

and, in like manner, his catholic majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

COST AND AREA OF THE PURCHASE.

The Florida treaty cost the Government of the United States \$5,000,000 in bonds similar to those issued for the Louisiana purchase, and \$1,489,768 of interest on the same to the time of redemption, delivered to the Spanish Government, a total of \$6,489,768, and added to the national and public domain 59,268 square miles or 37,931,520 acres, or the present State of Florida, including certain grants.

The land laws of the United States were afterward extended, as to surveys and disposition, over Florida, and the lands were disposed of thereunder, excepting certain grants made by English and Spanish authorities.

Decisions of the Supreme Court of the United States under this treaty, in relation to lands and land titles, were in the cases of *Poster et al. v. Neilson* (2 Peters, 306); *Soulard et al. v. The United States* (4 Peters, 511); *Delaware v. The United States* (9 Peters, 117); *Mitchel et al. v. The United States* (9 Peters, 711); *The United States v. Kingsley* (12 Peters, 476); *The United States v. Arredondo* (6 Peters, 706); *The United States v. Percheman* (9 Peters, 51).

Authorities cited hereunder: Hildreth, *History of the United States*, vol. 6; Benton, *Thirty Years in the United States Senate*, vol. 1; "Treaties and Conventions," State Department series, July 4, 1776-1871; *American State Papers*, vol. 12, Waite & Sons, 1817; *Charters and Constitutions*, Ben. Perley Poore, vol. 1; *Reports Supreme Court of the United States*, Peters, vols. 2, 4, 6, 7, 9, and 12.

ANNEXATION OF THE REPUBLIC OF TEXAS.

POLITICAL HISTORY.

The area embraced in the Texas annexation of 1845 was originally embraced in the French or Spanish possessions west of the Mississippi. France never ceded her claim to Texas due to discovery by La Salle in 1682, and colonization in 1685, February 18, at Matagorda Bay. In 1676 the Marquis Laguna, Viceroy of Mexico, sent an expedition to capture the country. In 1691 Don Domingo Teran was appointed governor of Cohahuila and Texas, under Spain. The United States purchased the province of Louisiana from France in 1803 and her claims to this territory as well. By the treaty of purchase of Florida in 1819 from Spain, however, the United States agreed to the present eastern boundary of the State of Texas as the eastern boundary of Spanish possessions. The United States of Mexico obtained, under the treaty at Cordova, February 24, 1821, their independence of Spanish rule. By treaty at Mexico, of date January 12, 1823, the boundary between the two countries was confirmed and ratified as described and laid down by the Spanish treaty of 1819. Cohahuila and Texas, the northeast provinces of Mexico, were continued under one government and united as a state by the Mexican Government, with a governor, remaining as they were under Spanish rule. A congress of this State met at Saltillo in 1827 and framed a constitution, which was proclaimed March 11, 1827, in which year Mr. Clay, Secretary of State under Mr. Adams, instructed J. R. Poinsett, minister of the United States to Mexico, to offer \$1,000,000 for the cession to the United States of Mexico's territory east of the Rio Grande, but Mr. Poinsett did not make this tender to the Mexican Government.

In 1829 Mr. Van Buren, Secretary of State under General Jackson, instructed our minister to Mexico to offer four or five millions of dollars for the portion of Texas this side of the Nueces River, but Mexico refused. In 1830 orders were issued to prevent any further emigration from the United States. Another constitution was formed and a declaration of independence made at San Felipe de Austin by a convention which met October 17, 1835. It was signed November 13, 1835. Henry Smith was elected governor of the provisional government which was created thereunder.

REPUBLIC OF TEXAS ORGANIZED—REVOLUTION AND WAR WITH MEXICO.

A war ensued between the Mexicans and the Americans in Texas. A declaration of independence was adopted at Washington, on the Brazos River, by a convention, together with an executive ordinance. On May 27, 1836, the Republic of Texas was proclaimed, and David G. Burnet elected president. Its boundaries by act of congress of the Republic were fixed on the north and east as settled in the treaty between the United States and Spain, 1819, confirmed by Mexico in 1828; on the south and west from the mouth of the Sabine along the Gulf; thence three leagues from shore to the mouth of and up the Rio Grande River to its source, and thence due north to the forty-fourth parallel north latitude.

REPUBLIC OF TEXAS RECOGNIZED BY THE UNITED STATES.

By joint resolution, March 3, 1837, the Republic of Texas was recognized by the United States. A convention was held between John Forsyth on behalf of the United States, and Memucan Hunt for the Republic of Texas, at Washington, D. C., April 25, 1838, for marking the boundary between them, the ratifications of which were exchanged October 12, 1838, and the treaty proclaimed October 13, 1838. The following is a copy of the same :

Treaty between the United States and Texas.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay :

The President of the United States has appointed John Forsyth their plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its plenipotentiary;

And the said plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles :

ARTICLE I. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. II. And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ART. III. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof we, the respective plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH. [L. S.]
MEMUCAN HUNT. [L. S.]

ANNEXATION OF TEXAS TO THE UNITED STATES.

Texas made several applications for the recognition of her independence during the administrations of President Jackson and President Van Buren. Admission into the Union was soon urged. President Tyler favored it, and the admission of Texas as a State into the Union became a national political issue. In 1844 the annexation treaty was rejected in the Senate by a vote of 16 to 35 nays.

March 1, 1845, the Congress of the United States passed a joint resolution for the annexation of the Republic of Texas to the United States, as follows :

JOINT RESOLUTION for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

SEC. 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit :

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited.

SEC. 3. *And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

This joint resolution passed the House of Representatives February 25, 1845, by a vote of 120 ayes to 98 nays. It passed the Senate by a vote of 27 ayes to 25 nays March 1, 1845, and was approved by President Tyler. A messenger was dispatched with these resolutions at once to the Republic of Texas.

CONSENT OF TEXAS TO ANNEXATION TO THE UNITED STATES.

The following was the consent of Texas to annexation :

Whereas the Government of the United States hath proposed the following terms, guarantees, and conditions on which the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit :

[Here follow the first and second sections of the resolutions of the Congress of the United States, above set out, of March 1, 1845.]

And whereas, by said terms, the consent of the existing government of Texas is required ; therefore

Be it resolved by the senate and house of representatives of the Republic of Texas, in congress assembled, That the government of Texas doth consent that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union ; and said consent is given on the terms, guarantees, and conditions set forth in the preamble of this joint resolution.

SEC. 2. *Be it further resolved,* That the proclamation of the president of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of deputies to sit in convention at Austin, on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

SEC. 3. *Be it further resolved,* That the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited minister near this government, with a copy of this joint resolution ; also, to furnish the convention to assemble at Austin, on the fourth of July next, a copy of the same, and the same shall take effect from and after its passage.

An ordinance.

Whereas, The Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five ; and whereas the President of the United States has submitted to Texas the first and second sections of the said resolutions, as the basis upon which Texas may be admitted as one of the States of the said Union ; and whereas the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows : [Here follow the resolutions, above referred to, of March 1, 1845.]

Now, in order to manifest the assent of the people of this republic, as required in the above-recited portions of the said resolutions, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolutions of the Congress of the United States aforesaid.

Done at the city of Austin, Republic of Texas, July 4, 1845.

WM. J. RUSK, *President.*

PHIL. M. CUNY.	ISAAC VAN ZANDT.	A. W. O. HICKS.
H. G. RUNNELS.	S. HOLLAND.	JAMES M. BURROUGHS.
ROBERT M. FORBES.	EDWARD CLARK.	H. L. KINNEY.
SAM LUSK.	GEO. W. SMYTH.	WILLIAM L. CAZNEAU.
JNO. CALDWELL.	JAMES ARMSTRONG.	A. S. CUNNINGHAM.
JOSE ANTONIO NAVARRO.	JOHN M. LEWIS.	ABNER S. LIPSCOMB.
GEO. WM. BROWN.	JAMES SCOTT.	JOHN HEMPHILL.
GUSTAVUS A. EVERTS.	ARCHIBALD MCNEILL.	VAN R. IRION.
LEMUEL DALE EVANS.	A. C. HORTON.	VOLNEY E. HOWARD.
J. B. MILLER.	ISRAEL STANDEFER.	E. H. TARRANT.
R. E. B. BAYLOR.	JOS. L. HOGG.	FRANCIS M. WHITE.
J. S. MAYFIELD.	CHAS. S. TAYLOR.	JAMES DAVIS.
R. BACHE.	DAVID GAGE.	GEORGE T. WOOD.
JAMES LOVE.	HENRY J. JEWETT.	G. W. WRIGHT.
WM. L. HUNTER.	CAVITT ARMSTRONG.	H. R. LATIMER.
JNO. D. ANDERSON.	JAMES POWER.	W. B. OCHILTREE.
ISAAC PARKER.	ALBERT H. LATIMER.	OLIVER JONES.
P. O. LUMPKIN.	WM. C. YOUNG.	B. C. BAGBY.
FRANCIS MOORE, JR.	J. PINCKNEY HENDERSON.	CHAS. BELLINGER STEWART.
ISAAC W. BRASHEAR.	NICHOLAS H. DARNELL.	
ALEXANDER MCGOWAN.	EMERY RAINS.	

Attest :

JAS. H. RAYMOND, *Secretary.*

A constitutional convention met at Austin—named after a colonist of that name—July 4, 1845, and completed its work August 27, 1845. The constitution so framed was submitted to the people October 13, 1845, and ratified by a vote of 4,174 ayes to 312 nays.

TEXAS ADMITTED INTO THE UNION.

December 29, 1845, Congress passed the following joint resolution:

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution: and whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further resolved,* That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

This was approved by President Polk December 29, 1845.

AREA OF ANNEXED TERRITORY.

The territory acquired by this annexation was equal to the area of the present State of Texas, viz: 274,356 square miles, or 175,587,840 acres; and the land ceded by Texas in 1850 to the United States for \$16,000,000, amounting to 101,767 square miles, or 65,130,880 acres, which became a part of the public domain. It added to the national domain 376,123 square miles, or 240,718,720 acres.

The State of Texas retained the disposition of her public lands. The United States never owned public lands in Texas. The State has a land office for the sale and disposition of her large unoccupied domain and makes grants to railroads, and for other purposes, being sovereign over the land. She has her own settlement laws.

THE TREATY OF GUADALUPE HIDALGO—ACQUISITION OF TERRITORY FROM THE REPUBLIC OF MEXICO.

PRELIMINARY ATTEMPTS AT PURCHASE, AND HISTORY.

The treaty of Guadalupe Hidalgo, between the United States and the Republic of Mexico, February 2, 1848, added to the national and public domain the territory lying between the Rio Grande River north along the one hundred and sixth meridian of longitude west from Greenwich to the forty-second parallel north latitude, and along that parallel to the Pacific Ocean. Prior to the time that Commodore Sloat took possession of California, she had been the object of jealous attention on the part of several foreign nations. The Russians established themselves at Bodega, on the coast of California, in the year 1812, by permission of Spain, for the purpose of fishing and obtaining furs.

Then, after this, they brought cattle, raised herds, and produced wheat. Forty miles from Bodega, beyond the San Sebastian River, they built Fort Slawianski, called by the Mexicans "Fort of Ross." They flew the Russian flag, and the military governor appointed by the Czar of Russia was in command. During the Mexican revolution they assumed to be the actual owners of the territory thus occupied. In the year 1842, through the fostering care of the Russian home government, this colony possessed one-sixth of the white population of California. After the United States finally acquired California this military colony was withdrawn.

In the year 1835, President Jackson proposed to the government of Mexico to purchase the territory lying east and north of a line drawn from the Gulf of Mexico along the eastern bank of the Rio Grande up to the thirty-seventh parallel north latitude, and thence along that parallel to the Pacific Ocean. This would have obtained the Bay of San Francisco, but the negotiation failed. Frémont's expedition by land and Wilkes's exploring expedition by sea and land, all under Government auspices, gave much information to the country at large of the Pacific Coast.

In 1841, by order of Marshal Soult, minister of war of France, an attaché of the French mission to Mexico, M. Duflot de Mofras, visited California and made a thorough exploration. He remained there two years.

In 1846 an informal meeting of citizens and natives of California was held at Monterey to consider annexation. The consuls of England (Forbes), of France (Guys), and of the United States (Larkin) were working during this period to encourage in the Californians a desire for annexation to one of their respective countries. Members were elected to a convention to consider annexation, but it never met. It was claimed that Great Britain intended to seize California as an equivalent for the Mexican debt due to British subjects. She had a fleet in the Pacific waters watching the American fleet, and it entered the harbor of Monterey a few hours after Commodore Sloat had there raised the American flag, July 7, 1846. It is presumed from official action on the part of the naval and other officers of the United States Government, that our navy was to see that no foreign government took possession of California. (See Mr. Buchanan's letter to Minister Slidell, April 10, 1845, as to the French and English designs.)

After the terms of annexation offered to Texas by the United States had been accepted by Texas, President Polk, in 1845, ordered the army of the United States to occupy the western portion of Texas, between the Nueces and Rio Grande rivers and to hold it. A strong naval force in the Gulf was ordered to co-operate with the army. Under date of November 10, 1845, Mr. Buchanan, Secretary of State, instructed John Slidell, United States minister to Mexico, to offer the Mexican Government, for the cession of New Mexico and a boundary line on the Rio Grande and to the forty-second parallel north latitude, the assumption of claims of American citizens against Mexico, and \$5,000,000; for the cession of the province of California, the assumption of claims of American citizens against Mexico and \$25,000,000; and for the bay and harbor of San Francisco and north of it, \$20,000,000.

WAR WITH MEXICO, MAY 13, 1846.

On the 13th of May, 1846, Congress passed a law declaring that "war existed by the act of Mexico," and the war with Mexico ensued.

THE PRELIMINARY STEPS TOWARD PEACE.

April 15, 1845, President Polk commissioned Nicholas P. Trist, esq., chief clerk of the Department of State, to proceed, as the confidential agent of the Government and commissioner, to Mexico. He was furnished with a project of treaty, stating the purchase prices to be paid for the extension of our boundary. Upon his arrival in Mexico, Mr. Trist opened his negotiations with the Mexican authorities. On the 2d of September, 1847, he met the Mexican commissioners and tried to arrange a treaty, but failed. A

temporary armistice was granted. September 6, General Scott notified Santa Anna that he would resume military operations the next day, as the armistice had been repeatedly broken. On the 7th the war was resumed.

November 22, proposals were received from the Mexican authorities for negotiations for a treaty.

THE TREATY OF GUADALUPE HIDALGO.

It was made by Nicholas Trist, esq., on behalf of the United States (although a long time before recalled), and Luis G. Cuevas, Bernardo Couto and Miguel Atristain on the part of Mexico. This treaty was done at the City of Guadalupe Hidalgo, Mexico, February 2, 1848. Mr. Trist transmitted it to Mr. Buchanan, Secretary of State, and President Polk sent it to the Senate with a message on Wednesday, February 23, 1848. He recommended that the tenth article should not be ratified. The Senate, after debate, amended it. It was finally adopted with amendments, March 10, 1848, by a vote of yeas 38, nays 14.

By and with the advice of the Senate, President Polk appointed Hon. Ambrose H. Sevier (United States Senator), of Arkansas, and Hon. Nathaniel Clifford (Attorney-General), of Maine, commissioners to Mexico, as envoys extraordinary and ministers plenipotentiaries. They took with them a copy of the treaty, with the amendments of the Senate duly ratified by the President, and had full powers to ratify the same. The protocol to the treaty was their work. They arrived at the city of Queretaro May 5, 1848. The amended treaty was submitted to the Mexican Senate on that day, and it passed by a vote of 33 yeas to 5 nays. It had previously passed the House of Deputies.

On the 30th of May, at the same city, ratifications were exchanged, and afterwards the commissioners at the city of Mexico paid over the \$3,000,000 cash payment.

Treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, concluded February 2, 1848; ratifications exchanged at Queretaro, May 30, 1848; proclaimed July 4, 1848.

In the name of Almighty God :

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say :

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic ;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic :

ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ART II. Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ART. III. Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports ; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all

troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ART. IV. Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ART. V. The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of 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 hereto 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 landmarks 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 were inserted therein. The two governments will amicably agree regarding what may be necessary to 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 Government of each, in conformity with its own constitution.

ART. 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 railway, 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.

ART. 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 navigation of the Gila and of the Bravo below 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 favouring 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.

ART. 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 said property by contract, shall enjoy with

respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ART. 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 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 mean time, 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.

ART. X. [Stricken out.]

ART. 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 controul 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 Mexican territory by such Indians.

And in the event of any person or persons, captured within 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 them 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 agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, 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.

ART. 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.

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 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.

ART. XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due 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 hun-

dred 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.

ART. XIV. The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this 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.

ART. 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 favour 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 period 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 said 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.

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

ART. 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.

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

ART. 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 said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and 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 reship 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-house 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.

ARR. XX. Through consideration for the interests 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.

ARR. 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 endeavor, 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 neighborhood, 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.

ARR. XXII. If (which is not to be expected, and which God forbid) war should 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 any 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 ration 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.

Art. 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, or at the seat of government of Mexico, 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.]
MIGL. ATRISTAIN.	[L. S.]

Protocol.

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 U. S. of A., 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 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 fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of the treaty of Guadalupe Hidalgo and substituting the IIIrd article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d 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 IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth 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 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth 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 the twelve millions of dollars which the same Government of the U. 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 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 U. States. In testimony of which, their excellencies, the aforesaid commissioners and the minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.]
[SEAL.]
[SEAL.]

A. H. SEVIER.
NATHAN CLIFFORD.
LUIS DE LA ROSA.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843, referred to in the fifteenth article of the preceding treaty.

ARTICLE I. All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two Republics.

ART. V. All claims of citizens of the United States against the government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

THE EVACUATION OF THE CITY OF MEXICO BY THE UNITED STATES.

At 6 o'clock a. m., June 12, 1848, the flag of the United States was taken down from the National Palace in the city of Mexico, and the colors of Mexico hoisted in their

stead, the customary honors being paid to both. The last division of the American army was withdrawn, and the occupation of Mexico by the United States was at an end. July 4, 1848, President Polk issued proclamation of the foregoing treaty.

BOUNDARIES, AREA, AND COST OF CESSION.

By this cession, the United States obtained the acknowledgment of the boundaries of Texas, annexed in 1845, and the territory west of the Rio Grande, and of a meridian north from its source to the forty-second parallel, north latitude, and lying between these boundaries and the forty-second parallel on the north, the Pacific Ocean on the west, and the national boundary on the south established by this treaty. (See Article V.) This boundary was afterward altered by the addition of the land purchased by the Gadsden treaty of 1853, and the present national boundary was established. The area of territory obtained by this treaty (exclusive of the Texas cession, in doubt as to part) was estimated at 522,568 square miles, viz :

	Square miles.
Lying now in the State of California, being the entire State	157, 801
The entire State of Nevada.....	112, 090
Arizona (except the Gadsden purchase of 1853).....	82, 381
New Mexico west of the Rio Grande and north of the Gadsden purchase of 1853	42, 000
Utah, entire.....	84, 476
Colorado, west of the Rocky Mountains	29, 500
Wyoming, the southwest portion	14, 320
	<hr/>
In all, estimated at.....	522, 568
Or 334,443,520 acres.	

All of this became national and public domain, and the land laws of the United States were extended over it by Congress (for disposition and sale), excepting certain grants made therein by Spanish and Mexican authorities. It cost, principal sum under the treaty, \$15,000,000.

The southern and western boundary of this cession is (west of Texas) the boundary of the public as well as of the national domain. The boundary lines were settled and surveyed by a joint commission. (See report in 1854-'55.)

DELIVERY OF THE CESSION.

The United States being in possession, by military force, no formal delivery of the territory was had other than by the payment of the sum stipulated and fixing and determining the boundary line.

AUTHORITIES.

See "Treaty between the United States and Mexico, Thirtieth Congress, first session, Ex. Doc. No. 52"; also, "Stocking's Areas and Political Division of the United States"; the ninth census; address by John W. Dwinelle, San Francisco, September 10, 1866; diplomatic correspondence, United States, 1819 to 1850; treaties and conventions, United States, 1871; President's messages, 1841-1850.

TEXAS PURCHASE, DECEMBER 13, 1850

BOUNDARIES OF TEXAS.

This was an increase to the public domain, not to the national, being already included in the national area, having been acquired by the act of annexation of Texas, March 1, 1845.

The State of Texas held, under claims of the republic of Texas which she succeeded to, title to all the land lying east of the Rio Grande River and embraced within the

imits of the Rio Grande on the west and south and the boundary between the United States and Spain under the Florida treaty of 1819 on the east, viz, the Sabine River, thence south to the Red River, thence northwest to the one hundredth meridian west of Greenwich, to the Arkansas River, thence to the source of the Arkansas River, supposed to be at or near the forty-second parallel of north latitude. These boundaries were confirmed by the Mexican treaty of 1828 with the United States.

Upon the admission of Texas by joint resolution December 29, 1845, these treaty boundaries became the boundary of the State. They were indefinite, and the resolution said: "The territory properly included within and rightfully belonging to the republic of Texas." The part of this claim now in New Mexico, all east of the Rio Grande River, Texas, tried to organize into counties under act of her legislature in January, 1849. The executive of Texas, Governor Bell, sent an agent to Santa Fé, the people of which place denied that they were within the jurisdiction of Texas.

On the 22d of September, 1847, General Stephen W. Kearney, under orders of the War Department (the United States then being at war with Mexico), having marched overland and captured the Mexican province of New Mexico, and being military governor thereof, published a series of laws for its government. Texas had claimed all the territory east of the Rio Grande, and Mr. Marcy, Secretary of War, in a dispatch of date October 12, 1848, instructed the commanding officer at Santa Fé to respect the authority of Texas therein.

September 9, 1850, an organic act for New Mexico was passed, giving it the present eastern boundary and taking from the Texas claim about sixty-five thousand square miles of territory.

CESSION BY TEXAS.

Congress, by act of September 9, 1850, made proposals for the cession by Texas of her claim to the territory north of latitude 30° 30' north, west of the one hundred and third meridian of longitude west from Greenwich and north of the thirty-second parallel of north latitude, and to the Rio Grande River, to the United States. Texas was to relinquish all claims against the United States for any payments or liabilities on the part of the United States for the property of the republic of Texas, surrendered by the State, which was turned over to the United States at the time of annexation, and the United States proposed to pay to the State of Texas \$10,000,000 for such cession in five per cent. fourteen-year bonds.

November 25, 1850, the legislature of the State accepted, and by proclamation of the President of the United States, of date December 13, 1850, the act of Congress of September 9, 1850, was announced to be operative, and the ceded territory came under the control of the United States.

AREA AND COST OF THE PURCHASE.

The United States obtained by this cession for the public domain (estimated) 101,767 square miles of territory, being and lying in the following States and Territories:

	Square miles.
In the southwest corner of Kansas	7,766
In the southeastern corner of Colorado	18,000
In the eastern portion of the Territory of New Mexico	65,201
In the public land strip north of the Pau-Handle of Texas	10,800

Total..... 101,767

Or 65,130,880 acres.

Over all of the above, except the land lying in the "public land strip", and excepting certain grants therein made by the Spanish and Mexican authorities, have the public land laws of the United States, as to survey and disposition, been extended. It cost:

Principal sum, five per cent. fourteen-year bonds.....	\$5,000,000
Interest to date of redemption.....	3,500,000
Act of February 28, 1855.....	7,500,000

Total..... 16,000,000

The United States assumed jurisdiction at once upon the acceptance by the State of Texas of the terms offered, and has since retained it.

PURCHASE FROM THE REPUBLIC OF MEXICO.

GADSDEN PURCHASE.

Under the administration of President Pierce, December 30, 1853, a treaty was entered into by James Gadsden, United States minister to Mexico, and Don Manuel Diez de Bonilla, secretary of state, José Salazar Ylarregui, and J. Mariano Monterde, as scientific commissioners on behalf of the Republic of Mexico, for the purchase of the tract of land now lying in the southern part of the Territories of New Mexico and Arizona, then in the Republic of Mexico and adjoining the United States south of the river Gila, and from the Rio Grande on the east to a point twenty miles below the mouth of the Gila on the west, on the Colorado River. The Gila River and branches from this point eastward was the boundary fixed by the treaty of Guadalupe Hidalgo, in 1848. This purchase was for the purpose of more correctly defining and making a more regular line and certain boundary between the United States and Mexico.

The treaty was as follows :

Treaty with Mexico. Concluded December 30, 1853; ratifications exchanged June 30, 1854; proclaimed June 30, 1854.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two Republics, the President of the United States has, for this purpose, appointed James Gadsden, envoy extraordinary and minister plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and secretary of state and of the office of foreign relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation, who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following :

ARTICLE I. The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47' north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20' north latitude; thence along the said parallel of 31° 20' to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River 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 con-

sent 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.

ART. 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.

ART. 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.

ART. 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 this treaty; that is to say, below the intersection of the 31° 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.

ART. 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 effectually as if the said articles were herein again recited and set forth.

ART. 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 recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ART. 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 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ART. 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 merchandize 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 merchandize 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 railroad 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 protect 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.

ART. 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-eighth of that of the United States.

JAMES GADSDEN.	[L. s.]
MANUEL DIEZ DE BONILLA.	[L. s.]
JOSÉ SALAZAR YLARREGUI.	[L. s.]
J. MARIANA MONTERDE.	[L. s.]

AREA AND COST OF THIS PURCHASE.

The territory thus purchased was in area (estimated) 45,535 square miles or 29,142,400 acres, and now lies 14,000 square miles (west of the Rio Grande) in the southeastern portion of the Territory of New Mexico and in the southern part of the Territory of Arizona, south of the river Gila, running across the entire Territory from the western boundary line of New Mexico to the Gila River on the west, and containing in area (estimated) 31,535 square miles. This land is now under the land laws of the United States and is subject to disposition and sale, excepting certain grants made therein by Spanish or Mexican authorities.

The United States Government paid the Republic of Mexico for this cession \$10,000,000; \$7,000,000 was paid immediately after the ratification of the treaty, and \$3,000,000 in 1856, after the boundary commission surveyed and marked the boundary line, which was completed in 1855-'56. The tract embraces a large part of the Mesilla Valley in New Mexico. The entire area of this purchase became national as well as public domain.

TRANSFER.

There was no formal transfer of this ceded territory to the United States other than fixing and determining the boundary line. (See Reports of Boundary Commission, 1854-'55.)

THE PURCHASE OF ALASKA FROM RUSSIA.

The purchase of Alaska from Russia, March 30, 1867, was the last of the treaties of purchase of territory, and added to and completed our present national and public domain.

RUSSIA'S CLAIM TO THE TERRITORY, AND ITS BOUNDARIES.

Russia claimed this territory by discovery. Captain Behring, who was sent out in 1733 by Empress Ann, discovered the mainland of North America in latitude 58° 28', on the 18th of July, 1741. His colleague, Captain Tschirikow, being separated from him in a storm, sighted the same coast in latitude 56°, on the 15th of July, 1741, while Behring sailed up the coast, discovering many of the islands of the Aleutian Archipelago, some of which, however, he had seen during his previous voyage in 1728. The coast of British Columbia was discovered in 1790 by Vancouver, upon the strength of

which England claimed its sovereignty. The discovery of the coast of Oregon by Captain Gray, in the same year, formed the basis of a claim of our Government to the sovereignty of the whole coast, at least as far north as the Russian discoveries. The line separating us from those discoveries was fixed as the parallel of $54^{\circ} 40'$ in the treaty concluded at St. Petersburg, April 17-5, 1824, between Henry Middleton on behalf of the United States and Le Comte Charles de Nesselrode and Pierre de Poletica on behalf of the Emperor Nicholas.

This was settled by the following article :

ART. III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of $54^{\circ} 40'$ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

The territory between that parallel and 49° was recognized as belonging to the English, by virtue of Vancouver's discoveries. North of $54^{\circ} 40'$ the claim of Russia seems never to have been questioned.

Great Britain, February 28-16, 1825, made a treaty with Russia recognizing the boundaries of the Russian claim for Alaska. This boundary, $54^{\circ} 40'$ north latitude, conceded to Russia as the southern boundary of her territorial claim on the Pacific Coast, with the claim and rights of Spain to the territory adjoining on the south, sold to the United States in 1819, together with our claim of discovery by Captain Gray in 1790 to the whole coast to the southern line of the Russian possessions, formed the basis of the claim of the United States to the territory of Oregon, to the line of $54^{\circ} 40'$ north latitude.

The treaty of June 15, 1846, between the United States and Great Britain, forced the United States to withdraw this claim, and the intermediate country between 49° and $54^{\circ} 40'$ north latitude went to Great Britain under Vancouver's claim of prior discovery in 1790, the parallel 49° north latitude becoming the northern boundary line of the United States on the Pacific slope.

NEGOTIATIONS FOR PURCHASE.

Alaska was offered to the United States for a pecuniary consideration during the Crimean war in 1854, by Baron Stoeckl, Russian envoy at Washington, but this offer was declined by the Pierce administration. During the administration of President Buchanan, unofficial negotiations were set on foot by our Cabinet for the purchase of Alaska, the sum of \$5,000,000 being named as the price, but significant intimations were received that Russia expected a higher price. The legislature of Washington Territory, in January, 1866, memorialized the President in behalf of the immediate acquisition of the Russian territories of North America. A strong pressure was brought to bear upon both the legislative and executive departments of the General Government. When the fact became generally known that the lease of the franchises of the Russo-American Fur Company by the Hudson Bay Company would expire in June, 1867, and would probably be renewed unless we acquired the territory in the meanwhile, the anxiety for the measure increased. Formal negotiations were entered into between Baron Stoeckl, the Russian minister at Washington, and Hon. W. H. Seward, Secretary of State, resulting in the formation of the treaty of March 30, 1867, the signatures of the plenipotentiaries being affixed at 4 o'clock on the morning of that day.

Convention for the cession of the Russian possessions in North America to the United States. Concluded March 30, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.

The United States of America and his majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and his majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his envoy extraordinary and minister plenipotentiary to the United States;