

BOUNDARY LINE WEST OF THE RIO GRANDE

Convention signed at Washington July 29, 1882
Senate advice and consent to ratification August 8, 1882
Ratified by Mexico November 7, 1882
Ratified by the President of the United States January 29, 1883
Ratifications exchanged at Washington March 3, 1883
Entered into force March 3, 1883
Proclaimed by the President of the United States March 5, 1883
Extended by agreements of December 5, 1885;¹ February 18, 1889;²
and August 24, 1894³
Expired October 11, 1896

22 Stat. 986; Treaty Series 220

The President of the United States of America on the one hand and the President of the United States of Mexico on the other, being desirous of putting an end to whatever difficulties arise from the destruction or displacement of some of the monuments erected for the purpose of marking the boundary between the two countries, have thought proper to conclude a convention with the object of defining the manner in which the said monuments are to be restored to their proper places and new ones erected, if necessary; to which end they have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Frederick T. Frelinghuy- sen, Esquire, Secretary of State of the United States of America; and the President of the United States of Mexico, Señor Don Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, in Washington;

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

With the object of ascertaining the present condition of the monuments marking the boundary line between the United States of America and the

¹ TS 229, *post*, p. 870.

² TS 231, *post*, p. 874.

³ TS 235, *post*, p. 885.

United States of Mexico, established by the treaties of February 2nd, 1848,⁴ and December 3rd [30th], 1853,⁵ and for determining generally what monuments, if any, have been destroyed or removed and may require to be rebuilt or replaced, a preliminary reconnaissance of the frontier line shall be made by each government, within six months from the exchange of ratifications of this convention. These reconnaissances shall be made by parties under the control of officers of the regular army of the respective countries, and shall be effected in concert, in such manner as shall be agreed upon by the commanders of the respective parties. The expense of each reconnoitering party shall be borne by the government in whose behalf it operates.

These reconnaissance parties shall report to their respective governments, within eight months from the exchange of the ratifications of this convention:

- (a) the condition of the present boundary monuments;
- (b) the number of destroyed or displaced monuments;
- (c) the places, settled or capable of eventual settlement, where it may be advisable to set the monuments closer together along the line than at present;
- (d) the character of the new monuments required, whether of stone or iron; and their number, approximately, in each case.

ARTICLE II

Pending the conclusion of the preliminary reconnaissances provided in Article I, each government shall appoint a surveying party, consisting of an Engineer-in-chief, two Associates, one of whom shall be a practical astronomer, and such number of assistant engineers and associates as it may deem proper. The two parties so appointed shall meet at El Paso del Norte, or at any other convenient place to be agreed upon, within six months from the exchange of the ratifications hereof, and shall form, when combined, an "International Boundary Commission."

ARTICLE III

The International Boundary Commission shall be required and have the power and authority to set in their proper places along the boundary line between the United States and Mexico, from the Pacific Ocean to the Rio Grande, the monuments heretofore placed there under existing treaties, whenever such monuments shall have become displaced; to erect new monuments on the site of former monuments when these shall have been destroyed; and to set new monuments at such points as may be necessary, and be chosen by joint accord between the two Commissioner Engineers-in-Chief. In rebuilding and replacing the old monuments and in providing for new ones,

⁴ TS 207, *ante*, p. 791.

⁵ TS 208, *ante*, p. 812.

the respective reports of the reconnaissance parties, provided by Article I, may be consulted; provided, however, that the distance between two consecutive monuments shall never exceed eight thousand metres, and that this limit may be reduced on those parts of the line which are inhabited or capable of habitation.

ARTICLE IV

Where stone shall be found in sufficient abundance the monuments may be of stone; and in other localities shall be of iron, in the form of a simple tapering four-sided shaft with pediment, rising above the ground to a height of six feet, and bearing suitable inscriptions on its sides. These monuments shall be at least two centimeters in thickness, and weigh not less than five hundred pounds each.

The approximate number thereof to be required may be determined from the reports of the preliminary reconnaissance parties, and the monuments, properly cast and finished, may be sent forward from time to time to such spots as the commission may select, to be set in place at the sites determined upon as the work progresses.

ARTICLE V

The Engineers-in-Chief of both sections shall determine, by common consent, what scientific processes are to be adopted for the resetting of the old monuments and the erection of the new ones; and they shall be responsible for the proper performance of the work.

On commencing operations, each section shall report to its government the plan of operations upon which they shall have jointly agreed; and they shall from time to time submit reports of the progress made by them in the said operations; and finally they shall present a full report, accompanied by the necessary drawings, signed by the Engineer-in-Chief and the two Associate Engineers on each side, as the official record of the International Boundary Commission.

ARTICLE VI

The expenses of each section shall be defrayed by the government which appointed it; but the cost of the monuments and of their transportation shall be equally shared by both governments.

ARTICLE VII

Whenever the number of the monuments to be set up shall be approximately known as the result of the labors of the preliminary reconnaissance parties, the Engineers-in-Chief shall prepare an estimate of their cost, conveyance and setting up; and when such estimate shall have been approved by both governments, the mode of making the payment of the part to be paid by Mexico shall be determined by a special arrangement between the two governments.

ARTICLE VIII

The work of the International Boundary Commission shall be pushed forward with all expedition; and the two governments hereby agree to regard the present convention as continuing in force until the conclusion of said work, provided that such time does not exceed four years and four months from the date of the exchange of the ratifications hereof.⁶

ARTICLE IX

The destruction or displacement of any of the monuments described herein, after the line shall have been located by the International Boundary Commission as aforesaid, is hereby declared to be a misdemeanor, punishable according to the justice of the country of the offender's nationality, if he be a citizen of either the United States or Mexico; and if the offender be of other nationality, then the misdemeanor shall be punishable according to the justice of either country where he may be apprehended.

This convention shall be ratified on both sides and the ratifications exchanged at Washington as soon as possible.

In testimony whereof we have signed this convention in duplicate, in the English and Spanish languages, and affixed hereunto the seals of our arms.

Done in the City of Washington this 29th day of July, in the year of our Lord one thousand eight hundred and eighty-two.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

⁶ For extensions of time for the work of the Commission, see agreements of Dec. 5, 1885 (TS 229), *post*, p. 870; Feb. 18, 1889 (TS 231), *post*, p. 874; and Aug. 24, 1894 (TS 235), *post*, p. 885.