you suggest the hypothetical case of Lake committing some crime while being deported by the Japanese, and ask whether, in the event of his being convicted thereof in the consular court, the Japanese authorities would have a right to demand his delivery to them for deportation.

While it is not the Department's custom to deal with hypothetical cases, the antecedents of Lake, his apparent disposition to defy the authority of the Japanese in his regard, and the difficulty and delay you might find in communicating with the Department should a question arise, seem to warrant some general observations supplementing Mr. Strobel's instruction No. 25, of February 16, 1894.

An American citizen falling under the inhibitions of Article VII of the treaty of 1858 loses the treaty right of sojourn in Japan, but he loses nothing else. All other rights of American citizenship remain intact, and with them all its obligations, including subjection to consular jurisdiction for any new offense or misdemeanor he may thereafter commit in Japan. Mere defiance of or resistance to a Japanese order of deportation would not be such a triable offense, unless, indeed, he should commit some violently criminal act, which is hardly to be anticipated. In such a case expulsion could only take place after punishment for the offense had been imposed and completed. This is not expressly declared in the treaty, but it must be so, otherwise the crime, although duly ascertained by trial, might go unpunished, since deportation can in no case be regarded as a punishment for the offense, but is merely an administrative act which is left by the treaty to the discretion of the Japanese authorities.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

MEXICO.

BANCO VELA DISCUSSION.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, January 15, 1894. (Received January 18.)

MR. SECRETARY: I have the honor to forward to you a copy of a report of the special boundary commission (*Mesa especial*), of the department of foreign relations of Mexico, from which it appears that the authorities of Texas are performing acts of jurisdiction on the Banco Vela, in violation of the agreement concluded between the Government of Mexico and that of the United States to submit this incident, for examination, to the International Boundary Commission organized under the convention of March 1, 1889, and in contravention of the express stipulations of the said convention.

The annexed copy contains all the data relative to this matter, and in view of them the Government of Mexico has instructed me to present a complaint to that of the United States, and to request it to obtain from the authorities of Texas the release of Rómulo Sanchez, the exercise of jurisdiction over that Banco which led to his arrest having been unwarranted, pending the adoption of a proper decision by the International Boundary Commission, and by both Governments in turn, in conformity with the aforesaid convention of March 1, 1889.

Accept, etc.,

M. ROMERO.

[Inclosure.—Translation.]

[Department of state and office of foreign relations, section of America, Asia, and Oceanica. Special boundary commission. No. 540. Question of Banco Vela.]

MEXICO, *January 3, 1894.*

Notwithstanding the fact that no decision has yet been pronounced concerning the right of jurisdiction over the Banco Cuauhtemoc, in the municipality of Reynosa, on the River Bravo, which, because of a change in the current, has passed to the American side, the authorities of Texas have again appropriated it, as stated by the governor of the State of Tamaulipas in his note of November 29, 1893, which occasions this report.

By a letter from the auxiliary judge of Reynosa, the governor of that State was informed that the American citizen Miller had, on the 24th of September, crossed to the Mexican bank and entered by force the dwelling of Vela, notifying the person in charge of it, Rómulo Sanchez, to vacate it at once, leaving there the fourth part of the crops as the price of the rent of the land, threatening, if he disobeyed these orders, to imprison him in the jail at Hidalgo, which threat was carried out on the 21st of October, the apprehending parties refusing to take an inventory of the goods which, under summons, Sanchez had to deliver, as he had been notified by the Mexican authority.

Rómulo Sanchez has been sentenced to pay a fine of $100 and to remain in prison until he and his employer wholly relinquish possession of the Banco Cuauhtemotzin to the Salinas, as is shown by the inclosures to the note of the governor of Tamaulipas, a *résumé* of which I give below for the elucidation of this report.

From these documents it appears that the district court of the county of Hidalgo

commenced its regular sessions on the 2d of October of this year, and that in several successive sessions the following points were decided:

1. To declare (October 4) that the claimants, Patricio Pérez and Martina Salinas de Pérez, had a right to be heard, and to institute proceedings against the defendant, Antonio H. Vela, for the possession of a lot which is said to belong to the county of Hidalgo, Tex., and for a part of the concession of lands by the vice-royal Government to José María Tijerina, the declaration of the said court determining the limits of the lot of the former jurisdiction of Reynosa, and to adjudge the lands and their appurtenances to Pérez and his wife. to which end the issuance was granted of the necessary orders for taking possession and its confirmation, prohibiting Vela and his associates from any interference on said lands that might disturb or molest the claimants or their agents, employés, tenants, and servants, either in the possession or use or enjoyment of them, and finally sentencing said Vela to pay the costs of the suit.

2. To decree, the same day, that the British-American mortgage company might recover from the accused, Antonio H. Vela, a piece of land situated 22 miles north of the county of Hidalgo, which is the ground disputed and described in the petition of the claimant, known by the name of section 45, originally conceded to Miguel Cano by the Spanish Government. It appears that this land has formed the subject of another dispute, which has been submitted to the jurisdictional action of the government of Texas, and which will, in due time, be decided by the international commission.

3. To order the arrest (October 17) and to sentence Rómulo Sanchez, an employé of Vela, to pay a fine of $100 for having disobeyed the order of the court, and to remain in the public jail at Hidalgo until he and his employer relinquish to the plaintiff absolute and entire possession and control of the Banco.

Washington, January 15, 1894.

A copy. M. COVARRUBIAS.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 24, 1894.

SIR: I have to say with reference to your note of the 15th ultimo that, as I learn by a letter of the 20th instant from the governor of Texas, Rómulo Sanchez was discharged from jail more than a month previous to the date of his letter. He adds, "At no time was any question raised as to the jurisdiction of the court by reason of the land in litigation being foreign territory."

Accept, etc., EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 28, 1894. (Received March 28.)

MR. SECRETARY: I have the honor to inform you that I have received from Señor Mariscal, secretary of foreign relations of the United Mexican States, instructions, dated at the City of Mexico the 15th of the current month, to state to you that the governor of the State of Tamaulipas has sent to the Mexican Government a report of the municipal president of Reynosa, in which he relates various acts done by residents of Hidalgo County, Tex., upon a Mexican "banco" (cut-off) of the Rio Bravo (Rio Grande) in front of Granjeno.

From the report it appears that, by reason of the change of the current of the Rio Bravo—which is frequently repeated—a piece of land situated in Mexican territory has become an object of dispute between citizens of the two nations.

The Mexican citizens Don Manuel Garza and Don Juan Garza Chavarría have been in possession of this piece of land on the banks of the Rio Bravo since it was adjudicated to them by the authorities of Reynosa in 1868, and have not ceased to cultivate it, having been recognized as the owners thereof by the citizens of Texas themselves; but, by reason of the deviation of the river, the latter are now endeavoring to deprive the owners of the land of their legitimate rights, and stimulated by the judge of Hidalgo, Honorable William P. Dougherty, several citizens of Texas have undertaken operations on the aforesaid "banco," opening breaches, plowing, and doing other works within the walls of the said piece of land, and when the owners of the same attempted to close a gateway which had been opened in this wall, the judge of Hidalgo County opposed it, and threatened with imprisonment whomsoever should attempt to close that gateway.

From the report received in the department of foreign relations of the Mexican Government, it appears that both the owners of the aforesaid Mexican "banco" and the authorities of Reynosa have proceeded with the utmost prudence and circumspection, deferring the decision of this matter until the International Boundary Commission shall have determined the point relative to the ownership of the "banco" in question.

Under these circumstances and in conformity with the convention of March 1, 1889, it is incumbent to suspend all proceedings until the International Commission created by that convention, or the respective Governments, as the case may be, shall decide concerning the nationality of the piece of land in dispute.

To the complaints and protests of the Mexican authorities of Reynosa against the above-mentioned acts, the authority of Hidalgo County has replied, denying to the owners of the piece of land their right to the same, and stating that in the United States it is not the custom to prevent citizens from the exercise of their rights, both personal and as touching their property, which statements would be well grounded were the piece of land under consideration within the territory of the United States, but which are wholly out of place when, in conformity with what has been stipulated by the two Governments, all proceedings are to be suspended in any disputed piece of land until the nationality thereof shall be decided conformably with the basis agreed upon.

In view of this, the Mexican Government has given me instructions to ask the Government of the United States that it shall make the proper communication to the authorities of the State, to the end that they and the residents of Hidalgo County shall suspend all acts against the owners of the Mexican "banco" in the Rio Grande, in front of El Granjeno, until the question of the nationality shall be decided according to the stipulations of the first article of the convention of March 1, 1889.

Be pleased to accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

MEXICAN LEGATION,
Washington, June 30, 1894. (Received July 2.)

MR. SECRETARY: I have the honor to inform you that I have received instructions from the Government of Mexico to request that of the United States to issue anew such instructions as it may deem proper in

regard to the release of the Mexican citizen Antonio H. Vela and the observance of the *status quo* with respect to the bank in the River Bravo, which bears the name of "Banco Cuauhtemoc" or "Banco Vela" as I requested in advance, pending the decision of both Governments, in conformity with the provisions of the convention in force in regard to the nationality of that territory.

The Mexican consul at Brownsville, Tex., informs the secretary of foreign relations of the Mexican United States, under date of the 12th instant, that Vela has been summoned by the Federal court in that place, and that he has been arrested and taken to jail.

The judge of the Federal court, moreover, informed the Mexican consul that he had no knowledge whatever that your Department had taken any measure respecting that matter.

Accept, etc., M. ROMERO.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, July 5, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, requesting the release of Antonio H. Vela and the maintenance of the *status quo* in respect to the "Banco Vela" until the nationality of that territory be adjusted by the International Boundary Commission.

The matter has been brought to the attention of the governor of Texas for appropriate action. Upon the receipt of his reply you will be informed of its purport.

Accept, etc., W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, July 11, 1894. (Received July 11.)

MR. SECRETARY: I have the honor to inform you, with reference to our previous correspondence respecting the arrest at Brownsville, Tex., of the Mexican citizen Antonio H. Vela, that I have received instructions from Señor Mariscal, secretary of foreign affairs of the United States of Mexico, dated City of Mexico, June 26, 1894, to inform your Department that the Mexican consul at Brownsville reports that Vela's arrest has been insisted upon on the charge of smuggling to the Vela bank and of having shot from one to the other side of the river; that he is further charged with having disobeyed the order of the Texas authorities to leave the bank, and a summons that was sent him from Hidalgo County, and that only under bail has he been able to obtain his liberty.

The Mexican consul at Brownsville calls attention to the fact that the prosecuting attorney has stated that he has no knowledge of the understanding that has been reached between the Mexican Government and the United States Government with respect to submitting to the International Boundary Commission the question of the nationality of the Vela bank, in order that it be decided in conformity with the convention of March 1, 1889.

For this reason I am again instructed by Señor Mariscal to call this matter to the attention of the United States Government in order that it may renew its orders for a stay of all proceedings against Antonio H. Vela pending the decision, in the terms aforesaid, respecting the nationality of that bank.

Accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, October 12, 1894. (Received October 12.)

MR. SECRETARY: I have the honor to transmit to you, referring to our previous correspondence on the subject, a copy of a communication from the consul of Mexico at El Paso, Tex., bearing date of the 4th instant, which shows the urgent necessity that exists for a decision of the question relative to the taking of water from the Rio Bravo (Rio Grande) del Norte in the State of Colorado and the Territory of New Mexico, which has so seriously affected the existence of the frontier communities for several miles below Paso del Norte, above the confluence of the tributary rivers with the Rio Grande, and points out the danger lest otherwise those communities may be annihilated.

My object in sending you the inclosed copy is to solicit, very specially, an examination and decision of this grave question by the Department of State, in order that the evils referred to by the Mexican consul at El Paso, Tex., may be remedied.

Be pleased to accept, etc., M. ROMERO.

[Inclosure.—Translation.]

Mr. Guarneros to Mr. Romero.

No. 2.] CONSULATE OF MEXICO,
El Paso, Tex., October 4, 1894.

For some time past, as you are aware, the difficult question of the right of both peoples to make use of the water of the Rio Grande has been agitated by the inhabitants of the frontier towns of Paso del Norte and El Paso, Tex. This question is an element that is destined to decide with regard to the existence or the disappearance of the frontier towns. Thus has been estimated, with good reason, in my opinion, the importance of this most serious question.

As you are likewise aware, our Government has never abandoned its claim to that right, and no one doubts that the matter will be settled in a manner favorable to the interests of both countries; but that which now renders it imperatively necessary that some step be taken, even if it be merely of a temporary character, is that the alternative "to be or not to be" is daily drawing nearer, an alternative which has so long been feared by persons who know the needs which press so hard upon Ciudad Juarez. The nearness of that danger is what compels me to address this report to you, the depopulation of our aforesaid city staring me, so to speak, in the face.

Of course it is not my purpose here to touch upon the points of public law which the question involves, since that does not come within my

province, nor would I ever presume thus to elucidate it; I must simply confine myself to a statement of what is actually taking place to the detriment of the interests of Paso del Norte, leaving it to you to infer what the results will probably be.

Agriculture, which is already impoverished on this entire frontier, is threatened with total destruction within perhaps two years, if the scarcity of the river water continues during that short period; and the destruction of agriculture will inevitably entail the ruin of the infant industries which are now kept in existence with so much difficulty.

Almost all articles of prime necessity are brought from places situated at a distance of from 500 or 1,000 miles, because they can not be produced here, and this circumstance occasions a condition of things that is well nigh unbearable, since, owing to it, the prices of commodities are not proportionate to the limited means of the majority of the inhabitants.

It is already impossible for employers to pay the wages of their employés with their accustomed liberality or regularity; large numbers of the laboring class are absolutely unable to find employment, and leave the country. As this class of persons forms the majority of the inhabitants, it is evident that, if this state of things continues, the city must go to decay and ruin.

There remains no other recourse for the maintenance of tranquility pending the settlement of the main question—the only one which will remedy so many evils—than the equitable division of the waters of the river.

There is a scarcity of that water here, not because the supply in the river has been naturally exhausted, in which case there would, of course, be no ground for complaint, but because of the numberless drains which have been made by the farmers of Colorado and New Mexico, who have settled the pending question by appropriating the water of the Rio Grande to their own exclusive use.

Companies, moreover, are still being organized and plans are being formed, more or less seriously, for the purpose of monopolizing on the American side the small amount of water brought down by the river in those months when it is so abundant that it can not be exhausted by the drains in New Mexico and Colorado. A meeting of stockholders has just been held at Denver for the purpose of removing the political and material difficulties which have hitherto stood in the way of the accomplishment of their plans for irrigation, and I am informed that it is attempted to create the impression that these plans involve certain concessions in favor of Ciudad Juarez, such as selling it the water which it requires, when Ciudad Juarez has quite as much right as they have to use the water.

The plans, which have heretofore threatened our city with destruction, are not unknown to you, and it is probable that you also have knowledge of those to which I have referred as having been discussed by the meeting at Denver, but, as a supplement to this report, I have the honor to inclose four clippings from The Times[1] newspaper, published in this city, which have reference to that meeting, and, as I have already remarked, I leave it to you to consider the consequences that must necessarily follow the accomplishment of those plans.

All that I desire to do is to discharge my duty by reporting the foregoing to you and to our Government, and, in doing so,

I have, etc.,

JOSÉ ZAYAS GUARNEROS.

[1] Not printed.

USE OF THE RIO GRANDE FOR IRRIGATION.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, November 1, 1894.

SIR: I have the honor to acknowledge receipt of your note of the 12th ultimo, in relation to the use of the waters of the Rio Grande River in Colorado and New Mexico for irrigation and other purposes.

Having referred your previous note of September 10, last, in regard to the same matter, to the Secretary of Agriculture for examination, I am in receipt of the response of that Department, stating that it is by no means certain that the low state of the Rio Grande at Ciudad Juarez and vicinity is due to the utilization of water for irrigation along the upper course of the river to a greater extent than heretofore. A failure of the supply has frequently occurred at Ciudad Juarez in the past, and this is satisfactorily explained by the drought that has prevailed over the headwaters of the Rio Grande for the last two or three years, and over the territory around El Paso for six or eight years. The evidence in the possession of the Department of Agriculture does not show any material increase in the utilization of water for irrigation on the Upper Rio Grande for several years past.

Your present note of October 12 has been in like manner referred to the Secretary of Agriculture with a recommendation that the matter be investigated.

Accept, etc., W. Q. GRESHAM.

DISCRIMINATING TONNAGE AND CARGO DUES IMPOSED ON MEXICAN VESSELS IN AMERICAN PORTS.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, December 26, 1893. (Received December 26.)

MR. SECRETARY: For the reason that the Congress of the United States of Mexico passed a law on the 12th of December, 1883, whereby certain reductions in import duties were granted to foreign goods imported into Mexico in Mexican vessels, and since there was no commercial treaty in force between our two countries that provided otherwise, the Secretary of the United States Treasury decided, on the 24th of May, 1889, by circular 9402, that, in pursuance of section 2502 of the Revised Statutes of the United States, a discriminating duty of 10 per cent ad valorem, in addition to the import duties paid by goods imported in vessels of the United States of America, should be levied upon Mexican goods imported in Mexican vessels.

For the same reason, the Secretary of the Treasury also decided that, instead of the 3 cents per ton which, according to article 11—marked—14, of the act of June 19, 1886, Mexican vessels entering United States ports were required to pay, $1 per ton should be collected from them.

The Congress of the United States of Mexico, desiring to place foreign vessels on the same footing with Mexican vessels as regards the payment of import duties, has repealed articles 1 and 2 of the act of December 12, 1883, which provided for those reductions, and it has to

that end passed another act, which was approved December 14, 1893, a copy of which I inclose.

The cause having been removed which led to the imposition, in the United States of America, of duties which discriminated against Mexican vessels, it is proper to enforce the provisions of section 4228 of the Revised Statutes of the United States, which provides that when satisfactory evidence is furnished to the President that the imposition of discriminating duties upon United States vessels, and upon goods imported in the same, has been suspended by any nation, the President of the United States of America may issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, etc.

The Government of Mexico has consequently instructed me to notify that of the United States that the act of the 14th instant is now in force, and to state that the Mexican Government therefore trusts that that of the United States will order, in behalf of Mexican vessels, and of goods imported by them into the ports of the United States, the suspension of the provisions of the circular of the Treasury Department dated May 27, 1889, which was issued in pursuance of section 2502 of the Revised Statutes of the United States, and which is still in force, and that it will likewise order the discontinuance of the discriminating tonnage dues.

Be pleased to accept, etc., M. ROMERO.

Mr. Gresham to Mr. Gray.

No. 177.] DEPARTMENT OF STATE,
Washington, January 29, 1894.

SIR: I inclose herewith copies[1] of the communications enumerated below in relation to the discriminating duties levied by the Mexican Government upon American vessels.

In view of the request contained in the note of the Mexican minister here, you are instructed to ascertain whether or not the Mexican Government continues to discriminate in any manner, either by rebates or otherwise, against American steam vessels or American sailing vessels, or the cargoes of either, imported into or exported from Mexico, from or to the United States, or from or to any other foreign country.

In this connection your attention is invited to Mr. Butler's No. 205, of the 16th ultimo.

I am, etc., W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, April 7, 1894. (Received April 7.)

MR. SECRETARY: I have the honor to inform you that I have received instructions from the Mexican Government to inquire of that of the United States if any decision has been accorded in regard to the note

[1] Not printed.

which I addressed to your Department on the 26th of December, 1893, with which I forwarded to you a decree of the Congress of the United Mexican States, promulgated the 14th of the said month of December, which derogated articles 1 and 2 of the law of December 12, 1883, which granted some abatement of import duties on merchandise imported in national vessels.

Some time having elapsed without there having been communicated to this legation the decision of the Government of the United States in regard to this matter, the Mexican Government advises me to inform it what is its present situation.

Accept, etc., M. ROMERO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 10, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in which you refer to your note of December 26, last, requesting, for reasons therein given, a suspension by this Government of discriminating duties on tonnage and cargo now imposed in our ports in the case of Mexican vessels.

The subject of your note was referred to the Treasury and is still under consideration by that Department. As soon as a conclusion is reached it will be made known to you.

Accept, etc., EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Gray.

No. 208.] DEPARTMENT OF STATE,
Washington, April 10, 1894.

SIR: Referring you to instruction No. 177 of 29th January last, in which you were desired to "ascertain whether or not the Mexican Government continues to discriminate" in the matter of certain duties against American vessels, I have to ask, in view of a recent note of the minister of Mexico here, and in order to reply to the Treasury letter of 22d January last, that you will report the facts required at your very earliest convenience.

I am, etc., EDWIN F. UHL,
Acting Secretary.

Mr. Gray to Mr. Gresham.

No. 275.] LEGATION OF THE UNITED STATES,
Mexico, April 16, 1894. (Received April 23.)

SIR: I have the honor to acknowledge receipt of the Department's dispatches Nos. 177 and 208, respectively, dated January 29 and April 10, 1894, relative to discriminating duties levied and collected by the Mexican Government from American vessels.

On receipt of your No. 177, and under date of February 12, 1894, I addressed letters of inquiry, to obtain the information desired by the

Department, to the American consuls at Vera Cruz, Tampico, Mérida, Acapulco, Mazatlan, and Guaymas, ports of Mexico. These letters were identical with the one addressed to Mr. Schaefer (see inclosure No. 1).

The delay of this reply to your No. 177 has been occasioned by the failure of the consuls fully to answer my inquiries. I herewith inclose copies of all correspondence in the case, including requests by me for further information.

It appears from advices (see inclosures) that the Mexican Government continues to levy and collect discriminating duties from American vessels.

I am, etc., ISAAC P. GRAY.

[Inclosure 1 in No. 275.—Discrimination by Mexico against American vessels.]

Mr. Gray to Mr. Schaefer.

LEGATION OF THE UNITED STATES,
Mexico, February 12, 1894.

MY DEAR SIR: The Mexican Congress enacted a law on the 12th of December, 1883, granting certain deductions in import duties upon foreign goods imported into Mexico in Mexican vessels. In view of said discrimination by the Mexican Government in favor of Mexican vessels, the Secretary of the United States Treasury, in pursuance of section 2502 of the Revised Statutes of the United States, issued on the 24th of May, 1889, circular 9402, directing that a discriminating duty of 10 per centum ad valorem, in addition to the import duties paid on goods imported in vessels of the United States, should be levied and collected upon goods imported in Mexican vessels, and it was further ordered by the Secretary of the Treasury that $1 per ton should be collected from Mexican vessels entering United States ports, instead of 3 cents per ton therefor, collected under the act of June 19, 1886.

The Mexican Government, through its minister at Washington,[1] has informed the Department of State that the provisions of the Mexican law of December 12, 1883, under which said discrimination was made in favor of Mexican vessels, has been repealed, that foreign vessels are now placed by Mexico on an equal footing with Mexican vessels, and requesting the Government of the United States to suspend its said circular 9402, and to discontinue its discriminating tonnage dues.

I am instructed to ascertain whether or not the Mexican Government continues to discriminate in any manner, either by rebates or otherwise, against American steam vessels or American sailing vessels, or the cargoes of either, imported into or exported from Mexico, from or to the United States, or from or to any other foreign country. For a full understanding of the nature of this inquiry your attention is invited to the inclosures enumerated below.

You will please give the matter your particular attention and report to me at your earliest convenience.

Sincerely yours, ISAAC P. GRAY.

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[1] See correspondence with Mexican legation at Washington, pp. 397, 398.

[Inclosure 2 in No. 275.]

Mr. Schaefer to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Vera Cruz, Mexico, February 22, 1894.

SIR: I have the honor to acknowledge receipt of your communication of February 12, with inclosures as stated.

In reply will say that the discrimination against all foreign sailing vessels still continues, and if any orders not to collect the $1.50 tonnage duty have been given, I have no knowledge of its noncollection; in fact, the contrary is the case. An American schooner, the *Millie Williams*, arrived here from Pascagoula, Miss., on January 18, 1894, laden with lumber, and the $1.50 per ton was collected on her cargo. Since then no American sailing vessel has arrived at this port laden with anything on which these dues could be collected. As you are doubtless aware, this duty is collected only from sailing vessels, steamers not being charged any tonnage duty. The discrimination is against all foreign sailing vessels. The Mexican sailing vessels do not pay the tonnage duty. I would say, however, that no Mexican vessel has come into this port from the United States since my arrival here, some eight months since, but that previous to that time the only charge against them was $50 for light-house dues. In all other respects, so far as I can learn, this tonnage duty is the only difference between charges for Mexican vessels and foreign.

While on this subject I wish to call your attention to a matter that appears to me could be remedied and would redound to the benefit of the American marine. I allude to the Mexican law governing masters and officers of national (Mexican) steamers. This law, in common with the general maritime laws of all nations, provides that masters, chief officers, and engineers of all vessels flying the Mexican flag shall be naturalized Mexican citizens.

The exceptions to this law should, in my opinion, be that a properly qualified engineer of any nationality should be permitted to ship in charge of the mechanical department of any national Mexican steamship. My reason for this is, that a thorough knowledge of the art of mechanical engineering can only be obtained by the Mexican citizen outside the limits of his country. As a consequence of this law, owners of steamships who would find it greatly to their advantage are prevented from nationalizing their steamers on account of being compelled to place the most important department of their vessels in the hands of inexperienced men. Could this concession be obtained, the American mariner would be benefited in other respects; the law could be complied with by the utilization of so-called "paper officers," leaving the ship actually in command and under the management of practical American seamen and engineers.

I am, etc.,

CHARLES SCHAEFER,
U. S. Consul.

[Inclosure 3 in No. 275.]

Mr. Gibson to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Guaymas, Mexico, March 10, 1894.

SIR: I have been detained in answering your inquiry of February 12, 1894, for the fact that I could (not) until now get the necessary information.

In replying I herewith inclose statement from William Lunn & Co., lumber merchants at this port. The same is self-explaining, though by no means as explicit as I would have liked.

You will see from this that all American vessels are required to pay $1.50 per ton at landing, also 5 per cent pilotage, as well as light-house dues in and out, which amounts to $50.

The inclosure shows plainly the amount paid by Lunn & Co. on six lumber vessels all landing between January 14, 1893, and January 14, 1894, and also shows the difference in the measurement here and the actual register tonnage. I wish to call your attention to the fact that there are no Mexican vessels landing at this port with cargo from ports in the United States. All of the six mentioned in inclosure are lumber vessels from Puget Sound and sailing under our flag.

I will make further investigations when the *St. Paul* arrives from San Francisco on the 4th of the coming month, and should I get further facts will report to you at once.

I am, etc.,

JOHN S. GIBSON, JR.,
U. S. Consul.

[Subinclosure A in No. 275.]

Statement of dues paid by American vessels from January 14, 1893, to January 14, 1894, consigned to William Lunn & Co.

Name.	Tonnage.	Light-house.	Pilot-age.	Total.	Measure-ment here.	Register tonnage.	Discrep-ancy in measure-ments here and register tonnage.
American schooner Corona.....	$724.77	$50.00	$51.12	$825.89	483.19	374.65	108.40
American schooner Zampa.....	583.74	50.00	56.37	690.11	389.16	366.48	22.68
English bark Mysterious Star..	1 coal.	50.00	71.37	121.37	.....	.....	.....
American schooner Mary E. Russ	362.09	50.00	55.00	467.09	241.40	223.70	17.70
American schooner Robert Suden	939.35	50.00	70.12	1,059.47	626.23	585.22	41.01
American schooner Newsboy...	938.96	50.00	75.12	1,064.08	625.98	559.37	65.51
American schooner Hueneme ..	704.31	50.00	44.25	798.56	469.54	346.77	112.77
American schooner Zampa.....	583.74	50.00	56.87	690.61	.....	.....	.....
Total.....	4,836.96	400.00	480.22	5,717.18	.....	.....	.....

[Inclosure 4 in No. 275.]

Mr. McCasky to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Acapulco, Mexico, March 12, 1894.

SIR: Your letter relative to discrimination against American shipping with its several inclosures, under date of February 12, reached this office February 27.

I have secured a list of charges imposed at this port and which I copy below. As far I can learn they are assessed without discrimination and follow the provisions of the general federal laws.

I. Foreign steamers and sailing vessels with cargo of general merchandise pay the following charges: Tonnage dues, $1.50 per register ton, paid only in the first port; pilotage, $1.75 per foot draft coming in, and the same going out; discharging, $8 in stamps; clearance of the custom-house, having cargo, $8; clearance of the captain of the port,

$4; bill of health, etc., $4.50; certificate of call, 50 cents. The light-house at this port being the property of the Pacific Mail Steamship Company, no light-house dues are paid here.

II. Foreign steam and sailing vessels having no special contract pay the charges enumerated in No. I, except tonnage dues. No tonnage dues are collected in this instance.

III. Steamers of the Pacific Mail Steamship Company, and vessels carrying coal for the Pacific Mail Steamship Company, and vessels carrying coal for the Pacific Mail Steamship Company under a contract with the Mexican Government pay no tonnage dues, and pilotage is reduced to $2 for each vessel, but payable at every port, at which all other charges are the same as in No. I.

IV. As you are aware, vessels that come to Mexican ports to take out of the country lumber or timber are measured again in order to ascertain their capacity in cubic meters, in conformity with the international treaty of Constantinople, and tonnage dues are then paid on tons of cubic meters. German vessels are not subjected to remeasurement, but the captain of port takes the ship's certificate, which, in the case of German sailing vessels and steamers, gives the measurement of the vessels in cubic meters.

V. I have never known, nor can I discover, that a vessel of any character, under the Mexican flag, ever discharged cargo here which she loaded in a foreign port.

VI. Beside the Pacific Mail Steamship Company's steamers there have been but four calls at this port in three years from vessels carrying the flag of the United States; two of these, loaded with coal, were consigned to the Pacific Mail Steamship Company and paid no tonnage dues, and a pilotage fee of only $2; the other two came to this port to have their capacity determined in cubic meters; this done, they took their cargoes at several small ports north of Acapulco. Vessels of all nations are treated the same in this particular, as far as I can learn.

From the information given above it will be perceived that data do not exist here to determine "whether or not the Mexican Government discriminates, in any way, either by rebates or otherwise against American steam vessels or American sailing vessels, or the cargoes of either, imported into or exported from Mexico from or to the United States, or from or to any other foreign country."

This report would have been transmitted at an earlier date had I been able to secure the information which I desired sooner.

Trusting I may have given you some little information which may be of some value to you in the investigation which you are making, I beg to remain, etc.,

JAMES F. MCCASKY,
U. S. Consul.

[Inclosure 5 in No. 275.]

Mr. Davis to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Merida, Mexico, March 27, 1894.

SIR: I have thus far delayed responding to your dispatch of February 12, 1894, with inclosures from the Secretary of Treasury requesting information concerning discriminating rebates, etc., in favor of Mexican vessels, in the hope of soon being able to formulate a reply based upon official records. This, however, I have not yet been able to do. Mean-

while I beg to advise you that, from all the information I have been able to procure from ship masters and agents, as well as from inquiries prosecuted by John Waddle, consular agent at Progreso, a copy of whose letter bearing date March 19, 1894, I herewith inclose, I am satisfied that no such discrimination as is contemplated in your dispatch or its inclosures exists in my consular district.

I am, etc., M. L. DAVIS.

[Inclosure 6 in No. 275.]

Mr. Waddle to Mr. Davis, the consul at Merida.

U. S. CONSULAR AGENCY,
Progreso, March 19, 1894.

SIR: The result of my inquiry *re* information required by U. S. legation, Mexico, is as follows:

The rebate of 2 per cent custom duties on Mexican vessels, given as a stimulus to their own flag, has been removed at this port; that American vessels bringing foreign merchandise to this port pay equal to any other nationality except those carrying mails, which pay no light dues; also Mexican coasting vessels carrying mail are free from light dues. This favor is extended to all nationalities trading with Mexico. Called mail steamers by permission of the Mexican Government run free of light dues.

My informant, although a Government employé, does not give this officially, as it should come from the collector of customs; therefore, call it casual information collected in the port. Otherwise, authority to ask the collector personally if you think it necessary.

I am, etc.,

JOHN WADDLE.

[Inclosure 7 in No. 275.]

Mr. de Cima to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Mazatlan, March 30, 1894.

SIR: Your favor of the 12th ultimo has not been answered sooner on account of my being ill.

I have looked up the matter closely, and have been in consultation with several officials and prominent merchants at this port and two American sea captains, and have ascertained that there is no discrimination going on either in favor or against any nationality as regards port charges.

As to the collections of duties on goods from the United States, nothing can be said, as only American vessels do the traffic, there being no Mexican vessels in this consular district that can do other than coast traffic, excepting the steamship *Alyandro*, which formerly made yearly trips to San Francisco to be repaired, but is now so disabled that she had to be put here in the docks for repairs.

All foreign vessels are put on a level with American vessels, and the fees they have to pay are alike. In only one particular is there any difference.

The German vessels pay their tonnage dues according to the number of tons represented in their register, whereas the American vessels are remeasured, and always pay from 30 to 50 per cent more than they should pay according to their register.

I also take the liberty of calling your attention to the poor will shown our vessels. On the 28th of February the American schooner *Viking* sailed from this port to Altata with general freight from San Francisco. She arrived at the bar of Altata, according to the vessel's log book, March 3 at 6 p. m., and was compelled to wait for a pilot. On the fourth day after their arrival they saw a small steamer about 100 yards ahead of them, and, thinking it was the pilot, they hove anchor, but the chain broke, losing 15 fathoms of chain and the anchor. They waited for awhile, and, seeing that no pilot appeared, they sailed back to Mazatlan to buy a new anchor, being absolutely necessary so as to enter the port of Altata, and arrived here March 8 at 5 o'clock p. m., according to the log book. Forty-five minutes after anchoring, seeing that the authorities did not visit the vessel, the captain came ashore so as to inform his agents of the cause of his return, and get a new anchor.

The captain of port, hearing this, went to the vessel to take possession of her, but the captain had already returned; however, they fined him $500, but the fine was reduced to $25. After purchasing a new anchor the vessel set sail again for Altata.

Hoping to receive your further orders, I am, etc.,

ARTHUR DE CIMA,
Acting Consul.

[Inclosure 8 in No. 275.]

Mr. Maguire to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Tampico, Mexico, April 6, 1894.

DEAR SIR: I have the honor to acknowledge receipt of your letters of February 12 and March 28, in relation to discriminating charges against American tonnage.

I beg leave to state that I have presented the question to the honorable collector of customs and he now has the matter under advisement. On next Monday I am promised a reply in an official form.

The fact is that discriminations are made to the extent of $1.50 a ton against registered sail vessels of the United States. This charge applies to all sail vessels other than national Mexican vessels arriving at a port in Mexico laden with general cargo or lumber.

On February 12, 1894, the American schooner *Fannie Whitmore* arrived at the port of Tampico with a cargo of pine lumber from Sabine Pass. On the 7th day of March the said schooner paid to the collector of customs $881.22 as a tonnage tax on 587.48 tons.

The official United States registered-tonnage certificate is not recognized; a new measurement is made or an addition of 28.3 per cent is added to the United States register to make the tonnage conform to the Constantinople standard, by which the authorities claim to be governed. This method of measurement is said to apply to all vessels, national or foreign. The charge against a United States registered sail vessel of 1,000 tons at $1.50 per ton equals $1,500. By this new

measurement this sail vessel would be charged as of 1,283 tons at $1.50 per ton, which would equal a payment of $1,924.50.

A registered American sail vessel arriving at a port in Mexico coal or coke laden is exempted from the payment of the aforesaid tax of $1.50 per ton; if said vessel takes in cargo outward bound, she has to pay the tonnage tax.

All steamers, no matter with what laden, are admitted without paying a tonnage tax.

The tariff of the Republic of Mexico promulgated January 25, 1885, and now in force, article 18, imposes a duty, or tax, of $1.50 per ton on all foreign sail vessels laden otherwise than with coal or coke.

Article 20, page 4, exempts Mexican vessels from tonnage dues. Article 21 makes pilotage compulsory on foreign vessels. In addition to pilotage, a compulsory fee of $12 is exacted at this port, said to be for the use of the pilot boat. With Mexican vessels the employment of a pilot and the use of the pilot boat is optional. This is a decided discrimination, from the fact that the so-called pilot boat is merely an open yawl boat, unfit to go outside except in a smooth sea. Frequent instances occur that masters of vessels become impatient at the delay, and sail or steam inside the jetties without the aid of a pilot or the use of a boat, yet payment has to be made for boat and pilotage. No doubt but that the Federal authorities would remedy the evil by supplying a proper pilot boat if their attention were directed to the subject.

I am, etc.,

JNO. MAGUIRE,
U. S. Consul.

[Inclosure 9 in No. 275.]

Mr. Maguire to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Tampico, Mexico, April 13, 1894.

DEAR SIR: I inclose you the official response to my inquiry as to discriminations against American vessels.

I find that I was misinformed as to one particular; that is, the charge of tonnage dues in sail vessels arriving with coal. This response asserts that sail vessels arriving with coal or arriving in ballast are not charged tonnage dues upon going out when laden with national goods.

The item of discrimination is against American sail vessels arriving at a Mexican port laden with lumber or general cargo. They are charged $1.50 Mexican currency per ton, not of the register, but upon a new measurement, which makes them pay 28.3 per cent in addition to their United States register; for instance, a 1,000-ton vessel pays dues on 1,283 tons.

Pilotage for American steam or sail vessels is compulsory also. At this port a fee of $6 in and $6 out is collected for the use of a pilot boat. The pilotage of Mexican national vessels is optional. The charges per foot are based on the Mexican standard of 11 English inches to the foot.

No legal discrimination is made as to American steam vessels. No tonnage tax is collected under any circumstances.

Hoping that I have made myself clear on this subject, I am, etc.,

JOHN MAGUIRE.

[Subinclosure A in No. 275.—Translation.]

Mr. Castello to Mr. Maguire.

MARITIME CUSTOM-HOUSE, TAMPICO.

Agreeably to your verbal request bearing on the memorandum you handed me touching information you sought regarding the light-house and tonnage dues imposed on Mexican and foreign vessels in their movements at this port, I beg to hand you a statement explanatory of the different methods pursued, as set forth in your memorandum.

Your obedient servant,

Tampico, April 9, 1894. JOSÉ F. CASTELLO.

[Subinclosure B in No. 275.—Translation.]

Data given by the Maritime Custom-House to the consul of the United States of America, Mr. John Maguire, as to the manner in which light-house and tonnage dues are paid by foreign steam and sailing vessels, and cases wherein Mexican vessels are subject to charges.

Foreign steam vessels are exempted in all cases from tonnage dues, paying only light-house charges, $100 at entry and $100 on departure, in the following manner:

When they arrive in ballast and depart in the same manner they do not pay dues, but if they come in ballast and depart loaded with national products, they pay, on departure, $100.

Should they enter loaded and depart in ballast or loaded with national products, they shall pay in either case $100 on entrance and $100 on departure.

Foreign sailing vessels are subject to tonnage and light-house dues amounting to $25 entrance and $25 on departure, as follows:

When these vessels enter loaded with general merchandise they shall pay tonnage in proportion to their register and light-house dues of $25 on entrance and $25 on departure, even if in ballast.

If they arrive in ballast and depart loaded they shall not pay any tonnage dues, and pay only light-house dues of $25 on departure.

If they arrive loaded with coal and general merchandise they shall pay tonnage charges only on the said general merchandise and not on the coal, which is exempted therefrom; but they must pay light-house charges, to wit, $50 on entry and departure.

When they arrive loaded with coal alone, whether they depart in ballast or loaded, they shall not pay tonnage dues, but light-house dues on entry and departure.

If they come in ballast and depart likewise they are not subject to these charges.

In general: Foreign sailing ships shall not pay tonnage dues, provided they enter loaded with coal or in ballast, and shall only pay light-house dues in the rare event of entries in ballast and departing in the same manner.

Mexican steam and sailing vessels are only subject to light-house dues when they are loaded with foreign merchandise bound for any of the ports of the Republic. They are exempted from tonnage dues in all cases.

Mr. Gray to Mr. Gresham.

No. 284.] LEGATION OF THE UNITED STATES,
Mexico, May 1, 1894. (Received May 10.)

SIR: In sequence to my No. 275, of the 16th ultimo, I beg to inclose copies of additional correspondence in regard to the discriminating duties levied by the Mexican Government on American vessels.

I am, etc., ISAAC P. GRAY.

[Inclosure 1 in No. 284.]

Mr. de Cima to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Mazatlan, April 7, 1894.

DEAR SIR: Yours of the 28th ultimo at hand, and beg to state that the information sought has been answered the 30th ultimo.

No discrimination has been going on at Mazatlan, in any manner, against American vessels, as they are the only vessels that carry on any traffic between Mexico and the United States, as explained in my previous letter.

I am, etc.

ARTHUR DE CIMA,
Acting U. S. Consul.

[Inclosure 2 in No. 284.]

Mr. de Cima to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Mazatlan, Mexico, April 21, 1894.

SIR: Your favor of April 9 is at hand, and beg to state that after close investigation I have ascertained that all vessels, American and foreign, pay the same port charges, which are as follows:

Light-house dues	$50.00
Tonnage dues, $1.50 per ton; pilot, $1.75 per foot; pilot's boat, from $3 to $8	3.00
Stamps on permit to discharge	8.00
Stamps, solvency	.50
Stamps on certificate of tonnage dues	.50
Stamps on certificate to captain of port	.50
Bill of health	4.75
Crew list	3.50

The only difference between foreign and our vessels is that their register is accepted as it is, whereas our vessels are remeasured and compelled to pay about 50 per cent more than the register calls for.

I am, etc.,

ARTHUR DE CIMA,
U. S. Consul.

[Inclosure 3 in No. 284.]

Mr. Gilkey to Mr. Gray.

CONSULATE OF THE UNITED STATES,
Merida, April 25, 1894.

SIR: I have the honor to acknowledge receipt of your two communications dated the 3d and 11th instant, respectively. Herewith inclosed you will find letters from Consular Agent John Waddle, of Progreso, and the house of E. Escalante & Son, which will show you the result of my inquiries in regard to the information you ask for, and which I transmit as a reply to your favor of the 3d instant.

I am, etc.,

JOHN M. GILKEY,
Vice and Deputy U. S. Consul.

[Subinclosure A in No. 284.]

Mr. Waddle to Mr. Gilkey.

U. S. CONSULAR AGENCY,
Progreso, April 23, 1894.

SIR: *Re* the subject of your communication, bearing date 20th instant, I refer you to articles No. 17 to 21 of Mexican Custom-House Regulations. There I find steamers pay $200 and sailing vessels $50 light-house dues; the former, no tonnage dues; latter,

$1.50 on the net register. If a steamer comes in ballast and loads outward, pays half light-house dues. If a steamer coming from another Mexican port where she has paid light-house dues it serves for any other port touched in the voyage. Although the date of these regulations is 1891, I find the schooners *Palos* and *Edwards*, which discharged at this port fourteen days since, were charged light-house and tonnage; both these vessels brought lumber from the United States of America and are American vessels.

To steamers carrying mails by permission of Mexican Government these charges do not apply.

I am, etc.,

JOHN WADDLE,
U. S. Consular Agent.

[Subinclosure B in No. 284.]

Escalante é Hijo to Mr. Gilkey.

MERIDA, YUCATAN, *April 25, 1894.*

DEAR SIR: Replying to your esteemed lines of the 23d instant, we beg to answer the various questions in the following order:

1. American vessels are not charged with tonnage dues at Progreso.
2. The light-house duties are charged as follows: $200 to steam vessels bringing cargo; $100 to the same when they arrive in ballast and load here. When they arrive and leave in ballast, no duty is charged.
3. There are no other charges besides the above mentioned.
4. There are no charges levied on the cargo carried by American steam vessels save the fine of from $1 to $50 for each package discharged without being manifested, or for package manifested and not discharged. The import duties on goods are charged according to tariff.
5. The tonnage dues collected by the Mexican Government for sailing vessels is $1.50 per ton. When the cargo is coal no tonnage is charged. If the cargo is both coal and general merchandise, the tonnage is not charged on the coal, but only on the merchandise at the same rate.
6. The light-house dues charged on American sailing vessels is $50 if they bring cargo, and half that amount if they arrive in ballast and load here. If they arrive and sail in ballast no dues are charged.
7. There are no other charges.
8. No charges are levied on cargoes carried by American sailing vessels save fines and duties, as explained in answer No. 4 above.

The steam vessels of a regular line are generally exempted from light-house dues according to their special mail contract with our Federal Government.

Hoping the above information will be useful to you, we remain, etc.,

E. ESCALANTE É HIJO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, May 12, 1894.

SIR: Referring to your note of the 7th ultimo, in regard to the suspension by this Government of discriminating duties on tonnage and cargo imposed in our ports in the case of Mexican vessels, and to my note of the 10th of the same month, wherein a reply was promised as soon as information could be obtained, I have now the honor to inform you that it appears from reports received from our consuls in the various ports of Mexico that a discriminating duty in the nature of a tonnage duty of $1.50 a ton is still being levied on all sailing vessels not owned by Mexican citizens and having on board lumber or general cargoes (coal and coke excluded). This duty is levied under article 18 of the Mexican tariff of 1885. This duty is, it may be incidentally remarked, levied not on the United States register, which is not recognized by Mexico, but on a new admeasurement, which is 28.3 per cent larger.

It is in view of this discriminating tonnage due that this Govern-

ment is unable to comply with the request of the Mexican Government to suspend the Treasury circular of May 27, 1889, issued in pursuance of section 2502 of the Revised Statutes, imposing a discriminating duty of 10 per cent ad valorem upon Mexican goods imported in Mexican vessels.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, May 14, 1894. (Received May 15.)

MR. SECRETARY: I received to-day the note from your Department, dated the 12th instant, which informs me that the consuls of the United States in Mexico have reported that a discriminating duty in the nature of a tonnage duty at the rate of $1.50 per ton is still levied on sailing vessels whose owners are not Mexican citizens, with the exception only of those that carry coal and coke, for which reason the Government of the United States can not accede to the recommendation of that of Mexico to suspend the circular of the Treasury Department of the 27th of May, 1889, issued in pursuance of article 2502 of the Revised Statutes, which imposed a discriminating duty of 10 per cent ad valorem upon Mexican goods imported in Mexican vessels.

I have communicated the note of your Department to the Government of Mexico for its information and decision, but I believe it proper to state to you now that article 18 of the tariff of June 12, 1891, now in force, and not that of 1885, quoted by the consuls of this country, does not establish discriminating tonnage duties against sailing vessels of the United States with respect to like vessels of other foreign countries, but which fixes the tonnage duty paid by all foreign sailing vessels that arrive at Mexican ports, provided they do not carry coal or coke, which exemption is established in order to lessen the price of pit coal in Mexico.

As I understand that article, it seems that national sailing vessels are exempt from all tonnage duty, and foreign sailing vessels pay a duty of $1.50 per ton, with the exception already referred to, which does not create a discriminating duty against the United States, especially, since that duty is not imposed on all sailing vessels of which the owners are not Mexican citizens, as stated in your note, but on all vessels flying a foreign flag, exempting only those which carry pit coal. In this case there would be a trifling advantage accorded to national vessels with regard to foreign vessels; but all these are treated alike.

As regards the method of tonnage admeasurement, if the system adopted by the Government of Mexico gives an excess of 28.3 per cent over the tonnage of the vessel the result is that the duty is equivalent to something more than $1.50 per ton, but as the same system is applicable to all sailing vessels subject to the duty, there is no discrimination prejudicial to the vessels of the United States.

Accept, etc.,

M. ROMERO.

QUESTION OF CITIZENSHIP.

Mr. Gray to Mr. Gresham.

No. 232.] LEGATION OF THE UNITED STATES,
Mexico, January 30, 1894. (Received February 8.)

SIR: Herewith I have the honor to transmit the application, in duplicate, of August Huguet, of Monterey, Mexico, for a passport. The affiant states that he was born at Houston, Tex., on or about the 25th day of February, 1861; that his father was a naturalized citizen of the United States; that affiant left the United States in September, 1866; that he is temporarily residing at Monterey. His application shows that affiant was only 5 years of age when he left the United States, and I infer that he has resided in Mexico continuously since 1866, and intends to continue to so reside, as he makes no declaration of his intention to return to the United States. Mr. Joaquin Mais, who signs the certificate of identification, I understand to be a prominent and responsible citizen of Monterey, and will qualify to his certificate. I desire, as early as may be convenient to the Department, instructions whether Mr. Huguet's application is sufficient to entitle him to a passport.

I am, etc.,

ISAAC P. GRAY.

Mr. Gresham to Mr. Gray.

No. 188.] DEPARTMENT OF STATE,
Washington, February 10, 1894.

SIR: I have received your No. 232 of the 30th ultimo, in which you transmit the application in duplicate of August Huguet, of Monterey, for a passport.

The application is defective in not adducing proof of the father's naturalization, but in view of the American birth of Mr. August Huguet, he has a good claim to lawful citizenship by origin, independently of his father's status. The circumstance that he quitted the United States when 5 years old, and has not for twenty-seven years since had a domicile in the land of his birth, is not consistent with the *bona fide* conservation of his native allegiance, which should necessarily appear to entitle him to protection as a citizen of the United States. When a minor is removed from this country, as in this instance, the best proof he can give on attaining his majority, of his honest purpose to discharge the duties and bear the burdens of the citizenship he claims, is to return to and dwell in the United States. In the present instance, Mr. Huguet has permitted eleven years to lapse since he became of age without taking steps to resume his natural domicile; and as he gives no satisfactory proof of his intention and ability to do so at any future time, the facts do not warrant the issuance of a passport to him.

I am, etc.,

W. Q. GRESHAM.

DEMARCATION OF BOUNDARY.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, January 24, 1894.

SIR: I have the honor to inform you that the Department has received for its consideration a copy of the rules adopted by the Bound-

ary Commission organized under the convention of March 1, 1889, between the United States and Mexico.

Colonel Mills, the American commissioner, in his letter written from El Paso transmitting these rules, says that he desired the adoption of a rule by which the commission could proceed at once upon its approval to mark the international bridges as provided in Article IV of the convention of 1884.

The Mexican commissioner objected to this, being of the opinion that no action as to marking the line on the bridges can be taken until both Governments provide therefor.

The American commissioner suggests that both Governments should at once by telegraph give instructions to their respective commissioners to mark the line on the bridges "for two important reasons: First, that of definite jurisdiction over crimes and disorders on the bridges, all of them much traveled and several hundred yards long, and, second, being now on the ground, to mark them will occupy but a few hours, whereas if we have to return here from the lower river for that purpose it will be at an expense of several hundred dollars and loss of much time."

Colonel Mills's suggestions strike me as forcible, and I should be very glad if you would call to-morrow at the Department in order that we may, if possible, arrange to have the bridges marked as proposed by him.

Accept, etc., W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, February 9, 1894.

MR. SECRETARY: I have the honor to inform you that, in accordance with the contents of your note of the 24th ultimo, and with the desire expressed by you during the interview which we had at the Department of State on the 25th, I suggested to the Government of Mexico by cable to instruct the commissioner of Mexico on the International Boundary Commission which was organized in pursuance of the convention of March 1, 1889, to proceed to the demarcation of the boundary line on the international bridges between El Paso, Tex., and Paso del Norte, Mexico, according to Article IV of the convention of November 12, 1884, thus taking advantage of the presence of the commissioners at El Paso, Tex.; and that I have received a reply from the Government at Mexico, bearing date of the 30th ultimo, whereby I am informed that the Mexican commissioner had already been authorized to proceed to the determination of the boundary line between the aforesaid towns in strict harmony with the convention of 1889.

Be pleased to accept, etc.,

M. ROMERO.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 21, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, apprising me that the Mexican Boundary Commission

has been authorized to proceed with the demarcation of the boundary line between the United States and Mexico on the bridges between El Paso and El Paso del Norte in strict conformity with the conventions of November 12, 1884, and March 1, 1889.

I have so advised the commissioner on the part of this Government.

Accept, etc.,

W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 12, 1894. (Received March 12.)

MR. SECRETARY: I have the honor to inform you that I communicated to the Government of Mexico your note of the 21st ultimo in reply to mine of the 9th of that month, whereby I advised your Department that the Government of Mexico had instructed its commissioner on the International Boundary Commission which was organized under the convention of March 1, 1889, to proceed to the demarcation of the dividing line between the towns of El Paso del Norte, Mexico, and El Paso, Tex., in strict conformity with said convention, availing himself of the presence of the commissioners in the latter of the aforesaid towns, and that I have now received a communication from Mr. Mariscal, secretary of foreign relations of the Mexican Government, dated City of Mexico, March 2, 1894, instructing me to state to this Government that the notice of the Government of Mexico was attracted by the fact that your reply refers merely to the demarcation of the line on the international bridges, whereas the authority given to the Mexican commissioner was to demark the boundary line between El Paso del Norte, Mexico, and El Paso, Tex., on which demarcation that of the bridges connecting them depends.

The Government of Mexico has reason to think that the bed of the Rio Grande has changed in that place since the boundary was determined in pursuance of the treaty of Gaudalupe Hidalgo, and the first question to be decided is where the boundary line between those towns passes.

The Government of Mexico has desired to make this explanation to that of the United States in order to prevent any misunderstanding with regard to this matter.

Be pleased to accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, July 2, 1894. (Received July 2.)

MR. SECRETARY: I have the honor to inform you that Señor Mariscal, secretary for foreign affairs of the United Mexican States, notified me by cable that the President of Mexico disapproved the decision of the International Boundary Commission in fixing the dividing line on the

bridges over the River Bravo, and has sent me by mail a detailed report on the subject.

Immediately on the receipt of these particulars I shall have the honor to communicate them to you.

Accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, July 9, 1894. (Received July 9.)

MR. SECRETARY: I have the honor to forward to you, with reference to my note of the 2d instant, in regard to marking the boundary line on the bridges over the River Bravo between Paso del Norte, Mexico, and El Paso, Tex., a copy of a communication that Señor Mariscal, secretary of foreign relations of the Mexican United States, addressed on the 29th June last to Señor Don Francisco Javier Osorno, Mexican commissioner on the Mexican and United States International Boundary Commission, which contains the grounds of the disapproval by the Government of Mexico of the provisional designation by both commissioners of the boundary line on those bridges.

As this communication fully states these grounds, which to me appear unanswerable and which determined the Government of Mexico to adopt the decision stated, I do not think it necessary to say more on this subject.

Accept etc., M. ROMERO.

[Inclosure.—Translation.]

Señor Mariscal to Señor Osorno.

MINISTRY OF STATE AND OFFICE OF FOREIGN RELATIONS,
Mexico, June 29, 1894.

I reported to the President of the Republic your note No. 16, dated the 22d instant, with the proceeding of the International Boundary Commission which temporarily fixes the dividing line on the three bridges which cross the River Bravo del Norte, called international bridges of El Paso, pending the approval of the two Governments. In order to decide this matter, it has been considered—

First. That the treaty of March 1, 1889, does not confer upon the commission the power to make temporary regulations, as, in accordance with its articles 1, 4, and 5, it has only the power to adjust questions which arise respecting the dividing line on account of the change in the channel of the rivers Bravo and Colorado, when duly submitted to it.

Second. That although it was proposed on the part of the United States that the commission should be authorized to mark the line across the middle of the said bridges, the Government of Mexico did not accept the proposition, confining itself to authorizing its commissioner to mark the dividing line between Juarez City and El Paso, Tex., in strict accordance with the treaty of March 1, 1889, it having first to be decided

if the bridges are upon the dividing line recognized in the treaties; and thus it was made known to the Government of the United States, to avoid all future misunderstanding whatever in the matter.

Third. That article 4 of the first of the mentioned treaties on which it has been erroneously desired to base the tracing of said line is inapplicable to the case, through not authorizing a temporary but a definitive demarcation, in the opinion that the bridges are truly international, they having been constructed on the true boundaries determined by the rivers.

Fourth. That citizen Pedro Y. Garcia, having formally presented a claim, alleging that land called "El Chamisal," belonging to Juarez City, became joined to lands of the United States through a violent change in the course of the River Bravo, in order that it may be declared to belong still to Mexico, the commission must examine and decide that case, and, consequent upon the decision, not before, to settle the dividing line between Juarez City and El Paso, Tex.

For the reasons set forth, the President of the Republic has decreed that the temporary designation of the boundary line which has been made on the bridges referred to is not approved, and that this decision be notified to the International Boundary Commission by you and to the Government of the United States of America, through our legation at Washington, in order that it may consider null and void the demarcation referred to.

I renew to you, etc., MARISCAL.

FREE REENTRY OF CATTLE INTO THE UNITED STATES.

Mr. Gresham to Mr. Gray.

No. 169.] DEPARTMENT OF STATE,
Washington, January 17, 1894.

SIR: I inclose for your information a copy of a joint resolution of Congress, approved the 15th instant, authorizing the Secretary of the Treasury to permit the owners of cattle and horses which have been removed into Mexico to bring the same thereafter into the United States before January 15 next without charge for import duties. I inclose, also, a copy of my note to the minister of Mexico here, asking him to bring the matter to the attention of his Government, so that by concurrent action the full benefit of the law (which expires January 14, 1895) may be enjoyed by those interested.

I am, etc., W. Q. GRESHAM.

[Enclosure.]

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, January 17, 1894.

SIR: Referring to our recent conversation, I now have the honor to inclose for your fuller information a duly authenticated copy of a joint resolution of the Congress of the United States, approved by the President on the 15th instant, authorizing the Secretary of the Treasury to

permit the owners of cattle and horses transporting them into Mexico for grazing purposes to reimport the same into the United States at any time within twelve months from the date of the passage of the resolution.

I shall be much gratified if you will promptly bring the matter to the attention of the Mexican Government by telegraph or otherwise, as your judgment may determine best, to the end that by the concurrent action of Mexico the full benefit of the law, which by the third section of the resolution will expire January 14, 1895, may be enjoyed by those directly interested.

Accept, etc., W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, January 19, 1894. (Received January 19.)

MR. SECRETARY: To-day I had the honor to receive by mail your note of the 17th instant, with which you send me a certified copy of the decree (resolution) approved by the Congress of the United States and sanctioned by the President on the 15th instant, which authorizes the Secretary of the Treasury to permit owners of cattle and horses in the United States to pass over into Mexico for the purpose of pasturing and to reimport them into the United States free of duties within twelve months from the date of the resolution, at the same time requesting me to communicate it by telegraph, or in some other manner, to my Government, to the end of obtaining its concurrence in order that those interested in this matter may enjoy the benefits which the resolution affords them.

In conformity with your wishes I to-day send by telegraph to the Mexican Government the recommendation which you make to me, and in due season I will communicate such reply as I receive.

Notwithstanding that, as I stated in our interview of the 13th instant, to which you refer in the note to which I reply, I did not regard the resolution in question as embracing any real reciprocity in favor of the Mexican stock raisers, I hope that the Government of Mexico, in order to aid the stock raisers of Texas as far as possible in their present difficult situation, will do whatever is within its competence to contribute to the accomplishment of the intentions of the Congress of the United States.

Be pleased to accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 8, 1894. (Received March 8.)

MY DEAR MR. GRESHAM: I have the honor to inform you that the Honorable Thomas M. Paschal, of Texas, having suggested to me to ask the Government of Mexico if it had come to any decision in regard

to the decree of the Congress of the United States, approved by the President on the 15th of January last, permitting the free reentry into Texas of cattle grazing in Mexico, I cabled the secretary of the treasury of the Government of Mexico and received from him a reply in which he tells me that, owing to the convention on this subject which was signed by both countries on July 11, 1888, being still before the Senate of Mexico, and owing to the opposition of the Mexican border stock raisers, it has not been possible to arrive at an immediate decision on the subject.

I am, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 16, 1894. (Received March 16.)

MR. SECRETARY: I have the honor to forward to you, with reference to your note of the 17th of January last, copy of a note from Señor Mariscal, secretary of foreign relations of the United States of Mexico, dated City of Mexico, the 5th instant, which I received to-day, in which he communicates to me the reply of the ministry of Hacienda (treasury) to the efforts made in order that the Government of Mexico should determine what is proper with regard to the decree approved by the Congress of the United States on the said 15th of January to permit the reimportation, duty free, of Texan cattle that may pass to Mexican territory for pasture.

Accept, etc., M. ROMERO.

[Inclosure—Translation.]

Mr. Mariscal to Mr. Romero.

DEPARTMENT OF STATE, OFFICE OF FOREIGN RELATIONS,
Mexico, March 5, 1894.

The secretary of the treasury (de Hacienda) tells me in a communication dated the 2d instant, as follows:

Your polite notes of 2d, 20th, and 22d of January last have been received at this office, in which you are pleased to transmit copies of those of our minister at Washington relative to cattle that cross the frontier to pasture on our territory and concerning the passage of the draft of a law presented to the Congress of that nation by Mr. Thomas M. Paschal, one of its members.

In reply I have the honor to inform you that as there is still pending before the Senate a convention concluded in 1888 between Mexico and the United States for the reciprocal crossing of cattle from one country to the territory of the other, the President of the Republic does not consider it opportune to make any decision at present with regard to the decree approved by the American Congress on motion of the member, Mr. Thomas M. Paschal, because it would seem that the Executive was endeavoring to prejudge in some way an affair which the Senate has not found it convenient to take into consideration; thus the President thinks he should with all the more reason abstain from a determination in the matter, so marked is the opposition to that proposed convention by the inhabitants and representatives in the federal Congress of the frontier States, and on the other hand the same American citizens who initiated the said convention state that in May next will cease the reasons which serve as the basis of their claim.

I copy this for you, referring to your note No. 666 of the 19th January last.

I renew, etc., MARISCAL.

RECOVERY OF STRAYED OR STOLEN CATTLE.

Mr. Uhl to Mr. Gray.

No. 234.] DEPARTMENT OF STATE,
Washington, June 16, 1894.

SIR: I inclose herewith copy of a letter[1] from Hon. T. M. Paschal, a member of Congress from Texas, covering communications from Mr. J. C. Loving, secretary of the Cattle Raisers' Association of that State, and Mr. Robert W. Prosser, relative to the unsuccessful efforts of the latter to recover a horse stolen from him and held by the Mexican authorities in Ciudad Porfirio Diaz.

Mr. Paschal has been informed that no treaty stipulation in regard to the recovery of straying or stolen stock exists between the United States and Mexico, and, in the absence of exceptional regulation of the matter, owners of such stock on either side of the border have the same access to the courts of the other country in substantiation of their claim to ownership as citizens of the country.

A convention on the subject was signed at Washington by Mr. Bayard and Mr. Romero June 11, 1888, and was ratified, with amendments, by the Senate of the United States on October 1, 1888. By the fifth article thereof it was stipulated that—

> When cattle belonging in one country have been stolen and driven by thieves to the territory of the other, and subsequently recovered by the proper authorities, they shall be held for return to their lawful owner when he shall appear, in which case no duty shall be payable, and no charges save for the keep of the cattle.

This convention has not yet been ratified by Mexico.

It is the Department's desire that you confer with the minister for foreign affairs, to the end of seeking a remedy for the state of things represented in the inclosed correspondence, and ascertaining the disposition of the Mexican Government in regard to the uncompleted convention of 1888.

In this connection I refer you to Department's instruction to your predecessor, No. 523, of May 25, 1891, and his reply, No. 657, of the 2d of the following month.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

THE BALDWIN CLAIM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, February 17, 1894. (Received February 19.)

MR. SECRETARY: Referring to the conversations which we have had in relation to the claim that has been laid before the U. S. Government by Mrs. Baldwin, wife of a citizen of the United States who was murdered in Durango, Mexico, and to the efforts which have been made by the U. S. legation to induce the Mexican Government to pay an indemnity to that lady, I have the honor to apprise you that I have received

[1] Not printed.

instructions from the Mexican Government to inform that of the United States that Mexico does not consider itself under obligations to pay any indemnity to Mrs. Baldwin on account of the death of her husband, because he was the victim of a common crime in which the Mexican authorities were in nowise concerned, and because the perpetrators of that crime have been tried and punished, whereby the obligations of the Government of Mexico in this case were fulfilled.

The condition, moreover, of the Mexican treasury, which has been occasioned by the great depreciation in the value of silver, renders any extra payment very difficult.

Nevertheless, in consideration of the reiterated requests which have been made by you, through me, in order that something may be paid to Mrs. Baldwin, the Government of Mexico has decided to offer, as an act of equity, which is not to establish a precedent, or to imply the recognition of any obligation toward Mrs. Baldwin, the payment to the U. S. minister in the City of Mexico of the sum of $3,000 at the expiration of three months, reckoned from the date of the conclusion of the arrangement with the U. S. Government, and the remainder, until the sum of $20,000 shall have been paid to the aforesaid officer, in twelve monthly installments of $1,416.66 each.

The Mexican Government proposes this arrangement, bearing in mind the fact that a similar one was approved in the case of the indemnity of $7,000 that was paid to Deputy Sheriff Shadrack White, who lost the use of one of his arms in an encounter which took place at Eagle Pass, Tex., on the 3d of March, 1888, between Texan police officers and Mexican soldiers who had come to that place, without authority, in pursuit of a deserter.

Be pleased to accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.[

LEGATION OF MEXICO,
Washington, March 8, 1894. (Received March 9.)

MR. SECRETARY: I have the honor to inclose herewith a copy of a note from Mr. Mariscal, dated City of Mexico, February 27, last, which removes the doubt left by his previous note as to the currency in which the indemnity to Mrs. Baldwin is offered.

Be pleased to accept, etc., M. ROMERO.

[Inclosure.—Translation.]

Mr. Mariscal to Mr. Romero.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, February 27, 1894.

I have taken note of the contents of your note No. 791, of the 17th instant, with the accompanying copy of your note to Mr. Gresham, relative to the offer of $20,000 on account of the claim of the widow of Baldwin.

In reply I have to say that this amount is in silver, that being the legal currency of Mexico, and that if it were in gold the amount would

be more than doubled, according to the present rate of exchange, which payment it was not his intention to propose, there being no reason whatever for imposing this extraordinary burden in a matter of mere favor and equity.

I renew, etc., MARISCAL.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 20, 1894.

SIR: In your note of February 17, ultimo, the receipt of which I have the honor to acknowledge, you convey the gratifying information that the Mexican Government, in view of the efforts of the U. S. Government to induce the payment of an indemnity to Mrs. Baldwin, widow of an American citizen murdered at Durango, has decided, as an act of equity and without recognizing any obligation in the case or permitting the act to form a precedent, to offer the sum of $20,000, payable in installments as described.

This offer corresponds with the result reached in our several conferences on the subject.

Permit me, however, to say that it was my distinct understanding, upon which alone I consented to this friendly adjustment, that the offer of the Mexican Government was to pay $20,000 in gold. If the offer is so made, it will be accepted, the payments to be made to the U. S. minister in Mexico in the manner and at the times you indicate, to wit: $3,000 at the expiration of three months from the conclusion of the agreement, and the remainder thereafter in twelve monthly installments of $1,416.66 each, making a total of $19,999.92, payable within fifteen months.

Your reply confirming this understanding will complete the arrangement by exchange of notes, thus assigning the date from which the payments are to be computed.

Accept, etc., WALTER Q. GRESHAM.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 21, 1894. (Received March 21.)

MR. SECRETARY: I have the honor to acknowledge the receipt of your note of yesterday, in which you state to me, with reference to the note I wrote to you on the 17th of February last, whereby I communicated to you the determination of the Government of Mexico to give, by way of equity, to Mrs. Baldwin the sum of $20,000 in the installments expressed in that note, that you understood from our previous conversations on this matter that this sum was to be paid in gold, and that on such terms the offer would be accepted by the Government of the United States.

I have the honor to state to you in reply that the Government of Mexico authorized me to offer to that of the United States the sum of $20,000 in gold, payable out of the fund which is in deposit and which

belongs to the La Abra and Weil claims, in the event of the Court of Claims of the United States, before which the respective awards are pending, declaring that this fund belongs to the Government of Mexico and is to be returned to it in conformity to the provisions of the act of December 28, 1892.

I communicated this offer to you in the interview which we had in the Department of State on the 6th of June, 1893; but, the condition fixed by the Government of Mexico not having appeared acceptable to you, I made the necessary negotiations in this relation, and in the end the Government of Mexico authorized me to make to you the offer which I conveyed in my note of the 17th of last February.

Not being authorized to alter the terms of that offer, I now transmit your note to the Mexican Government, in order that in view thereof it may decide as it deems proper; but nevertheless I believe I can say to you forthwith that if the offer of $20,000 payable from the fund in question should be deemed by the Government of the United States preferable to the last submitted offer, I am sure that the Government of Mexico will abide by it.

Be pleased to accept, etc., M. ROMERO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 27, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, touching the manner of payment of the sum of $20,000 to Mrs. Baldwin by the Mexican Government, as a voluntary and equitable indemnity for the death of her husband at the hands of bandits in Mexico.

I do not understand that the offered gratuitous payment from the possible return of the retained Weil and La Abra moneys under the awaited decision of the Court of Claims has at any time been entertained by this Government. As I have heretofore informed you, that proposition is merely a contingent offer of something your Government may never receive.

Accept, etc., EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 28, 1894. (Received March 29.)

MR. SECRETARY: I have had the honor to receive your note of yesterday in which, while acknowledging the receipt of mine of the 21st, relating to the payment of an indemnity which the Government of Mexico on equity tendered to Mrs. Baldwin for the death of her husband in Mexico, you state that the Government of the United States has never taken into consideration the proposal to pay $20,000 out of the fund appertaining to the La Abra and Weil claims in the event of the Court of Claims of the United States deciding that it should be turned over to Mexico.

When I made this proposal to you under instructions of the Government of Mexico, you declared to me that the Government of the United

States could not take it into consideration for the reasons stated in your note, and several others which seemed to me well founded. I so informed the Government of Mexico, recommending there and then that the condition set for this payment be withdrawn, and thence arose your impression that the Government of Mexico would pay the $20,000 in gold coin of the United States, without the above-stated condition.

The straitened condition of the Mexican treasury, chiefly due to the depreciation of silver, has not permitted the Government of Mexico to offer a payment in gold of the $20,000 if it were made from its ordinary funds, and its last proposal, as you know, is to pay $20,000 in Mexican currency.

Accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, April 21, 1894. (Received April 21.)

MR. SECRETARY: I have the honor to hand you, with reference to my note of March 28 last, being a reply to yours of the preceding day on the subject of the indemnity offered out of equity by the Government of Mexico to Mrs. James M. Baldwin, a copy of a note from Señor Mariscal, secretary of foreign relations of the United States of Mexico, dated in the City of Mexico the 10th instant, by which the terms of the proposition made in the matter by the Government of Mexico to that of the United States of America are explained.

Please accept, etc., M. ROMERO.

[Inclosure.—Translation.]

Mr. Mariscal to Mr. Romero.

No. 888.] DEPARTMENT OF FOREIGN RELATIONS,
Mexico, April 10, 1894.

I have received your note, No. 965, of March 28, with the accompanying copies of the last notes exchanged with the Department of State, in regard to the mode of payment by the Mexican Government of $20,000 to Mrs. Baldwin for her husband's death, and have noted its contents.

In reply, I have to inform you that the determination to pay $20,000 in Mexican currency is confirmed in the terms expressed in the note of this Department, No. 621, of the 29th of January last.

I renew, etc., MARISCAL.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
White Plains, N. Y., August 14, 1894. (Received August 15.)

MR. SECRETARY: I have the honor to inform you, referring to our previous correspondence on the subject, that I duly reported to my Government our conversation of the 28th of June last, in the course of

which, and in view of the way in which you understood the offers made by the Mexican Government to indemnify, by way of equity, Mrs. Baldwin for the death of her husband, who was murdered by bandits in the State of Durango, Mexico, and as an act of personal deference to you, I inquired of you whether the U. S. Government would be satisfied if the indemnity of $20,000 in gold, to which reference has been made, should be paid in one installment of $3,000, payable at the time of concluding the arrangement on the subject, and the remaining $17,000 in monthly installments of $1,000 each, and you were pleased to tell me that you would accept that way of making the payment.

I have to-day received a dispatch from Mr. Mariscal, secretary of foreign relations of the United States of Mexico, dated City of Mexico, August 13, 1894, a copy of which I herewith inclose, whereby he informs me that my Government has accepted that arrangement, and that, without waiting for me to propose it to you in writing, he has carried it out himself, having sent that very day to the U. S. minister in Mexico a draft, numbered 63119, of the National Bank of Mexico on Messrs. Müller, Schall & Co., of New York, to the order of the treasurer general of the federation, and indorsed by that officer to your order, for the sum of $3,000 in gold, being the amount of the first installment. I presume that Mr. Gray has advised you of the receipt of this draft.

Be pleased to accept, etc.,

M. ROMERO.

[Inclosure.—Translation.]

Mr. Mariscal to Mr. Romero.

No. 94.] DEPARTMENT OF FOREIGN RELATIONS,
City of Mexico, August 3, 1894.

With a view to the settlement of the large and much-debated claim presented against the Government of Mexico by the widow of Leon McLeod Baldwin, an American citizen, and supported by the U. S. Government, on account of the aforesaid foreigner's having been murdered by a party of bandits led by Heracho Bernal, Mr. Gresham, Secretary of State of the United States, proposed, through you, that a moderate indemnity should be granted to the claimant by Mexico, as a matter of simple equity, this act not to imply a recognition that in the case in question the Mexican Government was, strictly speaking, responsible, so that the proposed arrangement could not be cited as a precedent in future cases of a similar nature.

The President thought proper to accede to the wishes of the U. S. Government, which were reiterated with special insistence by the Secretary of State; and, after a long correspondence, held with the view of fixing the amount of the indemnity, you, still mediating in this case, proposed as an equitable arrangement, subject to the approval of the Government of Mexico, the payment of $20,000 in gold, $3,000 of which were to be paid to the U. S. minister in Mexico at the time when the arrangement should be approved and the remaining $17,000 in seventeen monthly installments of $1,000 each.

Although the consideration of the high premium of gold over our ordinary silver money occasioned some delay in the settlement of this matter, the President, in view of the reiterated solicitations addressed to him by you, has decided that the arrangement referred to shall be accepted; and, in order to effect this, he has instructed the treasurer-general of the federation to send to this department a number of bills

of exchange on New York, made payable to the order of the Secretary of State of the United States, as follows: One for $3,000 in gold, immediately; and for the remaining $17,000, seventeen bills of exchange, payable in the same coin, in the months following, reckoned from the date of the first bill of exchange.

Accordingly, I to-day send to the minister of the United States of America the first and second of exchange of a bill drawn by the National Bank of Mexico, numbered 63119, on Messrs. Müller, Schall & Co., of New York, payable to the treasurer-general of the federation, and indorsed to the order of the Hon. W. Q. Gresham, Secretary of State of the United States of America, for the sum of $3,000 in gold, being the amount of the first installment, as provided by the aforesaid arrangement.

Be pleased to communicate this information to the Secretary of State, Mr. Gresham, by sending him a copy of this dispatch.

MARISCAL.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, August 20, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, with which you communicate copy of an instruction addressed to you by Señor Mariscal, under date of August 3, 1894, in relation to the payment of $20,000 in United States gold to the widow of Leon McLeod Baldwin, a citizen of the United States, who was murdered by bandits in the State of Durango, Mexico.

This arrangement, including the stated terms of payment by installments, is in conformity with the understanding heretofore reached by you and me in the course of conference and correspondence, and I am gratified to learn through your present communication that His Excellency the President of the United Mexican States has decided that the arrangement referred to shall be accepted, and to that end (without waiting for your formal completion of the agreement by exchange of notes) he has directed the immediate delivery, through the U. S. minister in Mexico, of the first installment, in the form of a bill of exchange on New York, made payable to my order, for the sum of $3,000, the same to be followed by the successive monthly delivery of like drafts for $1,000 each.

Señor Mariscal's declaration that this payment is granted to the claimant by Mexico as a matter of simple equity without implying any admission that in the case in question the Mexican Government was, strictly speaking, responsible, and that it is not to constitute a precedent for the future treatment of similar cases, is likewise in accordance with the understanding which we reached in the premises.

The draft to which Señor Mariscal refers has been duly forwarded hither by Mr. Gray, and I shall have the pleasure of delivering it to Mrs. Baldwin in the course of a few days, taking her receipt therefor, which will be promptly transmitted to you.

The agreement being thus closed to the mutual satisfaction of the two Governments, your note of the 14th instant and my present reply may be taken as the formal documentary completion of our understanding, by exchange of notes.

Expressing the President's gratification and my own that the diplomatic discussion of the Baldwin case is now ended, I renew, etc.,

W. Q. GRESHAM.

ST. LOUIS AND ZACATECAS ORE COMPANY.

Mr. Butler to Mr. Gresham.

No. 183.] LEGATION OF THE UNITED STATES,
Mexico, November 20, 1893. (Received December 4.)

SIR: The inclosed copies and translations of correspondence will acquaint you with replies I made on the 17th instant to certain interrogatories addressed to this legation by the Hon. Angel Zimbron, second civil judge of first instance, this city, in connection with the suit of Señor M. Yslas against the St. Louis and Zacatecas Ore Company, the object being to verify the date of an act of the U. S. Congress "to reduce the revenue and equalize duties on imports," etc., approved October 1, 1890.

Trusting in your approval, I am, etc., E. C. BUTLER.

[Inclosure 1 in No. 183.—Translation.]

Judge Zimbron to Mr. Gray.

SECOND CIVIL COURT, MEXICO.

In the case of specific performance, pending before the court, of Mr. Marcial Yslas against the St. Louis and Zacatecas Ore Company, the attorney for the company sued has asked, as a part of his proof, and basing it on articles 357 and 515 of the Code of Civil Procedure, that communication be addressed you, that you may be pleased to testify in conformity with the interrogations presented. Having ordered in accordance with said request, I have the honor to address you herein, so that you may be pleased to testify in accordance with the interrogations hereinafter inserted, returning the present communication with your deposition.

Having affirmed to state the truth, state—

First. Your name, nationality, residence, age, profession, and relation, if any, to the litigant parties.

Second. If you know, and it so appears, that on the 1st of October, 1890, the Congress of the United States passed a law burdening in 30 per cent the importation of ores to that nation.

Third. State why you know it

On behalf of Mr. Yslas, it was requested that you may also be pleased to state in accordance with the following question, which was granted:

Only one: State if you have authority from your Government to testify in the present case.

Permit me to assure you of my consideration.

Liberty and Constitution, Mexico, November 16, 1893.

ANGEL ZIMBRON.

[Inclosure 2 in No. 183.—Translation.]

Mr. Butler to Judge Zimbron.

LEGATION OF THE UNITED STATES,
Mexico, November 17, 1893.

MY ESTEEMED SIR: I have had the honor of receiving your communication of yesterday, in which you are pleased to request my statement, as a witness suggested by the attorney of the St. Louis and Zacatecas Ore Company, in the case pending of Mr. Marcial Yslas against

the former, and complimenting your request I proceed to make my statement in accordance with the interrogations inserted in the communication.

Affirming to state the truth in all that I am to state, I answer—

To the first question: My name is Edward C. Butler; a native of Massachusetts, United States of America, residing in this city; 40 years of age; in the diplomatic service of the United States, my residence being at No, 10 on the Fourth Providencia street, in this city, and not subject to the objection of law; that is, I am not related to the parties litigating, nor have I any interest of any kind in this or similar case, nor friendship or unfriendly feeling toward any of the parties litigating in the matter wherein I testify.

To the second: It is true, and I know it.

To the third: What I state is true, because I know the law well.

In regard to the only question of the interrogatory of Mr. Yslas, I answer it, No.

With what I have stated your request is satisfied, all of which I confirm.

I have the pleasure to assure you of my consideration.

EDWARD C. BUTLER,
Chargé d'Affaires ad interim of the United States.

Mr. Gresham to Mr. Gray.

No. 167.] DEPARTMENT OF STATE,
Washington, January 12, 1894.

SIR: I have received Mr. Butler's dispatch of the 20th ultimo, No. 183, giving a copy of his testimony, at the instance of the second civil judge of first instance, in the suit of Marcial Yslas *vs.* The St. Louis and Zacatecas Ore Company. The subject upon which he was called to testify was purely official, he being asked whether he knew, and whether it was of record, that the Congress of the United States had enacted a tariff law on October 1, 1890, by which 30 per cent duty was levied on the importation of metals. And he was further asked how and why he knew it. Mr. Butler asks approval of his action.

It is a well-established rule that no public minister can testify in a civil or criminal case without the authorization of his Government. Moreover, he can not even testify as a private individual, for he may not waive his official character and immunities without express authorization of his Government.

I am, etc., W. Q. GRESHAM.

THE OCHOA CASE.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, January 9, 1894. (Received January 9.)

According to information communicated to the Mexican Government by the governor of the State of Chihuahua, Victor Ochoa, profiting by the circumstance that there were a number of people thrown out of employment by the recent paralysis of business, and ready for any adventure, organized on United States territory, and especially at El

Paso, gangs of bandits who attacked and plundered the custom-house at Las Palomas, of which assault your Department was duly informed. On account of the crimes which he had committed in Mexico, the consul at El Paso, Tex., requested his extradition; but, unfortunately, the U. S. commissioner set him at liberty, on the ground that his Mexican citizenship was not proven, whereas, this being an exception to be alleged in order to place obstacles in the way of extradition, it should have been presented and proved by the accused and not by the agents of the Mexican Government.

Encouraged by the impunity accorded to his crimes on this account, Ochoa again organized a band of thirteen mounted and armed men, with which, on the 5th instant, he attacked and robbed several private individuals at a place called El Borracho, about 10 leagues distant from Paso del Norte, going thence to Las Vacas. The governor of the State of Chihuahua detached a force sufficient to pursue Ochoa and his band, and it is certain that, upon the approach of this force, Ochoa will again seek refuge in the territory of the United States.

As in this case, the Government of Mexico will again have occasion to request his extradition, I have thought it proper to make this communication without delay to your Department, in order that it may be informed of what is taking place on the frontier and may, with full knowledge of the matter, determine, at its convenience, what steps it deems appropriate to take in view of its interest, that crimes committed upon the frontier shall not go unpunished.

Be pleased to accept, etc.,

M. ROMERO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, January 11, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, relative to one Victor Ochoa. You state that this person was, in proceedings for his extradition instituted before a U. S. commissioner by the Mexican consul at El Paso, released on the ground that his Mexican citizenship was not proved. You express the opinion that, under an extradition treaty, it is incumbent on a person demanded in extradition, who claims exemption on account of his citizenship, to prove affirmatively that citizenship.

Mentioning that Ochoa since his release has again been guilty of crime in Mexican territory, and intimating that his extradition may be again requested by your Government, you state that this information is given in order that, should such request be made, this Government may advisedly determine what it will be expedient to do in view of its own interest, in order that crimes committed on the frontier may not go unpunished.

In reply I have to say that this Department, whatever its own views may be as to the burden of proving citizenship, when that is relied on as a defense against extradition, can not compel the U. S. commissioner or other judicial officers to act upon its views.

You may rest assured that any communication or request from you, in respect to the party of whose acts you complain, will receive the careful consideration of this Department.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, January 12, 1894. (Received January 12.)

MR. SECRETARY: I have had the honor to receive your Department's note of yesterday, in reply to that which I addressed to you on the 9th instant with respect to Victor Ochoa, whose extradition was asked by the Mexican consul at El Paso, Tex., and whom the commissioner of the United States set at liberty because the Mexican nationality of the accused had not been proved.

My object in writing you that note was, as I therein stated, to acquaint you with the facts to the end that they would appear should the extradition of Ochoa be asked anew, and not to request the Department of State to exert any intervention in the matter with the U. S. commissioners which may not be permitted by the laws of this country.

To obviate in any future case the difficulties presented in the Ochoa incident, the Government of Mexico will be careful to prove the nationality of this individual, waiving the interpretation which it attaches to the treaty, since in this regard it must necessarily submit to the interpretation which is given thereto by the judicial functionaries of this country.

For the rest, I greatly thank your Department for the good disposition it has shown to take into consideration the statements made to it by this legation with respect to the person in question.

Be pleased to accept, etc.,

M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, January 17, 1894.

MR. SECRETARY: I have the honor to inform you that I have received, by cable, information from my Government that the band commanded by Victor L. Ochoa, which has been marauding on the border of the State of Chihuahua, is about to take refuge in the United States in the direction of Silver City, N. Mex., or of San Vicente, and for this reason the Government of Mexico has instructed me to forward this intelligence to the Government of the United States, in order that, should it deem proper, it may please give orders to the end that those individuals may be captured in crossing to this country.

Accept, etc., M. ROMERO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 12, 1894.

SIR: I have the honor to inclose herewith the opinion of the Attorney-General upon the case of Ochoa, given in response to a communication from this Department transmitting your request that Ochoa be prosecuted in the U. S. courts for violation of the neutrality laws.

The Attorney-General, as you will note, states that "this law clearly is directed against the invasion of foreign territory by *organized military bodies* for the purpose of conducting military operations against the foreign government in its political capacity." Such being the case, he thinks the law is not applicable to common criminals like Ochoa and his associates.

I concur in the sentiment of regret expressed by the Attorney-General that this Government is unable to comply with your request, and hope the governor of Texas, to whom a copy thereof was also transmitted, may be able to take action in the matter.

Accept, etc.

EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 13, 1894. (Received March 13.)

MR. SECRETARY: I have the honor to acknowledge the receipt of a note from your Department of yesterday's date, inclosing a copy of the Attorney-General's opinion in the case of Victor L. Ochoa, received by you on the 8th instant, in answer to the request made on the 6th instant, pursuant to instructions from the Government of Mexico for the apprehension and punishment of Ochoa in this country for his recent, invasion of Mexican territory.

The Attorney-General is of opinion that Ochoa having committed a common crime, and one which had no political character, the Federal courts of the United States have no jurisdiction in the case, which opinion is shared by the Department of State.

With due respect for the opinions of persons in such high authority, I think it appropriate to call your attention to a precedent which sustains the request of the Mexican Government in this case. A number of persons, led by Francisco Benavides, Maximo Martinez, Pablo Gomez, and Cecilio Echeverria, organized in United States territory an expedition very similar to that which, a year later, was carried into effect by Ochoa, for the purpose of committing depredations in Mexico, and upon their return to the United States they were tried and sentenced by the Federal courts.

I see no reason whatever why the case of Ochoa can not be proceeded with in the same manner.

I have communicated to the Mexican Government your note and the opinion of the Attorney-General, to the end that, in view of them, I may be furnished with suitable instructions.

Be pleased to accept, etc., M. ROMERO.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, March 19, 1894. (Received March 19.)

MR. SECRETARY: I have the honor to inform you that I have received instructions from Señor Mariscal, secretary for foreign relations of the United States of Mexico, dated City of Mexico, the 7th instant, to call

the attention of the Government of the United States to a letter from Victor L. Ochoa, published in the Citizen, of Albuquerque, N. Mex., of the 6th instant, and dated the 18th of the previous February, which has been reproduced in several newspapers, and among them The Two Republics, of Mexico, as you will see in the inclosed clipping. That letter shows that Ochoa is still intent upon organizing in the United States new expeditions against Mexico, and this, in the opinion of the Government of Mexico, makes it the more urgent that he should be imprisoned and brought to trial.

Accept, etc., M. ROMERO.

Mr. Gresham to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 28, 1894.

SIR: Referring to your note of the 19th instant, representing the importance to your Government of the arrest and trial of Victor L. Ochoa, alleged to be organizing in the United States expeditions against Mexico, I have the honor to inform you that I am in receipt of the reply of the Attorney-General to the letter addressed him on the subject, of which you were advised in my note of acknowledgment of the 22d instant.

The Attorney-General states that he will be happy to instruct the proper district attorney to proceed at once to prosecute any violation of the neutrality laws of the United States upon being furnished with any tangible evidence of such violation. The supposed letter of Ochoa published in the Albuquerque Citizen he thinks only creates a suspicion, but gives no facts upon which a prosecution by the Government of the United States can be initiated, and he will be pleased to receive any such facts that may come to your knowledge.

Adding that the War Department will be happy to cooperate toward the ends of justice whenever the Attorney-General may be in a position to act upon positive information of actual or attempted infraction of the statutes in this regard, I take the occasion to renew, etc.,

W. Q. GRESHAM.

Mr. Romero to Mr. Gresham.

LEGATION OF MEXICO,
Washington, March 29, 1894. (Received March 29.)

MR. SECRETARY: I have the honor to acknowledge receipt of your note of yesterday in which, referring to mine of the 19th instant touching the importance of the arrest and punishment of Victor L. Ochoa, who is endeavoring to prepare in the United States expeditions against Mexico, you state that the Attorney-General informs you that he will take pleasure in instructing the proper district attorney to institute proceedings against Ochoa for violation of the neutrality laws whenever he is furnished with positive evidence of violation of said laws, and that he does not consider as evidence of that nature the letter of Ochoa published by the Citizen of Albuquerque which I submitted to you in my above-mentioned note.

You also state that the War Department will cordially cooperate on its part with the Attorney-General to the same purpose.

I have the honor to say, in reply, that if the letter published by Ochoa in the Citizen of Albuquerque is not sufficient in order to institute proceedings against him—and granting that the opinion of the Attorney-General on this point is of great weight—it affords no reason why he should not be prosecuted for the expedition which he organized in the United States in 1893 and carried out into Mexico, where he committed many crimes, being ultimately driven off by the Mexican forces.

I have, under instructions of the Government of Mexico, requested the arrest and trial of Ochoa for violation of the neutrality laws in the United States in organizing in this country an expedition in arms against a friendly nation, of which the facts can be proved before the competent Federal court of this country, and I am confident that the Government of Mexico will assist in adducing all the evidence that may be necessary in the case. Should the Attorney-General of the United States think it necessary to examine the evidence before proceeding against Ochoa, I shall apply for the same at once.

Please accept, etc.,

M. ROMERO.

Mr. Uhl to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 6, 1894.

SIR: I have the honor to inclose herewith copy of a letter[1] from the Attorney-General touching the subject of your note of the 29th ultimo, in which you requested the prosecution of Victor L. Ochoa for organizing in the United States in 1893 an armed expedition against Mexico.

The Attorney-General calls attention to the fact that your note does not specify in what State or Territories the alleged armed expedition was organized, and he states that if you will furnish him with the evidence to establish the violation of the neutrality laws of the United States, he will at once forward it to the U. S. attorney for the proper district with instructions to immediately institute such proceedings as the evidence will justify.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Romero to Mr. Gresham.

[Translation.]

LEGATION OF MEXICO,
Washington, June 20, 1894. (Received June 20.)

MR. SECRETARY: With reference to our previous correspondence in regard to the organization by Victor L. Ochoa of a band of people armed in the State of Texas for the purpose of invading Mexico, I have the honor to inform you that I am in receipt of authentic information to the effect that Ochoa, who had left the State of Texas to escape from prosecution on the ground of violation of the neutrality laws of the

[1] Not printed.