

sible 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

regar 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 extractos 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 juramento ó con afirmacion solemne la verdad he 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 presente tratado, con igual fuerza y valor que si estuviere 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

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 merchan-

el periodo de los ocho años, comunicando su intencion á la otra parte con un año de anticipacion.

ARTICULO XVIII.

No se exigirán derechos in gravamen de ninguna clase á los articulos todos que lleguen para las tropas de los Estados Unidos á los puertos Mexicanos ocupados 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 fe, 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 articulos que realmente no sean necesarios, ó que excedan en cantidad en los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanescan en México. A este efecto, todos los oficiales y agentes de los Estados Unidos tendran obligacion de denunciar á las autoridades Mexicanas en los mismos puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudiéren 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 esa clase, que fuere legalmente probado, y declarado por sentencia de tribunal competente, sera castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

ARTICULO XIX.

Respecto de los efectos, mer-

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

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

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

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

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of

cancias y propiedades importados en los puertos Mexicanos durante el tiempo que han estado ocupados por las fuerzas de los Estados Unidos, sea por ciudadanos de cualquiera de las dos repúblicas, sea por ciudadanos 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 autoridades Mexicanas conforme á lo estipulado en el artículo tercero de este tratado, quedarán libres de la pena de comiso, aun cuando sean de los prohibidos en el arancel 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 maritimas, y antes de que expiren los sesenta dias que van á fijarse en el artículo siguiente para que empiece á regir el arancel Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancías y propiedades, en cuanto al pago de derechos, 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, alcabala ó impuesto, sea bajo el título de internacion, sea bajo cualquiera otro, mientras permanescan en los puntos donde se hayan importado, y á su salida para el interior; y en los mismos puntos no podrá jamás exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancías, y propiedades, designados en las reglas primera y segunda que

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 re-ship 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,

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 permanescan en el 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 a la savon 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 cosas si se hubieran importado en tiempo de paz por las aduanas maritimas, y hubiesen pagado en ellas los derechos que establece el arancel Mexicano.

6. Los dueños de efectos, mercancías, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de Mexico, tienen derecho de reembarcarlos, sin que pueda exigirseles ninguna clase de impuesto, alcabala 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 gobierno Mexicano, no se exigirá a ninguna persona por las autoridades de Mexico, ya dependan del gobierno general, ya de algun estado que pague ningun impuesto, alcabala ó derecho por la indicada exportacion, ni sobre ella podra exigirsele por las dichas autoridades cuenta alguna.

ARTICULO XX.

Por consideracion á los intereses del comercio de toda s las

tion or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take 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 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

jetándose en ests particular á las mismas leyes á que estén sujetos, y deban arreglarse los ciudadanos ó subditos de las naciones mas amigas. Cuando los ejércitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, los eclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que estén 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 tomarlos 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 de los mismos 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 prácticas de enviarlos á distritos distantes, inclementes ó malsanos, ó de aglomerarlos en lugares estrechos y enfermizos. No se confinarán en calabosos, prisiones, ni pontones; no se les aherrojará, ni se les atará, ni se les impedirá de ningun otro modo el uso de sus

otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if an officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against

miembros. Los oficiales que darán en libertad bajo su palabra de honor, dentro de distritos convenientes y tendrán alojamientos comodios; y los soldados rasos se colocarán en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojarán en cuarteles tan amplios y comodios como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltare su palabra, saliendo del distrito que se le ha señalado; ó algun otro prisionero se fugare de los limites de su acantonamiento despues que estos se les hayan fijado, tal oficial ó prisionero perderá el beneficio del presente artículo por lo que niera 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 limites que se le han asignado, fuera encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva será tratada 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 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 pegará por la otra parte el 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

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 others; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

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

ARTICLE XXIII.

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

In faith whereof, we, the re-

de prisioneros: tales cuentas no se mezclarán ni compensarán con otras; ni el saldo que resulte de ellas, se reusará bajo pretexto de compensacion ó represalia por cualquiera causa, real ó figurado. Cada una de las partes podrá mantener un comisario de prisioneros nombrado por ella misma en cada acantonamiento de los prisioneros que estén en poder de la otra parte: este comisario visitará á los prisioneros siempre que quiera; tendrá facultad de recibir, libres de todo derecho ó impuesto, y de distribuir todos los auxilios que puedan enviarles sus amigos, y libremente transmitir sus partes en cartas abiertas á la autoridad por la cual esta empleado.

Y se declara que ni el pretexto de que la guerra destruye los tratados, ni otro alguna, sea el que fuere, se considerará que anula ó suspende el pacto solemnemente 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.

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 America con el consejo y consentimiento del Senado; y las ratificaciones se cangearán en la ciudad de Washington á los cuatro meses de la fecha de la firma del mismo tratado, ó antes si fuere posible.

En fé de lo cual, nosotros los

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

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

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

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

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

In faith whereof, we, the respective plenipotentiaries, have signed this additional and secret article, and have hereunto affixed our seals, respectively. Done in quintuplicate at the city of Gua-

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

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

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

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

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

En fé de lo cual, nosotros los respectivos plenipotenciarios hemos firmado y sellado este artículo adicional y secreto. Hécho por quintuplicado en la ciudad de Guadalupe Hidalgo, el dia dos Febrero del año de nuestro

dalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight. Señor mil ochocientos cuarenta y ocho.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 21, 1848.

Resolved, That the injunction of secrecy be removed from the first and fifth articles of the unratified convention for the settlement of claims of the citizens and government of the Mexican republic against the government of the United States, and of the citizens and government of the United States against the government of the Mexican republic, concluded at the city of Mexico the 20th of November, 1843, as proposed to be ratified by the Senate of the United States, which unratified convention is referred to, and the first and fifth articles thereof made a part of the fifteenth article of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, 1848.

“ARTICLE I.

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

“ARTICLE V.

“All claims of citizens of the United States against the government of the Mexican republic which were considered by the commissioners and referred to the umpire appointed under the convention of the 11th April, 1839, and which were not decided by him, shall be referred to and decided by the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.”