

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A 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.

FEBRUARY 23, 1848.

Read, and, with the treaty and documents, referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the Senate.

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 2d 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.

LIST.

- Mr. Buchanan to Mr. Slidell, November 10, 1845.
- Mr. Buchanan to Mr. Trist, April 15, 1847.
- Mr. Trist to Mr. Buchanan, (extract,) June 3, 1847.
- Mr. Buchanan to Mr. Trist, (extract,) June 14, 1847.
- The same to the same, (extract,) July 13, 1847.
- The same to the same, (extract,) July 19, 1847.
- The same to the same, October 6, 1847.
- The same to the same, October 25, 1847.
- Mr. de la Rosa to Mr. Trist, (translation,) October 31, 1847.
- Mr. Trist to Mr. Buchanan, November 27, 1847.
- Mr. Trist to a confidential friend at Queretaro, December 4, 1847.

Mr. Buchanan to Mr. Slidell.

[No. 1.]

DEPARTMENT OF STATE,
Washington, November 10, 1845.

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

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

In the present crisis of the relations between the two countries, the office for which you have been selected is one of vast importance. To counteract the influence of foreign powers exerted against the United States in Mexico, and to restore those ancient relations of peace and good will which formerly existed between the governments and the citizens of the sister republics, will be principal objects of your mission. The wretched condition of the internal affairs of Mexico, and the misunderstanding which exists between her government and the ministers of France and England, seem to render the present a propitious moment for the accomplishment of these objects. From your perfect knowledge of the language of the country, your well-known firmness and ability, and your taste and talent for society, the President hopes that you will accomplish much in your intercourse with the Mexican authorities and people. The early and decided stand which the people of the United States and their government took and maintained in favor of the independence of the Spanish American republics on this continent, secured their gratitude and good will. Unfortunate events have since estranged from us the sympathies of the Mexican people. They ought to feel assured that their prosperity is our prosperity; and that we cannot but have the strongest desire to see them elevated, under a free, stable, and republican government, to a high rank among the nations of the earth.

The nations on the continent of America have interests peculiar to themselves. Their free forms of government are altogether different from the monarchical institutions of Europe. The interests and the independence of these sister nations require that they should establish and maintain an American system of policy for their own protection and security, entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European sovereigns with controversies in America—to permit them to apply the worn-out dogma of the balance of power

to the free States on this continent—and, above all, to suffer them to establish new colonies of their own, intermingled with our free republics, would be to make to the same extent a voluntary sacrifice of our independence. These truths ought everywhere throughout the continent of America to be impressed on the public mind. If, therefore, in the course of your negotiations with Mexico, that government should propose the mediation or guarantee of any European power, you are to reject the proposition without hesitation. The United States will never afford, by their conduct, the slightest pretext for any interference from that quarter in American concerns. Separated as we are from the Old world by a vast ocean, and still further removed from it by the nature of our political institutions, the march of free government on this continent must not be trammelled by the intrigues and selfish interests of European powers. Liberty here must be allowed to work out its natural results; and these will ere long astonish the world.

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

The first subject which will demand your attention is the claims of our citizens on Mexico. It would be useless here to trace the history of these claims, and the outrages from which they spring. The archives of your legation will furnish all the necessary information on this subject. The history of no civilized nation presents, in so short a period of time, so many wanton attacks upon the rights of persons and property as have been endured by citizens of the United States from the Mexican authorities. These never would have been tolerated by the United States from any nation on the face of the earth, except a neighboring and sister republic.

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

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

controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico."

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

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

In pursuance of the suggestion of the Committee on Foreign Relations of the Senate, a special messenger was sent to Mexico to make a final demand for redress, with the documents required by the 34th article of the treaty. This demand was made on the 20th July, 1837. The answer to it contained fair promises. How these were evaded from time to time, you will learn by an examination of the archives of your legation.

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

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

The claims allowed by the commissioners, without reference to the umpire, amounted, principal and interest, to..... \$439,393 82

The amount, principal and interest, subsequently awarded by the umpire, was	1,586,745 86
	<u>2,026,139 68</u>

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

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

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

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

To obviate this injustice, and to provide for the decision of other claims of American citizens, amounting to \$3,336,837 05, which had been submitted too late to be considered by the board, a third convention was signed at Mexico on the 20th November, 1843, by Mr. Waddy Thompson on the part of the United States, and Messrs. Bocanegra and Triguera on the part of Mexico. On the 30th January, 1844, this convention was ratified by the Senate of the United States, with two amendments. The one changed the place of meeting of the commissioners from Mexico to Washington; and the other struck out the 16th article, which referred the claims of a pecuniary nature, that the two governments might have against each other, to the commissioners, with an appeal to the umpire in case a majority of them could not agree.

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

It was something new in the history of sovereign nations to refer their mutual claims to the arbitrament of a board composed of their own citizens, with an appeal to a subject appointed by a foreign sovereign. The dignity of sovereign States forbade such a proceeding. Besides, it never had been suggested that either of the two

governments had claims upon the other, or that there were any claims in existence except those of American citizens on Mexico.

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

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

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

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

But in what manner can this duty be performed consistently with the amicable spirit of your mission? The fact is but too well known to the world, that the Mexican government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States, the claimants cannot receive what is justly their due. Fortunately, the joint resolution of Congress, approved 1st March, 1845, "for annexing Texas to the United States," presents the means of satisfying these claims, in perfect consistency with the interests, as well as the honor, of both republics. It has reserved to this government the adjustment "of all questions of boundary that may arise with other governments." This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt due to American claimants upon their own government, whilst it will do no injury to Mexico.

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

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

In regard to the right of Texas to the boundary of the del Norte, from its mouth to the Paso, there cannot, it is apprehended, be any very serious doubt. It would be easy to establish, by the authority of our most eminent statesmen—at a time, too, when the ques-

tion of the boundary of the province of Louisiana was better understood than it is at present—that, to this extent, at least, the del Norte was its western limit. Messrs. Monroe and Pinckney, in their communications of January 23, 1805, to Don Pedro Cevallos, then the Spanish minister of foreign relations, assert, in the strongest terms, that the boundaries of that province “are the River Perdido to the east, and the Rio Bravo to the west.” They say, “the facts and principles which justify this conclusion are so satisfactory to our government, as to convince it that the United States have not a better right to the island of New Orleans under the cession referred to, (that of Louisiana,) than they have to the whole district of territory which is above described.” Mr. Jefferson was at that time President, and Mr. Madison Secretary of State; you well know how to appreciate their authority. In the subsequent negotiation with Mr. Cevallos, Messrs. Monroe and Pinckney conclusively vindicated the right of the United States as far west as the del Norte. Down to the very conclusion of the Florida treaty, the United States asserted their right to this extent—not by words only, but by deeds. In 1818, this government having learned that a number of adventurers, chiefly Frenchmen, had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, despatched George Graham, esq., with instructions to warn them to desist. The following is an extract from these instructions, dated 2d June, 1818: “The President wishes you to proceed with all convenient speed to that place, (Galveston,) unless, as is not improbable, you should, in the progress of the journey, learn that they have abandoned or been driven from it. Should they have removed to Matagorda, or any other place north of the Rio Bravo and within the territory claimed by the United States, you will repair thither, without, however, exposing yourself to be captured by any Spanish military force. When arrived, you will, in a suitable manner, make known to the chief or leader of the expedition your authority from the government of the United States; and express the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction. You will call upon him explicitly to avow under what national authority they profess to act, and take care that due warning be given to the whole body that the place is within the United States, who will suffer no permanent settlement to be made there under any authority other than their own.”

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

Texas achieved her independence on the plain of San Jacinto, in April, 1836, by one of the most decisive and memorable victories recorded in history. She then convinced the world, by her courage

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

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

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

The case is different in regard to New Mexico. Santa Fé, its capital, was settled by the Spaniards more than two centuries ago; and that province has been ever since in their possession and that of the republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their legislative assemblies or conventions.

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

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

On the other hand, if, in adjusting the boundary, the province of New Mexico should be included within the limits of the United