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A COLONIZATION PLAN FOR NORTHERN SONORA, 1850

edited by ODIE B. FAULK

THE TREATY of Guadalupe Hidalgo, which ceded almost a third of Mexico to the United States, was concluded on February 2, 1848. On July 20, Mariano Arista, then Secretary of War and Marine, promulgated a decree entitled "Military Colonies: Project for their Establishment on the Eastern and Western Frontiers of the Republic."¹ This decree provided for the establishment of a series of military colonies from Baja California to Tamaulipas along the new boundary between the United States and Mexico "in order to preserve the integrity of our territory, as well as to defend the frontier states from the frequent and cruel incursions of the barbarians." It was signed by José Joaquín de Herrera, President of the Republic, and reflected Mexican concern lest the United States might be ambitious to acquire still another slice of Mexico.

These settlements would be under the direct supervision of the general government, not the individual states. The frontier would be divided into three districts: Frontera de Oriente, including Tamaulipas and Coahuila; Chihuahua; and Frontera de Occidente, including Baja California and Sonora. A colonel with all the powers of a commandant-general—civil, judicial, and military—would be in command of each district. Most of the colonies would have one hundred fifty soldiers assigned to them, although some would have less. A normal complement would consist of forty infantrymen and one hundred ten cavalry troops, with three pieces of artillery. Whenever a colony grew to sufficient size to qualify for status as a *pueblo* (a town with some self-governing rights), it

would then be placed under the local state jurisdiction and would cease to be a military colony. In essence, this decree was a corollary to the Spanish Royal Regulations of Presidios issued in 1772, which the Mexican government had continued to use as a guideline for the frontier between 1821 and 1848.

Despite the high official sanction behind this decree, little was done. No colonists were brought to the thinly populated area along the northern boundary; no new towns were established in Sonora; and no more troops were assigned to guard the area, either from American adventurers or from the "frequent and cruel incursions of the barbarians." Sonora, which, along with Chihuahua, was on the Gila Trail, a principal overland route to the gold fields of California, was particularly vulnerable to Indian raids. Both Americans and Indians were passing through Sonora in increasing numbers, the former in transit to the digs and the latter as marauders. The Americans did spend money in the few towns to procure supplies and thus stimulated the economy, but the plague of Apache raiders made life and property so unsafe that few cared to try for the profits to be made. In fact, during this period the population of Sonora was declining drastically. Impoverished and helpless, this frontier was neither ready nor able to prevent the savages from raiding almost at their pleasure.²

Then on August 16, 1850, Mariano Paredes, a representative from Sonora, arose in the Chamber of Deputies (the lower house of the Mexican Congress) to address his colleagues. In his speech he proposed a plan both of colonization and of mercantile development. Unfortunately for Mexico, his proposals, entitled *Proyectos de leyes sobre colonización y comercio en el estado de Sonora* (México, 1850), resulted in no new laws to encourage immigration or commerce. They did inspire a few intelligent men to give serious thought to the aggressiveness of the American frontiersmen and the attractiveness of the Mexican frontier, with its natural resources and small population. On January 7, 1851, a junta created by the Minister of Relations,³ José María Lecunza, presented a report recommending not only the colonization of Sonora but also of the entire northern tier of states and the Territory of

Baja California, as suggested by Arista's decree of 1848. "The time has arrived," stated the junta's report, "when inactivity in regularizing and facilitating foreign immigration and colonization is going to be very deplorable for the republic." Agriculture should be encouraged, for the export of farm products would be a source of wealth. The miners of Upper California were paying extremely high prices for anything edible. Why should Mexico not cash in on this potential bonanza? And in the cities, manufacturing should develop. Action was needed.⁴

Still nothing was done. Finally, on January 26, 1852, the venerable Senator Juan Nepomuceno Almonte, a diplomat whose many services to his country placed his motives beyond question, spoke to the national Senate on the subject of colonization: "The situation in the states of Chihuahua, Durango, Nuevo León, Tamaulipas, Zacatecas, Sonora, and even Sinaloa could not be more deplorable, for daily its inhabitants are assassinated, its haciendas plundered, and its fields burned by the various tribes of barbarians who ceaselessly invade that area." The answer to that problem, as well as to the ambitious designs of the Americans, was to get additional people to move there, he said. The United States had attracted immigrants from Europe to its frontier by pointing out the many advantages of moving there. Why should Mexico not do the same? Both Mexican and European settlers should be urged to move to the north, thus halting the Indians at no cost to the central government. The settlers would also form a barrier to further American conquests. Almonte went on to spell out the method of financing this venture, and he indicated the need for advertising in various European periodicals. Mexico, he thought, should not rest until it had a population of 25,000,000, with large numbers along the northern boundary.⁵

Time ran out for Mexico before much could be done. In December 1852 the survey of the boundary established by the Treaty of Guadalupe Hidalgo came to a halt, owing to a quarrel about the true southern boundary of New Mexico.⁶ Although war was a possibility, both sides decided in the end that negotiation, not conflict, was the best method of settling their differences. James Gadsden,

the American minister to Mexico, was authorized to negotiate a treaty establishing a new boundary, a task completed on December 30, 1853. President Franklin Pierce proclaimed the Gadsden Purchase Treaty in effect on June 29, 1854, thus ending the drive to colonize northern Mexico.

Had the proposal of Mariano Paredes—or any of the other proposals for colonizing the northern frontier of Mexico—been heeded and had large numbers of Mexicans and European immigrants moved there, the subsequent history of the American Southwest might have been far different. Curiously enough, Paredes himself was partly responsible for some of the filibustering activity of restless and aggressive Americans in Sonora and Baja California at that time. In 1850 he had suggested that Sonorans might appeal to the United States for assistance in dealing with the Apache menace if the Mexican national government did not offer help. Although such a movement did get under way, it proved abortive, although it did have contacts in California which gave impetus to the first filibustering expedition from California to Mexico.⁷

The copy used to make the following translation is part of the W. J. Holliday Collection at the Arizona Pioneers' Historical Society. In the translation, the editor sought to emphasize the sense and meaning of Paredes' impassioned plea rather than make a literal, word-by-word translation.

PROJECTED LAWS
on Colonization and Commerce
IN THE STATE OF SONORA,

Presented
TO THE CHAMBER OF DEPUTIES

by the
Representative of that State,
in the
Extraordinary Session on the 16th Day of August, 1850.

MEXICO

Printed by Ignacio Cumplido, Calle de los Rebeldes núm. 2.
1850.

SIR:

As representative for the frontier State of Sonora, my duty is to advance this immense and unappreciated territory belonging to the Mexican nation to first place; and second, to do everything that will advance its expansion and prosperity. These goals, and no others, will be the basis of that which I will propose.

During the convocation of the present session, you must work toward arranging the building and security of the frontier, points of the greatest importance for the nation. At the time of my entrance into this respected Chamber of Deputies, the various committees were already occupied with their labors; but although they have not yet presented their findings, I believe it opportune to explain my ideas so that if you find them good you can pass my crude efforts on to the pertinent committees.

I shall speak on two points at once because, inasmuch as they are reciprocally linked with respect to Sonora, separating them, it seems to me, would be to weaken them; my object is to present them as united, as they are within themselves, for to present them in a contrary manner would make them appear without without substance, ridiculous, and even absurd.

I shall not weary this sovereign body of the nation with descriptions of what Sonora is and what it could be, for those who have written on this land have already done so, especially in describing the history of its sufferings and the causes whence they [the sufferings] have sprung. I recommend to all the Deputies of this Chamber a reading of the statistical data about this State compiled by the impartial and reliable attorney don Agustín Escudero,⁸ and also the recent writings of don Francisco Velasco.⁹ The reading of these short notes will be sufficient to end all doubts but that this State should claim the attention of the entire nation, and that the nation should use its powers of foresight and read, not far off, the shape of things to come, things which will transpire unless vigorous means are taken to avoid another dismemberment of perhaps the sole remaining jewel that remains to the republic: a jewel that we still do not understand how to appreciate because we do not know it. At the same time our avaricious neighbor [the United States] does now appreciate its true worth, for that neighbor knows it as the palm of one hand knows the palm of the other; and when the time is right, with the slightest pretext and by the most convenient method, Sonora will come under the ownership and protection of these neighbors. It is difficult to believe this, but it is necessary to say it and to believe it.

Sonora in its present state of abandonment, of misery, of insecurity, of lack of protection, of [lack of] guarantees of liberty, is exasperated, has lost all hope of survival; and it would not be impossible that the madness of its suffering would cause it to throw itself into the hands of a neighbor that

offers help, protection, and, in fine, an enchanting and improved way of life, as today is enjoyed in Upper California, whence many Sonorans return enchanted. If the nation does not listen to the clamor from the frontier, our inhabitants will hear and will want to part from us, for even now they [the United States] are able to attract the general good will. They flatter us; they din into our ears and present to our eyes the joy of positive guarantees such as are unknown in our country. These policies have much influence in a powerful way in the destinies of a nation; they have brought [to Mexico] more evils than the force of their arms. What will happen when we are in direct contact with them? What obstacles can we offer to their calculations and their plans? How can we avoid a comparison of their prosperity and our decadence and yet not foment discontent and extinguish patriotism? They let us see that on the other side of the line there is order and justice, the only basis for prosperity. Such weapons are the most to be feared, for they conquer and seduce not only the incautious but also everyone in general; their prosperity will not be to us the exaggerated tales of travelers,¹⁰ but the palpable example of material well-being placed before our eyes. These invincible weapons are what the Mexican nation must fight, and they can be defeated only by weapons of equal strength. But it is necessary to put them into action promptly, for if the moment is allowed to pass it will be too late, and even ridiculous afterward.

Sonora is divided from the United States only by the Gila River which, on our side, serves numerous caravans of wagons as the most level and well-supplied route of transit to Upper California.¹¹ The strip of land on the opposite bank will soon be populated. Meanwhile, on our side, years will pass without the same thing happening because of laws enacted but impossible to execute. And it is not laws impossible of execution that will contain the threat which menaces us.¹² Moral force is the only thing that will save us at little cost: moral force, not a costly law of military colonization, impracticable because of our misery and demoralization, will be the only way to populate the frontier. This population is the only thing that can save Sonora; and with Sonora saved, thus shall the republic be saved, for the government should not forget for a single instant that [Mexican] nationalism is found today more than anywhere else on the northern frontier. Here then are the dangers. Here are the fecund germs of the death of our country. These naked truths make us see the imminent dangers, expressed without adornment and with the asperity proper to a son of those forgotten lands who puts aside polite social usages and adopts a frank manner of speaking only that he may be properly understood.

It is necessary that the nation, to which I address myself, hasten to avoid the petty disputes into which its previous most important resolutions have devolved. The circumstances are extraordinary, and extraordinary must be

the means that you adopt. There are two resolutions, according to my judgment, which do not require money but only resolution in order to bring us out of the small sphere to which we have been reduced. First, a good colonization law; and second, mercantile arrangements dictated exclusively by each part of the frontier, for the same laws will not serve for both Chihuahua and Sonora because they have distinct problems. For this reason, I will confine myself solely to Sonora.

The need of colonization for all the republic is generally accepted, but, disgracefully, until now few concrete steps have been taken in this vital matter. Yet I shall not speak of the nation generally; it is my duty to speak only for my State, which is now in agony and in a dangerous crisis that will decide the future existence of its towns. For these reasons Sonora needs a precise, particular law, a law whose general outline should be very liberal and very generous, one which guarantees to foreign colonists the joy of all their liberties, one allowing the State the power to distribute in a prodigal manner the uncultivated lands that today are in ruin, and one in which the nation concedes, on its part, all rewards and privileges possible to the *empresarios*¹³ and first European settlers. With such a law I believe that within a few years we will see these frontiers populated, the barbarians [Indians] exiled, and the State of Sonora advanced enough to serve as a barrier to the avaricious neighbor that lies in wait and does not hide his ambition for the fertile and extensive terrain that he visits daily and which he knows contains equal or more precious metals than those today mined in Upper California; this neighbor will wait quietly until he thinks his day is at hand, and on that day he will turn into a monster, attracting opportunists from all parts of the world. This is not a dream nor a presumption, but a reality. Since the last century Sonora has been and still is producing gold and silver. The fertility of its lands on the frontier is beyond doubt. While the troops of the *presidios*¹⁴ were able to contain the barbarians, many haciendas flourished and grew to importance, such as San Pedro, San Bernardo, San Lázaro, etc., etc., which today are in ruins, as are many towns that have disappeared and are disappearing daily from the sanguinary Apache's desolating war. It is only necessary to read the official newspaper of the State in order to see the many victims daily sacrificed to these cannibals. Such a state of affairs is insufferable. The nation uselessly spends many millions of pesos, and this frontier is destroyed day by day. What, then, shall now be the mode of its preservation? Shall the law of military colonization be enforced? If this is the only action taken, then the Chamber may rest assured that nothing will change and that Sonora will soon disappear from the republic, for it now is out of breath and expiring. The gangrene is spreading for there are those who will stir the fire; and, in time, with violence, and without losing an opportunity, means for Sonora's salvation will not exist. It will be too late to do anything. All may

yet be saved by an opportune law of colonization that will arrest the cancer, giving a hope of good things to come to all those Sonorans who are lovers of their nation, if the nation has within itself the flexibility necessary for the salvation of its liberty. Such a law will reanimate the Sonorans, stop their emigration to Upper California, and, in place of complaining against the central government, they will seek its preservation and by it they shall be blessed; far from listening to their neighbor, they will proudly show that the nation has awakened from its lethargy and that to our territory also shall come foreigners to make it great and to put up a barrier to ambition—all this if the law that urgently is needed is frank enough to correspond to that purpose. I take the liberty of submitting for the deliberation of this august Chamber the document marked with the number 1. [See p. 305, *infra*.]

The commerce in that State [Sonora] needs protection that is exclusive and extraordinary, protection to serve as a channel for European immigrants. Sonora needs for its prompt exploitation men with capital who will spread their benefits in all directions, men independent of local considerations, for the nation needs time to construct a fort within the State to counter another that the neighbor wishes to erect. This fort, which will produce all the aforementioned benefits, is doubtless the declaring of the port of Guaymas to be open to all foreign trade for twenty-five years.

I commenced by stating that the commerce of the State needs an exclusive protection, an extraordinary protection, protection that will serve as a channel for European immigrants. It is immutable that one of the most powerful and most active agents, perhaps the only agent, for the enlargement of the towns is the businessman protected by well-planned laws; when such businessmen have all possible liberty, all possible guarantees, and do not have to humble themselves to anyone, but instead are proudly able to look after their interests, then they will pull the populace along with them in the most lucrative enterprises, those most important to a land as extensive, rich, and important as Sonora. Only with such extraordinary and exclusive protection will Sonora be able, as vigorously as is convenient to the nation, to raise itself to the rank of a hard-working, strong, and great community, one able to guard its boundaries. No method other than declaring the unique port of Guaymas free to all foreign trade for twenty-five years will produce this magic and urgent effect. This declaration alone will from the moment it is promulgated cause great capitalists to establish themselves in the country and, by necessity, spread their money everywhere. These capitalists will be interested in the growth of the population which they attract, and this population, as well as that of all the State, knowing the origin of all these good things, will bless the government to which they belong and will have no desire to try their luck with a neighbor. There also will be men in the State independent of local ties, for when there is a confluence of foreigners who take an interest in the

good fortune of the country in which they have property and guarantees, the country ceases to be the patrimony of any one family.

I said that to declare Guaymas a free port would be to erect for the nation a fort in its house to counter another that its neighbor wishes to place there. I shall explain my concept. Guaymas is the most northern port in the Gulf of Cortés,¹⁵ and thus it follows that it is the most immediate to the shipping that will soon flower on the Colorado River; on this you should fix full attention, for such shipping will range easily along the coast of Sonora, as well as Baja California and Sinaloa, from which we may expect an active smuggling trade with respect to Sonora.

Let us turn our attention to Baja California. This province, as deserted as Sonora, although not as rich and fertile, is where the neighbor has his ambition most firmly fixed. He has begun his conquest by flattering the inhabitants, giving sympathy to those who will follow his advice to rebel when the time is ripe. I have heard from persons who have had dealings with the Yankees of a project of theirs to situate a naval storehouse at Cape San Lucas and a mercantile establishment at San José in order to assure themselves a domination of the entire commerce of the Pacific.¹⁶ Mexicans, be alert! There is no reason to depreciate the smallest warning, or to have faith in their keeping the treaties between us. We are weak, and the only right consigned to us in those same treaties is to remain as pupils of our neighbors, thus confessing to the entire world our ineptitude, our debility, and our inability to contain the barbarians. Thus we put the dagger in the hands of an ambitious executioner who will know how to use it when convenient, for we failed to note that rule which says: "Any state should take great care not to give the slightest pretext to another state to intervene in its internal affairs."

If our neighbor establishes a naval depot at San José, or, if not there, one is built at San Diego, what will our ports on the Pacific be reduced to? To less than nothing because smuggling will ruin forever what has been to this time our principal source of revenue, under the careful arrangements we have systemized through tariffs and customs laws; it will also be a moral affront to the nation and to the nation's import laws.

Guaymas, then, being located at the extreme northern end of the Gulf is in a position necessary to save Sonora, and also Sonora's nationality, which is threatened by this same neighbor. The nation [by making Guaymas a free port] will take a great leap forward, getting off the treadmill of routine and paying serious attention to the extensive frontier in which is produced and from whence springs the traffic in contraband, by establishing such a port between San Diego and San Lucas. It also should not be forgotten, I repeat, that within a brief interval shipping on the Colorado will increase astonishingly and will extend itself to our ports, particularly to Guaymas, as it is the

closest, after having traveled the coasts of Altar, Tiburón, etc., etc. Paying attention to this, and convinced that the scandalous smuggling traffic will be inevitable because of its strong systemization and will degrade and lessen the national honor, it would be best to declare Guaymas a free port for foreign commerce for twenty-five years. This great step would produce:

First: The attraction of capitalists to Sonora who will spread their beneficial influence throughout the state, raise men to influence who are independent of local administration, which said administration, being unable to favor any one person or place relatives in high places, will be contained within reasonable limits.

Second: With Guaymas a free port there need be no fear that the Americans will loose their ambitious project to take possession of Baja California, to establish in San Lucas a naval depot and in San José a mercantile warehouse (as they have now announced), nor need we fear that smuggling by coast and border will be heavy.

Third: With Guaymas a free port, respectable families will be established to counter-balance those persons who frequently dishonor the nation with scandalous revolutions, counting on impunity owing to the distance and weakness of the central government.

Fourth: With Guaymas a free port, although at the first all evil will not be completely eradicated, at least a higher moral tone will be set, placing in those seas a dike of prudence against the testimony of affront that at present is divulged in foreign parts.

Fifth: With Guaymas a free port there no longer will exist for the businessmen of the entire coast the rational excuse that with rising costs and falling profits it is necessary to commit fraud. This pretext will cease because business houses established in other ports will be able to bring only those items wanted by customers which they have been demanding for prompt sales, and without the necessity of maintaining large inventories, all of which will result in a decided aid to our ruined merchant fleet, which is now depleted and insignificant. The objection raised to this proposal is that systematic transactions do not change, made so that the same evil may remain underfoot, to which I answer: It is less evil that the same crimes are forged among ourselves and that we recognize that they exist, than to commit them outside our country to ridicule and mock our laws. All this can be foreseen by the law if it is applied without the intervention of special interests as it seems is happening up to today.

Sixth: With Guaymas a free port it will be possible to establish a cruising station to patrol from Cape San Lucas to the head of the Gulf, regulating the traffic of the Gulf so that the supreme government of the nation may,

from a fixed point, know the content of every shipment that nears the coast, which may be done if there is wisdom used in the selection of the commander of the station.

Seventh: As the object of establishing Guaymas as a free port is essentially for the protection and elevation of an important State about to go to ruin, it is necessary that the port be entirely free. To this effect the naval customs house should be built against the height of Bacochibampo, the only entrance to the port. The duties on imports for the Sonoran consumer only shall be, in their entirety, half of those fixed by the laws or tariffs. Such is the reason for the permitted entry.

Eighth: The number of employees of the customs house should be reduced to the lowest possible number, namely an administrator, an accountant, an inspector, and two secretaries.

Ninth: As all this should attract to Guaymas and to the State an increase in population and wealth, it is necessary that the supreme government not leave such work incomplete, but that the guarantees necessary for the conservation of order and tranquility be established. Thus it will be necessary to situate in Bacochibampo a force of fifty infantry and fifty cavalry, for the reasons indicated, and to be on guard against smuggling along the entire coast. This body of customs house officers will be most efficient and economical to supervise not only imports but also the introduction to the port of all types of metals. With this plan adopted and using good sense in the selection of the first employees, who should have the knowledge needed to start the station, one may be certain that disorder will be brought to an end. The nation, still receiving the same taxes, or perhaps double what it gets today, will have taken an important step toward progress, assuring the existence of a valuable State and also taking the first step toward the rearranging of its wealth, wealth being a thing about to disappear in that country.

This plan at first glance will appear ridiculous, absurd, or at least qualified as that which here in the capital [Mexico City] is termed provincialism or the refined local spirit. Some will say that it is impossible because in a republic there should be no such singular exceptions to the laws when all the states have the same rights if not the same necessities. Others will insist that this will have the effect of creating an independent colony in the bosom of the republic, and others will object and raise their cries to the heavens, saying that this cannot be as it will be the ruin of all other ports, wherein if such an absurd project is sanctioned, smuggling will be worse, it is even in the same house, etc., etc., etc. But if there is a strong conviction and a firm resolution to proceed for once with these considerations, you may forget these subtleties which to this time have led us to ruin, being able, if one wishes to answer, to say that if it is true that all the states have the same rights and others the same necessities, the nation, representing the rights

and duties of a good father to all, must attend by preference to the child that is closest to the grave, giving a prodigality of extraordinary aid to save it, without failing to give attention to the rest according to the urgency of their necessities and circumstances. This is the natural order of all society.

As a summary of all I have said, I shall conclude by presenting for the deliberation of this august Chamber the projected law marked with the number 2, [See p. 309, *infra*.] supplicating that you deign to pardon the length of this work and the grave errors of its editing, inasmuch as I do not know the rules of grammar or even of orthography. I am certain it contains many errors; but I am confident of the rectitude and purity of my intentions.

México, August 16, 1850.

M. PAREDES

NUMBER 1

SPECIAL LAW FOR THE COLONIZATION OF SONORA.

Art. 1. The frontiers of Sonora are suitable for colonization, especially that land adjacent to the Gila.

Art. 2. All that land two leagues [5.2 miles] beyond the presidial line [of 1772] actually inside the boundaries of the State is subject to colonization. That land from the two-league line to the northern boundary of the State and not under legal ownership, either personal or corporate, shall be considered public domain. In cases of doubtful ownership challenged by the State, straight lines will be drawn from presidio to presidio under the direction of a skilled and experienced person.

Art. 3. The line [of demarcation of land open to colonization] designated by Article 2 is drawn with the object of avoiding land disputes between officials of the nation and the State, for the latter will incorporate the colonies as soon as they are elevated to the status of towns.

Art. 4. The Mexican nation by this law, written for the benefit of European families who may wish to settle the frontier and form settlements on its fertile land, so generously favored by nature, are guaranteed their properties and dearest liberties, and are offered the following inducements:

1. To each colonist, either European or Mexican, and a farmer by trade, will be given at no charge, cost, or obligation a *labor* of irrigable land measuring 1,000 *varas* [meters] in length by 500 *varas* in width [approximately 177 acres], or double that amount in temporarily usable or dry land.

2. To those who are devoted exclusively to raising cattle will be given a *sitio* of level land measuring 25,000,000 square *varas* [approximately 4,428 acres], or double that amount in mountainous or broken land.

3. In the towns that are formed, they will be given land equal to one fourth of a lot, which measures one hundred square *varas* and then is divided into four, on which to build their homes.

4. The colonist who plans to settle may introduce at the port of Guaymas and duty free all the necessities of agriculture, transport, trade, and crafts; and they may also bring in duty free, one time only, the merchandise or baggage they have with them to the value of two hundred pesos. This tax remission may be had only at the Guaymas customs house, such imports being allowed simply on certification from the leader of the colony wherein the colonist is destined to settle. To receive this benefit, the interested party shall post bond or security, then present the aforementioned certificate within a reasonable time, not to exceed ninety days. Any article or item that enters without such permission is to be impounded in the chests of the customs by the person responsible.

5. If there are empresarios for the transport of European colonists, the nation will grant them, for each one hundred male colonists over twenty years of age who settle in such colonies, two full town lots, not divided, for houses in the town where his colonists settle; two *labors* of irrigable or non-irrigable farm land, and ten *sitios* for ranching; moreover, for each hundred male colonists settled on whatever site designated and certified by the chief of the colony, the Guaymas customs house will remit to the empresario 250 pesos for each colonist, discounting the import tax which the empresario obtains for his account.

Art. 5. Each colonist, upon receiving title to the property authorized him by the leader that the colony has elected, must solemnly promise in return for the title he receives:

1. To be exclusively a Mexican citizen, renouncing all rights to foreign citizenship, adopting as his country the nation in which he resides and swearing to abide by its laws and institutions.

2. To swear especially to defend the integrity of the territory of the country he adopts, enlisting forthwith in the militia (*guardia nacional*), to which every pertinent member of the colony will belong, and in which he is obligated to lend his services at his own expense to oppose barbarians of every type, not allowing them to enter the State, working in accord with the forces of the State for their persecution.

3. To declare solemnly that he will remain faithful to the title to properties that he receives; and in case he fails in any of his duties, as previous promises state, his properties will revert to the nation with which he has formalized a contract.

Art. 6. The Mexican nation, in addition to the stated inducements, promises:

1. To guarantee every colonist the security of all the rights of Mexican citizenship, the only exception being that he may not sell the properties that he has thus acquired until he has owned them for eight years without interruption and has religiously complied with his obligations.

2. To guarantee the faithful fulfillment of the inducements and privileges of this law.

3. To free all colonists for twenty-five years from the publication of this law from extraordinary contributions generally decreed or that may be decreed by the nation or by the State in which they reside, with the exception only of those decreed especially for the preservation of those same colonies.

4. Not to engage the colonists during the stated period in civil conflict under any pretext, with the exception of foreign invasion when, like all Mexicans, they will be obligated to help with the common defense.

5. For the stated term of twenty-five years all products of the colonies will be free of tax in moving within the State or States of the federation.

Art. 7. All inhabitants of the frontiers, by the act of residence in or immigration to whatever part of the territory, will become a Mexican citizen after six months of residence, a Mexican without the right to claim any other citizenship.

Art. 8. Upon the establishment of a colony, before anything else the town shall be delineated according to uniform plans that the government will establish so that the boundaries can be drawn with exactitude; the tenth part of all lands shall be set aside for the public funds of each town, the common lands of which shall consist of two [square] leagues and be centrally located.

Art. 9. Ten years after the publication of this law, all lands not distributed within a township may not be transferred to private ownership except by lease at an interest of five per cent of the value that could be obtained by auction; all such income shall go into the public funds of the colonies.

Art. 10. Each colony, until it reaches a population of 5,000 inhabitants, will be administered by a governor who resides among them; but having reached the indicated population, the town will be incorporated into the State of Sonora, which for its part will respect the rights and privileges of the town as authorized by law.

Art. 11. When this law is published, the government of the nation will name a commission for the inspection of the colonies of Sonora; this commission will establish the points at which the first towns are to be established, drawing up plat maps on which will be shown by blocks the lots that are to be distributed among the inhabitants.

Art. 12. This commission will be composed only of employees receiving a salary from the nation, those only who begin their work within thirty days after being named to the post, and if they do not do so they will lose their employment and all option of pension or severance pay.

Art. 13. This commission will consist of two civil engineer-surveyors, two brigadier generals with topographical experience, the commanding general of Sonora, and one or two commissioners named by the governor of the State. The commission will meet in the city of Arizpe on January 31 and immediately begin a survey of the line [from there] to the presidio of Bacuachi; this line will be certified by February 15, 1851, and the survey will be terminated in its entirety at the mouth of the Colorado by the month of July. Without failure the certified survey will be sent to the minister of public relations (*ministro de relaciones*) for him to publish, with the understanding that any small omission [in completing all this] will result in the loss of employment and no recompense for services rendered by the person or persons responsible.

Art. 14. From the troops which the government maintains in Sonora, an escort will be formed of not more than one hundred infantry and cavalry to accompany the commission; to this effect the commanding general-inspector of colonies in Sonora will give strict orders that the troops shall without fail be in Arizpe by January 15, it being understood that if this is not done, in view of the responsibilities that he exercises in this matter, it will be sufficient cause for him [the commanding general-inspector] to lose his employment and benefits, no matter what his excuses may be.

Art. 15. When the result of the commission's labors are received, they will be published so that the government may see what places should first be populated.

Art. 16. This same inspecting commission for colonies will reside either in Tucson or Fronteras for the present, and later in the first town to be colonized, whose chief will be named by the governor general or proposed in turn by the commission.

Art. 17. In each colony there will be a designated chief to govern under military rule; but when the population reaches 1,000 they shall name from among themselves municipal authorities for the administration of justice, according to the laws of the State of Sonora, with the chief of the colony thereafter exercising the functions of political prefect; all other officials shall be such as correspond to the general laws and regulations that the government will dictate.

Art. 18. To the chief of each colony, in recompense for his services, will be granted two [undivided] town lots as designated in this law; but if he is not faithful to the charge given him, he will lose them.

Art. 19. The governor general, using the information that the inspecting committee passes to him, will dictate the regulations that he believes are needed and not in opposition to this law, proposing to the legislatures the rewards he feels due the individuals who are deserving of them under this law, as well as whatever else he believes convenient.

Art. 20. As by the previous article it may be foreseen that rewards will be given for services rendered by certain members of the commission, it is expressly prohibited that they take for themselves land or landed property of any kind, as this would be a grave prejudice to the object of this law.

Art. 21. The members of the commission are obligated to serve and fulfill their duties for five years, and he that complies to the satisfaction of the government has the right to receive a salary double the amount normally due according to his rank and which payment will take absolute precedence over all other.

Art. 22. The government of the nation will exercise the strictest responsibility that the monthly necessities of the commission on colonies are furnished punctually so that the interested parties do not suffer miseries in such remote places.

México, August 16, 1850.

M. PAREDES

NUMBER 2

Art. 1. For the term of twenty-five years after the publication of this law, the port of Guaymas in the State of Sonora is declared to be a free port for all foreign commerce.

Art. 2. The only duties to be paid upon entering the port are those of tonnage, one *real* [one-eighth peso] per bale dock charges, and the municipal duties of the city.

Art. 3. The tonnage duties are in effect and will be paid by any foreign ship that anchors here even if it discharges no cargo.

Art. 4. Any goods to be shipped from here [Guaymas] to another port of the inhabitants of the South Seas [the west coast of Mexico] cannot be transported in anything other than a coastal boat, the captain and crew of which must be Mexican citizens only.

Art. 5. The ships having received their cargoes, the captains must go to the customs house with their cargo manifests containing an exact listing of their cargoes; these manifests will be in triplicate in the same manner as the procedure would be in foreign ports.

Art. 6. The customs agent will, by the next and most immediate mail, send to the minister of the treasury a certified original copy of the manifest, or as many certified pages of dispatches as have been presented by the captain or other remitters.

Art. 7. For the introduction of any foreign goods into only the State of Sonora, a manifest in triplicate of the entire contents of the cargo will be presented by the sender at the customs house before the cargo arrives; only these original documents will liquidate the duties, which in totality would consist of only half those required by the official tariff laws.

Art. 8. The inspection or viewing [of goods to be taxed] will be made at the customs house, with the concurrence of all the customs employees, the senders paying the rate shown in the tariff laws and the bond set beforehand in conformity with those of the most respected business houses in the port.

Art. 9. The taxes on the circulation and exportation of precious metals will be exacted at the time they are presented at the customs before leaving the port; these taxes will not be rebated in any event, even if the same metals are returned to the interior.

Art. 10. Any goods under way along the coast in an attempt at smuggling will be confiscated, and anyone involved in this, be they foreigners or Mexicans, will be imprisoned until it has been clarified what they were transporting, so that they may be judged in conformity with the law.

Art. 11. The same penalty will be incurred by beasts of burden, wagons, or carts that are discovered detouring from coastal roads without good cause.

Art. 12. Private coaches, servants, travelers, and, in sum, all those suspected of being engaged in smuggling goods, gold, or silver will be taken to the customs house; and if they are found guilty, the coaches, wagons, beasts of burden, and saddles shall be confiscated, and shall not reduce the total fine or punishment incurred by such individuals.

Art. 13. The customs house in the port today will be moved to Baco-chibampo with the title of customs house; its employees and their salaries will be as follows:

1 administrator, with possession of said title	6,000
1 inspector, with possession of said title	4,000
1 first officer, qualified as an accountant	3,000
2 experienced secretaries	2,000
1 porter and two auxiliary servants	600
	<hr/>
	15,600

Art. 14. All these employees will be bonded at double their salaries and with triple bonds that will be renewed each year, with all the requisites and precautions provided by law.

Art. 15. For the security of the population, to avoid disorder, and to give all necessary guarantees to the port, there will be at the customs house a

permanent force of one hundred men, composed precisely of a commander, two second officers, fifty infantry, and fifty cavalry, who shall be occupied not only with the constant custody of the customs house but also to watch over and guard such places as they are ordered; the cavalry daily will patrol all the coast, routes, anchorages, and creeks as ordered. The governor, with knowledge of the locality of the port and of the coast, will draw up a clear and sensible regulation for the use of this guard.

Art. 16. The commander of this force will carry out the directions of the customs agents; he will be at the orders of the administrator, and will supervise dispatches of cargo and any needed customs inspection.

Art. 17. The commander of this force will enjoy the monthly salary of

of	\$ 250
2 second officers at 120 pesos each	\$ 240
2 sergeants of infantry, 20 pesos each	40
4 corporals at 18 pesos each	72
44 soldiers at 15 pesos each	660
2 sergeants of cavalry at 30 pesos each	60
4 corporals at 25 pesos each	100
44 soldiers at 20 pesos each	880
	<hr/>
	2,302

Art. 18. The nation will not give to the leaders and soldiers any money as a gratuity, loan, or charity other than the salary that will be paid punctually to all good servants [of the nation], with the nation reserving the right to remove them whenever and wherever necessary, even as they [the employees] will have the right to continue or leave their employment at their convenience. In the taking of commissions they will have the rights assigned them by law.

Art. 19. The government will recruit the force established by Article 17, with preference given to individuals from the army in units already in existence and with preference for honesty, good health, morality, and good conduct, in this way rewarding good servants and at the same time not causing an added expense to the nation in raising a new force for guard and security duty.

Art. 20. In the port will reside a port commander who will have knowledge of marine affairs, be of good education, and have good conduct. This commander will visit every ship that arrives in the bay to inspect them and to collect the tonnage duties (whose products pass the maritime customs monthly); it will be his special duty to police the port according to the law. He will dispatch coastal shipping, checking the ships' logs, and pay scrupulous attention to seeing that their cargo manifests are made out in conformance with the law.

Art. 21. He will receive the fourth part of the total amount of the tonnage duties; but if the nation does not receive 3,000 pesos, he will not receive this.

Art. 22. The nation will use a longboat (*falúa*) with six sailors for port service at a yearly expense of 1,300 pesos.

Art. 23. The judge of the district will reside in the port. For the execution of justice he will first use the municipal police of the port city; if he does not believe this convenient, he will use the customs house guard.

Art. 24. None of the employees mentioned herein may be a merchant, broker, or an agent in charge of a business; for these reasons alone any of them will be disqualified from employment by the nation.

Art. 25. Violations of the law, of supreme orders, participating in a pronunciamiento, complicity with a revolution, and failure to complete his duties are cause for perpetual disqualification from public office. Complicity in fraud, in addition to the requisite penalties, will be punishable by removal from office, the forfeiture of bond, and exile from the republic.

Art. 26. Inasmuch as a customs house must be established, it will be necessary to construct an edifice suitable for its offices and troop quarters. Barracks or houses will be used provisionally until such time as the customs income is sufficient to build the edifices required, which will be built by public contract after government approval has been secured for the proposition and plans.

Art. 27. The tax of one *real* [one-eighth peso] per bale on imports referred to in Article 2 will be charged by the municipality, which will deposit the money with a bank of complete responsibility, so that the money will be invested for the purpose for which it is destined.

COAST GUARDS

Art. 28. There will be established a national cruiser, or coast guard, which will patrol from Cape San Lucas to wherever is most convenient.

Art. 29. The displacement of the cruiser will be from eighty to one hundred tons, [armed] with one swivel cannon and two light-weight, large caliber cannon (*carronadas*); its complement will consist of:

1 commander with a salary of	\$ 250 per month
1 second officer	150 per month
2 pilots, or apprentices, at 60 pesos	120 per month
20 sailor-gunners at 20 pesos	400 per month
1 cook	20 per month
2 servants, or apprentices, at 10 pesos	20 per month
	<hr/>
	960
For victuals, gear, sails, paint, etc.	840
Without further expense to the nation	<hr/>
	\$1,800 per month

Art. 30. The aforesaid cruiser, as soon as it sights a ship under sail, will hail it, and be it Mexican or foreign will note (in a book that the ministry will issue yearly) its port of origin, its course, its captain, its displacement, crew, destination, and cargo; if there is reason for suspicion, it will be followed to its destination, and if it is found at an inhabited port, after taking the needed information, it will be permitted to enter or ordered to leave, as circumstances warrant.

Art. 31. The information taken about ships will be sent by the steamers that touch at Mazatlán and San Blas en route to Acapulco, with the understanding that the least omission [in regular procedures] will result in the removal from office of the responsible party with no future option to obtain another such office; in short, Article 25 will be applied.

Art. 32. The commander of this cruiser will be bonded as per Article 14.

Art. 33. The salaries of the Coast Guard will be paid punctually, with preference over other obligations, and will be sent six months in advance to the customs house at Guaymas where they will draw their pay.

Art. 34. The government will formulate the regulations in other matters for this cruiser.

México, August 16, 1850.

M. PAREDES

NOTES

1. Mariano Arista, *Colonias Militares. Proyecto para su establecimiento en las fronteras de oriente y occidente de la República* (México, 1848).

2. For details of Apache raids in Sonora between 1831 and 1849, see Robert C. Stevens, "The Apache Menace in Sonora, 1831-1849," *Arizona and the West*, vol. 6 (1964), pp. 211-22; see also Ralph A. Smith, "Apache 'Ranching' below the Gila, 1841-1845," *Arizoniana*, vol. 3 (1962), pp. 1-17.

3. A cabinet post corresponding to the U.S. Secretary of State.

4. *Memoria de la Dirección de Colonización e Industria* (México, 1851).

5. Juan Nepomuceno Almonte, *Proyectos de leyes sobre colonización* (México, 1852).

6. For details of the involved boundary controversy leading to the Gadsden Purchase, see Odie B. Faulk, *Too Far North—Too Far South* (Los Angeles, 1967).

7. Manuel Robles, *Memoria del Secretario de Estado y del Despacho de Guerra y Marina* (México, 1852), provides additional details about the filibustering activities then current in Baja California, and shows the Mexican government's point of view. For Paredes' involvement, see Rufus K. Wyllys, *The French in Sonora, 1850-1854* (Berkeley, 1932), p. 52.

8. José Agustín de Escudero, *Noticias estadísticas de Sonora y Sinaloa* (México, 1849).

9. José Francisco Velasco, *Noticias estadísticas del Estado de Sonora* (México, 1850); for a translation of part of this book, see William F. Nye, *Sonora: Its Extent, Population, Natural Productions, Indian Tribes, Mines, Mineral Lands, Etc.* (San Francisco, 1861).

10. Many Sonorans took part in the gold rush to California in 1849 and thereafter, returning to their homes each winter.

11. The Gila Trail.

12. Here he refers, doubtless, to Arista's plan for military colonies of 1848 which had not been implemented.

13. An *empresario* was one who made a contract with the government to bring in and settle a specified number of families as colonists; generally his contract was for one hundred families, or multiples thereof.

14. Paredes here refers to the cordon of presidios established by the Royal Regulations of 1772. For a study of the military results of this cordon, see Sidney B. Brinckerhoff and Odie B. Faulk, *Lancers for the King* (Phoenix, Ariz., *Historical Foundation*, 1965).

15. The Gulf of California.

16. A subject not yet fully studied is the extent of filibustering, both military and commercial, prevalent in California between 1848 and 1857; such filibustering led to the incursions of Joseph Morehead, William Walker, Count Gaston de Raousset-Boulbon, and a host of others in this decade.