

El mapa original, anexo al tratado, y del cual se ha copiado la parte que este comprende, tiene una hoja adjunta, en la cual se lee lo siguiente:

Este es el mapa á que se refiere el artículo quinto del Tratado de paz, amistad, límites y arreglo definitivo entre la República Mexicana y los Estados Unidos de América, firmado en este dia. Y para que conste, lo firmamos y sellamos en Guadalupe Hidalgo el dos de Febrero de mil ochocientos cuarenta y ocho.

BERNARDO COUTO (L. S.)

MIGUEL ATRISTAIN (L. S.)

LUIS G. CUEVAS (L. S.)

This is the map, referred to in the fifth article of the Treaty of Peace, Friendship, Limits and Settlement, between the United States of America and the Mexican Republic, signed this day.

Witness our hands and seals at Guadalupe Hidalgo, this second day of February, one thousand eight hundred and forty-eight.

N. P. TRIST (L. S.)

Secretaría de Relaciones Exteriores. México, Setiembre 12 de 1877.

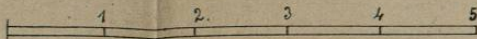
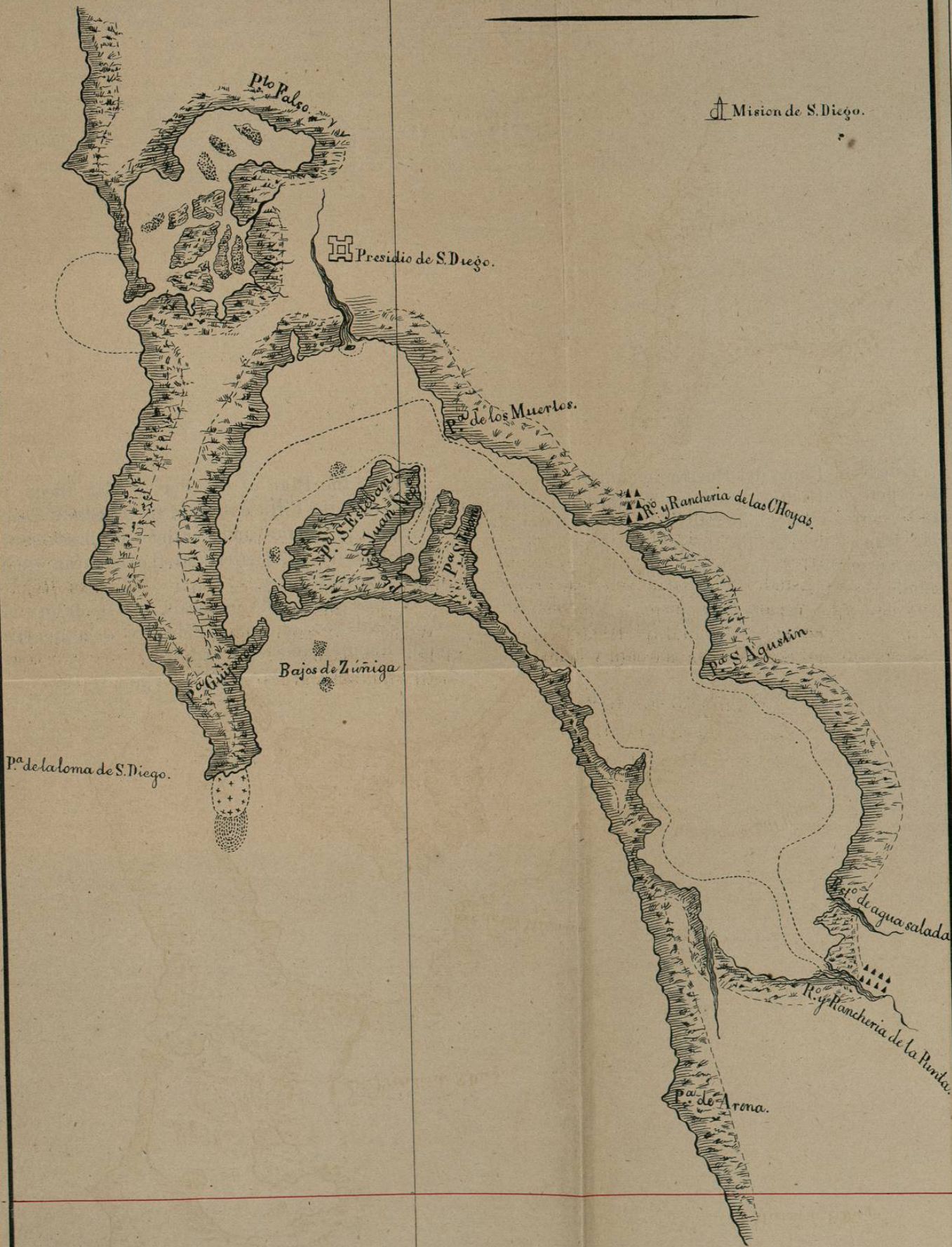
José Fernandez,

oficial mayor.

PLANO
del Puerto de
SAN DIEGO

en la costa septent. de California, levantado
por el 2.º Piloto de la Armada, D. Juan Pantoja.
Año de 1782.

Mision de S. Diego.



Escala de cinco millas maritimas.

Este es el Plano del Puerto de San Diego, á que se refiere el artículo quinto del tratado de paz, amistad, límites y arreglo definitivo entre la República Mexicana y los Estados Unidos de América, firmado en este día. Y para que conste, lo firmamos y sellamos en la ciudad de Guadalupe Hidalgo el dos de Febrero de mil ochocientos cuarenta y ocho.

BERNARDO COUTO (L. S.)
MIGUEL ATRISTAIN (L. S.)
LUIS G. CUEVAS (L. S.)

This is the Plan of the Port of San Diego, referred to in the Fifth Article of the Treaty of Peace, Friendship, Limits and Settlement, between the United States of America and the Mexican Republic, signed this day.

Witness our hands and seals, at Guadalupe Hidalgo, this second day of February one thousand eight hundred and forty eight.

N. P. TRIST (L. S.)

cific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of the said port made in the year 1782, by Don Juan Pantoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed, by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground land marks which shall show the limits of both Republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty; shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals, and make out plans of their operations, and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it was inserted therein. The two governments will amicably agree regarding what may be necessary for these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general governments of each, in conformity with its own constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article: it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or rail-way which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The river Gila and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two Republics, the

go, á que
paz, amis-
República
ca, firma-
mamos y
algo el dos
ocho.

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navigation of the Gila and of the Bravo below the said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation, nor shall any tax or contribution under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either Republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans, who may hereafter acquire the said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States. In the meantime, they shall be maintained and protected in the enjoyment of

their liberty, their property and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States, and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French republic and the crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastic and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind whether individual or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American government, so as subject to be by it disposed of, or diverted to other uses.

Finally, the relations and communications between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

ARTICLE X.

All grants of land made by the Mexican government or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which, the said grants shall not be obligatory upon the state of Texas, in virtue of the stipulations contained in this article.

The foregoing stipulation in regard to grantees of land in Texas is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and in default of the fulfilment of the conditions of any such grant within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

The Mexican government declares that no grant whatever of lands in Texas has been made since the second day of March, one thousand eight hundred and thirty six; and that no grant whatever of lands, in any of the territories aforesaid, has been made since the thirteenth day of May, one thousand eight hundred and forty-six.

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States, whensoever this may be necessary, and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted, all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics, nor to purchase or acquire horses, mules, cattle or property of any kind, stolen within the Mexican territory, by such Indians; nor to provide such Indians with fire-arms or ammunition, by sale or otherwise.

And in the event of any person or persons, captured within the Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures, and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly

enforce such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican Republic, the sum of fifteen millions of dollars, in the one or the other of the two modes below specified. The Mexican government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers, and the mode so elected by it, shall be conformed to by that of the United States.

First mode of payment:—Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this treaty by the government of the Mexican Republic; and payable annually at the city of Washington; the principal of said stock to be redeemable there at the pleasure of the government of the United States, at any time after two years from the exchange of the ratifications of this treaty; six months' public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican government, and transferable by the said government, shall be delivered to the same by that of the United States.

Second mode of payment:—Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same, at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions of dollars from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day, together with each annual instalment as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid. Certificates in proper form, for the said instalments, respectively, in such sums as shall be desired by the Mexi-

can government, and transferable by it, shall be delivered to the said government by that of the United States.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due to them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty nine, and on the thirtieth day of January, eighteen hundred and forty three: so that the Mexican Republic shall be absolutely exempt for the future from all expense whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of the United States not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of the treaty, which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive; provided, that in deciding upon the validity of each claim, 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 twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

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 Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners or the claimants through them, shall, within such periods as Congress may designate, make an application 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 books, records or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same), to be transmitted to the Secretary of State, who shall immediately deliver them over, to the said board of commissioners; provided, that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records or documents shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right, to fortify whatever point within its territory it may judge proper for its security.

ARTICLE XVII.

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, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; 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 XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at their respective ports any attempts at a fraudulent abuse of this stipulation which they may know of, or may have reason to suspect; and to give to such authorities all the aid in their power with regard thereto: and every such attempt, when duly proved and established by sentence of a compe-