

MEXICO : APRIL 3, 1835

Convention for a Second Additional Article to the Treaty of Limits of January 12, 1828 (Document 60), signed at Mexico April 3, 1835. Original in English and Spanish.

Submitted to the Senate December 22, 1835. (Message of December 17, 1835.) Resolution of advice and consent January 26, 1836. Ratified by the United States February 2, 1836. Ratified by Mexico April 7, 1835. Ratifications exchanged at Washington April 20, 1836. Proclaimed April 21, 1836.

A Treaty¹ having been concluded and signed in the City of Mexico on the 12th day of January 1828 between the United States of America and the Mexican United States for the purpose of establishing the true dividing line and boundary between the two Nations the 3^d article of which Treaty is as follows "To fix this "line with more precision and to "place the land marks which shall "designate exactly the limits of "both Nations each of the contracting parties shall appoint a "Commissioner and a Surveyor "who shall meet before the termination of one year from the "date of the ratification of this "Treaty at Natchitoches on the "Red River, and proceed to run "and mark said line from the "Mouth of the Sabine to the Red "River and from the Red River

Habiendose concluido y firmado en la Ciudad de Mejico a los 12 dias del Mes de Enero de 1828 un Tratado¹ entre los Estados Unidos Mejicanos y los Estados Unidos del Norte con el fin de establecer la verdadera linea divisoria y los limites entre las dos Naciones; y habiendose estipulado en el articulo 3^o del mencionado Tratado lo sig^{te} "Para fijar esta linea con "mas precision y establecer los "mojones que señalen con exactitud los limites de ambas naciones nombrará cada una de "ellas un Comisario y Geometra "q. se juntaran antes del termino "de un año contado desde la fecha "de la ratificacion de este Tratado "en Natchitoches en las Orillas "del Rio Rojo y procederán a "señalar y demarcar dicha linea "desde la embocadura del Sabina "hasta el Rio Rojo y de este hasta

¹ Document 60.

"to the River Arkansas and to
 "ascertain the latitude of the
 "source of said River Arkansas in
 "conformity to what is agreed
 "upon and stipulated and the line
 "of Latitude 42. to the South
 "Sea. They shall make out plans
 "and keep journals of their pro-
 "ceedings and the result agreed
 "upon by them shall be considered
 "as part of this Treaty and shall
 "have the same force as if it were
 "inserted therein. The two Gov-
 "ernments will amicably agree
 "respecting the necessary articles
 "to be furnished to those persons
 "and also as to their respective
 "escorts should such be deemed
 "necessary": And the ratifica-
 tions of said Treaty having been
 exchanged in the City of Wash-
 ington on the 5th day of April in
 the year of 1832 but from various
 causes the contracting parties
 have been unable to perform the
 stipulations contained in the
 abovementioned 3^d Article, and
 the period within which the said
 stipulations could have been exe-
 cuted has elapsed:—and both
 Republics being desirous that the
 said Treaty should be carried into
 effect with all due solemnity; The
 President of the United States of
 America has for that purpose
 fully empowered on his part
 Anthony Butler a Citizen thereof
 and chargé d'Affaires of said
 States in Mexico, and the acting
 President of the United Mexican
 States having in like manner

"el Rio Arkansas y averiguar con
 "certidumbre el origen del espre-
 "sado Rio Arkansas y fijar segun
 "queda estipulado y convenido en
 "este Tratado la linea q. debe
 "seguir desde el grado 42 de lati-
 "tud hasta el Mar pacifico. Lle-
 "varan diarios y levantaran pla-
 "nos de sus operaciones; y el
 "resultado convenido p^r ellos se
 "tendrá p^r parte de este Tratado
 "y tendra la misma fuerza q. si
 "estuviese inserto en el, de-
 "biendo convenir amistosamente
 "los dos Gobiernos en el arreglo
 "de cuanto necesiten estos indivi-
 "duos y en la escolta respectiva q.
 "deban llevar siempre q. se crea
 "necesario." Y habiendose can-
 geado las ratificaciones del mencio-
 nado Tratado en la ciudad de
 Washington a los 5 dias del Mes
 de Abril del año del S^{or} 1832; no
 habiendo podido las partes contra-
 tantes cumplir por varias causas
 las estipulaciones contenidas en el
 mencionado articulo 3^o habiendo
 espirado el termino dentro del
 cual debian ejecutarse y deseando
 ambas Republicas, q. el referido
 Tratado tenga su mas puntual
 cumplim^{to} llenandose todas las
 formalidades necesarias; el Presi-
 dente interino de los Estados
 Unidos Mejicanos ha revestido
 con sus plenos poderes para este
 objeto á los Exelentisimos Srés, D.
 José M^e Gutierrez de Estrada
 Sriõ de Estado y del despacho de
 Relaciones interiores y. exteriores
 y D. José Mariano Blasco Sriõ de

fully empowered on his part their Excellency's José Maria Gutierrez de Estrada Secretary of State for home and Foreign Affairs and José Mariano Blasco Secretary of the Treasury; and the said Plenipotentiaries after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said Treaty.

Within the space of one year to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States each a Commissioner and Surveyor, for the purpose of fixing with more precision the dividing line, and for establishing the Land marks of boundary and limits between the two Nations, with the exactness stipulated by the 3^d Article of the Treaty of limits concluded and signed in Mexico on the 12th day of January 1828 and the Ratifications of which were exchanged in Washington City on the 5th day of April 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the abovementioned Treaty of the 12th of January 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

Estado y del despacho de Hacienda, y el Presidente de los Estados Unidos del Norte al Honorable Señor Antonio Butler encargado de Negocios de aquella Republica en Megico: y los referidos Plenipotenciarios despues de haber cambiado sus plenos poderes q. se encontraron en buena y debida forma han convenido y convienen en el siguiente segundo articulo adicional. "Se prorroga p^r el espacio de un año contado desde la fecha del cange de las ratificaciones del presente articulo adicional, el termino q. para el nombram^{to} de los Conisarios y Geometras encargados p^r los Gobiernos de Megico y de Washington de fijar con mas precision la linea divisoria y establecer los mojones q. señalen con exactitud los limites de Ambas Naciones estableció el Artículo 3^o del Tratado de limites concluido y firmado en Megico a los 12 dias del mes de Enero de 1828, y cuyas ratificaciones fueron cangeadas en la Ciudad de Washington á los 5 dias del mes de Abril de 1832." El presente 2^o articulo adicional tendrá la misma fuerza y valor q. si se hubiese insertado palabra p^r palabra en el Tratado mencionado de 12 de Enero de 1828 y será aprobado y ratificado en los terminos q. establecen las Constituciones de los respectivos Estados.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in the City of Mexico on the third day of April in the year of our Lord one thousand Eight hundred and thirty five in the fifty ninth year of the Independence of the United States of America and of the fifteenth of that of the United Mexican States.

En fée de lo cual los referidos Plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos, fecho en Megico á los tres días del mes de Abril de mil ocho cientos treinta y cinco decimo quinto de la Independencia de los Estados Unidos Megicanos y quincuagesimo noveno de la de los Estados Unidos de America.

A: BUTLER	[Seal]	J. M. GUTIERREZ	
J. M. GUTIERREZ		DE ESTRADA	[Seal]
DE ESTRADA	[Seal]	JOSÉ MARIANO BLASCO	[Seal]
JOSÉ MARIANO BLASCO	[Seal]	A: BUTLER	[Seal]

NOTES

The file of this convention is complete. The signed original in the file has the English text in the left columns; and, as the printed texts show, the United States of America has precedence in the English text and the United Mexican States in the Spanish. That original is embodied in the original proclamation of April 21, 1836, to which is attached the duplicate United States instrument of ratification of February 2.

All the papers are in the usual form, including the attested Senate resolution of January 26 (Executive Journal, IV, 507), the certificate of exchange of ratifications, in English, of April 20, and the Mexican instrument of ratification, in Spanish, of April 7, 1835. The latter document includes both texts, the Spanish in the left columns.

In the treaty file is also an explanatory declaration or protocol, signed and sealed on behalf of the respective Governments on the day of the exchange of ratifications, April 20, 1836, by Secretary of State John Forsyth and Don Manuel Eduardo de Gorostiza, Mexican Minister at Washington. The text of that document which was not before the Senate, follows:

The exchange of the ratifications of the Convention concluded on the third of April, 1835, for a second additional article to the Treaty of Limits between the United States of America and the United Mexican States being this day to be made by John Forsyth, Secretary of State of the United States and J. M. de Castillo y Lanzas, Chargé d'Affaires of the Mexican Republic to the United States; and Don Manuel Eduardo de Gorostiza, Envoy Extraordinary and

Debiendose verificar en el dia de la fecha por Don Joaquin Maria de Castillo y Lanzas Encargado de Negocios de la Republica Mexicana y Juan Forsyth Secretario de Estado de los Estados Unidos de America, el cange de las ratificaciones de la convencion celebrada en 3. de abril de 1835, entre la Republica Mexicana y dichos Estados Unidos para en 2º articulo adicional al Tratado de limites, y hallandose Manuel Eduardo de Gorostiza, Enviado

Minister Plenipotentiary of the Mexican Republic to the United States, having full power from his Government to negotiate any addition that might be thought necessary to carry into full effect the intention of the parties if the terms of the said second additional article were not sufficiently comprehensive and explicit, on a full, official, and unreserved conference between the said Secretary of State and the said Envoy Extraordinary and Minister Plenipotentiary, it has been found that both Governments coincide in putting the same construction on the said second additional article, giving to it all the force and effect of the third article of the said Treaty of Limits, and that therefore no addition is necessary: Nevertheless as the said second additional article is not clearly expressed, although the intention is not doubtful, to prevent the possibility of misconception in giving full effect to the intention of the parties, it is thought expedient that the said Secretary of State and the said Envoy Extraordinary and Minister Plenipotentiary should declare, and they do declare in behalf of their respective Governments, that the stipulation in the said second additional article for the appointment of Commissioners and Surveyors to run and mark the boundary line between the two countries, is expressly understood and is to be construed to impose the obligation on the Commissioners and Surveyors to meet within the time and at the place prescribed by the said third article of the Treaty of Limits, namely, at Natchitoches and within one year from this date and to proceed to carry into full effect the stipulations of the said third article.

In testimony whereof, this instrument is executed in duplicate and is mutually delivered prior to the exchange of the ratifications of the Convention for a second additional article to the Treaty of Limits, duly ratified by our respective Governments.

Done at Washington this twentieth day of April, one thousand eight hundred and thirty six.

JOHN FORSYTH [Seal]
Secy of State U. S. of A.
 MAN^l E. DE GOROSTIZA [Seal]

Extraordinario y Ministro Plenipotenciario de la expresada Republica Mexicana con Plenos Poderes de su Gobierno para negociar cualquiera adiccion que pueda jurgarse necesaria para llevar á entero efecto las intenciones de las Altas partes contratantes siempre que los terminos en que esta concebido el referido segundo articulo adicional no fuesen suficientemente comprensivos y explicitos, há resultado de una conferencia amplia franca y oficial, tenida entre el expresado Enviado extraordinario y Ministro Plenipotenciario y el expresado Secretario de Estado, que los dos Gobiernos coinciden exactamente en la misma idea y construccion del indicado segundo articulo adicional, dandole toda la fuerza y sentido del tercer articulo del precitado Tratado de Limites, y de consiguiente que no es necesaria adiccion Alguna. Pero como la redaccion del segundo articulo adicional no es bastantemente clara aun cuando su intencion no sea dudosa; con el fin de evitar toda posibilidad de mala inteligencia al llevar a efecto cuanto de propusieron entonces ambas Partes, se há creido conveniente que el citado Enviado extraordinario y Ministro Plenipotenciario y el citado Secretario de Estado declaren, como lo hacen por la presente, en nombre de sus respectivos Gobiernos que lo estipulado en el mencionado segundo articulo adicional respecto del nombramiento de los Comisarios y Geometras que deben señalar y demarcar la linea divisoria entre los dos paises se entiende expresamente y debe interpretarse que impone la obligacion á dichos Comisarios y Geometras de reunirse en el lugar y termino prescritos en el articulo tercero del Tratado de Limites á saber: en Natchitoches y en el termino de un año contado desde esta fecha y de proceder á dar entero cumplimiento a lo estipulado por el insinuado tercer articulo.

En fe de lo cual y antes del cange de las ratificaciones de la Convencion del Segundo articulo adicional al Tratado de limites debidamente ratificado por los respectivos Gobiernos; se extiende por duplicado el presente documento firmado y sellado por los Infrascritos, el cual se cangeara igualmente por ellos.

Fecho en Washington á los veinte dias del mes de abril del año de un mil ochocientos treinta y seis.

MAN^l E. DE GOROSTIZA [Seal]
 JOHN FORSYTH [Seal]
Secy of State U. S. of A.

The reason for the foregoing declaration is to be found in the fact that the second additional article, while containing a provision for the appointment of the officials therein named by each Government within a year from the date of the exchange of ratifications, contains no provision for the time of the meeting of the commissioners and surveyors.

By Secretary of State Forsyth on the one part and the Mexican Minister, Don Manuel Eduardo de Gorostiza, on the other, various notes were written regarding the declaration. These are printed in House Document No. 42, 25th Congress, 1st session, serial 311, pages 83-94. The Mexican Minister would have preferred "that another second additional article should be drawn up," for which purpose he had a full power, but he accepted the procedure proposed by Forsyth in the note of April 1, 1836:

The second additional article to the treaty of limits, although not so comprehensive in its terms as was desirable, was laid before the Senate by the President, in the belief that, as the third article of the treaty had ceased to be of any force or effect, in consequence of the expiration of the time within which its stipulations were to have been fully carried into execution, and as it was the intention of both parties to provide, by the second additional article, for effecting the same object as was provided for by the third article, the stipulation for the appointment of commissioners and surveyors to run and mark the boundary line between the two countries, should be construed to impose the obligation on the commissioners and surveyors to meet within the time prescribed by the third article. It is presumed that the Senate acted under the same belief in giving its advice and consent to the ratification of the second additional article.

If this view be correct, to prevent the possibility of misconception in giving full effect to the intention of the parties, it will be sufficient for their respective agents, at the time of the exchange of the ratifications of the second additional article, to mark, by a joint explanatory note, the explicit understanding of the two Governments. Should Mr. Gorostiza concur in this opinion, and find himself authorized to adopt that course, the undersigned is instructed to agree with him upon the necessary arrangements.

It was further agreed that while the authority of the Mexican Minister was sufficient for him to sign a declaration, his powers did not authorize him to exchange the ratifications of the convention for the second additional article. Accordingly, in the exchange the Mexican Chargé d'Affaires, J. M. de Castillo y Lanzas, acted for that Government, the declaration being signed at the same time by the Mexican Minister.

THE FULL POWERS

The full power given to Anthony Butler, Chargé d'Affaires at Mexico, was dated January 16, 1834 (D. S., 2 Credences, 205-6), and contained the following:

Know Ye, that, whereas, by the third Article of the Treaty of Limits concluded between The United States of America and The United Mexican States on the 12th day of January 1828, it was stipulated, that each of the contracting parties should appoint a Commissioner and a Surveyor, who should meet before the termination of one year from the date of the ratification of the Treaty at Natchitoches, on the Red River, and proceed to run and mark the Boundary line between the Territories of the said contracting parties; but, whereas, for various causes,

the said Commissioners and Surveyors failed to meet, within the period stipulated by the said third article, yet, being still desirous of carrying into effect the intentions of the said Contracting parties with regard to the object of the said Treaty of Limits, and reposing special trust and confidence in the integrity, prudence and abilities of *Anthony Butler*, Chargé d'affaires of The United States near the Government of The said United Mexican States, I have invested him with full and all manner of power and authority, for and in the name of The United States to meet and confer with any person or persons duly authorized by The Government of The United Mexican States, being furnished with like power and authority, and with him or them to agree treat consult and negotiate of and concerning a second additional article to the said Treaty of limits between the said United States of America and the said United Mexican States, stipulating for an extension of the time prescribed, by the said Treaty, for the meeting of the said Commissioners and Surveyors, as aforesaid, and to conclude and sign a treaty or treaties convention or conventions touching the premises, transmitting the same to The President of The United States, for his final ratification, by and with the advice and consent of The Senate of The United States.

It appears that the original full powers were exchanged, as that given by the Government of Mexico under date of March 30, 1835, to negotiate and conclude the convention, is in the treaty file. It reads as follows in translation:

Miguel Barragan, President of the United Mexican States

To all who may see these presents, know ye:

That, in view of the expiration of the period of one year designated in Article 3 of the boundary treaty concluded between these United [Mexican] States and the United States of North America in 1832 for the meeting, at Natchitoches, of the commissioners and geometers of the two Governments who are to proceed to mark out the boundary line of the two Nations in accordance with the said treaty, and as I am desirous of overcoming this difficulty and cherish a desire that this meeting of the commissioners should take place as soon as possible in order that they may begin their labors, I have seen fit, by virtue of the powers conferred upon me by the Federal Constitution, to grant full powers to Messrs. José María Gutiérrez Estrada and José Mariano Blasco, the former, Secretary of Foreign Affairs, and the latter, Secretary of Finance, and both of whom enjoy my full confidence, owing to their intelligence, integrity, and patriotism, for the purpose of proceeding, in conjunction with the plenipotentiary or plenipotentiaries duly appointed by the Government of the United States of North America, to extend the period mentioned in Article 3 of the boundary treaty of 1832, for such length of time as may be considered sufficient in order that the meeting of the commissioners and geometers of the two Governments may take place, and I promise on behalf of these [United Mexican] States to regard as valid and to carry out and cause to be carried out whatever they may stipulate by virtue of the authority that I hereby confer upon them, after complying with the requirements stipulated by the Federal Constitution.

In faith whereof I have caused to be issued to them the present full powers, signed by my hand, authenticated by the national seal, and countersigned by the Secretary of War and Navy on March 30, 1835, being the fifteenth year of the independence of these States.

JOSE MARIA TORNEL

[Seal] M. BARRAGAN

Also in the file are the original and a copy of the full power given under date of April 7, 1835, to Don Joaquin Maria del Castillo y Lanz, Chargé d'Affaires at Washington, to exchange the ratifications.

THE BOUNDARY DEMARCATION

By Articles 3 and 4 of the treaty of February 22, 1819, with Spain (Document 41), the boundary between the United States and Spanish possessions in North America was fixed and provision was made for its demarcation. Mexican independence rendered the demarcation provisions of that treaty obsolete as to Spain, and they were not executed. In the Treaty of Limits of January 12, 1828, with Mexico (Document 60), was incorporated the language of Articles 3 and 4 of the treaty with Spain of 1819; but while the treaty of 1828 went into force on April 5, 1832, its similar demarcation provisions had not been carried out. Further details will be found in the notes to Documents 41 (Articles 3 and 4) and 60. In instructions to Butler of January 13, 1834, Secretary of State McLane wrote as follows (D. S., 15 Instructions, Mexico, 14-16):

You are aware that the period fixed by the third article of the treaty of limits with Mexico and the article additional thereto for the meeting of the commissioners and surveyors provided for by that treaty, expired on the 2nd of April, last [correctly, April 5, 1833], and that in consequence of the omission of the Mexican Government timely to appoint the commissioner and surveyor on their part, no such meeting took place. The appointment of the of the Commissioner on the part of the United States was made on the 30th May, 1832, and publicly announced in the *Globe* newspaper at Washington on the 19th of July, 1832, and notice was given to Mr Montoya, the Mexican Chargé d'Affaires, on the 20th of the same month, that this Government was prepared to proceed conjointly with that of Mexico to the designation of the boundary line, and, though Mr. Montoya was requested, at the same time, to state whether any arrangement had been made on the part of his government for that object, and, if not, to request the immediate attention of his government to the subject, this Department remained wholly without information as to the appointment of a commissioner and surveyor on the part of Mexico, until the 4th ultimo, when I was informed by Mr Castillo, the Mexican Chargé d'Affaires, under date of the 2nd of the same month, that the Mexican commissioner and surveyor had been appointed. I learn verbally from Mr Castillo that he has not been advised as to the time of their appointment, but by a Report made by the Minister of Foreign Affairs to the Congress of Mexico on the 20th of May, last, I perceive that no such appointment, had, then, been made; on the contrary, the minister speaks of the Commission as yet to be created by each Government.

Under these circumstances, the treaty of limits cannot be carried into full effect without a new convention between the two governments providing for that object.

The President directs, therefore, that you will conclude a new convention with the Mexican Government, consisting of a single article, stipulating for an extension of the time prescribed by the third article of the treaty for the meeting of the commissioners and surveyors, and authorizing them to meet for the performance of their duties at any time within one year after the exchange of the ratifications of the new convention. And to enable you to execute these instructions, the necessary powers are herewith transmitted to you. The new convention which you are now instructed to conclude, must be ratified by the Mexican Government previously to submitting it for the ratification by the United States, and provision must also be made for the exchange of the ratifications at Washington within one month after it shall be ratified by the United States. It is the wish of the President, therefore, that as soon as the treaty shall be ratified by the Mexican Government, you will ask for your audience of leave and return home, bringing the ratified treaty with you.

The previous ratification of the new treaty by the Mexican Government, is a necessary precaution against impediments similar to those which have heretofore

baffled the efforts of the President finally to close this subject, and when it is considered that these have arisen chiefly if not entirely from the neglect of the Mexican Government, she cannot with any propriety decline complying with the terms now presented.

The effect of this convention was to extend the time for the commencement of the demarcation of the boundary between the United States and Mexico until April 20, 1837; but events intervened. Hostilities between Mexico and Texas began in October, 1835; before this agreement went into force the independence of Texas was declared at a convention which met at the town of Washington in that state on March 2, 1836; in the Battle of San Jacinto on April 21, 1836, the Texan forces defeated those under the command of Santa Anna; and before the one-year limit of this convention had expired, the decisive step toward recognition of Texas by the United States had been taken. Alcée La Branche was commissioned Chargé d'Affaires to Texas by President Van Buren on March 7, 1837 (D. S., 2 Credences, 262), after his nomination by President Jackson on March 3, when the following message was sent by the latter to the Senate (Executive Journal, IV, 631; see also the message to Congress of December 21, 1836, Richardson, III, 265-69):

In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas, whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that "the State of Texas having established and maintained an independent government, capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States." Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

This convention was communicated to Congress with the presidential message of May 6, 1836 (Richardson, III, 226; see also *ibid.*, 238); and notwithstanding the events in Texas and the attitude of Congress in 1837 toward the recognition of the Republic of Texas, by the act of March 3, 1837 (5 Statutes at Large, 172), an appropriation was made "to enable the President to cause the southwestern boundary line of the United States to be run"; and a commissioner and surveyor were nominated by President Van Buren by a message of

March 6, 1837 (Executive Journal, V, 14); but the Senate on March 8 concurred in the following report of the Committee on Foreign Relations (*ibid.*, 22):

The Committee on Foreign Relations, to which was referred the nomination of Hiram G. Runnels, of Mississippi, to be commissioner, and that of John R. Conway of Arkansas, to be surveyor, to run the southwestern boundary line of the United States, report:

That by the treaty of January the 3d [12th], 1828 [Document 60], the boundary line was fixed between the United States and Mexico, but the provision which was made for running and marking the line was not carried into execution within the time limited by its terms. To remedy this omission a convention was concluded at the City of Mexico on the 3d April, 1835, between the contracting parties, under which each of them engaged to appoint a commissioner and surveyor to run and mark this boundary line within one year from the exchange of its ratifications, which took place at the city of Washington on the 20th April, 1836. It was doubtless for the purpose of executing this convention that a clause was inserted by Congress in the bill to provide for the civil and diplomatic expenses of the Government for the year 1837, appropriating the salary and expenses of a commissioner and surveyor; and the President of the United States has therefore felt it to be his duty to send nominations of these officers to the Senate.

Your committee believe, however, that the recognition of the independence of Texas by the United States has entirely changed the aspect of this affair. Mexico has no longer any control over the boundary in question; Texas has now become the party interested in its adjustment. If the United States should appoint a commissioner and surveyor, and they should be met by a commissioner and surveyor appointed by Mexico, this would be a violation of the rights of Texas, whose independence has just been recognized by the Government of the United States.

The committee are sensible that, under the laws of nations, Texas, which was a part of Mexico when the treaty of 1823 was concluded and ratified, is not released from executing its provisions in consequence of having since become an independent state. They deem it more politic and wise, however, under existing circumstances, to permit the question to rest for the present. The mode and manner of executing the treaty of 1823, in regard to the boundary line, will properly become a subject of negotiation between the United States and Texas in case the latter should maintain her independence.

The committee therefore recommend the adoption of the following resolution:

Resolved, That the appointment of Hiram G. Runnels to be commissioner, and that of John R. Conway to be surveyor, to run the southwestern boundary line of the United States, be laid upon the table.

The independence of the Republic of Texas gave to that country a long frontier which marched with that of the United States—from the mouth of the Sabine River in the Gulf of Mexico north along that river to the parallel of latitude 32, thence due north to the Red River, thence west along the Red River to the degree of longitude 100 west from London, and thence, according to the claim of Texas as against Mexico, north to the Arkansas, along that river to its source, north to latitude 42°, and west to the meridian which passes through the source of the Rio Grande (Laws of the Republic of Texas, I, 133-34, December 19, 1836). But the boundaries of Texas with Mexico were wholly undetermined and remained so during the existence of the independent Republic of Texas. The claim of Texas was the Rio Grande to its source (in southern Colorado) and thence due north to the parallel of latitude 42. With the admission of Texas into the Union in 1845, the boundary question between Texas and Mexico became

one between the United States and Mexico, determined, as far as the international boundary was concerned, by the Treaty of Guadalupe Hidalgo of February 2, 1848. Questions then remaining as to the boundaries of Texas became thereupon domestic and as between the United States and Texas were settled by the Compromise of 1850 (9 Statutes at Large, 446-52, 1005-6, September 9, 1850, December 13, 1850).

The notes to Document 85, the convention with Texas of April 25, 1838, contain some further observations regarding the boundaries of Texas.

