

rangements with the Mexican government for the conclusion of a treaty of peace by commissioners, to be appointed by both parties, according to the proposition contained in my note of the 18th January last to the Mexican minister of foreign relations; provided a reasonable prospect shall exist that such Mexican commissioners will agree to the ultimatum which I have specified.

So rapidly does revolution follow revolution in Mexico, that it would be difficult to conjecture what form of government you may find in existence over that ill-fated country on your arrival at the head-quarters of the army. The constitution of 1824<sup>th</sup> may then have been abolished, and a dictatorship be again existing in its stead. You will not hesitate, however, to conclude a treaty with whatever government you shall find there upon your arrival, provided it presents a reasonable prospect of being able to maintain itself. Should a dictator be established who has subverted the constitution of 1824, and acquired the supreme power, his ratification of the treaty will be sufficient without the previous approbation of the general Congress. Were this government to refuse to conclude a treaty of peace until the Mexican government shall assume any permanent constitutional form, the war might yet continue for many years to come.

If the contingency shall occur on the happening of which, as provided by the third article of the proposed treaty, hostilities are required to be suspended, you will, without delay, communicate this fact to the commanders of our land and naval forces respectively; the Secretaries of War and the Navy having already issued orders to them for the suspension of hostilities upon the receipt of such a notice from yourself.

You will herewith receive a certificate from the Secretary of the Treasury, that your draft in favor of the Mexican government, for the whole or any part of the three millions of dollars appropriated by the act of Congress of the 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," will be duly honored. You will be exceedingly careful not to draw for any part of this sum until the conditions required by that act shall have been fully complied with, and the treaty which you may sign with the authorized agent or agents of the Mexican government has been "duly ratified by Mexico." As the disbursement of so large a sum is a matter of great importance, you should use every precaution to be certain that your drafts shall be drawn in favor of the proper functionary of the Mexican government, and the whole business transacted in such a manner that no difficulty will hereafter arise on the subject. You will take receipts in triplicate for any draft or drafts which you draw; which ought, if possible, to be signed by the President of Mexico, and countersigned by the minister of finance.

I am, sir, with great respect, your obedient servant,

JAMES BUCHANAN.

NICHOLAS P. TRIST, Esq.,  
&c., &c., &c.

[A.]

PROJET.

The United States of America and the United Mexican States, desirous of terminating the war which has unhappily subsisted between the two republics, and of restoring peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries; that is to say, the President of the United States has appointed Nicholas P. Trist, &c., &c., and

who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE I.

There shall be a firm and universal peace between the United States of America and the United Mexican States, and between their respective countries, territories, cities, towns, and people, without exception of places or persons. All hostilities, both by sea and land, shall definitively cease so soon as the ratifications of this treaty shall have been exchanged by the parties.

ARTICLE II.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the exchange of the ratifications of this treaty.

ARTICLE III.

So soon as the present treaty shall have been duly ratified by the United Mexican States, this fact shall be made known with the least possible delay to the military and naval commanders of both parties, whereupon a suspension of hostilities shall take place both by land and by sea, as well on the part of the military and naval forces of the United States as on the part of those of the United Mexican States; and the said suspension of hostilities shall be inviolably observed on both sides. Immediately after the exchange of the ratifications of the present treaty, all the forts, territories, places, and possessions, whatsoever, taken by the United States from the United Mexican States during the war, except such as are embraced within the limits of the United States as defined by the fourth article of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty: and in like manner, all the forts, territories, places, and possessions, whatsoever, taken by the United Mexican States from the United States during the war, and also all such forts, territories, places, and possessions embraced within the limits of the United States under the fourth article of this treaty, shall be

restored, evacuated, and delivered over to the United States without delay, and without causing any destruction, or carrying away any of the artillery or other public property from the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.

## ARTICLE IV.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from the land opposite the mouth of the Rio Grande; from thence up the middle of that river to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico to the southwestern corner of the same; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch; and thence in a direct line to the same, and down the middle of said branch, and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado, and the middle of the Gulf of California, to the Pacific ocean.

## ARTICLE V.

In consideration of the extension of the boundaries of the United States, as defined by the last preceding article, the United States agree to pay to the United Mexican States, at the city of Vera Cruz, the sum of fifteen millions of dollars, in five equal annual instalments, each of three millions of dollars; the first instalment to be paid immediately after this treaty shall have been duly ratified by the government of the United Mexican States.

## ARTICLE VI.

As a further consideration for the extension of the boundaries of the United States, as defined by the fourth article of this treaty, the United States agree to assume and pay to the claimants all the instalments now due, or hereafter to become due, under the convention between the two republics, concluded at the city of Mexico on the 30th day of January, 1843, "further to provide for the payment of awards in favor of claimants under the convention between the United States and the Mexican republic, of the 11th April, 1839." And the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, all claims of citizens of the United States not heretofore decided against the government of the United Mexican States, which may have arisen previous to the 13th of May, 1846, and shall be found to be justly due by a board of commissioners to be established by the government of the United States, whose awards shall be final and conclusive: *Provided*, That, in deciding upon the validity of these claims, the board shall be guided and governed by the principles and rules of

decision prescribed by the first and fifth articles of the unratified convention concluded at the city of Mexico on the 20th day of November, A. D. 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules. And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said board of commissioners.

## ARTICLE VII.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents, in the possession or power of the government of the United Mexican States, shall be deemed necessary to the just decision of any of said claims, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make a demand in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the said books, records, or documents, in their possession or power, which shall be specified, 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 demand shall be made at the instance of any claimant until the facts which it is expected to prove by such books, records, or documents, shall first have been stated under oath or affirmation.

## ARTICLE VIII.

The government of the United Mexican States hereby grant and guaranty forever, to the government and citizens of the United States, the right to transport across the isthmus of Tehuantepec, from sea to sea, by any modes of communication now existing, whether by land or water, free of any toll or charges whatever, all and any articles of the growth, produce, or manufacture of the United States, or of any foreign country, belonging to the said government or citizens; and also the right of free passage over the same to all citizens of the United States. And the government of the United Mexican States also grant and guaranty to the government and citizens of the United States the same right of passage for their merchandise and articles aforesaid, as well as for such citizens, over any railroad or canal which may hereafter be constructed across the said isthmus by the government of the United Mexican States, or by its authority, paying no more than fair and reasonable tolls for the same; and no higher tolls and charges shall be levied and collected upon any of the before mentioned articles and merchandise belonging to the government or citizens of the United States, or upon the persons of such citizens, for passing over the said railroad or canal, than shall be levied and collected upon like articles and merchandise belonging to the government or citizens of Mexico, being the growth, produce, and manufacture of

Mexico, or of any foreign country, or upon the persons of such citizens. And none of the said articles whatever, belonging to the government or citizens of the United States, thus passing in transit over the said isthmus, from sea to sea, either by the existing modes of communication or over any railroad or canal which may hereafter be constructed, in either direction, for the purpose of being transported to any port of the United States, or of any foreign country, shall be liable to any import or export duty whatever. The two governments hereby engage, with as little delay as possible, mutually to agree upon such regulations as may be necessary to prevent fraud and smuggling, in consequence of the right of passage thus granted and perpetually guaranteed to the government and citizens of the United States.

## ARTICLE IX.

All goods, wares, or merchandise, which shall, during the war, have been imported into any of the ports or places of either party whilst in the military occupation of the other, by the citizens of either, or by the citizens or subjects of any neutral power, shall be permitted to remain exempt from confiscation, or from any tax or duty upon the sale or exchange of the same, or upon the withdrawal of the said property from the country; and the owners thereof shall be permitted to sell and dispose of the said property, in the same manner, in all respects whatever, as if it had been imported into the country in time of peace, and had paid the duties under the laws of either party, respectively.

## ARTICLE X.

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, and every article thereof, with the exception of the additional article, are hereby revived for the period of eight years from the day of the exchange of the ratifications of this treaty, with the same force and virtue as if they made part of the context of the same; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same, by giving one year's notice of such intention to the other party.

## ARTICLE XI.

This treaty shall be approved and 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 United Mexican States, with the previous approbation of their general Congress; and the ratifications shall be exchanged in the city of Washington within six months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
A. D. one thousand eight hundred and forty-seven.

—  
*Mr. Trist to Mr. Buchanan.—Extract.*

[No. 6.]

PUEBLA, June 3, 1847.

SIR:

\* \* \* \* \*  
I enclose, also, a letter addressed to me by a gentleman whose name will be communicated hereafter. Being struck with the clearness and comprehensiveness, as well as the justness, of the views expressed by him in conversation with me, I requested him to commit the substance to writing; which he has obligingly done. I beg leave to call your attention to the part relating to the point *below* the Paso del Norte, to which he attaches *great* importance in a military point of view. If deemed proper, the boundary defined in my instructions might easily be modified in accordance with this suggestion (so far as regards that post) by saying, "up the middle of the Rio Bravo to the 32d degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence along the western boundary," &c. I will add, that he has not the slightest idea of what my instructions contain on this or any other subject.

\* \* \* \* \*  
HON. JAMES BUCHANAN,  
*Secretary of State.*

—  
*Mr. Buchanan to Mr. Trist.—Extract.*

[No. 2.]

DEPARTMENT OF STATE,  
Washington, June 14, 1847.

SIR:

\* \* \* \* \*  
Enclosed I transmit you a copy of the orders issued on the 11th instant by the President to the Secretaries of War and of the Navy, upon the report of the Secretary of the Treasury of the day preceding, in relation to the Mexican tariff. From these you will perceive that it has been announced to the world that the government intend to provide by the treaty with Mexico that goods imported into any of the ports of that country, whilst in our military possession, shall be exempt from any new import duty or charge after the conclusion of peace. This will render it necessary for you to insist upon the insertion of the ninth article of the projet in the treaty. Indeed, you may consider this as a *sine qua non*.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,  
&c., &c., &c.

*Mr. Buchanan to Mr. Trist.—Extract.*

[No. 3.]

DEPARTMENT OF STATE,  
Washington, July 13, 1847.

SIR:

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According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions, so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed important: still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line; and this is, to run it along the thirty-second parallel of north latitude from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or, if this cannot be obtained, to run it due west from the southwest angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are, therefore, authorized and instructed to make the first, or if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,  
&c., &c., &c.

*Mr. Buchanan to Mr. Trist.—Extract.*

[No. 4.]

DEPARTMENT OF STATE,  
Washington, July 19, 1847.

SIR: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California, along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the southwestern angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch, has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projet of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following, instead of the 4th article:

ARTICLE 4.—The boundary line between the two republics shall commence in the gulf of Mexico three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine qua non*; but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44' 59'. The harbor is some miles south of the town. The latitude of the mouth of the Gila where it empties into the Colorado, is 32° 43'.

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To N. P. TRIST, esq., &c., &c., &c.

*Mr. Buchanan to Mr. Trist.*

[No. 5.]

DEPARTMENT OF STATE,  
Washington, October 6, 1847.

SIR: On the 2d instant there was received at this department, from Vera Cruz, a printed document in Spanish, consisting of eight quarto pages, and entitled "Contestaciones habedadas entre el Supremo Gobierno Mexicano, el General en Gefe del ejercito Americano, y el Comisionado de los Estados Unidos. This purports to give a history in detail of the origin, progress, and unsuccessful termination of your negotiations with the Mexican commissioners.