

north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of  $31^{\circ} 20'$  north latitude; thence along the said parallel of  $31^{\circ} 20'$  to the 111th meridian of longitude west of Greenwich: thence in a straight line to a point on the Colorado rivers; twenty English miles below the junction of the Gila and Colorado Rivers: thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner, scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations and in accordance with the constitution of each country respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described, is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

#### ARTICLE II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce and navigation between the United States of America and the United Mexican States concluded at Mexico, on the fifth day of April, 1831, are hereby abrogated.

#### ARTICLE III.

In consideration of the foregoing stipulations, the government of the United States agrees to pay to the government of Mexico in the city of New-York the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked and established.

#### ARTICLE IV.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory, for the most part, by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. 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; and precisely the same provisions, stipulations and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting governments in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of the treaty; that is to say, below the intersection of the  $31^{\circ} 47' 30''$  parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

#### ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

#### ARTICLE VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty fifth of September—when the minister and subscriber to this treaty on the part

of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

## ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the treaty of Guadalupe for similar cases; which article, as well as the twenty-second, is here reaffirmed.

## ARTICLE VIII.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the rail road shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera-Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protest with its whole power the prosecution, preservation and security of the work, the United States may extend its protection as it shall judge wise to it

when it may feel sanctioned and warranted by the public or international law.

## ARTICLE IX.

This treaty shall be ratified and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature or sooner, if possible.

In testimony whereof, we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of Our Lord one thousand eight hundred and fifty three, in the thirty-third year of the independence of the Mexican Republic and the seventy-eight of that of the United States.

*James Gadsden.* (L. S.)  
*Manuel Diez de Bonilla.* (L. S.)  
*José Salazar Harregui.* (L. S.)  
*J. Mariano Monterde.* (L. S.)

Por tanto, visto y examinado dicho tratado, en uso de las facultades que la Nación se ha servido conferirme, lo acepto, ratifico y confirmo y prometo en nombre de la República Mexicana cumplirlo y observarlo y hacer que se cumpla y observe. Dado en el Palacio Nacional de México, firmado de mi mano, autorizado con el gran sello de la Nación y refrendado por el secretario de Estado y del Despacho de Relaciones Exteriores, á los 31 dias del mes de Mayo del año del Señor 1854, trigésimo cuarto de la Independencia de la República Mexicana.—*Antonio López de Santa-Anna.*—*Manuel Diez de Bonilla.*

Y habiendo sido igualmente aprobado, confirmado y ratificado el presente tratado por S. E. el presidente de los Estados-Unidos de América, en la ciudad de Washington, el dia 29 de Junio del presente año, mando se imprima, publique, circule y se le dé el debido cumplimiento. Dado en el Palacio Nacional de México, á 20 de Julio de 1854.—*Antonio López de Santa-Anna.*—Al Secretario de Estado y del Despacho de Relaciones Exteriores.

Y lo traslado á V. para su conocimiento y fines correspondientes. Dios y Libertad. México, 20 de Julio de 1854.—El Secretario de Estado y del Despacho de Relaciones Exteriores, *Manuel Diez de Bonilla.*

## CONVENCIÓN POSTAL

ENTRE LOS ESTADOS-UNIDOS MEXICANOS Y LOS ESTADOS-UNIDOS DE AMÉRICA.

Ministerio de Relaciones Exteriores.—El Presidente de la República se ha servido dirigirme la ley que sigue:—“Benito Juárez, Pre-