

INTERNATIONAL BOUNDARY COMMISSION

UNITED STATES AND MEXICO

MINUTE No. 116, August 10, 1929

At ten A.M., August 10, 1929, the Commission met in the office of the American Section, El Paso, Texas, at the call of the Commissioner of the United States, to consider action on report of the Consulting Engineers, relative to the accretions near "La Puerta" Banco NO. 59, Lower Rio Grande, made in accordance with instructions issued by Commissioners in Minute No. 114. The Commissioners studied the report and map of the Consulting Engineers dated August 6, 1929, relative to river movements and accretion near the "La Puerta" Banco No. 59. The Commissioner of Mexico submitted a letter of Mr. Luis Garcia, in connection with this same case. This letter is attached hereto. The Commissioners adopted and approved the report of the Consulting Engineers dated August 6, 1929, in reference to accretions near "La Puerta" Banco No. 59 and map attached to it, signed the map and made them a part of this Minute. A copy of this Minute and the report and map of the Consulting Engineers, will be furnished both interested parties. The meeting adjourned to meet in Mexico City August 20, 1929.

R. M. Raven

Commissioner of the United States

Gustav P. Soriano

Commissioner of Mexico

Clark A. Creps

Secretary of the Section of the United States

José Hernández Arda
Secretary of the Mexican Section.

COMISIÓN INTERNACIONAL DE LIMITES

ENTRE MÉXICO Y LOS ESTADOS UNIDOS

ACTA No. 116, Agosto 10 de 1929.

A las diez horas del diez de agosto de mil novecientos veintinueve, la Comisión se reunió en la oficina de la Sección Americana en El Paso, Texas, a llamado del Comisionado de los Estados Unidos para tomar un acuerdo sobre el informe de los Ingenieros Consultores, relativo a las accreciones cerca del -- banco No. 59 "La Puerta", en el bajo Río Bravo, informe hecho de -- acuerdo con instrucciones dadas por los Comisionados en el Acta No. 114. Los Comisionados estudiaron el informe y el plano de los Ingenieros Consultores fechados el 6 de -- Agosto de 1929, relativos a movimientos del río y a accreciones cerca del banco No. 59 "La Puerta". El Comisionado de México presentó una carta del Sr. Luis García en -- relación con este mismo caso. Esta carta se agrega al Acta. Los Comisionados adoptaron y aprobaron el informe de los Ingenieros Consultores fechado el 6 de Agosto de 1929, relativo a accreciones cerca del -- banco No. 59 "La Puerta" y el plano que lo acompaña, firmaron el -- plano y acordaron que estos documentos formen parte de esta Acta. Una copia de esta Acta y del informe y plano de los Ingenieros Consultores se suministrará a cada una de las partes interesadas. -- Se levantó la sesión para reunirse en la ciudad de México el 20 de Agosto de 1929.

Gustav P. Soriano

Comisionado de México.

R. M. Raven

Comisionado de los Estados Unidos.

José Hernández Arda
Secretario de la Sección Mexicana.

Clark A. Creps
Secretario de la Sección de los Estados Unidos.

INTERNATIONAL BOUNDARY COMMISSION

UNITED STATES AND MEXICO

El Paso, Texas, August 6, 1929.

The Honorable Commissioners,
International Boundary Commission,
United States and Mexico.-----

El Paso, Texas.-----

Sirs:-----

In Minute 114, dated July 22, 1929, we were requested to report on the nature of the river changes in front of Banco No. 59, "La Puerta", and if the river had moved by slow and gradual erosion and deposit to outline the engineering procedure necessary to locate across the resulting accretion the division lines between the banco and the adjacent properties.-----

The "La Puerta" Banco is situated on the right side of the Rio Grande approximately nine kilometers below Rio Grande City, Texas. It was eliminated under the Treaty of 1905 by joint action of the International Boundary Commission under Minute dated February 13, 1912. According to the Consulting Engineer's report accompanying that minute the banco was cut from the United States during the great flood of August, 1909, the preliminary survey was made in December 1909, and the actual setting of posts accomplished in January 1911.-----

Surveys were made along the river in front of this banco by the Boundary Commission in 1926 in conjunction with the field work on "El Refugio" Banco No. 92 and "El Barrito" Banco No. 93, which show that the various river movements, which took place in the formation of the two last mentioned bancos, have resulted in an addition of land to the front of the "La Puerta" Banco of from 400 to 500 meters in depth. A study of the air pictures together with the 1926 position of the river clearly indicates that the river at first eroded into this banco and later moved away (Air pictures attached to this report).

(over)

COMISION INTERNACIONAL DE LIMITES

ENTRE MEXICO Y LOS ESTADOS UNIDOS

El Paso, Texas, 6 de Agosto de 1929.

A los Honorables Comisionados de la
Comisión Internacional de Límites -
entre México y los Estados Unidos.-

Presentes.-----

Señores:-----

En el Acta Número 114 fechada el 22 de Julio de 1929, se nos pidió que informáramos sobre la naturaleza de los cambios del río frente al banco Número 59 "La Puerta", y que en caso de que el río se hubiera movido por erosión lenta y gradual y depósito de aluvión, que indicáramos las operaciones topográficas necesarias para demarcar en las acreciones resultantes los linderos entre el banco y las propiedades adyacentes.-----

El banco "La Puerta" está situado en la margen derecha del Río Bravo, aproximadamente a 9 kilómetros abajo de Río Grande City, Texas. Fue eliminado conforme al Tratado de 1905 por un fallo común de la Comisión Internacional de Límites según el Acta de fecha 13 de Febrero de 1912. De acuerdo con el informe de los Ingenieros Consultores que acompaña a esta Acta, el banco se cortó de los Estados Unidos durante la gran creciente de Agosto de 1909; el estudio preliminar se hizo en diciembre de 1909 y el deslinde y monumentación se verificó en enero de 1911.-----

En 1926 la Comisión de Límites hizo un levantamiento del río frente a este banco con motivo de los trabajos de campo relacionados con el estudio de los bancos Números 92 "El Refugio" y 93 "El Barrito", y este levantamiento indica que los diversos movimientos del río que dieron lugar a la formación de los dos últimos bancos mencionados han tenido como consecuencia un aumento de terreno frente al banco "La Puerta", aumento que tiene entre 400 y 500 metros de amplitud. El estudio de las fotografías aéreas y de la posición del río en 1926, indica claramente que el río

(vuelta)

penetró primero en este banco por barraqueo y después se alejó del banco. (Se acompañan fotografías aéreas.) Ambos movimientos se verificaron por causas naturales, siguiendo un proceso de erosión lenta y gradual y depósito del -- aluvión. Por lo tanto, la línea divisoria internacional sigue el cauce del río, y el terreno que ha quedado frente al banco "La Puerta", es terreno de acreción -- que queda bajo la jurisdicción de México (Artículo I del Tratado de 1884). El plano adjunto muestra en colores la extensión de estas tierras de acreción.-----

En la época en que este banco fue deslindado, monumentado y eliminado tenía, al igual que casi todos los bancos, un frente al río que entonces era de cerca de 350 metros. Así pues, en ese momento en que este banco pasó de la jurisdicción de los Estados Unidos a la de México, era un terreno limitado -- por los linderos cuyos rumbos y distancias aparecen en el plano -- respectivo y que habían sido señalados en el terreno mediante 13 postes, y frente al río el terreno se extendía hasta la margen del -- Río Bravo. En otras palabras, ese terreno tenía frente al río y su dueño tiene derecho a las acreciones al mismo terreno, de acuerdo con las leyes de México que dicen: "Pertenece a los dueños de las -- heredades confinantes con las riberas de los ríos el acrecentamiento que aquellas reciben paulatinamente insensiblemente por efecto de la corriente de las aguas" (Artículo 796 del Código Civil de México). La demarcación en el terreno de -- los linderos que señalen un reparto adecuado de estas acreciones entre el banco y los terrenos adyacentes a ambos lados, es una operación -- muy difícil y el trazo de estos linderos depende de los principios que se acepten y de los precedentes establecidos. En el caso del banco Número 65 "Tortugas" los Ingenieros Consultores Zayas y Pollett resolvieron un problema semejante --

(a la hoja No. 2)

Both movements were effected by natural causes through the slow -- and gradual erosion and deposit of alluvium. Therefore the international boundary line follows the river and the land lying in -- front of the "La Puerta" Banco is accretion and is under the jurisdiction of Mexico. (Article I, Treaty of 1884). The attached map shows in color the extent of this accreted land.-----

This banco, in common with practically all others had at the time -- it was surveyed and monumented -- and eliminated, an opening on the river which in this case amounted to about 350 meters. At this -- time, then, that this banco passed from the jurisdiction of the United States to that of Mexico, it was a tract of land bounded by the -- courses and distances shown on its maps and marked by the thirteen posts, except at the opening on the river, where it was bounded by the Rio -- Grande. In other words, the tract had river frontage and its owner is entitled to accretion as set out by Mexican law as follows: "Any accretions become the property of owners of lands adjoining river -- banks, when effected by a slow -- and gradual action of the stream." (Article 796 - Civil Code of Mexico).-----

The placing of lines on the ground, which would mark the correct division of the accretions between -- this and the two adjacent tracts -- is very difficult and their location would depend upon the accepted practice and precedent established. In the case of the "Tortugas" Banco No. 65, Consulting Engineers -- Pollett and Zayas solved a similar problem by presupposing intermediate positions of the river, which positions they connected by normal lines. This precedent we have followed

(to sheet No. 2)

INTERNATIONAL BOUNDARY COMMISSION

UNITED STATES AND MEXICO

(from sheet No. 1)

and the accompanying map indicates how the accretion would be divided when this method is followed. We believe that the line as shown -- divides the accreted ground equitably and follows the spirit of the law. If, as is probably not the -- case, reliable surveys exist which give intermediate positions of the river, they should be used instead of the supposed intermediate positions.-----
Respectfully submitted.-----

W. A. Cinnwood

Consulting Engineer, Section of
the United States.

Ruano Tlacuapala

Consulting Engineer, Mexican Section

COMISIÓN INTERNACIONAL DE LÍMITES

ENTRE MÉXICO Y LOS ESTADOS UNIDOS

(de la hoja No. 1)

suponiendo posiciones intermedias del río, y ligando estas posiciones por líneas normales a ellas. Hemos seguido este precedente, y en el plano adjunto se muestra la forma de repartir las acreciones en caso de seguirse este método. Creemos que las líneas trazadas en el plano dividen las tierras de acreción en forma equitativa y están de acuerdo con el espíritu de la ley. En caso de que existieran levantamientos fidedignos que mostraran posiciones intermedias del río (aunque parece que no existen), deberían de usarse estos levantamientos en vez de suponer las posiciones intermedias.-----
Con todo respeto.-----

Ruano Tlacuapala

Ingeniero Consultor de la Sección
Mexicana.

W. A. Cinnwood

Ingeniero Consultor de la Sección
de Estados Unidos.

Wednesday, August 1, 1929

Mr. Engineer Armando Santacruz, Jr.,
C. Juarez, Chih.

Respected Sir:

In reply to your kind favor of the 29th ultimo, I ~~say~~ lay before you the following facts:

I confirm my letter and message of yesterday, and wish to add in regard to the said lawyer, R. Oostervcen, referred to, who aided and abetted Valadez in his attempted despoliation of which I informed you in my letter, that neither this attorney nor Valadez were acquainted with the said Banco 59. You doubtless have in your office maps which will support my statement that there was a large extension of land belonging to Mexico on the north side of the said Banco No. 59. In the year 1909 the said banco was cut off by the Rio Grande, and later during the years 1917 and 1918 the bancos Refugio and Barriton respectively, were also cut off, and which are now in Texas, and the maps referred to still show lands of Mexico on the north side of the said Banco 59.

Valadez, aided by the political influence of Amado Ramirez, due to his position, during October of last year committed the offense of despoliation by violence and availing himself of the assistance of armed men to enter my cattle ranch and cut same by running a single fence from the bank of the river on the east side of the banco, to my enclosure, which belongs to my Barrito Ranch which extends along the northeast side of the side of the river, and which also enclosed a portion of Banco No. 59, with the consent of the presumptive owners, that land being undivided tract of which Mr. de la Rosa was the grantee, for which I hold in my possession the certificate issued by the County Court of Starr County.

I have never opposed the fencing of that part of the banco, if done in accordance with its boundary lines, which I am able to demonstrate, but I cannot consent to the seizing of my legitimate property and taking it away from either my country or myself.

After having cut off the said banco the Rio Grande continued to wear away ground from the said banco by erosion, until the years 1917 and 1918, when it changed its course by violence or avulsion, and so, according to my judgement it suffered decretion but not accretion, the marks on the ground at the present time being still visible, show the extent of the gorge, and besides there are maps of the bancos and none of them fail to show that I own land between Banco No. 59 and the other two that are on the Texas side, Nos. 82 and 83, Refugio and Barrito, respectively.

All that I solicit of the Judge is justice and that the aforesaid Valadez verify what I own on the said banco, and my complaint confines itself solely to the despoliation of my property by violence and the destruction of the planted fields now nearly ready for the harvest, and for having trespassed on enclosed property, turning loose my work animals without giving any opportune notice, and without judicial order.

For the purpose of crossing, Mr. Valadez made use of a passport as a Mexican citizen and undertakes to make his claim as an American; and furthermore the suit is now pending judgment.

Pardon the tediousness of my letter, but as I stated to you in yesterday's letter, I can send you a copy of the certificate of the decrees in the case and the American Boundary Commissioner can inform you more fully in this regard.

I am, your obedient servant,

(signed) Luis Garcia.

COPY

C O P Y

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(signed) Luis Garcia.



S.A.

Río El Refugio

BANCO N°92
EL REFUGIO

BANCO N°93
EL BARRITO

BANCO N°59
LA PUERTA

Río El Barrito

MEXICO

CANDE

