

## CHAPTER XIV.

Siege of Puebla.—March of Santa Anna.—Desertion of his troops.—March of Rea.—Battle of Huamantla.—Santa Anna's resignation.—Peña y Peña President.—Negotiations for peace.—Treaty signed.—Ratifications.—The Treaty.—Territory acquired.—Losses of the army.—Names of officers killed.—Conclusion.

THE military events which closed on the 18th of September, with the capture of the city of Mexico, closed also, with the exception of some incidental and minor engagements, the war with Mexico. To all practical intents, Mexico was conquered. From Santa Fé in the north to Tampico in the south,—from the Rio Grande to the shores of the Pacific,—from the heights of the Sierra Madre to those of the Sierra Nevada,—the troops and navy of the United States held every position which, either in a military or commercial view, was valuable or accessible to the channels of business and population. Henceforward, the chief movement of our troops was the advance of reinforcements, which, had they been earlier, had been useful, but were now too late to aid the victorious army, or share in the glory of its achievements. Collateral movements were made, and two or three small skirmishes took place which were honorable to our arms. But the burden and battle of the war was past. The victory was won, and the question of the day was, "When and how shall peace be made?"

Santa Anna, who had been driven out of Mexico by

the American troops, escaped with a body of two or three thousand men, and for some days was unheard of. On the 25th of September, however, he appeared in the city of Puebla, the surrounding heights of which were garrisoned and defended by Col. Childs. The American garrison was weak, and had under its care the hospitals, which contained many sick. The object of the Mexican commander was the surprise and capture of this post, which had been left isolated by the advance of the American army on Mexico, and was now besieged by Rea. The movement was a good one, had the Mexican strength been sufficient for the purpose. On his appearance Santa Anna immediately summoned the American commander to surrender, to which Col. Childs returned a prompt refusal, couched in firm and dignified terms.<sup>1</sup> On the 28th, the positions around Puebla were occupied by Santa Anna with batteries, and a bombardment commenced on the American intrenchments. In return, the batteries of Col. Childs bombarded the city. On the 29th, the troops of Santa Anna occupied the convent of Santa Theresa, and began to cover themselves with cotton-bales. On the 30th, General Rea, who was joined by Santa Anna, commenced erecting batteries, and cannonading the Americans.

In the mean time, however, the Mexican troops were almost wholly destitute of provisions, and in a most suffering condition. Having heard of the advance of an American convoy on the National Road, Santa Anna, on the 1st of October, sallied out of Puebla with the view to intercept it. Before his arrival at the point of destination, he

<sup>1</sup> Correspondence in the *Washington Union*.

was deserted by all his troops, except about 130 hussars. They alleged that he was incapable of accomplishing any further service, and that certain destruction awaited them should they any longer follow a leader whose fortunes were so desperate. Thus after many bold enterprises, signal defeats, and sanguinary adventures, this celebrated Mexican chief found himself again a wanderer, alike deserted by fortune and by friends. He was soon after denounced by the new Mexican government, and became an exile from the shores of that country, where, for thirty years, he had been the star of its destiny, alternately rising and setting on its political horizon, attended by all the hues of a checkered fate, and by all the incidents of a various romance. Like other unfortunate warriors, he

“—— leaves his broken bands,  
And shows his miseries in distant lands.”

In the mean time, General Lane had left Vera Cruz about the 1st of October, with a corps of 3000 men, arrived at Perote on the 4th, and on the 8th nearly surprised Santa Anna, who barely escaped the village of Huamantla. On the 12th of October, General Rea raised the siege of Puebla, and marched, as it was supposed, to surprise General Lane and his convoy at Tinal. This was, however, not done, and Lane, hearing that he was at Huamantla, forthwith marched to attack him. A brilliant action took place, in which the usual success attended the American arms, and the Mexicans were driven out with considerable loss. In this action, Captain Walker, one of the most distinguished of the noted Texan Rangers, was killed. He was more distinguished for a barbarous desperation of adventure, than for true chivalry or magnanimous war

On the 19th of October, the Americans entered Atlisco with 1,500 men; and soon after, they captured Orizaba, with several other considerable places. The young officers of the army, searching with keen ambition for the novelties of romantic enterprise, planted the American flag in succession on the loftiest peaks of the Cordilleras, —on summits which looked down on the region of clouds, and are clothed with eternal ice. There, on rocks visited only in the waste of ages by the lone eagle in his sunward flight, the flag of the conqueror waves in the wind which bathes the silent volcanoes of Orizaba and Popocatepetl!

But the word which is now on the lips of conquered and conqueror is—PEACE. The United States desired not to govern the mixed races of Mexico, and Mexico felt that she had no longer opposition to offer. A new government and a new destiny was about to arise for Mexico.

On the 18th of October, Santa Anna resigned the supreme power into the hands of Peña y Peña, President of the Supreme Court of Justice. On the 22d, he issued his proclamation to the Mexican people, vindicating his conduct throughout the turbulent scenes and unfortunate events of the war, and from that time he has disappeared from the stage of Mexican affairs.

Previous to this resignation of Santa Anna, however, Peña y Peña had assumed the reins of government. The executive chair was declared vacant, and on the 27th of September, Peña took the vacant place, by virtue of being President of the Supreme Court of Justice. He immediately addressed circulars to the States, calling upon them to send deputies to Queretaro, to pay their expenses, and provide funds for their support. The Presi-

dent, in urging attention to this important business, says, "This is probably the last experiment of government which will be made in our unfortunate country."

Under these urgent solicitations, the Congress assembled at Queretaro in November, and on the 11th General Anaya was elected President. Peña y Peña was elected Secretary of State. One of the first acts of the new government was to appoint a commission to proceed to Mexico, and negotiate with Mr. Trist the terms of peace, on the basis of his former scheme. This commission consisted of Messrs. Couto, Atristain, Cuevas, and Rincon, who immediately proceeded to execute the duties of their office.

On the 1st of January the old Congress was dissolved, but a new one had in the mean time been elected; and on the 8th of January, the new administration was organized by the meeting of Congress at Queretaro, and the return of Peña y Peña to the executive chair. The period for which Anaya was elected President expired with the old Congress, and Peña returned to power in virtue of being President of the Supreme Court of Justice.

On the 2d of February the Treaty of Peace was signed at Guadaloupe by Nicholas P. Trist, on the part of the United States, and Messrs. Couto, Atristain, and Cuevas, commissioners, on the part of Mexico. The powers of Mr. Trist, as commissioner, had been withdrawn by the American executive; but he assumed to continue his authority on the very natural ground, it may be supposed, that the *necessities* for peace were so great, and felt so strongly by the government of the United States, that any treaty, not degrading to our government in its terms, would be ratified, without a very serious and special inquiry into

the authority by which it was made. In this judgment he was justified by the event.

On the 6th of February, the Treaty was officially announced to the Mexican States by a circular from Secretary Rosas. Dispatches were immediately forwarded to Secretary Buchanan at Washington; and the sole inquiry now before the public mind was, whether the Treaty would be ratified by the Senate of the United States on one hand, or the Congress of Mexico on the other,—in whom was vested by the constitutions of the respective countries, the power of ratification. By some means the contents of the Treaty became known to the public, and it was perceived that the United States had agreed to pay a larger sum of money than was originally contemplated, while the land received in exchange was substantially no more valuable. This fact, taken in connection with another—that the Treaty was negotiated without authority—made it doubtful whether it would be ratified by the constitutional majority.

On the 22d of February, only twenty days after it was signed at Guadaloupe, President Polk formally submitted it to the Senate. On the 28th he transmitted another message, recommending its ratification.

The HON. DANIEL WEBSTER proposed in a resolution, that a new commission should be appointed to negotiate a new treaty. This proposition was laid on the table.<sup>1</sup> The Senate then proceeded to consider the treaty in detail.

March 2d.—Part of the 10th Article, confirming former contracts for lands, was unanimously struck out.

<sup>1</sup> Journals of the Senate.

March 3d.—The secret article, extending the time for ratification to eight months, was stricken out, by 48 to 2.

March 7th.—The HON. J. J. CRITTENDEN introduced a resolution, that we should be confined in the Treaty to a "satisfactory settlement of the boundary of Texas, and the acquisition of the Bay of San Francisco." This resolution was rejected by the following vote,<sup>1</sup> viz.:

*Yeas.*—Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis of Mass., Dayton, Greene, Hale, Johnson of Md., Miller, Spruance, Underwood, Upham.

*Nays.*—Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Dix, Dickinson, Davis of Miss., Douglas, Downs, Felch, Foote, Hannegan, Houston, Johnson of La., Johnson of Ga., Lewis, Mason, Moore, Niles, Rusk, Sevier, Sturgeon, Turney, Yulee.—17 yeas to 31 nays.

March 8th.—MR. BALDWIN moved to insert at the end of the 5th Article—"Provided, that there shall be neither slavery nor involuntary servitude in the territories hereby ceded, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." This also was negated by the following vote:

*Yeas.*—Atherton, Baldwin, Clarke, Clayton, Corwin, Davis of Mass., Dayton, Dix, Greene, Hale, Miller, Niles, Phelps, Spruance, Upham.—15.

*Nays.*—Allen, Ashley, Atchison, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Crittenden, Davis of Miss., Dickinson, Douglas, Downs, Felch, Foote, Hannegan, Hunter,

<sup>1</sup> Journals of the Senate.

Johnson of La., Johnson of Md., Johnson of Ga., Lewis, Mangum, Mason, Moore, Pearce, Rusk, Sevier, Sturgeon, Turney, Underwood, Yulee.—38.

March 10th.—After several important amendments to the original form of the Treaty, that instrument was finally ratified, by two-thirds of the Senate advising and consenting thereto, by the following vote:

*Yeas.*—Ashley, Atherton, Bagby, Bell, Bradbury, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Crittenden, Davis, Dayton, Dickinson, Dix, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson of Md., Johnson of La., Johnson of Ga., Mangum, Mason, Miller, Moore, Niles, Rusk, Sevier, Sturgeon, Turney, Downs, Clayton, Yulee, Underwood.—38.

*Nays.*—Allen, Atchison, Badger, Baldwin, Benton, Berrien, Breese, Corwin, Douglas, Lewis, Spruance, Upham, Webster, Westcott.—14.

The Senate having thus ratified the Treaty, with several important amendments, it became necessary that the Treaty should be also ratified by the Mexican Congress. The President accordingly appointed NATHAN CLIFFORD, Attorney-general, and AMBROSE SEVIER, Chairman of the Committee of Foreign Relations in the Senate, as Commissioners on the part of the United States, to lay the Treaty, thus modified, before the Mexican Congress. These gentlemen hastened to Mexico, but some weeks elapsed before a quorum of the Mexican Congress could be assembled at Queretaro. At length the Congress met, and the ratification of the Treaty was urged upon the Congress ably and eloquently by President Peña. He succeeded. The Treaty was ratified by a large majority in the Congress, and by 33 to 5 in the Senate.

The American Commissioners officially notified the Secretary of State that the Treaty was complete, and on the 19th of June, 1848,—being two years and two months from the commencement of the war,—the people of the United States were formally notified, that there was **PEACE BETWEEN MEXICO AND THE UNITED STATES!**

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

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

## ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

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

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

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

## ARTICLE V.

The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of 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 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 mark 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.

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

## ARTICLE VII.

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

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

## ARTICLE VIII.

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

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

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

## ARTICLE IX.

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 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 meditated or committed within its own territory, against its own citizens.

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

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 mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

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

## ARTICLE XII.

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

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

## ARTICLE XIII.

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

## ARTICLE XIV.

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

## ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may

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

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

## ARTICLE XVI.

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

## ARTICLE XVII.

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

to terminate the same by giving one year's notice of such intention to the other party.

## ARTICLE XVIII.

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

## ARTICLE XIX.

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

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

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

3. All merchandise, effects, and property described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination.

Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

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

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

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

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

#### ARTICLE XX.

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

#### ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation

of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the 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 neighborhood, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

#### ARTICLE XXII.

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

1. The merchants of either republic then residing in the other, shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months (for those dwelling at the seaports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or 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 the 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