminary study of the ground, but contained also other stipulations the object of which was to avoid any difficulty between the two countries while this study was pending. This reconnaissance could not be made within the time specified in the treaty, nor in the extension which was after agreed upon, and although Mexico has tried to have said line extended again so as to finish the pending reconnaissance, she has not succeeded in it, because Guatemala refused its consent. The Mexican commission of engineers has, however, continued its reconnaissance on the ground, with the object of gathering the necessary data which would permit an intelligent discussion of this matter and the easy and prompt termination thereof.

After the Government of Guatemala had communicated to the representative of the United States in that city her determination to cede Soconusco, or at least her right over that territory, to a foreign power, hinting that in this cession she would prefer the United States, and in case they would not accept it, to offer it to an European nation, and after the Government of the United States, in compliance with Guatemala's wishes, had offered its mediation to Mexico, Mr. Manuel Herrera, jr., envoy extraordinary and minister plenipotentiary of Guatemala at Mexico, concerning whom General Barrios, president of that country, stated in his message, read at the opening of the present session of the Guatemalan Congress the 1st of March of this year, that he was fully authorized to sign a treaty which would terminate in a friendly way the questions pending with Mexico, said Mr. Herrera addressed a communication to the secretary of foreign relations of Mexico, on the 14th of January of the present year, inclosing the draft of a boundary treaty between both countries, the article first of which says literally as follows:

I. The rights which the Mexican Republic has or pretends to have over the State of Chiapa or its department of Soconusco shall not be either directly or indirectly subjected to discussion. The republic of Guatemala freely and spontaneously transfers to that of Mexico the rights which she has or pretends to have over said territory of Chiapa, including Soconusco.

It is true that in Article VI of said draft a pecuniary indemnity is proposed, payable by Mexico to Guatemala, in consideration of which she desists from all discussion concerning the rights relative to Chiapa and Soconusco; but besides, the Government of Mexico having stated, since the 9th of October, 1875, that she cannot pay any indemnity for a thing which belongs to her and which cannot with any foundation be a matter of dispute, there not being any reason or right whatever on which to ground it, the payment of an indemnity, supposing that one should be granted, would not affect essentially the question, and it demonstrates at the same time that the Government of Guatemala is disposed, at least if its official manifestations are to be credited, to acknowledge a fact founded on the free consent of the people, to wit, the legitimacy with which the State of Chiapa and its department of Soconusco are integral parts of the Mexican nation. I inclose you (No. 10) a copy of said draft.

Summing up all the argument of the present note, the following points have been proved:

1. Chiapa was a province on terms of equality with the others which formed the captaincy-general of Guatemala.

2. Chiapa, on the 3d of September, 1821, spontaneously separated from Guatemala and united herself to Mexico.

3. Chiapa, on the 12th of September, 1824, again united herself to the United States of Mexico, by the free vote of the majority of her inhabitants.

4. Soconusco, in 1821, was a *partido* of the intendency of Chiapa, and as such united herself to the Mexican Empire.

5. Soconusco, in 1824, was legitimately represented in the supreme junta of Chiapa, and freely voted for annexation to Mexico on the 3d of May.

6. The act signed at Tapachula, on the 24th of July, 1824, was a revolutionary document, and was illegal from every point of view.

7. Central America recognized the supreme junta of Chiapa, and offered to respect its determination.

8. The decree of August 18, 1824, by which the federal Congress declared that Soconusco, by virtue of her *pronunciamiento*, had united with Central America, was a usurpation of the rights of Mexico.

9. The notes exchanged between the ministers, Alaman, and Mayorga, did not constitute a legal agreement.

10. The decree of October 31, 1825, by modifying the essence of the propositions of the Mexican minister, left them without effect.

11. The neutrality in which Soconusco remained *de facto* was many times violated by Guatemala.

12. No act of Mexican authorities recognizing such neutrality could be valid, since any treaty required the approbation of Congress.

13. Mexico was under no obligation to respect such neutrality. Consequently, when she occupied Soconusco in 1842, she infringed no international compact, and only made use of the right given her by the vote of May 3, and the declaration of September 12, 1824.

14. Soconusco, in 1842, was free to unite herself again to Mexico; for, even supposing legitimate the act of July, 1824, the district was thereby united to Central America, not to Guatemala; therefore, when that federation was dissolved, Guatemala had no rights of any kind.

15. The military pressure, the intrigues, and other abuses which Guatemala has imputed to Mexico are not proved, while, on the contrary, it is proved that in September, 1824, there were no Mexican troops in Chiapa, and that those commanded by Colonel Aguayo in 1842 were invited thither by the inhabitants of Soconusco.

16. *Any supposable irregularity in the incorporation of Chiapa and of Soconusco has been entirely validated by the constant union of those regions during fifty-seven years in the first case, and during forty years in the second case,* in which lapse of time they have not presented a single complaint nor indicated any repugnance to continue attached to the Mexican Republic.*

17. Respecting the public lands, the claim of Guatemala is entirely inadmissible, since she has no rights whatever upon the territory of Chiapas.

18. The debt of Chiapa is included in that of Mexico, which is consequently not responsible for it to Guatemala; from whom she might, on the contrary, more properly demand a certain amount, as the difference between that debt and the general one of Central America.

19. The delays of so many years in the settlement of this question are due to Guatemala, who has always opposed the tracing of limits, which has *continually* been urged by the Government of Mexico.

As you will see, the detailed and justified statement which I have just made of the facts that brought about the present difficulties between Mexico and Guatemala, serves to demonstrate the accuracy of the ideas expressed by me in the note which I had the honor to address to you on the 9th of March last, although I briefly outlined therein only the present state of this question, without going into details.

I think proper, before closing this note, to state that I do not understand how a nation can offer to another the cession of a territory which

does not belong to her, and which she is not in possession of, but is possessed by another which founds its position on such grounds as the free and spontaneous will of the people inhabiting that territory. The foundation alleged to act thus, to wit, that Guatemala in order to get rid of supposed stratagems, wishes to interpose a more powerful nation than Mexico between her territory and that of her actual neighbor cannot be more insufficient, since following the same kind of reasoning of the Guatemalan Government the more powerful the nation interposed between Mexico and Guatemala, the greatest would be the dangers for the latter.

Nothing demonstrates better the want of fairness in the conduct of the Guatemalan Government in this matter, than what appears from the documents published by the United States Senate and from those which I now send annexed to this note. The Government of Guatemala certainly stated to that of the United States, through its representative at that city, that Mexico had conquered two of her provinces and wanted to conquer the rest of the country; and that in order to prevent it, they solicited the protection of the United States, even offering them the territory in dispute, and if the United States did not grant her this protection they would have to ask it of some European Government. At the same time that this was done, the representative of Guatemala at Mexico stated to the Mexican Government that the only reason they had had not to recognize the legitimaey with which Chiapa and Soconusco were part of the Mexican Confederation, was a punctilio of self love and of national honor; but that they would make that acknowledgment if Mexico paid a sum of money of more or less importance; and while the United States, in consideration of the efforts made by Guatemala, were offering to Mexico to act as arbitrators in the matter, the representative of Guatemala at Mexico was trying to settle it, considering himself satisfied with the payment of a sum of money.

Besides, the same Guatemalan minister at Mexico, who was fully authorized by his Government to settle this question stated to Mr. Morgan, as this diplomat informed the State Department in a note of August 11, 1881, that Guatemala would accept the arbitration of the United States, with the condition that it would be verbally stipulated that the President of the United States should decide that Chiapa belongs to Mexico, and Mr. Herrera added that this was simply a question of pride for his country, as he did not believe that it could in any case be decided in their favor, but that notwithstanding that they would not give it up.

The Hon. James G. Blaine, Secretary of State of the United States, on receiving the above communication of Morgan, accepted the suggestion made therein, and in his note of November 28, 1881, wherein he reiterated to Mexico the offer of mediation of the United States in this question, and proposed it already in the terms indicated by Mr. Morgan; that is, with the understanding that no doubt was entertained of the right of Mexico to consider the state of Chiapa, which comprises Soconusco as one of its departments, as integral parts of Mexico; this was not done, as Mr. Morgan proposed, by means of a verbal agreement, but was consigned, in said communication, to writing, in order to give it more force.

The consequences derived from these facts are too clear for me to think necessary to detain myself in enumerating them.

I am afraid of having trespassed on your benevolence by making this long statement of the facts in which Mexico grounds her rights in this

case, but I have thought it my duty to do it, in view of the considerations which I stated at the commencement of the communication.

I have the honor to renew to you, Mr. Secretary, the assurances of my very distinguished consideration.

M. ROMERO.

HON. FREDERICK T. FRELINGHUYSEN,
&c., &c., &c.

[Inclosure No. 1.]

Two seals. One cuartillo (3¼ cents). Seal fourth. One cuartillo (3¼ cents). Years 1820 and 1821.

Don Eugenio José Ruiz, a notary public of this city and secretary of the most notable council of the same, &c., certifies that this most notable council, accompanied by its president, governor, intendant, political superior chief, Don Juan Nepomuceno Batres, having justly taken in consideration the desired happiness of these inhabitants who constantly and publicly have declared their deliberate desire to embrace with their natural love the independence of this continent from the peninsula, in accordance with what has been ordered by the heroic Generalissimo Don Agustín de Iturbide, saviour and father of the country and religion, resolved on the 3d instant to proclaim said independence with proper solemnity and pomp, as it was done on the next day, with the attendance of troops and military music and a general peal, agreeing on the 6th instant to swear thereto on the 8th instant, a memorable day for all the inhabitants, as it appears from the following document:

“In this royal city of Chiapa, on the 8th of September, 1821, and in this city hall at 8 o'clock a. m., the members of this notable council, presided by the intendant Mayor Don Juan Nepomuceno Batres met, to which the secular and regular prelates, the officers of all the departments and the military officers of these companies were incorporated. On the main table were placed the holy image of Christ and the book of the Gospel, which was read by the vicar-general, governor of the bishopric, on account of the death of the most illustrious Doctor Don Salvador Samartín. Bachelor Don Lino García and said governor intendant approached the table, and placing his left hand upon the holy Gospel and his right hand upon the hilt of his sword, said priest received his oath in the following terms: Do you swear before God, and do you promise by the cross of your sword to uphold the Roman Catholic Apostolic religion? I swear. Do you swear to achieve the independence of the empire without detriment to the peace and union of Europeans and Americans? I swear. Do you swear obedience to Señor Don Fernand VII, provided he adopts and swears the constitution to be enforced by the Cortes of this Northern America? I swear. If you do so, may the Lord God of the armies and of peace help you, and if you do not, he may rebuke you. Then said intendant received a similar oath from the notable council, from the military officers, and the one which corresponded to the corporations, having made the same before the commandant of the companies, which were paraded for the purpose in this plaza mayor; and having finished said oath with salutes of fire-arms and other signs of joy which all showed with the greatest good-will, order, and enthusiasm, said governor intendant went, in company with this notable council and corporations, to the Holy Cathedral Church to attend mass and listen to the sermon, allusive to the circumstances, by the Rev. Father of the province, belonging to the order of Santo Domingo Fr. Vicente Vives and a Te Deum as a signal of thanks to the Almighty and Lord of Peace and in said church the clergy and the people were duly sworn according to the above-said form before said governor of the bishopric. This act, as religious as solemn, once finished, the gentlemen returned to the city hall after several salutes and adjourned, showing both them and the troops pleasure and joy. In testimony whereof they put their signatures before me: Juan Nepomuceno Batres, José Ignacio Lorrainzar, José Diego Lara, Julio José Flores, José Nicolás Osuna, Esteban Gordillo, Lic José Vives.”

And in order to apprise of this to the most excellent Señor Don Agustín Iturbide, I issue this document to which I write my signature in this royal city of Chiapa on the 8th of September, 1821, a memorable day.

EUGENIO JOSÉ RUIZ.

A true translation.

Washington, D. C., May 6, 1882.

CAYETANO ROMERO,
Secretary ad interim.

Two seals. One cuartillo (3½ cents). Seal fourth. One cuartillo (3½ cents).
Years 1820 and 1821.

In the royal city of Chiapa on the evening of the 26th of September of said year 1821, and in accordance with the preceding agreement, all the corporations, prelates, seculars and regulars, neighbors and other inhabitants met in the hall of the library of the Seminary College, where the agreement and deliberation of Guatemala of the 15th instant in regard to the independence was read aloud before the constitutional council presided by the governor intendant political superior chief.

The plan of the most excellent Señor Don Agustín Iturbide was also read and likewise the treaty resulting from the interview of the same with the most excellent Señor Don Juan de O'Donoju (of which the Board of Guatemala until now cannot have the least knowledge); with these precedents a long and protracted discussion began, the result of which was to resolve—

That said Board has swerved from several of the principal articles of said plan; that in fact they are aiming at the division and separation of the Northern Empire; that before its unfortunate conquest the kingdom of Guatemala has always been a part of said empire; that as there must be only one monarch for the same empire the existence of several congresses or Cortes is incompatible; that it becomes doubtful in Guatemala, the very essential point of the absolute and general independence, notwithstanding the fact that a newspaper printed in said capital has taken for granted that the political liberty is absolute and does not admit more or less; that likewise it repels permissions and restrictions, and all that is not the liberty that a people have to dispose of itself, but bondage; that it is considered that the Board did not approve that the cities and people of this intendance would anticipate by cutting the Gordian knot to proclaim the independence giving an example to this kingdom, which is presumed from the hastened mention made in the above referred-to agreement, of so glorious an action while the political superior in chief and the most excellent provincial deputation have not been pleased to give an answer to the notice communicated to them on the subject; and, finally, that having promised by the sacred bond of an oath to submit themselves to the plan framed by the chief of the nation, they are not at liberty to swerve in the least from its provisions, because such conduct would not be approved by the said most excellent chief falling upon them, if not, the indignation, at least the disgust of the nation and of the northern armies of the three guarantees, because in such case they would be accomplices of the break of unity in the sentiments which ought to prevail in the whole empire; against which as it appears said agreement is framed in consequence whereof, they have this day agreed by unanimous consent—

1st. That the province of Chiapa, that has spontaneously declared her independence, does not recognize any other Government whatever but the Mexican Empire according to the treaties signed by the most excellent Messrs. Iturbide and O'Donoju, and for the present and until notice is received of the deliberations of said first and worthy imperial chief, the circulation and fulfillment of said agreement addressed by the political superior chief of Guatemala to this Government and intendance and to the first constitutional alcalde is stopped, withdrawing all copies scattered in the hands of the people.

2d. That, with copies of said papers and an authenticated testimony of this letter, this be brought to the knowledge of said most excellent Señor Don Agustín de Iturbide with the above-said object and with a view that he may give his orders with instructions about the principles and method to be adopted in the conduct of the events of the day, and its further consequences.

3d. To answer to the political superior chief inclosing a copy of the same act so that, having in view also the conference of the most excellent Messrs. Iturbide and O'Donoju, he may be pleased not to disapprove the opinion and general view which he has expressed upon such an occurrence.

4th. To send communications inclosing a similar copy of said act and conference to the councils of the jurisdiction of this Government and intendance for their information and with a view to fully preserve the unity of sentiment in the pursuit to uphold our general and absolute independence. This proceeding closed the present act, which was approved with open doors and in the presence of numerous people who attended occupying the streets, the porches, the yard, windows and even the hall of the library above-referred to, awaiting the deliberation and resolution to be taken upon the subject.

In testimony whereof the following gentlemen have written their signatures: Juan Nepomuceno Bares, Juan Maria Lasaga, José Diego Lara, Julio José Flores, Fausteno Antonio Zenteno, Juan Miguel Robles, José Nicolas O'Snna, Esteban Gordillo.

On behalf of the people as their syndics and representatives: José Vives, Julian Rosas, Manuel Ignacio Eznauriza, Mariano Robles, Fr. Vicente Vives, Fr. Manuel Illan.

On behalf of the community of Santo Domingo: Fr. Galo Esteban Petit, Luis An-

tonio Garcia, Bonifacio Fernandez, José Cuende de Vallejo, Manuel de Jesus Zepeda, Cirilo Macal, José Maria Robles, Gregoria Suasnavar, Francisco José Maya, Pedro Guesada, Manuel Ramirez y Paramo, Gregorio Ocampo, Mariano Garcia.

EUGENIO JOSÉ RUIZ,

Secretary.

A true copy of the original document as it is on file in the respective book under my charge.

In testimony whereof and by order of the gentlemen, I write my signature this 28th of September, 1821.

EUGENIO JOSÉ RUIZ,

Secretary.

Three seals. 12 reals (\$1.50). Seal second. Twelve reals. Years 1811 and 1812. Authorized for 1821 and 1822.

In the royal city of Chiapa, on the 28th of October, 1821, appeared before me in the hall of sessions, Don Juan Maria Lasaga, first alcalde of this noble, independent, and constitutional council, and the witnesses with whom I dispatch, besides those that are herein mentioned, the deputies who form the most excellent board of this province, and said: That having decided in session, held on the 22d instant, to send an enlightened, active, and zealous delegate as soon as possible, with the principal object of congratulating the sovereign board, the supreme council of regence and its most excellent president and generalissimo of the armies at land and at sea, and, therefore, to deliberate upon the very grave subject of the absolute segregation of this province from the captain-generalship of Guatemala, even in case this is established there under the terms of the just system of the Mexican independence; and having appointed for this charge Presbyter Bachelor Don Pedro José Solorzano, a member of said most excellent board, as it appears from the act of the same day, which is as follows:

In the royal city of Chiapa, on the 22d of October, 1821, met the delegates of the most excellent provincial deputation of this province and presided by the most excellent political superior chief, having discussed about the person to be elected for the very important object of congratulating on behalf of this province, the sovereign congress of the Empire, the supreme council of the regence and the most excellent and very worthy president and generalissimo of sea and land, Señor Don Augustin Iturbide, and, therefore, to discuss the very important object of the segregation of this province from the captain-generalship of Guatemala, even in case the latter should embrace the Mexican Empire; after the most prudent deliberations and careful consideration of the circumstances which ought to concur in the person to be designated for said purpose, they agreed by a majority of votes to appoint the Presbyter Bachelor Don Pedro José Solorzano, a member of the same most excellent board, appropriating the sum of \$2,000 to be paid out of the funds of the communities for his traveling expenses and salary, with the understanding that besides said sum he will be refunded of the expenses made to carry out said petition of segregation upon presentation of a justified account; and in order to avoid the claims of Guatemala they have likewise resolved that his departure will take place as soon as possible, asking the very illustrious council for the necessary instructions, and signing this document before me the underwritten secretary, which I certify.

JUAN NEPOMUCENO BATRES.

LINO GARCIA.

MANUEL IGNACIO ESCARRA.

JOSÉ VIVES.

JOSÉ ANSELMO DE LARA.

PEDRO JOSÉ DE SOLORZANO.

FRANCISCO ANTONIO GUILLEN,

Delegate Secretary.

In order that said commissioner may represent all that may be conducive to said segregation on behalf of the whole province before the sovereign board, supreme council of regency, and before the tribunals that he may deem proper, awaiting the meeting of the delegates representatives of this province who, with those of the other provinces, will form the Constituents Cortes, who will take charge of the same commission, he is especially empowered to do what is rightfully necessary, so that in said subject intimate the petition, make representations, send memorials, allegations, reply and argue to what it may be alleged to him to the contrary, and strengthened by all legal means the petition until it is secured according to the instructions sent to him by the city councils of this province and those that may be sent by said deputation, for all which they give him ample power to do all that may be

rightfully required without any limitation, so that he may do all that said board would do in case they were present and with the power to appoint in his place one or more trustful persons.

In testimony whereof they have assented to and signed with me this paper.

Witnesses: Don Estéban Ignacio Cancino, Don Juan Crisostomo Robles, and Don Ambrosio Cancino.

JUAN MARIA LASAGA.
 JUAN NEPOMUCENO BATRES.
 LINO GARCIA.
 MANUEL IGNACIO ESCARRA.
 JOSÉ VIVES.
 JOSÉ ANSELMO DE LARA.
 FRANCISCO ANTONIO GUILLEN.
 GREGORIO OCAMPO.
 JULIAN ROXAS.

A legal copy made in the same day.

JUAN MARIA LASAGA.
 GREGORIO OCAMPO.
 JULIAN ROXAS.

In the hall of the city council of Chiapa on the 29th of September, 1821, in session called to deliberate upon the interesting subject of the independence and separation of the province of Chiapa from the captain-generalship of Guatemala, having joined, too, the honest inhabitants of the neighborhood who will subscribe this, in order to take advice and conduct this matter with the prudence and consideration that it deserves, the formation of the instructions which the presbyter of the bishopric of Chiapa and Soconusco shall carry with him to Mexico was first brought forth as follows:

1. This province profess the Roman Catholic apostolic religion, the only true, without mixture of any other, to uphold which she will pour the last drop of blood.

2. This province is and will be ruled, governed, and supported under the flag of the great Mexican Empire, and the latter has no power to cede or to appropriate it by legacy or otherwise.

3. The province of the Chiapas will never be again under the rule of the Government of Guatemala, *even in case these provinces or province will establish a king or a republic*; the commissioner will represent this to the Most Excellent Señor Don Agustin De Iturbide, president of the regency.

4. Chiapas has been under the Guatemala Government about three centuries, and in all this period she has not prospered, for which reason she has sworn her independence according to the plan of the Most Excellent Señor Don Agustin De Iturbide.

5. Guatemala has never provided this province with sciences, industry, nor any useful arts, and has had the utmost indifference for her.

6. Guatemala, in former times up to the present date, owing to the very few officers she has, has not been able to support herself, and it has required the help of Mexico.

7. In case Guatemala will establish a king, in order to sustain the royal family and the consequent large number of officers, it will be necessary to tax the provinces under her rule, which will be compelled to revolt to repel oppression and obtain liberty, and Chiapas is not willing to find herself in such a case.

8. Chiapas considers necessary that the Mexican Empire will take proper measures to avoid any invasion from Guatemala, since the former province has neither arms nor ammunitions of war.

9. Guatemala has called the Cortes for the month of March of next year, asking a delegate for every 15,000 inhabitants. This province, by virtue of the oath she has made, cannot demand those that correspond to her according to the census. Guatemala will resent this, and will take measures taking advantage of the occasion, and the commissioner will signify this in order to avoid it in time.

10. Notwithstanding the fact that the capital of Chiapa is 150 leagues distant from the capital of Guatemala and 200 more than that from the capital of Mexico, Chiapas desires to be under the Mexican Government that support her, and not under that of Guatemala, in which case she would be finally exterminated.

11. All the commerce of the province of Chiapas is made with the provinces of the empire, where she sells her cattle, sugar, and other productions of the country.

12. The provinces of the empire make commerce with those of Chiapa and Soconusco. These furnish the cocoa; Tabasco and the excellent one of Soconusco and the vanilla.

13. The provinces of Puebla, Oaxaca and others are similar in uses and customs to that of Chiapa, and the latter has no similarity to Guatemala. The provinces of the empire enrich that of Chiapas by the commerce between themselves.

14. The province of Chiapas and Soconusco show for their churches the interest that Guatemala has always shown in carrying their improvement. In the whole

province of Soconusco there is not a single church even of straw, since the best churches are made of white leaf and their walls of cane and mud. So much can be said of those of the district of Tabasco. In most of the villages there are no schools nor houses of education, which circumstance maintains this province up to the present time almost in a complete state of ignorance.

15. It cannot be denied that the Government of Guatemala has provided with schoolmasters some of the villages of the province paid out of the funds of the community, but their salaries are so small that the appointments generally are given to men who are not capable to fulfill their duties and who cannot give a proper education to children.

16. Guatemala is composed at present of the following provinces and districts: First, Gueyatenango, Suchitepequez, Totonicapan, Sololá, Chimalenango, Sacatepequez, Escuinta Grande, Verapaz, Chiquimula, and Songonate. In all these districts there are four *corregimientos* and the other *alcaldia*. The intendencies are: The *corregimiento* of San Salvador; the province of Honduras, its capital Comayagua; added to this the *Alcaldia Mayor* of Tequeigalpa of Heredia. The Intendency of Nicaragua, its capital Leon; and further the jurisdiction of Costa Rica, its capital Cortogo, as far as the village of Buruca, where the Guatemalan kingdom is divided from the captain-generalship of Panama. In all that kingdom there are no more fortresses than those of the Golfo Dulce of Honduras, San Fernando Omoa, Truxillo, and San Juan Nicaragua, in northern part; so that the kingdom is defenseless and an invasion from other countries would not be remote and does not want to share it.

17. Guatemala, owing to its poorness, is not able to support a war, and it is easy that she succumb to the force of an skillful army, and she can be invaded by Acajutla, El Realego Nicoya, or Marina.

18. Finally, Chiapas places her confidence in the commissioner, of which, according to the instructions, he will use of it, carrying on the articles which he will deem proper to make representations on behalf of this province.

Hall of Chiapa, October 29, 1821.

LUIS INFANTE.
FERNANDO JPH. DE VALLE.

By request of the persons who do not know how to write.

JOSÉ COMACHO,
Secretary.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETASSO ROMERO,
Secretary ad interim.

[Inclosure No. 2.]

FIRST SECRETARYSHIP OF STATE. BUREAU OF STATE.

The supreme executive power has been informed by your note, dated the 14th ultimo, and by the accompanying documents, of the measures taken in that city to examine and ascertain the public will, and to express themselves, consequently, on the important point whether it will continue forming part of this nation or whether it will enter into that of Guatemala, in case that the capital and the villages which are attached to it should be constituted into an independent State. He has also been informed that, owing to the decision of this matter not having been carried out, the commissioners, appointed for this object by the districts, thought proper to remain assembled and to reassume the provisional government of the province. His most serene highness has seen in this proceeding the precise result of that liberty which the Mexican Government has thought appertained to all the villages of the Guatemalan territory to decide their fate and to follow the resolution they may think most convenient to them; in which case this same Government, which has given, besides this, repeated evidence of the liberality of its character, would never reprove that province for a conduct which seems to have been brought about by its very dispositions, and would only regret that the measure which it may adopt should not be well prepared and in accordance with the established authorities. Governments must keep order and make the happiness of the persons associated thereunder. There is in that province a superior political chief, a provincial deputation, and other authorities intrusted with such sacred objects, to whom, no doubt, the greatest consideration is due, as otherwise stability would be wanting and be followed by disorder, which is introduced the moment the members of a new association think themselves authorized to alter the compacts made in its formation and to break the links of equality and fraternity

which joined them. This brief observation has no other object than the welfare and prosperity of a province deserving a singular esteem from his most serene highness, and is by no means intended to hasten its decision. He has thought, and they have been informed of it, that they are free to declare its separation from Mexico if in their judgment this step should insure their happiness. In this case no doubt ought to be entertained that he will respect their resolution. But if, on the contrary, and as you are kind enough to state, that province would wish to continue forming part of the Mexican nation for the convenience of their interests, this decision will be very agreeable to Mexico and to its Government, and it will be furthered by drawing closer the links of union and equality which they have maintained up to date, and by promoting until then its greatness and welfare as far as their strength will allow.

While that province pronounces the decision of its fate, which cannot be delayed, his most serene highness, to whom their happiness is not indifferent, has desired me to recommend and enhance to you the importance of keeping order and peace, to which the people are so much entitled.

May God prolong your life many years.

Mexico, July 9, 1823.

ALAMAN.

To the PROVISIONAL GOVERNMENTAL JUNTA OF THE PROVINCE OF CHIAPAS.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO,
Secretary ad Interim.

[Inclosure No. 3.]

MINISTRY OF STATE, JUSTICE, AND ECCLESIASTICAL AFFAIRS.

DEPARTMENT OF RELATIONS,
Guatemala, October 4, 1824.

To the most excellent Secretary of State and of the Dispatch of Relations of Mexico :

Your excellency told me in a note dated the 26th of last May that your Government, desirous of keeping with this the most perfect harmony, had resolved to propose on the subject the following measures: I. To disarm at once all the forces of that province. II. To station on the frontier a body of five or six hundred men of Mexican troops; this Government stationing a similar force, if it wanted, on the limits of its territory. III. The executive power of Mexico should appoint a commissioner and invite that of this nation to make on its part a like appointment.

I stated to your excellency by instructions of this supreme Government in notes dated July 3 and August 3 last the considerations which ought to be made concerning those measures, in order that you would communicate them to your Government.

I stated, among others, that by disarming Chiapas, depriving it of its own forces, stationing right in front of them a body of five or six hundred men of Mexican troops, sending there a commissioner from that court, and telling them to declare whether they want to be united to Mexico or to Guatemala, the people might say that they were deprived of the liberty to which they believe themselves entitled, in order to express their will: that any decision adopted in this manner would be exposed to protest and subject to claims, the existence of which, between two neighboring nations which desire, through friendship and reciprocal interests, the most perfect and lasting harmony would be regretted by this Government.

Later events have confirmed the fears entertained by this supreme power, proving that they were not in vain nor its opinion unfounded. The intelligence that a commissioner from that supreme Government is residing at Ciudad Real; that an order had been given by the latter to have Chiapas disarmed and to station on its frontier a force of five or six hundred Mexicans: that an intimation had been made by that secretary of state and of the dispatch of war to the commander of Chiapas to evacuate the territory of that province with the forces he may have under him or to dissolve them, depositing the arms at Ciudad Real under the care of its municipality; and other events which are related, and which occurred at the same province, have brought forth, even before the decision of the junta of Chiapas concerning its union to Mexico was pronounced or known, the protests of nullity made against it that have been addressed to this supreme Government, which cannot disregard them, as they are founded on considerations and on facts which have to be borne in mind. This serious matter was a few days later occupying the attention of this Government, when they received

yesterday the communication wherein the junta of Ciudad Real reports the proceedings held deciding its union to that republic.

All this has been laid before the Federal assembly, and when this decides what they may think just I shall communicate to your excellency the resolution of both powers.

In the mean while the reasons herein stated seem worthy of the consideration of that supreme Government. The right of a province that is going to decide its destiny, stating whether it wants to be united to this or that nation, is very plain. Neither Mexico nor Guatemala can in that case disarm it or station troops on its frontier.

The Government of Guatemala, convinced of this, has wished to abstain itself from all interference in the declaration of the people of Chiapas. No forces have been sent nor a commissioner appointed; they have, on the contrary, protested against the presence at Ciudad Real of the one that your excellency's Government thought fit to appoint: they have also protested against the order given by the ministry of war to its commandant to evacuate Chiapas and to deposit the arms in the care of the municipality of Ciudad Real, the opinion or votes of which are well known; they have protested against the order to station Mexican troops on the frontier of said province. A part of your excellency's note of the 4th of August last, which I received by the succeeding mail, informs me that said forces did not come to the boundary of Chiapas. But the intelligence that the Mexican Government had decided that they should come to the frontier was enough for the people to cease being free, precisely in the act in which their liberty was most necessary to them.

It was published in one of the gazettes of Don Agustin Iturbide's Government that a numerous and disciplined division of five thousand men, commanded by Count de la Cadena, had crossed the large river of Tehuantepec, bound to Guatemala. Neither the intelligence was true nor the division reached Guatemala. But that indication was sufficient, as also the certainty that Don Manuel Teran, who is now at the head of the ministry of war, had gone to Ciudad Real as commissioner of said Iturbide, to consider that the people had no liberty to make memorable declaration whether they should remain entirely independent or permit their aggregation to Mexico.

The Government of Guatemala does not compare that of Don Agustin Iturbide's with the one which now rules the destinies of that nation, and if my preceding note alludes to the commissioner sent by that chief it is only in order to state that if it was thought that the people had then enjoyed no freedom for the reasons above stated it would be convenient that they should not again be considered without it.

Summing up all the considerations stated in this note, the Government of this nation expects that that of Mexico should agree not to interfere, directly or indirectly, in the affairs of Chiapas, nor to change the condition in which the province was at the date when its junta made the declaration, persuaded that that of this republic will likewise abstain itself from interfering in the affairs of said people, and that the resolution and decision of these powers should be opportunely communicated.

The executive has instructed me to state the above to your excellency, and I have done so by his orders, protesting to you the respects of my very high consideration.

MARCIAL ZEBADUA.

MEXICO, November 15, 1824.

To the Minister of State and Relations of the United Provinces of Central America:

I communicated to his Excellency the President of the republic your note of the 4th of last October, and informed of the contents thereof, he orders me to answer that although it is true that the supreme executive power, his immediate predecessor, ordered that the troops that were in the province should be disarmed, that Guatemalan and Mexican troops should be stationed in their respective frontiers, and that commissioners from one and the other party should go to Ciudad Real, all with the object of giving the people of Chiapas full liberty to declare to which of the two republics they wanted to be annexed, and that the commissioners of both Governments together, with the local authorities of said capital, should tranquilly and disinterestedly witness that declaration, a very useful and even necessary measure for the welfare of both nations, as this Government has already stated to that of Guatemala, none of these steps so politic and impartial had due effect, with the exception of that of the commissioner by this Government, to which place was appointed Don José J. Bustamante, who waited at Ciudad Real for the one to be appointed by Guatemala, and if this did not go, it was not certainly the fault of Mexico nor of Guatemala, which perhaps did not think it necessary, as you state in the note to which this is a reply.

It is notorious that not a Mexican soldier was to be stationed at the frontier of this republic; it is not less true that the armed forces of Guatemala which garrisoned it before have remained there up to the present day, and that the Commissioner Don José Javier Bustamante has in any way restrained or been able to restrain

the will of the people of Chiapas, being only, as it is public and notorious, an impartial and mute witness of the declaration of said inhabitants, in accordance with the repeated orders of my Government.

It is evident, and it cannot escape the wisdom and high penetration of that Government, that the majority of the people of Chiapas pronounced themselves in favor of Mexico; that there was not even a Mexican soldier not only in the frontier, but in many leagues from it, and that there being armed forces from Guatemala in said province what more could be desired in order to believe that the declaration of the people to aggregate themselves to Mexico was free and spontaneous? The theories and political conjectures, however well reasoned and explained they may be, give always way before facts and practical evidence. These are plainly in favor of the pronunciamiento, and its liberty and other circumstances make it undoubtedly legitimate.

The several sovereign Congresses of the Mexican federation and the supreme Government thereof, convinced of this truth, have recognized and adopted it, ordering that said province should be made a State of this republic. By virtue of this admission his excellency the President of the republic has issued the necessary measures within his province and powers, sending now and not before, troops to garrison said state and to watch over the conservation of the order and peace of its esteemed inhabitants.

The above is in answer to your said note, and I renew to you the sentiments of the distinguished consideration with which

I am your obedient servant, &c., &c.

WASHINGTON, D. C., May 6, 1882.

CAYETANO ROMERO,
Secretary ad interim.

A true translation.

[Inclosure No. 4.]

The representatives of the districts of the province of Chiapa being assembled at the hall of the juntas of Ciudad Real, capital of the province, on the 12th of September, 1824, fourth of the independence and second of liberty, to wit: On the chair, the priest, Mr. Manuel de Jesus Robles, for the district of San Andres; Dr. Carlos Maria Castañon for that of the capital; Capt. Joaquin Miguel Gutierrez for that of Tuxtla; Lieut. Martin Esponda for that of Istacomitan; the priest, Manuel Ignacio Escarra, for that of Soconusco; Sub Lieut. Juan Crisostomo Robles for that of Palenque; the priest, Pedro José Solorzano, for that of Huistan; the priest, Fernando Luis Corona, for that of Simojovel; Mr. Manuel Espinosa for that of Tila; and absent, the priest, Mr. Francisco Gnillen, for Tonalá, who has been duly excused on account of sickness; Mr. Ignacio Ruiz and the priest, Mr. Valentin Soliz, for the districts of Llanos and Ocosingo, respectively, the latter on the plea of sickness, and the former for being obliged to leave the city to attend to some important family matters; the meeting having been called with the object of examining the work of the committees of polls and the decision of the villages, and the respective reports having been read, they commenced to be qualified and discussed in the presence of the agent of the supreme Government of Mexico, Mr. José Javier Bustamante. In view, therefore, of the original returns and the necessary vouchers, it was resolved that the province of Chiapas, composed of the twelve above-mentioned districts and of one hundred and four villages, represents a population of 172,953 inhabitants. The qualification and discussion of said declarations having next been made, the following villages were declared as having legally voted for their union to the Mexican Republic: Ciudad Real, Chamula, Zinacantan, the district of Llanos, with the exception of the villages hereafter mentioned, and the districts of San Andres, Huistan, Simojovel, Yajaton, and Petalsingo. The following villages were declared to have voted for their union to the republic of Guatemala: San Felipe, Zapalutá, Chicomselo, the districts of Tuxtla, Tonalá, Istacomitan, Palenque, Soconusco, and the village of Tila. The declarations of the villages of the districts of Ocosingo, Sabanilla, Tumbalá, and Moyos were considered as indifferent, not having expressed any opinion at all.

The counting having next been made, the result was that 96,829 inhabitants had voted for the union to the Mexican Republic, and 60,400 for that of Guatemala, which result proved that there was a majority of the population in favor of the union to the Mexican Republic. Having afterwards compared the two sums, including that of the population of the villages considered as indifferent, with that of the total, they were found to agree. The supreme provisional junta, in conformity with the sentiments of its circular of the 24th of last March, wherein they offered to

respect the vote of the villages, declares that the province of Chiapas has legitimately pronounced its decision, and in order that this act should have all the publicity, character, and solemnity demanded by law, Tuesday, the 14th instant, was fixed as the day for the due fulfillment of the solemn declaration to be made in the presence of this supreme junta, of the agent of the Mexican Government, and of the authorities, societies, and principal inhabitants of this capital, who are to be previously invited; and this act was considered as ended, being signed by the president and the members thereof before me, the undersigned, pro secretary, as attested,

MANUEL DE JÉSUS ROBLES, *President*.
 CARLOS CASTANON.
 MARTIN DE ESPONDA.
 MANUEL IGNACION ESCARRA.
 JUAN CRISOSTOMO ROBLES.
 PEDRO JOSÉ DE SOLORZANO.
 FERNANDO LUIS CORONA.
 MANUEL ESPINOSA.

JOAQUIN MIGUEL GUTIERREZ, *Pro Secretary*.

Record of the proceedings had at the solemn declaration of the union of the free State of Chiapas.

Extraordinary meeting held on the 14th of September, 1824.

This day having been fixed for the solemn declaration of union, the following persons assembled at this hall: the representatives, the agent of the supreme Government of the Mexican nation, the illustrious and venerable chapter (vacant bishopric), together with the governor of the bishopric, the political chief, the honorable municipality, the intendant with the employés of the finances, the prelates of the religious corporations, and the principal inhabitants of the city. The act was opened with a speech made by the president, wherein he stated the great object of the meeting, calling the attention of the numerous assembly thereof. The secretary read afterwards in a loud and clear voice the decree of basis issued by the supreme junta on the 29th of July, 1823; the record of proceedings of the meetings held on the 22d and 24th of last March, wherein it was resolved that the villages of this State should openly and freely express their will concerning their union to the Mexican nation or to that of Guatemala, and the record of the proceedings held on the 12th instant. The president made afterwards a speech, stating that the supreme junta was very much pleased to have carried out the principal object of its mission, to have respected public opinion in the majority of its votes, according to the basis of population, congratulating itself, and requesting the authorities and corporations to maintain order and the most perfect understanding. A speech was likewise made by the agent of the supreme Government of the Mexican nation, offering the free State of Chiapas, in the name of the supreme Government he represents, all their protection in order to lead said State to its greatest rank and happiness. Similar speeches were made by the political chief on behalf of the honorable municipality; the schoolmaster, in the name of the illustrious and venerable chapter (vacant bishopric); the intendant, in the name of the employés of his department, and the provincial of Saint Dominick, in the name of the prelates of this city and other religious corporations. These speeches were answered in appropriate terms by the president, who manifested the satisfaction entertained by the supreme junta for the good sentiments expressed therein. After this the assembly, the supreme junta, and the agent went, accompanied by a good orchestra, and numerous people and the ringing of bells, to the holy cathedral, where a solemn *Te Deum* was chanted; after which they returned to the hall to close the proceedings. The president expressed the satisfaction of the junta for the good order and general joy noticed in the concurrents and spectators proper of a free and virtuous people, who had done their best in decorating the streets, and especially in beautifying with two rows of artificial trees the space between the hall and the holy church. The following inscription in golden characters could be seen: "Long live religion." "Long live union." "Long live just liberty and our federation." Such was the solemnity which was at that time taking place, and which was followed in the afternoon by public rejoicings, and in the evening by music at the city hall and a general illumination.

In order that this should be duly accredited the following record is made, with the testimony of which and of that of the preceding meeting the supreme junta decided to give an account thereof to the supreme executive power of the Mexican Republic, accompanying the correspondent manifestation, and that a similar notice be given to that of the republic of Guatemala, for its information; also that circulars be sent to the political chief, to the governor of the bishopric, to the intendant of finances, and

to the commanding general, in order that they should without loss of time have it published and duly circulated, accrediting opportunely the fulfillment thereof.

These proceedings having been closed, they were signed before me, the pro-secretary, as attested.

MANUEL DE JESUS ROBLES,
President.

CARLOS CASTAÑÓN.
JUAN CRISOSTOMO ROBLES.
MANUEL IGNACIO ESCARRA.
PEDRO JOSÉ DE SOLÓRZANO.
FERNANDO LUIS CORONA.
MANUEL ESPINOSA.

MARTIN DE ESPONDA,
Pro-Secretary.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO,
Secretary ad interim.

[Inclosure No. 5.]

HALL OF THE TOWN OF TAPACHULA,
Soconusco, May 3, 1882.

The illustrious council of the capital have received the circular of the supreme provisional board of this province, royal city of Chiapas, dated on the 24th of March last, sent by the political chief of the same Don Gregorio, Luasabor, with his communication of the 1st of April last, relating to this district, expressing freely its decision to belong to the federal Government either of Mexico or Guatemala. Said circular was also sent to the city councils of Tuxtla, Chico, and Escuintla, in order that they may appoint the representatives to whom said circular refers. The small populations dependent from this council having been called to this capital, it was published by decree the fixed day for the inauguration of the respective board. All which took place, and the representatives of the city councils met in this hall, together with other citizens who accompanied, them including the parish priest, Br. Don Eugenio Córdoba, and the commandant, Lieutenant Don Manuel Córdoba. The circular of the supreme board was read loud and clearly, and its contents explained as stating that the future fate of the district depended from the decision upon so delicate a subject, in order that would reflect about the decision to be given by plurality of votes, which was that they desired to be aggregated to the federal Government of the Mexican nation.

After this formality the board adjourned, signing this act before me, the under-writer secretary, those who knew how to write.

PEDRO CHACON,
EUGENIO CORDOBA,
MANUEL CORDOBA,
BORTOLOMÉ DE APARICIO,
NORBERTO CONISALES,
CIRIACO ARRIOLA,
MARCELO NICOLAS Y VALLEJO,
LEONARDO FUENTES,

JACINTO LÓPEZ,
FRANCISCO SOLIZ,
MORIANO ANTONIO,
FELIPE ITURBIDE,
ISIDORO CODENA,
FIBURCIO CASTELLANOS,
FRANCISCO ANTEQUERO,
SEVERO COUTENO.

FELIPE CORDENAS, *Secretary.*

A true copy of the original document.

I certify that these are true, corrected, and amended copies.

FELIPE CORDENAS, *Secretary.*

PEDRO CHACON.

A true translation.

WASHINGTON, D. C., May 6, 1882.

CAYETANO ROMERO,
Secretary ad interim.

[Inclosure No. 6.]

GENERAL MINISTRY. DEPARTMENT OF STATE.

The following communication has been addressed by the national constituent assembly to the supreme executive power, on the 24th instant :

The national constituent assembly, in its session of the 21st instant, have thought

proper to give the following report from the special commission appointed to give information in regard to the subject of the report:

SIR: The invitations addressed to the authorities of Chiapas by some of the generals of the liberator army of Mexico, and the celebrated decree of the provisional government of these provinces of the 29th of March last, have caused the formation of general board of the authorities, corporations, and principal neighbors, which seated in Ciudad Real on 8th of April last. In order to preserve the indivisibility of the province, and with a view to legally ascertain whether her compact of union to the Mexican State was broken, and whether the province ought to continue incorporated to that State, or to be united again to these provinces of Guatemala, a provisional congress was called, which held its first sessions on the 4th, 8th, and 9th of June last, and composed of ten delegates, representatives of so many districts. Those of Istacmitan and Tapachula did not attend. The question above mentioned was proposed and dismissed, and result was five votes for declaration of the rupture of the compact with Mexico, and the other five for the contrary. In consequence of this a new resolution, carried by eight votes, gave to the board the character of provisional executive board in charge of the government of the province until it is decided whether she goes back to her former union with Guatemala or continues with that of Mexico.

This is the purport of the acts and communications to which it is necessary to reply as soon as possible, having in view the harmony and fraternity due to that province, and the consideration which her provisional government deserves. It would be very desirable that our brother, the inhabitants of Chiapas, having in view the necessity, convenience, and reciprocal advantages of the union of that province with these ones, and also the wonderful results which a similar union produced in English America, they would decide at once to renew the ties of fraternity and close friendship with us; but this must be the result of the deliberation and conviction of the interested parties; meanwhile the *united provinces* ought to respect the free will of those provinces that have not concluded as yet to join us in this compact. Under such principles it seems that our Government ought to reply in the name of the new Central State of America to the supreme board of Chiapas that: The assembly and the supreme executive Power of said State are informed of the resolutions of said board; that they commend the prudence, circumspection, and careful consideration that said board have given to the fulfillment of their commission; that if at last Chiapas would be willing to join these United Provinces, she will be received with the greatest pleasure, and the provinces will consider their happiness as complete: and that if said province of Chiapas would consider more suitable to her interests to continue her separation, this will not be an obstacle to the mutual friendship, fraternity, and even the services of the Guatemalan State.

The supreme executive power, entirely agreeing with constituent national assembly, resolved to communicate this to your excellency, in order that the province of Chiapas be persuaded that her incorporation to the united provinces of Central America would be cordially welcome, and that in case she decides to continue her separation they will preserve the most perfect friendship with a sister province that shared with them the vexations of the Spanish Government.

All which I communicate to your excellency for your information.

God preserve your excellency many years.

Palace of Guatemala, 30th July, 1823.

JOSÉ DE VELASCO.

MOST EXCELLENT SUPREME GOVERNMENT BOARD OF THE PROVINCE OF CHIAPAS.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO,
Secretary ad interim.

[Inclosure No. 7. Translation.]

LEGATION OF GUATEMALA,
Mexico, August 21, 1874.

SIR: As was agreed in our last conference, I do myself the honor to send your excellency the inclosed memorandum, hoping you will be pleased to appoint a day and hour when I may present myself at your office to continue the discussion of the project of bases for a preliminary convention upon the boundaries between Guatemala and Mexico.

This occasion affords me the pleasure of renewing to your excellency the assurances of my distinguished consideration.

R. URIARTE.

To His Excellency M^r. JOSÉ MARIA LAFRAGUA,
Minister of Foreign Affairs of the Mexican Republic.

Memorandum presented by the undersigned, envoy extraordinary and minister plenipotentiary of Guatemala, to his excellency Mr. José María Lafragua, minister of foreign affairs of the Mexican Republic.

LEGATION OF GUATEMALA, Mexico, August 21, 1874.

After examining with the greatest care all the documents found in the archives of the legation in my charge concerning the various questions pending between Guatemala and Mexico, I now fulfill the duty of submitting to the enlightened consideration of your excellency the present memorandum as a basis for the conferences begun on the 22d of last July.

I would waive all mention of the obstacles hitherto encountered in bringing to a happy conclusion the treaties proposed between the two republics, and especially that concerning territorial limits, if it were not for the fact that in official documents Guatemala has been charged with unwillingness to conclude such treaties. This appears from the memoir presented by your excellency to the Congress of the Union last year, and more explicitly from the documents concerning measures proposed for the development of the agricultural wealth of Soconusco, presented by the finance department to the Congress of 1871. In this latter document it is stated that Mexico has always been ready to enter into friendly and equitable treaties with Guatemala, but that the latter power has refused to sign them under the belief, or, at least the hope, of some time recovering the State of Chiapas. This is inexact. A rapid glance at the protocols of the conferences held at different periods between the commissioners of the two countries will demonstrate that Guatemala has not only been ever ready to negotiate treaties with Mexico, but that she has carried her condescension as far as is possible for a nation desirous of the closest harmony with her neighbors, without prejudice to her own dignity.

With respect to the question of limits, for example, Guatemala proposed in 1832 the arbitration of a friendly nation, which was declined by Mexico. Some years later, in 1854, Guatemala went to the extreme of renouncing her indisputable rights to Chiapas and Soconusco, without demanding any indemnification, and, if the negotiation was not carried out it was because Mexico declined to recognize and pay the debt of those States to the ancient "kingdom of Guatemala."

Nearly the same thing took place respecting the treaties of commerce and extradition of criminals, two of which were successively negotiated in 1831 and 1850, without having been ratified by the Mexican Government.

Guatemala has just given the latest proof of her sincere desire to terminate a question which has been pending for half a century between the two countries by sending the undersigned to this city. If on the part of Mexico, then, there exists the same desire as your excellency has been pleased to intimate to me, nothing will be easier than to draw closer, by means of equitable conventions, the ties of friendship and fraternity which ought always to bind together two neighboring republics which have the same origin and identical interests.

As the first to be done is to agree upon a preliminary convention to fix the bases according to which should be traced the dividing line from the coasts of the Pacific to those of the Northern Sea, the undersigned sees no objection, respecting the question of Chiapas, to take as a starting point the project discussed in Guatemala between Messrs. Pavon and Pereda in 1854; that is to say, that Guatemala will recognize the incorporation of that State into the Mexican territory on condition that Mexico will proceed to settle the debt which that province had contracted with what was formerly the "captaincy-general of Guatemala."

The case is not the same respecting Soconusco. I waive for the present the narration of the acts by virtue of which that former district of Guatemala now forms a part of the United States of Mexico. Force does not constitute a title, and, if with respect to Chiapas, no one can doubt the justice with which Guatemala might demand its restitution, in regard to Soconusco it is abundantly evident that the violation of the neutrality in which it had been agreed to maintain that province can never be for Mexico a title of domain, but rather strengthens, in the eyes of international law, the titles which Guatemala has ever had for considering it an integral part of her territory. But, as I have already said, it is not my intention to record the history of those unjustifiable acts, and I will only call your excellency's attention to the difficulties presented by the tracing of any dividing line segregating Soconusco from the territory of Guatemala.

The clearer the demarkation of frontiers between adjacent countries the fewer disputes will there be between frontier authorities, and all questions originating in the lack of precision of the dividing lines will be completely obviated. For this reason it has hitherto become the custom among civilized nations to adopt as such boundaries degrees of longitude or latitude. Since this is not possible in the present case of the limits between Guatemala and Mexico, the line should be drawn as straight as possible, in view of the broken character of the region through which it must pass. The department of Soconusco, on the southern coast, forms an angle entering the ter-

ritory of Guatemala, of which the base is the river Ciutalapa, proceeding from the bay of Zacapulco as far as the towns of Motocinta and Mazapan, and the vertex being formed by the mouth of the river Tilapa, in the bay of Océos. Consequently the base for the demarkation of the line from the Pacific Ocean should be the bay of Zacapulco, tracing thence a straight line to the river Dolores, the recognized limit of the State of Chiapas. Guatemala could not accept the imperfection of a line starting from the bay of Océos, going thence north to Tajomulco, then receding eastward along the mountain chain of Tajomulco, and finally descending the river Blanco to Mazapan.

From the river Dolores to the Northern Sea the undersigned proposes for basis for the tracing of a line the actual possession, with the understanding that a scientific commission should be appointed by agreement of both governments, in order to make the necessary surveys, and mark the definitive limits between Guatemala and Mexico in accordance with the bases above suggested.

Respecting treaties of friendship, commerce, and extradition, and a postal convention, the undersigned abstains from speaking of them in the present memorandum, so as to proceed with order, making due separation between the subjects which have been intrusted to him.

R. URIARTE.

WASHINGTON, D. C., May 6, 1882.

CAYETANO ROMERO,
Secretary ad interim.

A true translation.

[Inclosure No. 8.]

MINISTRY OF FOREIGN AFFAIRS,
Mexico, October 9, 1875.

SIR: By direction of the President of the republic I now proceed to examine the note of your excellency, dated August 21, 1874, and the accompanying memorandum, on the contents of which I have made to your excellency some observations in private conferences. * * *

Entering upon the examination of the serious matter in question, I must immediately remind you that on October 20, 1873, I had the honor to address to Mr. Manuel Garcia Granados, then representative of Guatemala, the formal declaration that the Government of Mexico does not admit any discussion upon the legitimacy of the possession of Chiapas and Soconusco by the United States of Mexico. As that note was not answered, and since your excellency afterward arrived here in the high capacity of envoy extraordinary and minister plenipotentiary, the Government of Mexico naturally believed that Guatemala desisted from the question formerly raised by her as to the incorporation of Chiapas and Soconusco, and that the mission of your excellency had for object the much desired settlement of boundaries. But the note and memorandum of your excellency reopen this discussion, and conclude by proposing to Mexico the loss of almost the whole of Soconusco, as well as a part of Chiapas and the payment of the debt for which that state is alleged to be responsible.

It would suffice for the Government of Mexico to refer to the formal declaration contained in the note of October 20, 1873; but, with the only object of preventing that decision from being deemed capricious or arbitrary, I proceed to state to your excellency the reasons which legalize the possession of Chiapas and Soconusco, without thereby modifying the sentiments expressed in 1873. The present exposition will set forth the sum of the rights which Mexico considers beyond question, and which she is resolved to sustain in the just defense of those important parts of the national territory, worthy for a thousand reasons of the esteem of our citizens and of the efficacious protection of the Government. * * *

It is consequently proved that there were no such abuses (as have been alleged by Guatemala) in the incorporation of Chiapas and Soconusco; but even admitting, without conceding, that there was any irregularity, what does it avail in view of the solemn ratification based upon the acquiescence of the people of Chiapas and Soconusco? During fifty-one years the former, and during thirty-three years the latter,* have not made a single protest, have not expressed a single complaint, or manifested any dissatisfaction on account of their union with Mexico. They have suffered, like other Mexicans, the evils of civil war and of foreign invasions; they have enjoyed the benefits of liberty and felt the tyranny of dictatorship, and, with their talents in council and their blood in battles, have contributed to the defense of national interests.

* This was written in 1875. Now, in 1881, the possession by Mexico has lasted fifty-seven years in one case and thirty-nine years in the other.

As a State of the Federal Republic, as a Department of the Central Republic, Chiapas has remained, during the long period of our checkered political life, the same province which spontaneously united itself to Mexico on the 3d of September, 1821. When, in 1847, the Federal Government was reduced to a few cities, without an army and obliged to yield to the terrible law of war, why did Chiapas not separate from a nation so prostrated by misfortune? When, in 1865, the Federal Government was carried, by public misfortune, to Paso del Norte, why did not Chiapas, situated at the other extremity of the country, at a distance of 800 leagues, separate from a nation almost completely subjugated by a foreign power? These and other periods afforded extreme facilities for Chiapas, if, in her territory, there had existed any sentiment hostile to Mexico, to manifest it, or to indicate any desire to abandon the mother country, which she freely adopted as her own, and to whose fortunes, prosperous or adverse, she has remained united with the most perfect liberty. If the State of Chiapas were situated in the center of the republic, it might be said, carrying suspicion beyond the limits of probability, that her hands were tied by her very position, since any movement on her part might be suppressed in a single day. But, being situated at the extremity of the country, and separated from the center by 300 leagues of really difficult roads, her unshaken fidelity is not the effect of fear, but the worthy fruit of a sentiment as noble as it is spontaneous.

What reasons, said I in the note dated October 20, 1873, can be alleged in presence of so firm a will? What title can avail more than so constant a fidelity? What right more solid than that founded upon such a loyal and zealous patriotism? In fact a simple doubt would be an offense the more cruel when more undeserved, and this is one reason why the Government of Mexico cannot admit any discussion upon the possession of Chiapas and Soconusco.*

Before entering upon the examination of the project of limits I ought to reply to a charge unjustly made against the Republic of Mexico, attributing to its reluctance the delays experienced in this important business. From 1825 until the present day Mexico has constantly proposed the immediate tracing of the limits. This appears from the notes of Mr. Alaman and the protocols of Messrs. Manuel Diez de Bonilla and Juan Neponuceno de Pereda, envoys of Mexico in that republic. Guatemala, on the contrary, has ever avoided the tracing of limits, desiring the maintenance of the *statu quo*, and thus postponing indefinitely the solution of so important an affair.

* * * * *

These official documents fully prove who has been at fault in this delay. Mexico has *constantly* sought for the tracing of the limits, which she has considered as the only means of closing the door against claims which, though perchance of slight importance at the outset, are magnified by the lapse of time into affairs of great moment. Guatemala, on the contrary, has constantly refused the tracing of limits, and has always labored for the preservation of the *statu quo*, thus leaving open a wide door for quarrels between private individuals, which subsequently become conflicts between governments. Would the scandals of Bejuac, and so many others, which have given occasion to complaints, and even now demand the attention of the two countries, have taken place if the dividing line had been clearly fixed? But all the efforts of Mexico have been sterile in presence of the zeal with which Guatemala has sustained her fancied right to Chiapas and Soconusco. Hoping some day to recover these regions, or to obtain a pecuniary compensation for them, she has refused to put an end to an uncertainty harmful to both nations, and proposed the negotiation of treaties of a different character, which can be of no utility as long as the material possession, subject by law to the authority of each government, remains undefined. It is true, as your excellency says, that in 1854 Guatemala agreed to the incorporation of Chiapas and Soconusco, but she did not consent to the actual tracing of the limits, insisting, as before, upon the maintenance of the *statu quo*, as may be seen in Article I of the memorandum by Mr. Pavon: "The limits between the two republics shall continue to be *what they now are.*" This phrase clearly expresses the invariable idea

* There are several reasons why Mexico could not, even if she would, enter into any discussion upon the legitimacy of her long-continued possession of Chiapas and Soconusco. The most apparent is that the constitution of the Mexican Republic enumerates Chiapas (including Soconusco) among the States of the Union. Consequently there is a constitutional impediment, quite unsurmountable, for the Government of Mexico to discuss before an arbitration or otherwise the untimely question now raised by Guatemala. She urges that the said Government, to gratify some long-cherished fancies of Guatemalan politicians, should submit to trample upon the national constitution (and forget its dignity) by discussing, without any authority to do so, a point settled alike by that instrument and by time, the great legitimator of all possessions in the world, even when their title is less clear than that of Mexico to her present State of Chiapas.

of Guatemala, namely, not to trace her limits, and thus leave subsisting all the causes of difficulties, and all the elements of future conflicts, between the two nations. Moreover, the defence of Guatemala in 1854 had for its basis the proposed payment of a debt which Mexico can not recognize, and a claim upon unoccupied lands which can not even be discussed, since it has no foundation whatever. It is, in fact, difficult to discover the reasons which Guatemala has had for refusing the settlement of her limits, for it is not possible even to imagine that this refusal involves the idea of maintaining the rights hitherto alleged and the hopes hitherto cherished. It is, therefore, absolutely indispensable to put an end to a controversy which has caused such evils to both countries and threaten others still more serious for the future welfare of two republics needing to live in the most perfect harmony.

Summing up all the argument of the present note, the following points have been proved :

1. Chiapas was a province on terms of equality with the others which formed the captaincy-general of Guatemala.

2. Chiapas, on the 3d of September, 1821, spontaneously separated from Guatemala and united herself to Mexico.

3. Chiapas, on the 12th of September, 1824, again united herself to the United States of Mexico, by the free vote of the majority of her inhabitants.

4. Soconusco, in 1821, was a *partido* of the intendency of Chiapas, and as such united herself to the Mexican Empire.

5. Soconusco, in 1824, was legitimately represented in the supreme junta of Chiapas, and freely voted for annexation to Mexico on the 3d of May.

6. The act signed at Tapachula, on the 24th of July, 1824, was a revolutionary document, and was illegal from every point of view.

7. Central America recognized the supreme junta of Chiapas, and offered to respect its determination.

8. The decree of August 18, 1824, by which the federal congress declared that Soconusco, by virtue of her *pronunciamento*, had united with Central America, was a usurpation of the rights of Mexico.

9. The notes exchanged between the ministers Alaman and Mayorga did not constitute a legal agreement.

10. The decree of October 31, 1825, by modifying the essence of the propositions of the Mexican minister, left them without effect.

11. The neutrality in which Soconusco remained *de facto* was many times violated by Guatemala.

12. No act of Mexican authorities recognizing such neutrality could be valid, since any treaty required the approbation of Congress.

13. Mexico was under no obligation to respect such neutrality. Consequently, when she occupied Soconusco in 1842, she infringed no international compact, and only made use of the right given her by the vote of May 3d, and the declaration of September 12, 1824.

14. Soconusco, in 1842, was free to unite herself again to Mexico; for, even supposing legitimate the act of July, 1824, the district was thereby united to Central America, not to Guatemala; therefore, when that federation was dissolved, Guatemala had no rights of any kind.

15. The military pressure, the intrigues, and other abuses which Guatemala has imputed to Mexico are not proved, while, on the contrary, it is proved that in September, 1824, there were no Mexican troops in Chiapas, and that those commanded by Colonel Aguayo, in 1842, were invited thither by the inhabitants of Soconusco.

16. *Any supposable irregularity in the incorporation of Chiapas and of Soconusco has been entirely validated by the constant union of those regions during fifty-one years in the first case, and during thirty-three years in the second case,* in which lapse of time they have not presented a single complaint nor indicated any repugnance to continue attached to the Mexican Republic.*

17. Respecting the public lands, the claim of Guatemala is entirely inadmissible, since she has no right whatever upon the territory of Chiapas.

18. The debt of Chiapas is included in that of Mexico, which is consequently not responsible for it to Guatemala, from whom she might, on the contrary, more properly demand a certain amount, as the difference between that debt and the general one of Central America.

19. The delays of so many years in the settlement of this question are due to Guatemala, who has always opposed the tracing of limits, which has continually been urged by the Government of Mexico.

The facts being thus cleared up, and the right of Mexico to Chiapas and Soconusco being solidly established, I proceed to treat of the question concerning the adjust-

* Now, in 1881, these periods are, respectively, fifty-seven and thirty-nine years.

ment of limits between the frontier States of both republics, in order to terminate, in a practical manner, this prolonged subject of controversy.

I renew to your excellency my very distinguished consideration.

J. M. LAFRAGUA.

To his Excellency Mr. RAMON URIARTE,

*Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala.**

Draft of a boundary treaty between Mexico and Guatemala.

1st. The starting point to trace the boundary line between the two republics will be the spot where the ranch of La Encontada used to be, and if there is no sign to point out that place, six kilometers from the bar of Ocos will be measured towards the southeast, and the end of that measure will be the beginning of the following trace:

2d. From said end a right line will be traced towards the north as far as its intersection with Tilapa River, following as boundary the course of said river as far as the spot called Caballo Blanco.

3d. From said spot another right line will be traced as far as its intersection with Petecalapa River on the national road going from Tuxtla Chico, town of Mexico, to Malacatan, town of Guatemala.

4th. From the mentioned pass of said river on the road from Tuxtla to Malacatan, the boundary line will follow the course of the river as far as its head. In case of doubt as to the head of the Petecalapa River, a right line will be traced, of fifty kilometers, to the northeast of the intersection of the national road from Tuxtla Chico, to Malacatan with Petecalapa River.

5th. From the end of said trace of fifty kilometers a right line will be drawn to a point situated in the middle of the distance between the summit of the volcano of Tajomulco to that of the volcano of Soconusco or Taconá.

6th. From said middle point between the two volcanoes another right trace will be made to the summit of the volcano Toconá, and from there another right trace as far as the intersection of the Nenton River on the way from the village of the same name of the department of Huehuetenango in Guatemala to that of Zapatlula in the department of Comitán of the Mexican territory.

7th. From the intersection of the Nenton River, in the above-mentioned spot, another right line will be traced to a point fifteen kilometers distant towards the east of the summit of the Isbul Hill.

8th. The Governments of Mexico and Guatemala shall appoint, respectively, a scientific commission of two or more persons, who, separately and under the conditions which their respective Governments may deem necessary to protect their interests, will survey the boundaries of both republics in the States of Tabasco, Yucatan, and Campeche, making the necessary maps and gathering information and data, for which purpose the Government of Mexico will furnish the commission of Guatemala and the Government of Guatemala will furnish the Mexican commission with such information and documents as each of them may possess in relation to the boundaries in said States; all this in order to facilitate as far as possible the definite demarcation of the boundaries between the two republics.

9th. Said commissions will terminate their work within a year from the day in which they arrive to the starting point, which will be the one situated 15 kilometers from the summit of the Isbul River toward the east. Each Government will inform the other of the day in which their respective commissions will begin their work, which will begin within three months from the date of the exchange of the ratifications of this treaty.

10th. In case the boundary line passes through lands belonging to private persons, each fraction will be subjected to the laws of the nation to which it belongs, according to its geographical position.

11th. Of the grants of lands embraced in the boundary line will be recognized as lawful only those issued before the 1st of July, 1872. The grants issued after that date will be lawful only in that portion of land belonging to the nation that made the grant, the grant of the other portion being annulled.

Mexico, 9th October, 1875.

J. M. LAFRAGUA.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO,
Secretary ad interim.

* This dispatch has not been answered by Guatemala.

[Inclosure No. 9.]

Memorandum or observations made in regard to the draft of a boundary treaty submitted by Señor Pereda, minister plenipotentiary of Mexico, to the plenipotentiary of Guatemala.

The good will existing between the contracting parties, and the mutual desire that prompts them to put a happy end to the negotiation now pending, is a guarantee that the explanations given by one of the parties will be satisfactory to the other. With this belief it is necessary to give certain explanations that were omitted before in the course of the negotiations.

1st. Chiapas and Soconusco were an integral part of the kingdom of Guatemala, and their separation and annexation to Mexico after the independence are questionable facts up to the present date, and not agreed to by this party, as there are remonstrances and other documents exchanged between the two Governments in regard to this subject.

2d. In such status it would be strange that without examining these questions that have been pending for many years (the question in regard to Chiapas being different from that which concerns Soconusco), a so-called *boundary treaty* were made, finally providing for the abandonment by Guatemala of the rights she has considered to have to the integrity of her territory, without even expressing the reasons for this cession, and without receiving such compensations as a treaty of this kind ought to provide.

3d. Such treaty, even in case the plenipotentiary of Guatemala would agree to it, would undoubtedly be rejected by his Government and by the public opinion; that is, it would be an *impossibility*, and would not contribute in the least to strengthen the bonds of friendship between the two countries.

4th. It must be considered that Guatemala, in treating this question with Mexico, has to consider the representation of the kingdom of Guatemala and to be responsible for the results under any circumstances, replying, if it is necessary, to any interpellation from the other Central American States, which do not agree with the principles adopted in Mexico and supported by Guatemala, if desirable to avoid any cause of well-founded recrimination.

5th. Besides this, such step would be an outrage to the hopes and rights of the persons in Chiapas and Soconusco who have remained faithful to Guatemala; it would be as to dismiss them without rewarding their fidelity. Such abandonment is not made by Governments from which they would not receive any credit. We have here documents which throw light on this subject, and it must not be supposed that we neglected its careful and due consideration.

6th. Considering all these difficulties, and with a view to obviate them, *I have repeatedly proposed* to the plenipotentiary of Mexico to give up the idea expressed by him of making especially the so-called *boundary treaty*, since the rights of Guatemala to Chiapas and Soconusco have not been considered, an acknowledgment of the *statu quo* as to the boundaries would not be out of question, which, sanctioned by time, supported by mercantile arrangements which will make disappear any opposition from the inhabitants, and Mexico giving the sum claimed to discharge these provinces of their share in the old debt, which will be recognized by Guatemala, will produce substantially the same result, putting at once an end to the old difficulties, which would be settled in that way.

7th. Guatemala in this goes farther than could be expected, since, in fact, the old question of Chiapas and Soconusco is settled and the welfare of these provinces secured, establishing a mercantile arrangement which will remove all cause of complaint and promote their wealth without detriment to Mexico. In regard to the four or five hundred thousand dollars claimed, it must be had in view that the interested parties are persons or public establishments of Guatemala, who, sooner or later, will have to come in for the whole or a part, since their right is indisputable, to any of the fractions which have the responsibility in common.

If the principal subject was to be considered and the respective indemnization claimed, Guatemala then could ask a larger sum by public lands and other things of public property, to consent in the segregation of those departments. Though this consideration must be had in view, existing among us, or at least on the part of Guatemala considerations of higher importance, what is aimed at is to remove difficulties, instead of increasing them.

8th. The sum claimed is limited to what it belongs proportionately to Chiapas, just as the others, creditors in general, have been dealt with, and nothing can be more equitable. When the kingdom of Guatemala belonged to Spain its treasury recognized the mortgage debt upon the kingdom, as in the other captain-generalships, which debt was originated by deposits of money, annuities, chaplaincy, pensions, &c. Guatemala, in declaring her independence in 1821, solemnly recognized this debt, afterward reiterated the recognition, and paid, now and then, some sums. How could it be ex-

pected that in making the abandonment of the rights she considers to have on Chiapas, the question of the debt would not arise to be settled in order to protect her interests? Therefore, in the settlement of all these things, it is but natural that this question will not be omitted.

9th. As to the question of rights, it has been already said that Mexico can do in this subject what she deems proper without offense to the treaties with other nations, as Guatemala has done without receiving any remonstrance.

From another stand-point it must be had in view that, during the time of the Spanish Government, the taxes levied in Mexico were greater than in Guatemala, on account of greater richness of that kingdom, and for this reason Chiapas, that was accustomed to the low taxes of Guatemala, now complains, and her people is oppressed by the exorbitance and increase of the Mexican taxes; and, in making an exception of this stipulation an agreement between Guatemala and Mexico, it seems natural that it will make the prosperity of Chiapas, and, consequently, that of Mexico, that now must grant subsidies to provide for the misery of that department. On this point there is nothing to add, as I agree with the additions proposed by Señor Pereda in the conference of the 19th of July, to the articles 14th and 15th of the project of a treaty of commerce.

10th. Señor Pereda knows also the antecedents and friendly offers with which he was instructed when he came. From that time it has been a subject of solicitude to unite both Governments and both countries, making of the inhabitants of each territory a single nation, to prevent a common danger. The treaty, therefore, ought to be considered only with this view, because the commercial relations of Guatemala have not extended farther than Chiapas, which have been preserved, notwithstanding the obstacles that have stood in the way. Such are our views. If, unfortunately, the Government of Mexico do not hold these views we will regret it, but we will have no power to avoid it, losing perhaps the best opportunity to secure the weal and interests of this continent and prevent the dangers that threaten it.

11th. Señor Pereda will allow me to state that my reasons have not been answered, and that no reasons to serve as a foundation to the proposed boundary treaty have been alleged. I am inclined to think that all will be facilitated by including in the general treaty of commerce and friendship some articles referring to this subject, which are those I propose and which were already agreed to:

1. The boundaries between the two republics will continue to be what they are at present, and if there would arise a dispute upon this subject in regard to private property, said dispute will be friendly settled between the two Governments, and the officers on the frontiers on both sides will remain to lend their aid in such cases without awakening the jealousy of the inhabitants or arising other questions of any kind.

2. Any person who before or on the date of this agreement would have engaged or supposed to have taken part in a political movement will not be disturbed on that account respecting the laws and authorities of the department.

3. Any political emigrant from either of the contracting parties will not be allowed to remain on the frontier, nor to cause troubles in the country he is from.

4. A convention made besides this treaty, providing for the establishment of the *statu quo* in the boundaries or the frontier will settle the liability and payment by Mexico of the respective debt of Chiapas to the old captain-generalship and the indemnization for the public lands of Soconusco.

I desire to earnestly call the attention of Señor Pereda, with the hope that he will do so to his illustrious Government, to the necessity of refraining by means of an alliance between Mexico and Guatemala and of their illustrious chiefs, the enemies of the good principles in some parts of Central America, since, as it appears from what has occurred in the United States on the arrival of Barrundia, they begin to make some steps to open the doors to the enemies of our race, seeking the necessary means to commence their operations, making war to Guatemala that has been until now the skiff in which all their efforts to obtain a triumph have been wrecked.

As this is all we can do on our part (Guatemala) all depends now from Mexico. Señor Pereda will acknowledge this, and will be pleased to see what is best to be done in the premises; with the understanding that any conference will be fruitless of results if the principles set down in this memorandum are not accepted, in preparing which I have tried to come to the maximum of sacrifices that we can do.

Guatemala, September 6, 1854.

M. F. PAVON.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO;
Secretary *ad interim*.

[Inclosure No. 10.]

Señor Pavon, after being informed, said that he also had stated from the beginning of the conferences that he did not find it easy, but full of difficulties, the conclusion of a boundary treaty according to the proposed terms, and much less the immediate appointment of the persons to mark the line; because, apart from the difficulty of removing old questions, when it is intended to establish an union and alliance between Mexico and Guatemala, in circumstances of common danger to both countries, it would bring some coolness in the relations of both Governments, which must be avoided when higher interests are at stake. That Mexico is right when she asks the definite and irrevocable settlement of her boundaries with the United States of North America, whose tendencies are to usurp and invade gradually her territory, but she is not justified in the case of Guatemala. That the reason why Guatemala rejects at present the idea of appointing experts is not to arise inquietude among the inhabitants of the frontier, being desirable that both Governments try to create a good feeling among them. That in this part, considering the antecedents of the question, without mentioning disagreeable points in which Guatemala makes a great deal, she has decided in the negotiations pending with Mexico simply to recognize the *statu quo* in the boundaries or frontiers of both countries, *without any alteration*, as an antecedent which will facilitate some day, if it is necessary, the complete settlement of this question, which at present is not necessary, much less in case the close relations between the two countries above referred to are established. Said relations must unite them, and to the prosecution of that end ought to tend their policy at present on account of the pressing circumstances of the moment. That notwithstanding what he has stated he will examine Señor Pereda's project and will give his views in the next conference.

In regard to the debt, he said that he considered this point as essential, since it is a lawful debt of Chiapas to Guatemala that the Mexican Government has rejected only because the reason of the pretension was not understood, and because they do not know the origin and nature of the subject upon which he intends to prepare a report that will be presented in due time to the minister plenipotentiary of Mexico for his consideration and that of his Government. This point can be treated and settled in a separate convention, notwithstanding that in fact all questions pending between Mexico and Guatemala ought, in his opinion, to be considered as connected. Finally he said that all he has stated in this conference is according to the last instructions he has received, and as soon as possible he will meet again the plenipotentiary of Mexico to communicate to him what he may have to say about his *memorandum* of a project of a boundary treaty. Señor Pereda then said that at present he will waive to consider the statements just made by the plenipotentiary of Guatemala, but he will do it when his excellency will present to him in the next conference, his resolution on the project of a boundary treaty, according to the views taken on this subject.

The conference then adjourned.

MANUEL F. PAVON.
JUAN NEPOMUCENO DE PEREDA.

WASHINGTON, D. C., May 6, 1882.

A true translation.

CAYETANO ROMERO.
Secretary ad interim.

[Inclosure No. 11.]

Treaty between Mexico and Guatemala upon the appointment of a mixed commission of engineers to collect upon the ground all necessary information to fix the line of division between both countries.

DEPARTMENT OF STATE AND OF THE DISPATCH OF FOREIGN AFFAIRS, BUREAU OF AMERICA.

The President has seen fit to address me the following decree :

PORFIRIO DIAZ, President of the United Mexican States, to all whom it may concern, witnesseth :

That on the seventh day of December, one thousand eight hundred and seventy-seven, there was concluded and signed at the federal city of Mexico a preliminary convention in regard to the boundary line between the United Mexican States and the Republic of Guatemala, by means of plenipotentiaries of the Governments of both

countries, duly and respectively authorized to that effect, the tenor of which is as follows:

The United Mexican States on one part and the Republic of Guatemala on the other, desirous of promptly and satisfactorily settling the difficulties existing between the two countries on account of the long pending question about the boundary line, and believing that the definitive and convenient solution of that question will rest on solid foundation, by means of the appointment of a mixed commission which will furnish both Governments with the necessary data in order to enable them to enter into mutual arrangements, and thus determine the boundary line between the two Republics, have determined to conclude a preliminary convention to that end;

And have therefore appointed their respective plenipotentiaries, to wit:

The President of the United Mexican States, Ignacio L. Vallarta, secretary of state and of the department of foreign affairs.

The President of the Republic of Guatemala, Ramon Uriarte, envoy extraordinary and minister plenipotentiary of said Republic near the Mexican Government;

Who having shown each other their respective full powers, and found them in full and due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties wishing to proceed with the greatest probabilities of success in determining the boundary line between the United Mexican States and the Republic of Guatemala, have agreed upon sending a mixed commission of engineers, so as to make on the land in question the proper scientific surveys and furnish both Governments with accurate data upon which to base their ulterior negotiations.

ARTICLE II.

Said commission shall be composed of twelve engineers, six of which shall be appointed by each of the parties in the following form:

Two astronomical engineers and four topographical engineers.

Said commission may have, besides, the assistants that may be considered necessary for the fulfillment of their mission.

The respective appointment of engineers shall be made within two months from this date, and the engineers appointed by one and the other party shall without fail meet at Tapachula two months after the exchange of the ratifications of this convention or before, if it should be possible.

ARTICLE III.

In order to proceed definitely in the shortest possible time to determine the boundary line between the two Republics, the survey of the line shall be divided into two sections. The first shall comprehend the part comprised between the Pacific Ocean and the Izbul Mountain, and the second, the rest of the line to the Atlantic as determined in Article IX.

ARTICLE IV.

In the first of the said sections the commissioners shall scientifically determine the astronomical positions of the Ocos bar and the Izbul Mountain; shall make a topographical plan of the land comprised between these two points, following therefor the course of the actual boundary line and extending to one or the other side of the same as much as it may be necessary for the better clearness and understanding of said plan. It is to be understood that the points of the actual boundary line at present in dispute between the two Governments, the plan shall comprise all the disputed land whoever may be the Government at present in possession thereof. In case of disagreement between the members of the commission as to the survey or non-survey of some determinate place, the survey shall be made, and an entry should be made in the diary of the operations of the commission, stating the motives for that opposition. Their labors once finished, a report should be made in duplicate, to be sent, together with a copy of said plan, to the Governments of Mexico and Guatemala.

Both the plan and the report the present article refers to shall be signed by all the members of the commission or at least by an equal number of engineers of both parties as long as they constitute a majority of the same.

ARTICLE V.

In the second section of the frontier, the commission, starting from Izbul Mountain will continue the survey, following the course of the actual boundary till they get as near as possible to the boundary of the Bacalar district, state of Yucatan, and they may determine the astronomical positions of the points they may think convenient.

Said commission in the survey of this second section of territory shall invariably observe the same rules laid down in the preceding article for the survey of the first section, both as regards the survey of the land and formation of the plans and as to the mode of proceeding in the disputed places and the making of the proper report.

ARTICLE VI.

The commission shall within the term of eight months, reckoned from the exchange of the ratifications (which term cannot be extended) make the survey of the first section of the line, and as soon as they meet at Tapachula will address a note to the Governments of Mexico and Guatemala informing them of such a meeting.

A term of six months is also fixed (which cannot be extended) for the survey of the second section reckoned a month after the first term is elapsed. This is not to be understood as meaning that if the commission should finish its labors before the expiration of said terms they could not immediately send their plans and reports referred to in Articles IV and V of this.

ARTICLE VII.

In order to enable the commission to fulfill more easily its charge and to finish the survey of the line as soon as possible, both Governments agree to give their depending authorities on their respective frontiers, orders to render said commission all necessary help and due assurances at the places they may have to visit.

ARTICLE VIII.

With the object of getting the data and information of the commission relative to the first of the sections in which the survey of the boundary line has been divided, the high contracting parties agree on suspending for six months, reckoned from the exchange of the ratifications of the present convention, the pending negotiations on limits. After the expiration of that time, said negotiations will be resumed in this capital, whatever may be the state of the labors of said commission. The same thing will take place if through any event this convention should not be carried out in whole or in part, as in that case, after those six months, the negotiations will be resumed as above said, with the data which both Governments may have, since the desire of the contracting parties is to terminate promptly the boundary question.

ARTICLE IX.

Should the negotiations be resumed with only the report of the commission on the first section of the line, the high contracting parties may agree at once through their respective plenipotentiaries on the survey of the boundary line all along their frontiers, in order to end and settle forthwith all the pending questions about limits, and this decision shall be communicated by common agreement to the mixed commission of engineers, so that they may suspend survey on the second section of the line, and the commission being considered consequently dissolved, and their labors as terminated, with the understanding that they are considered as made previous to the celebration of the final treaty on limits. The reverse being the case the commission shall continue the survey in the terms contained in Article V without again suspending thereby the diplomatic negotiations.

ARTICLE X.

During the suspension of the negotiations agreed to in Article VIII the contracting parties agree and solemnly bind themselves to respect, and give orders to their respective authorities to religiously respect the actual possessions, neither bringing up nor permitting to bring up any question in regard to boundaries, preventing all act of hostility both on the part of their depending authorities and also on that of their respective citizens.

It is to be understood, however, that the stipulations of this article neither justify nor legitimate the possessions in dispute between the two Republics, which possessions will remain with the contentious character they now have, and the respective claims therefor should be mutually made when the negotiations are resumed, in case both Governments may not agree on the survey of the line in the terms expressed in Article IX, the object of the present convention not being, and it is not, to prejudice in any manner the question of the designation of limits.

ARTICLE XI.

This convention shall be ratified in conformity with the constitution of both countries, and the ratifications will be exchanged in the city of Guatemala within three months following thereafter, or before, if it should be possible.

Done in duplicate in the city of Mexico, on the seventh day of December, eighteen hundred and seventy-seven, the fifty-seventh of the independence of both nations.

[L. SEAL.]
[L. SEAL.]

I. L. VALLARTA.
R. URIARTE.

The foregoing convention was approved on the thirteenth day of December, eighteen hundred and seventy-seven, by the senate of the United Mexican States, with the following modification: "The term fixed in Article VIII shall be substituted by that of eight months."

I therefore ratified it as follows:

PORFIRIO DIAZ, President of the United Mexican States, to all whom it may concern, witnesseth:

That on the seventh day of the month of December of last year a convention between the United Mexican States and the Republic of Guatemala was concluded and signed in this federal city of Mexico, through the plenipotentiaries duly authorized to that effect.

(Here follows the text of the convention.)

That the foregoing convention was approved on the thirteenth day of the same month of December, by the senate chamber of the United Mexican States, with the following modification: "The term fixed in Article VIII shall be substituted by that of eight months."

That I, therefore, Porfirio Diaz, President of the United Mexican States, by virtue of the authority granted me in the tenth fraction of the eighty-fifth article of the federal constitution, I ratify, accept, and confirm said convention with the modification made by the senate, and promise in the name of the same States to fulfill and observe it, and to see that it is fulfilled and observed.

In testimony whereof I have made these presents, affixed my hand and the great seal of the nation, and visé by the secretary of state and of the dispatch of foreign relations, at the national palace of Mexico, on the twenty-fourth day of the month of January, of the year eighteen hundred and seventy-eight, the fifty-eighth of the independence of the United Mexican States.

J. L. VALLARTA. [GREAT SEAL.]

PORFIRIO DIAZ.

That the term fixed in Article XI of the foregoing convention for the exchange of the ratifications at the city of Guatemala having elapsed, it was necessary to make a treaty extending said term, and this was done through the plenipotentiaries duly authorized, concluding and signing the following on the twenty-fourth day of May of eighteen hundred and seventy-eight.

The President of the United Mexican States on one part, and the President of Guatemala, on the other part, considering that the ratifications of the convention made between both Governments on the seventh of December of last year, 1877, could not be exchanged within the term therein fixed, have agreed to make an arrangement fixing a new term for the exchange of the ratifications, and for the appointment and meeting of the engineers that are to form the mixed commission;

And have appointed to that effect their plenipotentiaries, to wit:

The President of the United Mexican States, José Fernandez, chief clerk of the department of foreign relations, and the President of the Republic of Guatemala, Ramon Uriarte, envoy extraordinary and minister plenipotentiary of said Republic in the United Mexican States;

And said plenipotentiaries having shown each other their respective full powers, and found them in proper and due form, have agreed on the following articles:

ARTICLE I.

The exchange of the ratifications of the convention of the 7th of December, 1877, shall take place in the city of Guatemala, at the latest on the 30th of September of the present year; or sooner, if possible.

ARTICLE II.

The engineers appointed by both contracting parties shall meet without fail at Tapachula, on the first day of November next, at the latest, and their appointments shall be made with the corresponding anticipation.

These articles are and shall be considered as if forming part of the said convention of the 7th of December, 1877, and shall have the same force and vigor as if inserted therein.

In testimony whereof we, the plenipotentiaries, have signed these presents in duplicate, affixing our seals in the city of Mexico, on the twenty-fourth day of the month of May, eighteen hundred and seventy-eight.

JOSÉ FERNANDEZ.
R. URIARTE.

That this convention extending the term afterwards, was also approved by the senate of the United Mexican States, on the twenty-fifth day of May, eighteen hundred and seventy-eight;

That I therefore ratify it as follows:

PORFIRIO DIAZ, President of the United Mexican States, to all whom it may concern, witnesseth:

Whereas, on the twenty-fourth day of May, of the present year, a convention between the United Mexican States and the Republic of Guatemala was concluded and signed in this federal city of Mexico, through the plenipotentiaries duly authorized to that effect, of the following form and tenor.

(Here follows a text of the convention.)

That the foregoing convention was approved by the senate chamber of the United Mexican States on the twenty-fourth day of said month of May.

Therefore, I, Porfirio Diaz, President of the United Mexican States, by virtue of the authority granted me by the tenth fraction of the eighty-fifth article of the federal constitution, do ratify, accept, and confirm said convention, and promise in the name of said States to fulfill and observe it, and to see that it is fulfilled and observed.

In testimony whereof I have made these presents, put my hand and affixed the great seal of the nation, and visé by the chief clerk in charge of the department of state and of the dispatch of foreign relations, at the national palace of Mexico, on the twenty-sixth day of May, of the year eighteen hundred and seventy-eight, the fifty-eighth of the independence of the United Mexican States.

PORFIRIO DIAZ.

JOSÉ FERNANDEZ.— [GREAT SEAL.]

That the President of the Republic of Guatemala, on the twenty-sixth day of April, eighteen hundred and seventy-eight, approved and ratified the convention on limits, signed the seventh day of December, eighteen hundred and seventy-seven, with the amendment made by the Mexican senate.

That the President of the Republic of Guatemala likewise approved and ratified the convention signed on the twenty-fourth day of May, eighteen hundred and seventy-eight, extending the term fixed for the exchange of the ratifications of the convention signed on the seventh day of December, eighteen hundred and seventy-seven;

And that the ratifications of both conventions were exchanged at the city of Guatemala, on the fourth day of July, eighteen hundred and seventy-eight;

Therefore I order that it should be printed, published, circulated, and duly kept.

Palace of the federal Government, Mexico, on the seventeenth day of the month of September, eighteen hundred and seventy-eight.

PORFIRIO DIAZ.

To the acting chief clerk in charge of the department of state and of the dispatch of foreign relations.

And I communicate it to you for the necessary ends.

Liberty and constitution.
Mexico, September 17, 1878.

ELEUTERIO AVILA,
Chief Clerk.

[Inclosure No. 12.]

Mr. Herrera to Mr. Mariscal, inclosing project of a treaty between Mexico and Guatemala.

MEXICO, January 14, 1882.

To His Excellency DON IGNACIO MARISCAL,
Minister of Foreign Relations, city:

MR. MINISTER: I have the pleasure of complying with the agreement made in the interview I had the honor of holding with your excellency on the 2d instant, in consequence of your note of the 30th of December last, which I received in reply to mine,

No. 305, of the 26th of the same month, to which effect I inclose a preface and sixteen articles of a project of a treaty which is intended to mark definitely the boundary line between Guatemala and Mexico, and in which I establish upon a solid and vast foundation, the relations of sincere and brotherly friendship which in future ought to unite both nations.

The present may not be the proper moment to reassume the said relations, which unfortunately have been disturbed more than once, notwithstanding the ever strong endeavors to render them sincere and intimate; but it is the most propitious one to assure that we have reached the success of said endeavors.

From the moment our questions arose many and diverse tendencies were shown in search of the means to be employed to terminate them; but the study of the nature of said means has produced in me the conviction of their inefficiency. In my opinion, these questions have not been originated by the doubt regarding the limits between the state of Chiapas and the Republic of Guatemala, because a simple tract of land, as vast and fertile as we might suppose it to be, could never produce differences more or less serious between sister nations, which, in the act of proclaiming their independence from the common metropolis, came into possession of immense zones, which, even at present, they try to populate, attracting an immigration from Europe by means of wise and liberal laws.

The real question, the incontestable origin of our differences, is a question of principle, which intimately affects the right of both nations. The old provinces of Chiapas and Soconusco, which to-day are a state of the Mexican federation and have formerly been subordinate to the captain-general of Guatemala, have legitimately become a part of said federation. On this matter much has been said by the public writers of both countries, and much has also been argued by the representatives of both Governments. It has been impossible to come to an understanding, and the difference of opinions and interests indicated the necessity of having recourse to a judge, which, being unconnected with the question, would decide it. Once elucidated, a short time would have been sufficient to trace the limits. If Chiapas belongs to Guatemala the survey would be unnecessary, because its situation is marked by the limits of the surrounding states; but if Chiapas belongs to Mexico, nothing would be easier than to fix its limits with Guatemala by means of an amicable agreement. Notwithstanding the question remains in the same state, as Mexico is in possession of the disputed part, she rejects, and has officially declared so, all discussions. Guatemala, in her firm belief that Chiapas and Soconusco belong to her, regrets every day that she has to suffer again from an insult she thinks she has received from Mexico, and which, since the date of its declaration, has acquired larger proportions. Guatemala cannot receive laws from Mexico, nor can Mexico submit to those given by Guatemala. As both are careful to preserve their autonomy and their glories, just and elevated is the sentiment which rejects any tendency capable of exposing the former or of withering the latter. In the serious conflict produced by this situation, several endeavors have repeatedly been made by Guatemala to incline Mexico to admit an arbitration, whoever the judge she designates might be, and even if such commission should be conferred to a Mexican judge; and said Republic will also make several efforts in order to compel Guatemala to obey a declaration which is opposed to her independence, and would make her appear to other nations as unworthy of being enumerated among the free nations.

Firmly convinced as I am of the exactness of these considerations, I had the honor of presenting them to the very enlightened one of your excellency, when, in our interview of the 11th of July last, I replied definitely to the answer I received from your excellency regarding the renovation of the already extinct Uriarte-Vallarta treaty of the 7th of December, 1877. In that really preliminary agreement we find the following disjunctive: As the frontier is to be investigated at the south of Chiapas, does Guatemala prescind from the rights she thinks she has on the territory occupied by said state, or does she maintain them integral in order to elucidate them at a later period and to make them the object of legitimate compensations in case she determines to resign them? As there is not a single expression in the treaty which illustrates the disjunctive and regulates the decision to be given, the question remained subsistent, as it has been until the present. In the act of making that agreement, it has never been the intention of Guatemala to resign her rights upon Chiapas and Soconusco. If they are the object of the dispute, and if Guatemala knew it as well as Mexico, why, then, has this point not been clearly and explicitly fixed in the convention? Why, then, both nations stipulated future agreements to be made after the investigation of the frontier? This circumstance compelled me to state, when your excellency pleased to insist upon the necessity of our reforming the preliminary agreement mentioned, that I would accede, if a new article should be accepted containing the declaration, that the said agreement did not prejudice the question about the right of property of Chiapas and Soconusco. I wished to show by this conduct the consent of my Government to the measures which might lead us to an amicable agree-

ment, and also to avoid future interpretations of a consent which Guatemala had not given, nor could be capable of giving.

Your excellency did not consider it possible to admit the additional article I had proposed, because, as you deigned to indicate to me, Mexico could not make it feasible to have her rights upon Chiapas and Soconusco disensed. I then regretted that I had to decline irremissibly the reform of the Uriarte-Vallarta treaty, and so much more did I regret it, as I found myself compelled to reject the only proposition Mexico has made. It is true that she has presented others, but they were all founded upon the maintenance of the *statu quo*, viz, upon the condition that Mexico should, without discussion, maintain for herself the territories of Chiapas and Soconusco. If Guatemala, for very just reasons, had not accepted such propositions in which she would at least with complete frankness resign rights which she believes belong to her, she could not admit either that of reforming a convention, if by doing so, tacit acknowledgments and implicit resignations would be exacted from her.

We then remained in the same situation: uncertainty about the rights and obscurity regarding the limits.

Intimately interested in defining it, and understanding, because history with incontrovertible facts tells me so, that this situation becomes more intolerable every day; that it leads us to deplorable consequences; that it separates what nature and tradition have united, and what we ought to tighten,—I reflected upon the way of breaking all obstacles which have arisen between nations to which the blood, language, laws, creeds, institutions, misfortunes, and glories exclaim, that they are brothers.

I find that I have succeeded in choosing this medium, and it could not be otherwise, as I was guided by the aim of the practical and honorable conciliation between both nations, none of which could be supposed to wish to be depressed or offended in the least. I have attempted to establish harmony, if I may express myself so, between two incompatibilities. It would be incompatible with the constitution of Mexico, if the Government of said Republic would admit a discussion about the existence of one of her federative entities; and it would be incompatible for Guatemala, according to her constitution and to the code of honor of an independent nation, if, without just compensation, she should abstain from the discussion of rights which, for more than half a century, she is trying to sustain, and for the safety of which she has in due time raised the voice of her protest. But as anything is attainable when an honest intention guides the wishes, sooner or later a helping voice had to rise.

It is not the increase of her dominion, but the respect of her laws, what interests Mexico; and if we consult her self-love, the maintenance of her politics. What concerns Guatemala, is to save her honor, which is the first and the most sacred of her duties. In consequence conciliatory and practical ought to be an agreement by which Guatemala consents freely and spontaneously to respect the actual state of things, abstaining from every discussion about the rights of Mexico upon Chiapas and Soconusco, while the United States of Mexico give her a compensation, not for the value of said territories, but for the act of brotherly abnegation with which she desists from all discussion.

This principle being established, there is no obstacle to prevent the demarkation of the definite limits, which may on the ground divide both nations, but will never have the power of separating them in their history, nor in the fair future which destiny has marked out to them.

In interviews of the 18th and 19th of August last year, I had the honor of presenting to your excellency, as a basis of a treaty, those I have just mentioned, it being extremely satisfactory for me to see that your excellency considers them to be practical and acceptable. In conformity with your excellency, and without special instructions regarding the arrangement I had proposed to you, because the full power I possess did not refer to the same in any way, as I had conceived the idea for the first time, I communicated it to my Government by the next mail, and your excellency knows that it met with approbation and I was fully authorized to carry it out. I had the honor of stating the fact to your excellency in my note No. 248, of the 1st of October of last year, and your excellency, in your answer dated the 4th of the same month, has pleased to indicate to me that your Government was favorably disposed to open the negotiations I had proposed. As the determination of the boundary line is one of the points of our arrangement, and I was without the data necessary for its fixation, I agreed with your excellency, on the 3d of November, to write to Guatemala asking for an engineer to assist me, and thus to avoid all kinds of difficulties and loss of time. My Government always consenting to all which might favor the definite negotiations, hastened to send to me the person I had asked for, and so I said to your excellency in my note No. 305 of the 26th of December last. As I have stated at the beginning of this note, your excellency has pleased to indicate to me that, as I had initiated the arrangements, it would be convenient that I should present to you a written project. The one I accompany is founded upon the same basis as my propositions made to your excellency verbally on the 18th and 19th of August.

Its Article I, by establishing that there shall be no discussion about Chiapas and

Soconusco, puts forever an end to the motive of the questions existing between the two Republics, and of the difficulties met with by the negotiators which have been our predecessors.

Article VII, by omitting and absolutely canceling all reclamations which for credits and debts previous to their independence have been made, or should be attempted to be made, mutually by Guatemala and Mexico, has put an end to quite a long series of old reclamations, at the head of which appears the debt of the province of Chiapas in favor of Guatemala.

Article VIII, in its first part, also ends all claims for damages and advances inflicted between private parties until the 7th of December, 1877, at which date the Uriarte-Vallarta convention was signed. If it does not stipulate the same condition in its second part, it is because said convention being entered into, both nations, as well as their citizens, had to respect the *statu quo* established by the same, notwithstanding the same second part establishes the speedy and conciliatory manner of settling those claims which remain in force.

Article VII establishes equitably the compensation or the onerous cause in virtue of which Guatemala desists forever and ever from the discussions aforesaid. Several antecedents given by the history of Mexico would have authorized the representative of Guatemala to fix a much larger sum, and at shorter terms, and this would also be justified by the very prosperous state of the federal income; but he has asked a small sum, payable in exiguous installments and at long terms, in order to make disappear even the least favorable interpretation of the disinterestedness of Guatemala and her wish to facilitate to Mexico the conclusion of the convention. From the part of Guatemala exels above all the noble thought that in her propositions she has not considered, nor does she consider, her interest at the expense of her sister.

Articles IV and V determine in justice the future fate of the properties, which, belonging now to Guatemala, might correspond to Mexico, when the line is drawn, or *vice versa*, they determine the law which shall rule, and prevent and render impossible future, although remote combinations, by which the discontent of one country or the other would like to endanger international peace.

Article II indicates the limits which Guatemala and Mexico bind themselves to recognize and respect perpetually. In general the basis adopted has been the possession which either of the two Republics maintains in order not to alarm the private proprietors, as well as not to injure the interests created there for more or less time. The drawing of this line through the points marked is also an immediate and forcible consequence of the stipulations of Article I, in which, by abstaining from discussions, we respect the facts; that is, we abide by the possession. The project I accompany differs from it only in the first section of the line, viz, in part of the river Zuchiate, because Guatemala does not possess actually the space between the mouth of said river and the bar of Ocos, a distance of, more or less, 4,000 meters. But if we follow the course of said river, we soon reach the possessions of Guatemala. This deviation is justified by the convenience of establishing a natural and almost indestructible limit, which casually is the most proximate to the actual frontier of Guatemala.

Article III only details the proceeding to which the engineers commissioned to draw the line have to adhere so as to occupy the least time possible.

Articles IX, X, XI, XII, XIII, and XIV, which are somewhat unconnected with the question to be settled by the treaty, open a vast and fertile field to the relations between both nations, as they extinguish old reminiscences which will be substituted by the fortunate harmony of friendly and common sentiments. Inexpressible would be the satisfaction of Guatemala if Mexico accepted the stipulations contained in these articles.

Article XV marks the possession which from this date both Governments are to respect mutually. It is but natural that such should be the case, because, as I have said before, the line drawn by Article II respects the actual possessions with the very slight variation mentioned.

Finally, Article XVI does not fix any term for the exchange of ratifications, and so prevents the difficulties which might arise from any delay, and perhaps nullify the treaty.

I entertain the pretension of believing that the Government of your excellency knows how to do justice to the honest intentions of the Government of Guatemala, and to my own in particular; and with all the sincerity of which I am capable, I solemnly declare to your excellency that the project I have the honor of submitting to your enlightened and elevated consideration, is produced by the most fraternal and conciliatory of intentions.

We have passed nearly sixty years in fruitless debates, far from dedicating ourselves to the quiet enjoyment of family pleasures, inasmuch as Guatemala and Mexico form one and the same family, and, far from enjoying the inheritance we have received, an adverse destiny has separated us.

In the century of right all nations dispute about the honor of paying just homage to civilization, the cause of humanity; the few exceptions registered by our contem-

porary history have met with the unanimous reprobation of mankind, and have, without any doubt, conquered the anathema of the future. Guatemala and Mexico have not the mission of putting a new cipher on the wretched catalogue of said exceptions. The world is expectant to see what these two young Republics will do, and they will tell to the world that hatred cannot exist between brothers, and that there are abundant ways to arrange honorably family differences.

If it is possible, Mr. Minister, that we soon give so salutary an example, as I have said to your excellency on a previous occasion, the actual administrations of Guatemala and Mexico will have acquired the most enviable of glories.

I beg of your excellency to admit the sincere manifestations of the distinguished esteem and of the very respectful regard with which I am your excellency's obedient servant,

MANUEL HERRERA, JR.

[Inclosure No. 13.]

Project of a treaty.

The Government of the Republic of Guatemala and that of the United Mexican States being desirous of radically and definitively ending the boundary question which they have been discussing for some time past, as also the difficulties which have originated therefrom, and desirous likewise of establishing on a solid basis the close friendship which must unite both nations, and inspired by motives of high policy and more yet of international brotherhood, have decided to make a treaty to obtain such cherished and laudable objects, and to that end have appointed their respective plenipotentiaries, to wit, &c., &c., who, having shown each other their full powers and found them in due form, have agreed on the following articles :

ARTICLE I.

The rights which the Mexican Republic has or judges to have over the state of Chiapas and its department Soconusco, shall neither directly nor indirectly be subject to discussion; and the Republic of Guatemala freely and spontaneously transfers to that of Mexico the rights she has or judges to have over the said territory of Chiapas, including Soconusco.

ARTICLE II.

The boundary between the Republics of Guatemala and Mexico shall definitively and forever be determined as follows :

1st. From the western shore of the Zuchiate Bar at its mouth in the Pacific Ocean and along the same side of said river to its confluence with the Mixcum River.

2d. From the confluence of the Mixcum and Zuchiate to the Teapan Cuilco River, at the place where the road leading from the village of Cuilco Viejo to the Pinabete Mountain and the village of Tacaná crosses it.

3d. From the Teapan Cuilco River, at the place where said road intersects it to the Zapote, a place situated between Escunitla and San Francisco Matecuitla.

4th. From Zapote to the confluence of the Cuilco and Topesala River.

5th. From the said confluence in a straight line to the top of the Izbul Mountain, on the side of which mountain the houses "Gracias á Dios" are situated.

6th. From the summit of the Izbul Mountain continuing the above line in the same direction till it strikes the Usumaciuta River.

7th. From the middle of the Usumaciuta in its deepest channel, in case it should have several branches, to the first waterfall formed on crossing the chain of mountains dividing the state of Campeche from the Republic of Guatemala.

8th. From the first waterfall in a straight line to the point where it intersects the meridian 9 degrees east of Mexico, and the 19th parallel according to the geographical and administrative chart of the United Mexican States made by Mr. Garcia Cubas in 1873.

9th. Following the 19th parallel to the sea of the Antilles or Gulf of Honduras, on the Atlantic.

ARTICLE III.

For the practical survey of the line agreed upon the Governments of Guatemala and of Mexico shall, after the exchange of the ratifications, appoint, each one, two topographical and one astronomical engineers. Said Governments shall previously fix the day and place where the commission of engineers must meet for the commencement of their labors. The authorities of Guatemala and of Mexico shall give guarantees and aid to the commissioners who are to determine by common agreement the distances and manner in which the visible and durable monuments marking the boundary line are

to be erected. All the expenses incurred in by the survey, with the exception of the salaries and maintenance of the commissioners, shall be common to both Governments, who will pay them in equal moieties. The six commissioners shall divide their labors in three sections: the first one composed of two astronomers, and the other two of one Guatemalan and one Mexican engineer each. The individuals composing the commission can work separately on the previous survey, but in the final one of the boundary they shall do it in sections as established. To better facilitate the operations for the previous surveys, these could be properly extended; but for the final survey of the line the commissioners have to circumscribe themselves in the details to a distance not exceeding two kilometers on each side.

The sections of engineers shall keep a duplicate diary of the operations and make also in duplicate partial plans of the part of the frontier they are surveying. The plans and diaries shall be signed by the respective sections. The total survey of the frontier once finished all the commissioners or the majority of them shall draw and sign in duplicate the general map of the same.

This document, as also the diaries of the operations and the partial plans, shall be considered as part of this party, and have the same value or force it has. They all shall be sent to the department of foreign relations of Mexico, where they shall be signed and sealed by the plenipotentiary of Guatemala and the secretary of state of Mexico.

Both officials shall have a copy of said documents taken, which will at all times serve as an invariable rule for the settlement of the differences which may unhappily arise on account of the frontier possessions.

ARTICLE IV.

The Government of Guatemala shall respect as valid the titles of lands which, according to Mexican laws, should have been issued in Mexico before this date on territory which before belonged to it but now belongs to Guatemala by virtue of this treaty; and the Mexican Government shall recognize in the same circumstance the proper validity of the possessions which were Guatemalan before and are now Mexican.

Both the one and the other shall hereafter be subject to the laws of the country in which they are situated.

ARTICLE V.

The limits as fixed in this treaty shall not be varied unless with the express and free consent of both nations enacted in conformity with the fundamental laws in force thereof, and in the unexpected hypothesis of a political fraction of either of the two Republics presenting the dismemberment of part of the territory of one of them to annex it to the other, that act, whatever may be its form, is hereby declared essentially void and an attempt against the national sovereignty.

ARTICLE VI.

In consideration of the boundary definitively acquired by Mexico and of the assent of Guatemala by virtue of which she foregoes all discussion relative to her rights over Chiapas and Soconusco, the United Mexican States shall deliver to the representative of Guatemala and to his Government's order, 4,000 bonds, of the value of \$1,000 each, payable in cash in this city, in Mexican gold or silver money in the following terms, no interest whatever being charged thereon: \$200,000 two months after the exchange of the ratifications of this treaty, and an equal amount in each one of the following nineteen years reckoned from the date of the first installment. The total amount representing the value of the bonds shall be exempt from all export duty established by the Mexican federal Government or by the state legislature through which the exportation should be made, in case the owner of the bonds should wish it so, in which case due notice will be given to the respective officials so as to have the proper orders issued to that effect.

ARTICLE VII.

Each and every claim presented or intended to be presented by either Republic against the other, arising from credits or debts incurred in before the independence of both Republics, are entirely canceled.

ARTICLE VIII.

Every claim of Guatemala against Mexico, and *vice versa*, brought or to be brought on account of advances or damages which the proprietors of lands on the frontier or the authorities of the neighboring villages have made or caused up to the 7th of December, 1877, are likewise entirely canceled.

As regards the claims arising from the same cause after that date presented or to be presented by either Government against the other, it is acknowledged that they be discussed and settled in this city, and that the negotiators of this treaty be inspired with the friendly spirit of the same.

But it is only stipulated that should unfortunately it be impossible to settle one or several of said claims the present convention shall not thereby lose its effect.

ARTICLE IX.

The Governments of Guatemala and of Mexico shall try to conclude a treaty for the extradition of criminals, based on the general principles governing this kind of agreements, and on the particular ones of the constitution and laws of both Republics.

ARTICLE X.

The Governments of Guatemala and of Mexico bind themselves to connect as soon as possible their telegraphic lines, at least in one point of the frontier, which will be determined, consulting previously the convenience of both nations. The telegraphs once connected a convention shall be made for its service, establishing low tariffs and exempting from all payment the telegrams emanating directly from the Governments, the authorities, and the diplomatic representatives of both Republics.

ARTICLE XI.

Within the limits allowed by the universal postal convention the Governments of Guatemala and of Mexico shall try to conclude a private agreement to facilitate and cheapen the communications between both countries.

ARTICLE XII.

Within the limits allowed by the laws of the two Republics, their Governments shall try to make an agreement to mutually recognize the professional titles issued in any part of the two nations.

ARTICLE XIII.

When the interests of both countries should suggest it, a treaty of commerce and navigation shall be made to facilitate and encourage, for the benefit of both nations, those two branches.

ARTICLE XIV.

In case the agreement referred to in Articles IX, X, XI, XII, and XIII should not for some reason be made, or if made they should be declared void, this treaty shall not lose its force and value in all the other points therein comprehended.

ARTICLE XV.

For the effects of the possession, both Governments solemnly bind themselves to respect and make respected henceforth the limits established in Article II.

ARTICLE XVI.

The present treaty shall be ratified according to the laws of each one of the contracting parties, to which effect the Government of Guatemala will send it to the assembly and that of Mexico to the senate at the next sessions. The exchange of the ratifications shall be made at the city of Mexico at the earliest possible time.

Mexico, *January 14, 1882.*

MANUEL HERRERA, JR.

No. 54.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, May 13, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in relation to the difficulties between the Republics of Mexico and Guatemala. The very full statements you make in regard to this question will, at as early a day as possible, have my attentive consideration.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 55.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES OF AMERICA,
Washington, June 23, 1882. (Received June 27.)

MR. SECRETARY: In the note which I had the honor to address you on the 6th of May ultimo, presenting a succinct statement of the origin and present status of the difficulties between Mexico and Guatemala in regard to the boundary question, I informed you that Señor Don Manuel Herrera, jr., minister of Guatemala in Mexico, had submitted to the Mexican Government a draft of a boundary treaty dated on the 14th of January last, accompanied by an extensive exposition of the same date, a copy of which documents I inclosed you with my above mentioned note under No. 12, stating, at the same time, that in my opinion, said draft was unacceptable to the Mexican Government, since it proposed the cession by Mexico to the Republic of Guatemala of a considerable portion of the states of Yucatan, Campeche, and Tabasco, and even a portion of the state of Chiapas itself, to which territories Guatemala had never claimed nor pretended to claim any right whatever, and, besides, because it asked a pecuniary indemnification to be paid by Mexico to Guatemala ten times larger than the one asked by Guatemala in 1853.

I have now the honor to send you a translation into English of a note which the secretary of foreign affairs of Mexico addressed to Señor Herrera, minister of Guatemala, dated at the City of Mexico on the 15th instant, in reply to Señor Herrera's note of the 14th of January last, in which the considerations that make unacceptable for the Government of Mexico the draft submitted by Señor Herrera are fully set forth.

Having brought said draft to your knowledge I think proper, in order to acquaint you with all the incidents of this question, to communicate to you the reply of the Mexican Government to said draft.

I avail, &c.,

M. ROMERO.

[Inclosure in No. 55.—Translation.]

Mr. Mariscal to Mr. Herrera.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, June 5, 1882.

MR. MINISTER: I had the honor of receiving in due time your excellency's note of the 14th of January last, in which you submit to the Mexican Government a project of a treaty for the determination of a boundary line between Mexico and Guatemala, as a definite limit, and for the settlement of some other difficulties pending between both nations. Although the simple reading of said document and a glance at the map of Mexico suffice to form an almost complete idea about everything pretended by your excellency, I have thought it would be preferable, in order to duly answer your note, to consult first the different negotiations entered into between Mexico and Guatemala for the settlement of their limits, to make a comparative study of the various lines proposed, and to hear the opinion of experts. This study being made already, and with a full knowledge of the matter, I cannot, while replying to the aforementioned note of the 14th of January, feel the same pleasure your excellency seems to have experienced in writing it, and see, on the contrary, that the exaggerated pretensions of your excellency, which are designed to obtain for your country advantages which never before had been enunciated, remove us more and more from every way of making an arrangement, and that the idea which your excellency calls a saving one is by no means acceptable for Mexico.

As the note to which I refer consists of two parts, one being an introduction and the other one containing the project of the treaty, I shall before examining the latter touch some points of the first, which must not remain without a decisive answer. "It has never been," says your excellency, "the intention of Guatemala, when that convention was entered into (the preliminary of December 7, 1877), to resign her rights upon Chiapas and Soconusco. If they are the subject of the dispute; if Guatemala knew it, as Mexico did, why, then, has this point not been clearly and explicitly fixed in the convention; why, then, both nations stipulated future arrangements to be made after the investigation of the boundary?" I shall answer these questions inversely, in order to leave the most important one to the last. Future arrangements were mentioned, because the convention of the 7th of December was not a settlement of the boundary question, but a solemn compromise to investigate the ground over which said boundary might pass with more or less approximation. On the part of Mexico it was not pretended that an express resignation of Guatemala's supposed rights upon Chiapas and Soconusco should be made, because this was not the definite treaty, and also because Mexico had never recognized such rights, but constantly affirmed that she does not admit any discussion regarding this subject. If, on the part of Guatemala, nothing has been said about the same in the convention referred to it is your excellency, and not myself, who should explain this significative silence.

In fact, Mr. Minister, if Guatemala has not had the intention of resigning her rights upon Chiapas, why did she agree to the investigation to be made, not on the line which separates Chiapas from the other Mexican states, but on that which separates it from the Guatemalan territory? Why, as your excellency asks with justice, did not Guatemala take the care of adding a clause *ad hoc* or of inserting at the end that the convention did not prejudice at all her rights upon Chiapas, instead of referring only to the ground which was going to be the subject of the investigation agreed to? The truth is, that Guatemala made then a tacit, so evident enough, resignation of her rights upon Chiapas and Soconusco. This is proved by the foregoing considerations, and confirmed as well by the desire shown by the Government of Guatemala not to renew the above-mentioned convention as by the pleasure felt at the caducity of the same, as it appears from official documents. No, how could it be doubted that such convention contained the resignation mentioned when this resignation had been made previously in express, though less solemn acts, of which I shall take charge hereafter? "This compelled me (continues the note), when your excellency pleased to insist upon the necessity of our renewing that preliminary convention, to declare that I would accede, if a new article were accepted to the effect that the convention mentioned did not prejudice the question regarding the ownership of Chiapas and Soconusco, &c." I would have experienced much pleasure if your excellency had made to me a formal proposition with regard to it, because it would have been a new evidence of Guatemala's resignation, by the convention of December 7, 1877, of her rights upon Chiapas and Soconusco, but it is not true, and I am sorry to say so, that such proposition was ever made to me. I remember, on the contrary, and with all distinctness, that in our interviews we agreed upon renewing the convention without any other alteration than that regarding the terms which would have to be fixed to the mixed commission for the accomplishment of their principal work; that the renewed convention was not perfected, because your excellency said you had no instructions from your Government; that, knowing you had received them already, I questioned you about the same, and you gave me an affirmative answer, adding, however, that you would ask for explanations, as the instructions you had received were not clear enough; and finally, that these explanations, without arriving at Mexico, were secretly transformed into instructions given to Señor Ubico to solicit the mediation of the United States in the pending difficulties. That convention, which for a year up to the present has been the mark of the opposition of Guatemala, has not been exacted from her by surprise; nor is it possible to suppose that the plenipotentiary of Guatemala, in stipulating it, should have transgressed his authority, because in 1878 his excellency President Barrios ratified said convention and the correlative one, agreed upon by the plenipotentiaries Don José Fernandez and Don Ramon Uriarte on the 24th of May, and one year later the other correlative one made on the 3d of March, 1879, between the Mexican plenipotentiary, Minister of Foreign Affairs Don Miguel Ruelas, and the same Señor Uriarte.

I do not know, nor is it my duty to find out, whether your excellency, as might be inferred, has been the inspirer of the resistance of your Government to revive the convention of 1877, after his excellency President Barrios had given to our minister, in an interview, the assurance that it would be renewed, and after the secretary of foreign affairs, Señor Montufa, had also assured him in another interview, that by the next mail instructions of the same meaning would be sent to your excellency. At all events, I deplore for the sake of the people of Mexico and of that of Guatemala, the most serious difficulties in which they are actually involved, while those experienced before had already been on the way to their settlement. Proceeding now to consider the project of treaty itself, and without stopping at the clauses relat-

ing to the future conventions of extradition, telegraph and postal communication, professional diplomas, commerce and navigation, for the insertion of which in the project we are considering I cannot find a satisfactory explanation, and without referring either to other articles, which are very secondary in comparison with Articles I, II, and VI, I shall limit my observations to these. But in order that on all future occasions the supposed facilities, which now are offered to the Mexican Government to terminate her differences with Guatemala in regard to the boundary, and the intention of the Government of your excellency to obtain this purpose may be duly appreciated, I will make, Mr. Minister, a brief recapitulation of the various propositions, which in different epochs have been made to us in order to terminate the differences alluded to.

On the 3d of March, 1854, in an interview held in Guatemala, by Don Juan N. de Pereda, envoy extraordinary and minister plenipotentiary of Mexico, and Don Manuel F. Pavon, plenipotentiary, of Guatemala, the latter presented a project of treaty of limits, Article I of which says, literally, as follows:

"ARTICLE I. The limits of Chiapas and Soconusco on this side of Guatemala, as well as those of the district of El Petero, on the other side, with respect to Yucatan, all of them, according to the recognition made of the same previously to the independence, when said territories were a part of the general captaincy of Guatemala, shall continue to be, as they are to-day, the limits or frontier between the Republics of Mexico and Guatemala. If any doubt, &c."

Its Article VI says: "Article 6. In consideration of the debt which existed at the time of the declaration of independence in the Kingdom of Guatemala, having been liquidated and recognized in the treasury general of Guatemala, in which fund establishments and private parties of Guatemala are interested, the Government of Mexico, in order to put a definite term to these claims, binds itself by the convention annexed to this treaty, and in the presence of the statements and data which for this case have been considered, to liquidate the part which in said credits corresponds to the Chiapas, so that this department remains exempt from all responsibility and claim with respect to this matter." In the interview of the 7th of the same month Señor Pavon presented the project of special convention, to which allusion has been made above, and Articles I and III of which, copied literally, say as follows:

"1. Mexico shall give to Guatemala (\$450,000) *cuatrocientos cincuenta mil pesos* within the term of one year, this sum being the part which, in the debt of the Kingdom of Guatemala, previous to her independence, belongs to Chiapas and Soconusco, according to the statements presented, excepting any rectification which, in the opinion of the Government of Mexico, might have to be made, to which effect the books and other necessary data shall be exhibited to the legation or to commissaries which might be appointed for the purpose.

"3. In order to facilitate the arrangement to which article I refers, by resolving any doubt which, in the liquidation, may present itself, and after the acceptance of the convention by the Government of Mexico, a reduction of 20 to 25 per cent. shall be made by Guatemala."

One copy of these acts, signed by both plenipotentiaries, exists in this ministry, the other one in the office of the secretary of foreign affairs of Guatemala. If it is considered that Señor Pavon could not only act without express instructions from his Government, but that he must even have informed it previously of his projects of treaty and convention, it can be assured that in 1854 Guatemala recognized openly and frankly the dependence of Chiapas and Soconusco from Mexico; that for this recognition she did not ask territorial or pecuniary compensation, but was contented with the condition that she should receive the amount of the debt of both, estimated to be \$450,000, and reduced, in order to save difficulties, to \$337,500. The negotiations between Mexico and Guatemala in regard to the old question having been reopened in 1874, Don Ramon Uriarte, envoy extraordinary and minister plenipotentiary of the latter Republic, sent on the 21st of August of said year to my predecessor, Señor Lafraña, a note in which he proposed the boundary line which, in his opinion, it would be proper to fix between the two nations. In that document, though, the Guatemalan plenipotentiary already claimed for his country the territory of Soconusco, and valued the rights of that country upon Chiapas. He declared with regard to that part of the Mexican federation as follows:

"As before everything else a preliminary convention should be made to the effect of determining the basis upon which the boundary line should be drawn from the Pacific coast to the Northern sea, the undersigned thinks there is no inconvenience for taking as a starting point, with respect to the question of Chiapas, the project discussed in Guatemala in 1854, between Señores Pavon and Pereda, that is to say, that Guatemala shall recognize the incorporation of said states into the Mexican territory, provided, that from the part of Mexico steps be taken to arrange the debt, which the aforesaid province owed to the general captaincy of Guatemala." If we consider these propositions, we see that, though they were not so conciliatory as those made in 1854, they confined themselves, notwithstanding, to the recovery of Soconusco by Guatemala, and to the payment to be made to her of the debt of Chiapas, or, as I have said above, of the sum of \$337,500. I

beg leave to observe; by the way, that if the plenipotentiary of Guatemala in a distinct manner offered to resign the rights of his country upon Chiapas, I cannot understand why your excellency states in the note I reply to, that your Government never had the intention of resigning them, when it agreed upon the convention of 1877, signed by the same plenipotentiary. I can still less explain, in presence of the antecedents mentioned, why your excellency affirms with so much assurance in another part of your note that Guatemala had not given her consent, nor could she give it, to the resignation of her rights upon Chiapas and Soconusco. The propositions made by Guatemala in 1854 and 1874, having been shown as they were, the moment has arrived to consider which are her pretensions at present, if I am to judge as I deem proper from your excellency's note, which I answer herewith. In Article 1 of the project of treaty, which I am examining, it is stipulated that the Republic of Guatemala transfers freely and spontaneously to that of Mexico the rights she has, or thinks she has, upon the territory of Chiapas, including Soconusco. The second one describes, as a definite limit between the two Republics, a line which, drawn as it is on the map, leaves on the side of Guatemala, 1st. A considerable portion of Soconusco; 2d. Another portion of the state of Chiapas; 3d. Part of the state of Tabasco; 4th. One-third of the state of Campeche, and 5th. Nearly another third of the state of Yucatan. Finally, and as if it had appeared to your excellency that you had been too timid, you propose in article 6 that Mexico should pay to Guatemala, *in consideration of the limits she definitely acquires*, \$4,000,000 in cash and currency, gold or silver, and Mexican coin, exempt from export duties.

In presence of these exorbitant pretensions and in view of the contrast existing between them and those shown in Guatemala in 1854 and 1874, can I believe, though making efforts to do so, that your excellency's Government has actually a favorable inclination to terminate the vexatious boundary question? Could I give all the importance I would like to give to the friendly assurances which courteously are spread over the body of your excellency's note and over the preface of the project of treaty? Is it by forming unacceptable propositions that the negotiations are made easy and accelerated? And is it by accumulating greater obstacles that the difficulties could ever be removed? I beg leave to observe that Señores Pavon and Uriarte never offered to Mexico the sale of Guatemala's rights upon Chiapas and Soconusco. The Guatemalan Government having recognized, if not the right of those people to annex themselves to Mexico, at least the fact of their forming a part of this Republic, it only claimed in 1854 the payment of the debt of Chiapas, and in 1874 the same payment and the territory of Soconusco. Your excellency, on the contrary, offers the sale of the rights which Guatemala thinks she holds upon Chiapas and Soconusco, although trying to make an ingenious palliation of the contract which would appear as a cession of the right to dispense about these territories. On the other side, if, as your excellency says in the explanatory part of your note, the compensation, or the onerous cause, in virtue of which *from this date forever Guatemala desists from the discussion of her rights*, of what other resignation in favor of Mexico or of what benefit are an onerous cause, the retrocession to Guatemala of a large portion of Soconusco and the cession of the immense zone belonging to Campeche and Yucatan, which comprises from the nineteenth parallel to the real northern limit of Guatemala? And I ask this question with so much more reason as though your excellency, when explaining your project of boundary lines, says that it is founded on the actual possession.

I must believe, without giving anything as a proof, that this foundation could be invoked with regard to some localities of Soconusco, to which Guatemala has extended her authority by invasions; but as for Campeche and Yucatan your excellency could not show me a single title nor a single map made previously to the present, including the official one of Guatemala, drawn by Herman An and published in 1875, which marks the limit between your Republic and those states at the nineteenth parallel. My Government is not ignorant of some very small towns and villages, composed even of two or three families and partly of deserters or criminals, having come to fall through slow and surreptitious invasions under the jurisdiction of Guatemalan authorities; but neither are those towns and villages forming a zone, but a narrow line from south to north in what is called the road of El Peten, nor does such abuse constitute a legal title. It is true that in our interviews I spoke to your excellency of compensations of land; but I have only referred to those which, in drawing a regular line, might pass from one jurisdiction to the other, and I never expressed that my Government would consent to give away one-third of the states of Campeche and Yucatan in exchange for the state of Chiapas, which also belongs to Mexico. The foregoing analysis of the note of the legation and of the project of treaty of limits annexed to it will show to your excellency and to any impartial person, first, that never before Guatemala had shown pretensions, not only identical, but not even comparable with her actual ones; second, that for their notorious exaggerations they are absolutely inadmissible for my Government; and finally, that they render more and more difficult a settlement of differences between both Governments.

If your excellency's Government fixes at once its policy in this question; if, invoking the antecedents I have quoted, it comes to understand to what extent it is bound by them; if, examining and deciding the matter on a practical ground, it gives to your excellency proper instructions to enter into an acceptable arrangement, or if it has already communicated them to you, then my Government is disposed to hear the new propositions which your excellency might present. Before ending this, Mr. Minister, I have to take for the future a precaution which I consider indispensable. As at the time of the renewal of the convention of the 7th of December, 1877, being negotiated, your excellency's Government applied at that of Washington for its mediation; as, while the project of treaty presented by your excellency to this office on the 14th of January last is pending from its decision, Señor Montufar, envoy extraordinary and minister plenipotentiary of Guatemala in Washington, repeatedly urges our minister in the United States of America to arrange with him, submitting them to an arbitration, the difficulties existing between Mexico and Guatemala; and as simultaneously, according to notes of Mr. Logan, American minister in Guatemala, which were printed lately at Washington, your excellency's Government has contrived to make a cession of Soconusco to some American power, or in its default, to some European one, rather than to consent to its continuing to belong to Mexico, I have no more guarantee now than before to hope that our negotiations may be fructuous. I would, therefore, thank your excellency for telling me to what extent I ought to hope that a new course of your Government's diplomacy will not come to interrupt them.

Wishing, Mr. Minister, that we may succeed to make a prompt and satisfactory arrangement, which the peace and prosperity of both Republics demand, I have the pleasure of renewing to your excellency the assurance of my most distinguished consideration.

IGNACIO MARISCAL.

To his excellency Don MANUEL HERRERA, JUNIOR,
Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala.

The foregoing is a copy.
Mexico, June 7, 1882.

JOSÉ FERNANDEZ,
Under-Secretary.

Compared with its original.

P. A. MAGAÑA.

VII.—NEGOTIATIONS BETWEEN GUATEMALA AND MEXICO CARRIED ON AT WASHINGTON FOR THE SETTLEMENT OF THE BOUNDARY QUESTION.

No. 56.

Mr. Montufar to Mr. Frelinghuysen.

[Translation.—Extract.]

LEGATION OF GUATEMALA,

Washington, April 14, 1882. (Received April 15.)

MR. SECRETARY: I have the honor to inform your excellency that to-day I have received an official communication from Mr. Herrera, minister of Guatemala in Mexico.

This communication is dated the 29th of March.

Mr. Herrera tells me that his proposals for treaties had not been admitted up to that day, and that the Government of Guatemala calls him.

He says that he does not believe it advantageous to leave Mexico, and he sends to Guatemala the secretary of legation to give the explanation.

He remains, therefore, certain that there does not exist any hope of settlement between Guatemala and Mexico.

* * * * *

The present occasion affords me the pleasure of repeating that I am, &c.,

LORENZO MONTUFAR.

No. 57.

Mr. Frelinghuysen to Mr. Montufar.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, June 5, 1882.

SIR: Referring to your several communications respecting the differences between Guatemala and Mexico I have now the honor to state for your information the position of the question so far as the United States have taken part in it.

On the 15th of June last Mr. Ubico informed Mr. Blaine that all peaceful measures of conciliation appeared to be exhausted, and appealed on behalf of his Government to the United States as the natural protector of the Central American territory. Thereupon Mr. Blaine, on the 16th of June, instructed Mr. Morgan, the minister of the United States in Mexico, to offer to Mexico the good offices of the United States, and informed Mr. Ubico that he had done so.

Mr. Morgan complied with this instruction, and made a formal tender of the good offices of the United States as mediator.

Subsequently Mr. Morgan, without further instructions from this Department, but with its acquiescence and in full accord with the suggestions, written and verbal, of the minister for Guatemala, proposed verbally to Mr. Mariscal that the differences between Guatemala and Mexico should be submitted to the decision of the President of the United States as arbitrator.

Mr. Morgan's course in this respect was approved, and he was further instructed by Mr. Blaine as follows, on the 28th of November last:

If the Government of Mexico should be disposed to accept an arbitration limited in its point of settlement, as Mr. Herrera, the Guatemalan minister, indicated would be acceptable to his Government, you will ask the assurance of the Mexican Government that, pending the discussion necessary to perfect such an arrangement, all hostile demonstrations should be avoided, and, if possible, that the Mexican troops should be withdrawn from the immediate vicinity of the disputed boundary. But this latter request you will not insist upon if it should be an obstacle to obtaining the consent of Mexico to a limited arbitration.

Should the Mexican Government, however, decide that it was not consistent with its views to accept a friendly intervention in the differences between itself and Guatemala, you will inform the secretary for foreign affairs that you accept this decision as undoubtedly within the right of Mexico to make. You will express the very deep and sincere regret which this Government will feel if it shall find the powerful republic of Mexico unwilling to join the Government of the United States in maintaining and establishing the principle of friendly arbitration for international differences on the continent of America. Mexico and the United States, acting in cordial harmony, can induce all the other independent Governments of North and South America to aid in fixing this policy of peace for all the future disputes between the nations of the western hemisphere. And it would be a marked and impressive precedent if, in a dispute with a weaker neighbor, Mexico should frankly consent to a friendly arbitration of all existing differences.

On the 31st day of December last Mr. Morgan, under further instructions, made a formal tender to the Mexican Government of the good offices of the President of the United States, and of his services as arbitrator in the following language:

In obedience, therefore, to the instructions contained in the dispatch which I have just read to you, I formally suggest to the Mexican Government, through your excellency—

1. That all the differences now unhappily existing between Mexico and Guatemala be submitted to arbitration.
2. That pending this arbitration the troops of Mexico be withdrawn from the immediate neighborhood of the Guatemalan frontier.

3. I inform you that the President of the United States is willing to accept the position of arbitrator between the two Governments.

4. I respectfully ask an early decision of your excellency's Government upon these suggestions.

On the 20th of March last Mr. Mariscal communicated to Mr. Morgan the answer of the Mexican Government, in language of which I inclose a copy in the Spanish text, and of which the following is a translation:

Coming down to the propositions which you submitted to me, I have been instructed by the President to answer in the following terms:

As respects the first, I must observe that the principal controversy which has excited Guatemala is the one which relates to the right by which Mexico holds the State of Chiapas, as one of the members of the Federal Union, including the territory of Soconusco, which forms a part thereof, but, as has been explained on a former occasion, the Mexican Government finds itself in the absolute impossibility of disavowing or of submitting the rights of the nation to this portion of her territory to any judgment. For the same reason it is not possible to submit all the differences which exist between the two Governments to arbitration, as you propose should be done. Besides, if the Guatemalan Government will agree to expressly exclude the one which relates to Chiapas and Soconusco, the Mexican Government will not find it inconvenient to submit to a determinate arbitration, which would be limited to the question of boundary, which then surged between the two countries.

I say "which then surged," because the pretensions of Guatemala upon the whole or a portion of that Mexican State frankly eliminated (from the discussion?), the questions which have scarcely been mentioned with reference to the boundary of Soconusco would be from that time easily arranged, without the necessity of appealing to an arbitrator.

The aforesaid pretensions of acquiring in whole or in part the territory to which I refer, or of obtaining a compensation therefor, whether the same has been expressly stipulated, or whether in a disguised form, has been, and is, the only difficulty between the two Governments. If it should disappear by reason of a sensible abandonment, which the Guatemalan Government would make of such unfounded aspirations, there would probably be no necessity for an arbitration to decide any point of difference upon the question of boundary (between the two countries), besides removing the great reason for disagreement which up to now has divided us.

The second proposition, to the effect that the Mexican forces be withdrawn from the frontier, pending the arbitration, cannot be decided upon at the present moment; to maintain our forces upon our territory, and near the line provisionally recognized by Guatemala, will depend upon the circumstances arising during the arbitration, if an arbitrator be agreed upon, or even if an agreement should be concluded to arbitrate.

The object of maintaining a personal force on the frontier alluded to, whose numbers are far from alarming, is to prevent the incursions of armed Guatemalans, from which our frontier population has suffered, because of the absence ordinarily of a Mexican soldier there. This Government has never in any way pretended to menace Guatemala with an invasion with these troops, and no one has thought of such a thing.

Your third proposition consists in the formal offer that the President of the United States shall be the arbitrator between the two Governments of Mexico and Guatemala.

Within the limitations expressed, that is to say, not including in the arbitration the right which Mexico has to the whole of the territory which to-day comprises the State of Chiapas, the Government of Mexico is disposed to admit and will admit with pleasure the arbitration of the President of the United States, for the purpose of deciding any question which may require the employment of such a method and which is susceptible of being decided by it in determining the boundary of both nations.

Notwithstanding, we cannot at the present time know if any such questions will arise, as this question has not up to date been discussed by Guatemala, except one which relates to its boundary with our country, and this always under the precautions and from the second point of view which has been above referred to.

I informed you of this proposition verbally. Since communicating it to you I learn through several notes from you, and more especially your notes of the 2d and 28th of May last, that direct negotiations for arbitration are taking place between you and Mr. Romero. In your note of the 2d you communicated to me for my information a proposition from Mr. Romero to you to submit the question of boundary to the arbitration of the President of the United States, and your proposed amendment of the second article. In your note of the 28th you inform me that there is a probability that the proposal of Mr. Romero will be withdrawn and that war will ensue.

In reply I am instructed by the President to say that he would see a state of war on the continent of North America between two republics of common origin and language with profound solicitude and regret. No reasonable efforts on the part of this Government as a neutral friend to both will be spared to prevent it.

It appears that the draft for a convention submitted to you by Mr. Romero contained ten articles, and that you accepted all except the second article. You proposed to substitute your own draft for Article 2. The difference between you and Mr. Romero is, then, reduced to this article, and appears to be as follows:

MR. ROMERO'S DRAFT.

2d. Presidente de los Estados Unidos designará los límites entre el Estado de Chiapas parte integrante de la Confederación Mexicana y la República de Guatemala.

MR. MONTÚFAR'S DRAFT.

2d. El Presidente de los Estados Unidos designará la línea entre Chiapas y Guatemala.

I thought it my duty informally and unofficially to endeavor to ascertain the causes of the difference. I am told by Mr. Romero that Mexico has for years regarded, and still regards, the State of Chiapas as an integral part of the federal republic of Mexico, in the same sense as the State of New York is an integral part of this republic, and that he cannot give his assent to any scheme of arbitration which does not exclude the idea of submitting that question to arbitration. He adds that he has so informed you; that he told you that in laying the *projet* before you he did it without authority from his Government, but that he thinks it will be acquiesced in by his Government, if accepted by yours.

The interest which the President takes in the prosperity of Guatemala and the confidence reposed by you and your Government in the United States must be my excuse for these unauthorized inquiries of Mr. Romero.

While offering this personal explanation, I beg leave to renew the official assurance that the President will gladly lend his good offices to bring about a solution of this unfortunate question if a basis can be found that is acceptable to both Guatemala and Mexico.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 58.

Mr. Montúfar to Mr. Frelinghuysen.

[Translation.]

LEGATION OF GUATEMALA,
17 WEST FORTY-SECOND STREET, NEW YORK,
June 9, 1882. (Received June 12.)

MR. SECRETARY: It was only to-day that I had the honor to receive your valued note of the 5th.

I once more give your excellency most sincere thanks for your kind mediation.

✓ Your excellency comprehends very well the sentiments of the President of Guatemala. They explain how great to my Government is the significance of a word from your excellency.

By the steamer from Colon, which is due in New York the 14th instant, I will receive instructions from my Government.

Immediately I will proceed to Washington in order to express to your excellency thanks personally, and to procure a point of coincidence between Señor Romero and myself, to the end that the question may be decided in the office of the Secretary of State of the United States. ✓

This welcome opportunity affords me the honor of repeating that I am, &c.,

LORENZO MONTFUAR.

No. 59.

Mr. Montfuar to Mr. Frelinghuysen.

[Translation.—Published heretofore in Foreign Relations.]

LEGATION OF GUATEMALA,
Washington, June 15, 1882. (Received June 15.)

SIR: The communication of your excellency of the 5th instant, which I had the honor to receive in New York, deserves my highest attention and respect.

In it your excellency presents to me a parallel between the proposition designated by Señor Romero as No. 2 and that which I present in substitution.

Your excellency tells me that Señor Romero considers that Chiapas, as a State, belongs to Mexico in like manner as New York belongs to the United States.

Señor Romero will permit me to answer in this manner:

New York was one of the thirteen colonies which became independent of England, and no nation in the world has ever alleged that she does not belong to the United States.

Chiapas belonged to Guatemala for three hundred years.

In the year 1824 she was declared a part of the Mexican Republic in virtue of an illegal plebiscite, inasmuch as the votes were not taken before two commissioners, one of Mexico and the other of Guatemala, as was agreed upon, but only before the commissioner of Mexico, a Mexican force being at the time imposed on the frontier. ✓

Soconusco belonged to Guatemala.

A treaty between Mexico and Guatemala arranged, in 1829, that neither the forces of Mexico nor of Guatemala shall enter Soconusco until a treaty touching boundaries shall decide the questions.

In the year 1842 the Mexican General Santa Anna, breaking that treaty, entered Soconusco and annexed it to Mexico.

Here is the title by which Mexico possesses Soconusco.

Very different is the title by which the United States holds the State of New York.

After the outrage of Santa Ana, Mexico declared that Chiapas and Soconusco should form a State of the federation, and therefore does not desire that it shall be submitted to arbitration to ascertain the right or title by which the Mexicans possess Soconusco.

This is to sanction the law of conquest.

Nothing is easier to a nation relatively strong than to take territory

from one that is weak; and nothing is more easy, after such territory has been taken, than to say in a law that that territory constitutes part of the nation which has taken it, and consequently not to reduce the question to arbitration.

The theories of Mexico are essentially doctrines which sanctify in the New World the law of force and the law of conquest.

Nevertheless, it is necessary to terminate this disagreeable and mournful question, and nothing will be more gratifying to Guatemala than to terminate it under the influence of a mediator of a common friend—the United States.

Would that the arbitration be not limited to this line, but lay down the entire divisional line between the Mexican States and the republic of Guatemala, even although for this location two or three years more would be necessary.

In November I had the honor to say to Mr. Blaine, and afterwards I had the honor to repeat to your excellency that Guatemala places the matter in the hands of the Government of the United States. In this view your excellency may dictate the bases of the arbitration.

Please settle with Señor Romero such bases, under the full confidence that I will subscribe to whatever you will settle. ✓

I am, &c.,

LORENZO MONTUFAR.

No. 60.

Mr. Frelinghuysen to Mr. Montufar.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, June 27, 1882.

SIR: The historical statements in your letter of the 15th of June, in reply to mine of the 5th of June, in relation to the efforts of the Government of the United States to bring about a good understanding between Guatemala and Mexico, touching the boundary dispute between them, have been read with much interest. I permit myself to say, however, that they scarcely seem to touch the only questions which Mr. Mariscal's observations left open for the President's consideration.

If Mexico were willing to accept the terms and conditions of arbitration offered by you on behalf of Guatemala, the President would be much pleased to act as the umpire between the two Governments.

On the other hand, if Guatemala is willing to accept the terms and conditions named by Mr. Romero, and desires that the President should act as such umpire, the President is willing to do so.

But if the parties desire the President in any contingency to act as umpire, it is manifestly improper for him to consider and express an opinion in advance in favor of either party upon the merits of the case, or upon the scope of the subject to be submitted.

It will therefore be perceived that without a more definite statement as to the wishes of your Government on the latter point, the President is unable to act with a reasonable certainty that he is carrying out those wishes. ✓

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 61.

Mr. Romero to Mr. Frelinghuysen.

[Memorandum.]

LEGATION OF MEXICO,
Washington, July 20, 1882.

The province of Chiapas, including its county of Soconusco, was, in the beginning of this century, subject to the Spanish captain-generalship of Guatemala, which embraced, besides Chiapas, the present five Central American Republics.

On the 3d of September, 1821, Chiapas proclaimed her independence from Spain and her annexation to Mexico. On September 15, 1821, Guatemala proclaimed her independence, and on September 26, 1821, Chiapas declared her absolute separation from Guatemala.

On the 26th of May, 1821, the Mexican Congress issued a decree, declaring that Chiapas was free to annex herself to Mexico or Guatemala, and on September 12, 1824, the majority of the inhabitants of Chiapas ratified its final incorporation to Mexico, and in the first Mexican constitution, of October 4, 1824, Chiapas was mentioned as a part of the Mexican Republic, and has been so without interruption.

Soconusco, a county of the state of Chiapas, was also annexed to Mexico, but for some time remained in a quasi independent condition until 1842, when it again became and has ever since remained a portion of Chiapas and therefore of Mexico.

Guatemala claimed to the United States Government in 1881 that Chiapas and Soconusco, supposing them to be two different states, were legitimately a portion of her territory, and that Mexico had seized upon them and taken them forcibly by conquest, and asked the arbitration of the United States for the purpose of adjusting that question.

The late Secretary of State offered to Mexico the arbitration of the United States in said question, but the Mexican Government could not accept it, because it cannot admit that there exists any doubt as to, and much less submit to arbitration, her right to consider Chiapas with the county of Soconusco, as one state of the Mexican union, just as the United States Government could not admit of any doubt and much less of any arbitration as to their right to consider Texas and California states of this Union, should this right be contended, for instance, by Mexico.

The Mexican minister at this capital, acting without instructions or authority from his Government, and as a personal opinion of his own, wrote, at the earnest solicitation of the Guatemalan minister in Washington, some bases, which Mr. Romero thought might be acceptable to the Mexican Government for the purpose of settling the boundary question under the arbitration of the President of the United States. The main feature of such bases was that Mr. President Arthur should establish the boundary line between the state of Chiapas and its county of Soconusco as belonging to Mexico and the Republic of Guatemala, in so far as the Guatemalan territory borders on said state of Chiapas.

The Guatemalan minister did not accept these proposals, because they settled in favor of Mexico the question of Chiapas and Soconusco, and therefore the Mexican Government has not decided anything about it.

The proposal was limited to the state of Chiapas, because this state

embraces the disputed territory, and because the marking of the line from the Pacific to the Atlantic would be quite an undertaking, requiring considerable longer time.

To better illustrate the present condition of this question, the state of Chiapas is marked in the inclosed map in blue, its county of Soconusco in red, and Guatemala in green.

No. 62.

Mr. Montufar to Mr. Frelinghuysen.

[Published heretofore in Foreign Relations.]

LEGATION OF GUATEMALA,
Washington, July 21, 1882.

MR. MINISTER: I have the honor to inform your excellency that the President of the republic of Guatemala, who is now in this capital, has instructed me personally, and in the most special manner, to address myself to your excellency in the terms which I am about to set forth with reference to the boundary question pending between Guatemala and Mexico.

My Government, in the interest of harmony and of the good relationship which should be maintained between neighboring countries, desires to avoid all the difficulties which might place themselves in the way of a speedy and amicable solution. ✓ These difficulties have consisted hitherto in the discussion of the rights of both republics to the territory of Chiapas, including Soconusco. Therefore the President desires that this point may be no obstacle in arriving at an end of the business, and, believing that nothing would be so opportune as to have the United States of America, a power friendly to the two countries, which gives them all the guarantees of impartiality and justice, and with respect to which there should be good reason to believe, too, that it possesses the unlimited confidence of both, consent to take upon itself to put an end to this controversy. He asks, through me, that the United States, by its mediation and in virtue of an arbitration, will do the republic of Guatemala the inestimable service of giving a decision which shall fix the dividing boundaries between Guatemala and Mexico, in the sense above set forth. ✓

In order to attain this result, the President of Guatemala eliminates the difficulty touching Chiapas and Soconusco, which is the obstacle hitherto set up on behalf of Mexico, and consequently the boundaries which it pertains to the arbitrator to fix, are those between Chiapas and the republic of Guatemala throughout their proper extent.

The President of Guatemala expresses to your excellency, through me, his desire that his Excellency the President of the United States of America will consent to accept the position of arbitrator in order to define this question within the proposed terms. It would be very gratifying to him to know if the President will be pleased to accept this charge on this basis, so that he may thereupon inform the Government of Mexico of the request which he has thus made to the Government of this republic (United States), and to learn if it (Mexico) accepts, for its part, the suggestion and the arbitration proposed by Guatemala.

In case of its acceptance (by Mexico), and the remaining details there-

upon being decided, the matter will forthwith be submitted to his excellency's decision; and in the remote contingency of its not being accepted, Guatemala will have thus taken a step which unequivocally demonstrates the sincerity of its intention to terminate this question, even though imposing upon itself a costly sacrifice.

I take, therefore, the liberty of troubling your excellency, begging you to be pleased to honor me with a response which will show whether his Excellency the President of the United States of America will consent to accept the nomination which the republic of Guatemala offers to him for this delicate charge. If the response be favorable, as I am led to believe it will be, by the expressions which his Excellency the President, and your excellency likewise, have had the goodness to make to the chief of the nation which I represent, and to myself, it will be duly announced on behalf of Guatemala to Mexico, to the end that if it (Mexico) accepts and adheres to the suggestion, the matter may forthwith remain subject to the enlightened decision of his Excellency the President of this republic.

I have much pleasure in stating to your excellency that the Government of the republic of Guatemala will be profoundly grateful to that of the United States of America for the acts of noteworthy deference which its acceptance will imply.

This gratifying opportunity affords me the honor of assuring you once more that I am your excellency's very faithful and respectful servant.

LORENZO MONTUFAR.

No. 63.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO,
Washington, July 22, 1882. (Received July 22.)

MR. SECRETARY: I have the honor to inform you, referring to the conversations which we have recently had with respect to the boundary question now pending between Mexico and Guatemala that, at the instance of Mr. Montufar, the representative of Guatemala at this capital, I made inquiry on the 25th of May last, of the Government of Mexico, as to whether it desired that the said question should be discussed with the Guatemalan minister at Washington.

The department of foreign relations of Mexico answered me the next day as follows:

It is not deemed proper that you should treat with Mr. Montufar while the question is being discussed here with Mr. Herrera, and while the present circumstances continue to exist.

The secretary of foreign relations of Mexico wrote to me in explanation of the sense of this telegram, under the date of June 10, 1882, as follows:

This department addressed the aforesaid telegram to you because Mr. Herrera had assured it that President Barrios had sent instructions to Mr. Montufar not to enter into any negotiations with you in relation to our difficulties with Guatemala, and because it was not impossible that Mr. Montufar had so informed you.

The secretary of foreign relations of Mexico, in a note bearing date of the 1st instant, referring to the desire expressed by Mr. Montufar to discuss said question at this capital, wrote to me as follows :

In reply I have to inform you that until the Government of Guatemala shall have notified that of Mexico officially, through Mr. Herrera, that Mr. Montufar is authorized to negotiate, the overtures of the representative of Guatemala in the United States, whatever they may be, cannot be taken into consideration.

I think it proper for me to inform you in reference to this matter that the President of Guatemala had fully authorized Mr. Herrera, minister of Guatemala in Mexico, to treat concerning the boundary question with the Mexican Government.

I avail, &c.,

M. ROMERO.

No. 64.

Mr. Frelinghuysen to Mr. Montufar.

[Printed heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, July 24, 1882.

SIR: I have had the honor to receive your note of the 21st instant, in which, with reference to the questions heretofore discussed between Guatemala and Mexico concerning the boundaries between them, you state that the President of Guatemala, being in this capital, has instructed you to apply, through me, for the exercise of the good offices of this Government in bringing about a conclusion of the difficulty between the two countries within the terms expressed in your letter.

As I understand those terms, the Government of Guatemala, in the interest of harmony, removes altogether its claim advanced to the possession of Chiapas, including Soconusco, and desires that the President of the United States will signify his assent to the proposal of Guatemala that he shall act as arbitrator in tracing the boundary line between Guatemala on the one hand and the State of Chiapas—including, as stated, Soconusco—on the other, and not elsewhere.

Understanding the question thus, the President directs me to say that if an agreement be reached between Guatemala and Mexico, tendering to him the post of arbitrator for the determination of the boundary line, on bases of submission, to be specified in such agreement, he will have great pleasure in accepting the high trust proposed.

Your note leads me to believe that, with the announced elimination of the question of territorial right to the disputed district, and the offer to narrow the scope of the arbitration to the physical determination of a boundary line, the negotiation between yourself and Mr. Romero has progressed so far toward a pacific and harmonious solution that the remaining details of a settlement will offer no difficulty. ✓

Accept, &c.,

FKED'K T. FRELINGHUYSEN.

VIII.—FINAL SETTLEMENT OF THE BOUNDARY QUESTION THROUGH
THE GOOD OFFICES OF THE UNITED STATES.

No. 65.

Mr. Romero to Mr. Frelinghuysen.

[Translation.—Published heretofore in Foreign Relations.]

LEGATION OF MEXICO IN THE UNITED STATES,
New York, August 14, 1882. (Received August 16.)

MR. SECRETARY: I have the honor to inform you that on the 12th instant, in this city, I signed, in my capacity as the representative of Mexico, together with the representatives of Guatemala, viz, General J. Rufino Barrios, President of that Republic, Hon. Manuel Herrera, jr., minister of Guatemala in Mexico, and Hon. Fernando Cruz, formerly minister of foreign relations of Guatemala, a convention containing the stipulations which are to serve as the basis of the final treaty for the settlement of the boundary question between the two countries, which is to be signed at the city of Mexico within six months from that date.

The boundary question between Mexico and Guatemala has thus been amicably settled.

In accordance with this basis it may happen that both the contracting parties will have recourse to the President of the United States, requesting him to act as arbitrator on those points with respect to which they may be unable to agree.

I avail, &c.,

M. ROMERO.

No. 66.

Mr. Davis to Mr. Romero.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, August 23, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, by which you inform me that on the 12th instant, in New York, a convention was signed by yourself and the official representative of Guatemala, which contains the stipulations whereon to base a final treaty for the settlement of the boundary question between Mexico and Guatemala, to be signed at the City of Mexico within six months from that date.

It is a matter of congratulation to the Government and people of the United States that a divergence between two neighboring countries has by these amicable means been put in the way of a just settlement, honorable alike to both.

In respect to your further statement that under the terms of adjustment it may happen that both the contracting parties will have recourse to the President of the United States requesting him to act as arbitrator on those points with respect to which they may be unable to agree, I may observe that on the 21st of July last Señor Montúfar, then the

envoy extraordinary and minister plenipotentiary of Guatemala at this capital, addressed this Department, inquiring whether, in the event of an agreement between his Government and that of Mexico looking to the tender of the position of arbitrator between the two countries to the President, the trust would be accepted; and that on the 24th of July Mr. Frelinghuysen replied to Señor Montúfar that "if an agreement be reached between Guatemala and Mexico, tendering to the President the post of arbitrator for the determination of the boundary line, on bases of submission to be specified in such agreement, he will have great pleasure in accepting the high trust proposed."

Expressing personally the pleasure it has afforded me to learn from you that the boundary question between Mexico and Guatemala has been thus amicably settled,

I avail, &c.,

JOHN DAVIS,
Acting Secretary.

No. 67.

Mr. Romero to Mr. Frelinghuysen.

[Translation.—Published heretofore in Foreign Relations.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, September 27, 1882. (Received September 28.)

MR. SECRETARY: I have the honor to inform you that I have received a telegram from the secretary of foreign relations of the United States of Mexico informing me that the final boundary treaty between Mexico and Guatemala, from the Atlantic to the Pacific, has this day been signed at the City of Mexico, in accordance with the preliminaries which were signed at New York by me, as the representative of Mexico, and by General Barrios and others, as the representatives of Guatemala, on the 12th of August last, to which I referred in the note which I had the honor to address to you under date of August 14.

In apprising you of the amicable and satisfactory termination of a grave question which had been pending for many years between two American Republics, and which might have been attended with unfortunate consequences to both of them, I think it proper for me to send you, for your information, a copy of the preliminaries signed at New York on the 12th of August last.

I avail, &c.,

M. ROMERO.

[Inclosure.—Translation.]

On the part of the United States of Mexico, Mr. Matias Romero, envoy extraordinary and minister plenipotentiary of the United States of Mexico at Washington, being duly authorized by his Government to treat with the representatives of Guatemala; and on the part of the Republic of Guatemala, General J. Rufino Barrios, constitutional President of the Republic of Guatemala, being fully authorized by the Guatemalan National Assembly, by a decree bearing date of April twenty-eight, one thousand eight hundred and eighty-two, to settle the boundary question pending with Mexico; Mr. Manuel Herrera, jr., envoy extraordinary and minister plenipotentiary of Guatemala near the Mexican Government, and Mr. Fernando Cruz, formerly minister of foreign relations of the Republic of Guatemala, the associate of General J. Rufino Barrios in the discharge of the duties of the aforesaid settlement, having met

in the city of New York on the fourteenth day of August, one thousand eight hundred and eighty-two, declared that the Government of Mexico and that of Guatemala, desiring to terminate amicably the difficulties which had existed between the two Republics, and with a view to establishing a solid basis for the fraternal relations which were thenceforth to unite them, agreed upon the following articles, as preliminary to a final treaty concerning boundaries on that portion of their frontier which compromises the state of Chiapas:

ARTICLE I.

The Republic of Guatemala abandons the discussion which it has maintained relative to its right to the territory of the state of Chiapas and its department of Soconusco.

ARTICLE II.

The final treaty relative to the boundary between Mexico and Guatemala shall be concluded on the basis that Chiapas and Soconusco are to be considered as integral parts of the United States of Mexico.

ARTICLE III.

The Republic of Guatemala, being satisfied with Mexico's appreciation of the course pursued by her, and with the recognition that the lofty purposes which have inspired the arrangements made in the foregoing articles are worthy and honorable, will require no pecuniary indemnity or other compensation on account of the preceding stipulations.

ARTICLE IV.

In the event of the two contracting parties not being able to agree with respect to the fixing of the boundary, either in whole or in part, between the state of Chiapas and its department of Soconusco, on the part of Mexico on the one hand, and on that of the Republic of Guatemala on the other, or in case the commissioners who shall be appointed by each Government to draw, conjointly, the dividing line, shall differ on any point or points relative to such drawing, and in case it shall be necessary to appoint an arbitrator to settle such differences as may arise on this account, both Governments agree to do so, and to request the President of the United States of America to act as such arbitrator.

ARTICLE V.

Actual possession shall serve as a basis in the drawing of the dividing line. This, however, shall not prevent both parties from abandoning this basis by common consent, for the purpose of following natural lines, or for any other reason, and in such case the system of mutual compensations shall be adopted.

Until the dividing line shall have been drawn each contracting party shall respect the actual possession of the other.

ARTICLE VI.

The Government of the United States of Mexico and that of Guatemala pledge themselves to sign the final boundary treaty, in the city of Mexico, on the basis contained in this convention, within six months, reckoned from this date, at the latest.

In testimony whereof we sign this convention in duplicate, no ratification thereof being necessary, inasmuch as it merely establishes a basis for the final boundary treaty, that treaty being the one to be submitted to both Governments for their approval, according to the constitutions of the two countries.

M. ROMERO.
J. RUFINO BARRIOS.
MANUEL HERRERA, JR.
F. CRUZ.

WASHINGTON, *September 26th*, 1882.

A copy.

CAYETANO ROMERO,
Sec. ad interim.

No. 68.

Mr. Davis to Mr. Romero.

[Published heretofore in Foreign Relations.]

DEPARTMENT OF STATE,
Washington, October 2, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, stating that you had been informed by telegraph by your Government of the signature on that day of the treaty defining the boundary between Mexico and Guatemala, from the Atlantic to the Pacific. You also do me the favor to furnish a copy of the convention.

In reply, I have the honor to state that the information thus communicated is, in the highest degree, acceptable. If the instrument, as concluded, should go into effect it will put to rest a controversy dangerous to the peace and welfare of two neighboring republics, in whose prosperity and happiness the United States cannot fail to take a lively interest.

I avail, &c.,

JOHN DAVIS,
Acting Secretary.

No. 69.

Mr. Cruz to Mr. Frelinghuysen.

[Published heretofore in Foreign Relations.]

SAN FRANCISCO, CAL.,
October 14, 1882. (Received October 25.)

SIR: In pursuance of instructions from his excellency the President of the republic of Guatemala, I have the honor to address your excellency, for the purpose of informing you that, as his excellency told your excellency he intended to do, he addressed the Government of the United States of Mexico, in order to bring about a settlement of the boundary question, which was pending with Guatemala, and in order to stipulate that it should be decided by the arbitration of his Excellency the President of the United States of America.

A frank and friendly understanding having been reached with the representatives of the Mexican Republic at Washington, the preliminary basis of a treaty was signed at New York on the 12th of August last. According to said basis, the dividing line between the republic of Guatemala and that of Mexico will be drawn, the province of Chiapas and its department of Soconusco being considered as an integral part of the territory of the United States of Mexico. According to the same basis, when the line is drawn, actual possession is to be respected, and if the two Governments cannot agree, a commission will be appointed to draw it; and according to said basis, in case of a disagreement, recourse will be had to the Government of the United States of America, in order that his Excellency the President may decide it in the capacity of arbitrator, without appeal.

In the preliminary convention it was also stipulated that, within six months from the date on which it was signed, the final boundary treaty should be signed in the city of Mexico, and the minister of Guatemala

in that republic has already sent telegrams stating that the final treaty has now been signed.

His excellency General Barrios was awaiting this information, in order to communicate it to your excellency's Government, but not having as yet received it, and having made all the preparations to return to this country, he has deemed it his duty to transmit this information concerning all that has taken place. On his arrival at Guatemala, and when the treaty shall have been received, the department of foreign relations will send your excellency a copy thereof, and likewise of the preliminary basis decided upon at New York.

The President entertains the pleasing hope that the matter will be satisfactorily settled, and he thinks that it will perhaps be unnecessary to trouble his excellency the President of the United States of America to act as arbitrator in the case. He nevertheless trusts that if it shall be necessary to have recourse to him, according to the stipulations of the treaty, he will be pleased, as he promised, to do the two countries the great favor of settling the question by his arbitration whenever they may solicit it.

I avail myself of this occasion to offer your excellency and your Government, in the name of the President of Guatemala and also in my own, the warmest thanks for the kind welcome that was extended to us on our arrival in this hospitable country, and for the attention which the Government was pleased to show to the chief magistrate of the Guatemalan nation, and I have the honor to assure you that I am, with the most distinguished consideration, your very obedient servant,
FERNANDO CRUZ.

No. 70.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO,
Washington, January 16, 1883. (Received January 17.)

SIR: Although I presume that you have received from the representative of the United States in Central America a copy of the message sent by General Barrios, President of Guatemala, to the general assembly of that republic on the 1st of December last, giving an account of the manner in which the boundary question between his country and Mexico has terminated, nevertheless, believing that you have not the English text of that document, I herewith inclose two copies of an edition that has been published in English, which copies have just been received by me. A perusal of the message of General Barrios will clearly show, Mr. Secretary, the justice with which the Mexican Government acted in the question concerning boundaries which it had pending with Guatemala, since the reasons assigned by General Barrios in favor of the treaty concluded with Mexico in regard to this matter are the same that have always been given by the Government of Mexico when this question has been discussed, and particularly, those which I had the honor to communicate to you in the correspondence which took place on this subject between the Department of State and this legation.

I have, &c.,

M. ROMERO.

Message of General J. Rufino Barrios to the National Assembly of Guatemala.

GENTLEMEN OF THE NATIONAL ASSEMBLY: On the 24th of April last I had the honor of addressing the representatives of the nation, pointing out the very grave evils that were being brought upon the country by the indefiniteness of the boundaries of its territory with that of the United States of Mexico, and in order to solve this inveterate question which had so greatly occupied the attention and so seriously compromised the position of the republic, I resolved to leave no means untried. While doing so I practically and conscientiously consulted the interests of our country, feeling persuaded that by so doing I should render it a most inestimable service, and I requested, in the event of its being thought expedient, that very ample and especial authority, conferred by decree, should be given to me, to put an end to the dispute, in the manner I should deem most conducive to the welfare of the republic. I asked for this authority, in view of the importance of the steps to be taken, and for this reason I did not wish to proceed in the matter without the full knowledge and consent of the assembly, and only by virtue of the ordinary powers conferred on the executive by the constitution; and you, gentlemen, considered well founded the arrangements set forth in the message I addressed to you for the purpose, and on the 23th of the same month issued the decree conferring on me such unlimited authority. Under provision of this decree, and availing myself, so as to be able to absent myself from the territory of Central America, of the leave of absence granted to me for one year, in order to rest from the fatigues of the Presidency, I started from this capital for the United States of America at the end of June, and having returned early in November last, after settling the dispute, I now, in compliance with my promise, come to render you account of the negotiation concluded, and for this reason you have been convoked to an extraordinary session.

Official communications from the ministers of Guatemala accredited to the United States of America and to Mexico convinced me that grave complications would arise if the boundary question were treated and became the subject of negotiations in two places simultaneously, by two different persons and on two distinct bases, apt to engender grave complications, and in order to remove any such, and arrive at a satisfactory solution, it seemed to me indispensable that there should be joint action, by dealing myself direct with the matter, while listening at the same time to both representatives of the Government. I considered my personal intervention unavoidable, and the result has clearly proved that I was not mistaken. I proceeded to the United States, and at once became aware that the dispute had run and was running a serious risk of drifting into a real conflict; that I had arrived at a critical moment, and that but for my timely arrival it would have been impossible later on to stem the torrent of difficulties and calamities in which the country would have been involved. Whatever the incidents of my trip may have been, I am glad that I left at the right moment, and without wishing to boast, I feel convinced that without my presence nothing would have been done, and that we should now have to confront a chaos of discord and confusion.

The reports from the minister of Guatemala at Washington stated that he had held conferences in that capital with the plenipotentiary from Mexico; that they had already agreed to a project for submitting the dispute to arbitration; that in accordance with this project the Government of the United States was to act as umpire; that the said Government accepted such mediation, and all idea of a treaty in Mexico had to be abandoned. The dispatches from Dr. Manuel Herrera, representative from this republic to the United States of Mexico, stated that the treaty proposed by him relinquishing the possession of Chiapa and Soconusco in consideration of an indemnity would be accepted by Mexico; that this was the course that ought to be adopted; that the matter should be brought to a conclusion in that place, and that arbitration was impossible. Things could not continue in this condition any longer, and therefore on leaving for the capital of the United States of America, I telegraphed instructions to our representative in Mexico to meet me there, so that we might discuss the matter and bring it to a termination.

In order to expedite matters, I held a conference as soon as possible with the Secretary of State of the American Government, declaring to him that the Government of Guatemala was anxious to put an end to the pending boundary question with Mexico; that in order to terminate the same, this republic relinquished its rights to the ownership of Chiapa and Soconusco, the only point that so far had stood in the way of an arrangement; and that on this basis Guatemala desired the arbitration of the President of the United States. As the minister of this republic had given assurance that the arbitration had already been proposed by him, and by the representative of Mexico, and accepted by the Government of the United States, I was certainly somewhat surprised to ascertain that on behalf of Mexico no such proposition had been made, nor had the project been agreed to; that consequently all had to be commenced over again, inasmuch as it was indispensable that Mexico should equally express a wish of arbitration, so that the President of the United States might take

upon himself a responsibility, which he was good enough to declare in deference to both countries he would not decline, provided that both parties near to the dispute gave him authority to that effect. As what I heard was not in accord with the information furnished to me by our representative, I persistently dwelt on the idea that all Guatemala wanted was that the Government of the United States should decide the dispute as arbitrator, and that such was my proposition, liable to be either accepted or declined by Mexico, but that in either case I should have fulfilled my duty by granting as much as I possibly could. As it was decided in this conference that the nature of the business called for written statements, the offer was made that a note should be sent on the following day embodying the ideas of the Government of Guatemala.

This note was written and signed by the minister of Guatemala on the 21st of July; in it was set forth the desire of this republic to bring to a termination the dispute respecting the boundaries with Mexico, and for this purpose in furtherance of peace and friendship between the two countries, the claim to Chiapa and Soconusco, the only obstacle that had hitherto stood in the way, was waived; that on this basis the Government of Guatemala desired that the President of the United States as arbitrator, and with such preliminary formalities as he might think fit to prescribe, should fix the line of division between the two countries, and that through the minister of Guatemala in Mexico the proposition of Guatemala should be made known to that Government, a proposition which, if acceded to, would put an end to the dispute, and if declined would serve as evidence to all the world that we, on our side, had spared no means of conciliation, and had made every possible concession.

Later on, after returning to Mr. Matias Romero, the plenipotentiary of Mexico, a visit he had paid me, I spoke to him about the business in hand, and he expressed to me the most favorable disposition to settle it on the terms I had suggested. He at the same time declared, however, that he was, so far, without authority from his Government to treat; that the bases which had been under consideration on the 17th of April, and which already stipulated the abandonment of Chiapa, had been presented by him in a private capacity, and delivered confidentially to the minister of Guatemala without instructions, and not in any official manner, and he therefore would have to ask for instructions and powers from his Government, which he would do by telegraph. On the 24th of July the Secretary of State at Washington on his part answered the note that had been addressed to him, signed by the plenipotentiary of Guatemala in the United States, stating in his reply that it would afford the President great pleasure to accept the distinguished mark of confidence reposed in him, whenever Guatemala and Mexico, agreeing upon bases, should jointly solicit his intervention as umpire, to decide the dispute concerning the boundaries, a dispute which in his opinion, the claim to Chiapa and Soconusco being disposed of, and reduced to the establishment of boundaries, evidently led to a peaceful and harmonious solution.

It would be useless to go into the details of the conduct observed a short time afterwards, by the diplomatic representative of Guatemala in Washington, and the attention of the assembly to such miserable trifles; the country knows me, and already has judged and characterized his conduct; and were I to seek to justify myself, it would seem as though I thought my own could be suspected. I must, however, before stating to you the conditions of the negotiation concluded about the important question of frontiers, make it publicly known on this solemn occasion that I received constantly at the hands of both the Government and the people of the United States every proof of esteem and consideration, the memory of which I preserve with affectionate gratitude, in token of the sympathy and respect I feel for that generous and noble nation.

Mr. Romero, the plenipotentiary of Mexico in the United States of America, received from his Government the necessary powers for the discussion and signing of the convention respecting the boundaries with this republic, on the basis of considering Chiapa and Soconusco as an integral part of the Mexican Confederation. Meanwhile Mr. Herrera, minister of Guatemala to Mexico, arrived in New York; so that, after several prolonged conferences the substantial bases of the arrangement for putting an end to the dispute were agreed upon, and signed in that city on the 12th of August. Therein it is declared that the governments of Guatemala and Mexico are desirous of bringing to an amicable termination the difficulties that existed between the two republics, and that it is their earnest wish to lay down solid foundations for the relations that should bind them to one another, and keeping these precedents in view, the preliminary articles for a definite boundary treaty on that part of the frontier comprised by the State of Chiapa were drawn up.

These articles read as follows:

I. The republic of Guatemala withdraws from the disension it has maintained relative to the rights it possesses to the territory of the State of Chiapa and its department of Soconusco.

II. The definitive treaty of boundaries between Guatemala and Mexico is to be

made on the basis of considering Chiapa and Soconusco integral parts of the United States of Mexico.

III. The republic of Guatemala, satisfied with the due appreciation that Mexico entertains of its conduct, and with the acknowledgment that the exalted motives which inspired the agreement set forth in the preceding articles are worthy and honorable, will not exact a pecuniary indemnity, nor any other compensation on account of the foregoing stipulations.

IV. In case the two contracting parties should not be able to agree, as to the partial or total demarkation of boundaries, between the State of Chiapa and its department of Soconusco on the part of Mexico, and the republic of Guatemala on the other part, or the commissioners that each must name to determine jointly the demarkation of the dividing line, should differ on one or more points concerning said demarkation, and it should become necessary to nominate a third party to adjust the difficulties that might arise on this head, both governments agree to do so, and also to request the President of the United States of America to act as third party or umpire.

V. In the demarkation of the dividing line, actual possession shall serve as the basis of the general rule; but this shall not prevent such basis being departed from, by both parties, conjointly, for the purpose of following natural lines, or on any other account, and in this case the system of mutual compensations shall be adopted, pending which drawing of the dividing line each contracting party shall respect the actual possession of the other.

VI. The governments of Guatemala and of the United States of Mexico, solemnly engage to sign the definitive treaty of boundaries, on the basis set forth in the present convention, in the City of Mexico, at the latest within six months reckoned from this date.

By virtue of these conditions Guatemala can no longer allege any right to the territory of the State of Chiapa and of its department Soconusco, which, on the boundaries being established, must be held to be an integral part of the United States of Mexico; nor can Guatemala by reason of this stipulation exact pecuniary indemnity or other compensation.

I present to you, gentlemen, in all its nakedness, without any reserve, without any artifice, this point which constitutes the concession made by Guatemala, for I do not wish to conceal it nor to disguise it in any way, and because with the consciousness of my actions, I am fully persuaded that in proceeding as I did I have in no way impaired the rights of the country, nor burdened the same with any sacrifice whatsoever, but that on the contrary I have rendered it great service by removing such a knotty and at the same time barren question; that cropping up at every step, and assuming threatening proportions, was calculated to interfere with the tranquil progress of the country.

You will excuse me, gentlemen of the assembly, if, though only in a rapid sketch, I recall to your recollection some of the antecedents of that inveterate dispute which has rendered the territory of Chiapa and Soconusco so prominent as an apple of discord, flung between two peoples that should for so many reasons unite in and embrace of the most cordial fraternity.

Before deciding to ask the assembly for the very ample authority I solicited, and which was granted to me, I had very seriously and thoroughly reflected on the bearings of this Chiapa and Soconusco question. Two solutions suggested themselves; either to go on in a headstrong manner and cling to the rights of Guatemala to that province, which would render impossible all arrangement, as Mexico on its side had declared a thousand times, that it would not relinquish its claim to the same, nor even submit it to arbitration, and that consequently whatever the treaty it must distinctly state as a basis that these provinces constituted part of its territory; or abandon Chiapa and Soconusco, and, giving up the dispute about it fix clear and sure boundaries between Mexico and Guatemala. The first would stumble upon the determined refusal of the United States of Mexico, the material impossibility of Guatemala conquering by force of arms that territory, and it must be said upon opinions that reckoned in their favor arguments neither few nor contemptible. The changes of fortune through which our history has passed since 1821 are familiar to you, and you are all well aware that whenever Guatemala has most exerted itself to make good its rights to Chiapa and Soconusco, it has been met by an answer replete with facts and based on many grounds.

Mexican writers tell us, that Chiapa proclaimed its independence from Spain, and its incorporation with Mexico on the 3d of September, 1821, taking the oath thereto on the 8th of the same month, before the independence of Guatemala was proclaimed; that not only did Chiapa do this, but Guatemala, induced by the intrigues of the servile party to maintain our country annexed to an empire, a few days later, in conformity with the resolution of the assembly of the 5th of January, 1822, did unite with Mexico; that on account of this last resolution, there took place a meeting of the authorities and people of Chiapa, in order to make it publicly known that they remained independent from the former kingdom of Guatemala, and that in accordance

with their wish and oath, Chiapa formed part and parcel of the Mexican Empire, passing to that intent the act of the 29th of September, 1822, in which it was declared that it did not wish to belong to Guatemala, but to Mexico, and a commissioner was appointed to convey this expression of opinion to the President of the latter republic.

They dispute our claims calling to mind that, when a popular vote was taken as to whether Chiapa should belong to Mexico or Guatemala, there resulted, as is attested by the act of the 12th of September, 1824, that on examination being made, 96,829 votes were cast for Mexico, and only 60,400 for Guatemala, from which cause arose the new act of declaration of federation of the 14th of December, 1824.

They tell us that all the constitutions of Mexico have included Chiapa as part of its territory; the first federal constitution of 1824; the one promulgated in 1843 denominated organic bases, and the article 43 of the one of 1857; that during the Central Republic, and the promulgation of the seven constitutive laws, by which the Mexican States were converted into departments, Chiapa was one of them, nominating its deputies to the general Congress and its senators; that in the following years, when the legislative authority was exercised by popular assemblies, Chiapa elected its deputies, who were its representatives in the Congress, and that when the dictatorship held rule it was submitted thereto. They tell us that the independence from Spain being established, the provinces of the captaincy-general of Guatemala, to which jurisdiction, according to the laws of the Indies, Chiapa and Soconusco had certainly appertained, remained independent of one another, and that whilst some could, and wished to form by themselves sovereign republics, others wished to, and could unite with other nationalities, as was done by Chiapa, and as was done by Guatemala itself; that the incorporation of Chiapa and Soconusco was prior to that of Guatemala and independent of it, and therefore if the latter, on account of the abdication and absence from Mexico of the Emperor Agustín Iturbide, chose and was at liberty to separate itself, Chiapa might continue irrevocably united to Mexico; and as the first co-operated in forming a new confederacy with the other provinces of Central America, so could Chiapa form part of the Mexican Federation.

They tell that Chiapa has always possessed its political constitution as part of Mexico, the last one being that of the 4th of January, 1858, and that on the contrary the Federation of Central America itself, by decree of 21st of July, 1823, declared that if Chiapa desired to unite with them, it would be received with the greatest pleasure, which implies the acknowledgment of the legality of separation. They call our attention to the fact that, since the year 1824, Chiapa has obeyed the laws of Mexico, and has had recourse to its tribunals; that it has always shared the destinies of that nation, participating in its misfortunes, and contributing with its money and with its soldiers to the support of the wars it has carried on; that it has at all times been subject to its rule, be it the rule of liberty or the rule of dictatorship, and that never, however fraught with danger the times may have been, not even in the days of anarchy, nor during the war with the United States, nor during the last war waged against the French intervention, has Chiapa endeavored to separate from Mexico, notwithstanding the fact that its position and remoteness would have facilitated with separation, for the latter could have been effected with greater ease and less risk and liability than that of any of the remaining States; and that recently in the very days when the boundary question was being discussed on all sides, and by the press with the greatest warmth, Chiapa has made the most energetic protests against the idea of belonging to Guatemala, and had put forth the most explicit and decided declarations of its wish to continue forming part of the Mexican Republic. They bring to our notice that the utmost that can be pretended is, that Chiapa had been one of the States of the Federation of Central America; but that Guatemala alone and for itself could not lay claim to that right, whilst the federation lasted from 1823, because it possessed no sovereignty nor international representation; and that, although the alliance was dissolved in April, 1839, and the dissolution was confirmed by the decree of 1847, in which Guatemala declared itself a sovereign republic, the rights held by the federation were not transmitted to it. They answer us that there are no conclusive proofs that the junta of Chiapa did not act of its own free will; that Mexico was not to blame because Guatemala did not send in proper time the commissioner who on its behalf was to have been present at the voting; and that whatever compulsion, whatever pressure might have been brought to bear, their influence would have been evanescent, ceasing as soon as they disappeared; whilst Chiapa constantly and under every circumstance has persevered in its determination of not forming a part of Guatemala, but of Mexico.

As regards Soconusco in particular, they point out to us that it has always been a district or department of Chiapa; that when the latter separated from Guatemala and united with Mexico on the 3d of September, 1821, Soconusco had to follow the destinies of Chiapa, for it was in accordance with the constitutive legislation of the Indies, one of its "intendencias," and was thus tied up with it; and that if, on the meeting of the assembly, in 1824, it voted in favor of belonging to Guatemala, it had, nevertheless, to accept and obey the resolution of the majority, which was in favor of Mexico; that the decree of the federal Congress of the United States of Central

America of the 18th of August, 1824, cannot be appealed to, for it only remained as a document, because Soconusco had the intention of entering into the federation as a State, and not of becoming a department of Guatemala; and that it would have regained its independence on the dissolution of the federation; and that against this declaration, which had no force of obligation for Mexico, Chiapa protested in September, 1824, and the federal Government made a reclamation in March, 1825. To the preliminaries of that year, and the occupation by General Santa Anna, in 1842, they urge in opposition that the Government of Central America had sent troops in January, 1825, to take military possession of the town of Tapachula; that the possession of Soconusco could not remain for an indefinite period in the anomalous position in which it had been left by the preliminaries, merely under municipal rule, unless it were that there was a prospect of arriving at a speedy arrangement, which was counted upon at the time of agreeing to the preliminaries, for Soconusco would only have served as a refuge for malefactors, being so to say out of the pale of political authority; and lastly, supposing even that there had been some irregularity in the records of the Junta of Chiapa, or in the occupation of Soconusco, all this would have been remedied, not only as being acts committed long ago, but also by ratification founded on the acquiescence of Chiapa, which during a period of sixty-one years has not protested, and of Soconusco, which also has abstained from doing so during a period of forty years.

Whoever reflects coolly and dispassionately on this matter must come to the conclusion that, with all the antecedents stated, and considered in all their aspects, it was not so easy as any political visionary might suppose to make the rights of Guatemala triumph in a well reasoned and calm discussion, and prove that Chiapa and Soconusco ought to form part of its territory and be restored to it. And not only was the right not irrefutable and clear, but it was also impossible to think of conquering those provinces and wrenching them from Mexico by force of arms. Had our right been unimpeachable and clear, had Chiapa and Soconusco lifted their voices against Mexico, asking the assistance of Guatemala, and protesting against the former, it is evident that Guatemala would not have allowed so many years to pass by since these events, shrouding them with a veil of authority and respect, but would long ago have made an effort to rescue and retain its territory, however unequal the struggle might have been in point of numbers and resources between Mexico and Central America, and still more so between Mexico and Guatemala—one of those minute nationalities that has sprung up in consequence of the shattering into fractions of the Central American fatherland, which took place in sad days of mournful memory, and the reconstruction of which should be the ideal longed for with a burning desire by all those who feel within their breast the palpitations of true patriotism from a heart unfeignedly liberal; but that, relying on titles to which most powerful arguments can be opposed, with reiterated manifestations of all kinds on the part of Chiapa and Soconusco that they wish to appertain to Mexico, and do not wish, under any condition whatsoever, to form a part of Guatemala, as they only retain said recollections at the time of Spanish sway, and of the dismal years when the servile party ruled the country; a party through whose machination was brought about this separation, being one of so many evils they inflicted on the country, and that now, after more than sixty years have transpired since these events, Guatemala should arise and putting on military array, should go forth with the din of war, without resources and with numerically quite inferior forces, to conquer Chiapa and Soconusco, would be—forgive me the expression, gentlemen—a madness worthy of being ridiculed by the pen of Cervantes, were it not that such ridicule would be heaped on our native land—a country we ought to love with idolatry and veneration, and that such an act of folly would cause the shedding of rivers of blood of the people of Guatemala, to the sound of the wailings over a most cruel desolation. No people can be called too weak, no resources too limited, whenever a nation rises in defense of a truly national cause, its own preservation in a struggle for independence, and in order to resist an unwarranted aggression and defend its territory and institutions. In such a case nations are invincible, or will know how to fall with glory; they will allow themselves to be reduced to ruins and hecatombs rather than yield and be humiliated; and had such a case arisen, or should it ever arise, I feel convinced that all Guatemaltecos would rise like a man to fight with a will for their native land, to drench with their blood the fields of battle, and rather perish with honor than see their flag disgraced or brought to scorn. And I for my part, gentlemen, solemnly declare that if such a day should come I would perish a thousand times at my post, which is the post of danger, in front of my soldiers and at the head of all my friends, before I would consent to a disgrace; that I would myself anticipate the calls of the enemy by destroying all those whose cowardice should lead them to refuse to sacrifice themselves in the struggle for their native land; and I would set fire to Guatemala with my own hand, fanning the flames with my breath, so as to leave no stone one upon another, before I consented to see it humiliated and conquered; and before its territory could be trampled on it would be necessary to pass over my body and the bodies of all my faithful compan-

ions. But in such solemn moments as these, when I must speak with all the frankness of my character, it is but due to acknowledge that a war for the acquisition of Chiapa and Soconusco was very far from being looked upon here as a national cause, as one of those popular wars that awake an echo, and inspire with enthusiasm the hearts of the multitude, a war in which the people at large, whose blood is ever the first to be poured out, would take an interest, one of those which are carried on and supported with vigor and unflinching determination. As Chiapa has never been in our possession since our independence was obtained, and the actual generation there was born and has grown up under Mexican sway, little or no interest could be elicited in favor of its acquisition; geographers and historians, not only foreign but native, figuring on the conservative side, did not speak of it as a part of our territory, hence there could hardly be a cause which would have provoked greater coolness, indifference, and unpopularity than the struggle undertaken to regain a province that did not wish to belong to us, the reconquest of which would have conferred on us no advantage, and which this republic never owned before. On the contrary, all the advantages were on the side of Mexico, which not only is our superior in population, in resources and in wealth, but against which we should have had to undertake a war of aggression, Mexico being on the defensive in a cause arousing the sympathies of its people, and thus being popular, the cause of Chiapa calling on Mexico for help, of Chiapa which, ever since the independence, has been in the possession of Mexico, of Chiapa which in all its constitutions figures as an integral part of Mexican territory; and for this reason all governments there looking upon its cession, or even a consent to discuss the justice of possession, as an impossibility, as an attack on the constitution, and as treason to the country. Chiapa has always shared the lot of Mexico, in the days of glory and prosperity as well as in the days of misfortune and calamity. Mexico could not abandon it, could not desert it, nor appear to doubt its own rights, and would have had to expend all its resources and power in the preservation and defense of Chiapa; any attempt to separate which, coming from any quarter, would have been considered an irreparable insult. Judge, then, if there would have been the remotest chance of gaining a success by force of arms. It should be here repeated, and I wish that the assembly would bestow particular attention on this point, that Guatemala has never since its independence held possession of the territory in dispute, nor ever had the slightest prospect or hope of possessing it, so that, in reality, for the country the cession has been purely one in name; nothing has been ceded in fact, for a cession presupposes a clear and evident right and title to that which constitutes it, and presupposes also the real and undisturbed possession of a property.

A cession has been made of a thing the republic never possessed, nor ever could hold; a thing which could not even conveniently be held; an illusory and ephemeral right has been surrendered, the right to dispute the ownership of Chiapa and Soconusco, a right not only Utopian, but even mischievous, inasmuch as it created a state of restlessness among us, undermining confidence abroad, and breeding ill-will between two neighboring and fraternal countries; and all this without ever being able to produce any result favorable to Guatemala, only jeopardizing that which it actually possessed, merely for the sake of the barren glory of keeping up the privilege of leaving open an unprofitable discussion about a thing it never had owned and never could become the owner of.

In order to form a correct judgment as to the justice of these ideas, it is necessary to bear in mind that the territory of Chiapa and Soconusco adjoins undisputed territory possessed by Guatemala. If the land in question had been situate in the center of Mexico, not adjoining territory possessed by Guatemala, it would have been of less importance to leave the question in abeyance, for although such a state of uncertainty would have produced other grave inconveniences, we should at least not have been exposed to the risk of losing the certain in the pursuit of the doubtful and impossible, nor of provoking conflicts that might have ended in ruin and disaster for Guatemala.

But the boundaries between this republic and Mexico were never settled, for whenever they were treated of, the dispute about Chiapa and Soconusco sprang up; Mexico insisting that these should be considered as part of her territory, while Guatemala invariably denied this; hence it resulted that the boundaries remained forever undecided: that in consequence of this undetermined state of affairs the limits of Soconusco continually made greater inroads on the territory of Guatemala, and that districts and villages which in 1821, and even in 1842, were recognized as indisputably belonging to Guatemala now are Mexican; and that at every moment some new dispute and some new pretension arose, and that day by day the area rightly belonging to Guatemala came to be curtailed, an area which has been specially committed to the supervision of the executive, whose duty it is to watch over it, preserve it in its integrity, and of which it must render the strictest account.

Every act which Guatemala might look upon as an encroachment would have given rise to explanations and claims, but these would not be taken into consideration, be-

cause it would be contended that the territories involved in the discussion belonged to Mexico, and in support of such affirmation appeal would always be made to the uncertainty of the boundaries, to the non-existence of a clear and decided line, and to the obscurity arising therefrom entangling matters in a most intricate maze. And such claims and explanations would go on exciting feelings of resentment; they would breed animosity, would involve eventually the greatest difficulties and conflicts, whose bearings not those will best know how to measure and appreciate who lead a theoretical life in imaginary spheres, exposed like the ancient and learned King of Spain to lose his lands while contemplating the movements of the stars of heaven, but those who daily experience the toil and are brought in contact with the practical difficulties of government, those upon whom all responsibility rests, and who in the hour of risk not only have to be the first to face the danger of any situation, but have also to answer for the property of the citizens, and the blood of soldiers, which would fall upon the heads of those who should rashly and inconsiderately provoke a struggle in support of a doubtful cause, in which no advantage could be gained, even should success attend it, and which would be hopeless in the end.

It mattered nothing to Mexico that the question should be prolonged to all eternity, inasmuch as that country was in time-honored and peaceful possession of the territory in dispute; Mexico did not run the risk of having its possession curtailed, but, on the contrary, there was the probability that it would continue to increase. Guatemala not only did not hold possession, but was exposed every day to new losses, hence it became a matter of vital importance to bring the dispute to a termination; it was urgent and not to be put aside, and it behooved us, therefore, to act, and work without rest with this object before us.

My mind has often been disquieted by these considerations, and I have been unable to listen with a smile of disdain to those who intrenched themselves behind the national honor in order to cry out against the idea of giving up Chiapa and Soconusco.

It was claimed that the national honor would not allow us to give up the right to a strip of land which had never been in our possession, but yet could consent to our contemplating with indifference the loss of that which we actually held, a loss which would continually increase, and which would have resulted from and as a natural consequence of the indeterminateness of the frontiers, and through the maintenance of an illusory, chimerical, and ridiculous right!

They who thus invoked the dignity of Guatemala, who in this manner are so jealous of its national honor, who make this boast of patriotic pride, should, instead of clamoring senselessly, have abandoned their homes and their families, take up arms, and march to the frontier, commencing in the first place by the conquest of all that which was in our positive possession, and has been lost only through persisting in asserting a claim that offered no advantage, and was impossible to justify.

But that false patriotism, fit only to give rise to difficulties, never does anything for the good of the country; it shirks all obligations, avoids all risks, abstains from all sacrifice, and, creating an atmosphere of uneasiness, only hampers the action of those who can do good, of those who resolutely devote themselves to the study of and promotion of the welfare of the republic, those finally who, attaching more importance to practice and to deeds than to words and formulas, consult conscientiously the true interests of the nation.

Since, then, this barren question had to be abandoned, it was a thousand times better to at least avoid a pecuniary indemnity. It should never be said that our silence had been bought with money, nor that we had made an unworthy cession in exchange for a handful of gold. If not right or honorable to yield in the dispute, it certainly could not be made so by receiving in compensation any amount whatsoever, and if it was sound policy, prudent, and necessary to the interests of Guatemala to put an end to the discussion, burying forever in oblivion the pretensions we had hitherto advanced, it had to be done in a manner entirely decorous, without anything that could be looked on as a sale of territory, without anything that with a semblance of truth might give rise to the senseless suspicion that they who bore part in the negotiation had stained their hands by contact with coin, and finally without anything that could detract from the merit of Guatemala, and could make it appear as a saleable commodity.

The republic, and the Government in its name, have withdrawn from the dispute, because it behooved them to withdraw; no sale was made, for none could rightly be made; for if to maintain the right to Chiapa and Soconusco had been really one of those questions of honor and dignity in which any compromise is impossible; that honor and dignity would not have been preserved by any payment, but it would rather have been still more tarnished and degraded, and whether with or without indemnity never should we have yielded.

I take no notice of nor am I intimidated or in the least influenced by what the systematic enemies of my administration may say. They disapprove of my conduct, and by the use of miserable intrigues have placed difficulties in my way, in order that I might not be able to attain the solution I fortunately have reached; they will cry

out that my conduct is dishonorable and wanting in patriotism. Their criticisms, instead of disconcerting me, cause me the most lively satisfaction. If the step I have taken had been damaging to the interests of Guatemala, if it had been dishonorable for the Government and for myself, they would have endeavored to assist me, they would have applauded me, and would have caused the greatest praises to be showered upon me. They disapprove and vituperate because they are aware that this step inaugurates an era of peace and tranquillity for Guatemala, because they are aware that it creates for me a claim to the gratitude and esteem of my fellow citizens, and that, thanks to it, our history may some day inscribe my name in the book in which are inscribed the names of those who have served their country well. Let enemies, then, censure and find fault with me; it neither takes me by surprise, nor do I deplore it; on the contrary, I wished for it, and am glad of it. It was but natural that they should disapprove of my conduct if it does away with the mad intrigues they were concocting by taking advantage of the coolness of our relations with Mexico, which resulted from the wretched boundary dispute. Their rage is easily explained, for, under cover of this dispute, and using it as a pretext, they were sowing alarm and uneasiness in the republic, spreading false rumors of rupture and of war, disquieting commerce, causing industry to flag, placing difficulties in the way of and rendering almost impossible all business, and destroying credit and confidence. No wonder they disapprove of acts that put an end to a question which they made use of because they saw in it an obstacle to the Government's devoting its direct and exclusive attention to the progress and rise of the country. It was to be expected that I should receive blame at their own hands, for, from the moment it became known that the difference was settled, all doubts and fears have disappeared, credit has been re-established, enterprise revives, capital has come forward, abandoning the obscurity of the recesses where in the days of alarm it had timidly hidden, in order to impart a new life and animation to undertakings; in fact, great improvements are in preparation for our country, thanks to the peace and tranquillity which has been established. Welcome, then, to their slanders! Their disapproval is one of my best titles of honor, and one of the evidences that prove most clearly the opportuneness and necessity of the measure I adopted, and it justifies my acts.

But though I do not fear the unjust and ill intentioned censures of my enemies, I do fear and hold in respect the censure and reprobation of my friends, of those men, of those friends, who, like myself, have taken upon their shoulders the great work of the regeneration and improvement of the country.

And my friends might justly have blamed me, and would have had cause for blaming me and cursing me, if I had put in jeopardy the future and the destinies of the country in a foolish enterprise and an unwarrantable war. They would have had cause to curse me, if, through a mistaken sentiment of childish self-love and a false sense of dignity, I had clung to a fantastic right, and thus brought upon the country real evils and positive ruin: if with the mad project of conquering what we had never possessed, nor could possess, and which finally it would not even have been in our interest to possess, I had plunged the country into all the horrors of a struggle in which all the advantages would have been against us. They, my friends, would be justified in calling me to account for their ruined fortunes, their properties destroyed; they would call me to account for the priceless blood of the sons of the country uselessly shed; they would call me to account to the widows and orphans of an innumerable number of victims, and for the desolation and mourning of the people, and then with right the avenging image of our native land would rise above the ruins to execrate my name and to curse my memory, if, following the dictates of a foolish misconception, I had plunged it into an abyss of disgrace whilst invoking its honor—I had sacrificed the lives and fortunes of its sons, watering its soil with wasted blood, and nipping the first symptoms of well being, that were beginning to spring forth in luxuriance from the seeds of liberal ideas. Now, I have the satisfaction to feel that I am very far from being censured by my friends; I have had to make sacrifice, but this sacrifice meets with ample compensation in their good opinion and esteem, and the good accruing from it to the country I adore and to which I am thoroughly devoted.

I have just said that in order to solve this question I had to make a sacrifice, and I must now add that it has been the greatest sacrifice of my life, and that to make up my mind to it, I had to use over myself an extraordinary amount of command and of resolute self-denial. No, after meditating on the subject and putting aside all prepossession and prejudice, I could not have the slightest doubt as to the necessity and expediency of the measure I adopted, but yet there crowded on my mind all the difficulties it might occasion me, all the versions that might be put forward, and all the wretched detractions that would be sure to follow me. Our politicians had asserted that the right of Guatemala to Chiapa and Soconusco was irrefutable; that this right ought to be vindicated; that national pride demanded that no concession should be made on the subject, and that this right should never be given up, nor the title arising therefrom. And this opinion was filtrating and spreading amongst the men of

the country, who already, without examination, entertained it and communicated it from one to another. A great majority, without being familiar with the dispute, without studying its antecedents, without taking into account all the circumstances connected with it, without a clear appreciation of the matter, without taking the trouble to examine it from its origin and to master all its details, indorsed such opinion, and in this manner a sort of tradition was being formed, echoed by every one who busied himself about it; a tradition from which even my administration has not been exempt. With this antecedent before him, one who should speak of maintaining the rights of Guatemala to a territory unknown to nearly all, and the history of which was completely foreign to him, would flatter public vanity by appearing to sustain the honor of the nation; while any one who, on the contrary, looking at the dispute from its true aspect, should seek to put an end to it, giving up all discussion about the ownership of Chiapa and Soconusco, would expose himself to calumny, to the accusation of want of patriotism, and why should I conceal it? Be accused, perhaps, of weakness or of treason. While, therefore, on the other hand, a conscientious appreciation of the real interests of the country was well calculated to counsel the abandonment of this useless dispute, and thereby securing the boundaries, as well as the tranquillity and the prosperity of Guatemala, there would, on the other, be raised, to stifle any action to that effect, the voice of personal convenience and self-interest, and whosoever undertook to present the matter in its true light, and patriotically dare to carry out such a bold and decisive measure, would expose himself to the grave danger of losing his popularity.

I have done, gentlemen, what hitherto no Government had the resolution to do; I have withdrawn from a contest from which neither Paron, nor Luis Batres, nor Aycinena before me have dared to withdraw. I shall not allow myself to be compared with any of the leaders of the servile party, who brought so many misfortunes upon the country, who with their blunders and their ill-deeds provoked the separation of Chiapa, and who, by joining the Mexican Empire, sanctioned such separation, thereby making patent their own abasement and failing sense of dignity. The servile party in 1851, in the conferences that preceded the projected treaty with Don Juan N. de Pereda, had already recognized the incorporation of Chiapa and Soconusco; if that treaty was not concluded, if the dispute was not brought to an end, if the solution that I have now arrived at was not reached then, if there was introduced, so as to set it on one side, the claim for the payment of the debts of Chiapa, as the necessary condition for the abandonment of the rights of Guatemala, with the clear intention that the other stipulations should not be accepted, it was not in compliance with a feeling of national delicacy, nor because this conduct arose from a generous impulse not to curtail the territory, nor to wound the pride and self-respect of Guatemala. It was as though that party, being condemned to cause only misfortunes without having the courage to repair them, and to be unable to render any service to the country, or to do anything that should deserve imperishable gratitude, the Government had become apprehensive that by such a measure its unpopularity would reach its climax, and the measure of public indignation would pass all bounds.

I have not shrunk from facing these dangers, however great the struggle within me may have been. Often has the consciousness of my duty battled within me with the fear that the people might misinterpret and not sanction my proceedings, that it might withdraw from me, not power, for which I have no ambition, and from which I have so often wished to retire, but its esteem and confidence, and might look upon me, though only for a moment, as disloyal to the interests of the country. I thought for one thing that the baseness of my enemies might go so far as to cry out that I had been bought by Mexican gold, and that I was capable of lowering myself to their level of venality and for money sell the soil, thereby depriving Guatemala of a real and positive right. I reflected that they might tax me with weakness, imagining as they have already imagined a thousand absurd plans about selling the territory to the Government of the United States; that there was on my side a weak yielding, or that my resolution was the impulse of the moment, due to imaginary refusals and fancied obstacles. I came to reflect that this step more than any other might be made use of by malevolence and calumny, to spread inauspicious interpretations and senseless conjectures that would represent me as untrue to the cause of the republic, and as trampling under foot the rights of the people. I thought that perhaps an unjust opinion might declare itself against me, tarnishing my name for having done what I consider the most precious service ever rendered to my country; and I thought that this dishonor might fall on the innocent heads of my children, sharers of my heart, and the delight of my life, to whom I do not aspire to bequeath either riches or power, but the precious heritage of a spotless name and the gratitude of the country, earned by the conduct of their father, ever patriotic and loyal. And I wish that they may always be able to lift up their heads with the pride of innocence, that no one may be able to point at them on account of any infamous action of their father; that on looking over my history they may always find it worthy of respect and consistent, so that they may respect my name and bless my memory as that of a faithful servant of

Guatemala, and that they may be able to take pride in being the sons of one who was a good son of his country! I did what neither Paron, nor Batres, nor Aycinena did, because I believed that I ought to do it, and because, having before my eyes the idea of duty, I always act as I believe I should act, without paying attention to what others did or left undone.

I do not propose to clear myself from the charge that may arise, insinuating that I may have been bought, for there are imputations so infamous that one fears contact with their instamy while taking notice of them for a moment, were it but to trample them in the dust, for, like the viper, they sting the foot that crushes them. To those who may accuse me of weakness and may believe that I was prompted while in the United States by some unforeseen incidents, I will answer with the testimony of innumerable political and personal friends, some of whom even belonged to the previous administration, who are all of them fully aware of the resolve that I arrived at for some time past, and who know that when I asked for special authority at the hands of the assembly, it was with the firm intention of giving up Chiapa and Soconusco, and they will confirm that I have debated the subject with them at length, adducing in support of my resolution the same ideas, and the same arguments I now have the honor of submitting to the assembly. I may furthermore reply to them that in official notes from the secretary of foreign affairs, directed to the then minister of Guatemala in Washington, prior to my departure from this country and by my instructions, it was stated that in conformity with what was expressed in other dispatches, Guatemala had always been and still was most sincerely desirous that an end should be put to the dispute pending about the boundary of its territory with that of the United States of Mexico; and if it could be solved by arbitration, the earnest and long-entertained wishes of the Government would be realized. It was there also stated that the Government did not feel the least uneasiness as to the conditions that might attach to the verdict to be given by the empire, for even though the same might move adverse, there would at any rate have been obtained the great boon that, while doing away with any acensations, founded or not, for the future the boundaries of the two countries would be clearly defined, the continual difficulties to which their uncertainty gave rise removed, and with it the constant encroachments would be stopped that were taking place all the time upon that portion of which Guatemala had held uninterrupted possession. By this note which had been published improperly, since it was directed to the legation by the minister of foreign affairs, and ought not to have seen the light without special orders and instructions, it was clearly set forth what the leanings and intentions of the Government were, and it was made patent that its conduct was consistent, and that what was stated publicly was in perfect accord and harmony with these confidential documents, intended to remain in the archives of the legation, where they were intrusted to the safe keeping of the minister.

The charge of weakness on account of the arrangement entered into is the most unjust charge that can be brought against me, for, putting aside a modesty which in these circumstances would be impolitic and unbecoming, I must state that few would have had the courage to take the step I have just taken. I have compared many times the sensations that one feels on the day of battle when going into action, and the impressions that I experienced in going through all that I had to go through, so as to arrive at the determination to sign this convention, which, though so useful and indispensable for Guatemala, might turn out for me a source of mortification and disappointment, and I had to muster more energy and resolution in order to do so than I should have needed to take my part in the battle amidst the deadly bullets of the enemy. There is in battle a certain enthusiasm, a certain feverish excitement that stimulates and leads one on, reducing all danger to insignificant proportions; there is the prospect of fame for him who fights with valor; the allurements of triumph, the flattering hope of the honors and splendor of victory; and even the idea of falling under the fire of the enemy and perishing on the field of battle presents itself to the imagination as surrounded by a glorious wealth of immortality; one dies with honor and conquers the right to live in the memory of posterity with the renown which courage and heroism always confer. But to sign in cold blood a convention which, however productive of good to the country, may bring upon him who, following the dictates of his conscience, determines to conclude it, calumnies of all kinds, antipathy and public reprobation, and perhaps even the stigma of disloyalty, of ingratitude, and of treason; to him who undertakes to do so, none of these attractions are held out—his hand trembles, his heart itself may fail for a moment, and if at last the step is taken, it is after suffering the effects of a violent struggle of the strongest and most opposite feelings.

In this struggle, gentlemen, the strength of my feeling of duty triumphed finally over my wish for tranquillity and personal comfort. To serve my country I had sacrificed my health and repose, I did not shrink from a temporary separation from my family, and I had without the slightest hesitation exposed myself to the accidents of

travel. To serve my country I have also done that which it remained for me to do, the only thing I had not done hitherto; I have risked my honor and my name, which I value all the more because they are the honor and the name of my children, the priceless treasure that they must receive from me, and preserve with the greatest veneration; and I have risked the prestige and popularity with which this generous nation, whose happiness and progress are and always have been the object of my most ardent aspirations, has constantly honored me.

And I have not regretted for one single moment, nor do I now regret what I did, but on the contrary I am proud of it, and take credit to myself. I have the consciousness that I have complied with my duty; that I have rendered a service to my country, and on learning the enthusiasm with which the news was received here of the convention agreed upon, and on seeing the demonstrations with which this people, whom I so dearly love, received me on my return from carrying out the mission I had undertaken, as though it wished to testify that it did full justice to my loyalty, and acknowledged the propriety of my actions, I was deeply moved, and the sacrifice I had made appeared to me insignificant—I felt within me new strength to repeat it a thousand times, were it necessary, and to make for the people still greater ones, if required, in return for its affection and faithfulness.

The dispute, which for such a long time has been a cause of uneasiness to the people of Guatemala, has at length been settled; the treaty defining the boundaries such as laid down on the 12th of August stipulated that it should be concluded in Mexico, and it has since been signed; there has been marked out in it, with perfect accord, and without any necessity for arbitration, the line of division, and with a constant view to the greatest clearness and security in the boundaries, we have succeeded in mutually establishing just compensations. It is now to be submitted to your examination and judgment. We shall henceforward have a safe, permanent, and well determined line; two peoples of America—two contiguous and fraternal nations are thus saved the danger of enmity, arising from a mere frontier question, and the risk of staining their soil with blood in a fratricidal struggle for a strip of land of comparatively little importance to either of them.

When the time comes for me to deliver up the Presidency, I shall be able to leave it in tranquillity; I shall not return Chiapa and Soconusco to the nation, for I did not receive them when I came into power; what I did receive and shall not return is the wretched legacy of the boundary dispute with Mexico, a source of uneasiness and disturbance to the country. If my not returning such a legacy of calamity be a reproach, I shall bear the burden of it cheerfully.

Gentlemen, on submitting to you all the documents in which the treaty entered into is set forth allow me to entreat you to examine them calmly, and to let the most entire liberty preside over your deliberations, without partiality or considerations of any kind. Do not be swayed by a wish to be agreeable to me, for I may have been subject to an error of judgment and may be swept away at any moment. Be solely guided by the wish to serve your country disinterestedly and courageously, for it may at any time demand of yourselves or of your sons an account of the resolution that you may arrive at.

There is committed to your decision the most important business ever submitted to the assembly. If, in representation of the country, with your hands placed upon your hearts, you in your consciences approve my conduct, I shall feel an indescribable satisfaction; but before doing so reflect that you will share with me all responsibility inseparable from it—that you will identify yourselves with me before the tribunals of public opinion and of history, which will judge this question in the future, and inscribe therein either glorious lines of praise, or lines of disgrace and of shame for all who shall have shared in the transaction. There is time yet for reflection. Act with firmness and loyalty, without considerations that later on could only be alleged to cover you with reproach.

If, unfortunately, the step I have taken does not merit your approval; if you consider that it injures or dishonors the country, in my own name and in the name of Guatemala, I entreat you to condemn it energetically and freely, so as not to bear consequences it may entail and not to compromise your reputations, through an act of foolish compliance or pusillanimous weakness, and not to allow the country to be dragged into a thing involving shame or indignity which would bring on you eternal self-reproach and a tremendous responsibility.

If your votes are opposed to the negotiation, I will take refuge in the rectitude of my conscience. I shall raise my forehead without a blush, for my only motive has been the welfare of Guatemala. I shall be free from all reproach, for I have done all that was in my power to avert the evils that may befall us through leaving this dispute unsettled, and am resigned to submit calmly the share I bore in this matter to the impartial judgment of posterity and to the verdict of history.

J. RUFINO BARRIOS.

No. 71.

Mr. Morgan to Mr. Frelinghuysen.

No. 614.]

LEGATION OF THE UNITED STATES,
Mexico, May 9, 1883. (Received May 25.)

SIR: I transmit herewith the treaty entered into between the Republics of Mexico and Guatemala on the 27th September, 1882, the ratifications of which were exchanged at this capital on the 1st May, 1883, as published, officially, in the "Siglo Diez y Nueve" of the 4th instant, together with a translation thereof.

I have, &c.,

P. H. MORGAN.

[Inclosure in 614.—Translation.]

Treaty between Mexico and Guatemala.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS, SECTION OF AMERICA.

The President of the Republic has seen fit to address me as follows:

MANUEL GONZALES, constitutional President of the United States of Mexico, to the inhabitants thereof:

Be it known:

That at the city of Mexico, on the twenty-seventh of September, in the year eight-hundred and eighty-two, between plenipotentiaries duly authorized to that effect, a treaty was entered into between the United States of Mexico and the Republic of Guatemala, in the form and tenor as follows:

The Governments of Mexico and Guatemala, desiring to bring the difficulties existing between them to an amicable conclusion, have agreed to enter into a treaty which will accomplish so desirable an object, and to this end they have appointed their respective plenipotentiaries, viz, The President of the Republic of Mexico has appointed Don Ignacio Mariscal, the secretary of state for foreign relations; and the President of the Republic of Guatemala, Don Manuel Herrera, jr., envoy extraordinary and minister plenipotentiary (from Guatemala) near the Government of Mexico, who, after having exhibited their respective powers, which were found to be in regular order, and having before them the preliminaries signed by the representatives of both nations in the city of New York, in the United States of America, on the 12th of August of the present year, have agreed upon the following articles:

ARTICLE I.

The Republic of Guatemala forever renounces the rights which she has considered she had to the territory of the state of Chiapas and its district of Soconusco, and in consequence, that territory is to be considered as an integral part of the United States of Mexico.

ARTICLE II.

The Mexican Republic properly appreciates the conduct of Guatemala and acknowledges the motives that have prompted the foregoing renunciation are as worthy as they are honorable, and declares that in similar circumstances would have pursued the same course.

Guatemala on her part, satisfied with this solemn acknowledgment and declaration, agrees not to demand an indemnity of any sort in consideration of the foregoing stipulation.

ARTICLE III.

The boundary between the two nations shall, forever, be as follows:

1st. From a point in the sea three leagues distant from the upper mouth of the river Zuchiate, and thence following the deepest channel thereof, to the point at which it intersects the vertical plane which crosses at the highest point of the volcano of Tacaná, and distant twenty five miles from the most southern pillar of the gate of Talquian, so that that gate shall be on the territory of Guatemala.

2d. The determinate line by the vertical plane defined above until it touches the river Zuchiata at the point of its intersection with the vertical plane which passes the summit of Buenavista and Ixbul.

3d. The determinate line by the vertical plane which passes the summit of Buenavista, determined by the astronomical observation taken by the Mexican scientific commission, and the summit of the Ixbul hill from where it intersects the former to a point four kilometers beyond said hill.

4th. The parallel of latitude which crosses the last-named point and from thence eastward until it reaches the deepest point of the river Usumacinta, or the river Chixey in case said parallel does not cross the first-named river.

5th. The middle of the deepest channel of the Usumacinta, in the one case, or of the Chixey in place of the Usumacinta, continuing thence, on the other, from where the said parallel touches one or the other of these rivers, to where it touches the deepest channel of the Usumacinta, twenty-five kilometers to the south of Tenosique in Tabasco to be measured from the center of the plaza of that town.

6th. The parallel of latitude referred to above, from its intersection with the deepest channel of the Usumacinta, until it intersects the meridian which passes at one-third of the distance between the centers of the Plazas of Tenosique and Sacluc, this distance being calculated from Tenosique.

7th. This meridian from its intersection with the parallel above mentioned to the latitude of seventeen degrees and forty-nine minutes ($17^{\circ} 49'$).

8th. The parallel of seventeen degrees and forty-nine minutes ($17^{\circ} 49'$) from its intersection with the anterior meridian indefinitely toward the east.

ARTICLE IV.

In order to trace the boundary lines upon maps to be made, and to erect upon the territory monuments which will show the limits of each Republic in conformity with the provisions of the foregoing article, each of the two Governments shall appoint a scientific commission. Both commissioners shall meet at Union Jurez, six months at the latest from the exchange of ratifications of this treaty, and proceed at once with the foregoing operations.

They shall make surveys and maps of the same; and the result of their labors, agreed to by them, shall be considered as a portion of this treaty, and shall have the same effect as though they had been inserted therein. Their work shall be completed within two years, counting from the date of their meeting. If either of the commissioners is not present at the expiration of six months as above stipulated, the other at the time specified shall commence its work, and the work done by it shall have the same force and validity as though it had been the work of both. The two Governments will as soon as possible enter into an agreement which shall determine the details of the commissions and their work.

ARTICLE V.

The citizens of either of the two contracting parties who, in virtue of the stipulations of this treaty may be in the territory of the other, may remain therein for such period of time as may be convenient to them, preserving in said territory the properties which they may possess, or alienate them and transmit the price thereof wherever they like, without being subjected to any species of contribution, charge, or tax. Those who elect to remain in any of the territory ceded, may retain their condition and rights of citizenship of the nation to which the territory formerly belonged, or acquire citizenship of the nation to which it is to belong in the future. But election of citizenship must be made of one or other nation within the period of one year, counting from the date of the exchange of the ratifications of this treaty; and those who remain in said territories after the expiration of the year, without having declared their intention of retaining their old nationality, shall be considered to be citizens of the other contracting party. Every species of property situate in the ceded territory shall be inviolably respected, and the actual owners thereof, their heirs and those who succeed them may equally acquire said properties, enjoying in respect to them guarantees as ample as are enjoyed by citizens of the nation in which they are situated.

ARTICLE VI.

It being the object of both Governments in agreeing to the present treaty, not only to put an end to the difficulties which exist between them, but also to terminate and avoid those which have originated or which may originate between neighboring populations of either country arising out of the uncertainty of the actual boundary lines, it is stipulated that within six months after the meeting of the scientific commissioners, mentioned in Article IV, a joint notice shall be sent by their respective Governments of the inhabitants, plantations, and farms which will certainly be located

within the boundary line to be established in conformity with Article III. This notice received, each Government is authorized to immediately issue such orders as may be necessary to establish its authority to these points which is to come within the territory of the respective nations.

ARTICLE VII.

The present treaty shall be ratified in conformity with the provisions of the political constitution of the respective Republics, and the exchange of ratifications shall be made at this capital at the shortest date possible.

In faith of which the present treaty is signed and sealed by the plenipotentiaries.

Made in duplicate at the city of Mexico the twenty-seventh of September, eighteen hundred and eighty-two.

IGNACIO MARISCAL. [L. S.]
MANUEL HERRERA, JR. [L. S.]

That the preceding treaty was affirmed by the senate of the United States of Mexico on the seventeenth day of October, eighteen hundred and eighty-two, and ratified by me on the fourth of January of the present year;

That it was equally approved by the legislative assembly of Guatemala on the twenty-fifth day of December, eighteen hundred and eighty-two, and was ratified by the President of Guatemala on the twenty-ninth day of the same month and year;

And that the ratifications of the foregoing treaty were exchanged on this day in the city of Mexico;

Wherefore I order that you print, publish, and circulate it, and give to it its proper execution.

Palace of the National Government, Mexico, first day of May, 1883.

MANUEL GONZALEZ.

To the licenciate Ignacio Mariscal, secretary of state for foreign relations, and I communicate it to you that you may take notice thereof.

Liberty and constitution.

Mexico, May 2, 1883.

MARISCAL.

No. 72.

Mr. Davis to Mr. Morgan.

No. 406.]

DEPARTMENT OF STATE,
Washington, May 28, 1883.

SIR: Your despatch No. 614, of the 9th instant, inclosing a copy and translation of the treaty recently signed between Mexico and Guatemala, adjusting their boundary differences, has been received. Expressing the Department's pleasure at this pacific settlement of the dispute,

I am, &c.,

JOHN DAVIS.

No. 73.

Mr. Morgan to Mr. Frelinghuysen.

No. 689.]

LEGATION OF THE UNITED STATES,
Mexico, September 20, 1883. (Received October 6.)

SIR: As a complement to my dispatch No. 614, 9th May, 1883, with which I transmitted to you a copy and translation of the treaty entered into between Mexico and Guatemala, on the 27th of September, 1882,

I now inclose a protocol thereto of the 14th of the present month of September, as published in the "Diario Oficial" of the 18th instant, together with a translation thereof, which has been subscribed with the view of carrying out the provisions of the treaty above named.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 689.—Translation.]

"DIARIO OFICIAL,"
Tuesday, September 18, 1883.

DEPARTMENT FOR FOREIGN RELATIONS, SECTION OF AMERICA.

Protocol to the agreement celebrated between Don José Fernandez, subsecretary in charge of the department for foreign relations of the United Mexican States, and Don Manuel Herrera, junior, envoy extraordinary and minister plenipotentiary of the Republic of Guatemala, each representing their respective Governments, to determine the details relative to the organization and proceedings of the commission whose duty it will be to trace the boundary line agreed to in the boundary treaty celebrated between the two countries on the 27th September, 1882.

It having been stipulated in Article IV of the treaty of the 27th September, 1882, which settled the question of boundary between Mexico and Guatemala, that both Governments should, in the shortest delay, enter into an arrangement by which to determine the details relative to the commission, and the labors thereof, which are mentioned in that article, the undersigned, D. José Fernandez, under secretary for foreign relations in charge of the department thereof, and D. Manuel Herrera, envoy extraordinary and minister plenipotentiary of Guatemala, representing the Government of that Republic, have held several conferences, and, after having taken into consideration and discussed the project presented by the Mexican Government, the counter project presented by Señor Herrera, and the additional counter project presented by Señor Fernandez, and a third one presented by Señor Herrera, have, after mutual concessions, agreed upon the following articles:

ARTICLE I.

The personnel of each of the commissions spoken of in Article IV of the treaty of 27th September, 1882, shall be composed of one chief engineer in making astronomical observations, two topographical engineers of the first class, two of the second, and two first and second assistants.

If in the course of the operations which have to be made either of the Governments considers it convenient to add an additional astronomer, it may do so, giving at the least one month and a half notice in advance to the other Government.

ARTICLE II.

The two commissioners shall meet at Union Juarez on the 1st day of November next. They shall commence their work at the extreme south of the line agreed upon, and shall continue their operations in the order specified in the treaty, except in places where there is a natural boundary, in which places the points shall be geographically fixed.

ARTICLE III.

The purely astronomical work which will be done near the verticals of the dividing lines, shall be done separately by the astronomers of both countries, when from the results obtained there shall be found a difference in latitude or in the azimuthal angle which shall not exceed one second. The two shall be combined and the result obtained shall be considered decisive.

ARTICLE IV.

The tracing of the geodesical lines agreed to in the treaty shall be made conjointly by the astronomers of both countries; but they may be made separately if it shall be so agreed between them.

ARTICLE V.

For the work purely topographical the entire zone shall be divided in sections, under the charge alternately of the Mexican and Guatemalan topographers.

ARTICLE VI.

The geodesical lines and parallels of latitude which mark the treaty shall be designated by monuments from parallel 17° 49', indefinitely towards the east. These monuments shall, in general, be of stone masonry, well cemented, except where the cost of material is very great, in which case the foundations shall be of stone masonry, and the monuments shall be made of the best materials which are to be produced in the neighborhood. They are to be of truncated pyramidal form, surrounded by other small pyramids, with a base of one meter on the sides and three meters high from the level of the ground.

ARTICLE VII.

The monuments shall be placed at such distances apart that from one may be seen the one which precedes and follows it. In desert tracts and whenever the following of this rule shall make the construction of the monuments very expensive, they may be placed at further distances apart. Each of the Republics shall meet and pay for the one-half of the monuments.

ARTICLE VIII.

Whenever the forests or the accidents of the ground make it necessary to open roads, such roads shall not exceed six meters in width. Each of the commissioners shall employ and pay an equal number of workmen for performing such work.

ARTICLE IX.

When running the dividing line maps shall be made in each zone of two kilometers at least on each side thereof, describing the accidents and notable points of the country and each of the monuments which are erected thereon.

ARTICLE X.

When the work shall have been completed duplicate maps on a scale of one to one hundred thousand shall be made; the chiefs of the commission shall certify to them, and, thus signed, deliver them to their respective Governments, accompanied by their reports, the original of their field-notes, and certified copies of those of the commission of the other Government.

ARTICLE XI.

Each Government shall give to its respective commission the instructions necessary for the performing of its work.

ADDITIONAL ARTICLE.

It is agreed between the subscribers to this protocol, they being authorized thereto, that it is the wish of the two executives of the high contracting parties that this convention is and shall be held to be definitive, and therefore that it is not necessary that it shall receive the approval or subsequent ratification of said executives.

In faith of which this protocol, in duplicate originals, has been signed and sealed, at the city of Mexico, on the fourteenth day of September, eighteen hundred and eighty-three.

JOSÉ FERNANDEZ.
MANUEL HERRERA, JR.

This is a copy. Mexico, September 14, 1883.

JOSÉ FERNANDEZ,
Official Mayor.

José





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