

wrote to the Mexican Minister of Foreign Relations, addresses disputed articles related to issues of citizenship and land. Unfortunately, the new American residents of Mexican descent experienced considerable violence and discrimination following the signing of the Treaty of Guadalupe Hidalgo. Individuals like Joaquín Murieta and Juan Cortina defended their own rights as well as those of the wider Mexican community. In Document 3 John Rollin Ridge examines the problems that led Murieta into a life of banditry. Other Mexicans protested the injustices committed against their compatriots, including murder and the loss of lands guaranteed them by the treaty. In Document 4, dated 1856, the editor of the Los Angeles Spanish-language newspaper *El Clamor Público* protests such acts of discrimination as the land seizure and lynchings suffered by Mexicans. Among the many Americans who recorded their observations and experiences in the newly acquired areas was William W. H. Davis, U.S. attorney for the New Mexico territory. An excerpt from his book *El Gringo; or, New Mexico and Her People*, is reproduced as Document 5, in which the author recounts a visit with a wealthy New Mexican family in Santa Fe in the 1850s.

The inability to verify Mexican ownership of land ruled public property by the California state legislature in 1851 opened up Californio ranchero lands to squatters. In Document 6 California lawyer John Hittell discusses the litigation over the boundaries of land grants in northern California that arose after the 1851 law was passed. Document 7 is the 1859 proclamation by Juan Cortina, in which he calls on his fellow Texas Mexicans to defend themselves against the Anglo violence that was especially widespread in the Río Grande Valley.

1. The Treaty of Guadalupe Hidalgo Establishes Borders, 1848

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 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

Treaty of Guadalupe Hidalgo, U.S. Congress, Senate Executive Documents, 30th Cong., 1st Sess., 1847, no. 52.

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 this Article, are those laid down in the Map, entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best Authorities. Revised Edition. Published at New York in 1847 by J. Disturnell:*" of which Map a Copy is added to this treaty, bearing the signatures and seals of the Undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line, drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the Port of San Diego, according to the plan of said port, made in the year 1782 by Don Juan Pantoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*: of which plan a copy is 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 landmarks which shall allow 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 Governments 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 favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic, within its established limits.

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, guaranties 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.

[One of the amendments of the Senate struck out Article X.]

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 agent 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.

2. Secretary of State James Buchanan Reacts to the Treaty of Guadalupe Hidalgo, 1848

To His Excellency, the Minister of Foreign Relations of the Mexican Republic.

Sir: Two years have nearly passed away since our Republics have been engaged in war. Causes which it would now be vain if not hurtful to recapitulate, have produced this calamity. Under the blessing of a kind Providence, this war, I trust, is about to terminate, and, hereafter, instead of the two nations doing each other all the harm they can, their mutual energies will be devoted to promote each other's welfare by the pursuits of peace and of commerce. I most cordially congratulate you on the cheering prospect. This will become a reality as soon as the Mexican Government shall approve the treaty of peace between the two nations concluded at Guadalupe Hidalgo on the 2nd February, last, with the amendments thereto which have been adopted by the Senate of the United States.

The President, in the exercise of his constitutional discretion, a few days after this treaty was received, submitted it to the Senate for their consideration and advice as to its ratification. Your Excellency is doubtless aware that under the Constitution of the United States, "the advice and consent of the Senate" is necessary to the validity of all treaties and that this must be given by a majority of two thirds of the Senators present. Every Treaty must receive the sanction of this august Executive Council in the manner prescribed by the Constitution, before it can be binding on the United States.

The Senate commenced their deliberations on this Treaty on the 23rd February, last, and continued to discuss its provisions until the 10th instant (March)

when they finally advised and consented to its ratification by a majority of 38 to 14. Your Excellency will perceive that a change of 4 votes taken from the majority and added to the minority would have defeated the Treaty.

I have now the honor to transmit you a printed copy of the Treaty with a copy, in manuscript, of the amendments and final proceedings of the Senate upon it. This is done to hasten with as little delay as practicable the blessed consummation of peace by placing in the possession of the Mexican Government at as early a period as possible all the information which they may require to guide their deliberations.

In recurring to the amendments adopted by the Senate, it affords me sincere satisfaction to observe that none of the leading features of the Treaty have been changed. Neither the delineation of the boundaries between the two Republics—nor the consideration to be paid to Mexico for the extension of the boundaries of the United States—nor the obligation of the latter to restrain the Indians within their limits from committing hostilities on the territories of Mexico nor, indeed, any other stipulation of national importance to either of the parties, has been stricken out from the Treaty by the Senate. In all its important features, it remains substantially as it was when it came from the hands of the negotiators.

The first amendment adopted by the Senate is to insert in Article 3 after the words "Mexican Republic" where they first occur, the words, "*and the Ratifications exchanged.*"

Under this article, as it originally stood, the blockades were to cease and the troops of the United States were to commence the evacuation of the Mexican territory immediately upon the ratification of the Treaty by both Governments. The amendment requires in addition that these ratifications shall have been first exchanged.

The object of this amendment doubtless was to provide against the possibility that the American Senate and the Mexican Congress might ratify the Treaty, the first in its amended and the latter in its original form: in which event peace would not thereby be concluded. Besides, it was known that this amendment could produce no delay, as under the amendment of the Senate to the 23rd article, the ratification of the Treaty may be exchanged at the seat of Government of Mexico the moment after the Mexican Government and Congress shall have accepted the Treaty as amended by the Senate of the United States.

The second amendment of the Senate is to strike out the 9th Article and insert the following in lieu thereof.

[Here follows the English version of Article 9]

This article is substantially the same with the original 9th article; but it avoids unnecessary prolixity and accords with the former safe precedents of this Government in the Treaties by which we acquired Louisiana from France and Florida from Spain.

The Louisiana Treaty of the 30th April, 1803 . . . contains the following article.

ARTICLE 3

The inhabitants of the ceded territory shall be incorporated in 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, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.