

TREATY

OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT,

BETWEEN

THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC.

Concluded at Guadalupe Hidalgo, February 2, and Ratified, with the Amendments, by the American Senate, March 10, 1848.

THE TREATY.

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 on a solid basis relations of peace and friendship, which shall confer reciprocal benefits on 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 N. P. TRIST, a citizen of the United States, and the President of the Mexican Republic has appointed DON LOUIS GONZAGA CUEVAS, DON BERNARDO CONTO, and DON MIGUEL ATRISTAIN, citizens of the said Republic, who, after a reciprocal communication of their respective 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 a 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 on 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), immediately to desist from blockading the 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 ex-

ceeding 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 condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such Custom Houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the 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 the 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 and 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 definitely 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 officer commanding such castles and ports, 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 within three months from the said exchange of ratifications, or sooner if possible; the Mexican Republic hereby engages, 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 the ratifications of the 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; 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 near-

est 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 limits 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 Pantojer, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooner 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 on the ground landmarks which shall show the limits of both Republics, as described in the present article, the Governments shall each appoint a Commissioner and Surveyor, who, before the expiration of one year from the date of the exchange of ratification 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 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; and not by land, without the express consent of the Mexican Government.

If, by the examinations that 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 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 said rivers navigable, or for maintaining them in such a 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, or tax whatever.

Those who shall prefer to remain in 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 selection 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 any 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.

[In place of the following Article, the Senate has inserted the third Article of the Treaty between France and the United States, for the cession of Louisiana, which provides that the inhabitants of the ceded territory shall be admitted to all the rights and privileges of citizenship, in accordance with the principles of the Constitution, as soon as Congress shall determine; and that in the meantime, they shall be protected in the enjoyment of their liberty, property and religious belief.]

ARTICLE IX.

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

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

Finally, the relations and communications between Catholics living in the territories aforesaid, and their respective ecclesiastic authorities, shall be open, free and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican republic, as defined by this Treaty; and this freedom shall continue so long as a new debarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

ARTICLE X.

(EXPUNGED.)

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

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

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

ARTICLE XI.

Considering that a great part of the territories which, by the present Treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the 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 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, not to purchase or acquire horses, mules, cattle, or property of any kind, stolen within the Mexican territory, by such Indians: nor to provide such Indians with fire-arms or ammunition by sale or otherwise.

And in the event of any person or persons captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its 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 Indians from any portion of said Territories, or for its being settled by the citizens of the United States; but, on the contrary, special care then 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 in the one or the other of the two modes below specified.

The Mexican Government shall at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so selected by it shall be conformed to by that of the United States.

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



