30th Congress, 1st Session. [SENATE.] Executive, No. 60.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A copy of the treaty with the Mexican republic, of February 2, 1848, and of the correspondence in relation thereto, and recommending measures for carrying the same into effect.

JULY 6, 1848.

Read, and ordered to be printed, and that 5,000 additional copies be printed for the use of the Senate; and that so much of the message as appropriately belongs to the Committees on Foreign Relations, Finance, Military Affairs, Naval Affairs, Public Lands, Judiciary, and Territories, be referred thereto.

To the Senate and House of Representatives of the United States:

I lay before Congress copies of a treaty of peace, friendship, limits, and settlement, between the United States and the Mexican republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war in which our country was reluctantly involved, in the necessary vindication of the national rights and honor, has been thus terminated, and I congratulate Congress, and our common constituents, upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guaranty of security for the future, by convincing all nations that our rights must be respected. The results of the war with Mexico have given to the United States a national character abroad which our country never before enjoyed. Our power and our resources have become known, and are respected throughout the world, and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years. It is a subject of congratulation that we have passed through a war of more than two year's duration, with the business of the country uninterrupted, with our resources unexhausted, and the public credit unimpaired.

I communicate for the information of Congress the accompanying documents and correspondence relating to the negotiation and ratification of the treaty.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Before the treaty can be fully executed on the part of the United States, legislation will be required.

It will be proper to make the necessary appropriations for the payment of the twelve millions of dollars, stipulated by the twelfth article, to be paid to Mexico in four equal annual instalments. Three millions of dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican government after the exchange of the ratifications of the treaty.

The fifth article of the treaty provides that, "in order to designate the boundary line with due precision upon authoritative maps, and to establish, upon the ground, land marks 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."

It will be necessary that provision should be made by law for the appointment of a commissioner and surveyor, on the part of the United States, to act in conjunction with a commissioner and surveyor appointed by Mexico, in executing the stipulations of this article.

It will be proper, also, to provide by law for the appointment of a "board of commissioners" to adjudicate and decide upon all claims of our citizens against the Mexican government, which by the treaty have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon territory, and extending from the Pacific ocean to the Rio Grande, a mean distance of nearly a thousand miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego and Monterey and the bay of San Francisco, will enable the United States to command the already valuable and rapidly increasing commerce of the Pacific. The number of our whale ships alone now employed in that sea exceeds seven hundred, requiring more than twenty thousand seamen to navigate them, while the capital invested in this particular branch of commerce is estimated at not less than forty millions of dollars. The excellent harbors of Upper California will, under our flag, afford security and repose to our commercial marine, and American mechanics will soon furnish ready means of ship-building and repair, which are now so much wanted in that distant sea.

By the acquisition of these possessions, we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon, with the islands of

the Pacific ocean, and by a direct voyage in steamers we will be in less than thirty days of Canton and other ports of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, great must be the augmentation of our commerce, and with it new and profitable demands for mechanic labor in all its branches, and new and valuable markets for our manufactures and agricultural products.

While the war has been conducted with great humanity and forbearance, and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico. In her hands the territories now ceded had remained, and it is believed would have continued to remain almost unoccupied and of little value to her or to any other nation, whilst, as a part of our Union, they will be productive of vast benefits to the United States, to the commercial world, and the general interests of mankind.

The immediate establishment of territorial governments, and the extension of our laws over these valuable possessions, are deemed to be not only important, but indispensable to preserve order, and the due administration of justice within their limits; to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the Executive to establish, or to continue temporary civil governments over these territories, which existed under the laws of nations, whilst they were regarded as conquered provinces, in our military occupation, has ceased. By their cession to the United States, Mexico has no longer any power over them, and, until Congress shall act, the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce, to a considerable amount, is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For these, and other obvious reasons, I deem it to be my duty, earnestly to recommend the action of Congress on the subject at the present session.

In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise in your deliberations, in which the constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this union of confederated States was established and cemented by kindred blood, and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever augmenting source of our national greatness and of all our blessings.

There has, perhaps, been no period, since the warning so impressively given to his countrymen by Washington, to guard against geographical divisions and sectional parties, which appeals with greater force than the present, to the patriotic, sober minded, and reflecting of all parties, and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced, as a nation, to a height of strength, power, and happiness, without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissentions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be secured to all our citizens who have settled, or may in a limited period settle, within their limits.

In execution of the provisions of the treaty, orders have been issued to our military and naval forces to evacuate without delay the Mexican provinces, cities, towns, and fortified places in our military occupation, and which are not embraced in the territories ceded to the United States. The army is already on its way to the United States. That portion of it, as well regulars as volunteers, who engaged to serve during the war with Mexico, will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the regular army will be employed in New Mexico and Upper California, to afford protection to the inhabitants and to guard our interests in these territories.

The old army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, it is believed will be a sufficient force to be retained in service during a period of peace. A few additional officers, in the line and staff of the army, have been authorized, and these, it is believed, will be necessary in the peace establishment, and should be retained in the service. The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries, who live under forms of government less free than our own, have been for ages oppressed by taxation, to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country when an emergency requires it. Our experience in the war just closed fully confirms the opinion that such an army may be raised upon a few week's notice, and that our citizen soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces and thereby subject the treasury to an annual

increased charge. Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of territorial governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions, that a public debt should be permitted to exist a day longer than the means of the treasury will enable the government to pay it off. We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace, to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden we ourselves ought to bear."

At the commencement of the present administration, the public debt amounted to seventeen millions seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to sixty-five millions seven hundred and seventy eight thousand four hundred and fifty dollars and forty-one cents, including the stock and treasury notes which may yet be issued under the act of January 28, 1847, and the sixteen million loan recently negotiated, under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that twelve millions of dollars shall be paid to Mexico, in four equal annual instalments of three millions each, the first of which will fall due on the 30th day of May, 1849. The treaty also stipulates that the United States shall "assume and pay" to our own citizens "the claims already liquidated and decided against the Mexican republic," and "all claims not heretofore decided against the Mexican government," "to an amount not exceeding three and a quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico of the 11th of April, 1839, amounted to two millions and twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents. This sum was payable in twenty equal annual instalments. Three of them have been paid to the claimants by the Mexican government, and two by the United States—leaving to be paid of the principal of the liquidated amount assumed by the United States the sum of one million five hundred and nineteen thousand six hundred and four dollars and seventy-six cents, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due, out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

I cannot too strongly recommend to Congress the importance of

husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the treasury to the redemption of the debt. I recommend that authority be vested in the Executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase it at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium has been obtained by the government on much the larger portion of the loans; and if, when the government becomes a purchaser of its own stock, it shall command a premium in the market, it will be sound policy to pay it, rather than to pay the semi-annual interest upon it. The interest upon the debt, if the outstanding treasury notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable, will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has been the increase of our commerce under its benign operation, that the revenue derived from that source, and from the sales of the public lands, will, it is confidently believed, enable the government to discharge annually several millions of the debt, and at the same time possess the means of meeting necessary appropriations for all other proper objects. Unless Congress shall authorize largely increased expenditures, for objects not of absolute necessity, the whole public debt existing before the Mexican war, and that created during its continuance, may be paid off without any increase of taxation on the people long before it fall due.

Upon the restoration of peace, we should adopt a policy suited to a state of peace. In doing this, the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the errors into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period, a broad and latitudinous construction of the powers of the federal government, unfortunately received but too much countenance. Though the country was burdened with a heavy public debt, large, and in some instances unnecessary and extravagant expenditures were authorized by Congress. The consequence was, that the payment of the debt was postponed for more than twenty years; and even then it was only accomplished by the stern will and unbending policy of President Jackson, who made its payment a leading measure of his administration. He resisted the attempts which were made to divert the public money from that great object, and apply it in wasteful and extravagant expenditures for other objects; some of them of more than doubtful constitutional authority and expediency.

If the government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations, and to the few general objects of its care enumerated in the Constitution, leaving all municipal and local legislation to the States, our greatness as a nation, in moral

and physical power, and in wealth and resources, cannot be calculated.

By pursuing this policy, oppressive measures operating unequally and unjustly upon sections and classes, will be avoided, and the people, having no cause of complaint, will pursue their own interests, under the blessings of equal laws and the protection of a just and paternal government. By abstaining from the exercise of all powers not clearly conferred, the current of our glorious Union, now numbering thirty States, will be strengthened as we grow in age and increase in population, and our future destiny will be without a parallel or example in the history of nations.

JAMES K. POLK.

WASHINGTON, *July* 6, 1848.

TREATY

Of peace, friendship, limits and settlement, between the United States of America and the Mexican republic. Dated at Guadalupe Hidalgo, February 2, 1848; *ratified by the President of the United States, March* 16, 1848; *exchanged at Queretaro, May* 30, 1848; *proclaimed by the President of the United States, July* 4, 1848.

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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 Couto and Don Miguel Atristain, citizens of the said republic, who, after a

En el nombre de Dios Todo-Poderoso:

Los Estados Unidos Mexicanos y los Estados Unidos de América, animados de un sincero deseo de poner término á las calamidades de la guerra que desgraciadamente existe entre ambas repùblicas, y de establecer sobre báses sólidas relaciones de paz y buena amistad, que procuren reciprocas ventajas á los ciudadanos de uno y otro pais, y afianzen la concordia, armonia y mútua seguridad en que deben vivir, como buenos vecinos, los dos pueblos han nombrado á este efecto sus respectivos plenipotenciarios; á saber, el Presidente de la república Mexicana á Don Bernardo Couto, Don Miguel Atristain, y Don Luis Gonzaga Cuevas, ciudadanos de la misma república; y el Presidente de los Estados Unidos de America á Don Nicolas P. Trist, ciu-

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 commanders of their land and naval forces, requiring the

dadano de dichos Estados; quienes despues de haberse comunicado sus plenos poderes, bajo la proteccion del Señor Dios Todo Poderoso, autor de la paz, han ajustado, convenido, y firmado el siguiente

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

ARTICULO I.

Habrá paz firme y universal entre la república Mexicana y los Estados Unidos de América, y entre sus respectivos paises, territorios, ciudades, villas, y pueblos, sin escepcion de lugares ó personas.

ARTICULO II.

Luego que se firme el presente tratado, habrá un convenio entre el comisionado ú comisionados del gobierno Mexicano, y el ó los que nombre el General en gefe de las fuerzas de los Estados Unidos, para que cesen provisionalmente las hostilidades, y se restablezca en los lugares ocupados por las mismas fuerzas el orden constitucional en lo político, 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 órdenes á sus comandantes de tierra y mar previniendo á estos segundos (siempre que el tratado

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 the 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 authorised by the Mexican government to receive it, together with all bonds and evidences of debts 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 the ratification of this treaty by the government of the Mexican republic;

haya sido ya ratificado por el gobierno de la república Mexicana, y cangeadas las ratificaciones) que inmediatamente alcen el bloqueo de todos los puertos Mexicanos, y mandando à los primeros (bajo la misma condicion) que â la mayor posible brevedad comiencen á retirar todas las tropas de los Estados Unidos que se halláren entonces en el interior de la república Mexicana, á puntos que se elegirán de comun acuerdo, y que no distarán de los puertos mas de trienta leguas; esta evacuacion del interior de la república se consumerá con la menor dilacion posible, comprometiéndose á la vez el gobierno Mexicano á facilitar, cuanto quepa en su arbitrio, la evacuacion de las tropas Americanas; á hacer cómodas su marcha y su permanencia en los nuevos puntos que se elijan; y à promover una buena inteligencia entre ellas y los habitantes. Igualmente se librarán órdenes á las personas encargadas 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 á las personas autorizadas por el gobierno Mexicano para recibirlas, entregándoles al mismo tiempo todas las obligaciones y constancias de deudas pendientes por derechos de importacion y exportacion, cuyos plazos no estén vencidos. Ademas se formará una cuenta fiel y exacta que manifeste el total monto de los derechos de importacion y exportacion, recaudados en las mismas aduanas maritimas ó en cualquiera otro lugar de Mexico por autoridad de los Estados Unidos desde el dia de

and also on 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 the ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulations, 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.

la ratificacion de este tratado por el gobierno de la repùblica Mexicana; y tambien una cuenta de los gastos de racaudacion; y la total suma de los derechos cobrados, deducidos solamente los gastos de racaudacion, se entregará al gobierno Mexicano en la ciudad de Mexico á los tres meses del cange de las ratificaciones.

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

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 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, muni-

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 ú ocupado las fuerzas de los Estados Unidos, en la presente guerra, dentro de los limites que por el siguiente articulo van á fijarse á la república Mexicana, se devolverán definitivamente á la misma república, con toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad pública existentes en dichos castillos y fortalezas, cuando fueron tomados, y que se conserve en ellos al tiempo de ratificarse por el gobierno de la república Mexicana el presente tratado. A este efecto, inmediatamente despues que se firme, se expedirán órdenes á los oficiales Americanos que mandan dichos castillos y fortalezas para asegurar toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad públi-

tions, 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,

ca, la cual no podrá 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 á la devolucion de artilleria, aparejos de guerra, etc.

La final evacuacion del territorio de la república Mexicana por las fuerzas de los Estados Unidos quedará consumada á los tres meses del cange de las ratificaciones, ó antes si fuére posible, comprometiendose á la vez el gobierno Mexicano, como en el artículo anterior, á usar de todos los medios que estén en su poder para facílitar la tal evacuacion, hacerla cómoda á las tropas Americanas, y promover entre ellas y los habitantes una buena intelligencia.

Sin embargo, si la ratificacion del presente tratado por ambas partes no tuviéra 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 señalarán lugares salubres y convenientes (que no disten de los puertos mas de treinta leguas) para que residan en elios 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 aquí 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 ó tierra por am-

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 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 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

bas partes, se restituirán á la mayor brevedad posible despues del cange de las ratificaciones del presente tratado. Queda tambien convenido que si algunos Mexicanos estuviéren ahora cautivos en poder de alguna tribu salvage dentro de los limites que por el siguiente artículo van á fijarse á los Estados Unidos, el gobierno de los mismos Estados Unidos exigirá su libertad y los hará restituir á su pais.

Articulo V.

La linea divisoria entre las dos repúblicas commenzará en el golfo de Mexico, tres leguas fuera de tierra frente á la desembocadura del Rio Grande, llamado por otro nombre Rio Bravo del Norte, ó del mas profundo de sus brazos, si en la desembocadura tuviére varios brazos; correrá 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; continuará luego hácia occidente por todo este lindero meridional (que corre al norte del pueblo llamado *Paso*) hasta su término por el lado de occidente; desde allí subirá la linea divisoria hácia el norte por el lindero occidental de Nuevo Mexico, hasta donde este lindero esté cortado por el primer brazo del rio Gili; (y si no está cortado por ningun brazo del rio Gila, entonces hasta el punto del mismo lindero occidental mas cercano al tal brazo, y de allí en una línea recta al mismo brazo;) continuará despues por mitad de este brazo y del rio Gila hasta su confluencia con el rio Colorado; y desde la

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 the 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

confluencia de ambos rios la línea divisoria, cortando el Colorado, seguira el límite 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 publicó 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 límite que separa la Alta de la Baja California, queda convenido que dicho límite consistirá en una línea 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 está dibujado en el plano que levantó el año de 1782 el segundo piloto de la armada Españalo Don Juan Pantoja, y se publicó 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 consiguar la linea divisoria con la precision debida en mapas febacientes, y para establecer sobre la tierra mojones que pongan á la vista los límites de ambas repúblicas, segun quedan descritos en el presente articulo, nombrará cada uno de los

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.

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.

dos gobiernos un commisario y un agrimensor que se juntarán antes del término de un año contado desde la fecha del cange de las ratificaciones de este tratado, en el puerto de San Diego, y procederán á señalar y demarcar la expresada linea divisoria en todo su curso hasta la desembocadura del Rio Bravo del Norte. Llevarán diarios y llevantarán planos de sus operaciones: y el resultado convenido por ellos se tendrá por parte de este tratado, y tendrá la misma fuerza que si estuviése inserto en él; 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 necessario.

La linea divisoria que se establece por este artículo será religiosamente respetada por cada una de las dos repúblicas, y ninguna variacion se hará jamás 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.

Articulo VI.

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

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 im-

Si por reconocimientos que se practiquen, se comprobare la posibilidad y conveniencia de construir un camino, canal, ó ferro-carril, que en todo ó en parte corra sobre el rio Gila ò sobre alguna de sus márgenes derecha ó izquierda en la latitud de una legua marina de uno ó de otro lado del rio, los gobiernos de ambas repúblicas se pondrán de acuerdo sobre su construccion á 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 repúblicas, segun lo establecido en el articulo quinto, la navegacion en el Gila y en la parte que queda indicada del Bravo, serà libre y comun à los buques y ciudadanos de ambos paises, sin que por alguno de ellos pueda hacerse (sin consentimiento del otro) ninguna obra que impido ó interrumpa en todo ó en parte el ejercicio de este derecho, ni aun con motivo de favorecer nuevos métodos de navegacion. Tampoco se podrá cobrar (sino en el caso de desembarco en alguna de sus riberas) ningun impuesto ó contribucion bajo ninguna denominacion ó título á los buques, efectos, mercancias ó personas que naveguen en dichos rios. Si para hacerlos ó mantenerlos navegables fuere necesario ó conveniente establecer alguna contribucion ó impuesto, no podrá esto hacerse sin el consentimiento de los dos gobiernos.

Las estipulaciones contenidas en el presente articulo dejan ilesos los derechos territoriales

pair 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 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.

una y otra república dentro de los límites que les quedan marcados.

ARTICULO VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes á México, y que quedan para lo futuro dentro de los límites señalados por el presente tratado á los Estados Unidos, podrán permanecer en donde abora habitan, ó trasladarse en cualquier tiempo á la república Mexicana, conservando en los indicados territorios los bienes que poseen, ó enagenándolos y pasando su valor á donde les convenga, sin que por esto pueda exigirseles ningun género de contribucion, gravámen ó impuesto.

Los que prefieran permanecer en los indicados territorios, podrán conservar el título y derechos de ciudadanos Mexicanos, ó adquirir el título y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una y otra ciudadania deberán hacerla dentro de un año contado desde la fecha del cange de las ratificaciones de este tratado. Y los que permanecieren en los indicados territorios despues de transcurrido el año, sin haber declarado su intencion de retener el carácter de Mexicanos, se considerará que han elegido ser ciudadanos de los Estados Unidos.

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

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 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.

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 whensoever 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 medi-

ARTICULO IX.

Los Mexicanos que, en los territorios antedichos no conserven el caracter de ciudadanos de la repùblica Mexicana, segun lo estipulado en el artículo precedente serán incorporados en la union de los Estados Unidos, y se admitirán en tiempo oportuno (á juicio del Congreso de los Estados Unidos) al goce de todos los derechos de ciudadanos de los Estados Unidos conforme á los principios de la constitucion; y entretanto serán mantenidos y protegidos en el goco de su libertad y propiedad, y asegurados en el libre ejercicio de su religion sin restricion alguna.

ARTICULO X.

[Suprimido.]

ARTICULO XI.

En atencion á que una gran parte de los territorios que por el presente tratado van á quedar para lo futuro dentro de los límites de los Estado Unidos, se halla actualmente ocupada por tríbus 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; está solemnemente convenido que el mismo gobierno de los Estados Unidos contendrá las indicadas incursiones por medio de la fuerza siempre que asísea necesario; y cuando no pudiére prevenirlas, castigara y escarmentará á los invasores, exigiéndoles ademas la debida reparacion: todo del mismo modo, y con la misma diligencia y energia con que obraria, si las incursiones se hubiesen

tated 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.

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

meditado ó ejecutado sobre territorios suyos ó contra sus propios ciudadanos.

A ningun habitante de los Estados Unidos será lícito, bajo ningun pretesto, comprar ó adquirir cautivo alguno, Mexicano ó extrangero, residente en Mexico, apresado por los Indios habitantes en territorio de cualquiera de las dos repúblicas, ni los caballos, mulas, ganados, ó cualquiera otro género de cosas que hayan robado dentro del territorio Mexicano.

Y en caso de que cualquier persona ó 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, á rescatarlas, y á restituirlas á su pais, ó entregarlas al agente ó representanta 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 leal ejercicio de su influencia y poder. Las autoridades Mexicanas darán á las de los Estados Unidos, segun sea practicable, una noticia de tales cautivos; y el agente Mexicano pagará los gastos erogados en el mantenimiento y remision de los que se rescaten, los cuales entre tanto se án 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, tuviéra noticia por cualquiera otro conducto de existir en su territorio cuativos Mexicanos, procederá desde luego á verificar su rescate y entrega al agente

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 tertories, or for its being settled by citizens of the United States; but on the contrary, special care shall 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 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

Mexicano, segun queda convenido.

Con el objeto de dar á estas estipulaciones la mayor fuerza posible, y afianzar al mismo tiempo la seguridad y las reparaciones que exige el verdadero espíritu é intencion con que se han ajustado, el gobierno de los Estados Unidos dictará sin inútiles delaciones, ahora y en lo de adelante, las leyes que requiera la naturaleza del asunto, y vigilará 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 á los Indios de cualquier punto de los indicados territorios ó que establecer en él á ciudadanos suyos: y cuidará muy especialmente de que no se ponga á los Indios que habitaban 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 á reprimir.

Articulo XII.

En consideracion á la estension que adquieren los límites de los Estados Unidos, segun quedan descritos en el artículo quinto del presente tradado, el gobierno de los mismos Estados Unidos se compromete á pagar al de la repùblica Mexicana la suma de quince millones de pesos.

Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la repùblica Mexicana, se entregará al mismo gobierno por él de los Estados Unidos, en la ciudad de Mèxico, y en moneda de plata ú oro del cuño Mexicano la suma de tres millones de pesos. Los doce

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

millones de pesos restantes se pagarán en Mexico, en moneda de plata ù oro del cuño Mexicano, en abonos de tres millones de pesos cada año, con un rèdito de seis por ciento anual: este rédito comienza á 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 pagará el redito que corresponda á la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan á causarse los réditos.

Articulo XIII.

Se obliga ademas el gobierno de los Estados Unidos á tomar sobre sí, y satisfacer cumplidamente á los reclamantes, todas las cantidades que hasta aquí se les deben y cuantas se venzan en adelante por razon de las reclamaciones ya liquidadas y sentenciadas contra la república Mexicana conforme á los convenios ajustados entre ambas repúblicas 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 república Mexicana nada absolutamente tendrá que lasta en lo venidero, por razon de los indicados reclamos.

Articulo XIV.

Tambien exoneran los Estados Unidos á la república 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 firma del presente tratado: esta exoneracion es de-

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

finitiva 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 á Mexico de toda responsabilidad por las reclamaciones de sus ciudadanos mencionadas en el artículo precedente, y considerandolas completamente canceladas para siempre, sea cual fuére su monto, toman á 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 establecerá por el gobierno de los Estados Unidos un tribunal de comisarios, cuyos fallos serán 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 artículos primero y quinto de la convencion, no ratificada, que se ajustó en la ciudad de México el veinte de Noviembre de mil ochocientos cuarenta y tres: y en ningun caso se dará fallo en favor de ninguna reclamacion que no esté comprendida en las reglas y principios indicados.

Si en juicio del dicho tribunal de comisarios, ó en el de los reclamantes se necesitáre para la justa decision de cualquier reclamacion algunos libros, papeles de archivo ó documentos que posea el gobierno Mexicano, ó que esten en su poder; los comisarios, ó los reclamantes por conducto de ellos, los pedirán

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 rati-

por escrito (dentro del plazo que designe el Congreso) dirigiéndose al ministro Mexicano de relaciones exteriores, á quien transmitirá las peticiones de esta clase el Secretario de Estado de los Estados Unidos: y el gobierno Mexicano se compromete á entregar á la mayor brevedad posible, despues de recibida cada demanda, los libros, papeles de archivo ó documentos, así especificados, que posea ó estén en su poder, ó copias ó extráctos auténticos de los mismos, con el objeto de que sean transmitidos al Secretario de Estado, qui en los pasará inmediatamente al expresado tribunal de comisarios. Y no se hará peticion alguna de los enunciados libros, papeles ó documentos, por ó á instancia de ningun reclamante, sin que antes se haya aseverado bajo juraménto ó con afirmacion solemne la verdad de los hechos que con ellos se pretende probar.

ARTICULO XVI.

Cada una de las dos repúblicas 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 año del Señor 1831, entre la república Mexicana y los Estados Unidos de América, esceptuandose el artículo 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 años desde el dia del cange de las ratificaciones del mismo pre-

fications 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 attempt 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 tribu-

sente tratado, con igual fuerza y valor que si estuviese inserto en él; debiendo entenderse que cada una de las partes contratantes se reserva el derecho de poner término al dicho tratado de comercio y navegacion en cualquier tiempo luego que haya expirado el periodo de los ocho años, comunicando su intencion á la otra parte con un año de anticipacion.

ARTICULO XVIII.

No se exigiran derechos ni gravámen de ninguna blase á los artículos todos que lleguen para las tropas de los Estados Unidos á los puertos Mexicanos occupados por ellas, antes de la evacuacion final de los mismos puertos, y despues de la devolucion á Mexico de las aduanas situadas en ellos. El gobierno de los Estados Unidos se compromete á la vez, y sobre esto empeña su fé, á establecer y mantener con vigilancia cuantos guardas sean posibles para asegurar las rentas de México, precaviendo la importacion, á la sombra de esta estipulacion, de cualesquiera artículos que realmente no sean necesarious, ó que excedan en cantidad de los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanezcan en México. A este efecto, todos los oficiales y agentes de los Estados Unidos tendrán obligacion de denunciar á las autoridades Mexicanas en los mismos, puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudièren conocer ó tuvieren motivo de sospechar; así como de impartir á las mismas autoridades todo el auxilio que pudiéren con este objeto: y cualquier conato de

nal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

esta clase, que fuère legalmente probado, y declarado por sentencia de tribunal competente, será castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

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,

Articulo XIX.

Respecto de los efectos, mercancías y propiedades importados en los puertos Mexicanos duranté 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 ó subditos de alguna nacion neutral, se observarán las reglas siguientes:

1. Los dichos efectos, mercancías y propiedades siempre que se hayan importado antes de la devolucion de las aduanas á las autoriades Mexicanas comforme á lo estipulado en el articulo tercero de este tratado, quedarán libres de la pena de comiso, aun cuando sean de los prohibidos en el arancél Mexicano.

2. La misma exencion gozarán los efectos, mercancías y propiedades que lleguen á los puertos Mexicanos; despues de la devolucion á Mexico de las aduanas marítimas, y antes do que expiren los sesenta dias que van á fijarse en el artículo siguiente para que empieze á regir el arancél Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancías y propiedades, en cuanto al pago de derechos, á lo que en el indicado siguiente artículo se establece.

3. Los efectos, mercancías y propiedades designados en las dos reglas anteriores quedarán exentos de todo derecho, alcabála ó impuesto, sea bajo el título de internacion, sea bajo cualqui-

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-

era otro, mientras permenezcan en los puntos donde se hayan importado, y á su salida para el interior; y en los mismos puntos no podrá jamas exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancías, y propiedades, designados en las reglas primera y segunda que hayan sido internados á cualquier lugar ocupado por fuerzas de los Estados Unidos, quedarán exentos de todo derecho sobre su venta ó consumo, y de todo impuesto ó contribucion bajo cualquier título ó denominacion, mientras permanezcan en él mismo lugar.

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

6. Los dueños de efectos, mercancias, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de México, tienen derecho de reembarcarlos, sin que pueda exigirseles ninguna clase de impuesto, alcabala ó 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 go-

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.

Articulo XX.

Por consideracion á los interéses del comercia de todas 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 marítimas, segun lo estipulado en el artículo tercero; todos los efectos, mercancías, y propiedades que lleguen á 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 admitirán no pagando otros derechos que los establecidos en la tarifa que esté vigente en las expresadas aduanas al tiempo de su devolucion, y se extenderán á dichos efectos, mercancías, y propiedades las mismas reglas establecidas en el artículo anterior.

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 government, in the name of those nations, do promise to each other that they will endeavor, in the most sin-

Articulo XXI.

Si desgraciadamente en el tiempo futuro se suscitáre algun punto de desacuerdo entre los gobiernos de las dos repúblicas, bien sea sobre la inteligencia de alguna estipulacion de este tratado, bien sobre cualquiera otra materia de las relaciones políticas ó comerciales de las dos naciones, los mismos gobiernos, á nombre de ellas, se comprometen á procurar de la manera mas sincera y empeñosa á llanar las dif-

cere 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, aggression, 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 neighborship, 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

erencias que se presenten y conservar el estado de paz y amistad en que ahora se ponen los dos paises, usando al efecto de representaciones mútuas y de negociaciones pacíficas. Y si por estos medios no se lograre todavia ponerse de acuerdo no por eso se apelará á represalia, agresion ni hostilidad de ningun género de una república 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, ó de una nacion amiga. Y si tal medio fuére propuesto por cualquiera de las dos partes, la otra accederá á él, á 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) desgráciadamente se suscitáre guerra entre las dos repúblicas, estas para el caso de tal calamidad se comprometen ahora solemnemente, ante si mismas y ante el mundo, a observar las reglas signientes, de una manera absoluta si la naturaleza del objeto á que se contraen lo permite; y tan extrictamente como sea dable en todos los casos en que la absoluta observancia de ellas fuére imposible:

1. Los comerciantes de cada una de las dos repúblicas que á la sazon residan en territorio de

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 any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hinderance: 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 anything 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

la otra, podrán permanecer doce meses los que residan en el interior, y seís meses los que residan en los puertos, para recoger sus deudas y arreglar sus negocios; durante estos plazos disputarán la misma proteccion y estarán sobre el mismo piè en todos respectos que los ciudadanos ó sùbditos de las naciones mas amigas; y al expirar el tèrmino, ó antes de él, tendrán completa libertad para salir y llevar todos sus efectos sin molestia ó embarazo, sujetándose en este particular á las mismas leyes á que están sujetos, y deban arreglarse los ciudadanos ó súbditos de las naciones mas amigas. Cuando los ejèrcitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, les ecclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que estèn desarmados y residan en ciudades, pueblos, ó lugares no fortificados, y en general todas las personas cuya ocupacion sirva para la comun subsistencia y beneficio del género humano, podrán continuar en sus ejercicios, sin que sus personas sean molestadas. No serán incendiadas sus casas ó bienes, ó destruidos de otra manera; ni serán tomados sus ganados, ni devastados sus campos por la fuerza armada en cuyo poder puedan venir á caer por los acontecimientos de la guerra; pero si hubiere necesidad de tomarles alguna cosa para el uso de la misma fuerza armada, se les pagará lo tomado á un precio justo. Todas las iglesias, hospitales, escuelas, colegios, librerias, y demas establecimientos de caridad y beneficencia serán respetados; y todas las personas que dependan

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 soldiers shall be disposed in çantonments, 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 any 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 al-

de los mismas serán protegidas en el desempeño de sus deberes y en la continuacion de sus profesiones.

2. Para aliviar la suerte de los prisioneros de guerra se evitarán cuidadosamente, las práticas de enviarlos á distritos distantes, inclementes ó malsanos, ó de aglomerarlos en lugares estrechos y enfirmizos. No se confinarán en calabosos, prisiones ni pontones; no se les aherrojará ni se les atará, ni se les impedira de ningun otro modo el uso de sus miembros. Los oficiales que darán en libertad bajo su palabra de honor, dentro de distritos convenientes y tendrán alojamientos cómodos; y los soldados rasos se colocarán en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojarán en cuarteles tan ámplios y cómodos como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltare á su palabra, saliendo del distrito que se le ha señalado; ó algun otro prisionero se fugáre de los límites de su acantonamiento despues que estos se les hayan fijado, tal oficial ó prisionero perderá el beneficio del presente artículo por lo que mera á su libertad bajo su palabra ó en acantonamiento. Y si algun oficial faltando asi á su palabra, ó algun soldado raso saliendo de los límites que se le han asignado, fuére encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva será tradada conforme á las leyes comunes de la guerra. A los oficiales se proveerá diariamente por la parte en cuyo poder estén, de tantas raciones compuestas de los mismos artículos

lowed, 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 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.

como las que gozan en especie ó en equivalente los oficiales de la misma graduacion en su propio ejército: á todos los demas prisioneros se proveerá diariamente de una racion semejante á la que se ministra al soldado raso en su propio servicio: el valor de todas estas suministraciones se pagará por la otra parte al concluirse la guerra, ó en los periodos que se convengan entre sus respectivos comandantes, precediendo una mutua liquidacion de las cuentas que se lleven del mantenimiento de prisioneros: y tales cuentas no se mezclarán ni compensarán con otras; ni el saldo que resulte de ellas, se reusará bajo pretesto de compensacion ó represalia por cualquiera causa, real ó figurada. Cada una de las partes podrá mantener un comisario de prisioneros nombrador por ella misma en cada acantonamiento de los prisioneros que esten en poder de la otra parte: este comisario visitará á los prisioneros siempre que quiera; tendrá facultad de recibar, libres de todo derecho ó impuesto, y de distribuir todos los auxilios que pueden enviarles sus amigos, y podrá libremente transmitir sus partes en cartas abiertas á 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 fuére, se considerará que anula ó suspende el pacto solemne contenido en este artículo. 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 ó de gentes.

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 COUTO, [L. S.]
MIGL. ATRISTAIN, [L. S.]

ARTICULO XXIII.

Este tratado será ratificado por el Presidente de la república Mexicana, previa la aprobacion de su Congreso General; y por el Presidente de los Estados Unidos de América con el consejo y consentimiento del Senado; y las ratificaciones se cangearán en la ciudad de Washington, ó donde estuviere el gobierno Mexicano, á los cuatro meses de la fecha de la firma del mismo tratado, ó antes si fuére posible.

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

BERNARDO COUTO, [L. S.]
MIGL. 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 Querétaro 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 Señor 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.

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* S. L. *
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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.*

LIST.

Mr. Buchanan to Mr. Slidell, November 10, 1845.
Mr. Buchanan to Mr. Trist, April 15, 1847.
Mr. Trist to Mr. Buchanan, (extract,) June 3, 1847.
Mr. Buchanan to Mr. Trist, (extract,) June 14, 1847.
The same to the same, (extract,) July 13, 1847.
The same to the same, (extract,) July 19, 1847.
The same to the same, October 6, 1847.
The same to the same, October 25, 1847.
Mr. de la Rosa to Mr. Trist, (translation,) October 31, 1847.
Mr. Trist to Mr. Buchanan, November 27, 1847.
Mr. Trist to a confidential friend at Queretaro, December 4, 1847.
Mr. Buchanan to the Minister of Foreign Relations of the Mexican Republic, March 18, 1848.
Messrs. Sevier and Clifford to Mr. Buchanan, May 25, 1848.
Messrs. Sevier and Clifford to Mr. Buchanan, May 30, 1848.
Mr. Clifford to Mr. Buchanan, June 12, 1848.

Mr. Buchanan to Mr. Slidell.

[No. 1.] DEPARTMENT OF STATE,
Washington, November 10, 1845.

SIR: I transmit, herewith, copies of a despatch addressed by me, under date the 17th September, 1845, to John Black, esq., consul of the United States at the city of Mexico; of a note written by the consul to the Mexican Minister for Foreign Affairs, dated October 13, 1845; and of the answer of that minister, under date October 15, 1845.

From these papers you will perceive that the Mexican government have accepted the overture of the President, for settling all the questions in dispute between the two republics by negotiation; and that consequently the contingency has occurred in which your acceptance of the trust tendered to you by the President is to take effect. You will therefore repair without delay to your post, and present yourself to the Mexican government as the envoy extraordinary and minister plenipotentiary of the United States.

In the present crisis of the relations between the two countries, the office for which you have been selected is one of vast importance. To counteract the influence of foreign powers exerted against the United States in Mexico, and to restore those ancient relations of peace and good will which formerly existed between the governments and the citizens of the sister republics, will be principal objects of your mission. The wretched condition of the internal affairs of Mexico, and the misunderstanding which exists between her government and the ministers of France and England, seem to render the present a propitious moment for the accomplishment of

these objects. From your perfect knowledge of the language of the country, your well-known firmness and ability, and your taste and talent for society, the President hopes that you will accomplish much in your intercourse with the Mexican authorities and people. The early and decided stand which the people of the United States and their government took and maintained in favor of the independence of the Spanish American republics on this continent, secured their gratitude and good will. Unfortunate events have since estranged from us the sympathies of the Mexican people. They ought to feel assured that their prosperity is our prosperity; and that we cannot but have the strongest desire to see them elevated, under a free, stable, and republican government, to a high rank among the nations of the earth.

The nations on the continent of America have interests peculiar to themselves. Their free forms of government are altogether different from the monarchical institutions of Europe. The interests and the independence of these sister nations require that they should establish and maintain an American system of policy for their own protection and security, entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European sovereigns with controversies in America—to permit them to apply the worn-out dogma of the balance of power to the free States on this continent—and, above all, to suffer them to establish new colonies of their own, intermingled with our free republics, would be to make to the same extent a voluntary sacrifice of our independence. These truths ought everywhere throughout the continent of America to be impressed on the public mind. If, therefore, in the course of your negotiations with Mexico, that government should propose the mediation or guarantee of any European power, you are to reject the proposition without hesitation. The United States will never afford, by their conduct, the slightest pretext for any interference from that quarter in American concerns. Separated as we are from the Old World by a vast ocean, and still further removed from it by the nature of our political institutions, the march of free government on this continent must not be trammelled by the intrigues and selfish interests of European powers. Liberty here must be allowed to work out its natural results; and these will ere long astonish the world.

Neither is it for the interest of those powers to plant colonies on this continent. No settlements of the kind can exist long. The expansive energy of free institutions must soon spread over them. The colonists themselves will break from the mother country, to become free and independent States. Any European nation which should plant a new colony on this continent would thereby sow the seeds of troubles and of wars, the injury from which, even to her own interests, would far outweigh all the advantages which she could possibly promise herself from any such establishment.

The first subject which will demand your attention is the claims of our citizens on Mexico. It would be useless here to trace the history of these claims, and the outrages from which they spring. The archives of your legation will furnish all the necessary informa-

tion on this subject. The history of no civilized nation presents, in so short a period of time, so many wanton attacks upon the rights of persons and property as have been endured by citizens of the United States from the Mexican authorities. These never would have been tolerated by the United States from any nation on the face of the earth, except a neighboring and sister republic.

President Jackson, in his message to the Senate of the 7th February, 1837, uses the following language with great justice and truth: "The length of time since some of the injuries have been committed; the repeated and unavailing applications for redress; the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late Extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war."

Still, he was unwilling to resort to this last extremity, without "giving to Mexico one more opportunity to atone for the past before we take redress into our own hands." Accordingly, he recommended "that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico."

This message was referred to the Committee on Foreign Relations, which, on the 19th February, 1837, made a report to the Senate entirely in accordance with the message of the President in regard to the outrages and wrongs committed by Mexico on citizens of the United States. They recommended, however, that another demand should be made for redress upon the Mexican government, in pursuance of the form required by the 34th article of our treaty with Mexico, and the result submitted to Congress for their decision before actual hostilities should be authorized. The committee say: "After such a demand, should prompt justice be refused by the Mexican government, we may appeal to all nations not only for the equity and moderation with which we have acted towards a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, by actual war or by reprisals. The subject will then be presented before Congress at the commencement of the next session, in a clear and distinct form, and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured fellow-citizens."

The resolution with which this report concludes, was, on the 27th February, adopted by the unanimous vote of the Senate. The report of the Committee on Foreign Affairs made to the House of Representatives on the 24th February, 1837, breathes the same spirit with that of the Senate.

In pursuance of the suggestion of the Committee on Foreign Relations of the Senate, a special messenger was sent to Mexico to make a final demand for redress, with the documents required by

the 34th article of the treaty. This demand was made on the 20th July, 1837. The answer to it contained fair promises. How these were evaded from time to time, you will learn by an examination of the archives of your legation.

Finally, on the 11th April, 1839, a convention was concluded "for the adjustment of claims of citizens of the United States of America upon the government of the Mexican republic."

The board of commissioners was not organized under this convention until the 25th August, 1840; and, under its terms, they were obliged to terminate their duties within eighteen months from that date. Four of these eighteen months were spent in preliminary discussions, which had arisen on objections raised by the Mexican commissioners; and, at one time, there was great danger that the board would separate without hearing or deciding a single case. It was not until the 24th December, 1840, that they commenced the examination of the claims of our citizens. Fourteen months only were left to examine and decide upon these numerous and complicated cases.

The claims allowed by the commissioners, without reference to the umpire, amounted, principal and interest, to.....	$439,393 82
The amount, principal and interest, subsequently awarded by the umpire, was.....	1,586,745 86
	$2,026,139 68

The Mexican government finding it inconvenient to pay the amount awarded, either in money or in an issue of treasury notes, according to the terms of the convention, a new convention was concluded between the two governments on the 30th January, 1843, to relieve that of Mexico from this embarrassment. Under its terms, the interest due on the whole amount awarded was to be paid on the 30th April, 1843; and the principal, with the accruing interest, was made payable in five years, in equal instalments every three months.

Under this new agreement, made to favor Mexico, the claimants have yet received only the interest up to the 30th April, 1843, and three of the twenty instalments.

But this is not all. There were pending before the umpire, when the commission expired, claims which had been examined and awarded by the American commissioners, amounting to $928,627 88. Upon these he refused to decide, alleging that his authority had expired.

This was a strange construction of the treaty. Had he decided that his duties did not commence until those of the commissioners had ended, this would have been a more natural interpretation.

To obviate this injustice, and to provide for the decision of other claims of American citizens, amounting to $3,336,837 05, which had been submitted too late to be considered by the board, a third convention was signed at Mexico on the 20th November, 1843, by Mr. Waddy Thompson on the part of the United States, and Messrs. Bocanegra and Trigueras on the part of Mexico. On the 30th

January, 1844, this convention was ratified by the Senate of the United States, with two amendments. The one changed the place of meeting of the commissioners from Mexico to Washington; and the other struck out the 16th article, which referred the claims of a pecuniary nature, that the two governments might have against each other, to the commissioners, with an appeal to the umpire in case a majority of them could not agree.

These amendments were manifestly reasonable and necessary. To have compelled the claimants, all of whom are citizens of the United States, to go to Mexico with their documents and testimony, would, in a great degree, have frustrated the object of the commission. Besides, the new commission was, in fact, but a continuance of the old one; and its duties simply were, to complete the business which had been left unfinished in the city of Washington.

It was something new in the history of sovereign nations to refer their mutual claims to the arbitrament of a board composed of their own citizens, with an appeal to a subject appointed by a foreign sovereign. The dignity of sovereign States forbade such a proceeding. Besides, it never had been suggested that either of the two governments had claims upon the other, or that there were any claims in existence except those of American citizens on Mexico.

It is difficult to conceive why this convention, departing from that of the 11th April, 1839, should have embraced any such provision; or why it should have stipulated for claims of citizens of Mexico against the United States, when no such claims had ever been alleged to exist.

Upon a reference of these amendments to the government of Mexico, it interposed the same evasions, difficulties and delays, which have always characterized its policy towards the United States. It has never yet decided whether it would or would not accede to them, although the subject has repeatedly been pressed upon its consideration by our ministers.

The result of the whole is, that the injuries and outrages committed by the authorities of Mexico on American citizens, which, in the opinion of President Jackson, would, so long ago as February, 1837, have justified a resort to war or reprisals for redress, yet remain wholly unredressed, excepting only the comparatively small amount received under the convention of April, 1839.

It will be your duty, in a prudent and friendly spirit, to impress the Mexican government with a sense of their great injustice towards the United States, as well as of the patient forbearance which has been exercised by us. This cannot be expected to endure much longer, and these claims must now speedily be adjusted in a satisfactory manner. Already have the government of the United States too long omitted to obtain redress for their injured citizens.

But in what manner can this duty be performed consistently with the amicable spirit of your mission? The fact is but too well known to the world, that the Mexican government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States, the claimants cannot receive what is justly their due. Fortunately,

the joint resolution of Congress, approved 1st March, 1845, "for annexing Texas to the United States," presents the means of satisfying these claims, in perfect consistency with the interests, as well as the honor of both republics. It has reserved to this government the adjustment "of all questions of boundary that may arise with other governments." This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt due to American claimants upon their own government, whilst it will do no injury to Mexico.

In order to arrive at a just conclusion upon this subject, it is necessary briefly to state what, at present, are the territorial rights of the parties.

The Congress of Texas, by the act of December 19, 1836, have declared the Rio del Norte, from its mouth to its source, to be a boundary of that republic.

In regard to the right of Texas to the boundary of the Del Norte, from its mouth to the Paso, there cannot, it is apprehended, be any very serious doubt. It would be easy to establish, by the authority of our most eminent statesmen, at a time, too, when the question of the boundary of the province of Louisania was better understood than it is at present, that, to this extent, at least, the Del Norte was its western limit. Messrs. Monroe and Pinckney, in their communications of January 28, 1805, to Don Pedro Cevallos, then the Spanish minister of foreign relations, assert, in the strongest terms, that the boundaries of that province "are the river Perdido to the east, and the Rio Bravo to the west." They say, "the facts and principles which justify this conclusion are so satisfactory to our government, as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, (that of Louisiana,) than they have to the whole district of territory which is above described." Mr. Jefferson was at that time President, and Mr. Madison Secretary of State; and you well know how to appreciate their authority. In the subsequent negotiation with Mr. Cevallos, Messrs. Monroe and Pinckney conclusively vindicated the right of the United States as far west as the Del Norte. Down to the very conclusion of the Florida treaty, the United States asserted their right to this extent—not by words only, but by deeds. In 1818, this government having learned that a number of adventurers, chiefly Frenchmen, had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, despatched George Graham, esq., with instructions to warn them to desist. The following is an extract from these instructions, dated 2d June, 1818: "The President wishes you to proceed with all convenient speed to that place, (Galveston,) unless, as is not improbable, you should, in the progress of the journey, learn that they have abandoned, or been driven from it. Should they have removed to Matagorda, or any other place north of the Rio Bravo, and within the territory claimed by the United States, you will repair thither, without, however, exposing yourself to be captured by any Spanish military force. When arrived, you will, in a suitable manner, make known to the

chief, or leader of the expedition, your authority from the government of the United States, and express the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction. You will call upon him explicitly to avow under what national authority they profess to act, and take care that due warning be given to the whole body, that the place is within the United States, who will suffer no permanent settlement to be made there under any authority other than their own."

It cannot be denied, however, that the Florida treaty of 22d February, 1819, ceded to Spain all that part of ancient Louisiana within the present limits of Texas; and the more important inquiry now is, what is the extent of the territorial rights which Texas has acquired by the sword in a righteous resistance to Mexico. In your negotiations with Mexico, the independence of Texas must be considered a settled fact, and is not to be called in question.

Texas achieved her independence on the plain of San Jacinto, in April, 1836, by one of the most decisive and memorable victories recorded in history. She then convinced the world, by her courage and her conduct, that she deserved to rank as an independent nation. To use the language of Mr. Webster, Secretary of State, in a despatch to our minister at Mexico, dated 8th July, 1842: "From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining, for all that period, from any further attempt to re-establish her own authority over that territory," &c., &c.

Finally, on the 29th March, 1845, Mexico consented, in the most solemn form, through the intervention of the British and French governments, to acknowledge the independence of Texas, provided she would stipulate not to annex herself, or become subject to any country whatever.

It may, however, be contended, on the part of Mexico, that the Nueces, and not the Rio del Norte, is the true western boundary of Texas. I need not furnish you arguments to controvert this position. You have been perfectly familiar with the subject from the beginning, and know that the jurisdiction of Texas has been extended beyond that river, and that representatives from the country between it and the Del Norte have participated in the deliberations of both her congress and her convention. Besides, this portion of the territory was embraced within the limits of ancient Louisiana.

The case is different in regard to New Mexico. Santa Fé, its capital, was settled by the Spaniards more than two centuries ago; and that province has been ever since in their possession, and that

of the republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their legislative assemblies or conventions.

The long and narrow valley of New Mexico, or Santa Fé, is situated on both banks of the upper Del Norte, and is bounded on both sides by mountains. It is many hundred miles remote from other settled portions of Mexico, and from its distance it is both difficult and expensive to defend the inhabitants against the tribes of fierce and warlike savages, that roam over the surrounding country. For this cause, it has suffered severely from their incursions. Mexico must expend far more in defending so distant a possession, than she can possibly derive benefit from continuing to hold it.

Besides, it is greatly to be desired that our boundary with Mexico should now be established in such a manner as to preclude all future difficulties and disputes between the two republics. A great portion of New Mexico being on this side of the Rio Grande, and included within the limits already claimed by Texas, it may hereafter, should it remain a Mexican province, become a subject of dispute, and a source of bad feeling between those who, I trust, are destined, in future, to be always friends.

On the other hand, if, in adjusting the boundary, the province of New Mexico should be included within the limits of the United States, this would obviate the danger of future collisions. Mexico would part with a remote and detached province, the possession of which can never be advantageous to her; and she would be relieved from the trouble and expense of defending its inhabitants against the Indians. Besides, she would thus purchase security against their attacks for her other provinces west of the del Norte, as it would at once become the duty of the United States to restrain the savage tribes within their limits, and prevent them from making hostile incursions into Mexico. From these considerations, and others which will readily suggest themselves to your mind, it would seem to be equally the interest of both powers that New Mexico should belong to the United States.

But the President desires to deal liberally by Mexico. You are, therefore, authorized to offer to assume the payment of all the just claims of our citizens against Mexico; and, in addition, to pay five millions of dollars, in case the Mexican government shall agree to establish the boundary between the two countries from the mouth of the Rio Grande, up the principal stream to the point where it touches the line of New Mexico; thence west of the river, along the exterior line of that province, and so as to include the whole within the United States, until it again intersects the river; thence up the principal stream of the same to its source, and thence due north, until it intersects the forty-second degree of north latitude.

A boundary still preferable to this, would be an extension of the line from the northwest corner of New Mexico, along the range of mountains until it would intersect the forty-second parallel.

Should the Mexican authorities prove unwilling to extend our

boundary beyond the Del Norte, you are, in that event, instructed to offer to assume the payment of all the just claims of citizens of the United States against Mexico, should she agree that the line shall be established along the boundary defined by the act of congress of Texas, approved December 19, 1836, to wit: beginning at "the mouth of the Rio Grande; thence up the principal stream of said river to its source; thence due north to the forty-second degree of north latitude."

It is scarcely to be supposed, however, that Mexico would relinquish five millions of dollars, for the sake of retaining the narrow strip of territory in the valley of New Mexico, west of the Rio Grande; and thus place under two distinct governments the small settlements, closely identified with each other, on the opposite banks of the river. Besides, all the inconveniences to her from holding New Nexico, which I have pointed out, would be seriously aggravated by her continuing to hold that small portion of it which lies west of the river.

There is another subject of vast importance to the United States, which will demand your particular attention. From information possessed by this department, it is to be seriously apprehended that both Great Britain and France have designs upon California. The views of the government of the United States on this subject, you will find presented in my despatch to Thomas O. Larkin, esq., our consul at Monterey, dated October 17, 1845, a copy of which is herewith transmitted. From it you will perceive that, whilst this government does not intend to interfere between Mexico and California, it would vigorously interpose to prevent the latter from becoming either a British or a French colony. You will endeavor to ascertain whether Mexico has any intention of ceding it to the one or the other power; and if any such design exists, you will exert all your energies to prevent an act which, if consummated, would be so fraught with danger to the best interests of the United States. On this subject you may freely correspond with Mr. Larkin, taking care that your letters shall not fall into improper hands.

The possession of the bay and harbor of San Francisco is all-important to the United States. The advantages to us of its acquisition are so striking, that it would be a waste of time to enumerate them here. If all these should be turned against our country by the cession of California to Great Britain, our principal commercial rival, the consequences would be most disastrous.

The government of California is now but nominally dependent upon Mexico; and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you shall use your best efforts to obtain a cession of that province from Mexico to the United States. Could you accomplish this object, you would render immense service to your country, and establish an enviable reputation for yourself. Money would be no object, when compared with the value of the acquisition. Still, the attempt must be made with great prudence and caution, and in such a manner as not to alarm the jealousy of

the Mexican government. Should you, after sounding the Mexican authorities on the subject, discover a prospect of success, the President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, twenty-five millions of dollars for the cession. Should you deem it expedient, you are authorised to offer this sum for a boundary running due west from the southern extremity of New Mexico to the Pacific ocean, or from any other point on its western boundary which would embrace Monterey within our limits. If Monterey cannot be obtained, you may, if necessary, in addition to the assumption of these claims, offer twenty millions of dollars for any boundary commencing at any point on the western line of New Mexico, and running due west to the Pacific, so as to include the bay and harbor of San Francisco. The larger the territory south of this bay, the better. Of course, when I speak of any point on the western boundary of New Mexico, it is understood that from the Del Norte to that point, our boundary shall run according to the first offer which you have been authorized to make. I need scarcely add that, in authorizing the offer of five millions, or twenty-five millions, or twenty millions of dollars, these are to be considered as maximum sums. If you can accomplish either of the objects contemplated, for a less amount, so much more satisfactory will it prove to the President.

The views and wishes of the President are now before you, and much, at last, must be left to your own discretion. If you can accomplish any one of the specific objects which have been presented in these instructions, you are authorized to conclude a treaty to that effect. If you cannot, after you shall have ascertained what is practicable, you will ask for further instructions, and they shall be immediately communicated.

Your mission is one of the most delicate and important which has ever been confided to a citizen of the United States. The people to whom you will be sent are proverbially jealous; and they have been irritated against the United States by recent events and the intrigues of foreign powers. To conciliate their good will is indispensable to your success. I need not warn you against wounding their national vanity. You may probably have to endure their unjust reproaches with equanimity. It would be difficult to raise a point of honor between the United States and so feeble and distracted a power as Mexico. This reflection will teach you to bear and forbear much, for the sake of accomplishing the great objects of your mission. We are sincerely desirous to be on good terms with Mexico; and the President reposes implicit confidence in your patriotism, sagacity, and ability to restore the ancient relations of friendship between the two republics.

Herewith you will also receive your full powers to conclude a treaty, together with two maps—the one Arrowsmith's and the other Emory's—on which are designated the limits of New Mexico.

You will keep the department advised of your progress as often as safe opportunities may offer.

You are aware that Congress, at their last session, made the following appropriation:

"For paying the April and July instalments of the Mexican indemnities, due in eighteen hundred and forty-four, the sum of two hundred and seventy-five thousand dollars: *Provided*, it shall be ascertained to the satisfaction of the American government that said instalments have been paid by the Mexican government to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican government, and said agent to be delinquent in remitting the money to the United States."

The whole transaction between Emilio Voss, esquire, the agent of the United States, and the Mexican authorities, is yet involved in mystery, which this government has not been able to unravel. You will endeavor, with as little delay as possible, to ascertain the true state of the case in relation to the alleged payment of these instalments by the Mexican government to our agent, and give the government the earliest information on the subject. A copy of his receipt ought to be obtained, if possible.

I am, &c.,

JAMES BUCHANAN.

JOHN SLIDELL, Esq.,
Envoy Extraordinary and Minister Plenipotentiary from the United States to Mexico.

Mr. Buchanan to Mr. Trist.

DEPARTMENT OF STATE,
Washington, April 15, 1847.

SIR: Since the glorious victory of Buena Vista, and the capture of Vera Cruz and the castle of San Juan d'Ulloa by the American arms, it is deemed probable that the Mexican government may be willing to conclude a treaty of peace with the United States. Without any certain information, however, as to its disposition, the President would not feel justified in appointing public commissioners for this purpose, and inviting it to do the same. After so many overtures rejected by Mexico, this course might not only subject the United States to the indignity of another refusal, but might, in the end, prove prejudicial to the cause of peace. The Mexican government might thus be encouraged in the mistaken opinion, which it probably already entertains, respecting the motives which have actuated the President in his repeated efforts to terminate the war. He deems it proper, notwithstanding, to send to the headquarters of the army a confidential agent, fully acquainted with the views of this government, and clothed with full powers to conclude a treaty of peace with the Mexican government, should it be so inclined. In this manner he will be enabled to take advantage, at the propitious moment, of any favorable circumstances which might dispose that government to peace.

The President, therefore, having full confidence in your ability, patriotism, and integrity, has selected you as a commissioner to the

United Mexican States, to discharge the duties of this important mission; and for your services in this capacity you will be allowed the outfit and salary of a chargé d'affaires.

You are herewith furnished with a projét of a treaty (marked A) embraced in eleven articles, and founded upon just and liberal principles towards Mexico, which, together with your instructions, you may communicate confidentially to Major General Scott and Commodore Perry.

Should a Mexican plenipotentiary meet you, duly authorized by his government to conclude a treaty of peace, you will, after a mutual exchange of your full powers, deliver him a copy of this projét, with the sum in blank contained in the 5th article as a consideration for the extension of our boundaries, and inform him that you are prepared to sign it, on behalf of the government of the United States, as soon as the sum with which the blank is to be filled shall be agreed upon by the parties. This sum ought to be as much below the fifteen millions contained in the article as you can accomplish. Considering the heavy expenses and sacrifices of the war on our part, and the brilliant success of our arms, as well as the large amount which, under the projét, this government has assumed to pay our own citizens for claims due to them by Mexico, justice would seem to require that the treaty should not stipulate for the payment of any very large sum.

You may, in conversation with him, ascertain what change in the terms of the projét the Mexican government would require; and if this should become indispensable to attain the object, you may modify these terms, including the amount to be paid to Mexico, in the following particulars:

1. Instead of fifteen millions of dollars stipulated to be paid by the fifth article, for the extension of our boundary over New Mexico and Upper and Lower California, you may increase the amount to any sum not exceeding thirty millions of dollars, payable by instalments of three millions per annum, provided the right of passage and transit across the isthmus of Tehuantepec, secured to the United States by the 8th article of the projét, shall form a part of the treaty.

2. Whilst it is of the greatest importance to the United States to extend their boundaries over Lower California, as well as New Mexico and Upper California, you are not to consider this as a *sine qua non* to the conclusion of a treaty. You will, therefore, not break off the negotiation if New Mexico and Upper California can alone be acquired. In that event, however, you will not stipulate to pay more than twenty millions of dollars for these two provinces, without the right of passage and transit across the isthmus of Tehuantepec.

3. You are authorized to stipulate for the payment of any sum not exceeding twenty-five millions of dollars for New Mexico and Upper California, without Lower California, provided the stipulation securing the right of passage and transit across the isthmus of Tehuantepec shall be retained in the treaty; or, if this should be stricken out, you are authorized to stipulate for the payment

of the like sum of twenty-five millions of dollars for Lower California, in addition to New Mexico and Upper California.

Should Lower California not be embraced in the treaty, then it will become necessary to change the delineation of boundary contained in the fourth article of the projét in the following manner:

Instead of the concluding words "to the Pacific ocean," let it read, "to a point directly opposite the division line between Upper and Lower California; thence due west, along the said line which runs north of the parallel of thirty-two degrees and south of San Miguel, to the Pacific ocean; and the vessels and citizens of the United States shall, in all time to come, have free and uninterrupted access to and from the ocean, through the gulf of California, from and to their possessions north of the said division line."

You will not fail to observe that the sums of thirty, twenty, and twenty-five millions of dollars, respectively, which you are authorized to offer, are all maximums; and you will not go to the extent of either, unless you shall find this absolutely necessary to the conclusion of a treaty. You will not exceed the fifteen millions of dollars contained in the fifth article of the projét, until you shall have good reason to believe that the Mexican government would break off the negotiation unless it should be increased; and, in departing from this sum, you will go as little beyond it as practicable.

Whilst it would be most convenient for the treasury of the United States to pay any sum for which you may stipulate in annual instalments of three millions each, yet this is not indispensable. If necessary, therefore, to the conclusion of the treaty, you may agree that, for the remainder of the sum above the three millions of dollars to be paid upon its ratification by Mexico, the government of the United States shall create a six per cent. stock, similar to that created for the purchase of Louisiana, to be transferred to the government of Mexico, the interest on the same to be payable annually at the city of Washington, and the principal to be redeemable there, at the pleasure of this government, any time after two years from the exchange of ratifications.

Should this stock not be created, then, if insisted upon by the Mexican government, each of the annual instalments may bear an interest of six per cent., but the interest on each instalment to be payable only when the principal shall be paid.

If you can obtain the postponement of the payment of the whole or any part of the three millions of dollars stipulated to be paid by the projét, immediately after the ratification of the treaty by Mexico, until the ratifications shall have been exchanged, this would be highly satisfactory to the President.

The rights of the persons and property of the inhabitants of the territory over which the boundaries of the United States shall be extended, will be amply protected by the constitution and laws of the United States. An article, therefore, to secure these rights has not been inserted in the projét; but should this be deemed necessary by the Mexican government, no strong objection exists against inserting in the treaty an article similar to the third article of

the Louisiana treaty. It might read as follows: "The inhabitants of the territory over which the jurisdiction of the United States has been extended by the fourth article of this treaty 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 meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

In the event of the insertion of this article, it would be proper to add to it the following: "Provided that all grants or concessions whatever of any lands, made or issued by the Mexican government since the thirteenth day of May, one thousand eight hundred and forty-six, within the said territory, shall be absolutely null and void." The date might, if necessary, be changed from the day when Congress recognised the existence of the war, to the month of September, 1846, when the American forces took possession of California.

The extension of our boundaries over New Mexico and Upper California, for a sum not exceeding twenty millions of dollars, is to be considered a *sine qua non* of any treaty. You may modify, change, or omit the other terms of the projét if needful, but not so as to interfere with this ultimatum.

If you should not succeed in acomplishing the chief object of your mission, you are authorized to make the necessary preliminary arrangements with the Mexican government for the conclusion of a treaty of peace by commissioners, to be appointed by both parties, according to the proposition contained in my note of the 18th January last to the Mexican Minister of Foreign Relations; provided a reasonable prospect shall exist that such Mexican commissioners will agree to the ultimatum which I have specified.

So rapidly does revolution follow revolution in Mexico, that it would be difficult to conjecture what form of government you may find in existence over that ill-fated country on your arrival at the head-quarters of the army. The constitution of 1824 may then have been abolished, and a dictatorship be again existing in its stead. You will not hesitate, however, to conclude a treaty with whatever government you shall find there upon your arrival, provided it presents a reasonable prospect of being able to maintain itself. Should a dictator be established who has subverted the constitution of 1824, and acquired the supreme power, his ratification of the treaty will be sufficient without the previous approbation of the general Congress. Were this government to refuse to conclude a treaty of peace until the Mexican government shall assume any permanent constitutional form, the war might yet continue for many years to come.

If the contingency shall occur on the happening of which, as provided by the third article of the proposed treaty, hostilities are required to be suspended, you will, without delay, communicate this fact to the commanders of our land and naval forces respectively; the Secretaries of War and the Navy having already

issued orders to them for the suspension of hostilities upon the receipt of such a notice from yourself.

You will herewith receive a certificate from the Secretary of the Treasury, that your draft in favor of the Mexican government, for the whole or any part of three millions of dollars appropriated by the act of Congress of the 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," will be duly honored. You will be exceedingly careful not to draw for any part of this sum until the conditions required by that act shall have been fully complied with, and the treaty which you may sign with the authorized agent or agents of the Mexican government has been "duly ratified by Mexico." As the disbursement of so large a sum is a matter of so great importance, you should use every precaution to be certain that your drafts shall be drawn in favor of the proper functionary of the Mexican government, and the whole business transacted in such a manner that no difficulty can hereafter arise on the subject. You will take receipts in triplicate for any draft or drafts which you draw; which ought, if possible, to be signed by the President of Mexico, and countersigned by the Minister of Finance.

I am, sir, with great respect, your obedient servant,

JAMES BUCHANAN.

NICHOLAS P. TRIST, Esq.,
&c., &c., &c.

[A.]

PROJET.

The United States of America and the United Mexican States, desirous of terminating the war which has unhappily subsisted between the two republics, and of restoring peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries; that is to say, the President of the United States has appointed Nicholas P. Trist, &c., &c., and

who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE I.

There shall be a firm and universal peace between the United States of America and the United Mexican States, and between their respective countries, territories, cities, towns, and people, without exception of places or persons. All hostilities, both by sea and land, shall definitively cease so soon as the ratifications of this treaty shall have been exchanged by the parties.

ARTICLE II.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the exchange of the ratifications of this treaty.

ARTICLE III.

As soon as the present treaty shall have been duly ratified by the United Mexican States, this fact shall be made known with the least possible delay to the military and naval commanders of both parties, whereupon a suspension of hostilities shall take place both by land and by sea, as well on the part of the military and naval forces of the United States as on the part of those of the United Mexican States; and the said suspension of hostilities shall be inviolably observed on both sides. Immediately after the exchange of the ratifications of the present treaty, all the forts, territories, places, and possessions, whatsoever, taken by the United States from the United Mexican States during the war, except such as are embraced within the limits of the United States as defined by the fourth article of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty: and in like manner, all the forts, territories, places, and possessions, whatsoever, taken by the United Mexican States from the United States during the war, and also all such forts, territories, places, and possessions embraced within the limits of the United States under the fourth article of this treaty, shall be restored, evacuated, and delivered over to the United States without delay, and without causing any destruction, or carrying away any of the artillery or other public property from the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.

ARTICLE IV.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from the land opposite the mouth of the Rio Grande; from thence up the middle of that river to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico to the southwestern corner of the same; thence northward along the 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, and down the middle of said branch, and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado, and the middle of the Gulf of California, to the Pacific ocean.

ARTICLE V.

In consideration of the extension of the boundaries of the United States, as defined by the last preceding article, the United States agree to pay to the United Mexican States, at the city of Vera Cruz, the sum of fifteen millions of dollars, in five equal annual instalments, each of three millions of dollars; the first instalment to be paid immediately after this treaty shall have been duly ratified by the government of the United Mexican States.

ARTICLE VI.

As a further consideration for the extension of the boundaries of the United States, as defined by the fourth article of this treaty, the United States agree to assume and pay to the claimants all the instalments now due, or hereafter to become due, under the convention between the two republics, concluded at the city of Mexico on the 30th day of January, 1843, "further to provide for the payment of awards in favor of claimants under the convention between the United States and the Mexican republic, of the 11th April, 1839." And the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, all claims of citizens of the United States not heretofore decided against the government of the United Mexican States, which may have arisen previous to the 13th of May, 1846, and shall be found to be justly due by a board of commissioners to be established by the government of the United States, whose awards shall be final and conclusive: *Provided*, That in deciding upon the validity of these claims, 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 20th day of November, A. D. 1843; and, in no case shall an award be made in favor of any claim not embraced by these principles and rules. And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said board of commissioners.

ARTICLE VII.

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 United Mexican States, shall be deemed necessary to the just decision of any of said claims, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make a demand 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 said books, records, or documents in their possession or power, which shall be specified, to be transmitted to the said Secretary of State, who shall imme-

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

Article VIII.

The government of the United Mexican States hereby grant and guaranty forever, to the government and citizens of the United States, the right to transport across the isthmus of Tehuantepec, from sea to sea, by any modes of communication now existing, whether by land or water, free of any toll or charges whatever, all and any articles the growth, produce, or manufacture of the United States, or of any foreign country, belonging to the said government or citizens; and also the right of free passage over the same to all citizens of the United States. And the government of the United Mexican States also grant and guaranty to the government and citizens of the United States the same right of passage for their merchandise and articles aforesaid, as well as for such citizens, over any railroad or canal which may hereafter be constructed across the said isthmus by the government of the United Mexican States, or by its authority, paying no more than fair and reasonable tolls for the same; and no higher tolls and charges shall be levied and collected upon any of the beforementioned articles and merchandise belonging to the government or citizens of the United States, or upon the persons of such citizens, for passing over the said railroad or canal, than shall be levied and collected upon like articles and merchandise belonging to the government or citizens of Mexico, being the growth, produce, and manufacture of Mexico, or of any foreign country, or upon the persons of such citizens. And none of the said articles whatever, belonging to the government or citizens of the United States, thus passing in transit over the said isthmus, from sea to sea, either by the existing modes of communication, or over any railroad or canal which may hereafter be constructed, in either direction, for the purpose of being transported to any port of the United States, or of any foreign country, shall be liable to any import or export duty whatever. The two governments hereby engage, with as little delay as possible, mutually to agree upon such regulations as may be necessary to prevent fraud and smuggling, in consequence of the right of passage thus granted and perpetually guarantied to the government and citizens of the United States.

Article IX.

All goods, wares, or merchandise, which shall, during the war, have been imported into any of the ports or places of either party whilst in the military occupation of the other, by the citizens of either, or by the citizens or subjects of any neutral power, shall be permitted to remain exempt from confiscation, or from any tax or

duty upon the sale or exchange of the same, or upon the withdrawal of the said property from the country; and the owners thereof shall be permitted to sell and dispose of the said property, in the same manner, in all respects whatever, as if it had been imported into the country in time of peace, and had paid the duties under the laws of either party, respectively.

ARTICLE X.

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, and every article thereof, with the exception of the additional article, are hereby revived for the period of eight years from the day of the ratifications of this treaty, with the same force and virtue as if they made part of the context of the same; 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 XI.

This treaty shall be approved and 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 United Mexican States, with the previous approbation of their general Congress; and the ratifications shall be exchanged in the city of Washington within six months from the date of the signature thereof, or sooner if practicable.

In faith whereof, we, the respective representatives, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at , the day of , A. D. one thousand eight hundred and forty-seven.

Mr. Trist to Mr. Buchanan.—Extract.

[No. 6.] PUEBLA, *June* 3, 1847.

SIR:

* * * * * * * *

I enclose also a letter addressed to me by a gentleman whose name will be communicated hereafter. Being struck with the clearness and comprehensiveness, as well as the justness, of the views expressed by him in conversation with me, I requested him to commit the substance to writing; which he has obligingly done. I beg leave to call your attention to the part relating to the point *below* the Paso del Norte, to which he attaches *great* importance in a military point of view. If deemed proper, the boundary defined

in my instructions might easily be modified in accordance with this suggestion (so far as regards that post) by saying, "up the middle of the Rio Bravo to the 32d degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence along the western boundary," &c. I will add, that he has not the slightest idea of what my instructions contain on this or any other subject.

* * * * * * * *

Hon. JAMES BUCHANAN,
Secretary of State.

Mr. Buchanan to Mr. Trist.—Extract.

[No. 2.] DEPARTMENT OF STATE,
Washington, June 14, 1847.

SIR:

* * * * * * * * *

Enclosed I transmit you a copy of the orders issued on the 11th instant by the President, to the Secretaries of War and of the Navy, upon the report of the Secretary of the Treasury of the day preceding, in relation to the Mexican tariff. From these, you will perceive, it has been announced to the world, that the government intend to provide by treaty with Mexico, that goods imported into any of the ports of that country, whilst in our military possession, shall be exempt from any new import duty or charge after the conclusion of peace. This will render it necessary for you to insist upon the insertion of the 9th article of the projét in the treaty. Indeed, you may consider this as a *sine qua non.*

Yours, very respectfully,
JAMES BUCHANAN.

To N. P. TRIST, Esq,
&c., &c., &c.

Mr. Buchanan to Mr. Trist.—Extract.

[No. 3.] DEPARTMENT OF STATE,
Washington, July 13, 1847.

SIR:

* * * * * * * * *

According to the suggestion in your despatch, No. 6, you are authorized to modify the boundary contained in your instructions, so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed

important: still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line; and this is, to run it along the thirty-second parallel of north latitude from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or if this cannot be obtained, to run it due west from the southwest angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are, therefore, authorized and instructed to make the first, or if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. Trist, Esq., *&c.*, *&c.*, *&c.*

Mr. Buchanan to Mr. Trist.—Extract.

[No. 4.] Department of State,
Washington, July 19, 1847.

Sir: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California, along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the southwestern angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch, has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projét of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following, instead of the 4th article:

Article 4.—The boundary line between the two republics shall

commence in the gulf of Mexico three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine que non;* but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44′ 59″. The harbor is some miles south of the town. The latitude of the mouth of the Gila where it empties into the Colorado, is 32° 43′.

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To N. P. Trist, Esq., &c., &c., &c.

Mr. Buchanan to Mr. Trist.

[No. 5.] Department of State,
Washington, October 6, 1847.

Sir: On the 2d instant, there was received at this department, from Vera Cruz, a printed document in Spanish, consisting of eight quarto pages, and entitled "Contestaceones habedas entre el Supremo Gobierno Mexicano, el General en Gefe del ejercito Americano, y el Comisionado de los Estados Unidos." This purports to give a history in detail of the origin, progress, and unsuccessful termination of your negotiations with the Mexican commissioners. The counter projét of the Mexican government is, indeed, under all the circumstances, a most extraordinary document. Its extravagance proves conclusively that they were insincere in appointing commissioners to treat for peace, and that the armistice and subsequent negotiations were intended merely to gain time. They must have known that the government of the United States never would surrender either the territory between the Nueces and the Rio Grande, or New Mexico, or any portion of Upper California—never would indemnify Mexican citizens for injuries they may have sustained by our troops in the prosecution of the present just and necessary war—and never could, without dishonor, suffer the Mexican government to levy new duties upon goods imported into ports now in our actual possession which had already paid duties to the United States. To propose such terms, was a mere mockery. And here I

ought to observe, in justice to yourself, that we do not believe there is any truth in the assertion of the Mexican commissioners, that you had proposed (if the other terms of the treaty were made satisfactory) to refer to your government, "with some hope of a good result," the question of surrendering to Mexico that portion of the sovereign State of Texas between the Nueces and the Rio Grande, or any part of Upper California.

Your original instructions were framed in the spirit of forbearance and moderation. It was hoped, that after the surrender of Vera Cruz and the castle of San Juan d'Ulloa, the Mexican government would be willing to listen to the counsels of peace. The terms, therefore, to which you were authorized to accede, were of the most liberal character, considering our just claims on Mexico, and our success in the war. New Mexico, the Californias, several of the northern States, and most of the important ports of Mexico, were then in our possession; and yet we were at that time willing freely to surrender most of these conquests, and even to make an ample compensation for those which we retained.

Circumstances have entirely changed since the date of your original instructions. A vast amount of treasure has since been expended; and, what is of infinitely more value, the lives of a great number of our most valuable citizens have been sacrificed in the prosecution of the war.

In the annals of history never has there been a war conducted in the same manner by invading forces. Instead of levying military contributions for the support of our armies in the heart of our enemy's country, we have paid fair, and even extravagant prices, for all the supplies which we have received. We have not only held sacred the private property of the Mexicans, but on several occasions have fed their famishing soldiers, and bound up their wounds. And what has been the return? Treachery and cruelty have done their worst against us. Our citizens have been murdered, and their dead bodies mutilated, in cold blood, by bands of savage and cowardly guerillas; and the parole of honor, sacred in all civilized warfare, has been habitually forfeited by Mexican officers and soldiers. Those paroled at Vera Cruz have fought against us at Cerro Gordo; and those paroled at Cerro Gordo have doubtless been in the ranks of the enemy in the battles so glorious to our arms at and near the city of Mexico.

After the battle of Cerro Gordo, the President entertained serious thoughts of modifying your instructions, at least so far as greatly to reduce the maximum sums which you were authorized to pay for portions of the Mexican territory; but, wishing to afford to the world an example of continued moderation and forbearance in the midst of victory, he suffered them to remain unchanged. And what has been the consequence?

After a series of brilliant victories, when our troops were at the gates of the capital, and it was completely in our power, the Mexican government have not only rejected your liberal offers, but have insulted our country by proposing terms the acceptance of which would degrade us in the eyes of the world, and be justly condemned

by the whole American people. They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to acount for their strange infatuation. In this state of affairs, the President, believing that your continued presence with the army can be productive of no good, but may do much harm by encouraging the delusive hopes and false impressions of the Mexicans, has directed me to recall you from your mission, and to instruct you to return to the United States by the first safe opportunity. He has determined not to make another offer to treat with the Mexican government, though he will be always ready to receive and consider their proposals. They must now first sue for peace.

What terms the President may be willing to grant them will depend upon the future events of the war, and the amount of the precious blood of our fellow citizens and the treasure which shall in the mean time have been expended.

Should the Mexican government desire hereafter to open negotiations, or to propose terms of peace, their overtures will be immediately transmitted to Washington by the commanding general, where they will receive the prompt consideration of the President.

Should you have concluded a treaty before this despatch shall reach you, which is not anticipated, you will bring this treaty with you to the United States, for the consideration of the President; but should you, upon its arrival, be actually engaged in negotiations with Mexican commissioners, these must be immediately suspended; but you will inform them that the terms which they may have proposed, or shall propose, will be promptly submitted to the President on your return. You are not to delay your departure, however, awaiting the communication of any terms from these commissioners, for the purpose of bringing them to the United States.

I am, sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

To Nicholas P. Trist, Esq.,
&c., &c., &c.

Mr. Buchanan to Mr. Trist.

[No. 6.]

Department of State,
Washington, October 25, 1847.

Sir: Your despatches, either in original or duplicate, to No. 16 inclusive, with the exception of Nos. 5 and 8, have been received at the department.

From your No. 15, of the 4th September, received on the 21st instant, it appears that you had offered to the Mexican commissioners, that if they would propose to you to establish the boundary between the two republics by a line by which the United States would surrender that portion of the State of Texas between the Rio Grande and the Nueces, and also that portion of Upper California south of the thirty-third parallel of latitude, between the

Colorado and the Pacific ocean, you would transmit such a proposition, proceeding from them, to Washington, and would propose to General Scott to continue the then existing armistice, until you should receive the answer of your government.

You will have learned from my despatch No. 5, of the 6th inst., that we did not believe there was any truth in the statement of the Mexican commissioners, that you had made such a proposal. As this fact is now placed beyond a doubt, the President has instructed me to express to you his profound regret that you should have gone so far beyond the carefully considered ultimatum, to which you were limited by your instructions.

The State of Texas is in the exercise of peaceful and undisturbed jurisdiction over the country between the Nueces and the Rio Grande. She has made extensive grants of land within its limits; divided it into counties, which have been represented in her convention and legislative assemblies; established courts of justice therein; and, in short, has exercised the same sovereign rights over it as over any other portion of her territory.

Congress, acting upon these incontestable facts, as well as upon the clear right of Texas to extend to the Rio Grande, in December, 1845, created a port of delivery west of the Nueces, at Corpus Christi, and in May, 1846, established post routes between these two rivers. This region, also, constitutes a part of one of the congressional districts of Texas, and its people are now represented in the Congress of the United States.

Under these circumstances, the President could not for a single moment entertain the question of surrendering that portion of Texas, even if this were practicable. But such is not the case. Considering the enterprising and energetic character of the American people, it would be impossible to expel by force the inhabitants between the Nueces and the Rio Grande from their possessions, and to convert this territory into a desert, for the security of the Mexican frontier.

The President has also directed me to express his regret that you should have been willing to entertain the question of surrendering any portion of Upper California to Mexico. By running the division line from the Colorado to the Pacific, along the thirty-third parallel of latitude, the bay and harbor of San Diego would be restored to the Mexican republic. This port, being nearly five degrees further south, is, for every commercial purpose, of nearly equal importance to the United States with that of San Francisco. It was to secure to us the bay and harbor of San Diego beyond all question, and to prevent the Mexican government from hereafter contesting the correctness of the division line between Upper and Lower California, as delineated on the map which you carried with you, that your original instructions directed that if you could not obtain Lower California, the 4th article of the projét should in terms fix this line as running "north of the parallel of 32° and south of San Miguel, to the Pacific ocean."

To have arrested our victorious army at the gates of the capital for forty or fifty days, and thus to have afforded the Mexicans an

opportunity to recover from their panic, to embody their scattered forces, and to prepare for further resistance, in order that in the mean time you might refer such proposals to your government, would, in the President's opinion, have been truly unfortunate.

With these considerations in view, the President has directed me to reiterate your recall.

The date of the last despatch received at the War Department from General Scott, is the 4th June. The President is now becoming apprehensive that he may not receive despatches from him before the meeting of Congress.

I transmit herewith a copy, in triplicate, of my despatch No. 5.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. Trist, Esq.,
&c., &c., &c.

Mr. De la Rosa to Mr. Trist.

[Translation.]

Queretaro, *October* 31, 1847.

The undersigned, minister of foreign relations of the Mexican republic, has had the honor to receive the note under date the 20th ultimo,* addressed to him by his excellency Nicholas Trist, commissioner of the United States of America, clothed with full powers to conclude a treaty of peace with the said republic. The undersigned has received, also, the note of his excellency Mr. Trist, in reply to that addressed to him under date the 6th September† by their excellencies the commissioners, on the part of Mexico, for negotiating a peace.

Although the two documents referred to leave but little hope that peace may be re-established, the undersigned can assure his excellency, Mr. Trist, that the government of Mexico is animated by the same ardent wish as his excellency for the cessation of a war, the calamities of which now bear heavily upon this republic; and the consequences of which will, sooner or later, make themselves felt by the United States of America. The undersigned will, in consequence, have the honor, in the course of a few days, to advise his excellency, Mr. Trist, of the appointment of commissioners to continue the negotiations for peace, to whom will be given instructions for the previous adjustment of an armistice, which the government of the undersigned believes will conduce greatly to the good result of the said negotiation.

The undersigned offers to his excellency, Nicholas Trist, the assurance of his very distinguished consideration.

LUIS DE LA ROSA.

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* This note has not been received at the Department of State.

† A copy of this note has been communicated to the Senate in legislative session.

Mr. Trist to Mr. Buchanan.

[No. 21.] HEAD QUARTERS OF THE U. S. ARMY,
Mexico, November 27, 1847.

SIR: I have the honor to acknowledge the receipt, on the 16th instant, by a courier from Vera Cruz, of your despatch of the 25th ultimo, accompanied by the triplicate of that of the 6th of the same month, the original of which was delivered to me on the evening of the next day, by Mr. Smyth, the bearer of despatches. The duplicate has not yet come to hand. It probably forms part of the large mail which, agreeably to the intelligence received here, left Vera Cruz in company with General Patterson, who had stopped at Jalapa.

On a future occasion, perhaps, should I ever find time to employ on a theme so insignificant with respect to the public interests, and so unimportant in my own eyes, so far as regards its bearings upon myself personally, I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief still entertained by me, that that course was calculated to attain the end contemplated by our government, and was the only one which afforded the slightest possibility of its being attained; the end, I mean, of bringing about a treaty of peace on the basis, in all material respects, of the project intrusted to me. For the present I will merely call attention to the fact, that a mere offer to *refer a question* to my government constitutes the only ground on which I can be charged with having "gone so far beyond the carefully considered ultimatum to which I was limited by my instructions." Whether this offer, under the circumstances, and prospects of the crisis when it was made, was wise or unwise—I mean with reference to the end desired by our government—is a question which no longer possesses any practical importance; though the time was, when it constituted with me a subject of the most careful and the most anxious deliberation; not because of the personal responsibility attaching to the decision in which that deliberation resulted—for that never occupied my mind for an instant—but because I knew, and *I felt*, that upon my own decision depended, according to every human probability, the early cessation of the war, or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground so far as I was personally concerned, and destroy the only possible chance for a peace; on the other hand, to assume responsibility, and keep that chance alive, with *some* prospect at least—and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised, under such circumstances—that the adoption of our projét might come to pass. * * * *
* * * * * * * * *
Upon perusing your two despatches above referred to, my first thought was immediately to address a note to the Mexican government, advising them of the inutility of pursuing their intention to

appoint commissioners to meet me. On reflection, however, the depressing influence which this would exercise upon the peace party, and the exhiliration which it would produce among the opposition, being perfectly manifest, I determined to postpone making this communication officially, and meanwhile privately to advise the leading men of the party here, and at Queretaro, of the instructions which I had received. Their spirits had, for the last few days, been very much raised by the course of events at Queretaro; and one of them (the second of the two heads mentioned in a late despatch) called on me on the very day after your despatches came to hand, for the purpose of communicating "the good news," and making known "the brightening prospects." Upon my saying that it was all too late, and telling what instructions I had received, his countenance fell, and flat despair succeeded to the cheeriness with which he had accosted me. The same depression has been evinced by every one of them that I have conversed with, whilst joy has been the effect with those of the opposite party who have approached me to inquire into the truth of the newspaper statement from the Union. By both parties the peace men were considered as floored; this was the *coup de grace* for them.

Mr. Thornton was to set out (as he did) the next morning for Queretaro; and I availed myself of this, privately to apprize the members of the government of the state of things, with reference to which their exertions in favor of peace must now be directed, and to exhort them not to give up, as those here had at first seemed strongly disposed to do, and as it was believed here that those at Queretaro would at once do. Fortunately, however, when the news reached there, they had just taken in a strong dose of confidence—the result of the meeting of the governors—which has served to brace them against its stunning effect. Mr. Thornton left here on the 17th, and was to complete his journey on the evening of the 21st. Before he had reached there, I was privately advised here of the appointment of the commissioners named in the official note from the minister of relations, under date the 22d, herein enclosed, together with a copy of my reply to the same, which was despatched from Queretaro on the morning of that day. Their extreme anxiety on the subject may be judged of from the fact, that I have received already the same communication in duplicate and triplicate. The peace men did not cease for several days to implore me to remain in the country, at least until Mr. Parrott shall have arrived with the despatches of which report makes him the bearer. To these entreaties, however, I have turned a deaf ear, stating the absolute impossibility that those despatches should bring anything to change my position in the slightest degree. General Scott at once said that he would despatch a train at any time I might name. And I should have set out before this, but for two considerations: one, that the garrison here is already so small that its duties are exceedingly oppressive to both officers and men, and the matter would be made still worse by the detachment of another escort; the other, that General Scott * *

* * * * * * * * *

For these reasons I determined to postpone my departure until the return of the train under Lieutenant Colonel Johnson, which is expected on the 4th or 5th of next month. Should it be delayed beyond that time, and should any reinforcements have arrived here or be near, I will set out immediately after. It will take us twelve days at least to reach Vera Cruz.

I recommended to the peace men to send immediately, through General Scott, whatever propositions they may have to make, or to despatch one or more commissioners with me. After full conversations on the subject, however, I became thoroughly satisfied of the impracticability of either plan: it would, to a certainty, have the effect of breaking them down. The only *possible* way in which a treaty can be made is, to have the work done on the spot; negotiation and ratification to take place at one dash. The complexion of the new Congress, which is to meet at Queretaro on the 8th of January, is highly favorable. This will be the last chance for a treaty. I would recommend, therefore, the immediate appointment of a commissioner on our part.

I am, sir, in great haste, and very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

Mr. Peña y Peña to Mr. Trist.

[Translation.]

QUERETARO, *November* 22, 1847.

The undersigned, minister of relations of the Mexican government, has the honor to address the present note to his excellency Don Nicholas Trist, commissioner of the United States of the north, and to acquaint his excellency that the provisional government of the president of the supreme court of justice of Mexico being ended by the election of Don Pedro Maria Annaya as president of the republic *ad interim*, and his excellency having appointed the undersigned the head of this department of relations, the new President at once began to inform himself respecting the last discussions which took place between his excellency Mr. Trist and this department.

Seeing in them the ardent desire which his excellency states he entertains, to cause an end to be put to the calamities of the war which unfortunately severs both republics, and that for this purpose the appointment of commissioners on the part of Mexico was pending, which appointment the president of the supreme court of justice did not make on account of the temporary character of his government, the present president has decided to choose anew the same two gentlemen who had already been appointed—Don Bernardo Conto and Don Miguel Atristain; and Don Jose Joaquin Her-

rera and Don Ignacio Mora y Villamil not having it in their power to continue upon the commission—the first in consequence of being seriously ill, and the second in consequence of being appointed minister of war—Don Manuel Rincon and Don Luis Gonzaga Cuevas have been appointed instead of those two individuals, and have been duly informed thereof by the undersigned.

But as those gentlemen are in different parts of the republic, although not very far from this city, they have been requested to repair hither forthwith, to receive their appropriate instructions; and, when received, they will communicate with his excellency Mr. Trist, in order that, upon proper conditions, the conferences which remain pending may be continued, and may lead to the happy result of an honorable and useful peace.

The undersigned sincerely unites his desires to those of his excellency Mr. Trist, that the powers conferred may not be vain or useless; and, with that view, he has the satisfaction of offering to his excellency the assurances of his very distinguished consideration.

MANUEL DE LA PEÑA Y PEÑA.

Mr. Trist to Mr. Peña y Peña.

MEXICO, *November* 24, 1847.

The undersigned has the honor to acknowledge the receipt of the note, under date the 22d instant, of his excellency Don Manuel de la Peña y Peña, minister of relations of the Mexican government, acquainting him of the appointment of the commissioners therein named, to negotiate for the restoration of Peace. The undersigned regrets to say, in reply, that the powers conferred upon him for that purpose have been revoked, and that, agreeably to the instructions received by him, he is under the necessity of returning, without delay, to the United States. At the same time, he has been instructed to say that any communication from the Mexican government, having for its object the opening of negotiations for the restoration of peace, will be immediately transmitted by the commanding general of the United States forces of this republic, to Washington, where it will receive the prompt consideration of the President.

The undersigned still cherishes, therefore, the hope that the signature of the treaty, which has been reserved for another hand than his, is destined to take place at an early day. In this hope, he tenders to, &c., &c.,

N. P. TRIST.

To his Excellency Don MANUAL DE LA PENA Y PENA,
Minister of Relations of the Mexican government.

Mr. Trist to a confidential friend at Queretaro.

[CONFIDENTIAL.] MEXICO, *December* 4, 1847.

MY DEAR MR. —— ——: This letter will occasion you great surprise, but no greater than I should myself have experienced a few hours ago, had a seer, in whose prophetic powers I put faith, foretold to me that I was to write it. Down to that moment, I have, from the time when I last wrote to you, considered it as a thing fixed and unchangeable—as absolutely fixed as any thing can be—that the treaty of peace, which I yet hoped might take place at an early day, was not to be signed by my hand. True, every time the subject presented itself to my mind, my fears had become greater and greater that the opportunity would be lost. The critical position of the peace party—whose difficulties and whose peril, as we fully know, cannot but augment with every revolving hour, until their object shall have been consummated—had seldom been absent from my thoughts; and every time it occurred to me, I became more and more deeply and anxiously impressed with the probability that, through mere delay, through the mere loss of a few weeks, all their efforts were to prove vain; that the incessant exertions, the indefatigable industry, and the patriotic courage on their part, by which the present state of things has been brought about, were, after all, to result in *nothing;* nay, in something far worse than nothing; their own entire prostration and dissolution, through flat despair and death to the sentiment of peace, in every bosom which has cherished it. Still, although this has constantly been the state of my mind on the subject, I have never, until a few hours ago, for an instant wavered from the determination expressed in my reply to your letter; never once conceived the *possibility* of a change in that determination. So convinced had all become that it was fixed, beyond the possibility of change, that all entreaties and arguments to move me had long ceased. Nevertheless, it now stands reversed. For good or for evil, this reversal has occurred, and has been made known in the proper quarter. I am now resolved, and committed, to carry home with me a treaty of peace, if the Mexican government feel strong enough to venture upon making one on the basis, as regards boundary, of the projét originally presented by me, modified according to the memorandum which I subsequently gave to one of the commissioners: that is to say, running up the middle of the Rio Bravo from its mouth to the thirty-second degree of latitude, and thence along that parallel to the Pacific ocean; with free access to and from the ocean, through the Gulf of California, from and to our possessions.

If they feel able to make and carry through a treaty on this basis, it would be utterly idle to talk or to think for an instant of any other, and I cannot listen to a single word on the subject: let them say the word, and the treaty shall be made.

If they do not feel thus able, let them surrender at once to the Puros, and dismiss forever all thought of a treaty; for it is the best chance that Mexico can have one equally favorable to her, or

indeed for one which any party in this country can accept. I am fully persuaded that its terms would not, by any means, meet the views *now* entertained by my government. So decided is my belief on this point, that even if I were clothed with discretionary powers to make *any* treaty *which I deemed compatible with those views*, I could not consistently with this limitation offer the terms I now propose; and I should not now make the offer but for my clear and perfect conviction on these three points: *First*, that peace is still the desire of my government: *Secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period—probably forever: *Thirdly*, that this is the utmost point to which the Mexican government can, by any possibility, venture.

It is my conviction on the second of these points particularly—a conviction which has been becoming clearer and stronger every day for the last fortnight—that causes me to depart from the determination I had taken; a determination which, in any other position than the one wherein this most extraordinary, this altogether unprecedented combination of circumstances, places me with reference to the known wishes of my government and country—places, indeed, that very country itself—it would be so obviously my duty to allow nothing to shake. In my last despatch home I represented the nature of the crisis, and recommended the immediate appointment of a commission. I then hoped that this step might be taken in time. I then considered that whether it should or should not so turn out, and whatever might be the consequences of its turning out otherwise, I had nothing to do but close my eyes to those consequences; for they had passed entirely beyond my control. I did so close my eyes, and I believed for the moment that the subject was dismissed forever from my thoughts. But ever since then, the hope that the step referred to *can* be taken ere it will be too late, has been becoming fainter and fainter every day; and as *it* has thus waned, so have the consequences presented themselves under a more and more threatening and disheartening aspect, as they loomed up through the dim future in their as yet indistinct and ill-defined character, but plainly incalculable immensity.

Thus has the question which your letter had raised in my mind, and which, on concluding my reply, I had considered as dismissed for once and all, again come up, and brought itself home to me. What is my line of duty to my government and my country, in this most extraordinary position in which I find myself? Knowing, as I do, that peace is the earnest wish of both, is it, *can* it be my duty to allow this last chance for peace to be lost, by my conforming to a determination of that government, taken with reference to a supposed state of things in this country entirely the reverse of that which actually exists? Upon full reflection, I have come to the conclusion that my duty is to pursue the opposite course; and upon this conclusion I have taken my stand. It remains to be seen whether the Mexican government can come up to the mark, and give effect to my resolve. "*Now or never*" is the word; and

I need not say to you that this word is uttered in all sincerity, and with as total an absence of all diplomatic reserves behind it as ever occurred in the most solemn vow pronounced by man. I have had no new instructions, no hint of any kind from Washington or elsewhere, in or out of the United States. The case stands in this respect precisely as when we parted.

I am, &c.,

N. P. TRIST.

Mr. Trist to Mr. Buchanan.

[No. 28.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, February 2, 1848.

SIR: I transmit herewith the treaty of peace, friendship, limits and settlement, signed one hour ago at the city of Guadalupe; a spot which, agreeably to the creed of this country, is the most sacred on earth, as being the scene of the miraculous appearance of the virgin, for the purpose of declaring that Mexico was taken under her special protection.

During the negotiation—which has been an exceedingly laborious one, and has kept me closely employed for several weeks past, during every day and night, for as many hours as I could possibly give to labor—I have written many notes which would serve as an explanation of the treaty in all its stipulations; and I have also written a long despatch on the subject. But it has proved impossible for me to find time to copy these papers, or to get them copied, for transmission. They will go some days hence with the duplicate of the treaty. Meanwhile, this must speak for itself.

It will be delivered to you by Mr. James L. Freaner, the correspondent of the New Orleans Delta, who has given such celebrity to the signature of "Mustang." For a service of this kind he would be my first choice, by far, of all the men whom I have ever known; as he would be among the first for any service which a man may be qualified for by high integrity of character, strong, manly, good sense, extraordinary sagacity and presence of mind, perfect fearlessness, and many other noble qualities; all united with a frame of steel, and the sinews of a mountain deer. He had made his arrangements for leaving this place, on his return to the United States, with the train which I had myself intended to accompany, and which set out from hence on the 9th of December last. Aware of his great value in such a capacity, at a juncture like the present, when the loss of a single hour might be attended with consequences the most momentous, I obtained his consent to remain here, with a view to the contingency which has occurred. I consider him, therefore, as having been in the employment of the government as a special bearer of despatches, from the 9th of December. As generous and disinterested in his disposition as he is brave and upright, he would be perfectly content with the consciousness of having been useful to our country, with-

out any other reward; but I have told him that I should insist upon this matter being placed upon the footing just stated.

With respect to the ratification of the treaty, I believe the chances to be *very* greatly in its favor; although it cannot be counted upon in less than two months from the date of the proclamation which will be issued by the executive, summoning the new Congress. The elections have not yet been held in the States of Vera Cruz and Puebla. In the former, the Puros (war party) never had any strength whatever; and in the latter not enough to counteract a vigorous and concerted effort on the part of the Moderados. These elections will now speedily take place under the arrangements for facilitating them which will be entered into in pursuance of the second article of the treaty, (inserted with a special view to this object;) and the result will, according to every probability, give to the peace party in Congress a preponderance so decided as to insure its prompt ratification.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

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

DEPARTMENT OF STATE,
Washington, March 18, 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 most 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 38 to 14. 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 obligations 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 3, after the words "Mexican republic," where they first occur, the words "*and the ratifications exchanged.*"

Under this article, as it orignally 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 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 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 III.

"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 meantime, 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 February 22, 1819, the following articles are contained:

"ARTICLE V.

"*The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction;* 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 VI.

"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 principles 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 ninth article, as adopted by the Senate, of the analagous 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 tenth 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 tenth 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 stipulations 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 guarantied by the constitution and laws of the United States. These invaluable blessings, under our forms of government, do not result from treaty stipulations, but from the very nature and character of our institutions.

The fourth amendment of the Senate is, to strike from the 11th article the following words: "nor to provide such Indians with firearms or ammunition, by sale or otherwise." This amendment was adopted on a principle of humanity. These Indians must live by the chase; and without firearms 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 limits 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 firearms 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 12th 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 XII.

"In consideration of the extension acquired by the boundaries of the United States, as defined in the 5th 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. Immedi-

ately 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 these 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 23d 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 Hon. Ambrose H. Sevier, of the State of Arkansas, and the Hon. 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 of this occasion to offer to your excellency the assurance of my most distinguished consideration.

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.

Messrs. Sevier and Clifford to Mr. Buchanan.

CITY OF QUERETARO,
May 25, 1848—9 *o'clock, p. m.*

SIR: 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.

At about four leagues from this city, we were met by a Mexican escort under the command of Colonel Herrera, and were escorted to a house prepared by the government for our reception. The minister of foreign relations, and the governor of the city called upon us, and accompanied us to dinner, which they had previously ordered. So far as the government is concerned, every facility and honor have been offered us; and Señor Rosa, the minister of foreign relations, desires us to state, 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 point 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 the honor to be your obedient servants,

A. H. SEVIER,
NATHAN CLIFFORD.

To the Hon. JAMES BUCHANAN,
Secretary of State.

Messrs. Sevier and Clifford to Mr. Buchanan.

[No. 11.] CITY OF QUERETARO, *May* 30 1848.

SIR: In our last, we had the honor to inform you of our arrival in this city on the 25th instant. On the following day, at 12 o'clock, meridian, in pursuance of a previous arrangement, Mr. Clifford was presented to the president of the republic, by Mr. Rosa, the secretary of foreign relations, in presence of the cabinet and a large number of the military and civil officers of the government, and placed our credentials in the hands of his excellency. 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 and Couto 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 of the treaty. That was finally accomplished, within the last hour, when the exchange of ratifications was duly made by Mr. Rosa, in behalf of the Mexican government, and ourselves, on the part of the United States.

Having accomplished 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 by the Treasury Department, in regard to the remaining twelve millions.

In one of the 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. He 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 received from Commodore Jones, with the enclosures, and a copy of our reply. Also a copy of a letter from General Butler to us, with the enclosures, 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.

We have the honor to remain, sir, with great respect, your obedient servants,

A. H. SEVIER,
NATHAN CLIFFORD.

To the Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—At the suggestion of the Mexican government, we have written to General Wool a despatch, of which we also enclose a copy.

Mr. Clifford to Mr. Buchanan.

[No. 13.] CITY OF MEXICO, *June* 12, 1848.

SIR: At 6 o'clock this morning, the flag of the United States was taken down from the national palace in this city and that of the Mexican republic was hoisted. The customary honors were paid to both, and the ceremony passed off in perfect quiet, although the great square was thronged. The last division of the army then evacuated the place, General Butler and Mr. Sevier accompanying it. The latter will proceed with all despatch to Washington with the treaty and exchange of ratifications. The receipt for the three millions he does not take with him, as the government here insisted upon counting the money—an operation which will consume much more time than it was advisable for him to wait. All arrangements, however, have been made in regard to the payment, and when the receipt is given to me, it shall be immediately and safely forwarded. Apprehensions were entertained that the departure of our forces would be the signal of tumult, but the energetic measures adopted by the authorities have kept everything tranquil; and there is no probability of order being disturbed. If the government perseveres in a course of activity and firmness, we may hope for its success in putting the affairs of the country upon a footing of permanence. The most patriotic spirit has been manifested by all the better classes of society in forming a national guard, for the preservation of public peace; and the resident foreigners, also, by invitation of the government, have associated themselves for the same purpose.

The President and his cabinet are now at Mixcoac, a small village about two leagues distant, where they arrived on the 9th. They will enter the city to-morrow, not being able to do so to-day on account of repairs to be made in the palace.

Señor Otero, a distinguished senator, is Minister of Foreign Relations; Señor Riva Palacios, Minister of Finance; General Arista, Minister of War; and Señor Jimenes, a deputy, Minister of Justice.

Enclosed is a copy of a communication just received from General Wool.

I have the honor to remain, sir, your obedient servant,

NATHAN CLIFFORD.

HON. JAMES BUCHANAN,
Secretary of State.