BOUNDARIES (GADSDEN TREATY)

Treaty signed at México December 30, 1853
Senate advice and consent to ratification, with amendments, April 25, 1854 [1]
Ratified by Mexico May 31, 1854
Ratified by the President of the United States, with amendments, June 29, 1854 [1]
Ratifications exchanged at Washington June 30, 1854
Entered into force June 30, 1854
Proclaimed by the President of the United States June 30, 1854
Article 8 terminated December 21, 1937, by treaty of April 13, 1937 [2]

10 Stat. 1031; Treaty Series 208

In the Name of Almighty God

The Republic of Mexico and the United States of America desiring to remove every cause of disagreement, which might interfere in any manner with the better friendship and intercourse between the two Countries; and especially, in respect to the true limits which should be established, when notwithstanding what was covenanted in the Treaty of Guadalupe Hidalgo in the Year 1848,[3] opposite interpretations have been urged, which might give occasion to questions of serious moment: to avoid these, and to strengthen and more firmly maintain the peace, which happily prevails between the two Republics, the President of the United States has for this purpose, appointed James Gadsden Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "ad hoc" His Excellency Don Manuel Diez de Bonilla Cavalier Grand Cross of the National and Distinguished Order of Guadalupe, and Secretary of State and of the Office of Foreign Relations, and Don Jose Salazar Ylarregui and General Mariano Monterde as Scientific Commissioners invested with Full powers for this Negotia-

[1] As a result of the United States amendments, the terms of the treaty were radically altered: arts. 1 and 2 were rewritten; arts. 3 and 4 were rewritten and combined as art. 3; art. 8 was deleted; and there were several minor corrections of the text. For a detailed study of this treaty, and texts of the articles as signed, see 6 Miller 293.
The text printed here is the amended text as proclaimed by the President.
[2] TS 932, *post*, p. 1023.
[3] Treaty signed Feb. 2, 1848 (TS 207, *ante*, p. 791).

tion who having communicated their respective Full Powers, and finding them in due and proper form, have agreed upon the Articles following.

ARTICLE 1st

The Mexican Republic agrees to designate the following as her true limits with the United States for the future; Retaining the same dividing line between the two California's, as already defined and established according to the 5th Article of the Treaty of Guadalupe Hidalgo, the limits between the Two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande as provided in the fifth article of the treaty of Guadalupe Hidalgo, thence as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same, thence due west one hundred miles, thence south to the parallel of 31°20′ north latitude, thence along the said parallel of 31°20′ to the 111th meridian of longitude west of Greenwich, thence in a straight line to a point on the Colorado river twenty english miles below the junction of the Gila and Colorado rivers, thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the Treaty each of the two Governments shall nominate one Commissioner to the end that, by common consent, the two thus nominated having met in the City of Paso del Norte, three months after the exchange of the ratifications of this Treaty may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the Mixed Commission according to the Treaty of Guadalupe keeping a Journal and making proper plans of their operations. For this purpose if they should Judge it is necessary, the contracting Parties shall be at liberty each to unite to its respective Commissioner Scientific or other assistants, such as Astronomers and Surveyors whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the Commissioners may fix, their consent in this particular being considered decisive and an integral part of this Treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the Parties contracting.

The dividing line thus established shall in all time be faithfully respected by the two Governments without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the Law of Nations, and in accordance with the Constitution of each country respectively.

In consequence, the stipulation in the 5th Article of the Treaty of Guadalupe upon the Boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being

considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE 2nd

The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo, and the said article and the thirty third article of the treaty of amity, commerce and navigation between the United States of America and the United Mexican States concluded at Mexico, on the fifth day of April, 1831,[4] are hereby abrogated.

ARTICLE 3rd

In consideration of the foregoing stipulations, the government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ARTICLE 4th

The Provisions of the 6th and 7th Articles of the Treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the Cession of Territory granted in the First Article of this Treaty, the said Articles are hereby abrogated and annulled and the provisions as herein expressed substituted therefor—The Vessels and Citizens of the United States shall in all Time have free and uninterrupted passage through the Gulf of California to and from their possessions situated North of the Boundary line of the Two Countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government, and precisely the same provisions, stipulations and restrictions in all respects are hereby agreed upon and adopted and shall be scrupulously observed and enforced by the Two Contracting Governments in reference to the Rio Colorado, so far and for such distance as the middle of that River is made their common Boundary Line, by the First Article of this Treaty.

The several Provisions, Stipulations and restrictions contained in the 7th Article of the Treaty of Guadalupe Hidalgo, shall remain in force only so far as regards the Rio Bravo del Norte below the initial of the said Boundary provided in the First Article of this Treaty That is to say below the intersection of the 31°47′30″ parallel of Latitude with the Boundary Line established by the late Treaty dividing said river from its mouth upwards according to the 5th Article of the Treaty of Guadalupe.

[4] TS 203, *ante*, p. 764.

ARTICLE 5th

All the provisions of the Eighth and Ninth, Sixteenth and Seventeenth Articles of the Treaty of Guadalupe Hidalgo shall apply to the Territory ceded by the Mexican Republic in the First Article of the present Treaty and to all the rights of persons and property both civil and ecclesiastical within the same, as fully and as effectually as if the said Articles were herein again recited and set forth.

ARTICLE 6th

No Grants of Land within the Territory ceded by the First Article of This Treaty bearing date subsequent to the day Twenty fifth of September—when the Minister and Subscriber to this Treaty on the part of the United States proposed to the Government of Mexico to terminate the question of Boundary, will be considered valid or be recognized by the United States, or will any Grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the Archives of Mexico.

ARTICLE 7th

Should there at any future period (which God forbid) occur any disagreement between the two Nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference, and should they still in this manner not succeed, never will they proceed to a declaration of War, without having previously paid attention to what has been set forth in Article 21 of the Treaty of Guadalupe for similar cases; which Article as well as the 22nd is here re-affirmed.

ARTICLE 8th [5]

The Mexican government having on the 5th of February 1853 authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States by its Agents shall have the right to transport across the Isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and

[5] Art 8 terminated by treaty of Apr. 13, 1937 (TS 932, *post*, p. 1023).

not for distribution on the Isthmus, free of custom-house or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the Isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican government having agreed to protect with its whole power the prosecution, preservation and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ARTICLE 9th

This Treaty shall be ratified, and the respective ratifications shall be exchanged at the City of Washington, within the exact period of six months from the date of its signature or sooner if possible

In testimony whereof, We the Plenipotentiaries of the contracting parties have hereunto affixed our hands and seals at Mexico the—Thirtieth (30th)—day of December in the Year of Our Lord one thousand eight hundred and fifty three, in the thirty third year of the Independence of the Mexican Republic, and the seventy eighth of that of the United States

JAMES GADSDEN	[SEAL]
MANUEL DIEZ DE BONILLA	[SEAL]
JOSÉ SALAZAR YLARREGUI	[SEAL]
J. MARIANO MONTERDE	[SEAL]