

**FURTHER CORRESPONDENCE
RESPECTING THE RENEWAL
OF DIPLOMATIC RELATIONS
WITH MEXICO. 1884**

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Further Correspondence respecting the renewal of Diplomatic Relations with Mexico. 1884 by
Various

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OF DIPLOMATIC RELATIONS
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CONFIDENTIAL.

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George F. B. Jenner Esq^r

FURTHER CORRESPONDENCE

RESPECTING THE

R E N E W A L

OF

DIPLOMATIC RELATIONS WITH MEXICO.

1884.

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CONFIDENTIAL.

Further Correspondence respecting the Renewal of Diplomatic
Relations with Mexico.

No. 1.

Sir S. St. John to Earl Granville.—(Received January 1, 1884.)

(No. 36. Confidential.)

My Lord,

Mexico, December 4, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 23 of the 1st November, 1883, marked Very Confidential, inclosing a Memorandum of a conversation between Lord Edmond Fitzmaurice and Señor Mariscal, together with a copy of a Project of an Agreement for the renewal of diplomatic relations between Great Britain and Mexico.

Should it be considered possible to accept M. Mariscal's proposition, that all the old Treaties have been abolished by acts of war, I would venture to suggest that it would be prudent to settle the terms of the new Treaty before giving up that of 1826. France, Germany, Italy, Spain, and Belgium have in turns endeavoured to negotiate Treaties, but Germany alone succeeded by accepting the objectionable Article (No. XVIII). I feel assured that the Mexican negotiator would insist upon the acceptance of a similar Article in any Treaty with Great Britain, if we had previously abandoned our old Treaty.

The Articles of the English Treaty of 1826 to which the Mexican Government principally object are those which in all commercial matters assure to British subjects the same rights and privileges as those accorded to Mexican citizens. M. Fernandez told me that they feared the Americans would take advantage of any acknowledgment of the validity of the old English Treaty to claim the same benefits. I answered that it was not English policy to seek any exclusive privileges, but what we desired was to be placed on the same footing as others, and that I felt assured we should be satisfied with a Treaty based on the condition he had always promised, that no nation whatever should be favoured at our expense.

I have, &c.

(Signed) SPENSER ST. JOHN.

No. 2.

The Law Officers of the Crown and Dr. Deane to Earl Granville.—(Received January 23.)

My Lord,

Royal Courts of Justice, January 22, 1884.

WE are honoured with your Lordship's commands signified in Sir Julian Pauncefote's letter of the 11th instant, stating that he was to transmit to us the papers relating to the question of the renewal of diplomatic relations between Great Britain and the Republic of Mexico.

That those papers mainly consisted of the Treaties, Conventions, and Agreements which had been concluded between this country and Mexico since the promulgation of the Mexican Constitution of 1824 and of Memoranda thereon.

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That it would be seen that the subjects of those Treaties might be classified under three heads—1. Commerce; 2. Slave Trade; 3. British claims.

1. That in regard to the Treaty of Commerce, it was outside the scope of the present letter, and need not now be alluded to.

2. With respect to the Slave Trade, that Traffic being now entirely suppressed in Mexico, the Treaty of 1841 might be said to have lapsed.

3. That the Memorandum drawn up by Sir E. Hertslet on the 1st November, 1881, analyzes the nature of the various Conventions concluded between Great Britain and Mexico for the settlement of the British claims.

That with regard to those claims, it should be borne in mind that it was in consequence of the arbitrary and vexatious conduct of the authorities of the Republic of Mexico towards British, French, and Spanish subjects that those Governments concluded a Convention on the 31st October, 1861, of which a copy was inclosed, in which they agreed to have recourse to combined operations against Mexico, with a view to demand from those authorities more efficacious protection for the persons and properties of their subjects, as well as a fulfilment of the obligations contracted towards those Governments by the Mexican Republic.

That in 1864 Maximilian was duly elected Emperor of Mexico and duly recognized by this country.

That statements with regard to the British claims had from time to time been formally presented to the Mexican Government, and that that fact was recorded in the Convention of the 26th June, 1866, concluded with the Government of the Emperor Maximilian, by which it was also agreed that a Mixed Commission should be appointed for their investigation and settlement.

That that Commission sat in Mexico from August 1866 until March 1867, when its sittings were temporarily suspended.

But that in August of that year diplomatic relations between Great Britain and Mexico were suspended owing to the determination taken by the Republican Government of Mexico, which succeeded that of the Empire, no longer to recognize the Agents of any Power which had acknowledged the Emperor Maximilian. In recognizing, however, the Empire, Her Majesty's Government simply adhered to its traditional policy of recognizing what was represented to it at the time as being the *de facto* Government of Mexico.

That the object of the Convention of 1866 was to refer to a Mixed Commission all claims which had not been dealt with in previous Conventions, whilst it declared to be valid all such as had already been recognized by the two Governments.

That the nature of those claims was described in the Memoranda by Sir E. Hertslet of the 5th November, 1881, and the 9th March last, to the former of which was attached the text of the different Conventions which had been concluded for the settlement of the British claims.

That the Government of Her Britannic Majesty and that of the Republic of Mexico had long desired to see the present estrangement between the two countries removed by a renewal of the friendly relations formerly existing between them.

That negotiations had been on foot for some time past with that object, but that the Mexican Government had hitherto insisted upon attaching two conditions to the renewal of relations: (1) that all existing Treaties between the two Governments should be considered as abrogated; and (2) that no claims which arose before the resumption of friendly relations should be made the subject of diplomatic representation or demand.

That, at the same time, the Government of the Republic did not repudiate their obligation in regard to those claims.

That negotiations had recently taken place between the two Governments, and Special Envoys had been appointed with a view to ascertain on what basis diplomatic relations should be re-established, and how far the difficulties raised on either side could best be removed.

That accordingly a draft of a "Preliminary Arrangement" between Great Britain and Mexico had been prepared, of which a copy was transmitted therewith.

That our attention was called to the 1st Article, which provided that Mexico would proceed forthwith to the examination of international claims and debts, without reference to the disputed Conventions, which, for the purpose of the Agreement, should be considered as abandoned.

That our opinion was requested as to whether, having regard to the importance

to Imperial interests of a renewal of relations between the two countries, the abandonment of the Conventions in question by Her Majesty's Government would be justified, and could be effected without incurring any liability from British subjects claiming any interest thereunder.

That on that point we were referred to our Report of the 20th May, 1882, in which we expressed our concurrence in an instruction to Her Majesty's Consul at Smyrna, wherein it was laid down in regard to the question of the Smyrna quays, that "the settlement of such questions is an act of State, in which Her Majesty's Government, however anxious to secure full justice for the British subjects aggrieved, incur no obligation towards them individually, and must be guided not only by the particular facts of the case, but also by considerations of public policy and convenience."

In obedience to your Lordship's commands we have the honour to report—

That we do not think that Her Majesty's Government would incur any legal liability to the persons whose claims are the subject of Conventions between the Mexican and British Governments, in case the latter Government should agree to the abrogation of such Conventions. It is to be observed that the claims of the individuals interested against the Mexican Government are not created by the Conventions.

All that the Conventions do is to create an obligation as between the two Governments for the payment in the prescribed manner.

And it is, we think, competent for the Governments concerned to put an end to this international agreement.

At the same time, it would be a strong exercise of authority, which would probably be much criticized, and which the Government would be bound to justify. And in certain circumstances such a measure might give rise to an overwhelming equitable claim, that the debts which were the subject of the abrogated Conventions should be discharged by the State.

In the present case the circumstances are, no doubt, peculiar. The claims are of long standing, and one Convention has been substituted for another, as the Mexican Government have proved unable or unwilling to fulfil their obligations.

And so long as diplomatic relations remain unrenewed the British creditors of Mexico have no prospect of seeing the terms of the Conventions carried out. Moreover, the Mexican Government does not appear to be so anxious to renew diplomatic relations that any conditions can well be imposed.

Under these circumstances, it may well be that the best thing that could be done in the interest even of the creditors would be to enter into such an arrangement as that proposed. We have pointed out the considerations which appear to us to govern the determination of the question, but it is hardly within our province to say whether the abandonment of the Conventions by Her Majesty's Government "would be justified."

We have, &c.
(Signed) HENRY JAMES.
FARRER HERSCHELL.
J. PARKER DEANE.

No. 3.

Sir S. St. John to Earl Granville.—(Received February 5.)

(No. 1.)

My Lord,

Mexico, January 5, 1884.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 26 of the 30th November, 1883, informing me that the question of formulating a counter-proposal to that forwarded by M. Mariscal was under consideration.

I called yesterday on M. José Fernandez, and he informed me that he had received M. Mariscal's explanations as to his reasons for having telegraphed to be recalled. He appears to have reported that Sir John Walsham had made him a visit with a letter of introduction from Lord E. Fitzmaurice, and a copy of M. Mariscal's Project of Agreement, and that after having discussed various points with him, Sir John had declared that Her Majesty's Government could not renew relations with Mexico until the question of the bondholders' debt had been settled.