

Gen. Herrera accepts.

MOST EXCELLENT SIR: From your excellency's note of this date, I see with regret that the most excellent President has not esteemed the principal reason set forth in my anterior communication to be just. I wished to be excused from accepting the honorable appointment of commissioner to hear the propositions of peace which the commissioner of the United States wishes to make; but inasmuch as the most excellent Sor. President considers it necessary that I should render this service, I am ready to do it, as well as to make any other sacrifice by which the country would be benefitted.

All of which I have the honor to say in answer to your excellency's note, offering to your acceptance my due consideration and esteem.

God and liberty! Mexico, August 26, 1847.

JOSE J. DE HERRERA.

To the Most Excellent

Sor. Minister of Relations, D. JOSE RAMON PACHECO.

Gen. Morainvited to act.

The armistice initiated by the general-in-chief of the United States is concluded; it is now necessary to appoint commissioners who may hear the propositions which that nation wishes to make through its commissioner. His excellency the president *ad interim* having full knowledge of, and confidence in, the patriotism, intelligence, and other commendable qualities which adorn your excellency, has thought proper to appoint you, in union with the most excellent Sor. D. Jose Joaquin de Herrera and another individual in whom are recognised the same qualifications.

In these critical times for our country, none of her sons can or should be deaf to her call. His excellency the president [does not doubt] that you and the others mentioned will cheerfully lend your aid to execute this interesting duty. In consequence, he expects you will call to-morrow, at 11 o'clock, at the office of this ministry, from whence we will pass to the habitation of the chief magistrate of the republic, who will communicate to you the instructions determined upon in cabinet council.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

PACHECO.

To General Don IGNACIO MORA Y VILLAMIL.

MOST EXCELLENT SIR: I have received your excellency's communication of this date, in which you are pleased to inform me that the time has arrived for us to hear propositions of peace which the commissioner of the United States is desirous to make. Further, that the most excellent Sor. President has thought proper to nominate me as one of the individuals who ought to form the commission that is to meet the commissioner of the United States, for which purpose we must meet to-morrow morning at your office to receive the necessary orders.

Grateful for the confidence shown by nominating me to this delicate mission, I do not feel at liberty to decline, and will meet at the office of the minister of relations to-morrow, as you desire, and will spare no efforts on my part to insure good results to the commission.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

IGNACIO DE MORA Y VILLAMIL.

To the Most Excellent MINISTER OF RELATIONS.

August 27, 1847.

This day the licentiate Don Jose Bernado Couto and Don Miguel Atristain were nominated commissioners; the commission is therefore composed of the following persons:

Don Jose Joaquin de Herrera, general and representative in Congress.

Don Jose Bernado Couto, licentiate and representative in Congress.

Don Ignacio Mora y Villamil.

Don Miguel Atristain, licentiate.

Don Jose Miguel Arroyo, secretary and interpreter.

MOST EXCELLENT SIR: Although I do not possess the necessary aptitude to execute in a satisfactory manner the commission which the supreme government has thought proper to encharge me with, as intimated in your excellency's note of to-day, and notwithstanding that the state of my health has for some time past obliged me to abandon all business, and taking into consideration the unfortunate situation in which the republic finds itself, I feel that no Mexican should withhold his services when required by the public authorities. I accept the aforesaid commission, and will immediately present myself as required, in order to receive the instructions of

Gen. Mora accepts.

Members of the commission on the part of Mexico.

Senor Couto accepts.

the government on the subject. In the superior abilities of those worthy persons with whom the most excellent president has been pleased to associate me, I found all my hopes of happy results.

God and liberty! Mexico, August 27, 1847.

BERNARDO COUTO.

To the Most Excellent MINISTER OF RELATIONS.

Senor Atristain accepts.

MOST EXCELLENT SIR: I received your official note of yesterday informing me that the most excellent Sor. President of the republic has thought proper to nominate me, in union with others, a commissioner to hear the propositions which the representative of the United States of America wishes to make to Mexico for the re-establishment of peace; and although I am persuaded that I do not possess the necessary qualifications to enable me to execute the trust satisfactorily, I nevertheless accept it, because I think under these circumstances every Mexican should lend his services when required by the government.

I reproduce to your excellency my considerations and respects.

God and liberty! Mexico, August 28, 1847.

MIGUEL ATRISTAIN.

To the Most Excellent Sor. Don JOSE RAMON PACHECO,
Minister of relations.

Senor Arroyo appointed secretary and interpreter.

The most excellent Sor. President *ad interim*, being satisfied of your patriotism and intelligence, has been pleased to appoint you secretary and interpreter to the commission which sets out to-day for Atzacapuzalco to hear the propositions which the commissioner of the United States has to make. I communicate this for your satisfaction, and at the same time assure you of my esteem.

God and liberty! August 27, 1847.

PACHECO.

To Don JOSE MIGUEL ARROYO.

Senor Arroyo accepts.

MOST EXCELLENT SIR: Informed by your communication of to-day that the most excellent Sor. President has thought proper to appoint me secretary and interpreter to the commission about to hear the propositions for peace which the commissioner of the United States is

desirous to make, and disposed to serve my country as far as in my power, and more particularly under existing circumstances, your excellency may assure the most excellent Sor. President that I will spare no efforts to respond in a worthy manner to the confidence with which he has distinguished me. I offer to your excellency the assurance of my consideration and respect.

God and liberty! Mexico, August 27, 1847.

J. MIGUEL ARROYO.

To the most excellent Sor. MINISTER OF RELATIONS.

Instructions for the commissioners appointed by the government of Mexico to hear the propositions which the government of the United States pretends to make.

In conformity with the cabinet resolution of this date, the commissioners of the Mexican government, on presenting themselves at the time and place agreed upon, and exchanging their respective credentials, shall restrict themselves to receive from the American commissioner the memorandum which contains the propositions of the United States. If he should not present them in writing, they will then limit themselves precisely to hear the propositions, and to nothing else. Be they few or many, they will draw up a memorandum which shall contain every article in a clear, precise, and categorical manner, which shall be signed by the American commissioner.

Whether it is necessary to draw them up at the first interview, or whether the American commissioner should produce them in due form, they shall be transmitted to the Mexican government by its commissioners, who shall not at that time suggest any modification, nor shall they announce or evince the slightest desire to make any alteration in the document.

PACHECO.

MEXICO, August 25, 1847.

Antonio Lopez de Santa Anna, general of division, well deserving from the country, President ad interim of the United Mexican States, to all who shall see these presents: Know ye—

That, exercising the power conceded to me by the constitution, I have resolved to hear the propositions for peace which the government of the United States desires to make through its commissioner, Mr. Nicholas Trist, and having entire confidence in the patriotism, intelli-

Instructions to the Mexican commissioners.

Powers first presented by the Mexican commissioners.

gence, and other commendable qualities which adorn the most excellent Sor. general of division D. Jose Joaquin de Herrera, the Sor. licentiate D. Jose Bernardo Couto, the Sor. general of brigade D. Ignacio de Mora y Villamil, and the Sor. licentiate D. Miguel Atristain, I have commissioned and empowered them to go to the town of Atzacapuzalco to receive and transmit to me the aforesaid propositions, which the aforementioned D. Nicholas Trist has come to make; for which effect I concede to those three the full power necessary, authorizing the Sor. D. Miguel Arroyo to accompany and assist them in the capacity of secretary and interpreter, which confidence he likewise deserves from me.

In faith of which, I have caused these presents to be made, and signed them with my hand, and affixed the national seal thereto, and have caused them to be countersigned by the secretary of state, and foreign as well as internal relations.

Done in the federal palace of Mexico, the twenty-seventh day of the month of August, in the year one thousand eight hundred and forty-seven, and twenty-seventh of the independence.

[L. s.] ANTONIO LOPEZ DE SANTA ANNA.

J. R. PACHECO.

Project of a treaty presented by the American commissioner at Atzacapuzalco, on the 27th day of August, 1847.

Project presented by Mr. Trist.

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 resolutions:

ARTICLE 1. 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 2. 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. (Besides, it is agreed that if any Mexican citizens should be prisoners of the Cumanches, or of any tribes of Indians within the limits of the United States, the government of the United States will endeavor to obtain their return to their homes, according to the treaties existing with those Indians.)

ARTICLE 3. 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 said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.

ARTICLE 4. The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande; 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 5. In consideration of the extension of the boundaries of the United States, as defined by the last preceding article, and by the stipulations which will appear in article No. 8, the United States abandon forever, all claims against the United States of Mexico, on account of the expenses of the war; the United States agree to pay to the United Mexican States, at the city of Vera Cruz, the sum of _____ dollars, in five equal instalments, each 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 6. As a further consideration [of article No. 4] 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 7. 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 8. 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 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, 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 conse-