

## ARTICULO XXX.

Los dichos cónsules tendrán poder de requerir el auxilio de las autoridades locales para la prision, detencion y custodia de los desertores de buques nacionales y particulares de su país, y para este objeto se dirigirán á los tribunales, jueces y oficiales competentes; y pedirán los dichos desertores por escrito, probando por una presentacion de los registros de los buques, roll del equipage ú otros documentos públicos, que aquellos hombres eran parte de las dichas tripulaciones; y esta demanda así probada, (ménos no obstante cuando se probare lo contrario,) no se rehusará la entrega. Semejantes desertores luego que sean arrestados se pondrán á disposicion de los dichos cónsules, y pueden ser depositados en las prisiones públicas á solicitud y expensas de los que los reclamen, para ser enviados á los buques á que correspondan, ó á otros de la misma nacion. Pero si no fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad y no volverán á ser presos por la misma causa.

## ARTICULO XXXI.

Con objeto de proteger más eficazmente su comercio y navegacion, las dos partes contratantes convienen que tan luego como lo permitan las circunstancias formarán un convenio consular que declarará especialmente las facultades y prerogativas de los cónsules y vice-cónsules de las partes respectivas.

## ARTICULO XXXII.

Con el fin de regularizar el comercio terrestre por las fronteras de ambas Repúblicas, queda establecido que se fijarán por los Gobiernos de estas, por mutuo convenio, los caminos por donde este tráfico ha de ser conducido; y en todos aquellos casos en que las caravanas que se forman para este comercio necesiten convoy y proteccion de la fuerza militar, se fijará tambien del mismo modo, por mutuo convenio de ambos Gobiernos, el tiempo de la partida de tales caravanas y el punto en el cual se han de cambiar las escoltas de tropas de las dos naciones. Se ha convenido además que entretanto se establecen las reglas que han de regir, segun lo dicho, en el comercio terrestre entre las dos naciones, las comunicaciones comerciales entre el territorio de Nuevo-México en los Estados-Unidos Mexicanos y el Estado de Missouri de los Estados-Unidos de América, continuará como hasta aquí concediendo cada Gobierno la proteccion necesaria á los ciudadanos de la otra parte.

## ARTICULO XXXIII.

Se ha convenido igualmente que las dos partes contratantes procurarán por todos los medios posibles mantener la paz y la buena armonía entre las diversas tribus de indios que habitan los terrenos

adyacentes á las líneas y rios que forman los límites de los dos países; y para conseguir mejor este fin, se obligan expresamente ambas partes á reprimir con la fuerza todo género de hostilidades é incursiones de parte de las tribus indias que habitan dentro de sus respectivos límites: de modo que de los Estados-Unidos Mexicanos no permitirán que sus indios ataquen á los ciudadanos de los Estados-Unidos de América, ni á los indios que habitan su territorio, y los Estados-Unidos de América no permitirán tampoco que sus indios hostilicen á los ciudadanos de los Estados-Unidos Mexicanos ó á sus indios de manera alguna.

Y en el caso de que alguna ó algunas personas cogidas por los indios que habitan los territorios de cada una de las partes contratantes, fuere ó hubiere sido llevada á los territorios de la otra, ambos gobiernos se comprometen y obligan del modo más solemne á devolverlas á su país tan luego como sepan que se hallan en sus respectivos territorios, ó entregarlas al agente ó encargado del mismo gobierno que las reclame, dándose aviso oportuno recíprocamente y abonándose por el que lo reclame los gastos erogados en la conduccion y manutencion de tal persona ó personas, á quienes entretanto se dispensará por las autoridades locales del punto en que se encuentren la más generosa hospitalidad. Ni será legítimo por ningun pretexto que los ciudadanos de cualquiera de las partes contratantes compren ó retengan prisioneros cautivos hechos por los indios que habitan el territorio de la otra.

## ARTICULO XXXIV.

Los Estados-Unidos Mexicanos y los Estados-Unidos de América, deseosos de hacer tan permanentes como lo permitan las circunstancias, las relaciones que van á establecerse entre las dos partes, en virtud de este tratado ó convenio general de amistad, comercio y navegacion, han declarado solemnemente y convienen en los puntos siguientes:

Primero. El presente tratado permanecerá y estará en todo su vigor y fuerza por el término de ocho años, que deberán contarse desde el dia del cambio de las ratificaciones, y terminados estos, continuará rigiendo hasta el término de un año, contado desde el dia en que alguna de las dos partes contratantes haya dado noticia á la otra de su resolucion de poner fin á este convenio. Y cada una de las partes contratantes se reserva á sí misma el derecho de dar este aviso á la otra al cabo del referido término de ocho años, quedando además convenido entre ambas que al cabo de un año despues de recibido tal aviso por alguna de las partes contratantes de parte de la otra, este tratado deberá cesar y acabar en todo cuanto tiene relacion con comercio y navegacion, quedando solo permanente y perpetuamente valedero y obligatorio á ambas partes contratantes en todo cuanto toca á la paz y amistad entre ambas.

Segundo. Si uno ó más ciudadanos de alguna de las partes infringiere algun artículo de este tratado, será personalmente responsable de ello; pero no por esto se interrumpirá la armonía y buena corres-

pondencia entre las dos naciones; á cuyo fin ambas partes respectivamente se comprometen á no proteger al agresor, ni sancionar semejante infraccion.

Tercero. Si (lo que no es de esperar) alguno de los artículos del presente tratado desgraciadamente fuere violado ó infringido de cualquiera otro modo, se estipula que ninguna de las partes contratantes dispondrá ó autorizará ninguna clase de represalia, ni declarará guerra á la otra por queja de injuria ó daño, hasta que la misma parte que se considera agraviada no haya presentado á la otra una relacion de las injurias ó daños competentemente comprobada y sobre ello hubiese pedido justicia y satisfaccion, y esta hubiese sido negada ó sin razon demorada.

Cuarto. Nada de lo contenido en este tratado podrá de manera alguna interpretarse, ni obrará en contra de los tratados públicos celebrados anteriormente y existentes con otros soberanos y estados.

El presente tratado de amistad, comercio y navegacion será aprobado y ratificado por el presidente de los Estados-Unidos de América con la anuencia y consentimiento de su senado, y por el Vice-Presidente de los Estados-Unidos Mexicanos, prévio el consentimiento y aprobacion del congreso; y las ratificaciones serán cangeadas en la ciudad de Washington en el término de un año contado desde la fecha en que fueren firmados, ó antes si fuere posible.

En fé de lo cual, los respectivos plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos. Fecho en México á los cinco dias de Abril del año del Señor de mil ochocientos treinta y uno, undécimo de la Independencia de los Estados-Unidos Mexicanos, y quincuagésimo quinto de la de los Estados-Unidos de América.

*Lucas Alaman.* (L. S.)

*Rafael Mangino.* (L. S.)

*A. Butler.* (L. S.)

#### ARTICULO ADICIONAL.

Por cuanto en el presente estado de la marina Mexicana no seria posible que México gozase de las ventajas que deberia producir la reciprocidad establecida por los artículos 5° y 6° del tratado firmado en este dia, se estipula que durante el espacio de seis años se suspenderá lo convenido en dichos artículos, y en su lugar se estipula que hasta la conclusion del término mencionado de seis años, los buques americanos que entraren en los puertos de México y todos los artículos de producto, fruto ó manufactura de los Estados-Unidos de América importados en tales buques no pagarán otros ni mayores derechos que los que se pagan ó en adelante se pagaren en los referidos puertos por los buques é iguales artículos de fruto, producto ó manufactura de la nacion más favorecida; y recíprocamente se estipula que los buques mexicanos que entren en los puertos de los Estados-Unidos de América y todos los artículos de fruto, producto ó manu-

factura de los Estados-Unidos Mexicanos importados en tales buques no pagarán otros ni mayores derechos que los que se pagan ó en adelante se pagaren en los mencionados puertos por los buques y semejantes artículos de producto, fruto ó manufactura de la nacion más favorecida; y que no se pagarán mayores derechos ni se concederán otras franquicias y descuentos á la exportacion de cualquiera artículo de producto, fruto ó manufactura de cada uno de los dos países en los buques del otro, más que á la exportacion de dichos artículos en buques de cualquiera otro país extranjero.

El presente artículo adicional tendrá la misma fuerza y valor que si se hubiera insertado palabra por palabra en el tratado de este dia. Será ratificado y la ratificacion cambiada al mismo tiempo.

En fé de lo cual, los respectivos plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos.

Fecho en México á cinco de Abril de mil ochocientos treinta y uno.

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The United States of America and the United Mexican States desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a treaty of Amity, Commerce and Navigation. For which important object, the President of the United States of America has appointed Anthony Butler, a citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States, with full power; and the Vice President of the United Mexican States, in the exercise of the Executive Power, having conferred like full powers on his Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and his Excellency Raphael Mangino, Secretary of the Treasury; and the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles:

#### ARTICLE I.

There shall be a firm, inviolable and universal peace and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

#### ARTICLE II.

The United States of America and the United Mexican States desi-

ring to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

## ARTICLE III.

The citizens of the two countries respectively shall have liberty, freely and securely to come with their vessels and cargoes to all such places, ports and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come, to enter into the same and to remain and reside in any part of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein, in all sorts of produce, manufactures and merchandises; and generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

And they shall not pay higher or other duties, imposts or fees whatsoever, than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges and exemptions with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy; but subject always to the laws, usages and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to national vessels only.

## ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth or manufacture of the United States of America than those which the same or like articles, the produce, growth or manufacture of any other foreign country do now or may hereafter pay; nor shall articles, the produce, growth or manufacture of the United Mexican States, be subject on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting Party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth or manufacture of the United States of America or of the United Mexican States respectively in either of them, which shall not in like manner be established with respect to other foreign countries.

## ARTICLE V.

No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges shall be imposed in any of the ports of Mexico on vessels of the United States of America, than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America on Mexican vessels, than shall be payable in the same ports on vessels of the United States of America.

## ARTICLE VI.

The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article, the growth, produce or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid, and same bounties and drawbacks allowed, on the exportation to Mexico of any articles, the growth, produce or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid and the same bounties and drawbacks allowed on the exportation of any articles, the growth, produce or manufacture of Mexico to the United States of America, whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

## ARTICLE VII.

All merchants, captains or commanders of vessels and other citizens of the United States of America shall have full liberty in the United Mexican States to direct or manage themselves their own affairs or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares or merchandise imported into, or exported from, the United Mexican States, as they may think proper, observing the laws, usages and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

## ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor shall their vessels, cargoes, merchandise or effects be detained for any military expedition, nor for any public or private purposes whatsoever, without a corresponding compensation.

## ARTICLE IX.

The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

## ARTICLE X.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions and placing themselves in a situation to continue their voyage without obstacle or hinderance of any kind.

## ARTICLE XI.

All vessels, merchandise or effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried into or found in the rivers, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunal; it being well understood that the claim shall be made within the term of one year, counting from the capture of said vessels or merchandise, by the parties themselves or their attorneys or by agents of the respective Governments.

## ARTICLE XII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, with the precautions which may be deemed expedient on the part of the respective Governments, in or-

der to avoid fraud, without exacting for it any duty, impost or contribution whatever, until they be exported.

## ARTICLE XIII.

In whatever relates to the succession of (personal) estates, either by will or *abintestato* (and the right of) disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and Territories, the same privileges, exemptions, liberties and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts, than those which are now, or may hereafter be paid by the citizens of the Power in whose territories they may reside.

## ARTICLE XIV.

Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and the citizens of either party or their agents shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

## ARTICLE XV.

The citizens of the United States of America, residing in the United Mexican States, shall enjoy in their houses, persons and properties, the protection of the Government, with the most perfect security and liberty of conscience; they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the Constitution, the laws and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels and places of worship set apart for that purpose.

## ARTICLE XVI.

It shall be lawful for the citizens of the United States of America and of the United Mexican States respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise laden thereon, from any port to the places of those who now are, or may hereafter be at enmity with the United States of America or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively, to sail with their vessels and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Government, or under several; and it is hereby stipulated that free ships shall also give freedom to goods; and that every thing shall be deemed free and exempt which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but if either of the two contracting parties shall be at war with a third party and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

## ARTICLE XVII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels, shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises embarked in such enemy's vessel shall be free.

## ARTICLE XVIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended, first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts; and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms; secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly and generally, all kind of arms and instruments of iron, steel, brass and copper or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

## ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subject of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

## ARTICLE XX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for the enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

## ARTICLE XXI.

And, whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so si-