

Convention between the United States of America and the United States of Mexico touching the international boundary line where it follows the bed of the Rio Grande and the Rio Colorado. Concluded at Washington, November 12, 1884; ratification advised by the Senate, March 18, 1885; modifications consented to by the Senate, June 23, 1886; ratified by the President of the United States, July 10, 1886; ratifications exchanged at Washington, September 13, 1886; proclaimed, September 14, 1886.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the United States of Mexico, touching the boundary line between the two countries, was signed by their respective Plenipotentiaries at Washington, on the twelfth day of November, one thousand eight hundred and eighty-four, the original of which Convention is word for word as follows:

Preamble.

Convention between the United States of America and the United States of Mexico, touching the Boundary-line between the two countries where it follows the bed of the Rio Grande and the Rio Colorado.

Convencion entre los Estados Unidos de América y los Estados Unidos Mexicanos, respecto de la línea divisoria entre los dos países, en la parte que sigue el lecho del Rio Grande y del Rio Colorado.

Contracting parties.

Whereas, in virtue of the 5th article of the Treaty of Guadalupe Hidalgo between the United States of America and the United States of Mexico, concluded February 2, 1848, and of the first article of that of December 30, 1853, certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Gov-

Por cuanto, en virtud del artículo V. del tratado de Guadalupe Hidalgo, concluido el 2 de Febrero de 1848 entre los Estados Unidos de América y los Estados Unidos Mexicanos, y el artículo I. del de 30 de Diciembre de 1853, algunas porciones de la línea divisoria entre los dos países siguen el centro del canal del Rio Grande y del Rio Colorado, con el fin de evitar las dificultades que puedan ocurrir por los cambios de canal á que dichos rios están sujetos por causa de fuerzas naturales, el Gobierno

ernment of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

Plenipotentiaries.

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States;

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Boundary line.

The dividing line shall forever be that described in the aforesaid Treaty and follow the centre of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

ARTICLE II.

Changes in channel.

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852; but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.

ARTICLE III.

Artificial changes of channel.

No artificial change in the navigable course of the river, by building jetties, piers, or obstructions

de los Estados Unidos de América y el Gobierno de los Estados Unidos Mexicanos han resuelto concluir una convencion que fije reglas para resolver esas cuestiones, y han nombrado sus Plenipotenciarios:

El Presidente de los Estados Unidos de América, á Frederick T. Frelinghuysen, Secretario de Estado de los Estados Unidos; y

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

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

ARTÍCULO I.

La línea divisoria será siempre la fijada en dicho tratado, y seguirá el centro del canal normal de los citados rios, á pesar de las alteraciones, en las riberas ó en el curso de esos rios, con tal que dichas alteraciones se efectúen por causas naturales, como la corrosion lenta y gradual, y el depósito del aluvion, y no por el abandono del canal existente del rio y la apertura de de uno nuevo.

ARTÍCULO II.

Cualquiera otro cambio ocasionado por la fuerza de la corriente, ya sea abriendo un nuevo canal, ó en donde haya mas de uno, haciendo mas profundo otro canal que no sea el que se marcó como parte de la línea divisoria al tiempo del reconocimiento hecho conforme á dicho tratado, no producirá alteracion alguna en la línea divisoria tal como fué fijada por los reconocimientos de la comision internacional de límites en 1852, pero la línea fijada entónces seguirá siendo el centro del canal original aun cuando este llegare á secarse del todo, ó á obstruirse por el aluvion.

ARTÍCULO III.

Ningun cambio artificial en el curso navegable del rio, ya sea por la construccion de *jetties*, muelles

which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the original channel under the Treaty when there is more than one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by the aforesaid Commissions in 1852 or as determined by Article I. hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.

ARTICLE IV.

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

ARTICLE V.

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II. hereof, shall not be affected thereby, but such lands shall continue to be under the jurisdiction of the country to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulations of Article VII. of the aforesaid Treaty of Guadaloupe

ú obstrucciones que tiendan á desviar la corriente, ó produzcan depósitos del aluvion, ó por el uso de dragas para hacer mas profundo un canal distinto del primitivo del tratado, cuando haya mas de uno, ó para abrir nuevos canales con el objeto de acortar la distancia por agua, se permitirá que afecte ó altere la línea divisoria que determinó la Comision en 1852, ó la que fija el Artículo I. de esta convencion, bajo la limitacion que en él se menciona. No se considerará como cambio artificial la proteccion de las riberas de uno ú otro lado contra la corrosion, cuando se pongan revestimientos de piedra ó de otro material que no proyecten indebidamente sobre la corriente del rio.

ARTÍCULO IV.

-Si se hubiese construido ó se construyese un puente internacional sobre cualesquiera de los rios mencionados, se marcará el punto de dicho puente que quede exactamente sobre el centro del canal principal segun se ha determinado en este tratado, con un monumento á propósito, el cual denotará la línea divisoria para todos los objetos de dicho puente, no obstante los cambios en el canal que puedan ocurrir despues. Pero todos los derechos que no sean los que se tengan sobre el puente mismo, ó sobre el terreno en el que esté edificado, se determinarán en el caso de algun cambio subsecuente, de acuerdo con las disposiciones generales de esta convencion.

Bridges.

ARTÍCULO V.

El derecho de propiedad sobre las tierras que pudieran quedar separadas por causa de la formacion de canales nuevos, de la manera que se define en el Artículo II. de esta convencion, no se afectará por esta causa; sino que las expresadas tierras continuarán perteneciendo á la jurisdiccion del país á que ántes pertenecian.

Property rights unaffected.

En ningun caso, sin embargo, afectará ó restringirá este derecho de jurisdiccion, que ambas partes se reservan, el derecho de navegacion comun á los dos países, conforme á las estipulaciones del artículo VII.

Navigation.

Hidalgo; and such common right shall continue without prejudice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceases to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

del referido tratado de Guadalupe Hidalgo; y el expresado derecho comun de navegacion continuará sin ningun menoscabo por todo el canal principal que sea navegable de hecho, en los expresados rios, desde la boca del Rio Grande hasta el punto en que el Rio Colorado cesa de ser el límite internacional, aun cuando una parte del canal de dichos rios, pueda, con motivo de los cambios previstos en esta convencion, llega á comprenderse en el territorio de una de las dos naciones.

ARTICLE VI.

ARTÍCULO VI.

Exchange of ratifications.

This Convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the City of Washington as soon as possible.

La presente convencion será ratificada por ambas partes, de acuerdo con sus respectivos procedimientos constitucionales, y las ratificaciones se cangearán en la ciudad de Washington, tan pronto como fuere posible.

Signatures.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands and seals.

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

Done at the city of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A. D. 1884.

Hecho por duplicado en la ciudad de Washington, en las lenguas inglesa y española, el día doce de Noviembre de mil ochocientos ochenta y cuatro.

FREDK. T. FRELINGHUYSEN.

M. ROMERO. [SEAL.]

[SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments exchanged in the city of Washington, on the thirteenth day of September, one thousand eight hundred and eighty-six;

Proclamation.

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Convention to be made public, 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.

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 fourteenth day of September in the year of our Lord, one thousand eight hundred and [SEAL.] eighty-six, and of the Independence of the United States, the one hundred and eleventh.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,

Secretary of State.