MEXICO.

MURDER OF J. B. MAXWELL, J. C. MAXWELL, AND ENOCH WOODWORTH.

The Secretary of State to Ambassador Clayton.

No. 1210.] DEPARTMENT OF STATE,
Washington, January 18, 1905.

SIR: Referring to your No. 2435 of September 10 last,[a] stating that the Mexican judicial authorities were conducting the investigation of the murder of J. B. Maxwell, J. C. Maxwell, and Enoch Woodworth, I have to say that the Department would be pleased to receive a report from you as to the present status of the case.

I am, etc.,

JOHN HAY.

Ambassador Clayton to the Secretary of State.

No. 2647.] AMERICAN EMBASSY,
Mexico, January 31, 1905.

SIR: I have the honor to acknowledge the receipt of your instruction No. 1210, of the 18th instant, relative to the murder of J. B. Maxwell, J. C. Maxwell, and Enoch Woodworth, and to the desirability of a report from this embassy on the present status of the case.

In pursuance of your instruction, I have to-day addressed a note to the foreign office requesting such information as the department of foreign affairs may possess or may be able to procure upon the matter.

I have also addressed a communication to our consul at Ensenada, asking for such information as he may have or may be able to obtain upon the subject.

As soon as I receive information from these sources I will promptly report the result to the Department of State.

I have, etc.,

POWELL CLAYTON.

Ambassador Clayton to the Secretary of State.

No. 2805.] AMERICAN EMBASSY,
Mexico, May 22, 1905.

SIR: Referring to my No. 2767, of the 15th ultimo,[b] relative to the murder of J. C. Maxwell, J. B. Maxwell, and Enoch Woodworth, I have the honor to transmit herewith a copy and translation of a note from the foreign office, and of its inclosure, the latter being a report

---

[a] Printed in Foreign Relations, 1904, p. 490.

[b] Not printed.

from the governor of Sonora showing the proceedings instituted against the persons supposed to be guilty of the crime, one of whom, Muñoz, it appears, was killed by his guards in attempting to escape.

I have, etc.,

POWELL CLAYTON.

[Inclosure 1.—Translation.]

The Minister of Foreign Affairs to Ambassador Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 28, 1905.

MR. AMBASSADOR: Referring to your excellency's note, dated the 10th of March last, relative to the case brought against the persons supposed to be guilty of the murder of J. C. Maxwell, J. B. Maxwell, and Enoch Woodworth, I have the honor to transmit to your excellency herewith a copy of a communication addressed to me by the governor of the State of Sonora informing me of the status of said case.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Governor of the State of Sonora to the Secretary of Foreign Affairs.

HERMOSILLO, *April 18, 1905.*

I have the honor to refer to your courteous note, No. 1078, issued out of the section on America, Asia, and Oceania, dated March 17 last, in which you were pleased to transmit the one of the 10th of the same month addressed to that department by the ambassador of the United States, relating to the explanation of certain reports of a previous date with respect to various points of the case instituted before the court of first instance of Moctezuma against the parties charged with the murder of J. C. Maxwell, J. B. Maxwell, and Enoch Woodworth.

As stated in my report to you, dated March 24 last, a certified copy of all the proceedings in the case was asked from the court of Moctezuma, from which it appears, as stated in my note of July 6, 1904, that up to that time Jose Muñoz or Bencomo, Mariano Gaxiola, Alberto Galindo, Teodoro Carbajal, and Francisco Mendoza have been arrested as the parties supposed to be guilty of the crime; that the necessary judicial proceedings having been instituted, all presumptions of guilt against the three last-named persons were dismissed, and the same were confirmed with regard to the two first prisoners, for which reason, on July 12, 1904, an order of formal imprisonment was issued against the latter and one of release in favor of the former; that the court ordered transfer of prisoners Muñoz and Gaxiola to Valle de Teras for the purpose of instituting various proceedings at the place of the occurrence, and to that end the prisoners were delivered to an escort furnished by the prefecture of the district, and while on the road, during the night of August 2, 1904, both prisoners attempted to escape, the escort being compelled to prevent such action by firing upon the prisoners, causing the death of Muñoz, though Gaxiola succeeded in getting away by jumping into the river, which was then very high, and, while he was pursued with all activity, it was not possible to rearrest him, but the proceedings having been continued, some data have been disclosed against Jesus Lopez Trujillo and Lino Chavez, causing the presumption that they are guilty of the two crimes to which the prosecution refers, for which reason orders were issued for their arrest, although the same has not been effected up to the present time; and as efforts have also been made to secure the rearrest of Mariano Gaxiola, the present status of the case is that of waiting for the arrest of the aforesaid individuals in order to proceed with the proper trial; that from the investigation that has been made there appear no data of guilt against any other persons, as Jose Muñoz, whose guilt was sufficiently well founded, perished in the manner hereinbefore stated.

I renew, etc.,

RAFAEL IZABAL.
ALBERTO CUBILLAS,
Secretary.

DEPREDATIONS OF YAQUI INDIANS.

The Acting Secretary of State to Ambassador Clayton.

No. 1220.] DEPARTMENT OF STATE,
Washington, February 1, 1905.

SIR: I inclose a copy of a letter from Mr. Birch F. Rhodus, president of the Mina Grande Mining Company,[a] requesting that the attention of the Mexican Government be called to the importance of adopting measures to restrain the Yaqui Indians and of maintaining order in the mountains of Sonora near the Yaqui River, where the mines of this company are situated.

While the Department does not doubt that the Mexican Government fully appreciates the gravity of the Yaqui problem in Sonora, and while the reports from your embassy indicate that Mexico is taking vigorous steps to pacify the tribe, this is sent to show the urgency of adopting measures to protect the large American interests and the many American citizens who have placed their property and lives under the safeguard of Mexican law, trusting in the ability of the Mexican Government to maintain public security.

I am, etc.,

F. B. LOOMIS.

The Acting Secretary of State to Ambassador Clayton.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 14, 1905.

General Manager Yaqui Copper Company represents that Yaqui Indians at Santo Niño, Sonora, are threatening massacre of Americans there. Bring matter to attention of Mexican Government and unofficially request that the matter may be looked into promptly and protection afforded if necessary.

ADEE.

Ambassador Clayton to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 16, 1905.

(Mr. Clayton reports that the minister of foreign affairs will immediately telegraph to the local authorities on the subject of the fears expressed by the Yaqui Copper Company of Indian depredations.)

---

[a] Not printed.

Ambassador Clayton to the Secretary of State.

No. 2708.] AMERICAN EMBASSY,
Mexico, March 16, 1905.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instruction of the 14th instant relative to the question of protection, by the Mexican authorities, of the Yaqui Copper Company against alleged threatened Indian outrages upon said company.

Pursuant to said instruction, I called upon Mr. Mariscal yesterday, and, after discussing the Yaqui Indian question, so far as relates to American citizens and their interests, I left with him a copy of said telegraphic instruction.

I called Mr. Mariscal's attention to the fact that the Indian outrages of late appeared to have been directed almost entirely against Americans carrying on legitimate business in the state of Sonora; that my information from various sources was to the effect that, while the state authorities had adopted very drastic measures against the apparently peaceful Yaquis employed as laborers on the plantations of Mr. Carlos H. Johnson and others, they had not, in any case where Americans had been massacred, made any effective pursuit of the band or bands responsible for the same; that my information had impressed me strongly with the belief that all of the massacres referred to were perpetrated by the same roving band of wild Indians; that, from the accounts of the different massacres given by different eye-witnesses, the band or bands were comparatively small; that, with great respect for the governor of Sonora, my information impressed me strongly with the belief that his drastic measures against the apparently peaceful Indians had been barren of results. I remarked that the local authorities had, at least in one instance (that of Carlos H. Johnson), denied to an American, who had been a great sufferer growing out of said depredations, the right to bear arms for the defense of himself, family, and employees; and, under such circumstances, it would seem but just and proper that the Mexican authorities should break up the small band or bands of Indians who have so long terrorized the region in question.

Mr. Mariscal replied that, at present, they had 100 soldiers in the disturbed region; that they had given orders to increase this number to 200; that the great bulk of the Yaqui Indians had been deported from Sonora to Yucatan; that he would transmit by telegram, to the governor of Sonora, a copy of your aforesaid telegraphic instructions, with proper recommendations, and that he would communicate with him by letter the views that I had just expressed to him.

He informed me that he had in the course of preparation, and early delivery, a note to me, in reply to mine upon this subject of the 11th ultimo. This note grew out of your instruction No. 1220, of the 1st ultimo, inclosing a copy of a communication from the Mina Grande Mining Company, and out of a communication to this embassy, under date of the 28th of January last, from the Yaqui Smelting and Refining Company.

* * * * * * *

I have, etc.,

POWELL CLAYTON.

Ambassador Clayton to the Secretary of State.

No. 2711.] AMERICAN EMBASSY,
Mexico, March 18, 1905.

SIR:

* * * * * * *

I inclose a copy and translation of a note from Mr. Mariscal of the 15th ultimo, stating that before replying to my note therein referred to he had considered it expedient to transmit the same, as well as its inclosures, to the governor of the State of Sonora for report. This report having been received by Mr. Mariscal and a copy transmitted to me, with his note of the 16th instant, I inclose a copy and translation of both.

* * * * * * *

I have, etc.

POWELL CLAYTON.

[Inclosure 1.—Translation.]

The Minister of Foreign Affairs to Ambassador Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 16, 1905.

MR. AMBASSADOR: Referring to your excellency's note, dated the 11th ultimo, inclosing copies of communications from the "Yaqui Smelting and Refining Company" and the "Mina Grande Mining Company," relative to the depredations committed by Yaqui Indians against American citizens, I have the honor to inclose herewith a copy of a note from the governor of the State of Sonora regarding the matter.

Permit me to call your excellency's attention to the parts of said note referring to the sale of arms to the Yaquis in the United States. The Mexican consuls at Phoenix and Tucson, Ariz., have frequently reported the sale of arms to the Yaquis in Arizona and New Mexico, and have endeavored to prevent it by applying to the respective authorities, and sometimes it has been necessary for this department to communicate with the ambassador of Mexico in Washington, so that the American Federal authorities might call the attention of the local authorities, of all of which there is record in the Department of State of the United States. I would be greatly obliged if your excellency would also call the attention of said Department to this point, because of its importance.

However, and notwithstanding that this does not relate directly to the case, like what I have said above, I deem it advisable to remind your excellency of the Carlos H. Johnson incident, which gentleman asked insistently that he be given permission by the government of Sonora to arm his servants, there having been transmitted to your excellency a report from the said government showing the inexpediency of granting this permission, in view of the fact that it was proved that on various occasions arms which American and Mexican haciendos had been permitted to have passed ultimately into the hands of the Yaquis, who make unlawful use of them, as is well known.

I renew, etc., IGNO. MARISCAL.

[Subinclosure.]

The Governor of Sonora to the Secretary of Foreign Affairs.

HERMOSILLO, *March 4, 1905.*

Republic of Mexico—Government of the free and sovereign State of Sonora.

This government received your courteous note of the 18th last, issued out of section on America, Asia, and Oceania, under No. 969, with which you were pleased to inclose the translation of the communications from "The Yaqui Smelting and Refining Company" and "Mina Grande Mining Company," respectively addressed to the ambassador of the United States and to the Secretary of State at Washington, relating to the assaults of Yaqui Indians upon American citizens.

In reply I have the honor to inform you that in connection with the Yaqui campaign the government under my charge and the military commander of the first zone have dictated

energetic measures to protect the lives and interests of all the inhabitants of the state, and that the Yaqui Indians have made victims of the reckless people who have ventured into the dangerous districts, knowing of the risks they would run; as at all times have we provided escorts for those who have asked for them for their personal protection or for that of freighters conveying their property from one place to another; and if we have had to regret several murders of American citizens, the same have been due to their recklessness and obstinacy in venturing to travel, disregarding the warnings given to them against the dangers to which they may be exposed. In the particular case of Messrs. Coy and Call I will say that they and their companions were the victims of the suggestions of Mr. Miller (one of the men who was fortunate to escape the assault), who told the others on several occasions in the presence of many persons that they should not lose time waiting for an escort, and gave them as a powerful reason that all Americans here were safe; that "the Yaquis would not hurt the Americans."

On the other hand, whenever any assault has taken place on the part of the Yaquis the military commander, as well as myself, start out after the criminals, and up to the present time I dare say not a single crime has been left unpunished. So soon as the assault of Coy, Call, and their friends, at La Tasajera, took place we started after the delinquents. Several of the murderers were captured by myself and made them pay with their lives for the crime committed, and we are in active pursuit of the balance.

Besides the above and without entering into many details, I shall confine myself to mention a fact which causes the termination of the Indian question to be a difficult and long task. Through different means we have been able to take and continue to take from the Yaquis arms and ammunition, and by this sole measure we thought at one time that this hard war would be brought to an end; but it happens that in the towns of the Territory of Arizona adjacent to the State of Sonora the aforesaid Indians provide themselves with arms and ammunition, wherefrom they return anew to continue their depredations. No one fails to know of the large number of Indians there is in the frontier towns to which I refer, and everybody knows that they do not go there for want of work here as the demand for them is large and they are well paid. They go there to provide themselves with ammunition, which they partly buy with the proceeds of their work at such places, but mostly with the results of their robberies on our highways, it being worthy of note that the most important robberies, consisting in hard cash, are generally perpetrated upon citizens of the United States, precisely because they are the ones who venture to travel over our roads without precaution, relying upon the false idea that the Yaquis will respect them.

At the same time I beg to add that prior to the last campaign criminal Yaquis would conceal themselves among those who worked on our plantations; but at the present time they are pursued even there, this being the reason why they leave the state and go to the Territory of Arizona not only to provide themselves with arms and munitions of war, as stated above, but also to find therein a place of refuge, thus evading the prosecution carried on against them.

I beg to insist upon the fact that the military commander of this zone as well as the government under my charge have provided escorts to all the Americans who have applied for the same, and in some cases we have offered them to travelers, and insisted upon it, although they have said that they would travel in sufficient number to be safe without the escorts.

To close, I will say that this government fully appreciates the gravity of the Yaqui problem and that regardless of all sacrifice makes every effort to cause the safety of all the inhabitants living under our laws, it being in condition to assure you that the lives and interests of all foreigners, as well as natives of the state, are protected as well as possible, and that those of cautious travelers who ask for escorts are protected as far as the places where they can not be in danger.

I renew, etc., RAFAEL IZABEL.

[Inclosure 2.]

Ambassador Clayton to the Minister of Foreign Affairs.

AMERICAN EMBASSY,
Mexico, March 18, 1905.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 16th instant and its inclosure, the latter document being a report from the governor of Sonora addressed to your excellency, and both documents relating to the depredations committed by the Yaqui Indians against American citizens.

I inclose for the information of your excellency an extract from an affidavit made by Charles E. Tolerton, who was an eyewitness to the late attack of the Yaquis, resulting in the killing of Messrs. R. C. Coy, J. K. McKenzie, M. A. Call, and Walter Stuebinger, which alleges that the officer in charge of the troop that came afterwards upon the scene refused to

proceed in pursuit of the Indians for fear, as he stated, that they would kill his entire party. I also invite your excellency's attention to the discrepancy between the allegations of the governor in his report to you and that of Mr. Tolerton as to the furnishing of escorts to American parties when requested, the governor stating that they had always been furnished and Mr. Tolerton stating that in this tragic occurrence the escort was at first ordered, but afterwards refused.

I note what your excellency and the governor say concerning the Indians buying arms from Americans in Arizona, to which statements I have invited the attention of the Department, having to-day transmitted to it a copy of the correspondence referred to. I also note your reference to the Carlos H. Johnson incident, who requested permission, through this embassy, to purchase and use twelve stands of arms and corresponding ammunition for the protection of himself, family, and servants, which request was declined; and in this connection I invite your excellency's attention to so much of the report of the governor of Sonora, a copy of which was transmitted to this embassy with your excellency's note of October 28th last, as relates to the confession of the superintendent of El Lapiz; that after purchasing arms by permission of Governor Luis E. Torres, who permitted him to buy them only upon the condition that they would be placed in the hands of Mexicans, and not of Indians; that he had violated his promise by giving them to his Indian servants, from whom they were taken by the authorities; and that at the request of the superintendent the governor returned the arms and ammunition to him. Just why the governor should have, under the circumstances, granted him the permission to keep arms, thus misused, and refused to Mr. Johnson permission to do so does not seem apparent from the correspondence. The latter insists that it arose from the governor's enmity to him growing out of certain civil and criminal litigation in which Mr. Johnson recovered property illegally taken from him, in which the governor took an adverse interest.

I renew, etc., POWELL CLAYTON.

[Subinclosure.]

Extract from affidavit by Mr. Charles E. Tolerton.

There was a body of 40 or 50 Mexican soldiers at Cobachi when he arrived there with the bodies, and the officer in command informed him that they had been sent out from La Colorado on account of the massacre of their party, but the officer refused to proceed in pursuit of the Indians for fear, as he stated it, that they would kill his entire party. The officer and entire party of soldiers were intoxicated, and returned to La Colorado, where he saw the same officer the following morning. No attempt was made whatever by the officials to capture the Indians that had ambushed them. The authorities at Hermosillo had given them a written order to the authorities at La Colorado for an escort of soldiers for their return trip to La Colorado. No escort was furnished them, the authorities asserting that their party was so large they would not need an escort and that they would be kept for smaller parties.

The Acting Secretary of State to Ambassador Clayton.

No. 1256.] DEPARTMENT OF STATE,
Washington, March 21, 1905.

SIR: Referring to your telegram of the 16th instant concerning the fears of the Yaqui Copper Company of depredations by Yaqui Indians at Santo Niño, Sonora, I inclose herewith for your information a copy of the company's letter of the 15th instant,[a] giving further information in the matter and alleging that the authorities of the State of Sonora do not exert themselves as they ought toward protecting the lives and property of American citizens engaged in mining in that state.

The Department would be pleased to have a report from you of the facts of the case.

I am, etc., ALVEY A. ADEE.

---

[a] Not printed.

Ambassador Clayton to the Secretary of State.

No. 2723.] AMERICAN EMBASSY,
Mexico, March 22, 1905.

SIR: Referring to my No. 2711, of the 18th instant, and previous dispatches relative to the massacre of American citizens by the Yaqui Indians in the State of Sonora, I now have the honor to inclose a copy and translation of a note from Minister Mariscal, inclosing a copy of a telegram from the governor of Sonora, copy and translation inclosed, stating that he has always furnished escorts for the employees of the Santo Niño concern when requested to do so, and that he will continue to look out for them.

I have, etc.,

POWELL CLAYTON.

[Inclosure.—Translation.]

The Minister of Foreign Affairs to Ambassador Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 17, 1905.

MR. AMBASSADOR: Referring to the interview we had on the 15th instant by reason of a telegram sent to your excellency by the Department of State of the United States relative to the threatened assassination of the Americans, residents of Santo Niño, Sonora, by the Yaqui Indians, I have the honor to inclose herewith a copy of a telegram from the governor of that state[a], stating that he has always furnished due protection to those persons and that he will continue to do so.

I renew, etc., IGNO. MARISCAL.

The Acting Secretary of State to Ambassador Clayton.

No. 1262.] DEPARTMENT OF STATE,
Washington, March 28, 1905.

SIR: I have to acknowledge the receipt of your dispatch, No. 2708, of the 16th instant, acknowledging the Department's telegram of the 14th instant. * * *

Your representations to the Mexican Government regarding the effectiveness of Mexican precautions against the Yaquis and your course in the matter are approved by the Department. You will press for due protection for American citizens in Sonora.

I am, etc.,

ALVEY A. ADEE.

Chargé McCreery to the Secretary of State.

No. 125.] AMERICAN EMBASSY,
Mexico, November 4, 1905.

SIR: I have the honor to inclose herewith a copy of a letter from the president of the Mina Grande Mining and Milling Company,[a] complaining that the property of the company in the Ures district, State of Sonora, and the employees of the company are not given proper protection by the Mexican authorities against the Yaqui Indians, and

---

[a] Not printed.

that escorts are refused by the authorities at Hermosillo, capital of Sonora, to officials of the company who desire to visit the mine.

I also inclose a copy and translation of a note from Mr. Mariscal, dated the 19th ultimo, and of the communication from the minister of government (also vice-president), therewith transmitted, stating that the governor has been requested to furnish the company with escort when required and to give the fullest protection to persons having interests or traveling in the state.

I have informed the president of the company that the Mexican Government has taken prompt and willing action on his complaint.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1.]

Chargé McCreery to the Minister of Foreign Affairs.

AMERICAN EMBASSY,
Mexico, October 9, 1905.

MR. MINISTER: In view of the American interests involved, I have the honor to inclose a copy of a communication from the president of the Mina Grande Mining and Milling Company, whose property is located in the Ures district, State of Sonora.

I beg, etc.,

FENTON R. MCCREERY.

[Inclosure 2.—Translation.]

The Minister of Foreign Affairs to Chargé McCreery.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 19, 1905.

MR. CHARGÉ D'AFFAIRES: Referring to your note of the 9th instant, relating to the case of the "Mina Grande Mining and Milling Company," which requests the protection of the Mexican Government with respect to the property it owns near Ures, Sonora, against the assaults of the Yaqui Indians, I have the honor to transmit to you herewith a copy of a note addressed to me by the department of government, informing me that it has already asked the governor of the State of Sonora to furnish, when required, the escorts which the company may request, and to endeavor to give the fullest protection to the persons who have any interests in said state, or who may travel through it.

On my part, I have asked the department of government to advise this department with respect to any information from the governor of Sonora bearing upon the matter.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Secretary of Government to the Secretary of Foreign Affairs.

DEPARTMENT OF GOVERNMENT,
Mexico, October 18, 1905.

I have received your communication, No. 449, dated the 14th instant, in which you have been pleased to include the note from the chargé d'affaires ad interim of the United States of America, inclosing a copy of a communication from the president of the "Mina Grande Mining and Milling Company."

In reply, I have the honor to inform you that your aforesaid note has been transmitted to the governor of the State of Sonora, with a copy of the above-mentioned inclosure, with the recommendation that he furnish, when required, the escorts to which the president of the Mina Grande Company refers, and to endeavor in general to give the fullest protection to the persons who may have any interests in said state, or who may travel through it.

I renew, etc.,

CORRAL.

The Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, November 11, 1905.

DEAR MR. AMBASSADOR: During the past year I have received from a number of American citizens having mining and other local interests in Sonora letters giving detailed accounts of the hostile activity of the Yaquis and the depredations committed by them to the great damage of life and property. Many of them go so far as to express a doubt as to the full gravity of the situation being understood by the Mexican authorities, in view of the extent and duration of the hostilities and the insuccess of the measures taken to put a stop to them and to secure protection to peaceable residents.

I annex extracts from some of these letters [a] as showing their general tenor, thinking that the statements therein made may be of interest and possibly of service to the Mexican Government in dealing with this grave problem, which affects so many foreigners in common with native Mexicans. The general facts recited are probably known to your government, but the testimony of eyewitnesses and parties in interest may supply useful details which may not be accessible in the ordinary course of administration. In my own country it has not infrequently happened that private and personal information has helpfully supplemented the knowledge gained through official channels, as in the case of the uprisings of our own Indians, and has thereby enabled the authorities to take necessary and effective action. It may very possibly be the same in Mexico. At any rate, the urgency of the situation in Sonora is my excuse for bringing the matter to your notice.

For the purpose of this informal communication it has not seemed necessary to give the names of the writers. In the instances where their statements were specific and the urgency of protection apparent the representations of our citizens have been conveyed to your government through our embassy.

I am, etc.,

ELIHU ROOT.

Chargé McCreery to the Secretary of State.

No. 127.] AMERICAN EMBASSY,
Mexico, November 11, 1905.

SIR: Referring to my No. 125, of the 4th instant, inclosing copies of correspondence showing that I presented to the foreign office the complaint of the president of the Mina Grande Mining and Milling Company that the authorities of the State of Sonora did not furnish proper protection to the employees of the company against the Yaqui Indians and refused to furnish escort when it was desired to visit the mine or ship ore from the mine, and also showing that the Mexican Government requested the governor of Sonora to furnish such escort when required, I have the honor to inclose copy and translation of a note from Mr. Mariscal, dated the 7th instant, and of the communication from the governor therewith transmitted, stating that the company had not made application to him or to the commander of the military district and that if application had been made escort would have been furnished.

---

[a] Not printed.

I have sent a translation of Mr. Mariscal's note and inclosure to the president of the company.

I have, etc., FENTON R. MCCREERY.

[Inclosure.—Translation.]

The Secretary of Foreign Affairs to Chargé McCreery.

MEXICO, *November 7, 1905.*

MR. CHARGÉ D'AFFAIRES: Referring to your note, dated October 9 last, relating to the case of the Mina Grande Mining and Milling Company, which claims to have asked in vain for an escort from the authorities of Sonora in order to visit its mining property, which it considers in danger of being assaulted by the Yaqui Indians, I have the honor to transmit to you herewith a copy of a communication from the governor of the State of Sonora, stating that he has not received said request, as otherwise he would have attended to it in the usual manner.

I renew, etc., IGNO MARISCAL.

[Subinclosure.—Translation.]

The Governor of Sonora to the Secretary of Foreign Affairs.

HERMOSILLO, *October 29, 1905.*

Government of the free and sovereign State of Sonora.

This government received, together with your courteous note No. 443, dated the 14th instant, a copy of a communication addressed by the president of the Mina Grande Mining and Milling Company to the chargé d'affaires ad interim of the United States of America to Mexico, stating that he had asked the authorities of this state for an escort in order to visit the company's property, which he considers in danger of being assaulted by the Yaqui Indians, and that said escort was denied.

In reply I have the honor to say that neither this government nor the military commander of the zone, to whom I referred the matter, have heard of said request, for if the same had been received the usual escort would have been furnished, as the government as well as the military commander are and have always been willing to give protection not only to persons traveling from one place to another, but also to shipments of ores and merchandise belonging to mining concerns.

I renew, etc., RAFAEL IZABEL.

The Mexican Ambassador to the Secretary of State.

EMBASSY OF MEXICO,
Washington, November 14, 1905.

DEAR MR. ROOT: Your letter of the 11th instant has just reached me, together with the letters that you had received from some American citizens having interests in Mexico, and wherein are contained detailed accounts of the hostile activity of the Yaquis and the depredations committed by them, to the great damage of life and property of my countrymen, as well as of said American citizens.

The Mexican Government has always given to the Yaqui question all the importance that it deserves, and has endeavored through various means within its power to reestablish that confidence which the inhabitants of those regions ought to have, and to give them all the security which undoubtedly they should enjoy.

The information which you sent will prove most useful to my government, because, as you say, private and personal information in the United States, as well as in Mexico, especially when relating to the uprisings of Indians, is of the greatest importance to the authorities, so that they may take the necessary steps to insure prompt and efficacious action.

I am transmitting to my government your letter and inclosures, and I recommend, in compliance with the desire you expressed, that it may give the subject its due attention.

I hope that very soon I shall be able to communicate to you the answer I may receive from my government.

I remain, etc.,

JOAQUIN D. CASASUS.

The Secretary of State to Chargé McCreery.

No. 67.] DEPARTMENT OF STATE,
Washington, November 15, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 125, of the 4th instant, inclosing a copy of a letter from the president of the Mina Grande Mining and Milling Company, complaining that the property of the company in the Uree district, State of Sonora, and the employees of the company are not given proper protection by the Mexican authorities against the Yaqui Indians, and that escorts are refused by the authorities at Hermosillo, capital of Sonora, to officials of the company who desire to visit the mines.

You report that you have called the attention of the Mexican Government to the matter, and that the governor of Sonora has been requested to furnish the company with escorts when required, and to give the fullest protection to persons having interests in the state or traveling therein.

The Department would be pleased to know whether the company is under American or Mexican incorporation.

In this connection I inclose for your information merely a copy of an informal communication I have sent to the new Mexican ambassador at Washington concerning the situation in Sonora. [Printed ante.]

I am, etc.,

ELIHU ROOT.

Chargé McCreery to the Secretary of State.

No. 143.] AMERICAN EMBASSY,
Mexico, December 2, 1905.

SIR: I have the honor to inclose an article from the Daily Record relative to the arrival at this city, under guard, of a band of Yaqui Indians en route to the Yucatan peninsula.

During the past three years the Mexican Government has transported to Yucatan and Quintana Roo many Indians who had taken part in or abetted Yaqui depredations in Sonora.

I have, etc., FENTON R. MCCREERY.

[Inclosure.]

Clipping from the Daily Record, City of Mexico, November 29, 1905.

All warlike Yaquis are shot wherever captured, but those who are merely sympathizers are being deported, family by family, as fast as the troops can round them up. In this way it is hoped that the warriors may be starved into submission. Some of these families go to Yucatan to work on plantations; others go to Sinaloa, where the Redo estate is colonizing to

work them on their sugar plantation on the Redo peninsula, while others are being used in convict gangs in public improvements for Sonora.

The government is disposed to act fairly by those who will become peaceable colonists and is giving them farming implements, animals, and poultry in Sinaloa. Those who will not be colonized are sent to Yucatan, where the rigors of the climate frequently end their lives.

DISINFECTION OF VESSELS IN MEXICO BY UNITED STATES MEDICAL OFFICERS.

The Mexican Ambassador to the Secretary of State.

[Translation.]

No. 130.] EMBASSY OF MEXICO
TO THE UNITED STATES OF AMERICA,
Washington, March 11, 1905.

MOST EXCELLENT SIR: Pursuant to special instructions from my government, that are set forth in the copy inclosed with this note, which will acquaint you with all the particulars of the matter therein dealt with, I have the honor to apply to you with a request that the proper measures be taken in the case by the Government of the United States and that you may be pleased to advise me of whatever decision may be reached, so that I may in turn report to the Government of Mexico.

Accept, etc., M. DE AZPIROZ.

[Inclosure.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, February 11, 1905.

The secretary of government, in an official letter numbered 6814, of the 26th of September last, makes the following statement:

"The chairman of the superior board of health writes the following to this department under date of the 22d instant:

"'At the meeting held yesterday by this board an opinion of the counsel member of the corporation, here quoted, was approved: The counsel of the board has acquainted himself with the case that occurred at Progreso on the 13th day of July last in connection with the disinfection of the English steamer *Atheniana* by Dr. J. F. Harrison, a physician in the sanitary federal service, effected under such conditions that 80 bales of henequen were set on fire. By direction of the chairman of the board an inquiry was instituted, from which it appears that Mr. Harrison does, in the character above described, disinfect vessels clearing from Progreso for American ports, and while the said gentleman asserts that he only disinfects vessels when requested by the agents or masters, as there may be truth in the common report that unless disinfected by the said American physician vessels are not admitted into ports of the United States, the undersigned believes that the department of foreign relations should be fully apprised of the incident and send it a copy of the investigation conducted by the sanitary delegate to the end that such measures as may be appropriate be, if necessary, taken through the diplomatic channel.'"

This department has examined the case in the light of the fact that the Mexican Government never intended to admit American physicians into the national territory in an official capacity. This was made quite clear by the last quarantine decreed by the government of the State of Texas against Mexico on account of the yellow fever, and again when the American Government asked permission to have the disinfecting barge *Sanator* stationed in Vera Cruz for the disinfection of vessels clearing from that port for the United States. On that occasion the permission was refused because the said port possessed facilities for every kind of disinfection and because the Second International American Conference had declared that all matters pertaining to international sanitary police remained subject to the jurisdiction of each government within its own territory. Lastly, when Mr. Barlow, then consul-general of the United States at Mexico City, claimed that Doctor Cofer should be recognized in the federal district as the physician whose duty it was to issue bills of health to persons intending to visit the United States, Mr. Barlow could not carry his points and confined himself to issuing the said certificates personally, and instructed the consuls under his jurisdiction to do like-

wise. In the issuance of such certificates Mr. Barlow was assisted by two physicians who had no official character.

In view of the foregoing, I have the honor to communicate to you the above-quoted official dispatches in order that you bring the matter to the knowledge of the Department of State in the light of the precedents in the case to the end that appropriate measures be taken in the matter herein referred to.

The Acting Secretary of State to the Mexican Chargé.

No. 594.] DEPARTMENT OF STATE,
Washington, April 3, 1905.

SIR: I have the honor to acknowledge the receipt of Mr. Azpiroz's note No. 130, of the 11th ultimo, with one inclosure, from which it appears that the Mexican Government is not disposed to permit Dr. J. F. Harrison, an inspector of the Public Health and Marine-Hospital Service, stationed at Progreso, Mexico, to make official disinfection of vessels leaving that port for the United States.

In reply I have the honor to inform you that copies of the ambassador's note and of its inclosure have been sent to the Secretary of the Treasury for the information of the Surgeon-General of the Public Health and Marine-Hospital Service.

Accept, etc., ALVEY A. ADEE.

TREATY BETWEEN THE UNITED STATES AND CERTAIN AMERICAN POWERS FOR THE ARBITRATION OF PECUNIARY CLAIMS.

Signed at Mexico, January 30, 1902.
Ratification advised by the Senate, January 11, 1905.
Ratified by the President of the United States, January 28, 1905.
Ratification deposited with the Mexican Government, February 10, 1905.
Proclaimed March 24, 1905.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty of Arbitration for pecuniary claims between the United States of America and the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay, was concluded and signed by their respective Plenipotentiaries at the City of Mexico on the 30th day of January, 1902, the original of which Treaty in the English language, is word for word as follows:

Treaty of Arbitration for Pecuniary Claims.

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

For the Argentine Republic.—Their Excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadon.

For Bolivia.—His Excellency Fernando E. Guachalla.

For Colombia.—Their Excellencies Carlos Martinez Silva, General Rafael Reyes.

For Costa Rica.—His Excellency Joaquin Bernardo Calvo.

For Chili.—Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquin Walker Martinez, Augusto Matte.

For the Dominican Republic.—Their Excellencies Federico Henriquez y Carvajal, Luis Felipe Carbo, Quintin Gutierrez.

For Ecuador.—His Excellency Luis Felipe Carbo.

For El Salvador.—Their Excellencies Francisco A. Reyes, Baltasar Estupinián.

For the United States of America.—Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

For Guatemala.—Their Excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

For Hayti.—His Excellency J. N. Léger.

For Honduras.—Their Excellencies José Leonard, Fausto Dávila.

For Mexico.—Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

For Nicaragua.—His Excellency Luis F. Corea, His Excellency Fausto Davila.

For Paraguay.—His Excellency Cecilio Baez.

For Peru.—Their Excellencies Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

For Uruguay.—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

ART. 1. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes, the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1. of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,
ANTONIO BERMEJO.
LORENZO ANADON.
For Bolivia,
FERNANDO E. GUACHALLA.
For Colombia,
RAFAEL REYES.
For Costa Rica,
J. B. CALVO.
For Chili,
AUGUSTO MATTE.
JOAQ. WALKER M.
EMILIO BELLO C.
For the Dominican Republic,
FED. HENRIQUEZ I CARVAJAL.
For Ecuador,
L. F. CARBO.
For El Salvador,
FRANCISCO A. REYES.
BALTASAR ESTUPINIAN.
For the United States of America:
W. I. BUCHANAN.
CHARLES M. PEPPER.
VOLNEY W. FOSTER.
For Guatemala,
FRANCISCO ORLA.
For Hayti,
J. N. LÉGER.
For Honduras,
J. LEONARD.
F. DÁVILA.
For Mexico,
G. RAIGOSA.
JOAQUIN D. CASASUS.
E. PARDO, jr.
JOSÉ LOPEZ PORTILLO Y ROJAS.
PABLO MACEDO.
F. L. DE LA BARRA.
ALFREDO CHAVERO.
M. SANCHEZ MARMOL.
ROSENDO PINEDA.
For Nicaragua,
F. DÁVILA.
For Paraguay,
CECILIO BAEZ.
For Peru,
MANUEL ALVAREZ CALDERON.
ALBERTO ELMORE.
For Uruguay,
JUAN CUESTAS.

And whereas it is provided in its Article V that the said Treaty shall be binding on the States ratifying it from the date on which five signatory governments have ratified the same, and shall be enforced for five years;

And whereas, the said Treaty was ratified by the United States of America on January 28, 1905; by Guatemala on April 25, 1902; by El Salvador on May 19, 1902; by Peru on October 29, 1903, and by Honduras on July 6, 1904;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-fourth day of March, in the year of our Lord one thousand nine hundred and five,
[SEAL] and of the Independence of the United States of America, the one hundred and twenty-ninth.

THEODORE ROOSEVELT

By the President:
ALVEY A. ADEE
Acting Secretary of State.

NOTICE OF RATIFICATION BY MEXICO.

[Translation.]

No. 174.] EMBASSY OF MEXICO TO THE UNITED STATES OF AMERICA,
Washington, May 22, 1905.

HONORABLE SIR: I have the honor to inform you, for all pertinent purposes, that on the 1st day of the current month, as the department of foreign relations of Mexico has been pleased to advise me, the Government of the Republic ratified the treaty relative to claims for pecuniary damages and injuries that was signed in the said city of Mexico on the 30th day of January, 1902, by the delegates to the Second International American Conference.

Accept, honorable sir, the renewed assurances of my very high consideration.

F. GAMBOA,
Chargé d'Affaires ad Interim.

Hon. FRANCIS B. LOOMIS,
Acting Secretary of State.

DEATH OF AMBASSADOR MANUEL DE AZPÍROZ, OF MEXICO, AND REMOVAL OF HIS REMAINS TO MEXICO.

President Roosevelt to the President of Mexico.

[Telegram.]

THE WHITE HOUSE,
Washington, March 24, 1905.

For my countrymen and in my own name I offer heartfelt condolence upon the death of Ambassador Azpíroz.

THEODORE ROOSEVELT.

The Mexican Chargé to Acting Secretary of State Adee.

[Translation.]

No. 144.] MEXICAN EMBASSY IN THE UNITED STATES OF AMERICA,
Washington, March 25, 1905.

ESTEEMED SIR: In confirmation of what I had the honor to communicate to you yesterday verbally, with profound sorrow I advise you now by the present note that Dr. Don Manuel de Azpíroz, ambassador extraordinary and plenipotentiary of Mexico near the Government of the United States of America, died yesterday afternoon at 4.40.

I beg you, if possible, to be good enough to express to His Excellency the President the sentiments of gratitude which I hasten to tender in the name of my government, in that of this embassy, and in that of the family of the deceased for the personal condolence which His Excellency deigned to send last night by Colonel Bromwell.

I beg you also to be pleased to accept for yourself the same sentiments for the kindly sympathy which you were pleased to show yesterday on account of the sad event which has thrown the embassy under my charge into mourning.

I reiterate, etc., F. GAMBOA.

The Mexican Chargé to Acting Secretary of State Adee.

[Translation.]

No. 145.] EMBASSY OF MEXICO IN THE UNITED STATES OF AMERICA,
Washington, March 27, 1905.

SIR: I have the honor to acknowledge receipt of your courteous personal note of this date, by which you are pleased to inform me that His Excellency the President has been kind enough to order the United States cruiser *Columbia* to convey to the border the body of the deceased ambassador of Mexico.

I also noted, and at once advised the family of Señor Aspíroz, that the hospitality of the ship was extended to them.

In reply I beg at once to express in the name of my government, to whom I at once reported by telegraph this new and extreme manifestation of international friendship by the United States toward

Mexico, most sincere thanks as well as the gratitude of the family of the ambassador.

Regarding the other details concerning which you desire information, I am pleased to say that the persons who accompany the body are: The widow of the ambassador; her two daughters, the widow de Perez and Miss Belén de Azpíroz; Mr. Rodrigo de Azpíroz, son of the ambassador and second secretary of embassy, and a female servant. The family would like, if convenient, that the date of departure be fixed for the 8th of April. I beg you, in this regard, to be pleased to indicate where the embarkation will take place.

As you surmised, the port of disembarkation in Mexico will be Veracruz.

Be pleased, etc., F. GAMBOA.

The Acting Secretary of State to the Mexican Chargé.

No. 587.] DEPARTMENT OF STATE,
Washington, March 28, 1905.

SIR: Supplementing my personal note of the 27th and your reply of the same date, I have the honor to inform you that by direction of the President the Acting Secretary of the Navy has detailed the United States cruiser *Columbia* to convey the remains of the late ambassador to Mexico. Owing to the time necessary to bring the vessel home from the Caribbean Sea and prepare for the voyage to Mexico, the date of sailing from New York with the remains will probably be between April 15 and 20.

The Government of the United States further extends a cordial invitation to the widow and family of Señor Azpíroz to accompany the body. Accommodations to that end will be reserved on the *Columbia* for the family party, which, as I understand from your note, will consist of the widow of the ambassador; her two daughters, Señora de Perez and Señorita Belén de Azpíroz; Mr. Rodrigo de Azpíroz, son of the ambassador and second secretary of embassy, and a female servant.

Accept, etc., ALVEY A. ADEE.

MONETARY LAW OF MEXICO.

The Acting Secretary of State to Ambassador Clayton.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 30, 1905.

Report by telegraph date on which new monetary law relating to monetary reform in Mexico will go into effect. Desirable that Treasury have this information by April 1.

ADEE.

Ambassador Clayton to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico, March 30, 1905.

Monetary law of Mexico promulgated twenty-fifth instant becomes operative May first next, but bullion presented by private persons at the mints and assay offices of the federation for coinage will cease to be admitted after April sixteen next, and from date of publication of this law metals from abroad will not be accepted unless they shall have been imported prior to that date.

CLAYTON.

Ambassador Clayton to the Secretary of State.

No. 2736.] AMERICAN EMBASSY,
Mexico, March 30, 1905.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of this date and to confirm my telegraphic reply, also of this date [relating to the monetary law of Mexico].

I have the honor to transmit herewith for the information of the Department a copy and translation of the law upon this subject, dated March 25, 1905.

I have, etc., POWELL CLAYTON.

[Inclosure.—Translation.]

LAW RELATING TO THE REFORM OF MEXICO'S MONETARY SYSTEM.

[Extracts.]

* * * * * * *

CHAPTER I.

Coins.

ARTICLE 1. The theoretical unit of the monetary system of the United Mexican States is represented by seventy-five centigrams of pure gold and is denominated a "peso."

The silver peso which has heretofore been coined with a weight of 24.4388 grams of pure silver, will subject to the conditions mentioned in this law, have a legal value equivalent to said 75 centigrams of pure gold.

ARTICLE 2. The peso is divided into one hundred centavos (cents) and the coins to be struck shall represent the values given below:

Gold coins: Ten pesos, five pesos.

Silver coins: One peso, fifty cents, twenty cents, ten cents.

Nickel coins: Five cents.

Bronze coins: Two cents; one cent.

ARTICLE 3. The alloy of gold coins shall be nine hundred one thousandths ($\frac{900}{1000}$) of pure gold and one hundred one thousandths ($\frac{100}{1000}$) copper. The alloy of silver coins shall be: For coins of one peso, nine thousand and twenty-seven ten thousandths ($\frac{9027}{10000}$) of pure silver and nine hundred and seventy-three ten thousandths ($\frac{973}{1000}$) of copper: and for coins of lesser values the alloy shall be eight hundred one-thousandths ($\frac{800}{1000}$) of pure silver and two hundred one-thousandths ($\frac{200}{1000}$) copper. The alloy of bronze coins shall be ninety-five parts of copper, four of tin, and one of zinc. The five cent coins shall be struck out of nickel commercially pure.

* * * * * * *

ARTICLE 8. The national coat of arms and the inscription "United Mexican States" shall appear on all the coins which may be coined. All other emblems, wording, and requisites shall be determined by governmental provision.

CHAPTER II.

Coinage and circulation of money.

ARTICLE 9. The power of coining money appertains exclusively to the Executive of the Union, who shall exercise it in accordance with the present law, on the occasions and in such amounts as said law authorizes. In consequence, the right of private persons to introduce gold and silver bullion into the mints for coinage is abolished.

ARTICLE 10. The mintage of new gold coins shall be confined, unless otherwise ordered, to the quantity required to effect the exchange of the present gold coins, which shall cease to be legal tender on July 1, 1906.

Nevertheless, in the special circumstances laid down in the first section of article 12, the free coinage of gold may be authorized by a decree specially issued by the Executive of the Union.

ARTICLE 11. From and after the date on which this law becomes effective, and save and except the case of recoinage, as provided by article 14, new silver coins will only be coined and issued in exchange for gold coin or bullion at the rate of seventy-five centigrams of pure gold per peso. The gold thus received may be employed in the purchase of silver bars on the scale necessary for the mintage of the silver coins applied for.

* * * * * * *

ARTICLE 16. Any inhabitant of the Republic is entitled to exchange subsidiary coins for dollar (peso) pieces and vice versa, provided that the amount presented by him for exchange is one hundred dollars or an exact multiple thereof. In these cases the department shall make terms with the persons in interest as to the charge for coinage and will take steps to satisfy itself as to the exportation of the pesos coined.

ARTICLE 18. With the exception of the case provided for in the preceding article, the charge for coinage of money of all kinds shall be levied by the Nation.

* * * * * * *

CHAPTER III.

Legal circulation of coins.

ARTICLE 20. The obligation of paying any sum in Mexican coin is satisfied by handing over coins of the issues which may be current for the value which they represent. Therefore, the public offices, of the federation and the states, as well as establishments, companies, and private persons are obliged to accept said coins in payment of moneys owed to them without any other limitation than that laid down in the following article:

ARTICLE 21. Gold coins of any value and silver pesos are unlimited legal tender.

As to the other silver coins, the nickel coin and the bronze coins, their acceptance in one and the same payment is only obligatory for a sum not exceeding twenty pesos, as regards the silver coins, and for a sum not exceeding one peso with respect to the nickel and bronze coins.

ARTICLE 22. Foreign coins are not legal tender in the Republic, save and except the cases wherein the law expressly provides the contrary.

Engagements to pay in foreign coins, contracted within or outside of the Republic, will be fulfilled therein by delivering the equivalent in native coin at the rate of exchange prevailing on the day and at the place where the payment has to be effected.

ARTICLE 23. The terms of the three foregoing articles are not relinquishable so that any agreement to the contrary will be absolutely void before the law, articles 1423 and 2690 of the civil code of the federal district being thus derogated.

* * * * * * *

Transient.

ARTICLE 1. This law shall become effective on May 1, 1905. Nevertheless, from April 16, next, bullion presented by private persons at the mints and assays offices of the federation for coinage will cease to be admitted, and from the date of publication of this law metals from abroad shall not be accepted, unless they shall have been imported prior to this date.

ARTICLE 2. So long as gold coins coined up to the present time, with a nominal value of $20, be considered as legal tender, the same shall be accepted by public offices and private parties as the equivalent of thirty-nine pesos and forty-eight cents; and also ten dollar coins shall be considered as the equivialent of nineteen pesos and seventy-four cents; five dollar coins shall be the equivalent of nine pesos and eighty-seven cents; those of two dollars and fifty cents will be considered as equivalent to four pesos and ninty-three cents, and one dollar coins will be the equivalent of one peso and ninety-seven cents.

I, therefore, command that the present law be printed, published, circulated, and faithfully complied with.

Done in the palace of the federal executive power, at the City of Mexico, on the 25th day of March, 1905.

PORFIRIO DIAZ.

ABOLITION OF THE "FREE ZONE" OF MEXICO.

The Mexican Chargé to the Department of State.

[Memorandum of an oral communication.]

WASHINGTON, *July 18, 1905.*

In the Diario Oficial of June 30 there was published a governmental decree abolishing the Free Zone on the Mexican frontier adjoining the United States.

Have the goodness to say orally to the Department of State that in taking this action the Mexican Government took into consideration, among other reasons of internal policy, the representations made by the Government of the United States in regard to the frauds committed against the United States Treasury under cover of the exemptions from the payment of duties granted by virtue of that institution.

The Mexican Government considers that in taking this step it has given an additional proof of its friendly feeling for the Government of the United States, with which it maintains the most cordial relations.

I renew, etc., MARISCAL.

The Department of State to the Mexican Embassy.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, July 19, 1905.

The Department of State has the honor to acknowledge the receipt of the memorandum of an oral communication from his government concerning the abolition of the Free Zone adjoining the United States with which the chargé d'affaires of Mexico favored it on the occasion of his personal call of the 18th instant.

The Government of the United States has received with sincere gratification the assurances of the friendly motives which actuated the Mexican Government in taking this step, and begs to assure the chargé d'affaires of its cordial reciprocation of the good will and friendship of his government and its high appreciation of its obliging courtesy.

MESSAGE OF THE PRESIDENT OF MEXICO TO THE MEXICAN CONGRESS.

Chargé McCreery to the Secretary of State.

No. 89.] AMERICAN EMBASSY,
Mexico, September 21, 1905.

SIR: I have the honor to inclose a copy and translation of the semi-annual message delivered by President Diaz at the opening of the Mexican Congress on the 16th instant.

That the number of pupils attending the primary schools of the federal district and territories alone has increased 10,000 during the past year is an indication of the successful educational policy of the Mexican Government.

The Free Zone which extended along the northern frontier has been abolished. The federal revenue for the fiscal year 1904–05 was 90,000,000 pesos, an increase of 3,000,000 over the previous year. A glance at the message will show that the development and progress of Mexico continue uninterrupted.

I have, etc., FENTON R. MCCREERY.

[Inclosure.]

Extracts from the President's message.

Yesterday evening the President of the Republic opened the third period of sessions of the twenty-second congress of the Union, on which occasion he delivered the following message:

MESSRS. DEPUTIES AND SENATORS: Gratifying as is ever the honor of appearing before you, it is doubly so when I come, as on the present occasion in compliance with our fundamental law, to relate to you facts which demonstrate the pacific and constant development of public wealth, as well as the advancement of the administrative branches confined to the executive power.

FOREIGN RELATIONS.

Our foreign relations continue day by day to grow, but the closeness of those which we cultivate with neighboring nations is naturnlly most conspicuous.

In this connection I take pleasure in referring to the exceptional courtesies of the Government of the United States of America on the occasion of the regretted demise, at Washington, of our ambassador. On that occasion not only were all the honors paid that were due to the position cocupied by the deceased, according to international usage, but, in addition, the American Government sought to give to Mexico a particular mark of esteem by sending one of its warships to convey to our shores the ambassador's remains and desiring that a section of marines who had acted as their escort should accompany them to their last resting place in the soil of the fatherland. Such marked courtesies could not fail to awake a sentiment of lively gratitude and cordial good will in the heart of the Mexican people.

Another lamentable event has also demonstrated the solidarity resulting from our relations with other peoples. On the occasion of the Guanajuato catastrophe our government received expressions of sympathy and gifts in money for the victims either directly from foreign chancelleries or through the instrumentality of the several legations established at this capital. Moreover, some of the foreign colonies residing in our country have given similar proofs of generosity. These acts have served to strengthen the ties of friendship uniting those governments and nations with the Mexican nation and government.

The treaty signed during the second Pan-American conference, in regard to pecuniary claims and damages, to which I referred in my last message, was, after approval by the Senate, duly promulgated.

A convention signed during the course of the same conference for the exchange of publications among the governments of America was also promulgated after approval by the Senate and ratification by the executive.

In the month of August last the third Latin-American Scientific Congress was held at Rio de Janeiro, and the Government of Mexico was invited to send its delegates thereto. Though there was not sufficient time to send a regular delegation, the executive, desiring to show its appreciation of the courteous invitation of the Brazilian Government, took measures to be represented at that interesting assembly by our chargé d'affaires ad interim at Buenos Aires.

CONTRAVENTION OF THE EXTRADITION TREATY BETWEEN THE UNITED STATES AND MEXICO BY THE GOVERNORS OF TEXAS AND TAMAULIPAS.

Chargé McCreery to the Secretary of State.

No. 115.] AMERICAN EMBASSY,
Mexico, October 19, 1905.

SIR: Referring to my No. 96, of the 28th ultimo,[a] reporting that I had, as instructed in the Department's telegram of the 27th ultimo,[a] requested the arrest and provisional detention of Charles Luna, charged with murder in Williamson County, Tex., and that the Mexican Government had ordered his arrest, I have the honor to inclose copies and translations of a note from Mr. Mariscal, and its inclosures, from which it will be seen that the governor of Tamaulipas had ordered the provisional detention of the fugitive upon the request of the governor of Texas and that the foreign office considers the action of both governors in contravention of Article X of the extradition treaty, and desires that the case be brought to the attention of the Department.

I informed Mr. Mariscal that a copy of his note and inclosures had been transmitted to the Department.

I have, etc., FENTON R. MCCREERY.

[Inclosure 1.—Translation.]

The Secretary of Foreign Affairs to Chargé McCreery.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 14, 1905.

MR. CHARGÉ D'AFFAIRES: Referring to your note, dated the 27th of September last, in which you were pleased to request the arrest and provisional detention of Charles Luna, charged with murder in Williamson County, Tex., I have the honor to transmit herewith a copy of a communication addressed to me by the governor of the State of Tamaulipas, in which he informs me that the governor of Texas having directly requested from him the aforesaid provisional detention, he issued the regular orders for the arrest of the fugitive.

I also beg to inclose a copy of a report from the proper section of this department relating to the irregularities attending the matter in question, to the end that the Department of State of the United States be informed of the procedure followed in this case, with the understanding that the instructions which the case requires have been transmitted to the governor of Tamaulipas.

I renew, etc., IGNO. MARISCAL.

[Subinclosure 1.—Translation.)

The Governor of the State of Tamaulipas to the Secretary of Foreign Affairs.

Republic of Mexico—government of the free and sovereign State of Tamaulipas.

Referring to your courteous note, No. 361, dated September 28 last, issued by the section on America, Asia, and Oceanica, of the department under your worthy charge, I have the honor to inform you, that in view of a telegraphic request from the governor of Texas, the municipal prefect of New Laredo was ordered to cause the arrest and provisional detention of Charlie Looney, whose name was erroneously given in the telegrams and in your communication I answer, as Charles Luna. Therefore, on the 26th of last month the said individual was provisionally detained at said city of New Laredo, because the county sheriff from Texas identified him. The extradition has already been requested by the said governor of Texas for a man named Charlie Looney, alias Charlie Coleman, alias

---

[a] Not printed.

Charlie Martin, an American citizen, and recommended by the American consul at New Laredo, who furthermore stated that the fugitive is willing to appear before the jurisdictive judicial authorities of Texas to answer to charge of murder, for which he is indicted.

In transmitting the above to you, in reply it affords me pleasure to assure you of my distinguished consideration.

Ciudad Victoria, October 2, 1905.

PEDRO ARGUELLES, rubric.

[Subinclosure 2.—Translation.]

Mr. Vera to the Secretary of Foreign Affairs.

Department of Foreign Affairs—Section on America, Asia, and Oceanica.

MR. SECRETARY: The American embassy, in its note of September 27 last, requested from this department the provisional detention of Charles Luna, charged with murder in the State of Texas, and a fugitive at New Laredo. In accordance with the above request, the governor of Tamaulipas was asked by mail to issue his orders for the arrest of the accused, and in answer to the note from this department the above-mentioned officer replied that "in view of a telegraphis request from the governor of Texas the municipal prefect of New Laredo was ordered to cause the arrest and provisional detention of Charlie Looney, whose name was erroneously in the telegrams as Charles Luna; that therefore, on the 26th of last month, the said individual was provisionally detained at said city of New Laredo, because the county sheriff from Texas identified him; that the extradition had already been requested by the said governor of Texas for a man named Charlie Looney, alias Charlie Coleman, alias Charlie Martin, an American citizen, and recommended by the American consul at New Laredo, who furthermore stated that the fugitive was willing to appear before the jurisdictive judicial authorities of Texas to answer the charge of murder for which he was indicted."

The undersigned takes the liberty to call your attention to the irregularity attending this case on account of the governor of Texas making a direct request *for a provisional detention* on the governor of Tamaulipas, and also because the latter granted said request, as in so doing both governors have infringed the spirit as well as the terms of Article X of the extradition treaty in force, which provides that "on being infomed by telegraph or otherwise through the *diplomatic channel* that a warrant has been issued by competent authority for the arrest of a fugitive * * * each government shall endeavor to procure the provisional arrest of such criminal," etc. There is no doubt that the intention in fixing the express provision of the treaty for federal action with respect to *provisional detention* was to protect personal rights so far as possible with a view to prevent any conflict between the laws of the states and those of the federation. Otherwise the powers to take cognizance of the *requests for extradition*, which are conferred on frontier authorities by Article IX of said treaty, would have also been extended to them in the above chapter.

If the report merits your approval, and you consider it advisable, the same may be transmitted to the governor of the State of Tamaulipas in reference to his note upon the subject, with a view that he bears the same in mind for future cases, adding that with respect to the present case he can continue to take cognizance of the same, since the request for extradition has been made upon him in accordance with said Article IX.

The undersigned begs to suggest that a copy of the governor's communication and of the above report (if approved) be transmitted to the American embassy in reply to its note, in order that the Department of State be informed of what has happened.

Mexico, October 10, 1905.

M. ZAPATA VERA.

The Secretary of State to Chargé McCreery.

No. 63.] DEPARTMENT OF STATE,
Washington, November 2, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 115, of the 19th ultimo, inclosing copies of a note from the Mexican minister for foreign affairs, and of its inclosures, from which it is seen that the governor of Tamaulipas had ordered the provisional detention of Charles Luna, upon the request of the governor of Texas, and that the foreign office considers the action of both governors to be in contravention of Article X of the extradition treaty, and desires that the case be brought to the attention of the Department.

The view of the Mexican foreign office that, in order to secure the provisional arrest and detention in Mexico of a fugitive criminal, it is necessary, under the provisions of Article X of the extradition treaty, to make request therefor through the diplomatic channel is correct.

A copy of the correspondence will be furnished to the governor of Texas for his information.

I am, etc.,

ELIHU ROOT.

The Secretary of State to Chargé McCreery.

No. 66.] DEPARTMENT OF STATE,
Washington, November 14, 1905.

SIR: Referring to instruction No. 63, of the 2d instant, regarding the complaint of the Mexican Government of the action of the governor of Texas in making direct application to the governor of Tamaulipas for the arrest and provisional detention of Charles Luna, I inclose herewith for communication to the Mexican Government a copy of a letter from the governor of Texas, explaining his course in that and similar cases.

I am, etc., ELIHU ROOT.

[Inclosure.]

The Governor of Texas to the Secretary of State.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, November 7, 1905.

SIR: I am directed by the governor to acknowledge receipt of your communication of the 2d instant, inclosing copy of communications referring to the interpretation of the Mexican minister of foreign affairs of Article X of the extradition treaty in so far as the same relates to the provisional arrest and detention of fugitives in the respective countries. In reply thereto I beg to advise you that while the governor has recognized the interpretation placed upon said article by the two countries as the correct one, he has simply invoked the friendly spirit of the governors of the border states of Mexico in effecting the arrest and provisional detention of fugitives purely for the purpose of expediting their detention and not with a view of superseding the functions of the State Departments of the respective governments. He has invariably extended the same official courtesy at the request of the governors of the border states of Mexico, not because they have the authority to make such request by the terms of the treaty, but purely as an act of official courtesy alone. In view of the objection which seems to have been raised on this dual procedure, similar requests from this state will hereafter be confined exclusively to the diplomatic channels at Washington, and the governors of the border states of Mexico will be urged to observe the same rule.

Trusting this will prove entirely satisfactory to the foreign office of the Mexican Government, I have the honor to be, sir, etc.,

F. G. LANHAM,
Private Secretary.

Chargé McCreery to the Secretary of State.

No. 156.] AMERICAN EMBASSY,
Mexico, December 15, 1905.

SIR: I have the honor to acknowledge the receipt of your No. 66, of the 14th ultimo, which refers to instruction No. 63, of the 2d ultimo, regarding the complaint of the Mexican Government of the action of the governor of Texas in making direct application to the governor of Tamaulipas for the arrest and provisional detention of Charles Luna,

and incloses for communication to the Mexican Government a copy of a letter from the governor of Texas explaining his course in that and similar cases.

I inclose a copy of my note communicating the letter of the governor of Texas to the foreign office, as instructed, together with copy and translation of Mr. Mariscal's reply, containing observations as to the procedure in the cases under consideration.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1.]

Chargé McCreery to the Secretary of Foreign Affairs.

AMERICAN EMBASSY,
Mexico, November 22, 1905.

MR. MINISTER: Referring to my note of the 11th instant and to previous correspondence relative to the action of the governor of Texas in making direct application to the governor of Tamaulipas for the arrest and provisional detention of Charles Luna and the action of the latter governor in ordering such arrest, I have the honor to communicate to your excellency a copy of a letter from the governor of Texas, explaining his course in that and similar cases.

I beg, etc.,

FENTON R. MCCREERY.

[Inclosure 2.—Translation.]

The Secretary of Foreign Affairs to Chargé McCreery.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 28, 1905.

MR. CHARGÉ D'AFFAIRES: With your note of the 22d instant I received a copy of that from the governor of the State of Texas, addressed to the Secretary of State at Washington, on account of the question raised by this department concerning the procedure observed by the governors of Texas and Tamaulipas in the matter of the provisional detention of fugitives from either state to the other.

Having taken cognizance of the note from the governor of Texas, I consider it advisable to say to you that, while Article X of the extradition treaty vests in the Federal Government of both countries the express duty to ask, reciprocally, the provisional detention of fugitives from the justice of one country who have sought refuge in the other, the local governments of the frontier may, however, by mutual understanding, dictate the necessary measures for their respective police to keep the suspect under surveillance during the time in which the provisional and formal detention is procured through the diplomatic channel in accordance with the treaty. Thus the ends of justice are obtained without openly violating the abovementioned instrument and without any danger of perverting said ends.

As a matter of fact, should it ever occur that at the time of proceeding in the irregular manner observed heretofore by the frontier authorities of both countries the recourse of amparo be interposed against an illegal act, such as the provisional detention in which the provisions of the extradition treaty have not been followed, the amparo would have to be granted, and this might cause legal difficulties against the subsequent course of the proceedings.

I renew, etc.,

IGNO. MARISCAL.