

Ex. Doc. No. 50.

HOUSE OF REPRESENTATIVES.

TREATY OF GUADALUPE HIDALGO.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of State, and accompanying papers, in compliance with resolutions of the House of Representatives, of the 5th instant, relative to the treaty of peace concluded at Guadalupe Hidalgo on the 2d of February, 1848.

FEBRUARY 8, 1849.

Laid upon the table, and ordered to be printed.

To the House of Representatives of the United States:

In reply to the resolutions of the House of Representatives, of the fifth instant, I communicate herewith a report from the Secretary of State, accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico, at Guadalupe Hidalgo, on the 2d February, 1848, and to the amendment of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate and ratified by the President of the United States. In my message to the House of Representatives of the twenty-ninth of July, 1848, I gave as my reason for declining to furnish these instructions, in compliance with a resolution of the House, that, "in my opinion, it

would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted whether giving them publicity in our own country, and, as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests; yet, as they have been again called for by the House, and called for in connexion with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I still entertain the opinion expressed in the message referred to, "that, as a general rule, applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers, until some time had elapsed after the conclusion of such negotiations."

In these instructions of the 18th of March, 1848, it will be perceived "that the task was assigned to the commissioners of the United States of consummating the treaty of peace, which was signed at Guadalupe Hidalgo on the second day of February last, between the United States and the Mexican republic, and which, on the tenth of March last, was ratified by the Senate with amendments."

They were informed "that this brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified, except by the authority of that body. Your whole duty will then consist in using every honorable effort to obtain from the Mexican government a ratification of the treaty, in the form in which it has been ratified by the Senate, and this with the least practicable delay." "For this purpose, it may, and most probably will, become necessary that you should explain to the Mexican minister for foreign affairs, or to the authorized agents of the Mexican government, the reasons which have influenced the Senate in adopting these several amendments to the treaty. This duty you will perform, as much as possible, by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification, from the Mexican government, of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions."

The commissioners were sent to Mexico to procure the ratification of the treaty *as amended by the Senate*. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican government, and explanations were made by the Secretary of State in his letter of the 18th of March, 1848, to the Mexican minister for foreign affairs, under my direction. This despatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order.

This despatch was transmitted by our commissioners, from the city of Mexico to the Mexican government, then at Queretaro, on the 17th of April, 1848, and its receipt acknowledged on the 19th of the same month. During the whole time that the treaty, as amended, was before the congress of Mexico, these explanations of the Secretary of State, and these alone, were before them.

The president of Mexico on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican congress, and, on the 25th of May, that congress approved the treaty as amended without modification or alteration. The final action of the Mexican congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any conference with them, or had any other communication on the subject of the treaty except to transmit the letter of the Secretary of State.

In their despatch, transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May 25, 1848, 9 o'clock, p. m.," the commissioners say: "We have the satisfaction to inform you that we reached this city this afternoon at about 5 o'clock, and that the treaty, as amended by the Senate of the United States, passed the Mexican senate about the hour of our arrival, by a vote of 33 to 5. It having previously passed the house of deputies, nothing now remains but to exchange the ratifications of the treaty."

On the next day (the 26th of May) the commissioners were, for the first time, presented to the president of the republic, and their credentials placed in his hands. On this occasion the commissioners delivered an address to the president of Mexico, and he replied. In their despatch of the 30th of May, the commissioners say: "We enclose a copy of our address to the president, and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Conto and ourselves, which it is not thought necessary to recapitulate, as we enclose a copy of the protocol, which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to-day." This despatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the United States, with the accompanying papers, and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July, I communicated to Congress the ratified treaty, with such accompanying documents as were deemed material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the commissioners, nor the reply of the president of Mexico, on the occasion of their presentation, nor the memorandum of conversations embraced in the paper called a protocol, nor the correspondence now sent, were communicated, because they were not regarded as, in any way,

material; and in this I conformed to the practice of our government. It rarely if ever happens that all the correspondence, and especially the instructions to our ministers, is communicated. Copies of these papers are now transmitted, as being within the resolutions of the House calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first instalment of three millions paid to Mexico, the blockades were raised, the city of Mexico evacuated, and our troops on their return home. The war was at an end, and the treaty, as ratified by the United States, was binding on both parties, and already executed in a great degree. In this condition of things it was not competent for the President alone, or for the President and Senate, or for the President, Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace and restore a state of war, except by a solemn declaration of war.

Had the protocol varied the treaty, as amended by the Senate of the United States, it would have had no binding effect.

It was obvious that the commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican congress had ratified the treaty, and they knew that the approval of the Mexican congress was as essential to the validity of a treaty in all its parts as the advice and consent of the Senate of the United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that, if failing 'o procure the ratification of the Mexican government otherwise than with amendments, their duty, imposed by express instructions, was to ask of Mexico to send, without delay, a commissioner to Washington to exchange ratifications here, if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States.

I was equally well satisfied that the government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the protocol as modifying, enlarging, or diminishing its terms or effect. The president of that republic, in submitting the amended treaty to the Mexican congress, in his message on the 8th day of May, 1848, said: "If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction, at seeing the war at last brought to an end, would not have been lessened as it this day is in consequence of the modifications introduced into it by the Senate of the United States, and which have received the sanction of the President." "At present it is sufficient for us to say to you that if, in the opinion of the government, justice had not been evinced on the part of the Senate and government of the United States, in introducing such modifications, it is presumed, on the other hand, that they are not of such importance that they should

set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected or considered possible. Much less could another be brought forward upon a basis more favorable for the republic."

The deliberations of the Mexican congress, with no explanation before that body from the United States, except the letter of the Secretary of State, resulted in the ratification of the treaty, as recommended by the president of that republic, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a protocol, took place after the action of the Mexican congress was complete; and there is no reason to suppose that the government of Mexico ever submitted the protocol to the congress, or ever treated or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican congress; and such approval was never made or intimated to the United States. In the final consummation of the ratification of the treaty by the president of Mexico no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to that government by the Secretary of State, and been afterwards approved by the Mexican congress. It declares that, "having seen and examined the said treaty, and the modifications made by the Senate of the United States of America, and having given an account thereof to the general congress, conformably to the requirement in the XIVth paragraph of the 110th article of the federal constitution of these United States, that body has thought proper to approve of the said treaty, with the modifications thereto in all their parts; and, in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify, and confirm the said treaty with its modifications, and promise, in the name of the Mexican republic, to fulfil and observe it, and to cause it to be fulfilled and observed."

Upon an examination of this protocol, when it was received with the ratified treaty, I did not regard it as material, or as in any way attempting to modify, or change the treaty as it had been amended by the Senate of the United States.

The first explanation which it contains is "that the American government by suppressing the ninth article of the treaty of Guadalupe, and substituting the third article of the treaty of Louisiana, did not intend to diminish, in any way, what was agreed upon by the aforesaid article (ninth) in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guarantees, civil, political and religious, which would have been possessed by the inhabitants of the ceded territories, if the ninth article of the treaty

had been retained, will be enjoyed by them, without any difference, under the article which has been substituted."

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories, and their admission into the Union "as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States." It provided, also, that in the mean time, they should be maintained in the enjoyment of their liberty, their property and their civil rights, now vested in them according to the Mexican laws. It secured to them similar political rights with the inhabitants of the other territories of the United States, and at least equal to the inhabitants of Louisiana and Florida when they were in a territorial condition. It then proceeded to guarantee that ecclesiastics and religious corporations should be protected in the discharge of the offices of their ministry, and the enjoyment of their property of every kind, whether individual or corporate, and finally, that there should be a free communication between the Catholics of the ceded territories and their ecclesiastical authorities, "even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty."

The ninth article of the treaty, as adopted by the Senate, is much more comprehensive in its terms and explicit in its meaning, and it clearly embraces, in comparatively few words, all the guarantees inserted in the original article. It is as follows: "Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union; and in the mean time, whilst they shall remain in a territorial state, by one sweeping provision, declares that they "shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

This guarantee embraces every kind of property, whether held by ecclesiastics or laymen, whether belonging to corporations or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican republic or the ceded territories. It was, it is presumed, to place this construction beyond all question that the Senate superadded the words "without restriction" to the religious guarantee contained in the corresponding article of the Louisiana

treaty. Congress itself does not possess the power under the constitution to make any law prohibiting the free exercise of religion.

If the ninth article of the treaty, whether in its original or amended form, had been entirely omitted in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the constitution and laws of the United States.

The protocol asserts that "the American government, by suppressing the tenth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories;" that "these grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then proceeds to state that, "conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New Mexico up to the thirteenth of May, 1846, and in Texas up to the second of March, 1836." The former was the date of the declaration of war against Mexico, and the latter that of the declaration of independence by Texas.

The objection to the tenth article of the original treaty was not that it protected legitimate titles, which our laws would have equally protected without it; but that it most unjustly attempted to resuscitate grants which had become a mere nullity, by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their grants, for the purpose of performing the conditions on which they had been made. In submitting the treaty to the Senate, I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the minister for foreign affairs of Mexico, and was in possession of the Mexican government during the whole period the treaty was before the Mexican congress, and the article itself was reprobated in that letter in the strongest terms. Besides, our commissioners to Mexico had been instructed that "neither the President, nor the Senate of the United States, can ever consent to ratify any treaty containing the tenth article of the treaty of Guadalupe Hidalgo in favor of grantees of land in Texas or elsewhere." And again: "Should the Mexican government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance."

On this point the language of the protocol is free from ambiguity; but, if it were otherwise, is there any individual American or Mexican who would place such a construction upon it as to convert it into a vain attempt to revive this article which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States or

the Mexican minister for foreign affairs ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the protocol is plain. It is simply that the nullification of this article was not intended to destroy valid legitimate titles to land which existed, and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to "preserve the legal value which they may possess." The refusal to revive grants which had become extinct was not to invalidate those which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the protocol, is manifest from the fact that, whilst they struck from the treaty this unjust article, they at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that, "in the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States."

Without any stipulation in the treaty to this effect, all such valid titles, under the Mexican government, would have been protected under the constitution and laws of the United States.

The third and last explanation contained in the protocol is that, "the government of the United States, by suppressing the concluding paragraph of article twelfth of the treaty, did not intend to deprive the Mexican republic of the free and unrestrained faculty of ceding, conveying or transferring, at any time, (as it may judge best,) the sum of the twelve millions of dollars which the same government of the United States is to deliver in the places designated by the amended article."

The concluding paragraph of the original twelfth article, thus suppressed by the Senate, is in the following language, "certificates in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States."

From this bare statement of facts, the meaning of the protocol is obvious. Although the Senate had declined to create a government stock for the twelve millions of dollars, and issue transferable certificates for the amount, in such sums as the Mexican government might desire; yet they could not have intended thereby to deprive that government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debtor, whatever this may be worth, according to his will and pleasure.

It cannot be doubted, that the twelfth article of the treaty, as

it now stands, contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican republic twelve millions of dollars, in four equal annual instalments of three millions each. This obligation may be assigned by the Mexican government to any person whatever; but the assignee in such case would stand in no better condition than the government. The amendment of the Senate, prohibiting the issue of a government transferable stock for the amount, produces this effect and no more.

The protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money, in case the consideration should fail, which is stated on the face of the obligation.

With this view of the whole protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it varied from the terms of the treaty as amended by the Senate, although it would, even then, have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican minister for foreign affairs, and communicated in a despatch to the State Department.

JAMES K. POLK.

WASHINGTON, *February 8, 1849.*

DEPARTMENT OF STATE,
Washington, February 8, 1849.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 5th instant, requesting the President to communicate to that House a correct copy of the original treaty of Guadalupe Hidalgo; of the instructions of this government to commissioners A. H. Sevier and N. Clifford, together with such other correspondence as appertains to said treaty, has the honor to lay before the President the papers mentioned in the subjoined list, which embrace all the papers in this department called for by the resolution.

Respectfully submitted.

JAMES BUCHANAN.

To the PRESIDENT of the *United States.*

List of papers accompanying the report of the Secretary of State to the President, 8th February, 1849.

Original treaty of Guadalupe Hidalgo.
Treaty as amended by the Senate.

- Mr. Buchanan to the minister of foreign relations of the Mexican republic, March 18, 1848.
- Mr. Buchanan to Mr. Sevier, March 18, 1848.
- Same to Mr. Clifford, March 18, 1848.
- Same to Messrs. Sevier and Clifford, March 22, 1848.
- Mr. Clifford to Mr. Buchanan, March 26, 1848.
- Same to same, April 2, 1848.
- Same to same, April 12, 1848.
- Mr. Sevier to same, April 18, 1848.
- Messrs. Sevier and Clifford to same, May 7, 1848.
- Same to Mr. De la Rosa, April 17, 1848.
- Mr. De la Rosa to Messrs. Sevier and Clifford, (translation,) April 19, 1848.
- Messrs. Sevier and Clifford to Mr. De la Rosa, April 22, 1848.
- Mr. De la Rosa to Messrs. Sevier and Clifford, (translation,) April 26, 1848.
- Messrs. Sevier and Clifford to Mr. De la Rosa, April 29, 1848.
- Same to Mr. Buchanan, May 14, 1848.
- Message of President Peña y Peña to the Mexican congress, (translation.)
- Mr. De la Rosa to Messrs. Sevier and Clifford, (translation,) May 9, 1848.
- Messrs. Sevier and Clifford to Mr. Buchanan, May 15, 1848.
- Same to same, May 21, 1848.
- Same to same, May 21, 1848.
- Mr. De la Rosa to Messrs. Sevier and Clifford, (translation,) May 19, 1848.
- Messrs. Sevier and Clifford to Mr. De la Rosa, May 21, 1848.
- Same to Mr. Buchanan, May 25, 1848.
- Same to same, May 30, 1848.
- Address of the commissioners of the United States to the president of the Mexican republic on delivering their credentials.
- Reply of the president, (translation.)
- Protocol.
- Translation of the ratification, by the Mexican executive, of the treaty of Guadalupe Hidalgo, as amended by the Senate of the United States.
- Mr. Buchanan to Mr. Walker, March 15, 1848.
- Mr. Walker to Mr. Buchanan, (with enclosures,) March 16, 1848.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN
THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC,
CONCLUDED AT GUADALUPE HIDALGO, ON THE 2^d DAY OF FEBRUARY,
IN THE YEAR 1848.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Conto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States; and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place; and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the

En el nombre de Dios Todo Poderoso:

Los Estados Unidos Mexicanos y los Estados Unidos de America, animados de un sincero deseo de poner termino a las calamidades de la guerra que desgraciadamente existe entre ambas republicas, y de establecer sobre bases solidas relaciones de paz y buena amistad, que procuren reciprocas ventajas a los ciudadanos de uno y otro pais, y afianzen la concordia, armonia y mutua seguridad en que deben vivir, como buenos vecinos, los dos pueblos han nombrado a este efecto sus respectivos plenipotenciarios; a saber, el Presidente de la republica Mexicana a Don Bernardo Conto, Don Miguel Atristain, y Don Luis Gonzaga Cuevas, ciudadanos de la misma republica; y el Presidente de los Estados Unidos de America a Don Nicolas P. Trist, ciudadano de dichos Estados; quienes despues de haberse comunicado sus plenos poderes, bajo la proteccion del Senor Dios Todo Poderoso, auto: de la paz, han ajustado, conenido, y firmado el siguiente

Tratado de paz, amistad, limites y arreglo definitivo entre la republica Mexicana y los Estados Unidos de America.

ARTICULO I.

Habra paz firme y universal entre la republica Mexicana y los Estados Unidos de America, y entre sus respectivos paises, territorios, ciudades, villas, y pueblos, sin excepcion de lugares o personas.

ARTICULO II.

Luego que se firme el presente tratado, habra un convenio entre el comisionado u comisionados del gobierno Mexicano, y el o los que nombre el general-en-gefe de las fuerzas de los Estados Unidos, para que cesen provisionalmente las hostilidades, y se establezca en los lugares ocupados por las mismas fuerzas el orden constitucional en lo politico, administrativo, y judicial, en cuanto lo permitan las circunstancias de ocupacion militar.

ARTICULO III.

Luego que este tratado sea ratificado por el gobierno de los Estados Unidos, se expediran ordenes a sus comandantes de tierra y

commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the

mar previniendo a estos segundos (siempre que el tratado haya sido ya ratificado por el gobierno de la republica Mexicana,) que inmediatamente alcen el bloqueo de todos los puertos Mexicanos, y mandando a los primeros (bajo la misma condicion) que a la mayor posible brevedad comiencen a retirar todas las tropas de los Estados Unidos que se hallaran entonces en el interior de la republica Mexicana, a puntos que se eligiran de comun acuerdo, y que no distaran de los puertos mas de treinta leguas; esta evacuacion del interior de la republica se consumera con la menor dilacion posible, comprometiendose a la vez el gobierno Mexicano a facilitar, cuanto quepa en su arbitrio, la evacuacion de las tropas Americanas; a hacer comodas su marcha y su permanencia en los nuevos puntos que se elijan; y a promover una buena inteligencia entre ellos y los habitantes. Igualmente se ubran ordenes a las personas en cargadas de las aduanas maritimas en todos los puertos ocupados por las fuerzas de los Estados Unidos, previniendoles (bajo la misma condicion) que pongan inmediatamente en posesion de dichas aduanas a las personas autorizadas por el gobierno Mexicano para recibir las, entregandoles al mismo tiempo todas las obligaciones y constancias de deudas pendientes por derechos de importacion y exportacion, cuyos plazos no esten vencidos. Ademas se formara una cuenta fiel y exacta que manifieste el total monto de los derechos de importacion y exportacion, recandados en las mismas aduanas maritimas o en cualquiera otro lugar de Mexico por autoridad de los Estados Unidos desde el dia de la ratificacion de este tratado por el gobierno de la republica Mexicana; y tambien una cuenta de los gastos de recandacion; y la total suma de los derechos cotrados, deducidos solamente los gastos de recandacion, se entregara al gobierno Mexicano en la ciudad de Mexico a los tres meses del cange de las ratificaciones.

La evacuacion de la capital de la republica Mexicana por las tropas de los Estados Unidos, en consecuencia de lo que queda estipulado, se completara al mes de recibirse por el comandante de dichas tropas las ordenes convenidas en el presente articulo, o antes si fuere posible.

ARTICULO IV.

Luego que se verifique el cange de las ratificaciones del presente tratado, todos los castillos, fortalezas, territorios, lugares, y posesiones que hayan tomado u ocupado las fuerzas de los Estados Unidos, en la presente guerra, dentro de los limites que por el siguiente articulo van a fijarse a la republica Mexicana, se devolveran definitivamente a la misma republica, con toda la artilleria armas, aparejos de guerra, municiones, y cualquiera otra propiedad publica existentes en dichos castillos y fortalezas, cuando fueron tomados, y que se conserve en ellos al tiempo de ratificarse por el gobierno de la republica Mexicana el presente tratado. A este efecto, in-

signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the

mediatamente despues que se firme, se expediran ordenes a los oficiales Americanos que mandan dichos castillos y fortalezas para asegurar toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad publica, la cual no podra en adelante removerse de donde se halla, ni destruirse. La ciudad de Mexico dentro de la linea interior de atrincheramientos que la circundan queda comprendida en la precedente estipulacion en lo que toca a la devolucion de artilleria, aparejos de guerra, etc.

La final evacuacion del territorio de la republica Mexicana por las fuerzas de los Estados Unidos quedara consumada a los tres meses del cange de las ratificaciones, o antes si fuere posible, comprometiendose a la vez el gobierno Mexicano, como en el articulo anterior, a usar de todos los medios que esten en su poder para facilitar la tal evacuacion, hacerla comoda a las tropas Americanas, y promover entre ellas y los habitantes una buena inteligencia.

Sin embargo, si la ratificacion del presente tratado por ambas partes no tuviera efecto en tiempo que permita que el embarque de las tropas de los Estados Unidos se complete, antes de que comience la estacion malsana en los puertos Mexicanos del golfo de Mexico; en tal caso, se hara un arreglo amistoso entre el gobierno Mexicano y el general-en-efe de dichas tropas, y por medio de este arreglo se senalaran lugares salubres y convenientes (que no disten de los puertos mas de treinta leguas) para que residan en ellos hasta la vuelta de la estacion sana las tropas que aun no se hayan embarcado. Y queda entendido que el espacio de tiempo de que aqui se habla, como comprensivo de la estacion malsana, se extiende desde el dia primero de Mayo hasta el dia primero de Noviembre.

Todos los prisioneros de guerra tomados en mar o tierra por ambas partes, se restituiran a la mayor brevedad posible despues del cange de las ratificaciones del presente tratado. Queda tambien convenido que se algunos Mexicanos estuvieren ahora cautivos en poder de alguna tribu salvaje dentro de los limites que por el siguiente articulo van a fijarse a los Estados Unidos, el gobierno de los mismos Estados Unidos exigira su libertad y los hara restituir a su pais.

ARTICULO V.

La linea divisoria entre las dos republicas comenzara en el golfo de Mexico, tres leguas fuera de tierra frente a la desembocadura del Rio Grande, llamado por otro nombre Rio Bravo del Norte, o del mas profundo de sus brazos, si en la desembocadura tuviere varios brazos: corra por mitad de dicho rio, siguiendo el canal mas profundo, donde tenga mas de un canal, hasta el punto en que dicho rio corta el lindero meridional de Nuevo Mexico; continuara luego hacia occidente por todo este lindero meridional (que corre al norte del pueblo llamado *Paso*) hasta su termino por el lado de occidente: desde alli subira la linea divisoria hacia el

western line of New Mexico, until it intersects the first branch of the River Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence, down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map, entitled "*Map of the United Mexican States, as organized and defined by various acts of Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell.*" Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each in conformity with its own constitution.

norte por el lindero occidental de Nuevo Mexico, hasta donde esta lindero este cortado por el primer brazo del rio Gila; (y si no esta cortado por ningun brazo del rio Gila, entonces hasta el punto del mismo lindero occidental mas cercano al tal brazo, y de alli en una linea recta al mismo brazo;) continuara despues por mitad de este brazo y del rio Gila hasta su confluencia con el rio Colorado; y desde la confluencia de ambos rios la linea divisoria, cortando el Colorado, seguira el limite que separa la Alta de la Baja California hasta el mar Pacifico.

Los linderos meridional y occidental de Nuevo Mexico, de que habla este articulo, son los que se marcan en la carta titulada: *Mapa de los Estados Unidos de Mexico segun lo organizado y definido por las varias actas del Congreso de dicha republica, y construido por las mejores autoridades. Edicion revisada que publico en Nueva York, en 1847, J. Disturnell;* de la cual se agrega un ejemplar al presente tratado, firmado y sellado por los plenipotenciarios infrascriptos. Y para evitar toda dificultad al trazar sobre la tierra el limite que separa la Alta de la Baja California, queda convenido que dicho limite consistira en una linea recta tirada desde la mitad del rio Gila en el punto donde se une con el Colorado, hasta un punto en la costa del mar Pacifico, distante una legua marina al sur del punto mas meridional del puerto de San Diego, segun este puerto esta dibujado en el plano que levanto el ano de 1782 el segundo piloto de la armada Espanola Don Juan Pantoja, y se publico en Madrid el de 1802, en el Atlas para el viage de las goletas *Sutil* y *Mexicana*, del cual plano se agrega copia firmada y sellada por los plenipotenciarios respectivos.

Para consignar la linea divisoria con la precision debida en mapas fehacientes, y para establecer sobre la tierra mojones que pongan a la vista los limites de ambas republicas, segun quedan destritos en el presente articulo, nombrara cada uno de los dos gobiernos un comisario y un agrimensor, que se juntaran antes del termino de un ano contado desde la fecha del cange de las ratificaciones de este tratado, en el puerto de San Diego, y procederan a senalar y demarcar la expresada linea divisoria en todo su curso hasta la desembocadura del Rio Bravo del Norte. Llevaran diarios y levantaran planos de sus operaciones: y el resultado convenido por ellos se tendra por parte de este tratado, y tendra la misma fuerza que si estuviese inserto en el; debiendo convenir amistosamente los dos gobiernos en el arreglo de cuanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

La linea divisoria que se establece por este articulo sera religiosamente respetada por cada una de las dos republicas, y ninguna variacion se hara jamas en ella, sino de expreso y libre consentimiento de ambas naciones, otorgado legalmente por el gobierno general de cada una de ellas, con arreglo a su propia constitucion.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article: it being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being

ARTICULO VI.

Los buques y ciudadanos de los Estados Unidos tendran en todo tiempo un libre y no interrumpido transito por el golfo de California y por el rio Colorado desde su confluencia con el Gila, para sus posesiones y desde sus posesiones sitas al norte de la linea divisoria que queda marcada en el articulo precedente; entendiendose que este transito se ha de hacer navegando por el golfo de California y por el Rio Colorado, y no por tierra, sin expreso consentimiento del gobierno Mediano.

Si por reconocimientos que se practiquen se comprobare la posibilidad y conveniencia de construir un camino, canal, o ferrocarril, que en todo o en parte corra sobre el rio Gila o sobre alguna de sus margenes derecha o izquierda en la latitud de una legua marina de uno o de otro lado del rio, los gobiernos de ambas republicas se pondran de acuerdo sobre su construccion a fin de que sirva igualmente para el uso y provecho de ambos paises.

ARTICULO VII.

Como el rio Gila y la parte del Rio Bravo del Norte que corre bajo el lindero meridional de Nuevo Mexico se dividen por mitad entre las dos republicas, segun lo establecido en el articulo quinto, la navegacion en el Gila y en la parte que queda indicada del Bravo, sera libre y comun a los buques y ciudadanos de ambos paises, sin que por alguno de ellos pueda hacerse (sin consentimiento del otro) ninguna obra que impida o interrumpa en todo o en parte el ejercicio de este derecho, ni aun con motivo de favorecer nuevos metodos de navegacion. Tampoco se podra cobrar (sino en el caso de desembarco en alguna de sus riberas) ningun impuesto o contribucion bajo ninguna denominacion o titulo a los buques, efectos, mercancias o personas que naveguen en dichos rios. Si para hacerlos o mantenerlos navegables fuere necesario o conveniente establecer alguna contribucion o impuesto, no podra esto hacerse sin el consentimiento de los dos gobiernos.

Las estipulaciones contenidas en el presente articulo dejan ilesos los derechos territoriales de una y otra republica dentro de los limites que les quedan marcados.

ARTICULO VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes a Mexico, y que quedan para lo futuro dentro de los limites señalados por el presente tratado a los Estados Unidos, podran permanecer en donde ahora habitan, o trasladarse en cualquier tiempo a la republica Mexicana, conservando en los indicados territorios los bienes que poseen, o enagenandolos y pasando su valor a donde les convenga, sin que por esto pueda

subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of the citizens of the United States. In the mean time they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States, and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French republic and the crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all the ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses, and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support, or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American government, or as subject to be by it disposed of, or diverted to other uses.

Finally, the relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical

exigirseles ningun genero de contribucion, gravamen o impuesto.

Los que prefieran permanecer en los indicados territorios, podran conservar el titulo y derechos de ciudadanos Mexicanos, o adquirir el titulo y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una y otra ciudadanía deberan hacerla dentro de un ano contado desde la fecha del cange de las ratificaciones de este tratado. Y los que permanecieren en los indicados territorios despues de transcurrido el ano, sin haber declarado su intencion de retener el caracter de Mexicanos, se considerara que han elegido ser ciudadanos de los Estados Unidos.

Las propiedades de todo genero existentes en los expresados territorios, y que pertenecen ahora a Mexicanos no establecidos en ellos, seran respetadas inviolablemente. Sus actuales duenos, los herederos de estos, y los Mexicanos que en lo venidero puedan adquirir por contrato las indicadas propiedades, disfrutaran respecto de ellas tan amplia garantia, como si perteneciesen a ciudadanos de los Estados Unidos.

ARTICULO IX.

Los Mexicanos que en los territorios antedichos no conserven el caracter de ciudadanos de la republica Mexicana segun lo estipulado en el precedente articulo, seran incorporados en la union de los Estados Unidos, y se admitiran lo mas pronto posible, conforme a los principios de su constitucion federal, al goze de la plenitud de derechos de ciudadanos de dichos Estados Unidos. En el entretanto seran mantenidos y protegidos en el goze de su libertad de su propiedad y de los derechos civiles que hoy tienen segun las leyes Mexicanas. En lo respectivo a derechos politicos, su condicion sera igual a la de los habitantes de los otros territorios de los Estados Unidos, y tan buena a lo menos como la de los habitantes de la Luisiana y las Floridas cuando estas provincias por las cesiones que de ellas hicieron la republica Francesa y la corona de Espana posaron a ser territorios de la Union Norte Americana.

Desfrutaran igualmente la mas amplia garantia todos los eclesiasticos, corporaciones y comunidades religiosas, tanto en el desempeño de las funciones de su ministerio, como en el goze de su propiedad de todo genero, bien pertenezca esta a las personas en particular, bien a las corporaciones. La dicha garantia se extendera a todos los templos, casas y edificios dedicados al culto Catolico Romano, asi como a los bienes destinados a su mantenimiento y al de las escuelas, hospitales, y demas fundaciones de caridad y beneficencia. Ninguna propiedad de esta clase se considerara que ha pasado a ser propiedad del gobierno Americano, o que puede este disponer de ella o destinarla a otros usos.

Finalmente, las relaciones y comunicacion de los Catolicos existentes en los predichos territorios, con sus respectivas autoridades eclesiasticas, seran francas, libres, y sin em-

authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty; and this freedom shall continue so long as a new demarkation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic church.

ARTICLE X.

All grants of land made by the Mexican government, or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which, the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this article.

The foregoing stipulation in regard to grantees of land in Texas is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and, in default of the fulfilment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

The Mexican government declares that no grant whatever of lands in Texas has been made since the second day of March, one thousand eight hundred and thirty-six; and that no grant whatever of lands, in any of the territories aforesaid, has been made since the thirteenth day of May, one thousand eight hundred and forty-six.

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whenever this may be necessary; and that when they cannot be prevented, they shall be pun-

barazo alguno, aun cuando las dichas autoridades tengan su residencia dentro de los limites que quedan señalados por el presente tratado a la republica Mexicana, mientras no se haga una nueva demarcacion de distritos eclesiasticos, con arreglo a las leyes de la iglesia Catolica Romana.

ARTICULO X.

Todas las concesiones de tierra hechas por el gobierno Mexicano, o por las autoridades competentes en territorios que pertenecieron antes a Mexico, y quedan para lo futuro dentro de los limites de los Estados Unidos, seran respetadas como validas, con la misma extension con que lo serian si los indicados territorios permanecieran dentro de los limites de Mexico. Pero los concesionarios de tierras en tejas, que hubieren tomado posesion de ellas, y que por razon de las circunstancias del pais desde que comenzaron las desavenencias entre el gobierno Mexicano y Tejas, hayan estado impedidos de llenar todas las condiciones de sus concesiones, tendran la obligacion de cumplir las mismas condiciones, dentro de los plazos señalados en aquellas respectivamente, pero contados ahora desde la fecha del cange de las ratificaciones de este tratado; por falta de lo cual, las mismas concesiones no seran obligatorias para el Estado de Tejas en virtud de las estipulaciones contenidas en este articulo.

La interir estipulacion respecto de los concesionarios de tierras en Tejas, se extiende a todos los concesionarios de tierras en los indicados territorios fuera de Tejas, que hubieren tomado posesion de dichas concesiones; y por falta de cumplimiento de las condiciones de alguna de aquellas dentro del nuevo plazo que empieza a correr el dia del cange de las ratificaciones del presente tratado, segun lo estipulado arriba, seran las mismas concesiones nulas y de ningun valor.

El gobierno Mexicano declara que no se ha hecho ninguna concesion de tierras en Tejas desde el dia dos de Marzo de mil ochocientos treinta y seis; y que tampoco se ha hecho ninguna en los otros territorios mencionados despues del trece de Mayo de mil ochocientos cuarenta y seis.

ARTICULO XI.

En atencion a que una gran parte de los territorios que por el presente tratado van a quedar para lo futuro dentro de los limites de los Estados Unidos, se halla actualmente ocupada por tribus salvajes, que han de estar en adelante bajo la exclusiva autoridad del gobierno de los Estados Unidos, y cuyas incursiones sobre los distritos Mexicanos serian en extremo perjudiciales, esta solemnemente convenido que el mismo gobierno de los Estados Unidos, contendra las indicadas incursiones por medio de la fuerza siempre que asi sea necesario; y cuando no pudiere

ished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians; nor to provide such Indians with fire-arms or ammunition, by sale or otherwise.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as de-

prevenir las, castigar y escarmentara a los invasores, exigiendoles ademas la debida reparacion: todo del mismo modo, y con la misma diligencia, y energia con que obraria, si las incursiones se hubiesen meditado o ejecutado sobre territorios suyos o contra sus propios ciudadanos.

A ningun habitante de los Estados Unidos sera lícito, bajo ningun pretexto, comprar o adquirir cautivo alguno, Mexicano o extranjero, residente en Mexico, apresado por los Indios habitantes en territorio de cualquiera de las dos republicas, ni los caballos, mulas, ganados, o cualquiera otro genero de cosas que hayan robado dentro del territorio Mexicano; ni en fin venderles o ministrarles bajo cualquier titulo armas de fuego o municiones.

Y en caso de que cualquier persona o personas cautivadas por los Indios dentro del territorio Mexicano sean llevadas al territorio de los Estados Unidos, el gobierno de dichos Estados Unidos se compromete y liga de la manera mas solemne, en cuanto le sea posible, a rescatarlas, y a restituir las a su pais, o entregarlas al agente o representante del gobierno Mexicano; haciendo todo esto, tan luego como sepa que los dichos cautivos se hallan dentro de su territorio, y empleando al efecto el lealejercicio de su influencia y poder. Las autoridades Mexicanas daran a las de los Estados Unidos, segun sea practicable, una noticia de tales cautivos; y el agente Mexicano pagara los gastos erogados en el mantenimiento y remision de los que se rescaten, los cereales entre tanto seran tratados con la mayor hospitalidad por las autoridades Americanas del lugar en que se encuentren. Mas si el gobierno de los Estados Unidos antes de recibir aviso de Mexico, tuvierá noticia por cualquiera otro conducto de existir en su territorio cautivos Mexicanos, procedera desde luego a verificar su rescate y entrega al agente Mexicano, segun queda convenido.

Con el objeto de dar a estas estipulaciones la mayor fuerza posible, y afianzar al mismo tiempo la seguridad y las reparaciones que exige el verdadero espiritu e intencion con que se han ajustado, el gobierno de los Estados Unidos dictara sin inutiles dilaciones, ahora y en lo de adelante, las leyes que requiera la naturaleza del asunto, y vigilara siempre sobre su ejecucion. Finalmente, el gobierno de los mismos Estados Unidos tendra muy presente la santidad de esta obligacion siempre que tenga que desalojar a los Indios de cualquier punto de los indicados territorios, o que establecer en el a ciudadanos suyos; y cuidara muy especialmente de que no se ponga a los Indios que ocupaban antes aquel punto, en necesidad de buscar nuevos hogares por medio de las incursiones sobre los distritos Mexicanos que el gobierno de los Estados Unidos se ha comprometido solemnemente a reprimir.

ARTICULO XII.

En consideracion a la estension que adquieren los limites de los Estados Unidos, segun

fixed in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars, in the one or the other of the two modes below specified. The Mexican government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States.

First mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this treaty by the government of the Mexican republic, and payable annually at the city of Washington; the principal of said stock to be redeemable there, at the pleasure of the government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months' public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican government, and transferable by the said government, shall be delivered to the same by that of the United States.

Second mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid. Certificates in proper form, for the said instalments, respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims al-

quedan descritos en el artículo quinto del presente tratado, el gobierno de los mismos Estados Unidos se compromete a pagar al de la republica Mexicana la suma de quince millones de pesos, de una de las dos maneras que van a explicarse. El gobierno Mexicano, al tiempo de ratificar este tratado, declarara cual de las dos maneras de pago prefriere; y a la que asi elija, se arreglara el gobierno de los Estados Unidos al verificar el pago.

Primera manera de pago: Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la republica Mexicana, se entregara al mismo gobierno por el de los Estados Unidos en la ciudad de Mexico, y en moneda de plata u oro del cunio Mexicano, la suma de tres millones de pesos. Por los doce millones de pesos restantes, los Estados Unidos crearan un fondo publico, que gozara redito de seis por ciento al ano el cual redito ha de comenzar a correr el dia que se ratifique el presente tratado por el gobierno de la republica Mexicana, y se pegara anualmente en la ciudad de Washington. El capital de dicho fondo publico sera redemible en la misma ciudad de Washington en cualquier epoca que lo disponga el gobierno de los Estados Unidos, con tal que hayan pasado dos anos contados desde el cange de las ratificaciones del presente tratado, y dandose aviso al publico con anticipacion de seis meses. Al gobierno Mexicano se entregaran por el de los Estados Unidos los bonos correspondientes a dicho fondo, extendidos en debida forma, divididos en las cantidades que senale el expresado gobierno Mexicano, y enagenables por este.

Segunda manera de pago: Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la republica Mexicana, se entregara al mismo gobierno por el de los Estados Unidos, en la ciudad de Mexico, y en moneda de plata u oro del cunio Mexicano, la suma de tres millones de pesos. Los doce millones de pesos restantes se pagaran en Mexico, en moneda de plata u oro del cunio Mexicano, en abonos de tres millones de pesos cada ano, con un redito de seis por ciento anual: este redito comienza a correr para toda la suma de los doce millones el dia de la ratificacion del presente tratado por el gobierno Mexicano, y con cada abono anual de capital se pagara el redito que corresponda a la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan a camarse los reditos. El gobierno de los Estados Unidos entregara al de la republica Mexicana pagares extendidos en debida forma, correspondientes a cada abono anual, divididos en las cantidades que senale el dicho gobierno Mexicano, y enagenables por este.

ARTICULO XIII.

Se obliga ademas el gobierno de los Estados Unidos a tomar sobre si, y satisfacer cumplidamente a los reclamantes, todas las cantidades que hasta aqui se les deben y cuantas

ready liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three: so that the Mexican republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive, provided that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said

se venzan en adelante por razon de las reclamaciones ya liquidadas y sentenciadas contra la republica Mexicana conforme a los convenios ajustados entre ambas republicas el once de Abril de mil ochocientos treinta y nueve, y el treinta de Enero de mil ochocientos cuarenta y tres; de manera que la republica Mexicana nada absolutamente tendra que lastar en lo venidero, por razon de los indicados reclamos.

ARTICULO XIV.

Tambien exoneran los Estados Unidos a la republica Mexicana de todas las reclamaciones de ciudadanos de los Estados Unidos no decididas aun contra el gobierno Mexicano, y que puedan haberse originado antes de la fecha de la prima del presente tratado; esta exoneracion es definitiva y perpetua, bien sea que las dichas reclamaciones se admitan, bien sea que se desechen por el tribunal de comisarios de que habla el articulo siguiente, y cualquiera que pueda ser el monto total de las que queden admitidas.

ARTICULO XV.

Los Estados Unidos, exonerando a Mexico de toda responsabilidad por las reclamaciones de sus ciudadanos mencionadas en el articulo precedente, y considerandolas completamente canceladas para siempre, sea cual fuere su monto, toman a su cargo satisfacerlas hasta una cantidad que no exceda de tres millones doscientos cincuenta mil pesos. Para fijar el monto y validez de estas reclamaciones, se establecera por el gobierno de los Estados Unidos un tribunal de comisarios, cuyos fallos seran definitivos y concluyentes, con tal que al decidir sobre la validez de dichas reclamaciones, el tribunal se haya guiado y gobernado por los principios y reglas de decision establecidos en los articulos primero y quinto de la convencion, no ratificada, que se ajusto en la ciudad de Mexico el veinte de Noviembre de mil ochocientos cuarenta y tres: y en ningun caso se dara fallo en favor de ninguna reclamacion que no este comprendida en las reglas y principios indicados.

Si en juicio del dicho tribunal de comisarios, o en el de los reclamantes, se necesitare para la justa decision de cualquier reclamacion algunos libros, papeles de archivo o documentos que posea el gobierno Mexicano, o que esten en su poder; los comisarios, o los reclamantes por conducto de ellos, los pediran por escrito (dentro del plazo que designe el Congreso) dirigiendose al Ministro Mexicano de Relaciones Exteriores, a quien transmitira las peticiones de esta clase el Secretario de Estado de los Estados Unidos; y el gobierno Mexicano se compromete a entregar a la mayor brevedad posible, despues de recibida cada demanda, los libros, papeles de archivo o documentos, asi especificados, que posea o esten en su poder, o copias o extractos autenticos de los mismos, con al objeto de que sean

Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein: it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

transmitidos al Secretario de Estado, qui en los pasara inmediatamente al expresado tribunal de comisarios. Y no se hara peticion alguna de los enunciados libros, papeles o documentos, por o a instancia de ningun reclamante, sin que antes se haya aseverado bajo juramento o con afirmacion solemne la verdad de los hechos que con ellos se pretende probar.

ARTICULO XVI.

Cada una de las dos republicas se reserva la completa facultad de fortificar todos los puntos que para su seguridad estime convenientes en su propio territorio.

ARTICULO XVII.

El tratado de amistad, comercio y navegacion, concluido en la ciudad de Mexico el cinco de Abril, del ano del Senor 1831, entre la republica Mexicana y los Estados Unidos de America, exceptuandose el articulo adicional y cuanto pueda haber en sus estipulaciones incompatible con alguna de las contenidas en el presente tratado, queda restablecido por el periodo de ocho anos desde el dia del cange de las ratificaciones del mismo presente tratado, con igual fuerza y valor que si estuviese inserto en el; debiendo entenderse que cada una de las partes contratantes se reserva el derecho de poner termino al dicho tratado de comercio y navegacion en cualquier tiempo luego que haya expirado el periodo de los ocho anos, comunicando su intencion a la otra parte con un ano de anticipacion.

ARTICULO XVIII.

No se exijan derechos in gravamen de ninguna clase a los articulos todos que lleguen para las tropas de los Estados Unidos a los puertos Mexicanos ocupados por ellas, antes de la evacuacion final de los mismos puertos, y despues de la devolucion a Mexico de las aduanas situadas en ellos. El gobierno de los Estados Unidos se compromete a la vez, y sobre esto empena su fe, a establecer y mantener con vigilancia cuantos guardas sean posibles para asegurar las rentas de Mexico, precaviendo la importacion, a la sombra de esta estipulacion, de cualesquiera articulos que realmente no sean necesarios, o que excedan en cantidad de los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanescan en Mexico. A este efecto, todos los oficiales y agentes de los Estados Unidos tendran obligacion de denunciar a las autoridades Mexicanas en los mismos puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudieren conocer o tuvieren motivo de sospechar; asi como de impartir a las mismas autoridades todo el auxilio que pudieren con este objeto; y cualquier conato de esa clase, que fuere legalmente probado, y declarado por sentencia de trib nal competente, sera castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

ARTICLE XIX.

ARTICULO XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, or upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals or other property exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person

Respecto de los efectos, mercancías y propiedades importados en los puertos Mexicanos durante el tiempo que han estado ocupados por las fuerzas de los Estados Unidos, sea por ciudadanos de cualquiera de las dos repúblicas, sea por ciudadanos o subditos de alguna nación neutral, se observaran las reglas siguientes:

1. Los dichos efectos, mercancías y propiedades siempre que se hayan importado antes de la devolución de las aduanas a las autoridades Mexicanas conforme a lo estipulado en el artículo tercero de este tratado, quedaran libres de la pena de comiso, aun cuando sean de los prohibidos en el arancel Mexicano.

2. La misma exencion gozaran los efectos, mercancías y propiedades que lleguen a los puertos Mexicanos, despues de la devolución a Mexico de las aduanas maritimas, y antes de que expiren los sesenta dias que van a fijarse en el artículo siguiente para que empiece a regir el arancel Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancías y propiedades, en cuanto al pago de derechos, a lo que en el indicado siguiente artículo se establece.

3. Los efectos, mercancías y propiedades designados en las dos reglas anteriores quedaran exentos de todo derecho, alcabala o impuesto, sea bajo el titulo de internacion, sea bajo cualquiera otro, mientras permanescan en los puntos donde se hayan importado, y a su salida para el interior; y en los mismos puntos no podra jamas exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancías, y propiedades, designados en las reglas primera y segunda que hayan sido internados a cualquier lugar ocupado por fuerzas de los Estados Unidos, quedaran exentos de todo derecho sobre su venta o consumo, y de todo impuesto o contribucion abajo cualquier titulo o denominacion, mientras permanescan en el mismo lugar.

5. Mas si algunos efectos, mercancías, o propiedades de los designados en las reglas primera y segunda se trasladaren a algun lugar no ocupado a la savon por las fuerzas de los Estados Unidos; al introducirse a tal lugar o al venderse o consumirse en el, quedaran sujetos a los mismos derechos que bajo las leyes Mexicanas deberian pagar en tales casos si se hubieran importado en tiempo de paz por las aduanas maritimas, y hubiesen pagado en ellas los derechos que establece el arancel Mexicano.

6. Los duenos de efectos, mercancías, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de Mexico, tienen derecho de reembarcalos, sin que pueda exigirseles ninguna clase de impuesto, alcabala o contribucion.

Respecto de los metales y de toda otra propiedad exportados por cualquier puerto Mexicano durante su ocupacion por las fuerzas Americanas, y antes de la devolución de su aduana al gobierno Mexicano, no se exi-

shall be required by the Mexican authorities, whether general or State, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggressions, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war shall unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge

gira a ninguna persona por las autoridades de México, ya dependan del gobierno general, ya de algun estado que pague ningun impuesto, alcabala o derecho por la indicada exportacion, ni sobre ella podra exigirsele por las dichas autoridades cuenta alguna.

ARTICULO XX.

Por consideracion a los intereses del comercio detoda a las naciones, queda convenido que si pasaren menos de sesenta dias desde la fecha de la firma de este tratado hasta que se haga la devolucion de las aduanas maritimas, segun lo estipulado en el articulo tercero; todos los efectos, mercancias, y propiedades que lleguen a los puertos Mexicanos desde el dia en que se verifique la devolucion de las dichas aduanas hasta que se completen sesenta dias contados desde la fecha de la firma del presente tratado, se admitiran no pagando otros derechos que los establecidos en la tarifa que este vigente en las expresadas aduanas al tiempo de su devolucion, y se extenderan a dichos efectos, mercancias, y propiedades las mismas reglas establecidas en el articulo anterior.

ARTICULO XXI.

Si desgraciadamente en el tiempo futuro se suscitare algun punto de desacuerdo entre los gobiernos de las dos republicas, bien sea sobre la inteligencia de alguna estipulacion de este tratado, bien sobre cualquiera otra materia de las relaciones politicas o comerciales de las dos naciones, los mismos gobiernos, a nombre de ellas, se comprometen a procurar de la manera mas sincera y enerosa a llanar las diferencias que se presenten y conservar el estado de paz y amistad en que ahora se ponen los dos paises, usando al efecto de representaciones mutuas y de negociaciones pacificas. Y si por estos medios no se lograre todavia ponerse de acuerdo, no por eso se apelara a represalia, agresion ni hostilidad de ningun genero de una republica contra otra, hasta que el gobierno de la que se crea agraviada haya considerado maduramente y en espiritu de paz y buena vecindad, si no seria mejor que la diferencia se terminara por un arbitramento de comisarios nombrados por ambas partes, o de una nacion amiga. Y si tal medio fuere propuesto por cualquiera de las dos partes, la otra accedera a el, a no ser que lo juzgue absolutamente incompatible con la naturaleza y circunstancias del caso.

ARTICULO XXII.

Si (lo que no es de esperarse, y Dios no permita) desgraciadamente se suscitare guerra entre las dos republicas, estas para el caso de tal calamidad se comprometen ahora

themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior;) and six months (for those dwelling at the seaports.) to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying-off all their effects without molestation or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air, and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if an officer so breaking his parole, or any

solemnemente, ante sí mismas y ante el mundo, a observar las reglas siguientes de una manera absoluta si la naturaleza del objeto a que se contraen lo permite; y tan estrictamente como sea dable en todos los casos en que la absoluta observancia de ellas fuere imposible.

1. Los comerciantes de cada una de las dos republicas que a la sazón residen en territorio de la otra, podran permanecer doce meses losque residan en el interior, y seis meses los que residan en los puertos, para recoger sus deudas y arreglar sus negocios; durante estos plazos disputaran la misma proteccion y estaran sobre el mismo pie en todos respectos que los ciudadanos o subditos de las naciones mas amigas; y al expirar el termino, o antes de el, tendran completa libertad para salir y llevar todos sus efectos sin molestia o embarazo, sujetandose en este particular a las mismas leyes a que esten sujetos, y deban arreglarse los ciudadanos o subditos de las naciones mas amigas. Cuando los ejercitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, los eclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que esten desarmados y residan en ciudades, pueblos o lugares no fortificados, y en general todas las personas cuya ocupacion sirva para la comun subsistencia y beneficio del genero humano, podran continuar en sus ejercicios, sin que sus personas sean molestadas. No seran incendiadas sus casas o bienes, o destruidos de otra manera; ni seran tomados sus ganados, ni devastados sus campos por la fuerza armada en cuyo poder puedan venir a caer por los acontecimientos de la guerra; pero si hubiere necesidad de tomarlos alguna cosa para el uso de la misma fuerza armada, se les pagara lo tomado a un precio justo. Todas las iglesias, hospitales, escuelas, colegios, librerias, y demas establecimientos de caridad y beneficencia seran respetados; y todas las personas que dependan de los mismos seran protegidas en el desempeño de sus deberes y en la continuacion de sus profesiones.

2. Para alaviar la suerte de los prisioneros de guerra se evitara cuidadosamente, las practicas de enviarlos a distritos distantes, inclementes o malsanos, o de aglomerarlos en lugares estrechos y enfermizos. No se confinaran en calabosos, prisiones ni pontones; no se les ahorrrojara, ni se les atara, ni se les impedira de ningun otro modo el uso de sus miembros. Los oficiales que daran en libertad bajo su palabra de honor, dentro de distritos convenientes y tendran alojamientos comodoss; y los soldados rasos se colocaran en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojaran en cuarteles tan amplios y comodoss como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltarea su palabra, saliendo del distrito que se le ha senalado; o algun otro prisionero se fugare de los limites de su acantonamiento despues que estos se les hayan fijado, tal oficial o prisionero perderra el beneficio del pre-

common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican republic, with the previous approbation of its General Congress: and the ratifications shall be exchanged in the city of Washington, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 BERNARDO CONTO, [L. s.]
 MIG. ATRISTAIN, [L. s.]

sente artículo por lo que niera a su libertad bajo su palabra o en acantonamiento; y si algun oficial faltando así a su palabra, o algun soldado raso saliendo de los limites que se le han asignado, fuere encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva sera tratada conforme a las leyes comunes de la guerra. A los oficiales se proveera diariamente por la parte en cuyo poder esten, de tantas, raciones compuestas de los mismos articulos como las que gozau en especie o en equivalente los oficiales de la misma graduacion en su propio exercito: a todos los demas prisioneros se proveera diariamente de una racion semejante a la que se ministra al soldado raso en su propio servicio; el valor de todas estas suministraciones se pagara por la otra parte al concluirse la guerra, o en los periodos que se convengan entre sus respectivos comandantes, precediendo una mutua liquidacion de las cuentas que se lleven del mantenimiento de prisioneros; tales cuentas no se mezclaran ni compensaran con otras; ni el saldo que resulte de ellas, se reusara bajo pretesto de compensacion o represalia por cualquiera causa, real o fingida. Cada una de las partes podra mantener un comisario de prisioneros nombrado per ella misma en cada acantonamiento de los prisioneros que esten en poder de la otra parte; este comisario visitara a los prisioneros siempre que quiera; tendra facultad de recibir, libres de todo derecho o impuesto, y de distribuir todos los auxilios que pueden enviarles sus amigos, y libremente transmitir sus partes en cartas abiertas a la autoridad por la cual esta empleado.

Y se declara que ni el pretesto de que la guerra destruye los tratados, ni otro alguno, sea el que fuere, se considerara que anula o suspende el pacto solemne contenido en este articulo. Por el contrario, el estado de guerra es cabalmente el que se ha tenido presente al ajustarlo, y durante el cual sus estipulaciones se han de observar tan santamente como las obligaciones mas reconocidas de la ley natural o de gentes.

ARTICULO XXIII.

Este tratado sera ratificado por el Presidente de la republica Mexicana, previa la aprobacion de su Congreso General; y por el Presidente de los Estados Unidos de America con el consejo y consentimiento del Senado; y las ratificaciones se cangearan en la ciudad Washington a los cuatro meses de la fecha de la firma del mismo tratado, o antes si fuere posible.

En fe de lo cual, nosotros los respectivos plenipotenciarios hemos firmado y sellado por quintuplicado este tratado de paz, amistad, limites, y arreglo definitivo, en la ciudad de Guadalupe Hidalgo, el dia dos de Febrero del ano de nuestro Señor mil ochocientos cuarento y ocho.

BERNARDO CONTO, [L. s.]
 MIG. ATRISTAIN, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 N. P. TRIST, [L. s.]

Additional and secret article of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, signed this day by their respective plenipotentiaries.

In view of the possibility that the exchange of the ratifications of this treaty may, by the circumstances in which the Mexican republic is placed, be delayed longer than the term of four months fixed by its twenty-third article for the exchange of ratifications of the same, it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

This article is to have the same force and virtue as if inserted in the treaty to which this is an addition.

In faith whereof, we, the respective plenipotentiaries, have signed this additional and secret article, and have hereunto affixed our seals, respectively. Done in quintuplicate at city of Guadalupe Hidalgo, on the second day of February, in the year of Lord one thousand eight hundred and forty-eight.

N. P. TRIST, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 BERNARDO CONTO, [L. s.]
 MIG. ATRISTAIN, [L. s.]

Articulo adicional y secreto del tratado de paz, amistad, limites, y arreglo definitivo entre la republica Mexicana y los Estados Unidos de America, firmado hoy por sus respectivos plenipotencarios.

En atencion a la posibilidad de que el cange de las ratificaciones de este tratado se demore mas del termino de cuatro meses fijados en su articulo veinte y tres; por las circunstancias en que se encuentra la republica Mexicana, queda convenido que tal demora no efactara de ningun modo la fuerza y validez del mismo tratado, si no excediere de ocho meses contados desde la fecha de su firma.

Este articulo tendra la misma fuerza y valor que si estuviese inserto en el tratado de que es parte adicional.

En fe de lo cual, nosotros los respectivos plenipotenciaros hemos firmado y sellado este articulo adicional y secreto. Hecho por quintuplicado en la ciudad de Gaudalupe Hidalgo, el dia dos de Febrero del ano de nuestro Senor mil ochocientos cuarento y ocho.

BERNARDO CONTO, [L. s.]
 MIG. ARISTAIN, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 N. P. TRIST, [L. s.]

TREATY AS AMENDED BY THE SENATE.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC. DATED AT GUADALUPE HIDALGO, THE 2^D FEBRUARY, 1848; RATIFIED BY THE PRESIDENT UNITED STATES, 16TH MARCH, 1848; EXCHANGED AT QUERETARO, 30TH MAY, 1848; PROCLAIMED BY THE PRESIDENT UNITED STATES, 4TH JULY, 1848.

By the President of the United States of America — A proclamation.

WHEREAS, a treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic, was concluded and signed at the city of Guadalupe Hidalgo on the second day of February, one thousand eight hundred and forty-eight, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows :

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Conto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

En el nombre de Dios Todo Poderoso: 1

Los Estados Unidos Mexicanos y los Estados Unidos de America, animados de un sincero deseo de poner termino a las calamidades de la guerra que desgraciadamente existe entre ambas republicas, y de establecer sobre bases solidas relaciones de paz y buena amistad, que procuren reciprocas ventajas a los ciudadanos de uno y otro pais, y afianzen la concordia, armonia y mutua seguridad en que deben vivir, como buenos vecinos, los dos pueblos han nombrado a este efecto sus respectivos plenipotenciarios; a saber, el Presidente de la republica Mexicana a Don Bernardo Conto, Don Miguel Atristain, y Don Luis Gonzaga Cuevas, ciudadanos de la misma republica; y el Presidente de los Estados Unidos de America a Don Nicolas P. Trist, ciudadano de dichos Estados; quienes despues de haberse comunicado sus plenos poderes, bajo la proteccion del Senor Dios Todo Poderoso, auto: de la paz, han ajustado, conenido, y firmado el siguiente

Treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

Tratado de paz, amistad, limites y arreglo definitivo entre la republica Mexicana y los Estados Unidos de America.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICULO I.

Habra paz firme y universal entre la republica Mexicana y los Estados Unidos de America, y entre sus respectivos paises, territorios, ciudades, villas, y pueblos, sin escepcion de lugares o personas.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICULO II.

Luego que se firme el presente tratado, habra un convenio entre el comisionado u comisionados del gobierno Mexicano, y el o los que nombre el general-en-efe de las fuerzas de los Estados Unidos, para que cesen provisionalmente las hostilidades, y se establezca en los lugares ocupados por las mismas fuerzas el orden constitucional en lo politico, administrativo, y judicial, en cuanto lo permitan las circunstancias de ocupacion militar.

ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the

ARTICULO III.

Luego que este tratado sea ratificado por el gobierno de los Estados Unidos, se expediran ordenes a sus comandantes de tierra y

commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the

mar previniendo a estos segundos (siempre que el tratado haya sido ya ratificado por el gobierno de la republica Mexicana, y cangeadas las ratificaciones) que inmediatamente alean el bloqueo de todos los puertos Mexicanos, y mandando a los primeros (bajo la misma condicion) que a la mayor posible brevedad comiencen a retirar todas las tropas de los Estados Unidos que se hallaran entonces en el interior de la republica Mexicana, a puntos que se elegiran de comun acuerdo, y que no distaran de los puertos mas de treinta leguas; esta evacuacion del interior de la republica se consumera con la menor dilacion posible, comprometiendose a la vez el gobierno Mexicano a facilitar, cuanto quepa en su arbitrio, la evacuacion de las tropas Americanas; a hacer comodas su marcha y su permanencia en los nuevos puntos que se elijan; y a promover una buena inteligencia entre ellos y los habitantes. Igualmente se ubraran ordenes a las personas en cargadas de las aduanas maritimas en todos los puertos ocupados por las fuerzas de los Estados Unidos, previniendoles (bajo la misma condicion) que pongan inmediatamente en posesion de dichas aduanas a las personas autorizadas por el gobierno Mexicano para recibirlas, entregandoles al mismo tiempo todas las obligaciones y constancias de deudas pendientes por derechos de importacion y exportacion, cuyos plazos no esten vencidos. Ademas se formara una cuenta fiel y exacta que manifieste el total monto de los derechos de importacion y exportacion, recandados en las mismas aduanas maritimas o en cualquiera otro lugar de Mexico por autoridad de los Estados Unidos desde el dia de la ratificacion de este tratado por el gobierno de la republica Mexicana; y tambien una cuenta de los gastos de recandacion; y la total suma de los derechos cotrados, deducidos solamente los gastos de recandacion, se entregara al gobierno Mexicano en la ciudad de Mexico a los tres meses del cange de las ratificaciones.

La evacuacion de la capital de la republica Mexicana por las tropas de los Estados Unidos, en consecuencia de lo que queda estipulado, se completara al mes de recibirse por el comandante de dichas tropas las ordenes convenidas en el presente articulo, o antes si fuere posible.

ARTICULO IV.

Luego que se verifique el cange de las ratificaciones del presente tratado, todos los castillos, fortalezas, territorios, lugares, y posesiones que hayan tomado u ocupado las fuerzas de los Estados Unidos, en la presente guerra, dentro de los limites que por el siguiente articulo van a fijarse a la republica Mexicana, se devolveran definitivamente a la misma republica, con toda la artilleria armas, aparejos de guerra, municiones, y cualquiera otra propiedad publica existentes en dichos castillos y fortalezas, cuando fueron tomados, y que se conserve en ellos al tiempo de ratificarse por el gobierno de la republica Mexicana el presente tratado. A este efecto, in-

signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the

mediatamente despues que se firme, se expediran ordenes a los oficiales Americanos que mandan dichos castillos y fortalezas para asegurar toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad publica, la cual no podra en adelante removerse de donde se halla, ni destruirse. La ciudad de Mexico dentro de la linea interior de atrincheramientos que la circundan queda comprendida en la precedente estipulacion en lo que toca a la devolucion de artilleria, aparejos de guerra, etc.

La final evacuacion del territorio de la republica Mexicana por las fuerzas de los Estados Unidos quedara consumada a los tres meses del cange de las ratificaciones, o antes si fuere posible, comprometiendose a la vez el gobierno Mexicano, como en el articulo anterior, a usar de todos los medios que esten en su poder para facilitar la tal evacuacion, hacerla comoda a las tropas Americanas, y promover entre ellas y los habitantes una buena inteligencia.

Si embargo, si la ratificacion del presente tratado por ambas partes no tuviera efecto en tiempo que permita que el embarque de las tropas de los Estados Unidos se complete, antes de que comience la estacion malsana en los puertos Mexicanos del golfo de Mexico; en tal caso, se hara un arreglo amistoso entre el gobierno Mexicano y el general-en-gefe de dichas tropas, y por medio de este arreglo se senalaran lugares salubres y convenientes (que no disten de los puertos mas de treinta leguas) para que residan en ellos hasta la vuelta de la estacion sana las tropas que aun no se hayan embarcado. Y queda entendido que el espacio de tiempo de que aqui se habla, como comprensivo de la estacion malsana, se extiende desde el dia primero de Mayo hasta el dia primero de Noviembre.

Todos los prisioneros de guerra tomados en mar o tierra por ambas partes, se restituiran a la mayor brevedad posible despues del cange de las ratificaciones del presente tratado. Queda tambien convenido que se algunos Mexicanos estuvieren ahora cautivos en poder de alguna tribu salvaje dentro de los limites que por el siguiente articulo van a fijarse a los Estados Unidos, el gobierno de los mismos Estados Unidos exigira su libertad y los hara restituir a su pais.

ARTICULO V.

La linea divisoria entre las dos republicas comenzara en el golfo de Mexico, tres leguas fuera de tierra frente a la desembocadura del Rio Grande, llamado por otro nombre Rio Bravo del Norte, o del mas profundo de sus brazos, si en la desembocadura tuviere varios brazos: corra por mitad de dicho rio, siguiendo el canal mas profundo, donde tenga mas de un canal, hasta el punto en que dicho rio corta el lindero meridional de Nuevo Mexico; continuara luego hacia occidente por todo este lindero meridional (que corre al norte del pueblo llamado *Paso*) hasta su termino por el lado de occidente: desde alli subira la linea divisoria hacia el

western line of New Mexico, until it intersects the first branch of the River Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence, down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map, entitled "*Map of the United Mexican States, as organized and defined by various acts of Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell.*" Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each in conformity with its own constitution.

norte por el lindero occidental de Nuevo Mexico, hasta donde esta lindero este cortado por el primer brazo del rio Gila; (y si no esta cortado por ningun brazo del rio Gila, entonces hasta el punto del mismo lindero occidental mas cercano al tal brazo, y de alli en una linea recta al mismo brazo;) continuara despues por mitad de este brazo y del rio Gila hasta su confluencia con el rio Colorado: y desde la confluencia de ambos rios la linea divisoria, cortando el Colorado, seguira el limite que separa la Alta de la Baja California hasta el mar Pacifico.

Los linderos meridional y occidental de Nuevo Mexico, de que habla este articulo, son los que se marcan en la carta titulada: *Mapa de los Estados Unidos de Mexico segun lo organizado y definido por las varias actas del Congreso de dicha republica, y construido por las mejores autoridades. Edicion revisada que publico en Nueva York, en 1847, J. Disturnell*; de la cual se agrega un ejemplar al presente tratado, firmado y sellado por los plenipotenciarios infrascriptos. Y para evitar toda dificultad al trazar sobre la tierra el limite que separa la Alta de la Baja California, queda convenido que dicho limite consistira en una linea recta tirada desde la mitad del rio Gila en el punto donde se une con el Colorado, hasta un punto en la costa del mar Pacifico, distante una legua marina al sur del punto mas meridional del puerto de San Diego, segun este puerto esta dibujado en el plano que levanto el ano de 1782 el segundo piloto de la armada Espanola Don Juan Pantoja, y se publico en Madrid el de 1802, en el Atlas para el viage de las goletas *Sutil* y *Mexicana*, del cual plano se agrega copia firmada y sellada por los plenipotenciarios respectivos.

Para consignar la linea divisoria con la precision debida en mapas fehacientes, y para establecer sobre la tierra mojones que pongan a la vista los limites de ambas republicas, segun quedan descritos en el presente articulo, nombrara cada uno de los dos gobiernos un comisario y un agrimensor, que se juntaran antes del termino de un ano contado desde la fecha del cange de las ratificaciones de este tratado, en el puerto de San Diego, y procederan a senalar y demarcar la expresada linea divisoria en todo su curso hasta la desembocadura del Rio Bravo del Norte. Llevaran diarios y levantaran planos de sus operaciones: y el resultado convenido por ellos se tendra por parte de este tratado, y tendra la misma fuerza que si estuviere inserto en el; debiendo convenir amistosamente los dos gobiernos en el arreglo de cuanto necesitan estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

La linea divisoria que se establece por este articulo sera religiosamente respetada por cada una de las dos republicas, y ninguna variacion se hara jamas en ella, sino de expreso y libre consentimiento de ambas naciones, otorgado legalmente por el gobierno general de cada una de ellas, con arreglo a su propia constitucion.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article: it being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being

ARTICULO VI.

Los buques y ciudadanos de los Estados Unidos tendran en todo tiempo un libre y no interrumpido transito por el golfo de California y por el rio Colorado desde su confluencia con el Gila, para sus posesiones y desde sus posesiones sitas al norte de la linea divisoria que queda marcada en el articulo precedente; entendiendose que este transito se ha de hacer navegando por el golfo de California y por el Rio Colorado, y no por tierra, sin expreso consentimiento del gobierno Mexicano.

Si por reconocimientos que se practiquen se comprobare la posibilidad y conveniencia de construir un camino, canal, o ferro-carril, que en todo o en parte corra sobre el rio Gila o sobre alguna de sus margenes derecha o izquierda en la latitud de una legua marina de uno o de otro lado del rio, los gobiernos de ambas republicas se pondran de acuerdo sobre su construccion a fin de que sirva igualmente para el uso y provecho de ambos paises.

ARTICULO VII.

Como el rio Gila y la parte del Rio Bravo del Norte que corre bajo el lindero meridional de Nuevo Mexico se dividen por mitad entre las dos republicas, la navegacion en el articulo quinto, la navegacion en el Gila y en la parte que queda indicada del Bravo, sera libre y comun a los buques y ciudadanos de ambos paises, sin que por alguno de ellos pueda hacerse (sin consentimiento del otro) ninguna obra que impida o interrumpa en todo o en parte el ejercicio de este derecho, ni aun con motivo de favorecer nuevos metodos de navegacion. Tampoco se podra cobrar (sino en el caso de desembarco en alguna de sus riberas) ningun impuesto o contribucion bajo ninguna denominacion o titulo a los buques, efectos, mercancias o personas que naveguen en dichos rios. Si para hacerlos o mantenerlos navegables fuere necesario o conveniente establecer alguna contribucion o impuesto, no podra esto hacerse sin el consentimiento de los dos gobiernos.

Las estipulaciones contenidas en el presente articulo dejan ileos los derechos territoriales de una y otra republica dentro de los limites que les quedan marcados.

ARTICULO VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes a Mexico, y que quedan para lo futuro dentro de los limites señalados por el presente tratado a los Estados Unidos, podran permanecer en donde ahora habitan, o trasladarse en cualquier tiempo a la republica Mexicana, conservando en los indicados territorios los bienes que poseen, o enagenandolos y pasando su valor a donde les convenga, sin que por esto pueda

subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico, would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whenever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

exigirseles ningun genero de contribucion, gravamen o impuesto.

Los que prefieran permanecer en los indicados territorios, podran conserva el titulo y derechos de ciudadanos Mexicanos, o adquirir el titulo y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una y otra ciudadanía deberan hacerla dentro de un ano contado desde la fecha del cange de las ratificaciones de este tratado. Y los que permanecieren en los indicados territorios despues de trãnscurrido el ano, sin haber declarado su intencion de retener el caracter de Mexicanos, se considerara que han elegido ser ciudadanos de los Estados Unidos.

Las propiedades de todo genero existentes en los expresados territorios, y que pertenecen ahora a Mexicanos no establecidos en ellos, seran respetadas inviolablemente. Sus actuales duenos, los herederos de estos, y los Mexicanos que en lo venidero puedan adquirir por contrato las indicadas propiedades, disfrutaran respecto de ellas tan amplia garantía, como si perteneciesen a ciudadanos de los Estados Unidos.

ARTICULO IX.

Los Mexicanos que en los territorios aledichos no conserven el caracter de ciudadanos de la republica Mexicana segun lo estipulado en el articulo preecedente, seran incorporados en la union de los Estados Unidos, y se admitiran en tiempo oportuno (a juicio del Congreso de los Estados Unidos) al goce de todos los derechos de ciudadanos de los Estados Unidos conforme a los principios de la constitucion; y entretanto seran mantenidos y protegidos en el goce de su libertad y propiedad, y asegurados en el libre ejercicio de su religion sin restriccion alguna.

ARTICULO X.

[Suprimido.]

ARTICULO XI.

En atencion a que una gran parte de los territorios que por el presente tratado van a quedar para lo futuro dentro de los limites de los Estados Unidos, se halla actualmente ocupada por tribus salvages, que han de estar en adelante bajo la exclusiva autoridad del gobierno de los Estados Unidos, y cuyas incursiones sobre los distritos Mexicanos serian en extremo perjudiciales; esta solemnemente conviendo que el mismo gobierno de los Estados Unidos contendra las indicadas incursiones per medio de la fuerza siempre que asi sea necesario; y cuando no puidere prevenirlas, castigara y escrmentara a los invasores, exigiendoles ademas la debida reparacion: todo del mismo modo, y con la misma diligencia y energia con que obraria, si las incursiones se hibiesen meditado o ejecutado sobre territorios, suyos o contra sus propios ciudadanos.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican

A ningún habitante de los Estados Unidos sera lícito, bajo ningún pretexto, comprar o adquirir cautivo alguno, Mexicano o extranjero, residente en Mexico, apresado por los Indios habitantes en territorio de cualquiera de las dos republicas, ni los caballos, mulas, ganados, o cualquiera otro genero de cosas que hayan robado dentro del territorio Mexicano.

Y en caso de que cualquier persona o personas cautivadas por los Indios dentro del territorio Mexicano sean llevadas al territorio de los Estados Unidos, el gobierno de dichos Estados Unidos se compromete y liga de la manera mas solemne, en cuanto le sea posible, a rescatarlas, y a restituir las a su pais, o entregarlas al agente o representante del gobierno Mexicano; haciendo todo esto, tan luego como sepa que los dichos cautivos se hallan dentro de su territorio, y empleando al efecto el lealejercicio de su influencia y poder. Las autoridades Mexicanas daran a las de los Estados Unidos, segun sea practicable, una noticia de tales cautivos; y el agente Mexicano pagara los gastos erogados en el mantenimiento y remision de los que se rescaten, los cereales entre tanto seran tratados con la mayor hospitalidad por las autoridades Americanas del lugar en que se encuentren. Mas si el gobierno de los Estados Unidos antes de recibir aviso de Mexico, tuviera noticia por cualquiera otro conducto de existir en su territorio cautivos Mexicanos, procedera desde luego a verificar su rescate y entrega al agente Mexicano, segun queda convenido.

Con el objeto de dar a estas estipulaciones la mayor fuerza posible, y afianzar al mismo tiempo la seguridad y las reparaciones que exige el verdadero espíritu e intencion con que se han ajustado, el gobierno de los Estados Unidos dictara sin inutiles delaciones, ahora y en lo de adelante, las leyes que requiera la naturaleza del asunto, y vigilara siempre sobre su ejecucion. Finalmente, el gobierno de los mismos Estados Unidos tendra muy presente la cantidad de esta obligacion siempre que tenga que desalojar a los Indios de cualquier punto de los indicados territorios, o que establecer en el a ciudadanos suyos; y cuidara muy especialmente de que no se ponga a los Indios que ocupaban antes aquel punto, en necesidad de buscar nuevos hogares por medio de las incursiones sobre los distritos Mexicanos que el gobierno de los Estados Unidos se ha comprometido solemnemente a reprimir.

ARTICULO XII.

En consideracion a la estension que adquieren los limites de los Estados Unidos, segun quedan descritos en el articulo quinto del presente tratado, el gobierno de los mismos Estados Unidos se compromete a pagar al de la republica Mexicana la suma de quince millones de pesos.

Inmediatamente despues que este tratado

republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three: so that the Mexican republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims; a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive, provided that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision pre-

haya sido ratificado por el gobierno de la republica Mexicana, se entregara al mismo gobierno por el de los Estados Unidos, en la ciudad de Mexico, y en moneda de plata u oro del cunio Mexicano, la suma de tres millones de pesos. Los doce millones de pesos restantes se pagaran en Mexico, en moneda de plata u oro del cunio Mexicano, en abonos de tres millones de pesos cada ano, con un redito de seis por ciento anual: este redito comienza a correr para toda la suma de los doce millones el dia de la ratificacion del presente tratado por el gobierno Mexicano, y con cada abono anual de capital se pagara el redito que corresponda a la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan a camarse los renditos.

ARTICULO XIII.

Se obliga ademas el gobierno de los Estados Unidos a tomar sobre si, y satisfacer cumplidamente a los reclamantes, todas las cantidades que hasta aqui se les deben y cuantas se venzan en adelante por razon de las reclamaciones ya liquidadas y sentenciadas contra la republica Mexicana conforme a los convenios ajustados entre ambas republicas el once de Abril de mil ochocientos treinta y nueve, y el treinta de Enero de mil ochocientos cuarenta y tres; de manera que la republica Mexicana nada absolutamente tendra que lastar en lo venidero, por razon de los indicados reclamos.

ARTICULO XIV.

Tambien exoneran los Estados Unidos a la republica Mexicana de todas las reclamaciones de ciudadanos de los Estados Unidos no decididas aun contra el gobierno Mexicano, y que puedan haberse originado antes de la fecha de la prima del presente tratado; esta exoneracion es definitiva y perpetua, bien sea que las dichas reclamaciones se admitan, bien sea que se desechen por el tribunal de comisarios de que habla el articulo siguiente, y cualquiera que pueda ser el monto total de las que queden admitidas.

ARTICULO XV.

Los Estados Unidos, exonerando a Mexico de toda responsabilidad por las reclamaciones de sus ciudadanos mencionadas en el articulo precedente, y considerandolas completamente canceladas para siempre, sea cual fuere su monto, toman a su cargo satisfacerlas hasta una cantidad que no exceda de tres millones doscientos cincuenta mil pesos. Para fijar el monto y validez de estas reclamaciones, se establecera por el gobierno de los Estados Unidos un tribunal de comisarios, cuyos fallos seran definitivos y concluyentes, con tal que al decidir sobre la validez de dichas reclamaciones; el tribunal se haya guiado y gobernado por los principios y reglas de decision es-

scribed by the first and fifth articles of the unratified convention concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein: it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to

tablecidos en los articulos primero y quinto de la convencion, no ratificada, que se ajusto en la ciudad de Mexico el veinte de Noviembre de mil ochocientos cuarenta y tres: y en ningun caso se dara fallo en favor de ninguna reclamacion que no este comprendida en las reglas y principios indicados.

Si en juicio del dicho tribunal de comisarios, o en el de los reclamantes, se necesitare para la justa decision de cualquier reclamacion algunos libros, papeles de archivo o documentos que posea el gobierno Mexicano, o que esten en su poder; los comisarios, o los reclamantes por conducto de ellos, los pedirán por escrito (dentro del plazo que designe el Congreso) dirigiendose al Ministro Mexicano de Relaciones Exteriores, a quien transmitira las peticiones de esta clase el Secretario de Estado de los Estados Unidos: y el gobierno Mexicano se compromete a entregar, a la mayor brevedad posible, despues de recibida cada demanda, los libros, papeles de archivo o documentos, asi especificados, que posea o esten en su poder, o copias o extractos autenticos de los mismos, con al objeto de que sean transmitidos al Secretario de Estado, qui en los pasara inmediatamente al expresado tribunal de comisarios. Y no se hara peticion alguna de los enunciados libros, papeles o documentos, por o a instancia de ningun reclamante, sin que antes se haya aseverado bajo juramento o con afirmacion solemne la verdad de los hechos que con ellos se pretende probar.

ARTICULO XVI.

Cada una de las dos republicas se reserva la completa facultad de fortificar todos los puntos que para su seguridad estime convenientes en su propio territorio.

ARTICULO XVII.

El tratado de amistad, comereio y navegacion, concluido en la ciudad de Mexico el cinco de Abril, del ano del Senor 1831, entre la republica Mexicana y los Estados Unidos de America, exceptuandose el articulo adicional y cuanto pueda haber en sus estipulaciones incompatible con alguna de las contenidas en el presente tratado, queda restablecido por el periodo de ocho anos desde el dia del cange de las ratificaciones del mismo presente tratado, con igual fuerza y valor que si estuviese inserto en el; debiendo entenderse que cada una de las partes contratantes se reserva el derecho de poner termino al dicho tratado de comercio y navegacion en cualquier tiempo luego que haya expirado el periodo de los ocho anos, comunicando su intencion a la otra parte con un ano de anticipacion.

ARTICULO XVIII.

No se exigan derechos in gravamen de ninguna clase a los articulos todos que lleguen para las tropas de los Estados Unidos a los puertos Mexicanos ocupados por ellas, antes

the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt

de la evacuacion final de los mismos puertos, y despues de la devolucion a Mexico de las aduanas situadas en ellos. El gobierno de los Estados Unidos se compromete a la vez, y sobre esto empena su fe, a establecer y mantener con vigilancia cuantos guardas sean posibles para asegurar las rentas de Mexico, precaviendo la importacion, a la sombra de esta estipulacion, de cualesquiera articulos que realmente no sean necesarios, o que excedan en cantidad de los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanescan en Mexico. A este efecto, todos los oficiales y agentes de los Estados Unidos tendran obligacion de denunciar a las autoridades Mexicanas en los mismos puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudieren conocer o tuvieren motivo de sospechar; asi como de impartir a las mismas autoridades todo el auxilio que pudieren con este objeto: y cualquier conato de esa clase, que fuere legalmente probado, y declarado por sentencia de tribunal competente, sera castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

ARTICULO XIX.

Respecto de los efectos, mercancias y propiedades importados en los puertos Mexicanos durante el tiempo que han estado ocupados por las fuerzas de los Estados Unidos, sea por ciudadanos de cualquiera de las dos republicas, sea por ciudadanos o subditos de alguna nacion neutral, se observaran las reglas siguientes:

1. Los dichos efectos, mercancias y propiedades siempre que se hayan importado antes de la devolucion de las aduanas a las autoridades Mexicanas conforme a lo estipulado en el articulo tercero de este tratado, quedaran libres de la pena de comiso, aun cuando sean de los prohibidos en el arancel Mexicano.

2. La misma exencion gozaran los efectos, mercancias y propiedades que lleguen a los puertos Mexicanos, despues de la devolucion a Mexico de las aduanas maritimas, y antes de que expiren los sesenta dias que van a fijarse en el articulo siguiente para que empiece a regir el arancel Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancias y propiedades, en cuanto al pago de derechos, a lo que en el indicado siguiente articulo se establece.

3. Los efectos, mercancias y propiedades designados en las dos reglas anteriores quedaran exentos de todo derecho, alcabala o impuesto, sea bajo el titulo de internacion, sea bajo cualquiera otro, mientras permanescan en los puntos donde se hayan importado, y a su salida para el interior; y en los mismos puntos no podra jamas exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancias, y propiedades, designados en las reglas primera y segunda que hayan sido internados a cualquier lugar ocupado por fuerzas de los Estados Unidos,

from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals or other property exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or State, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the

quedaran exentos de todo derecho sobre su venta o consumo, y de todo impuesto o contribucion abajo cualquier titulo o denominacion, mientras permanescan en el mismo lugar.

5. Mas si algunos efectos, mercancias, o propiedades de los designados en las reglas primera y segunda se trasladaren a algun lugar no ocupado a la savon por las fuerzas de los Estados Unidos; al introducirse a tal lugar o al venderse o consumirse en el, quedaran sujetos a los mismos derechos que bajo las leyes Mexicanas deberian pagar en tales casos si se hubieran importado en tiempo de paz por las aduanas maritimas, y hubiesen pagado en ellas los derechos que establece el arancel Mexicano.

6. Los duenos de efectos, mercancias, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de Mexico, tienen derecho de reembarcarlos, sin que pueda exigirseles ninguna clase de impuesto, alcabala o contribucion.

Respecto de los metales y de toda otra propiedad exportados por cualquier puerto Mexicano durante su ocupacion por las fuerzas Americanas, y antes de la devolucion de su aduana al gobierno Mexicano, no se exigira a ninguna persona por las autoridades de Mexico, ya dependan del gobierno general, ya de algun estado que pague ningun impuesto, alcabala o derecho por la indicada exportacion, ni sobre ella podra exigirsele por las dichas autoridades cuenta alguna.

ARTICULO XX.

Por consideracion a los intereses del comercio de toda a las naciones, queda convenido que si pasaren menos de sesenta dias desde la fecha de la firma de este tratado hasta que se haga la devolucion de las aduanas maritimas, segun lo estipulado en el articulo tercero; todos los efectos, mercancias, y propiedades que lleguen a los puertos Mexicanos desde el dia en que se verifique la devolucion de las dichas aduanas hasta que se complete sesenta dias contados desde la fecha de la firma del presente tratado, se admitiran no pagando otros derechos que los establecidos en la tarifa que este vigente en las expresadas aduanas al tiempo de su devolucion, y se extenderan a dichos efectos, mercancias, y propiedades las mismas reglas establecidas en el articulo anterior.

ARTICULO XXI.

Si desgraciadamente en el tiempo futuro se suscitare algun punto de desacuerdo entre los gobiernos de las dos republicas, bien sea sobre la inteligencia de alguna estipulacion de este tratado, bien sobre cualquiera otra materia de las relaciones politicas o comerciales de las dos naciones, los mismos gobiernos, a nombre de ellas, se comprometen a procurar de la manera mas sincera y empenosa a llanar las diferencias que se presenten y conservar el estado de paz y amistad en

state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggressions, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons

que ahora se ponen los dos países, usando a efecto de representaciones mutuas y de negociaciones pacificas. Y si por estos medios no se lograre todavia ponerse de acuerdo, no por eso se apelara a represalia, agresion ni hostilidad de ningun genero de una republica contra otra, hasta que el gobierno de la que se crea agraviada haya considerado maduramente y en espiritu de paz y buena vecindad, si no seria mejor que la diferencia se terminara por un arbitramento de comisarios nombrados por ambas partes, o de una nacion amiga. Y si tal medio fuere propuesto por cualquiera de las dos partes, la otra accedera a el, a no ser que lo juzgue absolutamente incompatible con la naturaleza y circunstancias del caso.

ARTICULO XXII.

Si (lo que no es de esperarse, y Dios no permita) desgraciadamente se suscitare guerra entre las dos republicas, estas para el caso de tal calamidad se comprometen ahora solemnemente, ante si mismas y ante el mundo, a observar las reglas siguientes de una manera absoluta si la naturaleza del objeto a que se contraen lo permite; y tan estrictamente como sea dable en todos los casos en que la absoluta observancia de ellas fuere imposible.

1. Los comerciantes de cada una de las dos republicas que a la sazón residan en territorio de la otra, podran permanecer doce meses los que residan en el interior, y seis meses los que residan en los puertos, para recoger sus deudas y arreglar sus negocios; durante estos plazos disputaran la misma proteccion y estaran sobre el mismo pie en todos respectos que los ciudadanos o subditos de las naciones mas amigas; y al expirar el termino, o antes de el, tendran completa libertad para salir y llevar todos sus efectos sin molestia o embarazo, sujetandose en este particular a las mismas leyes a que esten sujetos, y deban arreglarse los ciudadanos o subditos de las naciones mas amigas. Cuando los ejercitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, los eclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que esten desarmados y residan en ciudades, pueblos o lugares no fortificados, y en general todas las personas cuya ocupacion sirva para la comun subsistencia y beneficio del genero humano, podran continuar en sus ejercicios, sin que sus personas sean molestadas. No seran incendiadas sus casas o bienes, o destruidos de otra manera; ni seran tomados sus ganados, ni devastados sus campos por la fuerza armada en cuyo poder puedan venir a caer por los acontecimientos de la guerra; pero si hubiere necesidad de tomarlos alguna cosa para el uso de la misma fuerza armada, se les pagara lo tomado a un precio justo. Todas las ig-

connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if an officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or

lesias, hospitales, escuelas, colegios, librerías, y demas establecimientos de caridad y beneficencia seran respetados; y todas las personas que dependan de los mismos seran protegidas en el de sempeno de sus deberes y en la continuation de sus profesiones.

2. Para aliviar la suerte de los prisioneros de guerra se evitara cuidadosamente, las practicas de enviarlos a distritos distantes, inclementes o malsanos, o de aglomerarlos en lugares estrechos y enfermizos. No se confinara en calabozos, prisiones ni pontones, ni se les ahorrara, ni se les atara, ni se les impedira de ningun otro modo el uso de sus miembros. Los oficiales que daran en libertad bajo su palabra de honor, dentro de distritos convenientes y tendran alojamientos comodis; y los soldados rasos se colocaran en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojara en cuarteles tan amplios y comodis como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltarea su palabra, saliendo del distrito que se le ha senalado; o algun otro prisionero se fugare de los limites de su acantonamiento despues que estos se les hayan fijado; tal oficial o prisionero perdera el beneficio del presente articulo por lo que niera a su libertad bajo su palabra o en acantonamiento; y si algun oficial faltando asi a su palabra, o algun soldado raso saliendo de los limites que se le han asignado, fuere encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva sera tratada conforme a las leyes comunes de la guerra. A los oficiales se proveera diariamente por la parte en cuyo poder esten, de tantas, raciones compuestas de los mismos articulos como las que gozau en especie o en equivalente los oficiales de la misma graduacion en su propio ejercito: a todos los demas prisioneros se proveera diariamente de una racion semeiante a la que se ministra al soldado raso en su propio servicio; el valor de todas estas suministraciones se pagara por la otra parte al concluirse la guerra, o en los periodos que se convengan entre sus respectivos comandantes, precediendo una mutua liquidacion de las cuentas que se lleva del mantenimiento de prisioneros; y tales cuentas no se mezclaran ni compensaran con otras; ni el saldo que resulte de ellas, se reusara bajo pretesto de compensacion o represalia por cualquiera causa, real o figurada. Cada una de las partes podra mantener un comisario de prisioneros nombrado por ella misma en cada acantonamiento de los prisioneros que esten en poder de la otra parte; este comisario visitara a los prisioneros siempre que quiera; tendra facultad de recibir, libres de todo derecho o impuesto, y de distribuir todos los auxilios que pueden enviarles sus amigos, y libremente transmitir sus partes en cartas abiertas a la autoridad por la cual esta empleado.

Y se declara que ni el pretesto de que la guerra destruye los tratados, ni otro alguno, sea el que fuere, se considerara que anula o

suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican republic, with the previous approbation of its General Congress: and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 BERNARDO CONTO, [L. s.]
 MIG. ATRISTAIN, [L. s.]

suspende el pacto solemne contenido en este articulo. Por el contrario, el estado de guerra es cabalmente el que se ha tenido presente al ajustarlo, y durante el cual sus estipulaciones se han de observar tan santamente como las obligaciones mas reconocidas de la ley natural o de gentes.

ARTICULO XXIII.

Este tratado sera ratificado por el Presidente de la republica Mexicana, previa la aprobacion de su Congreso General; y por el Presidente de los Estados Unidos de America con el consejo y consentimiento del Senado; y las ratificaciones se cangearan en la ciudad de Washington o donde estuviere el gobierno Mexicano a los cuatro meses de la fecha de la firma del mismo tratado, o antes si fuere posible.

En fe de lo cual, nosotros los respectivos plenipotenciarios hemos firmado y sellado por quintuplicado este tratado de paz, amistad, limites, y arreglo definitivo, en la ciudad de Guadalupe Hidalgo, el dia dos de Febrero del ano de nuestro Señor mil ochocientos cuarento y ocho.

BERNARDO CONTO, [L. s.]
 MIG. ATRISTAIN, [L. s.]
 LUIS G. CUEVAS, [L. s.]
 N. P. TRIST, [L. s.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the government of the United States, and by Senor Don Louis de la Rosa, minister of relations of the Mexican republic, on the part of that government:

Now, therefore, be it known, that I, JAMES K. POLK, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fourth day of July, one thousand eight hundred and forty-eight, and of the Independence of the United States the seventy-third.

JAMES K. POLK.

BY THE PRESIDENT:
 JAMES BUCHANAN, *Secretary of State.*

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and fifth articles of the unratified convention between the United States and the Mexican republic of the 20th November, 1843.

ARTICLE I.

All claims of citizens of the Mexican republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican republic, which for whatever cause were not submitted to, nor considered, nor finally decided by the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in the presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the government of the Mexican republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

ARTICULO I.

Todas las reclamaciones de ciudadanos de la republica Mexicana contra el Gobierno de los Estados Unidos, que se presentaren del modo y en el tiempo que en adelante se espresa, y todas las reclamaciones de ciudadanos de los Estados Unidos contra el gobierno de la republica Mexicana, que por cualquier motivo no se presentaron a la junta o que no fueron examinadas o decididas finalmente por ella o por el arbitro establecido por la convencion de 1839, y que se presentaren del modo y en el tiempo que en adelante se espesara se someteran a cuatro comisionados que formaran junta, y seran nombrados del modo siguiente, a saber: Dos comisionados seran nombrados por el Presidente de la republica Mexicana, y los otros dos lo seran por el Presidente de los Estados Unidos, con consentimiento y aprobacion del Senado de los mismos. Los dichos comisionados, de ese modo nombrados prestaran juramento en presencia unos de otros, de examinar y decidir imparcialmente las reclamaciones que se les sometan, y que legalmente deban considerarse segun las pruebas que se les presentaren y segun los principios de derecho y justicia de la ley de las naciones y de los tratados entre ambas republicas.

ARTICULO V.

Todas las reclamaciones de ciudadanos de los Estados Unidos contra el gobierno de la republica Mexicana, que fueron examinadas por los comisionados y sometidas al arbitro nombrado con arreglo a la convencion de once de Abril de 1839, y que no fueron por el decididas, se someteran y decidiran por el arbitro que debe nombrarse conforme a esta convencion por lo relativo a los puntos que se sujetaron al arbitro establecido por la anterior convencion, y su decision sera final y definitiva. A la vez se ha convenido que, si se juzga oportuno por los comisionados respectivos, podran someterse por ellos al espresado arbitro, nuevas esposiciones sobre dichas reclamaciones.

Mr. Buchanan to the Minister of Foreign Relations of the Mexican republic.

DEPARTMENT OF STATE,
Washington, 18th March, 1848.

SIR: Two years have nearly passed away since our republics have been engaged in war. Causes, which it would now be vain, if not hurtful, to recapitulate, have produced this calamity. Under the blessing of a kind Providence, this war, I trust, is about to terminate, and, hereafter, instead of the two nations doing each other all the harm they can, their mutual energies will be devoted to promote each other's welfare, by the pursuits of peace and of commerce. I must cordially congratulate you on the cheering prospect. This will become a reality as soon as the Mexican government shall approve the treaty of peace between the two nations, concluded at Guadalupe Hidalgo on the 2d February last, with the amendments thereto, which have been adopted by the Senate of the United States.

The President, in the exercise of his constitutional discretion, a few days after this treaty was received, submitted it to the Senate for their consideration and advice as to its ratification.

Your excellency is doubtless aware that, under the constitution of the United States, "the advice and consent of the Senate" is necessary to the validity of all treaties, and that this must be given by a majority of two-thirds of the Senators present. Every treaty must receive the sanction of this august executive council, in the manner prescribed by the constitution, before it can be binding on the United States.

The Senate commenced their deliberations on this treaty on the 23d February last, and continued to discuss its provisions until the 10th instant, (March,) when they finally advised and consented to its ratification by a majority of thirty-eight to fourteen. Your excellency will perceive that a change of four votes, taken from the majority and added to the minority, would have defeated the treaty.

I have now the honor to transmit you a printed copy of the treaty, with a copy in manuscript of the amendments and final proceedings of the Senate upon it. This is done to hasten, with as little delay as practicable, the blessed consummation of peace, by placing in the possession of the Mexican government, at as early a period as possible, all the information which they may require to guide their deliberations.

In recurring to the amendments adopted by the Senate, it affords me sincere satisfaction to observe that none of the leading features of the treaty have been changed. Neither the delineation of the boundaries between the two republics, nor the consideration to be paid to Mexico for the extension of the boundaries of the United States, nor the obligation of the latter to restrain the Indians within their limits from committing hostilities on the territories of Mexico, nor, indeed, any other stipulation of national importance to either of the parties has been stricken from the treaty by the

Senate. In all these important features it remains substantially as it was, when it came from the hands of the negotiators.

The first amendment adopted by the Senate is to insert in article three, after the words "Mexican republic," where they first occur, the words, "*and the ratifications exchanged.*"

Under this article, as it originally stood, the blockades were to cease, and the troops of the United States were to commence the evacuation of the Mexican territory immediately upon the ratification of the treaty by both governments. The amendment requires, in addition, that these ratifications shall have been first exchanged.

The object of this amendment doubtless was to provide against the possibility that the American Senate and the Mexican Congress might ratify the treaty—the first in its amended, and the latter in its original, form; in which event, peace would not thereby be concluded. Besides, it was known that this amendment could produce no delay, as, under the amendment of the Senate to the 23d article, the ratifications of the treaty may be exchanged at the seat of government of Mexico the moment after the Mexican government and Congress shall have accepted the treaty, as amended by the Senate of the United States.

The second amendment of the Senate is to strike out the 9th article, and insert the following in lieu thereof:

"ARTICLE 9. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

This article is substantially the same with the original 9th article; but it avoids unnecessary prolixity, and accords with the former safe precedents of this government in the treaties by which we acquired Louisiana from France, and Florida from Spain.

The Louisiana treaty of the 30th April, 1803, contains the following article:

"ARTICLE 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Again: In the Florida treaty of 22d February, 1819, the following articles are contained:

"ARTICLE 5. *The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restri*

and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject in either case to duties."

"ARTICLE 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty, shall be incorporated in the Union of the United States as soon as may be, consistent with the principle of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States."

Under these treaties with France and Spain, the free and flourishing States of Louisiana, Missouri, Arkansas, Iowa, and Florida, have been admitted into the Union; and no complaint has ever been made by the original or other inhabitants that their civil or religious rights have not been amply protected. The property belonging to the different churches in the United States is held as sacred by our constitution and laws as the property of individuals; and every individual enjoys the inalienable right of worshipping his God according to the dictates of his own conscience. The Catholic church in this country would not, if they could, change their position in this particular.

After the successful experience of nearly half a century, the Senate did not deem it advisable to adopt any new form for the ninth article of the treaty; and surely the Mexican government ought to be content with an article similar to those which have proved satisfactory to the governments of France and Spain and to all the inhabitants of Louisiana and Florida, both of which were Catholic provinces.

I ought, perhaps, here to note a modification in the 9th article, as adopted by the Senate, of the analogous articles of the Louisiana and Florida treaties. Under this modification, the inhabitants of the ceded territories are to be admitted into the Union "at the proper time, (to be judged of by the Congress of the United States,)" &c.

Congress, under all circumstances and under all treaties, are the sole judges of this proper time; because they, and they alone, under the federal constitution, have power to admit new States into the Union. That they will always exercise this power, as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the federal treasury can alone be relieved from the expense of supporting territorial governments. Besides, Congress will never lend a deaf ear to a people anxious to enjoy the privilege of self government. Their application to become a State or States of the Union will be granted the moment this can be done with safety.

The third amendment of the Senate strikes from the treaty the 10th article.

It is truly unaccountable how this article should have found a place in the treaty. That portion of it in regard to lands in Texas, did not receive a single vote in the Senate. If it were adopted it would be a mere nullity on the face of the treaty; and the judges of our courts would be compelled to disregard it. It is

our glory that no human power exists in this country which can deprive one individual of his property without his consent, and transfer it to another. If grantees of lands in Texas, under the Mexican government, possess valid titles, they can maintain their claims before our courts of justice. If they have forfeited their grants by not complying with the conditions on which they were made, it is beyond the power of this government, in any mode of action, to render these titles valid either against Texas or any individual proprietor. To resuscitate such grants, and to allow the grantees the same period after the exchange of the ratifications of this treaty, to which they were originally entitled for the purpose of performing the conditions on which these grants had been made, even if this could be accomplished by the power of the government of the United States, would work manifold injustice.

These Mexican grants, it is understood, cover nearly the whole sea coast and a large portion of the interior of Texas. They embrace thriving villages and a great number of cultivated farms, the proprietors of which have acquired them honestly by purchase from the State of Texas. These proprietors are now dwelling in peace and security. To revive dead titles and suffer the inhabitants of Texas to be ejected under them from their possessions would be an act of flagrant injustice if not wanton cruelty. Fortunately, this government possesses no power to adopt such a proceeding. The same observations equally apply to such grantees in New Mexico and Upper California.

The present treaty provides amply and specifically in its 8th and 9th articles for the security of property of every kind belonging to Mexicans, whether held under Mexican grants or otherwise, in the acquired territory. The property of foreigners under our constitution and laws will be equally secure without any treaty stipulation. The 10th article could have no effect upon such grantees as had forfeited their claims, but that of involving them in endless litigation under the vain hope that a treaty might cure the defects in their titles against honest purchasers and owners of the soil.

And here it may be worthy of observation, that if no stipulation whatever were contained in the treaty to secure to the Mexican inhabitants and all others protection in the free enjoyment of their liberty, property and the religion which they profess, these would be amply guaranteed by the constitution and laws of the United States. These invaluable blessings, under our form of government, do not result from treaty stipulations; but from the very nature and character of our institutions.

The 4th amendment of the Senate is, to strike from the 11th article the following words: "nor to provide such Indians with fire-arms or ammunition by sale or otherwise."

This amendment was adopted on a principle of humanity. These Indians must live by the chase; and without fire-arms they cannot secure the means of subsistence. Indeed, for the want of such arms, the extremity of hunger and suffering might drive them to commit the very depredations which the treaty seeks to avoid, and to make incursions for food either upon the Mexican or American

settlements. This government possesses both the ability and the will to restrain the Indians within the extended limit of the United States from making incursions into the Mexican territories as well as to execute all the other stipulations of the 11th article. We believe, however, that whilst to deprive them of fire-arms and ammunition would be cruel, it might, at the same time, have a tendency to increase rather than to diminish their disposition to make hostile incursions.

The fifth amendment of the Senate to the twelfth article adopts the second mode of payment of the remaining \$12,000,000 after the payment of the first \$3,000,000, in exclusion of the first mode pointed out by the treaty. The amended article, as it stands, is as follows:

“ARTICLE 12. In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars. Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day, together with each annual instalment as it falls due; the whole interest accruing on such instalment from the beginning shall also be paid.”

It is not apprehended that the Mexican government will have any difficulty in agreeing to this amendment. It is true, that in case they should find it convenient to anticipate the receipt of the whole or any part of the \$12,000,000, they might do this more readily were a stock to be created and transferable certificates issued for small and convenient sums; but yet, no doubt is entertained that capitalists may be found who will be willing to advance any amount that might be desired, upon the faith of a treaty obligation solemnly entered into by the government of the United States.

The sixth amendment of the Senate is, to insert in the twenty-third article, after the word “Washington,” the words, “or at the seat of government of Mexico.” The object of this amendment is to hasten the final conclusion of peace between the two republics. Under it, should the President and Congress of Mexico agree to the treaty, as it has been amended by the Senate of the United States, the ratifications may be immediately thereafter exchanged at Queretaro, and the happy consummation be at once accomplished.

The seventh and last amendment of the Senate is, to strike out

the additional article. This was done from the conviction that the period of four months from the date of the treaty—the time allowed by the twenty-third article for the exchange of ratifications—would be abundantly sufficient for this purpose; and this, more especially, as the ratifications may now, under the amendment of the Senate, be exchanged in Mexico. Besides, the idea of postponing the final conclusion of peace, and keeping the present treaty pending between the two governments, until the 2d October next, could not be entertained by the Senate.

The President, by and with the advice and consent of the Senate, has appointed the honorable Ambrose H. Sevier, of the State of Arkansas, and the honorable Nathan Clifford, of the State of Maine, commissioners to Mexico, with the rank of envoy extraordinary and minister plenipotentiary. Mr. Sevier has for many years been a distinguished Senator of the United States, and for a considerable period has occupied the highly responsible station of chairman of the Committee on Foreign Relations, and Mr. Clifford is an eminent citizen of the State of Maine, is Attorney General of the United States, and a member of the President's cabinet. They will bear with them to Mexico a copy of the treaty, with the amendments of the Senate, duly ratified by the President of the United States; and have been invested, either jointly or severally, with full powers to exchange ratifications with the proper Mexican authorities.

That this final act may be speedily accomplished, and that the result may be a sincere and lasting peace and friendship between the two republics, is the ardent desire of the President and people of the United States.

I avail myself, &c., &c.,

JAMES BUCHANAN.

To his excellency the MINISTER OF FOREIGN RELATIONS
of the Mexican republic.

P. S. I regret to inform your excellency that Mr. Sevier has been seized with a sudden illness, which renders him unable to depart immediately upon his mission. The two commissioners, however, have been invested with full and equal powers to execute their instructions severally, as well as jointly, and the acts of the one will be of equal validity with the acts of both. No delay can, therefore, be experienced on this account. It is expected that Mr. Sevier will be able to leave for Mexico in a week or ten days.

Mr. Buchanan to Mr. Sevier..

[No. 1.]

DEPARTMENT OF STATE,
Washington City, March 18, 1848.

SIR: You have been appointed by the President, by and with the advice and consent of the Senate, to a most important and responsible mission. The task has thus been assigned to you of consummating the treaty of peace which was signed at Guadalupe Hi-

dalgo, on the second day of February last, between the United States and the Mexican republic, and which, on the 10th instant, was ratified by the Senate with amendments.

This brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular, the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified except by the authority of that body. Your whole duty will then consist in using every honorable effort to obtain from the Mexican government a ratification of the treaty in the form in which it has been ratified by the Senate; and this with the least practicable delay.

For this purpose, it may, and most probably will become necessary, that you should explain to the Mexican minister for foreign affairs, or to other authorized agents of the Mexican government, the reasons which have influenced the Senate in adopting their several amendments, to the treaty. This duty you will perform, as much as possible, by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification from the Mexican government of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions.

One of the principal reasons which induced me to address a note to the Mexican minister for foreign affairs, in explanation of the amendments of the Senate was to avoid delay and prevent unnecessary discussion. This note dated on the 18th instant, (with a copy of which you have been furnished,) together with your own intimate and personal knowledge of all the proceedings of the Senate upon the treaty, will enable you promptly to furnish every explanation which may be required.

Should you find it impossible, after exhausting every honorable effort for this purpose, to obtain a ratification from the President and Congress of Mexico of the treaty as it has been amended by the Senate; it may then become necessary for you, in conversation with the proper Mexican authorities, to express an opinion as to what portion of the Senate's amendments they might probably be willing to yield for the sake of restoring peace between the two republics. This will be a very delicate duty; but upon one point at least you will be relieved from all embarrassment. Neither the President nor the Senate of the United States can ever consent to ratify any treaty containing the tenth article of the treaty of Guadalupe Hidalgo, in favor of grantees of land in Texas or elsewhere. The government of the United States do not possess the power to carry such an article into execution; and if they did, it would be highly unjust and inexpedient. Should the Mexican government persist in retaining this article, then all prospect of immediate peace is ended, and of this you may give them an absolute assurance.

In regard to the amendments made by the Senate to the 12th ar-

ticle of the treaty, in relation to the mode of payment of the \$12,000,000, it is believed that the case might be different. That enlightened body would probably not insist on these amendments if it should appear that they involved the question of peace or war. That they may involve this question is not improbable; but of this you can better judge upon the spot than the President can at this distance.

It is well known that the present Mexican government are sorely straitened for want of the pecuniary means of support. Their revenues have been rightfully seized by the commanding general for the support of the United States army in Mexico; and they are thus left comparatively without resources. The Mexican government is pledged to peace. They have staked their existence upon peace. Without peace they must be destroyed. It may be, however, that they cannot sustain themselves in making peace, and executing the treaty without anticipating the receipt of the whole or a part of the \$12,000,000. Should this appear to you to be clearly the case, and that they cannot obtain the means necessary to prolong their existence under the amendments of the Senate to the 12th article, it is not supposed you would incur any risk by assuring them that the Senate would recede from these amendments.

It cannot be denied that the twelfth article, as amended by the Senate, contains a positive and unconditional obligation on the part of the United States to pay to the Mexican republic the sum of \$12,000,000, in four annual instalments of three millions each, commencing one year after the ratification of the treaty by the Mexican government. Negotiable or transferable certificates cannot, however, be issued for that amount. All that this government could possibly do under the treaty, as it now stands, would be to furnish the Mexican government with evidences of the debt, in exact conformity with the terms of the article as amended. Upon such evidences, it is believed that the Mexican government might raise the means necessary for their immediate support. In this belief the President may be mistaken, because capitalists are a timid race. Should it appear to the Senate that such would probably prove to be the fact, it is confidently believed that they would not risk a defeat of the treaty by adhering to their amendments to the twelfth article.

The remaining amendments, although doubtless highly proper, are comparatively unimportant. According to the President's understanding of that portion of the 9th article, as it originally stood, which relates to the Catholic church, it contains nothing more than an amplification of the clauses contained in the Louisiana and Florida treaties, and in the amendment of the Senate to the present treaty, providing for the security of the Catholic inhabitants, "in the free exercise of their religion without restriction." In this view of the subject, the amendment could not finally jeopard the fate of the present treaty.

It is not deemed necessary to remark particularly upon the remaining amendments.

Still I repeat, that until you find this to be unattainable, you are

to insist strenuously upon the ratification of the treaty by the Mexican government just as it has been ratified by the Senate. You might for this purpose, urge upon them the following considerations, together with others which will suggest themselves to your own mind.

1. If this be done, the war will be promptly ended, and the blessings of peace will be immediately restored. On the other hand, should the treaty be sent back to the President, to be again submitted to the Senate, this must occasion considerable delay and may altogether defeat the object.

2. Should the war be renewed, the Mexican government can never again expect to make peace on terms so favorable as those contained in the present treaty. In the opinion of a very large and increasing number of our fellow-citizens, these terms are far less favorable to the United States than we had a right to expect. The present treaty was negotiated substantially in conformity with the ultimatum of my instructions, dated on the 13th of April last, at a period when we had only just learned the capture of Vera Cruz, and the castle of San Juan d'Ulloa. Between that period and the date of the treaty, circumstances had entirely changed, and a vast amount of precious blood and of treasure had been expended in reaching and capturing the city of Mexico. Whilst, for this reason, the President might have justly exacted far more rigorous terms, yet such was his desire to conclude peace, that he promptly assented to all the material provisions of the present treaty and submitted it to the Senate. Should the war be renewed, instead of purchasing at a fair price a portion of the territories which we have been obliged to conquer, and which are now in our undisturbed possession, and restoring the remainder to Mexico, we shall be compelled to appropriate, without pecuniary compensation, a just and ample indemnity in Mexican territory for all the expenses of the war.

Although the President has the most entire confidence in your sagacity, ability, and discretion, yet it is deemed proper to make some suggestions to you in regard to the conduct which you ought to pursue in accomplishing the objects of your mission.

The Mexicans are a sensitive and suspicious people. They are now humbled in their own estimation by our brilliant and repeated victories. Their jealousy ought to be allayed by treating them, in all your intercourse, with marked respect. All the external forms of civility, to which the Spanish race attach such peculiar importance, ought to be strictly observed by you. This will not only promote the success of your mission, but may lay the foundation of a lasting peace and sincere friendship between the two republics.

Whilst in Mexico, you will communicate freely and unreservedly with the commanding general of the American forces, who will be instructed to render you all the aid in his power, in accomplishing the object of your mission.

You will bear with you a copy of the treaty, with the amendments of the Senate, ratified in due form by the President of the United States, together with a full power to exchange the ratifica-

tions with any Mexican authority, clothed with a like full power from his government to perform this duty. After the exchange of ratifications, you will return to the United States, with the copy of the treaty, ratified by the Mexican government, which you shall have received.

Should the Mexican government ratify the treaty, with the amendment of the Senate striking out its tenth article, and should refuse to ratify all or any of the remaining amendments, you will, then, notwithstanding, urge them to send, without delay, a commissioner, or other diplomatic agent, to the United States, clothed with full power to exchange ratifications in the city of Washington, in case the Senate should advise and consent to the ratifications of the treaty in the form in which it shall have been ratified by Mexico.

Upon reaching the city of Mexico, you will immediately address a note to the Mexican minister for foreign affairs, apprizing him of your arrival, and of your readiness to confer, without delay, on the subject of your mission, either with himself or with any authorized agent of the Mexican government, at any place which may be designated.

In regard to the first three millions, of the fifteen millions of dollars secured to the Mexican government by the twelfth article of the treaty, as amended, provision has already been made for its payment, under the authority which has been given to Major General William O. Butler, by the Secretary of the Treasury, to draw on the treasury of the United States for that amount. General Butler's draft, which will be promptly honored on presentation, you may deliver to the appropriate Mexican authorities, immediately after the treaty, with the amendments of the Senate, shall have been duly ratified by the Mexican government. As the disbursement of so large a sum is a matter of great importance, you should use every precaution to be certain that the draft shall be drawn in favor of the proper Mexican functionary, and that the whole business shall be transacted in such a manner that no difficulty can hereafter arise on the subject. You will take receipts in triplicate for such draft, which ought, if possible, to be signed by the president of Mexico, and countersigned by the minister of finance.

You are also furnished with four evidences of debt from the Secretary of the Treasury, dated on the 16th instant, for three millions of dollars, each corresponding with the four instalments to be paid to Mexico, under the 12th article of the treaty, as amended by the Senate. These evidences are in exact conformity with the treaty. Should you discover that, for the want of them, serious impediments might exist to the ratification of the treaty on the part of Mexico, you are then authorized to make known to the Mexican government that they are in your possession, and that you will deliver them over immediately after the exchange of ratifications. Still, the President would prefer that the Mexican government should be satisfied with the obligation, as it stands in the 12th article. In that event, you will cancel these evidences

and return them to this department.* Should you deliver them over, you will use all the precautions which I have suggested in relation to the draft for three millions of dollars.

The naval forces of the United States in the Pacific have captured Mazatlan and other places on the west coast of Mexico. These by the terms of the treaty must be surrendered. To avoid unnecessary delay in its execution, the Secretary of the Navy, by direction of the President, has issued orders to the commander of these forces to evacuate all the ports and places in the Mexican territory on the Pacific which may be in his military possession south of the line of boundary established by the treaty, so soon as he shall receive notice of the exchange of ratifications. You will therefore communicate to him a knowledge of this event, as speedily as possible, and at the same time transmit him a copy of the treaty.

Yours, very respectfully,

JAMES BUCHANAN.

TO AMBROSE H. SEVIER, Esq.

Commissioner to Mexico, &c., &c., &c.

Mr. Buchanan to Mr. Clifford.

[No. 1.]

DEPARTMENT OF STATE,

Washington City, March 18, 1848.

SIR: The sudden illness of the honorable Ambrose H. Sevier, lately appointed commissioner to Mexico, having prevented him from proceeding immediately upon his mission, the President, by and with the advice and consent of the Senate, has appointed you an associate commissioner to that republic, with the rank of envoy extraordinary and minister plenipotentiary. Mr. Sevier and yourself are each invested with full and equal powers, jointly or severally, as circumstances may require, to exchange the ratifications of the treaty of peace concluded at Guadalupe Hidalgo, on the 2d February last, between the United States and the Mexican republic, with the amendments of the Senate, and to perform all other acts in conformity with your instructions.

You will bear with you to Mexico all the instructions which had been prepared for Mr. Sevier, together with a copy of the treaty as it has been ratified by the President of the United States; and you will act in all particulars as though these instructions had been formally addressed to Mr. Sevier and yourself, as joint and several commissioners. It is hoped that in the course of a week or ten days Mr. Sevier's health may be sufficiently restored to enable him to follow you; but you are expressly enjoined not to delay to act upon your instructions awaiting his arrival.

*These evidences were never used; but were cancelled and returned to the department.

The President has manifested his high confidence in your integrity, discretion and ability, by entrusting to you this important and responsible mission; and I entertain no doubt that in your conduct you will abundantly justify his selection.

Yours, very respectfully,

JAMES BUCHANAN.

HON. NATHAN CLIFFORD,

Commissioner to Mexico, &c., &c.

Mr. Buchanan to Messrs. Sevier and Clifford.

[No. 2.]

DEPARTMENT OF STATE,

Washington, March 22, 1848.

GENTLEMEN: Referring to my instructions of the 18th instant, relative to the amendments made by the Senate to the 12th article of the treaty, in regard to the mode of payment of the \$12,000,000, the President has deemed it proper to give you additional instructions upon this subject.

The Mexican government may, notwithstanding all your efforts, refuse to ratify the treaty, because of these amendments to the 12th article. In that event, you are authorized to conclude a new treaty with the Mexican government, adopting either the first or the second mode of payment of the \$12,000,000, prescribed by the 12th article as it stood originally, *provided that government shall have first ratified the original treaty with all the amendments adopted by the Senate.* In case you should conclude such a treaty, it ought immediately to be ratified by Mexico, and a ratified copy be brought to Washington at the same time with the ratified copy of the treaty which you shall have received in exchange from the Mexican government for the copy ratified by the President.

It is not doubted by the President, that the Senate would immediately advise and consent to the ratification of the new treaty which may be concluded by you. By this expedient, in case it should become necessary to resort to it, a delay of six weeks or two months in the final conclusion of peace might be avoided.

A full power to you or either of you to conclude such a treaty is herewith furnished.

According to my instructions of the 18th instant, Mr. Sevier, after the exchange of ratifications, is directed to return to the United States with the copy of the treaty ratified by the Mexican government. In that event, Mr. Clifford will not accompany him, but will remain in Mexico until he shall receive further instructions.

Yours, very respectfully,

JAMES BUCHANAN.

TO AMBROSE H. SEVIER,

NATHAN CLIFFORD, Esqrs.,

Commissioners to Mexico.

Mr. Clifford to Mr. Buchanan.

[No. 1.]

NEW ORLEANS, *March 26, 1848.*

SIR: In compliance with your suggestions before I left Washington, I have the honor to inform you that I arrived at this place at 5 o'clock this morning, accompanied by Mr. Walsh, secretary of legation, and Lieutenant Contee, of the United States navy. The journey thus far has been an agreeable one, because nothing has occurred on the way to prevent me from travelling as fast as the present means of conveyance will allow. The communication entrusted to my care from the War Department to Brigadier General Brooks was placed in his hands immediately after my arrival. Satisfactory arrangements have already been made for my departure for Vera Cruz to-morrow, at 12 o'clock, in the "Massachusetts." At first I felt inclined to select the "Eudora," a small propeller, thinking, perhaps, the passage could be performed more expeditiously in her than in the Massachusetts, which is a sail vessel; but I have yielded my first impressions to the united advice of the officers of this post in favor of the Massachusetts, which is said to be preferable at this season of the year, both on the score of convenience and speed. Though not entirely convinced as to the latter, I have deemed it wisest, under the circumstances, to trust to the judgment of those who are more experienced in such matters than myself; probably, there is not much difference in the speed of the two vessels. If the wind is fair, I am assured the Massachusetts may reach Vera Cruz in 72 hours.

I am, &c.,

NATHAN CLIFFORD.

Hon. JAMES BUCHANAN,
Secretary of State.

Mr. Clifford to Mr. Buchanan,

[No. 2.]

VERA CRUZ, *April 2, 1848.*

SIR: On Monday, the 29th ultimo, I sailed with my suite from New Orleans in the ship Massachusetts, and this morning we arrived here after a quick and agreeable passage. The escort for the journey to the city of Mexico will be ready to-morrow, when we shall set off. At New Orleans, I was informed by Mr. Kenedy, one of the officers of the mint, that the archives of the former legation of the United States in Mexico had been deposited with him by Mr. Consul Black, and, deeming it advisable to have them within reach, I brought them with me, and placed them under the care of Mr. Diamond, our consul at this place. I am happy to be able to state that the opinions of the most intelligent persons whom I have met with here, would authorize the belief that there is every disposition in the Mexican government to ratify the treaty without delay. Colonel Wilson, the military governor of Vera Cruz, in-

forms me that General Santa Anna is now at a village in the neighborhood, under an escort of our troops, and is expected to embark immediately for the island of Jamaica.

I am, &c.,

N. CLIFFORD.

Hon JAS. BUCHANAN, &c., &c.

Mr. Clifford to Mr. Buchanan.

[No. 3.]

CITY OF MEXICO, *April 12, 1848.*

SIR: I arrived here yesterday at 12 o'clock, having started from Vera Cruz on the 4th, and, after an appropriate reception from the military stationed in the city, was conducted to eligible quarters. On the road, I was passed by the British courier, who brought information of the arrival of Mr. Sevier at Vera Cruz on the 7th, so that we may expect him in a few days. The prevailing opinion here is, that the treaty will be ratified soon after the meeting of Congress. A quorum has not yet been assembled, but will now, it is believed, be speedily collected. The amendments to the treaty, as published in the New York Herald, were translated, a few days since, into the principal journal of the city, and appear not to have excited the least opposition. In my next, I hope to be able to communicate some more definite information.

I am, &c.,

N. CLIFFORD.

Hon. JAS. BUCHANAN, &c.

Mr. Sevier to Mr. Buchanan.

[No. 4.]

MEXICO, *April 18, 1848.*

SIR: I have the honor to inform you that I arrived in this city, in good health, on the evening of Saturday last, the 15th instant, and, if an opportunity to communicate this intelligence had been afforded, I should, on that or the succeeding day, have addressed you a note advising you of it.

Mr. Clifford and Mr. Walsh reached the city on the preceding Tuesday, and, on their way hither, they were passed by the British courier; and Mr. Clifford was informed by him that I had arrived at Vera Cruz before he left that city, and would be in this city but a few days behind him. In consequence of this intelligence, Mr. Clifford limited his operations, connected with our mission, to the collection of information useful to us in the matters entrusted to our charge. On yesterday, we addressed our first note to the minister of foreign relations of this republic, to which we anticipate an answer in a few days. A copy of this note, and the answer,

when we receive it, will be sent you by the first safe opportunity. Being now together our communications for the future will be joint.

I am, &c.,

A. H. SEVIER.

Hon. J. BUCHANAN.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 5.]

MEXICO, May 7, 1848.

SIR: You will receive herewith copies of the several notes addressed by us to the minister of foreign relations, and of his answers to the two first, which comprise all the correspondence between us to this date. We regret that it is not in our power to communicate more definite information as to the result of our mission. The delay has been occasioned by causes which were not fully understood in the United States at the date of our departure, and over which we have been able to exercise but little influence. When we arrived here, the deputies had not been chosen in this city, and the election was not completed till the 23d ultimo. The same remark is applicable to Puebla and one or two other departments. The first step taken by Mr. Clifford was to institute an informal inquiry of the government at Queretaro, through General Mora y Villamil, as to the most acceptable mode of announcing the arrival of the commissioners, and their wishes as to the place of consultation, if any were desired. A verbal answer to this was received on the morning after the arrival of Mr. Sevier. Having collected the best information, as to the wishes of the government, we addressed our first note to Mr. Rosa, which led to the residue of the correspondence. The preliminaries of our contemplated visit to Queretaro are happily arranged, as you perceive, and we only await the appointment by the President of the day of departure. Anxious as we are to expedite the business entrusted to our charge, we have yet deemed it unwise to go to Queretaro, in anticipation of the wishes of the President, who appears to be sincerely in favor of peace, and being on the ground, can judge best of the fit moment of our arrival at that place. It is understood that all the members from this city are favorable to the ratification of the treaty. Of the four senators elected from this district, two are on their way to the seat of government, and the other two, of whom the archbishop is one, leave to-day. Since our arrival here, we think we discover a growing feeling favorable to the restoration of peace. Thus far, our presence in this city has been productive of much more good than it would have been in our power to accomplish at Queretaro, in the absence of a quorum of Congress. Now that the members from this section have nearly all left, it is our intention to repair to that place as soon as we can do so in conformity with the views of the government. It is highly probably, however, from information received to-day from General

Mora, that our presence there will not be desired until after the ratification of the treaty.

If Congress acts at all, and we are confident it will, we have little doubt of the result. Both branches are now organized, and the members are entering upon business with commendable industry. We are assured, as soon the President is elected, that the treaty will be considered. It is supposed that Herrera will be chosen, as he has a plurality of the votes of the people. The amendments made by our Senate do not appear to attract much attention, and it is not supposed that they will constitute any serious obstacle to the consummation of the treaty. While we anticipate that the treaty will be ratified, yet considering the uncertainty which surrounds everything in this country, we deem it proper to prepare for the reverse. In such an event, we are of opinion, that our presence here could not be productive of any good, and would request to have leave to return; remarking at the same time, that we are ready to obey instructions.

We are, &c.,

A. H. SEVIER.
N. CLIFFORD.

HON. JAMES BUCHANAN, &c.

A.

Messrs. Sevier and Clifford to Mr. de la Rosa..

CITY OF MEXICO, *April 17, 1848.*

The undersigned, commissioners of the United States of America, have the honor to apprise his excellency the minister of foreign relations of the Mexican republic of their arrival in this city, and of their readiness to enter upon the duties of their mission so soon as they shall have been duly accredited by the Mexican government. To prevent unnecessary delay, it is deemed proper to communicate the information that they are fully authorized to exchange the ratifications, on the part of their government, of the treaty between the United States of America and the Mexican republic, concluded and signed at Guadalupe Hidalgo on the second of February last, by the plenipotentiaries of the respective governments, in the form in which it has been amended by the Senate of the United States, for the like ratification on the part of the Mexican government of the said treaty.

They likewise transmit herewith a sealed communication from the Secretary of State of the United States, addressed to his excellency the minister of foreign relations of the Mexican republic, explanatory of the said amendments. It is presumed that this communication embraces all the information which may be desired by the Mexican government in regard to the amendments of the treaty of peace. If, however, further explanations are wished, the undersigned will be prepared to give them promptly to the minister of

foreign relations, or other authorized agent of the Mexican republic, at such convenient place as the Mexican government may designate.

Wishing to avoid all mere questions of form, and to enter at once upon the subject of their mission, the undersigned enclose herewith official copies of their respective letters of credence, the originals of which will be delivered in such mode as may be agreeable to the President of the Mexican republic. Should it become advisable, in the opinion of the Mexican government, for the undersigned to visit the city of Queretaro, they cannot doubt that it will be deemed both expedient and proper that they should travel there, and remain under the protection of a suitable escort of American troops.

The undersigned avail themselves of the opportunity to tender to his excellency the expression of their distinguished consideration.

A. H. SEVIER,
NATHAN CLIFFORD.

His excellency MINISTER OF FOREIGN RELATIONS
of the Mexican republic.

B.

Mr. de la Rosa to Messrs. Sevier and Clifford.

[Translation.]

NATIONAL PALACE,
Queretaro, April 19, 1848.

The undersigned, minister of [foreign] relations of the Mexican republic, has had the honor to receive the note which their excellencies Messrs. Ambrose H. Sevier and Nathan Clifford, commissioners of the United States of America, addressed to him on the 17th of the present month, communicating to him the fact of their arrival at the city of Mexico, and the disposition which renders them anxious to fulfil with promptness the duties of their mission, so soon as they should have been duly accredited near the government of the republic.

The undersigned has been informed by the above mentioned note, that Messrs. Sevier and Clifford are fully authorized to exchange, on the part of the United States, the ratification of the treaty of peace concluded between the Mexican republic and the United States of America, signed at Guadalupe Hidalgo, on the 2d of February last, by the plenipotentiaries of the respective governments, in the form in which they have been modified by the Senate of the United States.

The undersigned has also received a note from his excellency the Secretary of State of the United States, and has made himself acquainted with the explanations given therein of the modifications made in the treaty by the Senate of that republic. The under-

signed is informed that Messrs. Sevier and Clifford are disposed to give further explanations on that matter if they should be judged necessary. The undersigned has also received, with the note of Messrs. Clifford and Sevier, the copies which their excellencies are pleased to transmit of their respective credentials. His excellency the President will be most happy if Messrs. Sevier and Clifford will come to this city, and personally present to his excellency the above mentioned credentials.

For the security of their persons in the journey to this city, an escort of Mexican troops will be placed at Arroyosarco, there to relieve the American escort.

The undersigned takes pleasure in informing Messrs. Clifford and Sevier that, during their stay in this city, the security of their persons will be [as] inviolable under the Mexican flag, as it would be if they were guarded by a numerous force of the American army.

The undersigned avails himself of this occasion to offer to Messrs. Clifford and Sevier the assurances of his distinguished consideration.

LUIS DE LA ROSA.

To their excellencies Messrs. AMBROSE H. SEVIER and [NATHAN CLIFFORD, Commissioners of the United States of America.

C.

Messrs. Sevier and Clifford to Mr. de la Rosa.

CITY OF MEXICO, April 22, 1848.

The undersigned, &c. &c., have the honor to acknowledge the receipt of the note of his excellency the minister of foreign relations of the Mexican republic, under date of April the 19th instant, in reply to theirs of the 17th, informing them of the desire of his excellency the President to receive their credentials from them in person, and stating, that for their security on the road to the city of Queretaro, a competent escort of Mexican troops will be stationed at Arroyosarco, who will there relieve the American escort; and also, that during their stay in that city, the safety of their persons will be as inviolable beneath the Mexican flag as it would be if they were guarded by a numerous force of the American army. To this the undersigned have to reply, that without in the least doubting the willingness and ability of the Mexican government to afford them every protection, and sincerely deprecating the idea of doing aught that may seem either hostile or derogatory to the Mexican flag, they yet cannot but consider it, under existing circumstances, to be proper and expedient for them to be attended, during their journey to and residence at Queretaro, by a small escort of American troops, not exceeding some 60 men, with the usual complement of officers. They must, therefore, again urge the propriety of their being so accompanied; and on receiving the as-

sent of the Mexican government to the arrangement, they will be happy at once to proceed to Queretaro and deliver their credentials to the President of the republic. The undersigned renew to his excellency the expression of their distinguished consideration.

A. H. SEVIER,
NATHAN CLIFFORD.

His excellency MINISTER OF FOREIGN RELATIONS
of the Mexican Republic.

D.

Mr. de la Rosa to Messrs. Sevier and Clifford.

[Translation.]

QUERETARO, April 26, 1848.

The undersigned, minister of relations of the Mexican republic, has the honor to reply to the note from their excellencies the commissioners of the United States, of the 22d of the present month, in which they insist upon the propriety of their coming to this city and remaining here accompanied by an American escort.

The undersigned regrets to be under the necessity of repeating to Messrs. Sevier and Clifford the assurances which he had the honor to give them of the inviolable security of their persons, in their journey to this city, and during their stay in it near the government, without any necessity for the escort above mentioned. If their excellencies the commissioners should determine to come to this city under the terms expressed, the government of the undersigned will regard this condescendence as an act of confidence in the honor and sincerity of its assurances.

If, however, notwithstanding what is here said, their excellencies the commissioners should insist on bringing with them the small escort of which they speak in their note above mentioned, in consideration of the existing circumstances, it [the government] will fix the day at which the arrival of their excellencies in this city will be most opportune and necessary, and the undersigned will have the honor to communicate it to them immediately.

The undersigned has the honor to repeat to their excellencies the commissioners of the United States of America the assurances of his distinguished consideration.

LUIS DE LA ROSA.

To their excellencies Messrs. AMBROSE H. SEVIER and NATHAN CLIFFORD, *Commissioners of the United States of America.*

E.

Messrs. Sevier and Clifford to Mr. de la Rosa.

CITY OF MEXICO, *April 29, 1848.*

The undersigned, &c., &c., have the honor to acknowledge the receipt of the note of his excellency, &c., &c., under date 25th instant, reiterating the desire of the Mexican government that they should proceed to Queretaro without an escort of American troops; but stating, that if they insist upon bringing a small one with them, his excellency the President, under existing circumstances, will designate a proper day for their journey, information of which will be immediately communicated to them by Sr. Rosa.

The undersigned, repeating the expression of their perfect confidence in the good faith and sincerity of the Mexican government, and deeply regretting that circumstances should compel them to ask anything not in accordance with its views, beg leave to tender their thanks for its compliance with their request in regard to the escort. They need hardly add, that, anxious as they are to fulfil the wishes of their government for a speedy restoration of peace, for the accomplishment of which, under the treaty but a short time now remains, they earnestly hope to receive the communication promised them by his excellency at as early a moment as possible.

The undersigned renew to his excellency the expression of their distinguished consideration.

A. H. SEVIER,
NATHAN CLIFFORD.

His excellency MINISTER OF FOREIGN RELATIONS

of the Mexican republic.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 6.]

CITY OF MEXICO, *May 14, 1848.*

SIR: We have the honor to transmit the message of the President of the republic, with the reply of the presiding officer of Congress, together with a translation of the former in the "American Star," a journal published in this city. The document was sent to us by the government in a despatch, of which the enclosed is a copy. It is certainly a well written production, and as strongly pacific as could be wished. All accounts from Queretaro continue to be favorable. The communication of the minister of foreign relations to Congress, accompanying the transmission of the treaty, is said to be a very able paper and to have worked a salutary change among the opponents of peace. As soon as a copy of it can be obtained, it shall be forwarded to the department. The committee to whom the treaty was referred are to make their report to-morrow; and there is no doubt that it will be in perfect unison with the views of the Executive. Definite action, it is un-

derstood, will be immediately taken upon it by Congress, so that a conclusion of the business may be hoped for in the course of ten days.

We have received, unofficially, through General Móra y Villamil, information that our presence at Querétéro will not be desired until it becomes requisite for the exchange of ratifications. Intelligence has just arrived of a pronunciamiento at St. Luis Potosi by a regiment commanded by General Moreno; but it was speedily suppressed by the government, with a considerable loss of life on the side of the insurgents. The inhabitants of St. Luis lent no countenance to it whatever.

We have, &c.

A. H. SEVIER,
N. CLIFFORD.

HON. JAMES BUCHANAN, &c.

Message of the Provisional President of the Republic, D. Manuel de la Pena y Pena, read at the opening of the sessions of 1848.

Gentlemen of the Senate and of the Chamber of Deputies:

Can there possibly be an act more august, or a ceremony of more national interest, than the present installation of the Mexican Congress? Nay, could I hope for a more distinguished favor from Providence than that of announcing to you this day that the republic survives its misfortunes, preserves its unity, and has it yet in its power to receive the proudest titles in the estimation of the world? Was it to be expected seven months since—the capital, the ports and principal cities of the republic being lost, the army disorganized, and the passions of the people inflamed—that the calamities of a foreign war would cease, and we should have it in our power to nourish the hope of a peaceful and happy future?

You have seen, gentlemen, and you have understood, also, the circumstances which surrounded us. You can, therefore, appreciate the value and importance of an event which places us in so advantageous a position. What was regarded as an impossibility is this day realized. Congress has assembled in accordance with the requisitions of the constitution, and the government is about to entrust the destinies of the republic to the wisdom of its representatives. How national and elevated is your mission—how great and glorious is your responsibility!

It will be expected that I should speak to you of the great and interesting points in the internal administration of the government, and refer briefly to its history during the short period of its existence. Without the slightest exaggeration I can assure you that, in the most difficult crisis which the republic has ever seen, and with no resources to meet its absolute necessities, it has maintained loyal order, resisted with the law more than with an armed force the violence of factions; preserved the morality of the government; prevented ruinous losses to the treasury; and, above all, it has

never allowed the bond of the Federal Union to be broken. A sincere regard for our institutions, an ardent desire to prevent shameful insurrections and broils in sight of the foreign enemy, a firm resolution to assemble the chambers and entrust the reins of the administration to a new President—these will be sufficient to explain the few but severe measures which the government has taken, and especially so far as relates to its course, alike constitutional and indispensable, in regard to the events in San Luis Potosi. But, gentlemen, these points should not, whatever your feelings or preferences under ordinary circumstances, draw your attention from the awful responsibility of the present moment, when the question is *either war or peace with the United States*.

Being satisfied several years since that the first of these alternatives was not of any advantage to the republic, I took such measures as were within my power, and such as were compatible with my loyalty, or came within the scope of my legal prudence, to put an end to the exciting differences which existed between the two republics by a pacific negotiation. In forming my opinion, and in sustaining it in 1845, it never occurred to me that such a negotiation was incompatible either with the interests or the well known honor of the nation. I have ever been persuaded that every people—the most warlike even in the world—sometimes finds itself in circumstances where it has no power to resist the enemy which has invaded its soil. They, like individuals, have their periods of vigor and of weakness, and cannot be exempt from the ordinary laws of humanity. A conjunction of circumstances, to which it is unnecessary here to refer more particularly, but which might be explained very easily by our internal dissensions and failure on the part of the public administration, has convinced me of the serious difficulties in which the country would be involved by sustaining, with any prospect of a successful issue, a war with the United States. He who, entertaining this conviction, is disposed to resent an insult to our good name and our honor speaks not like a statesman and politician, much less is he a man of sterling honor and goodness.

Called by the constitution to exercise the supreme magistracy, and at a moment when the capital was about to be occupied and our army dispersed, my opinions in regard to a peace were the stronger, in proportion to the greatness of our misfortune. Without any merit to assume the reigns of government, and with no other title but that of President of the supreme court of justice, I could not, nevertheless, refuse to discharge the duties of the difficult post to which I was called, without subjecting the nation to a frightful state of anarchy. Neither could I fail to meet the foreign question, under such circumstances, with feelings the most profound and conscientious. The necessity, then, of making one so decided in favor of peace the depositary of the supreme power, made me believe (and allow me to say it with frankness) that Providence had summoned me to the work which had been commenced in 1845—a work which would then have been terminated with glory and profit to the nation; and which this day, at how-

ever dear a price, at least saves its honor and secures its independence.

But inasmuch as representative governments, and particularly those under a republican form, should be guided by true public opinion, it was my desire to ascertain what that opinion was. Setting aside my own, it was my object to ascertain in good faith, how far the co operation of the States could be relied upon for the prosecution of the war, if such was the general wish of the republic. I can assure you, gentlemen, that since instituting this enquiry I have had no other conviction than such as was favorable to peace.

The people and their authorities, like the supreme government, have forseen all the evils of a prolonged war. Though disposed to favor any great effort that could restore the brilliancy of our arms, if there were no alternative left—so long as there were means, and honorable means for obtaining a peace, they will not fail to condemn as unwise the conduct of the government which does not put an immediate end to their sufferings. The people have an unquestionable right to demand security that they shall suffer no more than may be incidental to their condition. It is not merely gross injustice, but an act, also, of gross inhumanity, to compel them to pass through all the horrors of a bloody contest after long years of civil war.

Thus tranquil and satisfied at a time when, by its profligacy, the government was counting upon an immense majority of the nation, I immediately acceded to the desire of the American commissioner, who proposed to resume the negotiations which had been suspended in consequence of the unhappy circumstances of September last, as Congress is well advised. The interior President, who succeeded me after the first term of my administration, appointed commissioners enjoying his confidence, who discharged the duties of their offices with all the fidelity and loyalty which might be supposed to accompany their well merited reputation. But he had determined that no proceedings should be had until early in January. His reason was that, loyal to the government, and following the system which I had pursued, he was anxious to ascertain the sentiments of the people of the republic, and such modifications as they might have undergone, guided not only by lessons drawn from our present condition, but from the opinions of the press of both parties, presenting as it did, the question under a thousand different aspects.

No one during all this time could charge the government with having attacked the liberty of thought. Neither could any one question its sincerity in obtaining the aid and co-operation of all good citizens in a matter of such transcendent importance. The duties devolving upon it, in consequence of the alternative of war not being adopted, you yourselves, gentlemen, can weigh with that calmness and coolness which become the discussion of a subject so nearly concerning the dearest interests of our unfortunate nation. The verdict of impartial history will surely not impeach my motives, in consequence of the great and well known services

which have been rendered since the fatal rupture with the United States.

The instructions given for my guidance at that time, as minister of relations, and to the commissioners of the republic, though much more favorable, as was natural, than could be reasonably expected, never had any definite character. The government, also, reserving to itself the right of modifying them, according to the information it might receive, gave the commissioners full liberty to conclude the negotiations, with the belief that, neither in letter or spirit, any offence was intended to our honor, and that no compromise was effected of which a civilized people need to be ashamed. Though very decided in favor of peace, and disposed to make such sacrifices as circumstances might demand, the government never had any idea of acceding to any conditions, either humiliating or such as should give to the negotiation a character unworthy of our independence. In the opinion of the government, war has its limits, and so has peace. Even the extreme misfortune of the nation could not cause to be forgotten that mutual regard and consideration which one nation and one government owes to another, the more important in the ordinary pacific relations of the two, in proportion to the misfortunes which may visit either. And here, gentlemen, I should inform you, that the propositions of peace have proceeded directly from the government of the United States. They have sent ministers plenipotentiary to this republic, who have commenced negotiations, and there has been no single act of the Mexican government in the course of them which can be characterized as either meanness or weakness.

The minister of relations will transmit to the two chambers all the documents which may be necessary for the national interests, as well as the articles of the treaty, signed at Guadalupe on the 2d of February last. You, yourselves, will be as convinced as the government is, that the territorial cession is less than could be expected, or than could have been agreed upon. Neither was there any ground to expect that the United States would, in any respect, modify their pretensions. The limits of Texas, of Upper California, and New Mexico, are of such great interest and importance that the government of the American Union has announced before its Congress that, without the cession of the said territories, it will continue the war on the plan indicated by the President's message of the 6th of December, of the last year. The negotiation, then, cannot be condemned in consequence of its not having diminished the loss of territory, taking into consideration the advantages of peace. Perhaps it will deserve praise for having succeeded in obtaining that no additions have been made to the original claims—the capital being lost, and the army of the 13th of September disbanded.

Had the government been able to indulge any well founded hope that that of the United States would recede from a demand to which it had no legitimate title, its conduct would have been different, or it would have reserved the treaty for a more opportune season. But a declaration so solemn, and the repeated assurances of the Ameri-

can minister, leave no room whatever to doubt that any peace was utterly out of the question, which did not involve the cession of the territories mentioned. The government and its plenipotentiaries have, nevertheless, enforced and defended the justice of the nation, and I can declare to you that nothing which they ought to have done has been omitted. Subsequent events, which are well known, show in the clearest manner that the government acted with judgment in designating the time in which negotiations should commence and be concluded.

The armistice which followed the negotiation of the treaty, and the immediate re-establishment of constitutional order in all its branches; the ample guarantees secured to Mexican citizens, who either holding that character or that of American citizens, should reside in the territories ceded; the suppression of the Indian tribes which should make incursions upon our frontier; the indemnity of fifteen millions of dollars, and the payment to be made by the government of the United States for claims liquidated and pending against the republic; the solemn promise to assuage, if at any time there shall be occasion, the calamities of war, as well as to respect the well known rights of humanity and of society; and finally, the closing stipulation that the dividing line established by the fifth article shall never be changed except by the full consent of both republics, expressed through their general governments in conformity with their respective constitutions; all these considerations give to the negotiation all the dignity as well as all the security that could be demanded in this class of transactions.

If the government has found itself compelled to respect acts thus consummated, without insisting upon a compliance with our tariff rates or treasury laws, when the question of the introduction of goods into our custom-houses in the interior of the republic was under discussion, it has resulted alone from a well established principle that no treaty is to be regarded as possessing any force or value until it has been duly ratified. Such stipulations as have been made on these points of the treasury and of commerce, will be readily explained on the principle mentioned and by the practice generally adopted in all countries under similar circumstances.

The treaty, gentlemen, concluded by our plenipotentiaries in the city of Guadalupe, is submitted to the judgment of the national representatives of public opinion and to the verdict of foreign nations. The termination of a war, such as we have suffered, the changes which it has produced, are interesting to the whole world. They merit the examination of the philosopher as well as the politician, and from their very nature constitute a new period of vital importance to the republic. Justice, humanity, convenience and honor, present under different aspects treaties celebrated between two nations, and according to the dominant feeling they are regarded as advantageous or detrimental. Opinions in consequence vary considerably, and it is by no means easy to weigh the disadvantages of the extremes and make a choice in the scale of cool reason and calm calculation. Nevertheless, the treaty of Guadalupe, whatever judgment may be passed upon it either by the pre-

sent generation or by that which may succeed, will never be censured as dishonorable or oppressive to the liberty and sovereignty of the nation. It cannot be pronounced unworthy of a noble misfortune and of generous feelings. The Mexican republic has treated with the United States and they with it as independent people. The spirit with which the negotiation has been conducted might be cited to show that we do not deserve all the charges which have been made against us during the war. True, a fertile and beautiful portion of our soil is ceded, a portion of considerable extent and containing the elements of new and flourishing States.

I do not wish to conceal the truth at a moment so solemn, much less the profound regret occasioned in my bosom by the separation of Upper California and New Mexico from the national Mexican Union. I desire further to leave on record a testimony of the interest with which my administration has regarded the citizens of those States. I can assure you, gentlemen, that their future destiny has presented the greatest difficulty which has thus far been encountered in the negotiations. Nay, had it been possible, the territory ceded would have been extended, on the condition that the Mexican population within its limits should be left free. The reflection that a continuance of the war would certainly injure their condition, has brought with it the consolation that, whatever evils they may suffer, cannot be chargeable upon my administration. War always renders the most deplorable changes necessary; and a war so unfortunate as ours has been cannot but be attended by the sacrifices to which all societies and communities are subjected. Costly as they may be, they involve but a single loss, and a loss demanded by the principles of a just and far-seeing policy. They not only involve no opposition, but are compatible with the honor and dignity of the most powerful people in the world. Whoever shall pronounce the treaty of Guadalupe dishonorable on account of the extent of the territory ceded, is guilty of bringing the same charges against the first nations in the world, and the question will never be solved—"How can an unfortunate war be avoided?" The dignity of governments and of the people demand other immutable laws, and also a character widely different from that which often springs from the passions, generally spurious and dangerous in their effects. To dam up a torrent which is devastating everything—to avoid a useless effusion of blood—to reinstate the nation in its primitive condition, in order that it may enjoy the advantages of peace and public order; to do all this, though at the same time satisfy the unjust pretensions of a fortunate and victorious enemy, is an act of wisdom recommended by both christianity and civilization. The territories ceded by the treaty are not lost for the sum of fifteen millions of dollars; but for the recovery of our ports and invaded cities—the final cessation of every class of evils, every kind of horrors—to bring consolation to innumerable families which, abandoning their homes and places of resort, have been suffering the ills of poverty or exposed to beggary; in fine, to improve the occasion which Providence presents for producing a systematic organization among a people who have not ceased to suffer

during the long period of thirty-seven years. Let us be just, gentlemen! Let us remove the veil which has prevented our seeing the true condition of things. We will cherish the hope that peace, that precious boon which we have not learned to estimate properly, may scatter upon us all the benefits which we have desired, and which we shall certainly obtain, if we stand firm in offering a resolute opposition to anarchy and disorder.

If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction at seeing the war at last brought to an end would not have been lessened, as it this day is, in consequence of the modifications introduced into it by the Senate of the United States, and which have received the sanction of the President. I could have wished that no alteration had been made in a negotiation which was in conformity with the general views of the government of the American Union, not only because I look upon modifications as unfavorable, but to prevent, also, their being *the subject of exaggerated comment*. You will be circumstantially instructed in regard to the reasons which the cabinet of the United States has advanced in justification of the modifications. There will be placed, also, before you for your direction, all such suitable information on the subject as may enable you to form a correct and impartial judgment. At present, it is sufficient for us to say to you, that if, in the opinion of the government, justice has not been evinced on the part of the Senate and government of the United States in introducing such modifications, it is presumed, on the other hand, that they are not of such importance that they should set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected or considered possible; much less could another be brought forward upon a basis more favorable to the republic.

The character of the address, and the assurance that you will find in such documents as will be laid before you by the minister of relations all necessary *data*, do not permit me to enlarge further upon the treaty, or to obtrude observations which will doubtless occur to you in your examination of the subject. But allow me to assure that it is no vain fear, much less an unfavorable estimate of the moral and physical strength of the Mexican people, which compels me to decide in favor of peace. Nothing could be more unfounded. I have lived long enough to witness the heroic efforts which the nation made to sustain an unequal contest of eleven years, and at last achieve its independence. In the same civil war, I was able to observe the resources and elements of that people which acts with valor and energy. In the foreign war we have just witnessed, though in but few engagements, witness the courage and firmness of our soldiers, when commanded by chiefs of honor, and in whom they had confidence; and we have all remarked that the war would have had altogether a different result had the army and the national guards been pro-

perly organized. I have never believed, neither do I now believe, that the republic is absolutely incapable of continuing the war, and affording an example which might be transmitted with glory to posterity. But with the same frankness and good faith, I must say that I am convinced that the condition in which we are, with all its attendant circumstances, imperiously calls for peace, *because, as statesmen affirm, discussion upon the subject of war is not a matter which can be submitted to proofs or adventurous attempts*; that the desire for military glory cannot justify the continuance of the present calamities, and, above all, on account of the distance of the territories ceded, and through want of a national marine, it cannot be reasonably expected that the result of a war would be a fortunate negotiation that would save our territory entire. I am well persuaded that our loss would be greater, and that there could be no excuse for the conduct of the government and of Congress, if it did not guard against new and more terrible evils. There is nothing in this opinion which is not in strict conformity with truth, and passion only can designate it as timid and exaggerated. The elements of resistance cannot be created in a moment, neither is it within the power of the most vigorous administration to cause distances to disappear in a territory of such vast extent, and to gather the central population upon points along the shores of the ocean and the neighboring frontiers.

The arguments which are advanced at this day against peace are of the same character with those put forth in 1845. First, against the acknowledgement of the independence of Texas, and subsequently against the negotiations with the United States, which the administration of that year sought to establish.

We have occasion this day to lament that the peace policy did not at that time prevail. Those who were opposed to it have been since undeceived, but their enlightenment has not been able to exempt the republic from misfortune. Tardy and barren as the lesson was, we ought never to forget it. And, gentlemen, we will not forget it, but let us make a glorious effort, that our children may not curse our memories.

Contemplate for a moment the confusion and anarchy in which we should behold our country involved, if the foreign war should be continued. All the germs of discord would in the event be aroused, and the flame of the passions everywhere kindled. We are already made to feel too deeply our social disorganization, the insecurity of towns and highways, the paralysis of every branch of wealth, and the general wretchedness of the people.

The State of Yucatan, presenting such a scene of devastation and barbarity, has been a subject of much pain and regret to the government—and the more so, that in its present situation it could not extend the aid which humanity demanded. The native population has proclaimed the extermination of the white race, committed excesses which I shrink from recounting, and having taken possession of the principal cities, there is scarcely left to the families even the port of Campeche, to place themselves under cover from the savage hordes. I have not ceased to employ my thoughts upon

such measures as could be adopted for the safety of that portion of our territory, but what can the government do under present circumstances?

Whatever fate Providence may have in reserve for our unhappy country, it is left for us, gentlemen, to place her on the road to prosperity. If peace is made and the nation has it in its power to effect a proper organization—if with the extended experience from which we have learned so much, factions, disorder, and demoralization prevail, we shall not be held responsible for such scandals. As men, we cannot foresee the future destiny of the people, but if we labor with rectitude and prudence, complying with the august duties imposed upon us by the law, and by our country—perhaps peace will fix the limit of our disorders and be the commencement of a new epoch, forming a glorious contrast to the unfortunate years which preceded it.

The present commotion in the world can be attended with no dangerous results here, because the tendencies of a republic evidently incline to tranquility, loyal order, the support of every branch of industry, and the general welfare which it has until now sought in vain. If we examine and profit by the situation in which we are placed—and if we construct an edifice, having disinterested patriotism for its foundation, the republic will be great, powerful, and respected. The enterprising and active system of our neighbors, who already have an immense territory to govern and preserve, will be restrained by those ideas of justice and international right, which will eventually put under subjection every aspiration or aim which shall look to a new rupture, and pave the way for new sacrifices and new calamities. I believe, gentlemen, that the treaty of Gaudalupe, if the present generation will profit by it, has placed an imperishable seal upon the nationality of Mexico.

You may flatter yourselves, gentlemen, with having been summoned to decide upon the greatest question presented since the achievement of our independence—to maintain with all your decision and wisdom the dignity and influence which should surround a nation, and to enact such laws as the condition of every class of the people may require. A vigorous and just system of legislation is demanded—one that will banish forever those abuses which are compatible with no form of government. Obstinacy in following the same career, without having recourse to salutary reforms demanded from time to time by the administration of public affairs, would be to our eternal loss, make us unworthy of the gratitude of the nation, and stain the titles acquired in 1821. The constitutional government which is about to be established, and the duties of which will be discharged by a citizen distinguished for his virtues and beloved by his compatriots, will second our efforts, and at the same time give character to the nation. He will suggest such measures as in his opinion should be adopted to inspire general confidence, without which there can exist neither union nor true liberty.

So far as concerns myself I have but little to say, because the policy of the government in the circumstances which it has been

obliged to encounter is known to all. I have respected the institutions of the republic, and sustained them against the revolutionary spirit by which they have more than once been threatened. I have persecuted no one, and nothing has been further from the course of my administration than the adoption of measures against political opinions. I have initiated and concluded a peace, and the republic, which, upon the occupation of the capital, seemed destined to a complete dissolution and to a prolonged war, has neither lost its unity nor the hope of a lasting and durable reorganization.

If, notwithstanding my ardent wishes and anxiety, it has been impossible to avoid the evils consequent upon the invasion—the misery and wretchedness which the invaded States have suffered—it is not the fault of the existing government, but results from circumstances and from the nature of the war itself. But with or without this aim, I have accomplished the plan which I proposed to follow on assuming the reins of government—to save the nationality of the country, and to preserve faithfully and scrupulously the national institutions which invested me with the power I hold. I consider myself fortunate that, in the midst of difficulties and dangers, I have been able to summon you together, and quietly to commit to your keeping the trust confided to me. If the government has not been true—if the present crisis demands any other resolution than it has indicated, the fate of the republic is in your hands, and it belongs to you to save it. The pressing importance of the business which you have assembled to consider should address itself to you. The freedom of your deliberations will be respected and sustained to the last extreme, and the governor will consider every one as a traitor to the nation who, in any manner, or by whatever means, shall endeavor to excite a spirit of dissolution or attack the freedom of the legislative body. The words *war* and *peace* will be listened to by the government, whatever its own opinion, with all that respect to which the worthy representatives of the republic are entitled. The government considers the treaty of Guadalupe as a subject of general and transcendent importance. The qualifications which may be made in it will be the result of that diversity of opinions into which the citizens of every free State are divided. The government, in adopting it and transmitting it to the chambers, has looked upon it as a measure truly honorable for the country, after all her misfortunes; but that judgment is submitted by the constitution to the tribunal of the people's representatives.

Gentlemen! You are chosen and assembled under circumstances in which public opinion cannot be misled. There is no chance for deception among the people when they labor with the noblest impulses and desires to solve the great question of their own salvation. If in ordinary cases Congress is the legal and most respectable organ of the nation, it more than ever this day realizes the appropriateness of the title, in consequence of the condition to which things have arrived, and, also, the unfettered freedom which has prevailed in the elections. The confidence with which you have been honored by your compatriots deserves a merited recom-

pense—THAT OF SAVING THE REPUBLIC. And, gentlemen, you will save it, because, being citizens of honor and integrity, your labors will be blessed by Providence. *I have spoken.*

Mr. De la Rosa to Messrs. Sevier and Clifford.

[Translation.]

QUERETARO, 9th May, 1848.

The undersigned, minister of foreign relations, has the honor to announce to their excellencies Messrs. A. H. Sevier and N. Clifford, &c., &c., that the sovereign national Congress was solemnly installed at half-past five o'clock in the evening of the 7th instant.

The undersigned transmits to the commissioners of the United States the message presented by the supreme magistrate of the republic, and the answer thereto by his excellency the president of Congress.

The government has now submitted the treaty of peace, concluded between the Mexican republic and the United States of America on the 2d of February last, to the sovereign deliberation of the representatives of the nation.

While making this communication to their excellencies, the undersigned, &c., &c.

LUIS DE LA ROSA.

To their excellencies

MESSRS. A. H. SEVIER and N. CLIFFORD, &c., &c., &c.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 7.]

MEXICO, May 15, 1848.

SIR: Since closing our despatch last evening we have been furnished with a proof of the communication of Mr. Rosa therein referred to, and we now send it to you. From the source to which we are indebted for it we learn that the government expects that the treaty will pass the Senate on Wednesday, the 17th, and they hope to get it through the House by the 25th, at the latest.

We are, &c.

A. H. SEVIER,
N. CLIFFORD.

HON. JAMES BUCHANAN,
Secretary of State.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 8.]

MEXICO, May 21, 1848.
Two o'clock, a. m.

SIR: We have the honor to inform you that a private express has just arrived from Queretaro, by which we have received the intelligence that the treaty passed the House of Deputies on the 19th instant. The vote was taken at a late hour in the evening, and stood fifty-one to thirty-six. No doubt is entertained of its approval by the Senate without delay. We will write again as soon as we are apprised of the final result.

We are, &c.

A. H. SEVIER.
N. CLIFFORD.

HON. JAMES BUCHANAN,
Secretary of State.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 9.]

MEXICO, May 21, 1848.

SIR: Since writing to you at two o'clock, this evening, we have received the enclosed despatch, to which we sent a response, of which we enclose you a copy.

We are, &c.

A. H. SEVIER,
N. CLIFFORD.

HON. JAMES BUCHANAN,
&c., &c., &c.

Mr. De la Rosa to Messrs. Sevier and Clifford.

[Translation.]

QUERETARO, May 19, 1848.

The undersigned, minister of foreign relations of the republic, has the honor to inform Messrs. Ambrose H. Sevier and Nathan Clifford, that their excellencies can, whenever they please, proceed to this city and present to his excellency the President their credentials as commissioners, with the rank of ministers plenipotentiary of the United States of America.

The undersigned reiterates to their excellencies the commissioners of the United States the assurances of his very distinguished consideration.

LUIS DE LA ROSA.

To their excellencies Messrs. AMBROSE H. SEVIER and NATHAN CLIFFORD, *Commissioners of the United States of America.*

Messrs. Sevier and Clifford to Mr. De la Rosa.

CITY OF MEXICO, *May 21, 1848.*

The undersigned, &c., &c., had the honor to receive this morning, at seven o'clock, the note of his excellency the minister of foreign relations, intimating to them the readiness of his excellency the President to receive their credentials at Queretaro, whenever it may suit their convenience. The undersigned have the honor to apprise his excellency that they will set out for Queretaro at an early hour in the morning, and will perform the journey with all practicable expedition.

The undersigned, &c., &c.,

A. H. SEVIER,
NATHAN CLIFFORD.

Messrs Sevier and Clifford to Mr. Buchanan.

[No. 10.]

QUERETARO, *May 25, 1848.*

SIR: We have the satisfaction to inform you that we reached this city this evening at about 5 o'clock, and that we learned that the treaty, as amended by our Senate, had passed the Mexican Senate about the same hour of our arrival, by a vote of 37 to 5. It having previously passed the Chamber of Deputies, nothing now remains but to exchange the ratifications of the treaty. We were met about four leagues from this city by a Mexican escort, under command of Colonel Herrera, and escorted to a house prepared by the government for our reception.

The minister of foreign relations, and the governor general Morales, waited upon us, and conducted us to our dinner, which had been previously ordered. So far as this government are concerned, every facility and honor has been offered us, and Mr. Rosa, the minister of foreign relations, desires me to state to you, that he feels great satisfaction in meeting the ministers of peace from the United States. We will write you again shortly, and more at length, as the courier is on the eve of departure. The city appears to be in a great state of exultation; fire-works going off, and bands of music parading in every direction.

We have, &c.

A. H. SEVIER,
N. CLIFFORD.

HON. JAMES BUCHANAN,
Secretary of State.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 11.]

QUERETARO, May 30, 1848.

SIR: In our last, we had the honor to inform you of our arrival in this city on the twenty-fifth instant. On the following day, at 12 o'clock meridian, in pursuance of a previous arrangement, Mr. Clifford was presented to his excellency the president of the republic, by Mr. Rosa, the secretary of foreign relations, in the presence of the cabinet and a large number of the civil and military officers of the government, and placed our credentials in the hands of the president. Mr. Sevier was prevented by indisposition from being present on the occasion. We enclose a copy of our address to the president and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Conto, and ourselves, which it is not thought necessary to recapitulate, as we enclose a copy of the protocol which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to day. Some delay occurred after the conferences in the preparation of the Mexican copy. That work was finally accomplished, within the last hour, when the exchange of ratifications was duly made, by Mr. Rosa, on behalf of the government, and ourselves, on the part of the United States. Having completed our duties here, we shall return immediately to the city of Mexico, for the purpose of paying over the three millions, according to the stipulations of the treaty. It is expected that the Mexican government will appoint a commissioner to repair to the city, in company with us, to receive the payment. No circumstances are foreseen by us to render it necessary to use the papers furnished from the Treasury Department, in regard to the remaining twelve millions. In one of our conferences, Mr. Rosa urged, with much force, the dangers of disorder in the city of Mexico, in case our army should retire before the Mexican authorities had taken the necessary precautions; and also expressed some fear that their authorities might be interfered with by our army, should they find it necessary to arrest and try certain individuals who, it is said, are plotting the overthrow of the government, and to quiet these apprehensions, as far as possible, we addressed a communication to General Butler, of which the enclosed is a copy. We also transmit a copy of a letter from Commodore Jones, with the enclosures, and a copy of our reply; also a copy of a letter from Major General Butler to us, with the enclosure, and a copy of our communication to Colonel Mason, in compliance with General Butler's request; also a copy of our despatch to Commodore Perry, commander of the gulf squadron.

We have, &c.,

A. H. SEVIER,
N. CLIFFORD.

HON. JAS. BUCHANAN,
Secretary of State.

Address of the Commissioners of the United States to the President of the Mexican Republic, on delivering their credentials.

SIR: We have come to present to your excellency our credentials as commissioners of the United States, for the exchange of ratifications of the treaty signed at Guadalupe Hidalgo, with the amendments made to it by the Senate at Washington. That treaty, so amended, having been approved by the Congress of Mexico, an exchange of ratifications is all that now remains for the complete re-establishment of peace between the two countries. Sincerely do we rejoice at this happy result; and to have been in any way instrumental in bringing it about will always be to us a source of the most gratifying recollection. Your excellency may be assured that the best wishes of the United States are for the prosperity of Mexico; and that in the prosperity of Mexico they feel that their best interests also are deeply involved. Sister republics, may the two countries ever maintain the most friendly relations in all their intercourse. May their free institutions so prosper in each, by mutual encouragement and assistance, as to conduct both to the summit of greatness, of which the corner stones are intelligence, education, virtue, and enable them from their elevation to shed a beacon light upon the path of popular developement, in which the nations of the civilized world are now so generally struggling onward with renovated vigor and illimitable hope.

With these heartfelt wishes, we beg leave to place our credentials in your excellency's hands.

[Translation.]

Reply of the President.

I have with the utmost satisfaction received from your excellencies' hands the credentials which you have been pleased to present to me, for the exchange of the ratifications of the treaty, signed at the city of Guadalupe Hidalgo, with the ratifications made at Washington by the Senate, which treaty has just obtained the approval of the Mexican Congress.

I give to your excellencies my particular thanks for the sentiments of amity and good will which you are pleased to express to me towards the Mexican republic. In its name I assure your excellencies that its sentiments correspond in all respects with those on your own part, and that, as the head of this republic, I desire nothing more ardently than that our treaty may be the immutable base of that constant harmony and good understanding which should prevail with sincerity between the two republics, for the advancement of their happiness, their greatness, and their respectability in the universal society of nations.

PROTOCOL.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, commissioners of the United States of America, with full powers from their government to make to the Mexican republic suitable explanations in regard to the amendment which the Senate and government of the said United States have made to the treaty of peace, friendship, limits, and definitive settlement between the two republics, signed in the city of Guadalupe Hidalgo on the second day of February of the present year, and his excellency Don Luis de la Rosa, minister of foreign affairs of the republic of Mexico; it was agreed, after adequate conversation respecting the changes alluded to; to record in the present protocol the following explanations which their aforesaid excellencies the commissioners gave in the name of their government, and in fulfillment of the commission conferred upon them near the Mexican republic.

1st. The American government, by suppressing the IXth article of the treaty of Guadalupe, and substituting the article 3d of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IX. in favor of the inhabitants of the territories ceded by Mexico. Its understanding is, that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence, all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American government, by suppressing the Xth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d of March, 1836.

3d. The government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars, which the same government of the Uni-

En la cudad de Queretaro a los veinte y seis dias del mes de Mayo del ano de mil ochocientos cuarenta y ocho reunidos el excelentisimo Senor D. Luis de la Rosa, ministro de relaciones de la republica Mexicana, y los excelentisimos Senores Nathan Clifford y Ambrosio H. Sevier, comisionados con plenos poderes del gobierno de los Estados Unidos de America, para han al de la republica Mexicana las esplicaciones convenientes sobre las modificaciones que el senado y gobierno de dichos estados han hecho al tratado de paz, amistad, limites, y arreglo definitivo entre ambas republicas, firmado en la ciudad de Guadalupe Hidalgo el dia dos de Febrero del presente ano, despues de haber conferenciado detenidamente sobre las indicadas variaciones, han acordado consignar en el presente protocolo las siguientes esplicaciones, que los espresados excelentisimos senores comisionados han dado en nombre de su gobierno y desempeñan a da la comision que este les confirió cerca del de la republica Mexicana.

1a. El gobierno Americano suprimiendo el articulo IX. del tratado de Guadalupe, y substituyendo a el articulo III. del de la Louisiana, no ha pretendido disminuir en nada lo que estaba pactado por el citado articulo IX. en favor de los habitantes de los territorios cedidos por Mexico. Entiende que todo eso esta contenido en el articulo III. del tratado de la Louisiana. En consecuencia, todos los goce y garantias que en el orden civil, en el politico y religioso, tendrian los dichos abitantes de los territorios cedidos, si habiese subsistido el articulo IX. del tratado, esos mismos sin diferencia alguna tendran bajo el articulo que sera sustituido.

2d. El gobierno Americano suprimiendo el articulo X. del tratado de Guadalupe no ha intentado de ninguna manera anular las concesiones de tierras hechos por Mexico en los territorios cedidos. Esas concesiones, aun suprimiendo el articulo del tratado, conservan el valor legal que tengan; y los concesionarios pueden hacer valer sustitulos legitimos ante los tribunales Americanos.

Conforme a la ley de los Estados Unidos, son titulos legitimos en favor de toda propiedad mueble o raiz existente en los territorios cedidos, los mismos que hayan sido titulos legitimos bajo la ley Mexicana hasta el dia 13 de Mayo de 1846, en California y en Nuevo Mexico, y hasta el dia 2 de Marzo de 1836 en Texas.

3a. El gobierno de los Estados Unidos, suprimiendo el parrafo con que concluye el articulo XII. del tratado, no ha entendido privar a la republica Mexicana de la libre y espedita facultad de ceder, traspasar o enagenar en cualquier tiempo (como mejor le parezca) la suma de los doce millones pesos, que el mismo gobierno de los Estados Unidos

ted States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the minister of foreign affairs of the Mexican republic, he declared in the name of his government, that with the understanding conveyed by them, the said government would proceed to ratify the treaty of Guadalupe as modified by the Senate and government of the United States. In testimony of which, their excellencies the aforesaid commissioners and the minister have signed and sealed in quintuplicate the present protocol.

A. H. SEVIER, [L. s.]
NATHAN CLIFFORD, [L. s.]
LUIS DE LA ROSA. [L. s.]

de be entregar en los plazos que expresa el articulo XII. modificado.

Y habiendo aceptado estas esplicaciones el ministro de relaciones de la republica Mexicana declara en nombre de su gobierno que bajo los conceptos que ellas importan, va a proceder el mismo gobierno a ratificar el tratado de Guadalupe segun ha sido modificado por el senado y gobierno de los Estados Unidos. En fe de lo cual firmaros y sellaron por quintuplicado el presente protocolo los excellentissimos señores ministro y comisnados ante dichos.

LUIS DE LA ROSA, [L. s.]
A. H. SEVIER, [L. s.]
NATHAN CLIFFORD, [L. s.]

Translation of the ratification by the Mexican Executive of the treaty of Guadalupe Hidalgo, as amended by the Senate of the United States.

MANUEL DE LA PENA Y PENA, PRESIDENT AD INTERIM OF THE UNITED MEXICAN STATES.

To all who shall see these presents:

Know ye, that on the second day of February, in the present year, there was concluded in the city of Guadalupe Hidalgo, a treaty of peace, friendship, limits and settlement between the United Mexican States and the United States of America, by means of plenipotentiaries of both governments, duly authorized by each for this purpose, which treaty and its additional article are in form and tenor as follows:

[Here follows a copy of the original treaty and additional article.]

And that this treaty, on the tenth of March in this year, received in the United States of America the following modifications.

[Here follows a copy of the amendments adopted by the Senate of the United States.]

Having seen and examined the said treaty and the modifications made by the Senate of the United States of America, and having given an account thereof to the general Congress, conformably to the requirement in the 14th paragraph of the 110th article of the federal constitution of these United States, that body has thought proper to approve of the said treaty with the modifications thereto, in all their parts; and in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify and confirm the said treaty with its modifications, and promise, in the name of the Mexican republic, to fulfil and observe it, and to cause it to be fulfilled and observed.

Given in the federal palace of the city of Santiago de Queretaro, signed with my hand, attested with the great seal of the nation, and countersigned by the Secretary of State, in the department of interior and exterior relations, the thirtieth day of the month of

May, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the republic, the twenty-eighth.

MANUEL DE LA PEÑA Y PEÑA. [SEAL.]

LUIS DE LA ROSA,
Secretary of State and of Relations.

DEPARTMENT OF STATE,
Washington, March 15, 1848.

SIR: You are aware that the honorable Ambrose H. Sevier is about to proceed to Mexico, as commissioner of the United States, with a duly ratified copy of the treaty, embracing the amendments of the Senate, signed on the 2d February last, at Guadalupe Hidalgo, between the United States and the republic of Mexico. As it may be essential to the success of his mission, that he should bear with him from your department some evidence of the debt from the United States to the Mexican government, in conformity with the terms of the 12th article of the treaty as amended, I respectfully submit, by the direction of the President, to your consideration, the propriety of furnishing me such evidence to be delivered by Mr. Sevier to that government in case of necessity.

Yours, very respectfully,
JAMES BUCHANAN.

HON. ROBERT J. WALKER,
Secretary of the Treasury.

TREASURY DEPARTMENT,
March 16, 1848.

SIR: In compliance with the request in your communication of yesterday, you will find enclosed, (in conformity with the form submitted by you,) exemplifications, under the seal of this department, of the debt which will become due from the United States to the Mexican government, on the ratification of the treaty, (with the amendments of the Senate,) signed, on the 2d of February last, at Guadalupe Hidalgo, between the United States and the republic of Mexico.

These exemplifications are, of course, a nullity, if the treaty is not ratified; and in that event, you will, no doubt, give the necessary directions that they be cancelled and returned to this department.

You will observe, as indicated on the face of these papers enclosed, that they cannot be used so as to impose any new or addi-

tional obligation upon this government, beyond what may be created by the ratification of the treaty, as amended.

I have the honor to be, very respectfully, your obedient servant,
 R. J. WALKER,
Secretary of the Treasury.

Hon. JAMES BUCHANAN,
Secretary of State.

TREASURY DEPARTMENT,
 March 16, 1848.

Three years after the Mexican government shall have ratified the treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, 1848, as the same has been amended by the Senate of the United States, on the 10th March, 1848, there will be due, from the said United States to the Mexican republic, the sum of three millions of dollars, payable at the city of Mexico, upon the surrender of the present evidence of debt, in the gold or silver coin of Mexico, together with interest on the same, at the rate of six per cent. per annum, to commence from the date of the said ratification; which said sum, together with the interest aforesaid, the government of the United States have, by the twelfth article of the said treaty, engaged to pay to the government of the Mexican republic, in consideration of the extension of the boundaries of the United States, acquired under the fifth article of the same.

Given under my hand and the seal of the Treasury Department of the United States, at the city of Washington, this [L. s.] sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-eight.

R. J. WALKER,
Secretary of the Treasury.

[Returned and cancelled.]

TREASURY DEPARTMENT,
 March 16, 1848.

One year after the Mexican government shall have ratified the treaty of peace, friendship, limits, and settlements, between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, 1848, as the same has been amended by the Senate of the United States, on the 10th March, 1848, there will be due from the said United States to the Mexican republic the sum of three millions of dollars, payable at the city of Mexico, upon the surrender of the present evidence of debt, in the gold or silver coin of Mexico, together with interest on the same, at the rate of six per cent. per annum, to commence

from the date of the said ratification; which said sum, together with the interest aforesaid, the government of the United States have, by the twelfth article of the said treaty, engaged to pay to the government of the Mexican republic, in consideration of the extension of the boundaries of the United States, acquired under the fifth article of the same.

[L. s.] Given under my hand and the seal of the Treasury Department of the United States, at the city of Washington, this sixteenth day of March, in the year one thousand eight hundred and forty-eight.

R. J. WALKER,
Secretary of the Treasury.

[Returned and cancelled.]

TREASURY DEPARTMENT,
March 16, 1848.

Two years after the Mexican government shall have ratified the treaty of peace, friendship, limits and settlement, between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, 1848, as the same has been amended by the Senate of the United States, on the 10th of March, 1848, there will be due from the said United States to the Mexican republic the sum of three millions of dollars, payable at the city of Mexico, upon the surrender of the present evidence of debt, in the gold or silver coins of Mexico, together with interest on the same at the rate of six per cent. per annum, to commence from the date of the said ratification; which said sum, together with the interest aforesaid, the government of the United States have, by the twelfth article of the said treaty, engaged to pay to the government of the Mexican republic, in consideration of the extension of the boundaries of the United States, acquired under the fifth article of the same.

[L. s.] Given under my hand and the seal of the Treasury Department of the United States, at the city of Washington, this sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-eight.

R. J. WALKER,
Secretary of the Treasury.

[Returned and cancelled.]

TREASURY DEPARTMENT,
March 16, 1848.

Four years after the Mexican government shall have ratified the treaty of peace, friendship, limits and settlement, between the United States of America and the Mexican republic, concluded at Gu

dalupe Hidalgo, on the 2d day of February, 1848, as the same has been amended by the Senate of the United States, on the 10th of March, 1848, there will be due from the said United States to the Mexican republic the sum of three millions of dollars, payable at the city of Mexico, upon the surrender of the present evidence of debt, in the gold or silver coin of Mexico, together with interest on the same at the rate of six per cent. per annum, to commence from the date of the said ratification; which said sum, together with the interest aforesaid, the government of the United States have, by the twelfth article of the said treaty, engaged to pay to the government of the Mexican republic, in consideration of the extension of the boundaries of the United States, acquired under the fifth article of the same.

Given under my hand and the seal of the Treasury Department of the United States, at the city of Washington, this [L. s.] sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-eight.

R. J. WALKER,
Secretary of the Treasury.

[Returned and cancelled.]