

The Mexican-American War: Arguments For and Against Going to War

by Tim Bailey

UNIT OVERVIEW

This unit is part of the Gilder Lehrman Institute's Teaching Literacy through History resources, designed to align to the Common Core State Standards. These units were developed to enable students to understand, summarize, and analyze original texts of historical significance. Through a step-by-step process, students will acquire the skills to analyze and assess primary source material.

Over the course of three lessons the students will analyze primary source documents that represent two different points of view on the Mexican-American War. In the first lesson, the students will analyze President James K. Polk's message to Congress requesting a declaration of war against Mexico. In the second lesson, the students will analyze a speech by Representative Joshua Giddings during the debate in the House of Representatives questioning the president's motives for and handling of the coming conflict. Students will closely read and analyze both documents to not only understand the literal meaning of the text but also infer the more subtle messages. Students will use textual evidence to draw their conclusions and present arguments as directed in each lesson, culminating in a mock-debate oral presentation.

UNIT OBJECTIVES

Students will be able to

- Identify an author's major claims and viewpoints using textual evidence.
- Analyze arguments presented in a historical text.
- Demonstrate comprehension by identifying the author's key words and phrases and summarizing the original text in their own words.
- Draw conclusions based on evidence in documents.
- Use evidence from documents to prepare and take part in a group activity / mock debate.
- Use text and an historic map as evidence to respond to questions.

NUMBER OF CLASS PERIODS: 3

GRADE LEVEL(S): 10–12

COMMON CORE STANDARDS

CCSS.ELA-Literacy.RH.11-12.2: Determine the central ideas or information of a primary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-Literacy.RH.11-12.6: Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

CCSS.ELA-Literacy.RST.11-12.2: Determine the central ideas or conclusions of a text; summarize complex information presented in a text by paraphrasing them in simpler but still accurate terms.

CCSS.ELA-Literacy.SL.11-12.1.a: Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts to stimulate a thoughtful, well-reasoned exchange of ideas.

LESSON 1

OBJECTIVES

Students will be able to

- Identify an author's arguments using textual evidence.
- Analyze arguments presented in the document.
- Demonstrate comprehension by identifying the author's key words and phrases and summarizing the original text in their own words.

HISTORICAL BACKGROUND

The border between Texas and Mexico had been a subject of much debate ever since Texas won its independence from Mexico in 1836. Even after Texas was annexed by the United States in 1845, the question of whether its southern border was the Rio Grande River or the Nueces River, about 150 miles to the north, was greatly contested. This was the situation when James K. Polk became president. Polk believed that America had a "Manifest Destiny" to reach from the Atlantic Ocean to the shores of the Pacific. To help fulfill this destiny Polk sent a US representative to the Mexican government to offer to buy California and parts of New Mexico as well as settle the disputed territory in Texas. In exchange for this land, he offered \$25 million to \$30 million and an additional \$3 million in debt relief owed to American citizens by Mexico. The Mexican government refused to meet with the representative. Consequently, Polk ordered the US Army to move into the disputed territory. Fighting broke out on April 25, 1846, when a Mexican force killed sixteen American soldiers in the disputed territory south of the Nueces River. On May 11, 1846, Polk sent a message to Congress requesting a declaration of war against Mexico.

MATERIALS

- Teacher Resource: President James K. Polk, "Special Message to Congress on Mexican Relations," May 11, 1846 (excerpts). Source: James K. Polk: "Special Message to Congress on Mexican Relations," May 11, 1846. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, www.presidency.ucsb.edu/ws/?pid=67907.
- Primary Source Summary: James K. Polk, "Special message to Congress on Mexican Relations"

PROCEDURE

You may choose to have the students work individually, as partners, or in small groups of no more than 3 or 4 students.

1. Discuss the information in the Historical Background.
2. Distribute the Primary Source Summary worksheet with the excerpts from President Polk's message to Congress.
3. "Share read" the document with the students. This is done by having the students follow along silently while you begin reading aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in with the reading after a few sentences. Continue to read along with the students, still serving as the model for the class. This technique will support struggling readers as well as English language learners (ELL).
4. Ask students or student groups to closely read the document selections in the worksheet and pick out the most important words or phrases used by the author to convey his meaning in each section of text. Then ask them to summarize the text in their own words. Students can brainstorm as partners or small groups but must complete their own organizer in order to complete the assignment.
5. Class discussion: What is the central argument being made in Polk's message? Have groups or individual students share their summaries and compare with other groups.

LESSON 2

OBJECTIVES

Students will be able to

- Identify an author's arguments using textual evidence.
- Analyze arguments presented in the document.
- Demonstrate comprehension by identifying the author's key words and phrases and summarizing the original text in their own words.

HISTORICAL BACKGROUND

For a number of congressmen, especially those from the northern United States, the desire to go to war with Mexico had little to do with national pride or fair trade practices and everything to do with American slavery and imperialistic expansion. Although these congressmen were in the minority, they were vocal in their opposition to President Polk's request for a declaration of war. Joshua Giddings, a member of the House of Representatives from Ohio, spoke out against war with Mexico during the congressional debate on the question on May 13, 1846. Among those opposed to the war with Mexico was a newly elected congressman, Abraham Lincoln. Outside of Congress, the author Henry David Thoreau refused to pay taxes that would support the war and was subsequently thrown in jail, where he wrote his essay *Civil Disobedience*. Despite the arguments raised by northern congressmen and others, war was declared only hours after Giddings gave his speech.

MATERIALS

- Teacher Resource: Rep. Joshua Giddings, Debate on the Mexican War, House of Representative, Washington, May 13, 1846 (excerpts). Source: *Great Debates in American History, Vol. 2: Foreign Relations, Part 1*, edited by Marion Mills Miller (New York: Current Literature Publishing Co., 1913), 353–359. Available on Google Books, books.google.com/books?id=0Ak7AQAAIAAJ&pg=PR1#v=onepage&q&f=false
- Primary Source Summary: Rep. Joshua Giddings, Debate on the Mexican War

PROCEDURE

You may choose to have the students work individually, as partners, or in small groups of no more than 3 or 4 students.

1. Discuss the information in the Historical Background.
2. Distribute the Primary Source Summary worksheet with excerpts from Congressman Joshua Giddings's speech in the House of Representatives and share read the text with the class as described in Lesson 1.
3. The students or student groups will closely read the text and fill out the worksheet as they did in Lesson 1, first selecting the author's key words or phrases in each section of text and then summarizing the meaning of the text in their own words.
4. Class discussion: What is the central argument being made in Giddings's message? Have groups or individual students share their summaries and compare with other groups.

LESSON 3

OBJECTIVES

Students will be able to

- Identify appropriate supporting evidence from textual documents introduced in prior lessons.
- Work in groups to write scripts (agreed-upon questions and answers) for a mock debate.
- Engage in a class discussion of the issues as a final activity.

HISTORICAL BACKGROUND

The United States declared war against Mexico on May 13, 1846. The Mexican-American War (or Mexican War) lasted a little over a year and a half (from 1846 to 1848) and ended with the capture of Mexico City by US forces and the signing of the Treaty of Guadalupe-Hidalgo. This treaty gave the United States possession of vast amounts of land including the future states of California, Nevada, and Utah, and parts of Arizona, New Mexico, Oklahoma, Colorado, and Wyoming. Mexico also agreed to drop its claims on Texas. In return, the Mexican government received \$15 million and the United States assumed the debts that Mexico owed US citizens.

MATERIALS

- President James K. Polk, “Special Message to Congress on Mexican Relations,” May 11, 1846 (excerpts).
- Rep. Joshua Giddings, Debate on the Mexican War, House of Representative, Washington, May 13, 1846 (excerpts).

PROCEDURE

Students should be organized into groups of 3 or 5 students. All of the students should have copies of Polk’s message and Giddings’s speech.

1. Do not discuss the information in the Historical Background until the conclusion of the lesson.
2. Tell the students that they are going to have a mock debate based on the arguments given in the two texts that they have studied over the previous two lessons. They need to choose one person in their group to be a debate moderator. Half of the remaining students will argue in favor of war and half will argue against it.
3. The students will write the script (questions and answers and rebuttals) for a debate based on the issues raised in the primary sources that they have been studying. The script is to be written as a team effort, and everyone in the group will have a copy of the final script. This will be similar to a short readers theater piece rather than an actual debate.
4. Give the students the following question to be asked by the moderator and addressed by both sides:

What do you believe is your opponents’ weakest argument in favor of (or against) declaring war on Mexico? (Make sure to base your answer on evidence from the text)

5. Students should then construct 2 to 4 questions of their own to be answered by either side with the opportunity for rebuttal. Emphasize that the answers must be drawn directly from the primary source material.
6. Remind the students that everyone in the group needs to work on all the questions, answers, and rebuttals and that the responses need to be taken directly from the original documents.
7. Students will role-play the part of a proponent or opponent of war with Mexico and will present their debates to the rest of the class. The debate moderator asks the scripted questions that were written by the group and directs the flow of the debate.
8. Class discussion: After all of the debate presentations are concluded, discuss the best arguments made by the groups and the best text-based evidence used.

EXTENSION

After two years of fighting, US forces defeated the Mexican army and captured the capital of Mexico City. The Mexican-American War ended on February 2, 1848, with the signing of the Treaty of Guadalupe Hidalgo. The United States agreed to pay Mexico \$15 million while Mexico gave up 55 percent of its territory, including parts of present-day Arizona, California, New Mexico, Texas, Colorado, Nevada, and Utah, to the United States.

MATERIALS

- “Treaty of Guadalupe Hidalgo,” February 2, 1848. Source: *The Avalon Project*, Lilian Goldman Law Library, Yale Law School, avalon.law.yale.edu
- Map of the United States of Mexico used in the Treaty of Guadalupe Hidalgo, Source: Mapa de los Estados Unidos de Mexico (New York, J. Disturnell, 1847). (Geography and Map Division, Library of Congress, G4410 1847 .D5 Vault Oversize) Available online at the Library of Congress, <http://hdl.loc.gov/loc.gmd/g4410.ct000127>.

PROCEDURE

Students should examine the Treaty of Guadalupe Hidalgo as well as the map that was used in negotiating the treaty. (You can display the linked version of the map on a computer or screen for clarity.) Use the following questions to focus their analysis.

Critical Thinking Questions

1. Which article of the treaty is responsible for defining the new national boundaries between the two countries?
2. According to Article VIII, what happens to Mexican citizens who live in territories now claimed by the United States?
3. According to Article XII, how long will it take the United States to pay Mexico for the land the US has just acquired?
4. According to Articles XXI and XXII, what are some of the “rules” if war breaks out again between Mexico and the United States?
5. Using the “Map of the United States of Mexico” and a contemporary map of the United States and Mexico, determine how much of its territory Mexico lost as well as how much larger the United States became.

HANDOUTS FOR THE MEXICAN-AMERICAN WAR UNIT

**President James K. Polk, "Special Message to Congress on Mexican Relations," May 11, 1846
(excerpts)**

To the Senate and House of Representatives:

. . . The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary and other causes of difference with that power on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me in September last to seek the reopening of diplomatic relations between the two countries. . . . An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. . . . The Mexican Government not only refused to receive him or listen to his propositions, but after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow-citizens on our own soil.

. . . The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. . . . I could not for a moment entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed or separated from the settlement of the boundary question.

. . . The Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy who came because they had bound themselves to receive him. . . . The Mexican Government refused all negotiation, and have made no proposition of any kind.

. . . I had ordered an efficient military force to take a position "between the Nueces and Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces. . . . The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union, and under these circumstances it was plainly our duty to extend our protection over her citizens and soil.

. . . The movement of the troops to the Del Norte was . . . to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. [The commanding general] was specially directed to protect private property and respect personal rights. . . .

The Mexican forces at Matamoras assumed a belligerent attitude . . . General Arista, who had succeeded to the command of the Mexican forces, communicated . . . that "he considered hostilities commenced and should prosecute them." . . .

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, and solemn treaties pledging her public faith for this redress have been disregarded . . .

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations, but our merchants have been deterred from prosecuting it by the system of outrage and extortion. . . .

[The Mexican Government] in official proclamations and manifestoes has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

Source: James K. Polk: "Special Message to Congress on Mexican Relations," May 11, 1846. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, www.presidency.ucsb.edu/ws/?pid=67907.

Name: _____ Period: _____ Date: _____

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<p>The Mexican Government refused all negotiation, and have made no proposition of any kind.</p> <p>... I had ordered an efficient military force to take a position "between the Nueces and Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces. ... The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union, and under these circumstances it was plainly our duty to extend our protection over her citizens and soil.</p> <p>... The movement of the troops to the Del Norte was ... to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. [The commanding general] was specially directed to protect private property and respect personal rights. ...</p>	<p>Key Words:</p> <p>What does it mean to you?</p>

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Key Words:

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Joshua Giddings, Debate on the Mexican War, House of Representatives, May 13, 1846
(excerpts)

. . . I apprehend that much blood and much treasure will be expended before the people of New Mexico will be compelled to unite with slave-holding Texas. Those Mexicans love freedom. They have abolished slavery, for which they entertain an unconquerable detestation. . . .

But the President says this Mexican country “is now included in one of our congressional districts.” These thirty thousand people who, so soon as the bill which passed this House yesterday shall receive the sanction of the Senate, and shall be approved by the President, will be in a state of war with this nation, are to be represented on this floor because Texas has *on paper* attached them to one of her congressional districts. . . .

I regard the message as having been put forth to divert public attention from the outrage committed by the President upon our own Constitution, and the exercise of usurped powers, of which he has been guilty in ordering our army to invade a country with which we are at peace, and of provoking and bringing on this war. I am led to this inevitable conclusion from the fact that he dare not rest his justification upon *truth*. He reminds us of the grievous wrongs perpetrated (as he says) by Mexico upon our people in former years, and alludes to the delay of that government in the payment of debts due our people, and mourns over the loss of our commerce with Mexico; all for the purpose of justifying himself in sending the army to the Rio Grande, and commencing the work of human butchery!

If the country be *ours*, why does he seek to justify the taking possession of it by reference to the fact that Mexico is indebted to some of our people? If it be not ours, and he has taken possession of it in order to compel Mexico to pay those debts, why not say so? The fact that Mexico has not paid the debts due to our citizens can have no legitimate connection with taking possession of our own soil. But the writer of the message was obviously conscious that this invasion of the Mexican territory could not be justified; and he endeavored to extenuate the act by assuring us that “the movement of the troops to the Del Norte was made under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens unless she should declare war.”

What aggressive acts toward a foreign power could our army commit while on our own territory? While the army was within the United States they could not commit violence upon Mexico. The order was also to abstain from all aggressive acts toward “Mexican citizens.” It seems that the President expected General Taylor to find Mexican citizens located within the United States . . . The President obviously intended to involve us in war with Mexico. No sophistry can disguise that fact. That truth will stand on the page of history in all coming time, to the disgrace of this nation and of the age in which we live. . . .

Sir, no man regards this war as *just*. *We know*, the country knows, and the civilized world are conscious, that it has resulted from a desire to extend and sustain an institution on which the

curse of the Almighty most visibly rests. Mexico has long since abolished slavery. She has purified herself from its crimes and its guilt. That institution is now circumscribed on the southwest by Mexico, where the slaves of Texas find an asylum . . . It has therefore become necessary to extend our dominions into Mexico in order to render slavery secure in Texas.

. . . This war is waged against an unoffending people, without just or adequate cause, for the purposes of conquest; with the design to extend slavery; in violation of the Constitution, against the dictates of justice, of humanity, the sentiments of the age in which we live, and the precepts of the religion we profess. I will lend it no aid, no support whatever. I will not bathe my hands in the blood of the people of Mexico, nor will I participate in the guilt of those murders which have been and which will hereafter be committed by our army there. For these reasons I shall vote against the bill under consideration and all others calculated to support this war.

Source: *Great Debates in American History, Vol. 2: Foreign Relations, Part 1*, edited by Marion Mills Miller (New York: Current Literature Publishing Co., 1913), 353–359.

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<p>The President obviously intended to involve us in war with Mexico. No sophistry can disguise that fact. That truth will stand on the page of history in all coming time, to the disgrace of this nation and of the age in which we live. . . .</p> <p>Sir, no man regards this war as <i>just</i>. <i>We know</i>, the country knows, and the civilized world are conscious, that it has resulted from a desire to extend and sustain an institution on which the curse of the Almighty most visibly rests. Mexico has long since abolished slavery. She has purified herself from its crimes and its guilt. That institution is now circumscribed on the southwest by Mexico, where the slaves of Texas find an asylum . . . It has therefore become necessary to extend our dominions into Mexico in order to render slavery secure in Texas.</p> <p>. . . This war is waged against an unoffending people, without just or adequate cause, for the purposes of conquest; with the design to extend slavery; in violation of the Constitution, against the dictates of justice, of humanity, the sentiments of the age in which we live, and the precepts of the religion we profess. I will lend it no aid, no support whatever. I will not bathe my hands in the blood of the people of Mexico, nor will I participate in the guilt of those murders which have been and which will hereafter be committed by our army there. For these reasons I shall vote against the bill under consideration and all others calculated to support this war.</p>	<p>Key Words:</p> <p>What does it mean to you?</p>

Treaty of Guadalupe-Hidalgo, 1848

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES CONCLUDED AT GUADALUPE HIDALGO, FEBRUARY 2, 1848; RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, MARCH 10, 1848; RATIFIED BY PRESIDENT, MARCH 16, 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 neighbors 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.

ARTICLE 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 reestablished, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE 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 the 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 on 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.

ARTICLE 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 definitely 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.

ARTICLE 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 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 the 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 hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground land-marks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it 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.

ARTICLE VI

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

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or 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.

ARTICLE VII

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

favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

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

ARTICLE VIII

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

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

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

ARTICLE IX

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States. and 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.

ARTICLE X

[Stricken out]

Article XI

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

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians

inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within 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.

ARTICLE XII

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after the 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 installments 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 installments shall be paid-at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

ARTICLE 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 hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV

The United States do furthermore discharge the Mexican Republic from all claims of 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.

ARTICLE XV

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, 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 of 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.

ARTICLE 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.

ARTICLE XVII

The treaty of amity, commerce, and navigation, concluded at the city of Mexico, on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be

wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at 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, They shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX

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

- (1) All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.
- (2) The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the 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 imposts of every kind, under whatsoever title or denomination. Nor shall they be there subject 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.

ARTICLE 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 signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI

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

ARTICLE XXII

If (which is not to be expected, and which God forbid) war 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 soldiers 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 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 a 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 pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the City of Washington, 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
LUIS P. CUEVAS
BERNARDO COUTO
MIGL. ATRISTAIN

Source: "Treaty of Guadalupe Hidalgo," February 2, 1848, *The Avalon Project*, Lilian Goldman Law Library, Yale Law School, avalon.law.yale.edu.



Map of the United States of Mexico used in the Treaty of Guadalupe Hidalgo (Mapa de los Estados Unidos de Mexico [Map of the United States of Mexico] (New York: J. Disturnell, 1847). Source: Geography and Map Division, Library of Congress, G4410 1847 .D5 Vault Oversize.