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The Senate Amendments

By the amendments of the Senate resolution of advice and consent of March 10, 1848 (Executive Journal, VII, 337–38, 340), the articles of the treaty proper as signed were proposed to be altered in various respects; the text so amended was that which went into force, as the Senate amendments were accepted by the Government of Mexico; it is that definitive text which follows the headnote.

In the opening lines of Article 3 there were inserted in the first parenthesis the words "and the ratifications exchanged" ("y cangeadas las ratificaciones") following "Mexican Republic" ("República mexicana"). The effect of the amendment was to make the exchange of ratifications (and not merely ratification by the two Governments) a condition precedent to the giving of orders for the raising of the blockade and the commencement of evacuation; in the event, both the ratification on the part of Mexico and the exchange took place on the same day, May 30, 1848.

For Article 9, the Senate amendment was a new text, adapted from Article 3 of the Treaty for the Cession of Louisiana (Document 28), which, indeed, was the basis of the first paragraph of the article as originally written; as signed, Article 9 read thus (collated with the first original):

Article IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States; and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty

Artículo IX.

Los mexicanos que en los territorios antedichos no conserven el carácter de ciudadanos de la República mexicana segun lo estipulado en el precedente artículo, serán incorporados en la Union de los Estados-Unidos y se admitirán lo mas pronto posible conforme á los principios de su constitucion federál al goze de la plenitud de derechos de ciudadanos de dichos Estados-Unidos. En el entretanto serán mantenidos y protegidos en el goze de su libertad, de su propiedad y de los derechos civiles que hoy tienen segun las leyes mexicanas. En lo respectivo á derechos políticos su condicion será igual á la de los habitantes de los otros territorios de los Estados-Unidos, y tan buena á lo menos, como la de los habitantes de la Luisiana y las Floridas, cuando estas Provincias por las cesiones que de ellas hicieron la República francesa y la Corona de España pasaron á ser territorios de la Union Norte-Americana.

Disfrutarán igualmente la mas amplia garantia todos los eclesiásticos, corporaciones y comunidades religiosas tanto en el desempeño de las funciones de su ministerio, como en el goze de su propiedad de todo género, bien pertenezca esta á las personas en particu-

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shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to it's support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

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

lar, bien á las corporaciones. La dicha garantia se extenderá á todos los templos, casas y edificios dedicados al culto católico-ro-romano, así como á los bienes destinados á su mantenimiento y al de las escuelas, hospitales y demás fundaciones de caridad y beneficencia. Ninguna propiedad de esta clase se considerará que ha pasado á ser propiedad del Gobierno Americano ó que puede este disponer de ella ó destinarla á otros usos.

Finalmente las relaciones y comunicacion de los católicos existentes en los predichos territorios, con sus respectivas autoridades eclesiásticas serán francas, libres y sin embarazo alguno, aun cuando las dichas autoridades tengan su residencia dentro de los límites que quedan señalados por el presente Tratado á la República mexicana, mientras no se haga una nueva demarcacion de distritos eclesiásticos, con arreglo á las leyes de la Iglesia católica-romana.

Article 10, as signed, was wholly stricken from the treaty, without substitution of new matter; it read as follows (collated with the first original):

ARTICLE X.

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

ARTÍCULO X.

Todas las concesiones de tierra hechas por el Gobierno mexicano, ó por las autoridades competentes en territorios que pertenecieron antes á Mexico y quedan para lo futuro dentro de los límites de los Estados-Unidos, serán respetadas como válidas, con la misma extension con que lo serian si los indicados territorios permaneciéran dentro de los límites de México. Pero los concesionarios de tierras en Tejas, que hubieren tomado posesion de ellas, y que por razon de las circunstancias del pays desde que comenzaron las desavenencias entre el Gobierno mexicano y Tejas, hayan estado impedidos de llenar todas las condiciones de sus concesiones, tendrán la obligacion de cumplir las mismas condiciones, dentro de los plazos señalados en aquellas respectivamente, pero contados ahora desde la fecha del cange de las ratificaciones de este Tratado; por falta de lo qual las mismas concesiones no serán obligatorias para el Estado de Tejas en virtud de las estipulaciones contenidas en este artículo.

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

La anterior estipulacion respecto de los concesionarios de tierras en Tejas, se extiende á todos los concesionarios de tierras en los indicados territorios fuera de Tejas, que hubieren tomado posesion de dichas concesiones: y por falta de cumplimiento de las condiciones de alguna de aquellas dentro del nuevo plazo que empieza á correr el dia del cange de las ratificaciones del presente Tratado, segun lo estipulado arriba, serán las mismas concesiones nulas y de ningun valor.

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

El Gobierno mexicano declara que no se ha hecho ninguna concesion de tierras en Tejas desde el dia dos de Marzo de mil ochocientos treinta y seis; y que tampoco se ha hecho ninguna en los otros territorios mencionados despues del trece de Mayo de mil ochocientos cuarenta y seis.

From the second paragraph of Article 11, these concluding words (which followed a semicolon) were stricken: "nor to provide such Indians with fire-arms or ammunition by sale or otherwise" (in the Spanish version, "ni en fin venderles ó ministrarles bajo cualquier título armas de fuego ó municiones").

The deletions from Article 12 by the Senate amendments will be seen from the following text, which is that of the article as signed, with the stricken clauses in italics and bracketed (collated with the first original):

Article XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth Article of the present Treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen Millions of Dollars[, *in the one or the other of the two modes below specified. The Mexican Government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States*].

[*First mode of payment: Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest*

Artículo XII.

En consideracion á la estension que adquieren los límites de los Estados-Unidos, segun quedan descritos en el artículo quinto del presente Tratado, el Gobierno de los mismos Estados-Unidos se compromete á pagar al de la Republica mexicana la suma de quince millones de pesos[, *de una de las dos maneras que van á explicarse: El Gobierno mexicano al tiempo de ratificar este Tratado declarará cual de las dos maneras de pago prefiere; y á la que así elija, se arreglará el Gobierno de los Estados-Unidos al verificar el pago*].

[*Primera manera de pago.—Inmediatamente despues que este Tratado haya sido ratificado por el Gobierno de la Republica mexicana, se entregará al mismo Gobierno por el de los Estados-Unidos en la ciudad de Mexico, y en moneda de plata ú oro del cuño mexicano, la suma de tres millones de pesos. Por los doce millones de pesos restantes los Estados Unidos crearán un fondo*

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of six per centum per annum, commencing on the day of the ratification of this Treaty by the Government of the Mexican Republic, and payable annually at the city of Washington: the principal of said stock to be redeemable there, at the pleasure of the Government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican Government, and transferable by the said Government, shall be delivered to the same by that of the United States.

público que gozará redito de seis por ciento al año, el cual rédito ha de comenzar á correr el dia que se ratifique el presente Tratado por el Gobierno de la Republica mexicana, y se pagará anualmente en la ciudad de Washington. El capital de[1] *dicho fondo público será redimible en la misma ciudad de Washington en cualquiera época que lo disponga el Gobierno de los Estados-Unidos, con tal que hayan pasado dos años contados desde el cange de las ratificaciones del presente Tratado, y dándose aviso al público con anticipacion de seis meses. Al Gobierno mexicano se entregarán por el de los Estados-Unidos los Bonos correspondientes á dicho fondo, extendidos en debida forma, divididos en las cantidades que señale el expresado Gobierno mexicano, y enagenables por este.*

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

Segunda manera de pago—]Inmediatamente despues que este Tratado haya sido ratificado por el Gobierno de la República mexicana, se entregará al mismo Gobierno por el de los Estados-Unidos, en la ciudad de Mexico, y en moneda de plata ú oro del cuño mexicano, la suma de tres millones de pesos. Los doce millones de pesos restantes se pagarán en México, en moneda de plata ú oro del cuño mexicano, en abonos de tres millones de pesos cada año, con un rédito de seis por ciento anual: este rédito comienza á correr para toda la suma de los doce millones el dia de la ratificacion del presente Tratado por el Gobierno mexicano, y con cada abono anual de capital se pagará el rédito que corresponda á la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan á causarse los réditos. [*El Gobierno de los Estados-Unidos entregará al de la República mexicana pagarés extendidos en debida forma, correspondientes á cada abono anual, divididos en las cantidades que senale el dicho Gobierno mexicano, y enagenables por este.*]

The Senate amendment to Article 23, which provided for the exchange of ratifications "in the city of Washington", inserted after the quoted words "or at the seat of government of Mexico" (in the Spanish, "ó donde estuviere el gobierno Mexicano").

The Senate resolution of advice and consent made no specific reference to the Spanish version of the treaty; but in respect of the

[1] The second original has "del".

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amended articles no textual question of importance arises; no Spanish version of the amended text appears in any of the formal instruments except the Mexican ratification; with that instrument the Spanish version of the text here printed following the headnote has, to the limited extent necessary, been collated; in respect of two articles (11 and 12) the Senate amendments were partial deletions, requiring merely the omission of equivalent words of the Spanish; Article 10 was wholly stricken; the new matter inserted in two articles (3 and 23) was but a few words; for Article 9 a new text was written in English in the Senate resolution and in Spanish in the Mexican ratification; for the English of Article 9 the source is the attested Senate resolution in the treaty file. It might almost equally well be the duplicate United States instrument of ratification, for in this regard the two are precisely the same except that the latter has brackets in lieu of parentheses.

The Additional and Secret Article

The additional and secret article of the Treaty of Guadalupe Hidalgo is one of few instances of a secret article of a treaty signed on behalf of the United States (see Documents 7 and 69). The additional and secret article was stricken out pursuant to the resolution of the Senate, was not ratified on either part, and did not go into force; it provided for a more extended term for the exchange of ratifications than that written in Article 23 of the treaty proper (eight months instead of four); less than four months elapsed between signature and exchange (February 2 and May 30, 1848); this became possible because of the amendment to Article 23, which permitted the exchange to take place "at the seat of government of Mexico".

The text of the additional and secret article is as follows, collated with the first of the two originals in the treaty file; it is to be said that there are no variances between those two papers except in matters of capitalization, accents, and one quite immaterial comma in the English version:

Additional and Secret Article

Of the Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic, signed this day by their respective Plenipotentiaries.

In view of the possibility that the exchange of the ratifications of this treaty may, by the circumstances in which the Mexican Republic is placed, be delayed longer than the term of four months fixed by it's twenty-third Article for the exchange of ratifications of the same; it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this Treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

Artículo adicional y secreto

Del Tratado de Paz, Amistad, Límites y arreglo definitivo entre la Republica mexicana y los Estados-Unidos de América firmado hoy por sus respectivos Plenipotenciarios.

En atencion á la posibilidad de que el cange de las ratificaciones de este Tratado se demore mas del término de cuatro meses fijados en su artículo veinte y tres; por las circunstancias en que se encuentra la Republica mexicana, queda convenido que tal demora no afectará de ningun modo la fuerza y validez del mismo Tratado, si no excediére de ocho meses contados desde la fecha de su firma.

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In witness thereof we have signed this act in the english and castilian languages and have sealed the same with our respective seals at Querétaro this thirtieth day of May eighteen hundred and forty-eight

[Seal] A H Sevier
[Seal] Nathan Clifford
[Seal] Luis de la Rosa

On the day of the exchange, the treaty was promulgated at Querétaro (see Algunos documentos sobre el Tratado de Guadalupe, 136–37).

The Protocol of Querétaro of May 26, 1848

As stated previously, there are in the treaty file two examples of the protocol dated at Querétaro May 26, 1848; they differ slightly and immaterially in matters of capitalization, spelling, and abbreviation; there are also some variances of punctuation, none of which appears to have any significance. From one of them has been torn a small portion of the Spanish version. It is the more perfect original, marked "Duplicate", which has been used for collating here. The only textual differences are four or perhaps five; in the first numbered clause of the English version the imperfect original has "Guadalupe Hidalgo" where the other original has "Guadalupe"; in the same clause the latter original omits "is" after "understanding"; in the first paragraph of the second numbered clause of the English of the imperfect original the word "titles" is omitted; in the first numbered clause of the Spanish of the imperfect original "mismos" is written for "dichos"; and it seems that from the Spanish of the third numbered clause of the imperfect original there was omitted the word "mismo". The text of the protocol follows:

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 United States of America, with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits and definitive settlement between the two Republics, signed in 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

En la Ciudad de Queretaro á los veinte y seis dias del mes de Mayo del año de mil ochocientos cuarenta y ocho reunidos el Escelentisimo Señor Dn Luis de la Rosa, Ministro de Relaciones de la Republica Mexicana y los Escelentisimos Señores Nathan Clifford y Ambrosio H. Sevier, comisionados con Plenos Poderes del Gobierno de los Estados unidos de America para hacer al de la Republica Mexicana las esplicaciones convenientes sobre las modificaciones que el Senado y Gobierno de dichos Estados unidos han hecho al Tratado de paz, amistad, limites y arreglo definitivo entre ambas Republicas, firmado en la Ciudad de Guadalupe Hidalgo el dia dos de Febrero del presente año; despues de haber conferenciado detenidamente sobre las indicadas variaciones, han acordado consignar en el presente protocolo las siguientes esplicaciones, que los espresados Escelentisimos Señores co-

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fulfillment of the Commission conferred upon them near the Mexican Republic.

FIRST.

The american Government by suppressing the IXth article of the Treaty of Guadalupe and substituting the III. article of the Treaty of Louisiana [1] 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 that all of that agreement is contained in the III^{d} 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.

SECOND.

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 1.846, and in Texas up to the 2^{d} March 1.836.

THIRD.

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 twelfe millions of dollars which the same Government of the United-States

[1] Document 28.

misionados han dado en nombre de su Gobierno y desempeñando la comision que este les confirió cerca del de la Republica Mexicana.

PRIMERA.

El Gobierno americano suprimiendo el articulo IX del Tratado de Guadalupe, y substituyendo á él el articulo III del de la Luisiana,[1] no ha pretendido disminuir en nada lo que estaba pactado por el citado articulo IX en favor de los habitantes de los territorios cedidos por Mexico. Entiende que todo eso está contenido en el articulo III del Tratado de la Luisiana. En consecuencia todos los gozes y garantias que en el orden civil, en el politico y religioso tendrian los dichos habitantes de los territorios cedidos, si hubiese subsistido el articulo IX del Tratado, esos mismos sin diferencia alguna tendrán bajo el articulo q. se ha substituido.

SEGUNDA.

El Gobierno americano suprimiendo el articulo X del Tratado de Guadalupe, no ha intentado de ninguna manera anular las conceciones de tierras hechas por Mexico en los territorios cedidos. Esas conceciones, aun suprimido el articulo del Tratado, conservan el valor legal que tengan; y los concesionarios pueden hacer valer sus titulos legitimos ante los Tribunales americanos.

Conforme á la ley de los Estados unidos son titulos legitimos en favor de toda propiedad mueble ó raiz ecsistente en los territorios cedidos, los mismos que hayan sido titulos legitimos bajo la ley mexicana hasta el dia 13. de Mayo de 1.846. en California y en Nuevo Mexico y hasta el dia 2. de Marzo de 1.836. en Tejas.

TERCERA.

El Gobierno de los Estados unidos suprimiendo el parrafo con que concluye el articulo XII del Tratado, no ha entendido privar á la Republica Mexicana de la libre y expedita facultad de ceder, traspasar ó enagenar en cualquier tiempo (como mejor le parezca) la suma de los doce millones de pesos que el mismo Gobierno de los

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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 United States. In testimony of which their Excellencies the aforesaid Commissioners and the Minister have signed and sealed in quintuplicate the present protocol.

[Seal] A. H. Sevier.
[Seal] Nathan Clifford
[Seal] Luis de la Rosa

Estados unidos debe entregar en los plazos que expresa el articulo XII modificado.

Y habiendo aceptado estas explicaciones el Ministro de Relaciones de la Republica Mexicana, declaró en nombre de su Gobierno que bajo los conceptos que ellas importan, vá á proceder el mismo Gobierno á ratificar el Trado de Guadalupe segun ha sido modificado por el Senado y Gobierno de los Estados unidos. En fé de lo cual firmaron y sellaron por quintuplicado el presente protocolo los Escelentisimos Señores Ministro y comisionados ante-dichos.

[Seal] Luis de la Rosa
[Seal] A. H. Sevier.
[Seal] Nathan Clifford

The protocol was first written in Spanish and this was then translated into the English. In its text only one conference is mentioned, but there were at least two; the Commissioners, in their despatch No. 11, of May 30, 1848, above quoted, speak of "several"; the first was held at the residence of the Mexican Minister of Foreign Relations during the evening of May 26; besides the Minister, Luis de la Rosa, there were present Luis Gonzaga Cuevas and Bernardo Couto, two of the Plenipotentiaries who had signed the treaty; of the American Commissioners, only Clifford was in attendance, as Sevier was ill. In a letter of that date to his wife, Clifford speaks of this conference as the "official *talk* with Señor Rosa", adding that he had strong hopes that the ratifications would be exchanged the next day (May 27), permitting the American Commissioners to leave for Mexico City "on Sabbath morning", May 28 (Clifford, Nathan Clifford, Democrat, 184–85). The second conference was held at the residence of the American Commissioners on May 27; on this occasion Sevier was present with the others named and was the spokesman. The suggestion of a protocol was then put forward by the Mexican Minister of Foreign Relations and was accepted. Whether the protocol was written on that occasion or subsequently is not clear (see the note of Clifford of April 30, 1849, cited and printed below). Neither of the two American Commissioners knew Spanish; but their Secretary of Legation, Robert M. Walsh, was well acquainted with the language.

The treaty was communicated to Congress with the presidential message of July 6, 1848, recommending legislation in aid of its execution (Richardson, IV, 587 93). The accompanying papers did not include a copy of the protocol, although among them was the despatch of the American Commissioners of May 30, 1848, quoted above, in which the protocol is mentioned as an enclosure (House Executive Document No. 69, 30th Congress, 1st session, serial 521). The request of the House of Representatives of July 17, 1848, for the instructions given to Sevier and Clifford, was refused by Polk on July 29 as "inconsistent with the public interests" (Richardson,

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IV, 602–3). At the following session, however, the protocol came to the attention of members of Congress from a print of it in the press (Polk's Diary, IV, 319–20, February 3, 1849); it might well have been noticed sooner, as it had been published at Mexico City more than eight months previously; the strange idea was broached that the protocol had the effect of "abrogating the Mexican Treaty" (*ibid.*, 328); somewhat elaborate resolutions requesting information were passed by the respective Houses of Congress (Congressional Globe, XVIII, 437–38, 442, 448–54, 456–57; see Polk's Diary, IV, 319–30, *passim*); all the relevant papers were communicated to the House of Representatives with a message of February 8; and papers were sent to the Senate with a message of February 9, 1849 (Richardson, IV, 679–87; see Congressional Globe, XVIII, 494–97, February 10, 1849). The message to the House and the accompanying papers are printed in House Executive Document No. 50, 30th Congress, 2d session, serial 541.

In that message it was pointed out that the final action of the Mexican Congress on the treaty had taken place before the American Commissioners had held any conference with the Mexican authorities and that the only explanations of the Senate amendments made by this Government which were before the Mexican Congress were those contained in the note of Secretary of State Buchanan of March 18, 1848; it was said that the protocol, if it had varied the treaty as amended, would have had no binding effect, that the American Commissioners did not regard the protocol as a part of the treaty or as modifying the treaty as amended, and that the Mexican Government likewise did not regard the protocol as modifying the treaty terms; the various clauses of the protocol were then reviewed in detail and defended; the concluding paragraph of the message is as follows:

> With this view of the whole protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it varied from the terms of the treaty as amended by the Senate, although it would even then have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican Government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican minister for foreign affairs and communicated in a dispatch to the State Department.

Following the presidential message to the House of Representatives of February 8, 1849, there ensued a diplomatic correspondence regarding the protocol; this correspondence was had between Luis de la Rosa, then Mexican Minister at Washington, who had himself signed the protocol, and the Secretary of State (James Buchanan until March 7, 1849, and John M. Clayton thereafter). Seven notes were written, five by the Mexican Minister (February 10, 14, 23, and 24, and May 3, 1849) and two by the Secretary of State (February 15 and April 11, 1849). These notes are printed, the former in translation, in Senate Executive Document No. 1, 31st Congress, 1st session, serial 549, pages 69–89. The following excerpts from certain of them will indicate the principal points raised on the one side and on the other (those

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