

March 1, 1889.

Convention between the United States of America and the United States of Mexico to facilitate the carrying out of the principles contained in the treaty of November 12, 1884, and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado River. Signed at Washington, March 1, 1889; ratification advised May 7, 1890; ratified by the President of Mexico October 31, 1889; ratified by the President of the United States December 6, 1890; ratifications exchanged December 24, 1890; proclaimed December 26, 1890.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas a Convention between the United States of America and the United States of Mexico to facilitate the carrying out of the principles contained in the treaty of November 12, 1884, between the same High Contracting Parties and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado River, in that portion thereof where they serve as a boundary between the two Republics, was concluded and signed by the respective Plenipotentiaries of the aforesaid High Contracting Parties at the city of Washington, on the first day of March, one thousand eight hundred and eighty-nine, the original of which Convention, being in the English and Spanish languages, and as amended by the Senate of the United States is word for word as follows:

Contracting parties.

The United States of America and the United States of Mexico, desiring to facilitate the carrying out of the principles contained in the treaty of November 12th, 1884, and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado River, in that portion thereof where they serve as a boundary between the two Republics, have resolved to conclude a treaty for the attainment of these objects, and have appointed as their respective Plenipotentiaries:

Los Estados Unidos de América y los Estados Unidos Mexicanos, deseando facilitar la ejecución de los principios contenidos en el tratado de doce de Noviembre de mil ochocientos ochenta y cuatro, y evitar las dificultades ocasionadas con motivo de los cambios que tienen lugar en el cauce de los rios Bravo del Norte y Colorado, en la parte que sirven de límite entre las dos Repúblicas, han resuelto concluir un tratado que satisfaga estos objetos, y han nombrado sus respectivos Plenipotenciarios:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, envoy extraordinary and minister plenipotentiary of the United States of Mexico, at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences or questions that may arise on that portion of the frontier between the United States of America and the United States of Mexico where the Rio Grande and the Colorado Rivers form the boundary line, whether such differences or questions grow out of alterations or changes in the bed of the aforesaid Rio Grande and that of the aforesaid Colorado River, or of works that may be constructed in said rivers, or of any other cause affecting the boundary line, shall be submitted for examination and decision to an International Boundary Commission, which shall have exclusive jurisdiction in the case of said differences or questions.

ARTICLE II.

The International Boundary Commission shall be composed of a Commissioner appointed by the President of the United States of America, and of another appointed by the President of the United States of Mexico, in accordance with the constitutional provisions of each country, of a Consulting Engineer, appointed in the same manner by each Government, and of such Secretaries and Interpreters as either Government may see fit to add to its Commission. Each Government separately shall fix the salaries and emoluments of the members of its Commission.

El Presidente de los Estados Unidos de América, á Thomas F. Bayard, Secretario de Estado de los Estados Unidos de América; y

El Presidente de los Estados Unidos Mexicanos, á Matías Romero, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos Mexicanos, en Washington;

Quienes, despues de haberse mostrado sus respectivos plenos poderes, y encontrádoslos en buena y debida forma, han convenido en los artículos siguientes:

ARTÍCULO I.

Todas las diferencias ó cuestiones que se susciten en la parte de la frontera entre los Estados Unidos de América y los Estados Unidos Mexicanos, en que sirven de línea divisoria los rios Bravo del Norte y Colorado, ya sea que provengan de alteraciones ó cambios en el lecho de los expresados rios Bravo del Norte y Colorado, ya de obras que se construyan en los mismos; ó ya de cualquiera otro motivo que afecte á la línea fronteriza, se someterán al examen y decision de una Comision Internacional de Límites, la cual tendrá jurisdiccion exclusiva sobre dichas diferencias ó cuestiones.

ARTÍCULO II.

La Comision Internacional de Límites se compondrá de un Comisionado nombrado por el Presidente de los Estados Unidos de América y otro nombrado por el Presidente de los Estados Unidos Mexicanos, conforme á las prescripciones constitucionales de cada país; de un Ingeniero Consultor, nombrado en la misma forma por cada Gobierno, y de los Secretarios ó Intérpretes que cada Gobierno crea conveniente agregar á su respectiva Comision. Cada Gobierno fijará separadamente los sueldos y emolumentos de los miembros de su Comision.

Plenipotentiaries.

All differences as to boundary to be submitted to International Boundary Commission.

International Boundary Commission. Formation.

ARTICLE III.

Sittings of Commission.

The International Boundary Commission shall not transact any business unless both Commissioners are present. It shall sit on the frontier of the two contracting countries, and shall establish itself at such places as it may determine upon; it shall, however, repair to places at which any of the difficulties or questions mentioned in this convention may arise, as soon as it shall have been duly notified thereof.

ARTÍCULO III

La Comisión Internacional de Límites no podrá funcionar sino cuando estuvieren presentes los dos Comisionados. Residirá precisamente en la frontera de los dos países contratantes y se establecerá en los lugares que ella determinare; pero se trasladará sin dilación á los lugares en que ocurra cualquiera de las dificultades ó cuestiones mencionadas en la presente convencion, tan luego como se le haga la notificación correspondiente.

ARTICLE IV.

Changes in course of Rio Grande and Colorado Rivers to be notified to Commission.

When, owing to natural causes, any change shall take place in the bed of the Rio Grande or in that of the Colorado River, in that portion thereof wherein those rivers form the boundary line between the two countries, which may affect the boundary line, notice of that fact shall be given by the proper local authorities on both sides to their respective Commissioners of the International Boundary Commission, on receiving which notice it shall be the duty of the said Commission to repair to the place where the change has taken place or the question has arisen, to make a personal examination of such change, to compare it with the bed of the river as it was before the change took place, as shown by the surveys, and to decide whether it has occurred through avulsion or erosion, for the effects of Articles I and II of the convention of November 12th, 1884; having done this, it shall make suitable annotations on the surveys of the boundary line.

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ARTÍCULO IV.

Cuando, por causas naturales, ocurriere alguna alteración en el cauce del rio Bravo del Norte ó del rio Colorado, en la parte en que estos rios sirven de límite entre los dos países, que afecte la línea divisoria, se notificará este hecho por la autoridad local respectiva de uno ú otro lado, al Comisionado respectivo de la Comisión Internacional de Límites, la cual tendrá obligación, al recibir ese aviso, de trasladarse al lugar del cambio ó cuestión; examinará personalmente el cambio indicado; lo comparará con el cauce que seguia el rio ántes de que este cambio tuviera lugar, segun aparezca de los planos respectivos, y decidirá si se ha verificado por avulsion ó corrosion, para los efectos de los artículos I y II de la convencion de doce de Noviembre de mil ochocientos ochenta y cuatro, haciendo las anotaciones correspondientes en los planos de la línea divisoria.

ARTICLE V.

Works changing channels of the rivers.

Whenever the local authorities on any point of the frontier between the United States of America and the United States of Mexico, in that portion in which the Rio Grande and the Colorado River form the boundary between the two countries, shall think that works are being constructed,

ARTÍCULO V.

Siempre que la autoridad local de cualquier punto de la frontera entre los Estados Unidos de América y los Estados Unidos Mexicanos, en la parte en que los rios Bravo del Norte y Colorado sirven de límite á los dos países, creyere que se están construyendo obras en cualquiera de estos rios,

in either of those rivers, such as are prohibited by Article III of the convention of November 12, 1884, or by Article VII of the treaty of Guadalupe Hidalgo of February 2, 1848, they shall so notify their respective Commissioners, in order that the latter may at once submit the matter to the International Boundary Commission, and that said Commission may proceed, in accordance with the provisions of the foregoing article, to examine the case, and that it may decide whether the work is among the number of those which are permitted, or of those which are prohibited by the stipulations of those treaties.

The Commission may provisionally suspend the construction of the works in question pending the investigation of the matter, and if it shall fail to agree on this point, the works shall be suspended, at the instance of one of the two Governments.

ARTICLE VI.

In either of these cases, the Commission shall make a personal examination of the matter which occasions the change, the question or the complaint, and shall give its decision in regard to the same, in doing which it shall comply with the requirements established by a body of regulations to be prepared by the said Commission and approved by both Governments.

ARTICLE VII.

The International Boundary Commission shall have power to call for papers and information, and it shall be the duty of the authorities of each of the two countries to send it any papers that it may call for, relating to any boundary question in which it may have jurisdiction in pursuance of this convention.

The said Commission shall have power to summon any witnesses whose testimony it may think proper to take, and it shall be the duty of all persons thus summoned to appear before the

que sean de las prohibidas por el artículo III de la Convención de doce de Noviembre de mil ochocientos ochenta y cuatro, ó por el artículo VII del tratado de Guadalupe Hidalgo de dos de Febrero de mil ochocientos cuarenta y ocho, lo notificará al Comisionado respectivo, para que este someta, desde luego, el punto á la Comisión Internacional de Límites, y esta proceda, conforme á las prescripciones del artículo precedente, á examinar el caso, y decida si la obra es de las permitidas ó de las prohibidas por las estipulaciones de aquellos tratados.

La Comisión podrá suspender, provisionalmente, la construcción de las obras en cuestion, mientras se examina el asunto, y si no se pusiere de acuerdo sobre este punto, se suspenderán las obras á petición de uno de los dos Gobiernos.

ARTÍCULO VI.

En cualquiera de estos casos, la Comisión hará un exámen personal del asunto que motivare el cambio, cuestion ó queja, y dará su fallo respecto del mismo; para lo cual observará los requisitos que establezca un reglamento formado por la misma Comisión y aprobado por los dos Gobiernos.

ARTÍCULO VII.

La Comisión Internacional de Límites tendrá facultad de pedir documentos é informes, y las autoridades de cada uno de los dos países tendrán el deber de enviarle cualesquiera documentos que ella les pida, referentes á cualquiera cuestion de límites en que tenga jurisdicción conforme á esta Convención.

La misma Comisión tendrá facultad de citar á los testigos cuyas declaraciones crea conveniente tomar, y las personas citadas tendrán el deber de comparecer ante la misma y de dar

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Examination by Commission.

Commission to send for papers, etc.

Taking testimony.

same and to give their testimony, which shall be taken in accordance with such by-laws and regulations as may be adopted by the Commission and approved by both Governments. In case of the refusal of a witness to appear, he shall be compelled to do so, and to this end the Commission may make use of the same means that are used by the courts of the respective countries to compel the attendance of witnesses, in conformity with their respective laws.

ARTICLE VIII.

Decisions of Commission.

If both Commissioners shall agree to a decision, their judgment shall be considered binding upon both Governments, unless one of them shall disapprove it within one month reckoned from the day on which it shall have been pronounced. In the latter case, both Governments shall take cognizance of the matter, and shall decide it amicably, bearing constantly in mind the stipulation of Article XXI of the treaty of Guadalupe Hidalgo of February 2, 1848.

Divided opinions.

The same shall be the case when the Commissioners shall fail to agree concerning the point which occasions the question, the complaint or the change, in which case each Commissioner shall prepare a report, in writing, which he shall lay before his Government.

ARTICLE IX.

Exchange of ratifications.

This convention shall be ratified by both parties; in accordance with the provisions of their respective constitutions, and the ratifications thereof shall be exchanged at Washington as speedily as possible, and shall be in force from the date of the exchange of ratification for a period of five years.

Signatures.

In testimony whereof the undersigned Plenipotentiaries have signed and sealed it.

sus declaraciones, las cuales se tomarán de conformidad con las leyes y reglamentos que adopte la Comisión y aprueben ambos Gobiernos. En caso de que algun testigo se rehuse á comparecer, se le obligará á ello, usando al efecto la Comisión de los mismos arbitrios que tengan los tribunales del país respectivo para hacer comparecer testigos, de acuerdo con sus respectivas leyes.

ARTÍCULO VIII.

Si ambos Comisionados estuvieren de acuerdo en una resolución, su fallo se considerará obligatorio para ambos Gobiernos, á no ser que alguno de ellos lo desaprobare, dentro de un mes contado desde el día en que se pronuncie. En este último caso, ambos Gobiernos se avocarán el conocimiento del asunto y lo decidirán amistosamente, en la forma que les pareciere justificada y conveniente, teniendo siempre presente la estipulación del Artículo XXI del tratado de Guadalupe Hidalgo de dos de Febrero de mil ochocientos cuarenta y ocho.

Otro tanto sucederá cuando los Comisionados no se pongan de acuerdo respecto del punto que motiva la question, queja ó cambio, en cuyo caso cada Comisionado formulará un dictamen por escrito que presentará á su respectivo Gobierno.

ARTÍCULO IX.

La presente Convencion será ratificada por ambas partes, de acuerdo con sus respectivos procedimientos constitucionales, y las ratificaciones se cangearán en Washington tan pronto como fuere posible y permanecerá en vigor por un periodo de cinco años, contados desde la fecha del canje de ratificaciones.

En testimonio de lo cual los Plenipotenciarios infrascritos la han firmado y sellado.

Done in duplicate, in the city of Washington, in the English and Spanish languages, on the 1st day of March one thousand eight hundred and eighty-nine.

Hecha por duplicado, en la ciudad de Washington, en las lenguas inglesa y española, el dia primero de Marzo de mil ochocientos ochenta y nueve.

T. F. BAYARD. [SEAL.]

M. ROMERO. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the same were exchanged at the City of Washington on the twenty-fourth day of December, one thousand eight hundred and ninety ;

Ratification.

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said Convention to be made public, as amended, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation.

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 26th day of December, in the year of our Lord, one thousand eight hundred and [SEAL] ninety and of the Independence of the United States of America the one hundred and fifteenth.

BENJ HARRISON

By the President :
 JAMES G. BLAINE
Secretary of State.