

Treaty of Guadalupe Hidalgo

This treaty, signed on [February 2, 1848](#), ended the war between the [United States and Mexico](#). By its terms, Mexico ceded 55 percent of its territory, including parts of present-day Arizona, California, New Mexico, Texas, Colorado, Nevada, and Utah, to the United States.

The Treaty of Guadalupe Hidalgo, which brought an official end to the Mexican-American War (1846–48), was signed on February 2, 1848, at Guadalupe Hidalgo, a city to which the Mexican government had fled with the advance of U.S. forces.

With the defeat of its army and the fall of the capital, Mexico City, in September 1847, the Mexican government surrendered to the United States and entered into negotiations to end the war. The peace talks were negotiated by Nicholas Trist, chief clerk of the State Department, who had accompanied General Winfield Scott as a diplomat and President Polk's representative. Trist and General Scott, after two previous unsuccessful attempts to negotiate a treaty with President Santa Anna, determined that the only way to deal with Mexico was as a conquered enemy. Nicholas Trist negotiated with a special commission representing the collapsed government led by Don Bernardo Couto, Don Miguel Atristain, and Don Luis Gonzaga Cuevas.

President Polk had recalled Trist under the belief that negotiations would be carried out with a Mexican delegation in Washington. In the six weeks it took to deliver Polk's message, Trist had received word that the Mexican government had named its special commission to negotiate. Trist determined that Washington did not understand the situation in Mexico and negotiated the peace treaty in defiance of the President.

In a December 4, 1847, letter to his wife, he wrote, "Knowing it to be the very last chance and impressed with the dreadful consequences to our country which cannot fail to attend the loss of that chance, I decided today at noon to attempt to make a treaty; the decision is altogether my own."

Citation: Treaty of Guadalupe-Hidalgo [Exchange copy], February 2, 1848; Perfected Treaties, 1778-1945; Record Group 11; General Records of the United States Government, 1778-1992; National Archives.

Transcript of 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 neighbourship**, 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

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Wikipedia

The **Treaty of Guadalupe Hidalgo** (*Tratado de Guadalupe Hidalgo* in [Spanish](#)) is the [peace treaty](#), largely dictated by the [United States](#)^{[1][2]} to the [interim](#) government of a [militarily occupied Mexico City](#), that ended the [Mexican-American War](#) (1846 – 48). With the defeat of its army and the fall of the capital, [Mexico](#) in September 1847 the Mexican government surrendered to the United States and entered into negotiations to end the war. The peace talks were negotiated by [Nicholas Trist](#), chief clerk of the State Department, who had accompanied General Winfield Scott as a diplomat and President Polk's representative. Trist and General Scott, after two previous unsuccessful attempts to negotiate a treaty with [Santa Anna](#), determined that the only way to deal with Mexico was as a conquered enemy. Nicholas Trist negotiated with a special commission representing the collapsed government led by Don Bernardo Couto, Don Miguel Atristain, and Don Luis Gonzaga Cuevas of Mexico.^[3]

Under the terms of the treaty negotiated by Trist, Mexico ceded to the [United States](#) Upper California and New Mexico. This was known as the [Mexican Cession](#) and included present-day Arizona and New Mexico and parts of Utah, Nevada, and Colorado (see Article V of the treaty). Mexico relinquished all claims to Texas and recognized the Rio Grande as the southern boundary with the United States (see Article V).

The treaty provided for the [Mexican Cession](#) of 1.36 million km² (525,000 [square miles](#)) to the [United States](#) in exchange for 15 million dollars (equivalent to \$380 million today).^[4] From the viewpoint of some^[who?] in Mexico, this Treaty also ceded an additional 1,007,935 km² (389,166 square miles), since Mexico had never officially recognized either the independence of the [Republic of Texas](#) (1836) or its annexation by the United States (1845), and under this calculation, Mexico lost about 55% of its prewar territory.^[5]

The Treaty also ensured safety of existing [property rights](#) of Mexican [citizens](#) living in the transferred territories. Despite assurances to the contrary, the property rights of Mexican citizens were often not honored by the U.S. in accordance with modifications to and interpretations of the Treaty.^{[6][7][8]} The U.S. also agreed to take over 3.25 million dollars (equivalent to \$82.2 million today) in debts that Mexico owed to American citizens.

In Mexico, this is referred to as *The North American Intervention (La Intervención Norteamericana)*. Mexico had claimed the area in question for about 25 years since the winning of its independence from the [Spanish Empire](#) in 1821 following the [Mexican War of Independence](#). The Spanish Empire had conquered part of the area from the [Native American](#) tribes over the preceding three centuries, but there remained rather powerful and independent indigenous nations within that northern region of Mexico. As most of that land was too dry (low [rainfall](#)) and too [mountainous](#) or hilly to support very much population until the advent of new [technology](#) following about 1880: means for damming and distributing water from the few rivers to [irrigated farmland](#); the [telegraph](#); the [railroad](#); the [telephone](#); and [electrical power](#).

There were about 80,000 Mexicans living in the areas of [California](#), [New Mexico](#), [Arizona](#), and [Texas](#) during the of 1845 - 50, and far fewer in [Nevada](#), in southern and western [Colorado](#), and in [Utah](#). Those 80,000 people made up about 20% of the population of Mexico.^[9]

The Treaty of Guadalupe Hidalgo took its name from that of a town in the [Federal District of Mexico](#) that is now a suburb of [Mexico City](#). It was signed there on February 2, 1848.

The land that the Treaty of Guadalupe Hidalgo brought into the United States in what became (in 1850 - 1912) all or part of the [States](#) of [California](#) (1850), [Nevada](#) (1864) [Colorado](#) (1876), [Wyoming](#) (1890), [Utah](#) (1896), [New Mexico](#) (1912), and [Arizona](#) (1912) as well as the whole of, depending on your point-of-view, the [State of Texas](#) and part of [Kansas](#). The remainder (the southern parts) of [New Mexico](#) and [Arizona](#) were peacefully purchased under [Gadsden Purchase](#), which was carried out in 1853. In this purchase the United States paid an additional 10 million (equivalent to \$260 million today), for land that was intended to carry a [transcontinental railroad](#) west from the [State of Georgia](#), across the width of Texas, through [El Paso](#), and thence run close to the Mexican border all the way to [San Diego, California](#). This railroad was never built, though one somewhat farther north was built between [Tucson](#), [Phoenix](#), and points to the west.

On the land of the Gadsden Purchase, there now stands the site of [Las Cruces](#), [Tucson](#), and parts of the [Phoenix Metropolitan Area](#), but most of the land of the Gadsden Purchase is barely habitable by people, and it now largely consists of such lands as several [National Monuments](#), large, sparsely-used military lands such as a huge [U.S. Air Force](#) bombing range, two sparsely-populated [Indian Reservations](#), and both sections of the [Saguaro National Park](#), which features dry [desert](#) land sprinkled with the noted (very large) [saguaro](#) cactus.

Background to the War

On March 1, 1845, U.S. Pres. [John Tyler](#) signed legislation to authorize the United States to [annex the Republic of Texas](#), effective on December 29, 1845. The Mexican government, which had never

recognized the Republic of Texas as an independent country, had warned that annexation would be viewed as an [act of war](#). The [United Kingdom](#) and [France](#), both of which recognized the independence of the Republic of Texas, repeatedly tried to dissuade Mexico from declaring war against its northern neighbor. British efforts to mediate the quandary were fruitless - in part because additional political disputes (particularly when the [Oregon boundary dispute](#) arose between Great Britain, as the sovereign of [Canada](#), and the United States).

Before the outbreak of hostilities, on 10 November 1845, Tyler's successor as the President, [James K. Polk](#), had sent his envoy, [John Slidell](#), to Mexico to offer the country around \$5 million for the territory of [Nuevo México](#), and up to \$40 million for [Alta California](#) (the present [State of California](#)).^[10] The Mexican government dismissed Slidell, refusing to even meet with him.^[11] Earlier in that year, Mexico had broken off [diplomatic relations](#) with the United States, based partly on its interpretation of the [Adams-Onís Treaty](#) of 1819 (which newly-independent Mexico had inherited). In this one the United States had supposedly relinquished all claims to Mexican territory, [ad infinitum](#).^[12]

President Polk, an [expansionist](#), took insult,^[13] and he did little to prevent war with Mexico.^{[13][14]} After the [Thornton Affair](#), a skirmish between the [Mexican Army](#) and American troops that took place on [disputed territory](#) near the [Rio Grande](#) (see the [Treaties of Velasco](#)), President Polk signed a [declaration of war](#) into effect on 13 May 1846, 49 days before the Mexican Congress was henceforth forced to formally declare war on July 1. The [Oregon Treaty](#), signed on 15 June avoiding a conflict with Great Britain, and hence gave the U.S. a free hand to make war on control of Mexico.



Map of Mexico. S. Augustus Mitchell, Philadelphia, 1847. [Alta California](#) shown including Nevada, Utah, Arizona.

Conduct of war

California and New Mexico were quickly occupied in the summer of 1846, and fighting there ended by January 1847 with the signing of the [Treaty of Cahuenga](#) and end of the [Taos Revolt](#). The U.S. spent 1847 invading central Mexico and occupying Mexico City, but Mexico was still reluctant to agree to the loss of California and New Mexico, offering only sale of [Alta California](#) north of the [37th parallel north](#) (north of Santa Cruz, California and Madera, California and the southern boundaries of today's Utah and Colorado) which was already dominated by Anglo-American settlers. Some Eastern Democrats called for [total annexation of Mexico](#) and claimed that some Mexican liberals would welcome this,^[15] but Pres. Polk's [State of the Union](#) address in December 1847 upheld Mexican independence and argued at length that occupation and any further military operations in Mexico were aimed at securing a treaty ceding California and New Mexico up to approximately the [32nd parallel north](#) and possibly [Baja California](#) and transit rights across the [Isthmus of Tehuantepec](#).^[11]

[Jefferson Davis](#) advised Polk that if Mexico appointed commissioners to come to the U.S., the government that appointed them would probably be overthrown before they completed their mission, and they would likely be shot as traitors on their return; so that the only hope of peace was to have a U.S representative in Mexico.^[16] [Nicholas Trist](#), chief clerk of the State Department under Pres. Polk, finally negotiated a treaty with the Mexican delegation after ignoring his recall by Pres. Polk in frustration with failure to secure a treaty.^[17] Notwithstanding that the treaty had been negotiated against his instructions, given its achievement of the major American aim, President Polk passed it on to the Senate.^[17]



Treaty of Guadalupe Hidalgo

 A section of the original treaty.

The treaty was signed by [Nicholas Trist](#) on behalf of the U.S. and Luis G. Cuevas, Bernardo Couto and Miguel Atristain as [plenipotentiary](#) representatives of Mexico on [February 2](#), 1848, at the main altar of the old [Basilica of Guadalupe](#) at Villa **Hidalgo** (within the present city limits) as U.S troops under the command of Gen. [Winfield Scott](#) were occupying [Mexico City](#).

Changes to the treaty and ratification

The version of the treaty ratified by the [United States Senate](#) eliminated Article X,^[18] which stated that the U.S. government would honor and guarantee all land grants awarded in lands ceded to the U.S. to citizens of Spain and Mexico by those respective governments. Article VIII guaranteed that Mexicans who remained more than one year in the ceded lands would automatically become full-fledged American citizens (or they could declare their intention of remaining Mexican citizens); however, the Senate modified Article IX, changing the first paragraph and excluding the last two. Among the changes was that Mexican citizens would "be admitted at the proper time (to be judged of by the Congress of the United States)" instead of "admitted as soon as possible", as negotiated between Trist and the Mexican delegation.

An amendment by [Jefferson Davis](#) giving the U.S. most of [Tamaulipas](#) and [Nuevo Leon](#), all of [Coahuila](#) and a large part of [Chihuahua](#) was supported by both senators from Texas ([Sam Houston](#) and [Thomas Jefferson Rusk](#)), [Daniel S. Dickinson](#) of New York, [Stephen A. Douglas](#) of Illinois, [Edward A. Hannegan](#) of Indiana, and one each from Alabama, Florida, Mississippi, Ohio, Missouri and Tennessee. Most of the leaders of the Democratic party, [Thomas Hart Benton](#), [John C. Calhoun](#), [Herschel V. Johnson](#), [Lewis Cass](#), [James Murray Mason](#) of Virginia and [Ambrose Hundley Sevier](#) were opposed and the amendment was defeated 44-11.^[19]

An amendment by Whig Sen. [George Edmund Badger](#) of North Carolina to exclude New Mexico and California lost 35-15, with three Southern Whigs voting with the Democrats. [Daniel Webster](#) was bitter that four New England senators made deciding votes for acquiring the new territories.

A motion to insert the [Wilmot Proviso](#) banning slavery into the treaty failed 15-38 on sectional lines.

The treaty was subsequently [ratified](#) by the U.S. Senate by a vote of 38 to 14 on 10 March 1848 and by Mexico through a [legislative](#) vote of 51 to 34 and a Senate vote of 33 to 4, on 19 May 1848. News that New Mexico's legislative assembly had just passed an act for organization of a U.S. territorial government helped ease Mexican concern about abandoning the people of New Mexico.^[20] On the other hand, the discovery of gold in California a week before the treaty was signed did not become known in Mexico until August 1849

Protocol of Querétaro

On 30 May 1848, when the two countries exchanged ratifications of the treaty of Guadalupe Hidalgo, they further negotiated a three-article protocol to explain the amendments. The first article stated that the original Article IX of the treaty, although replaced by Article III of the [Treaty of Louisiana](#), would still confer the rights delineated in Article IX. The second article confirmed the legitimacy of land grants pursuant to Mexican law.^[21]

The protocol further noted that said explanations had been accepted by the Mexican Minister of Foreign Affairs on behalf of the Mexican Government,^[21] and was signed in [Santiago de Queretaro](#) by A. H. Sevier, [Nathan Clifford](#) and Luis de la Rosa.

The U.S. would later go on to ignore the protocol on the grounds that the U.S. representatives had overreached their authority in agreeing to it.^[22]

Treaty of Mesilla

The Treaty of Mesilla, which concluded the Gadsden purchase of 1854, had significant implications for the treaty of Guadalupe Hidalgo. Article II of the treaty annulled article XI of the treaty of Guadalupe Hidalgo, and article IV further annulled articles VI and VII of Guadalupe Hidalgo. Article V however reaffirmed the property guarantees of Guadalupe Hidalgo, specifically those contained within articles VIII and IX.^[23]

Effects



The Mexican Cession agreed by Mexico (White) and the [Gadsden Purchase](#) (Brown). Part of the area marked as Gadsden Purchase near modern-day [Mesilla, New Mexico](#), was disputed after the Treaty.

In addition to the sale of land, the treaty also provided for the recognition of the Rio Grande as the boundary between the State of [Texas](#) and Mexico.^[24] The land boundaries were established by a survey team of appointed Mexican and American representatives,^[17] and published in three volumes as [The United States and Mexican Boundary Survey](#). On 30 December 1853, the countries by agreement altered the border from the initial one by increasing the number of border markers from 6 to 53.^[17] Most of these markers were simply piles of stones.^[17] Two later conventions, in 1882 and 1889, further clarified the boundaries, as some of the markers had been moved or destroyed.^[17]

The southern border of California was designated as a line from the junction of the Colorado and Gila rivers westward to the Pacific Ocean, so that it passes one Spanish league south of the southernmost portion of San Diego Bay. This was done to ensure that the [United States](#) received [San Diego](#) and its excellent natural harbor, without relying on potentially inaccurate designations by latitude.

The treaty extended U.S. citizenship to Mexicans in the newly-purchased territories, before many African Americans, Asians and Native Americans were eligible. Between 1850 and 1920, the U.S. Census counted most Mexicans as racially "white",^[25] despite the actual mixed ancestry of most Mexicans.^[26] Nonetheless, racially-tinged tensions persisted in the era following annexation, reflected in such things as the [Greaser Act](#) in California. Mexican communities remained segregated *de facto* from and also within other U.S. communities, right up to the end of the 20th century throughout the Southwest^[citation needed].

[Community property](#) rights in California are a legacy of the Mexican era. The Treaty of Guadalupe Hidalgo provided that the property rights of Mexican subjects would be kept inviolate. The early Californians felt compelled to continue the community property system regarding the earnings and accumulation of property during a marriage, and it became incorporated into the California constitution.

Additional issues

The [California Channel & Farallon Islands](#) (see history) are not included in the treaty and, therefore, are a potential case of [territorial dispute](#) between Mexico and the United States of America.

Border disputes continued; the U.S.'s desire to expand its territory continued unabated and Mexico's economic problems persisted,^[27] leading to the controversial [Gadsden Purchase](#) in 1854 and [William Walker's Republic of Lower California filibustering](#) incident in that same year.

The border was routinely crossed by the armed forces of both countries. Mexican and [Confederate](#) troops often clashed during the [American civil war](#), and the U.S. crossed the border during the war of [French intervention in Mexico](#).

In March 1916 [Pancho Villa](#) led a raid on the U.S. border town of [Columbus, New Mexico](#), which was followed by [the Pershing expedition](#).

The shifting of the Rio Grande would much later cause a dispute over the boundary between purchase lands and those of the state of Texas, called the [Country Club Dispute](#).

Controversy over community land grant claims in [New Mexico](#) persist to this day.^[28]

Disputes about whether to make all this new territory into free states or slave-holding states contributed heavily to the rise in North-South tensions that led to the [United States Civil War](#) just over a decade later.

The treaty was leaked to [John Nugent](#) before the U.S. Senate could approve it. Nugent published his article in the New York Herald and, afterward, was questioned by Senators. Nugent did not reveal his source.

See also

- [Gadsden Purchase](#)
- [Treaty of Cahuenga](#)
- [United States and Mexican Boundary Survey](#)
- [1848 in Mexico](#)
- [Annexation Bill of 1866](#)
- [United States Court of Private Land Claims](#)
- [Treaty of Guadalupe Hidalgo \(History of New Mexico\)](#)
- [Land Grants \(Mexican period of Arizona\)](#)
- [Californios in literature](#)
- [Botiller v. Dominguez](#)
- [Zimmerman Telegram](#)