

30th Congress,
1st Session.

[SENATE.]

EXECUTIVE,
No. 52.

THE TREATY

BETWEEN

THE UNITED STATES AND MEXICO,

THE PROCEEDINGS OF THE SENATE THEREON, AND MESSAGE OF THE PRESIDENT AND DOCUMENTS COMMUNICATED THEREWITH; THE MESSAGES, WITH CORRESPONDENCE BETWEEN THE EXECUTIVE DEPARTMENT, GENERAL SCOTT AND MR. TRIST, AND OTHER PAPERS AND PROCEEDINGS OF THE SENATE IN RELATION THERETO, FROM WHICH THE INJUNCTION OF SECRECY HAS BEEN REMOVED.

IN EXECUTIVE SESSION, SENATE OF THE U. S.

WEDNESDAY, MAY 31, 1848.

Resolved, That the injunction of secrecy be removed from the treaty between the United States and Mexico, the documents accompanying the same, and the proceedings of the Senate and debates thereon, and the documents sent to the Senate and ordered to be printed relating to the negotiation of said treaty, and also from the messages of the President of the 7th and 9th March, and documents communicated therewith.

Ordered, That the treaty with Mexico, the messages, documents, proceedings, and other matter relating thereto, from which the injunction of secrecy has been removed, be printed for the use of the Senate.

FRIDAY, JUNE 2, 1848.

Resolved, That the injunction of secrecy be removed from so much of the correspondence between the executive departments and Mr. Trist and other officers of the government in Mexico and the accompanying papers, transmitted to the Senate, as have been printed in confidence, and that the same be printed for the use of the Senate.

Attest:

ASBURY DICKINS, Secretary.

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FONDO
FERNANDO DIAZ RAMIREZ

IN EXECUTIVE SESSION, SENATE OF THE U. STATES.

WEDNESDAY, FEBRUARY 23, 1848.

The following message was received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to its ratification, a treaty of peace, friendship, limits, and settlement, signed at the city of Guadalupe Hidalgo, on the second day of February, 1848, by N. P. Trist on the part of the United States, and by plenipotentiaries appointed for that purpose on the part of the Mexican government.

I deem it to be my duty to state that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the army could be productive of no good, but might do much harm by encouraging the delusive hopes and false impressions of the Mexicans; and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace, which Mexico might make, should be received and transmitted by the commanding general of our forces, to the United States.

It was not expected that Mr. Trist would remain in Mexico, or continue in the exercise of the functions of the office of commissioner, after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to; but, conforming, as it does substantially on the main questions of boundary and indemnity, to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated, as I am, by the spirit which has governed all my official conduct towards Mexico, I have felt it to be my duty to submit it to the Senate for their consideration, with a view to its ratification.

To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of Texas belong to that State, and this government has no power to dispose of them, or to change the conditions of grants already made. All valid titles to land within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I

therefore submit that this article should not be ratified as a part of the treaty.

There may be reason to apprehend that the ratification of the "additional and secret article" might unreasonably delay and embarrass the final action on the treaty by Mexico. I therefore submit whether that article should not be rejected by the Senate.

If the treaty shall be ratified as proposed to be amended, the cessions of territory made by it to the United States, as indemnity, the provision for the satisfaction of the claims of our injured citizens, and the permanent establishment of the boundary of one of the States of the Union, are objects gained of great national importance; while the magnanimous forbearance exhibited towards Mexico, it is hoped may insure a lasting peace and good neighborhood between the two countries.

I communicate herewith a copy of the instructions given to *Mr. Slidell* in November, 1845, as envoy extraordinary and minister plenipotentiary to Mexico; a copy of the instructions given to *Mr. Trist* in April last, and such of the correspondence of the latter with the Department of State, not heretofore communicated to Congress, as will enable the Senate to understand the action which has been had with a view to the adjustment of our difficulties with Mexico.

JAMES K. POLK.

WASHINGTON, February 22, 1848.

The message was read.

The treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848, was read the first time.

On motion by Mr. Sevier,

Ordered, That the treaty, message, and accompanying documents be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

MONDAY, FEBRUARY 28, 1848.

Mr. Sevier, from the Committee on Foreign Relations, to whom was referred, the 23d instant, the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848, reported it without amendment.

Mr. Webster submitted the following resolution for consideration:

Resolved, That the further consideration of the message of the President of the United States of the 22d of February, 1848, be postponed; and that it be recommended to the President of the United States immediately to nominate commissioners plenipotentiary, not fewer than three, to proceed to Mexico, for the purpose of negotiating with the republic of Mexico a treaty of peace, boundaries, and indemnities due to American citizens.

Mr. Houston submitted the following resolution for consideration:

Whereas, the President of the United States did, on the 23d instant, submit to the Senate an instrument purporting to be a treaty between the government of the United States and the republic of Mexico, signed at Guadalupe Hidalgo, on the second day of the present month, by Nicholas P. Trist, falsely assuming to act under the authority of the President of the United States and Luis G. Cuevas, Bernardo Conto, and Mig. Atristain, pretending to act by the authority of Mexico:

And whereas, the said Nicholas P. Trist was, at the time of signing said instrument, acting contumaciously and in direct violation of the orders of his government recalling him, which orders he had communicated to the Mexican authorities:

And whereas, the said instrument having been signed by a person falsely representing himself as a minister of this government while acting in violation of his instructions, the laws of the land, and the constitution of this Union, and to the great scandal of our national character, renders the said instrument utterly void and ineffectual; it would therefore be dangerous, if not ruinous, for the Senate, by their decision, to sanction such a flagrant disregard of the institutions of the country, as it would be holding out inducements to similar acts by vicious men, who may be actuated by the most corrupt and treasonable intentions against the liberties of the country:

And whereas, the very peculiar circumstances under which the said instrument was concluded, do not leave it free from well-grounded suspicion of the interference of agents of other powers, not parties to the instrument, and whose interests are adverse to those of the United States; and, further, it is manifest from the correspondence before the Senate, that information affecting the character of the country as well as the instrument itself, is not before this body, and as the individual who sent the same has promised much matter with the duplicate, which is to arrive soon:

And whereas, it has been declared to be the object of the present war to obtain "indemnity for the past and security for the future," and as it is most probable that the domain proposed to be ceded by Mr. Trist's agreement is all granted by Mexico, or will be covered by fraudulent grants, if the agreement should become a treaty, leaving to the United States mere civil and political jurisdiction of the same, while it would be incumbered by conditions relative to the Indians which would be worth more, in a pecuniary point of view, than all the vacant land acquired, and which would leave the government of the United States no indemnity in honor for the lives of its gallant sons who have fallen, no indemnity for the millions expended, nor for the blur which must dim the lustre of our national escutcheon:

And whereas, the conduct of the authorities of Mexico have been such as to justify this government to treat her as a conquered people, and to claim a full indemnity for all the injuries which we, as a nation, have sustained from her since she has claimed to be a republic;

at great expense of life and treasure, for an indefinite period; and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conformed substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate, with a recommendation that it be ratified with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the Senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the government" relates mainly if not exclusively to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the Senate if it shall be desired by that body.

As coming within the purview of the resolution, I also communicate copies of the letters of the Secretary of War to Major General Butler, in reference to Mr. Trist's remaining at the head-quarters of the army in the assumed exercise of his powers of commissioner.

JAMES K. POLK.

WASHINGTON, February 29, 1848.

The message was read.

On motion by Mr. Houston,

Ordered, That the message and documents communicated therewith be printed in confidence for the use of the Senate.

The Senate proceeded to consider the resolution submitted by Mr. Webster, the 28th instant; and after debate,

On motion by Mr. Johnson, of Maryland,

The Senate adjourned.

WEDNESDAY, MARCH 1, 1848.

The treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo on the 2d day of February, in the year 1848, was read the second time.

On motion by Mr. Sevier,

Ordered, That the Secretary withdraw from the printer the message and documents which were on the 29th February ordered to be printed in confidence for the use of the Senate.

On motion by Mr. Badger,

The Senate proceeded to reconsider the order for the printing of the message and documents received on the 29th February; and,

On motion by Mr. Sevier,

Ordered, That the message with the accompanying documents, except those received from Nathaniel P. Trist, be printed in confi-

dence for the use of the Senate; and that the latter be referred to the Committee on Foreign Relations.

Mr. Houston submitted the following resolution for consideration:

Resolved, That the reporter of the Senate be sworn to preserve inviolable secrecy regarding the proceedings and debates of the Senate, while the subject of the treaty with Mexico shall be under consideration in executive session; and that he be admitted into the Senate chamber during the discussion of that subject with a view to report the debates under the injunction of secrecy, and subject to the future order of the Senate.

The Senate resumed the consideration of the resolution submitted by Mr. Webster, the 28th instant; and, after debate,

On motion by Mr. Johnson, of Maryland,

The Senate adjourned.

THURSDAY, MARCH 2, 1848.

Mr. Mangum, from the Committee on Foreign Relations, to whom was referred, on the 1st instant, the correspondence from Nathaniel P. Trist, received with the message of the 29th February, reported that the letter from N. P. Trist, of the 25th January, 1848, alone, be printed; but that the committee had examined all the letters and marked such parts as, in their opinion, should be omitted in any order to print those letters.

On motion by Mr. Webster,

Ordered, That the correspondence of Nathaniel P. Trist, with the exception of such parts as have been marked for omission by the Committee on Foreign Relations, be printed in confidence for the use of the Senate.

The Senate resumed the consideration of the resolution submitted by Mr. Webster, the 28th instant; and,

On motion by Mr. Mangum,

Ordered, That it lie on the table.

On motion by Mr. Houston,

The Senate proceeded to consider the resolution, submitted the 1st instant, to admit the reporter of debates in executive session; and,

On the question to agree thereto,

It was determined in the negative.

On motion by Mr. Sevier,

The Senate, as in Committee of the Whole, proceeded to consider the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

On motion by Mr. Sevier,

To strike out the tenth article of the treaty, a debate ensued.

On motion by Mr. Miller,

That the Senate adjourn.

It was determined in the negative, { Yeas 15
Nays 30

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,
Messrs. Badger, Benton, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Mangum, Miller, Spruance, Underwood, Upham.

Those who voted in the negative are,
Messrs. Allen, Ashley, Atchison, Atherton, Baldwin, Bradbury, Breese, Bright, Butler, Cass, Davis, of Mississippi, Dickinson, Dix, Douglass, Downs, Felch, Foot, Hannegan, Houston, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Sevier, Sturgeon, Turney, Yulee.

The question recurring on the motion of Mr. Sevier, to strike out the tenth article of the treaty:

On motion, by Mr. Crittenden,

To divide the question, by striking out from the tenth article the words from "but" to "void," inclusive:

The question was stated, "Shall these words stand as part of the tenth article?" to wit:

"But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this article.

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

And it was determined in the negative—nays 48.

Those who voted are,

Messrs. Allen, Ashley, Atherton, Badger, Baldwin, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Houston, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Westcott, Yulee.

On motion, by Mr. Mangum, further to divide the question, by striking out the last sentence of the tenth article;

The question was stated, "Shall these words stand as part of the tenth article?" to wit:

"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;"

And it was determined in the negative, { Yeas 17
Nays 32

Those who voted in the affirmative are,
Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Corwin, Crittenden, Dayton, Greene, Johnson, of Maryland, Johnson, of Georgia, Miller, Pearce, Spruance, Underwood, Upham.

Those who voted in the negative are,
Messrs. Allen, Ashley, Atchison, Atherton, Benton, Bradbury, Breese, Bright, Calhoun, Cass, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Houston, Hunter, Lewis, Mangum, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Westcott, Yulee.

The question then recurring on striking out the remaining part of the tenth article;

On motion by Mr. Bell,

The Senate adjourned.

FRIDAY, MARCH 3, 1848.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic; and the question recurring on striking out the remaining part of the tenth article.

After debate,

The question was stated, "Shall these words stand as part of the treaty?" to wit:

"All grants of land made by the Mexican government, or by the competent authorities in territories previously appertaining to Mexico and remaining for the future within the limits of the United States, shall be respected as valid to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico;"

And it was determined in the negative, { Yeas 19
Nays 33

Those who voted in the affirmative are,
Messrs. Ashley, Badger, Baldwin, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Hale, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Miller, Pearce, Spruance, Upham.

Those who voted in the negative are,
Messrs. Allen, Atchison, Atherton, Bagby, Bell, Benton, Bradbury, Breese, Bright, Calhoun, Cass, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Houston, Hunter, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Phelps, Rusk, Sevier, Sturgeon, Turney, Underwood, Westcott, Yulee.

On motion, by Mr. Breese,

To strike out of the eleventh article the following words, to wit: