MINUTE NO. 122 - WEBER BANCO.

On February 10, 1930 public notice had been given for hearings on specified dates at both El Paso, Texas and Juárez, Chih., in regard to pending banco cases in El Paso Juárez Valley and in response to these notices interested parties appeared at the meetings on February 20, 21, 26, 27, 28 and March 3, 1930 and presented affidavits and statements relative to the river changes which caused the separation of the Weber tract.

At the meeting of March 3, 1930 question of cross-examination of witnesses by attorneys representing claimants was placed before the Commission. The rules and regulations as approved in 1928 and 1907 were read and the Commission announced that witnesses would be examined by the Commissioners. It was also announced that the greatest possible latitude would be afforded at all times in the examination and in the presentation of affidavits both written and oral, and all interested parties or those in possession of any facts tending to enlighten the Commission on any legitimate subject of its investigation would be invited and urged to make full oral and written statements, unobstructed by any form of technical limitation whatsoever.

Attorney R. E. Burges appeared before the Commission representing the claimants under American title on the Weber Banco and stated his intention of showing that this tract was not a banco within the meaning of the boundary treaties. At these hearings he presented affidavits of Messrs. R. J. Owen, F. H. Todd, and Wm. French, residents of the city and county of El Paso, Texas. In addition to these he presented his own written and oral statement.

Attorney Edward D. Tittman, on behalf of claimants under Mexican title to the same land, presented a statement in answer to the argument of Attorney Burges.

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ACTA NO. 122.- BANCO DE WEBER.

El 10 de febrero de 1930, se publicaron convocatorias para la celebración de Audiencias en fechas determinadas, tanto en Cda. Juárez, Chih., como en El Paso, Texas, con relación a los casos de bancos pendientes en el Valle de Juárez-El Paso, y varias personas interesadas comparecieron durante las Audiencias correspondientes al 20, 21, 26, 27 y 28 de febrero, y al 3 de marzo de 1930, las que presentaron affidavit y declaraciones relativas a cambios en el río que originaron la segregación del terreno Weber.

En la Audiencia del 3 de marzo de 1930, se presentó ante la Comisión la cuestión de si los Abogados representantes de los reclamantes podían interrogar testigos. Se leyeron el reglamento y las reglas tales como fueron aprobadas en 1928 y 1907, y la Comisión hizo saber que los Comisionados serían los que interrogaran a los testigos. También se hizo saber que se darían las mayores facilidades posibles en la presentación de affidavits, tanto escritos como orales, los cuales serían examinados ampliamente y se invitaba a todas las personas interesadas así como a las que tuvieran conocimiento de hechos que pudieran ilustrar a la Comisión durante sus investigaciones, a que hicieran declaraciones verbales o escritas sin requerir ninguna forma técnica.

El Lic. R. F. Burges, compareció ante la Comisión en nombre de los reclamantes con título Americano de propiedad sobre el banco de Weber, y manifestó su intención de demostrar que este terreno no era banco dentro del significado de los tratados de Límites. Durante las Audiencias presentó affidavit de los señores R. J. Owen, F. H. Todd y Wm. French, residentes de la Ciudad y del Condado de El Paso, Texas. Además presentó sus propias declaraciones, verbales y por escrito.

El Lic. Edward B. Tittmann, en nombre de los reclamantes con título mexicano de propiedad sobre el mismo terreno, presentó una declaración en respuesta a la contención del
INTERNATIONAL BOUNDARY COMMISSION
UNITED STATES AND MEXICO

The Commission met at the office of the American Section, El Paso, Texas on March 18, 1930 at ten o'clock a.m. and resumed the study of data in the form of maps, records, affidavits and testimony, all relating to what is known as the Weber tract.

The Commissioners reviewed the previous reports of Consulting Engineers of the Commission and received the report of the present Consulting Engineers, dated March 17, 1930, which report is approved and attached hereto and made a part hereof. The records of the Commission relative to the Weber tract are particularly complete and cover the situation surrounding the detachment of this area in a very careful manner. They show that on July 29, 1911 a tract of land known as "La Playa" and located south of Washington Park in the City of El Paso, Texas was cut from Mexico during high water. On January 15, 1912 Mr. Max Weber, German Consul at Juarez, claimed ownership of this segregated land and presented a statement to the Mexican Commissioner, in which he claimed the land to be a typical banco. On February 15, 1912 the case was presented to the Joint Commission and referred to the Consulting Engineers for investigation and report.

The Commission, after careful examination of all the facts already on record with the Commission and those deduced from presented testimony, adopted the following resolution: "The tract of land known as Weber Banco, numbered 301, described in the report of Consulting Engineers dated March 17, 1930 and shown on accompanying map, cut from Mexico in 1911, and which remains on the left and north side of the Rio Grande, is hereby eliminated from the effects of Article II of the Treaty of November 12, 1884 and the dominion and jurisdiction of this banco shall pass to the United States of America in accordance with the provisions of the Treaty of March 20, 1905 for the elimination of bancos."
The Commissioners signed the map (Scale 1:5000) which delineates the Weber Bank (No. 301) and which map is attached hereto and made a part hereof.

The Commission then adjourned to meet at ten a.m. March 19, 1930 at the office of the American Section to accord further hearings on other detached tracts in the El Paso-Juarez Valley.

L. M. Lacombe
Commissioner of the United States.

C. A. LeMans
Commissioner of Mexico.

Clifton L. Critch
Secretary of the United States Section.

José Hernández Casas
Secretary of the Mexican Section.
INTERNATIONAL BOUNDARY COMMISSION
United States and Mexico
El Paso, Texas, March 17, 1930.

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

Sirs:

Complying with your verbal instructions we submit the following report on the Weber Banko, El Paso Valley, and attach three maps, namely: Banco Map No. 301 "Weber"; "La Playa" made by Zayas in 1912; Map of River Movements near Cordova Island.

BANCO No. 301 "WEBER"

Located in El Paso County, Texas, one kilometer south of R. P. No. 1 and south of Washington Park, in the city of El Paso, Texas.

Cuto from Mexico in 1911.
Claimants: Estate of Max Weber.
Area to the present river 66.2 hectares 169.5 acres.
41 inhabitants.

On July 29, 1911, a tract of land, then called "La Playa" but now known as the Weber Banko was cut from Mexico by an avulsive change of the Rio Grande. The tract lies east of the Cordova cut and south of Washington Park. A part of the land cut off was the then remaining portion of the Woodlawn area and the accretion thereto. The "Woodlawn" area was that piece of United States territory cut to the south side of the Rio Grande by the artificial cutoff made in 1899 and commonly called the "Cordova Cut". This "Woodlawn" area was originally marked by the "Cordova" boundary monuments Nos. 16-17-18 & 19. All these have subsequently been lost by the edging away of the land on which they stood, leaving none of this United States territory south of the Rio Grande at this point. That part of the "Woodlawn" area cut to the north side of the Rio Grande and marked by posts Nos. 1-2 and 3 on the Banco (Map attached) has always been under the jurisdiction of the United States and is not included within the traverse which marks the limits of this banco.

On January 15, 1912, Mr. Max Weber filed claim with the Commission to the banco.

COMISIÓN INTERNACIONAL DE LÍMITES
Entre México y los Estados Unidos
El Paso, Texas, a 17 de marzo de 1930.

A los Honorable Comisionados de la Comisión Internacional de Límites Entre México y los Estados Unidos.

Señores:

En cumplimiento de las instrucciones verbales de ustedes, nos permitimos presentar el siguiente informe sobre el banco de "Weber", del Valle de El Paso, acompañando tres planos, a saber: Plano del banco No. 301 "Weber"; plano del presento banco "La Playa" preparado por el Ing. Zayas en 1912; plano de los movimientos del río cerca de la Isla de Córdova.

BANCO No. 301 "WEBER"


Cortado de México en 1911.
Reclamante: Testamento de Max Weber.
Area hasta el cauce actual del Río: 66.2 hectáreas (169.5 acres).
41 habitantes.

El 29 de julio de 1911, se segregó de México por un cambio avulso del río Bravo, una porción de terreno que entonces se conocía con el nombre de "La Playa," que ahora se ha designado como banco de "Weber." Este terreno está situado al Este del corte de Córdova y al Sur del Parque Washington. Una parte del terreno segregado fue la porción que aun quedaba en aquella época del área llamada "Woodlawn", y de sus acrecciones. Esta área "Woodlawn" era el pedazo de territorio de los Estados Unidos cortado al lado Sur del Río Bravo por el corte artificial hecho en 1899 y que comúnmente se designa como "Corte de Córdova." Esta área "Woodlawn" estaba señalada originalmente por los monumentos Nos. 16, 17, 18 y 19 de Córdova. Todos estos monumentos han desaparecido posteriormente por haber sido destruido el terreno en que estaban levantados por la erosión de la corriente, por lo cual ya no queda nada de este territorio de los Estados Unidos al Sur del Río Bravo en este lugar. Sin embargo, la porción del área "Woodlawn" cortada al lado Norte del Río Bravo y señalada por los postes Nos. 1, 2 y 3 en el banco (véase plano anexo),
INTERNATIONAL BOUNDARY COMMISSION

UNITED STATES AND MEXICO

and on February 15, 1912 the case was presented to the Commission and referred to the Consulting Engineers for investigation and report.

On March 4, 1912, the Mexican Consulting Engineer, Mr. R. Zayas, presented a report to the Commission together with a map (copy attached). The report stated that the Consulting Engineers had made an inspection of the ground and had found evidence that this land was a banco subject to the provisions of the 1905 convention. This map also indicates a tentative traverse to mark the limits of the banco.

On March 25, 1912, Mr. Follett reported to his Commissioner that he had gone over the ground with Mr. Zayas and satisfied himself that the map was accurate and an avulsion had occurred.

During October 1924, Consulting Engineers Santacruz and Flishburn surveyed the tract and submitted a report dated July 30, 1925 making a history of the case and stating that they were able to identify most of the old river banks of the abandoned chanel and that the traverse they proposed closely followed that previously laid down by Follett and Zayas.

During February 1930, we have had established on the ground the banco posts numbered from 1 to 10 inc., which follow the previous traverse except at posts numbers 1, 2 and 3 as previously explained and between posts number 5 and 6 where a slight change was made to better fit the evidence of the old chanel.

The tract of land herein described and shown on the Banco Map No. 301 now submitted was cut from Mexico in July 1911 and is subject to elimination as set out in the Convention of 1905.

Respectfully submitted,

M. Grinswoth
Consulting Engineer, United States Section.

Consulting Engineer Mexican Section.
Con todo respeto.

[Signature]

Ingeniero Consultor de la Sección
Mexicana.

[Signature]

Ingeniero Consultor de la Sección de
los Estados Unidos.