

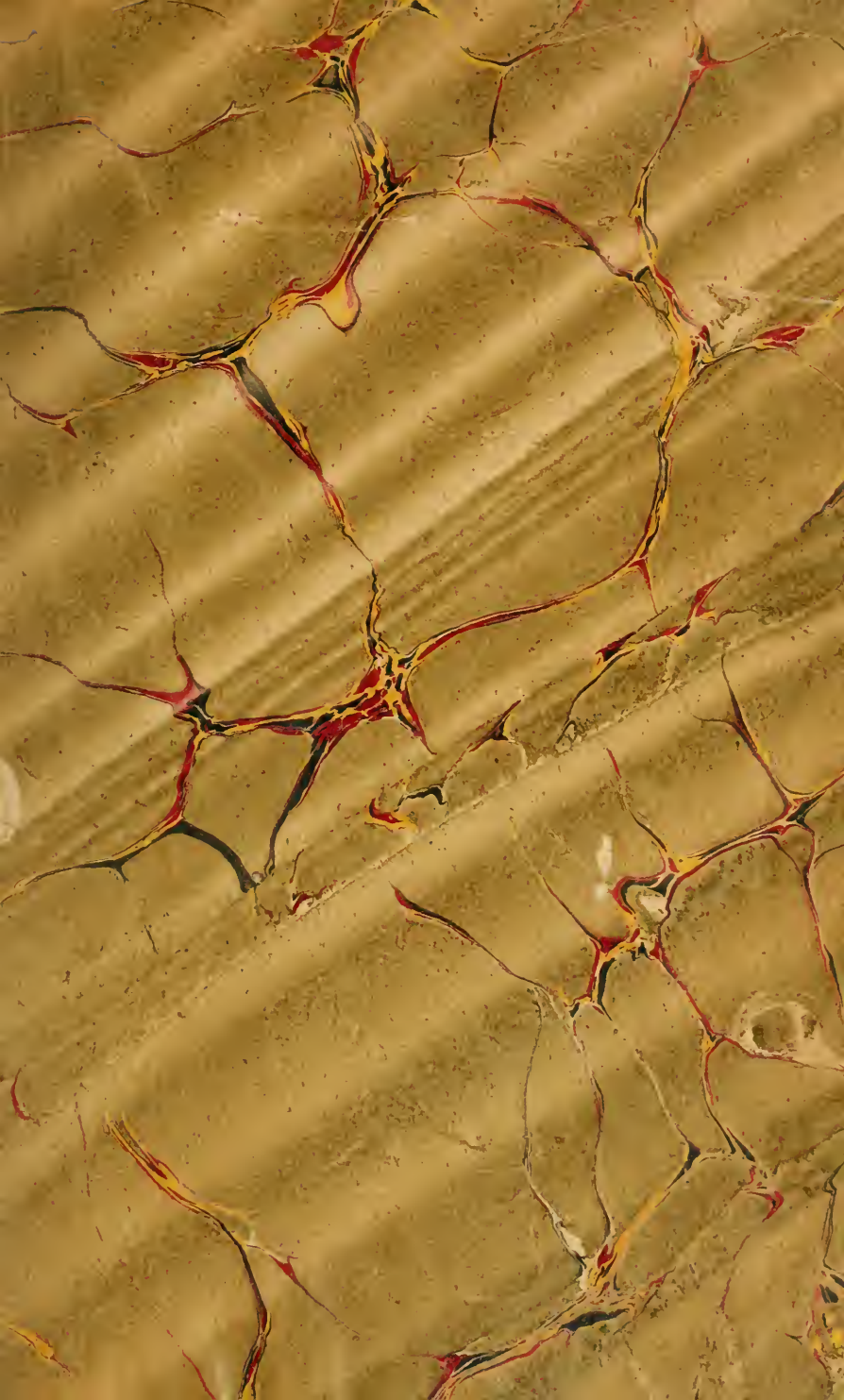
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APPENDIX

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APPENDIX.

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APPENDIX.

OFFICIAL DOCUMENTS RELATIVE TO THE QUESTION ABOUT LIMITS, PENDING BETWEEN THE REPUBLIC OF PARAGUAY AND THE ARGENTINE REPUBLIC.

1873.

ASUNCION, September 2d, 1873.

MR. MINISTER,—The undersigned has the honor to acknowledge the receipt of the note of His Excellency General Mitre, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, dated on the 31st of August, ultimo, in which he announces that with the authorization of his Government he will go back to Buenos Ayres, and report there personally about the progress made by the negotiations now pending between the two Governments; and says that in the meantime the said negotiations are suspended amicably, and left at the point stated by a “Memorandum,” which he appended to his note.

The Paraguayan Government, Mr. Minister, will answer at the proper time to the extensive “Memorandum” just mentioned; and when so doing, it will avail of the opportunity then presented itself to rectify both the historical facts of that document, and the appreciation therein made of the facts and documents to which it refers. But in anticipation to that reply, the following statements are submitted at once:

1st. That the Paraguayan Government, true to its engagements, never had any objection to adjust a treaty of limits with the Argentine Republic, upon the basis of the 16th article of the

Treaty of the Triple Alliance; and scarcely availed itself of the right reserved to it by the Protocol of June 20th, to suggest whatever modifications of that treaty it might consider to be best for the interests of the Republic, because it trusted upon the solemn declaration made by the Argentine Government, in the note of December 27th, 1869, "that victory did not give any of the allied nations the right to decide that the limits spoken of in the treaty of alliance are the ones to be finally accepted."

2nd. That the Paraguayan Government, in its earnest desire to conclude at an early period such a treaty of limits, consented to the proposition of the Argentine Plenipotentiary, that the negotiations would be conducted, not under judicial forms, but in a purely amicable way, and without producing titles or entering into their examination. Were it not for that arrangement previously made, Paraguay would have put in evidence a great many documents, which were within her reach, and fully show her right to the territory now in dispute.

3rd. That Paraguay, acknowledging herself to have been defeated, and not to have a sufficient force to resist the Argentine Republic, has been ready to abandon the territory of Misiones and also the Atajo or Cerrito Island, although it was not mentioned in the Treaty of Alliance, together with a portion of El Chaco, between the Bemejo and the Pilcomayo rivers. In regard to the latter territory, the Paraguayan Government always thought, however, that no action could be taken without giving Bolivia the proper intervention, since her rights were saved by the allied themselves.

4th. That notwithstanding this readiness of Paraguay, no treaty of limits has at last been concluded, because of the exigencies of the Argentine Republic, whose Government has insisted upon retaining the City named "Villa Occidental," *which is tantamount to the ruin of Paraguay*, and not submitting to arbitration the whole territory in dispute, but the portion of it extending from the Pilcomayo river to Bahin Negra.

But, as the Republic of Paraguay cannot cede more territory than the one she has already ceded, nor is she able to *decree her own ruin, voluntarily, and by means of a treaty*, the Vice-President, now acting as chief magistrate of the nation,

upon the receipt of the declaration of His Excellency, General Mitre, that the negotiations are suspended, temporarily and friendly, to give him time to consult personally with his Government, has directed me to inform His Excellency that Paraguay will wait for the Argentine Republic until the 30th of November, on which date the negotiations, friendly suspended at present, may be continued; but that if at that time the negotiations are not resumed, then the concessions to which Paraguay submitted, *not because she recognizes any right of the Argentine Republic to the territory, in question, but merely because she was vanquished, and has to yield to the force of circumstances, besides her being animated by an earnest desire to live in peace and good harmony with a neighboring republic,* shall be deemed null and void and of no effect at all.

The undersigned avails of this opportunity to acknowledge his gratitude to His Excellency General Mitre for the consideration he has bestowed upon him, and tenders His Excellency the testimony of his most distinguished and perfect esteem.

JOSE DEL ROSARIO MIRANDA

To His Excellency

Brigadier General DON BARTOLOME MITRE,

Extraordinary Envoy and Minister Plenipotentiary
of the Argentine Republic.

DEPARTMENT OF FOREIGN RELATIONS OF THE
ARGENTINE REPUBLIC.

BUENOS AYRES, October 16th, 1873.

MR. MINISTER,—The note of Your Excellency of the 2d of September, ultimo, was placed by the Argentine negotiator in the hands of the President of this Republic. The note relates to a contra-memorandum to be presented at some future day, and sets forth that the Government of Paraguay will wait until the 30th of November to continue the negotiations now friendly suspended, and that after said date it will consider the said negotiations to be ended, and deem the concessions, to which vanquished Paraguay submitted, to be void and of no effect.

As the contra-memorandum alluded to has not yet been received, nor there is any certainty that it will be here in due time, the President, deeming it to be his duty carefully to study this matter, and pay to it the earnest consideration required by its importance, has listened to the verbal explanations of the Argentine negotiator, and the friendly suggestions of Baron de Araguaya, the Brazilian Plenipotentiary, and decided, upon them, to give notice to your Government, through the channel of your Excellency, that the Argentine government does not feel disposed to make any change in its former propositions. This has been communicated also, under this date, to the Imperial Government, so as to proceed to the final evacuation of Paraguay, as provided by the 2d section of the 7th article of the agreement of November 19th.

The Argentine Government had believed, Mr. Minister, that, by either of the two propositions made by it, it had given an unequivocal proof of moderation, and that the plan of arbitration was specially calculated to conciliate both the rights and the honor of the two parties. But as they have been rejected by your Government the only thing left to the Argentine one is to comply with the duty of respecting, and causing others to respect, the existing facts. It is not unaware of the difficulties attending such situation, but it hopes to overcome them by its prudence and patriotism.

With the assurances of my particular distinction, I am,
Your Excellency's obedient servant.

C. TEJEDOR.

*To His Excellency the Secretary of Foreign Relations
Of the Republic of Paraguay.*

DEPARTMENT OF FOREIGN AFFAIRS.

ASUNCION, October 30th, 1873.

Reply as decided, and forward the contra-memorandum.

JOVELLANOS,

JOSE DEL ROSARIO MIRANDA.

DEPARTMENT OF FOREIGN RELATIONS.

ASUNCION, November 7th, 1873.

MR. MINISTER,—The undersigned, Secretary of Foreign Relations, has received, on the 27th of October, ultimo, the note addressed to him by your Excellency under date of the 16th of that month, informing him that the Argentine negotiator had placed in the hands of his Excellency, the President of the Republic, the note of the undersigned dated on the 2d of September, offering a contra-memorandum, and setting forth that the Government of this republic would wait for an answer until the 30th of November, either to continue then the negotiations now friendly suspended, or to consider the concessions to which vanquished Paragnay submitted to be thoroughly null and void; and, further, that as the contra-memorandum had not yet been received, and there was no certainty to receive it in time, the President had deemed it to be his duty to study this matter, and listen to the explanations of the Argentine negotiator and the Brazilian plenipotentiary, Baron de Araguaya, upon which he has decided to inform, through the undersigned Secretary, the Government of this republic that he does not feel disposed to make any change in his former propositions.

This having been placed in the knowledge of the Government, the undersigned has been instructed to address to Your Excellency the present note, and inform, through you, the Argentine Government that the Government of Paraguay is exceedingly sorry that the adjustment of the treaties is obstructed because of the different views of both Governments on the propositions made to settle the question of limits.

The contra-memorandum, which this Government offered to forward, has now been sent to the Consul of Paraguay in your city, who has been instructed to put it in the hands of Your Excellency.

On this occasion I avail of the opportunity to renew to you, Mr. Minister, the assurances of my highest consideration and perfect esteem.

JOSE DEL ROSARIO MIRANDA.

To His Excellency, DON CARLOS TEJEDOR, Secretary of Foreign Relations of the Argentine Republic.

CONTRA MEMORANDUM

On the question of Limits between the Republic of Paraguay and the Argentine Republic.

PRELIMINARY FACTS.

A fact to be borne in mind, before all others, is that the Treaty of Alliance of May 1st, 1865, as set forth in its seventh article, provided for a war, not against the Paraguayan people, but against its Government, at that time, or in other words, against Marshal Lopez.

As a logical conclusion from the provisions of said seventh article, the allies made the engagement of the eighth and ninth articles, by which they bound themselves to respect and guarantee collectively, the independence, sovereignty and territorial integrity of the Republic of Paraguay. And when the stipulations of the tenth article were made, it was provided upon them that at the overthrow of the Government of Marshal Lopez, the one then ruling the Republic, the allies would enter into arrangements with the newly constituted authority.

To avoid new wars, possibly arising out of a misunderstanding about limits, the sixteenth article made it incumbent upon the allies to demand the Paraguayan Government to enter into the negotiations of treaties of that kind, under the bases established by the same sixteenth article.

Some years afterwards, in 1869, when Marshal Lopez only retained his power over a portion of the Republic, several citizens of Paraguay who had rebelled against his tyrannical rule, met at La Asuncion, and drew up there an act, by which they asked the allies to establish for the Republic a Provisory Government.

On the 2d of June, 1869, the allies agreed to the petition of the Paraguayan Commission, and by means of a collective note addressed to the Paraguayan Commissioners, they solemnly promised to establish the Provisory Government which they had been asked for.

On the 15th of August, the Provisory Government was established, the members thereof being elected by the people. And that Government, both by a note and by the decree of August 16th, ratified the bases of the protocol of June 2d.

Then came the death of Marshal Lopez, and the war was ended. As it had not been waged against the Paraguayan Government, or people, it was but natural to expect some modification to be made to the treaty of the triple alliance. Otherwise the declaration made by three civilized Governments, that they had no other purpose in taking up arms, than to overthrow a tyrannical Government, would prove to be untrue.

On the 20th of June, 1870, the preliminary treaty of peace was signed between the Provisory Government of the Republic and the allies. A provision of its second article reads as follows: "The Provisory Government of the Republic of Paraguay ratifies once more the declarations made in the protocol of June 2d, of the last year, and consequently it accepts the treaty of the triple alliance, concluded at Buenos Ayres, on the 1st of May, 1865, as to its substance, but reserves for the permanent Government, to which all final arrangements correspond, to suggest such modifications of that treaty as may be deemed advisable in the interest of the Republic."

By virtue of the agreement of the 2d Article, the right of Paraguay was reserved, not only to be heard before making any of the said modifications, but also to suggest the ones thought by her to be proper. And as the protocols witness that the modifications to which this reservation referred were relative to the territory of El Chaco, it may be said safely that the allies gave up the 16th article of the treaty, or, in other words, that they were no longer able to demand from Paraguay the acceptance of the limits set forth in said article. On such a condition, and no other, the Provisory Government accepted, as it has been said, the substance of the treaty of May 1st, 1869.

Although the Provisory Government contented itself with securing this saving the rights of Paraguay, as far as the territory of El Chaco was concerned, and that this was owing to the fact that the City of Villa Occidental had been occupied by Argentine forces, the Plenipotentiary of the Argentine Republic extended and amplified the right of Paraguay, by declaring "that the Argentine Government did not want to use the rights of a conqueror to decide the question of limits, but was willing to

adjust it by an amiable settlement, upon examination of the titles of either party.”

This solemn declaration was accepted by the other Ministers of the Alliance, and so, when the preliminary treaty of June 20th was signed in the terms above mentioned, the Alliance could no longer consider anything relative to limits to be out of question.

In October, 1871, a simultaneous negotiation was initiated between the representatives of the allies and the constituted Government of the Republic.

Before commencing negotiations with the Paraguayan Government, the Argentine Plenipotentiary went away, without having asked the suspension of the treaty or expressing the causes of his withdrawal.

From the notes subsequently exchanged between the Argentine Republic and the Empire of Brazil, it is to be inferred that the Argentine Plenipotentiary unduly attempted to act in unison with the other representatives of the Alliance, so as to compel Paraguay to submit to the provisions of the 16th article of the treaty of May 1st, 1869, and that, as it was natural, the Plenipotentiaries, both of Brazil and of the Oriental Republic, refused their consent to that scheme, which tended to force upon Paraguay what the Alliance itself had given up in a solemn manner.

Some time after the Argentine Plenipotentiary had left for Buenos Ayres, the Minister from Brazil concluded with the Republic of Paraguay the final treaties of peace with that empire; and in the course of the negotiations there never was the least idea to consider anything which referred to limits to be out of question. So it was that, after a few confidential conferences, everything was settled amicably, without Paraguay having been refused a hearing in anything relative to limits or to other points.

The Government of the Republic, animated by the best wishes, decided, in August, 1872, to accredit a special mission near the Argentine Government in order to adjust finally the treaties of peace.

This mission was not successful, because the Argentine Government refused even to hear the person to whom it was entrusted. The reason was, according to the Report of the Secretary of Foreign Affairs, in 1873, because the instructions of the Paraguayan Plenipotentiary were deemed to be exorbitant.

Such an excuse is strange enough in a diplomatic negotiation where all pretensions, no matter how exorbitant they may appear to one of the high contracting parties, can be entertained and disposed of and finally reduced to its proper limits by means of the discussion.

Subsequently, the Argentine Government accredited near Paraguay a new special mission to adjust the final treaties of peace; and that mission was entrusted to His Excellency General Don Bartolemé Mitre, who, in presenting himself in such a character before the Government of the Republic, gave expression to some feelings of fraternity and to the desire, on his part, to fulfil the engagements made with the Allies and with Paraguay, regularizing the situation and establishing peace on a firm basis both for the present and for the future.

The Paraguayan Government answered him that its desires were identical, and that it was willing to do its best for the final adjustments of the treaties.

The Government of Brazil accredited also another special mission, which was entrusted to his Excellency Baron de Araguaya, to co-operate with the said treaty, as provided by the agreement of the 19th of November, made at Rio Janeiro, between Brazil and the Argentine Republic.

The illustrious Brazilian diplomatist fulfilled his mission in the most satisfactory manner.

Note.—Here the negotiator on the part of Paraguay enters into an account of all the incidents attending the negotiations between the two Republics, until the moment of their amicable suspension by the Argentine Plenipotentiary, who went away at that time, personally to inform his Government about their progress, and left a "memorandum" drawn by him, in which he urges the right which, according to his opinion, the Argentine Republic has to the disputed territories. The Paraguayan Plenipotentiary then goes on, and enters into the examination

of the titles upon which the claim of Paraguay to the territories in question is perfectly supported.

QUESTION OF THE MISSIONS TERRITORY.

The question relative to the Missions Territory, between Paraguay and the Argentine Republic, is easy to decide, since the right of Paraguay is no doubt the best.

The only ground upon which the Argentine Republic might found a claim to the Missions Territory, is the treaty of the Triple Alliance of May 1st, 1869; but that ground disappeared on the 20th of June, 1870, when the preliminaries of peace between the Government of the Republic of Paraguay and the allied powers were signed at La Asuncion; consequently, all arguments of the Argentine Republic, upon questions of limits which are founded on the said treaty of alliance, are inefficient and valueless, much the more so, if due attention is paid to the solemn declaration made by the Argentine Government to the Government of Paraguay, that "Victory did not give the allies any right to settle those limits."

In confirmation of this, we will proceed to show the unquestionable right of the Republic of Paraguay to the territory claimed by the Argentine Republic.

The Paraná *doctrinas* (1) were founded in, or about, the years 1624 and 1628: and when, subsequently, they were given the character of towns, or *pueblos*; different royal ordinances dated in 1650 and 1651, and, above all, the one of June 15th, 1654, enacted some provisions as to the manner of appointment of the curates, or pastors, who had to be at their heads. The appointing power was given to the Governor of Paraguay, in his capacity of vice-royal patron of the church; but his liberty of action extended to no other thing than choosing out of three names proposed to him, the one which he might think to be best. By a posterior ordinance of November 10th, 1659, cited by another of December 24th, 1746, the King of Spain stated, that "there were thirteen *pueblos* which had always belonged to the

(1) *Doctrinas* are called the villages of Indians converted to Christian faith, where no regular parish has yet been established.

(*Salvá. Diccionario de la lengua castellana.*)

“jurisdiction of Paraguay;” and this statement was confirmed in another ordinance of December 28th, 1743, where the names of those thirteen missions were given.

Eight *pueblos*, out of these thirteen, stood on the right bank of the Paraná river, and were named “Santa Maria de Fé,” “San Ignacio Guazú,” “Santa Rosa,” “Santiago,” “San Cosme y Damián,” “Itapua,” “Trinidad,” and “Jesus.” The other five *pueblos* named “Candelaria,” “Santa Ana,” “Loreto,” San Ignacio Miní,” and “Corpus,” were situate on the left side of the river. These thirteen *pueblos* belonged to the old Department of Candelaria, and the authorities of that department used, from the time of the very first discoveries, to give the citizens of Paraguay some *encomiendas* (1) upon the said left bank of the Paraná river.

The Government of the Province of Paraguay never ceased to have authority over these thirteen towns of the Department of Candelaria, in the same way as the Government of Buenos Ayres kept always also under its jurisdiction those other seventeen Indian *pueblos* of the Jesuit Missions of Uruguay. The Bishops of the two dioceses confined their visits to the *pueblos* of their respective circumscriptions.

This being, at that time, the condition of things at the *Misiones* territory, the King of Spain, by his royal dispatch dated at San Lorenzo, November 6th, 1726, ordered the towns within the territorial jurisdiction of Paraguay to be annexed to Buenos Ayres. These are the exact words of the ordinance: “Therefore I command the Viceroy of Peru and the Audiencias of Charcas to give, as soon as this royal dispatch be presented to them, the most stringent orders to carry out the separation hereby ordered of the thirty Indian *pueblos* of the Society of Jesus within the province of Paraguay, and place them under the rule of the Governor of Buenos Ayres.”

This was the only instance ever presented that the Government of Paraguay was deprived of its jurisdiction over the

(1) *Encomienda* is the right or authority granted by the King of Spain, to certain individuals or corporations, over a certain number of Indians, entrusted to their care to be taught the Christian religion, and the habits of civilization.

(*Salvá—Diccionario de la lengua castellana.*)

thirteen *pueblos* of the *Misiones* territory. Then, and as long as the order of the King of Spain remained in force, the Governor of Paraguay had nothing to do, nor did he do anything, with the administration of the Government of the said *pueblos*. But in 1762, Governor Don Jose Martinez Fontes made an application for the retrocession to the Government of Paraguay of the thirteen *pueblos* belonging to its territorial jurisdiction, which had been annexed to the Government of Buenos Ayres, an effort which was subsequently seconded by his successor, Don Pedro Melo de Portugal, and the result was shown by the communication addressed by the Marquis of Loreto, Viceroy of Buenos Ayres to the Governor of Paraguay, on the 14th of July, 1784, from which we quote the following :

“ Now, in compliance with it (the royal order) and with my decree of to-day, I have addressed, under this date, an official communication to the Intendant-General and Governor of this province, informing him that the seventeen *pueblos* corresponding to his district have been placed again under his care. I give you a similar information as to the thirteen *pueblos* which will be in your territory. But not for this, it is to be understood, that I will not be ready, at all times, to render the necessary assistance, either by material aid or by the issuing of any superior order when required. Proper information of all of this has been transmitted also to the *pueblos* themselves, as well as to the protector of the natives, and the Manager (*Administrador*), of their property.”

We see, therefore, that since 1784 the thirteen *pueblos* of the *Misiones* territory were placed again under the dominion and authority of Paraguay.

On the 17th of May, 1803, another royal ordinance issued at Aranjuez by the Spanish monarch, caused the seventeen *pueblos* of the Uruguay Missions, corresponding to Buenos Ayres, to be taken out of the territorial jurisdiction of that province ; and the same thing was done with Paraguay, which was deprived then of the thirteen *pueblos* which, since the time of their foundation, had been under her dominion and authority. The King made a new separate province with the thirty *pueblos* all together, and gave it the name of “ *Misiones Province*,” or

“*Provincia de Misiones.*” Its first Governor was Don Bernardo de Velazco, and he was given the power to act with entire independence from both the Governors of Buenos Ayres and Paraguay. The language of the royal ordinance is as follows: “In order to accomplish this purpose, I have been pleased to entrust the administration of the new Government, both political and military, which I deemed advisable to create this year, to Lieutenant-Colonel Don Bernardo de Velazco; and he, therefore, shall have command over the thirty *pueblos* of the Guarnnies and Tapes Missions and exercise his authority over them with absolute independence from the Governments of Paraguay and Buenos Ayres, between which they are at present distributed; since the creation of a different special Government at that place is a matter of great importance * * * *.”

Colonel Velazco was inaugurated Governor shortly afterwards in the same year, and then the loss by Paraguay of that portion of her territory occupied by the thirteen *pueblos* aforesaid, and extending as far as the Tebicuary river, which was the limit of the Paraguayan Missions, seemed to be consummated. The province of Buenos Ayres lost in the same way the portion of territory on both sides of the Uruguay River, where the seventeen *pueblos* belonging to it had been situated.

But, subsequently to this, we find an official communication of the Viceroy, Marquis of Sobremonte, addressed to Don Bernardo de Velazco, Governor of Misiones, and dated Buenos Ayres, March 24th, 1806, in which the latter is informed by order of His Majesty, of his appointment as Governor, both civil and military, and also as Intendant-General of the province of Paraguay and of the thirty *pueblos* of the Misiones of Guarani and Tape Indians at Uruguay and Paraná, &c., which had been annexed to that province. Then, in compliance with that order of the King of Spain, Governor Velazco took possession of the Government of Paraguay, such as newly constituted. The act or instrument in writing made by the Clerk of the City Corporation and of the Governor himself, to verify this fact, reads as follows: “I do certify and attest that Senor Don Bernardo de Velazco has been inaugurated Governor and Intendant of this province, and of the *pueblos* of Misiones which have been an-

nexed to it, and that said Governor took the oath of office before the City Corporation according to law. In whose testimony I have issued the present at La Asuncion this 5th day of May, 1806."

The same Viceroy, Marquis of Sobremonte, under date of the 12th of April of the same year, 1806, addressed, from Buenos Ayres, to Governor Intendant Velazco, another communication, in which he said the following: "As, according to the will of His Majesty, you have to go away from your present post of duty to take possession of the Government and intendency of Paraguay, for which you have been appointed. I have been thinking about the difficulties you must encounter, to attend properly, at such a great distance, to the administration of the Government of the *pueblos* of the Guarani missions, which are, and have to remain, under your command. These difficulties are much more to be apprehended now, at this critical moment, in which a new system of government is daily expected, judging from the urgent recommendations on the subject made by His Majesty. Under such circumstances I have deemed it advisable to give you instructions to meditate and propose the plan which, in your zeal and upon your experience and practical knowledge of the locality, you may consider to be the best to remove those difficulties, without lessening or causing any prejudice to the dependence upon yourself in which said *pueblos* ought to be, according to the royal commandment."

In the same month of May, 1806, the newly appointed Governor and intendant of Paraguay, and of the thirty *pueblos* of the missions of the Paraná and Uruguay rivers annexed to it, as before stated, came to the city of La Asuncion and took possession, with all solemnity, of the office which the King of Spain had entrusted to him. A proper record, or memorial, of this ceremony was made on the 5th of May, 1806, and is preserved at the City Hall of La Asuncion.

Governor Velazco remained as Governor of Paraguay and *Misiones* until 1811, in which year the people in his province rose up and proclaimed their independence from Spain. This happened, therefore, four or five years after the annexation to Paraguay of the *pueblos*, or towns, of the *Misiones* territory ordered

by the King, had been consummated. And as no other legal provision of a later date has ever been made in regard to those territories formerly of Spain, the conclusion is that they lawfully correspond to Paraguay.

When Governor Velazco surrendered, and transferred his command to the Executive Junta created by the people at the time of their declaration of independence, and their asserting their will to belong to themselves and not to recognize allegiance to any other power from outside, he was fully exercising his authority over the whole territory. Consequently the right of ownership and dominion over the Department named "Misiones of the Paraná and Uruguay" belongs *de facto* and *de jure* to the Republic of Paraguay, since the said right was transferred to her by the original owner, and (as it has been stated) no posterior law has been passed providing for any modification of such a state of things.

It is precisely upon this ground that all other peoples, of the same origin, and in identical cases, have maintained successfully their right of dominion over their own territories, as founded upon titles both perfect and indisputable. It is upon it that Paraguay claims to have always maintained her sovereignty and dominion over Misiones territory.

Mr. Minister Mitre, knowing that the right of Paraguay is much better than the one claimed by his own Government, waives, in his *memorandum*, all discussion about it, and assumes that the best diplomatic way of adjusting this question is to accept, by common consent, the settlement which he deems to be suggested by nature, or, in other words, to establish the line of the Paraná river to be the natural and legal frontier between the two Republics. That line, however, cannot be made legal unless Paraguay gives up her dominion over the left bank of that river; and as to the character of *natural*, attempted to be given to that frontier, the examination of the titles alluded to by the republic shows it to be perfectly incorrect.

Buenos Ayres never had any right to the Misiones territory, which belongs to Paraguay, except during the time in which the enactment of the King of Spain of 1726 was in operation. But that enactment was due to accidental circumstances such

as the rising up in arms of the Indians who inhabited those *pueblos* within the jurisdiction of Paraguay at the time in which Governor Garcia Ros came to succeed Governor Antequera, and was refused not only to be recognized as his successor, but defeated after a severe fight at Tebicuary. As the disturbances continued the King thought to bring a temporary remedy to such a state of things by issuing his ordinance of 1726. But this ordinance was afterwards repealed by the same sovereign of Spain, and the territory passed again to be the property of the province of Paraguay, as shown before.

It is in vain that Mr. Minister Mitre pretends to give color of legality to the acts done by Colonel Rocamora, and maintain that as this officer recognized, in 1810, the supreme authority of the *Junta* of Buenos Ayres his recognition caused the Misiones territory to be, from that very moment, an integrant part of what was subsequently called "the United Provinces of the La Plata River." We say that it is in vain because those acts of Rocamora were illegal and unauthorized, and rather afford a conclusive evidence of the rights of Paraguay.

The *Junta* of Buenos Ayres, wanting to take from Paraguay the *Misiones* territory, appointed Colonel Don Tomas Rocamora to be *pro tem.* the Governor thereof; but the *Junta* had neither power to make such appointment, nor any right or authority over the territory itself, since Don Bernardo de Velazco was at that time in the full exercise of the jurisdiction given him by His Majesty the King of Spain.

Subsequently the same *Junta*, on the 27th of May, 1810, addressed officially Col. Rocamora, and sent to him some printed papers setting forth the reasons why a Provisory Executive *Junta* had been established, and what were their purposes and intents, adding that no doubt was entertained about the patriotic way in which he would assist the *Junta* to remove and overcome the obstacles which might possibly embarrass the uniformity of action within his district.

As soon as Rocamora received this communication he sent a circular to the different sub-delegates of the Departments to which the thirty *pueblos* of *Misiones* belonged, and directed them to solemnize the installation of the said *Junta*. He also

directed them to forward a list of the names of all persons fit for military service, specially of those having more means, and make a statement of the Spaniards living in each Department, of the armament therein existing, of the troops in actual service, and of the amount of money kept in the treasury. While these events were happening, Governor Don Bernardo Velazco, was at the city of La Asuncion, where he had returned after having made an excursion to the lower districts of the province; but as soon as he received through the sub-delegate, Don Pedro Nolasco Alfaro (July 10th, 1810), official information, of the strange action of the intruder, Colonel Rocamora, who dared to give orders within the district under his own command, he did as he ought to under the circumstances. Sub-delegate Alfaro wanted to know what were the powers of that new officer, who did not care to be recognized, before pretending to be obeyed.

Upon the receipt of this information, Governor Velazco put himself in march, and when he reached the town of Candelaria he issued his proclamation of August 30th, 1810, by which he ordered the arrest of Colonel Don Tomas Rocamora, and caused him to be brought to his presence, to be tried and punished as required, by way of example for his having come, without any authority, to give orders within his territory. The Governor called Rocamora a *seditionary man, a disturber of the public peace, and a traitor to the country and to the King.*

The result of this proclamation was that Rocamora disappeared, as well as his pretended authority. It could not be otherwise. His government was merely a shadow, and it cannot afford now the slightest foundation to the alleged right of the Argentine Republic to the said territory of Misiones.

The power of Rocamora will appear much more ephemeral and groundless, when the fact is noticed that the superior authorities of Buenos Ayres who appointed him acted as continuators of the Government of Ferdinand VII, to which they invoked. Governor Don Bernardo de Velazco, however, was ruling over Paraguay upon no other principle, and the authority he exercised emanated from no other source than the King himself.

As it has been said Governor Velazco exercised actual authority over the whole territory entrusted to him by the Government of Spain, and by defeating the armed force which had invaded the territory, he maintained and enforced his own authority and the rights of the province. It was under this condition of things when he transferred his authority to the other *Junta* created by the people of Paraguay, when they decided to be free and the owners of their own destinies, and entered into the exercise of their sovereignty and independence, as all peoples of America formerly under European monarchical rule have done. It was but natural and plain that Paraguay would follow the law and the precedents established by these other nations, and that her dominion and jurisdiction would extend over the whole territory which formerly was under Governor-Intendant Don Bernardo de Velazco.

This right was confirmed, when Buenos Ayres recognized our independence, first by a note of August 28th, 1811, and subsequently by the treaty of the 12th of October of the same year; the latter part of the 4th article of this treaty reads as follows: "and for the moment, the limits of this Province of Paraguay shall remain the same as are at present, for which reason its Government shall be in charge of the defence of the Department of Candelaria."

From the terms of the treaty stipulations just quoted, it is natural to conclude that Paraguay acquired both *de facto* and *de jure* the ownership of the Misiones territory, and that Buenos Ayres, after having recognized in such terms our national independence, could no longer ignore that right. Its acting otherwise would be fully in opposition to the principles of the law of nations.

As the Republic of Paraguay has made no other treaty of limits with the Argentine Republic, since the one concluded in 1856, was not ratified by the Congress of Paraná, there is no doubt that up to this date the territory of Misiones, *de facto* and *de jure*, belongs to her.

In addition to what we have already stated, and needs no further explanation, because it proves conclusively the right of Paraguay, we have deemed it proper to refer, as to a historical

document, to the book written by Don Felix de Azara, and entitled "*Descripcion é Historia del Paraguay y del Rio de la Plata*"—(History and description of Paraguay, and of La Plata River), in whose first volume and XIV chapter an enumeration is made of the pueblos and parishes of Paraguay, among which the seventeen towns of Misiones are stated by name.

We might put here an end to the historical part of this discussion about the Misiones territory, over which we have an unquestionable and fully established right, but the Argentine Plenipotentiary, in his memorandum, to which we now reply, has touched (although without foundation) some other points which, in his opinion, give support to the claim of his country, and so it becomes necessary for us to dwell a little longer on the subject. The Argentine Plenipotentiary uses as his last argument that, "in compliance with the Convention of 1811, a final decision of this question was given by the General Congress of the Argentine Provinces, to which Paraguay had submitted before hand by the treaty of October 12th, 1811." And shortly afterwards he adds: "But even in case that such a thing was not made the object of an express covenant, the said Congress was then the only power upon which the decision of such a question could be devolved."

This argument has no other force than that of a mere assertion of the Argentine Plenipotentiary. Paraguay, at that time, was completely independent, and had the full possession of her sovereignty, and consequently, her Government could not submit to, or to be bound by any decision of the Congress of the Argentine Provinces, without first giving its consent. The language of the treaty alluded to, is the following: "As a consequence of the independence of the Province of Paraguay from that of Buenos Ayres, which is preserved to her, according to the agreement made by the official communication of the 28th of August, ultimo, the Most Excellent *Junta*, (the *Junta* of Buenos Ayres), shall not mingle or interfere with the fulfillment and execution of the resolutions passed by her" (Treaty of October 12, Article V).

According to the plain language of this article, no foreign power could claim or exercise any longer authority of any kind

over the territory of Paraguay. But Buenos Ayres could do it much less than all other nations, because it has been the first to acknowledge our sovereign rights. Therefore, the action, if any, taken by the Congress of the Argentine Provinces, was fully unauthorized.

That Congress had no jurisdiction to legislate for the Misiones Territory, which belonged to Paraguay; much more so when Paraguay did not send to that Assembly any representative of her.

If we look at the right of Paraguay over the disputed territory from a practical point of view, and paying due attention to accomplished facts, it will certainly be proved not less finally and conclusively.

In the year 1835, during the effervescence of the revolutions, which under several leaders broke out in the rich territory of Misiones, and devastated it to such a great extent, the Government of Paraguay never failed to send there, one after another, the military expeditions which it deemed necessary, and which went on as far as Uruguay, to repress the outlaws who infested that country, and to demolish the villages where they used to take shelter, and from where they generally started for all their excursions. And when their boldness became such as to make an attempt against the town of Candelaria, the Government concentrated there its forces, in order to give protection to that Department, which belonged to it, and which the revolutionists had made the theatre of their depredations.

In that very year, Dictator Francia caused the camp named "El Salto," to be established on the left bank of the Paraná river, and gave directions to establish another one at the place named "Trinchera de Loreto," within the Paraguayan territory. He sent to, and maintained in these two camps, and also in San Miguel, strong military detachments, well supplied with cattle and everything, and ready to resist and repress any outrages caused by the revolutionary bands frequenting those places.

Lately in 1832, the same Dictator being willing to give the "El Salto" camp a better location, ordered it to be removed to the place in which the intrenchment of "San Jose" was situate,

and caused also the strong wall, or field-work, still existing there, to be erected near by. He constantly kept a garrison at San Tomas and Candelaria, and plainly showed by these acts of actual possession, the dominion of Paraguay over that territory.

In the presence of these facts, the only conclusion which can be reached is, that the decision given by the General Congress of the Argentine Provinces, now invoked against us, was inefficient and void. Had that decision been legal in any way whatever, or had it had any efficiency, the Government of Paraguay would have been unable to exercise the acts of sovereignty above referred to, and which took place on the left bank of the Paraná river, on the same territory of Misiones, now in dispute.

Under the administration of Don Carlos Antonio Lopez, who succeeded Dictator Francia, the Paraguayan Government continued to occupy those places, and frequently caused its armies to go through the whole territory as far as Uruguay. At the time of the disturbances at Hornigueros and the surrounding country, a military camp was also established there.

In addition to this proof just given upon the foundation of the practical way in which the Republic of Paraguay has enforced her right of sovereignty, and actually exercised jurisdiction over the territory now in dispute, we beg to be permitted to point out at other facts, stated in official documents now in our sight, and which, we think, are also to be found in the archives of Buenos Ayres.

When the Republic of Paraguay commenced to exercise her sovereignty, her first step was to tender the Government of Buenos Ayres her aid and assistance to support the cause of freedom and independence which was common to both. So it appears clearly, from the note of July 20th, 1811. And the Government of Buenos Ayres, by its communication of August 28th, in which it recognized our independence, expressed its gratitude to Paraguay for the assistance given by her to the city of Corrientes, which had been threatened by pirates.

It would be tedious to refer to, and much more to transcribe all the documents showing the comity and good policy with

which Paraguay concurred with Buenos Ayres in maintaining the cause of liberty. If, in some instances, Paraguay did not contribute the troops asked for by Buenos Ayres, this is a fault which certainly cannot be imputed to her, because it depended upon the Government of Buenos Ayres itself, which failed to furnish the armament which Paraguay was ready to pay, but which she had not the means to get at that time, and without which no troops could be dispatched.

But even on those occasions, Paraguay never failed to give practical and efficient assistance to Buenos Ayres, either by supplying its armies with everything raised, or attainable within her own territory, or by preserving the peace in the frontier, and preventing the predatory bands which then infested that country, from causing any injury to the common cause and troubling public order. This is shown by the notes of October 27th, and December 19th, 1811, and January 19th, 25th, and 29th, 1812, as well as by many others, all of them addressed by the Government of Paraguay to the Government of Buenos Ayres. These several documents, in which the latter Government expressed its gratitude to the former, for all these services, ought to be found, also, as said before, in the archives of Buenos Ayres.

Upon the face of these documents which show that Paraguay fulfilled her duty in the defense of the common cause, we feel authorized not to admit the unfounded argument of the Argentine Plenipotentiary, that "Paraguay having not directly contributed to conquer the independence, and to found by a common effort the new nationality, ceased to be an integrant part of the community to which the Misiones' territory belonged." An argument like this promptly vanishes before the evidence just produced.

The Argentine Plenipotentiary says, also, but with no reason at all, that "Paraguay could not pretend to decide by herself alone a national question of this kind." But as the Republic of Paraguay, from the very moment in which she entered into the exercise of her sovereignty and independence, became vested with absolute right and power over all the dominions which had belonged to the Colonial Government, when she was the Spanish province of Paraguay; and as she has asserted and

exercised that power, as constantly and efficiently, as shown before, for more than half a century, as the whole world can witness, the fallacy of this argument is clearly shown.

Coming now to a recapitulation of all the arguments herein made in defense of the Republic of Paraguay, we shall say that her right is the best of all in this question of the Misiones territory, for the following reasons :

First. Because, in spite of the changes of jurisdiction to which the *Misiones* territory was subjected, the last disposition of it made by the King of Spain, in 1806, was to the effect of uniting and consolidating in only one Government, both military and civil, the same Misiones territory and the Province of Paraguay ; and because it was under these circumstances, and under that state of things, that Paraguay proclaimed her independence from Spain. By this act she acquired for herself the right of sovereignty and dominion over the whole territory belonging to her at that time ; and this was done according to the same principles, and in use of the same right, as all other peoples of her race have done in identical cases. This is also in perfect accordance with the principles of international law.

Second. Because Buenos Ayres, by the treaty of 1811, while recognizing our independence, recognized also our limits to be the same as existing at that time.

Third. Because the question left by the said treaty to be considered and decided afterwards by the General Congress of the Argentine Provinces was not a question having reference at all with the *Misiones* territory, but one relating exclusively to the district of Pedro González. And, practically, this question was *ipso facto* decided and settled in favor of Paraguay, as shown by her action. The treaty aforesaid may have been deemed to be elastic (although certainly it was not so) as far as other boundaries were concerned. But be it as it may, it is always perfectly clear that no decision of the aforesaid Congress binds Paraguay, nor can it produce any legal effect, because Paraguay was not represented in it, and because none of the formalities which are required to settle lawfully a question of limits between two sovereign nations was duly fulfilled. Neither of these two circumstances concurred at the passing, if ever, by that Congress

of the alleged decision ; and there is no doubt therefore, according to the law of nations, that it was perfectly void, and could not affect the sovereign rights of Paraguay over the territory now in dispute.

In conclusion, we must state plainly that if this question about the *Misiones* territory is to be settled by fixing as boundary the line of the Parana river, it will be merely because of the protocol of the 7th of May instant, in which the Republic of Paraguay, actuated by the good policy of making peace with the Argentine Republic, showed herself ready to accept conditionally that settlement.

Note.—The Paraguayan Plenipotentiary proceeds here to discuss the question of the Atajo or Cerrito Island, the possession of which was also claimed by the Argentine Republic ; and after having shown the perfect right of Paraguay over the said island, and the exclusive jurisdiction ever exercised there before the war by her authorities, with no contradiction on the part of the Argentine Republic, goes on as follows :

QUESTION OF EL CHACO.

In order that the indisputable right of Paraguay over the territory of El Chaco, which extends from the left bank of the Bermejo river unto the bay named Bahia Negra, be duly appreciated, a previous consideration must be given, not only to the titles respectively produced, but to some historical facts of great importance in the case. It is therefore our purpose to study the subject under this point of view, and then to show the right which, under the same facts and titles, belongs to Paraguay.

The city of La Asuncion, which is the capital of the republic, was founded by the Spaniards in 1536. Subsequently to its foundation the Spaniards from there commenced to extend their dominions, and through many great efforts and sacrifices succeeded in founding some other towns or *villas* on either side of the Paraguay river. Since that time the citizens of La Asuncion never ceased to be called upon, even at immense sacrifices, to aid by every possible means the civilization of the wild Indians inhabiting El Chaco, and their conversion to the Christian faith. Not less frequent and costly were also the expeditions

sent by them to the said territory of El Chaco, either to prevent a hostile invasion by the Indians, or to treat with them, and try by peaceful means to gain their confidence and encourage them to work and be converted.

“The most ancient city held by Paraguay in the territory of El Chaco was the one named ‘La Concepcion de la Buena Esperanza del Bermejo,’ founded in 1585, by Captain Alonso de Vera de Aragon, on the right bank of the Bermejo river, thirty leagues above its confluence with the Paraguay river. Captain Vera, when going to found that city, started from La Asuncion; and his party, consisting of citizens of the same capital, was provided with arms and ammunition, provisions, and cattle of all kinds, bought at their own expense, and with no assistance at all of the royal treasury.

“The same citizens of La Asuncion founded afterwards, on the left bank of the same Bermejo river, not at a great distance from Buena Esperanza City, and with Indians from El Chaco, the REDUCCIONES, or Indian settlements, named San Bernardo, Santiago de Canzayé, and Nuestra Señora de los Dolores, which were left under their care and jurisdiction.

“Don Bernardo de Espinola, Solicitor of the City of La Asuncion, wanting to commemorate the foundation of Buena Esperanza City, made an application in 1605, in his own name, and in the name of the city corporation of La Asuncion, asking for the collection of some testimony in relation with that event. This testimony was taken according to the rules of what is called investigations *in perpetuum memoriam*. Trustworthy witnesses were examined, and proofs, of reliable character, about the fact of the foundation itself, and of the services rendered by the citizens and inhabitants of Paraguay in the conquest of the country and in the erection of other cities and towns, were put on file. Don Fernando Arias de Saavedra, who was then the Governor of Paraguay, and who had granted the petition of Solicitor Espinola by an order of the 5th of November, 1605, was the authority who took the testimony. The witnesses whose names had been previously given the clerk, Don Juan de Robles, at the time of the notification of the Governor’s order, were all citizens of La Asuncion, and named as follows: Captain

Don Juan de Espinosa, Don Juan Bautista Orona, Don Bartolome de Serrano, Don Juan Manuel [Quinones de Insauralde, the Vicar General of the province, Don Luis de Medina, and Don Diego Vasconcelos, one of the conquerors and early settlers. These witnesses were examined upon oath, and in their answers to the interrogatories which were propounded to them, unanimously stated as follows: 'That the citizens and inhabitants of this government and province of Paraguay started from here and founded many other cities; as, for instance, 'Santa Cruz de la Sierra,' which was founded by Nuplo de Chavez, and 'Ciudad Real Villa Rica del Espiritu Santo y provincia del Guairá,' by Captain Ruy Diaz Melgarejo. The City of 'Santa Fe' was founded with citizens of Paraguay by General Don Juan de Garay, who also rebuilt the city and port of 'La Santisima Trinidad de Buenos Aires,' and who was accompanied in other journeys by witness Don Juan de Espinosa, who had with him several citizens and soldiers from La Asuncion, all supported by him.

"That the city of 'La Concepcion de Buena Esperanza del Bermejo' was founded by Captain Alonzo de Vera Aragon, and settled by citizens and inhabitants of La Asuncion, who furnished, at their own expense, all the necessary supplies of provisions and armament, and provided also to the personal expenses of Captain Vera. Two sons of witness Espinosa formed part of this expedition.

"That the city of 'San Juan de Vera de los Corrientes' was founded likewise by Licenciate Don Juan Torres de Vera, and that their first inhabitants came from the Province of Paragnay. Witness Espinosa went there with Licenciate Torres, and subsequently accompanied him as far as Buenos Ayres.

"Witness Don Diego Vasconcelos gives further explanations, and says that General Nuplo de Chavez went out and founded the City of 'Santa Cruz de la Sierra,' by order of Captain Gonzalo de Mendoza, who was at that time the governor of La Asuncion."

"That it was from the city of La Asuncion that General Don Juan de Garay started when he went to found the city of

‘Santa Fe’; and that he took from there the soldiers and the people required for that foundation.”

“That at that time Captain Suarez Toledo was the lieutenant governor; and that General Garay went over to Buenos Ayres.”

“That under the administration of Governor Juan Torres Navarrette, an expedition was sent by him from the city of La Asuncion to explore the territory of El Chaco and the course of the Bermejo river, this being done with a view to found there the city, at that time projected, of ‘Concepcion de la Buena Esperanza.’”

“That the city of ‘Santiago de Jerez’ was founded by Captain Ruy Diaz de Guzman, and that its settlers were citizens of ‘Ciudad Real’ and ‘Villa Rica del Espirita Santo.’ It was laid on the banks of the Zaznary river, and the Spaniards acknowledged it to be the limit between the dominions of Spain and Portugal; and that it was so in 1593.”

“The depositions of the six witnesses above named coincide with each other, and only differ in some minor details.

“In 1598, under the administration of Don Fernando de Zárate, a knight of the order of Santiago, and the Governor, Captain-General, and chief justice of Paraguay and of the whole territory of the La Plata river, and while he was temporarily absent in the provinces of Peru, Captain Don Bartholomé Sandoval Ocampos, the Lieutenant Governor was appointed by him to act in his place as Captain General and chief justice of Paraguay and of the whole territory under his charge, which extended as far as the La Plata river; and this gentleman, who took his residence at La Asuncion, and acted as already said, as chief magistrate of the provinces during the absence of Governor Zarate, received information about the necessitous condition of the towns under his command which were near the Portuguese frontier, and decided in September, 1595, to pay a visit of inspection to the provinces of Guairá, Villa Rica del Espirita Santo, and the City of Santiago de Jerez, recently founded. He went there and did all that he deemed to be the best for the royal service, and for the preservation and prosperity of the settlements and their inhabitants. From there he started to see how

to suppress the outrages committed by the Guarani Indians of El Chaco, who were constantly invading the territory neighboring La Asuncion. To accomplish this purpose he went to Concepcion de Buena Esperanza del Bermejo, to take from there some friendly Indians, already converted, whom he wanted to send with the expedition he meditated against El Chaco, but had to desist of this idea because of the rebellious spirit which he found among the Indians of those settlements."

We have not, at present, in our archives, because they were lost during the last war, the original documents to which the historical passages just before quoted refer. But these passages have been taken *verbatim* from a work of Don Jose Falcon, a citizen of Paraguay, and the head of the national archives, who, by authorization of the Government of the republic wrote, upon official data, a compendium of our history. A portion of this work of Señor Falcon, in manuscript, and in his own handwriting, has been found in the archives. And as there is no doubt about the reliability of that author, we have not hesitated to make use of his assertions, as they give evidence of the remote date in which Paraguay had already commenced to take direct action in matters concerning the territory of El Chaco, the possession of which she has constantly retained afterwards without any interruption from the said period until the present date.

It appears from a royal ordinance, dated at Madrid on the 31st of December, 1662, the original of which exists in our archives, that in 1618 another royal ordinance of the King of Spain had decided to divide the Paraguayan territory. This embraced at that time the whole La Plata river, and the king gave Buenos Ayres the portion which extends on the other side of the city of "Concepcion del Bermejo," and also the cities of Corrientes and Santa Fé. Paraguay was given, in her turn, the whole territory she had taken possession of by her conquests and by all other acts which gave her the right of dominion. No title was then transferred to Buenos Ayres by virtue of the said division upon the territory of El Chaco, southward of the Bermejo river.

The royal ordinance was carried into effect in 1620, but as soon as this dismemberment of the territory took place, the city of

Concepcion commenced to decline. Finally, in 1632, the assaults made on it by the wild Indians of El Chaco were so much repeated that it was completely ruined. The same was the case with the other *reducciones*, or settlements, in that locality.

Subsequently, under the administration of Don José Martínez Fontes, a treaty was made, in 1762, with the Abipone Indians of El Chaco, and by virtue of certain arrangements with Cacique Deguachy, a *reduccion* was given those savages on the banks of the Paraguay river, on the El Chaco side, and at the place named "Timbó." This foundation was immediately carried into effect by order of the Governor, and certainly at immense sacrifices on the part of the citizens and inhabitants of La Asuncion, who, with extreme liberality, provided the Indians with all kinds of supplies, and also tools and implements to work, and even laborers to cultivate the land. They built houses for the Indians and erected a church, which was dedicated and given the name of "Our Lady of the Rosary and St. Charles of Timbó."

Governor Fontes then reported to the King of Spain the foundation of that *reduccion*. This important document, dated on the 20th of March, 1763, contains the following language: "Thereupon, in compliance with the provisions of the Laws of the Indies, this town or settlement (*reduccion*) of Abipone Indians, and of Indians of other nations who may come to it, is hereby declared in the name of His Majesty to be incorporated in the dominions of his royal crown; and the same declaration is made in regard to all other settlements or town (*reducciones*) to be founded within this province, on both sides of the Paraguay river, with Indians of El Chaco, either of the Abipone nation or of other neighboring ones."

His Majesty the King of Spain imparted his approval of the facts stated in the document, from which we have quoted the foregoing passage, by royal ordinances of 1764 and 1769.

The *reduccion*, or Indian settlement of Timbó, was abandoned, because the Indians left it and went again to the wilderness. But the work done, and the sacrifices made by the Government and the people of the province of Paraguay to found that settlement, and preserve it, are recorded by history. Written authentic evidence of all these facts is in our sight, and can be produced whenever required.

Sometime afterwards, in 1772, Governor Don Agustin Fernandez de Pineda, who then came to preside over the Government of the province of Paraguay, engaged himself in making treaties of peace with Indians of El Chaco, and succeeded in inducing one tribe to come to a *reduccion* he founded for them at the place named *Remolinos*, within the limits of El Chaco itself, and at a short distance of Remolinos city, now named Villa Franca. The tribe with which this arrangement was made was the Mbocobi tribe; and Governor Fernandez gave them houses, and provided them with instructors. These were Fray Ramon Alvarez, Fray Justo Fleitas, and others. The church built there was dedicated under the advocacy of San Francisco Solano,

This *reduccion*, settled in 1776, did not reach the degree of stability which it had afterwards, until the arrival of the new Governor, Don Pedro Melo de Portugal, who took special pains in promoting its advancement, as shown by official papers of March 6th, and May 25th, 1778, and July 2d, 1779. No other Indian settlement has cost more money and sacrifices to the Paraguayan people than this one of Remolinos; and in spite of the continual disturbances, and Indian wars of posterior times, it was still flourishing under the administration of Dictator Francia.

Governor Don Pedro Melo de Portugal, being in earnest in his desire to people the Paraguayan Chaco, founded in 1782 another *reduccion*, which he gave to Indians of El Chaco belonging to the Toba nation. This settlement was situated down the river within the San Antonio district, at El Chaco; and it was erected at the request of the Indians themselves, who had asked for it, and desired to be taught the Christian religion. Everything necessary for the foundation and support of this new *reduccion*, as for instance, the stock of cattle required to feed the Indians, the houses for them to dwell, the church which they ought to attend, and the pastor or missionary priest who had to instruct them, and who was Fray Antonio Bogasin, was furnished and supplied by the people of La Asuncion at their own expense. The foundation of this Indian colony was recorded in official papers, kept, in our archives, and dated February 9th, June 12th, and April 9th, 1782.

Another colony of this kind was founded afterwards by Paraguayan citizens, within the same territory of El Chaco. The place selected now was the one named "Naranjay," where the same priest, Father Bogasin, labored as a missionary. The Indians left the settlement in 1790, owing to their disinclination to work; but they came back to it in 1791, under the administration of Governor Intendant Don Joaquin Alos. The colony has been in existence until a few years ago, at an immense cost on the part of our people; but the Indians finally abandoned it, and withdrew to the interior of El Chaco.

Antonio Flecha, who was a citizen of La Asuncion, and one of the oldest settlers in El Chaco, kept there for many years some agricultural establishments founded by him for the purpose to attract the Gnaicuru Indians, whom he tried by every possible means, and at his own expense, to bring to a Christian civilized life.

The Paraguayan priest and missionary Don Francisco Amancio Gonzalez, who was the curate of the town named Emboscada, founded with his own resources and a short donation of the members of his parish, another colony, or *reduccion*, a large one in this case, within the limits of El Chaco. The place selected was the one named Remolinos, where now stands the first western town, or *Villa Occidental*. The colonists were Indians of the Lenguas, Cocolos, Machicuis, Enimagas, Cochabotes, Pitilagas, and Tobas nations; whom from 1786 Father Gonzalez had been catechising with great perseverance and zeal. He succeeded in making there a very flourishing establishment, which lasted for many years, and in which he consumed his large fortune. All of this appears from official documents we have examined.

Besides, the foundation of the aforesaid different colonies or *reducciones*, established and supported within El Chaco by the people of Paraguay, and with Paraguayan money alone, thus proving the authority and jurisdiction of Paraguay over that territory, and the actual uninterrupted exercise by her of the same power, there are other acts which can be cited to confirm our views.

In 1792, Governor Don Joaquin Alos erected a fortress on the Paraguayan side of the northern frontier, for the avowed pur-

pose, not only of proving for the security of that territory, and making it safe against any hostile invasion, but also of establishing a landmark showing “that the right bank of the Paraguay river belonged *de facto* and *de jure* to the Province of Paraguay.”

For the building of that fortress, Governor Alos sent there Major Don José Antonio Zavala, of Delgadillo, with the men and the material required; and this officer carrying into effect the work entrusted to him, erected Fort Borbon, now called Fort Olimpo, which stands on the right bank of the Paraguay river, on the hills named the “Three Brothers” (*Tres Hermanos*), a little below the mouth of the Blanco river. The works were finished during that very year; and from that time till now, a Paraguayan garrison has always been kept at that fort, without anybody, either before or after the independence of Paraguay, or in the name of Buenos Ayres, or of any other foreign power or nation, having ever made any objection to it. The existence of a fortress of that kind fully shows the exercise by Paraguay of military jurisdiction on the territory on which it stands, on the right bank of that river; and as no objection or contradiction on the part of any other Government has ever been presented, the result is that it constitutes perfect evidence of the right of sovereignty and dominion of the Republic of Paraguay over the territory of El Chaco.

In addition to these facts relating to towns and fortifications built up within El Chaco, by Paraguay, with Paraguayan money, some mention is to be made of the several expeditions fitted out and started from La Asuncion, at no less sacrifice of its inhabitants, for the purpose of surveying and exploring that territory.

One of those expeditions is the one sent for the exploration of the Pilcomayo river, under the charge of the Jesuit Fathers Patimo and Niebla, who went a distance of more than 250 leagues. The expedition consisted of two vessels, and did its work in 1721.

Another was the one entrusted to Colonel Don José Espinola, to reconnoitre and explore the interior of El Chaco. He started in 1794, with a large body of men, and went as far as the Prov-

ince of Salta, from whence he came back, travelling across the territory in several directions. A journal of this travel, giving minute particulars about it, was made by that officer.

The Argentine Republic cannot be ignorant of any of these two expeditions made by Paraguay, at her own expense, and must have in its archives sufficient evidence of the same, as we have in ours. For this reason, we need not dwell any longer upon this point.

When the Colonial Government disappeared, and Paraguay proclaimed her independence, and this independence was recognized by the Argentine Government, and by other Governments both of America and Europe, it was but natural and lawful that she became possessed, *de jure* and *de facto*, of the same territorial right that used to belong to her while she was a province under the dependence of Spain.

In conformity with the law we invoke, the Republic of Paraguay continued in the legal possession of her full authority and jurisdiction over El Chaco. She did so, not only by maintaining a garrison at Fort Olimpo, but by keeping other military posts, as for instance, Fort "Formosa," "Fort Orange," "Fort Monte Claro," and "Fort Santa Elena," all within El Chaco. These military establishments were carefully preserved by the Government of Dictator Francia, as shown by official documents and the correspondence between the Dictator and the respective officers who commanded there, and also by Don Carlos Antonio Lopez, the first President of the Republic. President Lopez directed also some new rural establishments, and some other settlements of other kinds to be founded within the same territory of El Chaco. One of them was erected opposite to La Asuncion, and succeeded lately in giving shelter to a numerous population. It had a church, which was dedicated under the advocacy of San Venancio.

Subsequently, in 1854, under the administration of the same President, the colony of "Nuevo Burdeos" (*New Bordeaux*), now called "Villa Occidental," was founded. The establishment of that colony, with the character of such, was made with funds belonging to the nation; and, although the colonists of foreign origin soon went away, for reasons which are not to be

imputed to us, the native ones remained, and caused the colony to flourish. Hence, it is shown that Paraguay, for many years subsequent to her independence, not only accomplished within the territory of El Chaco, which was her territory, numerous acts of possession, but fulfilled all the requisites necessary, or conducive to assert and maintain her sovereignty over that portion of El Chaco. Villa Occidental was founded at the expense of the national treasury, and by natives of Paraguay who settled there, and never went away; and this was done with the knowledge of the Argentine Government, and with no objection or opposition on its part. This is by itself conclusive evidence, that the Argentine Government had not any right on the Paraguayan Chaco.

And such a state of things has remained unchanged until the present time, notwithstanding the occupation now of the said Villa Occidental by Argentine forces; because this occupation has no other legal character than the one agreed to, in the preliminaries of peace of June 20th, 1870.

The conclusion to be drawn from all that has been said is, that the territory of El Chaco, from the Bermejo River to Bahía Negra, always was occupied by Paraguay, by virtue of the dominion and authority, which Paraguay has over it; and that this sovereign power has been exercised, either by the founding thereof those Indian establishments or colonies, named in Spanish *reducciones*, or by the erecting of fortifications and military posts, within the limits of the same territory both before and after the independence, all of this, as it has been said, without the Argentine Republic having ever made any objection, or opposition to it.

The foundation of the colony of "Nuevo Burdeos," now a town, (*Villa*), as above said, (because the colonial character of the settlement was given up, and the more formal one of a town (*Villa*), was granted to it), was made with natives of Paraguay, at a time in which Paraguay was in direct communication with the Argentine Republic, and without any objection, or much less contradiction, on the part of its Government. This fact is by itself, under the circumstances, and besides all other proofs, sufficient evidence that the Republic of Paraguay

has an unquestionable right over the territory which the Argentine Republic, with neither right nor reason, has attempted to dispute. The Argentine Republic has no other title than the treaty of Alliance of 1815; but this treaty became inoperative and obsolete, as far as the designation of limits is concerned. So the Government of the Brazilian Empire understood, and so, when the treaty of limits between Paraguay and the said Empire was concluded, the Brazilian Government admitted Paraguay to discuss all questions relative to limits, without any distinction, and overlooked entirely the treaty of Alliance.

The fact that Buenos Ayres was, before the independence, the capital of the Viceroyalty of La Plata River, could not give that City the right, nor the power, to fix the limits of another province, of the same origin, which had proclaimed its independence, and had asserted its right to govern itself and to be the sole owner of its own destinies. This was the case with the province of Paraguay, which had declared her independence from Spain, and also from Buenos Ayres, and had initiated her life, by being in possession of the whole dominion she used to have when dependent from the Crown of Spain.

As the territory of El Chaco has never been abandoned by our Governments, either before, or after the independence, the pretension of the Argentine Plenipotentiary, to consider it as a vague limit, cannot but be adjudged as destitute of foundation.

And the pretension of the Argentine Republic, its alleged dominion over that territory, upon the assertion that it was the patrimony of the political community which took the name of United Provinces of the La Plata River, is not less groundless.

The right reserved to Paraguay, by the Alliance itself in the preliminary agreement of peace, was merely a recognition of the principles of International Law, and a logical conclusion from the treaty of the triple Alliance, according to whose words the war was never made against Paraguay, but against the Government of Marshal Lopez.

So it was, that as soon as Marshal Lopez died, the Alliance entered into the preliminaries of peace above mentioned, and expressly stipulated that the Republic of Paraguay would have

the liberty and the right to propose what she might deem best for her, on the matter of limits, and others, but specially, in connection with the territory of El Chaco. It is therefore indubitable that any action of one of those allies, tending to restrict that right, granted by all of them to the Republic of Paraguay can have no legal force. The Argentine Republic having not accepted then, even by the way of compromise, the line of the Pilcomayo River, cannot now preclude the discussion about the tract of land between the Bermejo and Pilcomayo rivers.

The main purpose of the treaty of Alliance of May 1st, 1865, was waging war against the Government of Marshal Lopez until its final overthrow. The war was not against the Paraguayan people; and so the provisory Government of the republic recognized and accepted, in the preliminary agreement of peace, what was called the substance of the said treaty, or in other words that the hostilities meant only opposition to Marshal Lopez. And as the same agreement contains the circumstance that Paraguay was given the right to propose all the modifications of that treaty, deemed by her to be advisable, in her own interest, the conclusion is that the questions on limits remained exactly as they were before the war,

Although the reasons already explained fully support the rights of the Republic of Paraguay, as claimed before, she is, however, ready either to accept an arbitration as to the portion of territory which extends from the Bermejo river until Bahia Negra; or, to consent, yielding to her earnest desire to make peace with the Argentine Republic, to settle the question friendly by means of a compromise, and fix the line of the Pilcomayo river to be the boundary between both countries. In either case, the rights of Bolivia are to be reserved.

The dominions of Paraguay within El Chaco extend as far as the southern portion of the Bermejo river; and if it is true that the King of Spain, by a royal ordinance of 1617, caused the province of Paraguay to be divided from the provinces of the La Plata river, and gave to the general and collective government of the latter the City of Concepcion de la Buena Esperanza, such a decision was promptly countermanded, and Paraguay re-

sumed her former rights, as shown by her action in regard to the settlements of Timbó, which subsequently deserved the approval of the King. It is therefore with justice that Paraguay can claim to have jurisdiction on the whole territory this side of the Bermejo river, which came again into her possession after the repeal of the ordinance of 1617. The book of Father Bantista, quoted by the Argentine Plenipotentiary, cannot be used as evidence, because it refers to the said ordinance before it was amended.

But Paraguay not only founded again the *reduccion* or colony of Timbó, but continued to establish the others already enumerated by us. And in view of these facts, and of the uninterrupted possession by Paraguay of those different settlements within the territory of El Chaco, belonging to her, we have to say that the "Geographical and Historical Memoir" (M.S.) of Azara, to which the Argentine Minister refers in his "*Memo-randum*," neither has nor can have the seal of truth. The passage quoted from that memoir is to the effect that "the boundary of Paraguay by the west is the Paraguay river, since Paraguay has no possessions at El Chaco."

The Argentine Minister himself states that this "Memoir" was written in 1793, and, consequently, it is strange that the author thereof asserted that Paraguay had no possessions at El Chaco, and committed the grave error to ignore all the possessions which Paraguay had had there for many years before 1793.

The official correspondence which took place in 1812 between the Executive Junta of Paraguay and the Executive Junta of the United Provinces of La Plata river, prove nothing against Paraguay in regard to limits. That correspondence was for the purpose to get information about the central portion of El Chaco, through which some roads and other public works were intended to be made by both nations, which were then in the best harmony. But, as nothing could be done without the consent of Paraguay, for the reason that a portion of that territory was within her dominions, it was but natural for her to be asked the information above alluded to. And Paraguay, in furnishing that information, as requested, neither implicitly nor expli-

citly recognized any territorial right of Buenos Ayres. She merely paid homage to the friendly feelings which connected her with a neighboring sister nation, and to her desire to promote the mutual benefit resulting from her intercourse with a people to whom, from the very first days of the independence, she never ceased to give the most conclusive evidence of her good friendship.

The Argentine Plenipotentiary, in his "*Memorandum*," in referring to this correspondence, assumes that it imports the recognition of the jurisdiction of Buenos Ayres over El Chaco, or, at least, that Paraguay declared thereby not to have any right over that region.

We have carefully examined the aforesaid correspondence, and certainly can say that from no portion of it the conclusion can be drawn that Paraguay did ever make such a recognition, either implicit or explicit, of any right of Buenos Ayres over the Paraguayan Chaco; and much less that Paraguay declared the said territory not to be a portion of her dominions.

What the correspondence proves well, on the contrary, is that Paraguay has made great sacrifices and incurred a vast amount of expense to maintain herself in possession of the said territory.

So she did under the administration of Dictator Francia, *de facto* and *de jure*, by maintaining the military posts referred to, which imply an actual exercise of sovereignty at the places of their location.

The Argentine Plenipotentiary, in referring in his "*memorandum*" to the administration of Dictator Francia, says that Paraguay at that time only kept guards on the right bank of the Paraguay river, but did not further the population thereof. But this, we claim, even if proved, cannot extinguish our legitimate right, since possession was always maintained.

The historical description of Paraguay written by Morlas, which also has been mentioned by the Argentine Minister, does not give any light upon this question. The text alluded to reads as follows: "By the west the Republic of Paraguay has no boundaries. The Paraguay river may be deemed to be the limit, since, up to that time, Paraguay had no possessions on El Chaco." But this passage proves nothing: first, because if

Paraguay had no limits toward the west, the Paraguay river could not be described as such without contradiction; second, because the statement that she had no possessions at El Chaco was an error, as shown before. Paraguay always maintained, without any interruption within that territory, the several possessions referred to.

President Don Carlos Antonio Lopez continued to maintain our sovereignty over the territory of El Chaco, and more specially this side of the left bank of the Bermejo river.

In 1854, besides continuing the possession of all the military posts above mentioned, he caused several establishments, agricultural and industrial, to be opened there. He erected the Church of San Venancio opposite to La Asuncion. He founded the colony of Nueva Burdeos, now Villa Occidental, whose population increased by the going there of natives of the country and whose possession never was abandoned until the time in which, during the war, Marshal Lopez ordered it, as well as other cities, and even the capital itself, to be vacated.

The Argentine Republic *never made any objection*, during Francia's and Lopez's administrations, *to the sovereignty exercised by Paraguay over El Chaco; nor did it ever produce any title*, as it does not do either at the present time, to support its claim to that territory. It confines itself to pretend that it is the only one having right to the dominions which were of the King of Spain, and makes efforts to place Paraguay in the condition of a spurious issue, having not any of the rights successfully invoked by the other nations of the same origin, upon which they acquired and possess at present the same territory as belonged to them under the Spanish rule.

The several arguments, all of them worthless, which have been presented in that respect, are fully at variance both with the principles of international law and with the amity and good will which ought to be preserved among nations which are sisters by their origin, and whose neighborhood deserves every kind of international guarantee to be afforded between themselves.

Both in the question about the Misiones Territory and in the present one, we are told that the limits of Paraguay were settled by the Argentine Congress, and that Paraguay did not

take part in the independence, and cannot be considered as a successor of the Spanish monarch.

Neither of the two assertions is correct ; and if true, neither of them would afford strong foundation to the argument we are refuting. If the action taken by the Congress of the United Provinces of La Plata river ought to have prevailed, then the Argentine Government was wrong in remaining for more than half a century without exercising the right given to it. And if Paraguay, for having taken no part in the independence, were to be excluded from succeeding the Spanish crown as to the right of dominion over the whole territory formerly belonging to her, then not even the city of La Asuncion could be rightly considered as belonging to the Republic.

But it is time enough to finish with these hypotheses which have compelled us to extend our argument, and then let us proceed to consider the matter under the standpoint of legality.

The Republic of Paraguay cannot be blamed by the Argentine Republic, because of the position she assumed during the first days of the independence. The blame belongs to the Government which Buenos Ayres had at that time.

The Executive Junta of Buenos Ayres did not deal with Paraguay, at the time of the agitation for the independence, with the sincerity which it ought to ; and Paraguay, who, like other peoples, had opened her eyes, did not feel disposed to exchange one yoke for another.

This we say upon good grounds. The Government of Buenos Ayres, at that time, wanted, under the color of liberty, to maintain Paraguay in subjection ; and Paraguay did not consent to it, since she had the same right as Buenos Ayres to be free and independent, and to belong to herself, and to be ruled according to the sovereign will of her own people.

A proof of this assertion shall be found in the following passage of the note that General Belgrano addressed to the Government of Buenos Ayres after his defeat at Paraguari. It reads as follows :

“ I hope Your Excellency will be convinced of all that I have stated, that it is necessary to issue a decree for the conquest

of Paraguay, in order that His Majesty, Don Fernando VII, loses nothing. May God preserve you many years.

“Camp south of the Tabicuari river, Paso de Doña Lorenza, January 24, 1811.

“MANUEL BELGRANO.”

This passage shows the most refined hypocrisy of the Buenos Ayres Government in dealing with Paraguay, and consequently nothing done by the latter at the aforesaid time can be imputed to her fault.

Paraguay, knowing the trap laid for her, addressed, through her own Government to the Government of Buenos Ayres, on the 20th day of July, 1811, the note from which we take the following: “The condition of things in the province was such as to make her seriously think, in regaining the rights which had been taken from her, to free herself both from the oppression in which she formerly was, and which was still heavier for the lack of concert in the administration of the Government, and from the new slavery with which she felt herself threatened. * * * * This is the reason why she, by herself and by her own resolute efforts, has asserted her liberty and entered into the full enjoyment of all her rights. If anybody thinks that her intention has been to place herself at the disposal of others, and make her fate dependent upon the will which is not her own, he shall be mistaken. Otherwise nothing would have been obtained by her, and her sacrifices would merely result in exchanging the old chains for new ones, and the former master for another one. Neither your Excellency nor any just and equitable observer will find strange that under the circumstances now surrounding the national affairs, and with no possibility to foresee the result of what is passing, the people of Paraguay show themselves jealous to maintain their new-born liberty, after having had the courage to regain it. The Paraguayan people know that liberty can sometimes be obtained and conquered; but once lost, it is not equally easy to recover it. Nothing of this means any suspicion that your Excellency be capable to shelter in his heart any intention wrong, unjust, or at variance with equity; and far from that, this *Junta*, which, on the other hand, does nothing but defend the

liberty and the right of the province, flatters itself that your Excellency will applaud the noble feelings above alluded to, and will recognize what is to be expected in the interest of our common cause—of a people who speak with such a frankness and magnanimity.”

Upon the face of this passage, can it be said that Paraguay is not entitled to exactly the same rights acquired by the other States? Certainly not.

Another passage of the said note reads as follows :

“It might be said that under the present circumstances Paraguay has done everything she could and ought to do; because, notwithstanding the incalculable harm done her by the last civil war (the invasion by General Belgrano), she sets all this aside and forgives everything for the love of the common good and prosperity.”

The Junta of Buenos Ayres answered this note of the new Government of Paraguay on the 28th of August of the same year, applauding the action of Paraguay, and the attitude taken by her in the interest of the common cause, recognizing her independence; and declaring solemnly that the republic had the power to rule herself and administer her own Government independently from the Government of Buenos Ayres.

Some other notes could be referred to in this point to prove that the Republic of Paraguay cannot be deemed guilty of indifference at that critical period of the independence; but they were quoted when the question about the Misiones Territory was discussed, and their repetition here seems to be unnecessary.

Let us now pass, since it has been proved that there is no reason to deprive Paraguay of the rights which all other States, in their own cases, secured for themselves to close our argument by making a concise statement of the reasons alleged to ignore our possession of El Chaco, and of the answers by which they are refuted.

*The arguments are that all the settlements made by Paraguay in El Chaco were transient; that the military posts were not permanent, and that for the space of some centuries the whole territory occupied there by Paraguay, for the space of many centuries, never exceeded fifty square leagues.

The answer to these three unjust suppositions is, that such settlements consisting of towns or *pueblos*, have been permanently maintained by Paraguay, and some of them rebuilt and peopled again as it was the case with Villa Occidental, which still exists, when partially or totally abandoned for different circumstances. That the military posts were permanent, as shown by the existence of Fort Olimpo, Fort Orange and others, which always had the proper garrison. And as to the point of the fifty leagues, if such an argument could be of any use, we might retort it by saying that the Argentine Republic, which never has occupied even a square yard north the Bermejo river, and has, therefore, less right than Paraguay, pretends, nevertheless, not to admit any discussion in regard to the whole tract between the Bermejo and the Pilcomayo rivers.

We think that our right over the territory of El Chaco has been sufficiently proved. We have showed it by means both of legal titles and by the fact of our uninterrupted possession of the same territory. That possession has cost Paraguay and her people considerable sacrifice of money and other kind, and its continuity and efficiency appear, as we have shown, from our keeping there the military forces with which we have checked the hostile action of the heathen inhabitants of the interior portion of it, and from the foundation by us, within its limits of several *reducciones*, or Indian colonies, to convert those savages to Christian life and civilization.

It is therefore impossible for Paraguay to give up entirely her sovereignty upon the territory this side of the left hand of the Bermejo river, and accept either that no discussion can be opened in regard to the tract of land between these two rivers named Bermejo and Pilcomayo, or to consent that the portion of that territory north of Pilcomayo river is the only one which can be submitted to arbitration. This impossibility looks still greater when due attention is paid to the fact that the Argentine Republic is not willing to change the *statu quo* of the occupation of Villa Occidental, and threatens in case that the fact of that occupation is included in the arbitration, to "claim for the value of the improvements of the town, the works done there by the Argentine Government, its grants of land, and the heavy

expenses incurred by the same Government from the time of the occupation until this date ; or in other words for having made a city, properly called so, of what merely was before the war a Paraguayan factory or garrison."

It might be said, according to these words, that the Argentine Government when using them, did not know what Villa Occidental was at that time, otherwise it would have been impossible for that Government to use a language of that kind.

It is a public historical fact that as far back as 1854, Villa Occidental was a town, or city, perfectly organized as such, with a great many inhabitants engaged in agricultural and commercial business, and business of other kind, and whose Government was administered by the proper authorities both military, civil, and ecclesiastical. Its evacuation by Paraguay was an act of war ; as an act of war was also its occupation by the Argentine forces. This occupation still continues in the same way as the allied forces still remain within the territory of the Republic, and this is the reason why the Paraguayan Government has not yet been able to reorganize that city.

Paraguay has no objection to a settlement of these questions either by arbitration, if it embraces the whole territory between the left bank of the Bermejo river and Bahia Negra, or by a compromise if the Pilcomayo river is agreed to as the dividing line between the two countries, the rights of Bolivia being reserved in either case. Nothing short of these two propositions, which are the only ones in keeping with the mutual interests of both republics, can be favorably looked at by Paraguay. Either of the two methods of settlement rests upon the basis of the continued possession and of the legal titles, above spoken of ; and if the Republic of Paraguay did not produce those titles during the course of the negotiation, it was not because she had not them in her possession, nor because she had any desire to conceal them, but merely because, from the very beginning of the discussion it was agreed not to exhibit any papers, because the Argentine Plenipotentiary himself suggested to avoid judicial forms, and recommended this question of limits to be adjusted merely in an amicable and friendly way.

CONCLUSIONS.

1st. The question of limits as to the Misiones Territory is now dependent upon the protocol of the 7th of May ultimo, because, if the provisions of said protocol are not carried into effect by a final treaty, Paraguay shall maintain her just and sovereign rights upon the left bank of the Paraná river.

2d. The right of possession which Paraguay has as to the Atajo or Cerrito Island, as acknowledged by one of the allied Governments, cannot be modified without previously adjusting the question of El Chaco.

3d. The question of El Chaco is to be adjusted either by arbitration, if the territory subjected to it is the one between the Bermejo river and Bahía Negra bay; or by a compromise, if the line of the Pilcomayo river is the boundary accepted as final.

4th. The Republic of Paraguay, being urged by feelings of good will and policy, is ready to sign any final treaties with the Argentine Republic, based as proposed; and in the meantime she will keep the peace, leaving in force the protest of February 18th, 1872.

ASUNCION, October 31, 1873.

JOSE DEL R. MIRANDA.

EXHIBITS.

EXHIBIT A.

No. 1.

TREATY OF LIMITS

BETWEEN THE

Republic of Paraguay and the Argentine Republic,

OF

FEBRUARY 3, 1876.

NICOLAS AVELLANEDA,

President of the Argentine Republic,

To all whom these Presents shall come :

GREETING !

WHEREAS, between the Argentine Republic on the one side and the Republic of Paraguay on the other side, there was negotiated, concluded and signed a Treaty of Limits at the City of Buenos Ayres on the third day of the month of February of the year 1876, through the action of Plenipotentiaries duly authorized to effect the treaty, the contents thereof being as follows :

The undersigned, Plenipotentiaries Ministers of the Argentine Republic and of the Republic of Paraguay, appointed by their respective governments to frame the Treaty of Limits pending between both Republics, having compared their respective full powers and found them correct and in due form, agreed as follows :

ARTICLE I.

The Republic of Paraguay is divided on the Eastern and Southern parts from the Argentine Republic by the middle of the current of

the principal channel of the Parana river from its confluence with the Paraguay river, until its left bank becomes one of the boundaries of the Empire of Brazil, the Island of Apipe belonging to the Argentine Republic, and the Island of Yacireta to the Republic of Paraguay, as was declared by the treaty of 1856.

ARTICLE II.

On the western part the Republic of Paraguay is divided from the Argentine Republic by the middle of the current of the principal channel of the Paraguay river from its confluence with the Parana River, the territory of Chaco being definitely acknowledged as belonging to the Argentine Republic as far as the principal channel of the Pilcomayo River which flows into the Paraguay River at the parallel of $25^{\circ} 20'$ south latitude, according to the Moucher's map, or $25^{\circ} 22'$ according to Brayer's.

ARTICLE III.

To the domain of the Argentine Republic belongs the Island of Atajo or Cerrito. The other firm islands or the islands liable to be overflowed which are found in both the rivers Parana and Paraguay, belong either to the Argentine Republic or to the Republic of Paraguay, according to their position being more contiguous to the territory of either of the Republics, according to the principles of international right ruling in the matter. The channel between the said islands, the Island of Cerrito inclusive, is common for the navigation of both States.

ARTICLE IV.

The territory included between the principal arm of the Pilcomayo River and Bahia Negra, shall be considered as divided into two sections, the first being that included between Bahia Negra and the Verde River which lies at the parallel of $23^{\circ} 10''$ south latitude according to Moucher's map; and the second section included between the said Verde River and the principal arm of the Pilcomayo River, the City of Villa Occidental being included in this section.

The Argentine Government definitely renounces all pretensions or right to the first section.

The ownership or right to the territory of the second section, including Villa Occidental, remains submitted to the final decision of arbitration.

ARTICLE V.

The two high contracting parties agree to elect his Excellency, the President of the United States of America, as umpire to decide as to the right to possess the second section of the territory referred to in the preceding article.

ARTICLE VI.

Within the term of sixty days from the exchange of the present treaty, the contracting parties shall address themselves jointly or separately to the umpire appointed, soliciting his acceptance.

ARTICLE VII.

If his Excellency, the President of the United States, does not accept the office of umpire, the contracting parties shall meet to elect another umpire within the sixty days following the receipt of the refusal to act, and if any of the parties should fail to meet the other within the term appointed to make the appointment, it shall be understood as being definitely made by the party who should have made it, and information given to that effect to the other party. In this case, the decision of the umpire will be as fully obligatory as if he were appointed by the common consent of the two parties, the omission of one of them amounting to a delegation to the other of the power to make such appointment. The same term of sixty days and the same conditions will rule in the event of a subsequent refusal to act as umpire.

ARTICLE VIII.

The umpire having accepted the appointment, the Government of the Argentine Republic and the Government of the Republic of Paraguay shall present to him, within the term of twelve months from the acceptance of the office, memoirs containing the exposition of the rights which each party considers to have to the disputed territory, each party furnishing all the documents, titles, maps, quotations, references, and all the antecedents they judge favorable to their rights; it being agreed that at the expiration o

the said term of twelve months, the argument for both parties will be finally closed, whatever reasons they may adduce to the contrary notwithstanding.

Only the umpire appointed can, after the expiration of the term, order the filing of any documents or titles as he may judge necessary to guide his judgment or upon which to base the decision which he is entitled to pronounce.

ARTICLE IX.

If, within the stipulated term, any of the contracting parties should not exhibit the memoirs, titles and documents favoring his pretensions, the umpire will give his decision upon the papers exhibited by the other party and the memoranda presented by the Argentine Minister and the Paraguayan Minister in the year 1873, and the other diplomatic documents exchanged in the negotiations of the said year. If none is presented to him, the umpire will decide, bearing in mind in that case, as sufficient evidence the above mentioned documents.

Any of the contracting Governments can present the said documents to the umpire.

ARTICLE X.

In the cases referred to in the foregoing articles, the decision given will be final and obligatory upon both parties, and no reason shall ever be adduced to prevent its fulfilment.

ARTICLE XI.

It is agreed that during the investigation by the umpire, and until its termination, no change shall be made in the section submitted to arbitration, and that should any act of possession occur before the decision, it shall not have any value, nor can it be adduced in the discussion as a new title.

It is also agreed that any new grants that may be made by the Argentine Government at Villa Occidental cannot be invoked as titles in his favor, as they only amount to the continuation of the exercise of jurisdiction which has at present, and which will continue until the decision by the umpire, in order not to check the progress of that place, or its value to the State to which it shall be finally adjudged.

ARTICLE XII.

It is agreed that should the decision by the umpire result in favor of the Argentine Republic, it will respect the rights of ownership and possession emanating from the Government of Paraguay, and will indemnify the latter to the value of its public buildings. And should the decision result in favor of Paraguay, it will also respect the rights of possession and ownership emanating from the Argentine Government, also indemnifying the Argentine Republic to the value of its public buildings.

The amount of this indemnification and the form of payment will be determined by two delegates who shall be appointed by the contracting parties, six months after the rendering of the decision by the umpire. Those two delegates, in case of disagreement, shall jointly nominate a third party to settle differences.

ARTICLE XIII.

The surveys of territories made by the two countries, cannot impair the rights or titles that directly or indirectly could assist them regarding the territory subject to arbitration.

ARTICLE XIV.

The exchange of the ratifications of the present treaty will take place at the City of Buenos Ayres within the shortest term possible.

In testimony whereof the Plenipotentiaries have signed and sealed the present treaty in duplicate, in the City of Buenos Ayres, on the third day of the month of February, in the year one thousand eight hundred and seventy-six.

[L.S.]

BERNARDO DE IRIGOYEN.

[L.S.]

FACUNDO MACHAIN.

E. LAMARCA,

Secretary to the Argentine Plenipotentiary.

CARLOS SAGUIER,

Secretary to the Paraguayan Plenipotentiary.

Therefore, having seen and examined the treaty above inserted, and after having obtained the competent authorization from the National Congress, I accept, confirm, and ratify it, by these pres-

ents, promising and binding myself, in the name of the Argentine Republic, to make, observe and fulfill faithfully and inviolably everything contained and stipulated in all and each of the articles of the said treaty.

In testimony whereof I sign, set my hand to the present instrument of ratification, and affix thereunto the great seal of the Republic, it being countersigned by the Minister Secretary of State in the Department of Foreign Relations.

Given at the National Government House, in Buenos Ayres, on the first day of September, 1876.

(Signed) N. AVELLANEDA.

(Signed) BERNARDO DE IRIGOYEN.

A true copy of the original existing in the archives of the Secretary of Foreign Relations.

{ Place of the }
{ Great Seal. }

M. F. RIQUELMO,
First Clerk.

EXHIBIT A.

No. 2.

DEPARTMENT OF FOREIGN RELATIONS.

JUAN BAUTISTA GILL,

*Constitutional President of the Republic of Paraguay,**To His Excellency the President of the United States of America:*

GREAT AND GOOD FRIEND,—I have the high honor and satisfaction to bring to your knowledge the fact that between the Republic of Paraguay and the Argentine Republic there exists a question relative to the ownership or better right on a part of the territory of Chaco, situated on the right bank of the Paraguay River, lying between the Verde River and the principal arm of the Pilcomayo River, a question that according to the treaty ratified between both nations on the third of February, 1876, shall be decided by arbitration. As, by common consent, we have agreed to designate as umpire His Excellency the President of the United States of America, I take the liberty to address you, begging you in the most friendly manner to be pleased to accept the office we intrust to you. as a great and generous friend, to whom anything referring to the tranquillity and good harmony that should exist between these republics cannot be a matter of indifference.

Hoping that you will aid in settling this question, and with best wishes for the prosperity of the great commonwealth of the United States, over which you so worthily preside, I have the honor to subscribe myself

Your faithful and good friend,

JUAN BAUTISTA GILL.

BENJAMIN ACEVAL.

Done at Asuncion, the 13th of January, 1877.

Autographi
Letter of th
President c
Paraguay to th
President o
the Unite
States, solici
ing his accept
ance of the offic
of umpire.

To His Excellency JUAN BAUTISTA GILL,
President of the Republic of Paraguay:

Rutherford B.
 Hayes, Presi-
 dent of the
 United States of
 America.

GREAT AND GOOD FRIEND,—I have received the letter of the 13th of January last, addressed to me by your Excellency, requesting me to accept the trust of umpire between your Government and the Argentine Republic, in a difference which has arisen as to the boundary between them, provision having been made by treaty to refer the question to arbitration.

In reply, I beg leave to announce to your Excellency my acceptance of the function so cordially offered. I have the less hesitation in taking this step, as it is in the direction of a policy for the adjustment of disputes between nations in which I heartily concur.

I shall find, in my endeavor to be strictly impartial in my judgment, my best assurance for the hope that my award will be satisfactory to both parties, or, at least, that such a course will tend to relieve any disappointment which either may feel at the result.

I take pleasure in availing myself of this occasion to offer to your Excellency my hearty wishes for the prosperity of the Republic of Paraguay.

Done at Washington, the 28th day of March, 1877.

Your good friend,

R. B. HAYES.

By the President.

WM. M. EVARTS, *Secretary of State.*

EXHIBIT B.

OFFICE OF THE SECRETARY OF FOREIGN RELATIONS :

ASUNCION, August 25, 1877.

SIR,—Desiring to authenticate the copies of the original documents deposited in the national archives, referring to the question concerning Chaco which has been submitted to the arbitration of the President of the United States of America, I will feel much obliged to your Excellency should you take the trouble to make a careful comparison between the copies and the originals, in order that you may be pleased to certify lawfully as to its accuracy and literal transcription, under your signature and the seal of the Legation under your charge.

Note of the Minister of Foreign Relations of Paraguay to the Italian Minister, asking him to authenticate the documents referring to Chaco, after comparison with originals, and his answer:

The absence of an American Legation in this country compels me to ask this service from your Excellency, and I doubt not that your Excellency will comply with it, with your usual kindness.

I avail myself of this opportunity of having the honor of expressing to you my esteem, subscribing as

Your respectful servant,

JUAN A. JARA.

To His Excellency the Charge d'Affaires of

H. M. the King of Italy, the Chevalier ENRIQUE STELLA.

LEGATION OF H. M. THE KING OF ITALY,

ASUNCION, August 25, 1877.

SIR,—In answer to your note of this date, in which you request me, in the absence of an American Legation in this Republic, to authenticate the copies of the original documents referring to the question of Chaco, I have the pleasure to assure you that I accede willingly to the request with which I have the honor to be addressed.

With this view, I will be at the disposal of the Department in your worthy charge to-morrow morning at 10½ o'clock, or on any other day that suits best your convenience.

I avail myself of this opportunity to reiterate to you, sir, the assurance of my highest consideration and esteem.

(Signed) E. STELLA.

To His Excellency DON JUAN A. JARA,

Secretary of Foreign Relations.

EXHIBIT C.

No. 1.

ROYAL LETTERS PATENT (1).

The KING,

Letter of the King to the audience of La Trinidad, causing an investigation to be made about the expediency or inexpediency of consolidating in one Government the different governments of the province of Paraguay and the other provinces of La Plata river.

To the Chief Justice and the Associate Justices of the Royal Audience, established by my order in the City of *La Trinidad del puerto de Buenos Aires*, in the province of the *La Plata* river.

The licentiate Don Juan Blasques de Valverde, formerly my Governor and Captain General of the province of Paraguay, said to me in a letter dated April 18th, 1657, that the King, my father and lord (whom God may keep in his glory) had been pleased to cause, in 1618, the government of the province of Paraguay and that of the other provinces now under your jurisdiction (up to that time administered by a governor, in temporal matters, and by a bishop in the spiritual ones) to be separated from each other; and he added that this order having

(1) The Spanish words *Real cédula* have been rendered into English by the words *royal letters patent*, as they were deemed to be the most adequate to convey to the reader's mind the idea expressed by them.

Different words are used in the Spanish technical language to express the idea of an order, or provision made or enacted by the king, *Real orden*, *real decreto*, *real cédula*, *real provision* or *real despacho*, are substantially the same thing; but these different names are given to it on account of the form or shape of the commandment itself.

Royal orders are those given in the name of the king, and "by his order," signed by the Secretary of the respective Department alone.

Royal decrees are those which are authenticated by the royal flourish, and countersigned by the respective Secretary. They end by the following words: "*Está rubricado de la real mano.*" (The royal hand has set a flourish hereto.)

Royal cédula or letter patents, begin by the word: "*The King,*" and end by the royal signature in this way: "*I, the King.*"

Royal provisions, or despatches, begin by reciting all the titles of the king, as for instance: "Dn. Carlos, Rey. de España, y Navarra," &c., &c. The signature is, "*I the King.*"

been complied with, in 1621, the inhabitants of Paraguay felt and recognized that division to be injurious to the preservation of peace and to their own personal safety, and had asked of me the favor to consolidate the two governments and restore everything to the condition in which it was before. Finally, he said that at the request of the same inhabitants he had caused an investigation to be made, as shown by the record he inclosed, in order to prove that when the division took place there were eight cities in the two districts, and that owing to their number and to their being situate too far away from each other to be kept under the control of only one governor, it was decided to distribute them proportionally between the two governments at the rate of four for each one. Out of the cities allotted to Paraguay, the City of La Asuncion, in which the cathedral was erected, is the only one remaining in existence; the other three are lost; two of them fell in the hands of hostile Indians, still holding and occupying them; and the fourth, named La Villa Rica, became depopulated, in consequence of the invasions to which it was always subject by the Portuguese from San Pablo. Some of the few residents who were left there went out, a distance about forty or fifty leagues from the City of La Asuncion and settled a small town, which is now of sixty or seventy inhabitants, mostly engaged in raising the grass serving as pasture in all the other provinces of Peru.

As to the other four cities which were allotted to the government of your own province, the one named *Rio Bermejo City*, and a town named Matarà, were demolished by wild Indians, who also killed a great number of Spaniards. The record further shows that the whole of these troubles was dependent upon the necessity of dividing the forces of the government between the two provinces, thus resulting that the number of men apportioned to each one did not suffice for its defense. While consolidated under only one jurisdiction, the said cities were able not only to resist the Indians, but also to extend the conquests, establish new settlements, and punish the savages who did not submit to the Spaniards. The above said Don Juan Blasques de Valverde refers, as an instance, to what happened with the Government of Tucuman, which comprises eight

cities; and says, that in addition to the reasons stated to show that the annihilation and ruin of the Province of Paragnay was due to the division spoken of, it is to be considered that the residents of his province are constantly subject to many other troubles on account of the Indians held by them in their *encomiendas*, and upon whose work they lived, since they have no other means to cultivate their lands. These troubles depend upon the fact that the said inhabitants employ their Indians in transporting to the neighboring provinces the grass and the tobacco raised by them, something which they do generally by water, in boats or in rafts, as far as Santa Fe, which is the port of the Paraná river; but when passing by the Las Corrientes City, which belongs to a different government, the inhabitants there being always in need of laborers, used to detain these Indians and force them to work for the benefit of the detainers, and without the authorities bringing any remedy to that evil. Such a thing did not happen when all the provinces were united under only one jurisdiction, because the government looked at all of them with equal affection and interest, and caused the Indians sent away, as aforesaid, to be brought back and returned to the city from which they had departed. He also says that the disturbances and unpleasantness experienced in that city were due to the fact that the government was confined exclusively to the city of La Asuncion, where the governor and the bishop lived in limited circumstances, owing to the poverty and scarcity of its population. In view of all of this, he recommends the consolidation of all those provinces in only one government, both in spiritual and temporal matters, saving thereby the salary of two thousand ducats paid to one of the two governors, and the allowance made to the bishops, which has to come out of my own funds, since they have no revenue, and the tithes therein collected, which would be enough to support one prelate and a dean and three canons, are insufficient for two. The other prebends, he says, could be abolished, since they have no revenue, and nobody asks for them. And whereas, all of this, together with a memorial presented on behalf of the said city of La Asuncion, setting forth the same pretension, and other papers bearing upon the same subject,

have been considered by my Council of Indies, in which my Attorney General for the said council gave his opinion, and I want to know the facts and ascertain the truth of the statements of the letter of Don Juan Blasques de Valverde, and of the record of the investigation sent by him, and see whether the depopulation of those cities, and the losses and troubles referred to, are really dependent upon the division made of the Government of Paragnay from that of the provinces of the La Plata river, and can be prevented and cured by reuniting again both governments, both in spiritual and temporal matters, and also to be informed about the expediency or in expediency of such a reunion; I command you to inquire particularly upon these matters, getting your information out of the best and most disinterested sources you may be able to approach, and to send me, at the first opportunity, a report setting forth, with due explanation and clearness, the result of your inquiries and your opinion on the subject, in order that it be submitted to the said my Council of Indians, and a proper decision may be given.

Done at Madrid, this 31st of December, 1662.

I, THE KING.

By order of the King our Lord,

DON JUAN DEL SOLAR.

(There are five flourishes.)

To the audience which Your Majesty ordered to be founded in the Provinces of the La Plata river, asking for a report on the reunion of the spiritual and temporal power of the Provinces of the La Plata River and Paraguay.

EXHIBIT C.

No. 2.

LETTERS ROGATORY.

I, Don José Martinez Fontes, a Captain of the Dragoons of El Presidio, of Buenos Ayres, and the Captain-General of this province of Paraguay, &c.,

To the V. R. Father Nicolas Contucci, of the Holy Society of Jesus, now the Visitor of this province of Paraguay:

I do hereby inform you and set forth that while engaged in visiting the towns and districts under my jurisdiction, I was told by my quartermaster, Don Fulgencio de Yegros, that the Indian tribe known by the name of "*Nacion cosaria de los Abipones*," had asked for a pass to this province, and requested to be gathered in a *reduccion* ⁽¹⁾, where to be converted and live under the subjection of the Evangelical law. On the receipt of such a plausible information, and thinking that the subject thereof was of a greater importance than the visit itself, I suspended the continuation thereof and hastened to come back to this City, and from here down the river to the place named Timbó, which had been designated by Cacique Deguachi, placing myself under the protection of your Holy Order by taking with me Father Francisco Burges, who is acquainted with the language of the said nation. When the meeting took place, and I suggested all the stipulations which I deemed to be conducive to the establishment of permanent peace and to the civilization of their people, they showed a disposition to accept them in all sincerity and without malice, as far as I know, and gave up their arms and surrendered to the Spaniards. *Finally, the agreement was made by us that in the month of February next, I would come down the river, bringing with me*

(1) "*Reduccion*" is the term used to express a town or settlement newly founded, to which the Indians were invited to come to receive instruction under the direction of a priest and become members of a civilized community.

a number of men, cattle and implements, as well as provisions, and build for them a town in the above mentioned place of Timbó, at El Chaco. And as I am fully aware of the earnest desire of your Holy Order to convert the heathen and spread the Gospel, as shown by its action everywhere in the world, and of the special attention which you will give to the matter herein referred to, thus rendering service to both Majesties, and to the good of this province and of those souls strayed from the flock of Our Redeemer, Jesus Christ, I do request you to appoint one or two persons of your Order and direct them to be ready at the time before mentioned to go to the place of the "*reduccion*" agreed to and attend to the training thereof. Should this request of mine be not enough, then, in the name of the King, our Lord, I do exhort you and require to act as requested. By so doing, in a matter of such a great importance, you will render good service to His Majesty, and I, in just reciprocity, will duly attend to any requests made by you to promote the interests of your Holy Order.

Given at La Asuncion, of Paraguay, this 25th day of October, 1762.

JOSE MARTINEZ FONTES.

Before me,

BLAS DE NOCEDA,

Notary Public and Clerk for the

Governor and the Treasury.

EXHIBIT C.

No. 3.

REPLY TO THE ABOVE.

I, Nicholas Contucci, S. J., Visitor-General of this Province of Paraguay, to all who would see these presents:

Know, that on the 9th of November, 1762, while I was engaged, in compliance with the duties imposed upon me, in visiting these missions of Guarani Indians, entrusted to my holy order, I received the letters rogatory which the Captain of Dragoons, Don José Martinez Fontes, the Governor and Captain-General of the Province of Paraguay, has addressed to me. Upon the proper consideration of the matter therein referred to, and of the order therein given in the name of His Majesty (whom God may save), paying veneration to it, and highly appreciating the confidence of the said Governor in the industry and zeal of our society, I, in my capacity of Superior of the same order for all these Provinces, do say, that I will obey and comply with everything directed in the said letters, and that, therefore, as soon as the new "*reduccion*" for the Abipone Indians will be settled, or established, the proper persons will be appointed to take care of their spiritual training; it being understood, however, that by doing this, we do not assume the duty to provide for the temporal support of the *reduccion*, which is a duty incumbent upon the Governor and Captain-General himself, and upon his successors in the office, nor do we take charge, either, of giving any temporal assistance, to the missionaries themselves, since said assistance is to be solicited from the King, our Lord, by the Governor aforesaid, as provided by the Royal Charters and laws on the subject of the surveying and settlement of new "*reducciones*." And as to the freedom of the Indians, to be kept within the new settlement, the Governor will be pleased, in the name of His Majesty, to place the said Indians under the protection of the Royal Crown, as subjects of His Majesty, and

Reply of the Superior of the Society of Jesus, that he will appoint missionaries to be sent to Timbó, as requested.

declare that they will never be allowed to be kept in bondage, whether under the head of *encomiendas*, or *depósitos*, or any other, as provided by the Royal Laws of the Indies relating to the Indians who freely and spontaneously accept the Gospel, as it is the case with the ones herein spoken of, and it is more expedient for their better instruction and the preservation of peace and good order. And hoping that you being animated by a spirit of justice and Christian zeal, will do as requested. I remain with the understanding that the "*reduccion*" referred to shall be left, as far as the spiritual training is concerned, in charge of our society, and in my capacity of its Superior here, do promise to attend to it as soon as the "*reduccion*" is founded or established.

In testimony whereof, I have issued these presents, signed by me, and by my Secretary, in the town of La Candelaria, this 12th of November, 1762.

NICHOLAS CONTUCCI.

LORENZO BALDA,
Secretary.

EXHIBIT C.

No. 4.

DECLARATION.

Proclamation
of the Governor
General of Para-
guay, declaring
the *reducciones*
or settlements,
made, or to be
made, at El Cha-
co, to be incor-
porated in the
dominions of
the King of
Spain.

In the city of La Asunción of Paraguay, on the 20th of March, 1763, I, Don José Martínez Fontes, a Captain of the Dragoons of El Presidio de Buenos Aires and the Governor and Captain General of this province of Paraguay, by His Majesty (whom God may preserve), upon examination of the reply given by the V. R. Father Nicolás Contucci, of the Society of Jesus, Visitor General of this province, to the letters rogatory sent to him on the 25th of October, 1762, requesting him to appoint some religious persons of his order to serve as missionaries in the new "*reduccion*" of Abipone Indians, and of the terms and conditions set forth in his said reply, dated November 12th, in the same year, for which reply, in the name of His Majesty, whom God may preserve, I give him thanks, do say the following:

That as to the point suggested by His Reverence, that his holy order does not take charge to supply the funds required for the establishment of the "*reduccion*," and the support of the Indians, I promise to do as suggested; but as the province has already contributed for that purpose, I will apply to His Majesty, and try to obtain from His Royal Treasury what, according to the Laws of the Indies, is to be given for the temporal support of the Indians, and of the missionaries, in all of which I am quite sure to succeed, confiding in the Catholic and Royal piety of His Majesty. *Whereupon, in compliance with the provisions made and enacted on the subject of new "reducciones" by the laws of the Indies, in the name of His Majesty, I do hereby declare the said new reduccion of Abipone Indians, and others, of other tribes, who would join them, to be incorporated in the dominion of His Royal Crown; and I do make the same declaration in regard to the other reducciones of the same Indians,*

*or of Indians of the other nations that neighbor El Chaco, which may be founded within this Government, on both sides of the Paraguay river, under the care of the R. R. Jesuit Fathers. And consequently neither of the said nations or tribes will ever be held in bondage, or given in *encomienda* to any person, or compelled to do any personal service, or taxed in any other way whatever, as set forth and provided by the 3d law of the 15th title of the 6th Book of the Compilation. All of which is hereby so declared, ordered and commanded, as long as His Majesty, to whom everything will be duly reported on the first opportunity is not pleased to prescribe otherwise, according to his will and the best interests of His Royal service.*

Witness my hand,

JOSE MARTINEZ FONTES.

Before me,

BLAS DE NOCEDA,

*Notary Public and Clerk for the Governor and
the Treasury.*

Letters rogatory to the President of the College, to send a priest to the reduction of El Rosario of Abipone Indians.

EXHIBIT C.

No. 5.

LETTERS ROGATORY.

I, Don Fulgencio de Yegros, the Quarter-master-General, a Lieutenant-General in the army, and the Chief Justice and military superior authority of this Province of Paraguay, by His Majesty, whom God may preserve, do hereby inform the V. R. Father Antonio Miranda, S. J., President of the College of La Asuncion of Paraguay, that Father Martin Debruhoyer, S. J., missionary doing service in the new reduccion of Abipone Indians named "Our Lady of the Rosary," says to me in a letter dated March 25th, that he is now seriously ill, and in grave risk of death, for which reason he wishes me to send there some vessel to bring him back to this college, and also to appoint another person in his place to attend to the spiritual needs of those people. And as at the request of this Government, and by the express consent of the V. R. Father Provincial, your holy society took charge of the training and civilization of said Indians, of all of which His Majesty has been particularly informed by the Governor and Captain-General, I come to you, urged by the desire to bring prompt remedy to the necessity now felt, and beg you to appoint another priest to go there, and do the service above mentioned, at least *ad interim*, and until your superior as well as His Majesty decide otherwise.

For this reason, in His Royal name, I do exhort and require you; and in my own earnestly request, promptly to act in the matter set forth in this letter, and provide both for the relief of the above mentioned priest, and for preventing those souls redeemed by the inestimable price of the blood of our Lord Jesus Christ from falling again in the darkness of heathenism.

If you act as requested, His Majesty will acknowledge to

have been well served, and I will remain obliged, and ready to comply with your petitions in justice and with affection.

Given at the City of La Asuncion of Paraguay, this 10th of April, 1765.

FULGENCIO DE YEGROS,

By order of His Lordship,

JUAN JOSE BAZAN,

Notary Public and the Clerk for the Governor and the Treasury.

In the day above written I delivered the above letters to the Father President of this College of the Society of Jesus, and made him acquainted with the contents thereof—So I attest.

BAZAN.

EXHIBIT C.

No. 6.

ROYAL LETTERS PATENT.

THE KING.

Royal letter of the Governor to Paraguay, acquainting him with certain measures taken in consequence of a raid made into the territory of some Indians at El Chaco.

Don José Martinez Fontes, Governor and Captain-General of the Province of Paraguay, in a letter of the 15th of February, 1759, addressed to Don Pedro de Zaballos, Governor of the province of Buenos Ayres, gives an account of the depredations committed by Indians, from El Chaco, and refers to the correspondence he had with the Governor of Tucuman and with your predecessor Don Jaime Sanjust, on the subject of facilitating an incursion in the territory of the said Indians, to punish their lawlessness, and of the advantages possibly to be derived from their submission, by preserving peace in the three provinces, and by establishing commercial relations between Potosi and the said port, through the Bermejo, Paraguay and Paraná rivers, he being inclined to think the repetition of general incursions every three or four years in the said territory to be expedient, and that the expenses of the one to be made from his own province might be paid out of the tithes levied on the Indians of the Missions of your provinces of Paraguay, since he had no funds with which to attend to it. In a subsequent letter of the 15th of October, in the same year, the same Governor reported to have made a general incursion, as above indicated, and that the Indians had been greatly terrified. He states further that your predecessor had largely contributed to the success of the expedition.

In another letter of the 22d of December, 1760, he says that the Indians were gradually surrendering, and that for their keeping in towns, and for their support, he counted upon the war funds, appropriated for the militia organized to defend the land against incursions by the Pampa and Serrano Indians, since those Indians had already submitted, and those

troops were not necessary. In another letter of the 26th of February, 1763, he speaks of the fervent desire of the Indians in the settlements or *reducciones* already established, and possibly to be established thereafter, to make peace, and become converted, provided that sufficient funds are appropriated for their support. He says also that this can be done by expending twelve thousand dollars out of the fifty or sixty thousand yearly collected at the province of Tucuman, under the head of *Sisa* tax, since this tax had been levied for the purpose to prevent and repress Indian hostilities, and the balance was fully sufficient to pay the body of 150 men kept in the frontier. Finally in another letter, with several inclosures, dated October 29th, 1759, Don Joaquín de Espinosa, Governor of Tucuman, sets forth what he himself did in the above mentioned raid and how he discovered the so much longed for road to the interior, and refers also to the encounters he had with the Indians, the arrangements he made with them, the kindness with which he treated them, the great part which the Governor of Buenos Ayres took in this expedition, and the claim upon my Royal benignity of the officers commanding the troops in that campaign, the costs of which were paid entirely out of the *Sisa* funds. And whereas all of this has been seen and considered by my Council of the Indies, before which the opinion of my Attorney General was also laid, I have decided among other things, *that no novelty be made in what regards to the opening of the way through the Bermejo river to the La Plata*, and I have appropriated the tithes paid by the Indians of your province of Paraguay to cover the expenses of the raids to be made from the province of Buenos Ayres, into the territory of the heathens, leaving to the Governor of the late province the whole direction of this matter, on condition however that the raids should not be repeated, if the benefit thereof can be reached through the action of the new missions established to attract the Indians peacefully. And for the support of the said Indians, when settled in the new towns to be erected, or founded, I do appropriate at once the sum of twelve thousand dollars out of the *Sisa* fund of the province of Tucuman.

I make you acquainted with all of this, in order that you, on your part, may comply as required with this my Royal decision, the same thing having been done, on this very date, with the Governors of Buenos Aires and Tucuman. I also inform you that I have given orders to my Viceroy of Peru, to facilitate the payment of the twelve thousand dollars above mentioned, and that the distinguished zeal with which your predecessor Don Jaime Sanjust acted in all these matters has deserved my Royal gratitude.

Given at Buen Retiro this 12th of February, 1764.

I, THE KING.

By order of the King our Lord,

DON JUAN MANUEL CRESPO.

(Three flourishes.)

To the Governor of Paraguay, acquainting him with certain measures taken in consequence of the raid made into the territory of some Indians at El Chaco.

EXHIBIT C.

No. 7.

ROYAL LETTERS PATENT.

THE KING.

To the Governor and Captain-General of the city of La Asuncion, and the province of Paraguay :

In your letters of December 30th, 1763, and January 11th, 1764, you give information about the condition of the new Indian *reducciones*, established for the Ubayas and Abipones Indians, entrusted to the Fathers of the Society of Jesus, and you also request me to grant certain petitions of the Provincial of that society, as set forth in the papers inclosed, bearing upon the manner of supporting both *reducciones*, and their missionaries, and upon the exemption from bondage and others in favor of those Indians. And all of this having been seen and considered by my Council of the Indies, before which the opinion of my Attorney-General was laid, *it has been borne in mind* that the Royal Letters Patent sent to you on the 12th of February, 1764, fully provided for *the foundation of towns, the support of missionaries, and all other expenses to be incurred by the said reducciones and by all others to be established with Indians inhabiting El Chaco* ; and so you will cause said Royal Letters Patent to be obeyed and faithfully complied with. And as to the exemptions from bondage and others asked for, I command the Indians in whose favor the petition is made to fall under the provisions of the 3d law, 5th title, 6th book of the Compilation of the laws of the Indies, and do grant them the said exemptions, as well as the privilege not to pay taxes during the ten years spoken of in the same law.

Given at El Pardo, this 29th of January, 1765.

I, THE KING.

By order of the King our Lord,

DON JUAN MANUAL CRESPO.

(Three flourishes.)

To the Governor of Paraguay, giving him notice of what is to be done *to support the reducciones of the Ubayas and Abipones Indians established in that province.*

Royal letter to the Governor of Paraguay, telling him how to support the *reducciones* of Ubayas and Abipone Indians, settled within his province.

EXHIBIT C.

No. 8.

ROYAL LETTERS PATENT.

THE KING.

To the Governor and Captain-General of the province of Paraguay :

Royal letter to
the Governor of
Paraguay, rec-
ommending the
good treatment
to be given to
the Indians of
the *reduccion*
Our Lady of
the Rosary of
Timbó.

In a letter of the 26th of January, of the year immediately preceding, accompanied with several documents, the information is given that a Cacique of the Abipone nation had asked for a *reduccion*, for more than ninety families; and that the residents of your city of La Asuncion not only received them with benevolence, but built for them a town which they named "Our Lady of the Rosary of El Timbó," providing them, notwithstanding their poverty, with the stock of cattle they needed to support themselves. Your letter says further, that this *reduccion* was placed under the care of the Fathers of the Society of Jesus; that the Indians soon after commenced to show themselves uneasy and inclined to return to the mountains; that the Fathers above mentioned were expelled; that when Don Lorenzo de la Torre, a man of considerable science and probity, was sent there, he could see the kind of license which these Indians wanted, and the risk which his life was running; that upon consideration of all of this the decision was made to send there a new detachment of Spaniards, to protect the missionary, and repress any act of violence or extortion; and that soon after, most of the Indians having fled away, after killing the persons they happened to meet at the farm of a Spaniard, the few ones who remained, were entreated to tell the fugitives that they would be pardoned and received well, notwithstanding their insults, provided that they would behave better and obey to the missionary; all of which you set forth for the purpose to be instructed what your course of action ought to be. In another letter of the 12th of February following, sent to me by your city, the same thing is

reported, and several documents are inclosed to show the expenses incurred by the inhabitants, in the establishment of the aforesaid *reduccion*, and its being supplied with stock; and also the steps taken to convert the Indians and induce them to embrace the Christian faith, which had not been successful owing to the events above alluded to. And whereas all of this was seen and considered by my Council of the Indies, before which the opinion of my Attorney General on the matter was also laid, I have decided to approve what you have done, and I command you to do the best, as far as you are concerned, in order that the few Abipone Indians remaining at the *reduccion*, and all those who might return to it, receive the kindest treatment, and to provide them with priests, either secular or regular, who are men of science, and of exemplary life and habits, who will teach them in the proper way. I further tell you that on this very date a communication has been sent to the Rev. Bishop to the same effect.

Given at Madrid, this 15th of July, 1769.

I, THE KING.

By order of the King our Lord,

NICOLAS DE MOLLINEDO.

(Three flourishes.)

To the Governor of Paraguay on the good treatment to be given the Indians of the *reduccion* of Our Lady of the Rosary of Timbó.

EXHIBIT C.

No. 9.

MINUTES OF A MEETING.

Meeting to establish the *reduccion* of "Our Lady of the Rosary of Timbó."

In the city of La Asuncion of Paraguay, on the 10th of November, 1762.

At a meeting of the illustrious corporation (1) of this city, held in the City Hall, and convened by order of Don Jose Martinez Fontes, captain of the dragoons of El Presidio de Buenos Aires and the Governor and Captain-General of this province, which was also attended by the military officers in command here, and some other persons of respectability. His Lordship introduced the subject by saying that the object of the meeting was easy to be perceived, because it was suggested by circumstances well known to all, since nobody was ignorant of the anxiety and earnestness with which the Abipone nation had come to us praying for peace, and for being given a *reduccion* where to live, subject to the law of the gospel. That the great importance and the gravity of this step, well known to all, caused him to suspend the visit he was making and to engage himself, as promptly as required by the duties of his position and by his conscience, in the consideration of this subject, both serious and profitable. That having then come down as far as the Timbó territory, he met there the Cacique and some of his subjects, and listened to their prayers, examining the reasons upon which they based their action. That upon the consideration of those reasons, and after mature deliberation, he, as well as the Rev. Father Francisco Burges of the Society of Jesus, the Quartermaster-General, and other persons of importance, associated to him on that occasion, came to the conclusion that those Indians were sincere in their professions, and that they

(1.) The Spanish word *Ayuntamiento* has been rendered by "City Corporation," or "City Council," or "Common Council," to which it is equivalent. It is the body regulating and controlling the municipal affairs of a town or city.

really wanted to enjoy the peaceful life of a Christian "*reduccion*." This being the unanimous opinion of those present, His Lordship said to have proceeded to make the proper capitulations regarding to peace, and that he being acted by the desire to do good to this, his most beloved province, and serve both Majesties, had promised to go to the same Timbó territory some time in the month of February next and build there an adequate town suitable to the comfort and safety of the said Indians. That in acting in this way, and in binding himself to accomplish a thing which had to be so advantageous to the whole province, he did all that he could in discharge of the duties of his position, and had followed the dictates of prudence since it would have been unreasonable not to accept these utterances of the savages. That all the other remedies that might be applied or sought for in the said emergency were neither safe nor so profitable, as experience has shown. That everybody has been able to see how earnest he has been from the very first hour of his arrival in this province in attending personally—without sparing troubles or inconveniences for himself—to the defense and improvement of this province, so much harassed by the said nation and others inhabiting El Chaco. But the firm decision he had formed to free this province from so many losses and inconveniences as had been inflicted upon it by the heathen, did not prove to be sufficient to secure our lives and property against the fierceness of the savages, although some other good things had been obtained, either by improving the river or by stimulating industry, or reorganizing the war branch of the government whose funds he found exhausted. This action, although deemed to be required and indispensable at that time, may hereafter prove to be not only too expensive but unpromising of durability. The only thing which certainly will be lasting and permanent, and will secure the preservation of peace, is the settlement or foundation above mentioned. His Lordship does not fail to see the difficulties which the work has to encounter. But it is a great work, for it tends to gain souls for God, and new subjects for the King. The main difficulty arises out of the fact which his Lordship looks at with grief, that neither the wealth of the noble people here, nor the re-

sources of this province are abundant. But in spite of this, former experience makes him to believe and expect that every body will co-operate efficiently to the establishment of the said town. That he remembers well, and with great gratitude, the efforts which this provincial body has generously made on some other occasions, not so pressing as this, and certainly of less advantage, and has brought them to the knowledge of the King. That now His Lordship is thoroughly decided to report again to His Majesty whatever encouragement and assistance is given by this province for the establishment of the new "*reduccion*," in order that His Majesty becoming acquainted with the merits of the residents who would signalize themselves by their liberality, may give them the proper reward.

He finally said that nothing would be farther from his mind, and would cause him more grief than the taxing the people without kindness and mercy, because the blessings of Heaven ought to be asked for a work of this kind, and nothing could bring more obstacles to its accomplishment than acts of violence, and just complaints on the part of the public against all kind of coercion. Therefore, His Lordship expected, from the noble liberality of these inhabitants, that they would contribute, as good vassals, the cattle, lands, and all other things necessary or required for such an useful undertaking, in proportion to the possibilities of each one of them; and from the City Corporation, that it would watch and take care that not even the shade of violence be felt in this province, since hard measures are always productive of bad results, and because such good vassals, so much loving their King, and so inspired by the public good, as these inhabitants, need no other stimulant than the complacency with which His Lordship acknowledges their readiness to sacrifice themselves in the service of the King. Besides this, His Lordship does not think to flatter himself too much by thinking that the affection and good will that everybody in the province feels for him personally, will have an expression in causing the inhabitants to contribute whatever be necessary for the fulfillment of his wishes.

Such is the good opinion he entertains of this much beloved province, and such the hopes he founds upon the nobleness of

heart of all these subjects, from whom he expects still more than he says; much the more so as he has no other interest than to acknowledge the many obligations under which the King has placed him, and wishes only to serve both Majesties, and to promote the interests and welfare of this beloved province. He further said, that he had also requested the Most Rev. and Illustrious Bishop, Don Manuel Antonio de la Torre, to be present at this meeting to preside over it, and to set forth his opinion about the matter to be decided here; but His Grace could not comply with this request, owing to his being indisposed, and he wrote a letter to the Governor and Captain-General, expressing his views on the subject, and showing the advantages to be derived therefrom in the service of both Majesties, which letter was read and ordered to be appended and made a part of these minutes.

The members of the City Council and all others present, both military and civilians, after attentively listening to these remarks, answered unanimously that the foundation of the proposed town was greatly advantageous to the service of both Majesties, and the good of this province, and that they all would freely contribute the sums which the limits of their possibilities may permit them. They also resolved that the proper persons would be appointed, both in the city and in the rural districts, to go kindly to the inhabitants thereof, and ask of them the contributions and donations herein spoken of.

With this the meeting adjourned.

In testimony whereof, the undersigned have subscribed their names hereto, as I certify.

JOSE MARTINEZ FONTES,
 JOSE ANTONIO CARRILLO,
 PEDRO MONGE,
 JUAN BAUTISTA DE GOIRI,
 JOSE CAÑETE,
 FRANCISCO DE ASCONA,
 RAFAEL TULLO,
 FULGENCIO DE YEGROS,
 JUAN JOSE GAMARRA,

PRUDENCIO CONTRERAS,
 LORENZO RECALDE,
 JOSE DE ROA,
 JUAN JOSE DE LOS RIOS,
 FRANCISCO DE MEDINA,
 JOSE BORBON,
 FRANCISCO ESPINOLA,
 MANUEL DE ORDAS Y ROBLES,
 JUAN ESTEBAN BOGADO,
 ANTONIO DE VERA ARAGON,
 SEBASTIAN DE LEON Y ZARATE,
 JOSE DEL CAZAL,
 JOSE LUIS BARREIRO,
 JOSE FORTUNATO RUIZ DE ARELLANO.
 JUAN MIGUEL DE SUGASTI,
 FRANCISCO DE AGÜERO,
 DOMINGO DE FLECHA.

Before me,

LUCAS DIAZ CANTOS,

*Notary Public, and Clerk of the Govern-
ment and the City Council.*

Note.—The letter of the Bishop, which in the original was appended hereto, merely expresses the Bishop's approval of the scheme for a new town to which the preceding refers. For this reason we have omitted to copy and translate said letter.

EXHIBIT C.

No. 10.

PROCEEDINGS OF A MEETING.

Meeting for the improvement of the same "*reduccion*."

In the City of La Asuncion of Paraguay, on the 11th day of August, 1766, a public meeting of the City Corporation having been called by the Governor and Captain-General of this province, to take some action in regard to the proposition made in one letter of political character, and before it verbally by Rev. Father Geronimo Rejon, instructor and pastor in charge of the Abipones "*reduccion*" to transfer the town of the same *reduccion* to some other place, deemed by him more convenient, at about one league from where it is at present, for the reasons stated at length in the said letter, and also upon the petition of the same Rev. Father, to be given the proper funds to make that transfer and to support the families, on a certain permanent way, the members of the illustrious corporation, and the principal and most prominent men in town came together, under the Presidency of the Governor, and Captain-General, and commenced by ordering the aforesaid letter to be read: Then the Governor, taking into consideration, as he said, how beneficial would be to the service of God our Lord, any improvements made in the said "*reduccion*," moved a liberal donation of cattle and other things necessary to be made in favor of it, since this was the way in which the permanent support thereof by itself could be reached. Thereupon the attendants tendered their offerings, as stated in the list made to the effect. And as many other residents had not attended the meeting, His Lordship decided to give authority to all justices and authorities within the territorial jurisdiction of this City, to collect donations through all the territory.

Then the public meeting adjourned, the Governor having before tendered his thanks to the citizens present for the dona-

tions they made. The letter of the Father instructor was ordered to be copied at the foot of this instrument.

In testimony whereof, the attendants subscribed their names hereto, as I certify.

FULGENCIO DE YEGROS,
 JOSE ANTONIO CARRILLO,
 PABLO CABANAS,
 JOSE ANTONIO ACOSTA FREIRE,
 TOMAS DAVALOS Y PERALTA,
 JOSE DEL CAZAL,
 ANTONIO CABALLERO DE ANASCO,
 DOMINGO ANTONIO BERMUDEZ,
 JUAN JOSE GAMARRA,
 BERNARDO DE HAEDO,
 VINCENTE ANSELMO DE FLEITAS,
 MARCOS SALINAS,
 MARTIN DE ASUAGA,
 JOSE FERREIRA SUAREZ,
 BLAS BAREIRO,
 PEDRO JOSE DE VERA,
 JOSE IGNACIO MORENO,
 OLEGARIO MORA.

Before me,

LUCAS DIAZ CANTERO,

*Notary Public and Clerk for the Governor
 and the City Council.*

Note.—The letter of the Father instructor above cited, copied at the foot of the preceding instrument, only contains the arguments made by him in favor of the removal of the town to another place, and the asking for contributions for its support and increase, is the reason why we have omitted to copy and translate said letter.

EXHIBIT C.

No. 11.

In the city of La Asuncion, of Paraguay, on the 10th day of January, 1767, at a public meeting of the City Council, attended by other citizens of this town, and of the rural districts, called by order of Don Carlos Morfi, a Lieutenant-Colonel in the Army of His Majesty (whom God may preserve), and the Governor and Captain-General of this province, the aforesaid Governor addressed the attendants, and set forth that in order to maintain and improve the "*reduccion*" of the Abipone Indians, a contribution of cattle of every kind was to be made by this province, and, consequently, he made the request that each one of the attendants would give something, according to their means. Whereupon the attendants made the offerings which appear from the list which was drawn up to that effect; and after this the public meeting adjourned. In witness whereof the attendants subscribed their names hereto, as I certify.

Meeting to same effect.

CARLOS MORFI,
 ANTONIO CABALLERO DE AÑASCO,
 BERNARDO DE OTAZÚ,
 LUIS XAVIER DE CORTAZAR,
 JOSE CAÑETE,
 JOSE ANTONIO CARRILLO,
 JOSE ANTONIO ACOSTA,
 SEBASTIAN DE LEON SARATE,
 CRISTOBAL DOMINGUEZ OBELAR,
 FRANCISCO XAVIER BENITEZ,
 JOSE DE LA PENNA,
 JULIAN LEGAL,
 JUAN MIGUEL SUGASTI,
 MARCOS SALINAS,
 PEDRO MIGUEL BURDE,

VICENTE MARTINES VIANA,
BERNARDO DE HAEDO,
DOMINGO ANTONIO BERMUDEZ,
JOSE FERREIRA SUARES,
EESTBAN TUSAURRALDE,
JUAN JOSE ROLON,
RAFAEL SERVIN,
JUAN FELIX FERNANDEZ,
LEON GIMENEZ,

Before me,

LÚCAS DIAZ CANTEROS,

*Notary Public and the Clerk for the Governor
and the City Council.*

EXHIBIT C.

No. 12.

In the city of La Asuncion, of Paraguay, on the 1st of June, 1776, at a meeting of the City Council, held in the City Hall, under the presidency of Col. Don Agustin Fernando de Pineda, Captain-General of this Province, and attended moreover by the heads of several offices of the Government, both military and civil, and other distinguished persons, it was said: That the Indians, Don Etazurin Nasac, Cacique and General of several heathen nations who inhabit the Great Chaco and Peleysogur, who is also a Cacique of the same people, have arrived in this city, where they have come by order of the Governor-General, and of this City Council transmitted to the military Governor of the City of Santa Fe, for the purpose to make final arrangements for the "*reduccion*" they want to be granted, as particularly shown in the resolutions adopted on the 26th of March, instant. And then, as those two Caciques were present at the meeting, it was resolved unanimously to interrogate them whether they are willing to settle *in the place* (Los Remolinos) *where the whirlpools are, within the territorial jurisdiction of this province*, and to embrace the holy faith of Jesus Christ, observe the commandments of his divine religion, and keep themselves in peace with this province and its inhabitants, and with all Christians living in these countries or navigating on the river at whose banks they must settle. These questions were then asked of them, both in Spanish and in the Guarani languages; but they failed to understand either of the said languages. Then Don Fulgencio Chaparro, and Don Sebastian Sitalin, were appointed interpreters, the former because he had been held in captivity by that tribe, had been raised among them, and had learned their language; and the latter, who is the Cacique of the Town of San Javier, within the territorial jurisdiction of the City of Santa Fe, because he was acquainted also with the same language. Both interpreters being present

Proceedings of the meeting in which arrangements were made with Caciques Etazurin, and others, of El Chaco, to establish there a new "*reduccion*."

showed their readiness to act as such, and before me, the undersigned notary, promised, upon oath, made by them in due form of law, to discharge faithfully the duties of their position ; whereupon they addressed the two Caciques above named, and propounded to them the questions hereinbefore stated. The two Indians answered, through the said interpreters, that they would accept all that was proposed to them ; that their true desire was to profess the faith of Jesus Christ ; and that they would act honestly with all Christians passing through their territory or navigating on the river. In view of this expression of their feelings, which the Indians said to be their own feelings, and the feelings of the people whom they represented, it was resolved, without any dissenting vote, to go on and adjust the terms and conditions upon which peace is to be established and secured ; it being understood that the stipulations to be agreed to at present are to be faithfully enforced, both in the "*reduccion*" itself, and in the whole province, since they must provide for everything necessary to perpetuate the new settlement, and keep peace and good order within its limits, if the Indians really act as they promise. First of all, the province promises the principal Cacique of those Indians, to give him now, as a token of the esteem in which he himself and his people are held by the province, the following presents, which will be paid out of the war funds of the Government. to wit: A coat, garnished with galloon ; a pair of pants, fixed in the same way ; and a hat of the same kind ; one shirt and drawers of white linen ; a cloak, or wrapper, and a silver-headed cane, as becomes to his person. The other Cacique, his companion, and the chiefs accompanying him, shall be given also some adequate presents. And in order to show the friendly disposition of this province, Lieutenant Don Bernardo Aris, *who is the citizen who, at his own cost, brought here those chiefs, will go back with them, and keep them company, until reaching their encampments, where he will deliver to the other Caciques who remained there, the presents sent to them ;* after which he will return here with all of them. That in the meantime that this indispensable operation is made, since the Indians have to come with their squaws and their chil-

dren, and property, the province will cause the proper quarters, and also a chapel to be provided for them, upon this bank of the river, at the place which may be deemed best, and more suitable for agricultural labors. When the population upon this side of the river be excessive, or out of proportion with the extent of territory granted the *reduction*, then a settlement will be made on the other side. In order to better succeed in all of this, the province promises the Indians to appoint persons of discretion, learning and good behavior, to make a tour of inspection all over the territory, and select the best place for the Indians to reside in, and there the town will be built. The election of these persons took place, and resulted in favor of the 2d Alcalde, the Solicitor General of the City Council, the Serjeant Major of the town, and Don Anselmo de Fleitas, Commissioner of Cavalry, whose distinguished circumstances are well known to all, and to whom the proper instructions will be given by the Captain-General. Furthermore, the province promises the Indians to furnish the "*reduccion*" with the stock of cattle of all kinds required for the support of the inhabitants; but the number of head cannot be fixed until the result of the donations, immediately to be asked for, to the same effect, is not ascertained. The Government of this *reduction* will be administered by a Boss (*capataz*), who will be a Spaniard, appointed by the province; and he, following the directions of the priest, who will be assigned to duty in the same "*reduccion*," will be particular not to incur more expenses than those strictly necessary, since the circumstances of the province are difficult enough, owing to the repeated cattle robberies by the El Chaco Indians, to which it has been subjected. As to the cultivation of their lands, assigned to them, the province will contribute oxen, tools, and seeds, as soon as the Indians will commence to work. No one of the promises herein made shall be left unfulfilled in any thing; and on the contrary, the favors which they imply shall be increased as the facilities of the province may permit, according to the practical results of all these measures. The interpreters transmitted to the Caciques the seven capitulations hereinbefore set forth, one after another, and they agreed to them, showing in their faces the pleasure they felt, and giving

thanks through the same interpreters to the President and members of the Council, and to all the attendants.

At this point it was resolved, further, to show the Indians, through the interpreters, the necessity in which they were to be informed of the obligations under which they placed themselves, and the duties they contracted, in due correspondence of the peace and amity offered to them by the province, and of the contributions for their support, and all other expenses above stated, so that the said peace may become perpetual and never to be broken. So the interpreters did, and the Indians replied, through them, that they would listen with pleasure to every thing told them, and would answer accordingly. *First* of all, they were told that they had to admit a priest, to act as curate, or pastor, and learn from him the tenets of our holy religion; and that they ought to respect and reverence him as a minister of the Most High. *Second*, That the infant children brought by them must be baptized, when deemed advisable by said priest; that the same thing will be done with all the children born within the "*reduccion*;" and that the Indians will offer no objection or obstacle of any kind, either to this christening of their children or to the teaching of the Christian doctrine by the aforesaid priest, to all those in position to learn it. *Third*, That one of the children of each Cacique, as soon as he reaches the age of six years, shall be delivered to the Governor, to be placed by him in charge of the family deemed best by him, to be educated and baptized, at the proper time. This family will attend to the decent dressing of the child, and to all other things becoming to his rank. *Fourth*, That the Indian warriors of their command will not be allowed to emigrate to this province, or its neighborhood, either by land or by the river, or even to enter the settlements on the coast down here, unless they have a special permission of the Captain General, to be granted by him according to his discretion, and when solicited through the priest; and then said warriors will be accompanied by Spanish soldiers, in order to prevent the Paraguayans, who keep themselves under allegiance to the Saniards, to cause them any injury, or *vice versa*. *Fifth*, That they must not depend exclusively for their support upon the cattle now given to their settlement; but will take care of said cattle, cultivate the lands, and

raise, for their own benefit, as abundant crops as practicable. *Sixth*, That they must defend the coasts, and be vigilant over the fords and crossings upon the river, to see whether any hostile tribes are coming this way, or have already crossed the boundary; and any thing of that kind, discovered by them, shall be reported immediately to the officer commanding the fort to be erected near the whirlpools. The foregoing terms and conditions were transmitted, and explained by the interpreters to the Caciques, and they fully agreed to all of them, promising to comply with them in all respects. In view of this, the meeting resolved further to report in full to His Majesty what has been done, and that the report be shaped as resolved at the meeting of the 26th of March, relative to the gratuitous donations of cattle made by these inhabitants to carry the settlement into effect and to support the Indians to be collected therein. The interpreters deposed to have truly and faithfully discharged their duties of such, as promised by them under oath, which they repeat and ratify at the present moment.

In witness whereof, the attendants have hereto subscribed their names.

AGUSTIN FERNANDO DE PINEDO,
 DIEGO DE OCAMPOS,
 PEDRO PEREYRA,
 BERNARDINO ROBLEDO,
 FRANCISCO JAVIER BENITEZ,
 JOSE CAÑETE,
 BERNARDO DE HAEDO,
 FERMIN DE ARREDONDO,
 FERNANDO LARIOS GARBAN,
 FULGENCIO CHAPARRO,
 SALVADOR CABAÑAS Y AMPUERO,
 BLAS DE SAMANIEGO,
 ESTEBAN DIAZ BARBOSA,
 LUIS JOSE PEREIRA,
 FRANCISCO GENES,
 JOSE ANTONIO YEGROS.

Before me, (Here 29 more signatures.)

PEDRO ALCANTARA RODRIGUEZ,
 Notary Public, and the Clerk for the Governor and Council.

EXHIBIT C.

No. 13.

Proceedings of
a meeting to
make arrange-
ments with the
Mbocobi Indians
for a "reduc-
tion" at El Chaco.

In the city of La Asuncion of Paraguay, on the 6th day of March, 1778, at a special meeting of this City Council, called by the first Alcalde, presided over by the Governor and Captain-General (the Solicitor-General of the city being in attendance), and held in the City Hall, as usual, to confer about matters of public interest, and promote the best service of both Majesties, and the good of this Republic. His Lordship, the Governor, addressed the present, and said: "That when he was coming here, and stopped at the Remolinos town (1), he met there some Caciques of the Mbocovi nation, who had been waiting for him three days, for the purpose to confer, as they did, with His Lordship, and make peace with this province, and who said, *that if a town is built for them on the other side of this river (at El Chaco), they would bring there their families, amounting in all to three hundred people, more or less, besides inducing others afterwards to do the same thing.*" The Caciques, added the Governor, "had designated the spot where they wanted to settle ; but the assistance of the province, in the way of supplies cattle and other necessaries, was deemed to be indispensable for rendering this settlement permanent and successful, and securing the faithful friendship of its inhabitants." The Governor said further, that he had kindly listened to the said proposals, and promised the Caciques to do as they wanted as soon as he would take possession of his office, and would become acquainted with the resources of the province, and that in the meanwhile they would be permitted to go as far as the Remolinos town, where they would be informed at the proper time of the decision reached by the council, or be called here to be heard to decide what would be best for the service of both Majesties, and the welfare of this Republic. That in consequence of all of

(1) The town of the whirlpools.

this, two of the Caciques, above referred to, have arrived in this city, and are anxious to know what disposition is made of their case; and that, therefore, the present meeting has been called in order to hear a free expression of the views of the people, since the only thing wanted by him was to act rightly. The members of the City Council and those present stated that they are ready to grant the said tribes of Mbocovis Indians the "*reducciones*" they wanted on the same terms of the grant of 1776, notwithstanding the extreme poverty and scarcity of cattle to which this province has been reduced owing to the great number of head they gave away for the support of the same Indians and to the consumption by the Spaniards of the little amount that was left. All of this appears from the record of the proceedings of this corporation at the time above cited: and if the settlement then was not a success, its failure was due only to disagreements among the Indians themselves, and to the death of their Cacique, Don Atazurin. They said further, that if the Indians were willing to comply with the stipulations and agreements made with them on the first of June, 1776, at a meeting of this council, there is no objection for the said Indians to have what they want at present; but that it is indispensable for His Lordship to report to His Majesty, and in the meantime to the Viceroy of Buenos Ayres, setting forth the deplorable condition of this province and the repeated donations it has been asked for, and made, for which reason it is to be taken as certain that the settlement will be a failure, if the four thousand dollars and other subsidies, appropriated by the royal law, are not given to it, as it is done in the City of Buenos Ayres, where a certain branch of the royal revenue is set apart for this purpose of Indian "*reducciones*" and settlements.

The Governor said then that he would do his best to act as stated by the council, because in doing so he would serve God and the King. Thereupon he caused the above mentioned agreements and stipulations made at the meeting of June 1st, 1776, to be read to the Caciques; and they, through an Indian of their tribe, named Antonio, who was conversant with the Spanish language, ratified and affirmed the said agreements and stipulations, and promised to keep them faithfully and comply

with them. The Governor told them moreover that another covenant to be made with them, or condition to be kept, was that they would never go to the interior of El Chaco and provoke the Indians living there, who are still wild, and consequently their foes, this being required owing to the bad results to be expected from a war, both uncalled for and unnecessary. But if said tribes of wild Indians would come near this settlement now referred to, and insult the settlers, then His Lordship promises them to give them due assistance of men and arms to punish their audacity. He told them further that it was required from them not to go over the adjoining provinces to rob horses or cattle, nor commit any act of hostility against the inhabitants of said provinces, who were Christians, and whose peace ought not to be disturbed ; it being understood that the inhabitants of this province shall not purchase from them any horses or cattle of any kind. Antonio, the interpreter, explained all of this to them in their vernacular language, and they acceded thereto with pleasure, and promised to do faithfully as instructed. In testimony whereof the attendants have hereunto subscribed their names.

PEDRO MELO DE PORTUGAL,
 JOSE TABOADA,
 ANTONIO CABALLERO DE AÑASCO,
 BERNARDINO ROBLEDO,
 FRANCISCO XAVIER BENITEZ,
 JOSE CAÑETE,
 BERNARDO DE HAEDO,
 FERMIN DE ARREDONDO,
 FRANCISCO XAVIER AREVALO.

Before me,

PEDRO ALCANTARA RODRIGUEZ,
*Notary Public and the Clerk for the Governor
 and Council.*

EXHIBIT C.

No. 14.

NOTE.—It appears from the extensive minutes, recording the proceedings at a meeting of the City Council, held on the 25th of May, 1778 (page 83 of the Journal of the City Council), that on the date above said a resolution was passed requesting the Governor Don Pedro Melo de Portugal personally to go to the locality pointed out by the Indians, and to establish there the “*reduccion*” asked for by them ; and so it was done on the following day, as promised to the Indians. From that date, therefore the “*reduccion*” named of “*San Francisco Solano of Mbocobi Indians*” was established. This is shown by a letter of the catechist priest, Father Jose Moreno Agüero, who commenced his labors since the foundation of the settlement. This letter was copied at page 156 of said journal, and is the one constituting the following exhibit :

Foundation
of the “*re-*
duccion” named
San Francisco
Solano of Mbocobi
Indians at El
Chaco.

EXHIBIT C.

No. 15.

Letter of
Father Agüero
in charge of the
"reduccion" of
San Francisco
Solano to the
Governor of Par-
aguay.

Sir,—Yesterday, the first of this month, the Cacique Elencoide came here from the other side of the Bermejo river, as envoy of Amelcoïn, who will come also, with great many people, in the course of six or eight days. I cannot say exactly the number of families he will bring; but he says that his whole tribe will be here. The same thing has been told me by those already arrived; and if it be so, we shall have here five hundred or six hundred souls. I report this to you, and accompany the request to give us some assistance, in the way of donations of cattle, because we have but fifteen head of cattle lately sent here from there, and thirty of the ones raised here. The latter is also destined for the consumption of the Toba Indians. So far their Cacique has spared much; but they come in bands day after day, and many go back discontented, although others show themselves satisfied.

Send also some corn and salt, if you have any.

I inform you further that the Lenguas Indians have sent me word through the Tobas, showing the desire to see me, and sell a female captive they have, and also negotiate peace with you and with this province. Without the commanding officer or myself having taken any action upon this, other Indians of the same tribe who were here went away to bring here three of them. You will oblige us by saying what course must we take when they come. The captain will give to you two hatchets belonging to Cacique Amelcoïn, which he wishes to have mended; and we are in great need of others for ourselves, and also of tobacco,

No other thing to be put in your knowledge happens at present.

May God preserve you many years.

Reservation of San Francisco Solano, July 2d, 1779.

Your most humble Chaplain,

FR. JOSE MARIANO AGUERO.

To the Governor and Captain-General of the province, Don Pedro Melo de Portugal.

EXHIBIT C.

No. 16.

The Tobas Indians, who always were bitter enemies of this province, and caused considerable trouble in the Villetta and Cumbarity districts by committing innumerable murders and robberies, have now asked for peace, and want to be kept in a "*reduccion*." Notwithstanding that we have no funds where with to build a town, nor cattle enough to support those Indians, who certainly cannot be kept in peace with this province if not provided with food, I have acceded to their desires, confiding that the inhabitants of the abovenamed districts will contribute the amount of cattle and other things necessary for the said "*reduccion*," in which they have such a prominent interest, for themselves personally, and for their own families and property, until His Majesty, whom I will report all about it, be pleased, in his Royal mercy, to appropriate the funds required for the support, both of the reservation herein referred to, and the other, also founded by me, at Remolinos (Whirlpools). Whereupon, I have directed Don Antonio Palacios, a Commissioner of this Government, to call a meeting of the persons whose names appear from the list annexed hereto, and then read to them this dispatch, and ask of them the contributions of cattle necessary for the purpose. The said Commissioner will place himself at the head of the list of subscription, and give the others example by subscribing a liberal sum. And I hope that the liberality of those residents will not fail
—(here a hole in the paper), the just petition addressed to them.

The spiritual good of those Indians will be secured, since they show disposition to become converted to our Holy Law, and it is easy to see how much those residents and their families will gain by securing a peace, which will enable them to cultivate their lands without being subjected to the invasions which have troubled them so much on the part of that hostile Indian nation.

The Commissioner aforesaid will give me an account of all his proceedings.

ASUNCION, February 7, 1782.

PEDRO MELO DE PORTUGAL.

Order of the Governor of Paraguay providing some measures for the support of the new "*reducciones*" at El Chaco.

EXHIBIT C.

No. 17.

Letter of the
Governor of Par-
aguay relative to
the foundation
of a town in the
new "reduccion"
at El Chaco,

The Remolinos boat will leave to-morrow, and carry to your place, to be delivered to Juan Simon Nogueras, and to your disposal, a lot of articles necessary to start the "*reduccion*." These articles are the following: Thirty hatchets, twelve chisels, four spades, six shovels, two adzes, six iron bars, four cutlasses, a bale of hay, a parcel of tobacco, and two large canoes to transport the people and the articles themselves. No salt is sent now because none has been received. We have no iron kettles to cook in, but clay ones can do as well for the moment.

The proper orders have been given for the corn, oxen, and laborers you have asked for. The only thing left to you, then, is to leave as soon as possible and commence to work, providing for everything required, and acting in such a way as to show your earnestness in having the new town settled at once. To that effect I give you full power to act, and I have directed the military officers commanding there to assist you in everything you may ask of them by virtue of this letter, which shall be taken as a special order.

May God preserve you many years.

ASUNCION, February 9th, 1782.

PEDRO MELO DE PORTUGAL.

To D. MAURICIO PALACIOS.

EXHIBIT C.

No. 18.

SIR,—I received of the Rev. Father Tomas de Aquino fifty head of cattle for the support of the Toba Indians and the free mulattoes; and in order not to go with the cattle through the “*reduccion*,” and not to give rise to any trouble, I suggested to the priest in charge of the town of Guarambaré to keep that cattle on the farm adjoining said town, and he replied to me, placing at my disposal the said farm, which is under the command of a captain having soldiers to custody the animals. I pray you therefore to give the proper orders to the overseer of that farm to receive the cattle. Until otherwise directed, the cattle will be kept there.

Letter to the Governor of Paraguay on the subject of certain cattle sent to the new settlement.

I remain waiting for new orders of your lordship.

May God preserve your important life for many years.

GUARUPITAN, August 6th, 1782,

MAURICIO PALACIOS.

To DON PEDRO MELO DE PORTUGAL,

Governor and Captain General.

EXHIBIT C.

No. 19.

Letter of Don José Pastor Torres to the Governor of Paraguay on the subject of certain works made in the new "reduccion" at El Chaco.

SIR,—The works already done at this *reduccion* seem to me to be sufficient for the support of as many Tobas Indians as may come from El Chaco, and for this reason I think it to be my duty to report to you what is the condition of those works. Forty-six *lances* (¹), five yards long by four in height, together with their appurtenances, have been completed. The eastern and the western sidewalks, the walls on that side, and the sidewalk of the northern side, where no wall has been deemed to be necessary, since it appears that it will remain unoccupied, are also finished. The church has been built on the southern portion, and it is a frame building ten yards long and five yards high. An extension has been built, to be used as a sacristy. Two doors of the church are still unfinished. In the rear of the building two *lances* have set apart, together with a shed, for the use of the curate. Two lateral doors of the pastoral residence are also unfinished. There is a house to be used by the guard, with extension and a shed, or porch around it. The four corners are fastened with strong beams, and the church, guard-house, and pastoral residence have been built with good material. There is a piece of land two *cuerdas* (²) square already plowed and ready to be sowed, and also a small lot on the other side which has been cultivated. Thinking all of this to be enough, I address you in order to know—would you be pleased to tell it to me—what else must I do, or what disposition have I to make of the things I have here, and when can I go away from here. As soon as your reply is received I shall leave.

I do not find any other thing worthy to be reported to you. These people are so miserable as to confine the whole of their hopes to the price of bread they eat. For the obtaining of it

(¹) *Lance* is a superficial measure used in Paraguay.

(²) *Cuerda* is a measure of longitude.

they bother me a great deal; but I do as I can with my little corn, and keep them pleased. For this reason I trouble now Don Mariano Palacios, and ask him for some quantity of this grain, since I know that many of these Indians are coming from the interior and will be here to-morrow. Then I shall speak to them, but only about the curate selected for them; but I am afraid that the one of whom Don Mariano Palacios spoke with me will not be the right man for these people, who, according to my experience need a person of extraordinary patience and a very soft manner although decided in character. In this way I am getting along with them well enough, and while they do everything I command them to do, they appear to be much pleased.

This is all that I have to say for the moment.

I pray God to preserve you many years.

NEW RESERVATION, June 12th, 1782.

Your humble subject and servant,

JOSE PASTOR TORRES.

To the Governor and Captain General,

DON PEDRO MELO DE PORTUGAL.

NOTE.—In the Journal of the City Council of this city (La Asuncion of Paraguay), and the volume commencing on the 22d of January, 1787, and ending in 1789, the proceedings of two meetings, among others are recorded, in which some resolutions were passed for the establishment of a new town at El Chaco, as suggested by Governor Don Pedro Melo de Portugal. The record of the said proceedings being too extensive, we shall copy only the principal passages having a bearing upon the question now examined. These passages are the following:

EXHIBIT C.

No. 20.

Proceedings
of a meeting to
establish a new
"reduccion" at
El Chaco.

In the City of Le Asuncion, of Paraguay, on the 6th day of March, 1787, at a meeting of the City Council, held at the City Hall, and called to order by the Governor and Captain-General, the Solicitor-General being present, the said Governor and Captain-General said: that three of the principal Caciques of the Lengna, Machicui, and Enimaga Indians, accompanied by some other chiefs of their tribes, had come to this city and *asked to be allowed to settle in a "reduccion" on the other side of this river, since they are willing to be taught the mysteries of our holy catholic faith and be converted to it, as well as to keep peace and good friendship with this provyince. That in case that the Council would be willing to grant this petition, the "reduccion" may be established on the other side of this river and at the upper part thereof north of the Confuso river, upon the ground which lies between this and the Paraguay river. That for the defence of the said "reduccion," a town can be built there, to be inhabited by Spaniards, and also a fort, or presidio, which will protect it. The fitness of the place selected is apparent from the good quality of the lands, capable to be cultivated according to the circumstances of the country, and the pious spirit of the laws of our Sovereign enacted upon this subject. He (the Governor) has had occasion to see those lands, by himself, when visiting the country in company with Captain Don Juan Valeriano de Cevallos, who was Solicitor-General of this Council, Don Toribio Viana, who is a Councilman, and other intelligent persons residing here. That the Council must say what is their will, &c., &c.*

(Here is a report of the discussion, from which it appears that all those present agreed as to the granting the "reduccion" and the building of the town, but hesitated as to the providing funds for their support, and then on page 23 continues as follows:) And the Solicitor-General, in view of the vote taken,

said that he, in compliance with his duty, would set forth at a subsequent meeting what he thought to be the best for the benefit of the Republic, in whose name he was acting.

In witness whereof, they all subscribed their names hereto.

PEDRO MELO DE PORTUGAL.
 JUAN DE CEVALLOS.
 PEDRO NOLASCO DOMEQUE.
 MIGUEL RUBIO Y DIAZ.
 VICENTE LAGLE Y REY.
 FERMIN ARREDONDO Y LOBATON.
 TORIBIO VIANA.
 JOSÉ BENETAZ Y ROBLES.
 FRANCISCO DE ISASI.
 MELCHOR MARIN.
 JOSÉ GONZALEZ RIOS.

Before me,

MANUEL BENITEZ,
 Notary Public
 and the Clerk for the Governor and the City Council.

EXHIBIT C.

No. 21.

Action of the
Governor of Par-
aguay in conse-
quence of the
action of the
meeting above.

NOTE.—Subsequent to the meeting posterior to the one referred to in the above document, in which the Solicitor-General delivered his opinion favorable to the new settlement, as appears from pages 24 to 27, a record was made, setting forth that the clerk of the City Council went to the office of the Governor and reported to him the result of the deliberations of that body, and saying the following (page 28):

“And notwithstanding that the arbitrators appointed by either parties were not mentioned as it was due, at the head of the report, they paying more attention to the substance than to the form, gave their opinion as they deemed to be best. As they all agreed unanimously as to the usefulness and desirability of the new “*reduccion*,” and also as to its location, the only question now open, that is, that of the means, which for the moment are to be provided, and are indispensable, may be decided in the way suggested by the Solicitor-General, which is in keeping with the other facts of the case; consequently, he (the Governor) is ready to approve that an invitation be extended to all persons residing within the limits of this city, to contribute voluntarily what they may be willing for the aforesaid purpose; and he also accepts the gratuitous offering made by the City Council to give example, and returns his thanks to the same body for the interest it shows in favor of the public welfare, the propagation of our holy Catholic faith, and the State.

In witness whereof, he subscribed his name hereto.

ASUNCION, March 12th, 1787.

PEDRO MELO DE PORTUGAL.

Before me,

MANUEL BENITEZ,

Notary Public,

and the Clerk for the Governor and the City Council.

NOTE.—When the contributions above alluded to were collected, the pastor of La Emboscada, a secular priest named Don Amancio Gonzalez Escobar, who had a fortune large enough, took charge of this great enterprise, for the success of which he counted upon the advantage that he was very well known at El Chaco, and could rely upon the sympathies and friendship of many of the heathen Indians living there. Said priest began by settling soon a large town at El Chaco, at about six leagues north La Asuncion, to which he gave the name of *Melodia reduccion* (Reduccion de Melodia), where at present stands the first western town (*Villa Occidental*) founded by the Government of Lopez (the father), now unlawfully held and occupied by Argentine forces. Father Gonzalez attracted to that settlement a great number of Indians of different tribes, whom he catechized; and he took so many pains in converting these heathen, that at the end of six years he succeeded in obtaining the conversion of a great number of them, who received the baptism. In this Christian work Father Gonzalez sacrificed the whole of his large fortune, up to the last dollar. He died poor, after having supported, by himself, and out of his own money, for the space of thirty years, the “*reduccion*” herein spoken of. He did not receive any assistance at all from outside, except the first contributions of the residents of La Asuncion, for the foundation of the town; and the censuses and other papers I have examined show that after the death of this priest, and not before, the Indians, yielding to their changeable disposition, left the settlement, and went away to the interior of El Chaco.

Action of
Father Gonzalez
Escobar and
foundation of
the Melodia “*re-*
duccion.”

EXHIBIT C.

No. 22.

Letter of the
Governor of
Buenos Ayres to
the Governor of
Paraguay on the
"reduccion" of
Father Escobar,
at El Chaco.

Don Francisco Amancio Gonzalez Escobar, a Catholic priest, Pastor of La Emboscada, who says to have made a settlement and kept it for about two years, at El Chaco, six leagues of this city, and up the river, for the purpose of securing peace with three nations of wild Indians roving upon the Pilcomayo river, the Guaná territory and the Chiriguanos country, and converting them to our faith and subjection, has sent to me a communication, dated on the 3d of June, ultimo, which I enclose; and I request you, in view thereof, to give me your views as particularly as possible, about the matter of said letter, which you will return to me.

May God preserve you many years.

Buenos Ayres, July 13th, 1778.

MARQUIS OF LORETO.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 23.

I have been informed of the arrival of your Lordship at the City of La Asuncion, of Paraguay, to succeed in the government of the province to Don Lázaro de Rivera; but as the distance at which this place in which I am engaged in the service of the King, my lord and master, is from the said city, prevents me from going personally to present my respects to your Lordship, as it was my duty, I have to do so in writing, and will express to your Lordship in a letter my hope that your Lordship has had a good voyage and arrived in good health, requesting, also Divine Providence to assist your Lordship in everything in the discharge of the duties of this Government.

Letter of the
Commanding
Officer of Bor-
bon, El Chaco,
to the Governor
of Paraguay.

Now I am in command of this town and have been here since 1797; and from here I have the honor to tender to your Lordship the expression of the greatest obedience on my part, and the offer to do to the full extent of my power everything your lordship may command me.

May God preserve your Lordship many years.

Borbon, June 11th, 1806.

PEDRO ANTONIO MIER.

To DON BERNARDO DE VELASCO,
Governor and Intendant of Paraguay.

EXHIBIT C.

No. 24.

Letter of the
same to the
same.

On the 16th instant the schooner of Don Miguel Iturbino arrived here, bringing troops to garrison this place and to relieve the others now doing the same service. That vessel has brought also eatables and provisions, to be used as rations for said troops.

As to the recommendations you make relative to the zeal and vigilance with which the service must be done, I must tell you that they will be duly complied with and obeyed.

May God preserve you many years.

Borbon, August 20th, 1806.

PEDRO ANTONIO MIER.

To the Governor and Intendant,

DON BERNARDO DE VELASCO.

EXHIBIT C.

No. 25.

MOST EXCELLENT SIR,—In the watchtower of this fort there are two plank platforms out of repair, and I am compelled to report it to you and say that fifty-four yards of lumber board and some five-inch nails are needed to rebuild the same. Letter of the officer commanding Fort Santa Elena to Dictator Francis

Hoping that your benignity will excuse me to intrude upon your valuable time with this small matter, I pray God to preserve you life many years.

Forte Santa Elena, October 22d, 1838.

Most excellent Sir,
HERMENEGILDO QUIÑONES.

His Excellency the Dictator of the Republic.

EXHIBIT C.

No. 27.

Order of Dictator Francia.

Sergeant Benitez will proceed in the schooner as far as "Monteclaro" and will give Sergeant Saracho the bale of hay and the package of clothing. He will instruct him to acknowledge the receipt thereof and send to me a list of the soldiers of his command.

From there he will go to Orange and give Sergeant Enciso the other package ; and will take on board and bring here the private, Marcos Obelar, who is there in prison.

On his way home he will stay at Sante Elena to receive on board and bring here the garrison, which has been relieved.

ASUNCION, May 19th, 1829.

FRANCIA.

EXHIBIT C.

No. 28.

Sargeant Manuel Antonio Melgarejo, with his command of twenty-five men, will go to Monteclaro and relieve the garrison there. Sargeant Saracho, commanding there now, will resign the command into his hands and give him information about the manner of service required for the defense and safety of that post. He will give him possession, also, of the arms, ammunition and all other property, which will be received upon a written inventory.

Order of Dictator Francia.

Sergeant Saracho will bring with him this inventory and also the soldiers under his command, on the return of the vessel.

ASUNCION, June 18th, 1839.

FRANCIA.

EXHIBIT C.

No. 29.

Report of the
officer com-
manding Fort
Orange to Dicta-
tor Francia.

MOST EXCELLENT SIR,—With the submission due I make the report that seven Guaicurri Indians came here, at a distance of six *cuerdas*, more or less, of this fort, and shouted that they wanted to communicate with us. I invited them to come to the front entrance, but they shouted again, saying, “All right, sir; we will come by and by,” and went away.

Three days afterwards two or three Indians came again and did the same thing, in the same place.

I have the honor to repeat it.

May God preserve you many years.

Fort Orange, August 14th, 1857.

Most excellent Sir,
SEBASTIAN BALLEJOS.

To His Excellency the Perpetual
Dictator of the Republic of Paraguay.

EXHIBIT C.

No. 30.

I have delivered to Sergeant Juan Enciso all the armament, ^{Report of the} ammunition, and other articles kept here in this fort under ^{same to the} my care. This I have done in the presence of the commanding ^{same.} officer.

(Here the list of arms, &c.)

Witness our hands,
Fort Orange, June 8th, 1826.

LUIS MANCUELLO,
JUAN ENCISO,
MIGUEL MALDONADO.

EXHIBIT C.

No. 31.

Report of the
officer com-
manding Fort
Formosa, to Dic-
tator Francia.

MOST EXCELLENT SIR,—I report to you very respectfully, that we have here twenty-eight private infantry soldiers who need to be supplied with cloaks and clothing; and that the same is the case with seven lancers. The garrison consists in the aggregate of thirty-five men.

May God preserve you many years.

Fort Formosa, May 31st, 1836.

Most Excellent Sir,

MARIANO ROQUE ALONSO.

His Excellency the Perpetual Dictator of the Republic of Paraguay.

EXHIBIT C.

No. 32.

Sergeant Fermin Ojeda, of the infantry body, will go with the proper number of troops and relieve the garrison of Fort Formosa. There the officer now commanding there, will deliver to him the command of the fort, and all arms, ammunition, papers, and other articles belonging to it. The delivery will be made upon an inventory, to be put down in writing at the foot of this order. The officer now commanding there will give Serjeant Ojeda and the corporals under him all information about the manner of service to be rendered there, and the kind of vigilance to be exercised to protect the fort, and also as to excursions in canoes, when the river is low, &c. * * * * *

Order of Dictator Francia.

Finally, the said officer will come back here on the same boat, and will bring with him the relieved garrison, and the inventory, subscribed to by Sergeant Ojeda.

ASUNCION, April 20th, 1839.

FRANCIA.

Note.—In the course of this argument, mention has been made of the names of the different people who settled and maintained themselves, without any interruption, in the Paraguayan Chaco, since the time of the Spaniards up to the present. Notwithstanding that this is a known fact, I will copy a certain correspondence between the officer commanding the reduccion at Remolinos, named of San Francisco Solano, and the fort thereof, both within El Chaco, and Governor Velasco. This correspondence is the following :

EXHIBIT C.

No. 33.

Letter of the
officer com-
manding Fort
Remolinos, at El
Chaco, to the
Governor of
Paraguay.

In compliance with your order of the 27th ultimo, I have directed Alejandro Baez, a private soldier, to go in a canoe, with three natives, from this reservation, and take there eight firearms which are out of repair, twenty-three bullets which are also of no use, since we have neither paper nor powder to make cartridges, and a hatchet very much dilapidated. All these articles, in good order, are very much needed by the troops here. There is not here a single flint with which to make fire. The arms have only some little pieces of it. So it is, Sir, that if in this port I were compelled to make use of the arms I have, I would find myself entirely defenseless. The two guns we have here might be of some use; but their carriages are in such a bad condition that nothing can be done with the guns. Besides this, one of the guns has some imperfection, and cannot be loaded, or unloaded, without difficulty.

You tell me that the officer who will relieve me will continue the works in this fort until its completion, and that I must keep you informed of the assistance necessary to be given by you for that purpose, in order to furnish it as soon as possible. With the knowledge I have of the facts, since they are before my eyes, I must tell you that two wagons and twenty-four oxen are indispensable to transport the timber, and also six or eight horses, to help the oxen, and six or eight men to escort the laborers, while working in the woods. This detachment consists only of eighteen soldiers, and out of this number, four are in charge of the horses, one is in charge of the quarters, another is the cook, and so only twelve men remain for the defence of the place. Six of them are on duty every other day. We keep two sentries the whole day along, and two during the night. So it is that they keep themselves as busy as you have been reported.

I know, through you, that instructions have been sent to the king's farm to bring from there twenty head of cattle. They have not arrived yet, and I have been forced to buy some cattle to give these people to eat.

May God preserve you many years.

Reduccion de Remolinos, February 1st, 1807.

ANDRES ALARCON Y ZALAZAR.

To the Governor and Intendant

DON BERNARDO DE VELASCO,

EXHIBIT C.

No. 34.

Letter of the
same to the
same.

Inclosed in your communication of the 6th instant, I have received a list of armament, consisting of two hundred bayonets, twenty-four cartridge boxes, thirty cartridges with balls, twenty-four flints, and a hatchet. On the arrival of the boat, the soldier who brought your letter was interrogated, and he said not to have received anything else than thirty cartridges with balls, twelve flints and a hatchet. He says that this is all that was given him by the administrator *pro tem.* of the branch of war.

Under date of to-day I have received eight laborers, both Indian and mulattoes, sent to me by Lieutenant Don Ignacio Samaniego, to be employed in the works of this fort.

But, as you told me in your letter of January 26th instant, that free mulattoes sent here ought to be employed in cutting timber, and working it as required, I thought that they would bring with them the necessary tools, as axes, spades, knives and others. This is the reason why, when I asked for the wagons, I did not mention those tools. But the laborers can do nothing without them, and we have none here. Please send some, if possible, by the canoe which will bring here the artillery soldier, expected to arrive on or about the 20th instant.

The two orders sent by you to the bosses of the two farms of Atir and Guarambar, and of whose terms I became acquainted, were forwarded to them.

The labors here are hard enough, because the woods where these people have to go to work are distant; and an escort is always necessary to protect them, because they are constantly in danger of being attacked by wild Indians.

Two thousand tiles, or more, are needed for the house of the Rev. Father Pastor, and for the church and other buildings. The barracks of the troops are uninhabitable. As the fort has 800 posts more, and is in need of repair, I do not know how to manage with such a small number of laborers.

You will be pleased also to send me some meat to attend to the support of these people, since out of the twenty head of cattle you ordered to be sent to me, on the 27th of January ultimo, I have received only nineteen head, and these did not come until nineteen days afterwards. Among those that came, there were four calves and two bulls, emaciated, and at the point of death. Please send also the ration of hay, salt and tobacco, which the artillery soldier can bring with him. The articles sent for the troops can be placed in a separate bundle..

May God preserve you many years.

Reduccion de Remolinos, February 15th, 1807.

ANDRES ALARCON Y SALAZAR.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 35.

Letter of the
Governor of Pa-
raguay to the of-
ficer command-
ing Fort Remo-
linos.

When I received your letter of the 15th instant, the canoe plying between here and your place had departed; but I caused her to be detained, and by her I sent to you two hatchets, four cutlasses, and six knives. I have no time now for anything else than to inform you of this remittance, in answer to your communication aforesaid.

May God preserve you many years.

ASUNCION, February 20th, 1807.

BERNARDO DE VELASCO.

To the Officer commanding at Remolinos.

EXHIBIT C.

No. 36.

The communication I have just received from you, relative to the navigation of the Bermejo river, to facilitate commercial intercourse between your province and the others in the interior of this Viceroyalty, has been received, and referred for the proper report to the legal adviser of this Government.

Letter of the
Viceroy of Buenos Ayres to the
Governor and
Intendant of Paraguay.

This I tell you for the moment, and until, upon consideration of the opinion of the said officer, I may decide and transmit to you the proper instructions.

May God preserve you many years.

BUENOS AYRES, March 19th, 1794.

NICOLAS DE ARREDONDO.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 37.

Letter of the
same to the
same.

I have been made acquainted by your letter of the 14th of July ultimo, No. 23, with the fact that the expedition sent to Salta reached Monte Grande, at a little distance of Fort del Rio del Valle, after twelve days of march, without having sustained any loss or met any opposition on the part of the Indians.

May God preserve you many years.

BUENOS AYRES, August 18th, 1794.

NICOLAS DE ARREDONDO.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 38.

By your communication of the 23d of August ultimo, and the inclosed copy of the letter addressed to you by the officer commanding at Salta, I am informed that the expedition sent by you to open a passage between that province and your own, reached its destination after twenty-five days of march.

May God preseeeve you many years.

BUENOS AYRES, September 17th, 1794.

NICOLAS DE ARREDONDO.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 39.

Letter of the
same to the
same.

I am in receipt of your communication of the 10th of September ultimo, inclosing a statement of the promotions deemed by you to be just of some members of the expedition sent out to open a direct communication, through El Chaco, between your province and the province of Salta; and as I agree with you, and deem those individuals to be entitled to a recognition of their services in this important enterprise, I have submitted the matter, with the proper recommendation, to the decision of His Majesty. The papers will be forwarded by the next mail, on board the first frigate sailing from Montevideo.

In the mean time that the royal decision is known, I am ready to give the same individuals, if they want it, a token of my appreciation of their services, by promoting them all at once; but, then, I will be compelled to make an exception in regard to the one nominated by you to be made a colonel in the militia, because there is an order of His Majesty forbidding me to confer such a high position by myself, unless in cases of extreme need, and when any delay might prove to be injurious.

May God preserve you many years.

BUEENOS AYRES, October 18th, 1794.

NICOLAS DE ARREDONDO.

To the Governor and Intendant of Paraguay.

EXHIBIT C.

No. 40.

I have received your letter of the 10th of September ultimo, informing me that the expedition sent out by you to open a road to Salta, has returned home, and brought with it many Caciques of the Vilela and Toba Indians, who are willing to negotiate. I am glad to know that the expedition has been a success, and costed nothing either to the Royal Treasury or to your province; and I hope that you will forward, as soon as the pressure of business in which you are at present may permit it, the report you offer to send on the subject of facilitating in the future the said communication.

May God preserve you many years.

BUENOS AYRES, October 17th, 1794.

* NICOLAS DE ARREDONDO.

To the Governor and Intendant of Paraguay.

Letter of the
same to the
same.

EXHIBIT C.

No. 41.

ROYAL DISPATCH.

Royal Dispatch, dated Aug. 22d, 1783, appointing Don Pedro Melo de Portugal, Governor and Intendant of the province of Paraguay, and giving him jurisdiction over all the territory of that episcopal dioceses, and the thirteen towns of the missions therein established.

I, DON CARLOS, by the grace of God, King of Castille, Leon, Aragon, Navarra, Grenada, Toledo, Valence, Galice, Majorca, Seville, Sardinia, Corsica, Murcia, Jaen, the Algarbes, Algeciras, Gibraltar, the Canary Islands, the Indies both eastern and western, the islands and continents upon the ocean, Arch-Duke of Austria, Duke of Burgoigne, Brabant and Milan, Count of Hapsburg, Flanders, Tyrol, and Barcelone, Lord of Viscay, Molina, &c., &c.

Whereas, by a Royal Ordinance of January 28th, 1782, I ordered an Intendancy and province to be established within the Vice-Royalty of Buenos Ayres; and subsequently, by Royal Letters of the 5th instant, I made several enactments for the better understanding of the said ordinance, and caused the Military Government of the territory allotted to each Intendancy to remain, until further orders, consolidated with the Civil Government of the same; now, therefore, I have been pleased to entrust to you, Don Pedro Melo de Portugal, a Colonel in my Royal Army, the intendancy of the City of La Asuncion of Paraguay, which will embrace the whole territory of the Bishopric of the same name; and you will remain in that position until I be pleased to appoint your successor, you being also the Military Governor thereof.

I, therefore, command the Viceroy and Captain-General of the provinces of the La Plata river, and also the Intendant of Buenos Ayres, in his capacity of Chief Intendant General of the whole district of the Viceroyalty, to accept and recognize you as such Intendant and Military Governor of the province and territories entrusted to you; and I also command the other Intendants and Governors of the other provinces within the same Vice-royalty, the Tribunal to audit accounts, the heads and clerks of the

Treasury Department, the Courts of Justice, the Military authorities, the officers of the Government, the Knights of the Royal orders, and all citizens and inhabitants, within the said provinces, to acknowledge and recognize you to be such Governor and Intendant of the province, and pay, and cause others to pay to you, such honor, distinction, and respect which are due to your position; because my Royal will is that this be done faithfully, and also that you be paid your salary according to the provisions of the above cited Royal Ordinance of the 28th of January ultimo, and the Royal Letters of August 5th instant.

This commission to which I have set my Royal hand, and affixed my secret seal, will be countersigned by my Secretary of State, in charge of the affairs of the Indies, and will be recorded here at the office of the General Auditor of the accounts of the Indies, and at Buenos Aires, at the office of the auditor there, and all others having a right to be informed thereof.

Given at San Ildefonso this 2nd day of August, 1783.

[L. s.] I, THE KING.
 JOSÉ DE GALVEZ.

Recorded at the office of the General Auditor for the Indies, Madrid, August 23d, 1783.

DON FRANCISCO MACHADO.

BUENOS AYRES, November 21st, 1783.

Comply with what His Majesty commands in the foregoing commission.

JUAN JOSE DE VERTIS.

BUENOS AYRES, November 22d, 1783.

Comply with what His Majesty commands in the foregoing commission, and record it at the offices of the First Controller in this Viceroyalty, and of the Paymaster of La Asuncion of Paraguay.

FRANCISCO DE PABLO SAENZ.

It was recorded at the office or the First Controller of this Viceroyalty.

Buenos Ayres, November 25th, 1783.

FRANCISCO DE CAPRERA.

NOTE.—In order to show more and more the continual possession in which we have been of the territory of the Paraguayan Chaco, I shall proceed to copy some other documents, relative to the said possession, taken from the collection of public orders of 1841 and '42, vol. 16, part 4th. They read as follows :

EXHIBIT C.

No. 42.

Sergeant Jose Maria Rolon, of the Grenadiers, will go to all the forts at El Chaco, and proclaim what has been enacted by the Sovereign General Extraordinary Congress, as set forth in the documents appended to this order: and when the proclamation is made at each fort, he will make a record of the proceedings and send it here.

Order of the
Supreme Gov-
ernment of Pa-
raguay to make
certain procla-
mations at El
Chaco.

He is furthermore instructed to give each one of the Sergeants, in command of those forts, one of the four authenticated copies, herein inclosed, of the decree of November 29th ultimo, relative to the swearing our national independence on the 25th instant, so that each one of them may cause his troops to take the oath, as prescribed, on the appointed day, and put it down in writing at the foot of the order.

ASUNCION, December 19th, 1842.

The Supreme Government.

LOPEZ,
ALONZO.

EXHIBIT C.

No. 43.

Record of proceedings at Fort Santa Elena, in compliance with the above order.

At this fort, Santa Elena, on the 20th of December, 1842, I, Jose Maria Rolon, a Sergeant of Grenadiers, having come here to fulfill the order given me by the Supreme Government of the Republic, as shown by the preceding document, made a formal notification thereof to Pantaleon Balmaceda, the sergeant in command of this Fort; and then, in his presence, and in the presence of all the individuals forming the garrison of the same, I made, as solemnly as I could, the publication of the Sovereign approval of the message sent by the Supreme Government to the Sovereign General Extraordinary Congress, the declaration of the Independence of the Republic of Paraguay, the law providing for a national flag and for a seal of the same Republic; and the supreme decrees re-establishing the collection of tithes, and granting freedom to all children born of mother slaves after that date.

I state further, that I published also the supreme decree of November 29th ult., appointing the 25th instant for the swearing our national independence; and that I delivered a copy of that decree to Pantaleon Balmaceda, in order that he may put down at the foot of it, as directed, the proper evidence that his troops made and subscribed to the said oath on the appointed day.

In testimony whereof, Sergeant Balmaceda, the corporals and myself have hereunto subscribed our names.

JOSE MARIA ROLON,
PANTALEON BALMACEDA.
JOSE VALENTIN COLMAN,
CANDIDO MESINO.

EXHIBIT C.

No. 44.

At this Fort Monteclaro, on the 20th of December, 1842, I, Proceedings at Fort Monteclaro.
 Jose Maria Rolon, a sergeant of grenadiers, having come here to fulfill the order given me by the Supreme Government of the Republic, as shown by the preceding document, made a formal notification thereof to Jose Francisco Gamarra, the sergeant in command of this Fort ——— (as the above).

JOSE MARIA ROLON,
 JOSE FRANCISCO GAMARRA,
 NICOLAS TRINIDAD,
 ANSELMO CANDIA,
 PABLO SALINAS.

EXHIBIT C.

No. 45.

Proceedings at
Fort Orange.

At this Fort Orange, on the 21st day of December, 1842, I, Jose Maria Rolon, a sergeant of grenadiers, having come here to fulfill the order given me by the Supreme Government of the Republic, as shown by the foregoing document, made a formal notification thereof to Leonardo Martinez, the sergeant in command of this fort— (as the above).

JOSE MARIA ROLON,
LEONARDO MARTINEZ,
PANTALEON LOPEZ,
FRANCISCO SOSA.

EXHIBIT C.

No. 46.

At this Fort Formoso, on the 22d day of December, 1842, I, ^{Proceedings at} Jose Maria Rolon, a sergeant of Grenadiers, having come here _{Fort Formosa.} to fulfill the order given me by the Supreme Government of the Republic, as shown by the foregoing document, made a formal notification thereof to Manuel Machuca, the sergeant in command of this Fort———— (as the above).

JOSE MARIA ROLON,
MANUEL MACHUCA,
SANTIAGO SOSA,
FELIPE ARGUELLO,
SILVERIO QUINONES.

EXHIBIT C.

No. 47.

TREATY OF OCTOBER 12TH, 1811.

Treaty between
Buenos Ayres
and Paraguay,
October 12, 1811.

We, the undersigned, on the one part the President and members of the *Junta* of this city of La Asuncion of Paraguay, and on the other part the representatives of the Most Excellent *Junta* of Buenos Ayres and the deputies from La Plata, having met here with full power to negotiate and promote the union and common welfare of their respective provinces, and consolidate the system of our political regeneration, have taken into consideration the communications addressed on the 20th of July ultimo, by the province of Paraguay to the Most Excellent *Junta* above named, and the beneficent and liberal ideas animating said *Junta*, which has never acted but upon principles of justice, equity, and equal rights, as shown by its letter of August 28th following, and after due deliberation have covenanted and agreed as follows :

First.—This province being in extreme need of assistance, in order to have an efficient force large enough to secure her safety and render her able to resist the enemies, both domestic and foreign, of our system of Government, we have unanimously agreed that the stock of tobacco formerly belonging to the royal treasury, which may be found within her limits, be sold on her account; and that the proceeds of this sale be appropriated to meet the sacred attention aforesaid, or any other of similar character, at the discretion of the *Junta* of this city of La Asuncion, the monopoly of this article being, as it is hereby, abolished, and consequently the commerce and trade thereof being, as it is declared hereby, to be free in the future.

Second.—That the one dollar formerly paid at Buenos Ayres, as *sis*a tax on each bundle of hay exported from the province of Paraguay, be hereafter collected in this city of La Asuncion, and appropriated to the purposes aforesaid. The proper steps shall be taken for the due enforcement of this enactment, it

being understood, however, that the Most Excellent Junta shall have the power, without prejudice of the rights of the province of Paraguay, to levy some moderate duty on the imports from Paraguay into Buenos Ayres whenever necessity may compel to do so.

Third.—Considering that it is just that the *alcabala* tax be paid at the place of the sale out of which it arises, and considering also that no such a tax is collected here in Paraguay on the proceeds of any sales made at Buenos Ayres of articles or goods taken there from this City of La Asuncion, it is hereby agreed that, in a like manner, no *alcabala* tax shall be levied and collected at Buenos Ayres and its dependencies, on account of any transactions made at Paraguay with articles or goods sent here from there, it being understood that, without prejudice of the rights of this province, this matter shall be settled in Congress.

Fourth.—In order to avoid every possible trouble between the residents of either province arising out of the controversy whether the district known by the name of *Pedro Gonzalez* district, situate this side of the Paraná river, belongs to one province or to the other, it is agreed that said district shall continue as it is now until otherwise decided; that consequently the curate of Las Ensenadas of the city of Corrientes shall be instructed not to take any action in regard to the same district or to mingle in its spiritual government, it being understood that the authorities of Buenos Ayres, with the advise and consent of the Bishop, shall take the proper measures to secure the enforcement of this temporary arrangement until Congress, with better knowledge of the facts of the case, may settle the question of limits which, in regard to this frontier, exists between the two provinces. As to the rest, *the limits of this province of Paraguay shall remain the same as are at present*, and her Government shall take, therefore, upon itself the defense of the Department of Candelaria.

Fifth.—In consequence of the independence of this province of Paraguay from the province of Buenos Ayres, as recognized by the official communication of August 28th ultimo, the Most Excellent Junta shall not interfere in any way whatever with

the execution of all the measures taken or to be taken by said province of Paraguay or its representatives assembled in general Junta, which are not at variance with the stipulations of this treaty.

And both contracting parties being desirous to fortify more and more the political bonds which connect and ought to connect the two provinces and maintain them united and allied forever, have bound themselves under the present agreements not only to keep and promote a sincere, perpetual and undisturbed friendship, but also to assist each other and mutually and efficiently co-operate, as permitted by their respective circumstances, and whenever it may be required, to the sacred end of annihilating and destroying all enemies of the cause of our country and of our common liberty.

In witness whereof, and with the most sincere protestations and hopes that these covenants will unite forever in friendly brotherhood, this province of Paraguay and all others of the La Plata river, after having communicated to each other our respective powers, we have executed this instrument in duplicate, and have subscribed our names and caused the names of our Secretaries to be subscribed thereto, each of the contracting parties keeping one copy to be used as properly.

Done at this City of La Asuncion of Paraguay this 12th of October, 1811.

FULGENCIO YEGROS.

DR. JOSE GASPAR DE FRANCIA,

PEDRO JUAN CABALLEROS,

M. DR. VICENTE ANASTASIO DE ECHEVERRIA.

PEDRO FELICIANO DE CAVIA.

EXHIBIT C.

No. 48.

ROYAL LETTERS PATENT OF FEBRUARY 11TH, 1724.

THE KING.

To the Reverend Father in Christ, the Bishop of the Cathedral Church of the City of La Asuncion of Paraguay, one of the members of my council :

Royal letter to the Bishop of Paraguay on the question of limits between his diocese and the diocese of Buenos Ayres.

The Rev. Bishop of Buenos Ayres in a letter dated on the 6th of March ultimo, sets forth that the boundary between the territory of his diocese and yours, on the side of the Missions of the Society of Jesus, is not well defined, and he asks for a rectification of the said lines in order to know at once which of the two prelates has jurisdiction, according to canon law, both over these settlements and the others which day after day are founded there under the auspices of the said society. He says that owing to this uncertainty of limits, it happens often that the two Bishops come and visit the same *reduccion* or settlement; and he finally forwards some testimony about the time and manner of foundation of some of those towns, with a view to show which were considered from the beginning to be the limits between both dioceses. The whole thing having been considered by my council of the Indies, where the opinion of my Attorney-General was also heard, I have decided to pray and commend you, as I do, to make arrangements with the said Reverend Bishop of Buenos Ayres, or with whom may act in his place, if his See happens to be vacant at the time of the receipt of these letters, and settle this matter between yourselves upon the basis of the *statu quo* at the time of the erection of the said churches, paying due respect to custom and to the rights of possession, as far as the exercise of jurisdiction is concerned; and when an agreement is reached by yourselves you will forward the papers to the President of the Audience at Las Charcas, whom I cause to be informed of this new duty entrusted

to him and to the court over which he presides, in order that the said Audience may give the proper decision and report it to me.

In this way you are made acquainted with my decision, which you will exactly comply with.

From Madrid, this 11th of February, 1824.

I, THE KING.

By order of the King, our Lord.

DON FRANCISCO DE ARANA.

(Three flourishes).

To the Bishop of Paraguay on the question of limits between his diocesis and the diocesis of Buenos Ayres.

EXHIBIT D.

No. 1.

In 1782, the Solicitor General of the City of Asuncion, Juan de Marchain, in a long report which runs from page 22 to page 25, written on both sides, in the document referred to, and addressed to the Governor and Captain-General of the Province of Paraguay, Don Pedro Melo de Portugal, reports : that in the Royal Letters Patent, a testimony of which he accompanies, His Majesty deigned to concede for the benefit of the Province of Paraguay, four thousand dollars, silver, out of the *Sisa* tax of Tucuman, and also appropriated the whole proceeds of the Bull of the Crusade, all of this to establish and support the *reducciones*, fortresses and fortified places then existing on the banks of the river, and in the interior of the province, and thus promote the peace and tranquillity of the inhabitants, the increase of the population and the propagation of the Catholic religion. And with a view to obtaining the fulfilment of the concessions mentioned in the said Royal Letters Patent in favor of the province, he besought the Governor to be pleased to admit the testimony of thirty competent witnesses, whom he offered to produce, upon the items of his petition, and to send afterwards, to whom it might concern, a report of the results of the testimony to be obtained according to the following interrogatory :

1st Question.—The witness, after having been sworn, will depose upon the contents and items of this petition.

2d Question.—Say whether it is true that this province contains the towns, *reducciones*, fortified places, forts, inhabitants, and troops reported in detail on the tabular statement on file ; and say, then, upon a thorough examination of this statement, everything you know, whether expressed or not in it or in the petition, in regard to all the *reducciones*, establishments, forts, and Indian settlements erected since the beginning of the administration of the present government.

Interrogatories
propounded by
the Solicitor-
General of La
Asuncion.

3d Question.—Say whether, through the erection of some forts on the banks of the Paraguay river, both below and above this city, and through the vigilance of the canoes manned with soldiers, which go from fortress to fortress, and watch daily over the passages and banks of the river, a complete tranquillity has been secured for the province; and whether the wild Indians who used before to make inroads, have ceased hostilities during the government of your Lordship; and whether it is true that whenever they have made some attacks they have been punished, and compelled to ask for a *reduccion*, as they cannot longer subsist upon their continuous thefts of cattle from the provinces, as they did formerly.

4th Question.—Say how many nations have been acknowledged as enemies of this province, and whether at any time before the government of your Lordship they asked for a *reduccion*, stating which nation or nations did so, where the *reducciones* were settled, at whose expense, and how long did they remain in subjection, expressing the year or under what government they went away, and what wrongs they did to their own towns and cattle at the time of their going away.

5th Question.—Say whether, notwithstanding the establishment of these *reducciones*, any insults were ever made to several valleys of this province, which were imputed to the settled Indians; and whether it is true that the inhabitants contributed to their foundation with voluntary donations of cattle and the necessary implements.

6th Question.—Say how many attacks have been made within the last four years, and whether it is true that when the Indians have attempted hostilities against the province, all their plunder has been retaken, and they have fled to El Chaco, severely punished, and almost on foot.

7th Question.—Say whether it is true that, in three cases out of many others, in which the Indians were severely punished, a great number of the horses and cattle stolen from this district was retaken from them, it having been necessary for us to enter their own lands to punish them, as we did in those three raids ordered during the government of your Lordship.

8th Question.—Say whether, by reason of this punishment, and on account of their inability to make new inroads, owing to the many fortresses which protect the province on the banks of the river, the Mbocobi Indians asked to be settled in a *reduccion*, and whether the Tobas have lately asked for the same thing—the one and the other nation being warlike and savage, and living at El Chaco; state the time at which they asked for a *reduccion*; the places at which the Mbocobies nation had it settled, and whether it is true that at present the most active measures are being taken to give the Tobas a *reduccion* ON THE OTHER SIDE of the Paraguay river, opposite the fort named Paraiy—this settlement having been delayed for two or three months by the great drought suffered in this province.

9th Question.—Say whether the royal treasury has incurred any expense for these *reducciones*, and whether it is true that, though there is in this province a War Department, it has no funds with which to contribute any aid, it being, on the contrary, indebted and almost insolvent. State, further, how the expenses have been met, and whether it is true that the *reducciones* were founded with donations and gratuitous subsidies contributed by the inhabitants at the request of your Lordship, these small sums having been employed with the utmost economy for the purposes for which they were intended.

10th Question.—Say whether the *reduccion* of the Mbocobi Indians has a good farm on this side of the Paraguay river, state the number of cattle it possesses, and whether it is true that by keeping these farms apart from their *reducciones* (this idea being due to your Lordship) the result is obtained, first, that the Indians have to depend upon this Government for their food, with a view to avoid waste and scarcity; and, second, that the farms are safe from their pillage, though, owing to their inconstancy they sometimes may leave their settlements

11th Question.—Say whether, owing to the tranquillity at present enjoyed by the province, by virtue of the *reducciones*, forts and towns, on the banks of the river below this city, covering a district of more than sixty leagues, almost all the lands where the wild Indians used formerly to have their headquarters, as shown by the ruins found by the first dis-

coverers and settlers of the famous town of Neembucu, erected during the government of your Lordship, are now populated ?

12th Question.—Say whether the said lands, formerly uncultivated and unpeopled, are at present occupied by cattle of every kind, and whether it is true that there are there at present, about thirty farms belonging to honest persons who have asked for a grant of the said lands; and whether it is true that the present Government has granted the said petitions on condition that some houses be built therein, and the proprietors engage themselves in raising cattle and defending the whole bank of the river which is the frontier of the enemy.

13th Question.—Say whether, owing to the proportion between the grants, and the forts and towns, it is almost impossible for the wild Indians to make inroads without being severely punished, because the inhabitants on the banks are warned by a cannon shot from the fortress, and the troops on duty can gather at a short notice.

14th Question.—Say, to further prove the preceding assertion, whether it is true that when the Villa de Neembucu was erected, the Commander Don Jose Antonio Yegros, defeated a band of wild Indians who came back from an invasion against the towns of the Missions; and whether it is true that notwithstanding that a great deal of the cattle robbed by them, belonging to the village of Nuestra Señora de Fe, was retaken from them on this occasion, and returned to said village by order of your Lordship, the said Indians have not so far repeated their attacks, hostilities and invasions against the said towns—the newly founded towns, giving them protection, as well as to this province.

15th Question.—Say whether above this city is there any necessity for erecting some new town (villa) to better protect the border; and whether it is true that up to this time no one has been founded, for want of means, as the inhabitants have not been able to contribute except the scanty assistance, given to the most urgent necessity felt in the places below this city.

16th Question.—Say whether the foundation of one or two more new towns in the vicinity of Villa de la Concepcion, in whose district there are very rich fields of yerba mate, could facilitate the opening of a straight road through which to carry

that article to Potosi, with great advantage to the commerce of this province.

17th Question.—Say if the said establishment of towns (*vil-las*), Indian settlements, *reducciones*, posts and fortresses, was so necessary for the defense of the province, that if it had not been for their preservation, up to their present condition, the province would have gone back rapidly to its former decadence, owing to the borders being unprotected, and the wild Indians having so free a passage to this country, where experience has taught that the valleys and districts would be unpeopled through fear of more inroads of the Infidels.

18th Question.—Say whether it is true that the inhabitants, being generally poor, are unable to support so many establishments without the aid ordered to be given by the King in his royal letters patent hereby presented to this effect.

19th Question.—Say whether it is true that, notwithstanding the great tranquillity of this country, such as never before attained, a great number of its inhabitants is still in a complete state of poverty; and say also whether it is true that this Government, to avoid depopulation through emigration to other provinces, as formerly done by the natives of this country, took the useful measure of recommending the judges of each district to compel the head of every family to cultivate the land, in order that by providing for their subsistence, in this way, they would not leave the province, and at the same time would attend to their preservation.

20th Question.—Say whether, on account of the preceding step, the province is now better populated than formerly, and whether, through these measures, the natives of this province were compelled to work and cultivate the land, and pay attention not only to the products necessary to life, but also to the cultivation of tobacco, through which they have increased their income, notwithstanding the lowness of its price, and enabled the villages of Indians, converted since the old times, to pay the large debts contracted for the erection of their buildings and the works done during the time of the inroads and calamities which prevented them both from cultivating the land and working in the *yerba* fields; and that notwithstanding all of

this, the Indians go out at present, by turns, from their villages, to San Lorenzo, to manufacture the tobacco by order of the present Government, and when the factory wants them.

21st Question.—Say whether everything stated is, or is not, public, well known, and a matter of general information, and whether it is true that, within the period of two or three years more, these new establishments will be a complete success, if the same measures taken for their erection are continued in force.

Your lordship will be pleased, therefore, to admit these interrogatories, and cause thirty qualified witnesses to be examined according to the particulars of this petition and the contents of the foregoing interrogatories, and when it is done, to order that the original testimony be delivered to me, in order that this city may be able to properly use its rights. Moreover, your Lordship will be pleased to order that an official letter, accompanying this petition, should be sent to the Illustrious Ecclesiastic Chapter and religious corporations of this city, in order that each one respectively should certify and inform upon the same items contained in the said interrogatory and petition.

JUAN DE MACHAIN.

Order of the Court :

Put it on file, together with the document and testimony of the royal letters expressed, and do as requested by the Solicitor of the city. Take the depositions of thirty competent witnesses residing here, and to this effect let the officers of the campaign appear, as the best informed concerning the foundations of towns, forts and *reducciones*, and other items therewith connected. And afterwards let an official letter be sent to the Ecclesiastic Chapter and the regular prelates, as asked.

PEDRO MELO DE PORTUGAL.

The Governor and Captain-General decreed the preceding, and signed his name to it at Asuncion of Paraguay on the twelfth of February, one thousand seven hundred and eighty-two, of which I certify.

MANUEL BACHICAO,
Notary Public of His Majesty,
and Clerk of the Governor.

Notification to the Solicitor :

On the same day I notified of the precedent decree the Solicitor-General of the city, and I hereby certify.

BACHICAO.

Note.—The depositions of the thirty witnesses follow here ; but out of the mass of this testimony we only take the certificates issued by the Prelates of the Religious Corporations of the city, and by the Venerable Ecclesiastic Chapter and Episcopal Governor, which are as follows :

EXHIBIT D.—No. 2

CERTIFICATE

To the Governor and Captain-General:

Having seen the particulars contained in the interrogatories filed by the Solicitor General of this city, respecting which your Excellency ordered by decree of the twenty-second of February, one thousand seven hundred and eighty-two, that I should make a statement: I certify that it is true that this province possesses the towns, *reducciones*, fortified places, forts, and military posts, with the cattle, inhabitants and troops, that are faithfully described in the "Paraguayan Topography" filed by the Solicitor General, expressing that the forts of Macaypira, Ybyoca, Nundiay, Lobato, Naranjay, Reduccion of Mbocobis, at Remolinos, with a fort within, Herradura, the new fort of Tacuaras, Villa de Neembucú, with its Fort Tasibo, were founded by his Lordship, Don Pedro Melo de Portugal, Colonel and Governor and Captain-General of this Province; his Lordship having, with these safeguards, protected the province against the invasions of the heathen of Chaco, who not having accession to the places and woods of our side, where they used before to reside comfortably, they now look for peace and *reducciones*, as it now happens with the Tobas Nation, which His Lordship has already admitted, in number of six or seven of its tribes, with their caciques, and has half settled them upon El Chaco, opposite to Naranjay. In regard to the third particular I have already said enough, and can add that with the protection of the said forts and settlements, the province enjoys under its present Governor complete quietness, it being free from the previous hostilities that almost monthly caused the troops of these provinces to be under arms; and though it is true that lately we have had a few attacks from the barbarians, they having been pursued and punished by our present Governor, (who seems to have been born to hold the Infidels of El Chaco in check), the attacks have ceased, and they are soliciting our friendship.

Certificate of
the Reverend
Father General
Visitor of the
Convent of Our
L dy de las Mer-
cedes, Fray Ino-
cencio Cañete.

With regard to the fourth particular, I do not recollect the number of Infidel Nations which have insulted this province, and declared themselves their enemies; but I know that they are many, and also that during the provisional government of Don Fulgencio de Yegros, there was a settlement of Abipones, whose cacique was named Deguachique, *which was within El Chaco opposite to Timbó or Erradura*, and that they abandoned their settlement and went away to the interior of El Chaco, and that in consequence of this abandonment, the catechist priest who taught them, Master Don Lorenzo de la Torre, came to this city. I think that this abandonment took place during the government of Don Carlos Morphy. The same Abipones, after some time asked again for a *reduccion*, and were admitted within our side at the same Erradura, where they resided without any priest, and soon afterwards they were assailed by other wild tribes of El Chaco, the assault resulting in the total extinction of the said settlement.

In regard to the fifth particular, I say that its contents are true in every respect.

In regard to the sixth: I cannot recollect exactly the number of inroads made by the enemies during the four years of the present government; but I know that they are no more than six, they having been always well punished and deprived of their spoils, owing to the skill with which our present chief handles the troops of the province. In regard to the seventh, its contents are true in every respect. Respecting the eighth, I repeat what I have already certified in the third particular, and I will say further, that it is true that the most active measures are now taken to settle the Nation of the Tobas, at the above cited place of Paray, *within El Chaco*. Regarding the ninth: I know that the War Department of the Government does not contribute anything towards the said settlements, they having been founded only with the donations and gratuitous subsidies of the residents, many of them obtained at the request of his Lordship, who, with the greatest exactness, has used them for the purpose for which they were intended. Regarding the tenth, I know that the *Reduccion of Mbocobies, situated at the Remolinos, within El Chaco*, possesses a farm with plenty

cattle, which is on our side ; the number of cattle (I am informed) amounts to five thousand head ; and respecting all other things mentioned in the interrogatory, I say they are true. Respecting the eleventh, it is all true. Respecting the twelfth, it is also true that all the ground therein cited is covered with farms and cattle ; and respecting the question about the safety of the banks of the river, I say that it appears to have been secured.

Regarding the thirteenth particular, my answer is included in the preceding one. Regarding the fourteenth, everything therein contained is true. Regarding the fifteenth, I have sufficient reason to think that above this city there is necessity to found one or several more towns, and that they are not settled because of the scanty means of the residents of this province who cannot contribute to this, end after having given so much for the settlements below the city which were more pressing. In regard to the sixteenth, I agree entirely with the ideas of the interrogatory. Regarding the seventeenth, it is self-evident that the founding of towns, Indian settlements (*reducciones*), and forts, has contributed to the safety of this province, and that without them, the prophecy made in the interrogatory would be fulfilled. Regarding the eighteenth, it is true that the inhabitants of this place, on account of their poverty, are unable to keep so many settlements without the aid that His Majesty, our Catholic Monarch, concedes in His Royal Letters Patent, presented by the Solicitor General of this city. Regarding the nineteenth, everything asked therein is true. Regarding the twentieth, everything therein asked is also true. Respecting the twenty-first and last particular : I say that I have seen, while navigating on the river, all the new settlements made during the government of this Governor, except the *reduccion* of Remolinós, and Fort Taxibo of Neembucu, which are distant from the banks, and Fort of Taguarias, which was commenced after I passed by. All that I have certified, substantially is publicly known, and generally reported. And finally, I declare that within the term of two or three years, the cited new settlements will attain their perfection, if the same principles adopted by the present Captain-General are observed, and if the settlements

enjoy the assistance so liberally granted by H. M. Our King and Lord, in the Royal Letters Patent presented by the Solicitor General of this Province. This is all I can say paying due respect to the order of your Lordship, and in its testimony I have caused it to be sealed and authorized by my Secretary in the General Visitation.

May our Lord preserve your Lordship for many years.

Asuncion, the twenty-fourth of February, one thousand seven hundred and eighty-two.

I remain your most respectful chaplain,

FRAY INOCENCIO CAÑETE.

By order of the Reverend Father General Visitor,

FRAY PEDRO ANTONIO GUERRA,

Lector Artium and Sec. to the Gen'l Visitation.

SEÑOR CORONEL DON PEDRO MELO DE PORTUGAL,

Governor and Captain-General of this

Province of Paraguay.

[L. S.]

EXHIBIT D.

No. 3.

To the Governor and Captain-General Don Pedro Melo de Portugal:

Certificate of the Superior of the Sacred Convent of our Father Saint Francis.

In answer to the official letter of your Lordship of the fifteenth inst., referring to several particulars contained in the memorial and interrogatories filed by the Solicitor-General of this city, I certify in due form of law, that though I have not seen all the settlements and places comprehended in this province, the progress made through the unrivalled management of the present Governor is so well known that nobody is ignorant (even those who have not been in the province) of the miserable situation and the calamities that afflicted it during the previous Governments, notwithstanding that the former Governors thought it convenient to make *reducciones* and place canoes to run alongside the banks of the river; since the unpopulated portion of the frontier being more than eighty leagues in extent, it was not possible to prevent the passage of the Infidels, nor watch over the acts of the settled Indians. Now all these projects have secured the safety of the country, because as between Angostura and Curupaity, seven fortresses and the town at Neembucú have been founded, and the canoes kept by each fortress have been ordered to run daily from one fortress to another, it is impossible for the Indians either to make any movements without being noticed, or to attempt any inroad without being punished, either by the troops garrisoned in the said fortresses, or by the inhabitants of more than thirty farms and posts, who fill with every kind of cattle the fields which formerly were uncultivated. These fortresses, founded by the present Government, are not only a safeguard to this province, but also to the missions of the Ex-Jesuits; because since their foundation, the missions have not suffered from any inroad, and that proves that they are protected by the forces of this province. It is also well known that the country is flourishing through the extension of its territory and the spread of agri-

culture, owing to the wise measures of the present Government, never thought of before, as far as I know, by anybody, whose example the present Governor would imitate. We owe to his zeal the total pacification of the country, its population, the progress of the old Missions of the province, the increase of revenue with the abundance of the products, and *finally that we have two reducciones of Mbocobies and Tobas*, together with a good farm for the subsistence of the first. But only the founder of these settlements can keep them by his vigilance and untiring solicitude for the welfare of these people, so that they may contribute their useful donations, which have helped towards the foundations of new settlements.

It is understood that His Majesty our King will appropriate the funds of Crusade for this purpose, and also the four thousand dollars of the *Sisa* tax of Tucuman, for without this royal aid, in the absence of the present Governor, the decline of the country in a way more disgraceful than before will be a matter of little time. Thus, with this assistance, and some other means conceded to this city, under the management of the present Governor, the province can be kept in its actual flourishing condition, and can open a road to Potosi, establishing one or two colonies as halting places for the traders, and by means of these measures, the communications between this Province and Santa Cruz de la Sierra, now obstructed by the Infidels, shall be reopened, and we will have thereby an open road to Peru, which is very useful, not only for carrying to that Province the *yerba mate*, but also for the transportation of the quick-silver existing in the neighborhood of this province; in one word, to render Paraguay to its former opulence. So I think and certify, and to give it validity I issue the present, sealing it with the seal of this convent of Our Lady de los Angeles de la Asuncion del Paraguay, and I cause it to be countersigned by one of the Reverend Fathers of the said convent on the twenty-sixth day of the month of February, one thousand seven hundred and eighty-two.

[L. s.]

FRAY JUAN DE AGUERO,
Superior.

FRAY PEDRO ANTONIO DE GAINZA,
Lector de Nona.

EXHIBIT D.

No. 4.

Certificate of the
Sacred Monas-
tery of Preach-
ers.

I, Fray Cristoval Ibañez, General Preacher, Officer of the Inquisition, Synodal Examiner of the Bishopric of Tucuman, and present Prior to the Monastery of Santa Catalina, Vergin y Martyr of Paragnay, of the Order of Preachers. In connection with the petition and particulars contained in the interrogatories, copies of the Royal Letters Patent and tabular statement showing the towns, reducciones [Indian settlements] fortified places, forts and ports, together with the cattle, inhabitants and troops on duty in this Province of Paragnay, filed by the Solicitor-General of this capital; and according to the information I have got during my thirteen months' residence in this monastery, from very prominent persons both ecclesiastical and secular; I hereby certify, as far as I can, that everything related by the Solicitor-General, whether in his memorial or in the interrogatories and tabular statement, is true, and that to the activity, industry, love and zeal of your Lordship it is due the tranquillity enjoyed by this province, of which it lacked formerly on account of the wild tribes that committed hostilities on it, by plundering its farms and killing its inhabitants; but that, owing to the untiring vigilance of your Lordship the passage of the Infidel enemy just through the places where they used to make their inroads has been prevented. A result of this is foresight was the erection of the forts that your lordship caused to be built, known by the names of Macaypira, Ybyoca, Nundiay, Lobato, Naranjay, *Reduccion* of Mbocobies, with a fort within, Erradura, the newfort of Taquans, the Villa de Neembuccú, with the fort of Taxibo, so that the Infidels have no shelter in the passages and woods on our side, where formerly they could very easily pass through, the country now being covered with farms and fortresses; and being frustrated in this way they look for peace and settlements, such as at present it is the case with the Tobas nation, whose *reduccion* is being extended on the side of

the Chaco opposite to Naranjay. It is also well known that the inhabitants of this city have given security to the region below it, but on account of their poverty they cannot keep so many establishments without the assistance that our Catholic Monarch concedes by his royal letters patent, for otherwise the calamity foretold in the seventeenth particular of the interrogatory would come to pass. That is all I can certify as public, well known and generally reported, in answer to the question and by order of the Governor and Captain-General, Don Pedro Melo de Portugal, dated the second instant. And I hereby issue the present at the above mentioned Monastery of Preachers, sealed with the seal of the same, and countersigned by our notary on the fourth of the said month of March, one thousand seven hundred and eighty-two.

[L. S.]

FRAY CRISTOBAL IBAÑEZ,
Prior.

By order of the Reverend Father, }
Prior, }

FRAY JOSEF PELLIZA,
Notary of the Convent.

EXHIBIT D.

No. 5.

Certificate of
the Venerable
Ecclesiastic
Chapter and
Episcopal Gov-
ernor.

We, the venerable Chapter Governor of this bishopric, by the illustrious Señor Don Fray Luis de Velazco, of His Majesty's Council, and worthy Bishop of this Church of the Asuncion of Paraguay. In consideration of the official letter that on the twenty-seventh of February, ultimo, and at the request of the Solicitor-General of this city, the present Governor and Captain-General Don Pedro Melo de Portugal deemed expedient to send to us, asking us to report upon the petition which, together with some interrogatories, was presented to your Lordship, a copy of which was sent to us, together with other records and royal letters patent referring to the assistance to be given to this province to repel the Infidels who commit hostilities against it, to which end four thousand dollars in silver from the *sis*a tax of the Province of Tucuman and also the product of the Bull of the Crusade were appropriated to show his interest in the defence of this province, the defence of Catholic creed and its progress. We therefore certify to the King, our Lord, and to his Royal High Council, that everything expressed by the above cited Solicitor-General in his memorial concerning the general condition of the province, is true, and that we are aware of its being public and well known, except some particular items of which we are not personally aware, they having happened during the campaign, and to which we, therefore, cannot answer with the assurance and faithfulness becoming to our office and position. This being the case, and for the sake of clearness, we go to express our views concerning each item contained in the general tabular statement. In regard to the first item, referring to the number of towns, *reducciones* (Indian settlements), fortified places, forts and posts existing, together with the number of cattle, inhabitants and troops therein referred to, we are aware that this province contains and supports the Indian villages therein

specified and enumerated; and respecting the spiritual ecclesiastical government, there are within its boundaries thirteen villages more of Guarani Indians, the same that were under the care of the banished regulars of the extinguished Society, namely: Nuestra Señora de Fé, San Ignacio Guazú, Santa Rosa, Santiago, San Cosme, Itapua, Jesus, Trinidad, Corpus, San Ignacio Miní, Loreto, Santa Ana and Candelaria. We are also aware of the existence of the following named towns (villas) founded long ago, viz., Villa Rica del Espiritu Santo, where there is a parochial church, with curate and assistant, and the other, San Isidro Labrador, with a curate and an assistant, in the Santa Rosa de Carimbatay valleys. In the districts of this capital, besides the parishes already mentioned by the Solicitor-General, there are four parishes served by Spaniards, viz.: Capiata, distant five leagues from this capital; Nuestra Señora del Rosario, of the District of Piriajú, distant from the above named about seven or eight leagues; Nuestro Señor de los Milagros de Piribebuy, above the Cordillera, at four leagues from the second place; Nuestra Señora del Rosario, of the District of Crapegua, at about eight or nine leagues from Pírajú. These parishes have their assistants at proportionate distances, together with their chapels, viz.: first, Nuestra Señora del Rosario de Luque; second, San Josef del Peñon; third, San Lorenzo del Campo Grande; fourth, San Lorenzo de la Frontera; fifth, Nuestra Señora del Rosario at Itaugue; sixth, Paraguari, at one of the farms that belonged to the ex-Jesuits; seventh, Nuestra Señora de los Milagros de Cuacupe; eighth, San Roque, of the District of Barrero Grande; ninth, Nuestra Señora del Rosario de Cariy; tenth, Nuestra Señora del Rosario de los Ajos; eleventh, San Lorenzo at Quindy; twelfth, San Josef, at Ibiçuy; thirteenth, San Josef at Quygujo; fourteenth, Nuestra Señora del Rosario, at Lambaré. All these parishes were founded and are supported by the inhabitants of their respective districts, because their own funds are very scanty. The curates and their assistants are also maintained by the respective parishioners, since their earnings are insignificant, each family contributing according to the number of its members and its means, as the said ministers do not participate in the

tithes, which belong to this city. The other *villas* (towns) have, as is expressed by the said Solicitor-General, been founded lately, and we are aware that it is public and of general report, that the one lately founded by the present Governor, Don Pedro Melo de Portugal, is the most plentiful in products and cattle, without our knowing of any extortion, offence or violence committed on any of their inhabitants by the said Governor; on the contrary, he has always conducted himself with the utmost prudence and kindness. Regarding the other towns formerly founded, we are informed that they now suffer from scarcity, and are liable to come to an end, since even the chaplains who attend to them are compelled to go to other districts asking for help, and some members of the chapter have helped them when they related their misfortunes and wants to us, there being no other institution which could provide for their necessities. Regarding the fortified places, forts and posts, cattle, inhabitants and troops therein referred to; we are aware that what has been stated by the said Solicitor-General is true as a fact of public report and knowledge; but we are not aware of the exact number of these places, and still less of the number of cattle, inhabitants and troops. Respecting the third, we are also aware that it is as reported, though with reference to the complete tranquillity of the province, we are informed that the Infidels have made some inroads into the districts, doing some damage to the inhabitants, greater injuries having been prevented through the vigilance of the Governor and his officers. There is no doubt that the Infidels, having seen that they do not possess now the liberty and opportunities they formerly had to execute their robberies and murders, and to carry away captives, have been compelled to ask for *reducciones*, being at the same time impelled by the wants and poverty they suffer in their lands. Respecting the fourth, the Infidel nations which we know to have been the enemies of the province, are the Mbocobis and Abipones, that in part, *under the present government have come again to be settled and to ask for admission in their old and abandoned reduccion* and to remain quiet and peaceful, a religious teacher instructing them, in order to implant in their souls the principles of

our Holy Catholic Faith, and having already baptized some of them. The other nation is the Tobas—the more daring. Regarding them we have been informed by the present Governor and Captain-General that they ask for a *reduccion*, and that they are at present established at the place fixed by his Lordship; and implements and other kind of aid to build the settlement have already been sent them, and steps taken to send also a religious teacher to instruct them. The Mbayás nation, now keeps the peace, and owing to this fact, the province has tranquillity and safety on the side situated above this city, without suffering from this powerful and numerous nation, as it was the case in former times, with loss of life and property: a small number of them are at the settlement of Nuestra Señora de Belen, with very scanty means of subsistence, owing to the want of means to aid them. The other nation is the Lenguas, an enemy of us that remains as formerly, but, as we are informed, without our suffering from the hostilities that they committed in former times. The other nations are those of the Payaguás and Guanás, which keep the peace, without inflicting any harm upon the province: but we are always on the alert in regard to them, the Payaguás having always been very unreliable in former times. And finally, the infidel and hostile nation of the Caañuguás Indians, on the side and boundaries of the Minerales de la Yerba, about a hundred leagues from this capital, and in the neighborhood of the Villa de Curuguaty. These attack the cultivators of the yerba, causing injury to life and property, and in order to hold them in check, the present government has taken some suitable measures.

Respecting the fifth particular, we are aware only of the offences therein referred to, and of the valuable donations made by the inhabitants for their foundation.

Respecting the sixth, we have already spoken of the vigilance and zeal of the Governor.

With regard to the seventh, we are informed only in a general way, but not with the minuteness necessary, and we are also aware of the raids made in *El Chaco*.

Respecting the eighth, we have already spoken what we know about it.

Respecting the ninth we are informed, as it is publicly known and generally reported, that the Royal Treasury has not disbursed by any sum for the support of the said *reducciones* except the sum which the Royal Treasury contributed to aid the Mbo-cobies *reduccion*.

Respecting the War Department, it is well known in this city, and it is also publicly known that the said *reducciones* were founded with the donations and assistance liberally contributed by the inhabitants at the request of the present Governor, said donations having been employed in this object without allowing anything to other objects.

Regarding the tenth, we lack information about it, and are only aware of the desertion of the Infidels in former times.

Respecting the eleventh, its contents are true and well known.

Respecting the twelfth, we know also from general report of the foundation of the said town by virtue of Royal grants made by the present government.

Respecting the thirteenth, it can be inferred from the position of the forts and towns that the protection of the districts is very effective.

Respecting the fourteenth, we are aware that in this city the fact was correctly reported.

Respecting the fifteenth, the great utility of building towns above this city, for the better safety of the inhabitants is beyond question, it being evident that this has not been done up to the present for want of means, the inhabitants being unable to make further contributions.

Respecting the sixteenth, we have no information about it; but we know that the opening of the straight road to Peru would prove very useful, and has been contemplated several times.

Respecting the seventeenth, its contents are true in their bearings, as was formerly demonstrated by experience, when there were none of the existing fortresses.

Respecting the eighteenth, the general poverty of the inhabitants is well known, and therefore the said *reduccion* cannot subsist without the aid of His Majesty the King, by virtue of the fulfillment of what his royal mercy has conceded by his

Royal Letters Patent in favor of this province, recorded in the papers sent to us.

Respecting the nineteenth, the items respecting the poverty of the inhabitants, notwithstanding the advantages of the extensive lands, and the peace they enjoy, are well known as the increased labor they have in the erection of the new forts and posts deprives them of the time necessary to devote to the cultivation of the land and other labors tending to their profit. The measure taken by the Governor in creating commissaries to watch and compel the laborers to cultivate the land is also well known.

Respecting the twentieth, we believe that at present there is more assiduity in working and also the contribution of a certain number of Indians made by the towns towards the working of the segar manufactory established at San Lorenzo on the King's account, and the work of which is very punctually done by order of the present Governor.

Respecting the twenty-first, that if the instructions given at the time of the erection of the said new establishments, are carried out, and if they do not lack the necessary subsidies, the greatest advantages will be obtained. And in conformity to the foregoing items, we cause to be given, and do give the present, in compliance with the official letter sent to us by the Governor and Captain-General of this province, Don Pedro Melo de Portugal, at the request of the Solicitor-General of this capital.

Done at Asuncion, on the sixth of March, one thousand seven hundred and eighty-two.

DOCTOR ANTONIO DE LA PEÑA,
DOCTOR PEDRO DE ZAMUDIO.

By order of the Venerable Chapter Episcopal Governor,
JUAN MANUEL MORILLA,
Notary Public, and Secretary to the Chapter.

Order of the Governor.—Asuncion of Paraguay, the eighth of March, one thousand seven hundred and eighty-two. The testimony asked by the Solicitor-General of this city being concluded, it is approved according to law, and for its better

validity, I give it my sanction. Deliver the original proceedings to the said Solicitor General to the ends therein expressed.

MELO DE PORTUGAL,
DOCTOR CANETE.

So it was decreed by the Governor and Captain General of this province, and was signed by him at the city of Asuncion, on the date before mentioned. In testimony wherefrom I give the present.

MANUEL BACHICAO,
Notary Public to His Majesty.

This copy agrees with its originals, which in virtue of the order of the eighth of March, I delivered to the Solicitor General of the city, and to them I refer; it is true and exact, corrected and amended, and by virtue of the order made on the twenty-eighth of October, I cause the present to be made, which I sign at Asuncion, Paraguay, on the twelfth of March, one thousand seven hundred and eighty-two. In presence of witness,

MANUEL BACHICAO,
Notary Public to His Majesty.

EXHIBIT E.

No. 1.

His Excellency, the President of the Republic of Paraguay, Don Carlos Antonio Lopez, and His Excellency, the Provisional Director of the Argentine Confederation, General Don Justo José de Urquiza, being actuated by the desire of finally fixing the relations between both States, and basing them upon the principles of their mutual interests, community of origin, and other causes that naturally tend to unite them, have resolved to fix, as far as the most essential part thereof is concerned, the territorial boundaries, and to establish at the same time the basis on which the commerce and navigation between the two Republics must be regulated, and to this effect, His Excellency, the President of the Republic of Paraguay, has appointed Don Benito Varela, Secretary *pro tem.* of Foreign Relations of the Republic, and His Excellency, the Provisional Director of the Argentine Confederation, has appointed Doctor Don Santiago Derqui; and these Plenipotentiaries having exchanged their full powers, and found them in due form, have agreed on the following articles:

Treaty of Navigation and limits between Paraguay and the Argentine Republic, 1852.

ARTICLE I.

The Paraná river will be the boundary between the Argentine Confederation and the Republic of Paraguay, from the Brazilian possessions until two leagues above the lower mouth of the Atajo island.

ARTICLE II.

The island of Yasiretá remains to be a portion of the Paraguayan territory; and the island of Apipe shall be the property of the Argentine Republic. The other islands, either dry, or liable to be overflowed, belong to the nearest territory on which they lie.

ARTICLE III.

It is stipulated, as a special condition of this treaty, that free and frank communication shall be maintained between the

Villas of la Encarnacion of Parana and San Borja of Uruguay, for the Paraguayan and Brazilian Mails, and that these mails shall be given the necessary escort for their protection.

ARTICLE IV.

The Paraguay river, and its two banks, up to its confluence with the Paraná river, belong in complete sovereignty to the Republic of Paraguay.

ARTICLE V.

The navigation of the Bermejo river is completely common to both States.

ARTICLE VI.

A tract of land, on the banks of the river, a league wide, shall be neutral territory, so that from the mouth of the Bermejo to the Atajo river, neither of the high contracting parties shall be permitted to make any military post, even for police purposes, or with the object of watching over the barbarians that live on that side.

ARTICLE VII.

The Confederation concedes the Republic free navigation for its flag on the Paraná river and its affluents, granting it all the franchises and advantages that civilized Governments, united by special treaties of commerce, grant to each other. It will not detain or prevent, or tax any mercantile expedition having as its object the passage through the fluvial or land territory of the Confederation to Paraguayan ports, or from these to any foreign ports, nor will it subject the same to inspection, taxes, researches, opening of bulks, &c., &c., which at the same time that are a trouble to commerce, destroy and annoy it and drive it away from frequenting the more productive ways.

ARTICLE VIII.

In the same terms, as set forth in the preceding article, the Republic of Paraguay grants the Argentine flag, the free navigation of the Paraguay river and its tributaries, and also free transit through its territory by land.

ARTICLE IX.

It is understood that both States have the right to enact such regulations as they may deem necessary to avoid smuggling or provide for their safety, &c., and that the lawful use of their complete sovereignty in their fluvial territory when not limited by public law or express treaties, is completely reserved.

ARTICLE X.

This Confederation shall grant free transit on the Paraná river to other foreign flags as soon as the required arrangements are made.

ARTICLE XI.

The Government of the Republic of Paraguay, in common with the Government of the Argentine Confederation, shall co-operate, according to the means afforded by the topographical position of the former country, to facilitate the navigation of the Bermejo river, by removing the obstructions that may be found in its channel or erecting suitable works to improve it, or establishing stations, where the ships may stop, at the places agreed to by both Governments.

ARTICLE XII.

The Government of the Republic of Paraguay shall, when invited by the Government of the Argentine Confederation, establish, by common consent, a port of entry at the place where the Pilcomayo river ceases to be navigable, so that the trade may have the shortest possible land road through Paraguayan territory to the Bolivian border. A garrison shall be established there in the same way.

ARTICLE XIII.

The citizens of Paraguay, whether residents or transient, in the Argentine Confederation, and the citizens of the Argentine Confederation, whether residents or transient, in the Republic of Paraguay, shall enjoy personally, the same advantages and privileges of the citizens of their respective countries, their individual rights being respected, and they remaining subject only to the civil laws in force and to the procedures therein laid down.

ARTICLE XIV.

By virtue of the friendship established between both Republics by their community of origin, interests and respective position, the citizens of Paraguay whose talents the Paraguayan Government may wish to cultivate in any of the high schools supported by the general Government of the Argentine Confederation, shall be considered as Argentine citizens.

ARTICLE XV.

The present treaty shall be ratified by His Excellency, the President of the Republic of Paraguay, six days after its date; and by His Excellency the Provisional Director of the Argentine Confederation, sixty days after its date: the ratifications to be exchanged at the city of Corrientes.

In witness whereof, the undersigned Plenipotentiaries have signed their names to the present Treaty, made in duplicate, and have affixed thereto their seals, causing it to be countersigned by their respective Secretaries, at Asuncion, the capital of the Republic of Paraguay, on the fifteenth day of the month of July, one thousand eight hundred and fifty-two.

(L. S.)

BENITO VARELA,
 MARIANO GONZALEZ,
Secretary.

(L. S.)

SANTIAGO DERQUI,
 MANUEL CABRAL,
Secretary.

DEPARTMENT OF FOREIGN RELATIONS.

Act of Exchange

We, Don Benito Varela, Secretary of State, *ad interim*, of the Republic of Paraguay, and Doctor Don Santiago Derqui, Chargé d'Affaires of the Argentine Confederation, and on a special mission near the Government of the Republic, in virtue of the full power given to us to adjust the Treaty of the 15th of July instant, and being authorized by our respective Governments to proceed to exchange the ratifications of that treaty,

which by ulterior common consent has to be done in this capital, do say that we have examined the ratifications made by His Excellency, the President of the Republic, Don Carlos Antonio Lopez, on the 19th of the same month of July, and by His Excellency, the Brigadier-General, Don Justo José de Urquiza, Provisional Director of the Argentine Confederation, on the 20th of August ultimo, and having found that the text of the said treaty is exactly the same in both instruments, and that their respective ratifications are in the proper form, according to usage and international law, whereupon we have made the exchange thereof. In whose testimony, we have signed our names to two copies of this act, which we have sealed with our seals, and our respective Secretaries have countersigned, at this city of Asuncion, on the fourteenth day of the month of September, one thousand eight hundred and fifty-two.

(L. S.)

BENITO VARELA,
 MARIANO GONZALEZ,
Secretary.

(L. S.)

SANTIAGO DERQUI,
 MANUEL CABRAL,
Secretary.

A true copy of the original.

F. RIQUELME,
Chief Clerk.

LONG LIVE THE ARGENTINE CONFEDERATION!

ASUNCION, July 26, 1852.

To His Excellency the Minister of Foreign Relations of the Provisional Government of the Argentine Confederation:

I have the honor to inclose the Treaty of Limits and Navigation which I, together with the Plenipotentiary of this Government have signed to, on the 15th instant, as I announced to your Excellency in my note of the 12th of same.

Your Excellency will be informed by the official announcement of this Government of the ratification of the said treaty by his Excellency the President of the Republic.

I trust to have fulfilled by it the object set forth in my instructions, especially in regard to the very important point of

The Chargé
 d'Affairs of the
 Argentine Con-
 federation on
 special mission
 to the Govern-
 ment of the Re-
 public of Para-
 guay.

promoting commerce through our interior rivers, facilitating thereby as far as possible the trade with the Republic of Bolivia.

The only point not mentioned in the said instructions is the neutrality of the territory of the coast of El Chaco, established by the 6th Article. This provision was deemed by the Paraguayan Government to be necessary for the exterior safety of the Republic, and was specially intended to prevent the establishment of military posts that should be a constant menace to its territory, owing to the narrowness of the river at that place. Moreover, that tract of neutral coast is of no value, it being an inaccessible marsh in time of inundations, and overflowed to a greater extent than the neutral tract. And as this concession did not interfere in any manner with the freedom of navigation obtained by the 8th Article, I thought it better not to refuse the Government of the Republic a point which does not impair interests of the Confederation, especially so, when the same Government was willing to accept the 11th and 12th Articles, which are of such great importance to the Argentine Government. It was very difficult to fix the adjacency of the island of Atajo, on account of its position, because it is equidistant from both coasts, and therefore I agreed to the plan of dividing it equally, giving half to each State; and so it is that the Paraná river serves as a boundary between the two nations until two leagues above its lower mouth, where it has been considered to be divided in two parts approximately equal. This island is overflowed by great inundations, and on this account is uninhabited, its only use being to supply lumber when the condition of the rivers allow it.

The islands of Apipé and Yaciretá are considerably more adjacent to their respective territories in whose possession they remain, and they are the only remarkable ones on the Paraná river in the extent in which said river serves as a boundary.

Of all of this I inform your Excellency, in order that your Excellency may deign to bring it, together with the treaty to which it refers, to the knowledge of his Excellency the Provisional Director of the Confederation.

I remain your respectful servant,

SANTIAGO DERQUI.

LONG LIVE THE ARGENTINE CONFEDERATION!

Department of Foreign Relations of the Argentine Confederation.

BUENOS AYRES, August 20, 1852.

To the Chargé d'Affaires of the Argentine Confederation in the Republic of Paraguay :

The undersigned has had the honor to receive your note of the 26th of July, together with the Treaty of Limits and Navigation signed by your Excellency and the Plenipotentiary of that Government, announcing at the same time that it has been ratified by his Excellency the President of the Republic of Paraguay.

The Argentine Government has attentively studied that treaty, and considering it to be advantageous to the interests of both Republics, has put upon it the seal of its approval by ratifying it, promising the faithful and strict fulfillment of its terms, and returning it to Your Excellency for the exchange of the ratifications.

The course observed by Your Excellency in the discharge of your high mission has deserved the approval of His Excellency the Provisional Director, who particularly has directed me to congratulate you on the subject. The Argentine Government acknowledges that the services done by Your Excellency are of great importance, and rejoices heartily over the fulfilment of the hopes it entertained when it entrusted such an important mission to your talents and patriotism.

The undersigned, on his part, avails of this opportunity to congratulate the Chargé d'Affaires for the happy termination of his mission, offering to him the testimony of his high respect.

LUIS JOSE DE LA PEÑA.

EXHIBIT E.

No. 2.

To His Excellency the Provisional Director of the Argentine Confederation, General Don JUSTO JOSÈ DE URQUIZA,

ASUNCION DEL PARAGUAY, July 28, 1852.

Particularly esteemed Sir :

Letter from
the President of
Paraguay to the
President of the
Argentine Con-
federation, and
his answer.

As I announced to Your Excellency in my previous communication of 12th inst., the recognition of the Republic of Paraguay, by the Argentine Confederation was celebrated here on the 17th. This important act was celebrated with great enthusiasm in this city and its vicinity.

I have the pleasure to congratulate Your Excellency, and in your illustrious person the Argentine Confederation, on the happy event of the restoration of friendly relations between two sister Republics, called by nature and a common origin to promote their mutual welfare.

On the 15th a treaty of navigation and limits between this Republic and the Argentine Confederation was concluded and signed by the Plenipotentiaries of our two Governments, and it was ratified by this Government, on the 19th, as Your Excellency will be informed through the proper source.

I take the liberty to recommend very particularly to the consideration of Your Excellency, the friendly conduct, the agreeable manners, the patriotism and the noble behaviour of the Chargé d'Affairs of the Argentine Confederation, Doctor Don Santiago Derqui. By the wise selection of this diplomatist, made by Your Excellency, the objects of his important mission towards this Government have been fully accomplished.

I desire to have any opportunity to prove to Your Excellency, the perfect affection and loyal friendship of your

Devoted servant,

CARLOS ANTONIO LOPEZ.

To His Excellency the President of the Republic of Paraguay,
Don Carlos Antonio Lopez.

Buenos Ayres, August 20, 1852.

My esteemed friend:

I have received with great pleasure the confidential letter of Your Excellency of the 28th ultimo, in which you inform me that a treaty of navigation and limits between both Republics was concluded and signed by the Argentine and Paraguayan Plenipotentiaries, and that said treaty has been ratified by your Government on the 19th of last month.

The Argentine Government after having most carefully considered this treaty, has found it to be so just and agreeable to the reciprocal interests of both Republics, that it has also hastened on its side to ratify it, thereby sanctioning the terms agreed upon.

I think it useless to enumerate the immense advantages to be derived from that treaty by both countries. They being called by nature and by a variety of circumstances to have a very important destiny among the American Republics, it is necessary for them to strengthen the natural union that must exist between them, to which end the treaty now ratified undoubtedly tends.

The particular recommendation which Your Excellency makes, concerning the course observed by the Chargé d'Affaires of the Argentine Confederation is well deserved. The Argentine Government has not only approved it in every respect, but rejoiced over the success justly anticipated by it, achieved by the ability, intelligence and patriotism of Doctor Don Santiago Derqui.

I accept with the greatest pleasure the friendly congratulations addressed by Your Excellency to me and the Argentine Confederation for the restoration of friendly relations between both Republics. For my part I also congratulate Your Excellency, and in your name, the whole Republic over which you preside, because it is very pleasant to see two Republics so powerful and sprung from so illustrious a source to be bound together.

I take this opportunity to offer to Your Excellency my high regard and affection.

JUSTO J. DE URQUIZA.

EXHIBIT E.

No. 3.

LONG LIVE THE ARGENTINE CONFEDERATION!

Department of Foreign Relations of the Argentine Confederation.

BUENOS AYRES, August 20, 1852.

To the Secretary of State *ad interim* of the Republic of Paraguay.

Note of the
Argentine Minister
on the
treaty of 1852.

The undersigned, Minister of Foreign Relations of the Argentine Confederation, has had the honor to receive the note of Your Excellency of July 22d, where Your Excellency acknowledges the receipt of the note of the 24th of April ultimo, relative to the departure of the Chargé d'Affaires of the Argentine Confederation in your Republic, and to the conclusion, and ratification, by your Government, of a treaty of navigation and limits between both Republics.

His Excellency the Provisional Director has been made acquainted with its contents, and in a confidential letter he expressed to His Excellency the President of Paraguay, his sentiments on this matter. He thinks that the treaty concluded is one of great importance to both countries, and has ratified it in the name of the Argentine Confederation.

The recognition of the Independence of the Republic of Paraguay, is a fact so important, that it will have a prominent place in the contemporary history of these Republics. It was imperatively demanded by the very nature of circumstances, and the Argentine Government, by sanctioning it, has only recognized an accomplished fact.

The treaty that regulates the rights of both Republics is certainly one of the greatest importance, if considered under all its aspects. It strengthens the ties binding both Governments, it affords immense advantages to commerce and industry, and in it lies the foundation of the future happiness of these countries.

This step taken by the Argentine Government is favorably considered throughout the whole Argentine Confederation, as in the recognition of the Independence of Paraguay every body sees only the sanction of an accomplished fact.

EXHIBIT E.

No. 3.

His Excellency the Provisional Director of the Argentine Confederation, wishing that the negotiations be finally concluded, has ordered the original treaty to be returned to the Chargé d'Affaires of the Argentine Confederation, in order that the exchange of the ratifications may take place.

The undersigned avails himself with pleasure of this opportunity to present to the Minister his respects and high regards.

LUIS J. DE LA PEÑA.

EXHIBIT F.

DECREE

Decree of 1851 establishing a French Colony in the large stock farm of Cerro, founding Villa on the right bank of the Paraguay river, at six leagues above Occidental in El the capital, and regulating the administration of the Govern- Chaco. ment of the colony, and fixing the terms and prices at which the natives and foreigners wishing to settle in this place, can acquire arable lands.

THE PRESIDENT OF THE REPUBLIC.

The Supreme Government of the Republic wishing to promote and encourage immigration of agricultural laborers as a means of hastening the increase of population, and the improvement of agriculture, which is the speciality of the country, and to multiply the rich products of its climate and soil, has caused a contract to be executed in the south of France with a certain number of colonists to whom some advantageous propositions were made.

A part of the colonists have already arrived, and the balance will soon arrive; and it being necessary to establish the colony at a place whose position, easy approach, salubrity, and fertility of the soil may offer advantages to colonists paid by the Government, and at the same time induce other settlers, whether national or foreign, to do the same at this place,

HAS RESOLVED AND DECREED:

1st Article.—The place at El Gran Chaco known by the name of the old *reduccion*, of the Paraguayan Priest, Don Amancio Gonzales Escobar, is the one selected to establish therein the first foreign colony in Paraguay.

2d Article.—The colony shall be known as “Nuevo Burdeos,” (New Bordeaux), in consideration of the fact that the French colony will sail from the city of that name and come from there to the Republic of Paraguay.

3d Article.—The parochial church of “Nuevo Burdeos” will be known as San Francisco Solano.

4th Article.—The immigrants brought here from Europe, by the Government, shall settle at the place designated in the 1st article, and after the fulfillment of the conditions hereinafter expressed, shall receive in complete ownership a certain amount of land, which shall be given only to persons qualified to work.

5th Article.—Each colonist shall have a lodging, and will be fed during the term of a year, the eight months of the contract made in Europe being thus extended.

6th Article.—Each colonist will also receive to be charged to his account, the cattle necessary to cultivate the land and to live upon its products, such as oxen, cows, sheeps, pigs, poultry and seeds to sow.

7th Article.—The Government will furnish to the colonists, also to be charged to their account the implements for which they may ask—such as axes, spades, adzes, shovels, etc.

8th Article.—The colony is mainly an agricultural one. Each colonist shall make the cultivation of the land his first concern; he can sow, reap the harvest, and dispose of it, without paying any tax, and with complete freedom, with no other limitation and obligation than that of previously informing the auditor what he sells or exports from the colony; and the said auditor shall give him a certificate as evidence that he fulfilled this duty.

9th Article.—The workingmen, such as carriage makers, carpenters, shoemakers, and blacksmiths, who may be willing to settle in the colony, will also be allowed to exercise their industries in the same manner.

10th Article.—After the third year of their settlement, each colonist shall lay apart the fourth part of the salable product of his harvest, such as cotton, honey, indigo, cochineal, and tobacco, which shall be appropriated to reimburse the Government what it paid for his passage from Europe to the Republic, and the value of whatever he had received in conformity with preceding articles, 5th and 6th.

11th Article.—During ten years, to be counted from the settlement of the colony, the product of its agricultural labors will remain free from all tax, duty, or burden. The colonists will be free from military duty, and will act only as national guards,

if the safety of the colony should occasionally demand it. After the said term of ten years the colonist will pay the taxes to which the native laborers and shepherds are subject.

12th Article.—Each colonist sixteen years old will be granted four square *cuerdas*, measure of the country, as a farm or field to be cultivated. This lot of ground may be increased according to the age of the colonist, and the number of persons in his family. It will be the full and perfect property of the colonist from the moment he has fulfilled the terms of the 10th Article; and he shall receive a document or public deed as a title of his ownership.

13th Article.—The tract of land allotted to each colonist will be measured, and will have its landmarks. At the town each family will receive in ownership a ground plot and a house. The single colonist will receive a ground plot, on which he shall build a house as soon as he establishes his plantation or farm (*chacar*).

14th Article.—To regulate the accounts, a paginated book will be kept, where each colonist, whether head of a family, or single, shall have his current account.

15th Article.—A register will also be kept, where the name of each colonist, his age, sex, state, condition, and persons depending upon him, shall be entered, and this book shall be regarded as annexed to the Register, where the certificates regarding the birth, state, morals, profession, business, and vaccination of each colonist shall also be recorded.

16th Article.—A copy of the plan drawn for the colony, place for a chapel and for the lodging of the chaplain or rector, and also for a public cemetery, outside of the town, shall be appended to this decree.

17th Article.—The whole land contiguous to the colony will be measured and divided into lots for plantations or farms (*charras*). In the future, according to circumstances, lands will be measured for farms or plantations.

18th Article.—The plantations, or *chacras*, will be rented or sold at a redeemable quit-rent, at 5 per cent., to anybody soliciting them, whether native or foreigner, with the obligation to cultivate them within a year from their acquisition.

19th Article.—The price of each lot of *chacra*, or plantation, will be eight dollars per square *cuerda*.

20th Article.—The Government being informed that amongst the colonists there are none sufficiently conversant with the Spanish language to keep a record of all judicial proceedings, the Paraguayan citizen, Luis Caminos is appointed to be justice of the peace for “ Nuevo Burdeos.”

21st Article.—The justice of the peace appointed for the colony shall translate into French the ordinance for justices of the peace, the statutes for the administration of justice, and the resolutions adopted on this date upon the manner of proceeding in judicial cases—the said resolutions being only provisional until experience makes known what is more advantageous for the colony.

22d Article.—The justice of the peace for the colony has the special duty to organize the police department of the colony, and is vested with this duty, and with that of preserving peace, order, and concord among the colonists, and adjusting the minor disputes and differences that may occur between them.

23d Article.—The same justice of the peace, citizen Luis Caminos, is appointed purveyor for the colony, with the faculties, functions, jurisdiction, and power set forth in the ordinances made in this date for the best fulfillment of the duties of that position.

24th Article.—The justice of the peace and purveyor of the colony shall have a steward and two accountant clerks.

25th Article.—The justice of peace and purveyor, and the clerks mentioned in the preceding article, shall be given lodgings and board, and also the monthly salary determined in the 23d Article of the above named ordinances.

26th Article.—The supreme government will either give an extra pay to the curate of the colony as soon as he may devote himself to the teaching of the youth, or will appoint some other person competent for this purpose, whom it will pay a monthly salary, till the colonists are able to attend by themselves to this branch of the service.

27th Article.—The Judge of first instance in civil matters, citizen Nicolas Vasquez, shall go to the colony to cause the said

citizen, Luis Caminos, to be recognized by the colonists as such justice of the peace and purveyor, and shall administer him the oath prescribed by the law of the country.

28th Article.—In regard to the savages of El Chaco, the same harmony and friendly intercourse observed with them up to the present time shall be maintained. Nevertheless, the Government of the Republic, wishing to prevent them from insulting the colonists, will supply the colony with a garrison, consisting of troops of the three different branches of the army, under the command of the chief appointed on this date, with suitable orders and instructions, it being understood that the said forces will be increased whenever required for the safety of the colony.

29th Article.—The garrison will be relieved from duty by third parts every four months. The officers and privates who cannot remain on duty on account of actual sickness, will be relieved directly. The commander of the garrison will not be relieved before a year is past, except in case of sickness or other special circumstance.

30th Article.—The pay of the garrison of the colony shall be the same as of the troops quartered at the capital, and payable every two months at the office of the Secretary of War.

31st Article.—Military men who, after the expiration of their term, wish to settle in the colony, shall enjoy all the preceding concessions.

32d Article.—A river police will be established for the present at the port of “Nuevo Burdeos,” and when it shall be in condition to begin trade, it will be made a port of entry, with a harbor master and the corresponding deputies.

ASUNCION, May 14, 1855.

CARLOS ANTONIO LOPEZ.

JOSÉ FALCON,

Secretary *ad interim* for the Supreme Government.

EXHIBIT G.

TREATY OF ALLIANCE.

The Government of the Republic Oriental del Uruguay, the Government of H. M. the Emperor of Brazil, and the Govern-
ment of the Argentine Republic.

Treaty of Alliance
against
Paraguay, 1865.

The two last-named Governments being actually at war with the Government of Paraguay, since this Government had *de facto* declared it, and the first being in a state of hostility against it, and threatened in its internal peace by said Government, which violated solemn treaties and international rules of civilized nations, and committed unjustifiable acts after having disturbed its relations with its neighbors by the most abusive and aggressive proceedings.

Convinced that the peace, security, and welfare of those respective nations is impossible, as long as the present Government of Paraguay exists, and that it is of urgent necessity, demanded by the greatest interests, that the said Government should cease, having due respect for the sovereignty, independence, and territorial integrity of the Republic of Paraguay:

Have resolved, to the said end, to celebrate a treaty of offensive and defensive alliance; and to this effect they have appointed their Plenipotentiaries, viz.—His Excellency the Provisional Governor of the Oriental Republic to His Excellency Doctor Don Carlos Castro, Minister of Foreign Relations; H. M. the Emperor of Brazil, to His Excellency Doctor Don Octaviano Almeida Rosa, his Councillor-Deputy to the National Legislative Assembly, and Officer to the Imperial Order of La Rosa; His Excellency the President of the Argentine Republic; His Excellency Doctor Don Rufino de Elizalde, Minister Secretary of Foreign Relations. And, having exchanged their respective credentials, and finding them correct and in due form, they agree on the following:

ARTICLE I.

The Republic Oriental del Uruguay, H. Majesty the Emperor of Brazil, and the Argentine Republic, are united in an offensive and defensive alliance in the war provoked by the Government of Paraguay.

ARTICLE II.

The allies will concur, with all the means at their disposal, by land or water, as they may deem advisable.

ARTICLE III.

The war operations, commencing at the territory of the Argentine Republic, or at a part of the Paraguayan territory bordering upon the said Republic, the command in chief and the direction of the allied armies shall be intrusted to the President of the Argentine Republic, General-in-Chief of its army, Brigadier-General Don Bartolome Mitre.

The maritime forces of the allies shall be under the immediate command of the Vice-Admiral Viscount of Tamandaré, Commander-in-Chief of the navy of H. M. the Emperor of Brazil.

The land forces of the Republic Oriental del Uruguay, a part of the Argentine forces, and another part of the Brazilian forces, which shall be designated by their respective superior officers, will form an army under the immediate command of the Provisional Governor of the Republic Oriental del Uruguay, Brigadier-General Don Venancio Flores.

The land forces of H. M. the Emperor of Brazil will form an army under the immediate command of its General-in-Chief, Brigadier Don Manuel Louis Ozorio.

Notwithstanding that the high contracting parties agree not to change the theatre of the war operations, nevertheless, and with a view to respecting the sovereign rights of the three nations, they agree, from the present, to observe the principle of reciprocity in regard to the commanding in chief in case the said operations should be carried into the Oriental or Brazilian territory.

ARTICLE IV.

The internal economy and the arrangement of the allied troops are under the exclusive care of their respective chiefs.

ARTICLE V.

The high contracting parties will mutually contribute all the aids and means they possess and which may be wanting by the others in such manner as they may agree upon.

ARTICLE VI.

The allies solemnly bind themselves not to lay down arms unless by common consent, until the existing Government of Paraguay be overthrown, and also, not to treat separately, or to sign any treaty of peace, truce, armistice or any convention putting an end or suspending the war, unless by the complete conformity of all.

ARTICLE VII.

The war not being against the people of Paraguay, but against the Government, the allies can admit into a Paraguayan legion every citizen of the said nation wishing to assist in the overthrow of the said Government, and will furnish them with the means they require in the form and under the conditions to which they shall agree.

ARTICLE VIII.

The allies bind themselves to respect the independence, sovereignty and territorial integrity of the Republic of Paraguay, and therefore the people of Paraguay shall have the power to elect the Government and institutions which may suit them, without annexing itself or asking for the protectorate of any of the allies, as a result from the war.

ARTICLE IX.

The independence, sovereignty and territorial integrity of the Republic of Paraguay will be guaranteed collectively, in conformity with the foregoing article, by the high contracting parties, for the term of five years.

ARTICLE X.

It is agreed between the high contracting parties that the exemptions, privileges or concessions obtained from the Government of Paraguay, shall be common to all of them gratuitously, if they are gratuitous, and with the same compensation, should they be conditional.

ARTICLE XI.

After the overthrow of the existing Government of Paraguay, the allies will proceed to make the necessary arrangements with the constituted authorities to secure the free navigation of the Paraná and Paraguay rivers, in order that the rules or laws of that Republic should not be an obstacle or prevent or burden the transit and direct navigation of the merchant ships and men-of-war of the allied States proceeding to their respective territory or to a territory not belonging to Paraguay, and will take the necessary guarantees to render effective the said arrangements upon the basis that these arrangements of fluvial policy, whether they be intended for the two said rivers, or only for the Uruguay river, will be dictated by common consent between the allies and any other bordering State that, within the term agreed upon by the allies, shall accept the invitation made to this end.

ARTICLE XII.

The allies reserve the right to concert upon the most convenient means to guarantee peace with the Republic of Paraguay after the overthrow of its existing Government.

ARTICLE XIII.

The allies will appoint in due time Plenipotentiaries who will celebrate the arrangements, conventions or treaties with the Government which may be established in Paraguay.

ARTICLE XIV.

The allies will exact from the said Government the payment of the expenses of the war which they are compelled to accept, and also compensation and indemnification for damages and detriments to public and private property, and on the persons

of their citizens, without an express declaration of war, and also by the damages and detriments suffered subsequently by violation of the principles governing the laws of war.

The Republic Oriental of Uruguay will exact, also, an indemnification proportioned to the damages and detriments caused by the Government of Paraguay by reason of the war which it has been compelled to accept in defence of its safety, menaced by the said Government.

ARTICLE XV.

The ways and means to liquidate and pay the debt proceeding from the aforesaid causes shall be determined by a special convention.

ARTICLE XVI.

With a view to prevent discussions and wars upon the questions of limits, it is stipulated that the Alliance will exact from the Government of Paraguay final treaties of limits with the respective Governments, upon the following bases :

The Argentine Republic will be divided from the Republic of Paraguay by the Paraná and Paraguay rivers, until reaching the limits of the Empire of Brazil, these being, on the right bank of the Paragnay river, the Bahia Negra.

The Empire of Brazil will be divided from the Republic of Paraguay, on the side of the Paraná, by the first river after the fall of the Seven Falls ; that, according to the recent map by Monchez, is the Igurey, and from the mouth of the Igurey and its upper course till it reaches its source.

On the side of the left bank of the Paragnay, by the Apa river, from its mouth to its source.

In the interior, from the summit of the Sierra de Maracayú, the eastern declivities shall belong to Brazil, and the western to Paraguay, and drawing lines as straight as possible from the said land to the head of the Apa and the Igurey.

ARTICLE XVII.

The allies mutually guarantee to each other the faithful fulfilment of the agreements, arrangements and treaties that may

be celebrated with the Government which may be established in Paraguay, by virtue of what has been agreed upon in the present treaty of Alliance, which will always remain in force to the end that the present stipulations may be respected and fulfilled by the Republic of Paraguay.

With a view to obtaining this result, they agree that in case one of the high contracting parties should be unable to obtain from the Government of Paraguay the fulfilment of that which has been accorded, or that that Government should endeavor to annul the stipulations adjusted with the allies, the others shall employ their efforts to have them respected.

Should these efforts be unsuccessful, the allies will concur with all their means to bring about the fulfilment of that which has been stipulated.

ARTICLE XVIII.

This treaty shall remain secret until the main object of the alliance is obtained.

ARTICLE XIX.

The stipulations of this treaty, requiring no legislative authorization for their ratification, will have effect as soon as they are approved by the respective Governments, and the other ones which require such ratification, from the exchange of the ratifications which shall be made within the term of forty days to be counted from the date of the said treaty, or before if it is possible.

In witness whereof we, the undersigned Plenipotentiaries of His Excellency, the President of the Argentine Republic, of His Majesty, the Emperor of Brazil, and of His Excellency the Provisional Governor of the Republic Oriental of Uruguay, in virtue of our full powers, sign this treaty, and seal it with our seals at the city of Buenos Ayres, on the first day of May, of the year of our Lord 1865.

CARLOS DE CASTRO,

T. OCTAVIANO DE ALMEIDA ROSA,

RUFINO DE ELIZALDE.

PROTOCOL.

Their Excellencies, the Plenipotentiaries of the Argentine Republic, of the Republic Oriental of Uruguay, and of His Majesty, the Emperor of Brazil, being assembled at the Department of Foreign Relations, have agreed :

1st. That in the fulfilment of the Treaty of Alliance of this date, the fortifications of Humaita shall be demolished, and it shall not be permitted to erect new ones of the same nature, which could prevent the faithful fulfilment of the said treaty.

2d. It being one of the necessary measures to guarantee peace with the Government which may be established in Paraguay, not to permit arms or elements of war at that place; those found there shall be divided equally among the allies.

3d. That the trophies and booty taken from the enemy shall be divided among the allies which capture them.

4th. That the commanders of the allied armies shall agree upon the measures to carry out what is here stipulated.

And they signed this protocol at Buenos Ayres on the 1st of May, of 1865.

CARLOS DE CASTRO,

T. OCTAVIANO DE ALMEIDA ROSA,

RUFINO DE ELIZALDE.

APÉNDICE

y

DOCUMENTOS ANEXOS

Á LA

MEMORIA

Presentada por el

MINISTRO DEL PARAGUAY,

EN LA CUESTION SOMETIDA
Á ARBITRAMIENTO.

APÉNDICE.

APÉNDICE.

DOCUMENTOS OFICIALES

SOBRE CUESTIONES DE LÍMITES

ENTRE LA

REPÚBLICA DEL PARAGUAY Y LA ARGENTINA.

1873.

ASUNCION, Setiembre 2 de 1873.

Señor Ministro :

El infrascrito tiene el honor de acusar recibo de la nota de S. E. el Señor General Mitre, Enviado Extraordinario y Ministro Plenipotenciario de la República Argentina, fecha 31 de Agosto próximo pasado, declarando que, con autorizacion de su Gobierno, ha resuelto trasladarse à Buenos Aires à fin de dar cuenta del estado de la negociacion, quedando ella mientras tanto amigablemente suspendida en los términos de la conclusion del Memorandum que V. E. ha adjuntado à dicha nota.

El Gobierno Paraguayo, Señor Ministro, contestará en debido tiempo à ese extenso Memorandum para rectificar la parte histórica y la apreciacion de los hechos y de los documentos à que se refiere ; pero desde yá, por ese mismo Memorandum, se vé :

1^o—Que el Gobierno Paraguayo, fiel à sus compromisos, se dispuso á celebrar con el Señor Plenipotenciario Argentino un tratado de límites segun las bases mencionadas en el artículo 16 del tratado de la Triple Alianza, usando à penas del derecho espreso en el Protocolo de 20 de Junio, de proponer en el interés de la República modificaciones à aquel tratado, y confiando à

mas de eso en las declaraciones solemnes hechas por el Gobierno Argentino al del Paraguay en la nota del 27 de Diciembre de 1869: “que la victoria no dá à las Naciones Aliadas derecho de declarar por sí límites suyos aquellos que el Tratado de Alianza señale.”

2º—Que el Gobierno Paraguayo animado sinceramente del deseo de concluir con brevedad ese tratado de límites, convino con la proposicion del Señor Plenipotenciario Argentino que las negociaciones se hiciesen amigablemente, sin exhibicion y exámen de títulos, que no faltan al Paraguay para demostrar su legítimo é incontestable derecho al territorio exigido por la República Argentina; y por eso, tales títulos no fueron presentados.

3º—Que el Paraguay reconociéndose vencido y sin fuerza para resistir à la República Argentina se mostró dispuesto à ceder el territorio de Misiones, la isla del Atajo ò Cerrito no mencionado en el Tratado de Alianza, y finalmente parte del Chaco desde el Bermejo hasta el Pileomayo, contra su parecer de que la cuestion del Chaco no se podia tratar sin el concurso de Bolivia, cuyos derechos à aquel territorio fueron salvados por los Aliados.

4º—Que no se celebró el tratado de límites de ese modo por las exigencias de la República Argentina de querer permanecer en la Villa Occidental, *lo que serà la ruina del Paraguay*, quedando el territorio que se estiende del Pilcomayo à la Bahía Negra sujeto à un arbitraje.

No pudiendo, pues, la República ceder mas de lo que ha cedido, *ni voluntariamente decretar por un Tratado su propia ruina*, y declarando S. E. el Sr. General Mitre suspendidas las negociaciones sin tiempo limitado, para ir'à consultar con su Gobierno, el infrascrito ha recibido órden del Ciudadano Vice-Presidente de la República en ejercicio del Poder Ejecutivo para declarar al Señor Ministro que el Gobierno del Paraguay espera una contestacion por parte del Gobierno Argentino hasta el dia 30 de Noviembre venidero para la prosecucion de los tratados hoy suspendidos amigablemente, y fenecido ese término se con-

siderarán sin efecto y de ningun valor las concesiones à que el Paraguay vencido se resignaba *nó por reconocer derecho alguno à la República Argentina al territorio que ella exige, sinó tan solamente por la fuerza de las circunstancias y por el íntimo deseo de vivir en paz y buena armonia con una vecina República.*

El infrascrito aprovecha la ocasion para retribuir à S. E. el Señor General Mitre su gratitud por las consideraciones que le ha demostrado y al mismo tiempo saludarlo con la mas distinguida y perfecta estima.

JOSÉ DEL ROSARIO MIRANDA,

*A. S. E. el Señor Brigadier General Don Bartolomé Mitre,
Enviado Extraordinario Ministro Plenipotenciario de la
República Argentina.*

MINISTERIO DE RELACIONES EXTERIORES }
DE LA REPÚBLICA ARGENTINA, }
BUENOS AIRES, Octubre 16 de 1873. }

Señor Ministro: Ha sido puesto por el negociador Argentino en manos del Presidente de la República la nota de V. E. del 2 de Setiembre próximo pasado, ofreciendo un contra-memorandum y espresando que el Gobierno del Paraguay esperaria una contestacion hasta el dia 30 de Noviembre venidero para la prosecucion de los tratados suspendidos amigablemente ò para considerar, fenecido ese término, sin efecto y de ningun valor las concesiones à que el Paraguay vencido se resignaba.

Sin haber recibido todavia ese contra-memorandum, ni tener seguridad de recibirlo en tiempo oportuno, el Sr. Presidente ha creido de su deber estudiar el asunto con la madurez que requeria su importancia, y despues de oir las esplicaciones verbales del Negociador Argentino, y las que en espíritu amistoso ha querido agregar el Plenipotenciario Brasileiro, Baron de Araguaia, ha resuelto hacer saber por conducto de S. E. à ese Gobierno que el Argentino no está dispuesto à cambiar sus anteriores proposiciones, comunicando lo mismo al Gobierno Impe-

rial con esta fecha, à fin de proceder à la desocupacion definitiva del Paraguay, segun lo previsto por el artículo 6° del acuerdo de 19 de Noviembre en su segunda parte.

El Gobierno Argentino habia creído, Señor Ministro, que con cualquiera de las dos soluciones ofrecidas por su parte, habia dado muestra inequívoca de moderacion, conciliando con lo del arbitraje especialmente los derechos y el honor recíprocos. Desechadas ellas por ese Gobierno, quédale solo el deber de conservar y hacer respetar los hechos existentes; y, aunque no se le ocultan los inconvenientes de semejante situacion, espera poder superarlos con su prudencia y patriotismo.

Con las seguridades de mi particular distincion,

soy de V. E.

atento servidor,

C. TEJEDOR.

A. S. E. el Señor Ministro de Relaciones Exteriores de la República del Paraguay.

DEPARTAMENTO
DE RELACIONES EXTERIORES. }

ASUNCION, Octubre 30 de 1873.

Contéstese lo acordado y remítase el contra-memorandum.

JOVELLANOS,

JOSE DEL ROSARIO MIRANDA.

MINISTERIO
DE RELACIONES EXTERIORES. }

ASUNCION, Noviembre 7 de 1873.

Señor Ministro :

El infrascrito Ministro de Relaciones Exteriores, ha recibido el dia 27 del mes de Octubre ppdo. la nota que V. E. le ha dirijido con fecha 16 del mismo mes, comunicando que

ha sido puesta por el Negociador Argentino en manos del Exmo. Señor Presidente de esa República la nota de 2 de Setiembre de este Ministerio, ofreciendo un contra-memorandum, espresando que el Gobierno de esta República esperaria una contestacion hasta el día 30 de Noviembre venidero para la prosecucion de los tratados suspendidos amigablemente, ò para considerar, fenecido ese término, sin efecto y de ningun valor, las concesiones à que el Paraguay vencido se resignaba : que sin haber recibido todavia ese contra-memorandum ni tener seguridad de recibirlo en tiempo oportuno, el Señor Presidente ha creido de su deber estudiar el asunto, y que, despues de oir las esplicaciones del Negociador Argentino y del Plenipotenciario Brasileiro Baron de Araguaya, ha resuelto hacer saber, por el conducto del infrascrito, al Gobierno de esta República, que no está dispuesto à cambiar sus anteriores disposiciones.

Lo que habiendo llevado al conocimiento del Gobierno he recibido encargo para espresar à V. E. pidiendo se sirva poner tambien al conocimiento del Gobierno Argentino, que el del Paraguay siente sobre manera la no realizacion de los tratados, en vista de la discordancia en que se encuentran sobre la proposicion en el arreglo de limites.

El contra-memorandum que el Gobierno ha ofrecido enviar con oportunidad, tengo la honra de anunciar à V. E. que en esta ocasion se ha remitido al Señor Cónsul del Paraguay en esa Capital para ponerlo en manos de V. E.

Con tal motivo, aprovecho la ocasion para reiterar al Señor Ministro las seguridades de mi mas alta consideracion y perfecta estima.

JOSÉ DEL ROSARIO MIRANDA.

A. S. E. el Señor Don Carlos Tejedor, Ministro de Relaciones Exteriores de la República Argentina.

CONTRA MEMORANDUM.

Sobre cuestiones de límites entre la República del Paraguay y la Argentina.

ANTECEDENTES.

Es necesario tener presente que el tratado de Alianza de 1° de Mayo de 1865, en su fondo, como consta en el artículo 7°, la guerra no fué contra el Pueblo del Paraguay, sino contra su Gobierno en aquella época, es decir, contra el Mariscal Lopez.

Por una consecuencia lógica de lo dispuesto en el artículo citado, en los siguientes 8° y 9° los Aliados se obligaron á respetar la independencia, soberanía é integridad territorial de la República del Paraguay y garantirlas colectivamente.

Prévias las estipulaciones espresadas en el artículo 11° se estableció, que, derrocado el Gobierno de entonces (el Mariscal Lopez) los Aliados procederian á hacer sus arreglos con la autoridad constituida.

Con el objeto de evitar nuevas guerras que las cuestiones de límites puedan envolver, se consignó en el artículo 16°, que los mismos Aliados exigirán al Gobierno del Paraguay la celebracion de tratados de límites bajo las bases que en dicho artículo 16° se demarcan.

En el año 1869, por la circunstancia de que el Mariscal Lopez ya no dominaba mas que una parte de la República, varios Ciudadanos paraguayos pronunciados contra el poder tiránico del mismo Lopez, firmaron en la Asuncion una acta solicitando de los Aliados el establecimiento de un Gobierno provisorio para la República.

Los Aliados en 2 de Junio del mismo año 1869, convinieron y concedieron á la solicitud de la comision paraguaya, y por medio de una nota colectiva comunicaron á los Comisarios Paraguayos declarando solemnemente concedido y aceptado el establecimiento de un Gobierno Provisorio.

El 15 de Agosto del mismo año se instaló el Gobierno Provisorio habiendo sido sus Miembros elegidos por el Pueblo.

Este Gobierno Provisorio tanto por nota cuanto por Decreto de 19 del mismo mes de Agosto, ratificó las bases del protocolo del 2 de Junio.

Consiguientemente, por la muerte del Mariscal Lopez, la guerra se terminó y en consecuencia no habiendo sido ella contra el pueblo Paraguayo, era natural tener modificaciones el tratado de la Triple Alianza para que así fuese verdadera la declaración de tres Gobiernos cultos y civilizados, que no tuvieron otro móvil para tomar las armas que el de combatir un Gobierno tirano.

En 20 de Junio de 1870 se firmó el Tratado preliminar de paz entre el Gobierno Provisorio de la República y los Aliados ; en cuyo Acuerdo en el artículo 2º se estipuló lo siguiente : “El Gobierno Provisorio de la República del Paraguay ratifica una vez mas las declaraciones que hizo en el Protocolo de 2 de Junio del año próximo pasado, y por consiguiente acepta en el fondo el Tratado de la Triple Alianza celebrado en Buenos Aires el 1º de Mayo de 1865, reservándose para los arreglos definitivos con el Gobierno permanente las modificaciones de este mismo Tratado que pueda proponer el Gobierno Paraguayo, en el interes de la República.”

En virtud de lo acordado en el artículo 2º inserto, se reservó al Paraguay no solo el derecho de ser oído, sino tambien el de proponer modificaciones ; y en los protocolos se espresa que la reserva de las modificaciones seria referente à la cuestion de límites sobre el Chaco, de manera que los Aliados renunciaron especialmente el artículo 16º del Tratado, es decir, ya no podrian exigir al Paraguay la aceptación de los límites señalados en dicho artículo, y, con esta prèvia salvedad, el Gobierno Provisorio aceptò en el fondo el Tratado de 1º de Mayo de 1865.

Aúnque el Gobierno Provisorio se haya limitado à pedir la salvedad tan solamente en la parte del Chaco con motivo de la ocupacion de la Villa Occidental por fuerzas Argentinas, el Señor Plenipotenciario de la República Argentina amplió el derecho al Paraguay, declarando “que el Gobierno Argentino no queria usar del derecho de vencedor para resolver la cuestion de límites, sinó dirimirla por un acuerdo amigable en vista de los títulos de una y otra parte.”

Esta solemne declaracion fué aceptada por los demas Ministros de la Alianza, y, firmado el Tratado Preliminar de 20 de Junio en los términos ya citados, no podia la Alianza poner fuera de cuestion todo lo que fuese relativo à límites.

En Octubre de 1871 se inició la negociacion simultánea de los Representantes de los Aliados ante el Gobierno constituido de la República.

Antes de empezar las negociaciones con el Gobierno Paraguayo el Señor Plenipotenciario Argentino se retiró, habiendo pedido la suspension de los Tratados sin expresar razon ni motivo para ello.

Por notas que despues fueron cambiadas entre el Gobierno Argentino y el del Imperio del Brasil se concibe que, el Señor Plenipotenciario Argentino habia pretendido indebidamente imponer colectivamente con los otros Representanes de la Alianza para que el Paraguay se sometiese a lo dispuesto en el artículo 16 del tratado de 1º de Mayo de 1865, lo que tanto el Señor Plenipotenciario del Brazil quanto el Oriental, como era natural, no quisieron asentir para imponer al Paraguay una exigencia que la misma Alianza ha prescindido de ella de una manera solemne.

Despues que el Señor Plenipotenciario Argentino se retiró à Buenos Aires, el del Brasil celebró con la República del Paraguay los tratados definitivos de paz sin que en el curso de las negociaciones haya habido la menor idea de poner fuera de cuestion todo lo que fuera relativo à límites; de manera que, prévias las conferencias confidenciales, se resolvió todo amistosamente, habiendo sido oido el Paraguay en todo lo que en materia de límites proponia, así como sobre otros puntos.

El Gobierno de la República, animado de los mejores deseos, determinó en Agosto de 1872, acreditar una mision especial cerca del Gobierno Argentino con el objeto de celebrar Tratados definitivos de paz.

La mision no tuvo ningun éxito, por que el Gobierno Argentino ni la quiso oir, y segun la Memoria del Señor Ministro de Relaciones Exteriores de 1873, era por que las instrucciones del Plenipotenciario Paraguayo han sido exorbitantes.

Tal escusa es bien estraña, por que toda negociacion diplomática por exorbitantes que fueren las pretensiones de las Altas

Partes Contratantes, precisamente con la discusion todo se arregla y se modifica.

Despues el Gobierno Argentino acreditó cerca del Paraguay una nueva mision especial para los tratados definitivos de paz, siendo ella conferida al Exmo. Señor General Don Bartolomé Mitre, quien al presentarse en tal carácter ante el Gobierno de la República espresó los sentimientos de fraternidad y el deseo de cumplir los compromisos para con los Aliados y el Paraguay; regularizar la situacion y afianzar una paz en el presente y en el futuro.

El Gobierno Paraguayo le contestó que él se encontraba con los mismos deseos y que contribuiria eficazmente para la realizacion de los Tratados.

Tambien el Gobierno del Brasil acreditó otra mision especial cerca del Paraguay, que la desempeña el Exmo. Señor Baron de Araguaya, para prestar su concurso conforme á lo estipulado en el Acuerdo de 19 de Noviembre en Rio Janeiro entre el Brasil y la República Argentina.

El Ilustre Diplomatico Brasileiro consiguientemente desempeñó su mision del modo mas cumplido.

NOTA. Aqui el Negociador por parte del Paraguay se ocupa de los incidentes de la negociacion para los arreglos definitivos entre ámbas Repúblicas, hasta la suspension amistosa de las gestiones que acordaron á pedido del Plenipotenciario Argentino, quien se retiró para ir á dar cuenta personalmente á su Gobierno de las referidas negociaciones, dejando un *Memorandum* en el que relacionaba todos sus incidentes y consignaba al mismo tiempo los derechos que decia tener la República Argentina á los territorios disputados al Paraguay. El Plenipotenciario Paraguayo en seguida entra á tratar sucesivamente los títulos en que apoya los derechos del Paraguay á los territorios en litigio.

CUESTION DE MISIONES.

La cuestion que versa sobre el territorio de Misiones entre la República del Paraguay y la Argentina, es, á todas luces, que el Paraguay se encuentra con el mejor derecho.

La única base que pudiera haberle servido de fundamento á la República Argentina para apoyar sus derechos sobre Misiones, es el Tratado de la Triple Alianza de 1º de Mayo de 1865 ; pero este desapareció el 20 de Junio de 1870, en virtud del Acuerdo Preliminar de Paz firmado en la Asuncion en la precitada fecha entre el Gobierno de la República del Paraguay y los Aliados ; de suerte que toda vez que la República Argentina quiera invocar en su favor sobre cuestiones de límites dicho Tratado de Alianza será un argumento ineficaz y redundante y, mucho mas, teniendo presente la declaracion solemne que ha hecho el Gobierno Argentino al del Paraguay que la victoria no dá derecho á los Aliados "para señalar límites."

En corroboracion de lo que llevamos dicho, pasamos á probar el incuestionable derecho que la República del Paraguay tiene sobre el territorio disputado por la Argentina.

Por los años 1624 y 1628 se fundaron las doctrinas del Paraná y se erigieron en pueblos, y se ordenó en varias Cédulas Reales de 1650 y 1651 y muy especialmente en una de 15 de Junio de 1654, que los curas se propusieran en terna al Gobernador del Paraguay, Real Vice-Patrono : asi se verificó y recayó la aprobacion del Rey de España en otra Real Cédula de 10 de Noviembre de 1659, á que es referente la de 24 de Diciembre de 1746, que dice : "Son trece señaladamente los pueblos que siempre fueron de la jurisdiccion del Paraguay," y en otra estensa Cédula de 28 de Diciembre de 1743 que detalla minuciosamente sobre las Misiones se confirmaba esta verdad.

Los trece pueblos de que hablamos han sido los de la derecha del Paraná, á saber : Santa Maria de Fé, San Ignacio Guazú, Santa Rosa, Santiago, San Cosme y Damian, Itapua, Trinidad y Jesus ; y los otros cinco han sido los de la izquierda del Paraná, Candelaria, Santa Ana, Loreto, San Ignacio Miní y Corpus : estos trece pueblos pertenecian al antiguo Departamento de Candelaria, y los vecinos del Paraguay obtuvieron enco-

miendas desde los primeros descubrimientos en los pueblos de la izquierda del Paraná del citado Departamento de Candelaria.

El Gobierno de la Provincia del Paraguay ha conservado siempre el dominio del territorio que comprendía los trece pueblos del citado Departamento de Candelaria; é igualmente el Gobierno de Buenos Aires mantuvo bajo su dominio los otros diez y siete pueblos de Indios de las Misiones Jesuíticas del Uruguay, y eran visitados por sus respectivos Obispos: y de la misma manera eran los del Paraguay.

En este estado que se encontraban los pueblos de Misiones el Rey de España ordenó por su Real despacho dado en San Lorenzo el 6 de Noviembre de 1726 que se agregasen los pueblos de la jurisdiccion del Paraguay al Gobierno de Buenos Ayres, por las testuales palabras que siguen. “Por tanto mando al Virrey del Perú, Audiencias de las Charcas, que luego que se le presente este Real Despacho, dé las mas estrechas órdenes para que se ejecute lo que vá espresado de la segregacion por ahora del Gobierno del Paraguay de los treinta pueblos de Indios de la Compañía de Jesus y que se pongan bajo del mando del Gobierno de Buenos Aires.”

Esta fué la única interrupcion que el Gobierno del Paraguay ha tenido con respecto al dominio de los trece pueblos de Misiones, y durante el tiempo que ha estado en vigencia la disposicion y mandato del Rey de España, el Gobernador del Paraguay se desentendió de toda ingerencia administrativa sobre dichos Pueblos, hasta que 1762, el Gobernador Don José Martines Fontes hizo su representacion à efecto de volver à unir al Gobierno del Paraguay los trece pueblos de su jurisdiccion agregados al Gobierno de Buenos Ayres: y sucesivamente Don Pedro Melo de Portugal; cuyo resultado fué comunicarle à este, el Virey de Buenos Ayres, Marqués de Loreto, en oficio de 14 de Julio de 1784, el párrafo testual de dicho oficio en los términos que sigue.

“Ahora conforme à ello y consiguiente à mi resolucion de “este dia, he pasado en su fecha al Señor Intendente General “Gobernador de esta Provincia mi oficio de quedar à su cuidado, los diez y siete pueblos que corresponden à su distrito, y “à V. S. lo ejecuto por los trece restantes, sin que por esto

“quede yo menos pronto à ocurrir con los ausilios y superiores providencias, en lo preciso, dejando pasados los avisos que corresponden à los pueblos, al protector de Naturales y al Administrador de sus bienes.”

Como se vé, pués desde el año 1784 los trece pueblos de Misiones volvieron bajo el dominio de la autoridad Paraguaya.

El 17 de Mayo de 1803, por Real Cédula dada en Aranjuez, el Monarca Español tuvo à bien quitar à Buenos Aires los diez y siete Pueblos de las Misiones del Uruguay que le correspondian por que estaban bajo la dependencia de su Gobierno; y al Paraguay hizo lo mismo quitando los otros trece pueblos que le pertenecian desde su fundacion y estaban así mismo bajo el dominio de sus Gobernadores. De todos los mencionados pueblos reunidos, formó una provincia separada con el nombre de “Provincia de Misiones” nombrando para su Gobernador à Don Bernardo de Velazco, con entera independendencia de los Gobiernos del Paraguay y Buenos Ayres, sobre lo cual dice entre otros cosas la citada Cédula Real lo que signe: “à cuyo fin he venido en conferir el gobierno militar y político que he tenido à bien crear este año al Teniente Coronel Don Bernardo de Velazco, para que tenga el mando de los treinta Pueblos de Misiones guaranis y tapes, con total independendencia de los Gobiernos del Paraguay y Buenos Ayres, bajo los cuales se hallan divididos en el dia por ser tan importante la creacion de un gobierno en aquel parage. . . .” de cuyo gobierno se recibió Velazco en el mismo año, así es que en esa ocasion se quitó al Paraguay su territorio que ocupaban los trece pueblos de su dependencia hasta el Rio Tebicuary, por que hasta ese Rio alcanzaban los límites de las Misiones Paraguayas; y à Buenos Aires los de una y otra banda del Rio Uruguay que correspondian à los diez y siete pueblos de su distrito.

Sucesivamente el Virey Marqués de Sobremonte comunicó al Gobernador de Misiones D. Bernardo de Velasco, en oficio dado en Buenos Aires, con fecha 24 de Marzo de 1806, que por Real Orden de Su Magestad era nombrado Gobernador Militar y político é Intendente de la Provincia del Paraguay, con agregacion de los treinta pueblos de las Misiones de Indios guaranis y tapes del Uruguay y Paraná, etc. Con esta resolucion y

mandato del Rey de España, el Señor Velazco pasó à recibirse del Gobierno del Paraguay y lo anota el Escribano de Gobierno y Cabildo à continuacion del mismo oficio original, diciendo: “Certifico, doy fé y verdadero testimonio que el Señor Don Bernardo de Velazco ha sido recibido y puesto en posesion del empleo de Gobernador Intendente de esta Provincia, con reunion del de los Pueblos de Misiones y prestó el juramento de estilo en el Ayuntamiento. Y de su mandato doy el presente en la Asuncion à 5 de Mayo de 1806.”

El mismo Virey Marqués de Sobremonte, con data de 12 de Abril del mismo año de 1806, dirigió desde Buenos Aires, al Gobernador Intendente Velazco, otro oficio en que le dijo: Debiendo V. S. ausentarse á servir el Gobierno è Intendencia de la Provincia del Paraguay, en virtud de lo resuelto por Su Magestad, reflexiono sobre la dificultad que se presenta de poder atender desde tanta distancia los pueblos de Misiones guaranis que quedan siempre bajo su mando, justamente en el tiempo mas critico de establecer su nuevo sistema de Gobierno que no debe ya dilatarse, por ser uno de los estrechos encargos de su Magestad cuyo cumplimiento insta y conviene por esto que prevengo á V. S. me proponga los medios que sugieran su celo y conocimiento para acudir á dichos objetos, sin perjuicio de la dependencia que debe tener de V. S. por la misma Real disposicion.”

En el mismo mes de Mayo de 1806, el provisto Gobernador Intendente de la Provincia del Paraguay con agregacion de los treinta Pueblos de Misiones del Paraná y Uruguay en virtud de los títulos que quedan relacionados y transcriptos, pasó á la Capital de la Asuncion, y se recibió con toda solemnidad del Gobierno que la confiára el Rey de España, segun consta en acta acordada el dia 5 de Mayo de 1806, en la sala Capitulár en la Asuncion.

El Señor Gobernador Velazco permaneci6 en su Gobierno del Paraguay y Misiones hasta el año 1811 en que la Provincia se pronunci6 declarando su libertad; de suerte que el grito de libertad 6 independencia se pronunci6 à los cuatro 6 cinco años que el Rey de España habia agregado los pueblos de las Misiones á la Provincia del Paraguay, y por consiguiente,

no habiendo ninguna disposicion ulterior en estos dominios que fueron de España, corresponde legítimamente al Paraguay puesto que el Señor Velazco estaba en pleno goce y ejercicio de su jurisdiccion gubernativa y bajo cuyos dominios y jurisdicciones entregó el mando à la Junta Gubernativa que creó la Nacion al declarar su independencia, siendo su voluntad pertenecer á sí misma sin reconocer ningun poder extraño.

Resulta, pues, que el derecho de propiedad y dominio sobre el territorio del Departamento de Misiones del Paraná y Uruguay corresponde de hecho y de derecho al Paraguay, puesto que el dueño se lo adjudicó, y como ya se ha dicho, no hubo otra disposicion contraria que haya alterado tal orden de cosas. Y este mismo derecho todos los pueblos del propio origen han invocado en su favor, en identidad de casos, como un título perfecto é incontestable. Y en virtud de estos mismos derechos el Paraguay siempre ha conservado su soberania y dominio en las Misiones.

El Señor Ministro Mitre conociendo que la República del Paraguay tiene mejores títulos sobre el territorio de Misiones, en su *Memorandum* pone de lado la discusion de estos y sienta que la cuestion diplomáticamente debe ser en el sentido de aceptar de comun acuerdo la solucion dada por la naturaleza ; deduciendo de esto la línea del Paraná para ser adoptada como frontera natural y legal de ambas Repúblicas ; pero para que esa línea sea legal, es necesaria la concession del Paraguay de sus dominios de la márgen izquierda de dicho Rio, por que por mas que se pretenda dar la clasificacion de *frontera natural* à la línea del Paraná, no puede ser, à la vista de los títulos de la República del Paraguay.

Buenos Aires nunca ha tenido dominio sobre las Misiones que correspondian al Paraguay, escepto el tiempo que estuvo en vigencia la disposicion del Rey de España de 1726, que por los disturbios y levantamientos de los indios de los pueblos de la jurisdiccion del Paraguay con motivo de la venida del Gobernador Garcia Ros á relevar á Antequiera en el Gobierno de la Provincia, y no queriendo este recibirlo tuvieron sus reñidos combates en Tebicuary donde fué vencido Ros, y continuando los disturbios de los Pueblos, el Rey dió la citada disposicion provisoria de 1726,

pero como esta disposicion fué revocada por el mismo Gobierno de España, aquel territorio pasó nuevamente de una manera definitiva á pertenecer á la Provincia del Paraguay, como ya se ha demostrado y probado por medio de los documentos relativos.

En vano el Señor Ministro Mitre pretende hacer aparecer los actos del Coronel Rocamora como hechos legales y comprobantes, deduciendo que por haber reconocido en 1810 ya la autoridad suprema de la Junta de Buenos Aires, habia pasado desde entonces el territorio de Misiones à ser parte integrante de las que fueron llamadas despues Provincias Unidas del Rio de la Plata. Decimos en vano, por que los actos y hechos de Rocamora fueron ilegales é improcedentes, y mas bien resultan de aquellos hechos una justificacion concluyente para el Paraguay en pro de sus derechos.

La Junta de Buenos Aires, pretendiendo quitar el territorio de Misiones nombró Gobernador interino de ella al Coronel Don Tomas Rocamora, sin que para ello tuviese título ni derecho alguno sobre dicho territorio, por que Don Bernardo de Velazco estaba en pleno goce y ejercicio del Gobierno que le habia confiado su Magestad el Rey de España.

Seguidamente, con fecha 27 de Mayo de 1810, la misma Junta de Buenos Aires dirije à Rocamora un oficio comunicándole los fines de la instalacion de la Junta Provisional Gubernativa por impresos que le incluyó, que habia sido solemnemente reconocida por todas las Corporaciones y que no dudaba de su patriotismo que allanaria cualquier embarazo que pudiese entorpecer la uniformidad de operaciones en el distrito de su mando.

Luego que Rocamora recibió dicho oficio, comenzó à espedir órdenes circulares à todos los Sub-Delegados de los diferentes Departamentos de los treinta pueblos de Misiones exigiendoles que solemnizasen la instalacion de la Junta establecida en Buenos Aires ; que le presentasen un estado demostrativo de los individuos capaces de tomar armas, con especificacion de los que fuesen de mas facultades ; otro de los Españoles establecidos en cada Departamento ; otro, de armamentos y, finalmente, de las tropas en servicio así como del caudal que hubiere en caja.

Cuando esto sucedió el Gobernador Intendente del Paraguay,

Don Bernardo de Velazco, habia vuelto à la Asuncion de las Provincias de abajo y recibiendo una comunicacion del Sub-Delegado Don Pedro Nolasco Alfaro, de fecha 10 de Julio de 1810, se informó de tan estraño acontecimiento de aparecer dentro del distrito de su mando un gefe intruso espidiendo órdenes à las autoridades de aquellos Departamentos ; por que Alfaro le decia se sirviese imponerle de las facultades de aquel nuevo empleado que ní se habia hecho reconocer para ser obedecido.

El Gobernador Velazco en vista de la comunicacion, se puso en marcha y tan luego que llegó al Pueblo de Candelaria, espidió un bando con fecha 30 de Agosto de 1810, ordenando à todos los Departamentos de su jurisdiccion, procediesen inmediatamente à la captura del Coronel Don Tomas Rocamora para imponerle el ejemplar castigo que merecia por haberse introducido en el territorio de su mando sin autoridad ni jurisdiccion tratándole de *sedicioso, perturbador del orden público y traidor à la Patria y al Rey.*

Lo que resultó consiguientemente de esto, fué que desapareció Rocamora y su autoridad: pués no podia ser de otra manera por que su poder no pasó de un simulacro, y en consecuencia en la época presente aquel hecho nada puede servir de apoyo para los derechos que pretende tener la República Argentina sobre el territorio de Misiones.

Llamamos simulacro de poder el que ejerció Rocamora, por que la autoridad superior de Buenos Aires que le habia nombrado, invocó el Gobierno de Don Fernando VII, y Bernardo de Velazco estaba ejerciendo en el Paraguay un poder que tambien emanaba del mismo Monarca.

Como yá se ha dicho el Señor Velazco que ha estado gobernando todo el territorio de su mando que le habia confiado el Gobierno de España, rechazando victorioso la fuerza armada que habia invadido la Provincia, sosteniendo de tal manera incólumes todos los derechos de la misma Provincia, y que tambien en tal estado entrego el mando à la Junta creada en el Paraguay por voluntad del mismo pueblo, para gobernarse à si mismo, entrando en el ejercicio de su soberania é independencia, como han hecho otros pueblos de América que han estado bajo la Metrópoli de los Gobiernos Monárquicos de Europa;

claro y natural era seguir la práctica y el derecho que asumieron aquellos, teniendo perfecto é incontestable derecho al territorio que estuvo bajo el mando del Gobernador Intendente Don Bernardo de Velazco.

Los derechos de la República del Paraguay sobre el territorio de Misiones se amplian mas, teniendo presente que Buenos Aires reconoció nuestra independencia, primero por nota de 28 de Agosto de 1811 y despues por el Tratado de 12 de Octubre del mismo año; y en cuyo Tratado al final del artículo 4º dice lo siguiente: “Debiendo en lo demas quedar tambien, “por ahora, los límites de esta Provincia del Paraguay en la “forma en que actualmente se hallan, encargandose consiguientemente su Gobierno de custodiar el Departamento de Candelaria.”

Se vé, pués, por el testo de ese artículo del Tratado, que el Paraguay de hecho y de derecho adquirió la propiedad y dominio del territorio de Misiones; como se vé tambien que Buenos Aires que ha reconocido nuestra independencia ya no podia pretender por sí y ante sí desconocer estos mismos legítimos derechos que nos asisten; obrar de otra manera lastimaria lo prescrito en el derecho de gentes.

Resultando que la República del Paraguay no ha tenido ningun otro tratado con la Argentina sobre límites, teniendo presente que el tratado de 1856 no fué aprobado por el Congreso del Paraná, está claro que hasta la fecha le pertenece de hecho y de derecho el territorio de Misiones.

A mas de los títulos y hechos mencionados que ya no precisamos de ampliar para justificar como quedan justificados los derechos de la República, agregamos aun como documento histórico lo que consta en la descripción è historia del Paraguay y del Rio de la Plata, obra póstuma de Don Feliz de Azara, en cuyo tomo I Capítulo XIV, donde enumera los pueblos y parroquias del Paraguay *están consignados todos los diez y siete pueblos de Misiones que hemos anotado.*

Aquí hubieramos concluido la parte histórica sobre Misiones, por que mas que suficientemente están demostrados y probados nuestros incontestables derechos sobre ese territorio; pero habiendo el Señor Plenipotenciario Argentino, en el *Memorandum*

que contestamos, tocado otros puntos (aunque sin fundamento alguno) para sostener el pretendido derecho de la República Argentina al territorio en cuestion, como ser el haber anotado como argumento final que: “el fallo definitivo con arreglo á lo pactado en la Convencion de 1811, fué pronunciado por el Congreso General de las Provincias Argentinas á que el Paraguay se habia sometido de antemano por el tratado de 12 de Octubre de 1811.” Pero, à renglon seguido, dice el Señor Ministro lo siguiente: “Y aun cuando esto no hubiera sido espresamente pactado à tal Congreso era el único poder à quien competia dirimir la cuestion.”

Esta asersion no pasa mas que de un fallo emanado del Señor Plenipotenciario Argentino, puesto que el Paraguay en aquella época, completamente independiente y en el ejercicio de su soberania no podia ya acatar la resolucion del Congreso de las Provincias Argentinas sin otras formalidades subsiguientes por que el mismo tratado de 12 de Octubre dice en el articulo 5º “Por consecuencia de la independenciam en que queda esta Provincia del Paraguay de la de Buenos Aires, conforme á lo convenido en la citada comunicacion oficial de 28 de Agosto último, tampoco la mencionada Exma Junta (de Buenos Aires) pondrá reparo en el cumplimiento y ejecucion de las demas deliberaciones tomadas por esta del Paraguay.”

A la vista y en virtud de las testuales palabras del tratado inserto, ningun poder extraño ya podia disponer del Paraguay, y mucho menos Buenos Aires que fué el primero que le tributó este derecho, y por consiguiente la deliberacion del Congreso de las Provincias Argentinas carecia de jurisdiccion para legislar sobre un territorio (Misiones) que correspondia al Paraguay, sin que el Representante de esta haya ocurrido al Congreso.

En los hechos prácticos, los derechos y dominios de la República del Paraguay sobre el mismo territorio en cuestion, dan las pruebas mas concluyentes.

El año 1825, cuando la efervescencia de las revoluciones que levantaban y alimentaban una porcion de caudillos que cada dia aparecian para asolar aquel pingüe territorio de Misiones, el Gobierno del Paraguay mandó consecutivamente varias expediciones hasta el Uruguay á perseguir á los bandidos que hos-

tilizaban los pueblos, y destruir los que servian de guarida de ladrones para asaltarun aun al Pueblo de Candelaria, donde habia reconcentrado sus fuerzas para custodiar aquel Departamento que le pertenecia, y que los caudillos revolucionarios habian infestado. Ese mismo año mandó establecer el Dictador Francia en la izquierda del Paraná el campamento del Salto y otro en la tranquera de Loreto, territorio paraguayo, manteniendo en ellos y en San Miguel, fuertes destacamentos de tropas militares, con estancias de ganados para contener cualquier atentado de las partidas revolucionarias que frecuentaban esos lugares.

Mas tarde en 1832, por conveniencia de localidad, mandó, trasladar dicho campamento al lugar de la trinchera de San José, mandando, ademas, construir atrincheramientos de fuerte muro, que aun existen, y mandando guardias en Santo Tomas y Candelaria, manifestando siempre con estas posesiones el derecho que tenemos á aquel territorio.

En presencia de tales hechos, resulta sin efecto alguno la resolucion del Congreso General de las Provincias Argentinas que ahora se nos ha invocado ; puesto que si tal resolucion hubiera causado efecto legal, el Gobierno del Paraguay no podia ejercer esos actos de soberania en los mismos territorios de Misiones á la izquierda del Paraná.

El Gobierno de Don Carlos Antonio Lopez que sucedió al del Dictador Francia, continuó con las mismas ocupaciones en varios puntos y frecuentando expediciones hasta el Uruguay y un campamento en Hornigueros, cuando los alborotos se agitaban en esos campos.

Demostrado por hechos prácticos el derecho de soberania y dominio ejercido en el territorio en cuestion, no terminaremos sin volver á remontar á otros hechos, documentos oficiales que tenemos á la vista y que creemos que los mismos deben estar en los Archivos de Buenos Aires.

La República del Paraguay tan pronto que entró en el ejercicio de su soberania, el primer paso que dió fué dirigirse su Gobierno al de Buenos Aires ofreciendo su concurso para sostener la causa comun (la libertad) ; asi se desprende terminantemente de la nota de 20 de Julio de 1811.

El Gobierno de Buenos Aires en nota de 28 de Agosto del

mismo año, á la vez que reconocia nuestra independencia ya tuvo ocasion de agradecer al Paraguay el auxilio que habia prestado á Corrientes amenazada por piratas.

Cansables seriamos si tratáramos de enumerar é insertar los documentos relativos con los cuales se prueba hasta la evidencia la buena política y concurso del Paraguay para coadyuvar á Buenos Aires con el laudable fin de sostener la libertad ; si bien el Paraguay con contingentes personales no concurrió en las ocasiones en que pidió Buenos Aires, no fué culpa de él ; por cuanto el mismo Gobierno de Buenos Aires le habia faltado à lo que con anticipacion se le habia pedido, la remision de armamentos con cargo de abonarsele ; pero, sin embargo, el Paraguay no dejó de contribuir ya con los frutos del país, así como en los límites de su jurisdiccion, vigilando y rechazando las hordas vandálicas que pretendian turbar el órden de la causa comun. Esto que decimos consta en las notas de 27 de Octubre, de 19 de Diciembre, de 1811, y de las del 19, 25 y 29 de Enero de 1812, y otras que el Gobierno del Paraguay ha dirijido al de Buenos Aires, y el Gobierno de este ha manifestado sus agradecimientos y reconocimiento al Paraguay que tambien constan en documentos oficiales y como yá hemos dicho, deben de obrar en el archivo de Buenos Aires.

Y en presencia de esos documentos que justifican al Paraguay de haber llenado sus deberes en pró de la causa comun, no podemos admitir el infundado argumento espuesto por el Señor Plenipotenciario Argentino de que “el Paraguay sin haber contribuido directamente á conquistar la independencia y fundar la nacionalidad con la asociacion de sus esfuerzos, dejaba de ser parte integrante de la comunidad à la cual correspondia et territorio de Misiones.”

Como se vé, estos argumentos desaparecen en presencia de las pruebas concluyentes y positivas que hemos demostrado mas arriba.

Dice, tambien (sin razon alguna) el Señor Plenipotenciario Argentino que “el Paraguay por sí solo no podia pretender á resolver esta cuestion nacional” Este argumento tambien carece de fuerza y valor por que el Paraguay habiendo entrado en el ejercicio de su soberania é inde-

pendencia, asume la eficacia de disponer de todos los dominios bajo los límites que el Gobierno colonial de la Provincia tenia y gobernaba ; y es esta eficacia de ejercer tal soberania é independencia que el Paraguay ha demostrado con hechos prácticos por mas de medio siglo. El mundo es testigo de esta verdad.

En resúmen, de la cuestion de Misiones resulta que el Paraguay tiene el mejor derecho : Primero, por que à pesar de las alternativas de dominios à que el territorio de Misiones ha estado sujeto, por disposicion final del Rey de España de 1806, fué unido y reconcentrado el Gobierno militar y político de Misiones à la Provincia del Paraguay, y en tal estado pronunció este su independencia, adquiriendo con tal hecho los mismos derechos que otros pueblos del mismo origen han tenido é invocado à su favor, en identidad de casos, produciendo los efectos legales en los derechos internacionales. Segundo, por que en el Tratado de 1811, Buenos Aires reconociendo nuestra independencia, reconocia tambien nuestros límites en la forma en que estaban en aquella actualidad. Tercero, por que lo resuelto en el mismo Tratado para ser acordado en el Congreso General de las Provincias Argentinas, no ha sido sobre Misiones, sinó la cuestion sobre el Partido de Pedro Gonzales, y esta cuestion, *ipso facto*, se vé por los hechos prácticos, fué resuelta de la manera mas sólida y estable à favor del Paraguay; y aunque haya sido elástico aquel pacto sobre otros límites (lo que no fué asi); en todo caso se sobreentiende que cualquiera resolucion de tal Congreso, para causar efectos legales, requeriria la asistencia de los Representantes del Paraguay y otras formalidades imprescindibles que deben mediar cuando se resuelve sobre límites con una Nacion ya en el ejercicio de su soberania, y no habiendo sucedido así, aunque la disposicion del Congreso que se invoca haya existido, ella, como es natural y lógico, ha caducado por falta de valor y fuerza en el principio del derecho de gentes, puesto que el Paraguay ha ejercido siempre su soberania en todos los territorios hoy en cuestion.

De suerte que para poder tener solucion la cuestion pendiente sobre Misiones y quedar por línea divisoria el Rio Paraná, seria únicamente en virtud del protocolo de 7 de Mayo del corriente

año, en el que la República del Paraguay, consecuente con la buena política de hacer la paz con la República Argentina, resolvió condicionalmente establecer la línea del mismo Río Paraná como divisoria de ámbos Republicas.

NOTA: El Plenipotenciario Paraguayo pasa en seguida à tratar la cuestion de la Isla del Atajo ò Cerrito, cuya posesion era tambien reclamada por la República Argentina, y despues de haber demostrado el perfecto derecho que asistia al Paraguay sobre dicha Isla, por el dominio exclusivo que habia ejercido siempre en ella, muchos años ántes de la guerra y sin contradiccion alguna por parte de la República Argentina, entra à tratar la

CUESTION DEL CHACO.

Para poder ser apreciado el incuestionable derecho que tiene el Paraguay sobre el territorio del Chaco desde la márgen izquierda del Río Bermejo hasta la Bahía Negra, es necesario primeramente tener à la vista y en consideracion los hechos históricos, así como los títulos relativos; por tanto, nos proponemos ilustrar la cuestion en tal sentido, para despues deducir los derechos que resultan à favor del Paraguay en virtud de los mismos hechos y títulos.

La Ciudad de la Asuncion, Capital de la República del Paraguay y Río de la Plata, fué fundada por los Españoles en 1536. Los Españoles consiguientemente à la fundacion de la Asuncion procedieron à estender sus dominios y por medio de esfuerzos y sacrificios poblaron otras Villas à la izquierda del Río Paraguay, obrando de la misma manera à la márgen derecha del mismo Río; y desde aquella época no han cesado los conquistadores de procurar con inmensos sacrificios de los vecinos de la Asuncion reducir à los salvajes moradores del Chaco en la fé cristiana y tambien con no menos sacrificios hacia las espedi-

ciones al Chaco, yá para impedir el asalto de los indios, ò ya para procurar por los medios pacíficos atraerlos, inspirándoles confianza y estímulo al trabajo.

“La población mas antigua que ha tenido el Paraguay en su territorio del Chaco, ha sido la Ciudad de la Concepcion de la Buena Esperanza del Bermejo, poblada en el año de 1585 à la derecha del Rio de este nombre à la altura de treinta leguas de su embocadura al Rio Paraguay, por el Capitan Alonzo de Vera y Aragon, que al efecto de poblar dicha Villa, partió de la Asuncion con los vecinos de ella, llevando armas, municiones, ganados vacunos, caballar y toda clase de víveres costeados por ellos mismos y con el auxilio de los donativos que daban los demas vecinos para dicha empresa, como sin gravar en nada al Real Erario.

“En la costa izquierda del mismo Rio Bermejo y no muy distante de la Ciudad de Buena Esperanza, fueron despues pobladas por los mismos vecinos de la Asuncion, algunas reducciones de los Indios del Chaco, encomendadas à los propios vecinos, tales como la de San Bernardo, la de Santiago de Canayá y la de Nuestra Señora de Dolores.

“El Procurador de la Ciudad de la Asuncion, Don Bernardo de Espinola con el fin de hacer constar y perpetuar la memoria de la fundacion de la citada Ciudad de la Concepcion en el año 1605, solicitó por sí y en nombre del Cabildo de la Asuncion, que representaba, vertir una informacion de testigos fidedignos, ò probanzas verdaderas *ad-perpetuam*, de la citada fundacion, así como de los méritos y servicios que à su propio costo hacian los vecinos y moradores del Paraguay en las conquistas y diversas poblaciones que se habian hecho, ánte el Gobierno del Paraguay, entónces Don Fernando Arias de Saavedra, y admitiendole dicha informacion por Decreto de 5 de Noviembre de 1605, que le fué notificado por el Eseribano de Gobierno Don Juan de Robles, presentó la lista de los testigos vecinos de la Asuncion que debian ser juramentados y examinados al tenor de los interrogatorios del escrito que presentó, los cuales fueron el Capitan Don Juan de Espinosa, Don Juan Bautista Oroño, D. Bartolomé de Lescano, D. Juan Manuel Quiñones de Insauralde, el Clérigo Presbítero Don

“ Luis de Molina Administrador y Vicario General de esta Provincia, y Don Diego Vañuelos conquistador y Poblador también de estas Provincias, à los cuales se les recibió sus declaraciones juradas en actos distintos por el tenor del interrogatorio presentado, resultando una perfecta uniformidad en las seis deposiciones, conforme à la relacion siguiente.

“ Que de esta gobernacion y provincia del Paraguay salieron sus vecinos y moradores à poblar muchas ciudades como fueron Santa Cruz de la Sierra por Nuplo de Chaves; Ciudad Real, Villa Rica del Espíritu Santo y Provincia del Guairá por el Capitan Ruidiaz Melgarejo; que la Ciudad de Santa Fé ha sido poblada por el General Don Juan de Garay con los propios vecinos del Paraguay, que este mismo Garay pasó à la poblacion de la Ciudad y Puerto de la Santisima Trinidad de Buenos Aires, habiendolo acompañado en otras jornadas el testigo Don Juan de Espinosa con los vecinos y soldados de la Asuncion, todos à su propia costa.

“ Que la Ciudad de la Concepcion de la Buena Esperanza del Bermejo fué à poblar el Capitan Alonzo de Vera y Aragon, con los mismos vecinos y moradores de la Asuncion, llevando toda la provision necesaria de comestibles y armamentos, à costa de los propios vecinos, quienes tambien proveyeron de todo lo necesario al citado Capitan que encabezaba, para sus gastos particulares; habiendo del mismo modo acompañado à esta expedicion fundadora dos hijos del propio testigo Espinosa.

“ Que la Ciudad de San Juan de Vera de las Corrientes ha sido del mismo modo poblada por el licenciado Don Juan Torres de Vera, con los vecinos que al efecto llevaron de la Provincia del Paraguay, y que el mencionado testigo Juan de Espinosa anduvo en su compañía en dicha poblacion, y que aún despues lo acompañó hasta Buenos Aires.

“ El testigo Don Diego Vañuelos explica mas, diciendo que Santa Cruz de la Sierra fué à poblar el General Nuplo de Chavez, por mandato del Capitan Gonzalo de Mendoza, que en ese tiempo gobernaba la Ciudad de la Asuncion.

“ Que de la Asuncion salieron el General Don Juan de Garay con los vecinos y soldados necesarios à poblar Santa Fé, siendo

“en esa razon Teniente de Gobernador el Capitan Suárez Toledo
 “y que el mismo Garay pasó à poblar Buenos Aires.

“Que Juan Torres Navarrete siendo Gobernador ò su Teniente
 “mandó de la Asuncion al descubrimiento del territorio del
 “Chaco y reconocimiento del Rio Bermejo, para la poblacion
 “que se proyectaba en la Ciudad de la Concepcion de la Buena
 “Esperanza.

“Que la Ciudad de Santiago de Jerez, ha sido poblada por el
 “Capitan Ruidiaz de Guzman con los vecinos de Ciudad Real y
 “Villa Rica del Espíritu Santo en la costa del Rio Yaguary;
 “que los Españoles conocian y reconocian entónces por término
 “ó límite de las coronas de España y Portugal y que esto fué
 “en el año de 1593.

“Las deposiciones de los seis testigos nombrados arriba, coin-
 “ciden perfectamente entre sí, con mas ò menos esplicaciones
 “sobre las fundaciones que quedan mencionadas.

“En 1595, siendo Gobernador Capitan General y Justicia
 “Mayor del Paraguay y de toda la gobernacion del Rio de la
 “Plata, Don Fernando de Zárate, Caballero del hábito de San-
 “tiago, y ausente temporalmente en las Provincias del Perú,
 “nombró por su Teniente General de Gobernador y Justicia
 “Mayor del Paraguay y toda su gobernacion que se estendia
 “entónces hasta el Rio de la Plata, al Capitan D. Bartolomé
 “Sandoval Ocampos, que quedó en la Asuncion ejerciendo
 “dicho empleo, el cual informado de algunas necesidades en
 “que se encontraban los pueblos de su dependencia, limítrofes
 “con las Provincias de la corona de Portugal, por el mes de
 “Setiembre de dicho año 1595, pasó à visitar las provincias del
 “Guairá, Villa Rica del Espiritu Santo y la Ciudad de Santiago
 “de Jerez recién fundada, donde hizo todo aquello que le pare-
 “cia convenir al Real Servicio y al aumento y conservacion de
 “dichos pueblos y sus vecinos; que en seguida à fin de sofocar
 “las invasiones de los Indios Guaicurús del Chaco, que hostiliza-
 “ban incesantemente las comarcas inmediatas de la Asuncion,
 “tuvo que pasar à la Concepcion de Buena Esperanza del Ber-
 “mejo, à sacar indios amigos, allí reducidos, para auxiliar las
 “expediciones que determinaba al Chaco; pero que esto no tuvo
 “el éxito que deseaba por el espíritu exaltado en que encontró
 “allí á los indios de esas reducciones.”

Aunque en nuestro archivo hoy no existen los documentos originales referentes à esta parte histórica que insertamos, en consecuencia de haber desaparecido muchos documentos à causa de la pasada guerra; pero ella es íntegra de un trabajo hecho en el año 63 por el Ciudadano Paraguayo Don José Falcon, Gefe del Archivo Nacional, que por autorizacion del Gobierno de la República escribió un compendio de nuestra historia en presencia de los documentos originales; y una parte del trabajo del Señor Falcon se ha encontrado en el Archivo escrita de puño y letra del mismo; y respetando la honorabilidad de dicho Señor no trepidamos en hacer uso de su escrito, para demostrar desde que tiempo el Paraguay ha tenido una ingerencia directa en el territorio del Chaco, manteniendo la posesion no interrumpida sobre él desde aquella data hasta la fecha.

Por Real Cédula dada en Madrid el 31 de Diciembre de 1662, cuyo documento obra en nuestro Archivo, consta que por otra Real Cédula dada en 1618, el Rey de España habia deliberado dividir el territorio paraguayo que hasta entónces comprendia todo el Rio de la Plata, señalando à Buenos Aires desde la Ciudad de la Concepcion del Bermejo, con la de Corrientes y Santa Fé, quedando al Paraguay todo el territorio de que estaba en posesion por sus conquistas y otros actos que le daban el derecho de dominio, y que no fueron aplicados à Buenos Aires en esta separacion, esto es à la parte del Chaco desde el Rio Bermejo al Sud.

La Real disposicion citada se llevó á efecto en el año de 1620 y desde la época de la separacion de territorios, fué en decadencia la Ciudad de la Concepcion, hasta que en 1632 la asolaron completamente los salvajes del Chaco, con sus frecuentes asaltos, hasta destruirla por completo, juntamente con las demas reducciones.

Siendo Gobernador del Paraguay, Don José Martinez Fontes, en 1762, celebró tratado de paz con los indios Abipones del Chaco, y acordó con el Cacique Deguachy establecerle reduccion en la costa del Rio Paraguay hácia la parte del Chaco en el parage denominado Timbó.

El citado Gobernador, con inmensos sacrificios y donativos de los vecinos, mandó inmediatamente establacer la reduccion de

diéhos infieles, proporcionándoles todo lo necesario de comestibles y herramientas para trabajar, peones que les cultivasen la tierra, casas y una iglesia con la advocacion de Nuestra Señora del Rosario y San Cárlos de Timbó.

El Gobernador Fontes determinó dar cuenta al Rey de España, como lo hizo, segun consta en el documento relativo de 20 de Marzo de 1763, y en este importante documento de la nueva reduccion, entre otras cosas dice las significativas y testuales palabras que siguen : “Y en esta atencion, en consecuencia de lo que sobre las nuevas reducciones disponen las leyes de Indias, en nombre de Su Magestad, declara à dicha nueva Reduccion de Indios Abipones y otros de otras Naciones que à ella se agreguen, por incorporada á su Real Corona, juntamente con todas las demas que de esa y otras naciones vecinas del Chaco se formaren dentro de esta Provincia à una y otra banda del Rio Paraguay.”

Constan por Cédula de Su Magestad el Rey de España de 1764 y 1769 las aprobaciones de lo resuelto en el documento anterior, citada y transcrita una parte.

La Reduccion del Timbó, si bien despues de algunos años, quedó otra vez sin efecto, en razon de que los indios volvieron à retirarse á sus guaridas ; pero, sin embargo, los trabajos y sacrificios que hiciera el Gobierno y vecinos de la Provincia del Paraguay, ya quedaban subsistentes para ante la historia, y los documentos que justifican estos los tenemos á la vista, y probarémos en cualquier caso necesario lo que decimos por medio de los mismos documentos à que nos remitimos.

Posteriormente en 1772, Don Agustin Fernandez de Pinedo desde su arribo al Gobierno de la Provincia del Paraguay, se ocupó de acordar con los indios del Chaco tratados de paz, realizando en efecto de establecerles una reduccion formal en el parage denominado “Remolinos” à la parte del Chaco frente à poca distancia de la poblacion de este nombre, que es hoy Villa Franca. Este acuerdo fué con los indios llamados “Mbo-cobis” y les proporcionó casas, doctrineros, los que fueron Fray Ramon Alvarez, Fray Justo Fleitas y otros ; así como una iglesia con la advocacion de San Francisco Solano.

Esta poblacion que tuvo principio en el año 1776, no tuvo el

éxito de firmeza, hasta que despues de la venida de D. Pedro Melo de Portugal à ocupar el Gobierno del Paraguay, se tomó el interés de fomentar y realizar en el año de 1778, segun se acredita con los documentos de la referencia de 6 de Marzo, 25 de Mayo de 1778 y 2 de Julio de 1779.

Esta reduccion fué la que mas sacrificios pecuniarios ha costado à los paraguayos para sostenerla, y no obstante los continuos disturbios y sublevaciones de los indios, permaneciò hasta el Gobierno del Dietador Francia.

Continuando el Gobernador del Paraguay Don Pedro Melo de Portugal con el empeño de poblar el Chaco Paraguayo en 1782, fundó otra reduccion de indios Tobas del Chaco, en el partido de San Antonio costa abajo, à la parte del Chaco, fundacion que llevó à efecto á pedido de los indios que manifestaron con instancia el deseo de que se les fundára dicha reduccion para poder ser instruidos en la religion cristiana. Este establecimiento, como los demas, fué formado y proveido de lo necesario con auxilios y donativos del vecindario, y mediante tales esfuerzos propios de los paraguayos, se consiguiò hasta el establecimiento de una estancia de ganado para sustento de los indios, casas, Iglesia y Doctrinero catequista que lo fué el Padre Fray Antonio Bogarin ; cuya fundacion consta en los documentos que obran en nuestro archivo con datas de 9 de Febrero, 12 de Junio y 6 de Agosto del citado año 1782.

Otra poblacion ó reduccion se fundó despues por los paraguayos en la parte del Chaco, en el lugar denominado "Naranjay" en la que el mismo Sacerdote Bogarin sirvió de cura catequista; y aunque los indios abandonaron la poblacion en 1790 sin mas motivo que el de la inconstancia al trabajo, volvieron posteriormente à la reduccion el siguiente año 1791, siendo en tal época Gobernador Intendente del Paraguay Don Joaquín Alóz. La Reduccion siguió hasta algunos años bajo inmensos sacrificios de los vecinos, pero à pesar de esto, los dichos indios volvieron à retirarse al interior del Chaco.

En frente de la Ciudad de la Asuncion, el vecino de ella, Asensio Flecha y poblador antiguo del Chaco mantuvo en él por muchos años establecimientos de haciendas rurales y de agricultura; quien, con el fin de atraer à los indios guaicurus, buscó por

todos los medios posibles, empleando mucha parte de sus intereses para ese fin.

El Clérigo paraguayo y catequista Don Francisco Amancio Gonzales, cura del Pueblo de Emboscada, con el auxilio y un corto donativo del vecindario, estableció à su propia costa una grande reduccion en el Chaco, en el parage denominado "Remolinos" donde hoy está poblada la primera Villa Occidental con los indios de diferentes tribus que fueron Lénguas, Cócolos, Machicuis, Enimagas, Cochabotes, Pitilagas y Tobas; à cuyas Tribus, desde el año 1786, el Padre Gonzales, con su generosidad y perseverancia los ha atraído, y consiguió levantar la poblacion y perfeccion la reduccion por muchos años, agotando en tan importante empresa su pingue patrimonio; asi consta en documentos legales que hemos tenido à la vista.

A parte de las poblaciones ó reducciones que el Paraguay fundaba y costeaba en su territorio del Chaco, empleando toda clase de sacrificios y gastos contribuidos por los mismos paraguayos, manteniendo asi la efectividad de dominio sobre dicho territorio, en el año de 1792 siendo Gobernador Don Joaquin de Alóz determinó establecer una fortaleza en la frontera del Norte, territorio paraguayo, no tan solamente para vigilar y contener cualquier avance ó usurpacion del territorio, sinó tambien para demarcar con un monumento *que la derecha del Rio Paraguay pertenecia à esta Provincia de hecho y de derecho.*

Consecuente con tan importante y necesario fin, se despachó con gente y todo lo preciso al Comandante Don José Antonio Zavala y Delgadillo, quien dispuso los trabajos y luego planteó el Fuerte de Borbon, hoy Olimpo, à la dercha del Rio Paraguay en el lugar de los Cerros "Tres Hermanos" poco mas abajo de la embocadura del Rio Blanco, y que en ese mismo año quedó concluido y ocupado por la guarnicion paraguaya, sin que en ninguna época, antes ni despues de la independenciam del Paraguay, ni el Gobierno de Buenos Aires, ni cualquiera otra nacion ó Potencia hayan hecho mencion alguna sobre tal ocupacion militar, y esta existencia de fortaleza que tiene la condicion y circunstancia de una plaza militar, formada y mantenida por la República del Paraguay, en la márgen derecha del Rio del mismo nombre, sin contradiccion de ningun otro Gobier-

no, constituye y prueba el derecho de soberanía y dominio que tenemos sobre el territorio del Chaco.

El Paraguay, à mas de los trabajos y gastos que tuvo, de plantear à su propia costa las poblaciones y fortificaciones en su territorio del Chaco, no le fueron menos costosas las expediciones que se mandaron efectuar à espensas de los mismos vecinos, como ser cuando la expedicion esploradora del Rio Pilcomayo por los Padres Jesuitas Patiño y Niebla en 1721, con dos embarcaciones hasta distancia de mas de doscientas leguas.

Otro en el viage que hizo en 1740 el Coronel Don José Espinola para cruzar y reconocer el interior del Chaco, con una gruesa comitiva hasta salir à la Provincia de Salta, como lo verificó, volviendo à cruzar y reconocer à su regreso por distintos lugares ese territorio con un diario minucioso de su viage.

Estas importantes expediciones que costó el Paraguay no pueden ser desconocidas hoy por la República Argentina, puesto que en sus archivos debe haber los documentos competentes asi como existen en los nuestros; y por lo mismo esensamos aun enumerar otros hechos análogos.

Despues que desapareció el Gobierno Colonial, y que el Paraguay se declaró independiente y que fue reconocida su soberanía por el Gobierno Argentino y otros de América y Europa, es natural y legítimo que adquiriese de hecho y de derecho el dominio sobre todos los territorios que correspondian á la Provincia antes de la Independencia.

De conformidad con el derecho que invocamos, la República del Paragnay continuó ejerciendo su dominio sobre el Chaco; pués á mas de mantener el fuerte de Olimpo constantemente con fuerzas militares, mantuvo tambien otras en el Chaco en los parages denominados Formoso, Orange, Monte Claro y Santa Elena. Estos establecimientos, con fuerzas militares, fueron formados y sostenidos por el Gobierno del Dictador Francia, y se comprueban estos con documentos oficiales ó correspondencias del mismo Francia y sus respectivos Comandantes.

Don Carlos Antonio Lopez, primer Presidente de la República, continuó manteniendo fuerzas en el Chaco paraguayo en todos los puntos yá indicados, y mandó formar nuevos establecimientos rurales y obrajes de materiales. Uno de estos esta-

blecimientos se formó frente à la Asuncion, y tuvo últimamente una numerosa poblacion: y tambien se mandó erigir una Iglesia con la advocacion de San Venancio.

Posteriormente, en el año 1854, en tiempo del Gobierno del mismo Presidente, se estableció la colonia de "Nueva Burdeos," hoy Villa Occidental, cuya fundacion de Colonia se hizo con ingentes sumas de la renta de la Nacion, y aun que los colonos, por circunstancias que no fueron de culpa nuestra, abandonaron la poblacion, ella se llevó à efecto con pobladores de los hijos del pais; resultando en consecuencia que el Paraguay en su territorio del Chaco, despues de muchos años de su independencia, à mas de tantos actos del uso de posesion que ejercia, complementó todos los requisitos relativos de su soberania y dominio en esa parte del Chaco; puesto que la Villa Occidental, costeadá por el tesoro de la Nacion, poblada y conservada consiguientemente por los hijos del pais, sin que el Gobierno Argentino hubiera hecho reparo ni oposicion alguna, es una prueba concluyente que no tenia derecho al Chaco paraguayo; y este estado de cosas existe hasta la fecha presente, por que la ocupacion de la Villa Occidental por fuerzas Argentinas en la actualidad, no tiene otro carácter legal, sino lo convenido en el acuerdo preliminar de paz de 20 de Junio de 1870.

Resulta y se deduce de todo lo espuesto, que el territorio del Chaco, desde el Bermejo hasta la Bahía Negra, siempre fué ocupado por el Paraguay, yá formando reducciones formales, así como planteando fortificaciones y manteniendo en ellas fuerzas militares, ántes y despues de la independencia, *sin que la República Argentina, como yá se ha dicho, hayo hecho jamás reparo alguno.*

La fundacion de la Colonia "Nueva Burdeos" y consiguientemente, (por haber quedado sin efecto la colonia) la misma poblacion fué reducida à una Villa formal con pobladores de los hijos del pais, en época en que el Paraguay estaba en directa comunicacion con la República Argentina sin haber por esa parte observacion y menos contradiccion alguna, constituyen, en tales circunstancias à mas de otras, el incuestionable derecho que tiene la República del Paraguay sobre el territorio que la Argentina sin razon ni derecho pretende disputar, sin mas títulos

que el Tratado de Alianza del año 1865, *cuyo tratado, con respecto à la designacion de límites, ha quedado sin efecto*; y por consecuencia el Gobierno del Imperio del Brasil, al celebrar su tratado con la República del Paraguay sobre límites, admitió la discusion sin distincion, desentendiendose del tratado de Alianza.

Buenos Aires por haber sido, antes de la independencia, capital del Vireynato del Rio de la Plata, no podia ser el árbitro de declarar límites à ninguna otra Provincia de su mismo origen, que por la voluntad soberana del pueblo se ha declarado tambien independiente para gobernarse y depender de si misma, como lo hizo el Paraguay, que no tan solamente se declaró independiente del Gobierno de España sinó tambien del de Buenos Aires, derivándose por este hecho todos los dominios que tenia cuando dependia de la Corona del Monarca de España.

El territorio del Chaco Paraguayo, en consideracion de que nunca ha sido abandonado por nuestros Gobiernos, ni antes ni despues de la independencia, no se puede decir que constituye un límite vago, como pretende hacer aparecer el Señor Plenipotenciario Argentino, y por consiguiente mucho ménos la República Argentina podrá pretender adquirir dominio sobre ese territorio, invocando el patrimonio de la comunidad política que tomó la denominacion de Provincias Unidas del Rio de la Plata.

La accion que se ha dado à la República del Paraguay por la Alianza en el Acuerdo Preliminar de Paz, fué en reconocimiento y en obediencia al mismo principio de derecho internacional, y por una consecuencia lógica del mismo Tratado de Triple Alianza que decia no traer la guerra al Paraguay sino al Gobierno del Mariscal Lopez.

Habiendo desaparecido el mismo Mariscal Lopez, la Alianza por este hecho, ha celebrado el precitado Acuerdo preliminar de paz, con la cláusula terminante de dejar à la República del Paraguay *la libertad y el derecho de proponer lo que à su interés juzgáre convenir* Y MUY PRINCIPALMENTE SOBRE LÍMITES RELATIVOS AL TERRITORIO DEL CHACO, no queda ninguna duda sobre el particular que otra disposicion ulterior de cualquiera de los

Aliados pueda tener efecto legal, si se tratára de restringir à la República del Paraguay el derecho que se le ha otorgado. De suerte que la República Argentina que no aceptó la línea del Pilcomayo por transaccion amistosa, no podia poner fuera de cuestion la fraccion entre el Bermejo y Pilcomayo.

El principal objeto del Tratado de la Alianza de 1° de Mayo de 1865, ha sido traer la guerra contra el Gobierno del Mariscal Lopez, hasta derrocarlo, pero nó contra el pueblo Paraguayo; el Gobierno Provisorio de la República, en el Acuerdo Preliminar de Paz reconoció y aceptó dicho tratado en el fondo, es decir sobre el principal objeto que tuvo la Alianza en lo relativo contra el Gobierno del Mariscal Lopez: asi es que de la circunstancia que media en ese mismo Acuerdo, en que se dió al Paraguay el derecho de proponer modificaciones al referido Tratado en el interes de la República, resulta quedar las cuestiones de límites como estaban ántes de la guerra.

Sin embargo de los fundamentos espuestos que amparan à la República del Paraguay, ella está dispuesta à aceptar el fallo arbitral desde el Bermejo hasta la Bahía Negra, ó en mérito del íntimo deseo de hacer la paz con la Argentina transar amistosamente quedando por línea divisoria el Río Pilcomayo, salvando los derechos de Bolivia en uno y otro caso.

Con respecto al dominio del Paraguay sobre el Chaco, se estiende aún hasta el Sud del Río Bermejo, por que si bien el Rey de España por Real Cédula de 1617, ordenó la separacion de la Provincia del Paraguay de las del Río de la Plata, adjudicando à la Gobernacion General de ellos la Ciudad de la Concepcion de la Buena Esperanza, esta desapareció en breve tiempo; y consiguientemente como ya se ha relacionado, el Paraguay volvió à poblar en Timbó, lo que obtuvo despues la aprobacion del Rey de España, de suerte que con razon podrá el Paraguay alegar sus derechos desde la márgen derecha del Bermejo, por que volvió à poseer despues de la citada disposicion del año 1617 y por lo mismo la obra del Padre Bautista que citó el Señor Plenipotenciario Argentino no puede servir de prueba, puesto que se refiere à una disposicion que tuvo modificacion.

El Paraguay, à mas de la reduccion que volvió à fundar en Timbó, continuó despues fundando otras segun ya hemos enume-

rado con el esclarecimiento necesario: En consideracion de las posesiones que mantenía sin interrumpcion el Paraguay en su territorio del Chaco, no tiene ni puede tener el sello, de la verdad la “Memoria Histórica y Geográfica” (M. S.) de Azára que el Señor Ministro Argentino citó en su *Memorandum* siendo el párrafo citado del tenor siguiente: “que el límite del Paraguay por el Occidente es el mismo Rio Paraguay por no tener “posesiones en el Chaco.”

El mismo Señor Ministro dice que dicha “Memoria” fué escrita en 1793; y por tanto es extraño que el autor haya dicho que el Paraguay no tenía posesiones en el Chaco sin caer en un grave error, atendiendo à las posesiones que tuvo el Paraguay en el Chaco desde muchos años antes de 1793.

Las correspondencias oficiales cambiadas en el año 1812 entre la Junta Gubernativa del Paraguay y la de las Provincias del Rio de la Plata, no demuestran nada en contra del Paraguay sobre límites; todas ellas son relativas à tener datos del centro del territorio del Chaco, por que en ese tiempo los Gobiernos de uno y otro Estado se encontraban bajo la mejor armonía, y por este principio se comprende que intentaron abrir caminos en el Chaco y hacer otros trabajos, y como Buenos Aires nada podía mover sin el concurso y asentimiento del Paraguay, atento à que, bajo el dominio de este estaba una parte del Chaco, era natural pedir al Gobierno del mismo los informes que interesasen sobre el particular y el Gobierno del Paraguay, al dar los informes solicitados, no era por reconocer ni implícitamente el derecho jurisdiccional del de Buenos Aires, sinó atendiendo à la amistad y conveniencias recíprocas entre Estados circunvecinos y hermanos, à quien siempre, desde los primeros dias de la independencia, no ha cesado de dar las pruebas mas concluyentes de buena amistad.

El Señor Plenipotenciario Argentino en su *Memorandum*, al hacer mencion de dichas correspondencias oficiales, pretende deducir que ellas importan implícitamente el reconocimiento del derecho jurisdiccional que tiene Buenos Aires sobre el Chaco; y con eso darle la circunstancia de que el Paraguay declara no tener dominio en esa region.

Hemos tenido à la vista las mencionadas correspondencias y

de ninguna de ellas se puede deducir, que en virtud de las mismas haya el Gobierno del Paraguay reconocido ni implícitamente el derecho jurisdiccional de Buenos Aires sobre el Chaco Paraguayo, ni mucho menos declarar que no tenia (el Paraguay) dominio en esa region.

Lo que sí se prueba con dichas correspondencias son los sacrificios y gastos que el Paraguay ha tenido para continuar la posesion sobre su territorio del Chaco.

Durante el Gobierno del Dictador Francia siguió manteniendo el Paraguay la posesion y dominio que de hecho y de derecho tenia sobre el Chaco, conservando en diferentes puntos fuerzas militares que importan la soberania que ejercia en esa region.

El Señor Plenipotenciario Argentino al referirse en su Memorandum, al tiempo del Gobierno del Dictador Francia, dice: que el Paraguay en aquella época solamente tenia guardias à la derecha del Rio de este nombre sin adelantar ninguna poblacion; pero, si en aquel tiempo no hemos adelantado en poblaciones en el Chaco, esto no debe borrar nuestro legítimo derecho, puesto que la posesion siempre se ha mantenido.

La descripcion histórica del Paraguay escrita por Morlas que tambien mencionó el Señor Ministro Argentino, nada ilustra la cuestion. El texto que citó es el siguiente: “Por el Occidente “la República del Paraguay no tiene limites, pudiendo tenerse “como límite el Rio Paraguay; por carecer hasta entónces de “posesiones en el Chaco.”

El texto inserto de la descripcion histórica de Morlas, como hemos dicho, nada ilustra, primero por que dice, que el Paraguay al Occidente no tiene lindes, luego entónces no pudo decir que pueda tenerse [por límite el Rio Paraguay, y mucho mas bajo, el error de que no tenia posesiones en el Chaco; siendo à todas luces las posesiones que habia mantenido sin interrupcion el Paraguay en aquel territorio.

El Presidente Don Carlos Antonio Lopez continuó sosteniendo la soberania sobre el territorio del Chaco, muy principalmente desde la márgen izquierda del Bermejo.

En el año 1854 à mas de la continuacion de todas las posesiones militares que yá hemos mencionado, estableció en el

Chaco, establecimientos de estancias, obrages de materiales, la Iglesia de San Venancio frente á la Asuncion, la Colonia de "Nueva Burdeos" hoy Villa Occidental, cuya poblacion fué anmentada con hijos del pais y que nunca se ha abandonado sinó cuando á consecuencia de la guerra, el Mariscal Lopez mandò desocuparla á la par de otros pueblos como la misma Capital.

Durante los años de los mismos Gobiernos de Francia y Lopez, la República Argentina, repetimos, *jamás ha hecho objeccion sobre el dominio que el Paraguay ejercia sobre el Chaco, y mucho menos exhibido títulos de ese territorio, como no lo hace hasta la fecha presente*; y se concreta á pretender ser el único acreedor de los dominios que han estado bajo el poder del Rey de España, intentando muy principalmente poner al Paraguay en la condicion de un espúreo, y en consecuencia, fuera de todo derecho que han invocado otros pueblos del mismo origen para adquirir y poseer los dominios que les han correspondido en los tiempos que estuvieron bajo la Metrópoli española.

Con tal objeto inventa (aunque sin valor alguno) varias argumentaciones hasta desconocidas en el principio del derecho internacional, sacrificando las conveniencias recíprocas que como hermanos de origen y Estados circunvecinos se debe de mirar para toda clase de garantia internacional de ambos Estados.

Tanto en la cuestion sobre Misiones quanto sobre la del Chaco, se nos dice como último resultado, que los límites del Paraguay fueron resueltos por el Congreso Argentino; y que el Paraguay, no habiendo tomado parte en la independendencia, no podia considerarse como heredero del Monarca Español.

Ambas aserciones no son ciertas y, aunque lo fuesen, carecen de todo y cualquier principio fundamental para tener valor y fuerza que pueda servir de base en la presente cuestion, por que si la deliberacion del Congreso de las Provincias Unidas del Rio de la Plata hubiera de tener efecto legal, no pudo permanecer el Gobierno Argentino mas de medio siglo sin poner en práctica tal deliberacion; y si el Paraguay, por no haber tomado parte en la independendencia, tuviera que ser escludido de los derechos del Monarca Español, resultaria que ni el distrito de la Asuncion podria ser de su pertenencia.

Pero concluyamos con tales hipótesis que nos ha obligado à detenernos y pasemos à consignar las razones que asisten al Paraguay en el terreno de la legalidad.

La República Argentina no puede culpar à la del Paraguay sobre la actitud que esta ha tomado en los primeros momentos de la independencia ; que lo culpe al Gobierno de Buenos Aires de aquel tiempo.

La Junta Gubernativa de Buenos Aires, al tiempo que se agitó la independencia, obró con el Paraguay sin la sinceridad que debia guardar, y el Paraguay que se habia despertado tambien como otros pueblos no pudo cambiar un yugo por otro.

Esto decimos con bastante fundamento, por que en aquellos tiempos, el Gobierno de Buenos Aires, bajo la bandera de la libertad quiso subyugar al Paraguay que tenia el mismo derecho de constituirse libre é independiente para pertenecer à sí misma, segun la espresion y soberana voluntad del pueblo.

En prueba de lo que decimos, vamos à insertar un párrafo de una nota que el General Belgrano, despues de su derrota en Paraguarí dirijió al Gobierno de Buenos Aires, y es el siguiente : “ V. E. se convencerà de cuanto le he referido, que es de precision decretar la conquista del Paraguay para que S. M. D. Fernando VII no pierda. Dios guarde à V. E. muchos años. Campamento al Sud del Tebicuari en el Paso de Doña Lorenza, 24 de Enero de 1811. Manuel Belgrano.”

En vista de lo que se desprende del párrafo transcripto de la nota del General Belgrano, se pone en descubierto la mas refinada hipocresia del Gobierno de Buenos Aires para con el Paraguay en aquel tiempo : en consecuencia ninguna inculpacion en la presente época puede recaerle.

El Paraguay en conocimiento de la trama que se le habia urdido, su nuevo gobierno por nota de 20 de Julio de 1811 que dirijió al de Buenos Aires en unos párrafos dice lo siguiente : “ Al fin las cosas de la Provincia llegaron à tal estado que fué preciso que ella se resolviese sériamente à recobrar sus derechos usurpados para salir de la antigua opresion en que se mantenía agravada con nuevos males de un régimen sin concierto, y para ponerse al mismo tiempo à cubierto del rigor de

“UNA NUEVA ESCLAVITUD DE QUE SE SENTIA AMENAZADA. . .
 “Este ha sido el modo como ella por sí misma y à esfuerzos de
 “su propia resolucion se ha constituido en libertad y en el ple-
 “no goce de sus derechos ; pero se engañará cualquiera que
 “llegáse á imaginar que su intencion habia sido entregarse al
 “arbitrio ageno y hacer dependiente su suerte de otra voluntad.
 “En tal caso nada mas habria adelantado ni reportado otro fru-
 “to de su sacrificio que el cambiar unas cadenas por otras, y
 “mudar de amo. V. E., ni ningun apreciador justo y equita-
 “tivo, estrañará que en el estado à que han llegado los negocios
 “de la Nacion sin poderse aún divisar el éxito que pueden
 “tener, el Pueblo del Paraguay se muestre celoso de su naci-
 “te libertad, despues que ha tenido valor para recobrada. Sabe
 “muy bien que si la libertad puede à veces adquirirse ó con-
 “quistarse, una vez perdida no es igualmente fácil volver à re-
 “cuperarla. Ni esto es recelar que V. E. sea capaz de abrigar
 “en su corazon intenciones menos justas, menos rectas y equi-
 “tativas; muy lejos de esto, cuando la Provincia no hace mas
 “que sostener su libertad y sus derechos, se lisongea esta Jun-
 “ta que V. E. aplaudirá estos nobles sentimientos considerando
 “cuanto en favor de nuestra causa comun puede esperarse de
 “un pueblo grande que piensa y habla con esta franqueza y
 “magnanimidad.”

A la vista de la transcripcion que hacemos de tan patético documento ; se podrá decir que el Paraguay no es acreedor de los derechos que otros Estados han adquirido? Claramente que nó.

Ademas de lo transcripto de dicha nota otro párrofo dice lo siguiente :

“Podia aun decirse que en las presentes circunstancias ha
 “hecho cuanto debia y estaba de su parte (el Paraguay), pues
 “aun siendo incalculables los daños que le han ocasionado la
 “pasada guerra civil (la invasion del General Belgrano), todo
 “lo pospone, todo lo olvida por el amor del bien y prosperidad
 “general.”

La Junta de Buenos Aires contestó à la nota del nuevo go-
 bierno del Paraguay, con fecha 28 de Agosto del mismo año,
 aplaudiendo la actitud y procedimiento del Paraguay en bien

de la causa comun y reconociendo su independencia, declarando al mismo tiempo solemnemente que puede gobernarse independientemente del Gobierno de Buenos Aires.

Otras notas relativas ó comprobantes del Paraguay, que yá hemos citado en la parte sobre la cuestion de Misiones, y que por lo mismo escusamos repetir en esta parte, por que aquellas, à mas de lo que acabamos de transcribir, creemos son pruebas mas que suficientes, para que á la República del Paraguay no se pueda culpar de indiferencia en los momentos solemnes de la independencia.

Quediendo probada la sin razon con que se pretende eliminar al Paraguay de los derechos que tienen todos los Estados que se han independizado, notaremos, antes de concluir, otros argumentos que se nos ha hecho para nulificar nuestras posesiones en el Chaco ; son los siguientes :—

Que las poblaciones que el Paraguay ha tenido en el Chaco todas fueron parciales, que las guardias fueron volantes y que en el espacio de siglos no han ocupado ni cincuenta leguas cuadradas.

Contestando à estas injustas esposiciones decimos : que las posesiones por medio de poblaciones, han sido continuadas en el Chaco por el Paraguay, que, sin embargo de haber fracasado algunas, se han vuelto à plantear otras, una de ellas la Villa Occidental que existe hasta la fecha. Las ocupaciones militares tampoco fueron volantes, basta para esta prueba tener presente el Fuerte de Olimpo, asi como Orange y otros puntos donde habian ocupaciones militares permanentemente, y que si, por último, no hemos ocupado las cincuenta leguas cuadradas, esto, si fuese hoy un motivo para ser resuelta la cuestion del Chaco, la República Argentina QUE NUNCA HA OCUPADO NI UNA VARA CUADRADA AL NORTE DEL BERMEJO, menos derecho tendrá, y sin embargo pretende poner fuera de discusion toda fraccion entre el Bermejo y Pilcomayo.

Creemos suficientemente probados nuestros derechos sobre el territorio del Chaco, tanto en mérito de los títulos legales cuanto en presencia de la posesion no interrumpida que el Paraguay ha mantenido por medio de sacrificios y grandes gastos de su tesoro, yá manteniendo y costeando fuerzas militares para vigilar

los infieles moradores que se encuentran en el centro de ese territorio, así como costeano varias reducciones para someter al cristianismo y civilizacion los mismos infieles.

Con estos antecedentes que dán al Paraguay pleno derecho de dominio y soberania desde la márgen izquierda del Bermejo, no puede renunciar este mismo derecho y declarar fuera de cuestion la fraccion entre el Bermejo y Pilcomayo, ni tampoco aceptar el fallo arbitral tan solamente al Norte del Pilcomayo, máxime cuando la República Argentina no quiere innovar el statu quo de la ocupacion de la Villa Occidental, anticipándose aún para hacernos cargos por este mismo punto de ocupacion que “en al arbitrage tendria que ser materia tambien, en la “nueva posicion de la Villa, las construcciones Argentinas que “en ellas se han hecho, las concesiones de terrenos y la admistracion dispendiosa que desde la ocupacion se sostiene hasta “ahora, haciendo una verdadera Villa de lo que no era mas “que un obrage ó guarnicion Paraguaya antes de la guerra.”

En vista de lo que dice el gobierno Argentino parece que estaba ageno de lo que era Villa Occidental, por que de ninguna manera se puede clasificar como obrage ó guarnicion, puesto que es de pública notoriedad que ella, desde el año 1854, tuvo toda la organizacion de un pueblo, con numerosos habitantes, establecimientos rurales y de agricultura, casas de comercio con mas la institucion completa de los poderes eclesiástico, civil y militar, y únicamente fué evacuada por causa de la guerra y despues ocupada por fuerzas Argentinas, continuando en tal estado hasta la fecha; y como todavia las fuerzas aliadas siguen ocupando la República, el Gobierno no ha reorganizado la poblacion de la misma Villa.

En consecuencia la República del Paraguay puede aceptar el arbitrage siendo desde la márgen izquierda del Bermejo hasta la Bahía Negra, ó amistosamente transar, quedando por línea divisoria el Rio Pilcomayo, salvando en ambos casos, como yá hemos dicho, los derechos de Bolivia; y no puede declinar de estas proposiciones que están en armonia con los intereses recíprocos de ambas Repúblicas y, al mismo tiempo, atendiendo al valor de los títulos legales y al derecho de posesion que tiene el Paraguay sobre el territorio en cuestion, cuyos títulos jamás

ha pretendido ocultar ; y si en el curso de las negociaciones no los ha exhibido, fué únicamente por que el Plenipotenciario Argentino propuso al del Paraguay arreglar y convenir amistosamente en las cuestiones de límites.

CONCLUSIONES.

1°—La cuestion de límites sobre et territorio de Misiones depende en la actualidad de la consecuencia del protocolo de 7 de Mayo último, que no llevándose à efecto en definitiva los tratados, el Paraguay mantiene sus derechos que por justos títulos tiene hasta la márgen izquierda del Paraná.

2°—El derecho de posesion que tiene el Paraguay sobre la Isla del Atajo ò Cerrito reconocido por uno de los Gobiernos de la misma Alianza, no puede innovarse sin prévio acuerdo sobre el Chaco.

3°—La cuestion del Chaco se definirá por medio del arbitrage, siendo desde el Bermejo hasta la Bahía Negra, ò por transaccion amistosa fijando por línea definitiva el Pilcomayo.

4°—En consecuencia de la buena política y buenos deseos, la República del Paraguay está pronta à firmar los tratados definitivos con la Argentina bajo las bases propuestas ; y, mientras dicho tratado no se realice, guardar la paz que mantiene, conservando subsistente la protesta de 18 de Febrero de 1872.

Asuncion, Octubre 31 de 1873.

JOSÉ DEL R. MIRANDA.

A N E X O S .

ANEXO A.

No. 1.

TRATADO DE LÍMITES

ENTRE LA

Republica del Paraguay y la Argentina,

DE

3 DE FEBRERO DE 1876.

NICOLAS AVELLANEDA,

Presidente de la República Argentina.

A TODOS LOS QUE LA PRESENTE VIEREN: *

SALUD!

Por cuanto entre la República Argentina por una parte y la del Paraguay por otra, se negoció concluyó y firmó un Tratado de Límites en la Ciudad de Buenos Ayres, à los tres días del mes de Febrero del año 1876, por medio de Plenipotenciarios competentemente autorizados al efecto, tratado cuyo tenor es el siguiente:

Los infrascritos, Ministros Plenipotenciarios de la República Argentina y de la del Paraguay, nombrados por sus respectivos Gobiernos para celebrar el tratado de Límites pendiente entre ámbas Repúblicas, habiendo cangeado sus respectivos plenos poderes y halládoslos en buena y debida forma, convinieron en lo siguiente.

ARTICULO I.

La República del Paraguay se divide por la parte del Este y Sud de la República Argentina por la mitad de la corriente del canal principal del Rio Paraná, desde su confluencia con el Rio Paraguay, hasta encontrar por su márgen izquierda los límites del Imperio del Brazil, perteneciendo la Isla de Apipé á la República Argentina y la Isla de Yaciretá à la del Paraguay, como se declaró en el tratado de 1856.

ARTICULO II.

Por la parte del Oeste la República del Paraguay se divide de la República Argentina por la mitad de la corriente del canal principal del Rio Paraguay desde su confluencia con el Rio Paraná, quedando reconocido definitivamente como perteneciente à la República Argentina el territorio del Chaco hasta el canal principal del Rio Pilcomayo, que desemboca en el Rio Paraguay en los 25° 20' de latitud sud, segun el mapa de Mouchez y 25° 22' segun el de Brayer.

ARTICULO III.

Pertenece al dominio de la República Argentina la Isla del Atajo ó Cerrito. Las demas Islas firmes ò anegadizas que se encuentran en uno y otro rio, Paraná y Paraguay, pertenecen à la República Argentina ó à la del Paraguay, segun sea su situacion mas adyacente al territorio de una ú otra República, con arreglo á los principios de derecho internacional que rigen esta materia. Los canales que existen entre dichas Islas, inclusive la del Cerrito, son comunes para la navegacion de ambos Estados.

ARTICULO IV.

El territorio comprendido entre el Brazo principal del Pilcomayo y Bahía Negra, se considerará dividido en dos secciones, siendo la primera la comprendida entre Bahía Negra y el Rio Verde que se halla en los 23° 10' de latitud sud, segun el mapa de Mouchez; y la segunda la comprendida entre el mismo Rio

Verde y el brazo principal del Pilcomayo, incluyéndose en esta seccion la Villa Occidental.

El Gobierno Argentino renuncia definitivamente à toda pre-tension ò derecho sobre la primera seccion.

La propiedad ò derecho en el territorio de la segunda seccion, inclusa la Villa Occidental, queda sometida á la decision definitiva de un fallo arbitral.

ARTICULO V.

Las dos altas partes contratantes convienen en elegir al Excelentísimo Señor Presidente de los Estados Unidos de Norte América como árbitro para resolver sobre el dominio à la segunda seccion de territorio á que se refiere el articulo que precede.

ARTICULO VI.

En el término de sesenta dias contados desde el cange del presente tratado, las Partes Contratantes se dirigirán conjunta ò separadamente al Arbitro nombrado, solicitando su aceptacion.

ARTICULO VII.

Si el Excelentísimo Señor Presidente de los Estados Unidos no aceptase el cargo de Juez Arbitro, las Partes Contratantes deberán concurrir à elegir otro Arbitro, dentro de los sesenta dias siguientes al recibo de la escusacion; y si alguna de las Partes no concurriere en el plazo designado à verificar el nombramiento, se entenderà hecho definitivamente por la Parte que lo haya verificado y notificado à la otra. En este caso, la resolucion que el Arbitro pronuncie, será plenamente obligatoria, como si hubiese sido nombrado de comun acuerdo por ambas Partes, pues la omision de una de ellas en el nombramiento importa delegar en la otra el derecho de hacerlo. El mismo plazo de sesenta dias y las mismas condiciones regirán en el caso de ulteriores escusaciones.

ARTICULO VIII.

Aceptado el nombramiento del Arbitro, el Gobierno de la República Argentina y el del Paraguay le presentarán en el tér-

mino de doce meses, contados desde la aceptacion del cargo, memorias que contengan la esposicion de los derechos con que cada uno se considera al territorio cuestionado, acompañando cada parte todos los documentos, titulos, mapas, citas, referencias y cuantos antecedentes juzgue favorables à sus derechos; siendo convenido que, al vencimiento del espresado plazo de doce meses, quedará cerrada definitivamente la discusion para las Partes, cualquiera que sea la razon que aleguen en contrario.

Solo el Arbitro nombrado podrá, despues de vencido el plazo, mandar agregar los documentos ó titulos que juzgue necesarios para ilustrar su juicio ó para fundar el fallo que está llamado à pronunciar.

ARTICULO IX.

Si en el plazo estipulado, alguna de las Partes contratantes no exhibiese la memoria, titulos y documentos que favorezcan sus pretensiones, el Arbitro fallará en vista de los que haya exhibido la otra parte y de los Memorandums presentados por el Ministro Argentino y el Ministro Paraguayo en el año de 1873, y demas documentos diplomáticos cambiados en la negociacion del año citado. Si ninguno los hubiese presentado, el Arbitro fallará, teniendo resentos en esa eventualidad como esposicion y documentos suficientes los espresados.

Cualquiera de los Gobiernos contratantes podrá presentar esos documentos al Arbitro.

ARTICULO X.

En los casos previstos en los articulos anteriores el fallo que se pronuncie será definitivo y obligatorio para ámbas Partes, sin que puedan alegar razon alguna para dificultar su cumplimiento.

ARTICULO XI.

Queda convenido que, durante la prosecucion del juicio arbitral y hasta su terminacion, no se hará innovacion en la seccion sometida à arbitrage, y que, si se produjese algun hecho de

posesion antes del fallo, él no tendrá valor alguno, ni podrá ser alegado en la discusion como un titulo nuevo.

Queda igualmente convenido que las nuevas concesiones que se hagan por el Gobierno Argentino en la Villa Occidental no podrán ser invocadas como titulos à su favor, importando únicamente la continuacion del ejercicio de la jurisdiccion que hoy tiene y que continuará hasta el fallo arbitral, para no impedir el progreso de aquella localidad, en beneficio del Estado à quien sea adjudicada definitivamente.

ARTICULO XII.

Es convenido que si el fallo arbitral fuese en favor de la República Argentina, esta respetará los derechos de propiedad y posesion emanados del Gobierno del Paraguay, é indemnizará à este el valor de sus edificios públicos. Y si fuese en favor del Paraguay, este respetará igualmente los derechos de posesion y propiedad emanados del Gobierno Argentino, indemnizando tambien à la República Argentina el valor de sus edificios públicos.

El monto de esta indemnizacion y la forma de su pago serán determinados por dos Comisarios que nombrarán las Partes Contratantes, à los seis meses de pronunciado el fallo arbitral. Estos dos Comisarios, en caso de desinteligencia, nombrarán por sí solos un tercero para dirimir las diferencias.

ARTICULO XIII.

Los reconocimientos de territorios hechos por los dos paises, no podrán desvirtuar los derechos ó titulos que directa ó indirectamente puedan servirles en cuanto al territorio sujeto à arbitrage.

ARTICULO XIV.

El cange de las ratificaciones del presente Tratado tendrá lugar en la Ciudad de Buenos Ayres dentro del mas breve plazo posible.

En fé de lo cual los Plenipotenciarios firmaron el presente Tratado por duplicado, y lo sellaron en la Ciudad de Buenos

Ayres, à los tres dias del mes de Febrero y año de mil ochocientos setenta y seis.

(L. s.) BERNARDO DE IRIGOYEN,
 (L. s.) FACUNDO MACHAIN,
 E. LAMARCA,
 Secretario del Plenipotenciario Argentino.
 CÁRLOS SAGUIER,
 Secretario del Plenipotenciario Paraguayo.

Por tanto, visto y examinado el Tratado preinserto y despues de haber obtenido la competente autorizacion del Congreso Nacional, lo acepto, confirmo y ratifico, como lo hago por la presente, prometiendo y obligándome, à nombre de la República Argentina, à hacer observar y cumplir fiel é invariablemente todo lo contenido y estipulado en todos y cada uno de los articulos del mencionado Tratado.

En fé de lo cual firmo con mi mano el presente instrumento de ratificacion, sellado con el gran sello de las armas de la República y refrendado por el Ministro Secretario de Estado en el Departamento de Relaciones Exteriores.

Dado en la casa del Gobierno Nacional en Buenos Ayres, à primero de Setiembre de 1876.

(firmado) N. AVELLANEDA.
 (firmado) BERNARDO DE IRIGOYEN.

} LUGAR DEL
 } GRAN SELLO.

Es copia fiel del original que obra en el Archivo de la Secretaria de Relaciones Exteriores.

M. F. RIQUELME,
Oficial 1°.

ANEXO A.

Nº 2.

Carta autógrafa del Presidente del Paraguay al de los Estados Unidos, solicitando su aceptacion del cargo de Arbitro.

MINISTERIO DE }
RELACIONES ESTERIORES. }

JUAN BAUTISTA GILL,

Presidente Constitucional de la República del Paraguay.

AL EXMO SEÑOR PRESIDENTE DE LOS ESTADOS UNIDOS DE
NORTE AMERICA.

GRANDE Y BUEN AMIGO:

Tengo la alto satisfaccion de elevar à vuestro conocimiento que entre la República del Paraguay, y la República Argentina existe pendiente una cuestion sobre la propiedad ò mejor derecho à una parte del territorio del Chaco situado sobre la ribera derecha del Rio Paraguay, comprendida entre el Rio Verde y el brazo principal del Pilcomayo, cuestion que, segun el tratado celebrado entre las dos Naciones, con fecha 3 de Febrero de 1876, debe ser decidida por fallo arbitral. Como de comun acuerdo nos hemos servido designar para Arbitro al Exmo Señor Presidente de los Estados Unidos de Norte América, me permito dirijiros la presente pidiéndoos encarecidamente os digneis aceptar el encargo que os hemos confiado, como à grande y generoso amigo, à quien no puede ser indiferente todo cuanto se relacione con la tranquilidad y buena armonia que deben existir entre estas Repúblicas.

Esperando que contribuireis à poner término à esta cuestion y haciendo votos por la prosperidad del gran pueblo de los Estados Unidos à quien dignamente presidis, me es altamente grato suscribirme.

Vuestro leal y buen amigo.

JUAN BAUTISTA GILL,
BENJAMIN ACEVAL.

Dada en la Asuncion à los trece dias del mes de Enero de 1877.

ANEXO A.

Nº 3.

Carta autógrafa del Exmo Sr. Presidente de los Estados Unidos aceptando el cargo de Arbitro.

(Traduccion.)

RUTHERFORD B. HAYES,

Presidente de los Estados Unidos de América.

A SU EXCELENCIA JUAN BAUTISTA GILL, PRESIDENTE DE LA
REPUBLICA DEL PARAGUAY.

GRANDE Y BUEN AMIGO:

He recibido la carta de fecha 13 de Enero último, que Vuestra Excelencia se ha servido dirijirme, pidiendome acepte el cargo de Arbitro entre Vuestro Gobierno y la República Argentina, en una cuestion que ha surgido entre ámbos con respecto à límites, y que, por un tratado se ha convenido en someter à arbitrage.

En contestacion, me permito anunciar à Vuestra Excelencia mi aceptacion del cargo que me ha sido tan cordialmente ofrecido. Tanto menos vacilo en tomar esta resolucion, cuanto que ella es basada sobre una política para el arreglo de disputas entre naciones, que apruebo sinceramente.

Hallaré en mis esfuerzos por ser estrictamente imparcial en mi fallo, mi mejor seguridad para poder esperar que mi decision será satisfactoria à ámbas partes, ò por lo ménos, que así se propenderá à evitar cualquier disgusto que el resultado final pudiera causar à una ú otra de las partes.

Me es grato así mismo aprovechar esta ocasion para ofrecer à
Vuestra Excelencia mis cordiales votos por la prosperidad de la
República del Paraguay.

Dada en Washington à 28 de Marzo de 1877.

Vuestro Buen Amigo,

R. B. HAYES.

Por el Presidente

W. M. EVARTS,

Secretario de Estado.

ANEXO B.

Nº 1.

NOTA DEL MINISTRO DE RELACIONES EXTERIORES DEL PARAGUAY AL MINISTRO DE ITALIA PIDIENDOLE LEGALIZE LOS DOCUMENTOS SOBRE EL CHACO, PREVIA CONFRONTACION, Y SU RESPUESTA.

MINISTERIO DE RELACIONES EXTERIORES, }
ASUNCION, 25 de Agosto, 1877. }

Señor MINISTRO :

Teniendo necesidad de legalizar las copias de los documentos originales depositados en el Archivo Nacional referentes à la cuestion del Chaco que ha sido sometida à la decision arbitral del Ciudadano Presidente de la República de los Estados Unidos de Norte América, quedaria á V. E. sumamente grato si se sirviese tomarse la incomodidad de hacer una prolija confrontacion entre las copias y los originales, à fin de que bajo su firma y sello de esa Legacion de su digno cargo, se sirva certificar legalmente su exactitud y literal transcripcion.

La falta de una Legacion Norte Americana en el pais, me obliga à pedir à V. E. este servicio, que, no dudo, me prestará V. E. con la amabilidad que lo distingue.

Aprovecho esta oportunidad para tener el honor de reiterarle las protestas de la consideracion y aprecio, con que me suscribo,

De V. E. atento y afmo. s.s.

JUAN A. JARA.

A Su Excelencia el Señor ENCARGADO DE NEGOCIOS de S. M. el REY DE ITALIA, Caballero Don ENRIQUE STELLA.

LEGACION DE S. M. EL REY DE ITALIA, }
ASUNCION, 25 de Agosto de 1877. }

Señor MINISTRO :

En contestacion à su nota, fecha de hoy, con la cual se sirve pedirme que, à falta de una Legacion de los Estados Unidos en

esta República, sean por mí legalizadas las copias de los documentos originales referentes à la cuestion del Chaco, me es grato asegurarle que tendré el mayor gusto en acceder à la demanda que me hace el honor de dirigirme.

Con este objeto estaré à la disposicion de ese Ministerio de su digno cargo el próximo martes à las 10½ de la mañana ú otro dia que mejor le acomodare fijar.

Aprovecho la oportunidad para reiterarle, Señor Ministro, las seguridades de mi mas alta consideracion y distinguida estima.

(firmado) E. STELLA.

A Su Excelencia el SEÑOR DON JUAN A. JARA, Ministro de Relaciones Exteriores.

ANEXO C.

Nº. 1.

CÈDULA.

EL REY.

Presidente y Oidores de mi audiencia Real, que he mandado fundar en la Ciudad de la Trinidad del Puerto de Buenos Aires de las Provincias del Rio de la Plata. El licenciado Don Juan Blasques de Valverde que fué mi Gobernador y Capitan General de la Provincia del Paraguay refiere en carta de 18 de Abril del año 1657, que el de 1618 tuvo el Rey mi Señor y Padre, que santa gloria haya, por bien de mandar dividir aquel Gobierno del de esas provincias, habiéndose gobernado hasta entónces lo temporal por un gobernador, y lo espiritual por un Obispo, y que esto se ejecutò el año de 1621, y los habitantes de dicha Provincia del Paraguay reconociendo cuan perjudicial seria aquella division à la paz y conservacion de ellos, me suplicaron les hiciese merced de que se volviesen à unir y poner en la forma que ántes estaban. Y ahora à instancia de los dichos habitantes habia hecho una informacion que remitia con la dicha carta, por donde constaba que cuando el dicho Gobierno del Paraguay se dividiò del Gobierno de esas provincias habia ocho Ciudades en ambas provincias y por parecer que eran muchas y muy distantes unas de otras para un gobernador, se señalaron cuatro para cada gobierno, y de las que cupieron al del Paraguay solo se conservaba la Ciudad de la Asuncion donde está la Catedral, por que de las otras tres, las dos se habian perdido totalmente y estaban poseidas y ocupadas de los indios enemigos, y la otra que se llama la Villa Rica, se habia despoblado por las invasiones à que estaba sujeta de los portugueses de la de San Pablo, y algunos de los pocos vecinos que quedaron fundaron otra Villeta, cuarenta ò cincuenta leguas distante de la Ciudad de la Asuncion, con sesenta ó setenta vecinos que la habitan y son los que sacan la yerba que allí se beneficia para todas las provincias del Perú: y que de las otras cuatro Ciuda-

des que se señalaron à ese Gobierno se perdió el año de 1632 la del Rio Bermejo que asolaron los indios enemigos y un pueblo abundante llamado Matará, con muerte de muchos españoles, sin que se haya podido restaurar ninguna de las dichas Ciudades perdidas, habiendo resultado todas estar ruinas y trabajadas de haberse dividido las fuerzas que habia en àmbas provincias, y hallarse por esta causa sin armas suficientes para su defensa: cuando estando unidas y en un cuerpo no solo se conservaron, sinó que se ganaban y hacian nuevas conquistas y poblaciones, castigando la osadia de dichos indios que no estaban sujetos y subordinados à los españoles, y representa el dicho Dn. Juan Blasques de Valverde el ejemplar del gobierno de Tucuman diciendo que comprende ocho Ciudades à su cargo, y que á demas de lo referido, habia resultado de la dicha division el estar tan aniquilada y destruida la provincia del Paraguay de los indios, á que los vecinos tenian en sus encomiendas en que consistia el sustento de ellos y tener con que beneficiar sus tierras, respecto de que para sacar de allí la yerba y tabaco que se llevaba à las demas provincias vecinas, era fuerza que las llevasen indios en embarcaciones de balsas ò barcas hasta Santa Fé, que era puerto del Rio Paraná, y que pasando por la Ciudad de las Corrientes, como ambas eran de diferentes gobiernos, y sus habitantes siempre necesitaban de indios que los sirviesen, detenian à los que pasaban por aprovecharse de ellos, y las justicias no lo remediaban, no sucediendo esto cuando estaban debajo de un gobierno, por que el que los tenia à su cargo los miraba con igual afecto y hacía que à cada Ciudad se volviesen y redugesen los indios que de ella habian salido con embarcaciones y otros tragines, y que los disgustos y alborotos que en aquella Ciudad se padecieron, habian resultado de estar el territorio de aquel gobierno reducido solo à la Ciudad de la Asuncion, donde se hallaban en estrechura el Obispo y el Gobernador por su cortedad y pobreza de los vecinos: y propone que reduciéndose aquellas provincias y esas à un solo gobierno en lo espiritual y temporal, se ahorraria el salario de dos mil ducados que se dá al uno de los Gobernadores, y el socorro con que se acude de mi caja real à los dichos obispos, por no tener congrua para sustentarse en las rentas decimales, que divididas

en dos Obispados no son suficientes, y lo fueran para solo uno y para un Dean y tres Dignidades, extinguiéndose las Canongias por no haber quien las pida ni renta para ellas. Y habiéndose visto por los de mi consejo de las Indias juntamente con un memorial que se presentò por parte de la dicha Ciudad de la Asuncion, sobre la misma pretension y los demas papeles tocantes à la materia, y lo que cerca de ella dijo y pidió mi Fiscal en el dicho mi consejo, por que quiero saber lo que hay y pasa en razon de lo que se refiere en la carta del dicho Don Juan Blases de Valverde y informacion que remite con ella, y si las pérdidas y despoblaciones de Ciudades y los demas daños que se dicen en ellas, se han ocasionado de haberse dividido la provincia del Paraguay de esas del Rio de la Plata, y con volver à unir el Gobierno de ellos, en lo espiritual y temporal, se acudirá al remedio de los trabajos que se dice han padecido y padecen sus habitantes y se evitarán en lo de adelante: ó que conveniencias ó inconvenientes podrán resultar de hacerse esta union; os mando que inquiriendo en órden à ello las noticias mas individuales y desinteresadas que pudiéredes, me enviéis en la primera ocasion relacion de ella y de lo demas que se os ofreciere en la materia con toda distincion y claridad, juntamente con vuestro parecer, para que visto en el dicho mi consejo se pueda tomar la resolucion que mas convenga. Fecha en Madrid à 31 de Diciembre de 1662.

YO EL REY. Por mandado del Rey nuestro Señor, Don

YO EL REY,

Por mandado del Rey Nuestro Señor.

DON JUAN DEL SOLAR,

Hay cinco rúbricas.

A la audiencia que V. M. ha mandado fundar en las provincias del Rio de la Plata que informe sobre la union del gobierno espiritual y temporal de las provincias del Rio de la Plata y Paraguay.

ANEXO C.

Nº. 2.

Don José Martines Fontes, Capitan de Dragones del Presidio de Buenos Ayres, Gobernador y Capitan General de esta Provincia del Paraguay, &c.

Al M. R. P. Nicolas Contucci de la Sagrada Compañia de Jesus, Visitador actual de este Colegio del Paraguay. Signifíco y hago saber de como hallándome en actual visita de estos pueblos de mi cargo, me participó mi maestre de Campo actual Don Fulgencio de Yegros de como la Nacion cosaria de los Abipones habia venido à tratar paces con esta provincia y à pedir Redneion para su conversion y sujecion al yugo de la ley evangélica, y con esta noticia tan plausible abandonando la obligacion de la visita, pareciéndome de mayor importancia este negoeio, bajé con aceleracion à esta Ciudad, y con la misma pasé rio abajo en parage del Timbó, lugar destinado por el Cacique Deguachí para las capitulaciones valiendome como siempre de la proteccion de su Sagrada Religion en llevar conmigo al Padre Francisco Burges como inteligente en el idioma de esta nacion, y con efecto, habiendome avistado con el Casique y sus vasallos, proponiéndome el fin à que venian, y propuesto de mi parte todos aquellos capítulos que me parecieron convenientes à una estable paz y perfecta reduccion de ellos. Condescendieron con toda resignacion y sinceridad al parecer, y sin ninguna malicia, rindiendo las armas y entregandose à las Españolas sin precaucion; *ultimamente quedamos de acuerdo que à principio del mes de Febrero próximo venidero bajaría yó pored rio con gente, ganado, herramientas y otros víveres à formarle su poblacion en el espresado paraje del Timbó hacia la parte del Chaco, para cuyo tiempo con el pleno concimiento de la innata propension de su sagrada religion, à la conversion de infieles y estension de la Ley Evangélica como se experimenta en todas partes del mundo, y con la consideracion de que en este asunto hará V. Reverendesima particular servicio à ambas Magestades, bien y utilidad de esta provincia*

y de aquellas almas perdidas del rebaño de nuestro Redentor Jesucristo ; suplico se sirva destinar uno ò dos sujetos que sostenga la doctrina de la estipulada reduccion, y en caso necesario en nombre del Rey Nuestro Señor, exorto y requiero á Vuestra Reverendísima anteponiendo y posponiendo mi súplica para la consecucion de este asunto de tan grande importancia, que en ello S. M. será por bienservido y yo con recíproca correspondencia miraré à las de V. Rma., siempre y cuando me ministrare las insinuaciones convenientes à su Sagrada Religion. Y es fecho en la Asuncion del Paragnay à los 25 de Octubre de 1762 años.

JOSÉ MARTINES FONTES,

Ante mi

BLAS DE NOCEDA,

Escribano publico, &c., &c.

ANEXO C.

N° 3.

Nicolas Contucci de la Compania de Jesus, visitador general de esta provincia del Paraguay.

A los que la presente vieren hago saber como estando en estas doctrinas de indios guaranis que están al cargo de mi sagrada religion entendiendo en la visita de ellos, en cumplimiento del cargo en que me hallo, se me entregó è hizo manifiesto el exorto de suso despachado por el Señor Capitan de Dragones Dn. José Martines Fontes, Gobernador y Capitan General de la Provincia y gubernacion del Paraguay, el cual recibí en 9 de Noviembre de 1762 años, y despues de haber considerado su contesto, y lo que en él se ordena en nombre de S. M., que Dios guarde, y venerando tan superior mandato con el aprecio debido, y estimando á dicho Señor Gobernador la confianza que para esta empresa se sirve hacer de la industria y celo de la Compañia : como superior de ella en todas estas Provincias digo, que obedezco y acepto con el mas profundo rendimiento dicho exorto para ponerlo en ejecucion, y en su consecuencia se proveerá de nuestra parte que para cuando llegue el caso de establecerse la nueva reduccion de los indios Abipones que se pretende, se señalen sujetos aptos è idoneos que cuiden de su espiritual enseñanza : bien asi entendido que no por eso nos hacemos cargo de asegurar el fondo necesario para su temporal manutencion, pues esto lo deberá solicitar dicho Señor Gobernador y Capitan General y los demas que en su cargo en adelante le sucedieren ; como ni tampoco nos hacemos cargo de la asistencia temporal de los misioneros que alli hayan de existir, por que esta la deberá solicitar S. S. conforme lo que el Rey nuestro Señor prescribe en sus Reales Cédulas y Leyes sobre fundaciones de nuevas reducciones. Y por lo que toca á la libertad de los indios que en dicha reduccion hubieren de estar, se hade servir S. S. en nombre de S. M. admitirlos debajo de su Real proteccion, incorporandolos en su Real corona como vasallos suyos, y declarar que no han

de ser encomendados jamás, aun por via de depósito, ni han de estar sujetos á pension alguna de mitas, sean las que fueren ; segun asi se previene en las leyes reales de Indias, que tratan sobre reducciones de indios, que libre y espontaneamente se sujetan al yugo del Evangelio, como sucede en estos de que se trata y por ser asi tambien conveniente para la mejor instruccion, seguridad y quietud de dicha reduccion. Y esperando en la justificacion y cristiano celo de Su Señoria que asi lo efectuará y cumplirá, quedo en la inteligencia de que esta reduccion para su espiritual enseñanza hade correr á cargo de la compañia ; y en fè de ello, asi lo prometo como Superior suyo para cuando llegue el caso de fundarse. Y para que todo lo dicho conste donde convenga, doy la presente firmada de mi mano y refrendada por mi infrascrito Secretario en el pueblo de la Candelaria en 12 de Noviembre de 1762 años.

NICOLAS CONTUCCI,

LORENZO BALDA.

Secretario.

ANEXO C.

Nº. 4.

En la Ciudad de la Asuncion del Paraguay en veinte dias del mes de Marzo de mil setecientos sesenta y tres: el Señor Don Josè Martines Fontes, Capitan de Dragones del Presidio de Buenos Ayres, Gobernador y Capitan General de esta Provincia del Paraguay, por su Magestad (que Dios guarde); habiendo visto lo respondido por el M. R. P. Nicolas Contucci de la Compañia de Jesus, visitador general de esta Provincia, al exhortatorio expedido por S.S. en 25 de Octubre de 1762 años, en órden à que se sirviera proveer Religiosos Doctrineros de su sagrada Religion para la nueva reduccion de los indios infieles Abipones, y la resignacion de su Rma. con las calidades y condiciones que previene en su respuesta de 12 de Noviembre del citado año, (sobre que en nombre de S. M. que Dios guarde, le rindo las gracias,) digo: que en órden à las condiciones propuestas por Su Rma., en cuanto à que no se hace cargo de los fondos para la fundacion y alimentos de los reducidos, habiendoseles ya contribuido con parte de lo ofrecido por la Provincia, promete S.S. se les dará cumplimiento en el todo, y de informar à Su Majestad, para que se les contribuya de sus reales cajas con lo que tiene ordenado y dispuesto por sus Leyes de Indias, y lo mismo para el alimento de los doctrineros: cuyas contribuciones se suponen infalibles, como ordenadas y mandadas por su Católica y Real piedad. *Y en esta atencion en consecuciencia de lo que sobre las nuevas Reducciones disponen las Leyes de Indias, en nombre de Su Majestad declara à dicha nueva reduccion de Indios Abipones y otras de otras Naciones Vecinas, que a ella se agregaren, por incorporada en su Real Corona, juntamente con todas las demas que de esa y otras Naciones vecinas del Chaco se formáren dentro de esta Gobernacion à una y à otra Banda del Rio Paraguay, al cargo de los R. R. P. P. Jesuitas; y que en esta razon no deberán, en manera alguna, esta ni aquellas ser encomendadas en cabeza de persona alguna, ni apremiadas à servicio alguno personal, ni gravadas con pension*

alguna de Mitas, sean las que fueren, segun que en dichas Leyes de Indias se contiene, especialmente en la 3^a del Tit. 15, Lib. 6^o de las Recopiladas. Todo lo cual asi lo declara, manda y ordena, mientras que otra cosa no dispone S. M. á quien por eso se reserva dar cuenta luego en la primera ocasion que se ofrezca para que su Real Voluntad determine lo que mas conviniere á su Real servicio. Y firmó de que doy fé.

JOSÉ MARTINES FONTES,

Ante mi

BLAS DE NOCEDA,

Escribano Público de Gobernacion y Hacienda.

ANEXO C.

No. 5.

Exhorto al Rector del Colegio sobre que provea de Sacerdote à la Reduccion del Rosario de los Abipones.

El Maestro de Campo general Don Fulgencio de Yegros, Teniente General, Justicia Mayor y Capitan à guerra de esta Provincia del Paraguay por S. M. que Dios guarde ; hago saber al M. R. P. Antonio Miranda de la Compañia de Jesus, Rector actual de este Colegio de la Asuncion del Paraguay, de como el P. Martin Debruhoyer de la misma sagrada compañia, Doctrinero de la nueva Reduccion de Nuestra Señora del Rosario de los Abipones, en carta de 25 de Marzo, me participa hallarse actualmente gravemente enfermo, y que le despache embarcacion para venir à este Colegio por el peligro que corre de morir, y que provea la persona en su lugar quien atienda aquellas almas ; y respecto que su sagrada religion por encargo de este Gobierno y con espreso consentimiento del M. R. P. Provincial se hizo cargo de dicha Doctrina de que dió cuenta à S. M. con toda individualidad el Señor Gobernador y Capitan general; se pasó ocurso à Va. Ra. por via de pronto remedio, para que atendiendo à las presentes circunstancias se sirva providenciar dicha Doctrina destinando sujeto para ello, en el interin que su Superior determine el que fuere de su arbitrio, y S. M. lo que fuere de su real agrado. Para lo cual en su real nombre exhorto y requiero à Va. Ra. y de mi parte ruego y suplico con todo encarecimiento, se sirva dar pronta providencia en lo que llevo espresado, tanto para el alivio de dicho Religioso, como para que aquellas almas redimidas con el inestimable precio de la sangre de Nuestro Señor Jesu Cristo, no vuelvan à las densas tinieblas de su infidelidad; que de hacerlo asi S. M. se darà por bien servido y yo quedaré con todo afecto, siempre y cuando que vea las de

Va. Ra. en justicia, y es fecho en la Asuncion del Paraguay en
10 dias del mes de Abril de 1765.

FULGENCIO DE YEGROS,

Por mandado de Su Sria.

JUAN JOSÉ BAZAN,

Escribano Publico de Gobernacion y Hacienda.

En dicho dia mes y año, hize saber el exhorto antecedente al
R. P. Rector de este sagrado Colegio de la Compañia de Jesus,
y le dejé por tanto autorizado de su pedimento, de ello doy fé.

BAZAN.

ANEXO.

No. 6.

El Rey.—Don José Martines Fontes Gobernador y Capitan General de la Provincia del Paraguay. En carta de 15 de Febrero de 1759, participó el Gobernador de la de Buenos-Aires Don Pedro de Zeballos los estragos que hacian los indios del Chaco, los oficios que pasó con el Gobernador del Tucuman, y con vuestro antecesor Don Jaime Sanjust, para facilitar una entrada en sus tierras, que los escarmentase y las conveniencias que podrian resultar si se lograba reducirlos ya en el sosiego de estas tres provincias facilitándolas la comunicacion en el establecimiento del Comercio desde Potosí à aquel puerto por los Rios Bermejo, Paraguay y Paraná, y refiriendo que à este fin convendria repetir las entradas generales por tres ó cuatro años, propuso tambien se podria destinar à la que se hiciese por aquella provincia, el ramo de diezmos que pagan los indios de las Misiones de esa del Paraguay por no tener fondos de que costearla, dejandole à su disposicion. En otra carta de 15 de Octubre del propio año, dió cuenta el mismo Gobernador de haberse efectuado la mencionada entrada general quedando muy amedrentados los indios, y de lo mucho que habia contribuido à ella el referido vuestro antecesor. En otra de 22 de Diciembre de 1760, espresó asi mismo como se iban ya reduciendo los indios, y que para su subsistencia en pueblos, contaba con el ramo de guerra establecido en aquella ciudad para pagar las compañías de milicias que resguardaban la tierra de las invasiones de los indios pampas y serranos, mediante que reducidos no era precisa esta tropa. En otra de 26 de Febrero de 1763, notició el vivo deseo que manifestaban los indios de lograr su conversion; las reducciones que estaban ya formadas, y las que podrian establecerse si se proporcionaban los fondos necesarios à su manutencion; para lo cual espresó se podrian aplicar 12 mil pesos annales de los 50 ó 60 mil que se recaudan en la provincia del Tucuman con título de sisa, y se impuso para embarazar las hostilidades que ejecutaban los indios respecto de que con el resto quedaba bastante para subvenir à los gastos de 150 hombres que se mantienen en aquellas fronteras. Y finalmente en otra carta de 29 de Octubre

de 1759 acompañada de varios documentos, ha espuesto el Gobernador de Tucuman Don Juakin de Espinosa lo que él practicó por sí en la mencionada entrada hasta descubrir el camino que tantos años ha se deseaba, los reencuentros que tubo con los indios, las paces que celebró con ellos, el amor con que los trató, la mucha parte que tuvo el Gobernador de Buenos Aires en esta expedicion ; y lo acreedores que se hicieron de mi real benignidad los oficiales que comandaron los tercios y destacamentos en aquella campaña, que enteramente se costeó del ramo de sisa ; y habiéndose visto todo en mi consejo de las Indias, con lo que dijo mi Fiscal y consultándome sobre ello, he resuelto entre otras cosas *que no se haga novedad en cuanto à la apertura del camino por el Rio Bernejo al de la Plata ;* y he aplicado los diezmos que pagan los indios de esa Provincia del Paraguay à las entradas que se hagan por la de Buenos-Aires à las tierras de los infieles, dejando al cuidado de aquel Gobernador la direccion de este ramo, con calidad de que no se repitan tales entradas, si se reconoce beneficio en el fruto de las nuevas misiones para atraer à los indios con suavidad ; y para que estos vivan y se mantengan en las nuevas poblaciones que se hayan de hacer, he destinado, desde luego, doce mil pesos anuales del total del ramo de sisa de la provincia del Tucuman. Lo que os participo para que por vuestra parte dispongais en lo que os corresponda el cumplimiento de esta mi real determinacion ; en inteligencia de que por despacho de este dia hago el mismo encargo à los Gobernadores de Buenos Aires y del Tucuman, y doy orden à mi Virrey del Perú para que facilite la exaccion de los doce mil pesos citados, y de que ha merecido mi real gratitud el distinguido celo con que procedió en el asunto el referido vuestro antecesor Don Jaime Sanjust. Fecho en Buen Retiro á 12 de Febrero de 1764.

YO EL REY,

Por mandado del Rey Nuestro Señor.

DON JUAN MANUEL CRESPO,

Hay tres rúbricas.

Al Gobernador del Paraguay participandole las providencias dadas con motivo de la entrada general que se hizo à las tierras de los indios del Chaco.

ANEXO C.

Nº. 7.

CÉDULA.

EL REY.

Gobernador y Capitan General de la Ciudad de la Asuncion y Provincia del Paraguay.

En carta de 30 de Diciembre de 1763 y 11 de Enero de 1764, participais el estado de las nuevas Reducciones de indios Mbayás y Abipones, puestas al cuidado de los Religiosos de la Compañía de Jesus, pidiendo se defiera á las pretensiones hechas por el Provincial de la misma Religion y contenidas en los testimonios que acompañais en cuanto á las subsistencias de ámbas reducciones, manutencion de los Doctrineros ocupados en ellas y relevacion de Mita, y encomiendas á los indios. Y visto en mi consejo de las Indias, con lo que dijo mi Fiscal, *se ha tenido presente que para la formacion de pueblos, manutencion de Doctrineros y demas gastos precisos para estas reducciones, y otras que se hagan de los indios que habitan el Chaco*, está tomada providencia por la Real Cédula que se os dirijió con fecha de 12 de Febrero, del propio año de 1764, la que hareis observar puntualmente; y por lo respectivo á la referida exencion de encomiendas y mitas que se solicita, mando que observándose con estos Indios el contenido de la Ley. 3. Tit. 5. Lib. 6º de la Recopilacion de las de esos Dominios, sean exentos de ellas, y de mis Reales tributos por tiempo de los diez años que se prefinen en la misma ley.

Del Pardo á 29 de Enero de 1765;

YO EL REY,

Por mandado del Rey Nuestro Señor.

DON JUAN MANUEL CRESPO,

Hay tres rúbricas.

Al Gobernador del Paraguay con noticia de lo que se ha de observar para la *subsistencia de las Reducciones de Indios Mbayás y Abipones establecidos en aquella Provincia*.

ANEXO C.

Nº. 8.

CÉDULA.

EL REY.

Gobernador y Capitan General de la Provincia de Paraguay: En carta de 26 de Enero del año próximo pasado participais acompañando varios documentos que habiendo pretendido un Cacique de la Nacion Abipona reduccion para mas de noventa familias, no solo los recibieron los vecinos de esa Ciudad de la Asuncion con benevolencia, sinó que les fundaron un pueblo intitulantolè Nuestra Señora del Rosario del Timbó franqueándoles, no obstante su probeza, el ganado vacuno y lanar que necesitaban para mantenerse; que encargada esta reduccion à los regulares de la Compañia, empezaron desde muy luego los indios à manifestar su inconstancia y deseo de volverse à los montes; que espulsados aquellos regulares y puesto en su lugar à Don Lorenzo de la Torre, sujeto de toda probidad y ciencia, reconoció el antiguo libertinage que apetecian los indios, y lo arriesgado que estaba su vida; y dando cuenta de todo, examinado este punto en cabildo abierto, se resolvió enviar un nuev o destacamento de españoles que resguardasen al doctrinero y embarazase cualquier violencia y extorsion; y que huyendo poco despues los mas de los indios, matando à las personas que encontraron en la estancia de un español, se encargó à los pocos que quedaron que en caso de que volviesen los fugitivos, les manifestasen la buena acogida que se les haria, no obstante sus insultos, como mudasen de costumbres y obedeciesen al Doctrinero; lo que haciais presente para que os ordene lo que debeis ejecutar. En otra carta de 12 de Febrero siguiente participa lo mismo, con referencia à los documentos que incluye esa Ciudad, añadiendo los dispendios que hicieron sus vecinos para establecer la mencionada reduccion y abastecerla de ganado, y las providencias que se tomaron para

que existiendo allí los indios, abrazasen despues de catequizados la fê Católica, lo que no ha tenido efecto por los acontecimientos referidos. Y habiendose visto en mi consejo de las Indias con lo que dijo mi Fiscál, y consultandome sobre ello, he resuelto, aprobandoos lo ejecutado en este particular, concurráis por vuestra parte, como os los mando, al mejor y mas suave tratamiento de los pocos indios Abipones que han quedado en la referia reduccion, y de los demas que vuelvanó acudan à ella, disponiendo tengan sacerdotes seculares ò regulares de ejemplar vida y costumbres que los instruyan y catequizen como corresponde: en inteligencia de que por despacho de la fecha de este, hago igual encargo à ese Reverendo Obispo.

Fecha en Madrid à 15 de Julio de 1769.

Yo EL RAY,

Por mandado del Rey Nuestro Señor. •

NICOLAS de MOLLINEDO,

Hay tres rúbricas.

Al Gobernador del Paraguay sobre el buen tratamiento que se debe hacer à los indios de la reduccion de Nuestra Señora del Rosario del Timbó.

ANEXO C.

Nº. 9.

En la Ciudad de la Asuncion del Paraguay, en 10 dias del mes de Noviembre de 1762 años. Habiendose juntado en esta sala de acuerdo los Señores del Ilustrè Cabildo Justicia y Regimiento de ella, de orden y mandato del Señor Don José Martines Fontes, Capitan de Dragones del presidio de Buenos Aires, Gobernador y Capitan General de esta Provincia, con los Gefes militares y muchos reformados, hombres buenos y de los primeros de esta República, y estando así juntos y congregados, dijo Su Señoria que esta Junta ò Cabildo abierto yá se dejaba entender á que fin se dirijia, por que todas las circunstancias que han precedido lo insinuaban. Que nadie ignoraba la solicitud y empeño con que la Nacion Abipona nos vino à buscar rogandonos con la Paz y pidiendo al mismo tiempo reducecion para vivir sujetos bajo la Ley del Evangelio. Que tambien era constante à todos, que la importancia y gravedad de este negocio, le obligó à cortar la visita en que entendia, por acudir con la prontitud que exigian su empleo y conciencia, à un asunto tan sério como útil, y de haber bajado con efecto hasta las tierras del Timbó, y abocádose con el Cacique y sus vasallos, oyendo sus súplicas y examinó sus deseos y los motivos que los inducian à la pretendida reducecion ; y despues de un prolijo exámen y atenta reflexion, asi Su Señoria como el Reverendo Padre Francisco Burges de la Compañia de Jesus, como el Maestre de Campo general y otros hombres de ser sus asociados, juzgaron todos que los indios procedian con sinceridad, que sus deseos eran verdaderos, y que apetecian la vida sosegada que se goza en una cristiana Reducion. En fuerza de este dictámen uniforme, despues de hechas las capitulaciones regulares que concernian à la paz, cargando todo el peso de la consideracion sobre el beneficio que resulta à toda esta su amada Gobernacion, y poniendo igualmente su mira en el servicio de ambas magestades, se habia obligado à bajar para el próximo Febrero à las mismas tierras del Timbó, à plantarles en ellas un pueblo proporeionado à su mas

cómodo y sólido establecimiento, bien que S. S. en la actuacion de las insinuadas diligencias, y en no dejar ignoradas sus promesas, hizo cuanto la obligacion de su empleo le pedia, y quanto dictaba la prudencia, por que seria desacierto no abrazar, obligandose à ejecutar un partido tan ventajoso à todo el comun de la Provincia. Que los demas medios que se pudieran practicar, no eran tan seguros ni tan útiles, como la misma experiencia la comprueba. Que harta visible ha sido à todos el desvelo de S. S. desde la primera hora que entró à esta provincia, sin perdonar fatigas ni trabajos, por solicitar personalmente la defensa y mejora de la provincia perseguida y hostilizada de esta y otras naciones del Chaco. Mas todo el invariable empeño de S. Sa. en redimir à la provincia de tantos quebrantos y estragos como padece de los Infieles, aun no nos aseguraba nuestras vidas y bienes, quedando espuestos à la fiereza de los barbaros. Si bien que lográbamos algunos buenos efectos nacidos, así de acordonar el Rio, como de otras industrias y proyectos, con que S. Sa. se ha dedicado á rehacer el ramo de guerra que halló casi exhausto de fondos. Mas estos arbitrios si bien hasta aqui se ha mirado como precisos é inescusables pero para la sucesivo, fuera de ser muy costosos, serán tambien poco durables. Lo que si promete duracion y permanencia y asegura nuestra quietud, será la ideada fundacion: que no deja de conocer S. Sa. lo grande y lo arduo de la obra. Grande por que mira á ganar almas para Dios y nuevos vasallos para el Rey. Arduo por que veia S. Sa. con harta lastima y dolor, que ni los fondos de este noble vecindario, ni las haciendas de esta réal provincia, son tan pingues. Pero, no obstante, la misma experiencia hace creer y esperar á S. Sa. que todos querrán muy eficazmente cooperar de su parte á la deseada poblacion. Que tambien tiene muy presentes en su reconocimiento los esfuerzos con que en otras ocasiones de menor urgencia y utilidad, ha cooperado con honrada generosidad todo el Cuerpo de la Provincia; y que así lo ha hecho saber al Rey y se halla S. Sa. actualmente muy determinado à informar de nuevo à S. M. sobre los fomentos y auxilio que intenta toda esta su Gobernacion en el establecimiento de la nueva Reduccion, para que S. M. instruido muy par-

ticularmente del mérito de los Señores vecinos que mas se señalasen, y en la liberalidad de la provincia, premie à todos con su Real liberalidad. Ultimamente deseaba prevenir, que serán muy fuera del ánimo é intencion suya, y aún para S. S. materia de agudo sentimiento, el que sepa que no se proceda con la mayor suavidad en la eleccion de las contribuciones, por que, para que Dios eche su bendicion desde el Cielo à una obra de esta naturaleza, nada podria estorbar tanto como los violencias y las justas quejas que formase el público contra cualquiera especie de apremio. Por tanto, no solo se prometia de la muy noble generosidad de los Señores vecinos, el que se esforzrán à buena ley de Vasallos à facilitar, con sus ganados, haciendas y otros efectos del pais, segun la posibilidad de cada uno, tan útil fundacion, sinó que igualmente esperaba que la Señoria del Cabildo, se desvelára à fin de que en la provincia no se vea sombra de violencia. Por que estos medios duros siempre tienen malos efectos ; fuera de que à Vasallos tan amantes de su Rey y à unos vecinos en que tanto sobresale el deseo del bien público, basta para motivo y para impulso, la constante lealtad con que los reconoce S. Sa lleno de complacencia, muy sacrificados al servicio del Rey. Y aun tambien se cree S. Sa sin lisongearse, que el amor y buena ley que toda la provincia le profesa, servirá de mucho impulso para que cada uno exhiba y franquee para la espresada fundacion quanto sea necesario para el mas cabal cumplimiento de sus deseos. Tan buen concepto como este le debia toda esta su amada Gobernacion, y tan firmes esperanzas fundaba sobre los nobles corazones de todos sus súbditos de quienes esperaba aun mas de lo que insinua ; y mas, cuando es bien visible que en este su empeño no pone la mira á otro fin, que en satisfacer á las muchas obligaciones en que el Rey le ha constituido, ni tampoco le llevaba otro objeto la atencion que el servicio de ámbas Magestades, y el anhelo de poner en mejor pié, y dar mejor semblante à toda esta su amada Provincia. Para cuyo efecto así mismo habia suplicado al Ilmo y Reverendísimo Señor Obispo D. Manuel Antonio de la Torre, à que se dignase concurrir en este acto à presidir y esponer su dictámen, y por la indisposicion de S. S. I. escribió carta al Señor Gobernador y Capitan General

espresando en ella la mucha utilidad y conveniencia que resultaba de la dicha poblacion en servicio de ámbas Magestades, la cual se leyó en este acto, y mandó S. Sa. se copie consecutivo à este acuerdo; y enterados los individuos de este ayuntamiento y demas militares y vecinos ocurrentes respondieron unánimes y conformes que convenia grandemente la dicha poblacion al servicio de ambas magestades, bien y utilidad de esta provincia ofreciendo cada uno libremente las cantidades que les permite su posibilidad; y acordaron que se destinen sujetos, asi para esta Ciudad como para la campaña, para que con la misma dulzura y suavidad que en este acto, pidan donativos à los demas sujetos y casas restantes de la Provincia, lo cual se concluyó y lo firmaron de que doy fé.

JOSÉ MARTINES FONTES, JOSÉ ANTONIO CARRILLO, PEDRO MONYE, JUAN BAUTISTA DE GOIRI, JOSÉ CAÑETE, FRANCISCO DE ASCONA, RAFAEL TULLO, FULGENCIO DE YEGROS, JUAN JOSÉ GAMARRA, PRUDENCIO CONTRERAS, LORENZO RECALDE, JOSÉ DE ROA, JUAN JOSÉ DE LOS RIOS, FRANCISCO DE MEDINA, JOSÉ BORBON, FRANCISCO ESPINOLA, MANUEL DE ORDAS Y ROBLES, JUAN ESTEVAN BOGADO, ANTONIO DE VERA ARAGON, SEBASTIAN DE LEON Y ZARATE, JOSÉ DEL CAZAL, JOSÉ LUIS BAREIRO, JOSÉ FORTUNATO RUIZ DE ARELCANO, JUAN MIGUEL DE SUGASTI, FRANCISCO DE AGUERO, DOMINGO DE FLECHA.

Ante mí.

LUCAS DIAS CONTEROS,

Escribano Publico de Gobernacion y Cavildo.

NOTA: La carta del Obispo que está á continuacion no contiene mas que la aprobacion del pensamiento emitido en la acta antecedente del Cabildo: y por tanto la escusamos.

ANEXO C.

Nº. 10.

En la Ciudad de la Asuncion del Paraguay à 11 dias del mes de Agosto de 1766 años. Habiendo el Señor Gobernador y Capitan General de esta Provincia convocado à Cavildo abierto, con la ocasion de haber el Reverendo Padre Gerónimo Rejon Doctrinero de la Reduccion de los Abipones, representado por carta política sobre hallarse en ánimo de trasladar el pueblo de la reduccion à otro lugar mas cómodo, sin embargo de tenerlo comunicado à su Señoria verbalmente la asignacion para el nuevo pueblo, distante del actual como una legua poco mas ò menos, representando en dicha carta los inconvenientes que padecen dicha situacion vieja, y de las utilidades que se seguirian de la nueva situacion, que todo consta de dicha carta y pidiendo al mismo tiempo se les contribuya con los fomentos necesarios, para la manutencion de la familia y un pié de estancia para en adelante ; à cuyo fin, estando congregados los Señores del Ilustre Cabildo Justicia y Regimiento con presidencia de dicho Señor Gobernador y Capitan General, y los vecinos principales de esta Ciudad, se leyó dicha carta en modo intelijible, y propuso dicho Señor Gobernador en atencion à la gran utilidad y servicio de Dios nuestro Señor, que se seguiria en el adelantamiento de dicha reduccion, que cada cual contribuyese con un donativo gracioso de todo género de abastos y ganado vacuno para el pié de estancia que se pide.

Con lo cual ofrecieron cada uno las cantidades que constan de una memoria de sus nombres. Y previno S. S. que para el mismo efecto de donativo, por no haber concurrido mas vecinos, despachar providencia en toda la jurisdiccion de esta Ciudad, cometida à los Sargentos Mayores y Jueces Comisionados. Y se cerró este Cabildo abierto, rindiendo las gracias dicho Señor Gobernador à todos los presentes por el donativo à que se han dignado ; y mandaron sus Señorias se copie dicha carta del

Padre doctrinero à continuacion de este, y lo firmaron de que doy fe.

FUGENCIO DE YEGROS, JOSÉ ANTONIO CARRILLO, PABLO CABAÑAS, JOSÉ ANTONIO ACOSTA FREIRE, TOMAS DEVALOS Y PERALTA, JOSÉ DEL CASAL, ANTONIO CABALLERO DE AÑASCO, DOMINGO ANTONIO BERMUDEZ, JUAN JOSÉ GAMARRA, BERNARDO DE HAEDO, VICENTE ANSELMO DE FLEITAS, MARCOS SALINA, MARTIN DE ASUAGA, JOSÉ FERREIRA SUAREZ, BLAS BAREIRO, PEDRO JOSÉ DE VERA, JOSÉ IGNACIO MORENO, OLEGARIO MORA.

Antí mi.

LUCAS DIAZ CANTEROS,

Escribano Publico de Gobernacion y Cabildo.

NOTA: La carta del Padre Cura citada arriba y que está á continuacion del acta, no contiene mas que la conveniencia de mudar de situacion la reducion, su fomento y el donativo que pide; por lo que se escusa su transcripcion.

ANEXO C.

Nº. 11.

En la Ciudad de la Asuncion del Paraguay en 10 dias del mes de Enero de 1767. Habiendo el Señor Don Carlos Morfi, Teniente Coronel de los Reales ejercitos de S. M. (que Dios guarde) su Gobernador y Capitan General de esta provincia, convocado à Cabildo abierto à los Señores individuos de este ayuntamiento y à los vecinos existentes en esta Ciudad y en la Campaña, y habiendose congregado en esta su sala de ayuntamiento, les propuso dicho Sr. Gobernador de como era conveniente que para el adelantamiento y restablecimiento de la reduccion de la nacion Abipona era necesario contribuirse por esta provincia con animales de todas especies à cuyo fin de sirviese contribuir con lo que cada uno voluntariamente ofreciesen : con lo cual de enterados cada uno ofrecieron lo que consta por una memoria que se formó de las cantidades y especies de que cada uno ofrecieron ; con lo cual se concluyó el Cabildo abierto y lo firmaron sus Señorías con los vecinos que concurrieron de que doy fé.

CARLOS MORFI, ANTONIO CABALLERO AÑASCO, BERNARDO DE OTAZÙ, LUIS JABIER DE CORTAZAR, JOSÉ CAÑETE, JOSÉ ANTONIO CARRILLO, JOSÉ ANTONIO ACOSTA, SEBASTIAN DE LEON SARATE, CRISTOBAL DOMINGUEZ OBELAR, FRANCISCO JAVIER BENITES, JOSÉ DE LA PEÑA, JULIAN LEGAL, JUAN MIGUEL SUGASTI, MARCOS SALINAS, PEDRO MIGUEL BURDE, VICENTE MARTINES VIANA, BERNARDO DE HAEDO, DOMINGO ANTONIO BERMUDES, JOSÉ FERREIRA SUARES, ESTEVAN INSAURRALDE, JUAN JOSÉ ROLON, RAFAEL SERVIN, JUAN FELIX FERNANDEZ, LEON GIMENES.

Anti mi.

LUCAS DIAS CANTEROS.

Escribano Publico de Gobernacion y Cabildo.

ANEXO C.

No. 12.

En la Ciudad de la Asuncion del Paraguay á 1° de Junio de 1776 años ; los Señores del ilustre Cabildo Justicia y Regimiento se juntaron en esta sala Capitular de sus acuerdos, con presidencia del Sr. Coronel D. Agustin Fernando de Pineda, y Capitan General de dicha Provincia ; y estando asi juntos y congregados en consorcio de los cabos militares, otros oficiales, varios sujetos de distincion y dijeron : que por cuanto se halla en esta Ciudad el Cacique Don Etazurin Nasac, General de varias naciones de indios infieles que habitan el Gran Chaco, como tambien otro Cacique de su parcialidad nombrado Peleysogur, à quienes por conducto del Gobernador de Armas de la Ciudad de Santa Fé se han mandado venir á esta Ciudad por el Señor Gobernador y el ilustre Cabildo, afin de formalizar las paces y reducion que con esta provincia han solicitado, segun todo con distincion é individualidad se reconoce en el acuerdo celebrado en esta razon con fecha de 26 de Marzo de este año. Por tanto, estando en la misma sala los citados Caciques acordaron los Señores vocales de esta Junta, unánimes, se examinen à dichos indios Caciques, si verdaderamente desean establecerse *en el lugar de los Remolinos de esta jurisdiccion* y si es su ánimo abrazar la Santa Fé de Jesu Cristo, y guardar en todo tan santa religion, como asi mismo observar una firme paz con la provincia, sus estantes y habitantes, y con cuantos cristianos habiten esos parajes y naveguen el Rio, à cuyas márgenes se han de establecer. Y habiendoseles examinado en la lengua castellana y guaraní, se reconoce no entender ámbas, por cuya razon se les nombró por intérpretes á Don Fulgencio Chaparro, inteligente en su idioma por haber sido cautivo de esta nacion y haberse criado con ellos, como así mismo á Don Sebastian Sitalin, Cacique del Pueblo de San Javier jurisdiccion de de la Ciudad de Santa Fé; y estando ambos en la misma sala se les hizo notorio el nombramiento fecho en sus personas, quienes inteligenciados en él, lo aceptaron y en su virtud, por ánte mi

el presente escribano, les recibieron S.S. juramento, el que ejecutaron á Dios y una cruz segun derecho, so cuyo cargo prometieron usar el oficio de intérpretes fielmente. Y habiendo inteligenciado á los citados Caciques de las antecedentes preguntas hechas por los señores de esta Junta, respondieron por dichos intérpretes aceptar en todo lo que se les propone y que es su verdadero deseo profesar la fé de Jesu Cristo, y que procederán honradamente con cuantos cristianos transiten esos parajes y naveguen el Rio. Y vistos por dichos Señores el allanamiento de dichos caciques, por si y á nombre de todos los suyos, acordaron sin discrepancia se les pase á poner las condiciones que deben observar en estas paces, las que han de guardar en la Reducion y las obligaciones en que queda la provincia relativas á su conservacion, tranquilidad y sosiego, siempre que sus operaciones condigan con el deseo que por ahora manifiestan. Primeramente se les promete por parte de la Provincia que incontinenti, del fondo del ramo de guerra, se contribuirá á su principal Cacique en demostracion del aprecio y estimacion que hace dicha provincia de él, y de los suyos, con lo siguiente. Chupa galoneada, calzon respectivo, sombrero galoneado, camisa y calzoncillo blanco, poncho balandran y un baston con puño de plata correspondiente á su persona. Que asi mismo se regalará á su compañero el otro cacique y á los demas que le acompañan. Que para manifestacion de la firme amistad de la provincia pasará el Teniente Mayor D. Bernardo Aris, *vecino que los ha conducido, á su costa á esta, á acompañarlos á su regreso, hasta las tolderias de sus habitaciones, llevando consigo seis compañeros y algunos regalos para los otros Caciques que allá quedaron, á fin de que con todos ellos se vuelvan á la provincia.* Que en tanto se practica esta forzosa diligencia, pues precisamente han de conducirse con sus mugeres é hijos y todos sus bienes, les promete la provincia tenerles preparadas sus habitaciones y una Capilla en el lugar que se reconozca mas aparente para su mejor establecimiento y labranzas, en esta banda del Rio ; y cuando en ella totalmente no se encuentre proporcion, *se verificará en la otra banda.* Que para el mejor exito de este asunto les promete la provincia mandar sujetos inteligentes de experiencia y buena conducta que

inspeccionen esos campos y le señalen el mejor y mas acomodado lugar para su residencia y tambien para la fundacion de una estancia que se les ha de establecer ; quedando diputados para este efecto el Señor Alcalde de segundo voto, el Señor Procurador Sindico General, y los Señores Sargento Mayor de Provincia y Comisario de Caballeria, Don A. Anselmo de Fleitas ; atentas las distinguidas circunstancias de estos sujetos, á quienes para el mejor acierto, se les entregarán instrucciones por el Sr. Capitan General. Que asi mismo les promete la provincia poblar una estancia de ganados mayores y menores para su manutencion, cuyo número no se les puede señalar, hasta imponerse de lo que produzca el donativo que sin pérdida de tiempo se ha solicitar su verificacion. Que esta estancia ha de ser gobernada por un capataz español que la provincia nombrará, para que segun las ordenes del Padre Cura que se les ha de poner, se ejecuten los gastos muy necesarios para su manutencion ; por que la Provincia se halla en el mayor atraso á causa de los continuos repetidos robos de ganados que le han hecho los indios del Chaco. Que para sus referidas labranzas les ha de concurrir la provincia con bueyes, herramientas y semillas, para el principio de ellas : en cuyas propuestas no encontrarán la menor falta ; antes si, segun las circunstancias que vayan resultando al tiempo de su establecimiento y después de él, se estenderà la provincia como corresponda à sus facultades, esforzando en lo posible sus dichas promesas y propuestas ; y habiendo dichos interpretes hecho entender los siete capitulos antecedentes, uno por uno, à los dichos caciques, convinieron en todos ellos, demostrando en sus semblantes placer ; y por dichos intérpretes dieron las gracias al Sr. Presidente y demas Señores Capitulares y asistentes de esta Junta. En cuyo estado acordaron así mismo les espresen dichos interpretes, es forzoso se instruyan de las obligaciones à que quedan afectos, en correspondencia de la amistad y paz que les promete la provincia, de sus contribuciones y costos, à fin de que en mingun tiempo se rompa esta, y sea perpétua : y hechóseles saber así por los citados intérpretes, dijeron : que con grato gusto oirian los que se les prevenia y que entendido responderán segun de la naturaleza de las propuestas. Primeramente que han de ad-

mitir un sacerdote en calidad de cura, para que les doctrine é instruya en los ritos de nuestra santa Ley, al que deben respetar y venerar como à Ministro del Altísimo. Segundo que los hijos párvulos que traigan han de ser bautizados á los tiempos, que el sacerdote cura estime conveniente; ejecutandose lo mismo con los demas que nazcan en la reduccion, sobre lo que no han de manifestar desgano ni repugnancia como tampoco en que dicho cura enseñe la doctrina à los que se hallen en aptitud de aprenderla. Tercero : que un hijo de cada cacique, pasando de seis años, lo han de entregar al Sr. Gobernador á fin de que S. Sa le destine las casas que sean de su satisfaccion, en las cuales à mas de doctrinárselos, y bantizar à los que de ello sean capaces, se les vestirá decentemente, cuidará y agradará conforme corresponde à su calidad. Cuarto : que los indios soldados de su comando, no han de tener facultad para transmigrarse à esta provincia ò sus contornos, por el Rio ni por tierra, sin espresa licencia del Sr. Capitan General, ni tampoco introducirse à las estancias de costa abajo sin ella; la cual pedirán por conducto del reverendo Cura que se le concederá por S. Sa. segun conveniga, auxiliandoseles con soldados españoles, afin de evitar cualesquiera daño, que podrian inferirles los Payaguás, ò ellos à estos, pues guardan fidelidad con los españoles. Quinto : que no se han de atener solo à las reses que se les ponen en la estancia para su manutencion, sinó que han de chacarear y sembrar abundantemente para su beneficio. Sesto : que han de defender las costas y vigilar los pasos del Rio frecuentemente, para observar si se acercan à ellas las otras naciones enemigas, ò si han pasado à esta banda, y acontecido así deberán participarlo al cabo que se hallare mandando en el fortin que se establecerá en el parage de los Remolinos. Y habiéndoseles hecho saber estas condiciones por los intérpretes, las abrazaron y conviniéron llanamente en todas ellas, prometiendo cumplir con lo que se les previene sin la menor falta : en cuya razon acordaron S. S. se dé parte à S. M. de lo resuelto en los términos prevenidos en el acuerdo de 26 de Marzo (que es referente al donativo gracioso de ganado y todo lo necesario que se ha pedido à este vecindario para costear la fundacion y manutencion de los indios). Y los dichos intérpretes dijeron han procedido en su oficio fiel-

mente en cargo del juramento fecho, en el que se afirmaron y ratificaron con sus Señorías y demas circumstantes de esta Junta de que doy fé.

AGUSTIN FEROANDO DE PINEDO, DIEGO DE OCAMPOS, PEDRO PEREIRA, BERNARDINO ROBLEDO, FRANCISCO JAVIER BENITES, JOSÉ CAÑETE, BERNARDO DE HAEDO, FERMIN DE ARREDONDO, FERNANDO LARIOS GARBAN, FULGENCIO CHAPARRO, SALVADOR CABAÑA Y AMPUERO, BLAS DE SAMANIEGO, ESTEVAN DIAS BARBOSA, LUIS JOSÉ PEREIRA, FRANCISCO GENES, JOSÉ ANTONIO YEGROS, (Siguen mas veinte y nueve firmas,) Ante mi, PEDRE ALCANTARA RODRIGUEZ, *Escribano Público de Gobernacion y Cabildo.*

ANEXO C.

Nº. 13.

En la Ciudad de la Asuncion del Paraguay en 6 dias del mes de Marzo de 1778 años. Los Señores que componen este illustre Cabildo, Justicia y Regimiento, por especial citacion del Señor Alcalde ordinario de primer voto, y presidencia del Sr. Gobernador y Capitan General, y asistencia del Señor Procurador General de la Ciudad, se juntaron en esta sala de sus ayuntamientos, como han de uso y costumbre, à tratar y conferir materias del servicio de ambas Magestades, bien y utilidad de esta República, y estando así juntos y congregados espnsó S. Sa. lo signiente: Que cuando se condujo à este su Gobierno aportò à la poblacion de Remolinos, en donde encontró algunos Caciques de la Nacion Mbocobi, quienes le esperaron el tèrmino de tres dias con el destino de proponer à a Su Señoria como lo ejecutaron, deseaban paces con esta provincia, *y que siempre que les pusiese un pueblo en la otra banda de este rio, (en el Chaco) traerian sus familias* que ascenderán al nùmero de 300 almas poco mas ó menos. y que despues esperan afectàr à mas para dicha reducion, demostrando à Su Señoria el lugar donde apetecian residir; mas que era forzoso le concurriese la provincia con los ganados y demas menesteres à su firme confirmacion, como que se habian de constituir fieles amigos, que en esta virtud prometió S. Sa. benignamente condecenderia con lo que le promueven, luego que se posesionare de su mando è instruyese de las facultades de la provincia, y que hasta podian con toda seguridad presentarse en aquel presidio y poblacion de Remolinos en tiempo oportuno, que yà dejaba dispuesto los condujesen à esta Ciudad para con acuerdo de su Cabildo resolver lo mas conveniente al servicio de ambas Magestades, bien y utilidad de esta Republica: que en consecuencia de hallarse dos Caciques en esta Ciudad para imponerse de la última determinacion y que S. Sa. se complacerá de que los Señores de

este Cabildo viertan su dictámen libremente, pues no desea otra cosa que el acierto. Los dichos Señores dijeron que desde luego subvienen en darles à las citadas naciones de indios Mbocovis la reduccion que solicitan, como lo practicaron el año pasado de 1776, pues sin embargo de la suma miseria en que ha venido la provincia y falta de ganados que prepararon considerable número para la manutencion de estos mismos infieles, en la cual por el poco que existieron, y en la corta poblacion de españoles, se consumió la mayor parte, como consta de distintos acuerdos celebrados en su razon, y que por entónces no tuvo efecto la dicha reduccion por que los Indios se desavinieron entre sí, segun se dijo, ó por su novedad de la muerte del Cacique D. Atazurín. Que guardando dichos Indios los capitulos ó pactos celebrados con esta Ciudad, y constan del acuerdo de 1º de Junio del año pasado 1776 que se hizo presente à S. Sa., desde luego puede verificarse el intento de los precitados indios, y que es foroso que S. Sa. informe à S. M., y por pronto remedio al Exino Sr Virrey de Buenos Ayres, haciendo presente el deplorable estado de esta Provincia, y sus repetidos donativos, que en esta razon tienen sus Señorías por cierto, no subsistirá en adelante la citada Reduccion, sinó se aplican à esta los cuatro mil pesos y demas subsidios que prefine la Ley Real, pues en dicha Ciudad de Buenos Ayres, se halla cierto ramo de real hacienda destinado para Reduccion; y hecho cargo de todo el citado. Señor Gobernador dijo, S. Sa. practicará cuanto conduzca à la verificacion del intento, pues de su consecucion se sigue servicio à Dios y al Rey; y mandó leer à dichos Caciques los pactos contenidos en el citado acuerdo de 1º de Junio de dicho año de 1776, y espresándose estos, por el Indio Antonio de su nacion, inteligente en el idioma castellano, los ratificaron, prometiendo su inviolable observancia, y les añadió S. Sa. que igualmente hade ser condicion ó pacto el que no han de introducirse en el Chaco, à provocar à los demas Indios no reducidos y como tales sus enemigos, por las malas consecuencias que precisamente se les ha de seguir en una guerra no precisa, y solicitada por su parte, mas que si dichas naciones se acercasen à su Reduccion y pueblo à insultarlos, les promete S. Sa. socorrerlos con gente de armas y castigar su atrevimiento.

Y que así mismo no han de transmigrarse à las otras Provincias, à robar caballos ni otros animales, ni ménos à inferir hostilidad alguna, pues siendo los habitantes de los otros lugares cristianos igualmente, deben guardarles paz, quedando entendido que los habitantes de esta provincia, no les han de comprar caballos, ni otra especie de animales, y habiendoles explicado lo referido el citado Antonio en su natural idioma, condescendieron gustosos, y diciendo cumplirán con cuanto se les previene por S. Sa. con quienes lo firmaron de que doy fé.

PEDRO MELO DE PORTUGAL, JOSÉ TABOADA, ANTONIO CAVALLERO DE ANASCO, BERNARDINO ROBLEDO, FRANCISCO JAVIER BENITES, JOSÉ CAÑETE, BERNARDO DE HAEDO, FERMIN DE ARREDONDO, FRANCISCO JAVIER AREVALO.

Antemi.

PEDRO ALCANTARA RODRIGUEZ,
Escribano Publico de Gobernacion y Cabildo.

ANEXO C.

Nº. 14.

NOTA. En otra estensa acta de 25 de Mayo de 1778, del mismo libro de Cabildo, à fojas 83 consta que ese dia acordaron para pasar el mismo Gobernador D. Pedro Melo de Portugal en persona à mandar fundamentar la Reduccion en el mismo lugar donde pidieron los Indios, como lo habia verificado al siguiente dia, segun les habia prometido, quedando por consiguiente desde entonces, establecida la citada Reduccion de San Francisco Solano de Indios Mbocobis : como se acredita por el tenor de la carta del cura catequista Presbitero José Mariano Agüero- que principió sus trabajos desde la fundacion, cuya carta aparece en el mismo citado libro à fojas 156, y es la del anexo siguiente.

ANEXO C.

Nº. 15.

Señor: Ayer 1º del corriente llegó el Cacique Elencoide de la otra banda del Bermejo enviado de Amelcoín, quien con bastante gente llegará de aquí á seis ú ocho dias, no puede asignarse el número fijo de las familias, pues me envía á decir que de su parcialidad todos vendran, y los que han venido me dicen lo mismo. Si todos vienen, tendremos quinientas o seiscientas almas, y así prevengo á vuestra Señoría para que se digne darnos algún pronto socorro de ganado, pues solo nos quedan quince cabezas del que se trajo ultimamente y 36 del que se ha mantenido en esta parte, del cual gastan los infieles del gasto de los Tobas; en lo presente se ha contenido mucho el cacique, mas no por eso, dejan estos de venir dia por dia en patrullas, muchos se vuelven mal contentos, y otros se retiran buenamente.

Tambien, Señor, si hay algún maíz y una poca de sal. Así mismo pongo á la consideracion de vuestra Señoría, haberme enviado recado los Lenguas, por unos Tobas diciendome deseaban verse conmigo trayendo una china cautiva á vender, así mismo á tratar de paces para con V. Sa. y la provincia, y sin haber resuelto ni el comandante ni yó, se fueron los Tobas que actualmente se hallaban en esta, á traer tres de ellos. Estimaremos á V. Sa. nos instruya en lo que debemos quedar, que no dudo estos vengan. Lleva el capitán dos hachitas del Cacique Amelcoyn quien pide se le haga el favor de hacerlas componer: y las muestras, Señor, nos hacen total falta, como tambien algún poco de tabaco.

No ocurre otra cosa en el presente que deba noticiarse á V. Sa., á quien Dios guarde muchos años. Reducion de San Francisco Solano, y Julio 2 de 1779. B. L. M. de V. Sa. su minimo Capellán.

FR. JOSE MARIANO AGÜERO,

Señor Gobernador y Capitan General Don Pedro Melo
de Portugal.

ANEXO C.

Nº. 16.

Habiendo pedido reducion con mucha instancia los Indios Tobas, enemigos acérrimos de la Provincia y que han causado indecibles daños de robos y muertes en los partidos de la Villeta y Cumbarity, he condescendido à ello, con embarazo de no haber fondos de donde echar mano para establecer su poblacion y fundamentar una estancia de ganado para su manntencion que es el único aliciente que les atrae à la paz y quietud que prometan con la Provincia; pero con la esperanza que los vecinos de aquellos partidos como tan interesados al sosiego de sus personas y familias y fumento de sus haciendas que se conseguirà con esta fundacion; contribuiran con los ganados necesarios y demas que puedan, con e dicho fin, hasta que dando yò cuenta á S. M. de tan recomendables buenos progresos, se digne su real piedad providenciar lo necesario para estos gastos y subsistencia, no sola de esta nueva reducion, sins tambien de la establecida por mi en Remolinos. Para cuyo efecto doy comision à Don Antonio Palacios, Comisionario de Gobierno, para que en virtud de esta, y de la inclusa lista de varios sujetos hacendados, los junte y leyendoles esta providencia, les pida dén segun su caudal, numero de ganados suficiente para dicho efecto, poniéndose por cabeza el mismo Comisionario, quien como tal darà ejemplo à los demas en la cantidad que se asignase, prometiendome dela generosidad de aquel vecindario, no quedaran . . (roto) . . tan justa peticion que de dirije.

Del bien espiritual de estos infieles, que segun sus demostraciones esperamos su conversion à nuestra Santa Ley, y al mismo tiempo y se dejà ver gozaràn de quietud sus personas y familias, y el comun de la provincia y se adelantarán mas y mas sus haciendas, que siempre menguan por las irrupciones que en todos tiempos se han experimentado cuando se ha tenido por enemigo à esta Nacion: y me darà cuenta de todo el referido Comisario. Asuncion 7 de Febrero de 1782.

PEDRO MELO DE PORTUGAL.

ANEXO C.

Nº. 17.

Mañana saldrán de esta en el Bote de Remolinos los avíos para la fundación de la Reducción, à entregar à Juan Simon Noguera à disposición de V. y son los siguientes : 30 hachas, doce escoplos, 4 azadas, 6 palas, 2 azuelas, 6 carretas, 4 machetes, un tercio de yerba y una petaca de tabaco, y dos canoas grandes para transportar la gente y lo referido: solo falta la sal que por no haber llegado, no se remite ; y los tachos para el cocido que no los hay, pueden suplirse con ollas de barro.

Habiéndose dado las órdenes para el maiz, bueyes y peones que yá tiene V. en su poder no resta otra cosa, sino el que V. disponga marchar lo mas breve que pueda y poner manos à la obra, proporcionando cuanto falte y sea necesario, arbitrando en todo y obrando como quien tiene la cosa presente à fin de que no haya^o atraso en los trabajos que se van à emprender para el establecimiento de dicha poblacion, que para ello le doy à V. amplias facultades, y mando à los gefes militares à quienes V. pida los auxilios que necesite se los den puntualmente en virtud de esta que sirve de órden particular.

Dios guarde à Vd. muchos años. Asuncion 9 de Febrero de 1782.

PEDRO MELO DE PORTUGAL.

Señor Don Mauricio Palacios.

ANEXO C.

Nº. 18.

Señor :

Recibí del Reverendo Padre Fr. Tomas de Aquino 50 cabezas de ganado vacuno para el abasto de los Tobas y mulatos libres; y por no pasar à la Reduccion, este número de ganado para mejor arreglo que halle por conveniente, supliqué al cura y administrador del Pueblo de Guarambararé para poner el referido ganado en la estancia del dicho pueblo, y me respondió franqueandome la estancia del dicho pueblo, menos à cargo del capitan, que solo poniendo soldados à cuidar el ganado. Suplico á V. Sa. se sirva proveer una órden para que reciba el capataz de la referida estancia. Inter V. Sa. ordene se mantendrá el ganado en pastoreo.

Quedo esperando nuevas órdenes de V. Sa. Dios Nuestro Señor guarde su importante vida por muchos años. Guarnipitan Agosto 6 de 1782. B. L. M. de V. Sa., Señor, su humilde servidor y subdito.

MAURICIO PALACIOS,

Señor Gobernador y Capitan General Don Pedro Melo
de Portugal.

ANEXO C.

Nº. 19.

Señor :

Hallándome en esta ocasion con la obra de esta Reduccion à mi paracer muy suficiente para vivir en ella, cuantos Tobas vengan del Chaco, me es preciso dar parte à V. Sa. del estado en quo se halla, pués estàn acabados cuarenta y seis lances, cinco varas de largo y cuatro varas alto con lo demas correspondiente, la acera del este y Poniente, tapiados el lado de afuera, y la acera del Norte sin tapia, por parecerme que se mantendrá siempre vacia, pues todos estos que al presente se hallan no ocupan mas que cuatro lances ; à la parte del sud està la Iglesia de diez varas de largo y cinco de alto, de madera labrada, con un cupial para sacristia, y solo le faltan dos puertas ; seguido à ella dos lances muy capaces con culata para el cura ; tambien le faltan dos puertas à un lado de la casa del cura : la guardia de un lance conculata y uncupial para sombra ; las cuatro esquinas cerradas con tiranteria, y lo que hace à la Iglesia, Guardia y casa del Cura, quinchado con buena madera ; un terreno de mas de dos cuerdas en cuadro, cultivado, solo le falta el sembrar que se hará à su tiempo con otro retacito mas de suelo cultivado en otra parte, por lo que pareciendome ser todo lo dicho muy suficiente, doy parte à V. Sa. para que enterándose de esta, y esté al gusto de V. Sa. y no diga mas que hacer, estimaré al favor de V. Sa. mande órden de lo que se haya de determinar de las cosas que à mi cargo se hallan y así mismo de mi retirada, que con la respuesta de V. Sa. me pondré en camino.

No hallo, Señor, novedad que pueda yo contar à V. Sa. de este lugar, y menos de estos miserables, que solo sus esperanzas es que se les dé un bocado de comer, pués en esto solo me majan bastante, pero con mis espiguitas de maiz los contento, y en esto molesto à Don Mauricio Palacios que no me falte, pués en todo mañana espero la mucha gente, que yá vienen de tierra adentro, y solo entónces hablaré con ellos acerca del cura elegido, aunque el que me dice Don Mauricio no me parece será sufi-

ciente para este gentio pues segun les tengo yá reconocido, necesitan à un hombre de rara paciencia y suave en génio; y al mismo tiempo algo agrio, que así los estoy manteniendo y mandandoles hacer algo y están muy contentos; y siendo cuanto por ahora ocurre. Ruego à Dios guarde á V. Sa., muchos años—Nueva Reduccion Junio 12 de 1782.

Señor B. L. M. de V. Sa., su muy seguro súbdito servidor.

JOSÉ PASTOR TORRES,

Señor Gobernador y Capitan General Don Pedro
Melo de Portugal.

NOTA. En el libro se acuerdos del Cabildo de esta Ciudad de la Asuncion que empieza en 22 de Enero de 1787 y corre hasta el año de 1789 se encuentran entre otras dos estensas actas de acuerdos celebrados para consignar en ellos los pareceres del Cabildo sobre una nueva poblacion en el Chaco, propuesta por el Gobernador Intendente Don Pedro Melo de Portugal; de las cuales por su larga estension, solo copiaremos los principales tópicos que conducen al esclarecimiento de nuestro propósito, y es como sigue.

ANEXO C.

Nº. 20.

En la Ciudad de la Asuncion del Paraguay en 6 dias del mes de Marzo de 1787 años: los Señores que componen este ilustre ayuntamiento (f. 15), se congregaron en esta sala de sus acuerdos mediante citacion especial que para ello mandó hacer el Señor Gobernador Intendente y Capitan General, con asistencia del Señor Procurador síndico general; y estando así hizo presente S. Sa. haber parecido en esta Ciudad tres Caciques principales de las Naciones Lenguas, Machicuis y Enimagas, acompañados de varios indios de sus respectivas parcialidades, solicitando, *se les ponga Reduccion à la otra banda de este Rio*, porque desean se les instruya en los misterios de nuestra Santa Fé católica, convertirse à ella, guardar paz y amistad con la Provincia. Que en caso de que se encuentre por este Cabildo conveniente, *puede establecerse la Reduccion à la otra banda de este Rio costa arriba à la parte del Norte del Rio Confuso, en el terreno que media entre este Rio y el Paraguay*. Que para su resguardo puede fundarse allí una poblacion de españoles custodiada de un Presidio; atento à que en este lugar se encuentran tierras aparentes para pastos y labranzas proporcionadas al método y circunstancias que deben existir en iguales poblaciones segun el piadoso espíritu de las Leyes del Soberano, prescritas en las que hablan de esta materia las cuales ha inspeccionado S. Sa. en ocasiones que ha pasado à este terreno acompañado del Capitan de infanteria Don Juan Valeriano de Cevallos, Síndico Procurador general que fué de esta Ciudad, y el Regidor Don Toribio Viana, con otros vecinos inteligentes, que en esta razon esponga la Ciudad su sentimiento.

(Siguen las conferencias en que están de acuerdo para la poblacion y solo trepidan en los medios y al final á f. 23, dice):

“Y el Señor Procurador Síndico General á virtud de ámbas votaciones dijo que por su parte expondria en otro Cabildo lo

que sea mas acomodado al beneficio de la República su parte, y lo firmaron de que doy fé.

PEDRO MELO DE PORTUGAL. JUAN DE CEVALLOS. PEDRO NOLASCO DOMEQUE. MIGUEL RUBIO Y DIAS. VICENTE LAGLE Y REY. FERMIN ARRENDONDO Y LOBATON. TORIBIO VIANA. JOSÉ BENITES Y ROBLES. FRANCISCO DE ISASI. MELCHOR MARIN. JOSÉ GONZALES RIOS.

Ante mí.

MANUEL BENITES.

Escribano Público de Gobernacion y Cabildo.

ANEXO C.

C. N.º. 21.

NOTA. Despues de haber tenido otra sesion en que el Procurador de la Ciudad virtió su opinion favorable, constante de fojas 24 à fojas 27 y vuelta ; el Escribanó pasó al Gobierno à dar cuenta del resultado de las sesiones del Cabildo, y en su virtud, à fs. 28 asienta la diligencia en que despues de los preámbulos dice.

“Y sin embargo de que los arbitrios que se han propuesto por una y otra parte, no están advertidos en la cabeza de su propuesta, como el fin à que se han dirigido es el concepto de ella, han producido sus pareceres y las advertencias que han tenido por conducentes. Y respecto à que todos están unánimes y conformes en lo sustancial de convenir la Reduccion y parage de su situacion, como los auxlios que por pronto remedio se puedan facilitar, apoyando las mismas razones de conveniencia de reduccion, situacion y facilitacion de auxilios, lo que espone el procurador síndico general en nombre del público en su última peticion, fundándola en los que le han parecido conducentes. Desde luego conviene S. Sa. en que se soliciten de los sugetos que estén dentro de la Ciudad, los socorros que voluntariamente gusten ofrecer, y admite igualmente los que gratuitamente ha ofrecido este Cabildo para dar ejemplo à los demas, dándole las gracias por lo que se interesa en el bien del público, extension de nuestra santa fe católica y beneficio del Estado. Y firmó S. Sa. de que doy fé.

Asuncion 12 de Marzo de 1787.

PEDRO MELO DE PORTUGAL,

Ante mi.

MANUEL BENITES.

Escribano Público de Gobernacion y Cabildo.”

NOTA. Reunidos los auxilios que quedan dichos, el padre Cura de la Emboscada Clérigo Don Amancio Gonzales Escobar,

que poseía una fortuna mas que regular, se hizo cargo de esta grande empresa, con motivo de que tenia mucho conqumiento en el Chaco y simpatias con los indios infieles sus moradores, estableciendo muy pronto una gran poblacion seis leguas al Norte de la Asuncion, en el Chaco, con la denominacion de "Reducion de Melodia" donde actualmente se encuentra la primera Villa Occidental fundada por el Gobierno de Lopez, padre, y ocupada hoy abusivamente por fuerzas argentinas ; atrayendo el referido Padre Gonzales en dicho establecimiento una infinidad de indios de diferentes tribus, constituyéndose el citado Clérigo Gonzales catequista de ellos, afanándose con tanto esmero en la conversion de tantos infieles, que en seis años tenia ya una porcion considerable de convertidos y bautizados, sacrificando en esta obra cristiana hasta el último real de su pingüe patrimonio, pues que murió pobre, despues de haber sostenido á su propia costa esta Reduccion, por espacio de treinta años ; no habiéndosele auxiliado mas que con el primer donativo recogido del vecindario para la fundacion del Pueblo ; y solo despues de su muerte, es que por la inconstancia de los indios, se retiraron otra vez al interior del Chaco, segun los papeles y padrones de dicha Reduccion que he tenido à la vista.

ANEXO C.

Nº. 22.

Don Francisco Amancio Gonzales Escobar, Cura Rector de la Emboscada que dice se halla poblado casi el tiempo de dos años en al Chaco, seis leguas Rio arriba de esa Ciudad con el designio de conseguir la paz y reduccion de tres Naciones veciuas de indios vagantes el Rio Pilcomayo, el territorio de la nombrada Guaná, é inmediaciones de los Chiriguanos, me ha pasado con fecha del 3 de Junio último el oficio que remito à V. Sa. con su documento adjunto, para que enterado de las reflexiones que sienta acerca de esta empresa me esponga V. Sa. por puntos, lo que se le ofrezca y parezca sobre todo y me lo devuelva.

Dios guarde a V. Sa. muchos años.

Buenos-Aires 13 de Julio de 1778.

MARQUES DE LORETO.

Señor Gobernador Intendente del Paraguay

ANEXO C.

N.º 23.

Habiendo tenido noticia de la llegada de V. Sa. à la Ciudad de la Asuncion del Paraguay à sucederle en el Gobierno de la Provincia al Señor Don Lázaro de Rivera, y no pudiendo yo cumplir personalmente con la obligacion que me corresponde de darle à V. Sa. la bien venida, por la larga distancia en que me hallo empleado en el servicio del Rey mi amo y Señor, lo efectuo por escrito deseando que V. Sa. haya tenido feliz viage y llegado con entera salud y que la Divina Providencia le asista con todos los ausilios necesarios para que tenga V. S. el mejor acierto y desempeño en el Gobierno de ella.

En la actualidad me hallo comandante de esta plaza desde el año 1797, y desde aqui tengo el honor de rendirle à V. Sa. una muy grande obediencia y ofrecerle à V. Sa. todas mis potencias y sentidos para que la autoridad de V. Sa. disponga de mi y me mande en cuanto me halle suficiente, en cuyo obedecimiento tendré la honra de dar el exacto y debido cumplimiento à las órdenes que la autoridad y celo de V. Sa. se sirva cometerme.

Dios guarde la importante vida de V. Sa. muchos años.
Borbon y Junio 11 de 1806.

PEDRO ANTONIO MIER.

Señor Gobernador Intendente Don Bernardo de Velasco.

ANEXO C.

Nº. 24.

El dia 16 del presente mes llegó à este puerto la balandra de D. Miguel Iturbino conduciendo la tropa que viene à servir sobre las armas en esta plaza y relevar à la que se halla aquí empleada en el mismo servicio, como tambien trayendo las mini-estras y demas viveres para el consumo de raciones de ella.

Y por lo que hace al servicio segun me ordena V. Sa. para que se haga con celo y vigilancia, debo decirle à V. Sa. que lo verificaré segun y confome la autoridad de V. Sa. me lo manda.

Dios guarde à V. Sa. muchos años.

Borbon y Agosto 20 de 1806.

PEDRO ANTONIO MIER.

Señor Gobernador Intendente Don Bernardo de Velasco.

ANEXO C.

Nº. 25.

Exmo. Señor :

Habiéndose deteriorado los dos entablados de la Atalaya de esta guardia, me veo en la precision de informar à V. E. que se necesitan de cincuenta y cuatro varas de tablas y algunos clavos de cinco pulgadas para su refaccion.

Confiado en la suma benignidad de V. E. suplico se digne dispensarme el distraer à V. E. de las infinitas y graves atenciones que rodean à V. E.

Dios guarde à V. E. muchos años.

Fuerte de Santa Elena y Octubre 22 de 1838.

Exmo. Señor

HERMENEGILDO QUIÑONES.

Exmo. Señor Dictador de la República.

ANEXO C.

Nº. 26.

Pasa el Sargento Francisco Arana con su partida de 25 hombres à relevar la guarnicion de Santa Elena, en cuya virtud el Sargento Quiñones, encargado de aquel punto, le entregará el mando, instruyéndole en el método y forma del servicio que se observa para resguardo y seguridad del Presidio, juntamente con las armas, municiones y demas efectos ó útiles que se hallen, todo por inventario firmado de ambos, que el mismo traera con su guaruicion relevada à la vuelta del buque.

Asuncion y Junio 12 de 1839.

FRANCIA.

ANEXO C.

Nº. 27.

El Sargento Benites pasará con la balandra à dejar un tercio de yerba y el fardo de vestuario al Sargento Saracho de "Monteclaro," advirtiéndole que me mande recibo de dichos vestuarios y lista de su piquete de fusileros ; y de allí seguirá à Orange à entregar el otro tercio al Sargento Enciso, quien le entregará el soldado preso Marcos Obelar, al cual traera en el buque, llegando à la vuelta à Santa Elena à alzar y conducir tambien acá la guarnicion relevada.

Asuncion y Mayo 19 de 1829.

FRANCIA.

ANEXO C.

N° 28.

Pasa el Sargento Manuel Antonio Melgarejo con su partida de 25 hombres à relevar la guarnicion de Monteclaro, en cuya virtud el Sargento Saracho encargado de aquel punto le entregará el mando, instruyéndole en el método y forma del servicio que se observará para resguardo y seguridad del Presidio, juntamente con las armas, municiones y demas efectos ó útiles que se hallen, todo por inventario firmado de ambos que el mismo traerá con su guarnicion relevada à la vuelta del buque.

Asuncion y Junio 18 de 1839.

FRANCIA.

ANEXO C.

Nº. 29.

Exmo. Señor :

Con la debida sumision hago presente à V. E. que los Indios Guaicurús han aparecido primeramente siete Indios distancia de seis cuerdas del portrero poco mas ó menos, gritaron diciendo que querian comunicar, entónces hizeles señas desde el Mangrullo à que diesen vuelta al frente, respondieron con gritos diciendo: está bueno paisano, será hasta luego ; y con esta voz se retiraron ; luego despues volvieron dos indios à los tres dias, hicieron lo mismo en el mismo lugar ; es cuanto pongo presente a V. E.

Dios guarde à V. E. muchos años.

Fuerte Orange y Agosto 14 de 1837.

Exmo. Señor

SEBASTIAN BALLEJOS,

Exmo. Supremo Dictador perpetuo de la República del Paraguay.

ANEXO C.

Nº. 30.

Tengo entregado al Sargento Juan Enciso todos los armamentos y municiones y demas haberes que se hallaron existentes á mi cargo en este fuerte, en presencia del Comdandante.
(Signe el inventario de todo el armamento, municion y otros útiles de la fortaleza y lo firma con testigos.)

Fuerte Orange 8 de Junio de 1826.

LUIS MANCUELLO,
JUAN ENCISO,
MIGUEL MALDONADO.

ANEXO C.

Nº. 31.

Exmo. Señor :

Con el debido respeto doy parte à V. E. de 28 que somos de los fusileros los que nos hallamos necesitados de ponchos y vestuarios, y siete de los lanceros necesitan tambien de ponchos; de vestuarios no están atrasados: agregándose estos siete lanceros recién relevados, la guarnición nuestra asciende à 35 individuos el total.

Dios guarde à V. E. muchos años.

Fuerte Formoso y Mayo 31 de 1836.

Exmo. Señor,

MARIANO ROQUE ALONZO,

Exmo. Señor Dictador Perpetuo de la República del Paraguay.

ANEXO C.

Nº. 32.

Pasa el Sargento de fusileros Fermin Ojeda con la tropa competente à relevar la guarnicion de Formoso, en cuya virtud el encargado actual del mando de aquel presidio le entregará todas las armas, municiones, papeles y cualesquier efectos que le pertenezcan, todo por inventario que se ha de asentar à continuacion de esta órden, instruyéndole al mismo tiempo y dándole bien à saber así à él como à los cabos, el método y forma de servicio que alli se observa en la vigilancia y resguardo del presidio y en las rondas y corridas que se hacen en canoas en tiempo de bajas del Rio & En conclusion se vendrá dicho encargado en el mismo buque, trayendo toda la guarnicion relevada de fusileros y lanceros, juntamente con el espresado inventario firmado por el Sargento que quedará con el mando. Asuncion y Abril 20 de 1839.

FRANCIA.

NOTA: En el curso se esta memoria se han mencionado las diferentes poblaciones que sucesivamente y sin interrupcion se han conservado en el Chaco paraguayo desde el tiempo de los Gobiernos españoles hasta nuestros dias: y sin embargo de que es un hecho conocido, voy à copiar algunas correspondencias del Comandante de la Fortaleza y Reduccion de Remolinos en el Chaco, denominada Reduccion de San Francisco Solano, con el Gobernador Velasco. Son las que siguen.

ANEXO C.

Nº. 33.

En obediencia del oficio de V. S. de 27 del pasado, despacho al Soldado Alejandro Baez, en una canoa con tres naturales de esta Reduccion, conduciendo ocho armas de fuego inútiles que aunque algunas caen, bien no dan fuego: asi mismo conducen 23 balas que por no haber papel y polvora no les he hecho cartuchos: así mismo lleva una hacha inservible, la cual hace mucha falta à la tropa para el carneo y cortar leña: no se encuentra en todas las armas ni una piedra con que se pueda hacer fuego, ni menos de reserva, pues todas las que tienen las armas son pedacitos, de manera, Señor, que si en la estacion se me ofreciera usar de las armas me veria enteramente indefenso, pues en los dos cañones que pudiera tener alguna esperanza, no se puede tener, à causa de estar arruinadas las dos cureñas en términos de no poderse usar de los cañones encima de ellas: uno de los cañones está inútil por tener adentro una astilla ó escoria de mismo fierro que con dificultad se carga y se descarga.”

“ Me dice V. Sa. que el oficial que me releve debe continuar la obra de este fuerte hasta su conclusion, avisando à V. Sa. de los auxilios que se hayan de necesitar, para proporcionarlos cuanto ántes; y mirando la cosa como que la tengo à la vista debo hacer presentá à V. Sa. que se necesitan precisamente dos carretas con 24 bueyes para la conducion de las maderas, seis ú ocho caballos para el cuidado de los bueyes, como asi mismo seis ú ocho hombres para que estos escolten la gente mientras trabajan en el monte, pues los soldados de este destacamento se componen de 18 hombres, cuatro en la caballada y un cuartelero y un rancharo, doce que hacen el servicio, entrando seis de guardia cada dia, pues se mantienen dos centinelas de dia y de noche, y no están ociosos como à V. Sa. le han informado.”

“Quedo enterado de haber V. Sa., tomado providencia para que se traigan de la estancia del Rey veinte cabezas de ganado las que hasta la fecha no han parecido y me he visto precisado á comprar algunas reses para dar de comer à esta gente.

Dios guarde á V. S. muchos años.

Reduccion de Remolinos 10 de Febero de 1807.”

ANDRÉS ALARCON Y ZALAZAR.

Señor Gobernador Intendente Don Bernado de Velazco.

ANEXO C.

Nº. 34.

Con el oficio de V. S. de seis del que rige, he recibido una nómina de utensilios que reza doscientas bayonetas, 24 cartucheras, 30 cartuchos con balas, 24 piedras de chispa, y una hacha. A la llegada del chaique é impuesto del oficio de V. Sa. hice cargo al soldado conductor y me contestó que solo se le habian entregado 30 cartuchos con balas, 12 piedras de chispa y una hacha, que fué lo único que se le entregó por el administrador interino del ramo de guerra.”

“Con esta fecha he recibido 8 peones entre mulatos è indios que me ha remitido el Teniente Don Ignacio Samaniego para el trabajo de la obra de este fuerte.”

“Pero, Señor, como V. Sa. en el oficio que se sirvió pasarme con fecha de veinte y siete de Enero de este presente año me dice V. S. dispondrà Vd. que los pardos libres que se despachan à ese destacamento corten y preparen maderas, pajas y lo demas necesario para levantarla de nuevo ò refaccionarla ; por cuyo motivo pensándome que estos peones viniesen con todas las herramientas necesarias, como son hachas, machetes, azuelas y cuchillos para el corte de paja y guasquerio para torsales y demas ; por dicho motivo no se lo hize presente à V. Sa. cuando le hablé de las dos carretas, por lo cual están parados dichos peones, por no tener herramientas hasta que V. S. se sirva mandarlas, y si es posible en la canoa donde viene el artillero que sale el dia 20 de esa plaza.”

“Despaché las dos órdenes de V. Sa. que se sirvió mandarme para los capataces de las estancias del pueblo de Atirá y Guarambaré, de los cuales estoy informado que no tiene uno ni otro bueyes ni carretas.”

“Esta faena, Señor, es bastante pesada, por estar los montes retirados donde deben trabajar los peones, y estos deben ser custodiados con buena escolta por estar continuamente en peligro de ser atacados por los indios infieles.”

“Para la casa del Reverendo Padre Cura y la Iglesia se necesitan dos mil y mas tejas de palmas, ademas de las otras oficinas y la guardia en que vive la tropa están inhabitables ; sin contar con el fuerte que se compone de ochocientos y mas postes, por lo que, desde luego, se me hace cosa imposible que con tan corto número de gente se pueda facilitar la reedificacion de este fuerte: ademas de lo dicho, para la mantencion de esta gente es necesario que se sirva V. Sa. dar providencia de la carne con que se han de mantener, anticipadamente, pues el 27 de Enero ppdo. se sirvió V. Sa. mandar que de la estancia del Rey se me trajesen veinte cabezas de ganado para el consumo de la tropa de mi cargo, y he recibido à los 19 dias, diez y nueve cabezas incluso cuatro terneros y dos toros para morir de flacos ; así mismo la racion de yerba, tabaco y sal, que tambien la conduce el artillero, sirviendose V. Sa. mandar que venga à parte el de la tropa.

“Dios guarde à V. Sa muchos años.

“Reduccion de Remolinos, Febrero 15 de 1807.

“ANDRÉS ALARCON Y SALAZAR.

“Señor Gobernador Intendente del Paraguay.”

ANEXO C.

Nº. 35.

“ Cuando recibí el oficio de Vd. de 15 del corriente estaba ya en camino la canoa que va para esa guardia, la que al momento la mandé detener, y en ella remito a Vd. dos hachas, cuatro machetes y seis cuchillos, no teniendo por ahora mas tiempo que para avisarle à V. dicha remision con lo que contesto à su referido oficio.

“ Dios guarde, &c.

“ Asuncion 20 de Febrero de 1807.

“ BERNARDO DE VELASCO.

“ Al Commandante de Remolinos.”

ANEXO C.

Nº. 36.

“El oficio que acabo de recibir de V. Sa. relativo à la navegacion del Rio Bermejo, que ha meditado como útil para facilitar la comunicacion y comercio de esa Provincia con las demas interiores de este Virreynato, debe pasarse al asesor para dictar la sustanciacion y determinacion que corresponda sobre este punto y demas que contiene. Lo que aviso à V. S., por ahora, hasta que verificada esta, pueda prevenirle lo que deba ejecutar sobre los mismos puntos.

“Dios guarde à V. S. muchos años.

“Buenos Aires 19 de Mayo de 1794.

“NICOLAS DE ARREDONDO.

Señor Gobernador Intendente del Paraguay.”

ANEXO C.

Nº. 37.

“ Por carta de V. S. de 14 de Julio último, No. 23, quedo impuesto de que la espedicion dirigida à Salta habia llegado à los doce dias de camino al Monte Grande, poco distante del Fuerte del Rio del Valle, sin tener desgracia alguna ni oposicion de los indios del tránsito.

Dios guarde à V. S. muchos años. Buenos Aires, 18 de Agosto de 1794.

NICOLAS DE ARREDONDO.

Señor Gobernador Intendente del Paraguay.

ANEXO C.

Nº. 38.

Por oficio de V. Sa. de 23 de Agosto último y copia que acompaña del que recibió del Comandante de armas de Salta, quedo enterado de la llegada, que verificó à los 25 dias la expedicion que despachó V. S. con el objeto de abrir comunicacion entre esa y aquella provincia.

Dios guarde à V. S. muchos años. Buenos Aires 17 de Setiembre de 1794.

NICOLAS DE ARREDONDO.

Señor Gobernador Intendente del Paraguay.”

ANEXO C.

Nº. 39.

“ Con oficio de V. S. de 10 de Setiembre último he recibido la propuesta de grados que ha hecho à favor de varios individuos que se distinguieron por sus servicios en la espedicion destinada à abrir por el Chaco la comunicacion directa entre esa Provincia y la de Salta; y considerándolos acreedores à ellos por el mérito que han contraido en esta importante empresa y de que hace V. S. relacion, lo dirijo todo à S. M. con la correspondiente recomendacion por la fragata correo, próximo à salir de Montevideo.

Entretanto que llega la Real resolucion, quedo pronto en dar à los mismos interesados, si la solicitasen, una prueba de lo grato que me son dichos servicios, confiriéndoles los respectivos grados para que los propone V. S., excepto el de Coronel de Milicias, por tener S. M. resuelto que no se dé tal distincion por este Superior Gobierno, sinó en un caso muy particular y en que sea de inconveniente la demora.

Dios guarde à V. S. muchos años.

Buenos Aires 18 de Octubre de 1794.

NICOLAS DE ARREDONDO.

Señor Gobernador Intendente del Paraguay.

ANEXO C.

Nº. 40.

“He recibido la carta de V. S. de 10 de Setiembre último en que me avisa el regreso de la expedicion que despachó á la apertura del camino de Salta, y haber condeuido ahí muchos Caciques Vilelas y Tobas para tratar con ellos lo correspondiente á esta empresa: y quedo enterado de haberse logrado esta, sin gravámen de la Real hacienda, ni auxilios de aquella Provincia, esperando que, desembarazado V. S. de sus actuales preferentes atenciones, me envíe el informe que ofrece sobre el modo de facilitar la comunicacion en lo sucesivo.

Dios guarde à V. S. muchos años.

Buenos Aires 17 de Octubre de 1794.

NICOLAS DE ARREDONDO.

Señor Gobernador Intendente del Paraguay.

ANEXO C.

Nº. 41.

Real Despacho de 22 de Agosto de 1783 por el cual es nombrado Gobernador Intendente de la Provincia del Paraguay, Don Pedro Melo de Portugal, comprendiendo su jurisdiccion todo el territorio de su obispado, con los trece pueblos de las misiones.

Don CARLOS, por la gracia de Dios, Rey de Castilla, de Leon de Aragon, de las dos Sicilias, de Jerusalem, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaen, de los Algarves, de Algeciras, de Gibraltar, de las islas Canarias, de las Indias Orientales y Occidentales, Islas y tierras firmes del mar Oceano, Archiduque de Austria, Duque de Borgoña, de Brabante y Milan, Conde de Apsburg, Flandes, Tirol y Barcelona, Señor de Viscaya, de Molina, etc., etc.

Aprobado como tengo por la Real Ordenanza de 28 de Enero de 1782, el establecimiento de una Intendencia de Ejército y de Provincia en el Virreynato de Buenos Aires, y hecho despues algunas declaraciones para su mejor observancia y práctica, por Real Cédula de 5 del presente mes de Agosto, y resuelto tambien que las Intendencias de Provincias queden unidas por ahora à los respectivos Gobiernos militares de los territorios que à cada una se señalan: vengo en concederos por el tiempo de mi voluntad à Vos el Coronel de mis Reales Ejércitos, Don Pedro Melo, la Intendencia de la Ciudad de la Asuncion del Paraguay, que comprenderá todo el territorio de aquel Obispado y cuyo Gobierno Militar estais sirviendo. Por tanto, mando al Virrey y Capitan General de las Provincias del Rio de la Plata y al Intendente de Ejército y Real Hacienda de Buenos Aires, como Superintendente Subdelegado de ella en todo el distrito de aquel Virreynato, os hayan y tengan por tal Intendente de Provincia de los territorios señalados á este cargo y el de Gobernador Militar se ellos; y que los demas Gobernadores é Intendentes de las Provincias respectivas y sujetos al propio Virreynato, el Tribu-

nal de cuentas de él, los Ministros y subalternos de los oficios de Real Hacienda, las Justicias, cabos militares, oficiales, caballero, y demas vecinos y habitantes de las citadas Provincias, os hayan y reconozcan por tal Gobernador Intendente de Provincia guardándoos y haciendo se os guarden todas las honras, gracias y prerogativas que os tengan y deben ser guardadas, por ser así mi voluntad. Y que se os ponga en posesion de este empleo, se os pague el sueldo que tengo señalado en la referida ordenanza de 28 de Enero del año próximo pasado y Real Cédula de 5 del corriente mes de Agosto.

Y de este titulo firmado de mi Real mano, sellado con mi sello secreto y refrendado por mi Secretario de Estado y del Despacho universal de Indias, se tomará razon en la Contaduria General de Indias y en la de Ejército de Buenos Aires y demas oficinas de mi Real Hacienda à que pueda corresponder.

Dado en San Ildefonso à veinte y dos de Agosto de mil setecientos ochenta y tres.

Lugar del Real Sello.

YO EL REY.

JOSÉ DE GALVES.

Tomóse razon en la Contaduria General de Indias. Madrid 23 de Agosto de 1783.

DON FRANCISCO MACHADO.

Buenos Aires 21 de Noviembre de 1783.

Cúmplase lo que Su Magestad manda en el precedente Real Titulo y tómesese razon de él en la Contaduria mayor de este Virreynato y en las cajas de la Asuncion del Paraguay.

FRANCISCO DE PABLO SAENZ.

Tomóse razon en la Contaduria mayor de este Virreynato. Buenos Aires, veinte y cinco de Noviembre de 1783.

FRANCISCO DE CAPRERA.

NOTA.—Con el propòsito de acreditar mas y mas nuestra continuada posesion del territorio del Chaco Paraguayo, voy à copiar otros documentos relativos à dicha posesion, que se encuentran originales en el Legajo de Coleccion de Bandos públicos en 1841 y 42, volúmen 16, No. 4, y son como sigue.

ANEXO C.

Nº. 42.

El Sargento de Granaderos, Ciudadano José Maria Rolon pasará á publicar en cada uno de los Fuertes del Chaco todo lo que el Soberano Congreso General Extraordinario ha sancionado con valor y fuerza de ley por el órden de los adjuntos documentos 10, asentando en cada fuerte la diligencia de publicacion, y dará cuenta.

Otro si: à cada Sargento dejará una de las adjuntas cuatro copias autorizadas del Decreto de 29 de Noviembre próximo pasado preceptivo de la Jura de nuestra Independencia Nacional, en el dia 25 de este mes, para que llegado el dia señalado, estienda cada uno la diligencia del juramente de la tropa, en continuacion de dicho testimonio.

Asuncion, Diciembre 19 de 1842.

El Gobierno Supremo.

LOPOZ.

ALONZO.

ANEXO C.

Nº. 43.

En este Fuerte de Santa Elena à 20 de Diciembre de 1842: habiéndome personado yo el Sargento de Granaderos Ciudadano José Maria Rolon para poner en cumplimiento la comision que el Supremo Gobierno de la República se ha servido encargarme en la suprema órden antecedente, la he notificado al Sargento de esta guarnicion Ciudadano Pantaleon Balmaceda, y habiendose presentado en un acto con todos los individuos que la componen he publicado con el posible solemnidad la aprobacion Soberana del Mensage del Supremo Gobierno al Soberano Congreso General extraordinario, el acta de la Independencia de la República del Paraguay, la Ley del Pabellon Nacional y el sello de la República: el Supremo Decreto del restablecimiento de diezmos y lo demas de su tenor; y últimamente el Supremo Decreto sobre la libertad de vientres de esclavas. Otro si digo: que tambien he publicado el Supremo Decreto de Noviembre ppdo. que señala el 25 de este mes para la Jura de nuestra Independencia Nacional, y he entregado el respectivo testimonio al espresado Pantaleon Balmaceda para que en continuacion asiente el juramento de la tropa que se ha de practicar en dicho dia señalado y para constancia de todo firmaron conmigo el sargento y cabos de que certifico.

JOSÉ MARÍA ROLON,
PANTALEON BALMACEDA,
JOSÉ VALENTIN COLMAN,
CÁNDIDO MERINO.

ANEXO C.

Nº. 44.

En este Fuerte de Monte-Claro à 20 de Diciembre de 1842 habiéndome personado yo el Sargento de granaderos Ciudadano José Maria Rolon para poner en cumplimiento la comision que el Supremo Gobierno de la República se ha servido encargarme en la suprema òrden antecedente, la he notificado al Sargento de esta guarnicion Ciudadano José Francisco Gamarra (sigue como la anterior y firman)

JOSÉ MARÍA ROLON,
JOSÉ FRANCISCO GAMARRA,
NICOLAS TRINIDAD,
ANSELMO CÁNDIA,
PABLO SALINAS.

ANEXO C.

Nº. 45.

En este Fuerte de Orange, à veinte y uno de Diciembre de mil ocho cientos cuarenta y dos, habiendome personado yo el Sargento de Granaderos, Ciudadano José María Rolon, para poner en cumplimiento la comision que el Supremo Gobierno de la República se ha servido encargarme en la suprema órden antecedente, la he notificado al Sargento de esta guarnicion, Ciudadano Leonardo Martinez (sigue como el primero y firman)

JOSÉ MARÍA ROLON,
LEONARDO MARTINES,
PANTALEON LOPEZ,
FRANCISCO SOSA.

ANEXO C.

Nº. 46.

En este Fuerte de Formoso, à 22 de Diciembre, de 1842, yo el Sargento de Granaderos, Ciudadano José María Rolon, para poner en cumplimiento la comision que el Supremo Gobierno de la República se ha servido encargarme en la Suprema orden antecedente, la he notificado al Sargento de esta guarnicion Ciudadano Manuel Machuca (sigue como la primera y firman)

JOSÉ MARÍA ROLON,
MANUEL MACHUCA,
SANTIAGO SOSA,
FELIPE ARGUELLO,
SILVERIO QUIÑONES.

ANEXO C.

Nº. 47.

TRATADO DE 12 DE OCTUBRE DE 1811.

Los infrascritos, Presidente y Vocales de la Junta de esta Ciudad de la Asuncion del Paraguay, y los Representantes de la Exma. Junta establecida en Buenos Aires y asociada de Diputados del Rio de la Plata, habiendo sido enviados con plenos poderes con el objeto de acordar las providencias convenientes à la union y comun felicidad de ambas Provincias y demas confederadas, y à consolidar el sistema de nuestra regeneracion política, teniendo al mismo tiempo presente las comunicaciones hechas por parte de esta dicha Provincia del Paraguay en 20 de Julio último à la citada Exma. Junta y las ideas enéfcicas y liberales que animan à esta, conducida siempre de sus constantes principios de justicia, de equidad y de igualdad manifestados en su contestacion oficial de 28 de Agosto siguiente: hemos convenido y concordado despues de una detenida reflexion en los articulos siguientes:

PRIMERO: Hallándose esta Provincia en urgente necesidad de auxilios para mantener una fuerza efectiva y respetable para su seguridad, y para poder rechazar y hacer frente à las maquinaciones de todo enemigo interior ò exterior de nuestro sistema, convenimos unánimemente en que el tabaco de la Real Hacienda existente en esta misma Provincia se venda de cuenta de ella, y sus productos se inviertan en aquel sagrado objeto ú otro de su analogia, al prudente arbitrio de la propia Junta de esta Ciudad de la Asuncion, quedando como efectivamente queda extinguido el estanco de esta especie y consiguientemente de libre comercio para lo sucesivo.

SEGUNDO: que así mismo el peso de sisa y arbitrio que anteriormente se pagaba en la Ciudad de Buenos Aires por cada tercio de yerba que se extraia de esta Provincia del Paraguay, se cobre en adelante en esta misma Ciudad de la Asuncion con aplicacion precisa à los mismos objetos indicados; y para que

esta determinacion tenga en adelante el debido efecto se hará oportunamente las prevenciones convenientes, en la inteligencia de que sin perjuicio de los derechos de esta Provincia del Paraguay, podrá para los mismós fines establecerse por la Exma. Junta algun moderado impuesto à la introduccion de sus frutos en Buenos Aires, siempre que una urgente necesidad lo exija.

TERCERO: Considerando que, à mas de ser regular y justo que el derecho de alcabalas se satisfaga en el lugar de la venta donde se adeuda, no se cobre en esta Provincia del Paraguay alcabala alguna del espendio que en la de Buenos Aires ha de hacerse de los efectos ò frutos que se esportaren de esta de la Asuncion. Tampoco en lo sucesivo se cobrará anticipadamente alcabala alguna en dicha Ciudad de Buenos Aires y demas de su comprension, por razon de las ventas que en esta del Paraguay deben ejecutarse de cualesquier efectos que se conducen ò se remiten à ella, entendiendose con la calidad de que sin perjuicio de los derechos de esta Provincia, podrá arreglarse este punto en el Congreso.

CUARTO: A fin de precaver en cuanto sea posible toda desavenencia entre los moradores de una y otra Provincia, con motivo de la diferencia ocurrida sobre la pertenencia del Partido nombrado de *Pedro Gonzales* y se halla situado de esta banda del Paraná; continuará por ahora en la misma forma que actualmente se halla, en cuya virtud se encargará al Cura de las Ensenadas de la Ciudad de Corrientes no haga novedad alguna, ni se ingiera en lo espiritual de dicho Partido, en la inteligencia de que en Buenos Aires se acordará con el Illmo. Señor Obispo lo conveniente al cumplimiento de esta disposicion interina, hasta tanto que con mas conocimiento se establezca en el Congreso General la demarcacion fija de ambas Provincias, hácia ese costado, debiendo en lo demas quedar tambien por ahora los límites de esta Provincia del Paraguay en la forma en que actualmente se hallan, encargandose consiguientemente su Gobierno de custodiar el departamento de Candelaria.

QUINTO: Por consecuencia de la Independencia en que queda esta Provincia del Paraguay de la de Buenos Aires conforme à

lo convenido en la citada contestacion oficial de 28 de Agosto último, tampoco la mencionada Exma. Junta pondrá reparo en el cumplimiento y ejecucion de las demas deliberaciones tomadas por esta del Paraguay en Junta General conforme à las declaraciones del presente tratado.

Y bajo estos artículos, deseando ambas partes contratantes estrechar mas y mas los vínculos y empeños que unen y deben unir ambas Provincias en una federacion y alianza indisoluble, se obliga cada una por la suya, no solo à conservar y cultivar una sincera, sólida y perpétua amistad, sinó tambien auxiliarse y cooperar mútua y eficazmente con todo género de auxilios, segun permitan las circunstancias de cada una, toda vez que los demande el sagrado fin de aniquilar y destruir cualquiera enemigo que quiera oponerse à los progresos de nuestra causa y comun libertad. En fè de todo lo cual con las mas sinceras protestas de que estos estrechos vínculos mirán siempre en dulce confraternidad à esta Provincia del Paraguay y las demas del Rio de la Plata, haciendo à este efecto entrega de los poderes insinuados, firmamos esta acta por duplicado con los respectivos Secretarios, para que cada parte conserve la suya à los fines consiguientes.

Fecha en esta dicha Ciudad de la Asuncion del Paraguay, à doce de Octubre de mil ochecientos once.

FULGENCIO YEGROS,
 DR. JOSÉ GASPAR DE FRANCIA,
 PEDRO JUAN CABALLEROS,
 M. DR. VICENTE ANASTASIO DE ECHEVERRIA,
 PEDRO FELICIANO DE CAVIA.

ANEXO C.

Nº. 48.

REAL CÉDULA de 11 de Febrero de 1724.

EL REY.

Reverendo en Cristo Padre Obispo de la Iglesia Catedral de la Ciudad de la Asuncion del Paraguay, de mi Consejo :

En carta de seis de Marzo del año próximo pasado, participa el Reverendo Obispo de Buenos Aires que la jurisdiccion de aquel Obispado está confundida con los límites de esa Diócesis en los pueblos de las Misiones de la Compañía de Jesus, pidiendo se señale término al dicho Obispado de Buenos Aires para que se conozca á que Prelado toca dar la canónica institucion en los referidos pueblos, y en otros nuevos que se aumentan cada dia en las mismas doctrinas de la Compañía, pués, por falta de esta noticia se hallan algunos de los dichos pueblos visitados de ámbos Obispos, remitiendo testimonios de las erecciones de algunos pueblos de las nuevas reducciones para que se reconozca, enales fueron desde su division los términos de cada uno de esos dos Obispados : Visto en mi Consejo de las Indias, con lo que al Fiscal de él se le ofreció, he resuelto que trateis sobre todos estos puntos (como os lo ruego y encargo) con el Reverendo Obispo de Buenos Aires ò con la sede vacante si la hubiere, arreglándoos à las erecciones de esas Iglesias y à la posesion y costumbre en que estuviereis, tocante al ejercicio de vuestra jurisdiccion, y despues de tratados y conferidos, remitiereis su resulta al Presidente y Audiencia de las Charcas, à quienes se espide la órden conveniente para que determinen esta dependencia y dén cuenta distinta de la resolucion que se tomáre en aquel Tribunal.

Y así lo tendreis entendido para su puntual cumplimiento. De Madrid à once de Febrero de mil setecientos y veinte y cuatro.

YO EL REY.

Por mandado del Rey Nuestro Señor.

DON FRANCISCO DE ARANA.

(Aqui se hallan tres rúbricas).

Al Obispo del Paraguay, en dependencia de los límites de aquel Obispado y del de Buenos Aires.

ANEXO D.

Nº. 1.

En 1782 el Procurador Síndico General de la Ciudad de la Asuncion, Juan de Machain, en una larga esposicion, que corre de fojas 22 á fojas 25 y vuelta del documento de su referencia, dirigida al Señor Gobernador y Capitan General de la Provincia del Paraguay, Don Pedro Melo de Portugal, dice : que, en vista de lo que disponen las Reales Cédulas, cuyos testimonios acompaña à su presentacion, con respecto á que su Magestad el Rey se sirvió consignar en ellas à beneficio de la Provincia del Paraguay, cuatro mil pesos de plata del Ramo de Sisa del Tucuman y destinar todo el importe del producto de la limosna de la Santa Bula de Cruzada de Vivos y Difuntos, à fin de concurrir con su producto al fomento y conservacion de las Reducciones, Presidios y Plazas que existian sobre las costas del Rio y en el interior de la Provincia, por interesarse en ello la paz y tranquilidad del vecindario, el aumento de su poblacion y la propagacion de la Religion Católica, y en el propósito de gestionar la verificacion de las concesiones consignadas en las referidas cédulas á favor de la Provincia ; pedia al Señor Gobernador se sirviese admitir la informacion de treinta testigos idóneos que ofrecia presentar para que fuesen examinados sobre los puntos de su escrito, debiendo dar en seguida cuenta à quien correspondiera de lo que resultara de la informacion, que debia recibirse al tenor del interrogatorio siguiente :

PREGUNTA 1ª—Primeramente sean preguntados, juren, declaren y digan sobre el tenor y puntos de este Pedimento.

PREGUNTA 2ª—Item, digan si en realidad tiene esta Provincia los Pueblos, Reducciones, Plazas, Fuertes y Fortines, Vecindario y Tropa, que refiere por menor el estado, que igualmente presenta y jura, para que instruyéndose en él punto por punto, expongan con claridad todo lo que supieren, añadiendo lo mas que no se espresé en dicha razon y estado, con declaracion de todos los Establecimientos, Fuertes y Reducciones que se han erigido desde el ingreso de V. S. à este Gobierno.

PREGUNTA 3^a—Item, digan, si con los Fuertes y Fortines establecidos en la frontera costa abajo y costa arriba del Rio Paraguay, y con la vigilancia de las canoas, que de Presidio en Presidio velan los pasos y costa del Rio con gente de guerra diariamente, se ha logrado total quietud en la Provincia, sin que los Indios bárbaros que àntes la invadian hayan continuado sus hostilidades en el Gobierno de V. S. ; y aunque hubiesen ejecutado algunos insultos, si es verdad que escarmentados con el castigo, se han visto en la precision de pedir Reducciones, no pudiendo yá subsistir de los continuos robos de ganados, que antiguamente ejecutaban en la Provincia ?

PREGUNTA 4^a—Item, digan cuantas naciones son, las que se han reconocido por enemigas de esta Provincia : y si en algun tiempo àntes del mando de V. S. pidieron Reducciones ; expresen que nacion ó naciones fueron estas ; en qué parajes se les formó la Reduccion : á costa de quien : y cuanto tiempo perseveraron en sujecion, y expresen el año ò Gobierno en que se alzaron : los daños que ejecutaron en sus propios Pueblos y Ganados al tiempo de la retirada ?

PREGUNTA 5^a—Item, digan, si no obstante estas Reducciones siempre se experimentaban insultos en diferentes valles de esta Provincia, acusándoseles estos daños à los mismos reducidos : y si es verdad, que para su formacion contribuyó el vecindario donativos graciosos de ganados y demas utensilios necesarios ?

PREGUNTA 6^a—Item, digan cuantos insultos se han experimentado de cuatro años à esta parte y si es verdad que en las ocasiones que intentaron hostilizar la Provincia se les ha represado siempre todo el robo, huyendo al Chaco, escarmentados y quasi à pié ?

PREGUNTA 7^a—Item, digan si es verdad que entre otras ocasiones que se ha escarmentado à estos Indios, se les represó por tres veces porcion de ganado y caballos robados de esta jurisdiccion, habiendo sido preciso irlos á buscar á sus propias tierras para escarmentarlos en tres entradas que se hicieron en Gobierno de V. S. ?

PREGUNTA 8ª—Item, digan si con este escarmiento y por la imposibilidad de hacer invasiones, mediante los muchos Presidios, que sobre la costa del rio sirven de defensa á la Provincia, pidieron Reduccion los Mocabies, y últimamente la han solicitado tambien los Tobas ; que unas y otras son naciones bárbaras y guerreras del Chaco ; expresen el tiempo en que una y otra pidió Reduccion ; los parajes en que la tiene formada la Nacion de Mbcobies ; y si es verdad que actualmente se estan dando las providencias mas activas para hacerles á los Tobas su Reduccion á la *otra banda* del Rio Paraguay á la frente del Fuerte nombrado de Paraiy, habiéndose demorado como dos ó tres meses este establecimiento por la gran seca que se ha padecido en esta Provincia ?

PREGUNTA 9ª—Item, digan si la Real Hacienda ha hecho algun costo para estas Reduccionen ; y si es verdad que, aunque en esta Provincia hay ramo de guerra, no tiene fondos para contribuir auxilios algunos ; antes por el contrario se halla adeudado y quasi insolvente: espresen de que Ramo se han sacado los fomentos: y si como es cierto, se han formado estas Reduccionen con Donativos y subsidios gratuitos, que han contribuido los vecinos á ruego de V. S. invirtiéndose estos cortos caudales con la mayor y mas exacta economia en los fines de su aplicacion ?

PREGUNTA 10ª—Item, digan si la Reduccion de Mbcobies tiene una buena estancia á la banda de acá del Rio Paraguay: espresen el número de ganados que tiene : y si es verdad que manteniendo estas haciendas separadas de sus Reduccionen (cuyo arbitrio se le debe á V. S.) se logra en primer lugar el que los Indios vivan dependientes de este Gobierno, en el modo y forma de sus alimentos para que no hayan desperdicios y faltas: en segundo que se mantengan las estancias seguras de sus robos, aunque en algun tiempo, por la inconstancia de estos bárbaros hagan desercion y fuga de sus Reduccionen ?

PREGUNTA 11ª—Digan, si, mediante la tranquilidad que hoy logra la Provincia por medio de las Reduccionen, Fuertes y Villas de costa abajo, que ocupan el Distrito de mas de sesenta leguas de terreno, están poblados cuasi todos los fondos de las

grandes campañas, donde antiguamente tenían su cuartel general los Indios bárbaros, como se ha reconocido de los vestigios que encontraron los primeros descubridores y Pobladores de la célebre poblacion se Ñeembucú erigida en el Gobierno de V. S. ?

PREGUNTA 12ª—Item, digan si dichas campañas, antes valdías, y despobladas se hallan hoy ocupadas de ganados de todas especies : y si es verdad que se cuentan en el dia como treinta estancias de vecinos honrados que han pedido merced de aquellas tierras ; y si es verdad que se les ha concedido por este Gobierno con la condicion de poblarlas con casas y ganados y de mantenerse allí los mercedarios para defensa de toda la costa del Rio, que es la frontera de los enemigos ?

PREGUNTA 13ª—Item, digan, si segun la proporcion de las mercedes, con los Fuertes y Poblaciones es quasi imposible que los Indios bárbaros hagan invasion sin escarmiento ; por que apercibido el vecindario de toda la costa al tiro de cañon, que mantiene cada Presidio, pueden congregarse en poco tiempo las tropas de su dotacion que constan del referido estado ?

PREGUNTA 14ª—Item, digan en comprobacion de la pregunta antecedente, si es cierto que cuando se erigió la Villa de Ñeembucú, el Comandante Don José Antonio Yegros batió una quadrilla de Indios Bárbaros, que regresaban de hacer hostilidades en los Pueblos de Misiones : y si es verdad que con habérseles represado en esta ocasion porcion de ganados pertenecientes al Pueblo de Nuestra Señora de Fé, à quien se le restituyeron de órden de V. S. ; no han repetido, hasta ahora, insulto, hostilidad ni invasiones en dichos Pueblos, sirviéndoles à ellos de igual seguridad y asilo, que à esta Provincia, las Villas y Poblaciones nuevamente erigidas ?

PREGUNTA 15ª—Item, digan si costa arriba hay necesidad de erigirse alguna Villa para asegurar mas esta frontera ; y si es verdad no haberse verificado hasta ahora su ereccion à falta de auxilios, por no haber podido contribuir el vecindario mas que los cortos fomentos con que se ha atendido la necesidad mas urgente de costa abajo ?

PREGUNTA 16ª—Item, digan, si con una ò dos Villas mas que se formen al rumbo y derechura de la Villa de la Concepcion, en cuyo Distrito hay riquisimos minerales de yerba, se puede facilitar la apertura de un camino recto por donde conducir este fruto à Potosì con utilidad incomparable de este Comercio ?

PREGUNTA 17ª—Item, digan, si los espresados establecimientos de Villas, Reducciones, Fuertes y Presidios son tan necesarios para la defensa de la Provincia, que si no se conservan en el estado que hoy tienen, es forzoso que la Provincia vuelva à su antigua decadencia, por que descubierta la frontera tienen los Indios bárbaros su entrada franca à este pais, donde se tiene la experiencia que se despueblan los Valles y Partidos con el terror de dos ò mas insultos de los Infieles ?

PREGUNTA 18ª—Item, digan si es verdad, que este vecindario como pobre en lo general no es capaz de mantener tantos establecimientos sin los auxilios que concede el Rey en las Reales eédulas presentadas, que para este efecto se les pondran presentes ?

PREGUNTA 19ª—Item, digan, si es verdad que con todo de mantenerse este pais en suma tranquilidad, extendido à unos términos que nunca llegó con sus poblaciones, todavia se halla mucha parte de sus gentes en un estado miserable de pobreza : y si es cierto que este Gobierno para evitar su despoblacion por medio de las deserciones y ausencias que antiguamente hacian estos naturales à otras Provincias, ha tomado la utilissima providencia de encargar en cada Partido, á los Jueces Comisionados, que obliguen à cada cabeza de familia al cultivo de la tierra, para que teniendo como vivir de este modo, no salgan de la Provincia y entiendan el medio natural de la conservacion del hombre ?

PREGUNTA 20ª—Item, digan, si con este motivo se halla la Provincia con mas gente ahora que ántes, lográndose con estas providencias que los naturales de esta Provincia, viéndose precisados al trabajo y labranza de la tierra, se empeñen, no solo

en los frutos precisos para la vida, sinó tambien en el cultivo del tabaco, creciendo este fruto para surtimento y utilidad de la renta ; sin embargo de ser infimo su precio: de manera que mediante la actual seguridad de la Provincia se ha logrado que los Pueblos de indios convertidos desde lo antiguo en la Provincia hayan podido pagar los grandes empeños que habian contratado para fomento de sus fábricas y trabajos en tiempo que las invasiones y calamidades del pais les impedian sns tareas, asi en la labranza de los campos, como en los montes de la yerba ; y esto es, no obstante que ahora salen de sus pueblos para fabricar tabaco en San Lorenzo todos los Indios que, pronta y ejecutivamente se mandan venir à mitas por disposicion de este gobierno à los tiempos precisos que pide la Factoria ?

PREGUNTA 21^a.—Item, digan, si todo lo dicho es público y notorio, pública voz y fama : y si es verdad que en el término de dos ó tres años mas, llegarán á su última perfeccion estos nuevos establecimientos, siempre que se observen las mismas reglas tomadas para su ereccion ?

Y TERMINA DICIENDO—En atencion de todo lo cuál se ha de servir V. S. haber por presentados los referidos documentos, y, admitiendo la informacion susodicha, mandar que sobre los puntos de este escrito y al tenor del interrogatorio preinserto declaren treinta testigos de mayor escepcion ; y fecho, mandar que se me entregue original, para que con ella pueda instruir esta Ciudad el correspondiente recurso, como es justicia que pide y jura, &c.—Otro si dice, que se ha de servir V. S. de mandar que se pase oficio acompañado de este escrito y documentos al Ilustre Cabildo Eclesiástico y Comunidades Religiosas de esta Ciudad, para que certifiquen ó informen cada Cuerpo separadamente sobre los mismos puntos que contiene dicho interrogatorio y pedimento.

JUAN DE MACHAIN.

AUTO—Por presentada con el documento y testimonio de cédulas Reales que se espresan y admitiendose la informacion que ofrece en lo principal el Síndico Procurador General:

Recibanse las declaraciones de treinta testigos los mas idóneos de la Provincia, à cuyo efecto comparezcan los Oficiales graduados de la campaña, como mas instruidos en los establecimientos de Villas, Fuertes y Reducciones, y en todos los demas hechos que se relacionan. Pasandose despues el correspondiente oficio al Cabildo Eclesiástico y Prelados Regulares como se pide en el Otro si.

PEDRO MELO DE PORTUGAL.

Proveyó lo de suso el Señor Gobernador y Capitan General de esta Provincia y lo firmó en la Asuncion del Paraguayan doce de Febrero de mil setecientos ochenta y dos años, de que doy fé.

MANUEL BACHICAO,

*Escribano y Notario Público de su
Majestad y de Gobierno.*

NOTICIA AL PROCURADOR SINDICO—En dicho dia dí noticia al Sindico Procurador General de la Ciudad el Decreto de suso de su persona ; de ello doy fé.

BACHICAO.

NOTA—Siguen las declaraciones de los treinta testigos, de las que se extractan tan solamente los certificados espedidos por los Prelados de las Comunidades Religiosas de la Ciudad y por el Venerable Cabildo Eclesiástico Gobernador Episcopal, los que à continuacion se espresan.

ANEXO D.

Nº. 2.

Certificado del Reverendo Padre Visitador General del Sagrado Convento de Nuestra Señora de las Mercedes Fr. Inocencio Cañete.

Señor Gobernador y Capitan General. Habiendo visto los puntos que contiene el interrogatorio del Síndico Procurador General de esta Ciudad, sobre que V. S. se ha servido mandar por decreto de veinte y dos de Febrero de mil setecientos ochenta y dos, que se me pase oficio, para que informe: Certifico ser verdad que esta Provincia tiene los Pueblos, Reducciones, Plazas, Fuertes y Fortines con los Ganados, Vecindario y tropa que fielmente describe la Topografía Paraguayense que presenta el Síndico Procurador General con la expresion que los Fuertes de Macaypirá, Ybÿocá, Ñundiaÿ, Lobato, Naranjay, Reduccion de Mbocobís en Remolinos con un Fuerte dentro de ella, Heradúra, el nuevo de Tacuáras, la Villa de Ñeembucú con su Fuerte de Taxibó, son fundaciones de su Señoria Don Pedro Melo de Portugal, Coronel y actual Gobernador y Capitan General de esta Provincia; con cuyo antemurales ha acortinado de suerte su Señoria la citada Provincia contra las invasiones de los Infieles del Chaco, que no teniendo estos respiraderos hacia los Parajes y Bosques de nuestra parte, donde antecedentemente solian hospedarse cómodamente, sofocados buscan la paz y Reduccion, como actualmente se verifica con la Nacion de los Tobas, que su Señoria los tiene yá en número de seis ó siete Casicazgos admitidos y semiestablecidos hacia la bandu del Chaco frente de Naranjay. En el tercer punto tengo bastantemente espuesto y añadido que con el proyecto de los citados Fuertes y Establecimientos logra la Provincia en el actual Gobierno una total quietud de las hostilidades antecedentes que cuasi en todos los pleniunios solian tener à las tropas de estas Provincias sobre las armas; y aunque es verdad que en este tiempo se han experimentado algunos pocos insultos de los citados Bárbaros; pero perseguidos estos y castigados de la mano del actual Goberna-

dor (quien, parece, nació para contener la Infidelidad del Chaco) han cesado y à toda prisa están solicitando la amistad nuestra. En el quarto no tengo presente el número de Naciones infieles que insultan esta Provincia, y se han reconocido por enemigas suyas: pero sé que son muchas é igualmente sé que en el Gobierno interino de Don Fulgencio de Yegros hubo un establecimiento de Abipones, cuyo Cacique se llamaba Deguachique, hacia *la banda del Chaco frente del Timbó ó Erradura*, y estos abandonaron su Pueblo y se retiraron hacia los senos del Chaco, de cuya retirada se vino à esta Capital el Sacerdote Catequista que los instruia, que lo fué el Maestro D. Lorenzo de la Torre: Creese que esta retirada fuese en tiempo del Señor Governador Don Cárlos Morfy: estos mismos Abipones, al cabo de algun tiempo, volvieron à pedir Reducion, y se les admitió hacia la banda nuestra en la misma Erradura, donde residieron sin Sacerdote, y à poco tiempo fueron asaltados de las otras Naciones bravas del Chaco, de que resultó la total estincion de dicha Reducion.

En el quinto: que es verdad lo que contiene este punto en toda su estension. En el sexto: no me ocurre de fijo el número de asaltos que han hecho los enemigos en el término de cuatro años del presente Gobierno: pero sí, que no pasan de seis, y en ellos han sido bien reprehendidos y despojados de sus robos, debiéndose todo al pulso con que el actual Gefe maneja las Armas de esta Provincia. En el septimo: es cierto todo lo que en él se contiene. En el octavo: tengo equivalentemente certificado en el punto tercero, añadiendo en este que es verdad que en el dia se están dando las Providencias mas activas para que se verifique el Establecimiento de la Nacion Toba en el citado Parage Paray à *la parte del Chaco*. En el nono: sé que en nada contribuye el Ramo de Guerra para los citados establecimientos, y que solo se han erigido à costa de los Donativos y Subsidios graciosos de los Vecinos, conseguidos muchos de ellos à ruego de Su Señoria quien con la mayor exactitud los ha invertido en los fines de su aplicacion. En el décimo: sé que la *Reduccion de Mbocobies, situada en los Remolinos, hacia el Chaco*, tiene una estancia bien poblada de ganados hacia nuestra parte: cuyo número (tengo especie) asciende à cinco mil

cabezas: y en lo demas es cierto todo lo que contiene el citado punto décimo. En el undécimo: es verdad todo lo que se contiene en él. En el duodécimo: es igualmente cierto que todo el terreno que cita, está poblado de estancias, y ganados; y en lo demas que inquiere de seguridad de dichas costas, tambien es constante. En el punto trece ya está incluido en el punto antecedente lo que tengo que esponer. En el décimo quarto: es cierto todo lo que comprehende el punto. En el décimo quinto: comprehendo con bien fundadas razones haber costa arriba necesidad de eregir alguna ò algunas villas mas: y que su poblacion no se verifica por no poder contribuir ya los cortos caudales de los vecinos de esta Provincia à ella, por haberse exigido de ellos, para las fundaciones de costa abajo que mas urgian. En el décimo sexto: estoy en el mismo pensamiento de la pregunta. En el décimo séptimo: es evidente lo que contribuyen los citados establecimientos de Villas, Reduccion y Fuertes à la seguridad de esta Provincia, y que sin ellos se cumplirá la profecia del punto interrogado. En el décimo octavo: es verdad que este vecindario no puede, por su pobreza, conservar tanta multitud de establecimientos, sin los auxilios que la Magestad de Nuestro muy Católico Monarca concede en las Reales Cédulas que presenta el Síndico Procurador General de esta Ciudad. En el décimo nono: que es cierto quanto en él se pregunta. En el vigésimo tambien es verdad lo que en él se pregunta. En el Vigésimo primo y último: digo que todas los nuevos establecimientos, que se han hecho en el Gobierno de este Señor, los he visto, navegando por el Rio, á escepcion de la Reduccion de Remolinos, y el Fuerte del Taxibó de Ñeembucú, que están desviados de la costa, y el Fuerte de Taquarás que se comenzó, despues que yó pasé. Lo substancial y principal de todo lo demas que he certificado, es público y notorio, de pública voz y fama. Y ultimamente expongo que, dentro del término de dos à tres años, llegarán á su última perfeccion los citados nuevos establecimientos, siempre que se observen las mismas máximas tomadas por el presente Capitan General y que disfruten los socorros que liberalmente concede el Rey Nuestro Señor en las Reales Cédulas que presenta el Procurador Síndico General de

esta Provincia. Es cuanto puedo esponer en obsequio del respeto que debo al oficio de V. S., y, para su mayor firmeza, he mandado á mi Pro-Secretario de Visita General, lo selle y autorice.

Nuestro Señor guarde á V. S. muchos años. Asuncion y Febrero veinte y cuatro de mil setecientos ochenta y dos.

Besa las manos de V. S. su mas atento y afecto Capellan.

FRAY INOCENCIO CAÑETE,

Por mandado del Reverendo Padre Visitador General.

FRAY PEDRO ANTONIO GUERRA,

Lector de Artes, y Pro-Sectario de Visita-General,

Lugar del Sello.

Señor Coronel Don Pedro Melo de Portugal, Gobernador y Capitan General de esta Provincia del Paraguay.

ANEXO D.

Nº. 3.

OTRA DEL SAGRADO CONVENTO DE N. P. S. FRANCISCO, DADA
POR EL GUARDIAN.

Señor Gobernador y Capitan General Don Pedro Melo de Portugal.

Contestando al oficio de V. S. de quince de este mes, relativo á varios puntos que contiene la representacion é interrogatorio adyacente del Síndico Procurador General de esta Ciudad: Certifico en toda forma de derecho, que sin embargo de no haber visto todos los establecimientos y demas. que comprehende el Estado de esta Provincia, son tan notorios los adelantamientos con que se halla á esfuerzos de la conducta sin exemplar de este Gobierno, que nadie ignora, aun aquellos que no han estado en la Provincia, su miserable estado y las calamidades que la oprimieron en los Gobiernos pasados, no obstante que otros Gobernadores tambien arbitraron poner Reducciones y Canoas, que corriesen la costa del Rio ; pues extendiendose á mas de ochenta leguas el despoblado de la frontera, no era posible contener el tránsito de los Infieles, ni zelar las operaciones de los reducidos: ahora sí, tienen estos proyectos vinculada la seguridad del Pais; por que, habiendose fundado, desde la Angostura à Curupaity siete Presidios, y una Poblacion en Ñeembucú, con obligacion de correr diariamente de Presidio en Presidio las Canoas, que mantienen todos ellos: no es dable, que ejecuten movimientos, sin ser sentidos, ni que intenten invasion sin escarmiento, así con las tropas de Guarnicion de los Presidios, como de los vecinos Pobladores de mas de treinta Estancias y Puestos, que ocupan con ganados de todas especies los campos que antes eran baldíos, y no solo à esta Provincia, sinó tambien á las Misiones de los Ex-Jesuitas sirven de antemurales los Presidios establecidos en el presente Gobierno; pues, desde la fundacion de ellos no se ha experimentado insulto en aquellas Doctrinas que es prueba de estar defendidas con las fuerzas de esta Provincia, siendo evidente quanto vá floreciendo con la extension de sus términos y con el fomento de la agricultura mediante las providencias de este Gobierno, que no se tiene noticia

haberlas meditado otro de quien pudiese derivarse este exemplar al actual Señor Gobernador, á cuyo zelo se debe la total pacificacion del pais, su poblacion, el adelantamiento de las Doctrinas antiguas de la Provincia, los incrementos de la renta en la abundancia de frutos que la surten, y *por ultimo, que tengamos dos Reducciones de Mbocobies y Tobas* con una buena estancia para la subsistencia de la primera: pero solo quien crió estos establecimientos podrá sostenerlos à costa de los desvelos y del incesante afan con que vive congratulando à estas Gentes, para que contribuyan los donativos con que ha verificado unas fundaciones de tanta arduidad como utilidad; entendiendose que el Rey Nuestro Señor (que Dios guarde) haga efectiva la concesion del ramo de Cruzada y de los cuatro mil pesos de la Sisa del Tucuman; por que sin estos auxilios Reales, faltando el actual Señor Gobernador, será consiguiente la decadencia del pais con mayor ignominia que ántes: de suerte que con estos subsidios y algunos otros arbitrios que se concedan à esta Ciudad, bajo la direccion del actual Señor Gobernador se podrá sostener la Provincia con incremento del Estado floreciente, que hoy tiene, y puede tambien abrir camino à Potosí fundando una ò dos Colonias para escala de los traficantes, por cuyo medio se levantará el entredicho que han puesto los infieles á la comunicacion antigua de esta Provincia con Santa Cruz de la Sierra y se verificará la apertura del camino para el Perú, muy útil no solo para internar à esta Provincia la yerba, sino tambien para conducirse de los Minerales el azogue que està en inmediaciones de esta Provincia; y en suma volverá el Paraguay à lo que antes fué en su opulencia.

Así lo siento y certifico; y para mayor validacion doy esta sellada con el Sello de este Convento de Nuestra Señora de los Angeles de la Asuncion del Paraguay, y refrendada de uno de los Reverendos Padres Discretos del Sobredicho Convento, en veinte y seis dias del mes de Febrero de mil setecientos ochenta y dos años.

FRAY JUAN DE AGUERO,

Guardian,

Lugar del Sello.

FRAY PEDRO ANTONIO DE GAINZA,

Lector de Nona y Discreto.

ANEXO D.

Nº. 4.

Otra del Sagrado Convento de Predicadores.

Fray Cristobal Ibañez, Predicador General, Calificador del Santo Oficio, Examinador Sinodal del Obispado de Tucuman y actual Prior de este Convento de Santa Catalina Virgen y Mártir del Paraguay, Orden de Predicadores.

En atencion al pedimento y puntos que contiene el Interrogatorio, testimonios de las Reales Cédulas, y estado en que se manifiesta los Pueblos, Reducciones, Plazas, Fuertes y Fortines con los Ganados, vecindario y tropas que guarnece esta Provincia Paraguayense, que ha presentado el Síndico Procurador, General de esta Capital; y cotejando las noticias que en año y mes, que ha residido en este Convento de Predicadores, he adquirido de personas de la mayor distincion, así eclesiasticas como seculares, debo certificar y certifico en cuanto puedo: ser cierto y verdadero cuanto relaciona el Síndico Procurador, así en su peticion é interrogatorio, como en el estado de fojas diez: y que á la actividad, industria, amor y zelo de V. S. debe esta Provincia la paz y quietud que hoy goza, de la que carecía anteriormente, por las bárbaras naciones que le hostilizaban con robos de sus haciendas y muertes de sus vecinos; pero mediante la infatigable vigilancia de V. S. se ha conseguido atajar los pasos al enemigo infiel por donde mismo entraba á hacer sus invasiones; efecto de esta prevencion son los Fuertes que mandó V. S. construir denominados Macaypirá, Ybyocá, Ñundiaÿ, Lobato, Naranjay, Reduccion de Mbocobies con un Fuerte dentro de ella, Erradura, el nuevo de Taqnáras, la Villa de Ñeembucú, con su Fuerte de Taxibó; de suerte que no teniendo los Infieles abrigo hácia los parajes y bosques de nuestra parte donde antecedentemente cómodamente lo hacian, por las nuevas pobladas, estancias y dichas Fortalezas; estrechados por estos medios, buscan la paz y reduccion, *como actualmente se verifica con la Nacion de los Tobas, cuya Reduccion se está trabajando á la banda del Chaco*

frente de Naranjay. Es constante tambien que este vecindario se ha fortalecido la costa abajo, pero no puede por su pobreza conservar tanta multitud de establecimientos sin los auxilios que la Magestad de nuestro muy Católico Monarca concede en sus Reales Cédulas ; pues de lo contrario se verificará la desgracia que anuncia el decimoséptimo punto del Interrogatorio. Es cuanto puedo certificar, como de público y notorio, pública voz y fama, y de pedimento por oficio del Señor Gobernador y Capitan General Don Pedro Melo de Portugal, su fecha dos del corriente, doy la presente en este sobredicho convento de Predicadores, sellada con el sello de él, y refrendada de nuestro Notario en quatro dias del mes de Marzo de mil setecientos ochenta y dos.

FRAY CRISTOEAL IBAÑEZ, *Prior,*

(Lugar del Sello).

Por mandado del Reverendo Padre Prior actual,

FRAY JOSÉF PELLIZA,

Notario de Convento.

ANEXO D.

N.º 5.

Otra del Venerable Cabildo Eclesiástico Gobernador Episcopal.

Nos el Venerable Cabildo Gobernador de este Obispado por el Ilustrísimo Señor Don Fray Luis de Velazco, del Consejo de Su Majestad, dignísimo Obispo de esta Iglesia de la Asuncion del Paraguay.

En atencion al oficio que con fecha de veinte y siete de Febrero anterior, que à instancia del Síndico Procurador General de esta Ciudad, se sirvió pasarnos el actual Gobernador y Capitan General Don Pedro Melo de Portugal, solicitando que expongamos sobre los puntos del Eseripto que con interrogatorio presentó à Su Señoria y se nos pasó en copia con otros recaudos y Capítulos de Reales Cédulas relativas à beneficio de esta Provincia, para rebatir las armas del infiel enemigo, que persigue à esta dicha Provincia, consignando para ello quatro mil pesos de Plata en el ramo de Sisas de la Provincia del Tucuman, y así mismo aplicando el producto de la Santa Bula de Cruzada, por interesarse en la defensa de esta Provincia la de la Santa Fé católica y sus progresos: Por tanto certificamos al Rey Nuestro Señor en sus Reales Supremos Consejos, de como quanto se espone por el citado Procurador General en su representacion sobre el estado general de la Provincia, es cierto y nos consta de público y notorio, à escepcion de algunos pasages particulares, que por acaecidos en campaña no nos consta con aquella individual espresion, y en su razon no podemos contestar à ellos con aquella aseveracion que corresponde à la fidelidad propia de nuestro carácter y empleo. Bajo de este supuesto para mayor claridad pasamos à exponer sobre cada punto de los particularizados en el presentado general estado. Al primero relativo al número de Pueblos, Reducciones, Plazas, Fuertes y Fortines existentes con ganados, vecindario y tropas que refiere, nos consta mantiene y contiene esta Provincia los Pueblos de Indios que refiere y numera; y à mas de ellos, por lo que toca y con-

cierne al espiritual Gobierno eclesiástico; tambien se comprehenden en sus términos trece Pueblos mas de Indios Guaranis, los mismos que estuvieron à cargo de los expatriados Regulares de la extinguida Compañia, y son los de Nuestra Señora de Fé, San Ignasio Guazú, Santa Rosa, Santiago, San Cosme, Itapúa, Jesus, Trinidad, Corpus, San Ignacio Miní, Loreto, Santa Ana y Candelaria. En la misma conformidad nos consta de la existencia de las dos espresadas villas, fundadas de mucho tiempo à esta parte, que son la Villa Rica del Espiritu Santo, donde se halla una Iglesia Parroquial con su Cura y Teniente, y la otra de San Isidro Labrador con Cura y su Teniente en los valles de Santa Rosa de Carimbatay. En los Partidos de esta Capital, à mas de los ya nominados por el Procurador General, se contienen tambien quatro curatos colados de españoles, y son : Capiatá distante cinco leguas de esta Ciudad : Nuestra Señora del Rosario del Partido de Pirayú distante de la primera siete à ocho leguas : Nuestro Señor de los Milagros de Piribebuy Cordillera arriba, quatro leguas distante de la segunda : Nuestra Señora del Rosario del Partido de Carapegná, distante de Pirayú ocho ó nueve leguas. Estos Curatos mantienen sus Tenientes en proporcionadas distancias con sus respectivas ayudas de Parroquias, que son las siguientes : Primera, Nuestra Señora del Rosario de Luque : Segunda, de San Josef del Peñon : Tercera, San Lorenzo del Campo Grande : Quarta, San Lorenzo de la Frontera : Quinta, Nuestra Señora del Rosario en Itauguá : Sexta, Paraguarí en una de las Haciendas que fueron de los Ex-Jesuitas : Septima, Nuestra Señora de los Milagros de Caacupé : Octava, San Roque del Partido de Barrero Grande : Nona, Nuestra Señora del Rosario de Cariñ : Decima, Nuestra Señora del Rosario de los Ajos : Undecima, la de San Lorenzo en Quindy : Duodecima, la de San Josef en Hicuy : Décimatercia, otra de San Josef en Quiquió : Décimacuarta, Nuestra Señora del Rosario de Lambaré. Todas estas Parroquias se construyeron y se refaccionan por el vecindario en sus respectivas feligresias, por ser muy escasos los fondos que tienen. En la misma conformidad pasan los Curas y sus Tenientes con aquella renta que à su costa les contribuyen los respectivos feligreses, para su congrua sustentacion, por ser de poco momento el

manual, teniendo consideracion al número de Personas de cada familia y sus posibilidades, sin tener parte alguna en los diezmos dichos ministros, por refundirse todo en esta Capital. Las restantes Villas son erigidas en estos últimos tiempos como se espone por dicho Procurador General, y nos consta de pública voz y fama ser la mas abundante en frutos y ganados, la que ultimamente se pobló por disposicion del actual Gobernador Don Pedro Melo de Portugal, sin que haya llegado à nuestra noticia hubiese inferido à ninguno de sus Pobladores extorsion, agravio ni violencia alguna ; ántes si portádose con la mayor suavidad y prudencia que le ha dictado su discrecion. De las otras anteriormente pobladas somos informados se hallan con escaséz y espuestas à no subsistir ; pues aun los Capellanes que les asisten pasan pidiendo los socorros en otros Partidos, y contribuidoseles por algunos de los individuos de este Cuerpo capitular en ocasion que nos han manifestado sus desdichas y necesidades que padecen, no habiendo otro ramo de donde se les pueda subvenir en sus indigencias. Por lo concerniente à las Plazas, Fuertes y Fortines, Ganados correspondientes, vecindario y tropa, que en él se espresan : de los primeros nos constan de pública voz y fama, como se expone por dicho Procurador ; mas no nos consta del número de ellos por menor, y ménos de los ganados, vecindario y tropa ; con lo que queda absuelto lo comprehensivo en el segundo punto. Al tercero, así mismo nos consta de pública voz y fama ser como se refiere en él, aunque por lo relativo à la total quietud en la Provincia, estamos informados haberse inferido algunos asaltos en los Partidos por los enemigos infieles y causádose algunos perjuicios en el vecindario y repelidóseles los mayores daños que pudieran ocasionar mediante la vigilancia del Gobernador y Gefes Subalternos ; sin duda contemplándose los infieles enemigos no tienen aquella franquía y libertad para executar sus robos y muertes, llevándose algunos cautivos, se han visto en precision de pedir Reducciones y apurados de las necesidades que sufren en sus tierras. Al cuarto : que lo que sabemos de las Naciones infieles que han sido enemigas de esta Provincia, son los Mbocobis y Abipones, que en parte, *en este actual Gobierno han vuelto à reducirse y*

à pedir acogida en su antigua desamparada Reduccion, y manteniendose en quietud y sociogo, trabajando en su instruccion un Religioso Doctrinero, à fin de arraigar en sus ánimos los rudimentos de nuestra Santa Fé Católica y bautizándose algunos. La otra Nacion es la de los Tobas, que ha sido la mas cosaria. De estos se nos ha comunicado por el actual Gobernador y Capitan General, pedían Reduccion, y *que al presente se hallan ya situados en el lugar señalado por Su Señoría*, y à este fin se les han mandado herramientas y algunos otros auxilios para trabajar la poblacion; y puéستose los medios para remitirles un Religioso Doctrinero, cuya execucion no tardará. La otra de los Mbayás que se mantiene bajo de paz, en cuya razon se contempla en sosiego y quietud la Provincia en la parte situada Costa-arriba, sin experimentar los daños, y rigores de esta fuerte y numerosa Nacion, como en tiempos pasados se sufrían en vidas y haciendas y de estos se halla un corto número en la Reduccion de Nuestra Señora de Belem con cortisimos medios para su subsistencia, por no haber arbitrios para socorrerlos. La otra es de los Lenguas, nacion enemiga, que se mantienen en su antiguo estado, pero sin experimentar aquellas hostilidades, que en tiempos pasados ejecutaban, segun estamos informados. Las otras naciones son las de los Payaguás y Guanás, que se mantienen bajo de paz, sin inferir daño à la Provincia, pero siempre viviendo cautelosamente con ellos por la poca fidelidad que se ha experimentado en dichos Payaguas en tiempos anteriores. Finalmente subsiste la nacion infiel, y enemiga de los Indios Cããnguás, en la parte y términos de los Minerales de la Yerba, distante de esta Capital cien leguas, poco mas ò menos, y en las inmediaciones de la Villa de Curuguay. Estos hostilizan à los beneficiadores de dicha Yerba, causandoles perjuicios en sus vidas y haciendas, y à fin de contenerlos se han tomado las correspondientes providencias por el actual Gobierno. Al quinto: no nos consta otra cosa que los insultos que se refieren y los quantiosos donativos que se contribuyeron por el vecindario para su formacion y otros—Al sexto: ya tenemos espuesto en lo antecedente en razon de la vigilancia y zelo, que se experimenta en el actual Gobierno.—Al septimo: tenemos noticia de lo que en este punto

se espresa por mayor ; mas nó con la individualidad que se refiere, y *asi mismo de las entradas al Chaco*—Al octavo : ya tenemos espuesto en lo antecedente sobre su contenido.—Al nono : estamos informados de pública voz y fama no haberse gravado á la Real Hacienda para el costeo de dichas Reduccion-nes, á escepcion de cierta cantidad que se contribuyó de ella, para socorrer la Reduccion de los Mbocobies. Siendo constante en esta Ciudad por lo relacionado acerca del Ramo de Guerra. Así mismo es constante y notorio haberse formado dichas Reduccion-nes con los donativos y socorros que liberalmente ha contribuido el vecindario á pedimento del actual Gobernador, invirtiéndose todo en este objecto, sin divertir cosa alguna en otros. Al décimo : carecemos de instruccion concerniente sobre este punto y solo nos consta de la desercion de dichos Infieles en tiempo anterior.—Al undécimo : es constante, cierto y verídico lo que en este punto se contiene.—Al duodécimo ; asi mismo sabemos de público el establecimiento de dichas poblaciones en virtud de Reales mercedes conferidas por el actual Gobierno.—Al décimo tercio : se deja ver con la situacion referida de Fuertes y Poblaciones, ser fuerte la defensa de los Partidos. Al décimo quarto : Nos consta que corrió la noticia del hecho en esta Ciudad.—Al décimo quinto : es indubitable la gran necesidad que hay de que se formen algunas villas costa arriba para la seguridad de aquellas Poblaciones, dejandose ver y palpar, no haberse verificado hasta el presente, á falta de medios, no pudiendo soportarse ya por el vecindario ulteriores contribuciones.—Al décimo sexto : Carecemos de instrucciones sobre su contenido, pero la tenemos de la apertura del camino recto para el Perú, que reportaria mucha utilidad, en razon de haberse ya tratado en otras ocasiones.—Al décimo séptimo : Se hace innegable su contenido por la misma razon que está dictando y la experiencia lo ha demostrado en el tiempo antecedente en que no habian estas defensas.—Al décimo octavo : Es constante y notoria la general pobreza de este vecindario, y, por tanto, sin que meta la mano el Rey Nuestro Señor para su subsistencia, llevando á ejecucion lo mismo que su Piedad Real tiene concedido en sus Reales Cédulas á favor de esta Provincia, las que se registran en testimonio en el cuaderno que se nos ha

puesto presente : no podrán mantenerse los referidos establecimientos.—Al décimo nono : Es notorio lo que consta en este punto, por lo relativo al estado de pobreza en que se hallan sus moradores, sin embargo de las ventajas de extension de terrenos y tranquilidad que gozan ; pues la fatiga que se les ha multiplicado en el aumento de Fuertes y Fortines, siempre les quita el tiempo para aplicarse con mas desembarazo á atender á sus labranzas y á otras ocupaciones conducentes á sus aprovechamientos. Asi mismo es notoria la providencia tomada por el presente Gobernador en crear Comisionarios para estar á la mira y obligar á los labradores al cultivo de la tierra.—Al vigésimo : Estamos en inteligencia que en tiempo presente se experimenta mayor aplicacion al trabajo ; y asi mismo la contribucion que hacen los Pueblos con mitas de Indios para la fábrica de tabaco, que por cuenta del Rey se trabaja en San Lorenzo, lo que se ejecuta con toda puntualidad por disposicion del actual Gobierno segun la estacion de los tiempos.—Al vigésimo primo : Que siempre que se observen las reglas, que están dadas para la ereccion de dichos nuevos establecimientos y no faltándoseles con los auxilios en lo subsequente necesarios, se conseguirán las mayores ventajas que se puedan apetecer. En conformidad de todo lo que se lleva espuesto sobre los puntos antecedentes, mandamos dar y damos la presente en razon del oficio que se nos pasó por el Gobernador y Capitan General de esta Provincia Don Pedro Melo de Portugal, á pedimento del Procurador General de esta Capital, en la Asuncion á seis de Marzo de mil setecientos ochenta y dos años.

DOCTOR ANTONIO DE LA PEÑA,

DOCTOR PEDRO DE ZAMUDIO,

Por mandado del Venerable Cabildo Gobernador-Episcopal.

JUAN MANUEL MORILLA,

Notario Público y Secretario de Cabildo.

ANTO.—Asuncion del Paraguay Marzo ocho de mil setecientos ochenta y dos.

Estando conclusa la informacion pedida por el Síndico Procurador General de esta Ciudad, apruébase en cuanto

ha lugar de derecho y para su mayor validacion, interpongo mi autoridad y Decreto Judicial. Y los autos originales entréguense à dicho Procurador General para los efectos que espresa en su representacion.

MELO DE PORTUGAL,
DOCTOR CAÑETE,

Proveyó lo de suso el Señor Gobernador y Capitan General de esta Provincia y lo firmó en la Asuncion a la fecha antecedente; de que doy fé.

MANUEL BACHICAO,
Escribano y Notario Público de Su Magestad y de Gobierno.

Concuerta esta cópia con los originales de su contesto, los cuales en virtud del auto de ocho de Marzo entregué al Síndico Procurador General de Ciudad, à los que en lo necesario me remito: está cierta y verdadera, corregida y enmendada y à consecuencia de Auto proveido en veinte y ocho de Octubre hize sacar la presente, que signo y firmo en la Asuncion del Paraguay à doce de Marzo de mil setecientos ochenta y dos años.

En testimonio de Verdad,

MANUEL BACHICAO.
Escribano y Notario Público de S. M. y de Gobierno.

ANEXO E.

Nº. 1.

Tratado de Navegacion y Limites, entre el Paraguay y la Republica Argentina, 1852.

“S. E. el Señor Presidente de la República del Paraguay, D. Carlos Antonio Lopez, y S. E. el Señor Director Provisorio de la Confederacion Argentina, General D. Justo José de Urquiza, en el interés de fijar definitivamente las relaciones entre ambos Estados, fundadas en el principio del interés recíproco, comunidad de origen, y demas que naturalmente les unen, han resuelto establecer en la parte mas necesaria los límites territoriales, estableciendo al mismo tiempo las bases sobre que debe arreglarse el comercio y navegacion entre ámbas Repúblicas, y al efecto nombraron para sus Plenipotenciarios, à saber : S. E. el Señor Presidente de la República del Paraguay á D. Benito Varela, Ministro Secretario de Estado, interino de la Relaciones Exteriores de la República ; y S. E. el Señor Director Provisorio de la Confederacion Argentina al Dor. Don Santiago Derqui, los euales habiendo cangeado sus Plenos Poderes, y hallándolos en buena y debida forma, acordaron en los siguientes artículos :

ARTICULO 1º.

El Rio Paraná es límite entre la Confederacion Argentina y la República del Paraguay, desde las posesiones brasileras hasta dos leguas arriba de la boca inferior de la isla del Atajo.

ARTICULO 2º.

La isla de Yasiretá queda perteneciendo al teritorio paraguayo, y al argentino la de Apipé. Las demas islas firmes, ó anegables, pertenecen al teritorio à que sean mas adyacentes.

ARTICULO 3º.

Queda estipulado, como condicion especial de este Tratado, la comunicacion franca entre las Villas de la Encarnacion del Pa-

raná y San Borja del Uruguay para los correos paraguayos y brasileros, con las escoltas necesarias para su resguardo.

ARTICULO 4°.

El Rio Paraguay pertenece de costa á costa en perfecta soberania á la República del Paraguay, hasta su confluencia en el Paraná.

ARTICULO 5°.

La navegacion del Rio Bermejo es perfectamente comun á ambos estados.

ARTICULO 6°.

La orilla terrestre desde la desembocadura del Bermejo hasta el Rio del Atajo, es territorio neutral, en la latitud de una legua, de conformidad que las Altas Partes Contratantes no podrán hacer allí acantonamientos militares, ni guardias policiales, ni aun con el intento de observar á los bárbaros que habitan esa costa.

ARTICULO 7°.

La Confederacion concede á la República la libre navegacion de su pabellon por el Rio Paraná y sus afluentes, otorgándole todas aquellas franquicias y ventajas que los Gobiernos civilizados, unidos por tratados especiales de comercio, se conceden unos á otros : no detendrá ni impedirá, ni impondrá derecho sobre el curso de ninguna espedicion mercantil, que tuviese por objeto pasar por el territorio fluvial ó terrestre de la Confederacion á puertos paraguayos, ó de estos á cualesquiera otros extranjeros, sin sujetarlos á fiscalizaciones, gavelas, rebuscas, desatamiento de bultos, &c., &c. ; que á la vez que incomodan al comercio, lo aniquilan, alarmándolo y ahuyentándolo de frecuentar las vias mas productivas.

ARTICULO 8°.

En los mismos términos del artículo anterior, la República concede al pabellon argentino la libre navegacion del Paraguay y sus afluentes, y el tránsito libre por su territorio terrestre.

ARTICULO 9°.

Queda bien entendido que ambos Estados están en su derecho para dictar los reglamentos que creyeren convenir para evitar en los tránsitos el contrabando, proveer á su seguridad, &c., con entera reserva del uso legítimo de su perfecta Soberanía en su territorio fluvial, que no esté limitado por el derecho universal ó tratados expresos.

ARTICULO 10°.

La Confederacion dará libre tránsito por el Paraná á otros pabellones estrangeros, tan luego como haya hecho los arreglos que él demanda.

ARTICULO 11°.

El Gobierno de la República del Paraguay, de acuerdo con el de la Confederacion Argentina, cooperará con los medios que le proporciona la situacion topográfica de la República, á facilitar la navegacion del Rio Bermejo, destruyendo los obstáculos que se hubiesen creado en su canal, haciendo algunas obras que fuesen practicables para mejorarlo, y estableciendo posiciones que sirvan de puntos de arribada á las embarcaciones, en los lugares, y parages que acordaren, y señalaren ámbos Gobiernos.

ARTICULO 12°.

El Gobierno de la República del Paraguay, cuando llegare el caso de ser invitado por el de la Confederacion Argentina, habilitará con prévio acuerdo y guarnecerá un puerto en el rio Pilcomayo, á la mayor altura que sea navegable, de manera que desde él pueda darse al comercio una via terrestre por territorio paraguayo, la mas corta posible, hasta la frontera de Bolivia.

ARTICULO 13°.

Los Paraguayos residentes, ó transeuntes en la Confederacion, y los Argentinos, residentes ó transeuntes en la República, gozarán personalmente de las ventajas y regalías que tengan los mismos ciudadanos, respetándoseles sus derechos individuales, quedando tan solo sujetos á las leyes civiles que imperen, y al modo de proceder que ellas demarquen.

ARTICULO 14°.

En razon de la hermandad que establecen entre ámbas Repúblicas la comunidad de origen, intereses y situacion respectiva, los ciudadanos Paraguayos, que su Gobierno quiera destinar à cultivar sus talentos en los establecimientos de facultades y estudios mayores que sostuviere el Gobierno General de la Confederacion Argentina, serán considerados à la par de los ciudadanos Argentinos.

ARTICULO 15°.

El presente tratado será ratificado por S. E. el Sor. Presidente de la República del Paraguay à los seis dias de su fecha; y à los sesenta por S. E. el Señor Director Provisorio de la Confederacion Argéntina, debiendo ser cangeadas las ratificaciones en la Ciudad de Corrientes.

En testimonio de lo cual, los infrascritos Plenipotenciarios firman por duplicado el presente Tratado, sellándolo con sus armas y refrendando con sus respectivos Secretarios, en la Asuncion, Capital de la República del Paraguay à los quince dias del mes de Julio de mil ochocientos cincuenta y dos.

[L. s.] BENITO VARELA,
MARIANO GONZALES,
Secretario.

[L. s.] SANTIAGO DERQUI,
MANUEL CABRAL,
Secretario.

ACTA DE CANGE.

Ministerio de Relaciones Exteriores.

Nos, Don Benito Varela, Ministro Secretario de Estado interino de las Relaciones Exteriores de la República del Paraguay, y Doctor Don Santiago Derqui, Encargado de Negocios de la Confederacion Argentina, en mision especial cerca del Gobierno de la República, en uso de la Plenipotencia que nos fué conferida para ajustar el Tratado del 15 de Julio del presente año, y autorizados por nuestros Gobiernos para proceder al cange de sus ratificaciones, que por acuerdo posterior debe efectuarse en esta Capital, hemos examinado las ratificaciones hechas por el Exmo. Señor Presidente de la República Don Carlos Antonio Lopez, el 19 del mismo Julio, y por el Exmo. Señor Brigadier General D. Justo José de Urquiza, Director Provisorio de la Confederacion Argentina, el 20 de Agosto último; y encontrando exactamente igual en uno y otro el texto del espresado tratado y sus respectivas ratificaciones en buena forma, segun uso, y derecho internacional, hemos verificado su cange; y en fé de ello firmamos la presente acta en dos ejemplares de un tenor, que hacemos sellar con nuestras armas, y refrendar por nuestros respectivos Secretarios, en esta Ciudad de la Asuncion à catorce dias del mes se Setiembre de mil ocho cientos cincuenta y dos.

[L. s.]

BENITO VARELA,
 MARIANO GONZALES,
Secretario.

[L. s.]

SANTIAGO DERQUI,
 MANUEL CABRAL,
Secretario.

Es copia fiel del original,
 T. RIQUELME,
Oficial 1º

ANEXO E.

Nº. 2.

Carta del Presidente del Paraguay al de igual Clase de la Confederacion Argentina y su Contestacion.

EXMO. SOR. DIRECTOR PROVISORIO DE LA CONFEDERACION ARGENTINA, GENERAL D. JUSTO JOSÉ DE URQUIZA.

ASUNCION DEL PARAGUAY, }
Julio 28 de 1852. }*De mi particular estimacion:*

Como anuncié á V. E. en mi anterior del 12 del corriente tuvo lugar el 17 el acto solemne del reconocimiento de la República del Paraguay por la Confederacion Argentina: este importante acto fué celebrado con entusiasmo en esta Ciudad, y en toda la campaña.

Tengo el placer de felicitar á V. E. y en su ilustre persona á la Confederacion Argentina, por el fausto suceso del restablecimiento de las buenas relaciones de dos Repúblicas hermanas, llamadas por la naturaleza y por la comunidad de origen á cultivar su mútuo engrandecimiento.

El 15 fué concluido y firmado por los Plenipotenciarios de ese y este Gobierno, un tratado de navegacion y límites entre la República y la Confederacion, el cual queda ratificado por este Gobierno con data del 19, como V. E. será informado por el órgano competente.

Me tomo la libertad de recomendar muy especialmente á la consideracion de V. E., la conducta amistosa, las maneras agradables, el patriotismo y el noble desempeño del Señor Encargado de Negocios de la Confederacion Argentina, Dr. Don Santiago Derqui; mediante esta acertada eleccion de V. E., se han llenado felizmente los objetos de su importante mision cerca de este Gobierno.

Quiera V. E. darme ocasiones de acreditar el fino afecto y leal amistad con que me repito

de V. E. atento servidor,
CÁRLOS ANTONIO LOPEZ.”

“Al Exmo. Señor Presidente de la República del Paraguay,
D. Carlos Antonio Lopez.

BUENOS AIRES, Agosto 20 de 1852.

Mi estimado Señor y amigo :

He recibido con agradable satisfaccion la carta confidencial de V. E. fecha 28 del próximo pasado, en la que me participa quedar concluido y firmado por los Plenipotenciarios, Argentino y Paraguayo, un tratado de navegacion y límites entre ámbas Repúblicas, habiendo sido ratificado por ese Gobierno en fecha 19 del próximo pasado.

El Gobierno Argentino despues de haber considerado con reflexivo exámen ese tratado, lo ha encontrado tan justo y conveniente á los intereses recíprocos de ámbas Repúblicas, que tambien se ha apresurado à ratificarlo por su parte, quedando de ese modo sancionada la convencion celebrada.

Inutil considero el enumerar las inmensas ventajas que ambos paises reportan de ese tratado. Llamadas por la naturaleza y por un cúmulo de circunstancias à llenar un destino importantísimo entre las Repúblicas Americanas, es preciso propender à la union natural que debe existir entre ellas, à lo que tiende indudablemente el tratado celebrado.

La recomendacion especial que V. E. hace de la conducta observada por el Encargado de Negocios de la Confederacion Argentina, es bien merecida. El Gobierno Argentino no solo la ha aprobado en todos sentidos, sino que aplaude el éxito feliz que fundadamente se esperaba de las distinguidas luces y patriotismo que adornan al Señor Dr. Don Santiago Derqui.

Las felicitaciones amistosas que V. E. dirige á mi y á toda la Confederacion Argentina por el restablecimiento de las buenas relaciones entre ámbas Repúblicas, las acepto con la mas viva complacencia. Por mi parte tambien felicito à V. E. y en su nombre à toda la República que preside, pues es bien plausible el ver ligadas con vínculos de amistad à dos Repúblicas tan poderosas y de tan ilustres antecedentes.

Aprovecho con placer esta oportunidad para ofrecer à V. E. mi mas distinguida consideracion y afecto.

JUSTO J. DE URQUIZA.

ANEXO E.

Nº. 3.

Nota del Ministro Argentino sobre el Tratado de 1852.

“VIVA LA CONFEDERACION ARGENTINA!”

MINISTERIO DE RELACIONES ESTERIORES DE LA CON- }
 FEDERACION ARGENTINA, BUENOS AIRES, Agosto 20 de 1852. }

Al Exmo. Señor Ministro Secretario de Estado interino de las Relaciones Exteriores de la República del Paraguay :

El infrascrito, Ministro de Relaciones Exteriores de la Confederacion Argentina, ha tenido el honor de recibir la nota de V. E. fecha 22 de Julio, en la que V. E. acusa recibo de la que se le dirijió el 24 de Abril, próximo pasado, comunicandole el envio del Encargado de Negocios de la Confederacion Argentina, cerca de ese Gobierno, y en la que participa haberse concluido y ratificado por ese Gobierno un tratado se navegacion y de límites entre ambas Repúblicas.

El Exmo. Señor Director Provisorio se ha impuesto de su contenido, y en carta confidencial ha espresado al Exmo. Presidente del Paraguay cuales son sus sentimientos à este respecto. Considera que el Tratado celebrado es de grande importancia para àmbos paises y lo ha ratificado à nombre de la Confederacion Argentina.

El reconocimiento de la Independencia de la República del Paraguay, es un hecho de tanta trascendencia, que ocupará un lugar distinguido en la historia contemporánea de estas Repúblicas. Era exigido imperiosamente por la naturaleza misma de las circunstancias, y el Gobierno Argentino, al sancionarle, no ha hecho sino reconocer un hecho consumado.

El tratado, pués, que reglamenta los derechos de àmbas Repúblicas es de la mayor importancia considerado bajo todos sus aspectos. Fortifica los lazos que ligan à ambos Gobiernos, y esto dá ventajas inmensas à los intereses mercantiles é industriales, que son la base de la felicidad futura de estos paises.

Ese paso dado por el Gobierno Argentino tiene simpatías en toda la Confederacion pues no ven en el reconocimiento de la Independencia del Paraguay sinó la sancion de un hecho consumado.

El Exmo. Señor Director Provisorio de la Confederacion Argentina, deseando que quede concluida definitivamente esa negociacion, ha ordenado se devuelva el tratado original al Señor Encargado de Negocios de la Confederacion Argentina, para que tenga lugar el cange de la ratificacion.

El infrascrito aprovecha con placer esta oportunidad para presentar al Señor Ministro los sentimientos de su mas alta consideracion.

LUIS J. DE LA PEÑA.

ANEXO E.

Nº. 4.

Nota del Negociador Argentino y la Contestacion.
 “ Viva la Confederacion Argentina !

El Encargado de Negocios de la Confederacion Argentina en mision especial cerca del Gobierno de la República del Paraguay.

ASUNCION, Julio 25 de 1852.

Al Exmo. Señor Ministro de Relaciones Exteriores del Gobierno Provisorio de la Confederacion Argentina.

Tengo el honor de adjuntar el Tratado de limites y navegacion que he firmado con el Plenipotenciario de este Gobierno el 15 del corriente, segun lo anuncié á V. E. en mi nota del 12 del mismo.

Por el aviso oficial de este Gobierno se instruire V. E. de la ratificacion del mismo Tratado por el Exmo. Señor Presidente de la República.

En él creo haber llenado plenamente los objetos determinados en mis instrucciones, y aun haber abundado en cuanto al muy especial de promover el comercio por nuestros rios interiores, facilitando por ellos cuanto es posible la afluencia del de la República de Bolivia.

El único punto extraño à dichas instrucciones es la neutralidad del territorio en la costa del Chaco, establecida por el artículo 6º : ella fué exigida por el Gobierno Paraguayo como necesaria à la seguridad exterior de la República, con el objeto espreso de evitar en él acantonamientos militares que tendrian en constante amenaza su territorio, atendida la estrechez del Rio en aquel punto. Por otra parte, ese pedazo de costa neutralizado no tiene destino alguno útil, por ser un cañado inaccessible en tiempo de crecientes, las que la inundan en mayor

estension que lo neutralizado. Y como esta concesion en nada obstaba la libertad de la navegacion consignada en el artículo 8º, he creido no deber negar al Gobierno de la República, una seguridad que en nada daña los intereses de la Confederacion, cuando en cambio este mismo Gobierno se prestaba sin reserva á estipular lo contenido en los artículos 11 y 12, de tan grave importancia para el Gobierno Argentino. Era dificil conocer la adyacencia de la isla del Atajo, por su situacion equidistante de ambas costas, y me presté al espediente de devidirla por mitad entre uno y otro Estado ; y es por esta razon que el Rio Paraná sirve de límites entre ellas, hasta dos leguas mas arriba de su boca inferior, por donde se ha considerado dividirse en dos partes aproximadamente iguales. Esta isla se inunda por las grandes crecientes, por cuya razon es inhabitada, y no tiene otro destino útil que el de estraer maderas de ella, cuando lo permite el estado de los rios.

Las isla de Apipé y Yaciretá son considerablemente adyacentes á los territorios á que quedan perteneciendo, y las únicas notables del Rio Paraná, en la estension en que sirven de límites.

De todo lo que instruyo á V. E. à fin de que se digne elevarlo, con el Tratado de su referencia, al conocimiento del Exmo. Sr. Director Provisorio de la Confederacion.

Dios guarde à V. E. muchos años,

SANTIAGO DERQUI.”

ANEXO E.

Nº. 5.

“VIVA LA CONFEDERACION ARGENTINA !

MINISTERIO DE RELACIONES EXTERIORES
 DE LA CONFEDERACION ARGENTINA,
 BUENOS AIRES, Agosto 20 de 1852. }

Al Señor Encargado de Negocios de la Confederacion Argentina, cerca del Gobierno de la República del Paraguay.

El infrascrito ha tenido el honor de recibir la nota de V. S. fecha 26 de Julio, con la que adjunta el tratado de límites y navegacion que firmó con el Plenipotenciario de ese Gobierno en fecha 15 del próximo pasado, anunciando al mismo tiempo haber sido ratificado por el Exmo. Sr. Presidente de la República del Paraguay.

El Gobierno Argentino se ha impuesto con detencion de ese tratado y *considerándolo conveniente à los intereses* de ámbas Repúblicas, le ha puesto el sello de su aprobacion ratificándolo, ofreciendo fiel y exacto cumplimiento por lo que á él respecta, y devolviéndosele à V. S. para que haga el cange de las ratificaciones.

La conducta observada por V. S. en el desempeño de su elevada mision, ha merecido la aprobacion del Exmo. Sr. Director Provisorio, de quien he recibido especial encargo para cumplimentarlo. El Gobierno Argentino reconoce que los servicios prestados por V. S. son de gran importancia, y se complace vivamente de que se hayan realizado las esperanzas que concibió al confiar al talento y patriotismo de V. S. tan importante mision.

El infrascrito, por su parte, no quiere perder esta oportunidad sin felicitar al Sr. Encargado de Negocios por el feliz resultado de su mision, ofreciéndole su mas alta y distinguida consideracion.

LUIS JOSÉ DE LA PEÑA.

ANEXO F.

Decreto de 1855 fundando la Villa Occidental en el Chaco.

Decreto que establece una Colonia francesa en el gran potrero del Chaco, sobre la derecha del Río Paraguay, à seis leguas arriba de la Capital : que regla la administracion de la Colonia, y fija las condiciones y precios con que los nacionales y extranjeros que quieran establecerse en este punto, puedan adquirir tierras de labor :

El Presidente de la República :

Deseando el Supremo Gobierno de la República promover y fomentar la introduccion de emigrados y colonos agricultores, con el objeto de acelerar el aumento de la poblacion, mejorar su agricultura que es su especialidad y multiplicar los ricos productos que ofrecen su clima y su suelo, ha hecho contratar, en el Mediodia de la Francia, un cierto número de colonos, ofreciéndoles condiciones ventajosas.

Una parte de los colonos ha llegado ya, y sucesivamente deben venir los demas ; y siendo necesario establecer la Colonia en un lugar que por su situacion, comunicacion fácil, salubridad y feracidad del suelo, ofrezca ventajas à los colonos espendados por el Gobierno, y al mismo tiempo atraiga otros pobladores nacionales ò extranjeros que quieran establecerse en este punto.

 HA ACORDADO Y DECRETA.

ARTICULO 1º—El punto en el Gran Chaco conocido por el lugar de la antigua Reduccion del Paraguayo Don Amancio Gonzales Escobar, clérigo Presbítero, se destina al establecimiento de la primera colonia estrangera en el Paraguay.

ARTICULO 2º—La Colonia llevará el nombre de “Nueva Burdeos” en memoria de que la Colonia francesa ha sido contratada á marchar del puerto de aquella ciudad para la República del Paraguay.

ARTICULO 3º—La iglesia parroquial de la “Nueva Burdeos” llevará la advocacion de San Francisco Solano.

ARTICULO 4º—Los emigrados que el Gobierno ha contratado en Europa, se establecerán en el punto designado en el anterior artículo 1º, y recibirán en toda propiedad, llenadas que sean las condiciones que adelante se espresarán, una determinada porcion de tierras por cada persona apta á las labores.

ARTICULO 5º—Cada colono tendrá habitacion y será alimentado por el espacio de un año, prorogándose á este término el de ocho meses de su contrata celebrada en Europa.

ARTICULO 6º—Recibirá tambien cada colono á su cargo y cuenta las bestias que necesite para labrar la tierra y las que les sirvan para alimentarse con su producto, como bueyes, vacas, ovejas, cerdos, aves y semillas para sus siembras.

ARTICULO 7º—El Gobierno proveerá á los colonos, tambien por su cuenta, las herramientas que pidan, como hachas, azadas, azuelas, palas, &c.

ARTICULO 8º—La Colonia es principalmente agrícola : cada colono hará de la labor de las tierras su primera ocupacion : podrá sembrar, recoger sus productos, y disponer de ellos sin gravámen, con la mas completa libertad, sin limitacion, ni mas obligacion que la de dar prévia noticia y conocimiento de lo que venda ó esporte de la Colonia al encargado de la contabilidad, quien dará una papeleta con el solo objeto de hacer constar que el portador ha cumplido con la prevencion de dar aviso.

ARTICULO 9º—Del mismo modo podrán ejercer su industria los obreros mecánicos, como carruageros, carpinteros, zapateros, herreros que se establezcan en la Colonia.

ARTICULO 10°—Desde el tercer año de su establecimiento cada colono destinará la cuarta parte del producto vendible de su cosecha, como algodón, miel, añil, cochinilla, tabaco, al pago de su pasaje desde Europa á la República, y del precio de lo que hubiese recibido en conformidad á los precedentes artículos 5° y 6°.

ARTICULO 11°—Durante diez años contados desde el establecimiento de la Colonia, el producto de sus labores agrícolas será libre de todo impuesto, contribucion ó grávamen. Los colonos serán exentos de todo servicio militar, y solo harán como el de guardias nacionales, sí la seguridad de la misma colonia alguna vez lo exigiere. Pasado el tiempo referido de diez años, los colonos pagarán los impuestos á que estén sujetos los labradores y pastores nacionales.

ARTICULO 12°—A cada colono de diez y seis años, se asignan cuatro cuerdas cuadradas, medida del país, para chacra ó campo de labranza. La espresada estension de tierra se podrá aumentar al colono segun el número y edad de su familia. Esta porcion de tierras será la propiedad plena y perfecta del colono, desde que hubiese satisfecho el cargo que se espresa en el artículo 10° y recibirá el documento ó escritura pública que legitime su propiedad.

ARTICULO 13°—La porcion de tierra adjudicada á cada colono, será medida y amojonada. En la poblacion se dará en propiedad á cada familia, un solar de tierra con casa. Al colono soltero se dará un solar en que deberá edificar luego que establezca su chacra.

ARTICULO 14°—Para regularizar la contabilidad se abrirá en un libro foliado, cuenta corriente á cada colono, padre de familia, ú hombre soltero.

ARTICULO 15°—Se formará igualmente un registro, ó padron en que se anotará numerado el nombre de cada colono, su edad, sexo, estado, condicion, y personas de su dependencia formandose un cuaderno, que se considerará anexo al registro en que

se archiven, bajo el mismo número del registro, los certificados que debe tener cada colono, de su nacimiento, estado, moralidad, profesion, ò ejercicio y de haber sido vacunado.

ARTICULO 16°—Se acompañará á este Decreto, una copia de la planta que se ha levantado de la Colonia, local para una capilla, para la habitacion del capellan ò párroco, y para un cementerio público, fuera dela poblacion.

ARTICULO 17°—Se medirá todo el terreno adyacente à la Colonia, y se dividirá en suertes de chacra. En lo futuro segun las circunstancias, se medirán terrenos destinados à puestos de estancias.

ARTICULO 18°—Las chacras, ò campos de labranza, se arrendarán, ó venderán à censo redimible al 5 por 100, à quien lo solicite, sea nacional ò estrangero, con la obligacion de cultivar dentro de un año de la adquisicion.

ARTICULO 19°—El precio de cada suerte de chacra será el de ocho pesos por cuerda cuadrada.

ARTICULO 20°—Hallándose informado el Gobierno de que entre los colonos no hay quien posea el castellano, para redactar en este idioma la práctica y las actas de los juicios, se nombra para Juez de Paz de la “Nueva Burdeos” al ciudadano paraguayoy Luis Caminos.

ARTICULO 21°—El provisto juez de paz de la Colonia traducirá al francés el reglamento para jueces de paz, el estatuto de administracion de justicia, y las disposiciones proveidas en esta fecha sobre el modo de proceder en los juicios, en calidad de de provisorias, mientras la esperiencia haga conocer las especialidades necesarias en la Colonia.

ARTICULO 22°—El juez de paz de la Colonia está especialmente incumbido y encargado de hacer la policia de la Colonia, mantener à los colonos en paz, y órden, y conciliar ò dirimir las pequeñas contiendas ò diferencias que puedan ocurrir entre ellos.

ARTICULO 23°—Se nombra para proveedor de la Colonia al mismo Juez de Paz, Ciudadano Luis Caminos, con las atribuciones, funciones, jurisdiccion y facultades que ván señaladas en el reglamento de esta fecha para el mejor desempeño de dicho empleo.

ARTICULO 24°—El Juez de Paz y Proveedor de la Colonia tendrá un mayordomo, y dos escribientes contadores.

ARTICULO 25°—El Juez de Paz y proveedor, y los dependientes de su despacho, mencionados en el artículo anterior, tendrán casa y asistencia separadas, y los sueldos mensuales asignados en el reglamento citado en el artículo 23.

ARTICULO 26°—El Supremo Gobierno acordará alguna especial asignacion al Cura de la Colonia desde que quiera contraerse à la enseñanza de la juventud, ò la encargará à persona capaz de este oficio, con sueldo mensual, mientras los colonos puedan costear este ramo.

ARTICULO 27°—El Juez de lo Civil en 1ª instancia Ciudadano Nicolas Vasquez pasará à la Colonia à hacer reconocer à los colonos al relatado Ciudadano Luis Caminos por tal juez de paz y proveedor, precediendo el juramento que ordena la ley patria.

ARTICULO 28°—Se guardará con los salvages del Chaco la armonia y buena correspondencia que se ha cultivado hasta aquí. Con todo, descando el Gobierno de la República prevenir cualquier insulto que à la vez quieran intentar con los colonos, tendrá la Colonia una guarnicion fuerte, de las tres armas, al mando inmediato del Comandante que en esta fecha se ha nombrado con las órdenas é instrucciones convenientes, en inteligencia de que dichas fuerzas se aumentarán toda vez que lo requiera la seguridad de la Colonia.

ARTICULO 29°—La guarnicion se relevará por tercias partes cada cuatro meses cumplidos. Los oficiales y plazas que no puedan continuar el servicio, por enfermedad reconocida, serán relevados prontamente. El Comandante de la guarnicion no será relevado antes de un año, salvo el caso indicado de enfermedad ú otra circunstancia especial.

ARTICULO 30°—Los sueldos de la guarnicion de la Colonia serán los mismos que gozan las tropas de los cuarteles de la Capital, pagaderos cada dos meses en el Ministerio de Guerra.

ARTICULO 31°—Los militares que, cumplidos sus turnos, quieran establecerse en la Colonia gozarán de todas las concesiones que ván establecidas.

ARTICULO 32°—Se establecerá, por ahora, una policia fluvial en el puerto de la “Nueva Burdeos” y cuando la Colonia se ponga en estado de abrir su comercio, se habilitará Capitania de Puerto, con el reglamento correspondiente.

ASUNCION, Mayo 14 de 1855.

CÁRLOS ANTONIO LOPEZ,
JOSÉ FALCON,
Secretario Interino del Supremo Gobierno.

ANEXO G.

Tratado de Alianza Contra el Paraguay, 1865

TRATADO DE ALIANZA.

El Gobierno de la República Oriental del Uruguay, el Gobierno de S. M. el Emperador del Brasil, y el Gobierno de la República Argentina.

Estos dos últimos encontrándose actualmente en guerra con el Gobierno del Paraguay, por haber sido declarada de hecho por este Gobierno, y el primero en estado de hostilidad y amenazado en su seguridad interna por dicho Gobierno, injuriando la República Tratados solemnes, usos internacionales de las naciones civilizadas, y cometido actos injustificables despues de haber perturbado las relaciones con sus vecinos por los mas abusivos y agresivos procedimientos.

Persuadidos que la Paz, seguridad y bienestar de sus respectivas naciones, es imposible mientras exista el actual Gobierno del Paraguay, y que es de imperiosa necesidad exigida por los mas grandes intereses que aquel Gobierno desaparezca, respetando la soberania, independencia é integridad territorial de la República del Paraguay.

Han resuelto con ese objeto, celebrar un tratado de Alianza ofensiva y defensiva; y al efecto han nombrado sus plenipotenciarios, à saber; S. E. el Gobernador Provisorio de la República Oriental, à S. E. el Dr. Don Carlos Castro, Ministro de Relaciones Exteriores. S. M. el Emperador del Brasil à S. E. el Dr. Don Octaviano Almeida Rosa, su Consejero Diputado à la A. G. L. y Oficial de la Orden Imperial de la Rosa; S. E. el Presidente de la República Argentina à S. E. el Dr. Don Rufino de Elizalde, su Ministro Secretario de Relaciones Exteriores. Quienes habiendo cangeado sus respectivas credenciales que en contraron en buena y debida forma, convinieron en lo siguiente:

ARTICULO 1°.

La República Oriental del Uruguay, Su Magestad el Emperador del Brasil y la República Argentina se unen en alianza ofensiva y defensiva en la guerra provocada por el Gobierno del Paraguay.

ARTICULO 2°.

Los aliados concurrirán con todos los medios de que puedan disponer por tierra ó por los rios, segun lo crean conveniente.

ARTICULO 3°.

Las operaciones de la guerra, principiando en el territorio de la República Argentina, ó en parte del territorio Paraguayo lindando con la misma, el mando en gefe y la direccion de las armas aliadas permanecerá confiada al Presidente de la República Argentina, General en Gefe de su ejército, Brigadier-General Don Bartolomé Mitre.

Las fuerzas maritimas de los Aliados estarán bajo el inmediato mando del Vice Almirante, Vizconde de Tamandaré, Comandante en Gefe de la Escuadra de S. M. el Emperador del Brasil.

Las fuerzas de tierra de la República Oriental del Uruguay, una division de las fuerzas argentinas y otra de las brasileras, que serán designadas por sus respectivos gefes superiores, formarán un ejército à las órdenes inmediatas del Gobernador Provisorio de la República Oriental del Uruguay, Brigadier General Don Venancio Flores.

Las fuerzas terrestres se S. M. el Emperador del Brasil formarán un ejército à las órdenes inmediatas de su General Gefe Brigadier D. Manuel Luis Ozorio.

Sin embargo de que las Altas Partes Contratantes están conformes en no cambiar el teatro de las operaciones de guerra, con todo, à fin de conservar los derechos soberanos de las tres naciones, ellas convienen, desde ahora, en observar el principio de reciprocidad respecto del mando en Gefe para el caso de que esas operaciones hubiesen que pasar al territorio Oriental ò brasileró.

ARTICULO 4°.

El órden interior y la economia de las tropas aliadas, quedan al cargo esclusivo de sus respectivos Gefes.

ARTICULO 5°.

Las Altas Partes Contratantes se facilitarán mutuamente todos los auxilios ó elementos que tengan y los otros necesiten, en la forma que se acuerde.

ARTICULO 6°.

Los Aliados se obligan solemnemente à no deponer las armas sinó de comun acuerdo, y mientras no hayan derrocado al Gobierno actual del Paraguay, así como à no tratar separadamente, ni firmar ningun tratado de paz, tregua, armisticio ò convencion cualquiera que ponga término á la guerra, sinó, por perfecta conformidad de todos.

ARTICULO 7°.

No siendo la guerra contra el Pueblo del Paraguay, sino contra su Gobierno, los aliados podrán admitir en una Legion Paraguaya todos los Ciudadanos de esa Nacion que quieran concurrir al derrocamiento de dicho Gobierno, y les proporcionarán los elementos que necesiten en la forma y condiciones que se convengan.

ARTICULO 8°.

Los Aliados se obligan à respetar la independencia, soberania é integridad territorial de la República del Paraguay. En consecuencia el Pueblo Paraguayo podrá elegir el Gobierno y las instituciones que les convengan, no incorporandose ni pidiendo el protectorado de ninguno de los aliados, como resultado de la guerra.

ARTICULO 9°.

La independencia, Soberania é integridad territorial de la República del Paraguay, serán garantidas colectivamente, de con-

formidad con el artículo precedente, por las Altas Partes Contratantes, por el término de cinco años.

ARTICULO 10°.

Queda convenido entre las Altas Partas Contratantes que las exenciones, privilegios ò concesiones que obtengan del Gobierno del Paraguay, serán comunes à todas ellas gratuitamente, si fueren gratuítas, y con la misma compensacion, si fueren condicionales.

ARTICULO 11°.

Derrocado que sea el actual Gobierno del Paraguay, los aliados procederán à hacer los arreglos necesarios con la autoridad constituida, para asegurar la libre navegacion de los rios Paraná y Paraguay, de manera que los reglamentos ò leyes de aquella República no obsten, impidan ò graven el tránsito y navegacion directa de los buques mercantes y de guerra de los Estados Aliados que se dirijan à su territorio respectivo ò à territorio que no pertenezca al Paraguay, y tomarán las garantias convenientes para la efectividad de dichos arreglos, bajo la base de que esos reglamentos de policia fluvial, bien sean para los dichos dos rios ò tambien para el Uruguay, se dictarán de común acuerdo entre los aliados y cualesquiera otros Estados ribereños que dentro del término que se convengan por los aliados, acepten la invitacion que se les haga.

ARTICULO 12°.

Los Aliados se reservan el concertar los medios mas convenientes à fin de garantir la paz con la República del Paraguay despues del derrocamiento de su actual Gobierno.

ARTICULO 13°.

Los Aliados nombrarán oportunamente los Plenipotenciarios que han de celebrar los arreglos, convenciones ó tratados á que hubiese lugar, con el Gobierno que se establezca en el Paraguay.

ARTICULO 14°.

Los Aliados exigirán de aquel Gobierno el pago de los gastos de la guerra que se han visto obligados à aceptar, asi como la reparacion é indemnizacion de los daños y perjuicios causados à sus propiedades públicas y particulares, y á las personas de sus ciudadanos, sin expresa declaracion de guerra, y por los daños y perjuicios causados subsiguientemente en violacion de los principios que gobiernan las leyes de la guerra.

La República Oriental del Uruguay exigirá tambien una indemnizacion proporcionada à los daños y perjuicios que le ha causado el Gobierno del Paraguay, por la guerra à que lo ha forzado à entrar, en defensa de su seguridad amenazada por aquel Gobierno.

ARTICULO 15°.

En una Convencion especial se determinará el modo y forma para la liquidacion y pago de la deuda procedente de las causas antedichas.

ARTICULO 16°.

A fin de evitar las discusiones y guerras que las cuestiones de límites envuelvan, queda establecido que los Aliados exigirán del Gobierno del Paraguay que celebre tratados definitivos de límites con los respectivos Gobiernos, bajo las siguientes bases :

La República Argentina quedará dividida de la República del Paraguay por los rios Paraná y Paraguay, hasta encontrar los límites del Imperio del Brasil, siendo estos, en la Ribera derecha del Rio Paraguay, la Bahía Negra.

El Imperio del Brasil quedará dividido de la República del Paraguay, en la parte del Paraná, por el primer Rio despues del Salto de las Siete caídas, que segun el reciente mapa de Mouchez, es el Igurey, y desde la boca del Igurey y su curso superior hasta llegar à su nacimiento.

En la parte de la ribera izquierda del Paraguay por el Rio Apa desde su embocadura hasta su nacimiento.

En el interior, desde la cumbre de la Sierra de Maracayú, las vertientes del Este perteneciendo al Brasil, y las del Oeste al Paraguay, y tirando líneas tan rectas como se pueda de dicha tierra al nacimiento del Apa y del Igurey.

ARTICULO 17°.

Los Aliados se garanten recíprocamente el fiel cumplimiento de los acuerdos, arreglos y tratados que hayan de celebrarse con el Gobierno que se establecerá en el Paraguay, en virtud de lo convenido en el presente tratado de Alianza, el que permanecerá siempre en plena fuerza y vigor al efecto de que estas estipulaciones sean respetadas y cumplidas por la República del Paraguay.

A fin de tener este resultado, ellas convienen en que, en caso de que una de las Altas Partes Contratantes no pudiese obtener del Gobierno del Paraguay el cumplimiento de lo acordado, ó de que este Gobierno intentase anular las estipulaciones ajustadas con los Aliados, las otras emplearán activamente sus esfuerzos para que sean respetadas.

Si estos esfuerzos fuesen inútiles, los Aliados concurrirán, con todos sus medios, à fin de hacer efectiva la ejecucion de lo estipulado.

ARTICULO 18°.

Este tratado quedará secreto hasta que el objeto principal de la alianza se haya obtenido.

ARTICULO 19°.

Las estipulaciones de este Tratado que no requieran autorizacion legislativa para su ratificacion, empezarán à tener efecto tan pronto como sean aprobadas por los respectivos Gobiernos, y las otras desde el cambio de las ratificaciones, que tendrá lugar dentro del término de cuarenta dias contados desde la fecha de dicho Tratado, ó ántes si fuere posible.

En testimonio de lo cual, los abajo firmados Plenipotenciarios de S. E. el Presidente de la República Argentina, de S. M. el Emperador del Brasil, y de S. E. el Gobierno Provisorio de la República Oriental del Uruguay, en virtud de nuestros plenos poderes, firmamos este Tratado y le hacemos poner nuestros sellos en la Ciudad de Buenos Aires, el 1° de Mayo del año de Nuestro Señor 1865.

CÁRLOS DE CASTRO,
J. OCTAVIANO DE ALMEIDA ROSA,
RUFINO DE ELIZALDE.

PROTOCOLO.

S. S. E. E. los Plenipotenciarios de la República Argentina, de la República Oriental del Uruguay y de S. M. el Emperador del Brasil, hallandose reunidos en el Despacho de Negocios Estrangeros, han acordado.

1°—Que en el cumplimiento del Tratado de Alianza de esta fecha, las fortificaciones de Humaitá serán demolidas, y no será permitido erigir otras de igual naturaleza que puedan impedir la fiel ejecucion de dicha tratado.

2°—Que siendo una de las medidas necesarias para garantir la paz con el Gobierno que se establecerá en el Paraguay, el no dejar allí armas ó elementos de guerra, los que se encuentren serán divididos por partes iguales entre los aliados.

3°—Que los trofeos y botin que se tomen al enemigo serán divididos entre los Aliados que hagan la captura.

4°—Que los Gefes de los Ejércitos Aliados concertarán las medidas para llevar á efecto lo aquí acordado.

Y firmaron este Protocolo en Buenos Aires el 1° de Mayo de 1868.

CÁRLOS DE CASTRO,
J. OCTAVIANO DE ALMEIDA ROSA,
RUFINO DE ELIZALDE.

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