

tuated may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties, that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor if found therein after the surrender, shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE XXII.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send her boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatsoever.

ARTICLE XXIII.

To avoid all kinds of vexation and abuse in the examination of papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea letters or passports, expressing the name, property and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form; without which requisites, the said

vessel may be detained, to be adjudged by the competent tribunal and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

ARTICLE XXIV.

It is further agreed that the stipulations above expressed, relative to visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enem's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country and of all the proceedings of the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXVI.

For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast and one year to those residing in the interior of the States and Territories of each other respectively, to arrange their business, dispose of their effects or transport them wheresoever they may please, giving them a safe conduct to protect them to the port they may designate. Those citizens who may be established in the States and Territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably and do not commit any offence against the laws; and their goods and effects of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside.

respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed or detained.

ARTICLE XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to the envoys, ministers and other public agents, the same favors, immunities and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the United Mexican States may find proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXVIII.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit consuls and vice-consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives and immunities of the consuls and vice-consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem expedient.

ARTICLE XXIX.

It is likewise agreed that the consuls, vice-consuls, their secretaries, officers and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all compulsory public service, and also from all kind of taxes, imposts and contributions levied specially on them, except those which they shall be obliged to pay on account of commerce or their property to which the citizens and inhabitants, native and foreign of the country in which they reside, are subject; being in every thing besides subject to the laws of their respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE XXX.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belonged, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXII.

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation, shall, by mutual agreement, in like manner, fix on the period of departure for such caravans and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, that the commercial intercourse between the State of Missouri of the United States of America and New-Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

ARTICLE XXXIII.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the

several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nation living within their respective boundaries: so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory; nor will the United Mexican States permit the Indians residing within their territories commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

ARTICLE XXXIV.

The United States of America and the United Mexican States, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty or general convention of amity, commerce and navigation, have declared solemnly, and do agree to the following points:

First. The present treaty shall remain and be of force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and terminate, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted

thereby; each party engaging, in no way, to protect the offender or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this treaty contained, shall however be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of amity, commerce and navigation, 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 Vice President of the United Mexican States, with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof, or sooner if possible.

In witness whereof, We, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents. Done in the city of Mexico, on the fifth day of April, in the year of Our Lord one thousand eight hundred and thirty-one, in the fifty-fifth year of the Independence of the United States of America and in the eleventh of that of the United Mexican States.

A. Butler. (L. S.)
Lucas Alaman. (L. S.)
Rafael Mangino. (L. S.)

ADDITIONAL ARTICLE.

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed that until the expiration of the said term of six years, American vessels entering into the ports of Mexico and all articles, the produce, growth or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties, than are or may hereafter be payable in the said ports by the vessels and the like articles, the growth, produce or manufacture of the most favored nation; and reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and

all articles, the growth, produce or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are or may hereafter be payable in the said ports by the vessels and the like articles, the growth, produce or manufacture of the most favored nation; and that no higher duties shall be paid or bounties or drawbacks allowed, on the exportation of any article, the growth, produce or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as if it had been inserted, word for word, in the treaty signed this day. It shall be ratified and the ratifications exchanged at the same time.

In witness whereof, We the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico, on the fifth day of April, one thousand eight hundred and thirty-one.

A Butler. (L. S.)

Lúcas Alaman. (L. S.)

Rafael Mangino. (L. S.)

Visto y examinado dicho Tratado y su artículo adicional y dada cuenta al Congreso general, conforme á lo dispuesto en el párrafo 14 del artículo 11 de la Constitución federal, tuvo á bien aprobarlo en todas sus partes: y en consecuencia, en uso de la facultad que me concede la Constitución, acepto, ratifico y confirmo el indicado tratado con su artículo adicional y prometo en nombre de estos Estados-Unidos cumplirlo y observarlo y hacer que se cumpla y observe.—Dado en el Palacio federal de México, firmado de mi mano, autorizado con el gran sello nacional y refrendado por el Secretario de Estado y del despacho de Relaciones Interiores y Exteriores, á catorce dias del mes de Enero de 1832, 12° de la Independencia.—*Anastasio Bustamante.*—*Lúcas Alaman.*

Por tanto, y habiendo sido igualmente aprobados, confirmados y ratificados el anunciado Tratado y su artículo adicional por el Presidente de los Estados-Unidos de América, en la ciudad de Washington, el dia 5 de Abril del presente año, mando se imprima, publique y circule y se le dé el debido cumplimiento. Dado en el Palacio federal de México á 1° de Diciembre de 1832.—*Melchor Muzquiz.*—*A D. Francisco Fagoaga.*

Y lo traslado á V. para su inteligencia y fines correspondientes.

Dios y libertad. México, 1° de Diciembre de 1832.—*Francisco Fagoaga.*

ABRIL 18 DE 1838.—CIRCULAR DEL MINISTERIO DE HACIENDA.

Se fija el dia en que deben comenzar á tener efecto los artículos 5° y 6° de los tratados celebrados con los Estados-Unidos del Norte y demas naciones que expresa.

Habiéndose cumplido el 5 de este mes el término de seis años, por el cual se suspendió el efecto de las estipulaciones hechas en los artículos 5° y 6° de los tratados de amistad, comercio y navegacion celebrados entre la República mexicana y los Estados-Unidos del Norte, segun lo convenido en el artículo adicional de los mismos tratados, el Excelentísimo señor Presidente ha tenido á bien disponer prevenga V. S. á las aduanas marítimas y fronterizas respectivas que desde la citada fecha de 5 de este mes deben tener su puntual cumplimiento los referidos artículos 5° y 6° de los propios tratados y que bajo este concepto obren dichas oficinas como corresponde, con arreglo á su expreso literal tenor, sin dar lugar á queja ni reclamacion fundada, no solo tocante á los buques norte-americanos y de los ingleses, respecto á los cuales desde el 16 de Julio del año próximo pasado han debido tener todo su efecto los artículos 5° y 6° de los tratados respectivos, que contienen iguales estipulaciones á las de los celebrados con los Estados-Unidos, sino tambien en cuanto á los de otras potencias cuyos tratados les concedan los mismos derechos por nivelarlas á las naciones más favorecidas, consultando desde luego cualquiera duda ó dificultad si, contra lo que es de esperar, sobreviene ú ocurre alguna.

Primera Secretaría de Estado.—Departamento del Exterior.—El Exmo. Sr. Presidente interino de la República Mexicana se ha servido dirigirme el decreto que sigue:—“El Presidente interino de la República Mexicana á todos los que las presentes vieren, sabed: Que á efecto de facilitar el cumplimiento del art. 3° del Tratado de límites entre estos Estados y los Unidos del Norte América, se ha estipulado y concluido en esta capital, por medio de plenipotenciarios de las dos Naciones, autorizados para el efecto, lo siguiente:

Habiéndose concluido y firmado en la ciudad de México, á los 12 dias del mes de Enero de 1828, un tratado entre los Estados-Unidos mexicanos y los Estados-Unidos de América, con el fin de establecer la verdadera línea divisoria y los límites entre las dos naciones, y habiéndose estipulado en el artículo 3° del mencionado tratado, lo siguiente:

“Para fijar esta línea con más precision y establecer los mojones que señalen con exactitud los límites de ambas Naciones, nombrará cada una de ellas un Comisario y Geómetra, que se juntarán ántes del término de un año, contado desde la fecha de la ratificacion de este tratado, en Natchitoches, en las orillas del Rio Rojo, y procederán á señalar y demarcar dicha línea desde la embocadura del Sabina hasta el Rio Rojo, y de este hasta el Rio Arkansas, y á averiguar