

tent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either Republic or by citizens or subjects of any neutral nation, the following rules shall be observed:—

1. All such merchandise, effects and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for, in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects and property being, however, at the time of their importation, subject to the payment of duties as provided for in the following article.

3. All merchandise, effects and property described in the two rules foregoing, shall, during their continuance at the place of importation or upon their leaving such place for the interior, be exempt from all duty, tax or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects or property described in the first and second rules, shall be removed to any place not occupied at the time, by the forces of the United States, they shall, upon their introduction into such place or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects or property described in the first and second rules, and existing in any port of Mexico, shall have the right to re-ship the same, exempt from all tax, impost or contribution whatever.

With respect to the metals or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-houses at

such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty or contribution, upon any such exportation or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interest of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects and property the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if by these means, they should not be enabled to come to an agreement a resort shall not, on this account, be had to reprisals, aggression or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war shall unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules absolutely, where

the nature of the subject permits; and as closely as possible, in all cases where such absolute observance shall be impossible.

1. The merchants of either Republic then residing in the other shall be allowed to remain twelve months (for those dwelling in the interior,) and six months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries and other establishments, for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement or unwholesome districts, or crowding them into close and noxious places shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if an officer so breaking his parole, or, any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with, according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations and of the same articles as are allowed, either in kind or by

commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such rations as is allowed to a common soldier in its own service, the value of all which supplies shall, at the close of the war, or at periods, to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with, or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners appointed by itself, with every cantonment of prisoners in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes and to distribute whatever comforts may be sent to them by their friends, and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided, and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be 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 Mexican Republic, with the previous approbation of its general Congress: and the ratifications shall be exchanged in the City of Washington, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of Our Lord one thousand eight hundred and forty-eight.

N. P. Trist. (L. S.)
Luis G. Cuevas. (L. S.)
Bernardo Couto. (L. S.)
Miguel Atristain. (L. S.)

ADDITIONAL AND SECRET ARTICLE

of the Treaty of Peace, friendship, limits and settlement between the United States of America and the Mexican Republic, signed this day by their respective plenipotentiaries.

In view of the possibility that the exchange of the ratifications of this treaty may be the circumstances in which the Mexican republic

is placed, be delayed longer than the term of four months, fixed by its twenty-third article, for the exchange of ratifications of the same, it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

This article is to have the same force and virtue as if inserted in the treaty to which this is an addition.

In fait whereof, we, the respective plenipotentiaries, have signed this additional and secret article, and have hereunto affixed our seals, respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of Our Lord one thousand eight hundred and forty-eight.

N. P. Trist. (L. S.)
Luis G. Cuevas. (L. S.)
Bernardo Couto. (L. S.)
Miguel Atristain. (L. S.)

Insert in the third article after the words "Mexican Republic," where they first occur, the words—*and the ratifications exchanged.*

Strike out the ninth article of the treaty and insert the following in lieu thereof:

ARTICLE IX.

The Mexicaes 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 be admitted, at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the constitution, and in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Strike out the tenth article of the Treaty.

Strike out of the eleventh article of the Treaty the following words:—

"nor to provide such Indians with fire arms or ammunition, by sale or otherwise."

Strike out of the twelfth article the following words:

"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, 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 the 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 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:—

"Certificates in proper form, for the said instalments, respectively, in such sums as shall be desired by the Mexican government and transferable by it, shall be delivered to the said government by that of the United States."

Insert in the twenty-third article after the word "Washington" the following words:

or at the seat of government of Mexico.

Strike out the additional and secret article of the Treaty.

PROTOCOL

of the conference previous to the ratification and change of the Treaty of Peace between Ambrose H. Sevier and Nathan Clifford, commissioned as ministers plenipotentiaries, on the part of the United States of America, and Don Luis de la Rosa, minister of foreign and internal affairs of the Mexican Republic.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their Excellencies Nathan Clifford and Ambrose H. Sevier, Commissioners of the United States of America, with full powers from their government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits and definitive settlement between the two Republics, signed in the city of Guadalupe Hidalgo, on the second day of February of the present year, and His Excellency Don Luis de la Rosa, Minister of Foreign Affairs of the Republic of Mexico; it was agreed, after adequate conversation respecting the changes alluded to, to record in the present protocol, the following explanations, which their aforesaid Excellencies the Commissioners, gave in the name of their Government and in fulfilment of the commission conferred upon them near the Mexican Republic.

1st. The American government by suppressing the ninth article of the treaty of Guadalupe and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was

agreed upon, by the aforesaid article ninth in favour of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guarantees, civil, political and religious, which would have been possessed by the inhabitants of the ceded territories, if the ninth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2nd. The American Government by suppressing the tenth article of the treaty of Guadalupe, did not, in any way, intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate titles to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California, and New Mexico, up to the 13th of May, 1846, and in Texas, up to the 2nd of March, 1836.

3rd. The government of the United States by suppressing the concluding paragraph of article twelfth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying or transferring at any time (as it may judge best) the sum of twelve millions of dollars which the same government of the United States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the minister of Foreign Affairs of the Mexican Republic, he declared in the name of his Government that with the understanding conveyed by them, the same Government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the United States. In testimony of which, their Excellencies, the aforesaid Commissioners and the Minister, have signed and sealed, in quintuplicate, the present protocol.

(L. S.) (Signed,) *Nathan Clifford.*
 (L. S.) (Signed,) *Ambrose H. Sevier.*
 (L. S.) (Signed,) *Luis de la Rosa.*

EXPOSICION

dirigida al Supremo Gobierno por los Comisionados que firmaron el Tratado de paz con los Estados- Unidos.

En los momentos de remitir al Supremo Gobierno el tratado de paz que firmamos con el comisionado de los Estados- Unidos la tar-

de del 2 de Febrero último en la ciudad de Guadalupe, nos fué imposible por falta de tiempo acompañar á él la exposicion de los motivos y razones que nos han obligado á estipular cada uno de sus artículos. Aunque Vuestra Excelencia advertiria á la primera lectura de aquel documento que en el desempeño de nuestra comision nos hemos ajustado á las órdenes é instrucciones que sucesivamente se nos han ido comunicando por el Ministerio de su cargo, creemos sin embargo oportuno elevar al Gobierno la exposicion indicada, ya porque es de nuestro deber darle cuenta final de nuestros trabajos, ya porque acaso no será supérfluo que en una pieza oficial queden consignados algunos puntos que puedan servir para mejor conocer el espíritu é intencion de los convenios que acaban de celebrarse. Para México las relaciones más delicadas y trascendentales son las que mantiene con el pueblo vecino, y ellas en adelante deben arreglarse á esos convenios, que han de formar la ley suprema entre las dos Repúblicas, si merecieren la aprobacion de sus Gobiernos. Son, pues, bajo este aspecto una de las piezas más graves é importantes de nuestro derecho público y digna por lo mismo de que se la conozca á fondo.

El tratado firmado en Guadalupe pone término á una guerra fatal que jamás debería haber existido, guerra emprendida, norabuena, por una parte sin títulos suficientes; pero aceptada por la otra con sobra de imprevision. La sola circunstancia de ser nosotros dueños de remotas y apartadas posesiones (como Californias) que no podian conservarse, interrumpida la paz, sin una marina poderosa de que absolutamente careciamos, debiera haber bastado para retraernos de probar la suerte de las armas: esas posesiones eran perdidas el dia que se disparára el primer tiro. Por otro lado nuestra situacion, comparada con la del enemigo, estaba prediciendo el éxito del combate. Sin alianza ni apoyo alguno de fuera, en dias de turbacion y discordia interior, resintiéndose por todas partes la administracion pública del desconcierto que es natural despues de un largo período de anarquía, y cuando á los pueblos trabajados y fatigados con treinta y seis años de revueltas civiles no era cuerdo pedir nuevos y grandes sacrificios, entónces medimos nuestras fuerzas con una potencia llena de vida y lozanía, próspera y floreciente en todos ramos; triple quizá en poblacion de la nuestra, respetada y tal vez temida de los primeros gobiernos del mundo, preparada con oportuna anticipacion para la guerra, poseedora de grandes fuerzas navales y en situacion de levantar cuantas necesitase de tierra, presidida por un gobierno asentado hace medio siglo y libre de zozobras domésticas; pudiendo disponer en el acto de grandes sumas y con holgura para procurarse cuantas en adelante hubiere menester, si la lucha se prolongaba. El testimonio de todos los mexicanos dirá si nuestra situacion á la fecha en que nuestras tropas recibieron la orden de pasar el Bravo era en algo parecida á esta.

No se nos oculta lo que México defendiendo sus propios hogares habria podido hacer para repeler la invasion y tenemos muy presentes como todo mexicano, los ejemplos honrosos que en sus buenos dias ofrece la historia de nuestro país. Al recordar la obra que en siete